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Appeal Filed: 12/5/2016
49th Day: 1/23/2017
Staff: Ryan Moroney - SC
Staff Report: 12/23/2016
Hearing Date: 1/12/2017

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SCO-16-0100

Applicants: Reed Geisreiter

Appellant: Lynn Dunn

Local Government: Santa Cruz County

Local Decision: Coastal development permit (CDP) application number 151187 approved by the Santa Cruz County Planning Commission on August 27, 2016, and that approval upheld on appeal to the Board of Supervisors.

Location: 120 13th Avenue (APN 028-142-13) in the Live Oak area of Santa Cruz County.

Project Description: Authorize the following: demolition of a single-story one-car garage and construction of a replacement 440-square-foot, two-story, two-car garage with reduced setbacks; replacement fencing and new landscaping plan; resolve miscellaneous code violations.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. (*See generally* 14 CCR Section 13115.) Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who

opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. (*Id.* Section 13117.) Others may submit comments in writing. (*Id.*) If the Commission determines that the appeal does raise 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. (*Id.* Section 13115(b).)

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County approved a coastal development permit (CDP) to authorize demolition of a single-story one-car garage and construction of a replacement 440-square-foot, two-story, two-car garage with reduced setbacks; replacement fencing and a new landscaping plan; and to resolve miscellaneous code violations at 120 13th Avenue within the Live Oak area of Santa Cruz County. 13th Avenue extends from inland East Cliff Drive through Prospect Street to the bluff edge, where it terminates. The project site is the first house inland from the bluff edge on the downcoast side of 13th Avenue.

The Appellant contends that the approved project is inconsistent with Santa Cruz County Local Coastal Program (LCP) policies related to public notice and hearing requirements, public views and community character. The Appellant's contentions with respect to public views and community character are focused specifically on the approved garage. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

Specifically, in terms of public notice and hearing requirements, while the project has had a somewhat convoluted procedural history, the County corrected all of the prior notice and hearing deficiencies by noticing and holding a public hearing before the Planning Commission on the *present* application in order to authorize all of the existing, proposed and as-built development on the property (of which only the garage component of the approved physical development is the subject of the appeal). Next, in terms of the Appellant's public view contention, the garage constitutes infill development, is comparable to and blends in with the existing and surrounding built environment, and does not block public views from designated scenic roads or from any visual resources areas such as the adjacent blufftop public viewpoint, nor does it significantly mar views from the beach. In terms of community character, the garage was appropriately sited and designed on a constrained lot and thus a variance with respect to setbacks to site a garage at this location appears warranted to accommodate off street parking for the residence. That said, staff does not believe that the variance approval was appropriately tailored to address these legitimate parcel constraints without also granting a special privilege to the Applicant and causing unnecessary impacts to the community character of the neighborhood with respect to the allowing a second story and 19 foot height in order to accommodate a "storage area." In other words, the garage height should have been limited to only what was necessary to provide off street parking. Nevertheless, staff does not believe that this issue alone warrants taking jurisdiction over the permit because, among other reasons, the garage does not adversely impact any significant coastal resources.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is

found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Site Maps
- Exhibit 2 – Project Site Images and photos
- Exhibit 3 – County’s Final Local Action Notice
- Exhibit 4 – Appeal of Santa Cruz County’s CDP Decision
- Exhibit 5 – Applicable LCP Provisions
- Exhibit 6 – Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. 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-16-0100 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-SCO-16-0100 does not present 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 Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, BACKGROUND AND DESCRIPTION

Location

The subject property is located at the southern end of 13th Avenue seaward of East Cliff Drive and adjacent to the coastal bluff overlooking the Blacks Beach portion of Twin Lakes State Beach. The coastal bluff, which is approximately 24 feet in height and protected at its base by riprap, runs roughly east/west across the parcel, then turns northwards along the eastern property line. The northern portion of the parcel is developed with a two-story single-family dwelling with a basement. The house also has extensive deck areas at the eastern elevation above the coastal bluff. In addition the property contains a recently reconstructed two-car garage (which is the primary subject of this appeal) that includes an attic storage room with a dormer window that faces the beach and ocean. All of the structures on the parcel are located along the northern property boundary away from the coastal bluff with open yard areas lying mostly to the south and landscaping to the east towards the coastal bluff. The southern portion of the parcel is unimproved beach area. In addition, there is a public beach overlook with a bench in the county right-of-way adjacent to the subject parcel, at the end of 13th Avenue.

The surrounding neighborhood on 13th Avenue is made up of mostly older one- and two-story single-family residences, along with some newer or remodeled homes. Almost all of the structures in the vicinity of the project site are nonconforming with respect to front and side yard setbacks, having been constructed prior to the institution of County code or LCP setback requirements.

See **Exhibit 1** for a location map and aerial images of the subject parcel; see **Exhibit 2** for photographs of the site and surrounding area.

Background

In 1924, an approximately 1,272-square-foot dwelling and a 198-square-foot detached garage were constructed on the subject parcel prior to the adoption of any zoning regulations in the County. Thus neither structure conformed to the current setback requirements for the R-1-6 zone district (specified below). In 1976 a fence with a vehicle access gate for the carport was constructed along the front property line subject to CDP P-77-933, which was approved by the Commission. In 1990, the County approved CDP 90-0198, which allowed for construction of a 98-square-foot addition to the dwelling and a 732-square-foot rear deck with a spa. In 2004, the County approved an amendment to CDP 90-0198, which allowed for the construction of a 175-square-foot solarium and entry porch.

In 2012, the County approved CDP 121143,¹ which provided for the demolition of the one-car garage and construction of a replacement 440-square-foot, two-story two-car garage. CDP 121143 included a variance to allow for reduced north (side yard) and front yard (street side) setbacks.² The approved new garage was proposed to be attached to the single-family dwelling by a breezeway, and the garage was depicted on the plans with a scaled height of approximately 17 feet 3 inches. The project also included landscape and yard improvements on the lot and a replacement six-foot-high fence along the front property boundary fronting 13th Avenue. Following the receipt of the Final Local Action Notice (FLAN),³ Commission staff determined that the proposed fence was inconsistent with CDP P-77-933 and raised other questions regarding the project's potential impacts on public views, and further requested (as an alternative to the Commission appealing the project) that the FLAN be rescinded and that the project be modified to address these issues.

The County agreed to rescind the FLAN for County CDP approval 121143, and the Applicant then applied to the County for a "Minor Variation" (CDP application 131264) to address Commission staff's concerns. With regard to the fence height, the project plans for CDP application 131264 showed the southernmost portion of the fence reduced in height to four feet and the materials changed from solid wood to either an open wire mesh or vertical metal rods, so that the fence would be "see-through" to allow for open coastal views from the public viewpoint at the end of 13th Avenue, consistent with the requirements of CDP P-77-933. The re-submitted project also included design changes to the garage, including a reduction in the width of the structure along the street frontage, removal of the attached covered breezeway (which was replaced with an open arbor), the addition of a workshop area at the rear of the garage and the addition of a non-habitable storage room in the garage's attic, with a dormer window. A dimension of 19 feet was shown on the revised elevations, although the scaled height on the project plans was the same as had been approved under rescinded CDP 121143 (i.e. 17 feet 3 inches). In other words, CDP Minor Variation 131264 was not intended to authorize an increase in the garage height from the prior approved height of 17 feet 3 inches to 19 feet, and the

¹ Commission CDP reference number 3-SCO-13-017.

² For the R-1-6 zoning district, the IP requires a minimum 20-foot front yard (street side) setback. The eave of the as-built garage is set back zero feet from the street, similar to the previously existing garage. Likewise, the IP requires a minimum five-foot side yard setback. The eave of the as-built garage is set back zero feet from the inland-facing side yard, similar to the previously existing garage.

³ Commission CDP Reference number 3-SCO-13-017.

associated plans for CDP Minor Variation 131264 depicting a garage height of 19 feet were approved in error.

Unfortunately, the garage height of 19 feet depicted on the plans was not discovered at that time, and CDP Minor Variation 131264⁴ was administratively approved (i.e. without public notice or a hearing) by County staff on April 29, 2014 (which as conditioned upon approval allowed for the Applicant and Coastal Commission staff to reach agreement regarding the final design of the fence), and the garage was constructed to a height of 19 feet based on the erroneously approved plans. A complaint was subsequently received by County Code Compliance alleging that the height of the as-built garage was greater than the height shown on the approved project plans. Additional complaints were also submitted by neighbors, including: that the changes in design from the project approved by CDP 121143 should not have been approved without a public hearing; that the attic storage room above the garage was intended to be used impermissibly as “a rental;” that a strawberry tree planted in the rear yard was not shown on the approved landscape plans and had the potential to block coastal views; that unpermitted foundation repairs had been done at the dwelling, and that the formerly non-habitable basement had been converted to bedrooms. In March 2015 a site inspection by the County Building Inspector confirmed that ongoing construction within the basement to revise the access stairs and convert the space to habitable area was not permitted and a Stop Work Order was issued. Further, in addition to the issues raised by neighbors, County staff identified that the area below the rear deck (constructed under CDP 90-0198) was also modified without benefit of a CDP.

Project Description

The Applicant applied to the County again in 2015 for a new CDP. County CDP Application 151187 included recognition of all of the revisions to the project that were originally approved by County CDP 121143, as well as the changes approved by County CDP Minor Variation 131264, including the increase of the garage height from 17 feet 3 inches to 19 feet. That application also included proposed revisions to the design of the as-built garage, a variance to allow the garage to be located within the front and side yard setbacks, recognition of the conversion of the basement dwelling to habitable use, recognition of all of the “as-planted” landscaping on the parcel, a new patio area beneath the rear deck, foundation repairs, and a revised rear deck that meets current setbacks, and replacement of the rear yard fence. In other words, this CDP application was intended to properly authorize all of the existing as-built and proposed development on the site.

B. SANTA CRUZ COUNTY CDP APPROVAL

On August 24, 2016 the Santa Cruz County Planning Commission approved CDP 151187 for the project as described in the paragraph above. That decision was appealed by the current Appellant to the County Board of Supervisors, which declined to take jurisdiction at a November 15, 2016 hearing, thus finalizing the Planning Commission’s original CDP decision. See **Exhibit 3** for the County’s Final Local Action Notice.

The County’s Final Local Action Notice was received in the Coastal Commission’s Central Coast District Office on Thursday, November 17, 2016. The Coastal Commission’s ten-working-

⁴ Commission reference number 3-SCO-14-0433.

day appeal period for this action began on Friday November 18, 2016 and concluded at 5 p.m. on Monday December 5, 2016. One valid appeal was received on Monday December 5, 2016. See **Exhibit 4**.

C. 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, or (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. (*See* Pub. Res. Code Section 30603(a)(1)-(4).) 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. (*Id.* Section 30603(a)(5).) This project is appealable because it is located between the first public road and the sea, and because it is located within 300 feet of the beach and the 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. (*Id.* Section 30603(b).) Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.⁵ (*Id.* § 30625(b)(2).) Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing 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 (in addition to a finding that the proposed development is in conformity with the Santa Cruz County LCP) if the Commission were to approve the project following the de novo portion of the hearing.

⁵ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project and made their views known before the local government (or their representatives), and the local government. (14 CCR Section 13117.) Testimony from other persons regarding the substantial issue question must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. SUMMARY OF APPEAL CONTENTIONS

The appeal raises an assortment of contentions regarding the County-approved project's consistency with the LCP that can generally be categorized into three main topical areas: 1) public process (notice and hearing); 2) visual resources; and 3) community character. Specifically, the Appellant contends that the approved project violates applicable LCP policies and standards because: 1) the County did not follow proper notice and hearing requirements; 2) the new garage does not protect public views as seen from 13th Avenue and the adjacent beach; and 3) the new garage is visually obtrusive and out of scale with the surrounding neighborhood, and a variance for the garage with respect to side and front yard setbacks was not warranted. Please see **Exhibit 4** for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Public notice and hearing

The Appellant contends that public rights were denied by the administrative approval of CDP Minor Variation 131264 (for changes to the design of the garage that were originally approved by CDP 121143), because there was no public notification or a public hearing of the design changes as required by Implementation Plan (IP) Section 13.20.100.

IP Section 13.20.100 (see **Exhibit 5**) sets forth the standards for CDP application processing in the County, and provides that all regulations and procedures regarding CDPs, 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 IP Chapter 18.10.

The Commission finds that the County's consideration in 2014 of CDP Minor Variation 131264 was not consistent with the notice and hearing requirements of the LCP because that approval was done administratively without public notice or hearing. However, all of the changes to the design of the garage (and the other project components described above) that were approved by CDP Minor Variation 131264 were subsequently heard at a public hearing before the Planning Commission on August 24, 2016 *as part of the County's approval of CDP 151187 that is the subject of this appeal*, and thereby the hearing requirements of IP Section 13.20.100 are satisfied here. Furthermore, prior to the August 24, 2016 hearing, a notice of proposed development was mailed to neighboring property owners and occupants in conformance with the requirements of County Code sections 18.10.223 and 18.10.224 (see **Exhibit 5**) thereby satisfying the public noticing requirements of the LCP. In other words, the County properly corrected all the notice and hearing deficiencies associated with CDP Minor Variation 131264 by reconsidering all project components covered by CDP Minor Variation 131264 under CDP 151187 and providing adequate notice of the hearing for CDP 151187, consistent with the noticing requirements of the

LCP.⁶ Therefore, to the extent that the County's failure to properly comply with LCP public noticing and hearing requirements when approving CDP Minor Variation 13264 prejudiced any public rights to review and comment on that project proposal, the County's current approval of the same project components under CDP 151187 (now on appeal) was done consistent with the LCP public noticing and hearing requirements, which effectively moots the Appellant's public noticing and hearing claims. Thus, the County-approved project does not raise a substantial issue with respect to the LCP's public notice and hearing requirements.

Visual resources

The Appellant contends that the approved garage⁷ does not adequately protect visual resources because the project negatively impacts views along 13th Avenue as well as views from the beach in the vicinity of the site. (**Exhibit 4**).⁸

The Santa Cruz County LCP is very protective of coastal zone visual resources, particularly for views near and along the shoreline. LCP Objective 5.10a seeks to identify, protect and restore the aesthetic values of visual resources, and Policies 5.10.3 and 5.10.6 require protection and preservation of public and ocean vistas, respectively. See **Exhibit 5** for these LCP provisions.

As mentioned above, the project is located on the east (downcoast) side of 13th Avenue between East Cliff Drive and the Pacific Ocean. Several residences, ranging from one story to three stories, are immediately adjacent to the subject parcel. In terms of visual impacts, the site is visible from the street along 13th Avenue, but not from any LCP-designated scenic roads. The project site is also not within an LCP-mapped visual resource area. The major public views in this area are ocean views as seen from the end of 13th Avenue, which includes a public overlook/bench. This bench is located seaward of the residence, including the as-built garage, and thus these structures are not visible from the bench. (See **Exhibit 2**, p. 5). In other words, in terms of views towards the ocean from the public area at the end of 13th Avenue, the new garage structure and other residential development authorized by the County's approval does not have any impact on this public view because all such development is located inland of this public area.

With respect to impacts on views from the beach, the new two-story 440-square-foot garage is clearly larger and more noticeable than the prior garage, which was one story and 198 square feet. (See **Exhibit 2**, pp. 1-2). However, it is effectively part of and well integrated into the existing residential development that forms the backdrop of views from the beach, and

⁶ Further, on July 21, 2016, the Applicant held a neighborhood meeting in accordance with the provisions of IP Section 18.10.211, and additional notification beyond the minimum requirements of the LCP was sent to all residents and/or occupants on 13th Avenue south of Prospect Street, a distance of approximately 750 feet from the subject parcel. After the Appellant received the email invitation to the neighborhood meeting, she requested (via email) that the Applicant invite other "interested parties" including another interested neighbor, to the Applicant's neighborhood meeting. The Applicant's representative, Deidre Hamilton, then corresponded with the Appellant directly. However, although invited, neither the Appellant nor the other "interested parties" attended the neighborhood meeting.

⁷ Although there are other residential components in the County's approval, the Appellant's contentions are focused exclusively on the approved garage.

⁸ Community character is also a type of visual resource, but this aspect of the appeal contentions is addressed in the community character and neighborhood compatibility section below.

effectively blends into the existing built environment. (See, **Exhibit 2**, pp. 6-8). In other words, the view from the beach below the terminus of 13th Avenue and the surrounding environs is primarily of residential development atop and along the bluff, and the new garage is consistent with that existing development framework. In even more distant views from the water, the site blends into the background of the built environment that is the densely developed Live Oak area. The other development approved by the County as part of this project is even less visible from the beach than the as-built garage or is not visible at all from the beach. Thus, even though the approved project will incrementally add to the amount of development within the beach viewshed, in this case such increment is minor in relation to the nature of the existing built environment in this urban location, and as such the approved development will not substantially impact the public view from the beach. Framed otherwise, visual impacts resulting from the as-built garage looking inland from the beach/sea do not affect any significant coastal resource.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to visual resources.

Community Character and Neighborhood Compatibility

The Appellant contends that the new garage is incompatible with the neighborhood, specifically because it “looms” over the end of the street. In addition, the Appellant takes issue with the County’s approval of a variance allowing a garage with a zero street side setback on a coastal bluff when the only other garages or carports with little or no front yard (street) setback in the vicinity are single-story structures.

The LCP protects community character and neighborhood compatibility through a suite of policies and standards that require certain design criteria and visual compatibility with surrounding areas (including those cited by the Appellant, see IP Section 13.20.130 et seq. in **Exhibit 5**). However, there are no bright lines defining the concept of “community character,” and the LCP does not provide explicit conformance tests. Thus, whether or not a project is compatible and consistent with the community character of an area may be assessed by a two-pronged analysis: first, does the project comply with all relevant zoning regulations for the subject zone district and second, does the project (including how and where it is sited, designed and landscaped) blend appropriately into the established community aesthetic and ambiance of an area (in this case the 13th Avenue neighborhood and, more broadly, in the coastal Live Oak area of unincorporated Santa Cruz County). In this sense, the most applicable LCP requirement is to ensure that the proposed development is visually compatible and integrated with the character of the neighborhood of 13th Avenue specifically, and coastal Live Oak more generally.

With regard to applicable zoning standards, the as-built garage conforms to site and development standards of the zone district with respect to height, lot coverage, floor area ratio and the south side and rear yard setbacks. Further, the use of the structure as a garage with a non-habitable storage room at the second floor complies with the provisions of IP Section 13.10.611 (**Exhibit 5**) for a non-habitable accessory structure inside the Urban Services Line, in that the total floor area does not exceed 640 square feet (637 square feet), the structure does not exceed two stories or 28 feet in height (which is the maximum allowable height in residential zones), and the structure meets all of the applicable regulations for a non-habitable structure (e.g., no kitchen facilities). Further, the project has been conditioned to require recordation of a Declaration of

Restriction on title that includes a statement that the structure shall not be converted to a dwelling unit or any structure for human habitation (sleeping room) absent the issuance of the required permits for any such conversion.

In terms of community character, the larger Live Oak neighborhood is comprised of an eclectic mix of coastal residential design themes and one- and two-story homes together with small businesses, community centers, and churches, etc. It is this type of close-knit, densely developed small-to-medium-scale housing stock and related beach aesthetic and ambiance that best defines this area's personality, and perhaps best defines what the community's character is and should be understood as in an LCP sense. The approved two-story garage would not be atypical in that respect. The approved garage is similar to adjacent development (both a mix of smaller- and medium-sized homes) and other development in the surrounding area, and employs building elements designed to create an overall composition that achieves residential compatibility (See **Exhibit 2**, pp. 3-4).

Thus, the only remaining issue relates to the as-built garage's compliance with the north side and front yard (street) setbacks, and the setback requirements for separation between detached structures. In order to allow for reductions in these setbacks, the County processed a variance and made extensive and detailed findings to support the variance. (See **Exhibit 3**, pp. 24-26; see also, pp. 17-23 for other relevant findings). To summarize, the County determined that the subject lot was constrained by the adjacent and surrounding bluff area, as well as the site's dual zoning (a portion of the property is zoned PR (Parks and Recreation), which is intended for parks and open space use and is therefore required to be for outdoor uses oriented toward the coastal location). The County also found that there was no grant of special privilege because other similar variances have been previously approved on neighboring parcels.

In this case, the subject parcel is clearly constrained by its own geography and unique dual zoning designation. Thus, there is no other location on the parcel that could reasonably accommodate a garage and also meet all setback requirements. Moreover, the new garage is located in the same general vicinity of the previous legal nonconforming garage, so that any impact from the reduced setback on the surrounding neighborhood can essentially be factored into the neighborhood's reasonable expectations for the site. In short, the current location of the as-built garage is the best place to site a garage and the Commission agrees that a variance was warranted to allow the property owner two off-street parking spaces for the residence.

That said, the relevant IP section (13.10. 230) allows the County significant discretion in granting variances, and requires that any variance approval should be narrowly tailored to address the parcel constraints in relation to the legitimate needs of the property owner, without granting a special privilege or overburdening the surrounding neighborhood. In this sense, a zoning scheme can be thought of as similar to a contract where each party forgoes or limits rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted. The rationale for this mutual restriction is that it can serve to enhance total community welfare. Thus, variance approvals must be closely scrutinized in order to prevent the subversion of the critical reciprocity upon which zoning regulation rests. In this case, the purpose of the garage's second story and increased height ostensibly appears to be to accommodate a "storage room" for the property owner. However, the Commission does not believe that the

Applicant's desire for additional storage space warranted approval of the second story and additional garage height which should have been restricted through the variance process. Indeed, a more appropriate solution would have been to condition the garage height through the variance approval and to prohibit conversion of the primary residence basement from storage space into habitable space. Thus, the Commission finds that the variance approval should have been more narrowly tailored to meet a particular identified need, (i.e. reduction in setbacks to accommodate off-street private parking) and otherwise conditioned to limit the height of the structure to one story since there was not an appropriate basis to allow for a second story to the garage structure. Nevertheless, and in spite of this LCP inconsistency, the Commission finds that the appeal does not rise to the level of substantial issue given the limited impacts of this particular garage on significant coastal resources as discussed above.

