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W13a

Appeal Filed: 9/8/2015
49th Day: 10/27/2015
Staff: Rainey Graeven - SC
Staff Report: 9/17/2015
Hearing Date: 10/7/2015

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION

Appeal Number: A-3-SCO-15-0056

Applicants: Samuel Singer

Appellants: Commissioners Mary Shallenberger and Steve Kinsey

Local Decision: Approved by the Santa Cruz County Planning Commission on August 6, 2015 (County application number 141206).

Project Location: On the bluff top above Sunset State Beach at 78 Sunset Drive, in unincorporated Watsonville in southern Santa Cruz County (APN 046-181-12).

Project Description: Foundational repairs/upgrades (some already completed), replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling.

Staff Recommendation: Substantial Issue Exists

Important Hearing Procedure Note: The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the Applicant, any aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally (and at the discretion of the Chair) limited to three minutes total per side. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If

the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The County-approved project is located at 78 Sunset Drive, in the unincorporated Watsonville area in southern Santa Cruz County, on the bluff top directly above Sunset State Beach. The existing residence appears to cantilever over the bluff edge. The County-approved project authorizes substantial foundational work (some already completed), as well as significant remodeling and structural modifications to the residence. The County's approval allows the Applicant to remodel the interior of the dwelling to include a 173-square-foot living room addition within the existing structure, to construct an additional full bathroom adjacent to the second bedroom, and perform additional major structural modifications to the walls, windows, floor, foundation, and roof of the structure, including exterior siding material. The structural modifications include significant enhancements to the foundation (the addition of 11 piers with 4 foot spacing and extension of the foundation two feet southwest toward Sunset State Beach to support the addition of a living room and a remodeled dining room), structural walls (104 linear feet), and roof (606 square feet). The approved project also authorizes the removal of exterior decking to ensure that the residence remains within the property line and no longer encroaches upon State Park property.

The Appellants contend that the County's decision is inconsistent with LCP requirements related to hazards and the protection of public viewsheds. With respect to hazards, the LCP requires that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period. Further, the LCP requires that a geologic hazards assessment or a full geologic report be prepared for all development activity in "coastal hazard areas." The approved project does not include a geologic hazards assessment or a full geologic report, and does not include evidence to ensure the development's longevity over the minimum 100-year period.

With respect to public viewsheds, the subject property is located within an LCP-mapped and designated scenic resource area, and directly above Sunset State Beach. The development site is visible from significant public viewing areas up and downcoast on Sunset State Beach (including highly used beach areas). The approved residential structure improvements and additions could adversely impact public views by increasing the size, mass, and seaward encroachment of residential development at this sensitive location, especially as the bluff continues to erode and the foundational piers become exposed, and if additional shoreline protection is constructed in the future.

Thus staff recommends the Commission find substantial issue. If the Commission does, then the de novo hearing on the merits of the CDP application would be scheduled for a future Commission meeting. The motion and resolution to effect this recommendation are found on page 4.

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EXHIBITS

Exhibit 1 – Location Map
Exhibit 2 – Project Photos
Exhibit 3 – Geotechnical Report & Certification by the County (2014)
Exhibit 4 – Geological Declarations, Letters & Evaluations (1984-1986)
Exhibit 5 – Approved Project Plans
Exhibit 6 – Appeal Document
Exhibit 7 – County’s Final Local Action Notice
Exhibit 8 – Applicable LCP Policies and Standards

APPENDICES

Appendix A – Substantive File Documents

I. MOTION AND RESOLUTION

Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SCO-15-0056 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a **no** vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-SCO-15-0056 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The approved project site is located at 78 Sunset Drive, in the unincorporated Watsonville area in southern Santa Cruz County, on the bluff top directly above Sunset State Beach (APN 046-181-12). The lot size is 4,183 square feet. However, the zoning district is R-1-15, which requires a minimum lot size of 15,000 square feet. Thus, the lot is nonconforming in size. The project site is developed with a single-family residence. The property is among a handful of developed properties on Sunset Drive overlooking Sunset State Beach. The single-family residence on the site appears to be cantilevered over the bluff edge. *Carpobrotus edulis*, commonly known as ice plant, is prevalent along the bluff top and bluff face, with the exception of the bluff face located directly below the Applicant's property. The absence of ice plant on the bluff face below the Applicant's property suggests severe and ongoing erosion of the bluff. See Exhibit 1 for a project location map. See Exhibit 2 for photos of the project site.

B. PROJECT BACKGROUND

The house appears to have been first constructed in 1973. Between the years of 1983-1986, the home suffered significant structural damage, necessitating substantial repair. In 1986, the

owner's¹ geotechnical engineering consultants, Haro, Kasunich & Associates (HKA), found that the structural damage to the home was a result of "loose, poorly compacted fill under a portion of the residence... in conjunction with faulty construction" (See Exhibit 3). HKA further noted that the toe of the slope (on Sunset State Beach and immediately below the house) was undermined by wave run-up activity. The Geologic Hazards Assessment conducted by the County's Planning Geologist, Mr. Dave Leslie, found that the "steep coastal bluff [directly beneath the home] is very susceptible to erosion and landsliding [...] thus is not a permanent natural feature." Mr. Leslie recommended "that a permit for reconstruction not be approved with respect to geologic issues" (See Exhibit 4). Mr. Leslie also recommended that "the remainder of the damaged structure on the property be removed from the site, and that the parcel not be used for a habitable dwelling" (See Exhibit 4).

Ultimately, based on HKA's determination that the structural damage was a result of poorly compacted fill and faulty construction, in 1986, the property owner at the time, William Kime, obtained a Coastal Development Permit (CDP 86-0022)² and an associated building permit (#85437). Shortly thereafter Mr. Kime signed a declaration acknowledging that the property is in an area subject to known hazards, and that this information must be disclosed to all future owners (See Exhibit 4). CDP 86-0022 granted approval to complete substantial foundational repairs and to remodel the single family dwelling. The repairs included replacement of the foundation on the south and west sides of the residence, replacement of the exterior concrete block wall with a stud wall, and replacement of interior walls. The remodel consisted of closing off windows and doors, upgrading the main electric service to 125 amps, rewiring the entire house, and replacing all plumbing.

Between 2009 and 2010 a portion of the coastal bluff under the dwelling failed. On October 20, 2014 the County issued an Emergency Building permit (B-143887), but failed to issue an Emergency Coastal Development permit as required by LCP Section 13.20.090 (A). The work completed under B-143887 included the construction of a 298-square-foot, five-foot-tall soldier pile retaining wall for slope stabilization in front of the dwelling, construction of a curtain wall below the single family dwelling, and associated drainage improvements³. The Emergency Building permit also required removal of unpermitted decks. The County confirmed that the decks were unpermitted by: 1) reviewing photos from 2002 that are available through the California Coastal Records Project web site; 2) reviewing a previously issued building repair permit from 1987 (permit # 85437), and; 3) performing a permit history search. These resources also confirmed that a portion of the existing deck is located within State Parks property.

¹ The owner of the property in 1986 was William A. Kime.

² Commission staff received a Final Local Action Notice for the County's approval of CDP 86-0022 on September 24, 1986 (3-SCO-87-004) and noted that the "Coastal bluff project fails to meet current devel[opment] standards for hazards & visual resources." However, the Commission did not appeal that CDP.

³ The work issued under B-143887 (298-square-foot, five-foot-tall soldier pile retaining wall for slope stabilization in front of the dwelling, construction of a curtain wall below the single family dwelling, and associated drainage improvements) has already been completed. There is no evidence that the County granted either an emergency CDP or the required follow-up CDP to authorize the aforementioned work. This work is separate from the work recently approved by the County that is the subject of this appeal.

C. SANTA CRUZ COUNTY APPROVAL

On August 6, 2015, the Planning Commission approved local CDP 141206. Notice of the County's action on the CDP was received in the Coastal Commission's Central Coast District Office on August 24, 2015. The Coastal Commission's ten-working day appeal period for this action began on August 25, 2015 and concluded at 5 p.m. on September 8, 2015. One valid appeal (see Exhibit 6) was received during the appeal period.

D. PROJECT DESCRIPTION

The County-approved project authorizes the emergency foundational work undertaken pursuant to Emergency Building Permit B-143887, and also allows for additional significant remodeling and structural modifications to the residence. The County's approval allows the Applicant to remodel the interior of the dwelling to include a 173-square-foot living room addition within the space of the existing patio, to construct an additional full bathroom adjacent to the second bedroom, and perform additional major structural modifications to the walls, windows, floor, foundation, and roof of the structure, including exterior siding material. The structural modifications include significant enhancements to the foundation (the addition of 11 piers with 4 foot spacing and extension of the foundation two feet southwest toward Sunset State Beach to support the addition of a living room and a remodeled dining room), structural walls (104 linear feet), and roof (606 square feet). The permit authorizes the removal of exterior decking, ensuring that the residence remains within the property line and no longer encroaches upon State Park property.

See Exhibit 5 for Site Plans.

E. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development that is located between the sea and the first public road paralleling the sea and within 300 feet of the top of the seaward face of a coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project

that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission should the Commission vote to hear public testimony on the substantial issue question are the Applicants (or their representatives), persons who opposed the project and made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

F. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project raises LCP conformance issues and questions with respect to geologic hazards and the protection of public views. Under the Santa Cruz County LCP, any development occurring in a geologically hazardous area requires either a geologic hazards assessment or a full geologic report. The LCP further requires evidence to ensure the development's longevity over the minimum 100-year period, and the protection of public views. The County-approved CDP did not address the aforementioned assessments and analysis. The County's failure to address these issues raises a substantial issue relative to the project's conformity with the certified LCP.

See Exhibit 6 for the full appeal text.

G. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission determines that the development as approved by the County presents a substantial issue.

Substantial Issue Analysis

Hazards

The LCP requires that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period (including LUP Chapter 6 and Implementation Plan (IP) Chapter 16.10). Further, the LCP requires that a geologic hazards assessment be prepared for all development activity in “coastal hazard areas” (IP Section 16.10.050; 16.10.040(13)). Specifically, IP Section 16.10.070(H)(1)(a) requires that “[f]or all development and for nonhabitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report.” A geologic hazards assessment is defined by the IP as “a summary of the possible geologic hazards present at a site conducted by the staff geologist” (IP Section 16.10.040 (32)). A full geologic report is defined as “a complete geologic investigation conducted by a certified engineering geologist hired by the applicant, and completed in accordance with the County geologic report guidelines,” (16.10.040 (33)). See Exhibit 8 for the cited LCP policies and IP standards.

With respect to the approved project, the County did not require the Applicant to provide a geologic hazards assessment or a full geologic report as required by the LCP. A geotechnical file compiled by the Applicant’s consultant, HKA, dated September 2014 was included in the Applicant’s application to the County (See Exhibit 3); however, it consists of a summary of structural upgrades and remodeling work. Most notably, the geotechnical file does not address the bluff erosion rate and the mandated 100-year setback to ensure the redeveloped house meets standards for stability and structural integrity, as required by the LCP.

In addition to the absence of a geologic hazards assessment or a full geologic report, the County did not analyze whether and to what extent the proposed development can be authorized under IP Section 16.10.070(H)(4) “Alterations to Damaged Structures,” or as allowable “repair and maintenance” activities under the LCP more generally. IP Section 16.10.070(H)(4), provides that the County must compare the value of the home with the value of the proposed improvements and/or redevelopment in order to determine the extent of allowed repair, replacement, and/or redevelopment prior to permit approval. However, the County’s approval did not include this analysis. Instead of determining whether or not the already completed and approved structural repairs and remodel are consistent with LCP requirements, the County focused on the County’s “nonconforming use/nonconforming structures ordinance.” This ordinance relates to zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.), but does not address the question of development that is nonconforming in terms of bluff-top and shoreline setbacks. The Commission previously approved an LCP amendment⁴ that updated the County’s Nonconforming Use/Nonconforming Use Ordinance. The staff report prepared for that amendment clearly articulates that bluff-top development associated with nonconforming structures are not included in the nonconforming use ordinance, and stated:

...That said, it is noted that the new nonconforming regulations are focused on zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.) and do not address the question of development that is nonconforming in terms of bluff-top and shoreline setbacks, and provides only limited guidance for other resource related standards (e.g.,

⁴ SCO-1-12 Part 1 (Nonconforming Structures and Uses)

nonconformities related to development near rivers, streams, wetlands, riparian corridors, etc.).[pg. 11]

Finally, the County's approval raises questions as to whether the proposed development might increase the potential need for a seawall in the future, due to the development's proximity to a bluff edge with an 85% slope and what appears to be ongoing erosion (See Exhibit 2 & Exhibit 7). Under the LCP, new development must also avoid the need for shoreline armoring because of its attendant impacts on sand supply and public recreation (IP Section 16.10.070(H)(3)). The County's CDP approval should have articulated allowable parameters for future development at this location, potentially even including conditions for the home's future removal and site restoration.

For all of the reasons stated above, the approved project raises a substantial LCP conformance issue with respect to the hazards policies and standards of the Santa Cruz County LCP.

Public Viewshed

The LCP requires protection of public viewsheds and aesthetics within the County's coastal zone (including LCP Policies 5.10.1, 5.10.2, 5.10.3, 5.10.7 – see Exhibit 8). The subject property is located within an LCP-mapped and designated scenic resource area and is directly above and adjacent to Sunset State Beach. The development site is visible from significant public viewing areas up and downcoast on Sunset State Beach (including highly used beach areas). The proposed residential structure could adversely impact public views by increasing the size, mass, and seaward encroachment of residential development at this sensitive location, especially as the bluff continues to erode and the foundational piers become exposed, and if additional shoreline protection is constructed in the future. For these reasons, the County-approved project raises a substantial LCP conformance issue with respect to the visual resource protection policies of the Santa Cruz County LCP.

Substantial Issue Conclusion

The County-approved project raises substantial LCP conformance issues in terms of the geologic hazards and the protection of the public viewshed. Therefore, the Commission finds that **a substantial issue** exists with respect to the County-approved project's conformance with the certified Santa Cruz County LCP, and takes jurisdiction over the CDP application for the proposed project.

Information Needed for De Novo Review of Application

Prior to bringing this matter back for Coastal Commission review in a de novo CDP hearing context, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP and the public access and recreation policies of the LCP. Absent information regarding alternative siting and design, the Commission will not be in a position to evaluate the proposed project against these requirements, and does not intend to schedule a hearing until the County and/or the Applicant has developed and provided further information to bridge the analytic gaps that are currently present and associated with the proposed project. Such information includes the following, but may not be limited to, the following:

- A full geologic report that includes a complete geologic investigation conducted by a licensed engineering geologist hired by the Applicant. The report should describe, at a

minimum: 1) the location of the bluff edge with respect to the existing residence; 2) the bluff erosion rate, which uses the best available science to determine locally relevant and context-specific sea level rise projections for this part of the coast and; 3) the location of the LCP-required minimum bluff-top setback.

- Evidence demonstrating when the County granted the initial approval for development of the residence.

Appendix A

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

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Prepared September 27, 2012 (for October 10, 2012 hearing)

W9b

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Deputy Director
Susan Craig, Supervising Coastal Planner

Subject: **Santa Cruz County Amendment Number 1-12 Part 1 (Nonconforming Uses and Structures).** Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's October 10, 2012 meeting in Oceanside.

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County is proposing to amend its Local Coastal Program (LCP) to modify the way that the LCP addresses legal nonconforming uses and structures. The changes proposed replace the LCP's existing nonconforming provisions, but they do not alter the basic LCP intent that allows repair and maintenance of nonconforming structures, but requires additions and major remodels to be conforming. The amendment continues the County's shift to a "whole structure" approach when considering redevelopment that looks to changes to major structural elements (i.e., foundation or floor, exterior wall, and roof framing) instead of just exterior wall changes to determine the necessary type of review and requirements for any particular project. With respect to nonconforming uses, the changes proposed provide a clearer set of rules that provide enhanced specificity on the process for allowing such uses or requiring that they be made conforming. The County's objective with the amendment is to clarify and update the somewhat uneven current nonconforming provisions, while still ensuring that nonconforming uses and structures do not inappropriately impact public health, safety, welfare, and the environment.

Overall, the proposed amendment provides refinement and clarity to the LCP's approach to nonconforming uses and structures, and should serve to effectively address potential issues better than the LCP's existing nonconforming provisions. The amendment recognizes the prevalence of legally established nonconforming uses and structures in the County, and provides a workable framework for their maintenance and continuation, as well as a process for bringing them into conformance when major changes or improvements take place.

Staff notes that the new nonconforming regulations themselves are focused on zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.) and do not address the question of development that is nonconforming in terms of blufftop and shoreline setbacks, and provides only limited guidance for other resource related standards (e.g., nonconformities related to development near rivers, streams, wetlands, riparian corridors, etc.). On the latter, the new regulations do require that additions and/or alterations of more than 50%

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of an existing structure that is located within a riparian corridor be conditioned to require greater conformance to the required riparian setback (or be required to eliminate the nonconformity entirely if feasible), and also require that riparian resources be protected and enhanced as a condition of approval. Thus, such resources are offered somewhat better protection with the proposed amendment text than is currently the case. In addition, the existing LCP provisions related to such resource areas are not changing (e.g., including LCP Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection)), and provide significant protection for and direction on what is allowable near such resource areas. Thus, the amendment will better protect these resources, albeit slightly, as compared to the existing LCP. The County is also in the preliminary stages of conceptualizing updates to these LCP resource sections, and that effort will provide an appropriate vehicle for refining the LCP's approach to such scenarios as appropriate.

Similarly with respect to blufftop and shoreline hazard questions, the existing LCP continues to provide appropriate guidance on this topic, and these sections are not being changed with the amendment. Specifically, development associated with structures in geologic hazard areas, such as with structures that do not meet current coastal bluff setback requirements, is also subject to the provisions of LCP Chapters 13.20 (Coastal Zone Regulations) and 16.10 (Geologic Hazards). Where geologic issues may be present (including at the immediate shoreline interface, blufftop projects, floodzone projects, mapped hazard areas, etc.), those provisions require that a CDP be obtained, and that a geologic study be carried out to ensure that such development meets the LCP's existing 100-year/25-foot minimum setback requirements. Thus, for blufftop development associated with non-conforming structures, for example, the existing LCP requires that any such development meet minimum setback requirements. These provisions are not changing with the new nonconforming ordinance that is now proposed for nonconforming structures that do not meet zoning district development standards, and thus the LCP will continue to address these kinds of blufftop development situations in the way it currently does. In addition, the County has been working on a Climate Action Strategy, as well as on updates to LCP Chapters 13.10, 13.20, 16.10 and the General Plan/LCP Safety Element. That ongoing effort includes refinement of policies and standards with respect to development/redevelopment along coastal bluffs, and that effort is considering changing circumstances such as sea level rise and adaptation strategies, as well as the Commission's statewide approach to these issues. Staff continues to coordinate with County staff on the development of LCP refinements related to these topics, and believes both that those efforts will come to fruition in the near term and that they provide the appropriate juncture for Commission consideration of potential LCP improvements that can be more holistically framed in terms of the overall LCP and its interrelated sections.

Staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the Coastal Act and the LUP, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 4 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 9, 2012. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the original 90-day action deadline was October 7, 2012. On September 12, 2012, the Commission extended the action deadline by one year to October 7, 2013. Thus, the Commission has until October 7, 2013 to take a final action on this LCP amendment.

