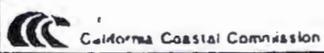
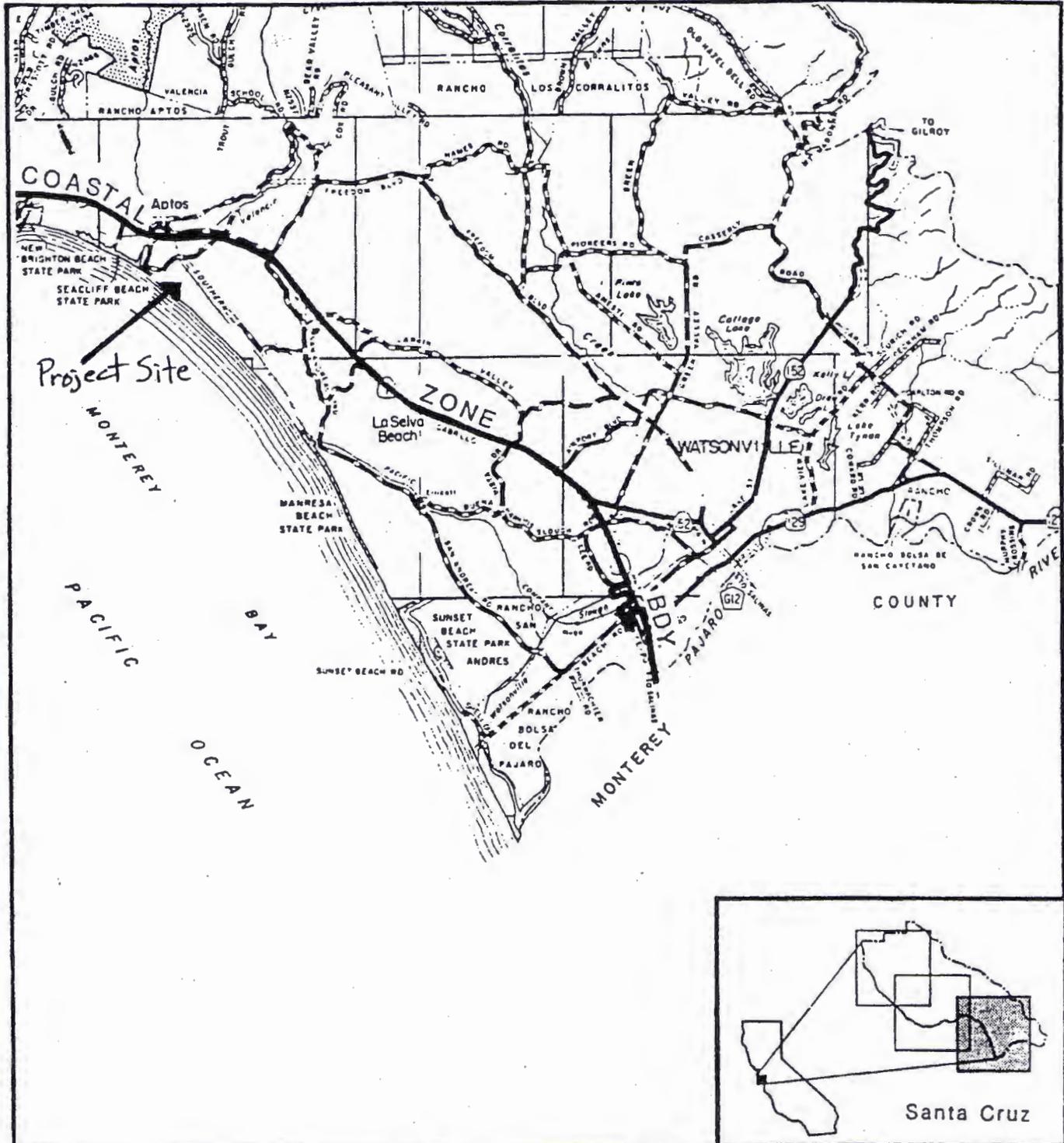


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A3-SCO-08-001



LOCATION MAP



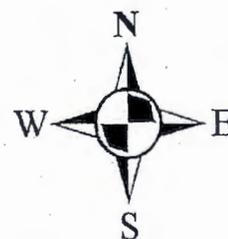
County of Santa Cruz

CCC Exhibit **1a**
(page 1 of 2 pages)



LOCATION MAP

546 Beach Drive, Aptos CA, County of Santa Cruz



NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: December 18, 2007

Notice Sent to (via certified mail):
California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-SC0-07-442
APPEAL PERIOD 12/24-1/8/08

RECEIVED

DEC 21 2007

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Please note the following Final Santa Cruz County Action on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application No.: 06-0156
Project Applicant: Michael & Deborah Collins
Applicant's Rep: Jim Mosgrove, Architect
Project Location: 546 Beach Drive Aptos

Project Description: Proposal to construct a three-story, five bedroom single family dwelling and grade approximately 1,600 cubic yards in a Coastal Scenic Area.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- Zoning Administrator
[x] Planning Commission
Board of Supervisors

Table with 3 columns: Required Materials Supporting the Final Action, Enclosed, Previously sent (date). Rows include Staff Report, Adopted Findings, Adopted Conditions, Site Plans, Elevations.

Table with 3 columns: Additional Materials Supporting the Final Action, Enclosed, Previously sent (date). Rows include CEQA Document, Geotechnical Reports, Biotic Reports, Other: Appeal to Board of Supervisors, Other: Memo.

Coastal Commission Appeal Information

This Final Action is:

- NOT appealable to the California Coastal Commission. The Final County of Santa Cruz Action is now Effective.
[x] Appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action.

Copies of this notice have also been sent via first-class mail to:

- Applicant
Interested parties who requested mailing of notice

CCC Exhibit 1B
(page 1 of 13 pages)



COUNTY OF SANTA CRUZ
Planning Department

Coastal Development Permit

Owner: Michael & Deborah Collins
Address: 13 South California Street
Lodi, CA 95240

Permit Number: 06-0156
Parcel Number(s): 043-152-70

PROJECT DESCRIPTION AND LOCATION

Permit to construct a 3-story, five bedroom single-family dwelling and grade more than 1,000 cubic yards within a Coastal Scenic Area. Requires a Coastal Development Permit, Preliminary Grading Approval, a Variance to increase the number of stories to three, Design Review, Soils Report Review, and a Geotechnical Report Review. Property located on the north side of Beach Drive about 1 mile southeast of Rio Del Mar Blvd (at 546 Beach Drive, a vacant parcel).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 10/24/07
Exp. Date (if not exercised): 11/8/09
Denied by: _____

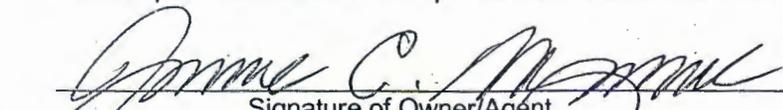
Effective Date: 11/8/07
Coastal Appeal Exp. Date: Call Coastal Commission
Denial Date: _____

- This project requires a coastal zone permit which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 14 calendar days of action by the decision body.
- This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

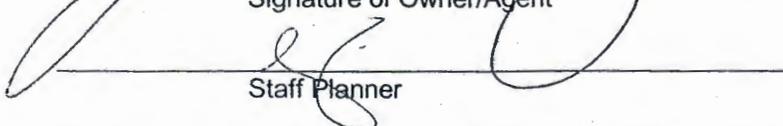
This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.



Signature of Owner/Agent



Staff Planner

10/31/07

Date

10/31/07

Date

Distribution: Applicant, File, Clerical, California Coastal Commission

CCC Exhibit 1B
(page 2 of 13 pages)

MEMORANDUM

Date: December 18, 2007
To: California Coastal Commission
From: Maria Perez, Development Review Planner
Re: Application 06-0156 (apn 043-152-70)

Enclosed is Coastal Development Permit 06-0156 (apn 043-152-70) staff report for a "bunker" house at 546 Beach Drive. The Planning Commission approved Coastal Permit 06-0156 on October 24, 2007. This approval was appealed to the Board of Supervisors by Haselton & Haselton, Attorneys at Law (representing a group of Beach Drive neighbors) on November 7, 2007. The appeal required a jurisdictional hearing, which was scheduled on December 11, 2007. The Board of Supervisors heard the appeal and decided not to take jurisdiction (see enclosed draft minutes December 11, 2007).

Included in the packet is the staff report to the Board of Supervisors that includes the Planning Commission report in entirety including the CEQA document.

CCC Exhibit 1B
(page 3 of 133 pages)



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

November 27, 2007

AGENDA DATE: December 11, 2007

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

APPEAL OF PLANNING COMMISSION APPROVAL OF APPLICATION 06-0156

Members of the Board:

On October 24, 2007, the Planning Commission approved Coastal Development Permit 06-0156 to construct a 3-story, 4,048 square foot, "bunker" style single-family dwelling at the toe of the coastal bluff at 546 Beach Drive. On November 6, 2007, Haselton & Haselton Attorneys appealed this decision to your Board on behalf of a group of neighbors (Letter of Appeal, Attachment 1). Pursuant to County Code 18.10.340, your Board must determine whether to accept jurisdiction of this appeal.

BACKGROUND

The Planning Commission heard this application on October 24, 2007 (Attachment 2). The Planning Commission recommended approval of the project. The issues raised in this appeal are very similar to those raised in the appeal of Coastal Development Permit 04-0255 for a bunker style home at 548 Beach Drive, next door. Permit 04-0255 was denied by the Planning Commission on June 28, 2006 and subsequently approved by your Board on September 26, 2006 on appeal. Haselton & Haselton Attorneys then appealed that permit to the Coastal Commission. The Coastal Commission upheld your Board's approval on September 6, 2007 with several minor additions to the conditions of approval.

PROJECT DESCRIPTION

The property owner proposes to construct a 3-story house of about 4,048 square feet at the toe of the coastal bluff on Beach Drive. The project is located at 546 Beach Drive on the north side of Beach Drive about one mile southeast of Rio Del Mar Boulevard. The property is a vacant parcel located between an existing residence at 544 Beach Drive and an approved residence that is not yet constructed at 548 Beach Drive. The design of the house is similar to homes approved within the past 10 years on the bluff side of Beach Drive, which incorporate reinforced concrete construction, retaining walls, flat roofs, and non-habitable first floors, in order to mitigate geologic hazards from slope failure and to comply with Federal Emergency Management Agency (FEMA) regulations for wave run up areas.

This project requires about 1,600 cubic yards of grading within a Coastal Scenic area. Full engineering geologic investigations and geotechnical investigations were completed for the project. **CCC Exhibit 1B**
(page 4 of 12 pages)

project and approved by the County Geologist. Environmental Review resulted in a mitigated Negative Declaration, which was approved by the Planning Commission.

GROUNDS FOR TAKING JURISDICTION

This appeal is subject to Section 18.10.340 of the County Code (Appeals to the Board of Supervisors from the Planning Commission) which identifies the specific circumstances in which your Board has authority to take jurisdiction of this appeal (Section 18.10.340 (c)).

Those circumstances include:

- There was an error or omission on the part of the Commission; or
- There was a lack of fair and impartial hearing; or
- The decision was not supported by the facts presented and considered at the time the decision was made; or
- There is significant new evidence that could not have been presented at the time the decision was made; or
- There was an error, abuse of discretion, or some other factor that would make the decision unjustified or inappropriate.

The appellant has submitted a letter (Attachment 1) indicating his position that the project is detrimental to health, safety and property, that it does not comply with policies to minimize risks to life and property, and that the Commission exceeded its' authority and abused its' discretion in approving the project. The appellant is concerned about the stability of excavations made into the bluff during construction. Other concerns are described in the letter as well.

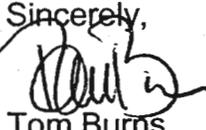
Staff believes that the Planning Commission's findings for approval are adequate and are supported by the facts presented and considered at the public hearing. The evidence before the Commission included the staff report with supporting documents (Attachment 3). Measures to minimize risks to occupants as well as to surrounding properties are part of the project, including specific measures to support the excavations into the bluff during construction and to limit the length of excavation that is open at any given time. Note that the conditions of approval include the conditions recommended by the Coastal Commission as a result of the appeal of Coastal Development Permit 04-0255. The supporting technical information indicates support for the proposed design by the County Geologist, project geologist and project geotechnical engineer. The hearing was impartial and no new evidence has come to light since the Planning Commission took their action.

There are several options available to your Board with respect to the appeal now before you. Your Board may grant jurisdiction for further review and direct that a noticed public hearing be scheduled with 30 days; deny jurisdiction and allow the Planning Commission's approval to stand; or remand the matter back to the Planning Commission for further consideration with specific direction.

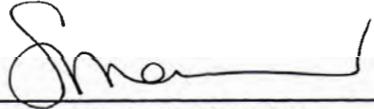
Given the lack of circumstances that would trigger the taking of jurisdiction as given in 18.10.340, it is, RECOMMENDED, that your Board decline to take jurisdiction of this matter.

Board of Supervisors Agenda: December 11, 2007
Page 3 of 3

Sincerely,


Tom Burns
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Letter of appeal, dated November 6, 2007.
2. Planning Commission Minutes from the October 24, 2007 hearing.
3. Staff report for the October 24, 2007 Planning Commission hearing (on file with Clerk)
4. Location Map
5. Project Plans

TB:MD:your initials\G:\Board Letters\Pending\

CCC Exhibit 1B
(page 6 of 13 pages)



2007 NOV 6 PM 2 45

2425 Porter Street, Suite 14
Soquel, California 95073
Telephone: 831.475.4679
Facsimile: 831.462.0724

Britt L. Haselton, Esq
Joseph G. Haselton, Esq

November 6, 2007

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: Notice of Appeal
Application 06-0156 (APN 043-152-70)
546 Beach Drive, Aptos, California

Dear Members of the Board of Supervisors:

Our firm represents several aggrieved neighbors opposing the approval of a development permit for the above application. They wish to appeal the decision of the Planning Commission and findings filed October 24, 2007 regarding the captioned application. (Please see attached copy of letter to Planning Commission). A check for the Appeals fee is enclosed as a filing fee.

Appellants first make reference to litigation filed in reference to the adjacent parcel, owned by the same parties, which also has a pending building permit. That application is #04-0255, 548 Beach Drive, APN 043-152-71. This application proposes a similar "bunker house" structure and involves the same serious threat to the neighbors, the above homes situated on Bay View Drive and the public at large. Both proposed structures would sit on a slope of 50-70%, require excessively deep cuts into the unstable bluff face and further require the movement of thousands of cubic yards of dirt from this geohazards area. Attached please find a copy of the filed Petition for Writ of Mandamus. Appellants believe that all proceedings involving both applications should be stayed until the matter is resolved by the Courts.

As stated in the attached Writ of Mandate, the proposed building project violates Public Resources Code §30253 which states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area, or in

Re: Appeal of Application 06-0156; 546 Beach Drive

CCC Exhibit 1B
(page 7 of 13 pages)

significantly to erosion, geologic instability or destruction of the site or surrounding area, or in any way require the construction of protective devices that would significantly alter natural land forms along the bluffs and cliffs.

These "bunker home" structures are proposed in areas of high geologic hazard and while they may minimize the risks to the inhabitants, there are no provisions minimizing that risk to the areas above the homes situated on the bluffs, the lateral areas and the areas across the street from the site. Additionally, the proposed bunkers contribute to erosional threats, geologic instability and clearly require the construction of "protective devices" which significantly alter the natural land forms along the bluffs. Anyone can view the current homes in construction and see that these have very significantly altered the bluffs as required by their construction technique with the shoring wall deeply recessed into the bluff.

Additionally, appellants challenge the findings filed in support of the Planning Commission decision in that in each case there is lack of evidentiary support:

Coastal Development Permit Findings

1. The proposed development was not in conformity with the certified local coastal program in that the proposed development as-designed does not comply with General Plan/Local Coastal Program Policy 6.2.10 (Site Development to Minimize Hazards), as the structure as proposed does not comply with all recommendations of the Engineering Geologic and Geotechnical Reports prepared for the site.

Residential Development Permit Findings

2. The proposed location of the project and the conditions under which it would be operated or maintained will be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will result in inefficient or wasteful use of energy, and will be materially injurious to properties or improvements in the vicinity.

Specifically, the proposed dwelling will result in potential slope instability during excavation due to the length of the cut into the coastal bluff for construction of the shoring and rear wall. The length of the cut required for construction increases the possibility of slope instability and landsliding. Other houses of a similar length exist on the bluff side of Beach Drive, but these structures were constructed prior to the adoption of the construction techniques currently required for new homes at the toe of the coastal bluff and could not be constructed today.

3. The proposed use is inconsistent with some elements of the County General Plan in that it doesn't comply with General Plan/Local Coastal Program Policy 6.2.10 (Site Development to Minimize Hazards), as discussed above.

Re: Appeal of Application 06-0156;
546 Beach Drive

2

CCC Exhibit 1B
(page 8 of 113 pages)

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There is A Reasonable Basis for Appeal

For the reasons stated above, the project should be denied. Further grounds as a basis for appeal and denying the Coastal Development Permit are as follows:

1. There is no substantial evidence in the record or in the reports of experts upon which the Planning Commission relied which shows adequate findings for approval. The project poses an imminent threat to the health, safety and welfare of persons nearby because of the slope of the bluff, length of the cut required for construction and roof design among other features.
2. There is clear and substantial evidence to support findings for denial of the permit.
3. The Planning Commission's approval exceeded its authority and abused its discretion.
4. The decision is authorized because of the overriding concern for public health and safety, and thus the denial would not constitute an unconstitutional regulatory taking.
5. The large size of the lot does not necessarily mean that the structure will be safer but rather there will be more material to erode and slide when that disaster occurs.
6. There is an additional concern with the proposed staging, dumping of materials and parking during construction in light that this is an undeveloped parcel with very little flat accessible land and it is composed of fragile, easily eroded soils. If this project were to commence at the same time as the project at 548 Beach Drive, there would exist two hazardous sites.
7. Proponents of the project have stated that the project design anticipates and mitigates results from all disasters. This statement is simply too all encompassing and completely unfounded. The unpredictable nature of weather patterns makes it too difficult to quantify what might occur over the next century. Additionally, there is no provision for damage to the uphill properties, the road or the inhabitants of Beach Drive when such a disaster occurs.
8. Regarding the issue of prior approvals of this type of "bunker home" structure, this does not necessarily make it a prudent decision to continue to approve these projects. To paraphrase Commissioner Shepherd who voted to deny the project at the hearing on October 24, 2007, 'Just because everyone else jumps off the cliff doesn't make it wise to follow.' Also, Commissioner Dann denied the project based on her visit to the site.

Finally, we must emphasize the serious threat that this project presents. Recently, there was a significant slide on a nearby coastal bluff at the Seascope Resort. (Please see attached photos). If there were a major landslide on the bluff above Beach Drive, there would be dire consequences including potential loss of life and millions in property damage.

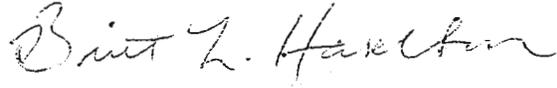
Re: Appeal of Application 06-0156;
546 Beach Drive

3

CCC Exhibit 1B
(page 9 of 133 pages)

For these reasons, we urge the Board to deny this development permit application.

Very truly yours,



Britt L. Haselton,
Attorney at Law

CC: Client
Enclosure

CCC Exhibit 1B
(page 10 of 13 pages)

Re: Appeal of Application 06-0156;
546 Beach Drive



2425 Porter Street, Suite 14
Soquel, California 95073
Telephone: 831.475.4679
Facsimile: 831.462.0724

Britt L. Haselton
Joseph G. Haselton, Esq.

October 16, 2007

0664

Santa Cruz County Planning Commission
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

RE: Application 06-0156
APN: 043-152-70, 546 Beach Drive, Aptos

Dear Members of the Commission:

Our firm represents a coalition of neighbors who own homes on Beach Drive and are opposed to this application based on its imminent threat to their safety, concerns for the public safety and also, concerns for property destruction and damage. The site is one recognized by many certified geological engineers including John Wallace of Cotton Shires and Associates and the California Coastal Commissions' own staff geologist as being a severe geohazards site with significant concern for landslide, erosion and earthquake movement. It is a steeply sloped coastal bluff made up of soft sandy material which is sloped from 50-70% on most of its surface.

On this cliff face, the owners propose a large 3 story bunker style home which will cut excessively deep into the bluff face destabilizing it and causing it to pose serious damage in the event of collapse to all surrounding properties including those above on Bayview Drive and those across the street on Beach Drive as well as neighboring adjacent properties.

This type of construction is in clear violation of the California Coastal Act, Public Resources Code §30253 (1) and (2) which states:

"New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

Although, it is claimed that the inhabitants would be safely protected inside this home in the event of a large scale earth movement, there is no evidence that the surrounding properties and their inhabitants and innocent bystanders would be out of harms way. This lot and its adjoining neighbor, with a similar proposed structure, are huge areas of unprotected bluff which in the event of a slide would decimate the surrounding areas and

remove the subjacent support from Bayview Drive. This bunker house depends on its deep set concrete and steel foundation and thus is a protective device and clearly alters the natural bluff face. Additionally, with the movement of 1070 cubic yards of earth, it substantially alters the natural landform as well. The only allowed use for a protective device is in Public Resources Code §30255 but that is only for pre-existing homes.

0665

Thus, the construction of this bunker style home is in violation of the above statute. It also violates the General Plan/ Local Coastal Program Policy 6.2.10 (Site Development to Minimize Hazards) safety standards and prohibitions against structures in Geohazardous areas.

Further, it is not appropriate to use a variance to allow a third story for this structure. This has become a customary practice on the inland side of Beach Drive rather than to address a particular constraint of a specific parcel. The California Coastal Commission has criticized the County for this approach in the past and continues to urge the County to submit an LCP amendment to the LCP's height standards for which variances are routinely approved. The Planning Commission should discuss and await implementation of this measure before approving the variance to this application.

Lastly, the Commission may be aware of the status of the neighboring property at 548 Beach Drive which has a similar structure proposed. After thorough consideration of the matter and much discussion, this Commission adopted findings for denial of that project on June 28, 2006. After the Board of Supervisors overturned the denial and approved the project on September 26, 2006, an appeal was made to the California Coastal Commission. The Commission found a substantial issue and, after continuing, conducted a de novo review of the project on September 6, 2007. Voting against their own Staffs' recommendation, the Commission approved the project with conditions. That matter is now being appealed on a Writ of Mandate to the Superior Court of California.

Since it is so closely related to the project at hand and could affect the future viability of all such similar proposed bunker style homes, we would strongly urge the Commission to deny this project based on the above considerations or, in the alternative, to delay hearing the matter until the Courts have made their decision. This is a very important decision which should be carefully considered and may well have a long range effect on the issues of safe coastal development on the California coastline. We strongly believe that these homes are in violation of the Coastal Act and the LCP and for these reasons should be denied.

Thank you for your consideration of this matter.

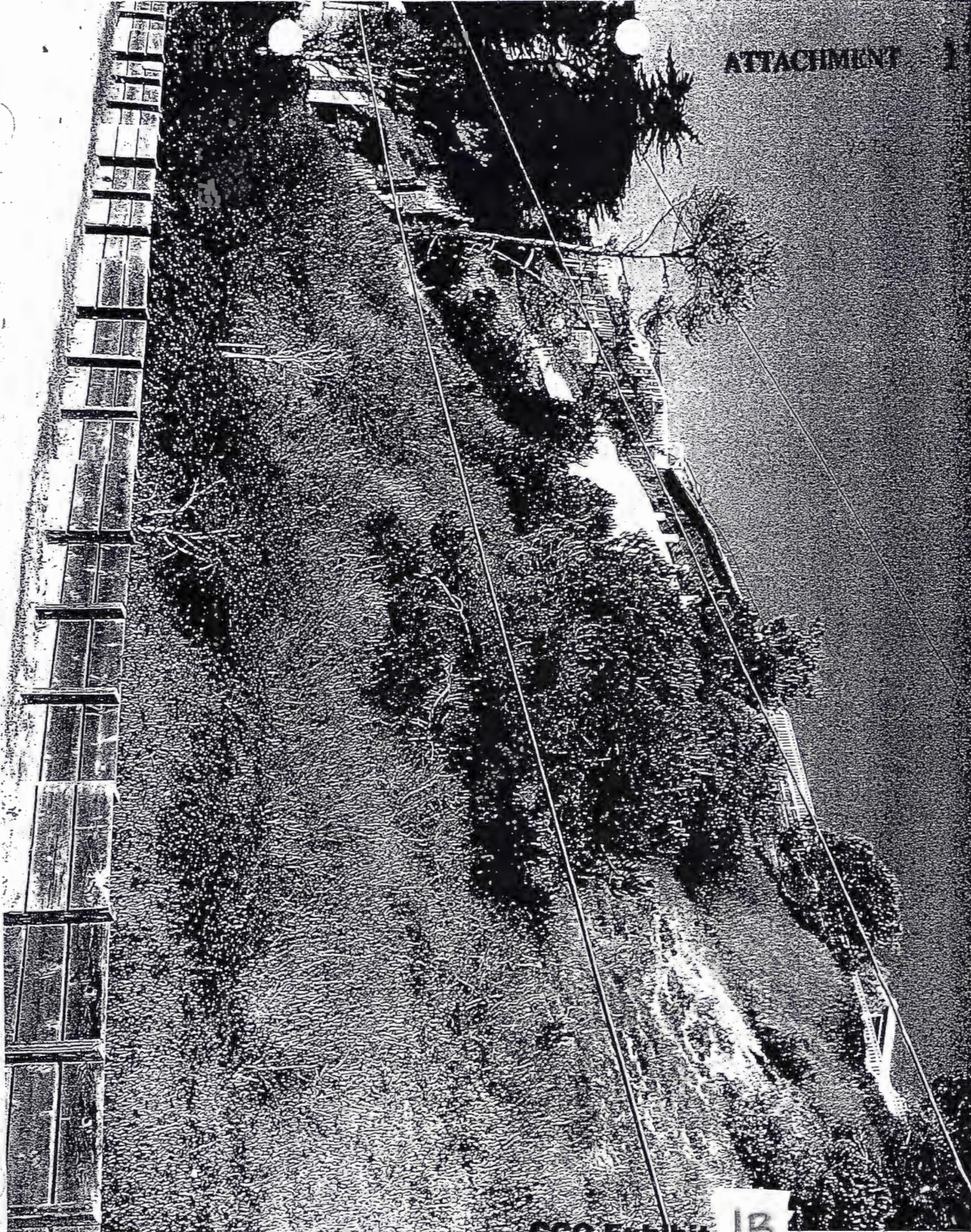
Very truly yours,

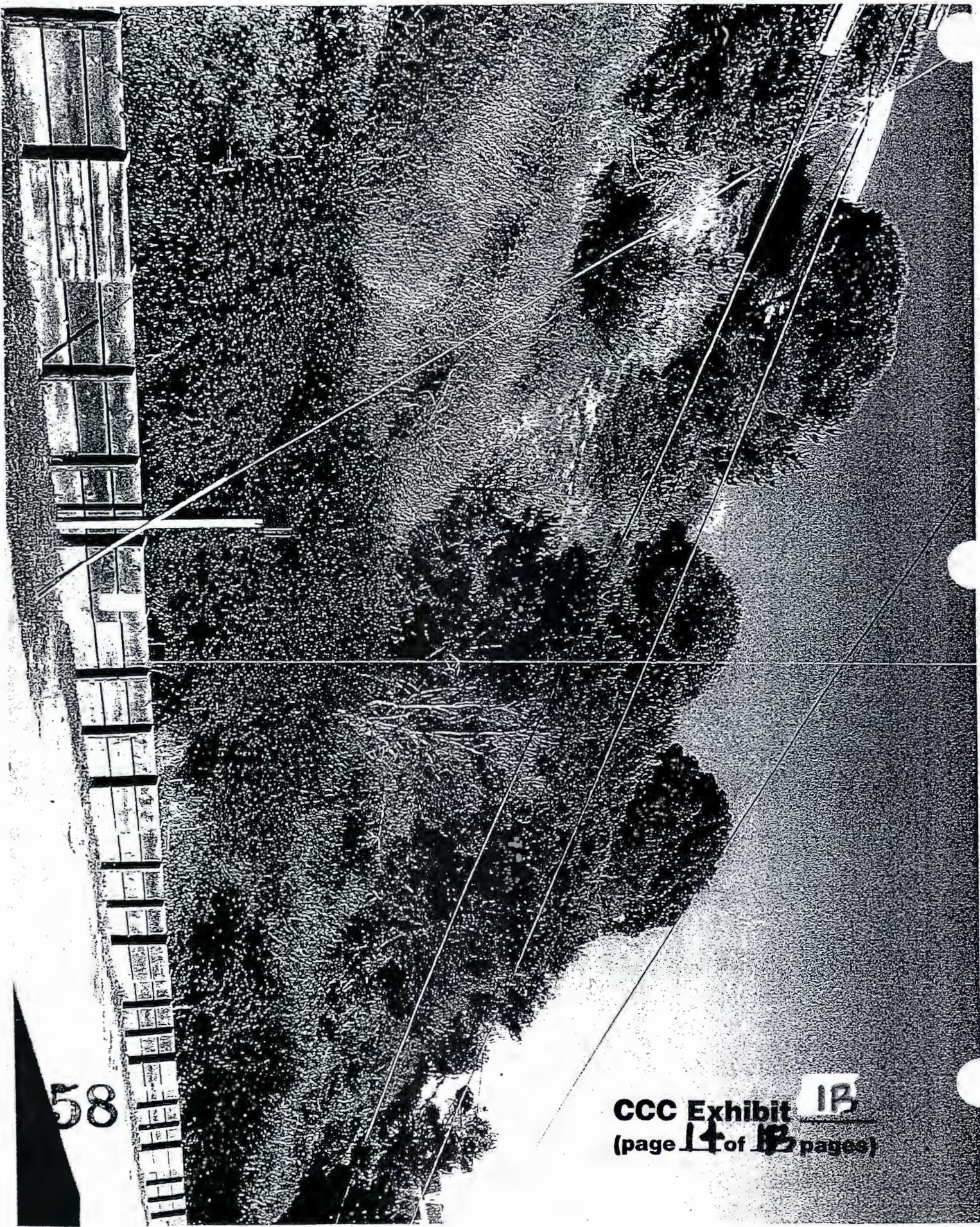
Britt L. Haselton

Britt L. Haselton, Esq.