F. CONCLUSION

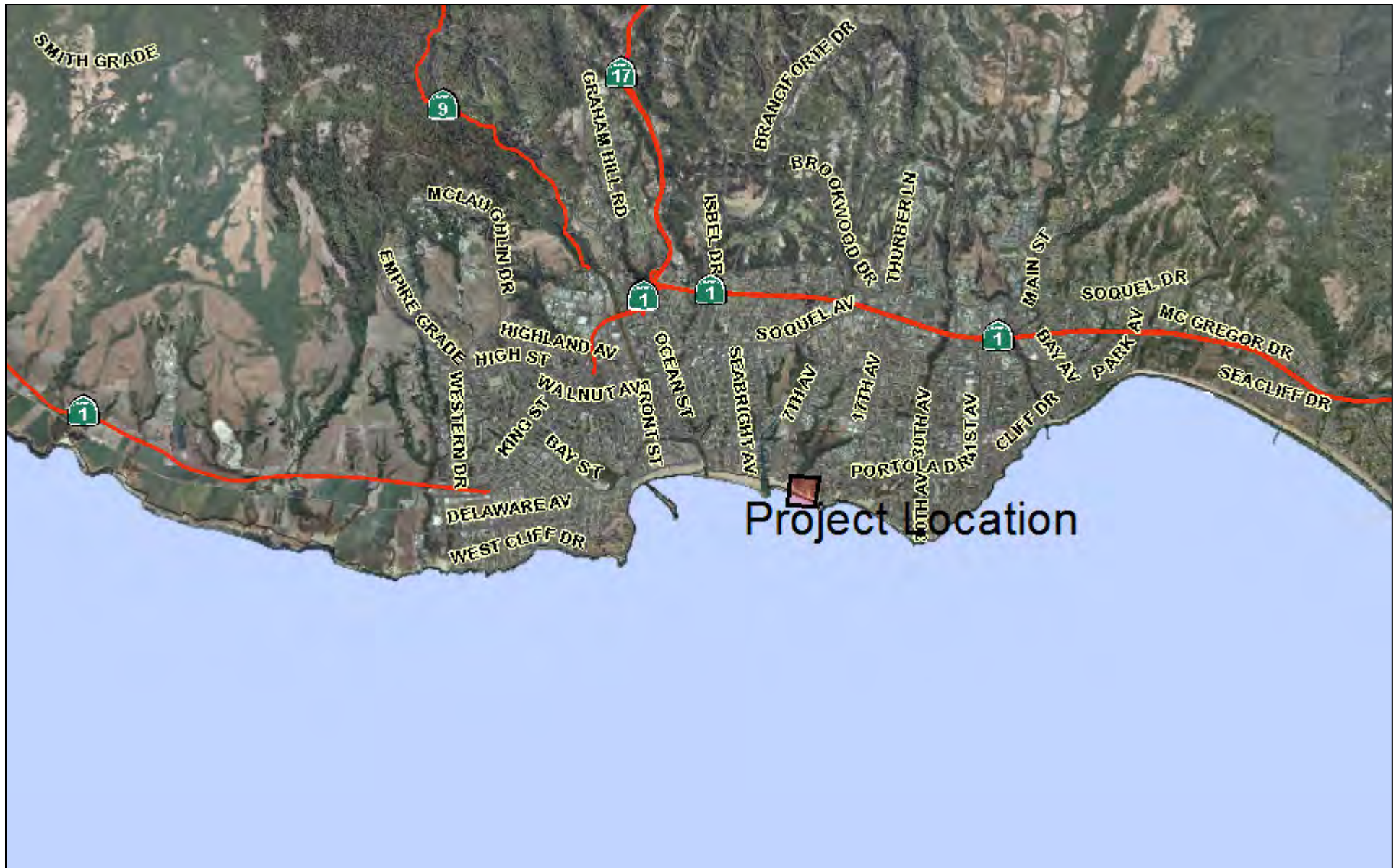
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission has in the past used the following five factors in its decision of whether the issues raised in a given case are "substantial:" the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. Regarding the first factor (degree of factual and legal support for the local government's decision), in terms of public notice and hearing requirements, while the project has had a somewhat convoluted and erroneous procedural history, the County corrected all of the prior notice and hearing deficiencies by noticing and holding a public hearing on the CDP approval that is the subject of this appeal in accordance with applicable LCP procedures. Furthermore, the proposed project can be found consistent with the LCP policies regarding visual resources. Although the Commission finds that the County's approval was inconsistent with LCP variance policies related to community character with respect to allowing the second floor storage room for the garage, this inconsistency alone does not rise to the level of substantial issue (when the five identified factors are considered in total). Regarding the second factor (the extent and scope of the development as approved by the County), the as-built garage (and other minor development) is typical for the single-family residences in this neighborhood. Thus, the extent and scope of the project is fairly minor. Regarding the third factor (the significance of coastal resources affected by the decision), the approved project includes a garage demolition and rebuild and other minor development that does not block public views from designated scenic roads or from any visual resources areas, nor does it significantly mar views from the beach. Thus, the approved development does not significantly affect any coastal resources. Regarding the fourth factor (precedential value of the County's approval), while the Commission does not necessarily agree with the County's decision

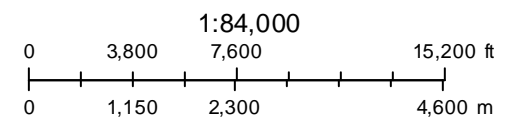
to allow for a two-story garage with a zero front yard setback in order to accommodate a “storage area” as part of its variance approval, the Commission does not believe that this issue alone warrants taking jurisdiction over the permit (when the five identified factors are considered in total). Rather, it is the Commission’s hope that after reviewing the findings here that the County will be more diligent in scrutinizing variance, and minor exception applications by implication, in the future. Finally, regarding the fifth factor (whether the appeal raises only local, or regional or statewide, issues of significance), the only possible identified basis for finding substantial issue (improper application of the variance procedure with respect allowing the second story and storage space for the garage) relates to the County’s application of local CDP policies, which does not implicate issues of regional or Statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-16-0100 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and can be found consistent with the certified LCP.

Geisreiter Parcel - Project Location



December 16, 2016



Geisreiter Parcel - Medium View



December 16, 2016

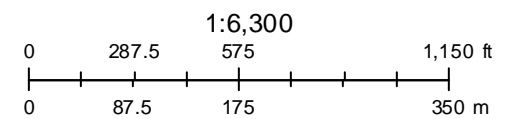


Exhibit 1
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Geisreiter Parcel - Close up



December 16, 2016

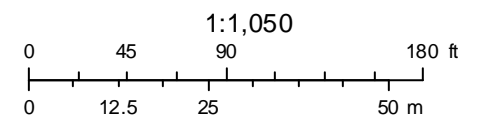
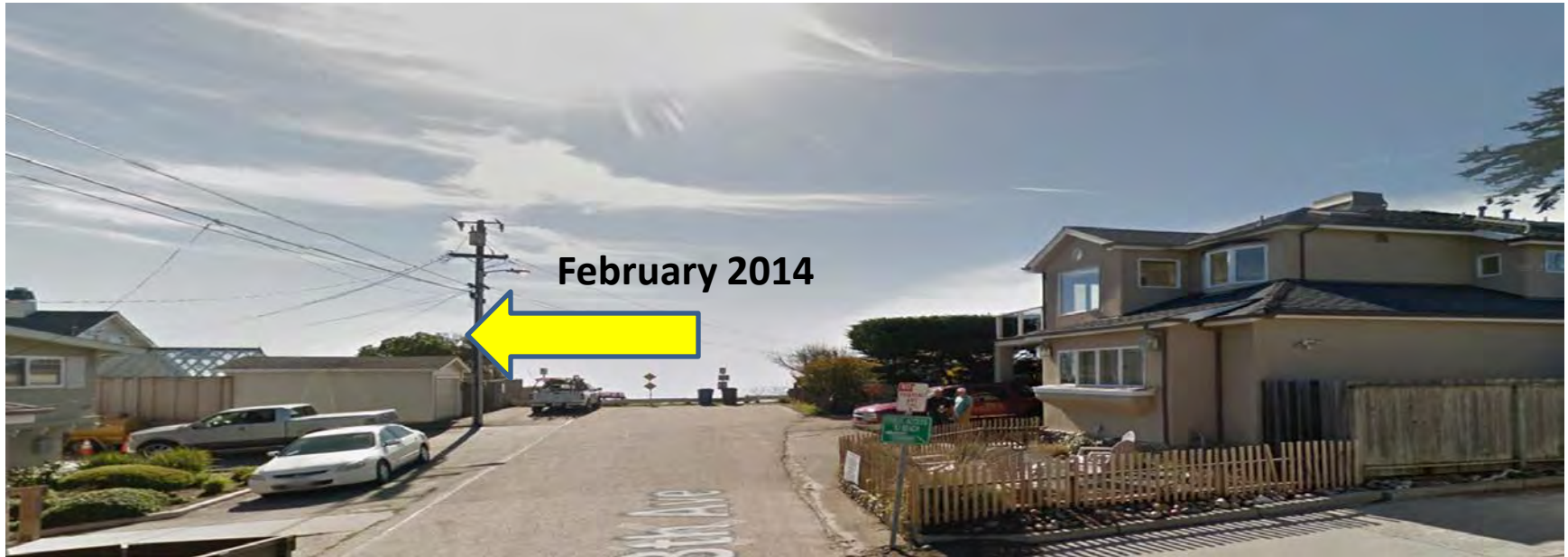
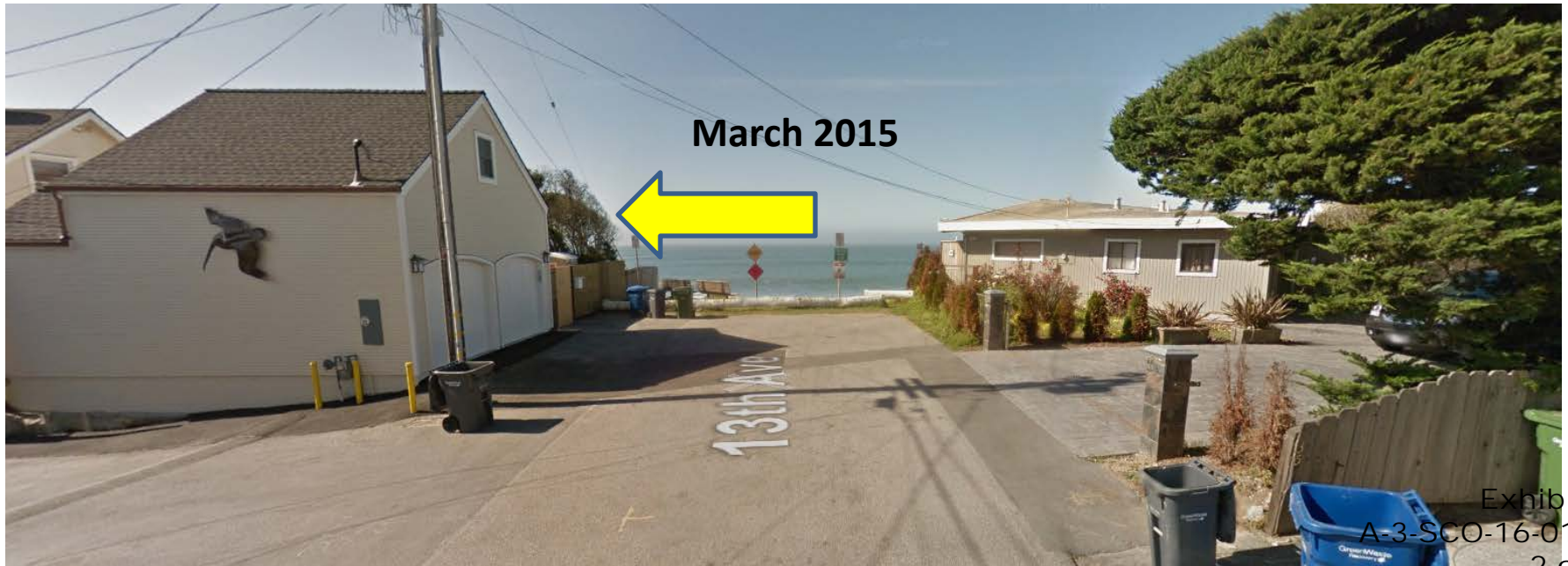


Exhibit 1
A-3-SCO-16-0100
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Before/After



Before/After



13th Avenue Neighborhood (view south toward ocean)



13th Avenue Neighborhood (view looking north/away from ocean)



View from Public Benches (end of 13th Avenue)



View from the Beach



View from the Beach (Upcoast side of 13th Avenue)



View looking upcoast from Beach



NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: November 15, 2016

Notice Sent (via certified mail) to:

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

RECEIVED

NOV 17 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SCO-16-115
APPEAL PERIOD 11/18/16 - 12/5/16

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.: 151187

Project Applicant:

Reed Geisreiter

Address: 120 13th Avenue, Santa Cruz, CA 95062
Phone/E-mail: (831) 246 0661

Applicant's Representative:

Deidre Hamilton

Address: 911 Center Street, suite E
Phone/E-mail: (831) 423 9992/deidre@hamiltonlandplanning.com

Project Location: Property located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Project Description: Proposal to recognize design changes to the garage/breezeway, over-height fence and landscape plan that were approved by 121143, including revisions approved by Minor Variation 131264; convert and upgrade the existing lower floor to habitable area; reduce the size of the rear deck at the eastern elevation to meet setbacks; remove a portion of an unpermitted retaining wall within the coastal bluff setback, recognize the remaining wall and construct a new wall to allow for reinstatement of original grade; recognize a patio below the deck; replace a fence in the rear yard and relocate a hot tub from the rear deck to behind the garage. Requires an Amendment to 1) Coastal and Residential Development Permits 90-0198, 04-0488; 2) Coastal Development Permit, Residential Development Permit and Variance 121143. This project includes a combined Soils Report Review and Geologic Hazards Assessment Report Review (REV151097).

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- ☐ 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	
CEQA Document	X	
Appeal letter from Lynn Dunn	X	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
Planning Director letter to BoS	X	
Geotechnical and Geologic Hazards Assessment Report	X	
Coastal Bluff Recession Study and FEMA Flood Elevation Evaluation	X	
Other: Late mail	X	
Other: Materials presented at hearing	X	

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:

- Property owner/ Applicant
- Applicant's representative
- Interested parties who requested mailing of notice



COUNTY OF SANTA CRUZ Planning Department

AMENDMENT TO RESIDENTIAL DEVELOPMENT PERMIT;
AMENDMENT TO COASTAL DEVELOPMENT PERMIT; COASTAL
DEVELOPMENT PERMIT; RESIDENTIAL DEVELOPMENT PERMIT;
VARIANCE

Owner: Reed Geisreiter
Address: 120 13th Avenue
Santa Cruz, CA 95062

Permit Number: 151187
Parcel Number(s): 028-142-13

PROJECT DESCRIPTION AND LOCATION

Proposal to recognize design changes to the garage/breezeway, over-height fence and landscape plan that were approved by permit 121143, including revisions approved by Minor Variation 131264; convert and upgrade the existing basement to habitable area; reduce the size of the rear deck at the eastern elevation to meet setbacks; remove a portion of an unpermitted retaining wall within the coastal bluff setback, recognize the remaining wall and construct a new wall to allow for reinstatement of original grade; recognize a patio below the deck; replace a fence in the rear yard and relocate a hot tub from the rear deck to behind the garage. Requires an Amendment to 1) Coastal and Residential Development Permits 90-0198, 04-0488; and 2) Coastal Development Permit, Residential Development Permit and Variance 121143. This project includes a combined Soils Report Review and Geologic Hazards Assessment Report Review (REV151097).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 4/27/2016

Effective Date: 5/11/2016

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp. Date: call Coastal Commission

Denial Date: _____

Denial Date: _____

_____ This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

☒ This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

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

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

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

Reed Geisreiter
Signature of Owner/Agent

8/24/16
Date

[Signature]
Staff Planner

8/24/16
Date

Distribution: Applicant, File, Clerical, Coastal Commission

Exhibit 3
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Staff Report to the Planning Commission

Application Number: **151187**

Applicant: Hamilton Swift and Associates
Attn. Deidre Hamilton

Agenda Date: August 24, 2016

Owner: Reed Geisreiter

Agenda Item #:

APN: 028-142-13

Time: After 9:00 a.m.

Project Description: Proposal to recognize design changes to the garage/breezeway, over-height fence and landscape plan that were approved by 121143, including revisions approved by Minor Variation 131264; convert and upgrade the existing lower floor to habitable area; reduce the size of the rear deck at the eastern elevation to meet setbacks; remove a portion of an unpermitted retaining wall within the coastal bluff setback, recognize the remaining wall and construct a new wall to allow for reinstatement of original grade; recognize a patio below the deck; replace a fence in the rear yard and relocate a hot tub from the rear deck to behind the garage. Requires an Amendment to 1) Coastal and Residential Development Permits 90-0198, 04-0488; 2) Coastal Development Permit, Residential Development Permit and Variance 121143. This project includes a combined Soils Report Review and Geologic Hazards Assessment Report Review (REV151097).

Location: Property located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: 1) Amendment to Coastal and Residential Development Permits 90-0198, 04-0488; 2) Amendment to Coastal Development Permit, Residential Development Permit and Variance 121143.

Technical Reviews: Soils Report Review and Geologic Hazards Assessment Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Determine whether to uphold the staff recommendation of the approval of Application 151187, based on the attached findings and conditions, or to deny all or part of the project with specific directions to staff regarding revisions to the project and/or the findings that are required.

Exhibits

- | | | | |
|----|---|----|---|
| A. | Categorical Exemption (CEQA determination) | I. | Staff report and Exhibits for Minor Variation 131264 |
| B. | Findings | J. | Table showing the site and development standards for the proposed project as relates to previous permit approvals |
| C. | Conditions | K. | Discussion of proposed amendment to approved coastal development permits . |
| D. | Project plans | L. | Correspondence with the California Coastal Commission regarding the fence and associated landscaping. |
| E. | Assessor's, Location, Zoning and General Plan Maps | M. | Results of the Neighborhood meeting, July 21, 2016, |
| F. | Permit Background/History summary | N. | Comments and Correspondence |
| G. | "Reference Drawings" provided by the applicant as listed on sheet A1.0 of Exhibit D. | | |
| H. | Staff report and Exhibits for Coastal Development Permit, Residential Development Permit and Variance, 121143 | | |

Parcel Information

Parcel Size:	13,200 square feet (gross), 7,216 square feet (net)
Existing Land Use - Parcel:	Residential and beach
Existing Land Use - Surrounding:	Residential parcels to the north and west, beach area to the east and south
Project Access:	13 th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UL / O-R (Urban Low Residential / Existing Parks and Recreation)
Zone District:	R-1-6 / PR (Single-Family Residential /Parks and Recreation)
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:	Coastal bluff and beach area
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	Developed portion of site gently sloped, coastal bluff slopes down towards the beach on the south and east.
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u>X</u> Inside <u> </u> Outside
Water Supply:	Santa Cruz City Water
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

Early History

An approximately 1,272 square foot dwelling and a detached garage of 198 square feet with an attached carport were constructed on the parcel in 1924, prior to the adoption of zoning regulations. Neither structure conformed to the current setback requirements for the zone district.

In 1976 a fence with a vehicle access gate for the carport was constructed along the front property line subject to Residential Development Permit 76-1143-U and associated Coastal Development Permit, P-77-933, issued by the California Coastal Commission. In 1990 Coastal Development Permit and Residential Development Permit 90-0198 was approved for a the construction of a 98 square foot addition to the dwelling and a 732 square foot rear deck with a spa, and in 2004 application 04-0488 for an Amendment to 90-0198 was approved to construct a 175 square foot solarium and entry porch. A complete list of the permits issued on this parcel by the County of Santa Cruz and by the California Coastal Commission, is included as Exhibit F, of this report.

Recent History

In 2012 Coastal Development Permit and Variance 121143 was approved by the Zoning Administrator to demolish the one-car garage and construct a replacement 440 square foot, two-car garage with reduced setbacks. The new garage was attached to the single-family dwelling by a breezeway and was depicted on the plans with a scaled height of approximately 17 feet 3 inches. The project also included landscape and yard improvements on the lot and a replacement six foot high fence along the front property boundary fronting 13th Avenue. Following the receipt of the Final Local Action Notice (FLAN), the California Coastal Commission determined that the proposed over-height fence was inconsistent with the previous Coastal Permit P-77-933, and requested (as an alternative to calling the project up on appeal) that the FLAN be rescinded and that the project be modified to address their concerns.

As a result a Minor Variation to 121143, was submitted. Plans for 131264 showed the southernmost 17 feet 6 inches of the fence reduced in height to 4 feet and the materials changed from solid wood to either an open wire mesh or vertical metal rods, so that the fence would be "see-through" to allow for open coastal views. The re-submitted project also included design changes to the garage including a reduction in the width of the structure along the street frontage, deletion of the attached covered breezeway which was replaced with an open arbor, the addition of a workshop area at the rear of the garage and the addition of a non-habitable storage room in the attic with a dormer window. A dimension of 19 feet was shown on the revised elevations, although the scaled height was the same as had been approved by 121143 and this discrepancy was overlooked. The plans also showed other minor changes to the proposed landscaping and yard improvements.