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The proposed IP amendments will also provide greater flexibility for commercial nonconforming uses. Expansion of an existing commercial use throughout an existing structure or a change of an existing nonconforming use to another nonconforming use, either without any intensification of the use, would be considered with an administrative discretionary review (Level 4), as long as there was no intensification of the use. Intensification of an existing nonconforming use (residential or commercial) would require a discretionary approval (e.g., a CDP in the coastal zone (see page 5 of Exhibit 2)).

The proposed amendment is intended to encourage retention of existing structures, and is not anticipated to result in the construction of new structures or additional residential units beyond levels that would occur if the proposed changes were not adopted. By modernizing the regulatory framework and review process to provide more reasonable and clear regulations, obtaining a permit will become more straightforward, and greater levels of permitted (rather than illegal unpermitted) construction will lead to improved structural safety and greater environmental protection. Additionally, the proposed amendment is intended to promote sustainable building practices by facilitating the retention and improvement of existing buildings.

Overall, the proposed IP amendment provides refinement and clarity to the LCP's approach to nonconforming uses and structures, and should serve to effectively address potential issues better than the LCP's existing nonconforming IP provisions. The amendment recognizes the prevalence of legally established nonconforming uses and structures in the County, and provides a workable framework for their maintenance and continuation, as well as a process for bringing them into conformance when major changes or improvements take place.

That said, it is noted that the new nonconforming regulations are focused on zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.) and do not address the question of development that is nonconforming in terms of blufftop and shoreline setbacks, and provides only limited guidance for other resource related standards (e.g., nonconformities related to development near rivers, streams, wetlands, riparian corridors, etc.). On the latter, the new regulations do require that additions and/or alteration of more than 50% of an existing nonconforming structure that is located within a riparian corridor be conditioned to require greater conformance to the required riparian setback, or be required to eliminate the nonconformity entirely if feasible, and also require that riparian resources be protected and enhanced as a condition of development. Thus, such resources are offered somewhat better protection with the proposed amendment text. In addition, the existing LCP sections related to such resource areas are not changing (e.g., LCP Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection)), and provide significant protection for and direction on what is allowable near such resource areas. Thus, the amendment will better protect these resources, albeit slightly, as compared to the existing LCP. The County is also in the preliminary stages of conceptualizing updates to these LCP resource sections, and that effort will provide an appropriate vehicle for refining the LCP's approach to such scenarios as appropriate.

Similarly with respect to blufftop and shoreline hazard questions, the existing LCP continues to provide guidance on this topic, and these sections are not being changed with the amendment. Specifically, development associated with structures in geologic hazard areas, such as with structures that do not meet current coastal bluff setback requirements, is also subject to the

SCO-1-12 Part 1 (Nonconforming Uses and Structures)

provisions of LUP Policy 6.2.12 and LCP Chapters 13.20 (Coastal Zone Regulations) and 16.10 (Geologic Hazards). Where geologic issues may be present (including at the immediate shoreline interface, blufftop projects, floodzone projects, mapped hazard areas, etc.), those provisions require that a CDP be obtained, and that a geologic study be carried out to ensure that such development meets the LCP's existing 100-year/25-foot minimum setback requirements. Thus, for blufftop development associated with non-conforming structures, for example, the existing LCP requires that any such development meet minimum setback requirements. Minor additions and improvements to such structures may not increase the size or degree of any existing nonconformity and must comply with the current policies and standards of the LCP. These provisions are not changing with the new nonconforming ordinance that is now proposed for nonconforming structures that do not meet zoning district development standards, and thus the LCP will continue to address these kinds of blufftop development situations in the way it currently does. In addition, the County has been working on a Climate Action Strategy, as well as on updates to LCP Chapters 13.10, 13.20, 16.10 and the General Plan/LCP Safety Element.⁴ That ongoing effort includes refinement of policies and standards with respect to development/redevelopment along coastal bluffs, and that effort is considering changing circumstances such as sea level rise and adaptation strategies, as well as the Commission's statewide approach to these issues. County and Commission staffs are continuing to coordinate on the development of LCP refinements related to these topics, and it is expected that those efforts will come to fruition in the near term and provide the appropriate juncture for Commission consideration of potential LCP improvements that can be more holistically framed in terms of the overall LCP and its interrelated sections.

The proposed IP amendment enhances the IP's framework for addressing nonconforming uses and structures, recognizing the prevalence of legally established nonconforming uses and structures in the County, and providing a workable framework for their maintenance and continuation, as well as a process for bringing them into conformance when major changes or improvements take place. Coastal resources are better protected through the amended LCP as compared to the existing LCP. For these reasons, the proposed IP amendment is consistent with the certified LUP, including as modified above.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

Santa Cruz County adopted a Negative Declaration for the proposed LCP amendment and in doing so found that the amendment would not have significant adverse environmental impacts.

⁴ The County has received a Disaster Recovery Initiative Grant from the State Department of Housing and Community Development to help with such updates. All grant activities (including LCP amendments) are required to be completed by March 31, 2014

9/16/2015

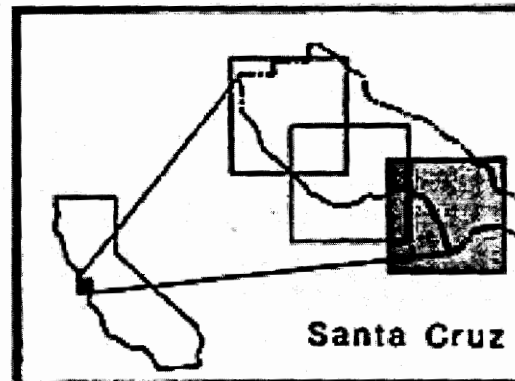
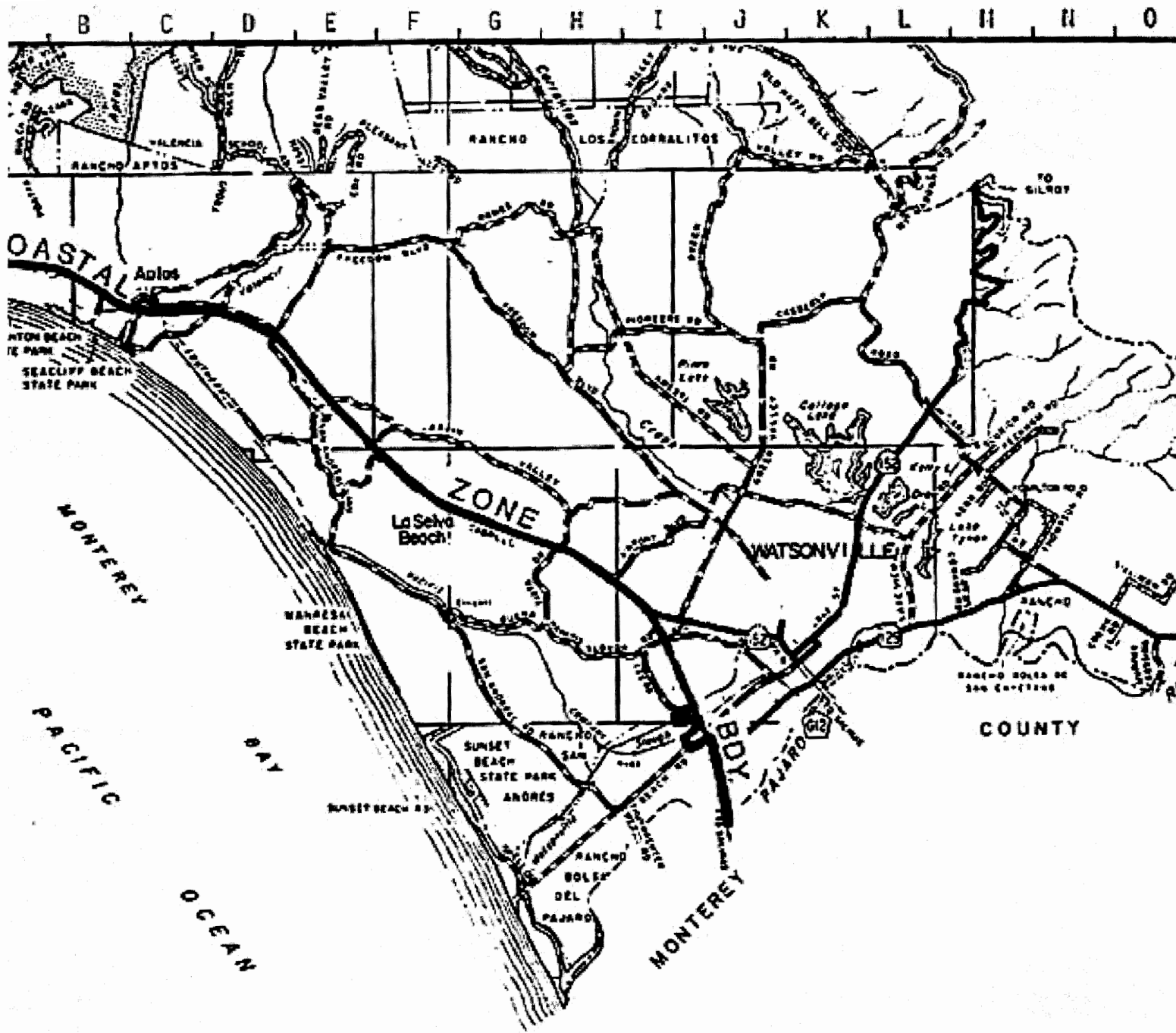
RealQuest.com ® - Report

Property Detail Report

For Property Located At :
78 SUNSET DR, WATSONVILLE, CA 95076-9655



Owner Information			
Owner Name:	SINGER SAMUEL/KREN RASMUSSEN		
Mailing Address:	5945 ALMADEN EXPY #170, SAN JOSE CA 95120-5923 C023		
Vesting Codes:	//		
Location Information			
Legal Description:			
County:	SANTA CRUZ, CA	APN:	046-181-12-000
Census Tract / Block:	1223.00 / 1	Alternate APN:	
Township-Range-Sect:	12-1E-14	Subdivision:	SUNSET BEACH
Legal Book/Page:		Map Reference:	/
Legal Lot:	37,38	Tract #:	
Legal Block:		School District:	PAJARO VLY
Market Area:	51	School District Name:	
Neighbor Code:		Munic/Township:	PAJARO VALLEY
Owner Transfer Information			
Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			
Last Market Sale Information			
Recording/Sale Date:	04/23/2013 / 04/17/2013	1st Mtg Amount/Type:	\$300,000 / PRIVATE PARTY
Sale Price:	\$512,500	1st Mtg Int. Rate/Type:	/
Sale Type:	UNKNOWN	1st Mtg Document #:	19904
Document #:	19903	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$262.28
New Construction:		Multi/Split Sale:	
Title Company:	STEWART TITLE/CA		
Lender:	PRIVATE INDIVIDUAL		
Seller Name:	KIME WILLIAM A & PAULA H		
Prior Sale Information			
Prior Rec/Sale Date:	09/20/1993 /	Prior Lender:	/
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	5346-505	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	MISCELLANEOUS DOCUMENT		
Property Characteristics			
Gross Area:	1,954	Parking Type:	
Living Area:	1,954	Garage Area:	
Tot Adj Area:		Garage Capacity:	
Above Grade:		Parking Spaces:	
Total Rooms:	4	Basement Area:	
Bedrooms:	2	Finish Bsmnt Area:	
Bath (F/H):	1 /	Basement Type:	
Year Built / Eff:	1973 / 1973	Roof Type:	
Fireplace:	/	Foundation:	RAISED COMPOSITION SHINGLE
# of Stories:	1.00	Roof Material:	
Other Improvements:	COVERED PATIO	Construction:	
Site Information		Heat Type:	FORCED AIR
Zoning:	R-1-6	Exterior wall:	STUCCO
Acres:	0.10	Porch Type:	
Lot Area:	4,138	Patio Type:	COVERED PATIO
Land Use:	SFR	Pool:	
Site Influence:		Air Cond:	
Tax Information		Style:	
Total Value:	\$525,112	Quality:	AVERAGE
Land Value:	\$315,068	Condition:	GOOD
Improvement Value:	\$210,044		
Total Taxable Value:	\$525,112		
Assessed Year:	2015	County Use:	SINGLE FAMILY RESID (020)
Improved %:	40%	State Use:	
Tax Year:	2014	Water Type:	PUBLIC
		Sewer Type:	PUBLIC SERVICE
		Property Tax:	\$11,590.70
		Tax Area:	69282
		Tax Exemption:	







Project No. SC10457
19 September 2014

SAMUEL SINGER
601 Manzanita Avenue
Sunnyvale, California 94085

Subject: Geotechnical Design Criteria for Retaining Wall
Rehabilitation/Replacement
Response to County of Santa Cruz 8 November 2013
Application Review for Reconstruction of Existing Deck

Reference: 78 Sunset Drive
APN 046-181-12
Santa Cruz County, California

Dear Mr. Singer:

Haro, Kasunich and Associates have been geotechnical engineers for the reference property since 1984. At that time, we worked for the past owner, Mr. Bill Kimes to evaluate the building pad under the house and underpin the existing residential structure. Our geotechnical letters dated 31 January and 15 December 1986 presented opinions that the seaward side of the residence was supported on loose fill that was settling and creeping downslope. Design criteria for underpinning the seaward half of the residence was developed for Ifland Engineers in January 1987. At that time we also worked with Ifland Engineers to modify the underpinning system. Our firm was present during installation of the underpinning piers. Our letter dated 30 December 1987 present the results of the underpinning pier drilling operation. The house was underpinned with 10 inch diameter, reinforced concrete piers that extended 16 to 19 feet below grade and circumscribed the seaward, north and south side of the existing residence. The deeper piers were drilled along the exterior perimeter of the house. The shallower piers were located across the interior of the residence. The project also repaired the concrete slab on the seaward side of the residence by removing old concrete, recompacting subgrade and constructing a new slab. Since the rehabilitation project, our firm has inspected the residence two times for the Kimes. Both of those inspections revealed very good performance with no signs of settlement noted on the exterior perimeter foundation of the residence, nor in the interior concrete slab.

We recently inspected the home for the new owners, Samuel Singer and Kren Rasmussen. Our inspection of December 2013 indicated no settlement is occurring to the existing residential structure. The underpinning piers and the structural attachment of the piers to the exterior perimeter foundation are in very good condition and performing well. The interior concrete slabs are level with no signs of distress or

Samuel Singer
Project No. SC10457
78 Sunset Drive
19 September 2014
Page 2

settlement. It is our opinion that the existing, underpinned foundation is adequately supporting the residence relative to the sand dune environment and adjacent slope scarp.

As part of this project we inspected the slump slide which exists directly below the residence. The landslide created scarps approximately 3 to 6 feet in height. The sand dune materials slid as an infinite slope failure migrating upslope, undermining very old wood retaining walls that supported the original graded fill wedge exposing a portion of the perimeter grade beam and the aforementioned underpinning piers and structural connection to the perimeter grade beam. Refer to Photographs 1 through 8 which show the original cut and fill retained building pad (1979-2002) and the successive landslide movement which eventually exposed the underpinned perimeter, grade beam foundation (2005-2013). No distress or damage to the perimeter grade beam or underpinning piers occurred. The structural foundation system is adequately supporting the home. The slide debris has translated downslope, most of it resting on the sand dune coastal slope.

Examining time sequential photos of the property presented in the California Coastal project (CaliforniaCoastline.org) shows that when the residential structure was first constructed a large cut and fill graded pad was created. The cut on the landward, front side of the residence, was retained with 3 to 5 foot soldier pile retaining walls. The fill was pushed seaward to support portions of the residence and exterior patio facilities. Short wood retaining walls were used to contain the outboard (seaward) edge of the fill slope. The old fill slope failure took place sometime between the years 2009 and 2010. During this period of time there was no significant rain event nor was there seismic shaking. In our opinion the old, dilapidated, retaining walls began to be affected by the upslope migrating shallow landslide and could not contain the fill slope and fill material they were supporting seaward of the residence resulting in the headscarp and lateral scarps that are now present.

We recently inspected removal of the concrete pedestals and retaining wall debris from the slope at the request of Mr. Singer. In our opinion, the existing underpinned foundation system is adequately supporting the house. The slump slide which occurred 4 years ago is not negatively affecting the underpinned foundation system at present.

Containment of the exposed fill beneath the house relative to the existing landslide scarp is necessary. Although the house is underpinned with 16-foot (\pm) deep piles, the cohesionless nature of the sand and its loose condition will result in loss of material under the home over time. Furthermore, the seismic stable angle of repose of the sand

Samuel Singer
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78 Sunset Drive
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Page 3

dunes will be flatter than the existing coastal dune gradient and the scarp at the seaward perimeter of the home. We therefore propose containing the exposed scarp with a tiedback, underpinned retaining structure. This structure will be shotcreted against the existing scarp to construct its structural section within the property line boundary.

Utilizing the geologic cross section of the sand dune slope for the adjacent residence (44 Sunset Drive) located on the north side across the drainage gully from the reference property, as a projection of future coastal recession and stable angle of repose, we determined the boundaries of the potential long term stable angle of repose that will eventually undermine portions of the residence. A 15-foot recession of the dune toe was considered in this evaluation. Using information from the two exploratory borings HKA drilled at the referenced site and considering helix anchors (due to the cohesionless sand environment) for both the tieback anchors and the vertical piles, we have determined appropriate active pressures necessary for design. These values utilized a phi angle of 34 degrees in a cohesionless sand material. Attached as Appendix B, are the geologic and geotechnical cross section and design parameters that determine the minimum vertical depth of helix anchors and the required unbonded zone of the helix tieback anchors. The graphics also present a summary of the exploratory boring information and the strength values of the dune material as they increase with depth.

The purpose of the vertical helix piles is to independently support the shotcrete wall as it contains the existing underpin concrete piles. The vertical helix piles should not be used to resist lateral loads. A Helix tieback anchor system should be used. As the dune slope flattens over time and the base of the shotcrete wall becomes undermined in the future additional row(s) of helix tieback anchors can be installed and the vertical face of the shotcrete wall extended downward as necessary to continue containment of the sand below the building and to resist the additional lateral loading.

The vertical Helical screw piles will need to be embedded a minimum of thirty five (35) vertical feet to penetrate the future stable dune slope angle of repose. Helical screw anchors should resist the design loads using the soil properties presented in Appendix B.

CBC Seismic Design Coefficients

It is highly probable that a major earthquake will occur in northern California during the next 50 years. During a major earthquake epicentered nearby, there is a potential for

Samuel Singer
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severe ground shaking at this site. Structures designed in accordance with the most current CBC should react well to seismic shaking.

Based on Section 1613, Earthquake Loads, of the 2013 California Building Code (CBC) for the referenced project we are providing maximum considered earthquake spectral response accelerations for short periods (S_0 s) and for one second periods (S_1) adjusted for a Site Class (or soil type) at a particular site.

These accelerations are calculated by entering the longitude and latitude of a site into a software program called Seismic Hazard Curves and Uniform Hazard Response Spectra – v5.0.08 developed by USGS. This software digitally utilizes the parameters and maps that are presented as hardcopies in Section 1613 2013, CBC. The longitude and latitude of the site was determined to be -121.836029 degrees and 36.893444 degrees, respectively.

Based on earth materials observed at the referenced site and the results of our SPT sampling, a Site Class D was determined.

The following design parameters should be used in accordance with 2010 CBC requirements.