Haselton & Haselton

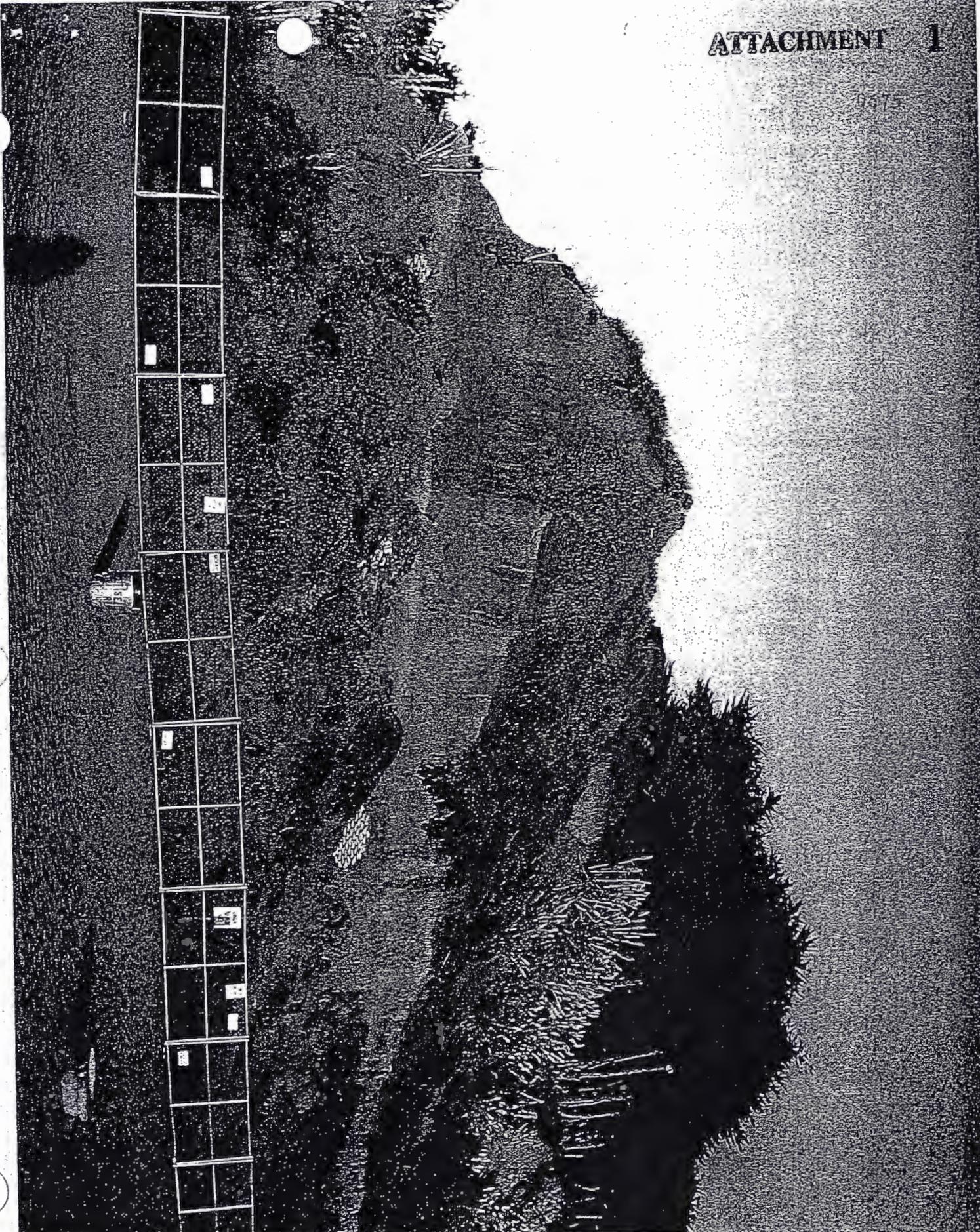
CCC Exhibit 1B
(page 12 of 133 pages)



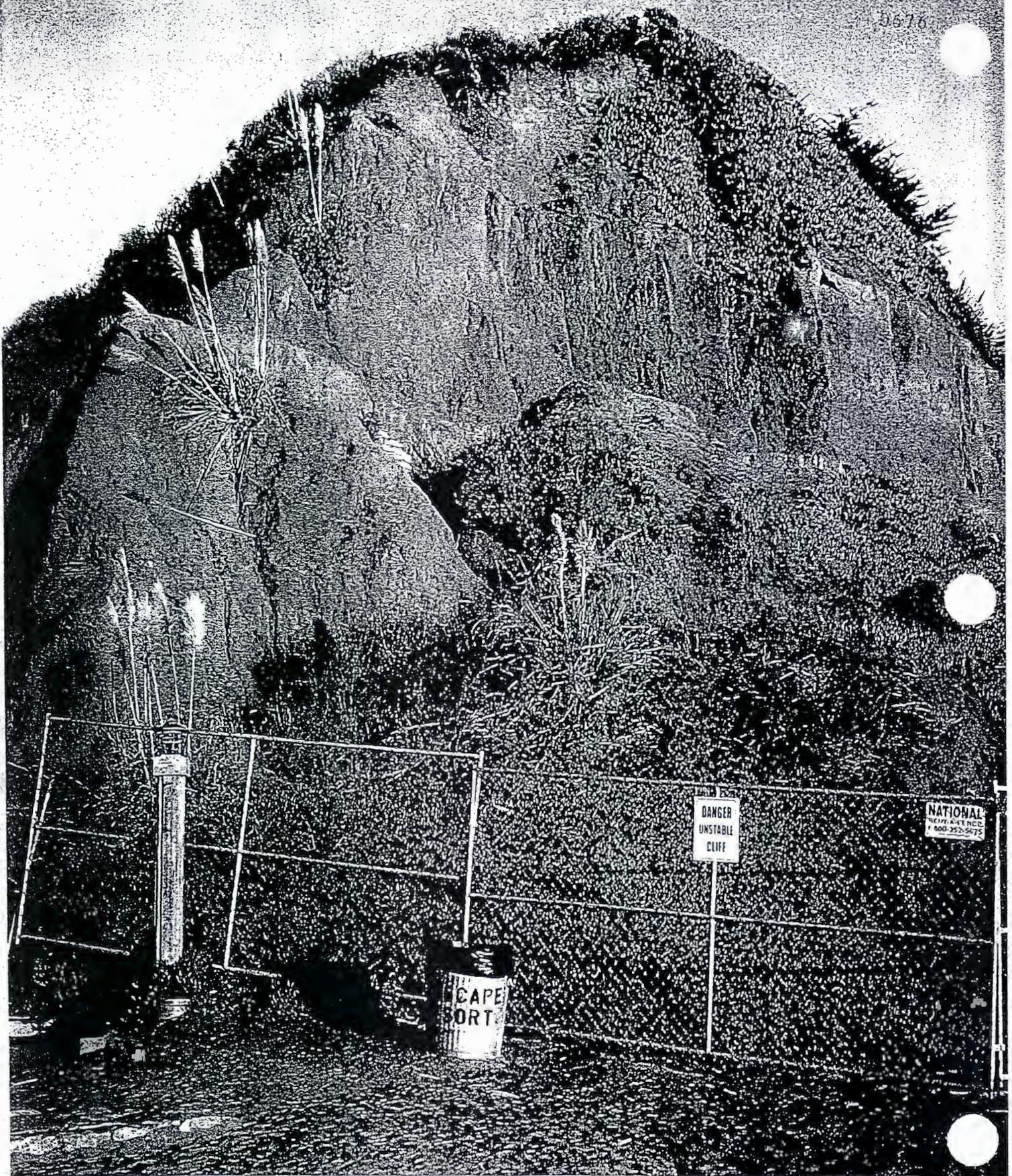


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CCC Exhibit **1B**
(page **14** of **13** pages)

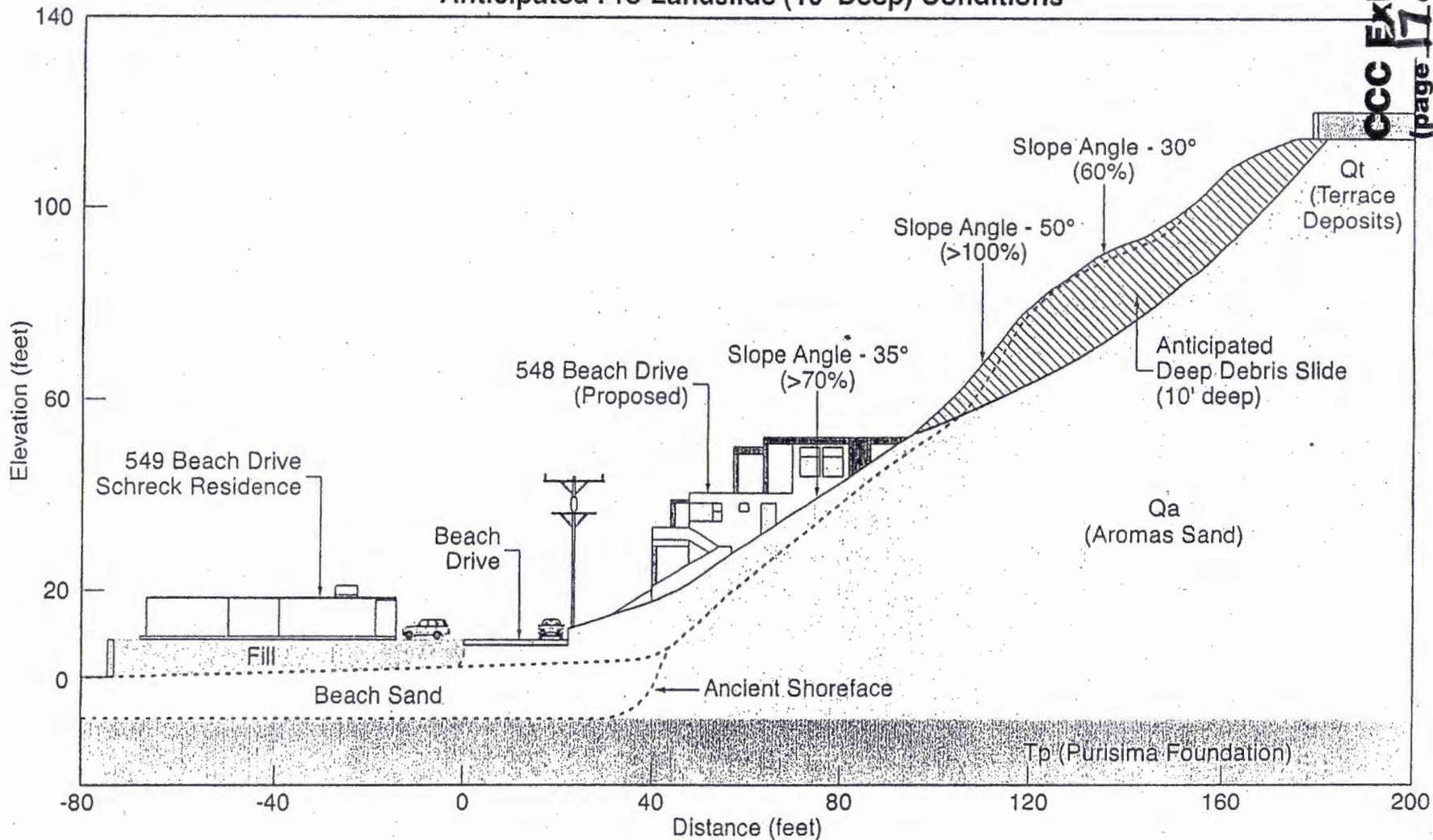


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0678

Anticipated Pre-Landslide (10' Deep) Conditions*

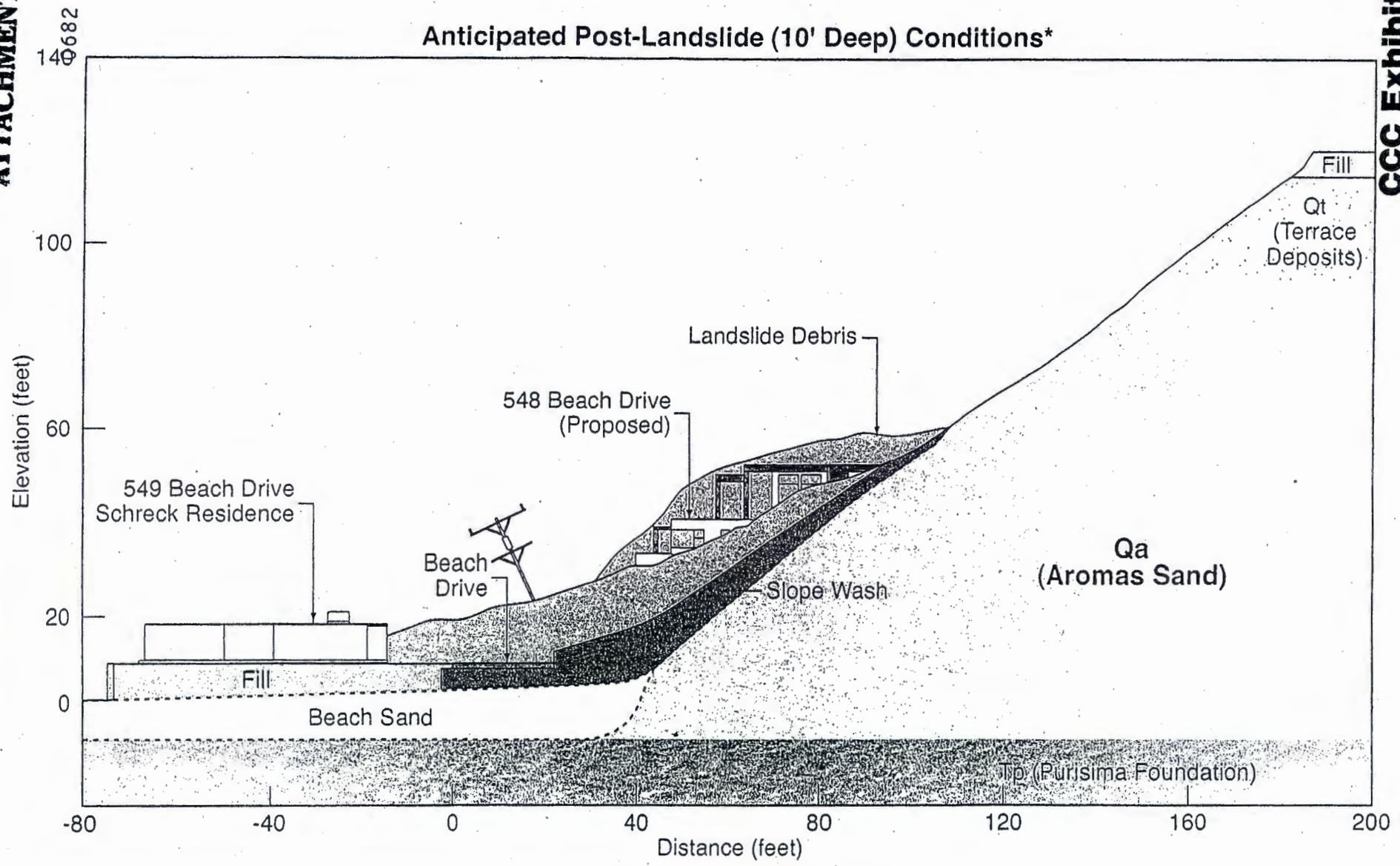


*Source: Haro, Kasunich and Associates, Inc., Cotton, Shires and Associates, Inc. & Nielsen and Associates.

CCC Exhibit 12
(page 17 of 18 pages)

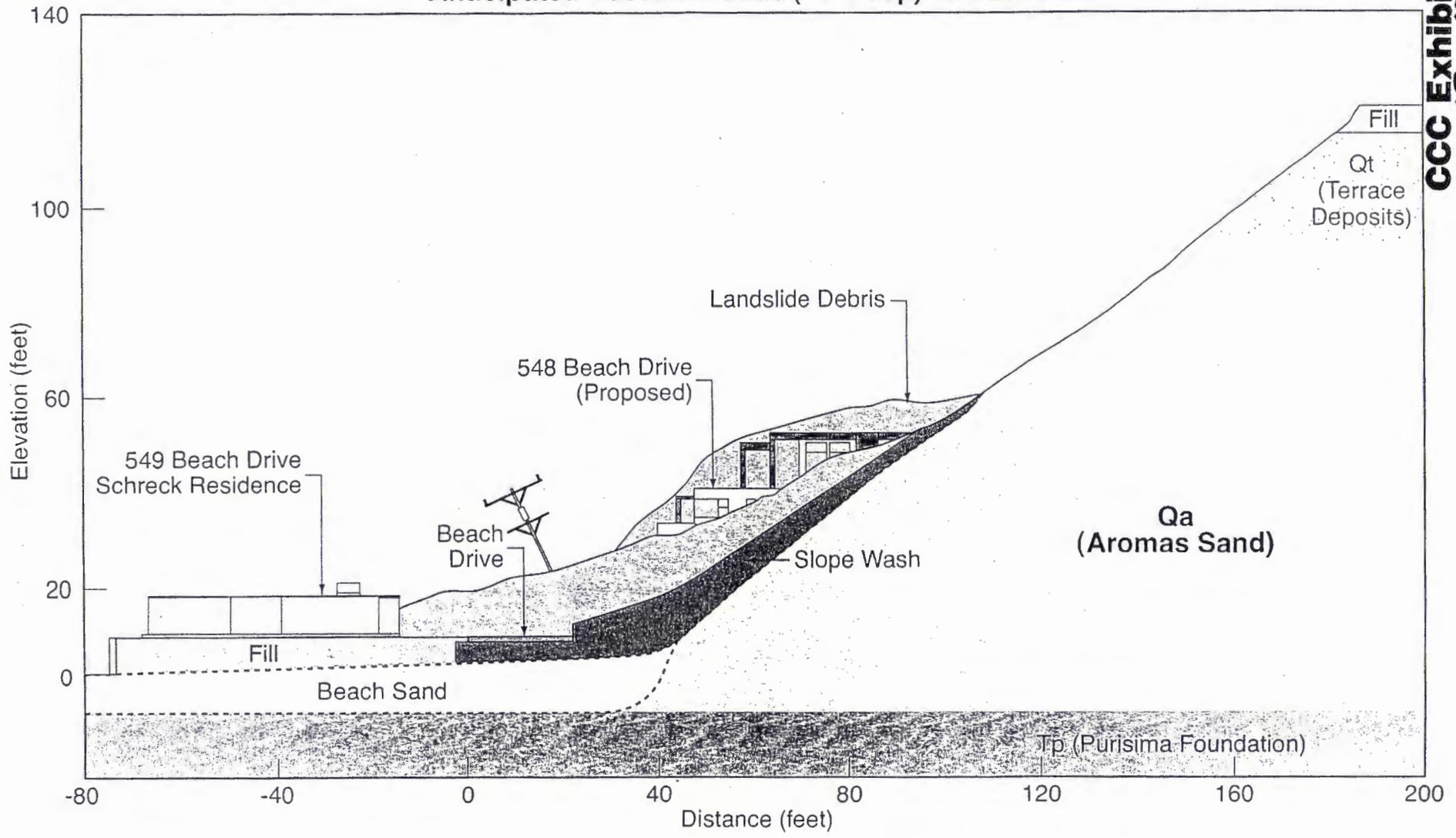
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Anticipated Post-Landslide (10' Deep) Conditions*



*Source: Haro, Kasunich and Associates, Inc., Cotton, Shires and Associates, Inc. & Nielsen and Associates.

Anticipated Post-Landslide (10' Deep) Conditions*



*Source: Haro, Kasunich and Associates, Inc., Cotton, Shires and Associates, Inc. & Nielsen and Associates.

Planning Commission Minutes- 10/24/07

Proceedings of the Santa Cruz County
Planning Commission

Volume 2007, Number 19

October 24, 2007

Location: Board of Supervisors, County Government Center,
701 Ocean Street, Room 525, Santa Cruz, CA 95060

Action Summary Minutes

Voting Key

Commissioners: Bremner, Aramburu, Dann, Vice Chair Gonzalez, and Chair Shepherd

Alternate Commissioners: Messer, Hancock, Hummel, Danna, and Britton

Commissioners present were Messer, Aramburu, Dann, Vice Chair Gonzales and Chair Shepherd.

Consent Items

6. **Approval of minutes**

To approve the minutes of the October 10, 2007 Planning Commission meeting as submitted by the Planning Department.

Approved minutes as submitted. Aramburu made the motion and Dann seconded. Voice vote carried 5-0, with ayes from Messer, Aramburu, Dann, Gonzalez, and Shepherd.

Scheduled Items

7. 06-0156(**) 546 Beach Drive, Aptos APN: 043-152-70
Proposal to construct a 3-story single-family dwelling of about 4,048 square feet (heated space) and grade about 1,070 cubic yards in a Coastal Scenic Area. Requires a Coastal Development Permit, a Variance to increase the number of stories to 3 within the Urban Services Line, Preliminary Grading Review, and Environmental Review. Property located on the bluff side of Beach Drive, about 1 mile southeast of Rio Del Mar Esplanade (at 546 Beach Drive).
Owner: Michael & Deborah Collins
Applicant: Jim Mosgrove, Architect
Supervisory District: 2
Project Planner: Maria Perez, 454-5321
Email: pln110@co.santa-cruz.ca.us
- 454 - 2007 2217
Porcila Wilson*

Approved staff recommendation with additions. Aramburu made the motion and Gonzalez seconded. Roll call vote carried 3-2 with ayes from Messer, Aramburu, and Gonzalez. Commissioners Dann and Shepherd voted no.

8. **Proposal to consider a County-sponsored Redesignation of APN 071-161-05. Requires a General Plan Amendment to change the land use designation from C-O (Professional and Administrative Offices) to Suburban Residential and a rezoning from PA (Professional and Administrative Office) to the R-1-15 (Single-family Residential, 15,000 square feet) zone district. The property is located on the east side of Highway 9 in Felton, across from the San Lorenzo Valley High School (at 6950 Highway 9.)**
Owners: Dale & Suzanne Scofield
Applicant: County of Santa Cruz
Supervisorial District: 5
Project Planner: Sarah Neuse 454-3290
Email: pln320@co.santa-cruz.ca.us

Approved staff recommendation. Shepherd made the motion and Gonzalez seconded. Voice vote carried 5-0, with ayes from Messer, Aramburu, Dann, Gonzalez, and Shepherd.

9. **Public Hearing to consider proposed amendments to Santa Cruz County Code Chapters 13.10, 13.20, and 16.50 to simplify the County's regulations for small scale residential structures, with particular emphasis on accessory structures and second units, non-conforming structures, and projects in the Coastal Zone. (Chapters 13.10, 13.20, and 16.50 are Coastal Implementing Ordinances.)**
Applicant: County of Santa Cruz
Supervisorial District: Countywide
Project Planner: Annie Murphy, 454-3111
Email: pln400@co.santa-cruz.ca.us

Approved staff recommendation and adopted resolution recommending approval to the board of supervisors with the direction that the discussion at the Planning Commission included water issues in the San Lorenzo Valley and CEQA. Also directed Planning Department staff to meet with concerned parties, including Sierra Club and San Lorenzo Valley Water. Shepherd made the motion and Aramburu seconded. Roll call vote carried 5-0 with ayes from Messer, Aramburu, Dann, Gonzalez, and Shepherd.

10. **Public Hearing to consider an ordinance amendment to Section 13.10.375 of the Santa Cruz County Code in order to increase the minimum parcel size required for rezoning to the Timber Production (TP) zone district from 5 acres to 40 acres. Chapter 13.10 is a local Coastal Program Implementing Ordinance.**
Applicant: County of Santa Cruz
Supervisorial District: Countywide
Project Planner: Sarah Neuse 454-3290
Email: pln320@co.santa-cruz.ca.us

Approved staff recommendation. Aramburu made the motion and Dann seconded. Roll call vote carried 3-2 with ayes from Aramburu, Dann, and Shepherd. Commissioners Messer and Gonzalez voted no.

11. **Public Hearing to consider 2008 Growth Goal Report and setting of 2008 Population Growth Goal of 0.5%.**
Applicant: County of Santa Cruz
Supervisorial District: Countywide
Project Planner: Frank Barron, 454-2530
Email: pln782@co.santa-cruz.ca.us

Approved staff recommendation. Shepherd made the motion and Gonzalez seconded. Voice vote carried 5-0, with ayes from Messer, Aramburu, Dann, Gonzalez, and Shepherd.



Staff Report to the Planning Commission

0687

Application Number: 06-0156

Applicant: Jim Mosgrove, Architect
Owner: Michael and Deborah Collins
APN: 043-152-70 (formerly -55)

Agenda Date: October 24, 2007
Agenda Item #: 7
Time: After 9:00 a.m.

Project Description: Proposal to construct a 3-story, five bedroom single-family dwelling and grade more than 1,000 cubic yards within a Coastal Scenic Area. Requires a Coastal Development Permit, Preliminary Grading Approval, A Variance to increase the number of stories to three, Design Review, Soils Report Review, and a Geotechnical Report Review.

Location: Property located on the north side of Beach Drive about 1 mile southeast of Rio Del Mar Blvd. (at 546 Beach Dr, a vacant parcel).

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

Permits Required: Coastal Development Permit

Staff Recommendation:

- Certification of the Mitigated Negative Declaration to the California Environmental Quality Act.
- Approval of Application 06-0156, based on the attached findings and conditions.

Exhibits

- Project plans
- Findings
- Conditions
- Mitigated Negative Declaration (CEQA document)
- Updated plan review letters from Haro, Kasunich, and Associates dated 5/11/07 and Nielsen and Associates dated 5/2/07.
- Public Comments

CCC Exhibit 1B
 (page 22 of 133 pages)

Parcel Information

0688

Parcel Size: 12,888 square feet (determined by survey)
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Single-family dwellings
Project Access: Beach Drive (a private road at this location)
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: RB (Ocean Beach Residential)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: FEMA Flood Zone V (Wave run-up hazard zone), landslide potential at the base of coastal bluff
Soils: Beach sand (soils map index number 109) and Purisima Foundation Sands
Fire Hazard: Not a mapped constraint
Slopes: 50% to over 70% (base of coastal bluff)
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: About 1,600 cubic yards
Tree Removal: One 14" pine may be removed during grading
Scenic: Designated Coastal Scenic Resource Area
Drainage: Drainage to beach
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: X Inside ___ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

Background

A previous development permit (96-0159) was approved in May of 1996 for the construction of a single-family dwelling on site, but was never exercised. On March 17, 2006, the County Planning Department accepted this application to construct one single-family dwelling at the toe of the bluff, requiring a Coastal Development Permit and a Variance to allow a three-story single-family dwelling within the Urban Services Line. The application required Environmental Review as more than 1,000 cubic yards of grading are proposed within a designated scenic resource area (about 1,600 cubic yards). The Environmental Coordinator issued a Negative Declaration with Mitigations on January 30, 2007 to comply with the California Environmental Quality Act (CEQA) (Exhibit D).

Coastal Commission Appeal of Permit 04-0255

An application to construct a house of a similar design and size was submitted for the lot immediately downcoast of the project site, on parcel (043-152-71). This project was denied by the Planning Commission but approved by the Board of Supervisors on September 26, 2006 on appeal. Subsequent to this approval, the project was appealed to the California Coastal Commission, and on December 13, 2006 the Coastal Commission found substantive issue and took jurisdiction over the application. A de novo hearing by the Coastal Commission was held on March 14, 2007, and the item was continued for further investigation. On September 6, 2007 the Coastal Commission approved the Coastal Development Permit with minor modifications to the permit conditions. No changes to the design were made. Staff has incorporated most of the wording from the Coastal Commission approval into the proposed conditions for this application.

Project Setting

The project site is located on the bluff side of the private section of Beach Drive in Aptos, between existing residences at 544 Beach Drive and 615 Beach Drive. The property is steeply sloped, with the entire site in excess of 50% slopes. A line of mostly one-story homes already exists on the coast side of Beach Drive, between the project site and the beach.

Zoning & General Plan Consistency

The subject parcel is zoned RB (Ocean Beach Residential) with a General Plan/Local Coastal Program Land Use designation of Urban Low Density Residential)(Exhibit D, Attachments 2 and 3). One single-family dwelling is permitted within the RB zone district. The proposed development is consistent with the purposes of the RB zone district as the proposal is for a single-family dwelling.

	RB Zone District Standard	Proposed
Front yard setback	10'*	About 5'
Side yard setbacks	0' and 5'	24' 6" each side
Rear yard setback	10'	48'
Lot Coverage	40%	27%
Floor Area Ratio	50%	49.75%
Maximum height	25' on bluff side	22'

* No front yard setback requirements for RB zoned parcels with slopes greater than 25% within 30 feet of the right-of-way per Section 13.10.323(d)(5)(B) of the County Code.

Local Coastal Program/General Plan Consistency

The subject parcel retains a General Plan/Local Coastal Program Land Use Designation of R-UL (Urban Low Density Residential), implemented by the RB (Ocean Beach Residential) zone district. The proposed single-family dwelling complies with the purposes of this Land Use Designation, as the primary use of the site will remain residential.

Geologic Hazards

0690

General Plan policy 6.2.10 requires all development to be sited and designed to avoid or minimize hazards as determined by geologic or engineering investigations. Due to the location of the parcel adjacent to an open beach at the toe of a coastal bluff, potential coastal flooding and landslide hazards cannot be avoided and therefore must be mitigated. General Plan policy 6.2.15 allows for new development on existing lots of record in areas subject to storm wave inundation or coastal bluff erosion where a technical report demonstrates that potential hazards can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, friction pier or deep caisson foundation; and where a deed restriction indicating the potential hazards on the site and level of prior investigation conducted is recorded on the property deed with the County Recorder. If properly constructed and maintained, the project design is expected to provide protection from landslide hazards and flooding during 100-year storm events within the 100-year life span of the structure.

Due to the location of the proposed dwelling at the base of a coastal bluff, the structure will be vulnerable to damage or destruction from landslides and slope failure. Consequently, Engineering Geologic and Geotechnical Reports have been prepared addressing geologic hazards, site conditions, and hazard mitigations for the proposed dwelling (excerpts of conclusions and recommendations in Exhibit D, Attachments 8 and 9). The project soils engineer and geologist recommend constructing the dwelling with a reinforced concrete structure designed to withstand the impact of any expected landslides, utilizing a "bunker" style design with a flat roof constructed of reinforced concrete and the sides of the structure designed as retaining walls to prevent damage by landslide flows along the side yards. The structure will be built flush with the face of the slope to minimize impacts to the rear of the dwelling. Finally, the foundation is designed to withstand slope failure and to mitigate for unconsolidated soils. As recommended by the project geologist and soils engineer, deck areas will be covered by an overhang to provide refuge in the event of a landslide.

The project site is located within the FEMA Flood Zone-V, an 100-year coastal flood hazard zone designating areas subject to inundation resulting from run-up from waves and storm surges. FEMA regulations and the County Geologic Hazards ordinance (Chapter 16.10) require flood elevation of all new residential structures within 100-year flood zones. FEMA determined the expected 100-year wave impact height to be 21 feet above mean sea level (M.S.L.). The lowest habitable floor of the proposed dwelling is elevated more than one foot above 21 feet M.S.L. to prevent the habitable portions of the dwelling from flooding due to a 100-year storm surge. The garage doors and non-load bearing walls must function as "break-away" walls as required by the FEMA regulations for development in the V-Zone and in Chapter 16.10 of the County Code.

The dwelling at 641 Beach Drive was the first structure approved incorporating this design (approved in 1993 as permit 91-0506), and dwellings of a similar design have been approved elsewhere on Beach Drive, including at the southeast end of Beach Drive under Coastal Development Permits 99-0354 and 04-0044, and the adjacent downcoast property under permit 04-0255.

Grading and Erosion Control

General Plan/LCP policy 8.2.2 requires new development to be sited and designed to minimize grading, avoid or provide mitigations for geologic hazards and conform to the physical constraints

and topography of the site. The project has been designed to step down the slope to reduce excavation and to conform to the topography of the site to the greatest extent possible while maintaining a dwelling of similar size to neighboring homes on Beach Drive.

The proposed dwelling will not destabilize or exacerbate erosion of the bluff, and when completed will act as retaining structures to stabilize the toe of the bluff. The only potential for bluff destabilization will occur during excavation and construction. To minimize the chances of a failure occurring during this period, the project soils engineer has outlined a plan for construction phasing (See Exhibit D, Attachment 8). The key elements of this plan are as follows:

- Site grading and retaining wall construction must take place between April 15th and October 15th, when the site is dry.
- The project soils engineer and geologist must be on site during the work.
- Excavation and construction should begin at the top and work downward, a section at a time. Under this plan, a portion of the cliff would be excavated, followed by construction of that portion of the wall. After that section of the wall is completed, the next lower section of the cliff would be excavated.

A detailed work plan following these elements will be submitted with the building permit application. This work plan will detail the height of each individual section to be excavated and retained, and will take into account any concurrent excavation into the bluff for neighboring projects. Furthermore, a Waiver, Indemnification, Bonding, and Insurance Agreement will be required, which will include a requirement that the applicant/owner obtain and maintain Comprehensive Personal Liability (or equivalent) or Owner's Landlord and Tenant Liability Insurance coverage (as appropriate) of \$1,000,000 plus an additional \$1,000,000 of excess coverage to insure construction of the retaining structure will be completed in a timely manner (See Condition of Approval I.D). In addition, security bonds will be required to ensure bluff stabilization work can be completed by the County if construction stops prior to completion of all necessary shoring, retaining walls, tie-backs, and any other construction required to stabilize the bluff. One bond will be for 150% of the total construction cost to stabilize the bluff, which will be released after satisfactory completion of all retention structures as determined by the County Geologist. The second bond will be for 50% of the above construction costs, to be released not less than one year after final inspection (Condition of Approval II.O).

Public Access

The proposal complies with Policy 7.7.10 of the General Plan/LCP (Protecting Existing Beach Access) in that pedestrian and emergency vehicle access will not be impeded by the proposed dwelling and construction, and no public access easements exist across the subject property. Furthermore, the site is not designated for Primary Public Access in Policy 7.7.15 of the General Plan/LCP, and is not suitable for access due to the steep topography of the site.

Design Review

The project is located within a mapped scenic resource area, and therefore must comply with General Plan Objective 5.10b (New Development within Visual Resource Areas). The purpose of this objective is to ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources. General Plan/LCP policies 5.10.2 and 5.10.3 require that development in scenic areas be evaluated against the context of their environment, utilize natural materials, blend with the area and integrate with the landform and that significant public vistas be protected from inappropriate structure design. Moreover, General Plan/LCP policy 5.10.7 allows structures to be visible from a public beach where compatible with the pattern of existing development. Generally, impacts to existing public views occur when development extends into areas that are currently natural and are visible from the beach. In this case, the project site is located behind a line of existing one-story homes on the coast side of Beach Drive, and adjacent to existing single-family dwellings constructed in the late 1960's. The upper story of the proposed dwelling will be visible from the open beach at low tides (See photo-simulations in Exhibit D, Attachment 15). However, the design of the structure will be integrated into the Beach Drive neighborhood in terms of height, bulk, mass, scale, architectural style, colors, and materials. The size of the proposed residence will be larger than some of the adjacent residences, but will be proportioned to the size of the lot, as the residence will comply with County standards for Floor Area Ratio and lot coverage. The mass of the residence will be broken up by stepping back each of the three levels to be flush with the hillside, and by the central clearstory which breaks the structure up into three horizontal components.

General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials be chosen blend with the natural landforms. To comply with this policy, the proposed dwelling will incorporate teak wood-siding with earth-tone colored concrete to better blend in with the coastal bluff and vegetation behind the residence, minimizing the visual impact of the residence.