Minor Variation 131264 was administratively approved by staff on April 29, 2014. As allowed by the conditions of approval there were ongoing discussions between the applicant and Coastal Commission staff regarding the final design of the fence.

On June 2, 2014 Building Permit B-142530 was submitted for the construction of a 448 square foot two-story, two-car garage with a 189 square foot storage loft above. The submitted plans included dimensioned elevations and floorplans that clearly showed the height of the structure as 19 feet and depicted the proposed garage exactly as it had been approved by the Minor Variation. The zoning review of the building permit application was therefore approved on the first routing. For the second routing of the building permit application, as required by the building plan-checker, the windows on the north facing wall of the garage were deleted to comply with the California Building Code that prohibits openings on a new wall that is less than 5 feet from a property line. The revised plans were not routed back to the planner for a second routing and therefore the removal of the windows was not picked up.

The as-built garage was constructed entirely in accordance with the approved plans for Building Permit B-142530. However, because of a complaint received by Code Compliance alleging that the height of the as-built garage was 4.4 feet greater than the approved structure and also staff concerns about the discrepancy between the plans as approved by Coastal Development Permit and the as-built structure, the property owner has been required to obtain an Amendment the Coastal Development Permit.

Additional complaints were subsequently submitted by neighbors. These complaints include: That the changes in design from the project approved by Coastal Development Permit 121143, including revision of the breezeway to an open trellis, allowing a storage room in the attic and addition of a dormer window at the ocean facing side of the garage roof, should not have been approved without a public hearing; that the attic storage room above the garage was intended to be "a rental"; that a strawberry tree planted in the rear yard was not shown on the approved landscape plans and that the tree has the potential to block coastal views; that unpermitted foundation repairs had been done at the dwelling, and that the formerly non-habitable lower floor had been converted to bedrooms. In March 2015 a site inspection by the Senior Building Inspector confirmed that, although the previously completed foundation repair had been done in conformance with an issued Building Permit, ongoing construction within the lower floor to revise the access stairs and convert the space to habitable area was not permitted. A Stop Work Order was therefore issued. Further, in addition to the issues raised by neighbors, staff has identified that the area below the rear deck (constructed under Coastal Development Permit and Residential Development Permit 90-0198) was modified without benefit of permits.

A separate but related application, 141027, was submitted in February 2014, for a partial bluff stabilization project. This included a shotcrete wall across the end of 13th Avenue and onto the subject parcel that would have allowed retention of an existing fence-post at the edge of the bluff. Application 141027 was subsequently withdrawn due to neighborhood opposition. However, because, this project was appealed to the Planning Commission, it was determined that the current application should also be heard by the Planning Commission rather than the Zoning Administrator.

Current Proposal

The current project includes recognition of all of the revisions to the project that was originally approved by 121143. These include changes approved by Minor Variation 131264, the revised fence that was approved subject to discussions with Coastal Commission staff and all of the as-built changes that were approved by the issuance of Building Permit B-142530. The application also includes proposed revisions to the design of the as-built garage to address visual concerns, recognition of the interior remodel of the dwelling to convert the lower floor to habitable use and for additional interior remodeling, recognition of all of the "as-planted" landscaping on the parcel and also of a new patio area beneath the rear deck, reduction in the size of the rear deck to meet current setbacks from the surveyed property line and replacement of the rear yard fence.

Project Setting

The subject property is located at the southern end of 13th Avenue, and includes a developable area of land of 7,216 square feet at the northern end of the parcel adjacent to the street and an undevelopable area of beach to the south that is separated from the main portion of the parcel by a coastal bluff. The coastal bluff, which is approximately 24 feet in height and protected at its base by rip-rap, runs roughly east west across the end of 13th Avenue and the parcel, then turns northwards, reducing in height along the eastern property boundary such that the northeastern corner of the parcel is around 10 feet lower than the main portion of the parcel and the adjacent street. The parcel is developed with a three story single-family dwelling that has habitable areas at the top two floors and a currently unimproved lower floor below, and has extensive permitted deck areas at the eastern elevation above the coastal bluff. In addition there is the recently constructed and not yet finished two-car garage with an attic storage room above that has a dormer window facing the beach and ocean. All of the structures on the parcel are located along the northern property boundary away from the ocean with open yard areas lying mostly to the south towards the coastal bluff.

At the end of 13th Avenue beyond a metal guard rail, there is a public beach overlook with a bench that is in the county right-of-way. There is no beach access from the overlook, which is adjacent to the subject property, although unofficial trails do exist down the bluff face that have contributed to accelerated erosion of the bluff face. Access to the beach is provided by a paved public trail and staircase located 50 feet north of the subject parcel that runs between 130 and 150 13th Avenue.

The street is continuously developed on both sides and constitutes a mixed neighborhood that is made up of mostly older one and two story single-family residences along with some newer or remodeled homes. Almost all of the structures in the vicinity of the project site are nonconforming to setbacks, having been constructed prior to permit requirements, and/or have been granted a Variance or other approvals recognizing noncompliance with site standards.

Zoning & General Plan Consistency

The subject property is a parcel with a gross parcel size of 13,200 square feet and a net site area of approximately 7,216 square feet that has a split zoning. The northern portion of the lot, an area of approximately 6,250 square feet, lies within the R-1-6 (Single-Family Residential) zone district, a designation which allows residential uses, and is developed with a single-family

dwelling and garage/storage building. The remainder of the lot, which has an area of around 6,950 square feet, is in the PR (Parks and Recreation) zone district and includes yard areas and the coastal bluff and beach to the south of the dwelling. A single-family dwelling and associated accessory structures are principal permitted uses within a residential zone district and so the uses on the developed portion of the property are consistent with the allowed uses on the R-1-6 zoned portion of the parcel. Landscaping and yard areas are consistent with the purposes of the PR zone district, as are the beach and bluff areas. The zone districts are consistent with the site's (R-UL/O-R) Urban Low Residential/Existing Parks and Recreation General Plan designations.

The following table sets out the proposed revisions to site and development standards from those that have been approved by previous Permits:

	Required by County Code	As approved by previous Permits (121143, 90-0198 and 04-0488)	Proposed
Front Yard	20 feet min.	26 ft 5 in to dwelling	No Change
		2 in. to wall, 0 ft. to eave of garage	No Change
		0 ft. to eave at breezeway/arbor	No change
North Side Yard	5 feet min.	4 ft. to dwelling	No Change
		1 ft. to wall, 0 ft. to eave of garage	No Change
		10 ft to posts, 7 ft to cantilevered deck	7 ft. to deck and posts (from surveyed p/l)
South Side Yard	8 feet min.	+/- 96 ft. to dwelling	No Change
		+/- 105 ft. to garage	+/- 107 ft.
		+/- 101 ft. to breezeway/arbor	No Change
Rear Yard	15 feet min. (cantilevered decks may encroach 6 ft. into RYSB)	28 ft. 6 in. to dwelling	No Change
		+/- 79 ft. to garage	+/- 73 ft.
		15 ft to posts 9 ft to cantilevered deck (as-built - 11 ft to posts 7.33 ft deck from the surveyed p/l)	15 ft to posts 11 ft to cantilevered deck (from the surveyed p/l)
Minimum Separation	10 feet min.	N/A (structures attached by roofline at breezeway)	6 ft. (between garage and dwelling, now detached)
Lot Coverage	40% max (of net site area)	30.1%	27.9%
PAR	50% max (of net site area)	39.5%	41.4%
Height	28 feet max.	28 ft	No Change
		17 ft 3 in. at the street	19 ft. at the street
		18 ft. 9in. at the rear	20 ft. 6in. at the rear

A table that includes detailed notes regarding previous approvals is also included as Exhibit J.

The proposed addition and remodel of the dwelling will not change the setbacks, height, floor area or footprint of the structure. Further, the addition of habitable area will not intensify the existing use of the property as defined in County Code 13.10.700 - 1 (Intensification in use, Residential) in that there will be no increase in the number of bedrooms, therefore additional on-site parking is not required. The proposed reduction in size of the rear deck will bring the structure into compliance with the required setbacks based on the surveyed property line

resulting in reduced lot coverage and Floor Area Ratio (FAR).

The as-built garage conforms to the approved reduced setbacks approved by Variance 121143, and also complies with all of the other site and development standards of the zone district, including height, lot coverage, FAR and the south side and rear setbacks. However, whereas the structure approved by 121143 was attached to the dwelling by a breezeway, the revised structure is now a detached structure and does not meet the required 10 foot minimum separation between structures. Although the reduced separation and minor revisions to the garage footprint have already been approved by Minor Variation 131264, this project includes an Amendment to the Variance approved by 121143 for these changes. A complete list of Variance findings for the as-built garage is included as Exhibit B of this report. The use of the structure as a garage with a non-habitable storage room at the second floor complies with the provisions of County Code 13.10.611, for a non-habitable accessory structure inside the Urban Services Line, in that the total floor area does not exceed 640 square feet (637 square feet), the structure does not exceed two stories or 28 feet in height and also meets all of the amenities regulations for a non-habitable structure. Further, as required by the conditions of approval of 121143 and 131264, a Declaration of Restriction has been recorded on title that includes a statement that the structure shall not be converted to a dwelling unit or any structure for human habitation (sleeping room) absent the issuance of the required permits for any such conversion.

The proposed revisions to the fence approved by Residential Development Permit 121143 reflect the design that was approved by Minor Variation 131264 and the condition of approval of that permit requiring that the final design and configuration of the fence must comply with the requirements of the California Coastal Commission. The as-built fence is therefore in greater conformance with the requirements of County Code 13.10.525 (Regulations for fences and retaining walls within required yards) in that the height of the southernmost portion of the fence has been reduced to four feet. Further, the fence does not exceed the 6 foot increased height approved by 121143 at any point. The proposed yard improvements that include a barbecue, replacement spa, a retaining wall and a landscape wall beneath the revised deck, new and upgrade paving and new plantings, have all been designed in accordance with the provisions of the County zoning ordinance and General Plan.

Geologic Hazards

The subject parcel borders the Pacific Ocean just east of Santa Cruz Harbor, along a south facing segment of the shoreline of the Monterey Bay. The coastal bluff runs east west across the parcel just south of the dwelling and then wraps around the parcel, east of the dwelling, into an area of beach that extends northwards towards a seasonal drainage that runs behind the homes north of the subject property. Although the northeastern corner of the parcel slopes down and away towards this drainage, most of the remaining developable portion of the parcel is roughly level and at a similar elevation to the adjacent street. To protect the bluff from coastal erosion, a rock riprap revetment surrounds the bluff and the entire developed portion of the site, extending across the right-of-way for 13th Avenue to the west and the adjacent residential parcel to the north. This rock revetment structure was initially placed and has subsequently been maintained under various Coastal Development Permits issued by the Coastal Commission and the County since 1980.

The Geologic Hazards ordinance, County Code section 16.10.070H, requires that all

development (as defined in 16.10.040) must be located such that it complies with a minimum setback of 25 feet from the top edge of a coastal bluff or, alternatively, the distance necessary to provide a stable building site over a 100-year lifetime. A Geotechnical and Geologic Hazards Assessment Report and a Coastal Setback Plan, prepared by Haro, Kasunich and Associates, Inc. Consulting Geotechnical and Coastal Engineers, were therefore submitted to the Planning Department and these have been accepted by the County Geologist.

All of the proposed new development, including the proposed conversion of the lower floor, complies with the provisions of the approved Geologic Hazards Assessment and with the Coastal Setback plan, and has been determined to be in an area that will be stable for a minimum of 100 years and the 25 foot coastal bluff setback. Therefore the proposed project complies with the Geologic Hazards ordinance. Further, the proposed remodeled dwelling, including the entire lower floor area, has been determined to be located above the preliminary base flood elevation (BFE) of 20 feet (referenced to NAVD 88 datum) developed by FEMA and provided to the County on September 28, 2015.

Unpermitted development within this setback area has been required to be removed. As a result, a portion of the retaining wall is required to be demolished and the original grade in that area must be reinstated. No landscape improvements that meet the definition of development in the Geologic Hazards ordinance and that require the issuance of a building electrical or plumbing permit will be constructed within the required minimum 25 foot/100 year setback to the top of the bluff.

Local Coastal Program Consistency

The proposed revisions to the single-family dwelling, rear deck area, garage and landscape improvements are to be constructed within 50 feet of a coastal bluff. The proposed project is therefore not exempt from Coastal Development Permit requirements and therefore an Amendment to these Permits is required as set out in 13.20.061(B)(1).

The project site is located atop a coastal bluff, and is adjacent to a public vista point that is located within the public right-of-way for 13th Avenue, south of the end of the paved road. The overlook area is mostly unimproved except for two public benches that are located to within 5 feet of the western property boundary of the subject parcel. Although there is no direct beach access from the southernmost end of 13th Avenue, there is an existing paved beach access path that exists around 100 feet north of the overlook, (50 feet north of the subject parcel) that runs between the dwellings at 130 and 150 13th Avenue.

The proposed remodel of the existing dwelling that includes conversion of the non-habitable lower floor to habitable area, reduction in the size of the permitted rear deck, addition of a patio, recognition of minor design changes to the approved garage and front yard fence and other landscape improvements, are all in conformance with the County's certified Local Coastal Program. The prior additions to the dwelling and a replacement two-car garage were all approved by previous Coastal Development Permits and therefore designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The currently project is consistent with the previous approvals in that the changes are minor and will not significantly alter the appearance of either the garage or the dwelling. Furthermore, the project will not interfere with the existing beach access. See Exhibit B for Coastal Development

Permit Findings.

Design Review

The as-built garage and fence comply with the requirements of the County Design Review Ordinance. The garage has been designed in the style of the existing older home on the parcel, with the same colors and materials and a roof that is the same pitch and that has a similar dormer window to the main structure. The fence and gate closest to the garage have been designed to match the new garage and the home by using the same materials and color as the exterior siding of the buildings. The fence closest to the bluff has been designed to comply with the requirements of Minor Variation 131264 and Coastal Commission staff, to provide open vistas from the adjacent public overlook.

Because of the Building Code requirement that windows be deleted from the garage wall where they are within 5 feet of a property line, the as-built garage currently has a blank north facing wall which is highly visible from the neighborhood. To mitigate this, the property owner has erected a pelican relief on that wall. However, the current project proposes that the windows that were approved with Coastal Development Permit and Variance 121143 be replaced with closed shutters in the location of the originally approved windows. These shutters will give the appearance of windows and will help to break up the expanse of the wall. The street facing elevation of the proposed garage, which includes two separate garage doors as opposed to a single larger door, includes a wall above the garage doors that has a greater height than as depicted on the approved plans for 121143. This is partly because the garage doors that were installed, which are a standard dimension, have a lower header height than depicted on the approved plans (approximately 1 foot 6 inches lower). In addition, a pony wall that would allow for a functional storage space above the garage was added, further increasing the height of the wall above the garage doors. To break up this space, the pelican relief is proposed to be relocated to the front of the garage and this, along with a decorative vent located on the gable end, intended break up the bulk and mass of the structure as viewed from the street. The deletion of the originally proposed breezeway along the southern elevation of the garage and reduction of the width of the garage along the street, as required by the Coastal Commission, has also reduced the impact of the structure. To replace the breezeway, an open arbor was approved by Minor Variation 131264. This structure, which runs between the gated entrance at the property line to within about 3 feet from the dwelling, has a matching pitch that extends the roofline of the existing entrance porch towards the street and also breaks up the line of the solid fence where it is adjacent to the street.

Environmental Review

The project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the following CEQA guidelines: 1) Section 15301, Existing Facilities, in that the proposed addition to the existing dwelling by the conversion of the non-habitable lower floor and reduction in the size of the existing rear deck will not result in an increase of greater than 50 percent of the floor area of the home and does not significantly increase the outer dimensions of the existing approved structure; 2) Section 15303, New Construction or Conversion of Small Structures, in that the garage/storage building is an accessory use to an existing single-family dwelling on a residentially zoned parcel and replaces an older garage that was in the same general location, and 3) Section 15304, Minor Alterations to Land, in that the proposed

landscaping, of the rear yard, including the filling of earth into previously excavated land with material compatible with the natural features of the site, will have no potential to cause environmental impact due to the small scale of the project, which has been designed to minimize drainage impacts and prevent potential damage to the coastal bluff.

Conclusion

It is staff's opinion that as proposed and conditioned, the project can be determined to be consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/Local Coastal Program as well as with Government Code section 65906 concerning the approval of Variances. A complete listing of findings and evidence related to the above discussion is provided as Exhibit "B" of this report ("Findings"). However, your Commission is being asked to consider whether the revisions to the footprint, changes to the elevations and addition of an attic storage room and dormer window into the roof of the garage approved by 121143 that resulted in an increase in the height of just under two feet, together with the proposed remodeling and addition to the dwelling and other landscape and yard improvements on the parcel, are appropriate given the sensitive location of the property on a coastal bluff and adjacent to a public beach overlook.

As noted in the staff report, the as-built garage, which has a height of 19 feet measured from the street and 20 feet 6 inches adjacent to the dwelling, does not exceed the maximum 28 foot height and conforms to the approved reduced setbacks approved by Variance 121143, as well as with all of the other site and development standards of the zone district and the floor area and use limitations for a non-habitable accessory structure inside the Urban Services Line. The proposed remodel of the dwelling, including conversion of the non-habitable lower floor and all other elements of the proposed project will result in only minor exterior changes, all of which would comply with County Code. As proposed, the proposed project will not intensify the use of the site.

Your Commission is asked to either approve or deny (in whole or in part) the proposed project. If your Commission determines that there is adequate justification to approve the requested Amendment to the approved Coastal and Residential Development Permits and Variance, your Commission is requested to uphold the staff determination with similar or modified findings and conditions. However, if your Commission determines that the project requested by this Amendment would result in an incompatible development, then your Commission may deny application 151187 in whole or in part. Should your Commission determine that only part of the project be may approved and that the remainder of the project shall be either denied or revised, then your Commission should continue this item to a future date uncertain, with specific directions to staff regarding the required revisions to the project. If your Commission determines that no part of the project be approved then your Commission should direct staff to provide revised findings to support the denial, with the revised findings to be heard as a consent item at a future hearing.

Staff Recommendation

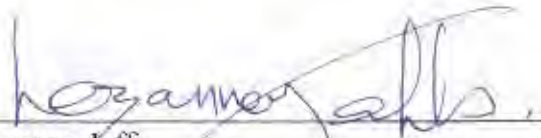
- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

- Determine whether to uphold the staff recommendation of the approval of Application 151187, based on the attached findings and conditions, or to deny all or part of the project with specific directions to staff regarding revisions to the project and/or the findings that are required.

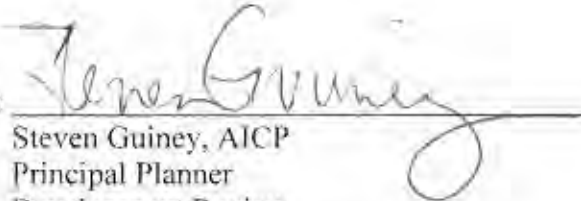
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

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Report Reviewed By:


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Santa Cruz County Planning Department

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: 151187

Assessor Parcel Number: 028-142-13

Project Location: 120 13th Avenue

Project Description: Minor changes to an existing approved garage, including the addition of a storage room at the second floor, convert a nonhabitable lower floor to habitable area and remodel an existing single-family dwelling, recognize and modify an as-built retaining wall, revise an existing deck, create a patio and other other landscape improvements.

Person or Agency Proposing Project: Deidre Hamilton

Contact Phone Number: (831) 459 9992

- 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
Class 3 - New Construction or Conversion of Small Structures
Class 4 - Minor Alterations to Land

F. Reasons why the project is exempt:

An addition and remodel at an existing dwelling by the conversion of the non-habitable lower floor that will not result in an increase of greater than 50 percent of the floor area of the home and does not significantly increase the outer dimensions of the existing approved structure. Minor revisions to a non-habitable accessory structure (garage/storage) on a residentially zoned parcel. Minor revisions to an approved deck and fence and other landscape improvements, including the filling of earth into previously excavated land with material compatible with the natural features of the site, that will have no potential to cause environmental impact due to the small scale of the project and which has been designed to minimize drainage impacts and prevent potential damage to the coastal bluff.

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


Lezanne Jeffs, Project Planner

Date:


August 26, 2016

Exhibit 3

A-3-SCO-16-0100

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EXHIBIT A

Coastal Development Permit Findings

- 1. That the project is a use allowed in one of the basic zone districts 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/PR (Single family residential - 6,000 square feet minimum/Parks and Recreation), a designation which allows residential uses. The existing dwelling with a detached garage/storage building is a principal permitted use within the R-1-6 zone district in which these structures are located and the zoning is consistent with the site's R-UL/O-R (Urban Low Density Residential / Existing Parks and Recreation) 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 proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber the project site. The public beach access that is located 50 feet to the north of the property, between the existing homes at 130 and 150 13th Avenue, will not be impacted by the proposed development.

- 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 and 13.20.140 et seq.**

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style. The garage/storage room on the parcel has been designed to be architecturally compatible with the main residence on the parcel that was built on the site in 1924, in that it echoes the colors and materials of the home as well as having the same roof pitch and a dormer that is similar to an existing dormer window at the upper floor of the house. The proposed remodel of the home to convert the non-habitable lower floor to a habitable addition to the dwelling will have an insignificant affect on the appearance of the existing structure. Associated remodeling of the remainder of the dwelling, which will result in the deletion of some windows, will also have a minimal affect on the overall appearance of the dwelling in views from the street and from the adjacent public beach. Where windows are removed the existing siding will be used so that the remodel will be consistent with the existing architectural style. Further, the remodel will not change the outer dimensions of the structure. Reduction in the size of the rear deck with a new patio area at the lower floor below, that includes new, upgraded fencing, semi-pervious pavers and new landscaping will upgrade the appearance of the rear of the dwelling in views from the public beach that lies to the north and east of the parcel. Landscape improvements installed under the previous permits, as amended by this project, also serve to break up and soften the appearance of the home and integrate it into the surrounding coastal scene.