2013 CBC Seismic Design Parameters

Site Class	D – Stiff Soil Profile	
Mapped Spectral Response Accelerations	$S_0 = 1.500g$	($T = 0.2 \text{ sec.}$)
	$S_1 = 0.601g$	($T = 1.0 \text{ sec.}$)
Site Coefficients	$F_A = 1.0$	($T = 0.2 \text{ sec.}$)
	$F_V = 1.5$	($T = 1.0 \text{ sec.}$)
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameters	$S_{MS} = 1.500g$	($T = 0.2 \text{ sec.}$)
	$S_{M1} = 0.901g$	($T = 1.0 \text{ sec.}$)
Design Spectral Response Acceleration Parameters	$S_0S = 1.000g$	($T = 0.2 \text{ sec.}$)
	$S_{D1} = 0.601g$	($T = 1.0 \text{ sec.}$)

Design parameters were obtained from the Ground Motion Parameter Calculator provided by the USGS website:
<http://earthquake.usgs.gov/research/hazmaps/design/>

Seismic Coefficient

Horizontal forces generated by a design seismic event are typically modeled by applying a seismic coefficient value (K) to the analysis intended to represent earthquake

Samuel Singer
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Page 5

induced ground motion. The following seismic accelerations were determined for the site:

PGA=0.40g

K=0.26 for San Andreas Fault using Bray and Rathje 1998 procedure

Peak ground acceleration (PGA) was determined by dividing the S_D value by 2.5 (CBC 2013) and the seismic coefficient was determined using the Bray and Rathje procedure. The Bray and Rathje seismic coefficient was verified accurate by also using the California Geological Society document SP117A, figure 1, page 30 procedure. Both procedures yielded the same result.

Shotcrete Retaining Wall – Design Criteria

The tied back shotcrete retaining wall should be designed for a restrained (rectangular) loading condition. We recommend the wall be designed for a restrained active earth pressure of 25H psf per foot of wall height where H is the height of the wall. The tied back retaining wall system wall should be designed to include a seismic surcharge equivalent to 16H psf per foot of wall height.

Tieback anchor criteria:

- A. Tiebacks may only be bonded beyond the projected future angle of repose slope gradient. See Appendix B;
- B. Helical screw anchors may be used for development of project design specifications.
- C. Minimum inclination below horizontal plane = 15° (4H:1V);
- D. Maximum inclination below horizontal plane = 26° (2H:1V);
- E. Minimum overburden cover: 8 feet
- F. Unbonded length of tieback tendon: minimum of 40 feet
- G. All tiebacks should be protected from corrosion for a 50 year minimum service life in accordance to the manufacturer's specifications;
- H. Fifty percent of the tiebacks must be tested by the contractor in the presence of the Geotechnical Engineer to 125 percent of their total design loads.
- I. Closed core geocomposite drainage panels may be used as a vertical drainage system behind the shotcrete wall. Two inch drain pipes should be installed at the base of the geocomposite pipes and discharged through the shotcrete wall.

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Site Drainage Control

We recommend that all of the roof gutters and downspout systems and any area drainage in patios be collected in closed pipe and carried to the north side of the residence. The accumulated storm water should be conveyed by gravity to the side yard area and discharged to a level spreader system running parallel to contour. The level spreader should be as long as possible and consist of 1.5 feet deep by 1.0 feet wide trench lined with Mirafi 140 N (or equivalent) filter fabric and filled with permeable angular gravel, encasing a 4 inch perforated pipe (holes down), placed within the center of the drain. At either end of the level spreader a vertical clean out pipe should extend 12 inches above grade and be capped off. We recommend the perforated pipe be secured to the slope with 4.5 foot long T-fence stakes. The storm drain water discharge area should be groomed and a ground cover seeding be broadcast with an erosion control mat (SC150 North American Green) placed over the discharge area and staked to the slope with the longer staples as recommended by the manufacturer.

Soldier Pile Retaining Wall Criteria

We recommend the old wood soldier pile wall in front of the house on the landward side of the property be replaced. To develop geotechnical design criteria for the replacement retaining walls at the front of the house, we worked with Avalon Construction to drive a wide flange (WF) 8 by 15, 14 foot beam into the dune sand using a jack hammer. The pilot pier was embedded into the sand dune adjacent to one of the retaining walls to be replaced. The pilot beam was driven into the sand dune 8 feet during a 10 minute period. Very little to no ground vibration occurred. The vibration that occurred was minimal with no impact to the adjacent retaining walls nor to the concrete flatwork or foundation system of the home. Based on the positive application of the 14 foot wide flange beam, we present the following geotechnical recommendations for retaining wall design:

Retaining walls should be designed to resist both lateral earth pressures and any additional surcharge loads. Nonrestrained walls up to 8 feet high should be designed to resist an equivalent fluid pressure of 40 pcf for level backfills, and 70 pcf for sloping backfills inclined up to 1½:1.

The above lateral pressures assume that walls are drained to prevent hydrostatic pressures behind walls. Drainage materials behind the wall should consist of permeable gravel wrapped in filter fabric, or Mira drain panels. A perforated pipe and weep holes may be used at the bottom of the wall. Wall backdrains should be covered

Samuel Singer
Project No. SC10457
78 Sunset Drive
19 September 2014
Page 7

at the surface with filter fabric and impermeable soil to prevent infiltration of surface runoff into the backdrains.

Resisting lateral loads on soldier piers may be designed for a passive resistance acting along the face of the wide flange beam. An equivalent fluid pressure of 250 pcf acting against $1\frac{1}{2}$ beam face widths may be used in design. The top 2 feet should be neglected when computing passive resistance.

General Site Drainage

Proper control of drainage will be essential to the project.

Runoff must not be allowed to sheet over graded slopes. Where uncontrolled runoff flows over the slopes or concentrated runoff is directed onto slopes, the potential for erosion or slump slides is greatly increased.

Surface drainage should include positive gradients so that surface runoff is not permitted to pond adjacent to foundations or slabs. Surface drainage should be directed away from building foundations and the landslide scarp on the seaward side of the residence. Runoff should be anticipated from slopes above the house. This runoff must be intercepted and diverted away from the residence to the northern side yard storm water dissipation system.

Plan Review, Construction Observation, and Testing

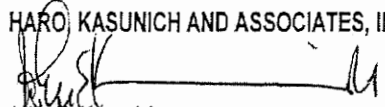
Our firm should be provided the opportunity for a general review of the final project plans prior to construction so that our geotechnical recommendations may be properly interpreted and implemented. If our firm is not accorded the opportunity of making the recommended review, we can assume no responsibility 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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78 Sunset Drive
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Page 8

If you have any questions, please call our office.

Respectfully Submitted,

HARO KASUNICH AND ASSOCIATES, INC.



John E. Kasunich
G.E. 455

JEK/dk

Copies: 1 to Addressee
1 to Bob Patterson, C.E.
3 to Sherry Hrabko + electronical copy [shrabko@sbcglobal.net]

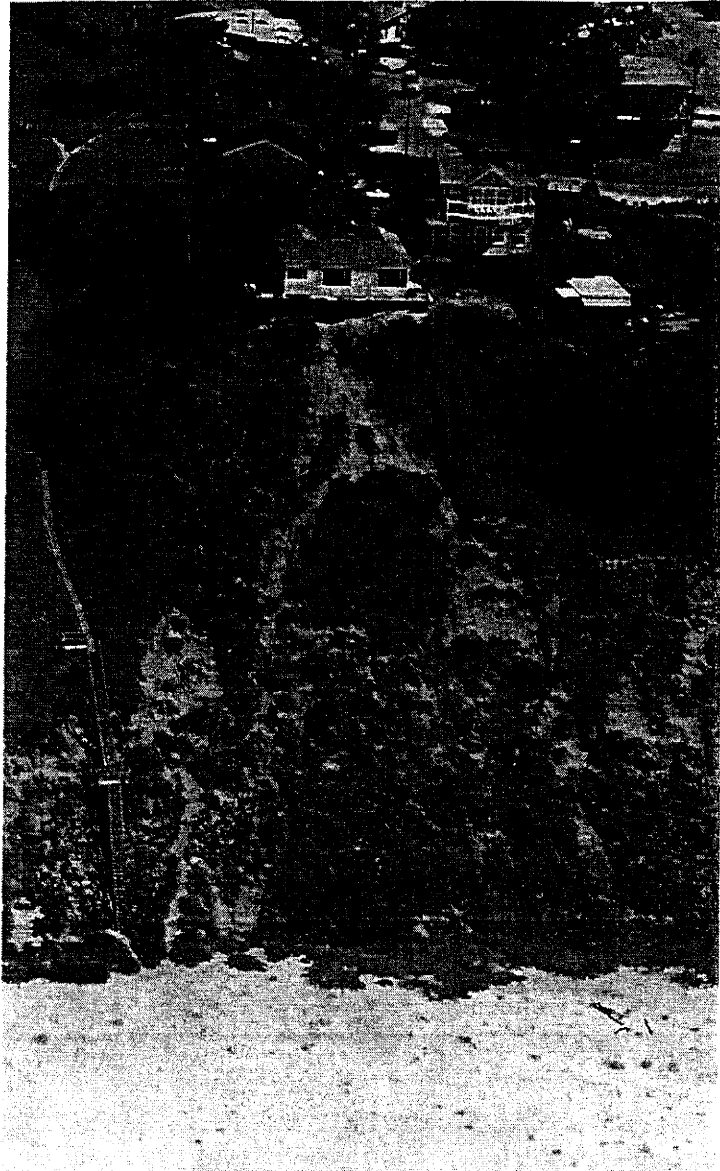
Project No. SC10457
19 September 2014

APPENDIX A

Photos

Boring Logs

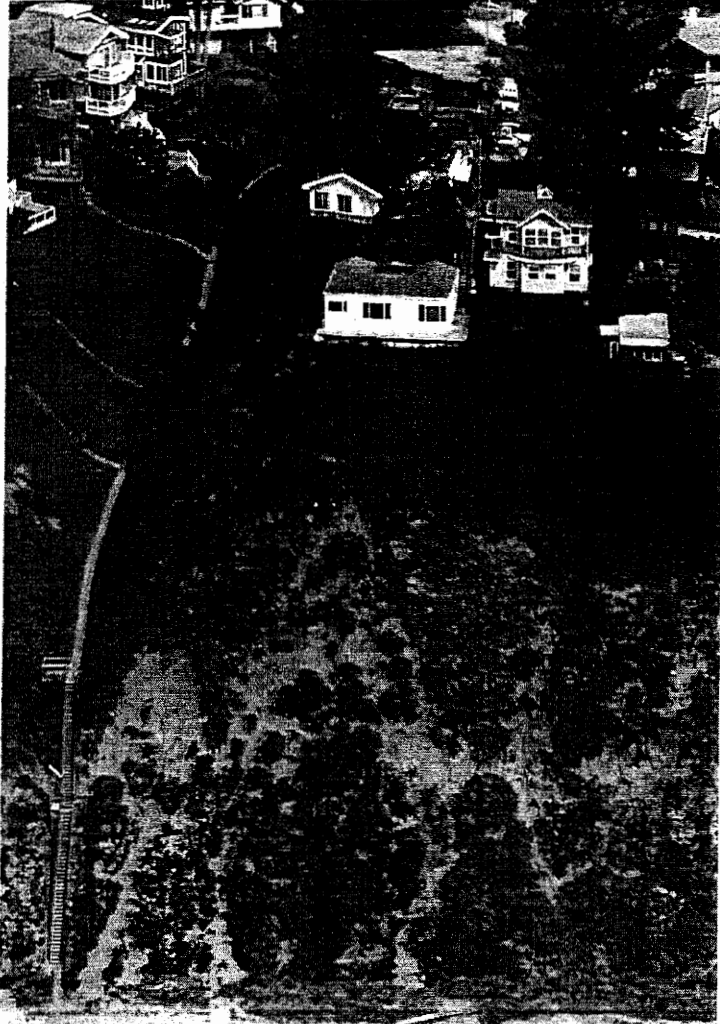
78 SUNSET DRIVE PHOTO HISTORY



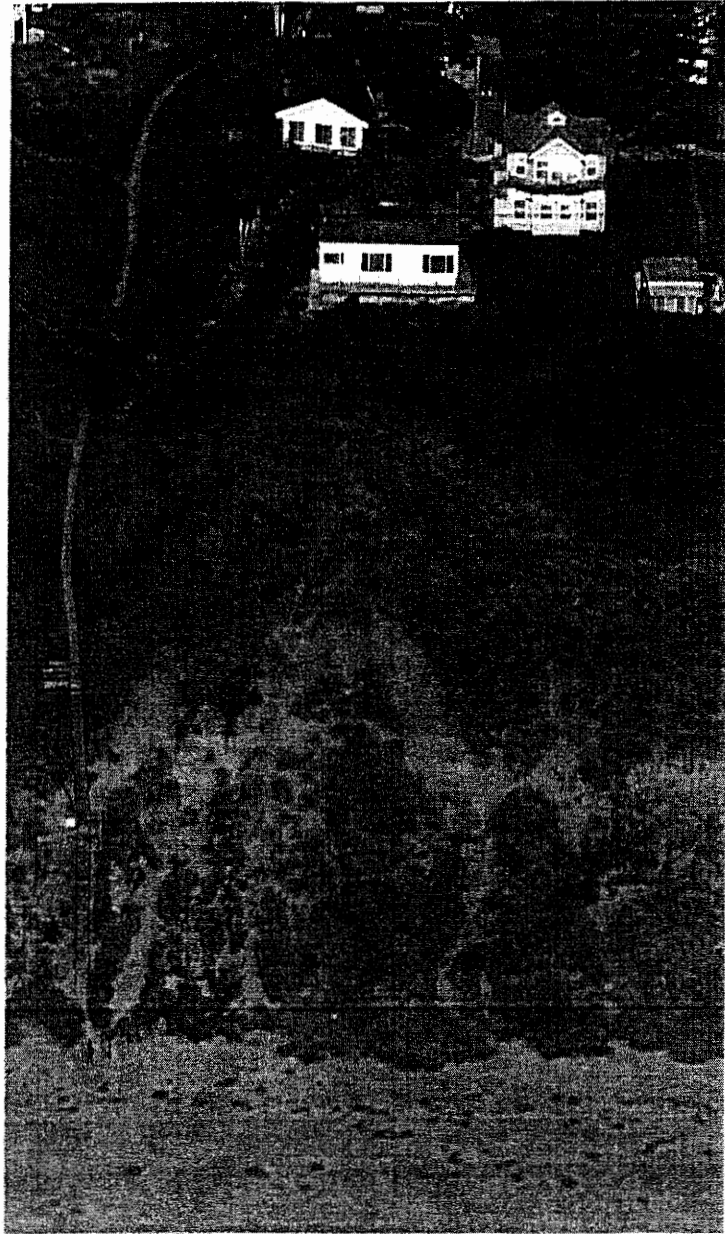
Photograph 1: September 30, 2013
Courtesy of www.californiacoastline.org



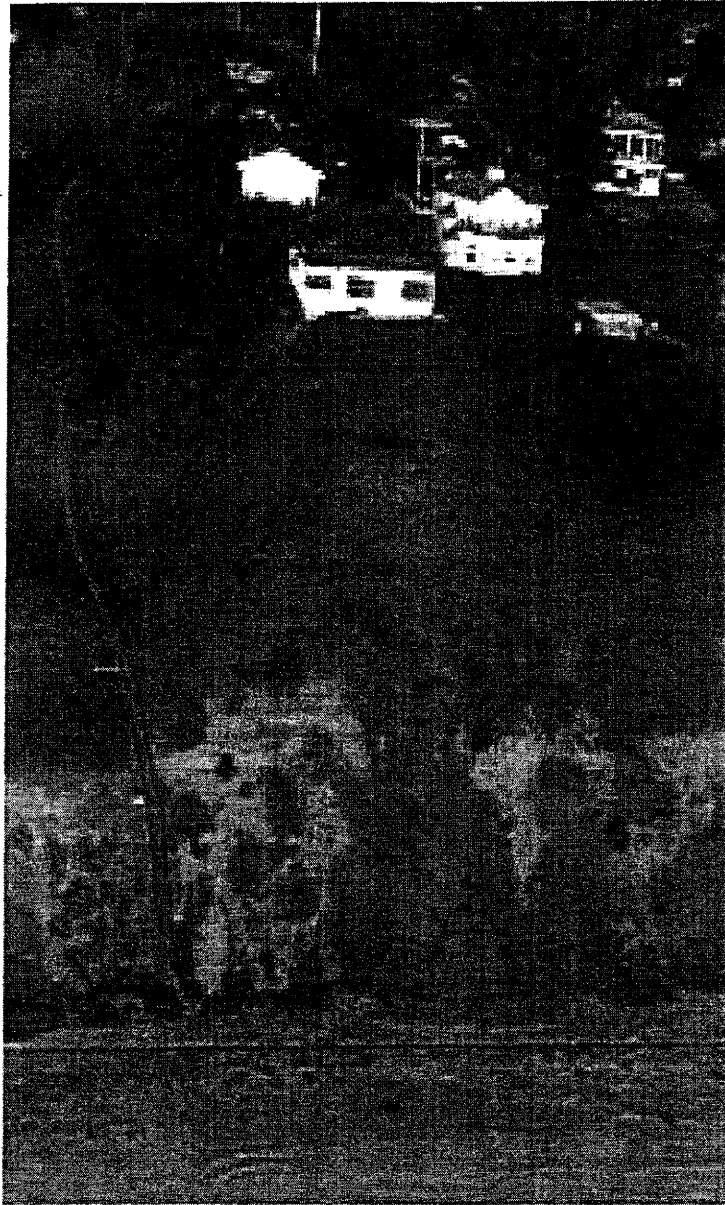
Photograph 2: October 4, 2010
Courtesy of www.californiacoastline.org



Photograph 3: October 3, 2009
Courtesy of www.californiacoastline.org



Photograph 4: October 5, 2005
Courtesy of www.californiacoastline.org



Photograph X: September 25, 2002
Courtesy of www.californiacoastline.org

5



Photograph 4: Year 1987
Courtesy of www.californiacoastline.org

6



Photograph 5: Year 1979
Courtesy of www.californiacoastline.org

7



Photograph 6: Year 1972
Courtesy of www.californiacoastline.org

8

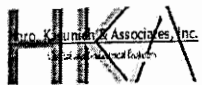
LOGGED BY JK DATE DRILLED April 17, 1984 BORING DIAMETER 4" BORING NO. B-1

[illegible]

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 1



78 Sunset Drive

PROJECT NO. SC10457

LOGGED BY JAH DATE DRILLED February 3, 1987 BORING DIAMETER 6" BORING NO. B-2

Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 300 ft - lbs.	Qu - tsf Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0			6" Gravel base	SM					
			Brown Silty SAND, damp, loose to medium dense						
5	1-1	(T)	Medium dense		11				
10	1-2	(T)	Medium dense		16				
15	1-3	(L)	Loose, less Silt, 0-50%, damp		16				
20	1-4	(T)	Medium dense		13				
25	1-5	(T)	Brown fine uniform SAND, trace of Silt, damp to moist, medium dense		17				
30	1-6	(T)			23				
35									