The County's Urban Designer evaluated the project for conformance with the County's Coastal Zone Design Criteria (Section 13.20.130) and the County's Site, Landscape, and Architectural Design Review Ordinance (Section 13.11) (Exhibit D, Attachment 14). The Urban Designer determined the proposed single-family dwelling to be in conformance with all applicable provisions of these ordinances, including criteria regarding protection of the public viewshed and compatibility with the existing neighborhood and coastal setting. Although the project will be visible from the beach, the design, materials, and colors minimize the visual impact of the dwelling to the greatest extent possible while maintaining a similar bulk, mass, and scale to existing and proposed houses on the bluff side of Beach Drive.

Variance to allow three stories

To construct a house within the limitations placed on the site by flooding hazards, visual compatibility, and General Plan policies to minimize grading, the applicant has requested variances to site standards to increase the maximum number of stories to three from two.

Inside the Urban Services Line, the County Code prohibits single-family dwellings greater than two stories absent a variance approval. To compensate for FEMA flood elevation requirements,

construct within the constraints of the site, and minimize grading, the applicant has requested a variance to construct a three-story single-family dwelling similar to existing houses on the bluff side of Beach Drive. The steep topography of the site (with slopes greater than 70%) and the FEMA flood elevation requirements present special circumstances inherent to the property that would deny the property owner a reasonably sized dwelling as enjoyed by residents of similar structures on the bluff side of Beach Drive. Many homes along the bluff side of Beach Drive already have three stories, including the house at 641 Beach Drive and the dwellings recently approved on adjacent lots. For this reason, the granting of a variance to allow three stories will not constitute the granting of a special privilege.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA), as more than 1,000 cubic yards of grading is proposed. The project was reviewed by the County's Environmental Coordinator on January 22, 2007. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on February 5, 2007. The mandatory public comment period expired on March 6, 2007, with no comments received.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

Staff recommends your Commission:

- Certify the Mitigated Negative Declaration to the California Environmental Quality Act.
- **APPROVE** Application Number 06-0156, based on the attached findings and conditions.

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

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

Report Prepared By: _____


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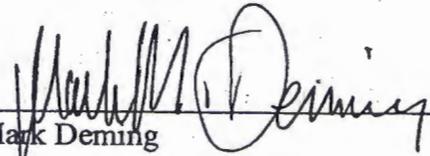
CCC Exhibit 1B
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Application #: 06-0156
APN: 043-152-70
Owner: Michael and Deborah Collins

ATTACHMENT 3

069

Report Reviewed By:


Mark Deming
Assistant Planning Director
Development Review

Coastal Development Permit Findings

0695

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

This finding can be made, as a single-family dwelling is a principal permitted use in the "RB" (Ocean Beach Residential) zone district with the approval of a Coastal Development Permit. The "RB" zone district is consistent with the General Plan and Local Coastal Program land use designation of Urban Low Residential.

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

This finding can be made, as the parcel is not encumbered by any open space easements or similar land use contracts. The project will not conflict with any existing right-of-way easement or development restrictions as none exist. The proposed dwelling will not affect public access as none exists down the cliff face at this location, and the project will not impede lateral pedestrian access.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

The proposed single-family dwelling is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq. for development in the coastal zone. Specifically, the house follows the natural topography by stepping up the hillside, proposes minimal grading considering the topography of the site, and is visually compatible with the character of the surrounding residential neighborhood, and includes mitigations for the coastal hazards which may occur within its' 100 year lifespan (landslides, seismic events and coastal inundation). The project is not on a ridgeline, and does not obstruct any public views to the shoreline. The design and siting of the proposed residence will minimize impacts on the site and the surrounding neighborhood. The house will incorporate earth-tone colors and teak wood siding to blend in with the vegetation on the bluff to the rear.

The architecture is complementary to the existing pattern of development and will blend with the built environment. The size of the dwelling is larger than most of the dwellings along the bluff side of Beach Drive due to the larger parcel size, but the structure will be proportional to the size of the parcel and will be comparable in size to the existing residence at 629 Beach Drive. The structure will be flood elevated, but will meet the 25 foot RB height limit. This height is consistent with the existing older development along the bluff of side of Beach Drive, most of which is three stories similar to the proposed dwelling.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the

coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

The project site is located in the appealable area between the shoreline and the first through public road. Public access to the beach is located further up Beach Drive at the State Parks parking lot (about 600 feet northwest of the proposed dwelling). The project will not interfere with public access to the beach, ocean, or any other nearby body of water. The project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities.

5. That the proposed development is in conformity with the certified local coastal program.

The proposed single-family dwelling is consistent with the County's certified Local Coastal Program in that a single family dwelling is a principal permitted use in the RB (Ocean Beach Residential) zone district with an approved Coastal Development Permit. General Plan policy 6.2.15 allows for development on existing lots of record in areas subject to storm wave inundation or beach or bluff erosion within existing developed neighborhoods and where technical reports demonstrate that the potential hazards can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, friction pier or deep caisson foundation; and where mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected; and where a deed restriction indicating the potential hazards on the site and level of prior investigation conducted is recorded on the property deed with the County Recorder. An Engineering Geologic and Geotechnical report have been prepared for this project evaluating the hazards and mitigations. These reports have been reviewed and accepted by the County of Santa Cruz. The proposed structure will be engineered to withstand landslide impacts on a reinforced roof, retaining most of the landslide materials on the roof with any excess flowing over the structure. The project is specifically designed to accommodate natural coastal erosion processes of the bluff face. The dwelling must be constructed flush with the bluff as any exposed rear walls cannot be feasibly designed to withstand the impact of a catastrophic landslide event. Thus, the rear walls must be designed as retaining walls and anchored into the bluff to prevent landslide impacts from displacing the structure. The dwelling will be elevated with no habitable portions under 21 feet above mean sea level, in accordance with FEMA regulations, the County General Plan policies and Chapter 16.10 of the County Code for development within the 100-year wave hazard zone (V-zone). Thus, the proposed development is consistent with this General Plan policy.

General Plan policy 6.2.16 for Structural Shoreline Protection Measures states that such structures shall be limited to those which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. The proposed reinforced concrete dwelling is not specifically a structural shoreline protection measure, but does provide some stability to the toe of the cliff.

General Plan/LCP policy 5.10.7 allows structures, which would be visible from a public beach, where compatible with existing development. The subject lot is located on the bluff side of Beach Drive within a line of existing and proposed single-family dwellings of a similar height. The project is consistent with General Plan policies for residential infill development as the proposed dwelling

Application #: 06-0156

APN: 043-152-70

Owner: Michael and Deborah Collins

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will integrate with the built environment along Beach Drive by retaining a similar height, bulk, mass, and scale to existing and recently approved development in the vicinity. The height of the dwelling does not exceed 25 feet in conformance with the height limit for the RB zone district, and consistent with most of the existing and proposed adjacent residences. The size of the structure is consistent with the lot coverage and Floor Area Ratio of the zone district. The bulk of the residence, though slightly larger than homes in the immediate vicinity, will be broken up by the central clearstory and the stepped design. Dwellings on the beach side of Beach Drive have different site standards and therefore cannot be used to determine compatibility. General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials chosen blend with the natural landforms. The proposed dwelling will use wood siding and earth-tone colors to blend in with the bluff to the rear.

Development Permit Findings

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1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, as the proposed project complies with all development regulations applicable to the site with the exception of the limitation on the maximum number of stories, for which a Variance is being sought. The parcel is located within a coastal hazard area and is expected to be subject to wave inundation, landslides and seismic shaking hazards. Engineering Geologic and geotechnical reports have been completed for this project analyzing these hazards and recommending measures to mitigate them. The habitable portions of the dwelling will be constructed above 21 feet mean sea level (msl), which is the expected height of wave inundation predicted for a 100-year storm event. The garage will incorporate break away garage doors and non-structural walls on the lower level to minimize structural damage from wave action.

Construction will comply with prevailing building technology, the Uniform Building Code, the County Building ordinance, and the recommendations of the Engineering Geologic and Geotechnical report to insure the optimum in safety and the conservation of energy and resources. The structure will be engineered to withstand landslide impacts by incorporating a flat reinforced concrete roof, retaining most of the landslide materials on the roof with any excess flowing over the structure. The project is specifically designed to accommodate natural coastal erosion processes of the bluff face. The dwelling must be constructed flush with the bluff face and be anchored into the bluff to withstand the impact of a catastrophic landslide event and prevent it from displacing the structure. An engineered foundation is required in order to anchor the dwellings in the event of a landslide impact and to withstand seismic shaking. Adherence to the recommendations of the soils engineer and geologist in the house design and construction will provide an acceptable margin of safety for the occupants of the proposed home. The project design will not change the existing pattern debris flow and will not adversely affect the adjacent dwellings. The retaining walls incorporated into the design of both dwellings will provide some stability to the toe of the cliff, but will not affect the stability of the upper cliff. A drainage system will be constructed, which the upslope neighbors may use to control his/her drainage on the slope face. Thus, the project will provide a small benefit to the upslope property, although natural erosion of the upper bluff face is expected to continue.

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

The project is located within the RB (Ocean Beach Residential) zone district. The proposed dwelling will be consistent with all pertinent County ordinances, site standards, and the purpose of the RB zone district, with the exception of the number of stories, for which a Variance is sought. The increase in the number of stories will not significantly increase the bulk of building mass and will allow adequate light, air and open space to adjacent neighbors, as the design of the proposed single-family dwelling is consistent with that of the surrounding neighborhood, as it is visually compatible

0699

and integrated with the character of surrounding neighborhood (both existing and proposed dwellings), and meets the intent of County Code Section 13.10.130, "Design Criteria for Coastal Zone Developments" and Chapter 13.11 "Site, Architectural and Landscape Design Review." Homes in the area range from one story on the beach side of Beach Drive to three-stories on the bluff side, with a wood or stucco exteriors and large expanses of windows and decks. The majority of houses in the neighborhood have flat roofs. The proposed colors and materials and architecture will harmonize and blend with the other homes in this neighborhood. Thus, the design of the proposed single-family dwelling is consistent with that of the surrounding neighborhood. As discussed in Finding #1, Engineering Geologic and Geotechnical reports have been prepared evaluating the landslide and coastal flooding hazards, which will be mitigated in accordance with the regulations set forth in Chapter 16.10 (Geologic Hazards) of the County Code. As discussed in the Coastal Findings above, the project is consistent with the County's Coastal Regulations (Chapter 13.20).

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

The project is located in the R-UL (Urban Low Residential) General Plan/Local Coastal Program land use designation. As discussed in Coastal Development Permit Finding 5, all General Plan/LCP policies have been met in the proposed location of the project, the hazard mitigations and with the required conditions of this permit. The design of the single-family dwelling is consistent with that of the surrounding neighborhood on the bluff side of Beach Drive, and is sited and designed to be visually compatible and integrated with the character of surrounding neighborhood and the coastal bluff. The dwelling will not block public vistas to the public beach and will blend with the built environment when viewed from the public beach. The house is designed to step down the slope, requiring minimal grading considering the limitations placed on the site with regards to slope and construction requirements to minimize geologic hazards. For this reason the project conforms with General Plan policies to minimize grading.

A specific plan has not been adopted for this portion of Rio Del Mar.

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

This finding can be made, as the proposed single-family dwelling will not overload utilities and will not generate more than the acceptable level of traffic on the roads in the vicinity. Specifically, adequate water and sewer service is available to the property and there will be minimal increase in traffic resulting from the construction of one new single family dwelling on a legal lot of record designated for residential use. Traffic generated by construction will be limited to weekdays between the hours of 8 AM and 5 PM and any damage to Beach Drive resulting from heavy equipment will be required to be repaired (Condition of Approval II.R., III.H, and IV.G).

5. That the proposed project will complement and harmonize with the existing and proposed

land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, as the home will not appear significantly different from the existing or proposed development on the bluff side of Beach Drive, which must be designed with the same constraints and limitations resulting in non-habitable lower floors and flat roofs. The proposed project will result in a home of a similar size and mass to other homes on the bluff side of Beach Drive, and will be designed to be visually compatible and integrated with the character of the surrounding neighborhood.

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

This finding can be made, in that the proposed single-family dwelling is consistent with the County's Design Review Ordinance as the site design, architectural style, materials, colors, flat roof, and three story design within the RB zone district height result in a structure that is compatible with the surrounding development along the bluff side of Beach Drive (see Urban Designer's comments in Exhibit D, Attachment 14).

Variance Findings

0701

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification.

This finding can be made, as the subject parcel contains very steep slopes (slopes in excess of 70%) on an unstable coastal bluff, with the only suitable area for development near the base of the bluff within the coastal flood hazard area (Flood Zone-V). Due to the topography and location within a flood hazard area, the structure must be elevated above the expected 100-year coastal inundation level at 21 feet above mean sea level in accordance with the regulations set forth by the Federal Emergency Management Agency (FEMA) and Chapter 16.10 (Geologic Hazards Ordinance) of the County Code. The lower floor area cannot be used as habitable space due to potential flood hazards from wave run-up, so a variance has been requested to increase the maximum number of stories from two to three in order to construct a home comparable to existing and recently approved homes in the vicinity. The majority of homes along the bluff side of Beach Drive are three stories, so a variance to height requirements would not constitute the granting of a special privilege as existing dwellings in the neighborhood already have three stories. Due to the step-down design of the structure, the house will still meet the maximum 25 foot height limit for the RB zone district despite the increase in the number of stories.

2. That the granting of the Variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the vicinity.

Compliance with the recommendations and construction methods required by the Engineering Geologic and Geotechnical reports accepted by the Planning Department will insure that granting the variance to construct the proposed three-story single family dwelling will not be materially detrimental to the public health, safety and welfare or be materially injurious to property or improvements in the vicinity. The residence is required to be elevated above 21 feet mean sea level with no habitable features on the ground floor and constructed with a break-away garage door and walls (except those used as support structures). No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation. The dwelling will be engineered to withstand landslide impacts upon the roof and to allow slide debris to accumulate upon it. This design allows for the natural pattern of debris flow and minimizes deflection onto the adjacent properties.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

The granting of variances to increase the maximum number of stories from two to three will not constitute a grant of special privilege, as similar variances have been granted for houses of similar construction on the bluff side of Beach Drive due to FEMA flood elevation requirements. Variances to increase the number of stories from two to three are frequently granted along Beach Drive, including the house approved by the Board of Supervisors on the adjacent site downcoast (permit 04-0255).

Conditions of Approval

Exhibit A: Project plans, 8 sheets, drawn by Jim Mosgrove, Architect, dated 6/30/06. Preliminary Improvement plans and surveys, 5 sheets, drawn by Michael Beautz, and dated July 2006. Landscape plan, 1 sheet, drawn by Michael Arnone, Landscape Architect, dated 2/7/06. Shoring plans, 6 sheets, drawn by Buchanan Engineering, dated 2/23/06.

I. This permit authorizes the construction of a three-story single-family dwelling. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- D. The owner shall execute the attached WAIVER, INDEMNIFICATION, BONDING, AND INSURANCE AGREEMENT with the County (see Attachment 1 to the conditions of approval) and meet all requirements therein. This agreement will require the applicant/owner to obtain and maintain Comprehensive Personal Liability (or equivalent) or Owner's Landlord and Tenant Liability Insurance coverage (as appropriate) of \$1,000,000 plus an additional \$1,000,000 of excess coverage per single-family dwelling. Proof of insurance shall be provided.

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

- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- B. Submit a detailed construction plan following the recommendations of the project soils engineer. The plan shall indicate the shoring plan, the phases of excavation, five foot maximum height for temporarily unsupported cuts, plan to work from the top down, and requirements for the project geotechnical engineer to be on site during excavation. The construction plan shall not be submitted without an accompanying letter from the project geotechnical engineer approving the plan.
- C. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional

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CCC Exhibit 1B
(page 38 of 133 pages)

information:

0704

1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
2. Exterior elevations identifying finish materials and colors. Colors shall be subdued within the brown to green range, and shall blend in with the colors and forms of the coastal bluff. All windows facing the beach shall utilize low-reflective glazing materials.
3. The final plans shall include a specification that all windows, doors and other openings will be designed to resist and hold the force of a landslide as specified by the geotechnical engineer. No openings are allowed in the rear of the buildings, and all side windows be no greater than 14 inches by 18 inches unless supported by structural steel and approved by the County Geologist and the project Geotechnical Engineer.
4. The structure shall be engineered to resist and hold the force of a landslide, as specified by the geotechnical engineer. The roof shall be engineered to support the static load of anticipated landslide debris in conformance with the soils engineering report recommendations.
5. Plans shall show details showing compliance with the following FEMA and County flood regulations:
 - a. The lowest habitable floor and the top of the highest horizontal structural members (joist or beam) which provides support directly to the lowest habitable floor and elements that function as a part of the structure such as furnace or hot water heater, etc. shall be elevated above the 100-year wave inundation level. Elevation at this site is a minimum of 21 feet above mean sea level. The building plans must indicate the elevation of the lowest habitable floor area relative to mean sea level and native grade. Locations for furnaces, hot water heaters shall be shown.
 - b. Show that the foundations shall be anchored and the structures attached thereto to prevent flotation, collapse and lateral movement of the structure due to the forces to which they may be subjected during the base flood and wave action.
 - c. The garage doors and non-bearing walls shall function as breakaway walls. The garage doors and front wall shall be certified by a registered civil engineer or architect and meet the following conditions:
 - i. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

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Application #: 06-0156
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 Owner: Michael and Deborah Collins

ATTACHMENT

- ii. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of a base flood.
 - iii. Any walls on the ground floor not designated as breakaway shall be demonstrated to be needed for shear or structural support and approved by Environmental Planning.
- 6. Submit a grading plan.
- 7. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, sewer laterals and drainage improvements. A standard driveway and conform is required.
- 8. A final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback and shall meet the following criteria:
 - a. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. The plan shall not include any species listed on the *California Invasive Plant Council List*. Vegetation must be able to survive without irrigation once established.
 - b. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
- 9. Final plans shall reference and incorporate all recommendations of the Engineering Geologic and Geotechnical reports prepared for this project, with respect to the construction and other improvements on the site. All pertinent Geotechnical report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. Plan review letters from the soils engineer and geologist shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the Geotechnical and Engineering Geologic reports.
- 10. Final plans shall conform with the conditions of the Soils and Geologic Reports Review dated December 18, 2006 (Exhibit D, Attachment 7).
- 11. Final plans shall note that Soquel Creek Water District will provide water service and shall meet all requirements of the District including payment of any inspection fees. Final plans shall show the water connection and shall be reviewed and accepted by the District.
- 12. The building plans must include a roof plan and a surveyed contour map

the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.

13. Details showing compliance with fire department requirements.
14. Final plans shall include an engineered drainage plan conforming with the requirements of the Drainage Section of the Department of Public Works. This drainage plan shall show an enclosed drainage system above the proposed residence of adequate size and capacity to carry the runoff from the upslope property and all proposed impervious areas within the parcel. All requirements of the Drainage Section of the Department of Public Works shall be met and the owner/applicant shall pay all fees for Zone 6 Santa Cruz County Flood Control and Water Conservation District, including plan check and permit processing fees.
15. Submit a detailed erosion and sedimentation control plan to be reviewed and accepted by Environmental Planning. The plan shall indicate that prior to the commencement of grading, the Permittees shall delineate the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas. The Erosion and Sedimentation Control Plan shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of grading materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in any runoff from construction, staging, and storage/stockpile areas; and provide for the replanting of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling constructions equipment at designated offsite maintenance areas; and the immediate clean-up of any leaks or spills.
16. Any new electrical power, telephone, and cable television service connections shall be installed underground.
17. All improvements shall comply with applicable provisions of the Americans

With Disabilities Act and/or Title 24 of the State Building Regulations.

18. Include in the plan set a Surveyor's Map showing areas contributing to off-site runoff to this parcel. This map can be the same as that submitted for the Preliminary Improvement Plan for the discretionary stage.
- D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- F. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- G. Pay the current fees for Parks and Child Care mitigation for five bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for one single-family dwelling. Currently, these fees are \$4,400 per unit (divided evenly between Roadside and Transportation fees).
- I. Provide required off-street parking for four (4) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- K. The owner shall record a Declaration of Geologic Hazards to be provided by Environmental Planning staff on the property deed. Proof of recordation shall be submitted to Environmental Planning. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department.
- L. A Deed Restriction shall be recorded which prohibits the use of the roof, side yards and rear yard except for the purpose of maintenance or repair.
- M. Submit a plan review letter from the project structural engineer stating the plans comply with FEMA elevation requirements.
- N. Submit an engineer's statement estimating construction costs including earthwork, drainage, all inspections (soils, structural, and civil engineers, etc.), and erosion control associated with the foundation, retaining walls, and drainage system for

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review and approval per the Waiver, Indemnification, Security, and Insurance Agreement. These estimates will be reviewed by the County Geologist and will be used for determining the appropriate amounts for each bond. 0708

- O. The two security bonds (one for 150% of the total construction cost released after completion of all slope stabilization construction, one for 50% released one year after final inspection) shall be in place prior to issuance of the building permit. Please submit proof indicating if Certificate of Deposits or Letters of Credit will be used to satisfy the bonding requirement.
- P. Obtain a permit from the Monterey Bay Air Pollution District, if required. This permit may require a diesel health risk assessment depending on the equipment used, the timing, and the distance of the construction from the nearest residence.
- Q. Submit a signed, notarized, and recorded maintenance agreement for the silt & grease traps prior to permit issuance.
- R. Submit photos showing the condition of Beach Drive from the project site to the private gate. These photos will be used to determine if any repairs are required to Beach Drive after construction due to construction related damage.

III. Prior to and during site disturbance and construction:

- A. Prior to any disturbance on either property the applicant shall convene a pre-construction meeting on the site with the grading contractor supervisor, construction supervisor, project geologist, project geotechnical engineer, Santa Cruz County grading inspector, and any other Environmental Planning staff involved in the review of the project.
- B. All land clearing, grading and/or excavation shall take place between April 15 and October 15. Excavation and/or grading is prohibited before April 15 and after October 15. Excavation and/or grading may be required to start later than April 15 depending on site conditions, as determined by Environmental Planning staff. If grading/excavation is not started by August 1st, grading must not commence until after April 15th the following year to allow for adequate time to complete grading prior to October 15th
- C. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
- D. Dust suppression techniques shall be included as part of the construction plans and implemented during construction. These techniques shall comply with the requirements of the Monterey Air Pollution Control District.
- E. All earthwork and retaining wall construction shall be supervised by the project soils engineer and shall conform with the Geotechnical report recommendations.

- F. All foundation and retaining wall excavations shall be observed and approved in writing by the project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.
 - G. Prior to sub-floor building inspection, compliance with the elevation requirement shall be certified by a registered professional engineer, architect or surveyor and submitted to the Environmental Planning section of the Planning Department. Construction shall comply with the FEMA flood elevation requirement of 21 feet above mean sea level for all habitable portions of the structure. Failure to submit the elevation certificate may be cause to issue a stop work notice for the project.
 - H. Construction shall only occur between the hours of 8 AM and 5 PM, Monday through Friday, with no construction activity allowed on weekends and holidays.
- IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official, the County Senior Civil Engineer, and the County Geologist.
 - C. The soils engineer/geologist shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geologic and soils report. A hold will be placed on the building permit until such a letter is submitted. A copy of the letter shall be kept in the project file for future reference.
 - D. Final erosion control and drainage measures shall be completed.
 - E. The project must comply with all recommendations of the approved soils reports.
 - F. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
 - G. Any damage to Beach Drive caused by construction activities shall be repaired.

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V. Operational Conditions

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- A. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof design and exterior elevations are prohibited, unless an amendment to this permit is obtained.
- B. All portions of either structure located below 21 feet mean sea level shall be maintained as non-habitable.
 - 1. The ground floor shall not be mechanically heated, cooled, humidified or dehumidified.
 - 2. The structure may be inspected for condition compliance twelve months after approval and at any time thereafter at the discretion of the Planning Director.
- C. This permit prohibits the use of the roof, side yards and rear yard except for the purpose of maintenance and/or repair.
- D. The homes must be maintained at all times. In the event of a significant slope failure, the owner must remove the debris from the roof within 48 hours under the direction of a civil engineer.
- E. All landscaping shall be permanently maintained.
- F. The residence shall maintain a subdued earth-tone coloration.
- G. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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

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

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defend, indemnify, or hold harmless the COUNTY if such failure to notify or⁰⁷¹¹ cooperate was significantly prejudicial to the Development Approval Holder.

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

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

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

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

VII. Mitigation Monitoring. The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

A. Pre-construction site meeting: Prior to any disturbance on the property, the applicant shall convene a pre-construction meeting on site with the applicant, grading contractor supervisor, project geologist, project geotechnical engineer, and the Santa Cruz County grading inspector (Condition III.A.). No inspections by Environmental Planning staff shall occur until this meeting is convened, and failure to conduct this meeting prior to the start of construction will be in violation of this permit and will result in a Stop Work order from the Building Department.

B. Plan review letters: Prior to building permit approval by Environmental Planning, the applicant shall provide plan review letters from the project geologist and project geotechnical engineer indicating they have reviewed the site plans and preliminary improvement plans (M. Beautz, July 2006), and that the design meets the recommendations of their reports and the review letter from the County Geologist (J. Hanna, letter dated December 18, 2006). A plan review letter shall also be submitted from the project structural engineer that the FEMA elevation requirements for non-

habitable and break away construction below 21 feet MSL has been met (Conditions of Approval II.C.9 and II.M).

- C. Construction plan: Prior to approval of the building and/or grading permit by Environmental Planning, the applicant shall submit a detailed construction plan, prepared by a Civil Engineer, indicating how the earthwork will proceed. The plan shall indicate the shoring plan, the phases of excavation, five foot maximum height for temporarily unsupported cuts, plan to work from the top down, and requirements for the project geotechnical engineer to be on site during excavation. The construction plan shall not be submitted without an accompanying letter from the project geotechnical engineer approving the plan (Condition of Approval II.B.).
- D. Restriction on winter grading: Grading shall not occur between October 15 and April 15. Further, if grading has not started before August 1st, it cannot start until April 15 of the following year (Condition III.B.). Environmental Planning will not issue a winter grading permit, and any grading during this time period will be in violation of the conditions of this permit and will be referred to Code Compliance.
- E. Declaration of Geologic Hazards: Prior to approval of the building permit application by Environmental Planning, a Declaration of Geologic Hazards must be recorded which identifies the hazards on the site, references the technical reports, and identifies the required mitigation measures and maintenance required to maintain the original level of risk (Condition II.K.).
- F. Drainage plan: Prior to approval of the building permit application by both Environmental Planning and the Department of Public Works, Drainage, the applicant shall submit a drainage plan prepared by the project Civil Engineer, presented on an accurate topographic base, for review and approval by the Department of Public Works Drainage staff, the project geotechnical engineer, and the County Geologist (Condition II.C.14).
- G. Erosion control plan: Prior to approval of the building permit by Environmental Planning, the applicant shall submit an erosion control plan for review and approval. Plans shall indicate that the destination of excess fill is either the municipal landfill or a receiving site with a valid permit (Condition II.C.15).
- H. Visual impacts: Prior to approval of the building permit by Development Review, the applicant shall submit a color board (in an 8 ½" x 11" format; not to exceed ¼" in thickness) and indicate on the plans the exterior colors and materials. These colors and materials shall be earth tone within the brown to green range, trim and accent colors will be subdued, and exterior materials will blend in with the colors and forms of the coastal bluff (Condition II.C.1, 2).
- I. Landscaping: Landscaping shall use native species and shall not be irrigated once established (Condition II.C.8.a).
- J. Side windows: Side windows shall be a maximum size of 14 inches by 18 inches

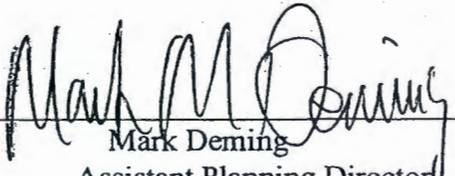
Application #: 06-0156
APN: 043-152-70
Owner: Michael and Deborah Collins

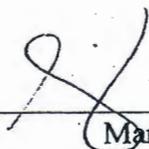
unless supported by structural steel and approved by the County Geologist and the project Geotechnical Engineer (Condition II.C.3). ⁰⁷¹³

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

Please note: This permit expires on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: October 24, 2007
Effective Date: November 8, 2007
Expiration Date: November 8, 2009


Mark Deming
Assistant Planning Director


Maria Perez
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, Ca 95060

Attention: Maria Perez
Application #: 06-0156

Waiver, Indemnification, Security and Insurance Agreement

This Agreement is made effective upon signature hereof by and between Michael & Deborah Collins or successor in interest to the subject property (hereinafter "APPLICANT/ OWNER"), Applicant and Owner, under Santa Cruz County Planning Department Application and Land Use Approval No. 06-0156 (as amended) hereinafter "subject Land Use Approval" for development on real property at 546 Beach Drive of the unincorporated area of the County of Santa Cruz, known as APN 043-152-70 (hereinafter "subject property"), and the COUNTY OF SANTA CRUZ (hereinafter "COUNTY" and including all officials, officers, employees, agents and volunteers thereof).

1. WAIVER.

APPLICANT/ OWNER hereby waives any claim he may have, either now or in the future, for damages or other monetary relief against the COUNTY resulting from or in connection with:

- (a) its action granting subject Land Use Approval; and
- (b) the conditions or uses on the subject property authorized by subject Land Use Approval, including, without limitation, any landsliding, sloughing, eroding or flooding which may occur on the subject property.

Except to the extent that the affirmative acts of the COUNTY cause the hazard, or the conduct of the COUNTY constitutes fraud, willful injury to person or property or violation of law.

This waiver, except as stated above, shall apply to all known and unknown, anticipated and unanticipated, injuries and damages resulting from:

- (a) the COUNTY's action granting subject Land Use Approval; and
- (b) the conditions or uses on the subject property authorized by subject Land Use Approval, including, without limitation, any landsliding, sloughing, eroding or

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limitation, any landsliding, sloughing, eroding or flooding which may occur on the subject property.

In so agreeing, APPLICANT/ OWNER hereby knowingly waives the provisions of Section 1542 of the Civil Code of the State of California which reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.”

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by the Paragraph as specified in Paragraph 8 hereof.

2. INDEMNIFICATION AND DEFENSE.

APPLICANT/ OWNER hereby agrees to defend, indemnify and hold harmless the COUNTY from and against all claims, actions, proceedings, demands, liabilities, costs and expenses (including attorneys' fees), or damage claimed by third parties on account of any damage, loss, injury to, costs or attorneys fees incurred by said third parties resulting from or in connection with:

- (a) the COUNTY's action granting subject Land Use Approval; and
- (b) the conditions or uses of the property authorized by subject Land Use Approval, including, without limitation, and landsliding, sloughing, eroding or flooding which may occur on the subject property.

Except to the extent that the affirmative acts of the COUNTY cause the hazard or the conduct of the COUNTY constitutes fraud, willful injury to person or property, or violation of law.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

3. NOTIFICATIONS AND COOPERATION BY COUNTY.

COUNTY shall promptly notify APPLICANT/ OWNER (or his successor(s) in interest) of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to promptly notify APPLICANT/ OWNER (or his successor(s) in interest, of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the APPLICANT/ OWNER (or his successor(s) in interest) shall not thereafter be responsible to defend, indemnify or hold harmless the COUNTY.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

4. COUNTY PARTICIPATION IN DEFENSE.

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

- (a) COUNTY bears its own attorney's fees and costs; and
- (b) COUNTY defends the action in good faith.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

5. SETTLEMENT.

Neither APPLICANT/ OWNER nor his successor(s) in interest shall be required to pay or perform any settlement unless such party has approved the settlement.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

6. SECURITIES.

APPLICANT/ OWNER and his successor(s) in interest, shall, from the date of signature hereof to the date of recordation of a Notice of Completion of all construction and improvements related to the stability of the coastal bluff and authorized by subject Land Use Approval, obtain and maintain, at minimum, all of the following securities, in the form of Letters of Credit (or if not reasonably feasible for owner to obtain, another type of surety), all subject to the reasonable discretion of the COUNTY Planning Director:

- (a) For "Faithful Performance", the amount of 100 percent of the cost of said construction and improvements as determined by the project's Geotechnical Engineer and accepted by the Planning Director, to guarantee faithful completion of the work; and
- (b) For "Materials and Labor", the amount of 50 percent of the cost of said construction and improvements as determined by the project's Geotechnical Engineer and accepted by the Planning Director, to guarantee payment to material providers and laborers furnishing materials, equipment, or labor in connection with the improvements; and
- (c) For "Guarantee, Warranty, and Maintenance of Work", the amount of 50 percent of the cost of said construction and improvements as determined by the project's Geotechnical Engineer and accepted by the Planning Director, to guarantee and

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warrant the work for a minimum period of 12 months following the completion of work against any defective work or labor done, or defective materials furnished and to maintain such work to the satisfaction of the COUNTY for said period if commercially reasonably available as reasonably determined by COUNTY Insurance Consultant.