The site is surrounded by lots developed to an urban density and developed parcels in the area contain both one and two story homes that include both attached and detached garages and that reflect a wide range of sizes and architectural styles. The proposed remodel of the home and recognition of the as-built garage and fence as modified by this permit are consistent with the

range of styles in the area. Although the project is located close to a public overlook located on the bluff top adjacent to the parcel and within the right-of-way for 13th Avenue, the project has been designed to provide increased coastal vistas and views along the shoreline from the overlook by the provision of a reduced fence closest to the bluff that is see through, and by the deletion of over-mature vegetation on the parcel. The new garage was also reduced to the minimum width possible for a two-car garage and has been located to be as far from the bluff edge as possible so as to reduce its impact on coastal views.

The revisions to the project that have been implemented since the approval of Coastal Development Permit 121143 for the construction of a replacement garage include a significant improvement in the coastal views available from the public beach overlook that is located at the end of 13th Avenue, adjacent to the parcel. This is especially the case with regard to views to the east, over the subject property and along the shoreline due to the revisions to the design of the fence. The revised design is lower in height and includes revised materials to provide an open, see-through structure that obstructs coastal views to the minimum amount possible while still providing security for the subject parcel. In addition the fence has been reduced in length so that it does not extend as far south into the viewshed as the original fence and the final fencepost, together with unsightly and unpermitted concrete that had been placed around it, have been removed. Removal of the original final fencepost has also allowed for restoration of the natural bluff face and consequently an upgraded near-distance view from the public benches. Landscape improvements on the subject parcel including the removal of existing over-mature shrubs adjacent to the fence and new plantings that consist of low growing species that will not interfere with public views. New landscaping along the outside of the fence that will be maintained by the property owner will also help to stabilize the bluff and prevent excessive erosion from pedestrian movements alongside the fence. The landscape plan shows that a Strawberry Tree (*Arbutus unedo rubra*) is to be planted in the yard area that is close to 13th Avenue and behind the six foot high section of the front yard fence. This is an evergreen species of large shrub/small tree that produces pinkish blossoms that result in the production of a small red fruit. Because of the as-planted location of the tree back behind the taller section of fence and because of the generally small mature size of this species, it will not obstruct coastal views from the public beach overlook and will soften the view of the garage from the beach.

The replacement garage does not change the coastal views available looking towards the ocean for pedestrians walking along 13th Avenue in that it replaced an original garage and section of 6 foot high fence in the same location. Although there is a larger structure in the foreground than previously existed, there were no eye level views through the original structures and so the taller structure in the foreground does not narrow the public view of the ocean in any way. In fact, due to the previously described changes in the fence along the western property line, and the removal of tall vegetation, there are now wider views than previously existed, especially from locations closer to the end of the street. Views towards the garage from the public beach to the south are limited by the distance of the structure from the edge of the bluff and by the steep angle of the bluff face. Although the garage is visible from some areas of the beach close to the end of 13th Avenue, because the structure has been designed to be architecturally compatible with the existing older home on the parcel and is located amongst other residential structures developed along the coastline, the visual intrusion from this structure is minimal. Further, the as-built garage is located in an area of older homes that have both attached and detached single or double garages and within a neighborhood where almost all of the structures are nonconforming with respect to setbacks or have been granted a Variance approval for reduced setbacks. The

proposed changes to the dwelling, addition of a patio with new semi-open fencing and the reduction of the existing rear deck will not result in any significant change in the scale of the existing house or affect the visual resources of the surrounding area or degrade any public views from the adjacent beach.

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.**

Although the project site is located between the shoreline and the first public road, there is no public pedestrian access across the parcel or immediately adjacent to it from the end of 13th Avenue to the beach below. An existing public beach access is located 50 feet to the north of the property, between the existing homes at 130 and 150 13th Avenue, and this pathway will not be impacted in any way by the proposed development. Consequently, the existing dwelling with a detached garage will not interfere with public access to the beach, ocean, or any other nearby body of water and the project conforms to the public access, recreation, and visitor-serving policies, standards of the General Plan and Local Coastal Program and is in conformity with the public access and public recreation policies of the Coastal Act. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program and this finding can be made.

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

This finding can be made, in that the garage was sited and designed to be visually compatible, in scale with the existing older home on the parcel, and integrated with the character of the surrounding neighborhood and the proposed remodel of the dwelling will result in only a minor exterior change to the appearance of the existing dwelling. Further, the proposed remodel will not result in the reconstruction of the existing structure as defined in County Code, in that less than 65% of the major structural components will be altered. The addition of a storage room within the roofline of an approved two-car garage that lead to an approximately two foot increase in the overall height of the structure, results in a structure that conforms to all of the size and amenities restrictions for a non-habitable accessory structure located within the Urban Services Line of the County, including the height and floor area of the structure. Furthermore, with the approval of an Amendment to the approved Variance for reduced setbacks to recognize the minor changes to the footprint of the structure and the two additional feet in height, the garage conforms to all of the site and development standards for the zone district in which it is located. Additionally, residential uses are allowed uses in the R-1-6/PR (Single family residential - 6,000 square feet minimum/Parks and Recreation) 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 of styles.

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 the elements of the proposed project are all allowed uses on the property and will all 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. These elements include: 1) revisions to the approved two-car garage to add a storage room at the second floor within the roofline, to add a dormer window in the roof at the south elevation, delete the windows and add closed window shutters at the north elevation and recognize changes to the garage doors; 2) remodel of the existing single-family dwelling including the conversion of a non-habitable lower floor to a habitable addition; 3) demolition of a portion of an existing retaining wall, construction of a new section of retaining wall and recognition of the remaining portion of the wall; 4) revisions to the existing rear deck to alter the support posts and to reduce the size of the structure, and other landscape improvements including fencing, paving and planting

The garage/storage building was legally constructed with a two inch setback to the western property line and one foot setback to the northern property line. The eaves do not encroach into the neighboring parcel to the north or into the right of way to the west. The existing permitted six foot high fence extends the line of the garage along 13th Avenue. These structures meet County design criteria related to sight distance for vehicles traveling along the roadway as well as for vehicles entering and exiting the property because of their location at the end of 13th Avenue, which dead-ends just past the proposed garage due to the coastal bluff. Therefore the proposed revised fence and garage, will not obstruct sight lines for traffic on 13th Avenue. Further, both the width of the garage along the street and the length of the solid fence have been reduced.

The design and location of the amended garage does not deprive adjacent properties or the neighborhood of light, air, or open space or adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that that the neighboring dwelling (at 130 13th Avenue) is set back approximately 20 feet from the street, such that the front wall of that dwelling is approximately in line with the rear of the two-story portion of the garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed garage. In addition, the as-built garage was moved one foot further away from the neighboring parcel than the original nonconforming garage, so that no part of the new structure encroaches over the property line. The proposed remodel of the dwelling will not change the existing dimensions of the older home in that all of the work will be within the existing structure and the original non-habitable lower floor and no physical addition is to be constructed. The proposed deletion of windows will not affect the light, air or open space of any adjacent parcel although it may result in increased privacy for neighboring homes. Similarly the reduction in size of the existing deck and work beneath it to create a fenced lower floor level patio will not be materially injurious to properties or improvements in the vicinity.

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 as-built location of the garage, the proposed remodel of the existing dwelling, changes to the rear deck and creation of a new lower-level patio, new fencing and other landscape improvements, and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6/PR (Single-Family Residential/Parks and Recreation) zone district as the primary use of the property will continue to be one single-family dwelling with a garage/storage room and fenced yard area. The existing dwelling is nonconforming to the current setbacks to the zone district in that the north side yard setback, which is required to be 5 feet, is only around 4 feet. However, according to County Code section 13.10.262 regarding nonconforming structures, if the structural alterations to the dwelling will not exceed 65% of the structure and no other structural modifications have occurred within the past five years, the nonconformity need not be resolved. Modifications to the existing rear deck will conform to the conditions of approval of Coastal Development Permit and Residential Development Permit 90-0198 and to current setbacks for the zone district and the patio that is to be recognized beneath the deck will meet all pertinent County ordinances, including the Geologic Hazards ordinance. A Variance was approved for the replacement of the original one-car garage on the parcel with a two-car garage. The location and extent of the existing as-built garage/storage room differs from the approved structure only in that minor revisions to the footprint were made at the request of the Coastal Commission and that a storage room with a dormer window was added within the roofline of the structure that resulted in an approximately 2 foot increase in the height. Therefore the location of the garage is consistent with all pertinent County ordinances. Revised Variance findings are included with this report.

The proposed fence is consistent with the conditions of approval of 121143 but has been modified in accordance with the requirements of the California Coastal Commission under Minor Variation 131264. These revisions have now all been installed and accepted by Commission staff.

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 proposed replacement garage, remodeled and enlarged dwelling and fenced yard area with a deck and patio are consistent with the use and density requirements specified for the Urban Low Residential / Existing Parks and Recreation (R-UL / O-R) land use designation in the County General Plan.

The proposed project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) because neither the as-built garage/storage building nor the existing house adversely shade adjacent properties. The project also conforms to Policy 5.10.7 (Open Beach and Blufftops) in that the proposed garage replaced an existing structure on a residentially zoned parcel that is surrounded by parcels that have been developed to an urban density and is therefore compatible with the pattern of the pre-existing development as well as with the surrounding neighborhood. The revised fence allows adequate sight distance for

vehicles consistent with road standards specified in the General Plan and has opened up previously obscured coastal views to protect and enhance the public vista from the existing beach overlook at the end of 13th Avenue as required in Policy 5.10.6.

The proposed minor changes to the approved garage results in a structure that is properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that in that the lot coverage for the revised structure together with the existing house will be only around 28.3% of the net site area, well below the 40% maximum that is allowed.

Therefore, this finding can be made.

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.

The as-built replacement garage/storage building, remodel of the existing home and associated landscape improvements are to be/have been constructed on an existing lot that was historically developed with a single-family dwelling and garage. The proposed addition of a storage room above the garage and residential remodel to convert the non-habitable lower floor to habitable area will not significantly increase the amount of electricity or utilities used by the existing dwelling and original garage and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate fixtures will not create a significant draw on electrical utilities, and the revised garage with a storage room above and remodeled and extended home will not generate or intensify traffic. Further, no new bedrooms are proposed.

Therefore, this finding can be made.

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 structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed revisions to the garage to add a storage room with a dormer window at the second floor have been designed to be compatible with the visual character of the neighborhood in that it was designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and a dormer window that matches the dormer at the existing dwelling. The proposed remodel of dwelling that will extend the habitable area into an existing non-habitable lower floor, will not result in any significant alteration in the appearance of the existing home. Other landscape improvements and proposed revisions to the fencing, and other yard improvements, including revisions to the rear deck and the creation of a lower-level patio beneath it have all been designed as an integral part of the upgrade of the property. The proposed project will not alter or increase the density or intensity of residential use within the surrounding neighborhood.

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

The garage that was approved by 121143 was determined to be of an appropriate scale and type of design that would enhance the aesthetic qualities of the surrounding properties and not reduce or visually impact available open space in the surrounding area. The as-built garage/storage building materially differs from the structure approved by 121143 only in that it is approximately two feet higher than originally proposed due to the addition of a storage room at the second floor within the roofline and has a dormer window at the south elevation and in that it has a revised footprint due to the reduction in the width of the structure along the street and addition of a single-story workshop area at the rear of the garage. The changes created by the revision of the windows to closed window shutters, a reduced header height at the garage doors and the addition of a pelican relief at the front elevation are only minor changes from the approved design and have been proposed to break up the mass of the structure to the greatest extent possible. The proposed remodel of the home will not significantly change the appearance of the existing dwelling and the revisions to the fence and other existing yard improvements have resulted in an upgrade in the appearance of the property. Additional proposed landscape improvements will provide further benefits. Therefore the proposed project is consistent with the Design Standards and Guidelines of the County Design Review ordinance and this finding can be made.

Variance Findings

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

The project is located on the portion of the parcel that is zoned R-1-6 (Single Family Residential), a designation that allows for residential uses. A single-family dwelling is a principal permitted use within a residential zone district and a garage with a storage room at the second floor is an accessory structure, the use of which is clearly appurtenant to the existing house on the parcel. The as-built garage/storage building is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. This zoning is consistent with that portion of the site's (R-UH) Urban High Residential General Plan designation.

This finding can be made in that the special circumstance that applies to this lot is that there are no other locations on the parcel where a garage or other storage building could be located. Open yard areas south of the existing dwelling are mostly within 25 feet of the top of the coastal bluff that runs through the parcel and therefore the construction of a structure in this area could not be approved as set out in County Code section 16.10.070(H)(ii). Further, most of the yard area lies within the PR (Parks and Recreation) zone district, a designation that is intended for open space and park uses. Therefore this area of the parcel is required to be for outdoor uses oriented toward the coastal location and this limits the placement of structures. An additional circumstance that limits the location of a garage is that the pavement for 13th Avenue does not extend along the entire front property line but terminates at a point just over 30 feet south of the northeastern corner of the parcel. Therefore, any alternate location for a garage, other than the location of the as-built structure, would require the provision of an extensive additional paved driveway area that would increase the impervious coverage on the parcel and potentially impact drainage in the area of the coastal bluff. The proposed modifications to the garage from the structure approved by Variance 121143 include a reduction in the width of the structure along the western (front) elevation by two feet and an extension to the depth of the structure along the northern property boundary by six feet. However, the garage/storage building was built in the same location in the corner of the parcel as was approved by 121143 and does not change the setbacks that were previously approved. There will continue to be a one foot setback to the northern property boundary and a two inch setback to the western (front) property boundary as shown on the plans for 121143. The as-built structure does not exceed the maximum 28 foot height limit for accessory structures within the zone district and roof eaves of the garage do not encroach over any property line.

The deletion of the originally proposed breezeway along the southern elevation of the garage has resulted in the garage/storage building that is no longer attached to the main residence by a common roofline. The as-built garage is therefore considered to be a detached structure. As set out in County Code 13.10.323(E)(6)(c) the minimum separation between two detached structures is 10 feet. As shown on the plans the proposed separation between the garage and the dwelling will be six feet. Because the garage has been constructed in the only possible location on the parcel due to the special circumstances set out above and because the minimum feasible depth for a garage is 20 feet, it is not possible to provide a 10 foot separation between the garage/storage building and the existing dwelling on the parcel.

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

The intent and purpose of the residential zone districts is to provide for residential uses. Variance 121143 allowed for the replacement of an existing detached garage and adjacent paved parking area with a two-car garage that would be used in conjunction with an existing single-family dwelling in a residential zone district. The revised garage with a storage room at the second floor will not deprive adjacent properties or the neighborhood of light, air, or open space in that the neighboring dwelling (at 130 13th Avenue) is set back approximately 20 feet from the street, such that the front wall of that dwelling is approximately in line with the rear of the two-story portion of the garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed garage. In addition, the as-built garage was moved one foot further away from the neighboring parcel than the original nonconforming garage, so that no part of the new structure encroaches over the property line. The recognition of an increase in the height of the structure of around two feet to allow for the provision of a storage room within the roofline of the building will not result in any adverse shading by the structure on neighboring properties. In addition, the revised height will result in only a minor change in the impact of the structure in views of the project looking south along 13th Avenue.

The proposed change in the footprint of the structure, addition of a storage room within the roofline and deletion of the breezeway that has resulted in a detached structure, will not be materially detrimental to public health safety and welfare or injurious to property or improvements in the vicinity, in that the as-built garage/storage room was constructed in accordance with all requirements of current Building and Fire Codes. The as-built revisions to the structure have not resulted in a significant increase in the overall dimensions of the structure that was approved by Variance 121143. Further, as for the originally approved project, the revised garage/storage building will not impair sight lines along 13th Avenue.

Therefore this finding can be made.

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

The granting of an Amendment to the Variance approved by 121143 to allow for a reduction in the width of the structure at the western (front) elevation and an increase in the depth at the northern elevation by six feet and zero feet to the eaves and for a reduced separation between the now detached structure and the existing dwelling, will not constitute a grant of special privilege to this parcel since the structure will conform to the setbacks that were approved by 121143.

Similar Variances have already been granted in the neighborhood. A detached garage was constructed on APN 028-142-35 (one parcel to the north and on the same side of 13th Avenue as the subject parcel) subject to Variance 80-59-V, which was approved to reduce the required front yard to around zero feet and the required side yard to around two feet for the construction of a garage. Further, the proposed project is located in an area of older homes that have both

Application #: 151187
APN: 028-142-13
Owner: Reed Geisreiter

attached and detached single or double garages and within a neighborhood where almost all of the structures are nonconforming with respect to setbacks or have been granted a Variance approval for reduced setbacks. Use Permit 3497-U was approved for the construction of an addition at the nonconforming dwelling on APN 028-431-10 that lies immediately opposite the subject parcel. Coastal Permit 89-1142 was approved for the construction of additions at an existing nonconforming dwelling on APN 028-431-09, and Planned Development and Variance 82-49-PD was approved to reduce the side yards to four feet six inches and two feet six inches respectively and the required front yard to around five feet, for the construction of an addition on APN 028-431-08. The proposed revision of the garage from the structure that was approved by 121143 is therefore not a grant of special privilege.

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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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.
 3. *Window shutters at the north elevation are not required to be erected and the existing pelican relief mounted on the north wall of the garage may be maintained. The pelican relief is not required to be relocated to the front/west elevation of the garage. (Revised condition of approval as approved by the Planning Commission August 24, 2016).*
 4. Grading, drainage, and erosion control plans for the rear patio.
 5. Details showing compliance with fire department requirements.
- B. Meet all requirements of the Environmental Planning section of the Planning Department as follows:
 1. Plans submitted for the building application shall be designed in conformance with all recommendations provided in the Geotechnical and Geologic Hazards Assessment dated September 17, 2015, the Coastal Bluff Recession Study and FEMA Flood Elevation Evaluation dated May 10, 2016, the Geotechnical Plan Review and Supplemental Design Criteria dated May 12, 2016 all prepared by Haro, Kasunich, and Associates, Inc., and any updates to these reports, and shall reference the reports.
 2. Plans submitted for the building application shall include a civil-engineered stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at sccoplanning.com by navigation to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.

3. Plans submitted for the building application shall include a drainage plan that complies with the requirements set forth in 2013 California Building Code (CBC) Section 1804.3 and the recommendations of the soils engineer.
4. Plans submitted for the building application shall include a landscaping and irrigation plan. Any landscaping proposed within the 25' / 100-year coastal bluff setback shall be reviewed by the County Geologist.
5. Prior to building permit approval the applicant shall submit:
 - i. Two copies of all reports referenced in Condition 1, above;
 - ii. A plan review form, based on final revised plans, signed and stamped by the soils engineer; and
 - iii. A plan review form, based on final revised plans, signed and stamped by the project geologist.
6. Prior to building permit final, the applicant shall provide final inspection forms from the geotechnical engineer, engineering geologist, and civil engineer.
7. All construction shall be completed in compliance with all recommendations provided in the reports referenced in Condition 1.
8. Project shall comply with the requirements set forth in the technical report acceptance letter prepared by Joe Hanna, County Geologist, dated 10/13/2015.
9. Development within the 25' / 100-year coastal bluff setback is prohibited.
10. A "Notice of Geologic and Flood Hazards, Acceptance of Risk, and Liability Release" shall be recorded on the parcel with the format and content of that document to be reviewed and accepted by the County of Santa Cruz prior to recordation. The Notice will provide for property owner (and all successors and assigns) agreement to an acknowledgement of coastal and geologic hazards, an acceptance of and assumption of risk, a waiver of liability against the County, and an indemnification of the County; the final language of such provisions will be consistent with the following:
 - a. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;

- b. Assume Risks. To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
 - c. Waive Liability. To unconditionally waive any claim of damage or liability against the County, its officers, agents, and employees for injury or damage from such coastal hazards;
 - d. Indemnification. To indemnify and hold harmless the County, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
 - e. Property Owner Responsible. That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.
 - C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - E. Submit 2 additional copies of the approved soils report prepared and stamped by a licensed Geotechnical Engineer.
 - F. Maintain the required off-street parking for 2 cars within the garage. Parking spaces must be 8.5 feet wide by 18 feet long.
 - G. 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. Coastal Hazards Response Alternatives. By acceptance of this permit, the applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:
- A. The approved single family home replacement project will be constructed and may be used consistent with the terms and conditions of this permit for only as long as the approved development remains safe for occupancy and use. If coastal hazards result in an unsafe site or unsafe structure, the property owner agrees to abate or address dangerous conditions in accordance with County regulations and/or Orders of the Chief Building Official and these Conditions of Project Approval. If all or any portion of improvements are deemed uninhabitable, the property owner agrees to remove the improvements and restore the affected area, unless an alternative response involving a shoreline protection structure is proposed by the property owner and approved by the County of Santa Cruz, and also by the California Coastal Commission if the project location is within the Coastal Commission's primary jurisdiction. Alternative responses to coastal hazards may include (1) pursuit of an Emergency Coastal Development Permit consistent with County Code regulations in Chapter 13.20 (Coastal Zone Regulations) and Chapter 16.10 (Geologic Hazards); and/or (2) pursuit of an urbanized area beach and bluff management strategy pursuant to Condition IV.C below.
- B. Requirement for Geotechnical and Coastal Hazards Reports: 10-foot Trigger. In the event that in the future the blufftop edge recedes to within 10 feet of the single family dwelling, the property owner shall undertake the following activities to determine whether selection and pursuit of a Coastal Hazards Response Alternative is required:
1. Notify the Santa Cruz County Geologist, and
 2. Retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate response(s).