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

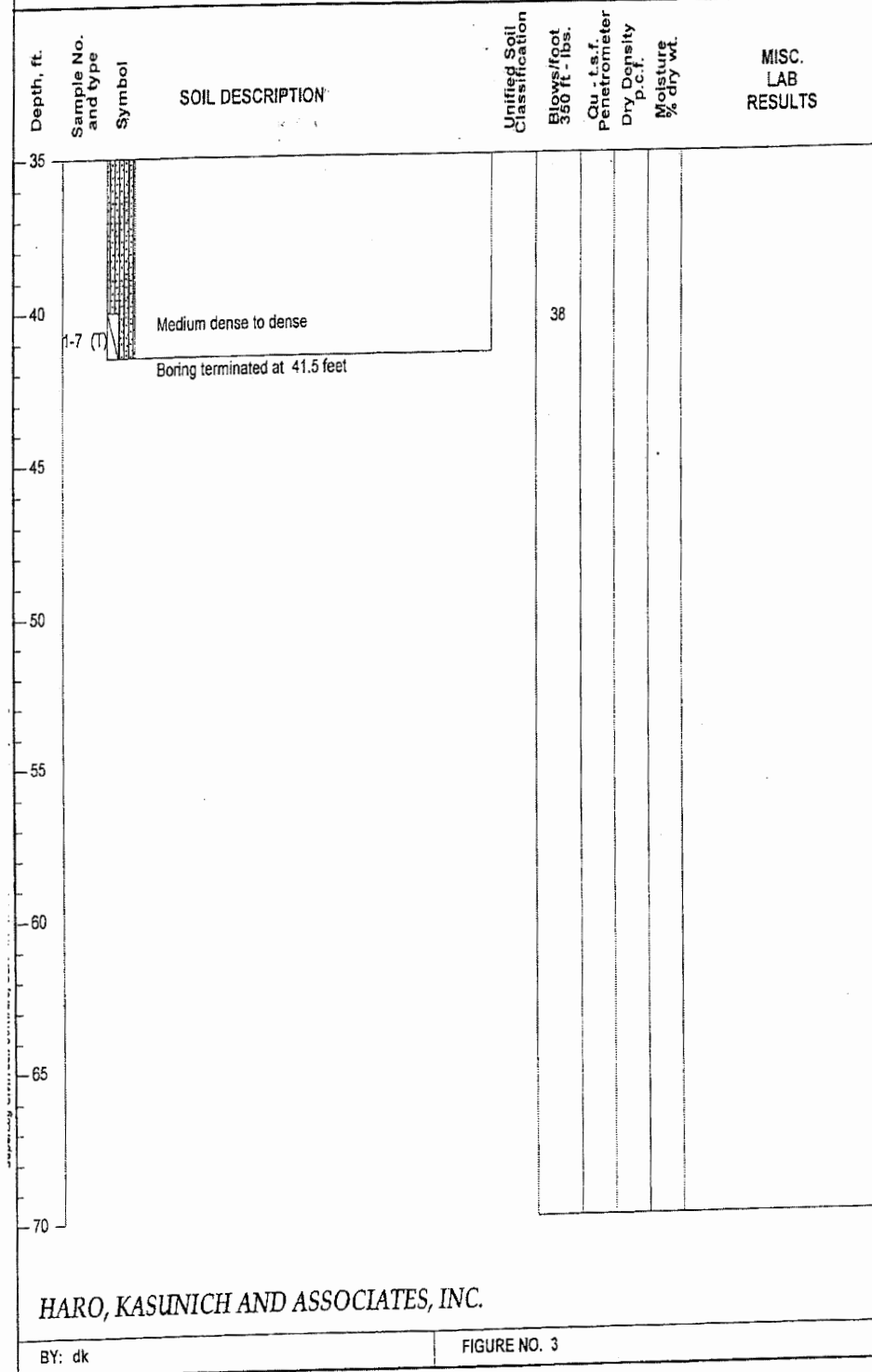
FIGURE NO. 2



78 Sunset Drive

PROJECT NO. SC10457

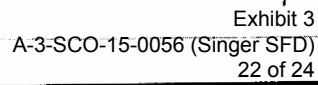
LOGGED BY JAH DATE DRILLED February 3, 1987 BORING DIAMETER 6" BORING NO. B-2



Project No. SC10457
19 September 2014

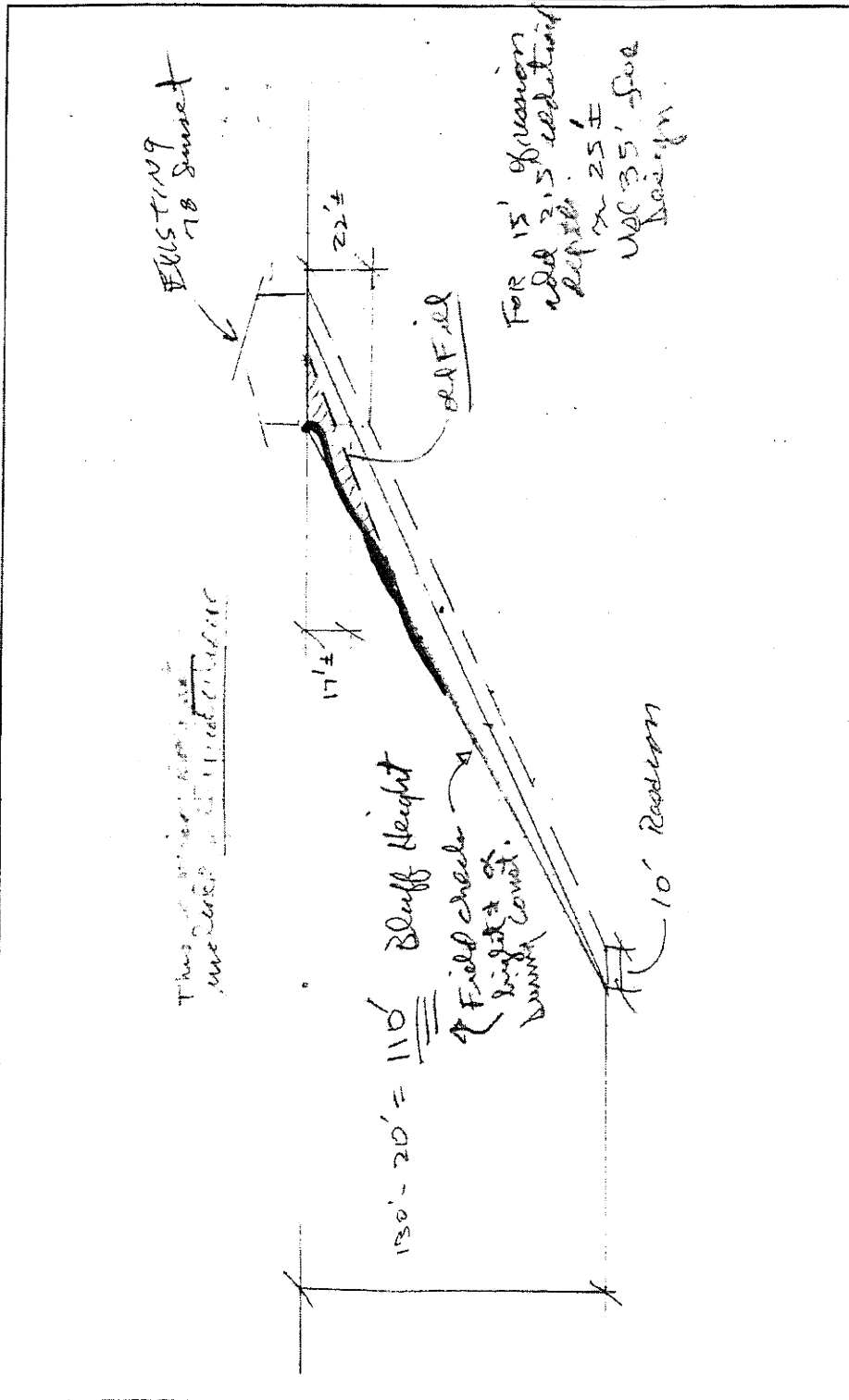
APPENDIX B

Tiedback Shotcrete Design Criteria



HARO, KASUNICH
& ASSOCIATES, INC.
116 East Lake Avenue
WATSONVILLE, CALIFORNIA 95076
(831) 722-4175 FAX 722-3202

JOB 78 Sunset
SHEET NO. SC 10457 OF
CALCULATED BY SK DATE Aug 25 2014
CHECKED BY SK DATE Aug 25 2014
SCALE 1" = 40' (H=V)



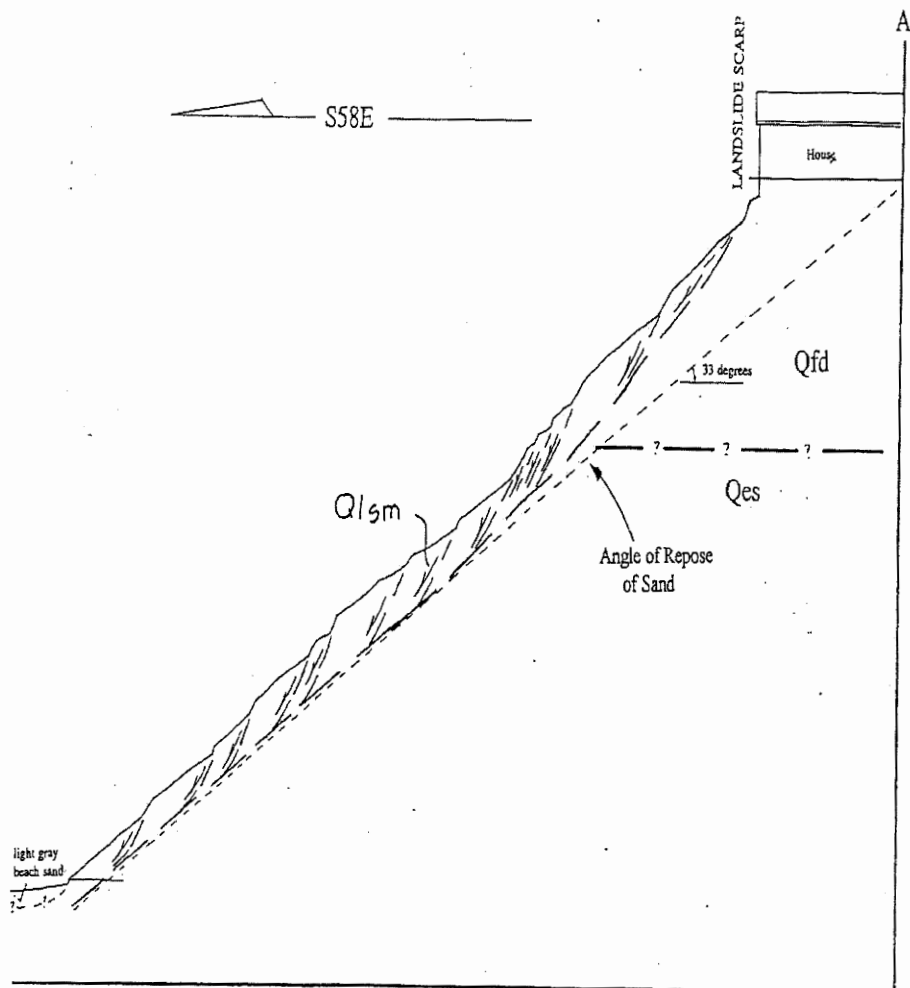
EARTH MATERIALS

- Qlsm LANDSLIDE MASS - principally loose, fine- to medium-grained sand, movement occurred on 17 October 1989
- Qbs BEACH SAND: light gray, loose, fine-grained sand
- Qfd FLANDRIAN DUNE DEPOSITS: light reddish brown, fine- to medium-grained sand, uncemented
- Qes EOLIAN DEPOSITS OF SUNSET BEACH: light gray to light reddish brown, fine- to medium-grained sand with a trace of silt, uncemented

SYMBOLS

? — ? — Geologic contact - approximately located

NIELSEN AND ASSOCIATES ENGINEERING GEOLOGY AND COASTAL GEOLOGY 1070 W Antelope Creek Way Oro Valley, Arizona 85737 (831) 295-2081 FAX (520) 219-7146		Date: 25 September 2005 Scale: 1 inch = 30 feet
GEOLOGIC CROSS SECTION A-A' 44 Sunset Beach Drive, APN 046-173-02 Santa Cruz County, California		
Revisions:	Drawn By: hpu	Drawing Number:
Job: SCR-1179-G	Approved By:	PLATE 2



NOTES:

1. Section from Fox, Nielsen and Associates, April 1993 with modifications for this study
2. This section was prepared using tape and compass technique; therefore, the location of the geo-technical information is approximate. It should not be construed as sufficiently accurate for other



GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

KRIS SCHENK
Director

October 16, 1984

Ron Gordon
812 Delaware Street
Watsonville, Ca. 95076

RE: GEOLOGIC HAZARDS ASSESSMENT, APN: 46-181-12

Dear Mr. Gordon:

I have recently completed a site visit of the parcel referenced above where reconstruction of a single family dwelling is proposed. This property was evaluated for possible geologic hazards due to its location on a coastal bluff. This letter briefly discusses my site observations, outlines permit conditions and completes the hazards assessment for this parcel.

The subject parcel is located adjacent to Sunset Drive. The property is generally level for approximately 25 to 30 feet before dropping off abruptly at the top of the cliff. The entire property is underlain by sediments which are composed primarily of sandy materials that are not well cemented and, therefore, have relatively low strength.

Due to the sandy nature of these sediments the bluff is very susceptible to erosion and landsliding. The steep coastal bluff is thus not a permanent natural feature. Shallow slope instability and erosion, in fact, occurred on numerous parcels in the County with similar slope characteristics during the 1982 winter.

The vegetation on the hillside (primarily iceplant) and the presence of an apron of eroded sediment at the base of the slope indicate that erosion processes occur relatively frequently in this area. Although saturation of the surface soils during an intense rainstorm may be the most frequent factor contributing to erosion or landsliding it is also possible for landward retreat of the bluff to occur due to a large earthquake, improper grading activities, uncontrolled runoff over the bluff edge, or from wave activity at the base of the bluff.

Section 16.10.070(a) of the County Code provides specific criteria which, if met, allow for reconstruction of damaged structures on a coastal bluff:

Reconstruction of structures located on a coastal bluff which are damaged as a result of coastal hazards and which sustained a loss exceeding 50 percent of their market value shall only be permitted in accordance with requirements of the geologic hazards assessment or geologic

Ron Gordon
October 16, 1984
Page 3

(v) approval of drainage and landscape plans for the site by the County Geologist.

The existing dwelling appears to be located on a level area previously graded near the top of the bluff. The bluff edge, however, begins approximately 10 vertical feet above the building location. It does not appear possible, therefore, to meet the minimum setback condition of twenty-five feet for a dwelling on this parcel. Furthermore, if the setback requirement could be met it is not certain if a geologic report could be completed which would substantiate the stability of the building site for a minimum of fifty years. Your proposal to reconstruct a dwelling on the subject parcel, therefore, is not consistent with the ordinance requirements for development on a coastal bluff. Unfortunately, I must recommend that a permit for reconstruction not be approved with respect to geologic issues. I further recommend that the remainder of the damaged structure on the property be removed from the site and that the parcel not be used for a habitable dwelling.

I suggest that the owner complete the enclosed Declaration form with the County Recorder's Office as a means of at least partially fulfilling legal requirements concerning notification about the parcel's status with respect to geologic hazards. Also, the County Assessor's Office should be contacted about a possible reduction in property tax liability as a result of this assessment.

Finally, I wish to point out that any decisions rendered in this assessment are appealable within 10 days to the Planning Director under the provisions of Section 18.10 of the County Code.

If you have any questions concerning this assessment, report requirements, the potential policy conflict or any possible appeal action, please contact me at 425-2854.

Sincerely,

Dave Leslie

Dave Leslie
Planning Geologist

DL/ec

cc: William Kime

Project No. SC0303
31 January 1986

MR. AND MRS. W. A. KIME
2670 Tam O'Shanter Court
El Dorado Hills, Ca. 95630

Subject: *error (78)*
80 Sunset Drive
APN 46-181-12
Santa Cruz County, California

Dear Mr. and Mrs. Kime:

In the past two years I have investigated the geotechnical conditions of the subject property. My investigation included:

- 1) Numerous site visits with and without the project structural engineer and geologist.
- 2) A review of a soil report prepared for the subject site by Peter E. Monk (SCR 87-D3-257) dated January 1978.
- 3) Hand augering of the foundation zone soils and the deeper underlying soils along the front (west side) of the house.
- 4) Generation of two cross sections of the property with the project geologist, Rogers Johnson & Associates. The cross sections detailed east-west and north-south profiles of the property from the beach elevation to beyond the back of the house.
- 5) Laboratory testing of select samples recovered during the hand augering operation.

Based on the results of my investigation, I extend the following professional opinions:

- 1) The existing house foundation consists of a shallow spread footing with concrete slab floors. The west side of the foundation system has severe structural problems. Settlement of the foundation system has caused stress in the concrete slab and the supported block walls. Large cracks have occurred throughout the floor and wall systems of the house as a result of the foundation settlements.
- 2) The house is founded on a cut and fill building pad. Fill was pushed out along the west and north sides of the pad. The fill is about 4+ feet deep in the vicinity of the foundation footings. The fill is in a very loose condition and is settling and creeping downslope. This has caused loss of support to the foundation system and severe structural damage to the house.

Mr. and Mrs. W.A. Kime
Project No. SC0303
80 Sunset Drive
31 January 1986
Page 2


3) The slope the house is founded on is an old coastal dune. The toe of the slope intersects Sunset Beach below. During past years, ocean storm wave runup has eroded the toe of the slope undermining its lower portion. Broad, shallow slump slides have resulted along the base of the slope. These slump slides have not influenced the subject building pad area. The coastal erosion process has not affected the subject house to date.

4) The present problems associated with the subject house are directly related to the poor condition of a man-made fill which supports a large portion of the house foundation system.

If you have any questions, please call our office.

Very truly yours,

HARO KASUNICH & ASSOCIATES, INC.


John E. Kasunich
C.E. 33177

JEK:ms

Copies: 1 to Addressee
1 to Douglas Marshall
1 to Rogers Johnson
1 to Don Ifland, S.E.

Note to County Recorder:

Please return to the staff geologist in the Planning Department when completed
Space Above This Line For Recorder's Use

DECLARATION

REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT
IN AN AREA SUBJECT TO GEOLOGIC HAZARDS

The undersigned WILLIAM A. KIME
(names of all property owners)

(does) (do) hereby certify to be the owner(s) of the real property located in the County of Santa Cruz, State of California, commonly known as 78 Sunset Drive,
(street address)
Watsonville, CA 95076; legally described in that certain deed recorded
in Book 2812 on Page 266 of the official records of the Santa Cruz County
Recorder on Sept. 8, 1977; Assessor's Parcel Number: 46-181-12
(deed recordation date)

And, acknowledge that records and reports in the Santa Cruz County Planning Department indicate that the above described property is located within an area that is subject to geologic hazards. Possible hazards include:

This property is on a coastal bluff. Loose, poorly compacted fill under a portion of the residence has been settling and creeping downhill for many years. The conditions of

this fill "in conjunction with faulty construction" resulted in severe structural damage to the dwelling (see letters by Kasunich, soils engineer, dated 1/31/86 and 12/15/86).

The toe of the slope has been eroded by coastal wave activity resulting in broad, shallow landsliding according to a geologist (see letter by Johnson, geologist, dated 5/6/86).

This landsliding had not affected the building pad as of 1986 according to the soils engineer and geologist. The potential for future coastal wave activity or other coastal erosion processes to result in additional landsliding on the slope is high. The potential for future coastal hazard related damage of the subject property has not been evaluated by a soils engineer or geologist nor have geologic or soils reports been completed which evaluate future risks to a repaired and remodeled structure from landsliding, bluff erosion or ocean wave processes.

And, having full understanding of said hazards (I) (We) elect to pursue development activities in an area subject to geologic hazards and do hereby agree to release the County from any liability and consequences arising from the issuance of the development permit.

This Declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrancers, their successors, heirs or assignees. This document should be disclosed to the foregoing individuals. This Declaration may not be altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

OWNER William A. Kime
Signature

OWNER SUSAN M. SANDERS
Signature



PRINCIPAL OFFICE IN
SACRAMENTO COUNTY

My Commission Expires June 1, 1991

State of California)

SACRAMENTO) ss.

On this 6th day of AUGUST

before me, SUSAN M. SANDERS

the undersigned Notary Public, State of California, duly commissioned

in the year 1987 Exhibit 4
A-3-SCO-15-0056 (Single SFD)

5 of 6

Note to County Recorder:

Please return to the staff geologist in the Planning Department when completed
Space Above This Line For Recorder's Use

DECLARATION

REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT
IN AN AREA SUBJECT TO GEOLOGIC HAZARDS

The undersigned WILLIAM A. KIME
(names of all property owners)

(does) (do) hereby certify to be the owner(s) of the real property located in the County of Santa Cruz, State of California, commonly known as 78 Sunset Drive,
(street address)
Watsonville, CA 95076 ; legally described in that certain deed recorded
in Book 2812 on Page 266 of the official records of the Santa Cruz County
Recorder on Sept. 8, 1977 ; Assessor's Parcel Number: 46-181-12
(deed recordation date)

And, acknowledge that records and reports in the Santa Cruz County Planning Department indicate that the above described property is located within an area that is subject to geologic hazards. Possible hazards include:

This property is on a coastal bluff. Loose, poorly compacted fill under a portion of the residence has been settling and creeping downhill for many years. The conditions of this fill "in conjunction with faulty construction" resulted in severe structural damage to the dwelling (see letters by Kasunich, soils engineer, dated 1/31/86 and 12/15/86). The toe of the slope has been eroded by coastal wave activity resulting in broad, shallow landsliding according to a geologist (see letter by Johnson, geologist, dated 5/6/86). This landsliding had not affected the building pad as of 1986 according to the soils engineer and geologist. The potential for future coastal wave activity or other coastal erosion processes to result in additional landsliding on the slope is high. The potential for future coastal hazard related damage of the subject property has not been evaluated by a soils engineer or geologist nor have geologic or soils reports been completed which evaluate future risks to a repaired and remodeled structure from landsliding, bluff erosion or ocean wave processes.

And, having full understanding of said hazards (I) (We) elect to pursue development activities in an area subject to geologic hazards and do hereby agree to release the County from any liability and consequences arising from the issuance of the development permit.

This Declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrancers, their successors, heirs or assignees. This document should be disclosed to the foregoing individuals. This Declaration may not be altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

OWNER William A. Kime
Signature

OWNER Susan M. Sanders
Signature

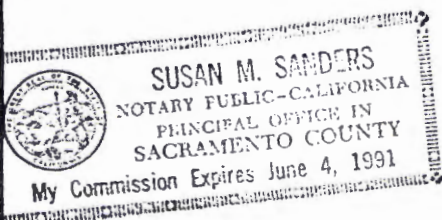


SUSAN M. SANDERS
PRINCIPAL OFFICE IN
SACRAMENTO COUNTY

State of California)
County of SACRAMENTO) ss.

On this 6th day of AUGUST in the year 1987
before me, SUSAN M. SANDERS
the undersigned Notary Public, State of California, duly commissioned
and sworn, personally appeared WILLIAM A. KIME

() personally known to me, (X) proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) IS subscribed to
this instrument and acknowledged that HE executed it.



Susan M. Sanders
Notary Public, State of California

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
(831) 454-2580

NOTICE OF PENDING ACTION

The Planning Department has received the following application. The identified planner may be contacted for specific information on this application.

APPLICATION NUMBER: 141206

APN: 046-181-12

Proposal to repair/upgrade foundation, replace retaining walls, remove unpermitted decking, modify walls and add approximately 173 square foot living room and bath within the existing footprint of an existing non-conforming single family dwelling located at the bluff-top at Sunset Beach. Requires an Emergency Coastal Development Permit and an amendment to Coastal Development Permit 82-0022. Property located at 78 Sunset Drive.

OWNER: Samuel Singer

APPLICANT: Sherry Hrabko

SUPERVISORIAL DISTRICT: 2

PLANNER: Sheila McDaniel, (831) 454-2255

email: sheila.mcdaniel@santacruzcounty.us

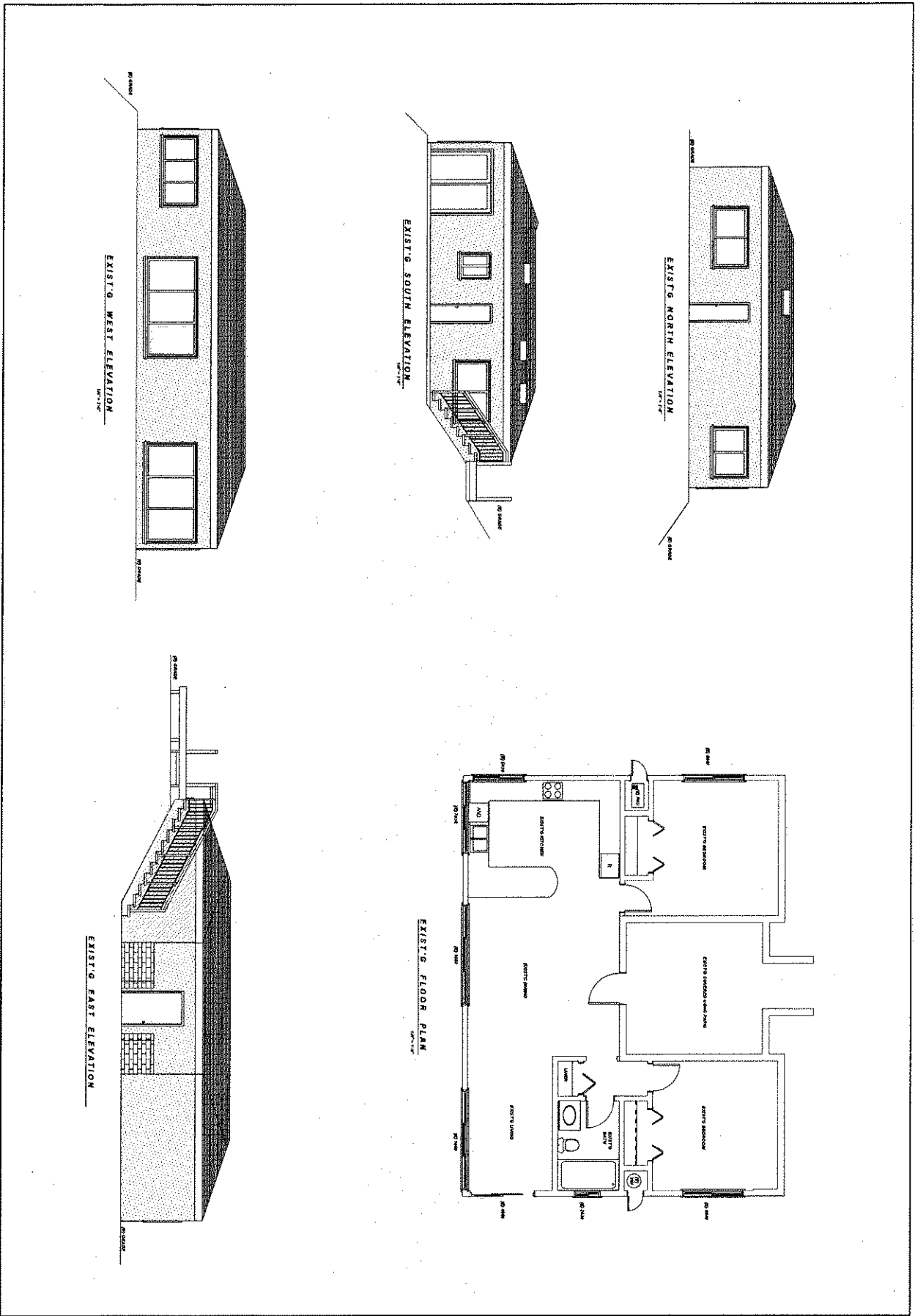
Public comments must be received by 5:00 p.m. July 22, 2015.

A decision will be made on or shortly after July 29, 2015.

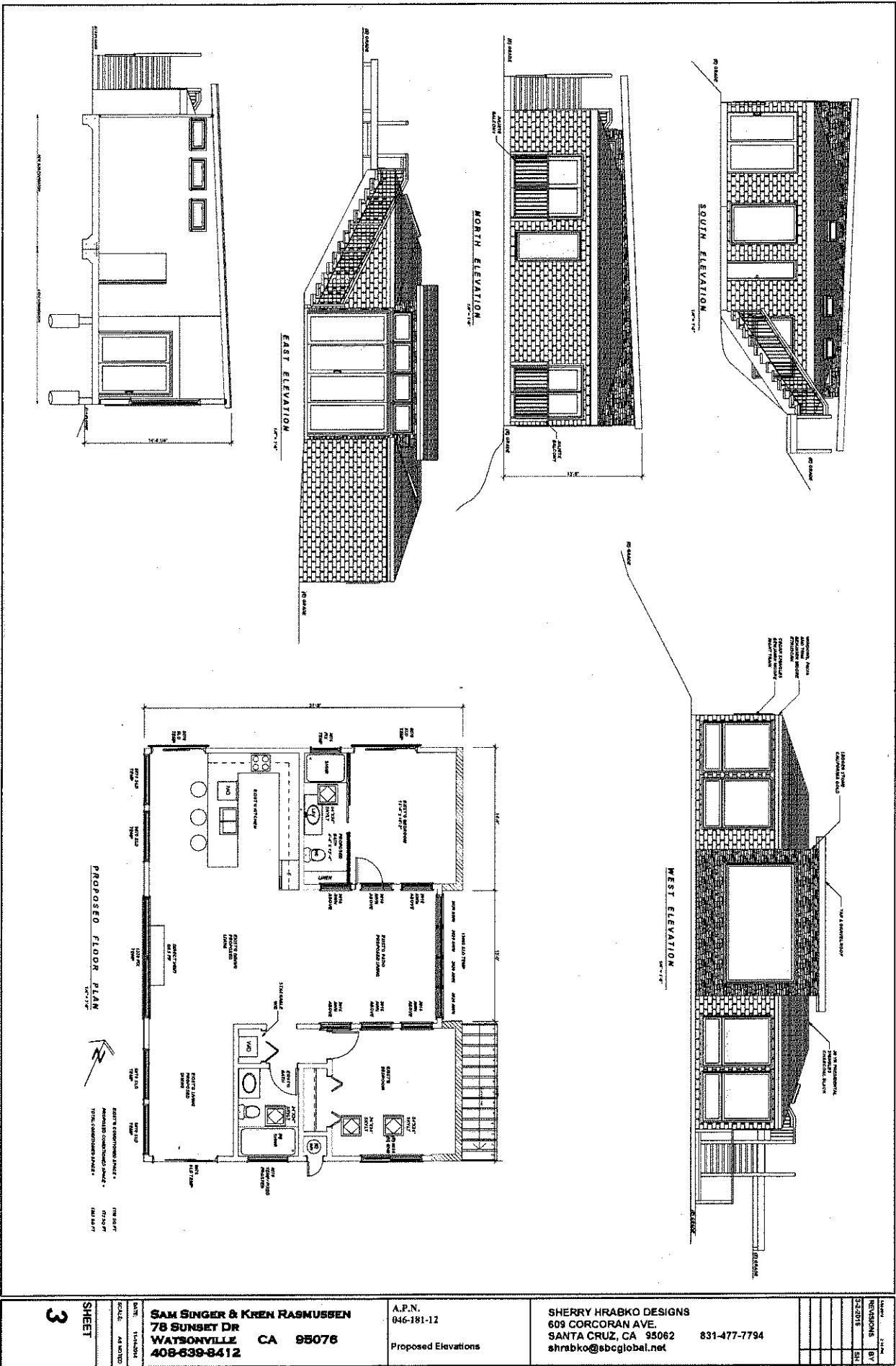
Appeals of the decision will be accepted until 5:00 p.m. August 12, 2015.

Information regarding the appeal process, including required fees, may be obtained by phoning (831) 454-2130 from 1:00 until 4:00 p.m., Monday through Friday.

For more information, call the project planner identified above.



2		SHEET		DATE: 11-14-2014		SCALE: AS NOTED		SAM SINGER & KREN RASMUSSEN 78 SUNSET DR WATSONVILLE CA 95076 408-639-8412		A.P.N. 046-181-12 Exist'g Elevations, Floor Plan		SHERRY HRABKO DESIGNS 609 CORCORAN AVE. SANTA CRUZ, CA 95062 831-477-7794 shrabko@sbcglobal.net		DATE: 11-14-2014		SCALE: AS NOTED		REVISIONS		BY		SH	
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CALIFORNIA COASTAL COMMISSION

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508
(831) 427-4863 FAX (831) 427-4877
WWW.COASTAL.CA.GOV

**COMMISSION NOTIFICATION OF APPEAL**

DATE: September 9, 2015
TO: Kathy Previsich
Planning Director, Santa Cruz County
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
FROM: Susan Craig, Central Coast District Manager
RE: **Commission Appeal No. A-3-SCO-15-0056**

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 the Public Resources Code Section 30623.

Local Permit #: 141206
Applicant(s): Samuel Singer
Description: Foundational repairs/upgrades, replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling located on a bluff top above Sunset State Beach, Santa Cruz County.
Location: 78 Sunset Dr., Watsonville, CA 95076 APN:06087-046-181-12
Local Decision: Approval with Special Conditions
Appellant(s): California Coastal Commission, Commissioners Shallenberger and Kinsey
Date Appeal Filed: 09/08/2015

The Commission appeal number assigned to this appeal is A-3-SCO-15-0056. The Commission hearing date has not been scheduled at this time. 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 Rainey Graeven at the Central Coast District Office.

cc: Samuel Singer
Sherry Hrabko
Sheila McDaniel

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioners Kinsey and Shallenberger

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Foundational repairs/upgrades, replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling located on bluff top above Sunset State Beach

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

78 Sunset Drive, Watsonville, CA; APN: 046-181-12

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

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

RECEIVED

SEP 08 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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-15-0056

DATE FILED: 9/8/2015

DISTRICT: Central Coast

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 (Planning Dept.)

6. Date of local government's decision: 8/6/2015

7. Local government's file number (if any): Application No. 141206

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:

Samuel Singer
601 Manzanita Avenue
Sunnyvale, CA 94085

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) Sherry Hrabko
609 Corcoran Avenue
Santa Cruz, CA 95062

(2) Kathleen Molloy-Previsich, Planning Director
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, California 95060

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

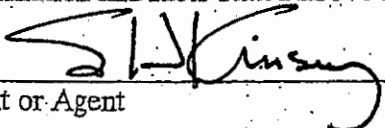
Page 3

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.)

Note: The above description 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.

SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 9-8-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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.)

Note: The above description 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.

SECTION V. Certification

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

Signed: Mary K. Challenberg
Appellant or Agent

Date: 9-8-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

Reasons for Appeal
Santa Cruz County Coastal Development Permit 141206
(3-SCO-15-0788)

The approved project site is located on the bluff at 78 Sunset Drive in southern Santa Cruz County, directly above and adjacent to Sunset State Beach. The project site is developed with a single-family dwelling that appears to be cantilevered over the bluff edge (See **Exhibit 1**). On October 30, 2014 the County issued an emergency coastal development permit (ECDP) for construction of a soldier pile retaining wall for slope stabilization, construction of a curtain wall below the dwelling, and associated drainage improvements. The ECDP also required the removal of unpermitted decks that were determined to be encroaching onto Sunset State Beach property. The County did not inform Commission staff of the emergency CDP as required by LCP Section 13.20.090(G).

On August 6, 2015, the County approved a follow-up CDP to authorize the emergency work done under the 2014 emergency CDP (Commission staff was not aware of the follow-up project until the Final Local Action Notice was received because the application was never routed to Commission staff for review, and the CDP was improperly processed as a "Level 4" Administrative Review. (IP Section 13.20.100)). This CDP also authorized additional remodeling of the interior dwelling of the unit, including a 173-square-foot living room addition, structural modifications to the walls, windows, floors, foundation, roof and exterior siding. The parcel is approximately 4,155 square feet and currently contains approximately 1,283 square feet of residential development, some of which is located within two feet of the rear property line and within ten feet of the front yard property line, and therefore the residence is considered a non-conforming structure. (See **Exhibit 2**.) In light of the hazardous nature of the development site, its visual prominence, and its location adjacent to a heavily used State Beach, the project raises issues of consistency with the with the Santa Cruz County certified Local Coastal Program (LCP) as follows:

Hazards. The LCP requires that a geologic hazards assessment be prepared for all development activity in "coastal hazard areas" (IP Section 16.10.050; 16.10.040(13)), and that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period (including LUP Chapter 6 and Implementation Plan (IP) Chapter 16.10). Specifically, IP Section 16.10.070(H)(1)(a) requires that "[f]or all development and for nonhabitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report." Likewise, IP Section 16.10.070(H)(1)(e) requires that "[a]dditions, including second story and cantilevered additions, shall comply with the minimum 25-foot and 100-year setback." Per the LCP, new development must also avoid the need for shoreline armoring because of its attendant impacts. IP Section 16.10.070(H)(3).

In this case, the project includes significant modifications to an existing dwelling located in a very hazardous location that has already necessitated emergency repair work (in 1986 and in 2014) due to bluff erosion and failure. The modifications include significant structural

foundation (11 piers at 4 foot separation), structural wall (104 linear feet), and structural roof alterations (606 feet), a new bathroom and 173 square foot living room addition, the totality of which could mean that the cumulative sum of all alterations would result in the structure being considered "redeveloped." However, as noted above, the County did not require the Applicant to prepare a geologic hazards report to determine the bluff erosion rate and the 100-year setback to ensure that the redeveloped house meets LCP standards for stability and structural integrity. Moreover, the County staff report did not analyze whether and to what extent the proposed development can be authorized under IP Section 16.10.070(H)(4) "Alterations to Damaged Structures," or as allowable "repair and maintenance" activities under the LCP more generally. Instead, the County's analysis improperly focused on the County's "nonconforming use ordinance" which relates to zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.) but does not address the question of development that is nonconforming in terms of blufftop and shoreline setbacks. Finally, the approval raises questions as to whether it might increase the potential need for a seawall in the future, due to the development's proximity to a bluff edge with an 85% slope and what appears to be ongoing erosion. (See **Exhibit 1.**) The County's CDP approval should have articulated allowable parameters for future development at this location, potentially even including conditions for the home's future removal and site restoration.

Public Viewshed/Open Space and Recreation. The LCP requires protection of public viewsheds and aesthetics within the County's coastal zone (including LCP Policies 5.10.1, 5.10.2, 5.10.3, 5.10.7.) The subject property is located within an LCP-mapped and designated scenic resource area and is directly adjacent to Sunset State Beach. The development site is visible from significant public viewing areas up and downcoast on Sunset State Beach (including highly used beach areas). The proposed residential structure could adversely impact public views by increasing the size, mass, and seaward encroachment of residential development at this sensitive location, especially as the bluff continues to erode and the foundational piers become exposed and if additional shoreline protection is constructed. These impacts are inconsistent with LCP requirements protecting bluffs, viewsheds, recreational uses, and geologic/natural landforms (including LUP Sections 5.9 and 5.10, LUP Chapter 7, and IP Chapters 13.10, 13.11 and 13.20).