In the event the APPLICANT/ OWNER fails to maintain, repair, replace or reconstruct the work to the satisfaction of the COUNTY, the above-described security shall be obligated for the payment of all necessary costs and expenses that may be incurred or expended by the COUNTY, in its sole discretion, in causing any or all repair, replacement, reconstruction, or maintenance of said work, which is discovered or may become necessary during said 12-month period.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

7. INSURANCE REQUIREMENTS AND STIPULATION THAT PROPERTY BE VACATED IF REQUIRED INSURANCE NOT PROVIDED.

IF THE INSURANCE REQUIREMENTS STATED IN THIS CONTRACT ARE COMMERCIALY REASONABLY AVAILABLE (AS REASONABLY DETERMINED BY COUNTY), APPLICANT/ OWNER (OR HIS SUCCESSORS IN INTEREST TO THE SUBJECT PROPERTY, HEREBY STIPULATE AND AGREE THAT THE SUBJECT PROPERTY SHALL BE IMMEDIATELY VACATED IF THE INSURANCE REQUIRED BY THIS PARAGRAPH IS AT ANY TIME NOT PROVIDED OR MAINTAINED IN FULL FORCE AND EFFECT. APPLICANT/ OWNER (and his successor(s) in interest) shall procure, purchase or obtain at his/her/its sole expense, and maintain in full force and effect such insurance as will protect him/her/it from all insurable claims, damages, losses, liability, costs, and expenses (including attorney's fees) which may arise out of or result from or in any way be connected with the APPLICANT/ OWNER'S activities, use of, work, services, and operations on the subject property pursuant to the subject Land Use Approval.

COUNTY shall not be responsible for any payment of premiums due as a result of compliance with the terms and conditions of these insurance requirements. The cost of such insurance shall be borne solely by the APPLICANT/ OWNER. The procurement and maintenance by the APPLICANT/ OWNER of each policy required to be obtained and maintained by the APPLICANT/ OWNER under this Agreement, which is a condition of subject Land Use Approval, shall not relieve, limit, or satisfy APPLICANT/ OWNER'S obligation to indemnify, defend and hold harmless COUNTY.

INSURANCE SPECIFICATIONS. The APPLICANT/ OWNER shall procure, pay for at his/her/its sole expense, and maintain in full force and effect, at all times (except as otherwise herein provided) during the life of this Agreement pursuant to the subject Land Use Approval, the following insurance coverages and APPLICANT/ OWNER shall

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comply with the policies carried to provide such coverage and such policies shall contain or be endorsed to contain the following understandings or provisions:

(a) Type and Insurance and Minimum Limits.

(1) APPLICANT/ OWNER Liability Insurance.

For both the construction phase and the residential use phase of the single family dwelling on the subject property, APPLICANT/ OWNER shall obtain and maintain Comprehensive Personal Liability (or equivalent) or Owner's Landlord and Tenant Liability Insurance coverage (as appropriate) of \$1,000,000 plus an additional \$1,000,000 of excess coverage (with no deductible or self-insured retention contingent upon form of liability insurance product purchased, and if there is a deductible, the deductible shall not exceed a reasonable amount as reasonably determined by County Insurance Consultant), including bodily injury, personal injury, contractual, and property damage liability. Such insurance coverage shall include, without limitation:

- A. Contractual liability coverage applicable to APPLICANT/ OWNER's indemnification, hold harmless, and defense obligations under this Agreement; and
- B. A cross-liability or severability of interest clause, if commercially reasonably available as reasonably determined by COUNTY.

The insurance broker (reasonably acceptable to COUNTY) of the APPLICANT/ OWNER will confirm in a letter that the liability insurance has been obtained which meets the insurance specification and obligations contained in paragraph 7(a)(1) and the applicable provisions of paragraph 7(b) of this Agreement.

(2) Structural Engineer and Geotechnical Engineer Professional Liability Insurance.

APPLICANT/ OWNER shall enter into a contract with a Registered Geotechnical Engineer and a Registered Structural or Civil Engineer for preparation or review of final plans and specifications for the design and construction of the development for which any permit is issued under subject Land Use Approval. Each such contract shall require said Geotechnical Engineer and said Structural or Civil Engineer, respectively, to be responsible for the accuracy, completeness and usability of their respective final plans and specifications, and respective final plans and specifications, and development, design, and construction documents and to actively and directly supervise the work. During the term of each said Contract, the Geotechnical Engineer and the Structural or Civil Engineer,

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each shall provide Professional Errors and Omissions Business Liability insurance coverage, including contingent or vicarious liability coverage, on an occurrence or claims made basis for any damages to the COUNTY or to third parties due to errors, omissions, or negligence in the performance of Geotechnical Engineer, and the Structural or Civil Engineer of their respective duties in the minimum amount of two hundred fifty thousand dollars (\$250,000) combined single limit or limits of coverage obtained by the Geotechnical Engineer, whichever is higher.

(3) General Contractor Liability Insurance.

APPLICANT/ OWNER shall enter into a contract with a General Contractor for construction of the development under subject Land Use Approval. Such contract shall require the General Contractor obtain and maintain Comprehensive General Liability Insurance on an occurrence basis to protect the General Contractor, the APPLICANT/ OWNER, the COUNTY from claims for damages for bodily injury, property damage, and personal injury, (including wrongful death) as well as claims for contingent or vicarious liability which arise from operations to construct the development authorized by subject Land Use Approval, whether such operations be by the General Contractor or a subcontractor or anyone directly or indirectly employed by either of them. Said liability coverage shall be in the minimum amount of one million dollars (\$1,000,000) combined single limit and include coverage and contractual liability, contingent liability, products and completed operations (on an occurrence basis), premises, operations, broad form property damage endorsement, and additional insured endorsement in favor of the COUNTY.

(b) Other Insurance Provisions.

- (1) Each insurance policy carried by or available to APPLICANT/ OWNER pursuant to this Agreement shall be primary and not excess nor contributing with respect to any insurance or self-insurance issued to, carried by or available to COUNTY. Any insurance or self-insurance maintained or carried by COUNTY shall be excess of APPLICANT/ OWNER'S insurance and shall not participate in nor contribute with such insurance carried by or available to APPLICANT/ OWNER. Each policy carried by or available to APPLICANT/ OWNER shall be endorsed or amended as necessary to reflect this provision.
- (2) As to all insurance coverage required herein, any deductible or self-insured retention shall be disclosed to and be subject to reasonable approval by COUNTY, prior to the commencement of any work on the subject property, except as expressly set forth elsewhere in this Agreement. Specific limitations on any deductible or self-insured

retention set forth elsewhere in this Agreement shall prevail over this provision.

- (3) Each insurance policy required pursuant to this Agreement shall contain a provision or be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed until thirty (30) days after the insurance company has given to COUNTY written notice by certified mail, return receipt requested, to the address shown below of such action, prior to its effective date. Such notice shall be sent to the COUNTY Planning Director, County of Santa Cruz, 701 Ocean Street, Room 400, Santa Cruz, California 95060. Any failure to comply with "loss reporting" provision of any policy shall not affect coverage provided to the COUNTY.
- (4) For insurance required by this Agreement, COUNTY shall be covered as an named additional insured as respects to: claims, damages, losses, liability, costs and expenses (including attorneys' fees) which may arise out of or result from or in any way be connected with the APPLICANT/ OWNER'S activities, use of, services, operations or work performed by the APPLICANT/ OWNER, her/her/its employees, agents, subcontractors or by others on behalf of APPLICANT/ OWNER as regards to any permit or approval issued under subject Land Use Approval. Use of Insurance Services Office Form HO-41 or its equivalent is acceptable.
- (5) Insurance required pursuant to this Agreement shall be placed only with an insurer having and maintaining a BEST'S rating of no less than B+ and a financial size of no less than "VI" for the first million and no less than "X" for the amounts in excess of one million, all as rated in the most current available BEST'S Insurance Report. Any exception to this requirement shall require the prior reasonable approval of the COUNTY and such exception shall be in writing, signed and dated by such authorized COUNTY representative.
- (6) No change or modification in these insurance specifications shall be made without prior written agreement by the COUNTY signed and dated by each affected party. Any oral discussion or agreement to change these insurance specifications shall be unenforceable and is hereby agreed to be null and void.
- (7) COUNTY shall be under no duty to either ascertain the existence of or to examine any insurance policy or to advise APPLICANT/ OWNER in the event that such insurance coverage does not comply with the requirements hereof. However, COUNTY may at any time, and from time to time, inspect and/or copy any and all insurance policies, endorsements, certificates and correspondence required to obtain or carried by APPLICANT/ OWNER pursuant to this Agreement.

ATTACHMENT 3

- (8) Prior to the final issuance of subject Land Use Approval, APPLICANT/ OWNER shall file with the COUNTY copies of each insurance policy, certificate of insurance coverage actually in force, and original endorsement effecting coverage required by this Agreement. Such correspondence and/or evidence of coverage shall be sent to:

Planning Director
 County of Santa Cruz
 701 Ocean Street, Room 400
 Santa Cruz, California 95060

Each certificate of insurance and/or endorsement for each such insurance policy shall be signed by a person authorized by the insurer to BIND coverage on its behalf. Each certificate of insurance and endorsement shall be on a form reasonably acceptable to the COUNTY and shall be received and approved by the COUNTY's Insurance Consultant prior to commencement of any work on subject property. COUNTY reserves the right to require a complete, true and certified copy of each required policy at any time. With respect to each commencement, renewal, material change, replacement, or substitution of any required insurance policy, the requirements of this paragraph shall be complied with not less than 30 days prior to the expiration or cancellation of each policy affected, or in the case of the commencement of the first such insurance policy required by this Agreement, compliance shall be documented and approved by COUNTY prior to commencement of work on subject property. APPLICANT/ OWNER hereby agrees to pay to COUNTY the reasonable cost incurred by COUNTY for any review for compliance by COUNTY's Insurance Consultant.

- (9) The excess insurance requirements shall expire five (5) years from the date of the recordation of Notice of Completion.

Each and every successor in interest to APPLICANT/ OWNER shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

8. SUCCESSORS BOUND.

APPLICANT/ OWNER agrees that this Agreement shall be recorded with the Recorder of the County of Santa Cruz, run with and be appurtenant to the land, and be binding on the successor(s) in interest, transferee(s), and assign(s) of APPLICANT/ OWNER of subject property. The COUNTY shall be notified by the Escrow Agent, or if there is none, by the Grantor, at least 30 days prior to the close of any transfer or assignment of subject property. Each Successor in interest, transferee, or assignee (excluding any party whose sole role is that of a lender) shall execute a new original of this Agreement and provide all documentation necessary to demonstrate compliance with this Agreement to COUNTY at least 30 days prior to the close of such transfer or assignment. Upon such

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execution and delivery of the new original Agreement and documentation demonstrating compliance with such Agreement to COUNTY, the prior owner shall be released from the obligations, including the insurance and indemnification and defense requirements, imposed by this Agreement.

8. SEVERABILITY.

If any provision of this Agreement is determined to be invalid by a final decision of Court, each and every other provision hereof shall remain in full force and effect.

Each and every successor in interest to APPLICANT/ OWNER of subject property shall be and hereby is bound by this Paragraph as specified in Paragraph 8 hereof.

IN WITNESS WHEREOF, APPLICANT/ OWNER and COUNTY hereby execute this Agreement.

Dated: _____

APPLICANT/ OWNER

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

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

WITNESS my hand and official seal

Signature _____
(Signature of Notary Public)

Dated: _____

COUNTY OF SANTA CRUZ

By _____

Tom Burns
Planning Director

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

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

WITNESS my hand and official seal

Signature _____
(Signature of Notary Public)

Approved as to Form:

Owner's Attorney

Approved as to Form:

CHRISTOPHER CHELEDEN, County Counsel



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: Jim Mosgrove, Architect, for Michael and Deborah Collins

APPLICATION NO.: 06-0156

APN: 043-152-70 (formerly 043-152-55)

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration
(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

 No mitigations will be attached.

 Environmental Impact Report
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Paia Levine, Environmental Coordinator at (831) 454-3178, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **March 7, 2007**

David Keyon
Staff Planner

Phone: 454-3561

Date: January 30, 2007

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NAME: Mosgrove for Collins
APPLICATION: 06-0156
A.P.N: 043-152-70

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NEGATIVE DECLARATION MITIGATIONS

- A. In order to ensure that the mitigation measures B – F (below) are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, construction supervisor, project geologist, project geotechnical engineer, Santa Cruz County grading inspector and /or other Environmental Planning staff. The permit conditions and work plan shall be reaffirmed by all parties and the destination for the excess fill shall be identified at that time.
- B. In order to avoid impacts from potential geologic and geotechnical hazards on the property, specifically potential for landslide and liquefaction:
1. The project shall be fully engineered and designed for the site conditions in accordance with the approved engineering geologic investigation (Nielsen and Associates, February, 2004), the approved geotechnical report (Haro, Kasunich, Associates, 2004 and March, 2006) and the review letter from the County Geologist detailing additional recommendations (J. Hanna, letter dated December 18, 2006).

Prior to scheduling the public hearing the applicant shall provide a letter from the project geologist and project geotechnical engineer indicating that they have reviewed the site plans and preliminary improvement plans (that the design meets the recommendations of their reports and the review letter from the County Geologist cited above).
 2. Prior to approval of a building or grading permit, the applicant shall submit a detailed construction plan, prepared by a Civil Engineer, indicating how the earthwork will proceed. The plan shall indicate the shoring plan, the phases of excavation, five foot maximum height for temporarily unsupported cuts, plan to work from the top down, project geotechnical engineer on site during excavation, etc. The construction plan shall not be submitted without an accompanying letter from the project geotechnical engineer approving the plan.
 4. Grading shall not occur between October 15 and April 15. Further, if grading has not started before August 1 it cannot be started until April 15 of the following year;
 5. Prior to approval of any building or grading permit, the applicant shall submit a plan check letter from the project geologist and project geotechnical engineer indicating that they have reviewed the plans and that they meet the recommendations of their reports, and from the project structural engineer that the FEMA elevation requirements and requirement for non habitable break away construction below 21 feet M.S.L. has been met;
 6. Prior to approval of any building or grading permit, the applicant shall record a

Declaration of Geologic Hazard onto the deed which identifies the hazards on the site, references the technical reports, and identifies the required mitigation measures and maintenance required to maintain the original level of mitigation.

7. Plans showing side windows shall indicate maximum size of 14 inches by 18 inches unless the windows are supported by structural steel.
 8. Landscape plans shall indicate that the slope will not be irrigated once plantings are established.
- C. Prior to scheduling the public hearing, the applicant shall submit a drainage plan prepared by the project Civil Engineer, presented on an accurate topographic base, for review and approval by the Department of Public Works drainage staff, the project geotechnical engineer and the County Geologist. The plan shall meet the requirements of the County Geologist and Department of Public Works, specifically: show control of all drainage and the drainage path through the outlet point onto the beach; detail pipes, inlets and outlets; show control of drainage originating upslope, indicate five foot drainage easement on both side property lines to accommodate drainage originating upslope, and calculations and sizing for all pipes.
- D. In order to avoid impacts from flooding and wave run up, prior to public hearing applicant shall revise the plans to clearly indicate that the elevation of the bottom of the lowest structural member of the lowest finished floor is above 21 feet MSL and that enclosed areas below that level are designed to "breakaway" under pressure, pursuant to FEMA regulations.
- E. In order to minimize impacts from accelerated erosion, winter grading shall not be approved. In addition, prior to issuing building or grading permits the applicant shall submit a detailed erosion control plan for review and approval of Environmental Planning Staff. Plans shall indicate that the destination of excess fill is either the municipal landfill or a receiving site with valid permit.
- F. To mitigate the visual impacts of the new home to the public beach the applicant shall revise the plans to indicate that exterior colors of the structure shall be earth tones in the brown-green range, trim and accent colors shall be subdued, and exterior materials shall be chosen to blend with the colors and form of the coastal bluff.



Environmental Review Initial Study

Application Number: 06-0156

Date: January 22, 2007
Staff Planner: David Keyon

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: Jim Mosgrove, Architect APN: 043-152-70 (formerly 043-152-55)

OWNER: Michael and Deborah Collins SUPERVISORAL DISTRICT: 2nd District

LOCATION: Northeast side of Beach Drive, about one mile southeast of Rio del Mar Boulevard on the bluff side, 500 feet past the entry gate to the private road.

SUMMARY PROJECT DESCRIPTION:

The proposed project consists of the construction of a three-story, five bedroom single-family dwelling, requiring about 1,600 cubic yards of grading within a Coastal Scenic Area. The proposal requires a Coastal Development Permit, Preliminary Grading Approval, A Variance to increase the number of stories to three, Design Review, Soils Report Review, and a Geologic Report Review.

ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Energy & Natural Resources | <input type="checkbox"/> Public Services & Utilities |
| <input checked="" type="checkbox"/> Visual Resources & Aesthetics | <input type="checkbox"/> Land Use, Population & Housing |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Cumulative Impacts |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED

- | | |
|--|---|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Land Division | <input checked="" type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Riparian Exception |
| <input type="checkbox"/> Development Permit | <input checked="" type="checkbox"/> Other: Variance |
| <input checked="" type="checkbox"/> Coastal Development Permit | |

NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations: None.

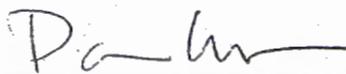
ENVIRONMENTAL REVIEW ACTION

On the basis of this Initial Study and supporting documents:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



Paia Levine

1.29.07

Date

For: Ken Hart
Environmental Coordinator

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size: About 12,888 square feet
Existing Land Use: Vacant
Vegetation: Coastal shrubs
Slope in area affected by project: 0 - 30% 31 - 100%
Nearby Watercourse: Pacific Ocean
Distance To: About 300 feet

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: N/A	Liquefaction: High probability
Water Supply Watershed: N/A	Fault Zone: N/A
Groundwater Recharge: N/A	Scenic Corridor: Coastal scenic area
Timber or Mineral: N/A	Historic: N/A
Agricultural Resource: N/A	Archaeology: N/A
Biologically Sensitive Habitat: N/A	Noise Constraint: None
Fire Hazard: N/A	Electric Power Lines: None
Floodplain: Property subject to Coastal Flooding and wave action	Solar Access: Adequate
Erosion: Coastal erosion & landsliding	Solar Orientation: South
Landslide: Landslide hazard area	Hazardous Materials: None

SERVICES

Fire Protection: Aptos/La Selva	Drainage District: Zone 6
School District: Pajaro Valley Unified	Project Access: Beach Drive (private)
Sewage Disposal: SC County Sanitation	Water Supply: Soquel Creek Water Dist.

PLANNING POLICIES

Zone District: RB (Ocean Beach Res.)	Special Designation: None
General Plan: R-UL (Urban Low Res.)	
Urban Services Line: <input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside	
Coastal Zone: <input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside	

PROJECT SETTING AND BACKGROUND:

The project site is located on the bluff side of the private section of Beach Drive in Aptos, between existing residences at 544 Beach Drive and 615 Beach Drive. The property is steeply sloped, with the entire site in excess of 50% slope. A line of mostly one-story homes already exists on the coast side of Beach Drive, between the project site and the beach.

The project site is located within the Federal Emergency Management Agency (FEMA) designated coastal hazard zone, subject to storm surges and wave action. This location

is subject to Federal regulations which require all habitable space to be located at least one foot above the 100-year flood level, which in this case is 21 feet above sea level.

Previous Coastal Development Permits have been approved for the construction of a single-family dwelling on site (Coastal Development Permits 96-0159 and 98-0161) but none were exercised.

DETAILED PROJECT DESCRIPTION:

The proposed single-family will be constructed along the face and toe of the coastal bluff on Beach Drive. The proposed house consists of three stories, with the lowest level being non-habitable due to Federal Emergency Management Agency (FEMA) regulations applying to wave run up areas (Flood Zone-V), which require all habitable space to be raised above the 100-year wave run up zone. The house is about 5,530 square feet in size, including five bedrooms and three and a half bathrooms, with a five-car garage on the 1st level. The house is larger than recently approved homes of similar construction on Beach Drive. The size of the parcel, however, is about twice the size of most parcels down coast from the project site. The exception is the house approved on the immediate downcoast property (permit 04-0255), approved by the Board of Supervisors on September 26, 2006, which is about 5,800 square feet in size.

Despite the size of the structure, the amount of grading will be comparable to recently approved homes of similar construction. This is because the amount of grading is determined by the angle of the slope on site.

Visibility of the house from the beach will be minimal, due to the existing line of houses on the coast side of Beach Drive, and the incorporation of earth-tone colors which will blend with the surrounding environment. Finally, the height of the house will match the existing and proposed development on the bluff side of Beach Drive.

The construction will be of a "bunker" style design as recommended in the Soils and Engineering Geologic Report prepared for the site. A "bunker house" is designed to withstand impacts from landslide debris on and around the structure and to withstand the weight of landslide debris on the roof. The house will be excavated into the bluff, with the rear and side walls functioning as retaining structures. Construction will be of reinforced concrete, specially designed glass to withstand impact by debris, and a foundation of drilled concrete piers founded in bedrock. To protect occupants from landslide debris, the third-story deck will be entirely covered, and the second-story deck will be covered for the first three feet to comply with the recommendations of the project's geotechnical report.

A lot line adjustment (permit 04-0037 approved in 2004), resulted in the transfer of about 4,500 square feet from the subject parcel to the adjacent up coast parcel, resulting in a change in parcel numbers from APN 043-152-55 to APN 043-152-70.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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III. ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and Soils

Does the project have the potential to:

1. Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:

A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence?

_____ X _____

B. Seismic ground shaking?

_____ X _____

C. Seismic-related ground failure, including liquefaction?

_____ X _____

A geologic investigation for the project was prepared by Nielsen and Associates, dated February, 2004 (Attachment 9), and a geotechnical investigation was prepared by Haro, Kasunich, and Associates, dated March 17, 2004 (Attachment 10). These reports have been reviewed and accepted by the County Geologist (Attachment 7). The reports conclude that fault rupture will not be a potential threat to the proposed development, and that seismic shaking and resulting landslides can be managed by following the recommendations in the geologic and geotechnical reports referenced above.

D. Landslides?

_____ X _____

The structure, at the base of the coastal bluff, will be vulnerable to damage or destruction from the expected landsliding and slope failure characteristic of coastal bluffs. Consequently, the Engineering Geologic and Geotechnical Reports (Attachments 9 and 10) prepared for the proposed residence address these hazards and propose mitigations to reduce the risk. The project soils engineer and geologist recommend constructing the dwelling as a reinforced concrete structure and flat roof designed to withstand the impact and resultant dead loads of any expected landslides. To comply with these recommendations, a "bunker" style design is proposed with the roof constructed of reinforced concrete and the sides of the structure designed as retaining walls to prevent damage by landslide flows along the side yards. The

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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flat roof and location of the house in the center of a wide lot will prevent landslide debris from being deflected into neighboring residences. Moreover, the home will be built flush with the face of the slope with minimal projection above the slope to minimize impact to the rear of the dwelling. Finally, the foundation is designed to withstand slope failure and to mitigate for unconsolidated soils. The soils engineer recommends that all decks and exterior stairways be covered with a 3 foot roof extension and that all side windows be designed to withstand landslide impacts and dead loads to minimize landslide hazards to occupants (see Geotechnical Plan Review Letter from Haro, Kasunich, and Associates dated, March 14, 2006, Attachment 6).

2. Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?

_____ X _____

The project site is located in an area subject to soil instability due to landsliding and coastal erosion processes. The design of the structure along the recommendations of the Geotechnical and Engineering Geologic Reports requires the use of reinforced concrete, a flat roof, covered decks, and impact resistant side windows to minimize harm to inhabitants in the event of a landslide by allowing landslide debris to flow on top of and over the house without sustaining significant structural damage (As discussed in A.1.d). To minimize potential instability during construction, a detailed work plan and shoring plan will be required for review and approval by the Planning Department prior to building permit issuance, and excavation will be monitored by the project geotechnical engineer.

3. Develop land with a slope exceeding 30%?

_____ X _____

The proposed project site will be located on slopes of 70% and greater. However, the design of the structure will mitigate impacts from potential hazards resulting from slope instability and landslides (See responses 1. and 2., above).

4. Result in soil erosion or the substantial loss of topsoil?

_____ X _____

During grading, the unconsolidated material of the bluff will be exposed. A detailed erosion control plan will be required to be submitted with the grading plans. Implementation of this plan, once approved, combined with only dry season grading (April 15 to October 15), will minimize the erosion impacts to a less than significant level.

5. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994), creating substantial risks to property?

_____ X _____

The geotechnical report for the project did not identify any elevated risk associated with

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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The structure will be located within a line of existing development.

3. Be inundated by a seiche or tsunami? _____ X _____

The location of the proposed dwelling on a beach leaves little protection from a seiche or tsunami. However, the reinforced concrete construction and elevation above the FEMA 100-year wave run up level will minimize potential hazards for small-scale events. The house will be subject to the same risk as existing beach development in a larger event.

4. Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table? _____ X _____

The project will obtain water from the Soquel Creek Water District and will not rely on private well water. Although the project will incrementally increase water demand, the Soquel Creek Water District has indicated that adequate supplies are available to serve the project (Attachment 12). The project is not located in a mapped groundwater recharge area.

5. Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion). _____ X _____

Runoff from this project may contain small amounts of chemicals and other household contaminants. No commercial or industrial activities are proposed that would contribute a significant amount of contaminants to a public or private water supply. Potential siltation from the proposed project will be mitigated through implementation of erosion control measures.

6. Degrade septic system functioning? _____ X _____

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site? _____ X _____

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	ATTACHMENT Less than Significant Or No Impact	Not Applicable
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Construction of a new dwelling on an exposed bluff face will alter existing drainage patterns. To handle runoff from the top of the bluff, the Geotechnical Report recommends construction of a concrete V-ditch on top of the uppermost retaining wall to collect runoff and direct it to the proposed drainage system. This system will direct both the runoff from the bluff above and the dwelling onto the beach. Prior to approval of the building permit, the Project Engineering Geologist, the Project Geotechnical Engineer, Environmental Planning, and the Department of Public Works, Drainage Division, must approve the final drainage plan. Control of uphill drainage will reduce existing erosion problems on the bluff face from uphill development. A plan for maintenance of the drainage system will be required as part of the "Declaration of Geologic Hazards" to be recorded on the property deed.

- | | | | | | |
|-----|---|-------|-------|----------------------|-------|
| 8. | Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff? | _____ | _____ | _____ X _____ | _____ |
| 9. | Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff? | _____ | _____ | _____ X _____ | _____ |
| 10. | Otherwise substantially degrade water supply or quality? | _____ | _____ | _____ X _____ | _____ |

C. Biological Resources

Does the project have the potential to:

- | | | | | | |
|----|---|-------|-------|----------------------|-------|
| 1. | Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service? | _____ | _____ | _____ X _____ | _____ |
|----|---|-------|-------|----------------------|-------|

According to the California Natural Diversity Data Base (CNDDDB), maintained by the California Department of Fish and Game, there are no known special status plant or animal species in the site vicinity, and there were no special status species observed in the project area.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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2. Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.)?

_____ X _____

There are no mapped or designated sensitive biotic communities on or adjacent to the project site.

3. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?

_____ X _____

The proposed project does not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site.

4. Produce nighttime lighting that will illuminate animal habitats?

_____ X _____

There are no sensitive animal habitats within or adjacent to the project site.

5. Make a significant contribution to the reduction of the number of species of plants or animals?

_____ X _____

6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, SensitiveHabitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)?

_____ X _____

No trees in excess of 6 inches in diameter will be removed as part of this project.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0737 Not Applicable
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7. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?

_____	_____	_____	X _____
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D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?

_____	_____	_____	X _____
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2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use?

_____	_____	_____	X _____
-------	-------	-------	------------

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner?

_____	_____	X _____	_____
-------	-------	------------	-------

4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)?

_____	_____	_____	X _____
-------	-------	-------	------------

E. Visual Resources and Aesthetics

Does the project have the potential to:

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource?

_____	X _____	_____	_____
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The proposed house will be visible from the public beach. However, the public viewshed is not pristine at this location, as it includes development on Beach Drive in the foreground, the

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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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coastal bluff above, and development along the top of the bluff on Bay View Drive. Rows of single-family dwellings already exist along the toe of the bluff about 25 feet upcoast and 200 feet downcoast of the project site, and the proposed dwelling will be of similar height to this existing development (See attachment 16 for a photo-simulation of the project).

The visual impact of the house on the beach will be limited as houses along the coast side of Beach Drive partially block views of the proposed house from the public beach, except during very low tides when the upper floors of the residence become visible to beach goers. When visible, the subdued coloration and limitations in building height will integrate the dwelling into the surrounding built and natural environment and break up the mass of the structure.

The applicant submitted a photo-simulation, showing how the proposed dwelling will appear on the site (attachment 16). The proposed colors, specifically the yellow stucco as shown, will not blend in with the natural colors of the site. Therefore, a condition will be added that the colors and materials must blend with the natural colors of the site, using earth-tone colors in the green-brown range. A color version of attachment 16 is on file with the Planning Department. Project conditions will require Planning Department approval of future changes to the exterior, including changes in materials and colors.

- 2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings? _____ X _____

As discussed in E.1. above, the proposed dwelling will be built into a coastal bluff that is visible from a beach. However, the visual impact of the project will be minimized through the usage of earth tone colors to integrate with the surrounding natural and built environment.

- 3. Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridge line? _____ X _____

The proposed single-family dwelling will use earth-toned colors to minimize the visual impact on the beach (as discussed in E.1., above), and will not alter the coastal bluff surrounding the construction site. No cuts will be visible from the beach, as the structure is required to be flush with the slope.

- 4. Create a new source of light or glare which would adversely affect day or nighttime views in the area? _____ X _____

A condition of approval for the Coastal Permit will require no exterior illumination of the beach and the use of non-glare windows. A lighting plan will be required prior to approval of the building permit, which must be reviewed and approved by the Planning Department prior to

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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building permit issuance.

5. Destroy, cover, or modify any unique geologic or physical feature? _____ X _____

The proposed residence will be notched into a coastal bluff, but will only cover a small portion of the existing bluff face.

F. Cultural Resources

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5? _____ X _____

The existing structure(s) on the property is not designated as a historic resource on any federal, State or local inventory.

2. Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5? _____ X _____

No archeological resources have been identified in the project area. Pursuant to County Code Section 16.40.040, if at any time in the preparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age are discovered, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

3. Disturb any human remains, including those interred outside of formal cemeteries? _____ X _____

Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.

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Page 14

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0740 Not Applicable
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4. Directly or indirectly destroy a unique paleontological resource or site?

_____	_____	X	_____
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G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?

_____	_____	X	_____
-------	-------	---	-------

No hazardous materials beyond household chemicals and materials will be used, posing no significant hazard to the environment.

2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

_____	_____	X	_____
-------	-------	---	-------

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?

_____	_____	_____	X
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4. Expose people to electro-magnetic fields associated with electrical transmission lines?

_____	_____	_____	X
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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0741 Not Applicable
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5. Create a potential fire hazard? _____

X

The project design incorporates all applicable fire safety code requirements and will include fire protection devices as required by the local fire agency. Furthermore, the reinforced concrete construction and the setbacks of at least 24 1/2 feet from the side property lines will reduce any potential fire hazards to adjacent properties.

6. Release bio-engineered organisms or chemicals into the air outside of project buildings? _____

X

H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? _____

X

The new five-bedroom dwelling will result in a minimal increase in traffic, which can be accommodated by Beach Drive and the road system in the vicinity. Construction traffic will be limited to the hours of 8am to 5pm Monday through Friday (excluding National holidays) as a Condition of Approval to minimize traffic impacts for residents and beachgoers.

2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities? _____

X

The project meets the code requirements for the required number of off-street parking spaces for a five-bedroom single-family dwelling

3. Increase hazards to motorists, bicyclists, or pedestrians? _____

X

The proposed project will comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0742 Not Applicable
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4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?

_____ X _____

The level of traffic generated by one single-family dwelling (about 10 trip-ends) will not present a significant impact.

I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

_____ X _____

Any noise generated on site will be consistent with ambient noise levels from surrounding residential uses.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?

_____ X _____

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

_____ X _____

During construction, neighboring properties will be subjected to temporary increases in noise. Construction will be confined to the hours of 8am to 5pm Monday through Friday (except National holidays) so the impact to residents and weekend beachgoers will not be significant.

J. Air Quality

Does the project have the potential to:
(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0743 Not Applicable
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- | | | | | | |
|----|---|-------|-------|---|-------|
| 1. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | _____ | _____ | X | _____ |
| 2. | Conflict with or obstruct implementation of an adopted air quality plan? | _____ | _____ | X | _____ |
| 3. | Expose sensitive receptors to substantial pollutant concentrations? | _____ | _____ | X | _____ |
| 4. | Create objectionable odors affecting a substantial number of people? | _____ | _____ | X | _____ |

K. Public Services and Utilities

Does the project have the potential to:

- | | | | | | |
|----|--|-------|-------|---|-------|
| 1. | Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| a. | Fire protection? | _____ | _____ | X | _____ |
| b. | Police protection? | _____ | _____ | X | _____ |
| c. | Schools? | _____ | _____ | X | _____ |

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0744 Not Applicable
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d. Parks or other recreational activities?

_____ X _____

e. Other public facilities; including the maintenance of roads?