3. Agree to undertake activities to pursue an appropriate Coastal Hazards Response consistent with these Conditions of Approval and in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan (see Condition IV.D below).

C. Urbanized Area Shoreline Protective Structure Alternative.

1. The property owner agrees and acknowledges that the existing coastal shoreline protection/armoring structures may be maintained in accordance with condition of approval authorizing the structures.
2. The property owner and /or any future heirs or assigns further acknowledge and agree that any future shoreline protection/armoring structure (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.), that exceeds previously authorized maintenance of the existing structures, will only be considered for approval if proposed as part of a comprehensive and unified Urbanized Area Beach and Bluff Management Strategy, such as a unified project design that is implemented through a Geologic Hazard Abatement District (GHAD) to address East Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area. Such strategy may allow for phased implementation. The Strategy would be required to address potential loss of beach areas, potential opportunities to improve public access to the coast, protection of visual resources, and protection of public infrastructure in response to sea level rise.
3. The property owner and / or any future heirs or assigns, by accepting this permit, agree not to protest the formation of any Geologic Hazard Abatement District (GHAD) that is proposed, either by the County or other private entity, to address East Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area.

- D. Removal and Restoration. If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards Report, it is determined that any portion of the approved development will be proposed for removal due to coastal hazards, the Applicant shall, prior to removal, submit two copies of a Removal and Restoration Plan to the County of Santa Cruz Planning Director for review and approval. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. If the Director determines that an amendment to this permit or separate grading and coastal development permits are legally required in order to authorize the activities, the Applicant shall as soon as immediately

feasible submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the permit application, if necessary.

V. 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.

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

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

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

Please note: This permit expires 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.

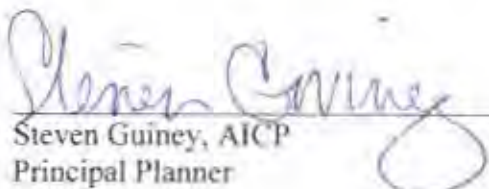
Approval Date: August 24, 2016

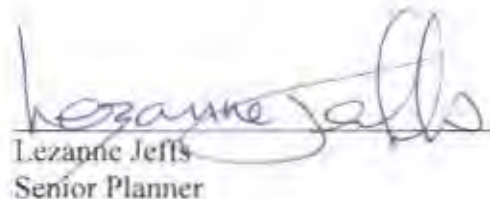
Effective Date: September 23, 2016

(or end of Coastal Appeal period if different)

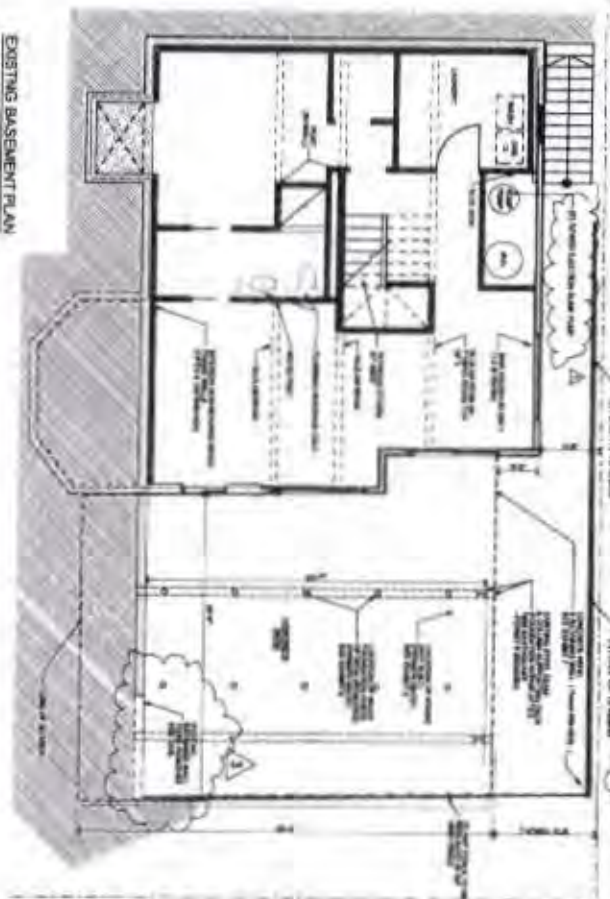
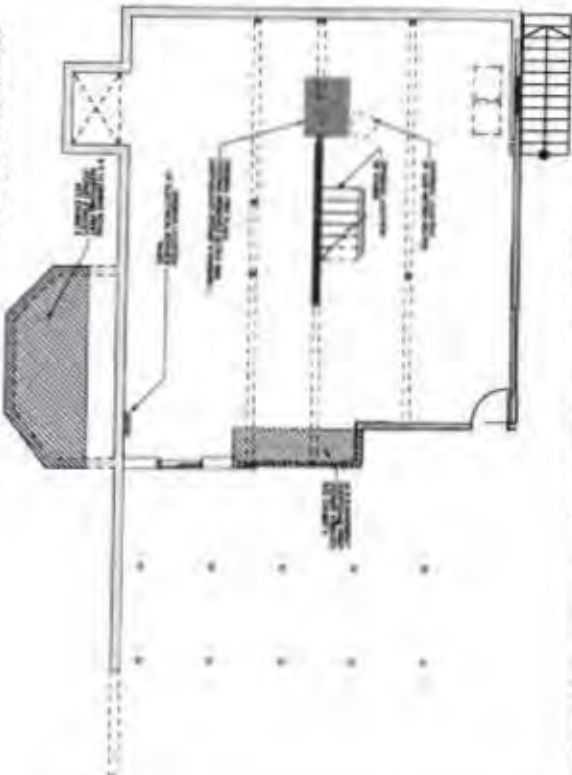
Expiration Date: September 23, 2019

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Steven Guiney, AICP
Principal Planner


Lezanne Jeffs
Senior Planner

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



PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"



CELSIUSITTA RESIDENCE

James C. Thompson
James C. Thompson, Co.
New York

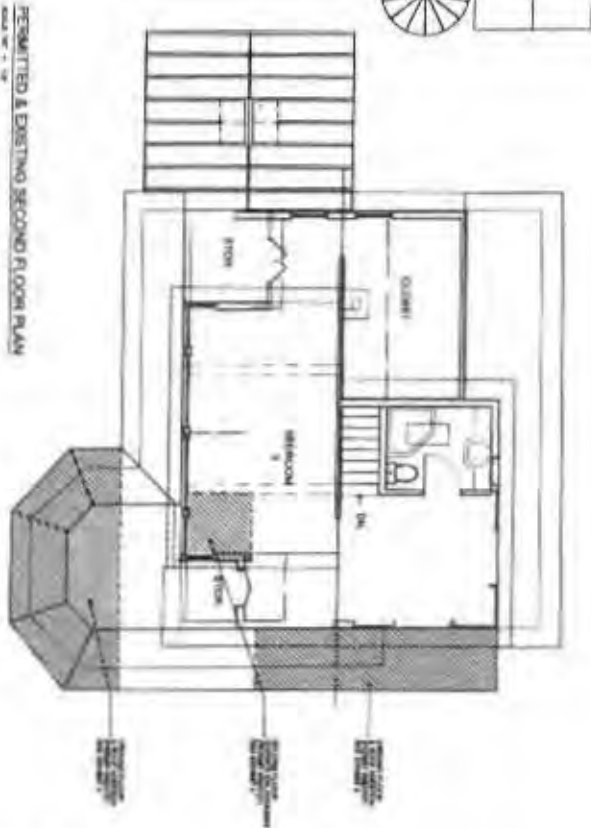
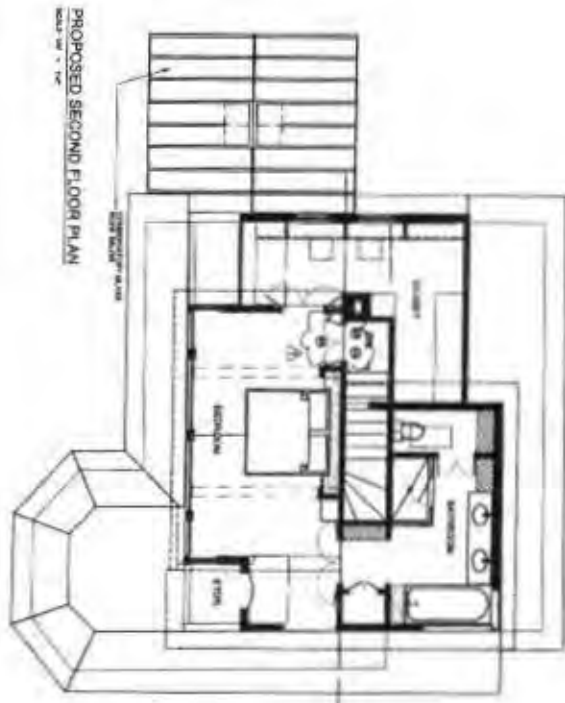
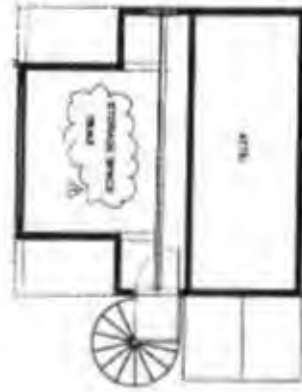
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MAINTENANCE FLOOR PLANS.

A2.1

ARCHITECT A-3

35 of 325



SEAN J. BAKER
ARCHITECT
REGISTERED IN STATE OF MINNESOTA
NO. 0000000000
120 12TH AVENUE WEST
MINNEAPOLIS, MN 55403

12.04

Exhibit 3
A-3-SCO-16-0100
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120 12TH AVENUE
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MINNEAPOLIS, MN 55403

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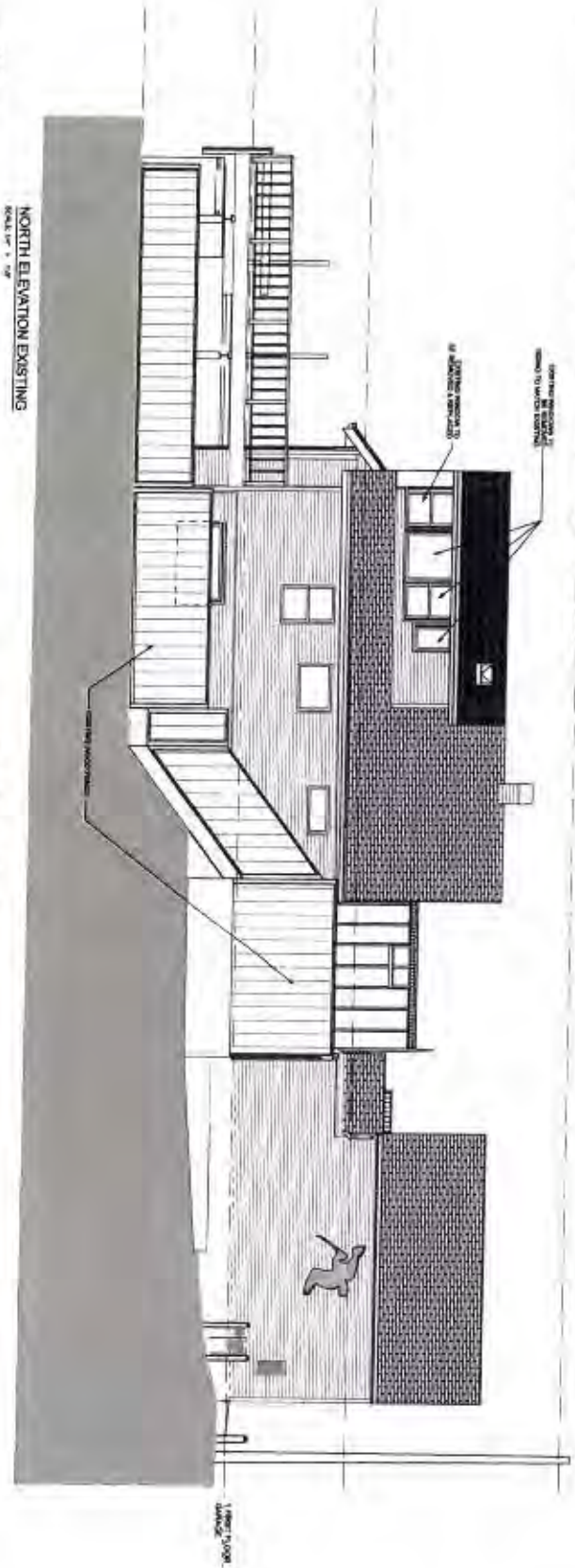
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MINNEAPOLIS, MN 55403

A2.4



NORTH ELEVATION EXISTING

SCALE 1/8" = 1'-0"



CERESITER RESIDENCE

720 13TH AVE
SAN FRANCISCO, CA
94103

REVISION	DATE	BY	CHKD
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8.00	06/11/15	AW	AW
9.00	06/11/15	AW	AW
10.00	06/11/15	AW	AW

NORTH ELEVATIONS
EXISTING & PROPOSED

A3.1



DAVID A. WILLIAMS
ARCHITECT
1000 CHESTNUT ST. SUITE 110
SAN FRANCISCO, CA 94103
415.455.1500 FAX 415.455.1505

Exhibit 3
A-3-SCO-16-0100
39 of 325



2

A3.1.2

SOUTH ELEVATIONS
EXISTING & PROPOSED

CHANGES BY:	DATE
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CASERETTE RESIDENCE

210 17TH AV
SANTA CRUZ, CA
95062



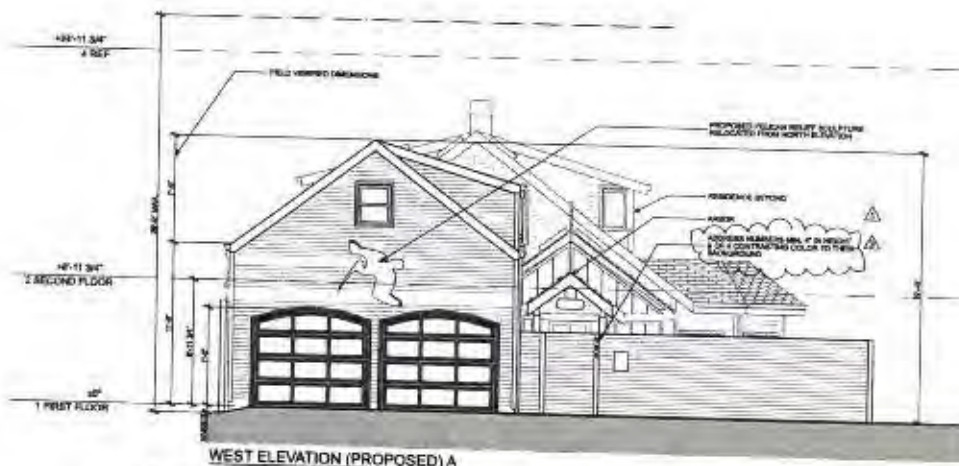
DAVID A. GETALTER
ARCHITECT
300 LANTANA ST. SUITE 100
SANTA CRUZ, CA 95062
408-452-7468 FAX 408-421-7500

Exhibit 3
A3-SCO-16-0100
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10A

denis diego
ARCHITECT AIA

100 CIPRIANI ST. SUITE 175
SANTA CRUZ, CA 95061
931.438.7100 FAX 931.438.7101



*NOTE: SCALED DIMENSIONS FROM DIMENSIONS TYPICAL



GEISREITER RESIDENCE

120 15TH AVE
SANTA CRUZ, CA
95062

REVISIONS		
MARK	DESCRIPTION	DATE
1	ADDITIONAL HANDING WALL	01/01/01
2	REVISIONS	01/01/01
3	REVISIONS	01/01/01
4	REVISIONS	01/01/01
5	REVISIONS	01/01/01
6	REVISIONS	01/01/01
7	REVISIONS	01/01/01
8	REVISIONS	01/01/01
9	REVISIONS	01/01/01
10	REVISIONS	01/01/01

DRAWN BY: AMY
CHECKED BY: DO
DATE: 01/01/01

WEST & SOUTH GARAGE
ELEVATIONS

A3.3

Exhibit 3

A-3-SCO-16-0100

42 of 325

WEST ELEVATION COMPOSITE OVERLAY (AS BUILT & 2014 REUDO RECONSTRUCTION)
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION COMPOSITE OVERLAY (AS BUILT & 2014 REUDO RECONSTRUCTION)
SCALE: 1/8" = 1'-0"



EAST ELEVATION COMPOSITE OVERLAY (AS BUILT & 2014 REUDO RECONSTRUCTION)
SCALE: 1/8" = 1'-0"



NORTH ELEVATION COMPOSITE OVERLAY (AS BUILT & 2014 REUDO RECONSTRUCTION)
SCALE: 1/8" = 1'-0"



CARMETER RESIDENCE

300 LITTLE AVENUE
SAN JOSE, CA 95128

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

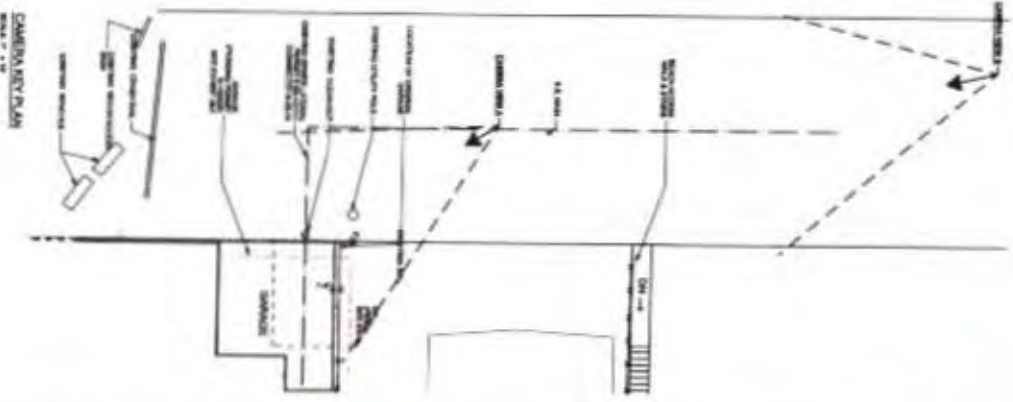
COMPOSITE OVERLAY
ELEVATIONS 2014 REUDO
DRAWING

A3.5

THOMAS T. JONES
ARCHITECT AIA
300 LITTLE AVENUE, SUITE 100
SAN JOSE, CA 95128
(408) 437-1111



Exhibit 3
A3-SCO-16-0100
44 of 325



VIEW A



ORIGINAL GARAGE DETAIL VIEW A



3D VISUALIZATION (RICO DESIGN) - CONSTRUCTION DRAWING (VIEW A)

VIEW B



ORIGINAL GARAGE DETAIL VIEW B



3D VISUALIZATION (RICO DESIGN) - CONSTRUCTION DRAWING (VIEW B)

13A

denig dino
ARCHITECT A.A.
300 CLEVELAND ST., SUITE 101
SAN FRANCISCO, CA 94102
415 422 7146



CRISWELL RESIDENCE

1201 11TH AVE
MAYNARD, MN 55041

DATE	DESCRIPTION	BY	CHKD
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	
12/1/16	1201 11TH AVE	denig dino	

3D VISUALIZATION
(RICO DESIGN)

A3.6

A photograph of a light-colored building with a dark roof and a small window, viewed from a low angle. A dark object, possibly a car, is visible in the foreground.

ARCHITECT A-3



11201 Jefferson Ave.
San Diego, CA
92120

Week	Chlorophyll content (µg/g)	Leaf area (cm ²)
A		

Category	View
3D Visualization	NO
Carriage Views	NO

A3.7

dda

dennis siego
ARCHITECT AIA
500 CHESTNUT ST. SUITE 175
SANTA CRUZ CA 95060
TEL: 408 7505 FAX: 427 7505



EXISTING CONDITIONS (FENCE REMOVED FOR CLARITY)



PROPOSED DECK VIEW FROM ABOVE



PROPOSED DECK



LOWER LEVEL PERSPECTIVE

GEISREITER RESIDENCE

120 13TH AVE
SANTA CRUZ, CA
95062

MARK	DESCRIPTION	DATE
	DESIGN/PERMIT APP	JUN/16
	RESUBMITTAL	10/20/16
	RESUBMITTAL	05/24/17

DRAWN BY: NW
CHECKED BY: DSD
9/2/16

3D VISUALIZATION OF
PATIO & DECK
ALTERATIONS

A3.8



Neofunctionalism and Trilemma

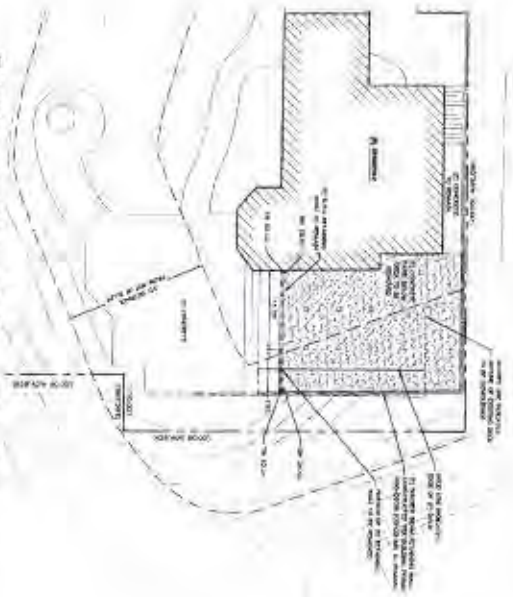
Abstract

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 289–296

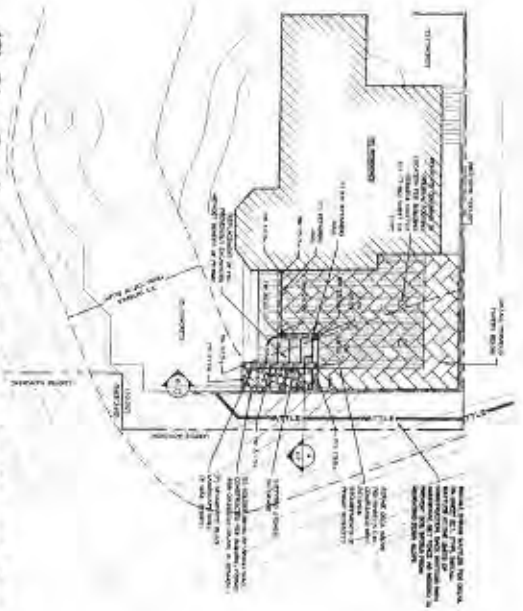
© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 399–406



Existing Conditions & Demolition Plan



(P) Site Grading, Drainage & Erosion Control Plan



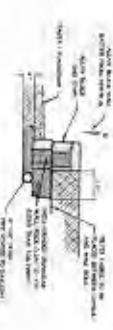
Estimated Unpermitted Earthwork

Volume:	40,000 YARDS
Cost:	1,000,000.00
Notes:	ESTIMATED VOLUME AND COST ARE BASED ON THE DATA PROVIDED AND ARE NOT A GUARANTEE OF THE DATA.