78 Sunset Drive

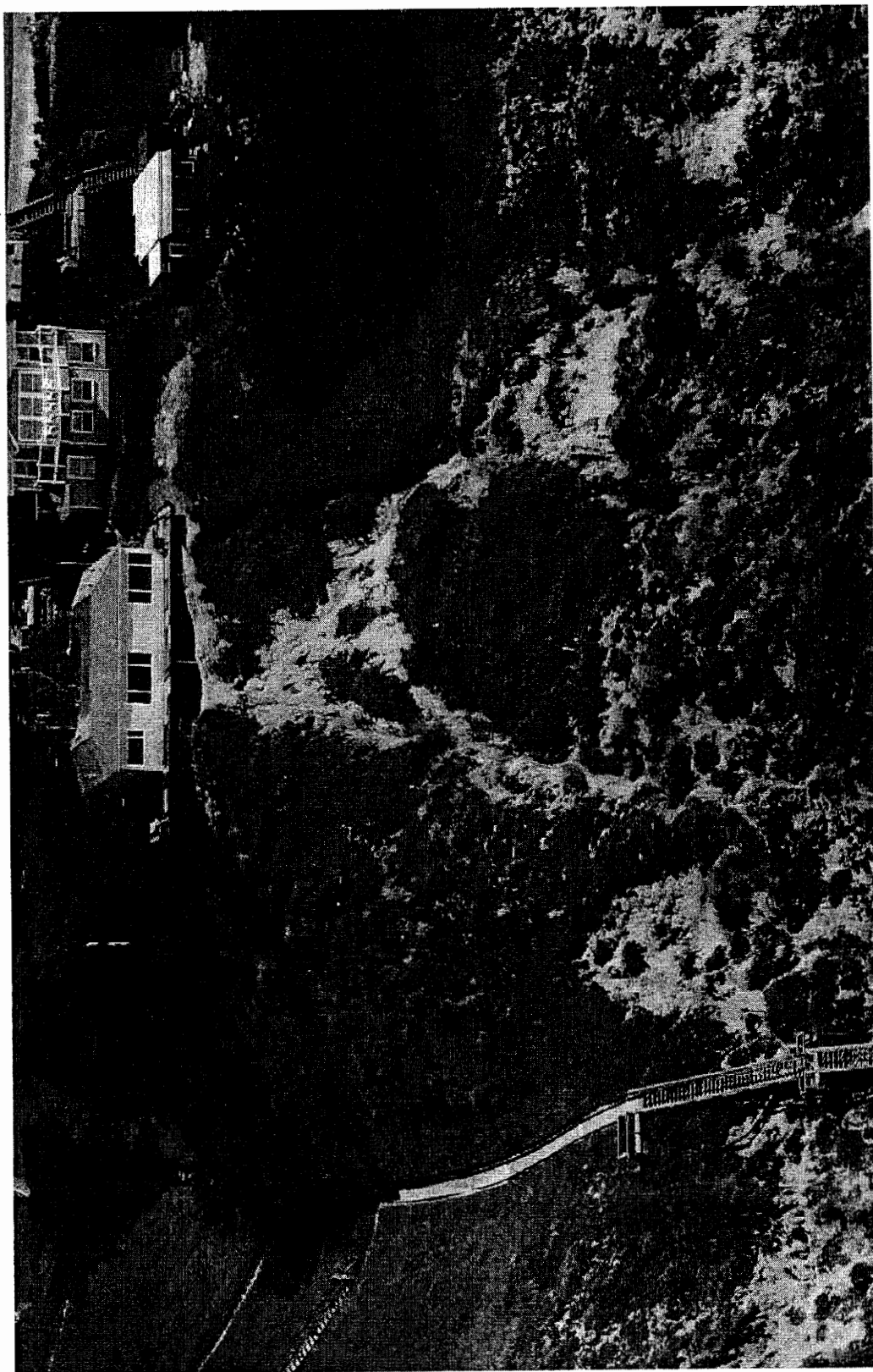


Exhibit 1
3-SCO-15-0788
1 of 1

78 Sunset

August 27, 2015



Exhibit 2
3-SCO-15-0788
1 of 1

Notification of Appeal Filed

A-3-SCO-15-0056

Samuel Singer

Date: 9/9/15	Mailed Notification of Commission Appeal, copy of Appeal and disclosure form to Applicant. Samuel Singer, 601 Manzanita Ave., Sunnyvale, CA 94085
Date: 9/9/2015	Mailed Notification of Commission Appeal and copy of Appeal to applicant's representative as noted by county planner. Sherry Hrabko, 609 Corcoran Ave., Santa Cruz, CA 95062
Date: 9/9/15	Mailed Notification of Commission Appeal, copy of Appeal to local government Kathy Pevisich, Planning Director, and Sheila McDaniel, Planner at Santa Cruz County Planning Department
Date:	Mailed Notification of Commission appellants: n/a
Date: 5	Mailed Notification of Commission Appeal to Interested Parties noted in the appeal. n/a

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508
(831) 427-4863 FAX (831) 427-4877
WWW.COASTAL.CA.GOV

**COMMISSION NOTIFICATION OF APPEAL**

DATE: September 9, 2015
TO: Kathy Previsich
Planning Director, Santa Cruz County
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
FROM: Susan Craig, Central Coast District Manager
RE: **Commission Appeal No. A-3-SCO-15-0056**

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 the Public Resources Code Section 30623.

Local Permit #: 141206
Applicant(s): Samuel Singer
Description: Foundational repairs/upgrades, replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling located on a bluff top above Sunset State Beach, Santa Cruz County.
Location: 78 Sunset Dr., Watsonville, CA 95076 APN:06087-046-181-12
Local Decision: Approval with Special Conditions
Appellant(s): California Coastal Commission, Commissioners Shallenberger and Kinsey
Date Appeal Filed: 09/08/2015

The Commission appeal number assigned to this appeal is A-3-SCO-15-0056. The Commission hearing date has not been scheduled at this time. 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 Rainey Graeven at the Central Coast District Office.

cc: Samuel Singer
Sherry Hrabko
Sheila McDaniel

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioners Kinsey and Shallenberger

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Foundational repairs/upgrades, replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling located on bluff top above Sunset State Beach

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

78 Sunset Drive, Watsonville, CA; APN: 046-181-12

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

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

RECEIVED**SEP 08 2015****CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

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-15-0056
DATE FILED: 9/8/2015
DISTRICT: Central Coast

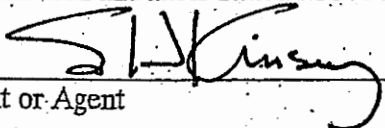
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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.)

Note: The above description 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.

SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 9-8-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

**Reasons for Appeal
Santa Cruz County Coastal Development Permit 141206
(3-SCO-15-0788)**

The approved project site is located on the bluff at 78 Sunset Drive in southern Santa Cruz County, directly above and adjacent to Sunset State Beach. The project site is developed with a single-family dwelling that appears to be cantilevered over the bluff edge (See **Exhibit 1**). On October 30, 2014 the County issued an emergency coastal development permit (ECDP) for construction of a soldier pile retaining wall for slope stabilization, construction of a curtain wall below the dwelling, and associated drainage improvements. The ECDP also required the removal of unpermitted decks that were determined to be encroaching onto Sunset State Beach property. The County did not inform Commission staff of the emergency CDP as required by LCP Section 13.20.090(G).

On August 6, 2015, the County approved a follow-up CDP to authorize the emergency work done under the 2014 emergency CDP (Commission staff was not aware of the follow-up project until the Final Local Action Notice was received because the application was never routed to Commission staff for review, and the CDP was improperly processed as a "Level 4" Administrative Review. (IP Section 13.20.100)). This CDP also authorized additional remodeling of the interior dwelling of the unit, including a 173-square-foot living room addition, structural modifications to the walls, windows, floors, foundation, roof and exterior siding. The parcel is approximately 4,155 square feet and currently contains approximately 1,283 square feet of residential development, some of which is located within two feet of the rear property line and within ten feet of the front yard property line, and therefore the residence is considered a non-conforming structure. (See **Exhibit 2**.) In light of the hazardous nature of the development site, its visual prominence, and its location adjacent to a heavily used State Beach, the project raises issues of consistency with the with the Santa Cruz County certified Local Coastal Program (LCP) as follows:

Hazards. The LCP requires that a geologic hazards assessment be prepared for all development activity in "coastal hazard areas" (IP Section 16.10.050; 16.10.040(13)), and that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period (including LUP Chapter 6 and Implementation Plan (IP) Chapter 16.10). Specifically, IP Section 16.10.070(H)(1)(a) requires that "[f]or all development and for nonhabitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report." Likewise, IP Section 16.10.070(H)(1)(e) requires that "[a]dditions, including second story and cantilevered additions, shall comply with the minimum 25-foot and 100-year setback." Per the LCP, new development must also avoid the need for shoreline armoring because of its attendant impacts. IP Section 16.10.070(H)(3).

In this case, the project includes significant modifications to an existing dwelling located in a very hazardous location that has already necessitated emergency repair work (in 1986 and in 2014) due to bluff erosion and failure. The modifications include significant structural

78 Sunset Drive

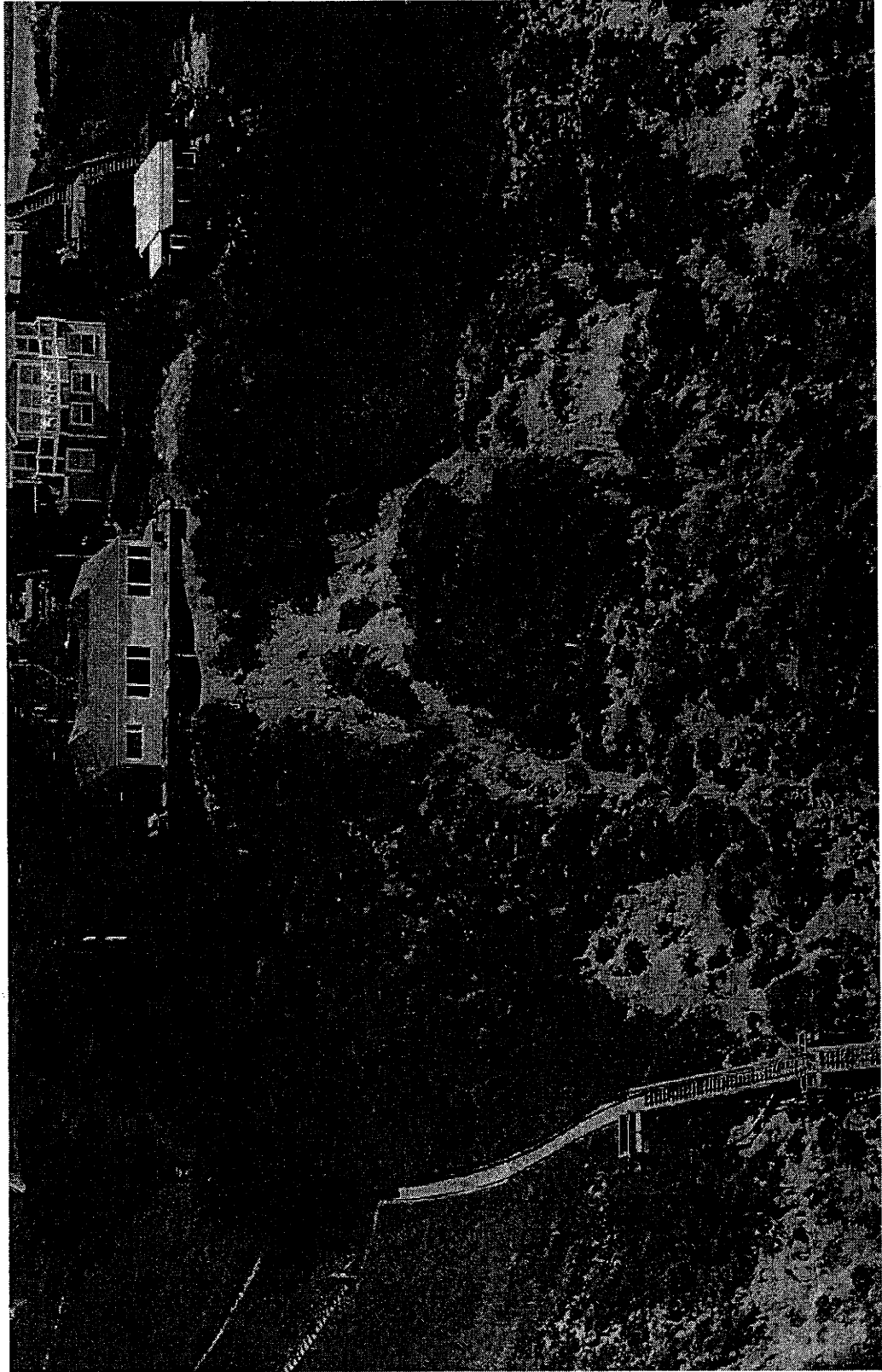


Exhibit 1
3-SCO-15-0788
1 of 1

CALIFORNIA COASTAL COMMISSION

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

Singer
A-3-SCO-15-0056

**MEMORANDUM**

TO: Persons whose City or County Development Permits Have Been Appealed to the Coastal Commission
 FROM: Coastal Commission
 RE: Notice Concerning Important Disclosure Requirements

On January 1, 1993, a new California law required that all persons who apply to the Coastal Commission for a coastal development permit must provide to the Commission "the names and addresses of all persons who, for compensation, will be communicating with the Commission or Commission Staff on their behalf". (Public Resources Code section 30319.) As of January 1, 1994, the law also required that applicants disclose the same information with respect to persons who will communicate, for compensation, on behalf of their business partners. The law also applies to persons whose permits have been appealed to the Coastal Commission. The law provides that failure to comply with the disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment. Additionally, a violation may lead to denial of the permit.

In order to implement this requirement, you are required to do two things. The first is that you must fill in the enclosed form and submit it to the appropriate Coastal Commission area office as soon as possible. Please list all representatives who will communicate on your behalf or on the behalf of your business partners for compensation with the Commission or the staff. This could include a wide variety of people such as lawyers, architects, biologists, engineers, etc.

Second, if you determine after you have submitted the enclosed form that one or more people will be communicating on your behalf or on behalf of your business partners for compensation who were not listed on the completed form, you must provide a list in writing of those people and their addresses to the Coastal Commission area office. The list must be received before the communication occurs.

List of Persons Who Will Communicate on Behalf of Persons Whose Permits Have Been Appealed To the Coastal Commission

Name of Person Whose Permit Has Been Appealed: _____
 Project and Location: _____

Commission Appeal No. _____

Persons who will Communicate for Compensation on Behalf of Applicant or Applicant's Business Partners with Commission or Staff:

Names

Addresses

Signature of Permit Applicant

Date

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioners Kinsey and Shallenberger

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Foundational repairs/upgrades, replacement of retaining walls, and other substantial structural modifications to an existing single family dwelling located on bluff top above Sunset State Beach

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

78 Sunset Drive, Watsonville, CA; APN: 046-181-12

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

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

RECEIVED

SEP 08 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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-15-0056

DATE FILED: 9/8/2015

DISTRICT: Central Coast

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 (Planning Dept.)

6. Date of local government's decision: 8/6/2015

7. Local government's file number (if any): Application No. 141206

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:

Samuel Singer
601 Manzanita Avenue
Sunnyvale, CA 94085

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) Sherry Hrabko
609 Corcoran Avenue
Santa Cruz, CA 95062

(2) Kathleen Molloy-Previsich, Planning Director
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, California 95060

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

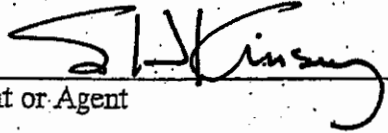
Page 3

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Note: The above description 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.

SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 9-8-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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SECTION V. Certification

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

Signed: Mary K. Challinor
Appellant or Agent

Date: 9-8-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document 2)

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.

See attachment.

contend that the project is inconsistent with the LCP because the County-approved project may not be safely sited to provide at least 50 years of stability, meaning the approved project may need shoreline armoring during its economic lifetime.

The County-approved project is located on a bluff-top lot in Moss Beach and adds 2,783 square feet (first and second floor additions) to an existing 2,912 square-foot single-family residence, resulting in a 5,695 square-foot two-story residence. The County's Geotechnical Section completed a preliminary review of the Applicant's Limited Geotechnical Report and found it adequate for CDP approval. However, the County indicated in its findings of approval that a more detailed review would be conducted upon submittal of a building permit application. Policy 9.8 requires that the full geotechnical review take place during the CDP process, not the building permit process, to ensure the location and scale of development is appropriate in higher hazard areas, such as on top of coastal bluffs. This review in its entirety is required to occur at the CDP stage, as mandated by the LCP. This review is critical when deciding where to allow new development that is located on a coastal bluff. Accordingly, the County's reliance on the Limited Geotechnical Report with the suggestion that the more thorough geotechnical review would be undertaken at the building permit phase is inconsistent with the LCP's Hazard Component.

Further, the Applicant's Limited Geotechnical Report found that shoreline protection may be necessary within the next 50 years. The County's findings indicated that the submitted report "determined a low level of risk to the site within the next 50 years relative to bluff retreat, subject to implementation of construction measures recommended in the report." The 2011 Limited Geotechnical Report concluded that while the site is suitable for the proposed improvements, "[i]t should be clearly understood that eventually some form of mitigation will be required to protect the house and proposed improvements from future bluff retreat." As discussed above, Policy 9.11 requires that new bluff top development be located where no additional shoreline protection will be necessary. The County determined that the Limited Geotechnical Report was sufficient to conclude that the site was safe, even though the report and the County clearly stated that some form of structural shoreline protection would be required to protect the existing and new development from erosion hazards in the future. The County's determination that the proposed new development may require shoreline protection within its economic lifetime is inconsistent with Policy 9.11.

Finally, the approved project did not include the required site stability evaluation. Thus, the County's approval was unclear as to the extent it minimized hazards, including with respect to providing for at least 50 years of stability without the need for shoreline armoring, as required by the LCP. For these reasons, the approved project raises a substantial issue of conformance with respect to the LCP's hazards policies.

**Reasons for Appeal
Santa Cruz County Coastal Development Permit 141206
(3-SCO-15-0788)**

The approved project site is located on the bluff at 78 Sunset Drive in southern Santa Cruz County, directly above and adjacent to Sunset State Beach. The project site is developed with a single-family dwelling that appears to be cantilevered over the bluff edge (See **Exhibit 1**). On October 30, 2014 the County issued an emergency coastal development permit (ECDP) for construction of a soldier pile retaining wall for slope stabilization, construction of a curtain wall below the dwelling, and associated drainage improvements. The ECDP also required the removal of unpermitted decks that were determined to be encroaching onto Sunset State Beach property. The County did not inform Commission staff of the emergency CDP as required by LCP Section 13.20.090(G).