_____ X _____

While the project represents an incremental contribution to the need for services, the increase will be minimal. Moreover, the project meets all of the standards and requirements identified by the local fire agency or California Department of Forestry, as applicable, and school, park, and transportation fees to be paid by the applicant will be used to offset the incremental increase in demand for school and recreational facilities and public roads.

2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

_____ X _____

Prior to project approval, a drainage plan prepared by the project Civil Engineer shall be approved by the Department of Public Works drainage staff, the project geotechnical engineer, and the County Geologist.

3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

_____ X _____

The project will connect to an existing municipal water supply. The Soquel Creek Water District has determined that adequate supplies are available to serve the project with appropriate mitigation measures (Attachment 12).

4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?

_____ X _____

The project's wastewater flows will not violate any wastewater treatment standards.

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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0745 Not Applicable
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5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection? _____ X _____

The water mains serving the project site provide adequate flows and pressure for fire suppression. Additionally, Aptos/La Selva Fire Protection District, has reviewed and approved the project plans, assuring conformity with fire protection standards that include minimum requirements for water supply for fire protection.

6. Result in inadequate access for fire protection? _____ X _____

The project's road access meets County standards and has been approved by the Aptos/La Selva Fire Protection District. Construction of a house in a hazard prone area will result in an incremental increase in the need for all emergency services. During and after a catastrophe, emergency crews may not be able to access the area due to debris and/or landslide material. To offset this, the applicants shall consult with the County Office of Emergency Services and the Aptos-La Selva Fire District to establish a contingency plan for emergency response after a catastrophe.

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse? _____ X _____

The project will make an incremental contribution to the reduced capacity of regional landfills. However, this contribution will be relatively small and will be of similar magnitude to that created by existing land uses around the project. Erosion control plans submitted for the grading and building permit which shall indicate the destination of excess fill.

8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management? _____ X _____

L. Land Use, Population, and Housing

Does the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect? _____ X _____

General Plan/LCP policy 6.2.15(a) requires that for all properties subject to storm wave inundation or beach or bluff erosion, technical reports must demonstrate that the hazards can be mitigated over the expected 100 year lifespan of the building. The project meets this policy (see discussion under B.1, above).

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	0746 Not Applicable
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General Plan/LCP policy 6.3.9 requires that site grading be minimized by requiring foundations to be designed to minimize cuts and fills and requiring avoidance of particularly erodible areas, and General Plan/LCP policy 8.2.2 requires new development to be sited and designed to minimize grading, avoid or provide mitigations for geologic hazards and conform to the physical constraints and topography of the site. The project meets this policy in that the design is a "bunker" style structure that fully considers the physical hazards on the site.

The "bunker" style construction recommended by the Geotechnical Report requires the rear of the house to be flush with the coastal bluff to serve as a retaining wall. This requires excavation into the bluff. The proposed 1,600 cubic yards of grading is not excessive for a house constructed in this style, as the amount of grading is similar to recently approved homes of a similar design at the southern end of Beach Drive. Furthermore, the proposed residence steps up the bluff to minimize excavation.

The County Geologist has determined that the cumulative effects of a number of excavations into the bluff on overall stability of that bluff will be insignificant as long as each operation is carried out per the guidelines of Geologic and Geotechnical reports as well as under the supervision of the report's authors, as outlined in the Geotechnical Report Review Letter, Attachment 8.

General Plan/LCP policies 5.10.2 & 5.10.3 require that development in scenic areas be evaluated against the context of their environment, utilize natural materials, blend with the area and integrate with the landform and that significant public vistas be protected from inappropriate structure design. The County's Urban Designer evaluated the proposed house for conformance with the County's Coastal Zone Design Criteria (County Code Section 13.20.130) and for compliance with the County's Design Review Ordinance (County Code Section 13.11). The proposed location and design of the dwelling has been determined by the Urban Designer to comply with all applicable provisions of these ordinances (attachment 15).

General Plan/LCP policy 5.10.7 allows structures which would be visible from a public beach, where compatible with existing development. Subsequent to Design Review the proposed dwelling has been determined to be compatible with the existing development along Beach Drive in terms of bulk, mass, scale, color, and materials. Furthermore, the visual impact of the proposed house on the beach will be minimized by the presence of existing development on the coast side of Beach Drive, with only the top story visible from the beach during low tides.

General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials chosen blend with the natural landforms. The proposed dwelling will comply with this policy by incorporating earth-tone colors to blend in with the colors of the bluff to the rear (attachment 16, color versions of this photosimulation are on file).

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- Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?

_____ X _____

M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies?

Yes _____ No X

This project is located within the appeal jurisdiction of the California Coastal Commission, and if approved is subject to the Coastal Commission's appeal process. However, the County of Santa Cruz is the issuing agency for the Coastal Permit (unless the project is appealed to and accepted by the Coastal Commission).

N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory?

Yes _____ No X

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future)

Yes _____ No X

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)?

Yes _____ No X

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes _____ No X

TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>COMPLETED*</u>	<u>N/A</u>
Agricultural Policy Advisory Commission (APAC) Review	_____	_____	X
Archaeological Review	_____	_____	X
Biotic Report/Assessment	_____	_____	X
Geologic Hazards Assessment (GHA)	_____	_____	_____
Geologic Report	_____	2/04	_____
Geotechnical (Soils) Report	_____	2/04	_____
Riparian Pre-Site	_____	_____	X
Septic Lot Check	_____	_____	X
Other:	_____	_____	_____
	_____	_____	_____

Attachments:

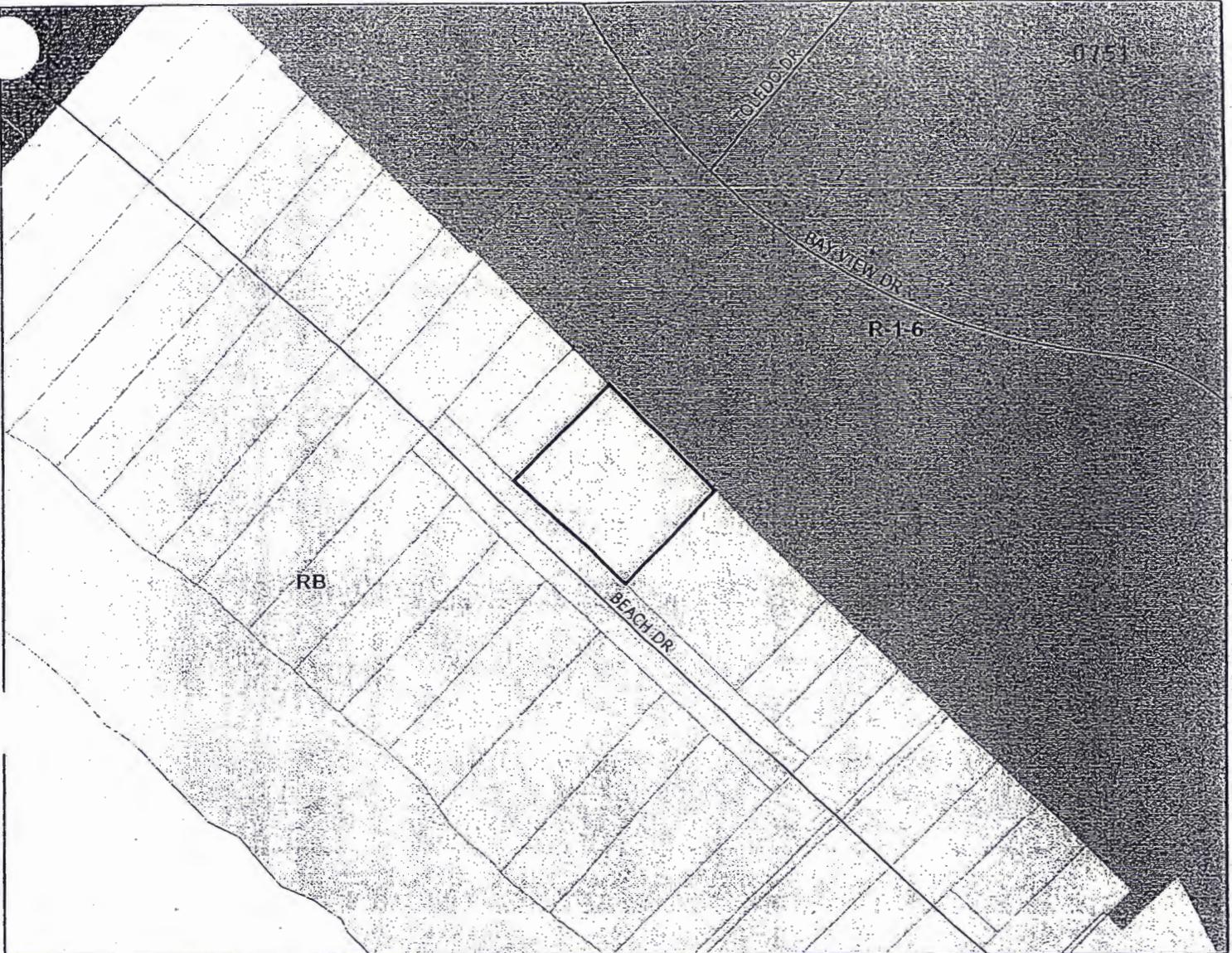
1. Vicinity Map
2. Map of Zoning Districts
3. Map of General Plan Designations
4. Project Plans (on file)
5. Assessors Parcel Map
6. Geotechnical Review Letter prepared by Haro, Kasunich, and Associates, dated March 14, 2006.
7. Engineering Geologic and Geotechnical Report Acceptance Letter, prepared by Joe Hanna, County geologist, dated December 18, 2006.
8. Geotechnical Investigation (Conclusions and Recommendations) prepared by Haro, Kasunich, and Associates, dated February 2004.
9. Engineering Geologic Investigation (Report Summary, Conclusions, Recommendations, Map & Cross Sections) prepared by Nielsen and Associates, dated February 2004.
10. Discretionary Application Comments, dated October 23, 2006.
11. Letter from Soquel Creek Water District, dated April 5, 2006
12. Memo from Department of Public Works, Sanitation, dated April 5, 2006.
13. FEMA Flood Plain Map
14. Urban Designer's Comments, dated April 18, 2006.
15. Photo-simulations of proposed project.



Zoning Map

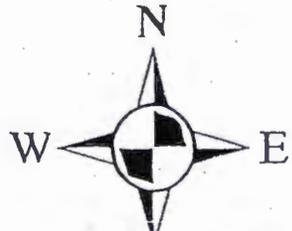
ATTACHMENT 2

2



Legend

-  APN 043-152-70
-  Streets
-  Assessors Parcels
-  RESIDENTIAL- OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)



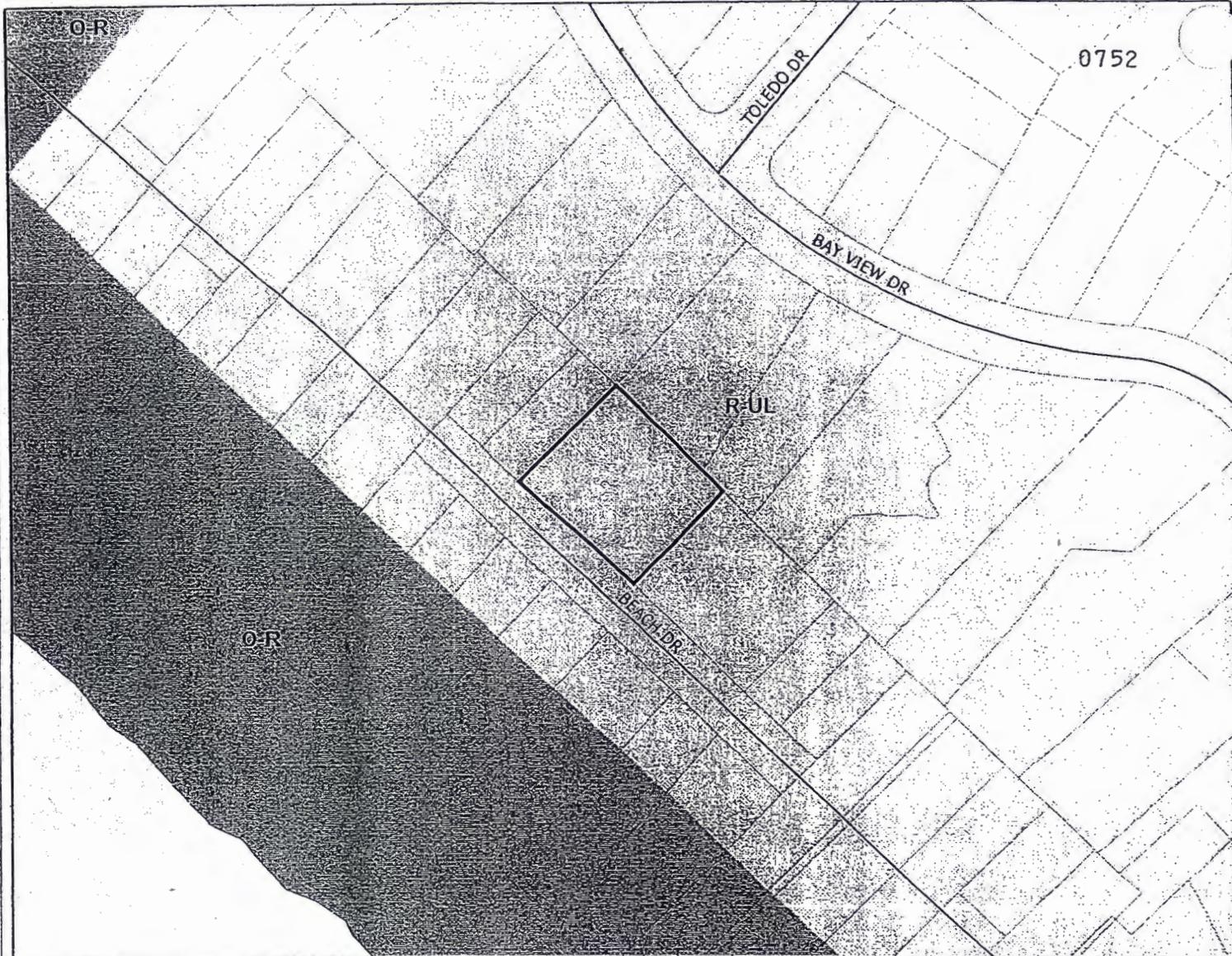
Environmental Review Initial Study
ATTACHMENT 2
APPLICATION 06-0156

CCC Exhibit 1B Map Created by
 County of Santa Cruz
 Planning Department
 (page 25 of 133 pages) March 2006



General Plan Designation Map

ATTACHMENT 3

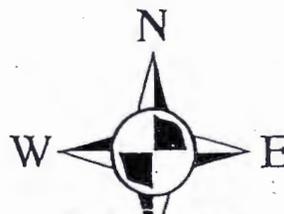


Legend

-  APN 043-152-70
-  Streets
-  Assessors Parcels
-  Residential - Urban Low Density (R-UL)
-  Parks and Recreation (O-R)

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CCC Exhibit 1B
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Environmental Review Initial Study
ATTACHMENT 3
APPLICATION 06-0156

Map Created by
County of Santa Cruz
Planning Department
March 2006

Project No. SC8462.56
14 March 2006

0762

MIKE AND DEBBIE COLLINS
13 South California Street
Lodi, California 95240

Subject: Project Plan Review

Reference: Proposed Blufftoe Residence
APN 043-152-55
546 Beach Drive
Santa Cruz County, California

Dear Mr. and Mrs. Collins:

Our firm prepared the Geotechnical Investigation for Two Proposed Blufftoe Residences dated 17 March 2004 for the proposed residence at the referenced site. We also prepared the letter titled Addendum Design Criteria dated 1 March 2006 outlining project specific debris impact loads and temporary shoring recommendations.

This letter is written to outline our review of the geotechnical aspects of the architectural plans and the preliminary structural details of the bluff face retaining wall system. Architectural plans were prepared by Jim Mosgrove and are dated 1 January 2006. Preliminary structural engineering plans were prepared by Buchanan Engineering, dated 23 February 2006. Specifically we reviewed the following plan sheets:

- 1) Sheet A1- Site Plan;
- 2) Sheet A-4- Living Level with Covered Deck & Landslide Containment Wall;
- 3) Sheet A6- West Elevation;
- 4) Sheet A7- East Elevation;
- 5) Sheet A8- Site Section with Preliminary Structural System;
- 6) Sheet 1- Michael Beutz, C.E.- Drainage Plan dated February 2006;
- 7) Sheet 2 & 3- Michael Beutz, C.E.- Sections dated February 2004;
- 8) Sheet L-1- Erosion Control Notes by Michael Arnone dated 7 February 2006;
- 9) Sheet SH1- Shoring Specifications;
- 10) Sheet SH2- Shoring Plan;
- 11) Sheet SH3- Shoring Sections

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Mike and Debbie Collins
Project No. SC8462.56
546 Beach Drive
14 March 2006
Page 2

ATTACHMENT

0763

- 12) Sheet SH4- Shoring Elevations; and
- 13) Sheet SH5- Shoring Details.

The Preliminary Improvement Plans by Michael Beautz, C.E. show the lowest living story at elevation 25.5 feet NGVD, above the FEMA Base Flood Elevation of 21 feet NGVD.

The Landscape Plan - Erosion Control Notes outlines the use of an irrigation system for slope planting. We recommend irrigation be temporary and water cut off after planting is established.

It is our opinion the aforementioned plan sheets were prepared in general conformance to our geotechnical recommendations.

If you have any questions, please call our office.

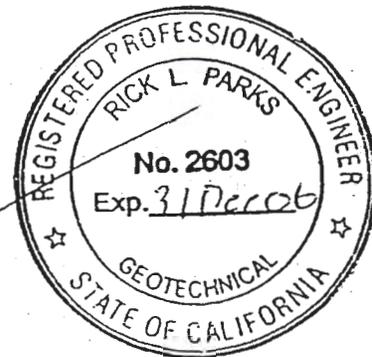
Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

Rick L. Parks
G.E. 2603

RLP/dk

Copies: 1 to Addressee
4 to Jim Mosgrove
1 to John Buchanan
1 to Hans Nielsen



CCC Exhibit 18
(page ~~86~~ of ~~133~~ pages)



COUNTY OF SANTA CRUZ 0764

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

December 18, 2006

Michael Collins
 13 S. California Street
 Lodi, CA 95240

And,

Jim Mosgrove
 117 Little Creek Road
 Soquel, CA 95073

Subject: Review of Engineering Geology Report, by Neilsen and Associates, February 2004, Project # 1058; and Geotechnical Report by Haro, Kasunich and Associates Dated March 14, 2006 and March 17, 2004 Project #: SC8642, APN 043-152-70, *Application #:* 06-0156

Dear Messers Collins and Mosgrove,

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

1. All construction shall comply with the recommendations of the report.
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Before building permit issuance, *plan-review letters* shall be submitted to Environmental Planning from both the geotechnical engineer and engineering geologist. The authors of the reports shall write the *plan review letters*. Each letter shall state that the project plans conform to the report's recommendations.
4. Prior to the public hearing on any permit related to this project, the engineering geologist and geotechnical engineer must confirm the strength of the on site rock and soils materials through on site testing program and submit this testing data to the County for approval by the County Geologist.

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(over)

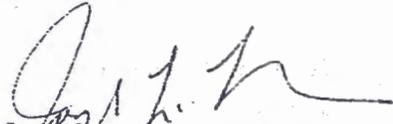
5. The construction must comply with all County Geologic Hazards Code, the provisions of FEMA regulation, and the County Building Code. This shall include the raising the lowest floor elevation so that it is located above the flood hazard zone.
6. All decks must be covered to protect any one using the decks from potential landslide debris.
7. All windows on the sides of the building and potential impacted by landsliding must be designed so that they have a dimension less than 14 inches.
8. A complete shoring plan must be reviewed and approved before issuance of any building permit
9. The application for a building permit shall include an engineered grading and drainage plan.
10. Drainage easements must be designated on the property lines on either side of the property so that the properties above the proposed residence are able to conduct their drainage through the subject lot in a controlled manner.
11. Before the final inspection of the home, the engineering geologist, geotechnical engineer, civil engineer, and contractor must indicate that with regards to area of expertise that the home has been constructed in accordance with the approved plans, and the home is safe to occupy.
12. A notice of geologic hazards shall be recorded with County Recorders Office that indicates that home is located in an area of flooding, wave attack, and landsliding.

After building permit issuance the soils engineer and engineering geologist *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

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

Please call the undersigned at (831) 454-3175, email pln829@co.santa-cruz.ca.us if we can be of
any further assistance. 0766

Sincerely,



Joseph L. Hanna CEG 1313
County Geologist

Cc: Haro, Kasunich and Associates
Neilsen and Associates

Environmental Review Initial Study ⁷/₂

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Project No. SC8462
17 March 2004

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS
FROM: HANO, KARWICHT ASSOC 3/04

The residential structures are to be supported by drilled piers embedded into undisturbed sandstone bedrock. The Purisima Formation is described by geologic maps (Brabb, 1989) as a siltstone/sandstone. The Purisima formation along the base of the Beach Drive bluff consists of very dense, silty sand with very little cementation. Pier drilling below the average groundwater elevation, about +2 feet NGVD, is problematic. At a minimum, we anticipate full length casing will be needed to maintain pier excavation integrity. Weighted drilling fluid may also need to be used with the casing to mitigate the potential for saturated sands flowing into the casing as the auger is withdrawn. Large diameter pier excavations, 3 to 5 feet in diameter, may be drilled with weighted drilling fluid and a surface conductor casing.

The residential structures will be elevated above the FEMA Base Flood Elevation, 21 feet NGVD. The driveways and the seaward portions of the understories for the proposed residences will be situated upon about 16 feet of beach sand, talus deposits, and roadway fill. During a severe seismic event the soil materials within the wave cut platform underlying the aforementioned area may settle due to either dry seismic consolidation and/or liquefaction. The vertical bearing of the proposed residence will not be effected by either liquefaction or lateral spreading provided the piers are designed per our geotechnical recommendations. During severe seismic shaking, we do expect the driveways ar

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17 March 2004

possibly the understory parking areas to be damaged and need to be repaired or replaced. To minimize settlement and minimize maintenance from normal usage, we recommend the driveway areas plus 3 feet horizontally in all directions on property be redensified to a depth of 3 feet to at least 90 percent relative compaction. The top 12 inches of the redensified soils should be compacted to at least 95 percent relative compaction. As per FEMA guidelines the understory slabs on grade will be displaced during a design storm event, allowing flood waters to flow through the foundation systems with minimal obstruction and wave deflection. The driveway and parking platform at each residence is expected to be undermined, lost and replaced during the design life of the structure.

We recommend the residences be constructed to withstand impact and debris loads from the inevitable future slope failures. It is our opinion concrete roofs supported by a steel and concrete frames will be necessary to protect the residences. In order to prevent landslide debris from being deflected onto the adjacent upcoast and downcoast parcels, the roofs should be flat.

Due to the transition from infilled wave cut platform to undisturbed, dense native soil at the seaward perimeter of the building envelopes, and to comply with the FEMA requirement the residences be supported by open foundation systems, it will be necessary to support the structures on drilled pier foundation systems. The seaward piers will penetrate the beach sand and fill materials. Drilled piers should be embedded such that the bases are

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17 March 2004

at least 10 feet horizontally from the surface of the undisturbed sandstone bluff face. The geologic cross sections can be utilized to estimate the minimum pier depths.

During construction of the residences, it will be necessary to temporarily shore the excavated backslopes as well as portions of the side yard talus slopes during construction. The talus deposits above the residences can be expected to slough off the slope during construction. We will work with the project earthwork contractor and engineering geologist during construction to evaluate the upslope talus deposit wedge and remove the loose soils if necessary prior to excavation of the building envelopes.

If all recommendations in the geologic and geotechnical reports are closely followed and properly implemented during design and construction, and maintained for the lifetime of the proposed residence, then in our opinion, the occupants within the residence should not be subject to risks from geologic hazards beyond the "Ordinary Risks Level," in the "Scale of Acceptable Risks" contained in the Appendix of this report.

The following recommendations should be used as guidelines for preparing project plans and specifications:

Environmental Review Initial Study

Site Grading

1. The geotechnical engineer should be notified at least four (4) working days prior to any site clearing or grading so that the work in the field can be coordinated with the grading contractor, and arrangements for testing and observation can be made. The recommendations of this report are based on the assumption that the geotechnical engineer will perform the required testing and observation during grading and construction. It is the owner's responsibility to make the necessary arrangements for these required services.

2. Where referenced in this report, Percent Relative Compaction and Optimum Moisture Content shall be based on ASTM Test Designation D1557-78.

3. Areas to be graded should be cleared of all obstructions including loose fill, building foundations, trees not designated to remain, or other unsuitable material. Existing depressions or voids created during site clearing should be backfilled with engineered fill.

4. Cleared areas should then be stripped of organic-laden topsoil. Stripping depth should be from 2 to 4 inches. Actual depth of stripping should be determined in the field by the geotechnical engineer. Strippings should be wasted off-site or stockpiled for use in landscaped areas if desired.

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5. Areas to receive engineered fill should be scarified to a depth of 6 inches, moisture conditioned, and compacted to at least 90 percent relative compaction. Portions of the site may need to be moisture conditioned to achieve a suitable moisture content for compaction. These areas may then be brought to design grade with engineered fill.

6. Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction. The driveway areas plus 3 feet horizontally in all on property directions should be supported by at least 3 feet of engineered fill compacted to at least 90 percent relative compaction. The upper 12 inches of driveway pavement and exterior slab subgrades should be compacted to at least 95 percent relative compaction. If engineered fill is utilized upslope of the residences to fill voids between the structures and the hillside, engineered fill requirements will be prepared on a specific basis during the final structural engineering design process.

The aggregate base below asphaltic pavement sections should likewise be compacted to at least 95 percent relative compaction.

7. The on-site soils generally appear suitable for use as engineered fill. Materials used for engineered fill should be free of organic material, and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches.

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8. We estimate shrinkage factors of about 20 percent for the on-site materials when used in engineered fills.
9. We recommend a maximum vertical height of five (5) feet for temporary cut slopes. We recommend top down construction for the bluff face retaining wall system.
10. Following grading, all exposed slopes should be planted as soon as possible with erosion-resistant vegetation.
11. After the earthwork operations have been completed and the geotechnical engineer has finished his observation of the work, no further earthwork operations shall be performed except with the approval of and under the observation of the geotechnical engineer.

Foundations

12. The proposed residential structures may be supported on a drilled pier foundation system. Drilled piers should penetrate talus deposits and beach sand and be embedded into undisturbed native soil.

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Drilled Piers

13. Drilled piers should be at least 18 inches in diameter and be embedded at least 8 feet into undisturbed Purisima sandstone. Drilled piers should be embedded such that the bases are at least 10 feet horizontally from the surface of the undisturbed native soils as delineated on the Nielsen & Associates Geologic Cross-Sections.

14. Piers constructed in accordance with the above may be designed for an allowable end bearing capacity of 20 ksf for a minimum piers spacing of three (3) pier diameters or greater. This value may be increased by one third for short term seismic and wind loading. The bottom of the excavation should be clear of debris. Due to the loose nature of the talus deposits and groundwater at about +2 feet, NGVD, we anticipate the pier holes will need to be cased, shielded or maintained with weighted drilling mud. If drilled piers are to be greater in diameter than two (2) feet, a settlement analysis should be performed.

15. For passive lateral resistance, all fill materials, beach sand and the top 1 foot of the cut Purisima Formation should be neglected in pier design. A horizontal setback of 5 feet between the top of the passive zone and the surface of the engineering geologist's undisturbed native slope boundary should also be maintained. From -1 foot to -4 feet below the aforementioned horizontal setback, a lateral passive lateral resistance of 500 pcf (efw) times 2 pier diameters may be used. Below -4 feet, a passive lateral resistance of 600 pcf (efw) times 3 pier diameters may be used for structural design.

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16. To resist uplift forces, an allowable skin friction value of 315 psf of pier sidewall may be used within the Purisima formation. The uplift skin friction requires a horizontal setback of at least 5 feet from the face of the Purisima sandstone delineated on the Geologic Cross-Sections.

Retaining Walls and Lateral Pressures

17. Retaining walls should be designed to resist both lateral earth pressures and any additional surcharge loads. Cantilever or unrestrained walls up to 30 feet high should be designed to resist an active equivalent fluid pressure of 70 pcf for sloping backfills inclined up to 1:1 (horizontal to vertical). Restrained walls should be designed to resist uniformly applied rectangular wall pressures of $45H$ psf where H is the height of the wall. The configuration of the landward portion of the residence can have a dramatic effect on active and seismic surcharge loading. A stepped floor system at 1:1 (H:V) or less steep up the hillside will significantly reduce surcharge loading from above structure levels as well as break up the total height of the active zone into smaller components versus a 30 foot height active zone. We will work with the project architect and structural engineer to evaluate specific design scenarios in order to produce an efficient design.

18. Within the active zone, a seismic surcharge of $16H/\text{ft}$ should be utilized in design of the retaining walls. The resultant of the seismic loading should act at $0.6H$, where H is the height of the wall.

19. In addition, the walls should be designed for any adjacent live or dead loads which will exert a force on them.
20. Retaining walls that act as interior house walls should be thoroughly waterproofed.
21. For fully drained conditions as delineated above, we recommend a geotextile drainage blanket equivalent to Miradrain 6000 be used.
22. If engineered fill is utilized upslope of the residence to fill voids between the structure and the hillside, engineered fill requirements will be prepared on a specific basis during the final structural engineering design process.

Tieback Anchors

23. For design of the tieback anchors, the pressure grouted anchor bulb (bonded zone) should be at least 20 feet from the face of the retaining wall.
24. Tieback loading is dependent upon anchor tendon strength. The small diameter anchor shafts should be designed for tension in the direction of the axis of the anchor.
25. Grouted tieback anchors should have a minimum overburden cover of at least 25 feet.

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26. A working shaft bond friction of 2,500 psf between soil and non-pressure grouted anchor diameters may be considered for design of small diameter (4 to 8 inch) tieback anchors where building envelope/property boundaries allow the use of a longer bonded zone tieback.
27. The maximum bond strength/design load should not exceed 100,000 pounds.
28. The tieback anchors may be installed up to a maximum angle of 20 degrees from horizontal.
29. Upon completion of the backfill behind the walls, all tiebacks should permanently stressed to 60 percent of their design load or as directed by the project structural engineer. In addition, all tiebacks must be tested by the contractor in the presence of the geotechnical engineer to 100 percent of their design load. Any tiebacks that fail during testing must be replaced and re-tested by the contractor.
30. All tiedback anchor systems must be corrosion protected and reviewed by the geotechnical engineer before the contractor purchases and installs them.

Project No. SC8462
17 March 2004 0777Landslide Debris - Dead Loads

31. Landslide debris may pile up on the flat roof with the pile having slopes on the sides and front of about 1.5:1 (horizontal to vertical).

32. We recommend designing the sidewalls and windows to accommodate static active earth pressures of 30 pcf for a non-restrained condition or 19.5 H psf/ft if the floor and roof between the sidewalls act to restrain the walls. During the design process, we will work with the project design team to specify sidewall debris loading relative to a working design.

Lateral Spreading Active Force

33. The seaward perimeter (only) foundation systems of the two proposed residences should be designed to withstand an active lateral force of 30 pcf (efw) to accommodate any future lateral spreading of the beach sediments above the historic scour line. The potential lateral spreading will extend from the historic scour line at 0 feet NGVD up to an elevation of +6 feet NGVD.

Parking Slab on Grade

34. As outlined in the FEMA Coastal Construction Manual, see Figures 22 to 24, parking may be facilitated by use of a unreinforced slab, supported directly on the soil present at the site.

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17 March 2004

35. It is our opinion paving stones or asphaltic pavement may be used as an alternative to the unreinforced frangible concrete driveway section outlined by FEMA.

36. For design of the driveway parking areas, we recommend the proposed pavement section, unreinforced frangible concrete slab or paving blocks be supported by at least 3 feet of redensified soils compacted to at least 90 percent relative compaction. The top 12 inches of the redensified soils should be compacted to at least 95 percent relative compaction. As per FEMA guidelines, the understory slabs on grade will be displaced during a design storm event, allowing flood waters to flow through the foundation system with minimal obstruction and wave deflection. The parking platforms are expected to be undermined, lost and replaced during the design life of the structure.

Site Drainage

37. An erosion control and drainage plan should be prepared for the project. The plan should be reviewed and approved by the project geotechnical engineer and engineering geologist. Because of the potential slope instability at the site, erosion control and drainage systems will need to be maintained, repaired and replaced in the future after instability occurs.

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38. We recommend a concrete v-ditch be constructed at the top of the uppermost retaining walls that will collect surface water which flows downslope as a result of direct rainfall or surface water spilling onto the top of the bluff from above.

Plan Review, Construction Observation and Testing

39. Our firm should be provided the opportunity for a general review of the final project plans prior to construction so that our geotechnical recommendations may be properly interpreted and implemented. If our firm is not accorded the opportunity of making the recommended review, we can assume no responsibility for misinterpretation of our recommendations. We recommend that our office review the project plans prior to submittal to public agencies, to expedite project review. The recommendations presented in this report require our review of final plans and specifications prior to construction and upon our observation and, where necessary, testing of the earthwork and foundation excavations. Observation of grading and foundation excavations allows anticipated soil conditions to be correlated to those actually encountered in the field during construction.