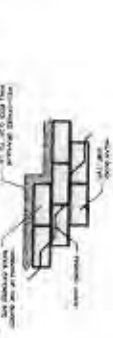
Estimated Earthwork Quantities

Volume:	10,000 YARDS
Cost:	2,000,000.00
Notes:	ESTIMATED VOLUME AND COST ARE BASED ON THE DATA PROVIDED AND ARE NOT A GUARANTEE OF THE DATA.

A Segmented Block Wall Section



B Segmented Block Wall Profile



Steelhead Engineering
P.O. Box 1950 Freeland, CA 95030 (530) 358-0077

DATE: 04/20/16

Site Grading, Drainage & Erosion Control Plan

Geisreiter Residence

120 15th Ave
Berkeley, CA 94702
APN: 038-145-15

REV	REVISION	DATE	DRAWN
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Exhibit 3
A-3-SCO-16-0100
49 of 325

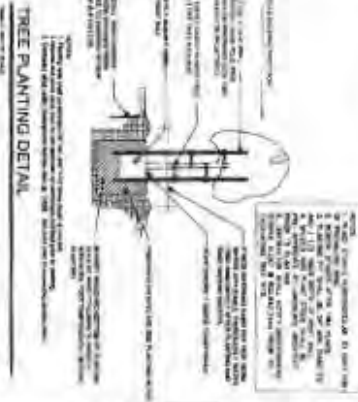
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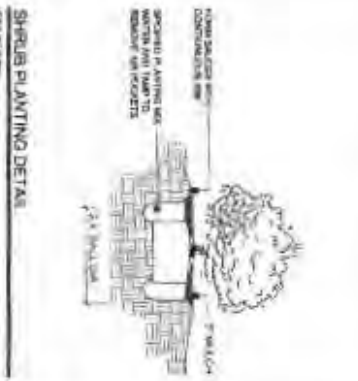
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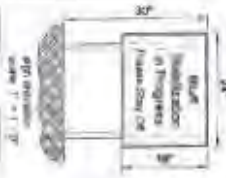
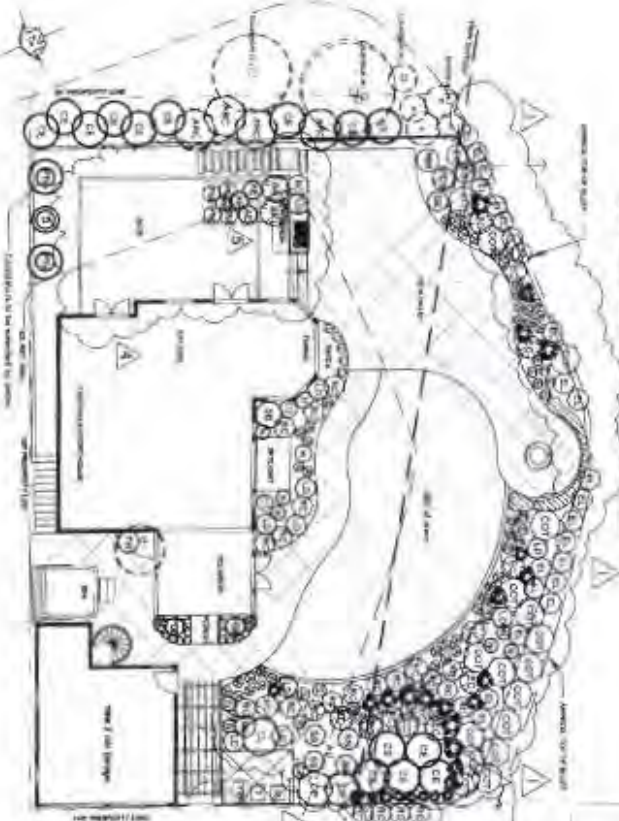
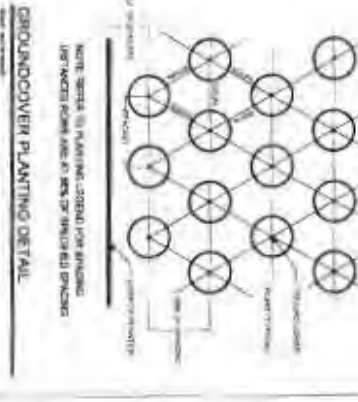
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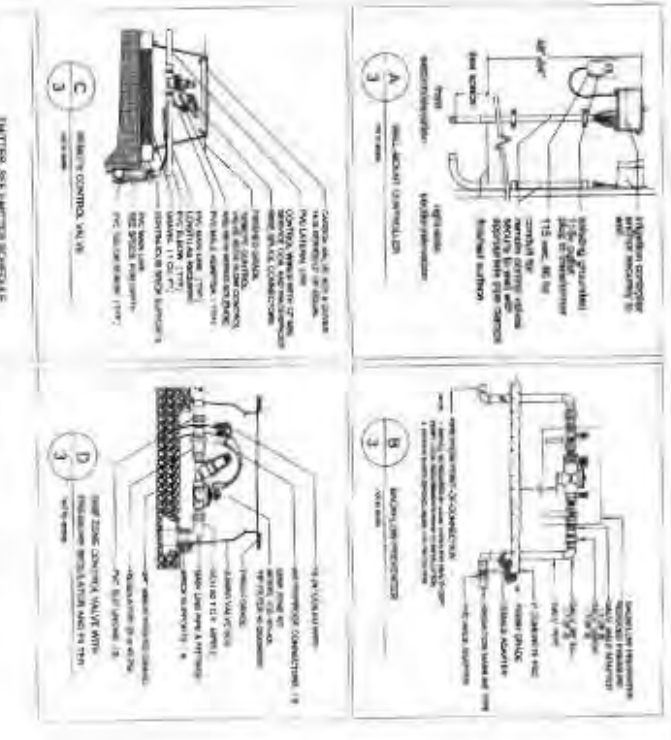
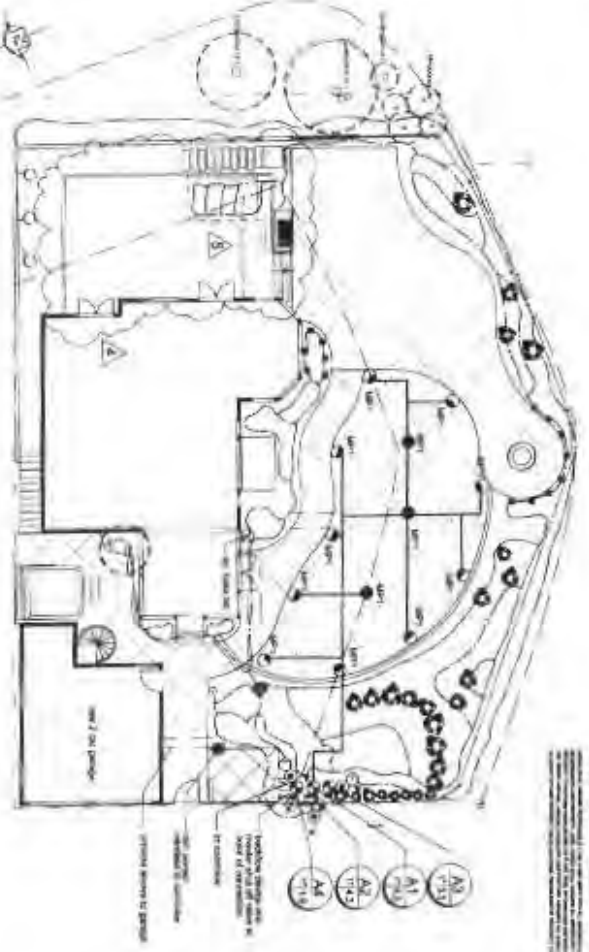


GEISREITER RESIDENCE
120 THIRTEENTH AVENUE
SANTA CRUZ, CALIFORNIA

Michael Arnone + Associates
LANDSCAPE ARCHITECTS

[illegible]

1. The owner has been advised that the design of this irrigation system is based on the information provided by the owner and is not a guarantee of performance. The owner is responsible for the proper installation and maintenance of the system. The designer is not responsible for the proper installation and maintenance of the system.

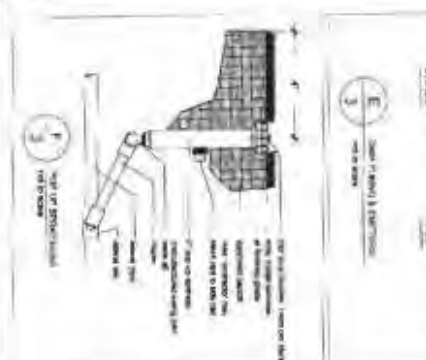


NOTES:
1. The owner has been advised that the design of this irrigation system is based on the information provided by the owner and is not a guarantee of performance. The owner is responsible for the proper installation and maintenance of the system. The designer is not responsible for the proper installation and maintenance of the system.

EMITTER SCHEDULE

EMITTER	FLOW RATE	SPACING	WATERING TIME
1	0.5 GPH	12" ON CENTER	1.0 HOURS
2	0.5 GPH	12" ON CENTER	1.0 HOURS
3	0.5 GPH	12" ON CENTER	1.0 HOURS
4	0.5 GPH	12" ON CENTER	1.0 HOURS
5	0.5 GPH	12" ON CENTER	1.0 HOURS
6	0.5 GPH	12" ON CENTER	1.0 HOURS
7	0.5 GPH	12" ON CENTER	1.0 HOURS
8	0.5 GPH	12" ON CENTER	1.0 HOURS
9	0.5 GPH	12" ON CENTER	1.0 HOURS
10	0.5 GPH	12" ON CENTER	1.0 HOURS

IRRIGATION NOTES:
1. The owner has been advised that the design of this irrigation system is based on the information provided by the owner and is not a guarantee of performance. The owner is responsible for the proper installation and maintenance of the system. The designer is not responsible for the proper installation and maintenance of the system.



IRRIGATION LEGEND

SYMBOL	DESCRIPTION
1	1" PVC MAIN LINE
2	1/2" PVC SUB MAIN LINE
3	1/4" PVC LATERAL LINE
4	1/2" PVC VALVE
5	1/4" PVC ELBOW
6	1/2" PVC TEE
7	1/4" PVC COUPLER
8	1/2" PVC END CAP
9	1/4" PVC FLANGE
10	1/2" PVC FLANGE
11	1/4" PVC FLANGE
12	1/2" PVC FLANGE
13	1/4" PVC FLANGE
14	1/2" PVC FLANGE
15	1/4" PVC FLANGE
16	1/2" PVC FLANGE
17	1/4" PVC FLANGE
18	1/2" PVC FLANGE
19	1/4" PVC FLANGE
20	1/2" PVC FLANGE

IRRIGATION NOTES:
1. The owner has been advised that the design of this irrigation system is based on the information provided by the owner and is not a guarantee of performance. The owner is responsible for the proper installation and maintenance of the system. The designer is not responsible for the proper installation and maintenance of the system.

GEISREITER RESIDENCE
120 THIRTEENTH AVENUE
SANTA CRUZ, CALIFORNIA

Michael Arnone • Associate
LANDSCAPE ARCHITECT

1" = 10'

irrigation

Sheet 3 of 3

1" = 10'

irrigation

Sheet 3 of 3

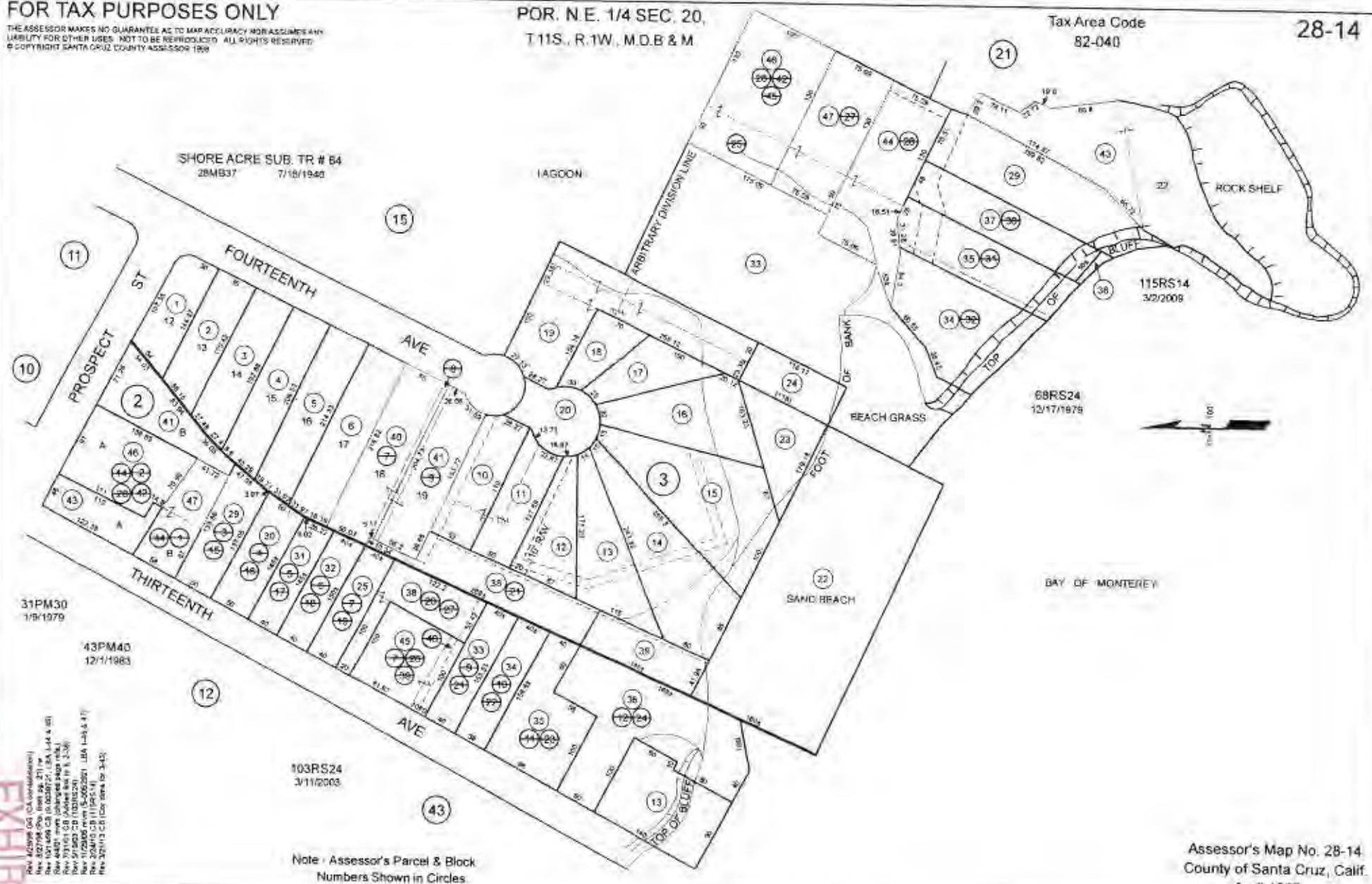
FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSORS 1998

POR. N.E. 1/4 SEC. 20,
T11S., R.1W., M.D.B & M

Tax Area Code
82-040

28-14



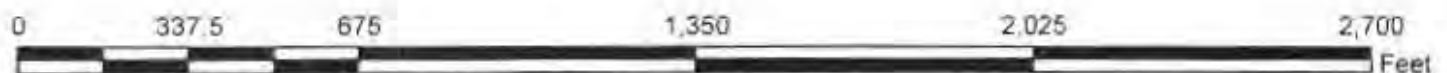
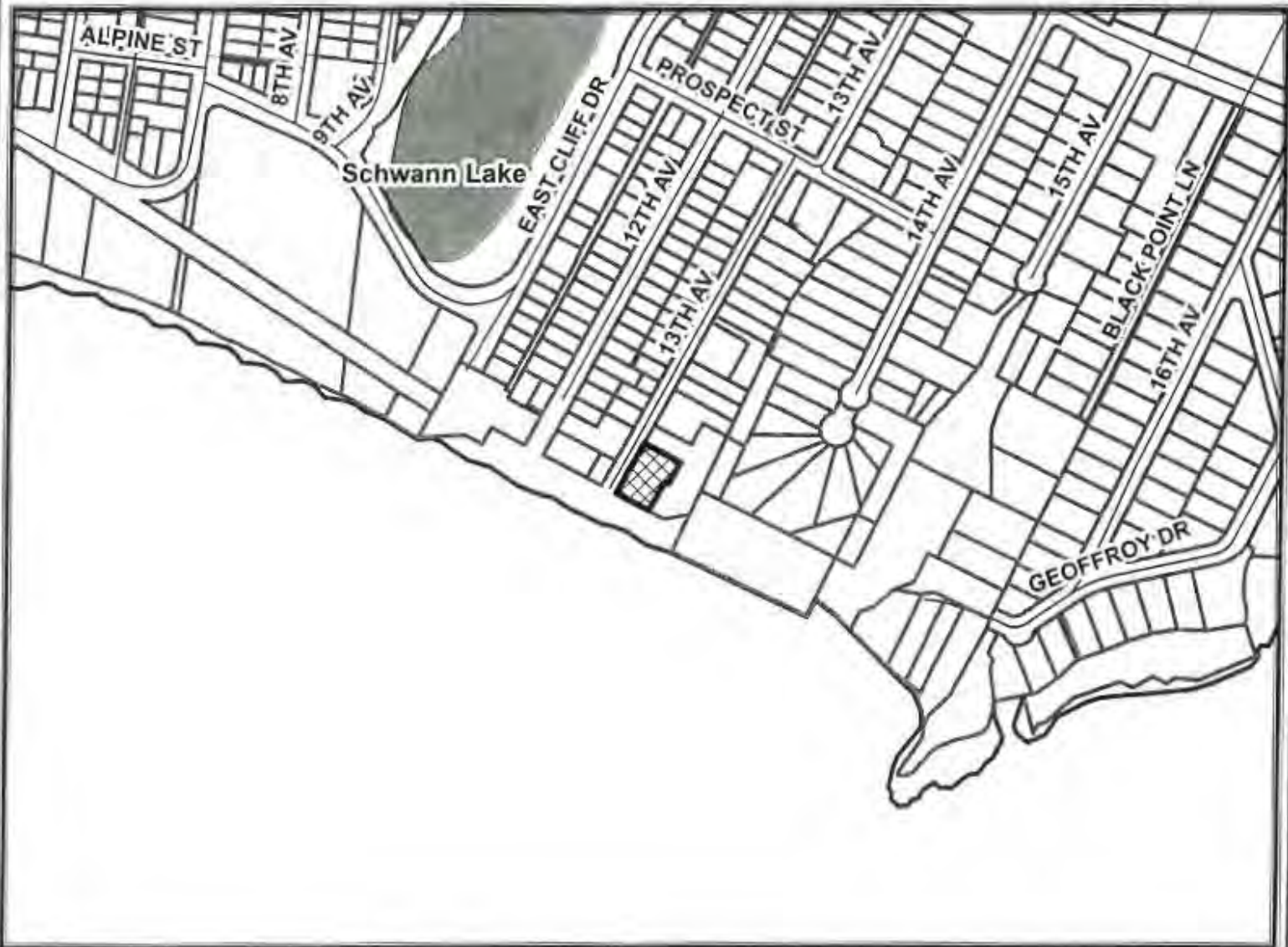
Note: Assessor's Parcel & Block
Numbers Shown in Circles