On August 6, 2015, the County approved a follow-up CDP to authorize the emergency work done under the 2014 emergency CDP (Commission staff was not aware of the follow-up project until the Final Local Action Notice was received because the application was never routed to Commission staff for review, and the CDP was improperly processed as a "Level 4" Administrative Review. (IP Section 13.20.100)). This CDP also authorized additional remodeling of the interior dwelling of the unit, including a 173-square-foot living room addition, structural modifications to the walls, windows, floors, foundation, roof and exterior siding. The parcel is approximately 4,155 square feet and currently contains approximately 1,283 square feet of residential development, some of which is located within two feet of the rear property line and within ten feet of the front yard property line, and therefore the residence is considered a non-conforming structure. (See **Exhibit 2**.) In light of the hazardous nature of the development site, its visual prominence, and its location adjacent to a heavily used State Beach, the project raises issues of consistency with the with the Santa Cruz County certified Local Coastal Program (LCP) as follows:

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In this case, the project includes significant modifications to an existing dwelling located in a very hazardous location that has already necessitated emergency repair work (in 1986 and in 2014) due to bluff erosion and failure. The modifications include significant structural

foundation (11 piers at 4 foot separation), structural wall (104 linear feet), and structural roof alterations (606 feet), a new bathroom and 173 square foot living room addition, the totality of which could mean that the cumulative sum of all alterations would result in the structure being considered "redeveloped." However, as noted above, the County did not require the Applicant to prepare a geologic hazards report to determine the bluff erosion rate and the 100-year setback to ensure that the redeveloped house meets LCP standards for stability and structural integrity. Moreover, the County staff report did not analyze whether and to what extent the proposed development can be authorized under IP Section 16.10.070(H)(4) "Alterations to Damaged Structures," or as allowable "repair and maintenance" activities under the LCP more generally. Instead, the County's analysis improperly focused on the County's "nonconforming use ordinance" which relates to zoning district development standards (for setbacks from property lines, floor area ratio, number of stories, etc.) but does not address the question of development that is nonconforming in terms of blufftop and shoreline setbacks. Finally, the approval raises questions as to whether it might increase the potential need for a seawall in the future, due to the development's proximity to a bluff edge with an 85% slope and what appears to be ongoing erosion. (See Exhibit 1.) The County's CDP approval should have articulated allowable parameters for future development at this location, potentially even including conditions for the home's future removal and site restoration.

Comment [CFL1]: When is a report required? Why do we think a report is needed? Do we know that the modifications were "significant"? based on what? Need more explanation of the trigger for taking this position.

Public Viewshed/Open Space and Recreation. The LCP requires protection of public viewsheds and aesthetics within the County's coastal zone (including LCP Policies 5.10.1, 5.10.2, 5.10.3, 5.10.7.) The subject property is located within an LCP-mapped and designated scenic resource area and is directly adjacent to Sunset State Beach. The development site is visible from significant public viewing areas up and downcoast on Sunset State Beach (including highly used beach areas). The proposed residential structure could adversely impact public views by increasing the size, mass, and seaward encroachment of residential development at this sensitive location, especially as the bluff continues to erode and the foundational piers become exposed and if additional shoreline protection is constructed. These impacts are inconsistent with LCP requirements protecting bluffs, viewsheds, recreational uses, and geologic/natural landforms (including LUP Sections 5.9 and 5.10, LUP Chapter 7, and IP Chapters 13.10, 13.11 and 13.20).

**Reasons for Appeal
Santa Cruz County Coastal Development Permit 141206
(3-SCO-15-0788)**

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78 Sunset Drive

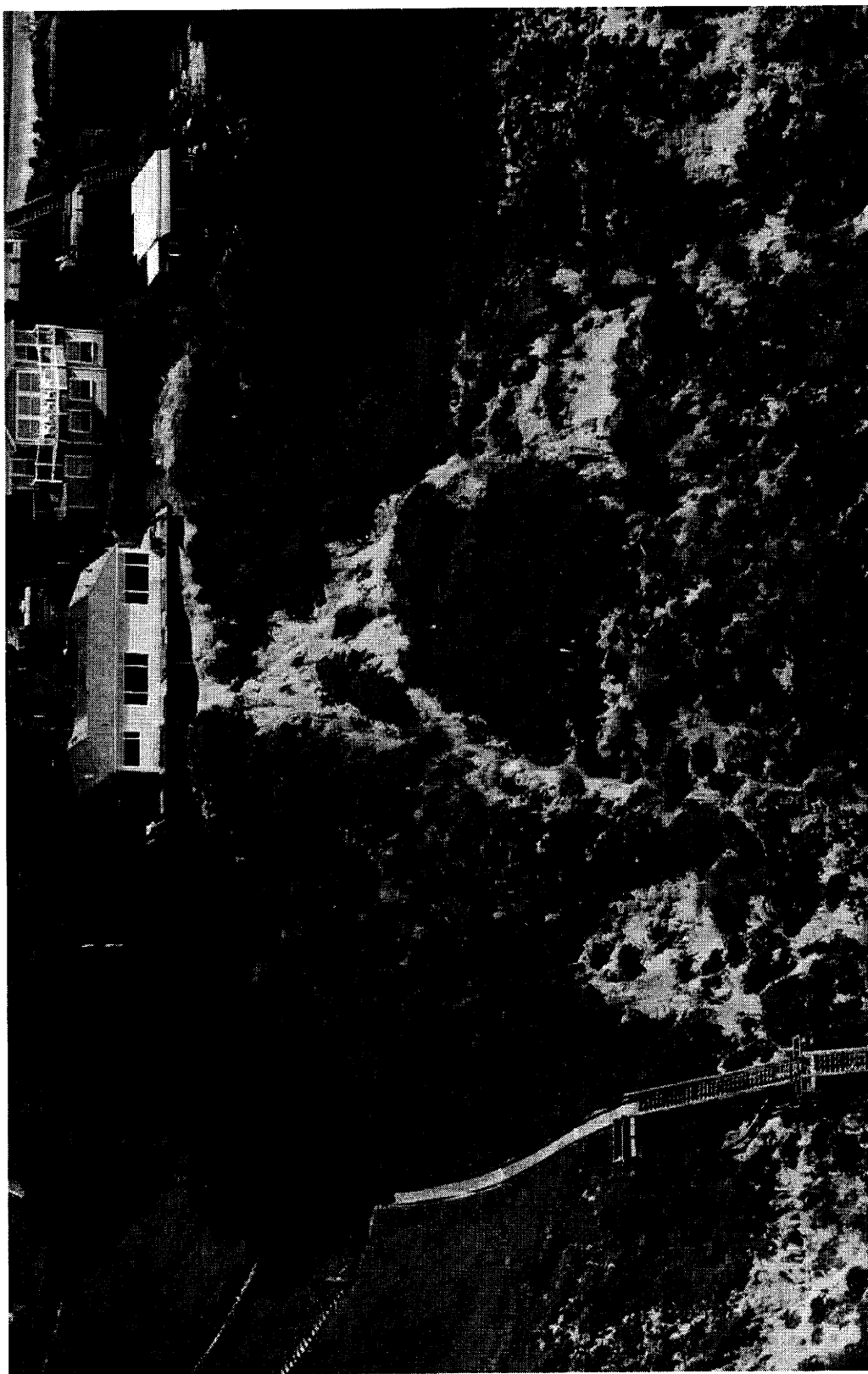


Exhibit 1
3-SCO-15-0788
1 of 1

78 Sunset

August 27, 2015



Exhibit 2
3-SCO-15-0788
1 of 1



Google 78 Sunset Dr



Imagery ©2015 Google, Map data ©2015 Google 100 ft

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: 8/19/2015

Notice Sent (via certified mail) to:

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-800-15-0788
APPEAL PERIOD 8/25/15-9/8/15

RECEIVED

AUG 24 2015

CALIFORNIA
COASTAL COMMISSION

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.: 141206
Project Applicant: Samuel Singer
Address: 601 Manzanita Avenue
Phone/E-mail: (408) 210-4559
Applicant's Representative: Sherry Hrabko
Address: 609 Corcoran Avenue, Santa Cruz, CA 95062
Phone/E-mail: (831) 477-7794

Project Location: South side of Sunset (78 Sunset Drive)

Project Description: Proposal to repair/upgrade foundation, replace retaining walls, and complete other structural modifications at an existing SFD located at the bluff top at Sunset Beach. Requires an Emergency Coastal Development Permit and an Amendment to Coastal Development Permit 86-0022.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- ☒ Development Review - Principal Planner
☐ Zoning Administrator

- ☐ Planning Commission
☐ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	x	
Adopted Findings	x	
Adopted Conditions	x	
Site Plans	x	
Elevations	x	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	x	
Geotechnical Reports	n/a	
Biotic Reports	n/a	
Other:		
Other:		

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.
- ☒ This Final Action is 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. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

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

- Applicant
- Interested parties who requested mailing of notice



Staff Report & Development Permit Level 4 – Administrative Review

Application Number: 141206

APN: 046-181-12

Applicant: Sherry Hrabko

Owner: Samuel Singer

Site Address: 78 Sunset Drive, Watsonville, CA

Proposal & Location

Proposal to repair/upgrade foundation, replace retaining walls, and complete other structural modifications at an existing SFD located at the bluff top at Sunset Beach. Requires an Emergency Coastal Development Permit and an Amendment to Coastal Development Permit 86-0022.

Parcel Information

Parcel Size:	4,138 square feet
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Dwelling
Project Access:	Sunset Drive, 40' right-of-way
Planning Area:	San Andreas
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Residential one unit per 6000 square feet)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

Geologic Hazards:	The existing dwelling is located on the coastal bluff
Soils:	Geotechnical report reviewed and approved by Environmental Planning
Fire Hazard:	Not a mapped constraint
Slopes:	Coastal Bluff slope, 85 percent slope
Env. Sen. Habitat:	Mapped as containing biotic resources; project work does not exceed existing improvement area
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Yes
Drainage:	Site drainage addressed by geotechnical report, which was reviewed and approved by Environmental Planning
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: x Inside Outside
Water Supply: Sunset Beach Mutual Water Company
Sewage Disposal: Septic System
Fire District: Pajaro Fire Protection District
Drainage District: Outside Drainage District

Background

In 1986, the previous property owner obtained Coastal Development Permit 86-0022 and associated building permit 85437 to complete storm damage repair to the existing foundation and to remodel the single family dwelling. Repair included replacement of the foundation on the south and west sides and replacement of exterior concrete block wall with a stud wall, replacement of interior walls and remodel of existing single family dwelling by closing off windows and doors, as well as upgrade of the main electric service to 125 amps, and to rewire the entire house and replacement of all plumbing.

Between 2009 and 2010 a portion of the coastal bluff under the dwelling failed. On October 30, 2014 an Emergency Building Permit B-143887 was issued for construction of a 298 square foot five foot soldier pile retaining wall for slope stabilization in front of the dwelling, construction of a curtain wall below the single family dwelling, and associated drainage improvements. This permit required removal of unpermitted decks prior to building permit final as these decks were confirmed to be constructed without the benefit of a building permit by review of photos available through the California Coastal Records Project from 2002, a previously issued repair permit from 1987 (permit # 85437), and a permit history search. This information also confirmed that a portion of the existing deck is also located within State Parks property.

Pursuant to County Code Section 13.20.090 (Emergency Projects), this code authorizes a coastal permit exemption for emergency projects "in order to prevent the loss of or damage to life, health, or property.....following a natural disaster". This exemption requires that at the time of application for the emergency permit a regular Coastal Development Permit application is required to be submitted for the proposed emergency work.

The property is approximately 4,155 square feet and contains an approximately 1,283 square foot dwelling within two feet of the rear property line, 10 feet of the front yard and is thus considered a non-conforming structure.

Project Description

The applicant proposes to address the emergency work authorized by the issued emergency permit. In addition, the applicant proposes to remodel the interior of the dwelling to include a 173 square foot living room within the footprint of the structure and addition of a bath, as well as structural modifications to the walls, windows, floor, foundation, and roof of the structure, including exterior siding material. Exterior decking is also proposed to be removed to align with the rear property line so that improvements do not extend into State Park property.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 4,155 square feet, located in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, a designation which allows residential uses. The residence is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation.

A Coastal Development Permit is required for the proposed emergency work and residential remodel pursuant to County Code Section 13.20.068 because the property is located within 50 feet of the coastal bluff. The proposed project will not enlarge the footprint of the structure or alter the existing design of the building significantly as most of the improvements are proposed as a means to maintain the structural integrity of the residence. The structural improvements will not affect surrounding properties as the dwelling is topographically lower than structures to the north and will otherwise significantly improve the exterior appearance of the structure without modifying the shape, height, or window locations of the house appreciably. The colors and materials are earthtone colors that blend with the grasses along the bluff face and the improvements will not negative impact public views from the beach.

The project is subject to the non-conforming regulations pursuant to County Code 13.10.260 as the structure does not meet the required front or rear setbacks. This ordinance allows up to 65 percent structural modifications to non-conforming structure within any 5 year period. The plans include a modification plan and modification worksheet. Proposed modifications will result in a 53 percent modification to the structure, which is less than the maximum 65 percent allowed by the nonconforming code.

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 Findings for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

The Planning Department has taken administrative action on your application as follows:

 X Approved (if not appealed).
 Denied (based on the attached findings).

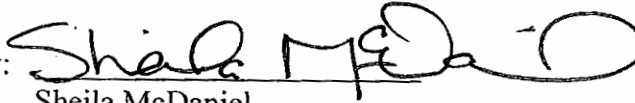
NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

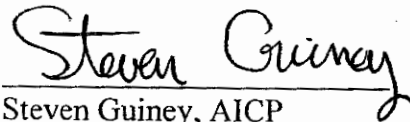
If you have any questions about this project, please contact Sheila McDaniel at:
(831) 454-2255 or sheila.mcdaniel@santacruzcounty.us

Report Prepared By:



Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By:



Steven Guiney, AICP
Principal Planner
Development Review
Santa Cruz County Planning Department

Mail to:

Sherry Hrabko
609 Corcoran Avenue
Santa Cruz, CA 95062

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **141206** (APN 046-181-12) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 046-181-12) must sign this form.

Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant or any aggrieved party may appeal an action or decision taken on a Level IV project such as this one. Appeals of administrative decisions are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken or the date on which the notices are mailed, whichever is later and must be accompanied by the appropriate filing fee.

Conditions of Approval

Exhibit A. Project plans, prepared by Sherry Hrabko, dated March 2, 2015.

- I. This permit authorizes the repair/upgrade of the foundation, replacement of retaining walls, and to complete other structural modifications at an existing SFD. The project includes remodel of the interior of the dwelling to include a 173 square foot living room within the footprint of the structure and addition of a bath, as well as structural modifications to the walls, windows, floor, foundation, and roof of the structure, including exterior siding material. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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. Any outstanding balance due to the Planning Department must be paid prior to making a Building, Grading, or Demolition Permit application. Applications for Building, Grading, or Demolition Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. 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 information:
 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this discretionary application, including the exterior foundation colors. If specific materials and colors have not been approved with this discretionary application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
 3. Grading, drainage, and erosion control plans.

4. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements and pay any applicable plan check fee of the Pajaro Fire Protection District.
 - C. Meet all requirements of Environmental Planning including the following:
 1. Geotechnical Engineer must review and approve plans.
 2. The drainage plan must be signed and stamped by a civil engineer.
 3. The soils engineer must specifically approve the drainage system spreader trench for stability and erosion issues.
 4. The decks on the parcel were constructed beyond repair in kind. The plans must be revised as follows:
 - a. All decks must be pulled back so as to not cross the property line.
 - b. The entire deck on the northern side of the property must be completely removed as it has never been permitted and does not comply with section 16.10.070(H) (1).
 - D. 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.
- III. 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 permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

IV. Operational Conditions

- A. 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.

- V. 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 defend, indemnify, or hold harmless the COUNTY if such failure to notify or 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.

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

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: 8/6/2015

Effective Date: 8/20/2015

Expiration date: 8/20/2018

Coastal Development Permit Findings

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, in that the property is zoned R-1-6 (Single family residential - 6,000 square feet), a designation that allows residential uses. The existing residence and proposed remodel is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Residential General Plan designation.

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, in that the proposed project does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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.

This finding can be made, in that the proposed repair work and remodel is consistent with the existing dwelling in terms of architectural style; the site is surrounded by lots developed to an urban density; the proposed materials and colors are natural in appearance and are complementary to the existing dwelling; and although the project site is located between the shoreline and the first public road, the site does not have public access to the beach. An existing beach access ways are located within approximately 100 feet to the north of the subject property. And, though the property is located within a designated scenic corridor the building modifications do not alter the dwelling significantly and the proposed development is similar to other development around it and thus fits into the context of this residentially developed neighborhood and will otherwise not stand out from the existing character of the neighborhood.

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.

This finding can be made, in that although the project site is located between the shoreline and the first public road, the site does not physical access down to the beach. An existing beach access ways are located within approximately 100 feet to the north of the subject property. Consequently, the proposed building modifications will not interfere with public access to the beach. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structural modifications are sited and designed to be visually compatible, in scale with, and integrated with the character of the existing dwelling and surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single family residential - 6,000 square feet) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

Development Permit Findings

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, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residential remodel will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structural modifications are within the limit (53 percent proposed vs. 65 percent permitted) allowed to non-conforming structures and otherwise does not alter the size of the existing structure.

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.

This finding can be made, in that the proposed location of the residential remodel and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Residential-One Unit per 6000 square feet) zone district as the primary use of the property will continue to be one residence that meets the non-conforming regulations.

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.

This finding can be made, in that the continued residential use is consistent with the use and density requirements specified for the Residential Urban Low (R-UL) land use designation in the County General Plan.

The proposed residential remodel will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and complies with the provisions of the non-conforming policies of the General Plan as established by the non-conforming ordinance.

The proposed residential remodel will not alter the existing size of the dwelling or alter the existing character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed residential remodel will comply with the non-conforming regulations established for residential structures.

A specific plan has not been adopted for this portion of the County.

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, in that the proposed residential remodel is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to change and will not adversely impact existing roads and intersections in the surrounding area.

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, in that the existing structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential remodel is consistent with the land use intensity and density of the 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 residential remodel will not revise the size or design of the existing dwelling and thus will not alter the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 141206

Assessor Parcel Number: 046-181-12

Project Location: 78 Sunset Drive, Watsonville, CA

Project Description: Proposal to repair/upgrade foundation and replace retaining walls, and complete structural modifications to an existing single family dwelling located at the blufftop at Sunset Beach. Requires an Emergency Coastal Development Permit and an amendment to

Person or Agency Proposing Project: Sherry Hrabko

Contact Phone Number: (408) 210-4559

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. ☒ Categorical Exemption

Specify type: Class 1 - Existing Facilities (Section 15301) & Class 2 - Replacement or Reconstruction (Section 15302)

F. Reasons why the project is exempt:

Restoration or rehabilitation of deteriorated or damaged structures, facilities

In addition, none of the conditions described in Section 15300.2 apply to this project.