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CONCLUSIONS + RECOMMENDATIONS
NIELSEN + ASSOC. 2109

0780

Collins Report
Job No. SCR-1058-G
APN 043-152-55,56

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February 2004
Beach Drive, Rio Del Mar
Santa Cruz County, California

significant amount of sediment could erode from the hill and fill or block subsurface drain pipes or inlets.

All areas on the slope that are stripped of vegetation during construction of the retaining wall must be revegetated prior to the onset of the next rainfall season.

CONCLUSIONS

1. The subject properties occupies a steep hillside that rises above the beach at the south end of Beach Drive. The toe of the hillside is at about 14 feet MSL and the crest at about 120 feet MSL. Two single family homes are proposed on the lower portion of the hillside.
2. Four different earth materials occur at the subject properties. These are: 1) terrace deposits, 2) Purisima Formation "bedrock", 3) colluvium/landslide deposits, and 4) beach sand. Terrace deposits comprise the top 25 feet of the coastal bluff. The homesite is underlain by a combination of colluvium/landslide deposits which overlie either Purisima sand or beach sand. The beach sand occurs in the lowermost portion of the homesite area and rests on top of the Purisima. The relationship of these deposits is shown on our geologic cross sections, Plates 2 and 3.
3. The steep hillside at the properties and along the entire length of Beach Drive has experienced numerous landslides in historic time, particularly during the past 17 years. Landslides will occur on the hillside above the home in the future, most likely during rainstorms but may also be also as a result of strong ground shaking caused by strong ground shaking from large magnitude earthquakes.
4. A slope stability analysis shall be conducted for this properties to evaluate the degrees of potential slope failure or landsliding to design for. We understand that the project geotechnical engineers are conducting this analysis.
5. There is a potential flood hazard on the lowermost portion of the properties. The 100-year flood elevation has been determined by FEMA as 21 feet above mean sea level based on the 1929 national geodetic vertical datum (NGVD).
6. Moderate to severe ground shaking is likely at the subject properties if a large magnitude earthquake occurs on a nearby fault. Refer to the body of the report for specific seismic criteria and fault information.
7. The beach sand under the lowermost part of the properties are typically saturated, at least below a depth of about 10 feet below Beach Drive. However, the groundwater level probably rises and falls with the tide level, and it is probably elevated during winter rainfall periods.

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February 2004
 Beach Drive, Rio Del Mar
 Santa Cruz County, California

8. The proposed homes are feasible if the recommendations presented in this report and those in the accompanying geotechnical and structural engineering reports being prepared for these properties. Those reports shall accompany this report in all future phases of the development of the properties. All recommendations in all reports must be adhered to during design, implemented during construction, and maintained for the lifetime of the dwelling. In this event, the occupants within the dwelling should not be subject to risks beyond an ordinary level of risk as defined in the Scales of Acceptable Risk presented in Appendix C of this report.

RECOMMENDATIONS

1. The following landslide mitigation measures (or approved equivalent) must be implemented into the design of the homesite:
 - A. The homes should be constructed into the hillside so that landslide masses flow over them. This requires that the homes be excavated into the hillside such that the rear walls and portions of the side walls act as engineered retaining walls.
 - B. Every effort should be extended to minimize the effect of the temporary cutslopes in the homesite excavations on the adjacent properties to the northwest and the hillside upslope of the excavation. It is anticipated that temporary shoring will be needed to support the cutslopes during construction of engineering retaining walls, but this will be decision of the project geotechnical engineers.
 - C. The rear wall of the dwellings and the rear roof eaves should closely coincide with the slope at the rear of the house so that there is very minimal potential for landslides originating above the home to impact the rear wall of the dwelling. In concept, landslide debris will flow onto and over the home, and seismically generated failures are thought to be very large masses of earth. A smaller failure such as a saturation generated landslide has a moderate to perhaps high probability of occurring on the bluff face above the proposed home. Either of these landslides could deposit earth and debris on the roof of the proposed home. We anticipate that landslide masses may travel at velocities on the order of 32 feet-per-second based on empirical comparisons to observed landslide velocities. However, the project engineers should verify this velocity and use values that they develop. The loads on the roof from the potential slide masses will probably require concrete and steel frame building methods.
 - D. The foundation of the homes shall be designed against slope failure on the sides of the home since it is assumed that the side yard will not be protected by retaining walls.

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 Santa Cruz County, California

- F. The existing retaining walls at the top of the hillside may become entrained in a massive slope failure, so we recommend that the project engineers consider the effects of these walls on the proposed home in the event that it completely fails and travels downslope.
- G. Exposed deck area should be kept to a minimum, and any deck should include a partially covered area where occupants can take refuge in the event that landslide debris cascades over the home.
2. The homes should be designed and constructed to County Building requirements regarding floor level elevations relative to 100-year flood levels. The designated 100-year flood elevation is 21 feet above sea level based on the National Geodetic Vertical Datum of 1929.
 3. The homes should be designed to withstand moderate to severe seismic shaking. Refer to the body of the report for seismic criteria.
 4. The project geotechnical engineer should evaluate the liquefaction potential of the beach sand underlying the homesites or develop mitigation measures for liquefaction hazards if the analysis indicates a susceptibility. This applies to the homes and particularly the driveways because the latter will be located over a thick deposit of beach sand. We anticipate the use of pier and grade beam foundations that penetrate below the beach sand and colluvium/landslide deposits into the more competent Purisima Formation sands and gravels, not only to mitigate the effects of liquefaction potential but for potential instability in the colluvium/landslide deposits and beach sand deposits.
 5. A surface drain system shall be developed for the properties which accommodates potential surface flow off the steep hillsides above the properties. It is best to accommodate this potential flow in a shallow surface depression such as a shallow drain trough because of the possibility that a significant amount of sediment could erode from the hill and fill or block subsurface drain pipes or inlets. All roof and driveway runoff should be conveyed to Beach Drive where there is a storm drain system.
 6. All areas where vegetation is stripped during construction should be revegetated with appropriate erosion resistant vegetation prior to the next rainfall season.
 7. This report should be reviewed in conjunction with the forthcoming soils report by Haro, Kasunich and Associates. The recommendations of the soils engineer should be closely followed.

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CCC Exhibit 1B
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Collins Report
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February 2004
Beach Drive, Rio Del Mar
Santa Cruz County, California

3. We shall be afforded an opportunity to review the final design plans to ensure that our recommendations have been incorporated. If we are not afforded this opportunity, we will assume no responsibility for the misinterpretation of our recommendations.

CCC Exhibit 1B
(page 108 of 133 pages)

Project Planner: David Keyon
Application No.: 06-0156
APN: 043-152-70

Date: October 23, 2006
Time: 10:11:55
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON APRIL 10, 2006 BY ANDREA M KOCH =====
1) No comments.

===== UPDATED ON JUNE 7, 2006 BY JOSEPH L HANNA =====

1. Submit plan review letters from the engineering geologist, and geotechnical engineer.
2. Submit shoring plan.
3. Submit construction phasing plan.

Environmental Planning Miscellaneous Comments

===== REVIEW ON APRIL 10, 2006 BY ANDREA M KOCH =====

- 1) Submit plan review letters from the engineering geologist and geotechnical (soils) engineer stating that the final plans are in conformance with the recommendations in the respective reports.
- 2) Submit an erosion control plan showing details and proposed locations of erosion/sediment control devices. The plan should include a construction access covered in rock to prevent construction vehicles from tracking sediment offsite.
- 3) Prior to building permit issuance, record a Declaration of Geologic Hazards at the County Recorder's Office and return a copy to Environmental Planning. To obtain the Declaration, call me at 454-3164. ===== UPDATED ON APRIL 10, 2006 BY ANDREA M KOCH =====

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 10, 2006 BY CARISA R DURAN =====
Discretionary stage application review is complete for this division.

This application is for development in Zone 6. For increases in impervious area, a drainage fee will be assessed. The fees are currently \$0.90 per square foot.

Please call or visit the Dept. of Public Works, Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions.

Dpw Drainage Miscellaneous Comments

Project Planner: David Keyon
Application No.: 06-0156
APN: 043-152-70

Date: 03/23/2006
Time: 10:11:55
Page: 2

ATTACHMENT

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LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 10, 2006 BY CARISA R DURAN =====

For the building application stage, please submit a signed, notarized, and recorded maintenance agreement for silt & grease traps prior to permit issuance.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON MARCH 22, 2006 BY RUTH L ZADESKY =====

No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON MARCH 22, 2006 BY RUTH L ZADESKY =====

No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON APRIL 5, 2006 BY TIM N NYUGEN =====

NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON APRIL 5, 2006 BY TIM N NYUGEN =====

NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 6, 2006 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED.

If the public fire hydrant is further than 250 feet from any portion of the building, a new fire hydrant will be required. The hydrant will be located between 546 & 548 Beach Drive.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 6, 2006 BY ERIN K STOW =====

NO COMMENT



P.O. Box 168
Mail to: 5180 Soquel Drive
Soquel, CA 95073-0168
PHONE (831) 475-8500 FAX (831) 475-4291

ATTACHMENT 3

PROJECT COMMENT SHEET

0786

Date of Review: 04/06/08
Reviewed By: Carol Carr

Returned	David Keyon
Project	County of Santa Cruz
Comments to:	Planning Department 701 Ocean St., Ste. 410 Santa Cruz, CA 95060

Owner: Deborah & Michael Collins
13 S. California St.
Lodi, CA 95240

Applicant: Jim Mosgrove
117 Little Creek Rd.
Soquel, CA 95073

Type of Permit: Development Permit Application
County Application #: 06-0156

Environmental Review Initial Study
ATTACHMENT 11, 1 of 2
APPLICATION 06-0156

Subject APN: 043-152-70

Location: Property is located on the bluff side of Beach Drive, about 1 mile southeast of Rio Del Mar Esplanade (at 546 Beach Drive).

Project Description: Proposal to construct a 3-story single-family dwelling of about 4,390 square feet and grade about 1,070 cubic yards in a Coastal Scenic Area. Requires a Coastal Development Permit, a Variance to increase the number of stories to 3 within the Urban Services Line, Preliminary Grading Review, and Environmental Review.

Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District is considering adopting policies to mitigate the impact of development on the local groundwater basins. The proposed project would be subject to these and any other conditions of service that the District may adopt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

Requirements

The developer/applicant, without cost to the District, shall:

- 1) Destroy any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:
 - a) All applicants for new water service from Soquel Creek Water District shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.
 - b) Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;

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P.O. Box 158
 Mail to: 5180 Soquel Drive
 Soquel, CA 95073-0158
 PHONE (831) 475-8500 FAX (831) 475-4291

ATTACHMENT

**PROJECT
 COMMENT
 SHEET**

0787

3

- c) All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;
 District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;
- 4) Complete LAFCO annexation requirements, if applicable;
- 5) All units shall be individually metered with a minimum size of 5/8-inch by 3/4-inch standard domestic water meters;
- 6) A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

Soquel Creek Water District Project Review Comments:

SCWD has reviewed plans prepared by Jim Mosgrove, Architect and has made comments. 1) A *New Water Service Application Request* will need to be completed and submitted to the SCWD Board of Directors. 2) The applicant shall be required to offset the expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area. Applicants for new service shall bear those costs associated with the retrofit. 3) District policy requires all units to be metered individually. 4) All interior plumbing fixtures shall be low flow and have the EPA Energy Star label. 5) The landscape-planting plans have been reviewed and approved by District Conservation Staff. 6) A *Fire Protection Requirements Form* will need to be reviewed and completed by the appropriate Fire District. 7) Water pressure in this area is high. A *Water Waiver for Pressure &/or Flow* will need to be recorded.

Attachments:

- Soquel Creek Water District Procedures for Processing Minor Land Divisions (MLD) dated November 9, 1992
- Soquel Creek Water District Procedures for Processing Water Service Requests for Subdivisions and Multiple Unit Developments
- The Soquel Creek Water District Water Use Efficiency Requirements for Single-Family Lots
- The Soquel Creek Water District Water Use Efficiency Requirements for Development other than Single-Family Lots
- Water Demand Offset Policy Fact Sheets
- Soquel Creek Water District Will Serve Letter
- Soquel Creek Water District Variance Application
- Soquel Creek Water District Water Waiver For Pressure and/or Flow
- Fire Protection Requirements Form

Environmental Review Initial Study
 ATTACHMENT 11, 2 of 2
 APPLICATION 06-0156

SANTA CRUZ COUNTY SANITATION DISTRICT

INTER-OFFICE CORRESPONDENCE

ATTACHMENT 3

DATE: April 5, 2006

0788

TO: Planning Department, ATTENTION: David Keyon

FROM: Santa Cruz County Sanitation District, Steve Harper

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE FOR THE FOLLOWING PROPOSED DEVELOPMENT:

APN: 43-152-70

APPLICATION NO.: 06-0156

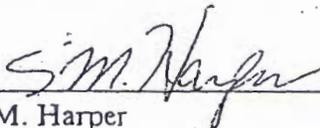
PARCEL ADDRESS: 546 Beach Drive

PROJECT DESCRIPTION: Construct 3-Story Single Family Dwelling

Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

The plan shall show proposed plumbing fixtures on floor plans of building application. Completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.


S.M. Harper
Sanitation Engineering

SMH:mh/671

Environmental Review Initial Study
ATTACHMENT 12
APPLICATION 06-0156

c: Applicant: Jim Mosgrove, Architect
117 Little Creek Road
Soquel, CA 95073

Property Owner: Michael and Deborah Collins Etal
13 S. California Street
Lodi, CA 95240

(Rev. 3-96)

58

COUNTY OF SANTA CRUZ

Planning Department

MEMORANDUM

Application No: 06-0156

Date: April 18, 2006

To: David Keyon, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for a new residence at 546 Beach Drive, Aptos

GENERAL PLAN / ZONING CODE ISSUESDesign Review Authority

13.11.040 Projects requiring design review.

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the watershed of a scenic road as recognized in the General Plan; or *located on a coastal bluff*, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Environmental Review Initial

ATTACHMENT _____
APPLICATION _____

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship			N/A

Environmental Review Initial Study
144 1 of 3
ATTACHMENT 06-0156
APPLICATION

ATTACHMENT 3

Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		

Environmental Review Initial Study
 ATTACHMENT 14, 2 of 3
 APPLICATION 06-0156

ATTACHMENT 3

Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

URBAN DESIGNERS COMMENTS:

- *The cable railings do not meet building code.*
- *The front doors seem out of scale. Perhaps they could be 8'-0" high?*
- *The copper should be pre-patina.*
-

Environmental Review Initial Study
 ATTACHMENT 14 of 3
 APPLICATION 06-0156

May 2, 2007

Job No. SCr-1058-G

Mike and Debbie Collins
13 South California Street
Lodi, California 95240

SUBJECT: Updated plan review letter for a new single family home.

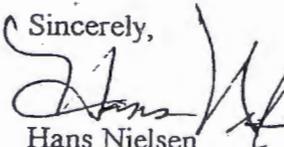
REFERENCE: 546 Beach Drive, Santa Cruz County, California, APN 043-152-70
(formerly 043-152-55).

Dear Mr. and Mrs. Collins:

At the request of you architect, we are providing this updated plan review letter. We previously reviewed plans for a new home on this property in February 2006 and prepared a letter, a copy of which is attached.

This updates our review. It is our understanding that there have been no changes to the plans that we reviewed in February 2006. The plans are still acceptable relative to our report and recommendations.

Sincerely,


Hans Nielsen
C.E.G. 1390

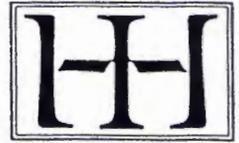


CCC Exhibit 1B
(page 117 of 133 pages)

Additions to the Staff Report for the Planning Commission

Item 7: 06-0156

Late Correspondence



225 Porter Street, Suite 14
Soquel, California 95073
Telephone: 831.475.4679
Facsimile: 831.462.0724

Britt L. Haselton, Esq.
Joseph G. Haselton, Esq.
0799

October 16, 2007

Santa Cruz County Planning Commission
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

RE: Application 06-0156
APN: 043-152-70, 546 Beach Drive, Aptos

Dear Members of the Commission:

Our firm represents a coalition of neighbors who own homes on Beach Drive and are opposed to this application based on its imminent threat to their safety, concerns for the public safety and also, concerns for property destruction and damage. The site is one recognized by many certified geological engineers including John Wallace of Cotton Shires and Associates and the California Coastal Commissions' own staff geologist as being a severe geohazards site with significant concern for landslide, erosion and earthquake movement. It is a steeply sloped coastal bluff made up of soft sandy material which is sloped from 50-70% on most of its surface.

On this cliff face, the owners propose a large 3 story bunker style home which will cut excessively deep into the bluff face destabilizing it and causing it to pose serious damage in the event of collapse to all surrounding properties including those above on Bayview Drive and those across the street on Beach Drive as well as neighboring adjacent properties.

This type of construction is in clear violation of the California Coastal Act, Public Resources Code §30253 (1) and (2) which states:

"New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

Although, it is claimed that the inhabitants would be safely protected inside this home in the event of a large scale earth movement, there is no evidence that the surrounding properties and their inhabitants and innocent bystanders would be out of harms way. This lot and its adjoining neighbor, with a similar proposed structure, are huge areas of unprotected bluff which in the event of a slide would decimate the surrounding areas and

remove the subjacent support from Bayview Drive. This bunker house depends on its deep set concrete and steel foundation and thus is a protective device and clearly alters the natural bluff face. Additionally, with the movement of 1070 cubic yards of earth, it substantially alters the natural landform as well. The only allowed use for a protective device is in Public Resources Code §30255 but that is only for pre-existing homes.

Thus, the construction of this bunker style home is in violation of the above statute. It also violates the General Plan/ Local Coastal Program Policy 6.2.10 (Site Development to Minimize Hazards) safety standards and prohibitions against structures in Geohazardous areas.

Further, it is not appropriate to use a variance to allow a third story for this structure. This has become a customary practice on the inland side of Beach Drive rather than to address a particular constraint of a specific parcel. The California Coastal Commission has criticized the County for this approach in the past and continues to urge the County to submit an LCP amendment to the LCP's height standards for which variances are routinely approved. The Planning Commission should discuss and await implementation of this measure before approving the variance to this application.

Lastly, the Commission may be aware of the status of the neighboring property at 548 Beach Drive which has a similar structure proposed. After thorough consideration of the matter and much discussion, this Commission adopted findings for denial of that project on June 28, 2006. After the Board of Supervisors overturned the denial and approved the project on September 26, 2006, an appeal was made to the California Coastal Commission. The Commission found a substantial issue and, after continuing, conducted a de novo review of the project on September 6, 2007. Voting against their own Staffs' recommendation, the Commission approved the project with conditions. That matter is now being appealed on a Writ of Mandate to the Superior Court of California.

Since it is so closely related to the project at hand and could affect the future viability of all such similar proposed bunker style homes, we would strongly urge the Commission to deny this project based on the above considerations or, in the alternative, to delay hearing the matter until the Courts have made their decision. This is a very important decision which should be carefully considered and may well have a long range effect on the issues of safe coastal development on the California coastline. We strongly believe that these homes are in violation of the Coastal Act and the LCP and for these reasons should be denied.

Thank you for your consideration of this matter.

Very truly yours,

Britt L. Haselton

Britt L. Haselton, Esq.
Haselton & Haselton

58

B. Jeffrey Katz and Ruth J. Katz
602 Bay View Drive
Aptos, CA 95003

Tel (408) 255-7423

0814

Oct 23, 2007

Santa Cruz County Planning Commission
County Government Center
701 Ocean St.
Santa Cruz, CA 95060

Attn: Maria Perez, Planner

Ref Oct 24, 2007 Planning Commission Hearing Agenda Item # 7, 546 Beach Dr, Aptos
Application 06-0156

Dear Ms. Perez:

As owners of the property directly up-slope of the subject property, at 602 Bay View Dr., we are concerned neighbors in the matter of the proposed construction at 546 Beach Dr.

We have studied the thorough Staff Report that was prepared for the hearing, and we understand the project as described. As in the case of the project at the adjacent property at 548 Beach Dr., which the California Coastal Commission recently approved with conditions, upholding the County Board of Supervisors' reluctant approval of a large bunker-style home construction project, we continue to have grave concerns. While we don't object to the style or size of the proposed construction, we are very concerned about the possibility of destabilizing the hillside below our property as a result of the construction.

The current application appears to acknowledge those concerns, with the proposed conditions of approval including significant bonding security against such hillside damage. However we feel the bond requirements are not sufficient to protect against possible damage to our property or harm to our persons as a result of the potential destabilization of the hillside due to the large excavation. The estimated 1600 cu yards of hill removal (a volume that may be visualized as a hole approximately 65 feet long by 45 feet wide by 15 feet deep), along with the possible removal of a mature 14" pine tree, makes the likelihood of disturbing the fragile hillside much greater than it would be for a significantly smaller project, of the size that had been recommended by the California Coastal Commission's Staff Report for the proposed development at 548 Beach Dr. And with that increased likelihood of hillside damage there is also the likelihood of increased amount of damage.

We respectfully request to the Commission that if this application is to be approved, the security bonding condition be increased to an amount of \$3,000,000 against induced hillside damage resulting from the construction, to be released not before 1 year after the completion of the project. This is consistent with the earlier approval for similar construction on this site in application 96-0159. Furthermore we request that there be an explicit statement as one of the conditions of approval, indicating that in the event that the upper cliff, our property, sustains a landslide as a result of the construction, we shall be held free of any liability for the down-slope consequences of that landslide.

Respectfully,

B. Jeffrey Katz and Ruth J. Katz

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COMMENTS ON 546 BEACH DRIVE PROPOSAL

Public Hearing, October 24

0815

This oversized project is an example of the ugly American consumerism which is taking over Beach Drive. Each new structure seems to say "Aha! My house is bigger than yours, Mr. Jones" The scheme seems to be to fill up all lots, sandy-cliff scary or not, at a time when warnings are rampant that global warming and melting glaciers will raise the median ocean level six feet in 10 years or a tsunami (we've had warnings before) will raid us like Katrina, inland as far as Sacramento.

Already I have endured 2 huge cliff slides on my house,(next to this proposed project), and a blocked Beach Drive, because of crashing waves and logs on the street and when a house slid down from the top of the cliff with the occupant on his bed inside. Before it happened I had retreated to New Brighton State Park in my motorhome, but I returned to walk out the elderly couple next door at low tide.

Sand on the beach was down 21 feet from present level and seawalls destroyed. Finally the house, logs and all debris was removed and everyone rebuilt and survived the loss of livingrooms, decks, seawalls, bedrooms, cars and such. There were no deaths. That was before the current climate predictions. It was a time when CC&Rs prevailed and the legal height of new building on the ocean side of Beach Drive was fifteen feet above street level. Since then it seems that money prevails at the expense of peace, beauty and reason.

Because we have had over 20 years of low tides and plenty of sand, the dangers have become myth but we should be prepared for wipe-out. I have only experienced red-tag from the county and constant building the past few years. This is just a warning that Katrina can happen here and the county will lose huge property taxes at the very least when disaster hits. How much will you pay in property taxes for how many years?

- Elizabeth Means 688-5561
544 Beach Drive
Aptos, CA 95003

County of Santa Cruz
Planning Department

Planning Commission
Meeting Date: 10/14/07
Agenda Item: # 7
Time: After 9:00 a.m.

Application Number: 06-0156

Additional information:

**Letter from Tom Burns to The Board of Supervisors
regarding geologic hazard policies and regulations,
dated January 10, 2007**



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

January 10, 2007

AGENDA DATE: January 23, 2006

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

SUBJECT: POLICIES AND REGULATIONS REGARDING GEOLOGIC HAZARDS

Members of the Board:

On September 26, 2006 your Board directed the Planning Department to provide a report on General Plan policies and regulations affecting development in areas subject to geologic hazards. This issue was raised in your discussion during a public hearing on an application for a single family dwelling on the coastal bluff side of Beach Drive in Aptos (applicant Mosgrove, application number 04-0255). That application was for a type of home designed to withstand the predicted conditions of landslide on the bluff above the home, commonly referred to as a "bunker house". Though this issue of geologic risks is clearly relevant to bunker homes along the coastal bluff it is also relevant throughout the County in various geographic settings. Following is a discussion of County land use policies and regulations enacted for the purpose of safeguarding public safety relative to geologic hazards.

PERMIT HISTORY OF BUNKER HOMES

Bunker homes are designed to withstand the forces of material from a debris flow or landslide that originates upslope of the house and which may rest on the structure for some period of time after impact. Bunker homes depend on deep pier foundations, heavily reinforced concrete roofs and internal steel beams. They are set into the hillside rather than projecting outward, have minimal glazing and minimal outdoor living areas. Any outdoor areas that are approved generally must be covered by reinforced roofs.

The parcels that are candidates for bunker homes were created in the decades before the hazards of coastal bluff landslides were fully recognized. No such lots have been created since the late 1970's. The majority of these lots were developed with standard single family dwellings until the middle 1970s when the first geologic hazard protection policies in the General Plan and the Geologic Hazards Ordinance were introduced. These policies limit development to sites that can be shown to be acceptable from a geologic and geotechnical perspective. The effect of these policies was to prevent new homes on the coastal bluff side of Beach Drive because the risks from landsliding were not able to be mitigated. Lots that had not been built

upon by the mid 1970's remained vacant until 1999 when the first bunker home was constructed.

By 2000, two things changed that made bunker homes a viable option. First, property values increased to the point that the considerable expense of technical analysis, specialized design, and construction of a bunker home became economically feasible. Second, the geologic and engineering techniques to extensively evaluate the hazard and design for the loads associated with the impact of materials on the home also became available. These two trends, when combined, gave rise to the creation of bunker homes.

To date, eight bunker houses have been approved. Three have been constructed and five are under construction or ready to begin construction next year. In addition, the Planning Department is currently processing two applications for bunker homes. Seven vacant lots remain on the bluff side of Beach Drive that are possible candidates for bunker homes in the future.

It does not appear that other areas of the coast will be part of the trend toward this type of construction. This is because Las Olas Drive and Pot Belly Beach do not have lots on the bluff side of the road. Because our policies and regulations require that homes be built in the least hazardous location, it is likely that some of the large parcels on the north coast lots will have alternative, safer building sites that will rule out a bunker home location. These policies will be discussed later in this report.

Lastly, it is important to note that there is one situation that could lead to additional bunker homes being constructed. This could occur during reconstruction following a disaster that damages a large number of homes at the base of the coastal bluff along Beach Drive. There are regulations in place that would require existing homes that are damaged, if they are damaged beyond a certain threshold, to meet current standards of geologic and geotechnical stability. This could result in replacement structures that are bunker homes rather than "in kind" repairs and replacements. There are a total of approximately 75 existing developed lots on the bluff side of Beach Drive.

TRENDS IN ENGINEERING TO MITIGATE GEOLOGIC HAZARDS

While rising land value and evolution in engineering techniques have noticeably affected areas at the base of coastal bluffs, it is important to note that these trends operate throughout the County. Land values have risen significantly in the mountains and in the riverside areas as well as on the coast. Construction of debris flow impact walls, mat foundations that can span openings created by fissures in the ground created by seismic shaking or landslides, and other engineered mitigations that were historically considered to be infeasible are now being proposed on lots that were previously considered unbuildable. The threshold for the amount of damage to a structure or site that can be accommodated in the design of a development is substantially higher now than in the past.

EXISTING POLICIES AND REGULATIONS REGARDING GEOLOGIC HAZARDS

Detailed policies and regulations currently exist which require that potential geologic hazards be investigated and mitigated before new development could be approved. These are contained in the General Plan and in Chapter 16.10 of the County Code, the Geologic Hazards Ordinance.

The policies seek first to have development sited in the portion of any property where the least potential for hazards exist. For example, no development is allowed in the flood hazard area where there is area available outside of that zone. This policy recognizes the distinction between the *choice* to locate a project in an area exposed to risk (for example, an applicant's request to place a home quite close to the edge of a bluff to maximize views) and a location that is constrained by unstable slopes, earthquake faults, or parcel boundaries that were set well before geologic hazards were recognized. The code does not allow development where owners "choose" exposure despite safer alternatives. It does, however, recognize the need to accept some risk, where risk can be mitigated to an acceptable level, in locations where there are no feasible alternatives. The lack of alternatives is a common circumstance, particularly in the rural area on lots that were created decades ago.

Second, our policies require that, if hazards are recognized, they must be investigated by a licensed professional geologist and/or geotechnical engineer and that investigation must be reviewed and approved by the County Geologist, also a registered professional. This oversight is an important feature of the regulations because it ensures that qualified County staff review the data and concur with the opinions of an applicant's consultants before those opinions are accepted. The code sets out stringent minimum requirements for geologic investigations and the recommendations that are made to decrease exposure to documented hazards. This is a conservative review process that does not accept incomplete or inadequate consulting opinions. It also ensures a case-by-case review of the circumstances of each individual property that has been flagged as potentially hazardous. It is among the more conservative review systems administered by local jurisdictions in the State.

Third, the review process and the County Code set a maximum level of acceptable risk from geologic hazards. Examples include placing limits on the maximum extent of displacement allowable for foundation systems and the requirement for completion of a factor of safety analysis for habitable structures located in areas subject to severe seismic shaking and/or slope instability. The County Geologist estimates that 5 to 10 percent of the technical investigations he reviews describe situations that he does not approve for development.

It is important to note that our regulations and policies are most restrictive when applied to land divisions. Every new lot that is created must have a building site and access road that is not subject to geologic hazard. Moreover, new building sites may not rely upon engineered protective structures to meet this standard. Utilities must not be subject to disruption. Hazardous areas do not count toward net developable acreage. These are examples of many such policies in the code and General Plan. The limits on land divisions will cause the number of undeveloped lots in hazardous areas to decrease over time.

Finally, the regulations and technical review program have been keeping up with changes in engineering practice. Examples of these changes include an increase in the minimum coastal bluff setbacks from a simple distance measure to include demonstration of stability for at least one hundred years; a recognition of impact walls and foundation designs capable of bridging ground rupture-induced fissures as acceptable mitigation; tracking of sequential remodeling projects to recognize when a structure has been modified to the point that it should meet current standards; and updates to the Guidelines for Geologic Investigations and Geotechnical Reports.

BALANCING RISK AND ALLOWING USE OF PROPERTY

We believe that, ultimately, the decision about whether to allow the construction of additional bunker homes should involve balancing community exposure to risk with the ability of a property owner to enjoy a reasonable economic use of their existing lot of record. Developing vacant lots with bunker homes brings additional people into an area that is subject to damage during storms and earthquakes. The ensuing public cost of evacuation, assistance, and disruption is incrementally increased, though, in this case, by a minimal amount due to the few lots that are affected. Bunker homes are designed to withstand the forces of landslide impact without occupants being hurt; this means that a certain level of property damage is expected and is being accepted. If occupants are outside the confines of the home the risk increases. Daily activities such as taking out the trash or congregating in the yard are constrained, at least during storms.

On the other hand, the geologic reports prepared for applications to construct bunker homes approved by the County have included data supporting the notion that this type of construction actually stabilizes the bluff and drives the geometry of predicted landslides toward shallower, less damaging failures. The County Geologist, through his review of these reports is in agreement with this assertion. This opinion was recently reaffirmed for the Mosgrove lot by the geologist for the Coastal Commission, who examined the bluff in response to the pending appeal of the coastal permit.

Possible future responses to applications for bunker homes include defining acceptable risk specifically to exclude locations that are safe inside but do not allow normal activities outside the structure. This could be accomplished by revising current regulations or by interpreting them for this outcome. Alternatively, an overlay zoning district could be created that prevents development (and remodeling, if included) on property at the base of the coastal bluff. Staff, however, does not recommend either of these approaches. There does not appear to be a technical basis for reversing our past practice and prohibiting bunker homes as conditions on the remaining nine lots are very similar to the conditions on the eight that have been approved.

Further, should a situation arise that requires repair or reconstruction of damaged, standard-style homes at the base of the bluff, bunker homes are a superior alternative to rebuilding in kind. In the case of reconstruction, revising the code to prohibit rebuilding of structures that are damaged by slope failure is an option. However, new regulations that prohibit the use of feasible measures to mitigate risk on existing lots could lead to phasing out existing neighborhoods.

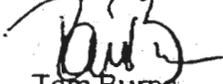
Finally, development of a single family on an existing parcel of record is generally thought to convey a reasonable economic use of the property to the owner. If the County decided that it was prudent to prevent development on parcels at the base of a coastal bluff, as in the Beach Drive area, we believe that such action would need to be supported by technical findings to demonstrate that public health and safety concerns clearly outweigh the ability of these owners to enjoy a reasonable economic use of their properties. Given our past practice of approving the construction of bunker homes and the technical information on the record that speaks to the nominal increase in the risk to public health and safety associated with the construction and occupancy of these homes, preparation of such findings could be problematic.