Assessor's Map No. 28-14.
County of Santa Cruz, Calif.
April 1998






Exhibit 3
A-3-SCO-16-0100
53 of 325



Location Map



LEGEND

-  APN: 028-142-13
-  Assessors Parcels
-  Street
-  County Boundary
-  Lakes

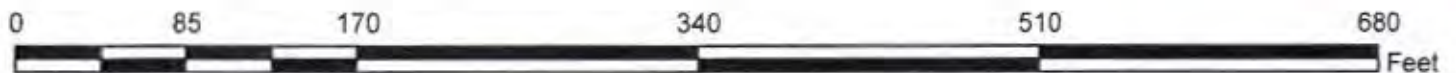
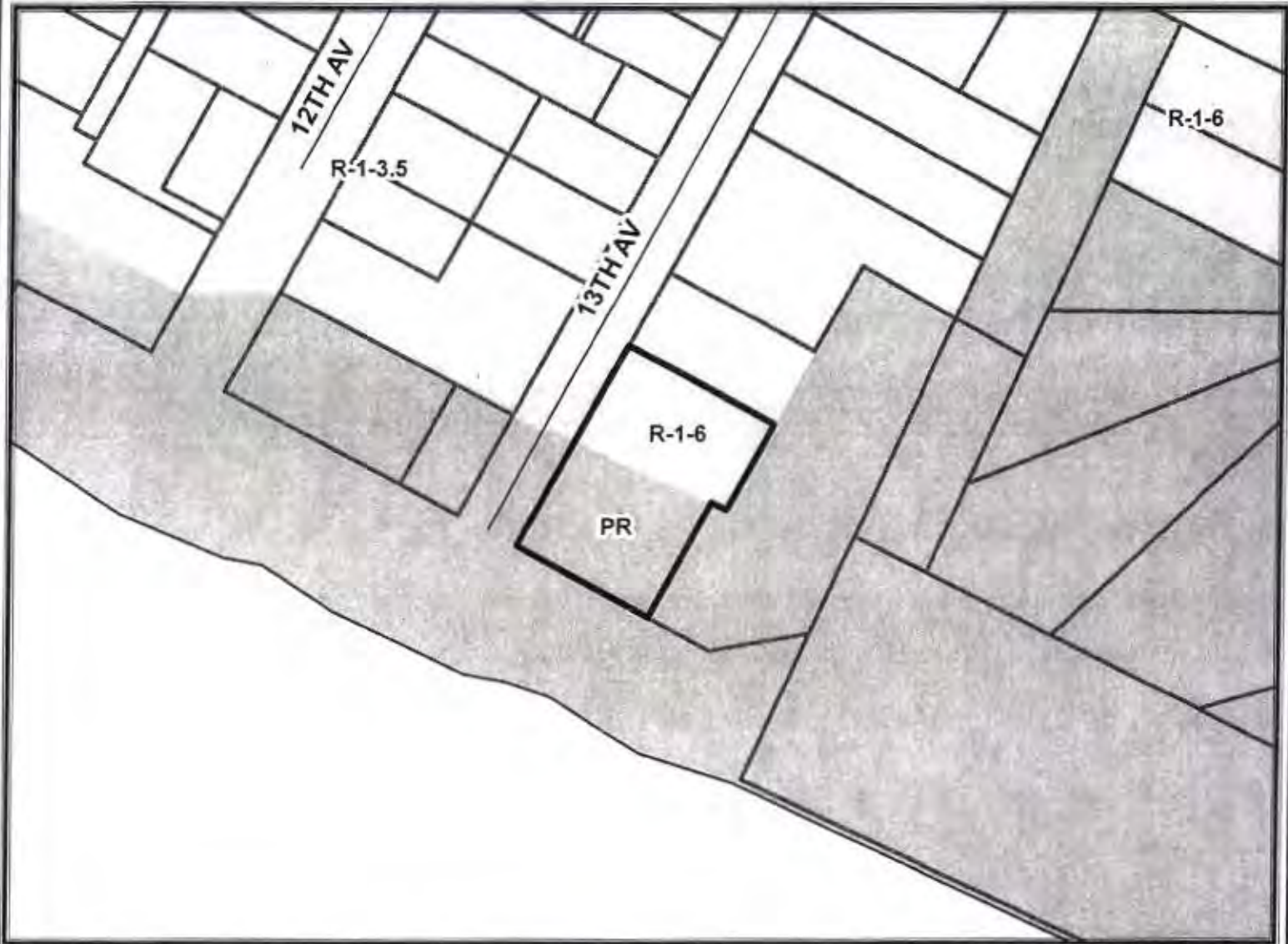


Map Created by
County of Santa Cruz
Planning Department
July 2015

Exhibit 3
A-3-SCO-16-0100
54 of 325



Zoning Map



- LEGEND**
- APN: 028-142-13
 - Assessors Parcels
 - Street
 - County Boundary
 - RESIDENTIAL-SINGLE FAMILY
 - PARK

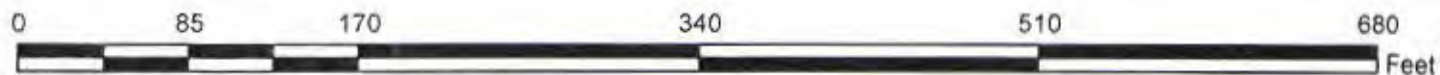


Map Created by
County of Santa Cruz
Planning Department
July 2015

Exhibit 3
A-3-SCO-16-0100

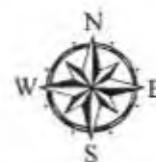


General Plan Designation Map



LEGEND

- APN: 028-142-13
- Assessors Parcels
- Street
- County Boundary
- Residential - Urban Low Density
- Residential - Urban High Density
- Parks and Recreation
- Lake



Map Created by
County of Santa Cruz
Planning Department
July 2015

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BACKGROUND/HISTORY

Chronology

Date of permit	Permit Number	Description	Plans or Exhibit	Action/Notes (voided, finalized, etc)
9/7/1976	76-1143-U	6-ft fence	Permit	Coastal approved 9/7/76
2/14/1977	Building Permit #49836	6-ft fence	permit card	Finalized 2-14-77
1/24/1978	Coastal Commission issues permit #P-77-933	To replace deteriorated fence with 44 lineal feet of solid wood fence; within 20 feet of bluff edge fence shall be open design, 4' high	Approval letter, Permit, Plan	Approved Nov. 29, 1977 with Res.No. 77-325 on 1-14-77 and Res.No. 78-1 on 1-10-78
9/30/1980	P-80-276	improve rip rap/seawall. Orig permit #A-80-072. Refiled at P-80-276.	Permit, Plans	Orig staff report/consent agenda. Permit passed with Res No.80-148 dated 9-15-1980. Updated approval letter dated 8-20-1987. Updated approval letter dated 1-2-1990. Updated approval letter dated Sept 22, 1997
10/25/1982	#72180	stairway to beach & rip rap improvements	Permit	
8/1/1982	XS-82-37	App of SC Parks Dept to construct beach access stairway, extend rip-rap to stairs.	Public Hearing Notice	Public Hearing on Aug 11, 1982. Final action unclear.
4/3/1980	Grading Permit #1157	grading permit for rip rap	Permit with plans	Permit received by cashier on 4-3-80. To expire on 7-3-80.
3/9/1983	#1789	building permit for rip rap	Permit, Plans	Building Permit dated 3-16-83. No final noted.
11/10/1983	#83-1364-DP	Parks & Rec. 1yr use permit for work across state park land. Add rip rap. With Grading Permit #1991	Permit, Plans	Permit in file. No final inspection noted?
4/10/1989	#88-0926	replace retaining wall	Permit, Plans	Approved 1/6/89. See below for building permits

Date of permit	Permit Number	Description	Plans or Exhibit	Action/Notes (voided, finalized, etc)
9/17/1985	0008143-00079940	Upgrade foundation	Permit, Plans	Finalized per special inspection # 93168 (6/25/1990)
12/8/1989	#4616	Emergency permit to repair rip rap		Void. Permit #3529D issued 6-28-90, for repair, final inspection
11/27/1991	Coastal #91-0939	Replace rip rap	Permit, Plans	permit approved, Dated 11-27-1991, with job copy plans
7/17/1989	#90680	relocate gas meter & install piping for existing SFD. Includes "owners statement of new construction", dated 10/6/1989	Permit	unknown final inspection/permit status
6/8/1990	Permit #90-0198*2	To construct 98 sf addition and 732 sf deck and spa	Permit, Plans	Staff approval (ZA) on June 8, 1990. Have building permit application
6/25/1990	#93168	Special Inspection to Final BP #79940	permit	underfloor steel ok 6/27/90
6/28/1990	0003529D	Earthquake damage repair	permit card	
8/20/1990	Building Permit #4428M	Room addition and remodel		Approved by all depts. 8/20/90. Void
8/27/1990	Building Permit #093727	Room addition and remodel	permit	Finalized on 8/30/91. County of SC Bldg website permit review tracking shows application status as "void".
3/25/2005	Coastal #04-0488	Amend #90-0198. Remodel, room addition, add 1 story 175 sf solarium.	permit, conditions	Approved 3/4/05. Conditions recorded March 25, 2005.
11/17/2005	Building Permit #0057340M-00142562	Construct 1 story 175 sf solarium w/15 sf covered porch	Job copy plans	special inspection 142562 approved 11-14-05 with final inspections happening 5/4/06.
5/30/2012	#121143	replace garage with new 2-story garage	applic, staff report, permit	Final Action Feb 1, 2013. see #131264

Date of permit	Permit Number	Description	Plans or Exhibit	Action/Notes (voided, finalized, etc)
2/24/2014	Application 141027 submitted to County Planning	Bluff stabilization, extension of public outlook area and safety measures	Permit, conditions	Coastal Permit approved by planning 5/28/14. Application withdrawn on 3/16/15
4/29/2014	Approval of permit #131264 (revise 121143)	Construct 436 sf garage (plans show 448 sf) with 189 sf storage loft; 6' high solid fence within 17'6" of the coastal bluff & 4' open wire or vertical rod 4' high fence to terminus. Reduced the width of the garage by 2 ft and added 36 sf of storage to the rear. Also added 189 sf storage room with dormers in attic	Approval letter, Permit, Plan, staff report	Coastal Final Action May 13, 2014
5/30/2015	Recorded Declaration of Restrictions	To maintain garage/workshop and storage loft as non-habitable accessory structure		
8/21/2014	Building Permit #B-142530 issued	Construct 2 story garage 448 sf lower floor and 189 sf second level accessed by an exterior spiral staircase		Pending
8/21/2014	Building Permit #B-143341 issued	demo existing garage		Pending
2/26/2015	Notice of Correction issued for B-142530	For revised rear roof elevations	Notice	Pending
3/24/2015	Stop Work Notice issued	Alleged basement conversion		Pending

SCOPE OF WORK:

Remove existing 1 car garage & build new 2 car garage.

1. Labor 2000 hrs.
2. Materials 1000 cu. ft.
3. Foundation 1000 sq. ft.
4. Framing 1000 sq. ft.
5. Siding 1000 sq. ft.
6. Windows 1000 sq. ft.
7. Doors 1000 sq. ft.
8. Roof 1000 sq. ft.
9. Electrical 1000 sq. ft.
10. Plumbing 1000 sq. ft.
11. HVAC 1000 sq. ft.
12. Other 1000 sq. ft.

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8. Roof 1000 sq. ft.
9. Electrical 1000 sq. ft.
10. Plumbing 1000 sq. ft.
11. HVAC 1000 sq. ft.
12. Other 1000 sq. ft.



STEEL PLAN

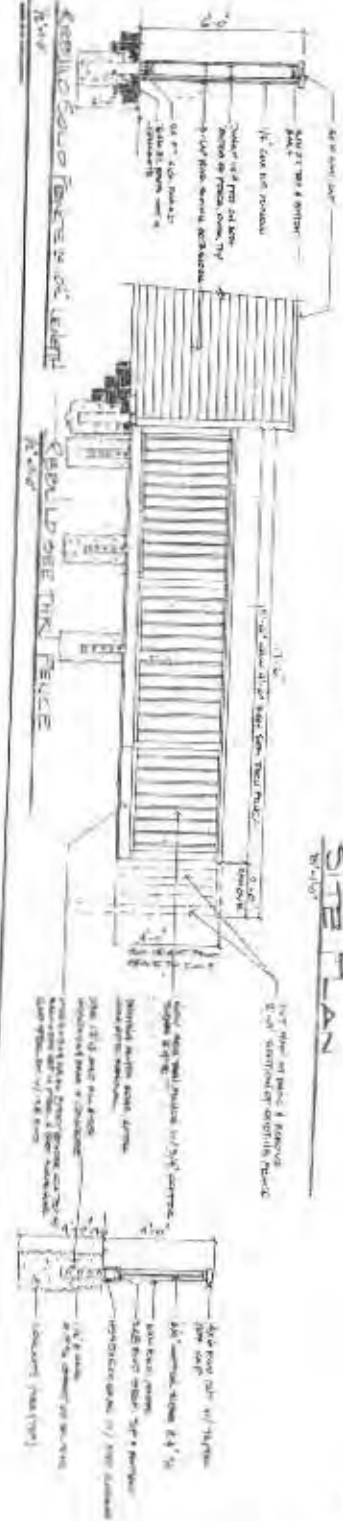
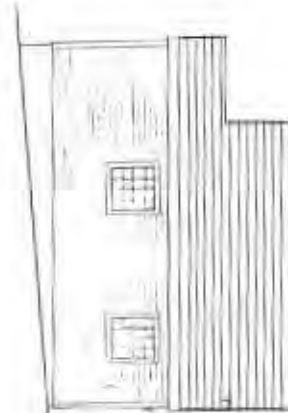


EXHIBIT 1

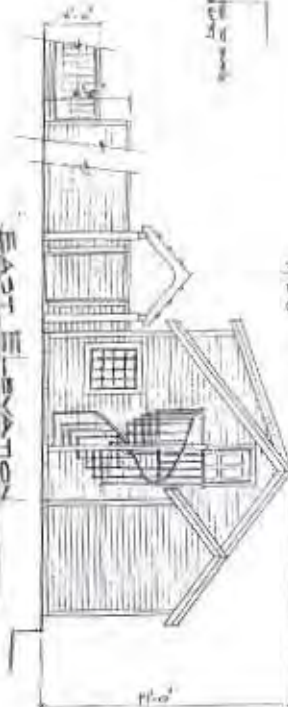
EXHIBIT 2

SOUTH ELEVATION

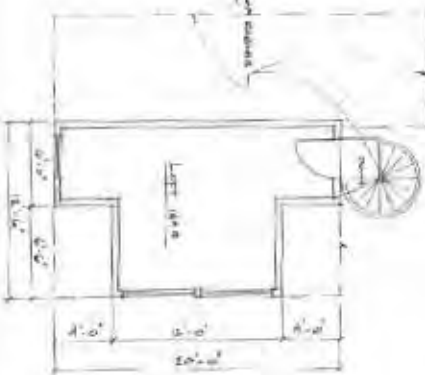


WEST ELEVATION

EAST ELEVATION



FLOOR PLAN



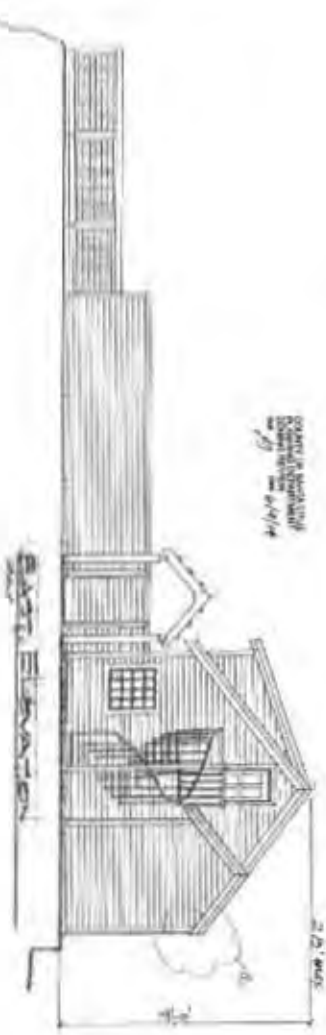
LOFT OVER GARAGE

PROPOSED 2 CAR GARAGE FOR:
MR. & MRS. REED SEGRETER
150 1/2 W. 100th AVE. NORTH CENTRAL 15000

LARRY REED
CONSTRUCTION & DESIGN
LARRY REED
200 1/2 W. 100th AVE.
NORTH CENTRAL 15000

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EXHIBIT 3



West Elevation

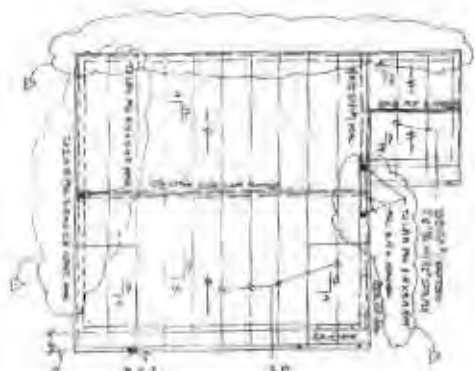


NOTES:
1. SEE PLAN FOR DIMENSIONS AND LOCATIONS.
2. SEE SECTION FOR DETAILS AND MATERIALS.
3. SEE SPECIFICATIONS FOR FINISHES AND CONSTRUCTION.
4. SEE NOTES ON DRAWING FOR ADDITIONAL INFORMATION.

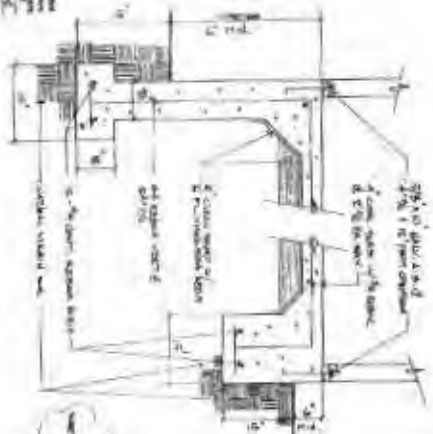
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PROPOSED 2-CAR GARAGE FOR:	
MR. & MRS. REED GIESSEN	
3015 1/2 AVE. SANTA CRUZ, CA. 95061	

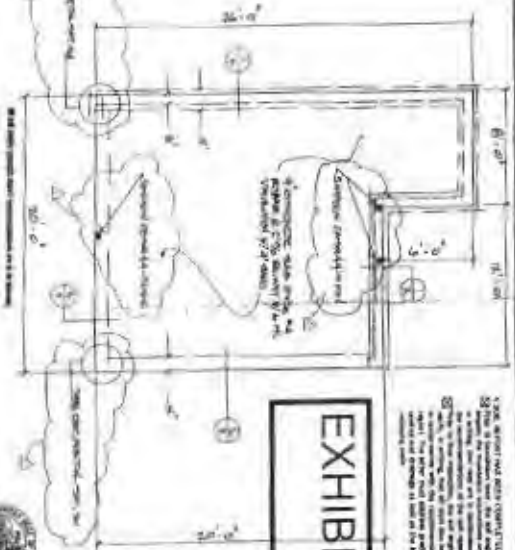
LARRY REGO	
CONSTRUCTION & DESIGN	
10/1/17	10/1/17



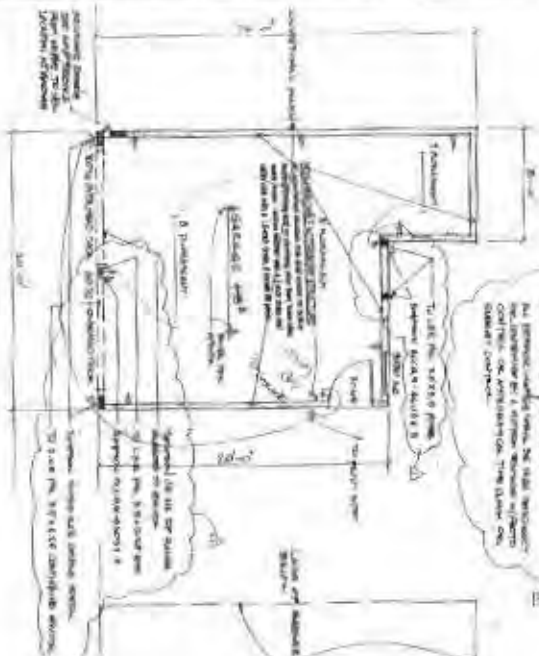
Roof Framing Plan



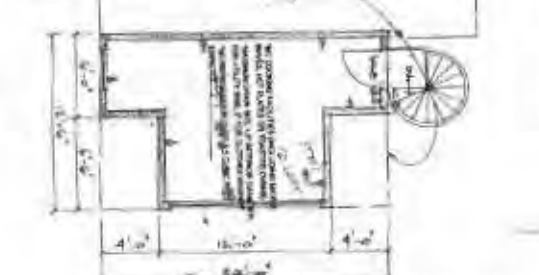
Detail



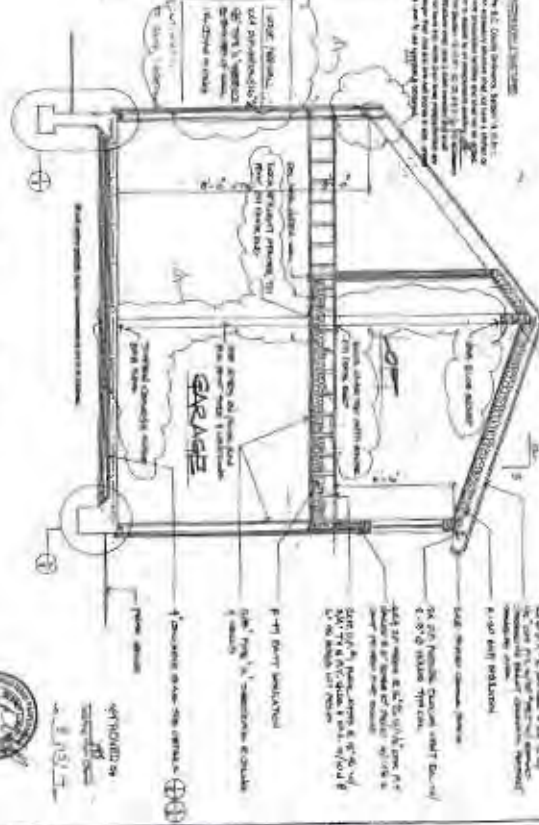
Foundation Plan



Floor Plan



Detail



Garage Section

EXHIBIT 4

1. This document and any exhibits attached hereto shall be the property of the City of Los Angeles and shall remain the property of the City of Los Angeles. 2. This document and any exhibits attached hereto shall be used only for the purpose for which they were prepared and shall not be used for any other purpose. 3. This document and any exhibits attached hereto shall be returned to the City of Los Angeles upon request. 4. This document and any exhibits attached hereto shall be destroyed if not returned within 90 days of the date of the request for return.