Sheila McDaniel, Project Planner

Date: _____

APPLICABLE SANTA CRUZ COUNTY LCP POLICIES

Hazards – Coastal Bluffs and Beaches

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.*

Visual Resources

5.10.1 Designation of Visual Resources. *Designate on the General Plan and LCP Resources Maps and define visual resources as areas having regional public importance for their natural beauty or rural agricultural character. Include the following areas when mapping visual resources: vistas from designated scenic roads, Coastal Special Scenic Areas, and unique hydrologic, geologic and paleontologic features identified in Section 5.9.*

5.10.2 Development Within Visual Resource Areas. *Recognize that visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection may include, but are not limited to, ocean views, agricultural fields, wooded forests, open meadows, and mountain hillside views. Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section. Require discretionary review for all development within the visual resource area of Highway One, outside of the Urban/Rural boundary, as designated on the GP/LCP Visual Resources Map and apply the design criteria of Section 13.20.130 of the County's zoning ordinance to such development.*

5.10.3 Protection of Public Vistas. *Protect significant public vistas as described in policy 5.10.2 from all publicly used roads and vista points by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas. (See policy 5.10.11.)*

5.10.7 Open Beaches and Bluff-tops. *Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures: (a) Allow infill structures (typically residences on existing lots of record) where compatible with the pattern of existing development. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.*

APPLICABLE SANTA CRUZ COUNTY IMPLEMENTATION PLAN STANDARDS

13.20.090 Emergency development.

(A) Emergency coastal development permits may be granted at the discretion of the Planning Director for development normally requiring a coastal development permit which must be undertaken due to a sudden unexpected occurrence that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. The emergency approval shall conform to the objectives of this chapter and the LCP. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Planning Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows. The Planning Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

(B) The emergency development authorized under an emergency coastal development permit shall be limited to activities necessary to prevent or mitigate loss or damage. The emergency coastal development permit shall be void if the permit is not exercised within 15 days of issuance. The emergency coastal development permit shall expire 90 days after issuance. Any work completed outside of these time periods requires a regular coastal development permit unless an extension for work outside of this time period is granted for good cause by the Planning Director and such extension is limited as much as possible in duration, based on the facts of the extension request.

(C) All emergency development pursuant to an emergency coastal development permit is considered temporary and must be removed and the affected area restored if it is not recognized by a regular coastal development permit within six months of expiration of the emergency coastal development permit, unless the Planning Director, for good cause, authorizes an extension. As soon as possible after issuance of the emergency coastal development permit, and in all cases not later than 15 days after issuance of the emergency coastal development permit, the applicant shall submit a completed application, including the appropriate fees, for a regular coastal development permit, unless the Planning Director, for good cause, authorizes a submittal deferral not to exceed an additional 60 days.

(D) As soon as possible after the issuance of an emergency coastal development permit, and in all cases prior to the expiration of the emergency coastal development permit, the owner of the property shall submit all required technical reports and project plans unless a time extension is granted by the Planning Director and such extension is limited as much as possible in duration, based on the facts of the extension request. If this information is not submitted within the specified time, the emergency coastal development permit, at the discretion of the Planning Director, may be voided and the emergency work shall be considered a violation of this chapter.

(E) If the need for emergency development occurs during nonbusiness hours, the applicant shall submit an application for an emergency coastal development permit on the following working day.

(F) The emergency coastal development permit shall include the scope of development to be performed and any necessary conditions to ensure that the emergency work is done in a manner most protective of coastal resources and within the time frames listed above and to ensure that application for the required regular coastal development permit is completed within the time frames listed above.

(G) The Planning Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential emergency coastal development permits and may consult with the Coastal Commission prior to issuance of an emergency coastal development permit. The Planning Director shall report, in writing, to the Coastal Commission after the emergency coastal development permit has been issued, the nature of the emergency and the work involved. Copies of this written report shall be mailed to all persons who have requested such written notification.

(H) Applications in case of an emergency shall be made by letter to the Planning Director or in person or by telephone, if time does not allow. The following information should be included in the request: (1) Nature of the emergency; (2) Cause of the emergency, insofar as this can be established; (3) Location of the emergency; (4) The remedial, protective, or preventive work required to deal with the emergency; and (5) The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

(I) The Planning Director shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency. The designated local official may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Planning Director finds that: (1) An emergency exists that requires action more quickly than permitted by the procedures for regular permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit; (2) Public comment on the proposed emergency action has been reviewed, if time allows; and (3) The work proposed would be consistent with the requirements of Santa Cruz County's certified LCP.

The Planning Director shall not issue an emergency permit for any work that falls within any tidelands, submerged lands, or public trust lands, whether filled or unfilled, lying within the Coastal Zone.

13.20.100 Coastal development permit application processing.

(A) All regulations and procedures regarding coastal development permits, including application, processing, noticing, expiration, amendment, enforcement, and penalties, shall be in accordance with the provisions for processing applications to be heard by the Zoning Administrator pursuant to Chapter 18.10 SCCC; however, processing at levels other than the Zoning Administrator shall apply in such cases where the proposed development: (1) Also requires other discretionary permit approvals to be considered and acted upon by the Planning Commission or the Board of Supervisors, in which case the coastal development permit application will be processed and considered at the highest level of review of the other required permits; or (2) Qualifies as minor development (as defined in SCCC 13.20.040), in which case,

unless the Planning Director, for good cause, determines that a public hearing is necessary, the public hearing requirement is waived subject to the following criteria: (a) A notice of pending action is provided to all persons who would otherwise be required to be notified of a public hearing (i.e., for Zoning Administrator and above public hearings), as well as any other persons known to be interested in receiving notice, for the proposed development indicating that the application is going to be approved without a public hearing unless a public hearing is requested. The notice must include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County on the coastal development permit application; and (b) No request for public hearing is received by the County within 15 working days from the date the notice of pending action was sent.

(B) Coastal Development Permit Amendments. Amendments to approved coastal development permits shall be appealable to the Coastal Commission for the following permit amendment requests: (1) if the original permit was appealable to the Coastal Commission; (2) if the development authorized by the original permit would be appealable at the time the amendment request is received by the County; or (3) if the amendment requested is such that the proposed modified project would be appealable to the Coastal Commission. An amendment request may be granted only if the reviewing body, either the County, or the Coastal Commission if on appeal, determines that: (1) the proposed amendment would not lessen or avoid the intended effect of the approved permit; and (2) the amended project would be consistent with the LCP (and the Coastal Act, if applicable). If the amendment request is denied by the County, or by the Coastal Commission if on appeal, then the terms and conditions of the original permit shall remain in effect. An amendment request shall not stay the expiration date of the coastal development permit for which the modification is requested.

(C) Coastal Development Permit Extensions. Time extensions of approved coastal development permits (i.e., amending the permit by changing the expiration date) may be granted only if the reviewing body determines that there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). The determination of whether or not changed circumstances exist shall be appealable to the Coastal Commission: (1) if the original permit was appealable to the Coastal Commission; or (2) if the development authorized by the original permit would be appealable at the time the extension request is received by the County. If the County, or the Coastal Commission on appeal, determines that changed circumstances exist that may affect the consistency of the development with the LCP (or the Coastal Act, if applicable), then the extension request shall be denied and the development shall be reviewed as if it were a new application. In such a case, the applicant shall not be required to file a new coastal development permit application, but instead shall submit any information that the County, or the Executive Director of the Coastal Commission if on appeal, deems necessary to evaluate the effect of the changed circumstances. Any extension applied for prior to the expiration of the coastal development permit shall automatically extend the time for commencement of development until such time as the reviewing body has acted upon the coastal permit extension request. The applicant shall not undertake development during the period of automatic extension.

(D) Review of Easements. Prior to the issuance of a coastal development permit, all public access, open space, and/or conservation easements or offers of dedication which are conditions

of approval shall be reviewed and approved by County Counsel for legal adequacy and shall be submitted to the Executive Director of the Coastal Commission for review and approval for consistency with the requirements of potential accepting agencies.

16.10.050 Requirements for geologic assessment.

(A) All development is required to comply with the provisions of this chapter, specifically including, but not limited to, the placement of manufactured homes in the areas designated as SFHAs in the flood insurance study.

(B) Hazard Assessment Required. A geologic hazards assessment shall be required for all development activities in the following designated areas: fault zones, 100-year floodplains and floodways, and coastal hazard areas, except: as specified in subsections (C) (D) and (E) of this section, where a full geologic report will be prepared according to the County guidelines for engineering geologic reports, or where the County Geologist finds that there is adequate information on file. A geologic hazards assessment shall also be required for development located in other areas of geologic hazard, as identified by the County Geologist or designee, using available technical resources, from environmental review, or from other field review.

(C) Geologic Report Required. A full geologic report shall be required: (1) For all proposed land divisions and critical structures and facilities in the areas defined as earthquake fault zones on the State Alquist-Priolo Earthquake Fault Zoning Act maps; (2) Whenever a significant potential hazard is identified by a geologic hazards assessment; (3) For all new reservoirs to serve major water supplies; (4) Prior to the construction of any critical structure or facility in designated fault zones; and (5) When a property has been identified as "Unsafe to Occupy" due to adverse geologic conditions, no discretionary approval or building permit (except approvals and permits that are necessary solely to mitigate the geologic hazard) shall be issued prior to the review and approval of geologic reports and the completion of mitigation measures, as necessary.

(D) Potential Liquefaction Area. A site-specific investigation by a certified engineering geologist and/or soil engineer shall be required for all development applications for more than four residential units and for structures greater than one story in areas of high or very high liquefaction potential. Development applications for four units or less, one story structures and nonresidential projects shall be reviewed for liquefaction hazard through environmental review and/or geologic hazards assessment. When a significant hazard may exist, a site specific investigation shall be required.

(E) Additional Report Requirements. Additional information (including but not limited to full geologic, subsurface geologic, hydrologic, geotechnical or other engineering investigations and reports) shall be required when a hazard or foundation constraint requiring further investigation is identified.

Section 16.10.040(13). "Coastal hazard areas" means areas which are subject to physical hazards as a result of coastal processes such as landsliding, erosion of a coastal bluff, and inundation or erosion of a beach by wave action.

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

Section 16.10.070 (H) (Coastal Bluffs and Beaches)

(1) Criteria in Areas Subject to Coastal Bluff Erosion. Projects in areas subject to coastal bluff erosion shall meet the following criteria:

(a) For all development and for nonhabitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report.

(b) For all development, including that which is cantilevered, and for nonhabitable 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.

(c) 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.

(d) Foundation replacement and/or foundation upgrades that meet the definition of development per SCCC 16.10.040(19) and pursuant to SCCC 16.10.040(18) shall meet the setback described in subsection (H)(1) of this section, except that an exception to the setback requirement may be granted for existing structures that are wholly or partially within the setback, if the Planning Director determines that: (i) The area of the structure that is within the setback does not exceed 25 percent of the total area of the structure; or (ii) The structure cannot be relocated to meet the setback because of inadequate parcel size.

(e) Additions, including second story and cantilevered additions, shall comply with the minimum 25-foot and 100-year setback.

(f) 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.

(g) Approval of drainage and landscape plans for the site by the County Geologist.

(h) Service transmission lines and utility facilities are prohibited unless they are necessary to serve existing residences.

(i) All other required local, State and Federal permits shall be obtained.

(2) Exemption.

(a) Any project which does not specifically require a building permit pursuant to subsection (B) of this section is exempt from subsection (H)(1) of this section, with the exception of: nonhabitable accessory structures that are located within the minimum 25-foot setback from the coastal bluff where there is space on the parcel to accommodate the structure outside of the setback, above-ground pools, water tanks, projects (including landscaping) which would unfavorably alter drainage patterns, and projects involving grading. For the purposes of this section, "the unfavorable alteration of drainage" is defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff. "Grading" is defined as any earthwork other than minor leveling, of the scale typically accomplished by hand, necessary to create beneficial drainage patterns or to install an allowed structure, that does not excavate into the face or base of the bluff. Examples of projects which may qualify for this exemption include: decks which do not require a building permit and do not unfavorably alter drainage, play structures, showers (where runoff is controlled), benches, statues, landscape boulders, benches, and gazebos which do not require a building permit.

(b) If a structure that is constructed pursuant to this exemption subsequently becomes unstable due to erosion or slope instability, the threat to the exempted structure shall not qualify the parcel for a coastal bluff retaining structure or shoreline protection structure. If the exempted structure itself becomes a hazard it shall either be removed or relocated, rather than protected in place.

(3) Shoreline protection structures shall be governed by the following:

(a) Shoreline protection structures shall only be allowed on parcels where both adjacent parcels are already similarly protected, or where necessary to protect existing structures from a significant threat, or on vacant parcels which, through lack of protection threaten adjacent developed lots, or to protect public works, public beaches, and coastal dependent uses. Note: New shoreline protection structures shall not be allowed where the existing structure proposed for protection was granted an exemption pursuant to subsection (H)(2) of this section.

(b) Seawalls, specifically, shall only be considered where there is a significant threat to an existing structure and both adjacent parcels are already similarly protected.

(c) Application for shoreline protective structures shall include thorough analysis of all reasonable alternatives to such structures, including but not limited to relocation or partial removal of the threatened structure, protection of only the upper bluff area or the area immediately adjacent to the threatened structure, beach nourishment, and vertical walls. Structural protection measures on the bluff and beach shall only be permitted where nonstructural measures, such as relocating the structure or changing the design, are infeasible from an engineering standpoint or are not economically viable.

(d) Shoreline protection structures shall be placed as close as possible to the development or structure requiring protection.

(e) Shoreline protection structures shall not reduce or restrict public beach access, adversely affect shoreline processes and sand supply, adversely impact recreational resources,

increase erosion on adjacent property, create a significant visual intrusion, or cause harmful impacts to wildlife or fish habitat, archaeologic or paleontologic resources. Shoreline protection structures shall minimize visual impact by employing materials that blend with the color of natural materials in the area.

(f) All protection structures shall meet approved engineering standards as determined through environmental review.

(g) All shoreline protection structures shall include a permanent, County approved, monitoring and maintenance program.

(h) Applications for shoreline protection structures shall include a construction and staging plan that minimizes disturbance to the beach, specifies the access and staging areas, and includes a construction schedule that limits presence on the beach, as much as possible, to periods of low visitor demand. The plan for repair projects shall include recovery of rock and other material that has been dislodged onto the beach.

(i) All other required local, State and Federal permits shall be obtained.

(4) Alteration of Damaged Structures. Reconstruction, repair, rebuilding, replacement, alteration, improvement, or addition to damaged structures located on a coastal bluff shall proceed according to the following chart:

Extent of Damage	50% or More of the Value of Structure		Less Than 50% of the Value of Structure	
Cause of Damage (horizontal axis)	Coastal Hazards and Slope Instability	All Other Causes (fire, etc.)	Coastal Hazards and Slope Instability	All Other Causes (fire, etc.)
Location of Existing Structure (vertical axis)				
Existing structure meets setback (less than 10% extends into setback).	Meet all regulations.	Exempt from regulations if repaired/replaced in kind. Otherwise meet all regulations.	Exempt from regulations if repaired/replaced in kind. Otherwise meet all regulations.	Exempt from regulations if repaired/replaced in kind. Otherwise meet all regulations.
Existing structure	Meet all regulations,	To repair or replace in kind, meet all regulations	Exempt from regulations if	Exempt from regulations if repaired/replaced in kind.

Extent of Damage	50% or More of the Value of Structure		Less Than 50% of the Value of Structure	
Cause of Damage (horizontal axis)	Coastal Hazards and Slope Instability	All Other Causes (fire, etc.)	Coastal Hazards and Slope Instability	All Other Causes (fire, etc.)
Location of Existing Structure (vertical axis)				
does not meet setback but could by relocating.	including setback for existing structure.	except setback. Otherwise meet all regulations, including prescribed minimum setback.	repaired/replaced in kind. Otherwise meet all regulations, including prescribed minimum setback.	Otherwise meet all regulations, including prescribed minimum setback.
Existing structure does not meet setback and cannot meet setback by relocating.	If hazard can be mitigated to provide stability for a period of 100 years, repair or replace in kind. Meet all regulations except setback. Cannot be rebuilt, even in kind, if hazard cannot be mitigated to a level that provides stability for a period of 100 years.	May repair or replace in kind. To repair or replace in kind, meet all regulations except setback. Hazards shall be mitigated to a level that provides stability for a period of 100 years, if feasible. Projects in excess of "in-kind" shall meet all regulations, including prescribed minimum setback.	May repair or replace in kind. Hazards shall be mitigated to a level that provides stability for a period of 100 years, if feasible. Projects in excess of "in-kind" shall meet all regulations.	May repair or replace in kind. To repair or replace in kind, meet all regulations except setback. Hazards shall be mitigated to a level that provides stability for a period of 100 years, if feasible. Projects in excess of "in-kind" shall meet all regulations including prescribed minimum setback.

Public beach facilities are exempt from the provisions of this chart.

(5) Coastal High Hazard Area Development Criteria. All development, specifically including the placement of and construction on manufactured homes, shall meet the following criteria. For structures that had a building permit issued prior to April 15, 1986, any addition, repair, reconstruction, rehabilitation, alteration, or improvement, which, when subject to the definition of "cumulative improvement," does not meet the definition of "substantial improvement"

(pursuant to SCCC 16.10.040(18) and (65)), is exempt from this section.

(a) Demonstration that the potential hazards on the site can be mitigated, over the 100-year lifetime of the structure, as determined by the geologic hazards assessment or full geologic report and any other appropriate technical reports. Mitigations can include but are not limited to building setbacks, elevation of the proposed structure and foundation design;

(b) Location of the proposed structure landward of the reach of mean high tide and outside of the area of storm wave inundation where a buildable portion of the property is outside of the area of storm wave inundation;

(c) Elevation of all structures (including manufactured homes) on pilings and columns so that the bottom of the lowest portion of the lowest structural member of the lower floor (excluding the pilings or columns) and elements that function as part of the structure, such as furnace, hot water heater, etc., are elevated to or above the base flood level;

(d) Anchoring of the pile or column foundation and structure attached thereto to prevent flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);

(e) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (H)(5)(c) and (d) of this section prior to permit issuance;

(f) The space below the lowest floor shall either be free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall be of nonmasonry construction and have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which do not meet the above material and strength criteria may be permitted only if a registered professional engineer or architect certifies that the designs proposed will permit the breakaway wall to collapse under a water load less than that which would occur during the base flood and that the elevated portion of the building or supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components. Such enclosed space shall be useable solely for vehicle parking, building access or storage, and shall not be a finished area or habitable area;

(g) The use of fill for structural support of buildings is prohibited;

(h) The alteration of sand dunes which would increase potential flood damage is prohibited;

(i) Compliance with the provisions of subsections (H)(5)(c) and (d) of this section shall be certified by a registered professional engineer or architect and submitted to the Planning Director when the foundation work has been completed. Failure to submit elevation and structural certification may be cause to issue a stop-work notice for a project. The Planning Director shall maintain records of compliance with the elevation requirements;

(j) Recreational vehicles that are placed on a site that is within the V, V1—V30, or VE zones as designated in the FIS, and that are not fully licensed and highway ready, must meet all the provisions of subsection (H)(5) of this section unless they are on the site for less than 180 consecutive days. For the purposes of this chapter, “highway ready” means on wheels or jacking system, attached to the site by quick disconnect utilities and security devices, and having no attached additions;

(k) Determination by the Planning Director on the basis of the geologic hazards assessment or geologic report that the mitigation of the hazards on the site is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected;

(l) 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;

(m) All other required State and Federal permits must be obtained.

(6) New Critical Structures and Facilities. Construction of critical structures and facilities, including the expansion of existing critical structures and facilities, and nonessential public structures shall be located outside areas subject to coastal hazards; unless such facilities are necessary to serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards to life and property within or adjacent to coastal inundation areas.

(7) Creation of New Parcels and Location of New Building Sites. New parcels or building sites created by minor land divisions, subdivisions or development approvals or permits, and multi-residential structures in coastal hazard areas shall conform to the following criteria:

(a) Demonstration by a full geologic report that each proposed building site on the parcel is not subject to any potential hazards and that each site meets the minimum setback given in subsection (H)(1) of this section;

(b) Determination by the Planning Director based on the geologic report that the long-term stability and safety of the development does not depend on or require shoreline protection structures;

(c) The proposed development does not reduce or restrict public access and the proposed development does not require the construction of public facilities, structures, or utility transmission lines in coastal hazard areas or within the 25-foot or 100-year stability (whichever is greater) setback;

(d) 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.