CONCLUSION AND RECOMMENDATION

The Planning Department regularly engages in issues of risk relative to landslides, coastal hazards, seismic shaking, flooding, soil liquefaction and earthquake related ground fissuring. Current policies and regulations, coupled with a rigorous, independent geologic report review process, constitute a sensible system for grappling with these issues. The Department's experience with the existing system is that a reasonable balance between community and individual needs has been achieved, and that we can continue to rely on the current regulatory framework to address these issues.

It is therefore RECOMMENDED that your Board accept and file this report.

Sincerely,



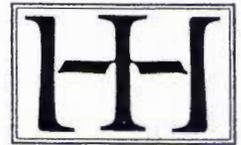
Tom Burns
 Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
 County Administrative Officer

TB:KHG:\Board Letters\Pending\geologic policies



2425 Porter Street, Suite 14
Soquel, California 95073
Telephone: 831.475.4679
Facsimile: 831.462.0724

Britt L. Haselton, Esq.
Joseph G. Haselton, Esq.

0819

Members of the Santa Cruz County
Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95060

December 4, 2007

Re: Appeal of Application No. 06-0156
APN 043-152-70

Dear Members of the Board:

This Appeal is made after the Planning Commission approved the above application at a meeting on October 24, 2007. See Exhibit A. The vote was a close 3-2 with Commissioners Dann and Shepherd voting to deny the project. Interestingly, Commissioner Dann was the only Commissioner to state that she had recently visited the project site and this viewing helped confirm her decision that the project was a potentially hazardous threat and one which she had to deny. Dann noted the conflicting opinions among geologists regarding the stability of the bluff and the safety threats to the public. She also commented on the deed provisions which forbid the occupants from using their side and back yards as implying that slope failure is expected. Further, she agreed that the construction does substantially alter the natural landform and bluff face violating the Coastal Act.

Commissioner Shepherd was also firm in her belief that, "It is not a very good idea to .. design a house where the occupants cannot go outside safely and engage in normal activities." She commented on the long history of landslides in this area and the project's potential for failure. Also, she recognized the additional hazards presented by building it and refused to support the application. Regarding the County's prior approvals of these bunker houses, Shepherd stated, "If you tell fourteen people to jump off a cliff, that means you have to keep telling everybody to jump off a cliff?" The County has only approved 7 or 8 of these homes in this area. It is not too late to stop approving these structures due to these violations of State law and County provisions.

Most importantly, it cannot be said that the proposed location of the project and the conditions under which it would be operated will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity. In the recent Coastal Commission hearing, the staff found that the proposed structure was in a

very hazardous area and did pose a threat to human safety. Because of this finding, Staff recommended reducing the structure from three to two stories.

All acknowledge that this sand bluff face is 50-70% sloped and subject to severe threat from erosion, seismic activity and slides. The most chilling evidence comes from the applicant's own expert's report:

0820

3. The steep hillside at the properties and along the entire length of Beach Drive has experienced numerous landslides in historic time, particularly during the past 17 years. Landslides will occur on the hillside above the home in the future, most likely during rainstorms but may also be as a result of strong ground shaking caused by large magnitude earthquakes....
 5. There is potential flood hazard on the lowermost portion of the properties...
 6. Moderate to severe ground shaking is likely at the subject properties if a large magnitude earthquake occurs on a nearby fault...
- Conclusions and Recommendations Nielsen and Assoc. P. 17, Exhibit B.

- F. The existing retaining walls at the top of the hillside may become entrained in a massive slope failure so we recommend that the project engineers consider the effects of these walls on the proposed home in the event that it completely fails and travels downslope.
- G. Exposed deck area should be kept to a minimum, and any deck should include a partially covered area where occupants can take refuge in the event that landslide debris cascades over the home. Nielsen Report, P. 19, Exhibit B.

After reading these statements, it is easy to see why the downslope neighbors are so concerned with their safety and that of their children and grandchildren. The reports also mention that the occupants within the dwelling should not be subject to risks beyond an ordinary level of risk. We have retained two prominent northern California geologists, John Wallace of Cotton, Shires and Associates and Frank Rollo, Sr. of Treadwell and Rollo. Our geologists disagree with this assessment convinced that the impact on the occupants exceeds acceptable risk standards and more importantly, point out that this proposition completely ignores the safety of people outside the dwelling and the property damage inflicted on Beach Drive and the nearby homes in the event of a large scale slide or quake. Attached are photos of Beach Drive homes and bluff from John Wallace taken during recent storms. Exhibit C.

Further, the General Plan Policy 6.2.15 allows development in bluff erosion areas if hazards can be mitigated over the 100 year lifetime of the structure. Additionally, mitigations can include, but are not limited to, building setbacks, elevation of the structure, friction pier or deep caisson foundation; and where mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected; and where a deed restriction indicating the potential hazards on the site and level of prior investigation conducted is recorded on the property deed with the County Recorder. We also believe the proposed structure violates this policy for two reasons. Firstly, this home is clearly "dependent on shoreline protection structures" as the bunker structure is in essence a seawall itself. Secondly,

there is a deed restriction placed on the home stating that occupants can't go out to their side or backyards because of the slope failure hazard. Thus, mitigation should not be allowed in this instance.

At first glance, it may appear to the Board that they have visited this issue before and are therefore not inclined to take jurisdiction of the matter. However, this matter is still of historical and precedential value because it is a newly evolving area which will continue to be fraught with battles. The reason that these battles will continue was discussed at the recent October 24 Planning Commission hearing. That is, the value of beach and all property in Santa Cruz has risen so dramatically that it has become an economical advantage for the landowner to finance expensive engineering which will technically enable them to build a structure on the property. These structures will supposedly withstand the landslides and earthquakes that are so prone to this area. However, these structures are so new that none of them have been through any major geological disasters and the historical record shows these will occur time and time again.

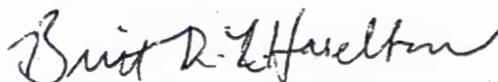
Further, these bunker houses have not been challenged before this Board for violating Public Resources Code §30253 Exhibit D. This section of the California Coastal Act in essence states that no structure shall alter the natural landform or bluff face. It is patently clear that in order to construct the enormous retaining wall which anchors these structures to the bluff wall, a significant chunk of the bluff is cut into and discarded altering its form and face.

Finally, as you may be aware, a Writ of Mandamus and Petition to Request Administrative Record has been filed in the Santa Cruz County Superior Court on November 6, 2007, regarding the above violations and additional violations to the LCP, the General Plan and other parts of the California Coastal Act Exhibit E. This action is in reference to a similar approved building application at the developers' adjacent parcel, 548 Beach Drive. It is vital that the Supervisors take the opportunity to examine this new application carefully in light of the clear violations to the Coastal Act which were not addressed in the first application's hearing.

Therefore, it is incumbent on the Board of Supervisors to take jurisdiction and consider this matter in a de novo hearing. A de novo hearing will provide the neighboring landowners and the public the opportunity to present their evidence and materials to the Board.

We appreciate your consideration in this matter.

Very sincerely yours,



Britt L. Haselton, Esq.
Haselton & Haselton

CONCLUSIONS + RECOMMENDATIONS NIELSEN + ASSOCIATES 2104

Collins Report
Job No. SCR-1058-G
APN 043-152-5556

-17-

February 2004
Beach Drive, Rio Del Mar
Santa Cruz County, California

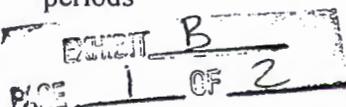
significant amount of sediment could erode from the hill and fill or block subsurface drain pipes or inlets

All areas on the slope that are stripped of vegetation during construction of the retaining wall must be revegetated prior to the onset of the next rainfall season

CONCLUSIONS

1. The subject properties occupies a steep hillside that rises above the beach at the south end of Beach Drive. The toe of the hillside is at about 14 feet MSL and the crest at about 120 feet MSL. Two single family homes are proposed on the lower portion of the hillside.
2. Four different earth materials occur at the subject properties. These are 1) terrace deposits, 2) Purisima Formation "bedrock", 3) colluvium/landslide deposits, and 4) beach sand. Terrace deposits comprise the top 25 feet of the coastal bluff. The homesite is underlain by a combination of colluvium/landslide deposits which overlie either Purisima sand or beach sand. The beach sand occurs in the lowermost portion of the homesite area and rests on top of the Purisima. The relationship of these deposits is shown on our geologic cross sections, Plates 2 and 3.
3. The steep hillside at the properties and along the entire length of Beach Drive has experienced numerous landslides in historic time, particularly during the past 17 years. Landslides will occur on the hillside above the home in the future, most likely during rainstorms but may also be also as a result of strong ground shaking caused by strong ground shaking from large magnitude earthquakes.
4. A slope stability analysis shall be conducted for this properties to evaluate the degrees of potential slope failure or landsliding to design for. We understand that the project geotechnical engineers are conducting this analysis.
5. There is a potential flood hazard on the lowermost portion of the properties. The 100-year flood elevation has been determined by FEMA as 21 feet above mean sea level based on the 1929 national geodetic vertical datum (NGVD).
6. Moderate to severe ground shaking is likely at the subject properties if a large magnitude earthquake occurs on a nearby fault. Refer to the body of the report for specific seismic criteria and fault information.
7. The beach sand under the lowermost part of the properties are typically saturated, at least below a depth of about 10 feet below Beach Drive. However, the groundwater level probably rises and falls with the tide level, and it is probably elevated during winter rainfall periods.

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- 84 -

NIELSEN and ASSOCIATES

CCC Exhibit 1B
(page 132 of 133 pages)

Collins Report
 Job No. SCR-1058-G
 APN 043-152-55,56

-19-

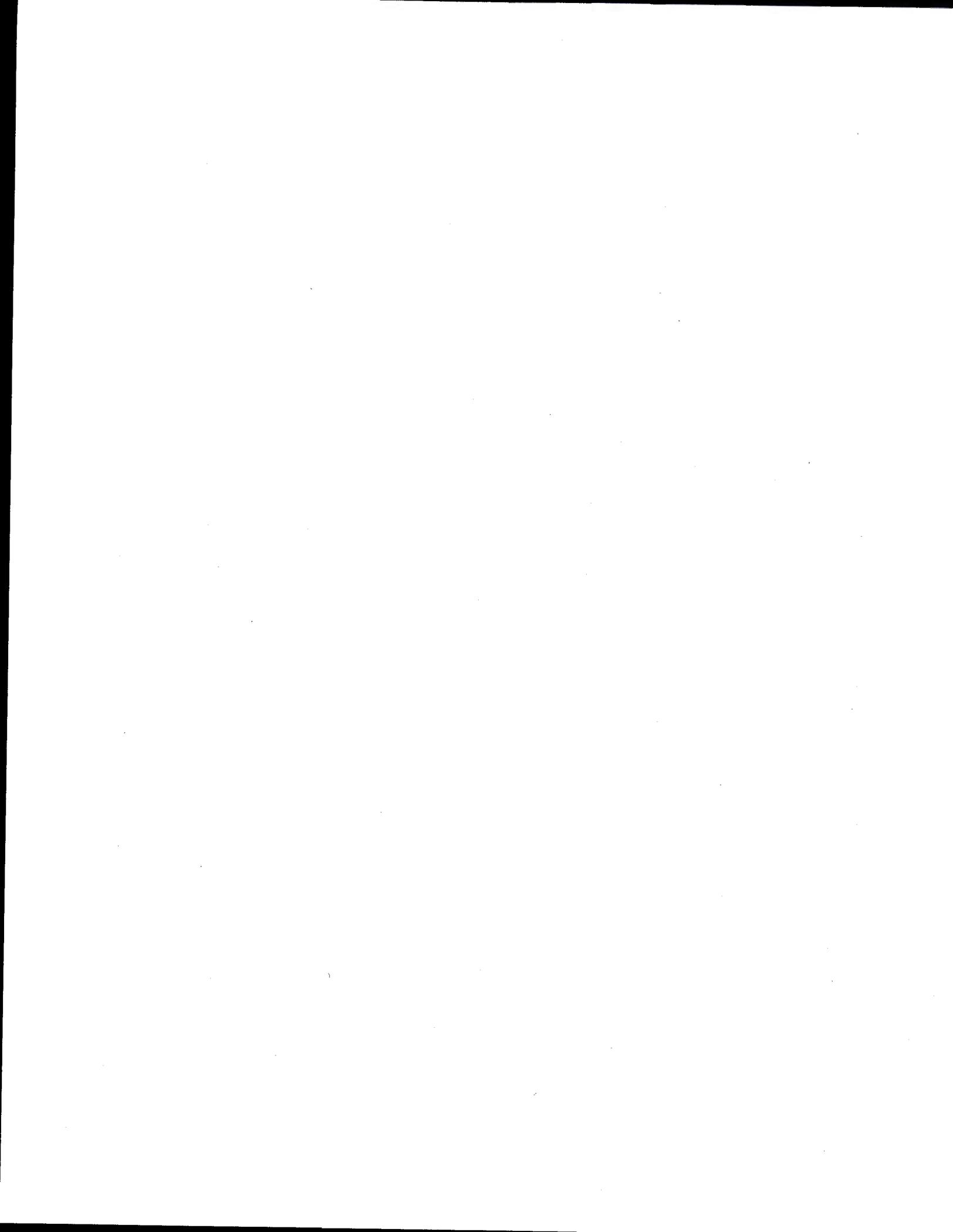
February 2004
 Beach Drive, Rio Del Mar
 Santa Cruz County, California

- F The existing retaining walls at the top of the hillside may become entrained in a massive slope failure, so we recommend that the project engineers consider the effects of these walls on the proposed home in the event that it completely fails and travels downslope
- G Exposed deck area should be kept to a minimum, and any deck should include a partially covered area where occupants can take refuge in the event that landslide debris cascades over the home
2. The homes should be designed and constructed to County Building requirements regarding floor level elevations relative to 100-year flood levels. The designated 100-year flood elevation is 21 feet above sea level based on the National Geodetic Vertical Datum of 1929.
 3. The homes should be designed to withstand moderate to severe seismic shaking. Refer to the body of the report for seismic criteria
 4. The project geotechnical engineer should evaluate the liquefaction potential of the beach sand underlying the homesites or develop mitigation measures for liquefaction hazards if the analysis indicates a susceptibility. This applies to the homes and particularly the driveways because the latter will be located over a thick deposit of beach sand. We anticipate the use of pier and grade beam foundations that penetrate below the beach sand and colluvium/landslide deposits into the more competent Purisima Formation sands and gravels, not only to mitigate the effects of liquefaction potential but for potential instability in the colluvium/landslide deposits and beach sand deposits.
 5. A surface drain system shall be developed for the properties which accommodates potential surface flow off the steep hillsides above the properties. It is best to accommodate this potential flow in a shallow surface depression such as a shallow drain trough because of the possibility that a significant amount of sediment could erode from the hill and fill or block subsurface drain pipes or inlets. All roof and driveway runoff should be conveyed to Beach Drive where there is a storm drain system.
 6. All areas where vegetation is stripped during construction should be revegetated with appropriate erosion resistant vegetation prior to the next rainfall season.
 7. This report should be reviewed in conjunction with the forthcoming soils report by Haro, Kasunich and Associates. The recommendations of the soils engineer should be closely followed.

EXHIBIT B
 PAGE 2 OF 2

NIELSEN and - 86 - CIATES

CCC Exhibit 1B
 (page 133 of 133 pages)



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: January 9, 2008
TO: Tom Burns, Planning Director
County of Santa Cruz, Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
FROM: Dan Carl, District Manager
RE: **Commission Appeal No. A-3-SCO-08-001**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: 06-0156
Applicant(s): Michael & Deborah Collins
Description: Construct a 3-story, single family residence; grade approximately 1,000 cubic yards; and variance to increase number of stories to three.
Location: 546 Beach Drive, Aptos (Santa Cruz County) (APN(s) 043-152-70)
Local Decision: Approved w/ Conditions
Appellant(s): Mr. & Mrs. Albert Schreck
Date Appeal Filed: 1/8/2008

The Commission appeal number assigned to this appeal is A-3-SCO-08-001. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Santa Cruz's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Susan Craig at the Central Coast District office.

cc: Michael & Deborah Collins
Jim Mosgrove
Maria Perez, Project Planner, SC County

CCC Exhibit 2
(page 1 **of** 5 **pages)**

RECEIVED

CALIFORNIA COASTAL COMMISSION

DEC 31 2007

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Mr. and Mrs. Albert Schreck

Mailing Address: 255 Golden Hills Dr.

City: Portola Valley

Zip Code: 94029

Phone: 831.475.4679

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County Board of Supervisors

2. Brief description of development being appealed:

Large 3 story bunker house of about 4,048 square feet with grading of about 1,070 cubic yards in a Coastal Scenic Area. Property is to be situated on a massive, unstable coastal bluff with a history of earth movement and landslides.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

546 Beach Drive, Aptos; 043-152-70; Rio Del Mar Blvd.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-08-001

DATE FILED: January 8, 2008

DISTRICT: Central Coast

CCC Exhibit 2
(page 2 of 5 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
 City Council/Board of Supervisors
 Planning Commission
 Other

6. Date of local government's decision: Dec. 11, 2007

7. Local government's file number (if any): 06-0156

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Michael and Deborah Collins
13 South California St.
Lodi, CA 95240

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mr. and Mrs. Robert Forsland
7 Rancheria Rd.
Kentfield, CA 94909

(2) Britt Haselton, Esq.
Haselton and Haselton
2425 Porter St., Suite 14
Soquel, CA 95073

(3) Jim Mosgrove
117 Little Creek Rd.
Soquel, CA 95073

(4) David Sweigert
Fenton & Keller
2801 Monterey Salinas Hiway
Monterey, CA 93940

CCC Exhibit 2
(page 3 of 5 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The grounds of appeal of this development permit approval include allegations that the development does not conform to the standards set forth in the certified Local Coastal Program, the Land Use Policy and that the development does not comply with Public Resources Code Section 30253. The aggrieved parties, the Schrecks and the Forslands own property directly across the street from the proposed building site. This type of construction entails disturbing the sand bluff and moving massive quantities of earth directly threatening the safety of the nearby occupants, the public and potential rescue crews.

The proposed use is inconsistent with some elements of the County General Plan in that it doesn't comply with General Plan/Local Coastal Program Policy 6.2.10 (Site Developments to Minimize Hazards). There is serious concern for slope instability during excavation due to the length of the cut into the coastal bluff for construction of the shoring and rear wall.

Additionally, while the house may afford some protection for its inhabitants during a massive land movement, there is no similar assurance for the safety of the neighboring properties. Indeed, this design is intended to deflect debris onto neighboring and downslope properties. Also, there is concern from the upslope properties on Bay View Drive which are situated directly on top of the bluff above this homesite. Our two geotechnical experts claim that this structure poses an unacceptable risk.

Further, the development violates the California Coastal Act: Public Resources Code Section 30253 which states in pertinent part: New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

This project proposes a house that functions as a residence and a retaining wall. It therefore should be considered a "protective device" within the meaning of the above statute. Additionally, it clearly alters the natural landform of the bluff with its removal of 1070 cubic yards of soil. Thus, the project violates this provision of the Coastal Act and should be denied.

Lastly, the project violates Land Use Policy 6.3.1 which restricts development on slopes in excess of 30%. This project site contains slopes ranging from 50% to 70% and higher.

Thus, this permit application is in violation of several policies and state law. It should be found to be a substantial issue, reviewed and denied by the Commission.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Britt Haselton

Signature of Appellant(s) or Authorized Agent

Date: December 27, 2007

Note: If signed by agent, appellant(s) must also sign below.

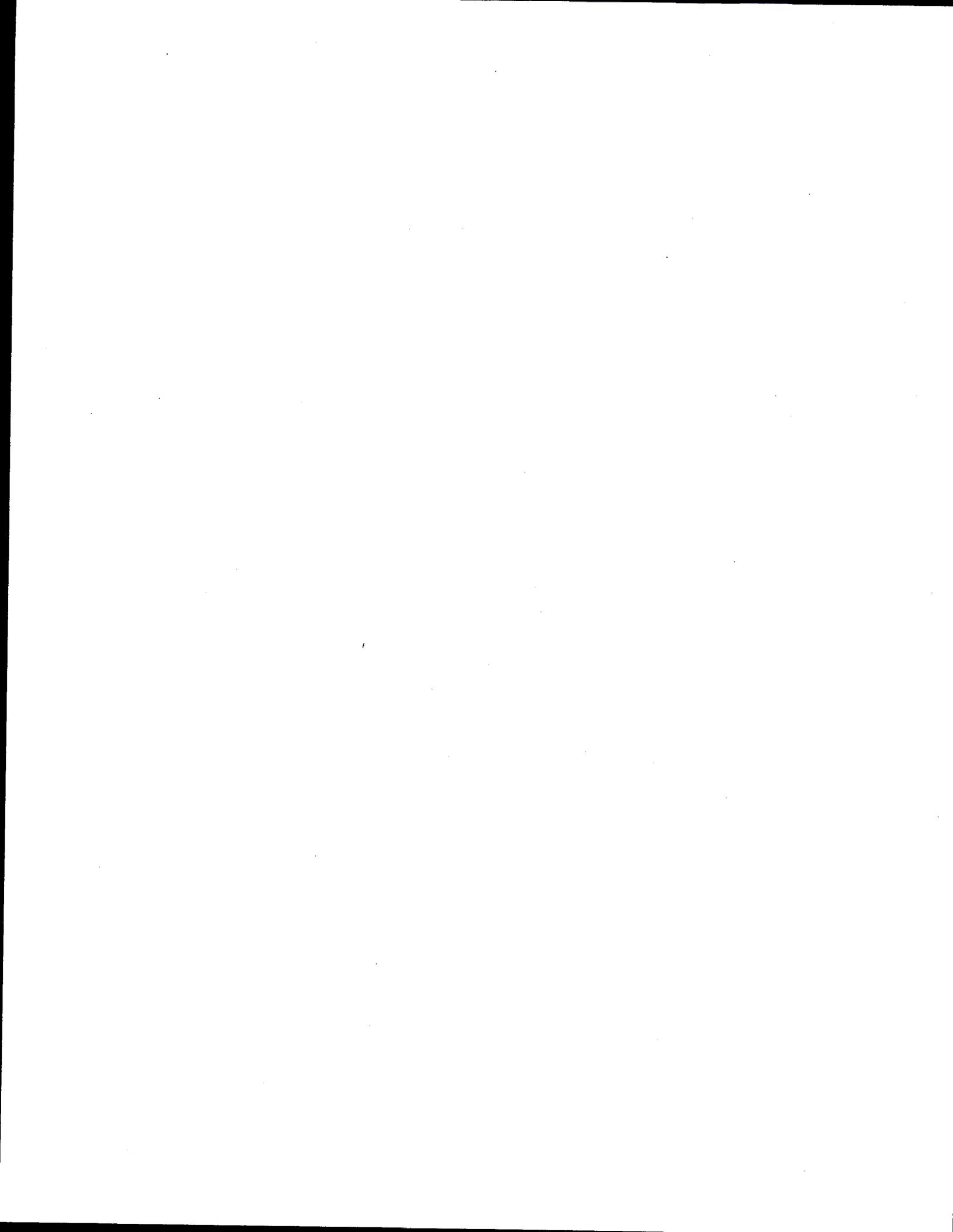
Section VI. Agent Authorization

I/We hereby authorize Britt Haselton
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Albert and Joel Schreck

Signature of Appellant(s)

Date: December 27, 2007



APPLICABLE SANTA CRUZ COUNTY LCP POLICIES

6.2.10: Site Development to Minimize Hazards. *Require all developments to be sited and designed to avoid or minimize hazards as determined by the geologic hazards assessment or geologic engineering investigations.*

6.2.11: Geological Hazards Assessment in Coastal Hazard Areas. *Require a geologic hazards assessment or full geologic report for all development activities within coastal hazard areas, including all development activity within 100 feet of a coastal bluff. Other technical reports may be required if significant potential hazards are identified by the hazards assessment.*

6.2.12: Setbacks from Coastal Bluffs. *All development activities, including those which are cantilevered, and non-habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of a bluff. A setback greater than 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100-year lifetime of the structure, as determined through geologic and/or soil engineering reports. The determination of the minimum 100-year setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures.*

6.2.15: New Development on Existing Lots of Record. *Allow development activities in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, within existing developed neighborhoods, under the following circumstances: (a) A technical report (including a geologic hazards assessment, engineering geology report, and/or soil engineering report) demonstrates that the potential hazard can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, and foundation design. (b) Mitigation of the potential hazards is not dependent on shoreline or coastal bluff protection structures, except on lots where both adjacent parcels are already similarly protected; and (c) The owner records a Declaration of Geologic Hazards on the property deed that describes the potential hazard and the level of geologic and/or geotechnical investigation conducted.*

6.2.16: Structural Shoreline Protection Measures (in relevant part): *Limit structural shoreline protection measures to structures which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches, or coastal dependent uses.*

6.3.1: Slope Restrictions. *Prohibit structures in discretionary projects on slopes in excess of 30 percent. A single family dwelling on an existing lot of record may be excepted from the prohibition where siting on greater slopes would result in less land disturbance, or siting on lesser slopes is infeasible.*

6.3.9: Site Design to Minimize Grading. *Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines: (a) Structures should be clustered; (b) Access roads and driveways shall not cross slopes*

greater than 30 percent; cuts and fills should not exceed 10 feet, unless they are wholly underneath the footprint and adequately retained; (c) Foundation designs should minimize excavation or fill; (d) Building and access envelopes should be designated on the basis of site inspection to avoid particularly erodable areas; (e) Require all fill and sidecast material to be recompacted to engineered standards, reseeded, and mulched and/or burlap covered.

6.4.3: Development on or Adjacent to Coastal Bluffs and Beaches. Allow development in areas immediately adjacent to coastal bluffs and beaches only if a geologist determines that wave action, storm swell and tsunami inundation are not a hazard to the proposed development or that such hazard can be adequately mitigated. Such determination shall be made by the County Geologist, or a certified engineering geologist may conduct this review at the applicant's choice and expense. Apply Coastal Bluffs and Beaches policies.

APPLICABLE SANTA CRUZ COUNTY IMPLEMENTATION PLAN STANDARDS

Section 16.10.070(e)(1) (Slope Stability): ...All development activities shall be located away from potentially unstable areas...

Section 16.10.070(h)(1) (Coastal Bluffs and Beaches; Criteria in Areas Subject to Coastal Bluff Erosion) (in relevant part): ...*(i) for all development and for non-habitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years... (ii) for all development, including that which is cantilevered, and for non-habitable structures, a minimum setback shall be established at least 25 feet from the top edge of the coastal bluff, or alternatively, the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater (iii) the determination of the minimum setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed protection measures, such as shoreline protection structures, retaining walls, or deep piers... (vi) The developer and/or the subdivider of a parcel or parcels in an area subject to geologic hazards shall be required, as a condition of development approval and building permit approval, to record a Declaration of Geologic Hazards with the County Recorder. The Declaration shall include a description of the hazards on the parcel and the level of geologic and/or geotechnical investigation conducted. (vii) approval of drainage and landscape plans for the site by the County Geologist. (viii) service transmission lines and utility facilities are prohibited unless they are necessary to serve existing residences. (ix) All other required local, state and federal permits shall be obtained.*

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2 219
VOICE AND TDD (415) 904-5 200
FAX (415) 904-5 400



20 November 2006

GEOTECHNICAL REVIEW MEMORANDUM

To: Susan Craig, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: Appeal A-3-SCO-06-059 (Collins)

In regard to the above-referenced appeal, I have reviewed the following documents:

- 1) Nielson and Associates 2004, "Geologic investigation for two proposed single family homesites, 546 and 548 Beach Drive, Rio Del Mar, Assessors Parcel Numbers 043-152-55 and 56, Santa Cruz County, California", 34 p. Geologic report dated 20 February 2004 and signed by H. Nielsen (CEG 1390).
- 2) Haro, Kasunich and Associates 2004, "Geotechnical investigation, two proposed blufftoe residences for APN 043-152-55 & 56, 546 & 548 Beach Drive, Santa Cruz County, California", 58 p. geotechnical report prepared for Mike and Debbie Collins dated 17 March 2004 and signed by R. L. Parks (GE 2603).
- 3) Buchanan Engineering 2004, "Plan review, Collins/Wenger residence, 548 Beach Drive, Aptos, CA 95003, APN 043-152-56", 1 p. review letter dated 25 May 2004 and signed by J. Buchanan (CE 41841), Jr.
- 4) Haro, Kasunich and Associates 2004, "Geotechnical plan review of architectural layout, proposed blufftoe residence, APN 043-152-56, 548 Beach Drive, Santa Cruz County, California", 2 p. review letter dated 26 May 2004 and signed by R. L. Parks (GE 2603).
- 5) Nielson and Associates 2004, "Plan review for a proposed new single family house, 548 Beach Drive, Santa Cruz County, California, APN 43-152-56", 2 p. review letter dated 14 June 2004 and signed by H. Nielsen (CEG 1390).
- 6) County of Santa Cruz Planning Department 2004, "Application 04-0255; APN 043-152-56, Engineering geologic report and geotechnical report reviews, geotechnical report by Haro, Kasunich, and Associates, dated March 17, 2004; project SC8462, and, engineering geology report by Nielsen and Associates, date February 2004", 2 p. geotechnical review letter dated 9 August 2004 and signed by J. Hanna (CEG 1313).
- 7) Jim Mosgrove, Architect 2004, "Application No. 04-0255m A.P.N. 043-152-56, Engineering geologic report and geotechnical report reviews", 2 p. response letter dated 29 October 2004 and signed by J. Mosgrove.
- 8) Nielson and Associates 2004, "Response to County Geologist's comments in a letter dated 9 August 2004 regarding our geologic report for the property, and our comments regarding our review of a set of plans for a new single family home for parcel 56, 548

**Exhibit 4
A-3-SCO-08-001
Page 1 of 14**

Beach Drive, Santa Cruz County, California, APN 43-152-56", 4 p. response letter dated 31 October 2004 and signed by H. Nielsen (CEG 1390).

- 9) Buchanan Engineering 2004, "Response to County of Santa Cruz geologist letter, Application 04-0255, APN 043-152-56", 2 p. letter dated 5 November 2004 and signed by J. Buchanan (CE 41841), Jr.
- 10) Nielson and Associates 2006, "Response to findings of denial by the Santa Cruz County Planning Department at the request of the Planning Commission, 548 Beach Drive, Santa Cruz County, California, APN 43-152-71", 2 p. response letter dated 6 June 2006 and signed by H. Nielsen (CEG 1390).
- 11) Haro, Kasunich and Associates 2006, "Geotechnical response to denial findings, proposed blufftop residence, APN 043-152-56, 548 Beach Drive, Santa Cruz County, California", 2 p. response letter dated 21 June 2006 and signed by R. L. Parks (GE 2603).
- 12) Cotton, Shires and Associates 2006, "Proposed Beach Drive residential development, Aptos, California", 6 p. memorandum dated 22 June 2006, dated 10 August 2006 and signed by J. Wallace (CEG 1923).
- 13) Nielson and Associates 2006, "Comments and response to a letter prepared by John Wallace of Cotton, Shires and Associates dated 10 August 2006, 548 Beach Drive, Santa Cruz County, California, APN 43-152-71", 4 p. response letter dated 21 August 2006 and signed by H. Nielsen (CEG 1390).
- 14) Haro, Kasunich and Associates 2006, "Geotechnical summary of proposed residential development, proposed Collins residence, 548 Beach Drive, APN 043-152-56, Santa Cruz County, California, Application number: 04-0255", 6 p. geotechnical letter report dated 21 August 2006 and signed by R. L. Parks (GE 2603).
- 15) County of Santa Cruz Planning Department 2006, "Application 04-0255; APN 043-152-71 [sic]", 2 p. geotechnical review Memorandum dated 31 August 2006 and signed by J. Hanna (CEG 1313)

In addition, I met with the project architect, Jim Mosgrove, and geotechnical engineer, Rick Parks, at the site on 16 November 2006.

The site consists almost entirely of a steeply sloping coastal bluff some 107 feet high consisting of poorly consolidated marine terrace deposits and poorly consolidated sandy materials mapped as the Purisima Formation. This bluff, and its off-site extension upcoast and downcoast from the subject site, have a long history of landsliding and debris flows. Reference (2) contains quantitative slope stability analyses evaluating the static and seismic stability of the slope at the subject site for a variety of conditions. These analyses suggest that three types of slope failures are likely in the future: 1) circular failures confined to the terrace deposits at the top of the slope, 2) relatively deep-seated translational failures during a seismic event, and 3) a somewhat thinner translational failure resulting from saturation of the bluff materials during rainfall events. These analyses make use of soil strength parameters from relatively undisturbed samples collected at nearby sites with similar geologic conditions to the subject site. Assuming that these types of landslides are inevitable, reference (2) provides peak impact forces and debris volumes associated with each type of failure. It is my understanding that the structural engineer will use these peak impact forces and volumes to design a structure that will be able to

both sustain the expected impact forces (with a suitable factor of safety) as well as be able to store and sustain landslide debris on its roof. I concur that the failure mechanisms and volumes are supported by the geologic evidence, that the seismic design parameters are conservative, and that if the structure is adequately designed to resist these forces that it will assure the safety and security of the inhabitants. References (3), (4), and (5), indicate that the design provided by the architect is consistent with the recommendations of the geologist, geotechnical engineer, and structural engineer.

The Commission's staff engineer is best suited to evaluate the adequacy of the structural design of this "bunker-style" residence. I note, however, that the design makes use of a caisson foundation system drilled a minimum 10 feet into undisturbed bedrock, and cantilevered and tied-back retaining walls to support the back- and side-slopes of the residence. I concur with the contention, made in references (2), (11), and (14), that when construction is complete, the tied-back retaining walls that are part of the design of the structure will serve to strengthen the slope and will actually tend to reduce the risk of deep-seated landslides at the site.

The County's staff geologist had several relatively minor questions and concerns, expressed in reference (6). These issues were addressed, in my opinion satisfactorily, in references (7), (8), and (9).

The opponents to the project raised several objections to the proposed project on geologic grounds, leading to the Planning Commission's denial of the project. These objections were later formalized in reference (12); the applicants' response to these issues can be found in references (10), (11), (13), and (14). The County's staff geologist also responded to these issues in reference (15), recommending approval of the project on appeal. I will now summarize the salient objections raised by the opponents, the applicants' and County geologist's response, and my evaluation of the merit of the objections raised in reference (12).

Contention 1: Road closures caused by flooding and/or landslides, lack of secondary access, and high density housing combine to place increasing numbers of people at risk from flooding, tsunami, landslide, debris flow, and fire hazards.

There is no question that the development along Beach Drive is subject to an unusually high number of geologic and other hazards, and is a challenging place to establish safe development. The applicants' geologist and engineers have, in my opinion, mitigated these hazards by proposing a design that places the finished grade of the first inhabited floor above the FEMA-defined 100-year flood elevation, and is designed to survive impact and burial by debris flows and landslides. I concur that a large tsunami may have greater impact than the 100-year flood, but it is difficult to justify designing a single family residence for such rare, albeit high-impact, events as major tsunamis. Likewise, clustering of development may tend to increase fire risk, but at the same time is generally preferable to allowing sprawl with its attendant land-use impacts. Finally, despite its hazardous location, the site is a privately-owned parcel that can be developed in a manner to mitigate the natural and artificial hazards to which it is subject. The development will in no way increase the risk of road closure, and may to some degree help prevent road closures caused by landslides due to the increased

stability that the project will lend to the hillside once complete, and the storage capacity of the roof for retaining debris from a large landslide (one sufficient to overtop the debris wall).

Contention 2a: The proposed development is exposed to an unacceptable level of risk due to potential slope failures, including the presence of a fissure directly upslope opened by the 1989 Loma Prieta Earthquake.

Again, there is no doubt that the slope on the site is unstable or only marginally stable and will undoubtedly suffer slope failures in the future. The proposed structure is designed to accommodate slope failure.

Contention 2b: The project geologist misidentified the formational materials making up the bluff and the slope stability analyses based on this information therefore are suspect.

The appellants' geologist contends that the lower portion of the bluff is made up of the Aromas Formation, whereas the project geologist identifies this material as the Purisima Formation (as identified on published geologic maps). The project geologist responded to the appellants' contention by stating, in reference (13) that "research geologists in the 1970's" determined on fossil evidence that these rocks are marine and too old to be the Aromas Formation. No references or data are provided, however, and I have been unable to confirm this assertion. I also was unable to locate any outcrops in the field, and did not have access to boring materials. I do note, however, that the boring logs in reference (1) generally characterize this material as loose sand, silty sand, with occasional gravel and clay. Although this description is more typical of the Aromas Formation than the Purisima Formation, it is quite possible that, as the project geologist contends, this is an unusual portion of the Purisima Formation that is much less cemented than is typical.

The appellants' geologist contends that the identification of the formation is important because the Aromas Formation tends to be composed of unconsolidated or weakly cemented sand, whereas the Purisima Formation generally is much stronger. Although this is generally true, the identification of the correct geologic unit is unimportant from an engineering geologic viewpoint. What is important is adequately characterizing its strength. It is my opinion that reference (2) makes use of appropriate strength parameters for the materials described in the geologic borings.

Contention 2c: It is highly unusual to see this 'duck-and-cover' approach to mitigation.

I concur that hazard avoidance is generally preferable to hazard mitigation, and that such "bunker" construction is rarely employed to mitigate for slope instability. This is at least partly because of the great expense with engineering this type of solution. However, I concur with the applicants that, although unusual, this engineering solution does indeed mitigate the hazard. It has been applied elsewhere on Beach Drive and is, in

fact, required by the County for any new construction on the landward side of Beach Drive. It is true that this engineering approach has substantial environmental impacts, especially the level of alteration of natural landforms along bluffs and cliffs. However, the hazards that this privately-owned parcel are subject to can safely be mitigated in a manner consistent with the LCP.

Contention 3: The proposed project is exposed to an unacceptable level of risk.

I concur that the development will be subject to considerable risk, and that unacknowledged errors in defining the geologic conditions, in engineering, or in construction will certainly place the inhabitants at greater risk than they may realize. However, it is my opinion that the hazards have been identified, characterized and mitigated to an adequate degree. In addition, the County conditioned its approval to require the owners to record a Declaration of Geologic Hazards on the property deed (Condition of Approval II.K.).

Contention 4: The proposed project places others at risk by deflecting landslide debris to the sides

The appellants' geologist states that since the landslide hazard is not mitigated, slope failures can run out around the structure and impact other structures or persons on the road below. A corollary to this contention is found in the Planning Commission's denial findings, which state, in part, that "the 'landslide containment wall' on the roof of the proposed residence may result in increased potential for structural damage and debris deflection during large slide vents. This wall will be a vertical element, which will be impacted during a large-scale slide event with the potential for damage to the structural integrity of the house." I, however, concur with the applicants' geologist and engineers in that this wall mostly will be effective only in smaller debris flow and slide events, and will prevent material from covering the roof during such small events. Material will, indeed, be deflected to the sides, but the 25 foot minimum side-yard setback should be adequate to keep this material from impacting adjacent houses. In larger landslide events, the wall will be overtopped and the roof of the structure will serve as a storage area for the slide debris.

Contention 5: The proposed project places an undue burden on the governing body due to maintenance requirements, emergency response, and risk of litigation.

This contention does not deal directly with Coastal Act issues. The primary governing body, the County of Santa Cruz, has accepted any burden placed on it by the project by granting the permit. As stated above, the County required that the owners record a Declaration of Geologic Hazards on the property deed.

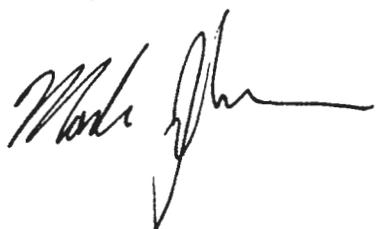
**Exhibit 4
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Additional contention from Planning Commission's findings of denial: The project will result in slope instability during excavation due to the length of the cut into the coastal bluff for construction of the shoring and rear wall.

I agree that the excavation of the backcut into the marginally stable coastal bluff for the retaining wall(s) and for the sidecuts will be a dangerous operation. I agree with reference (11), however, that the length of the backcut is less important than the extent of the mass removed at any one time. The removal of material at the base of the slope will remove resisting forces from the bluff, and could result in slope failure if those resisting forces are not replaced in some way. That is the purpose of the tied-back retaining wall. In fact, once complete, the resisting forces will be greater than they are in the natural condition. However, the process of excavation has the potential to destabilize the slope. This is a common situation for construction on steep slopes, and appropriate precautions have become standard practice in the industry. As described in reference (11), these include excavating the backcut from the top down, under dry weather conditions, in 5-foot increments, and ensuring that tiebacks are installed and tensioned prior to excavating the next 5-foot increment.

In summary, it is my opinion that this site can only be safely developed by extensive mitigation, including the use of a design to both support the slope and bear the impact and weight of the worst conceivable landslide event. Further, the habitable space must be elevated above the 100-year flood level, and great care must be taken during construction so as not to destabilize the slope. Clearly, hazard avoidance would be preferable to mitigating the hazard by landform alteration and engineering efforts. However, this parcel can be developed safely within the parameters of the LCP.

Sincerely,



Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

**Exhibit 4
A-3-SCO-08-001
Page 6 of 14**

20 November 2006

To: Susan Craig, Coastal Program Analyst
From: Lesley Ewing, Sr. Coastal Engineer
Re: Appeal A-3-SCO-06-059 (Collins)

In regard to the above-referenced project, Dr. Johnsson and I were provided with the same materials. In the interest of time, I have reproduced below the document list provided by Dr. Johnsson in a separate memo relating to his Geotechnical review. I have not had the opportunity to do a site visit, but have examined photos of this site from the California Coastal Records Project and Google Earth. While these do not substitute for a site visit, they do provide a visual context for the provided site material.

- 1) Nielson and Associates 2004, "Geologic investigation for two proposed single family homesites, 546 and 548 Beach Drive, Rio Del Mar, Assessors Parcel Numbers 043-152-55 and 56, Santa Cruz County, California", 34 p. Geologic report dated 20 February 2004 and signed by H. Nielsen (CEG 1390).
- 2) Haro, Kasunich and Associates 2004, "Geotechnical investigation, two proposed blufftoe residences for APN 043-152-55 & 56, 546 & 548 Beach Drive, Santa Cruz County, California", 58 p. geotechnical report prepared for Mike and Debbie Collins dated 17 March 2004 and signed by R. L. Parks (GE 2603).
- 3) Buchanan Engineering 2004, "Plan review, Collins/Wenger residence, 548 Beach Drive, Aptos, CA 95003, APN 043-152-56", 1 p. review letter dated 25 May 2004 and signed by J. Buchanan (CE 41841), Jr.
- 4) Haro, Kasunich and Associates 2004, "Geotechnical plan review of architectural layout, proposed blufftoe residence, APN 043-152-56, 548 Beach Drive, Santa Cruz County, California", 2 p. review letter dated 26 May 2004 and signed by R. L. Parks (GE 2603).
- 5) Nielson and Associates 2004, "Plan review for a proposed new single family house, 548 Beach Drive, Santa Cruz County, California, APN 43-152-56", 2 p. review letter dated 14 June 2004 and signed by H. Nielsen (CEG 1390).
- 6) County of Santa Cruz Planning Department 2004, "Application 04-0255; APN 043-152-56, Engineering geologic report and geotechnical report reviews, geotechnical report by Haro, Kasunich, and Associates, dated March 17, 2004; project SC8462, and, engineering geology report by Nielsen and Associates, date February 2004", 2 p. geotechnical review letter dated 9 August 2004 and signed by J. Hanna (CEG 1313).
- 7) Jim Mosgrove, Architect 2004, "Application No. 04-0255m A.P.N. 043-152-56, Engineering geologic report and geotechnical report reviews", 2 p. response letter dated 29 October 2004 and signed by J. Mosgrove.

- 8) Nielson and Associates 2004, "Response to County Geologist's comments in a letter dated 9 August 2004 regarding our geologic report for the property, and our comments regarding our review of a set of plans for a new single family home for parcel 56, 548 Beach Drive, Santa Cruz County, California, APN 43-152-56", 4 p. response letter dated 31 October 2004 and signed by H. Nielsen (CEG 1390).
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- 11) Haro, Kasunich and Associates 2006, "Geotechnical response to denial findings, proposed blufftop residence, APN 043-152-56, 548 Beach Drive, Santa Cruz County, California", 2 p. response letter dated 21 June 2006 and signed by R. L. Parks (GE 2603).
- 12) Cotton, Shires and Associates 2006, "Proposed Beach Drive residential development, Aptos, California", 6 p. memorandum dated 22 June 2006, redated 10 August 2006 and signed by J. Wallace (CEG 1923).
- 13) Nielson and Associates 2006, "Comments and response to a letter prepared by John Wallace of Cotton, Shires and Associates dated 10 August 2006, 548 Beach Drive, Santa Cruz County, California, APN 43-152-71", 4 p. response letter dated 21 August 2006 and signed by H. Nielsen (CEG 1390).
- 14) Haro, Kasunich and Associates 2006, "Geotechnical summary of proposed residential development, proposed Collins residence, 548 Beach Drive, APN 043-152-56, Santa Cruz County, California, Application number: 04-0255", 6 p. geotechnical letter report dated 21 August 2006 and signed by R. L. Parks (GE 2603).
- 15) County of Santa Cruz Planning Department 2006, "Application 04-0255; APN 043-152-71 [sic]", 2 p. geotechnical review Memorandum dated 31 August 2006 and signed by J. Hanna (CEG 1313)

The proposed development site is an area of high hazard. Concerns have been raised for both flooding and landslide concerns. The Geotechnical Investigation (Haro, Kasunich and Associates, Inc. March 2004) outlines the major issues related to the safe development of this site, provides appropriate impact loads for use in the design of the small debris wall as well as the structural elements of the residence. In addition the Geotechnical Report provides 39 recommendations for preparing the project plans and specifications.

The Geotechnical Report notes that the occupants within the residence should not be subject to risks from geologic hazards beyond the "Ordinary Risks Level" in the Scale of Acceptable Risks" contained in the Appendix to this [i.e. the Geotechnical Investigation] report. This is a somewhat misleading since the project design necessitates attention to significant landslide

hazards and those hazards have a high probability of occurrence during the time the structures are occupied. The design of the structures is based upon the need to withstand and survive a landslide event – not something that is part of most ordinary risk for single family homes.

The level of risk posed by the site is reflected in the 39 recommendations that are included in the Geotechnical Report and the 8 recommendations that are included in the Geologic Investigation (February 2004) by Nielsen and Associates. These recommendations, *in toto*, are important for the safe construction and occupation of the proposed development. The County Permit was conditioned to require that the final plans reference and incorporate all these recommendations. Only with these recommendations is it possible to find that these proposed new developments can be generally safe and able to meet the requirements of Section 30253 of the California Coastal Act. The proposed development will not be safe from all hazards, but the development should be able to withstand the foreseeable threats from landslides, earthquakes and flooding without collapse or structural failure. Even with the inclusion of all the recommendations, an assumption of risk condition would be an appropriate condition for this development, given the hazardous nature of the sites and the general environment.

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A-3-SCO-08-001
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20 February 2007

GEOTECHNICAL REVIEW MEMORANDUM

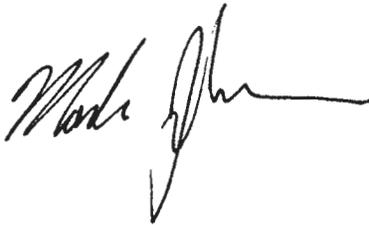
To: Susan Craig, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: Appeal A-3-SCO-06-059 (Collins)

In regard to the above referenced appeal, I have reviewed my memo of 20 November 2006. I have received no additional information since I prepared that memo, and have no reason to believe that conditions on the ground have changed. Accordingly my review and recommendations of 20 November 2006 remain valid.

You have asked if, in my opinion, reducing the size of the residence from three stories to two would lower the risk of landslide or debris flow, either during construction, or in the built-out condition. Although it is true that a lower backcut at the base of an unstable slope normally would afford greater stability, in this case the backcut is to be excavated incrementally in five foot intervals, concomitantly with the construction of tied-back retaining walls. In my opinion, little if any additional security would be attained by limiting the finished extent of the backcut given this construction sequence. Furthermore, once constructed, a higher retaining wall will actually afford *greater* stability than a lower one. Finally, part of the security that adjacent residences are afforded against deflected smaller debris flows comes from the relatively wide sideyard setbacks in the proposed development. If these sideyard setbacks are reduced in an effort to regain living space lost from a reduction in height, the security afforded by the sideyard setbacks would be reduced.

I hope that this review is helpful. Please do not hesitate to contact me with any questions.

Sincerely,



Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

**Exhibit 4
A-3-SCO-08-001
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5 September 2007

To: Susan Craig, Coastal Program Analyst
From: Lesley Ewing, Sr. Coastal Engineer
Re: Appeal A-3-SCO-06-059 (Collins)

The principle issue with respect to development of this parcel concerns landslide hazards. As conditioned by the County, the building design will support any landslide debris and should not divert the landslide flow in a manner that would aggravate the consequences of the landslide flow elsewhere. The most vulnerable time will be during the construction phase when the contractor will cut into the slope and excavate the site in order to install the supporting walls and building. The project plans identify steps that will be taken to maintain site stability during construction and minimize the possibility of these actions triggering a landslide. With careful construction and absent a huge earthquake or other disaster coincident with construction, it should be possible to build this development without causing a landslide or debris flow. By excavating soil and removing it from the site, there could be a very slight reduction of the general hazard to the area, i.e. the project will reduce the amount of landslide material that would be mobilized during an earthquake or landslide if the project were not built.

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



20 November 2006

To: Susan Craig, Coastal Program Analyst
From: Lesley Ewing, Sr. Coastal Engineer
Re: Appeal A-3-SCO-06-059 (Collins)

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- 6) County of Santa Cruz Planning Department 2004, "Application 04-0255; APN 043-152-56, Engineering geologic report and geotechnical report reviews, geotechnical report by Haro, Kasunich, and Associates, dated March 17, 2004; project SC8462, and, engineering geology report by Nielsen and Associates, date February 2004", 2 p. geotechnical review letter dated 9 August 2004 and signed by J. Hanna (CEG 1313).
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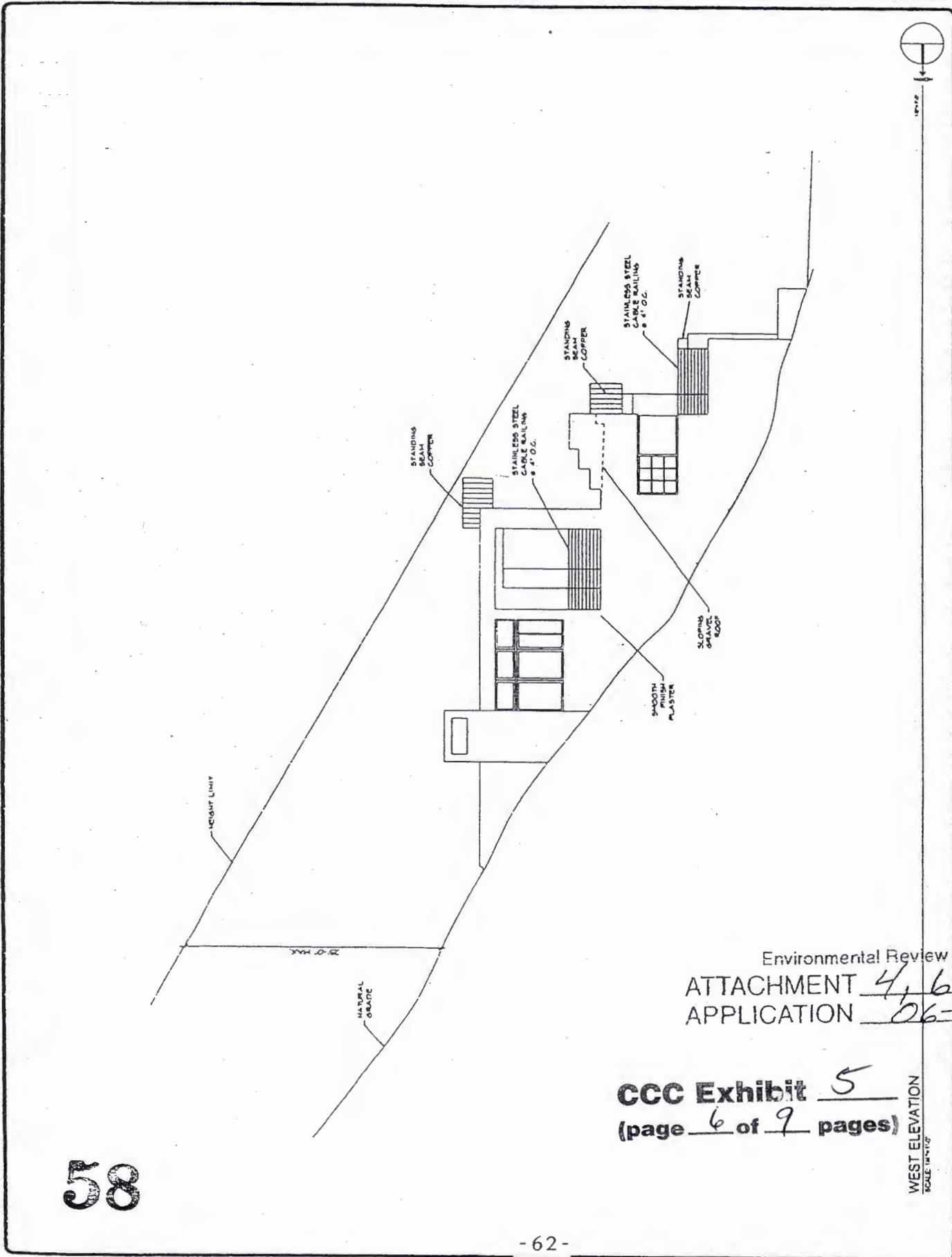
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NEW CONSTRUCTION FOR
COLLINS / WENGER RESIDENCE
 146 BEACH DRIVE, APT. 202, CA 90230

JIM MOSGROVE, ARCHITECT
 117 LITTLE CREEK RD., SPOKANE, CALIFORNIA 90073
 760-543-8749 FAX 760-543-8748

A6

DATE: 10/11/12
 DRAWN BY: JMM
 CHECKED BY: JMM
 SCALE: AS SHOWN



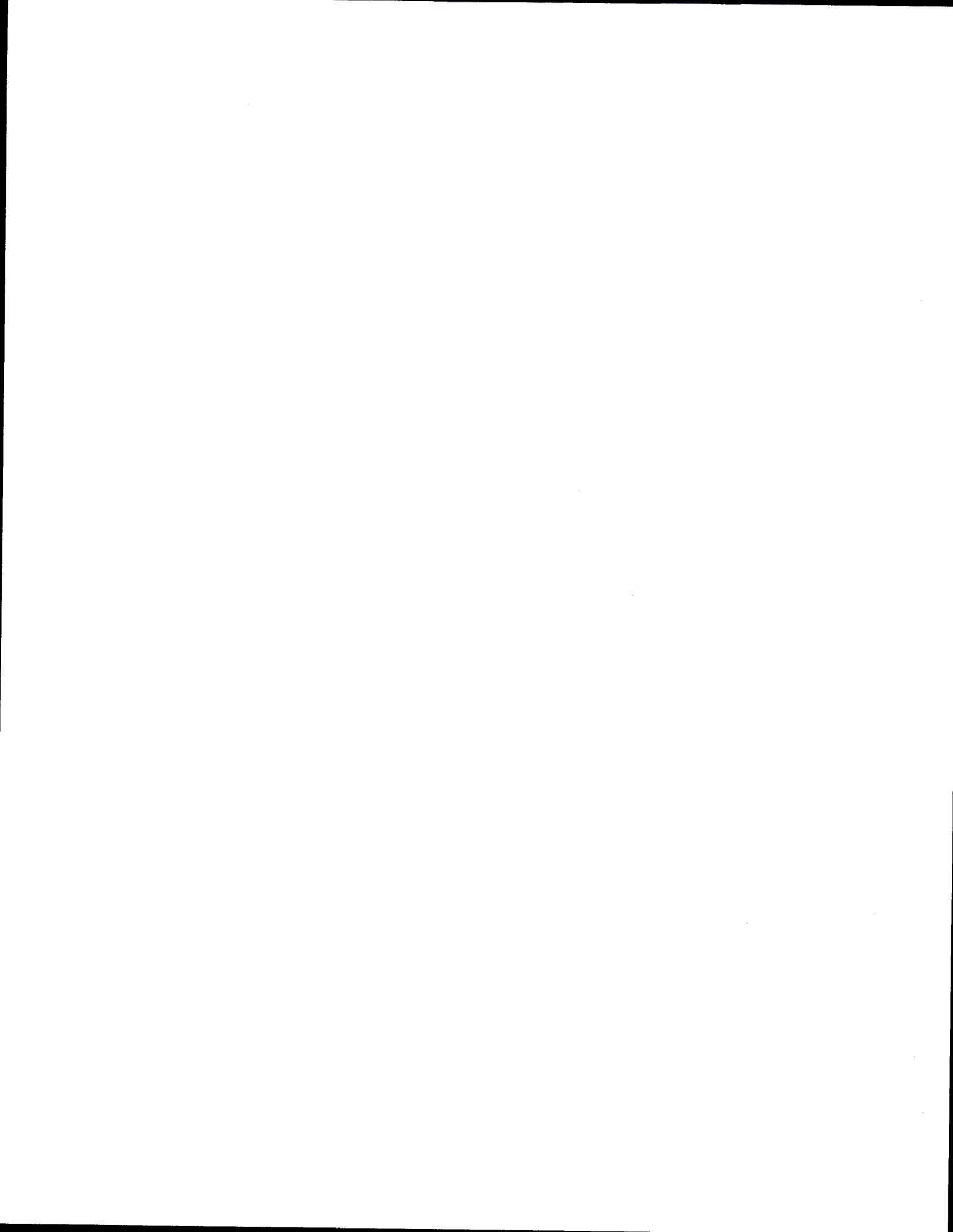
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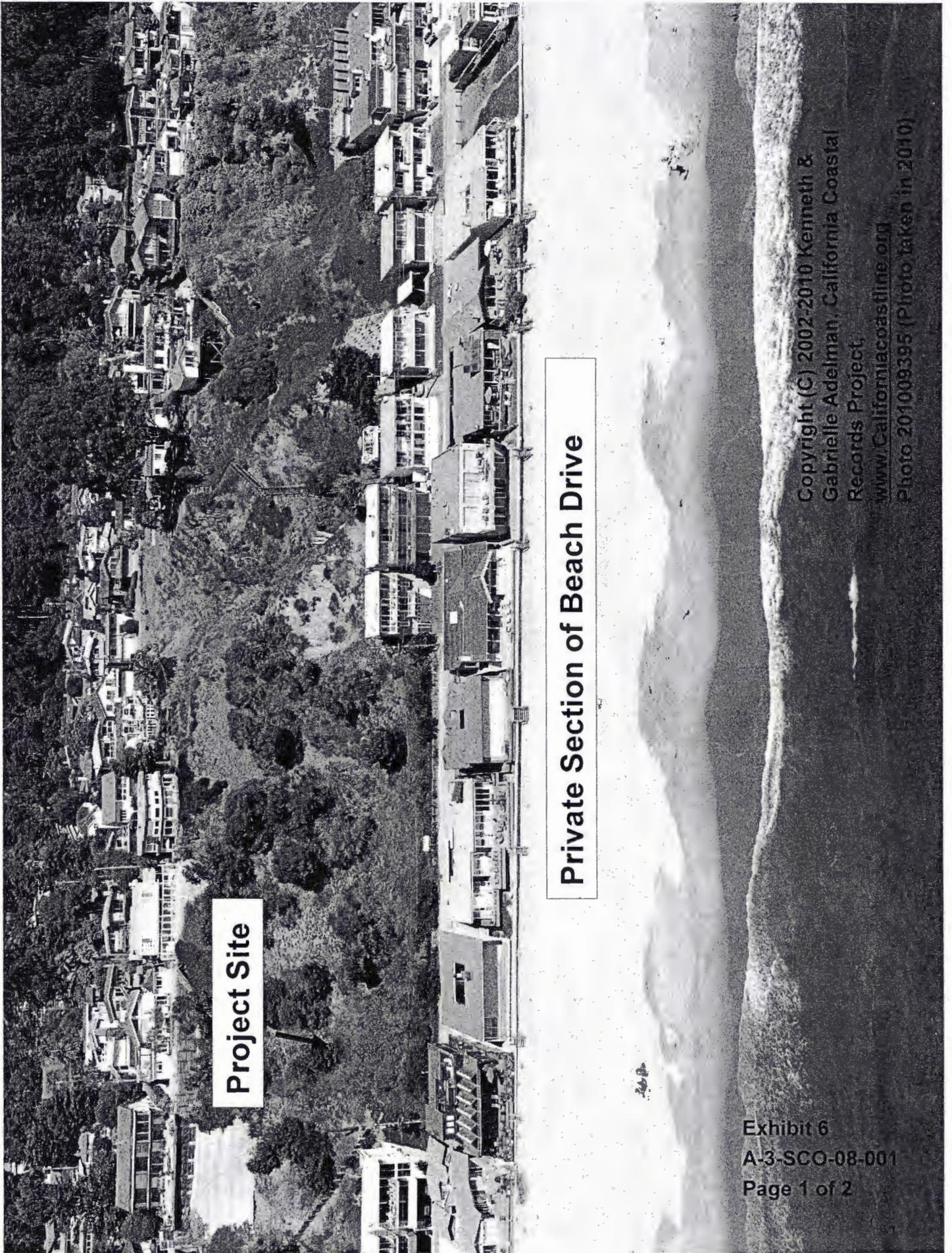
Environmental Review Initial Study
 ATTACHMENT 4, 6 of 8
 APPLICATION 06-0156

CCC Exhibit 5
 (page 6 of 9 pages)

WEST ELEVATION
 SCALE 1/4"=1'-0"

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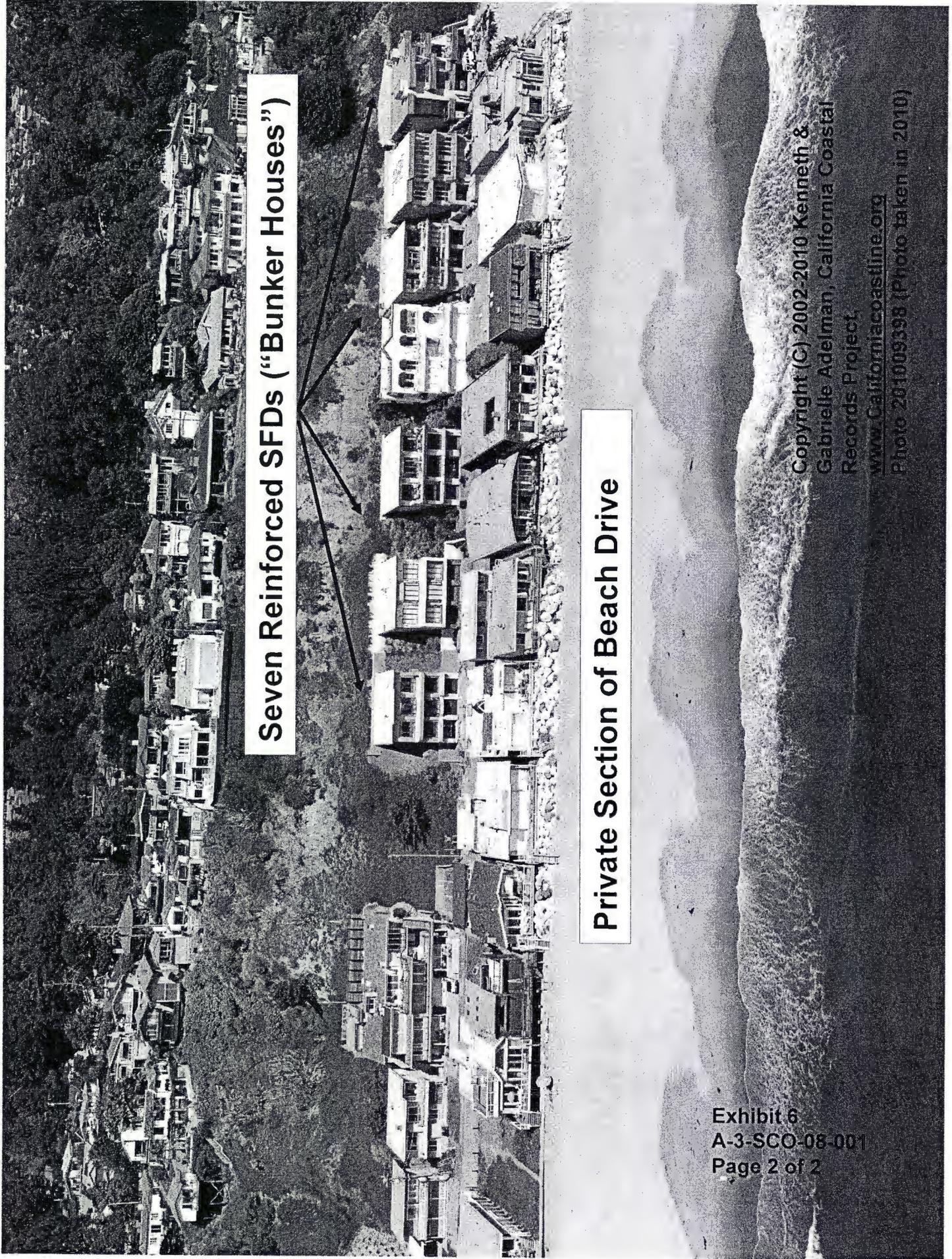


Project Site

Private Section of Beach Drive

Exhibit 6
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Page 1 of 2

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Gabrielle Adelman, California Coastal
Records Project,
www.CaliforniaCoastline.org
Photo 201009395 (Photo taken in 2010)



Seven Reinforced SFDs ("Bunker Houses")

Private Section of Beach Drive

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Page 2 of 2

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Records Project,
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Photo 201009398 (Photo taken in 2010)