JOB COPY



PROPOSED SOLARIUM
JEWEL AND GILK DESIGNER

PROJECT NUMBER

EXHIBIT 5-

JOB COPY



DAVID A. GILK
PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
LICENSE NO. 44444
EXPIRATION DATE 12/31/2010
OFFICE: 1000 17TH AVENUE, SUITE 100, BERKELEY, CA 94704
PHONE: (415) 841-1111
FAX: (415) 841-1112
E-MAIL: DAVE@GILKDESIGN.COM
WEBSITE: WWW.GILKDESIGN.COM

THIS SET SHALL BE USED IN CONJUNCTION WITH THE OTHER SETS OF DRAWINGS FOR THE PROJECT. THIS SET SHALL BE USED IN CONJUNCTION WITH THE OTHER SETS OF DRAWINGS FOR THE PROJECT. THIS SET SHALL BE USED IN CONJUNCTION WITH THE OTHER SETS OF DRAWINGS FOR THE PROJECT.

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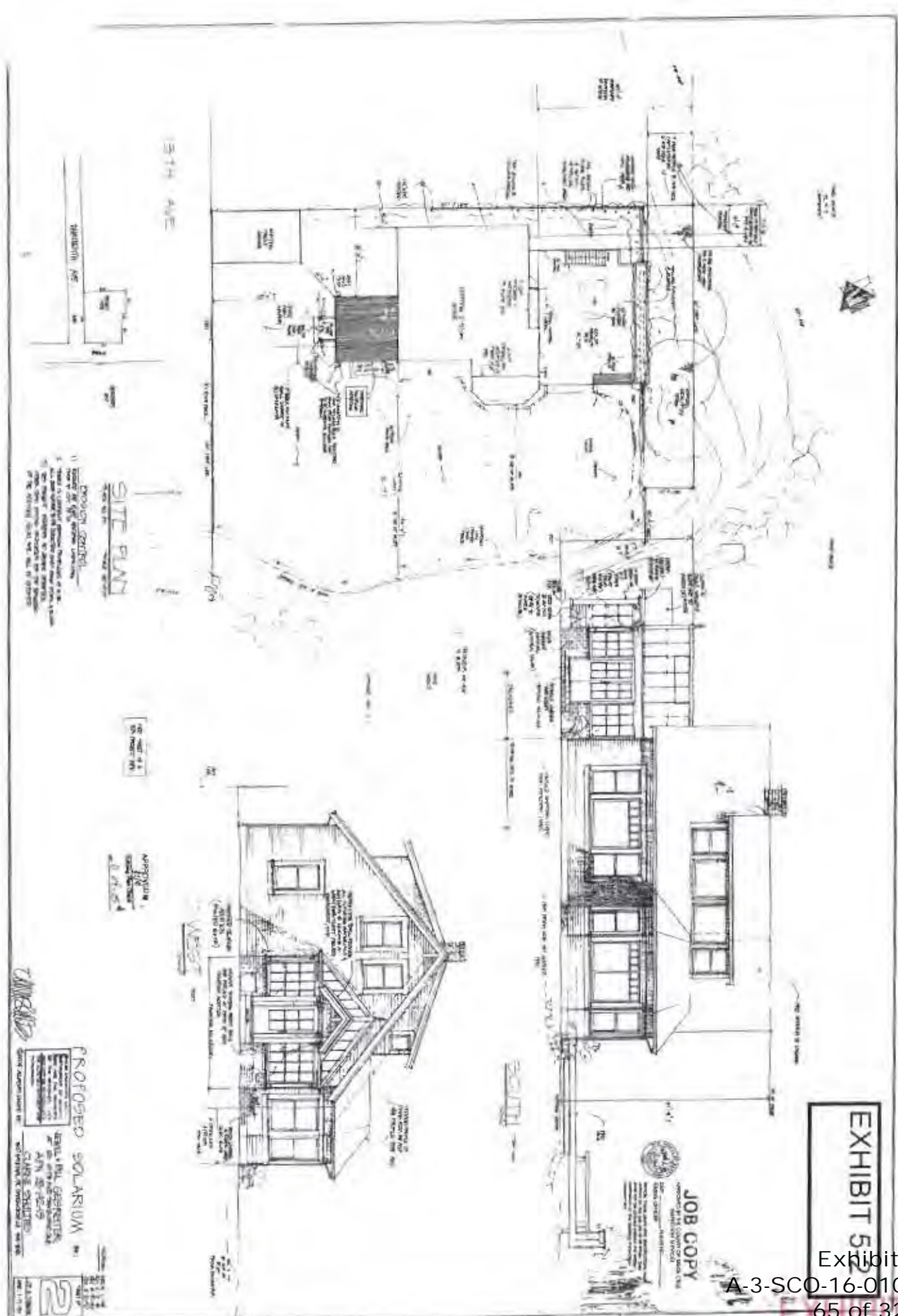
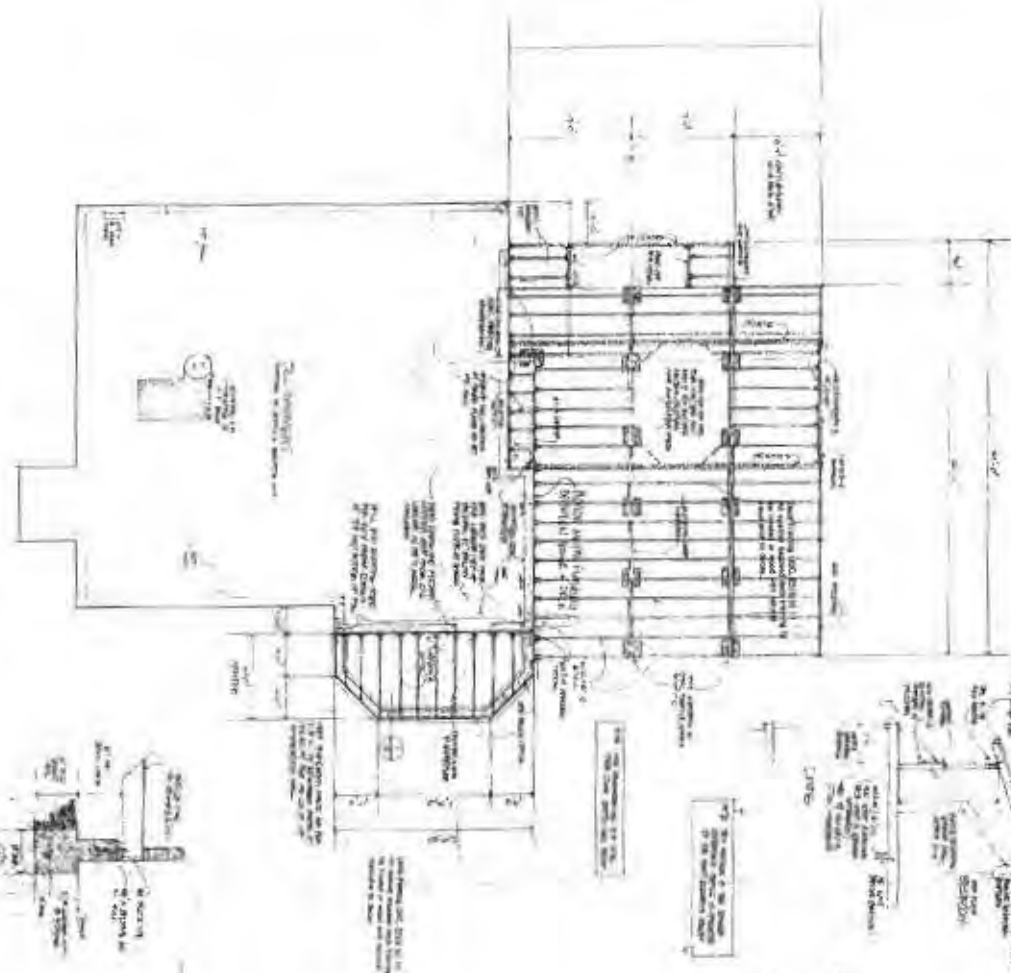


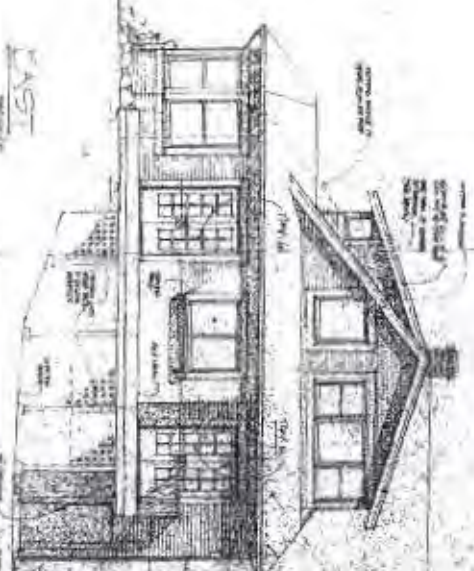
EXHIBIT 52

FOUNDATION PLAN

DETAIL



EAST



SECTIONS



IMPORTANT

EXHIBIT 62

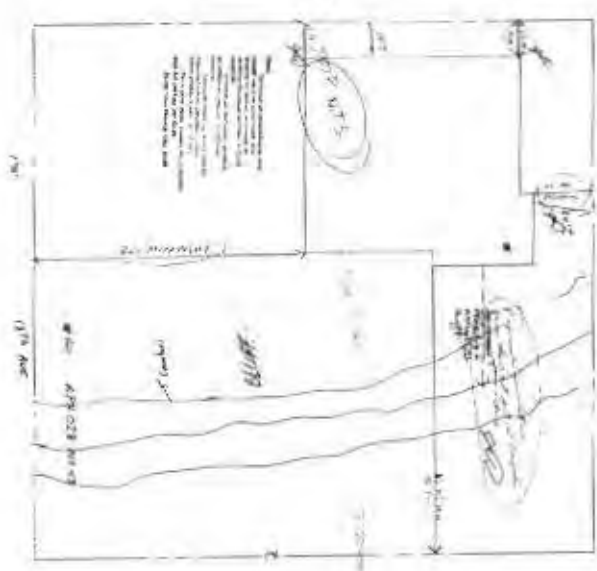
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EXHIBIT 3-3

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COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

WHAT IS REQUESTED:
The following is a description of the proposed project and the information requested for the project.



SITE PLAN

1/2" = 1' - 0"



	SUBMITTER'S SIGNATURE DATE: 10/10/16
	COUNTY OF SANTA CRUZ PLANNING DEPARTMENT 1000 N. ZEPHYRUS AVE., SUITE 200 SAN JUAN, CA 95075

FLOOR PLAN

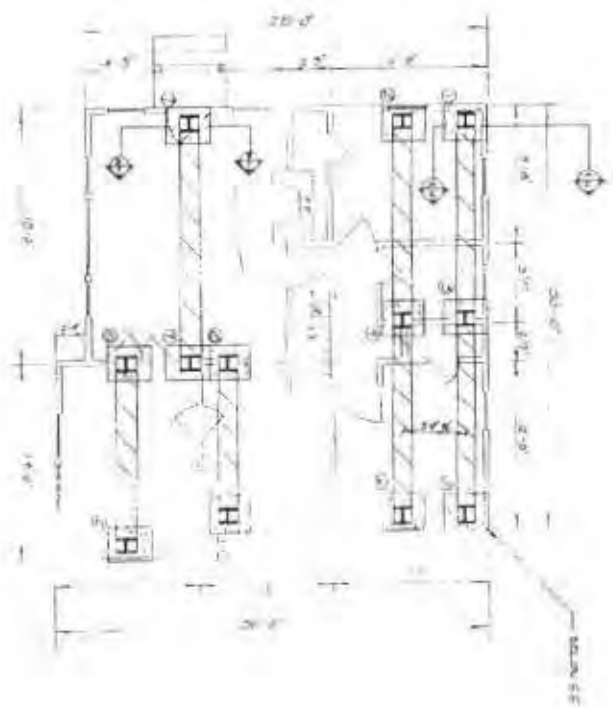
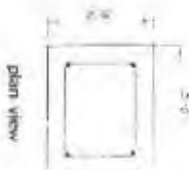
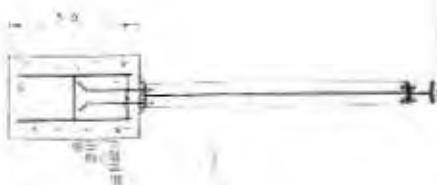


Exhibit 3
O-16-0100
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SECTION A-A
* FOR PILES 1 AND 2 ONLY



SECTION B-B
• FOR FULLY TYPICAL

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Staff Report to the Zoning Administrator

Application Number: **121143**

Applicant: Larry Rego
Owner: Reed Geisreiter
APN: 028-142-13

Agenda Date: January 18, 2013
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: The proposal is to replace an existing nonconforming detached one car garage with a 440 square-foot two car garage that will be attached to the existing single-family residence by a breezeway, to replace a six-foot high wood fence located within a required 20 foot front yard with a new six foot high wood fence and to install landscape and yard improvements including a replacement spa on the existing deck, paving, a fire pit and addition of a cooking island on a property in the R-1-6 and PR zone districts. This requires an Amendment to Coastal Development Permits 90-0198 and 04-0488, a Variance to reduce the required 20 foot front yard and 5 foot north side yard setback for the new garage to around zero feet for the eave overhang, one foot to building walls, and an Amendment to Residential Development Permit 76-1143-U and a Coastal Development Permit for landscaping and to replace the existing six foot high fence with a similar fence within 50 feet of a coastal bluff.

Location: The property is located on the east side of 13th Avenue (120 13th Avenue) approximately 860 feet south of the intersection with Prospect Street.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Amendment to Coastal Development Permits 90-0198 and 04-0488 and Residential Development Permit 76-1143-U, a new Coastal Development Permit, and a Variance

Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|--|
| A. Project plans | G. General Plan Maps |
| B. Findings | G. Coastal Development Permit P-77-933. |
| C. Conditions | H. Historical photo (1933) to show original carport. |
| D. Categorical Exemption (CEQA determination) | |
| E. Correspondence | |
| F. Assessor's, Location, Zoning and | |

Parcel Information

Parcel Size:	12,850.22 square feet
Existing Land Use - Parcel:	Residential and beach
Existing Land Use - Surrounding:	Residential parcels to the north and west, beach area to the east and south
Project Access:	13 th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UL / O-R (Urban Low Residential / Existing Parks and Recreation)
Zone District:	R-1-6 / PR (Single-Family Residential /Parks and Recreation)
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:	Coastal bluff and beach area
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	Developed portion of site gently sloped, coastal bluff slopes down towards the beach on the south and east.
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Santa Cruz City Water
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

History

The original approximately 1,272 square foot dwelling and a detached garage of 198 square feet were constructed on the parcel in 1924, prior to the adoption of zoning regulations. Based upon a recent survey, neither structure conforms to the current setback requirements for the zone district. The dwelling was constructed approximately three feet, eight inches from the northern property boundary and the garage was constructed in the northwestern corner of the property such that the walls are at the property line and the eaves encroach into the neighboring parcel to the north and into the right-of-way for 13th Avenue.

In 1976, Residential Development Permit 76-1143-U was approved to construct a six foot high wood fence along the western property boundary within the required front yard setback of the parcel. This fence extends southwards from the corner of the existing garage and continues beyond the end of 13th Avenue, terminating at the coastal bluff. As shown on the elevation submitted in support of Coastal Development Permit, P-77-325, issued by the California Coastal Commission, the maximum approved fence height is between 6 feet 5 inches and 6 feet 9 inches, depending on the grade below, and southern most portion of the fence was reduced by 2 feet 9 inches in height so that the fence would not obscure public views of the beach from the end of 13th Avenue. Permits were also approved for additions to the dwelling, in 1990 Coastal Development Permit and Residential Development Permit 90-0198 was approved for a the construction of a 98 square foot addition and a 732 square foot deck with a spa at the existing nonconforming dwelling and in 2004 application 04-0488 for an Amendment to 90-0198 was approved to construct a 175 square foot solarium and entry porch. There have been no major changes to the garage, although the original single-car carport that was attached to the southern elevation fell into disrepair and was demolished in 1980. Although no replacement carport was constructed, a paved parking area remains adjacent to the garage.

In addition to the above development permits for additions to the dwelling and for landscape improvements to the yard area, there have been several permits issued over the years for retaining structures, including the placement of rip rap to stabilize the coastal bluff that runs through the property.

Project Setting

The parcel is located at the southern end of 13th Avenue and includes approximately 9,000 square feet of developable land and an area of beach that lies to the south that is separated from the main portion of the parcel by the coastal bluff. The coastal bluff, which is approximately 24 feet in height and protected at its base by rip-rap, runs roughly north-south along the eastern property boundary and then turns westwards across the parcel. The parcel is developed with a two story single-family dwelling that has extensive permitted deck areas at the eastern elevation above the coastal bluff, and also a detached single-car garage. All of the structures on the parcel are located along the northern property boundary away from the ocean with open yard areas to the south towards the coastal bluff.

The house and detached garage on the parcel are located on the eastern side of 13th Avenue adjacent to where the road dead-ends at the coastal bluff. At the end of the street beyond a metal guard rail there is a public beach view point with a bench but no official beach access. The street is continuously developed on both sides and constitutes a mixed neighborhood that is made up of mostly older one and two story single-family residential homes along with some newer or remodeled structures. Almost all of the structures in the vicinity of the project site are nonconforming to setbacks, having been constructed prior to permit requirements, and/or have been granted a Variance or other approvals recognizing noncompliance with site standards.

The following Variances or permits for additions or remodeling to nonconforming structures have been approved for parcels that immediately surround the subject property:

APN	Location	Permits	Description
028-142-35	One parcel north of the subject parcel on the same side of 13 th Avenue.	80-59-V	Variance to reduce the required front yard to around zero feet and the required side yard to around two feet for the construction of a garage.
028-431-10	Directly across the street	3497-U	Use Permit for the construction of an addition at an existing nonconforming dwelling
028-431-09	Adjacent, across the street	89-1142	Coastal Development Permit for the construction of additions at an existing nonconforming dwelling
028-431-08	Adjacent, across the street	82-49-PD	Planned Development Permit and Variance to reduce the side yards to around four feet six inches and two feet six inches respectively, and the required front yard to around five feet for the construction of an addition.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 12,850 square feet that has split zoning. The developed portion of the lot, which has an area of approximately 6,275 square feet, is within the R-1-6 (Single-Family Residential) zone district, a designation which allows residential uses. The remainder of the lot, around 6,575 square feet, includes a portion of the side yard, the coastal bluff and beach areas, and lies in the PR (Parks and Recreation) zone district. A single-family dwelling is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing house, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. Landscaping and yard areas are consistent with the purposes of the PR zone district. The zone districts are consistent with the site's (R-U/L/O-R) Urban Low Residential/Existing Parks and Recreation General Plan designations.

This project proposes the demolition of the original nonconforming 198 square foot garage that is located in the northwestern corner of the lot, and the construction of a replacement two-car garage. The proposed garage will occupy the same approximate footprint as the original garage and an attached carport from 1947 and retains the two existing parking spaces on the parcel.

Because the replacement garage is proposed to be immediately adjacent to the right-of-way for 13th Avenue, within the required front yard for the parcel and also within the north side yard, a Variance is required as specified in County Code section 13.10.230. As detailed in the variance findings, the approval of a Variance to allow for the replacement of the existing garage with a new two-car garage in the same basic location is in character with other developments in the vicinity that are under identical zoning classification. No alternate location where a garage could realistically be constructed exists on the parcel due to the restricted access from 13th Avenue and because of the required 25 foot setback from the coastal bluff, as set out in the Geologic Hazards ordinance, County Code section 16.10.070.b(ii).

The existing garage provides a zero setback to both the north and western property boundaries and the eave line encroaches over the property boundary. Although the property owner has previously negotiated an easement with the property owner to the north to remedy this situation, as proposed the replacement garage will be constructed one foot inside the property lines to allow for the provision of a one foot eave so that no part of the proposed structure will encroach beyond the property line.

In addition to the construction of a replacement garage the project also includes the replacement of an existing fence of around six feet in height that runs along the western property boundary and landscape improvements within the side and rear yard areas of the parcel. Fences within the required front yard are limited to three feet in height as set out in County Code section 13.10.325 unless an increase in height has been approved by a Residential Development Permit. The original board fence was constructed subject to the approval of a Residential Development Permit issued by the County and also a Coastal Development Permit approved by the California Coastal Commission, therefore the proposed replacement and redesign of the fence requires an Amendment to the County-issued Residential Development Permit and a new County-issued Coastal Development Permit because the County now has the authority to issue Coastal Development Permits. The replacement fence will be constructed in approximately the same location as the existing fence, and will match the proposed garage. The design includes a reduced height section adjacent to the coastal bluff to allow for public views of the beach, as did the original fence, and recessed planting areas facing 13th Avenue for climbing plants that will break up and soften the fence in views from the street and adjacent vista point.

The proposed yard improvements that include a barbecue, replacement spa, new paving, improvements and new plantings, have been designed to be in conformance with the Geologic Hazards Ordinance regarding the protection of coastal bluffs, as set out in County Code section 16.10.070h(ii), in that no new development that will require the issuance of a Building Permit will be installed within the required minimum 25 foot setback to the top of the bluff. Further, new and improved paved areas will direct storm water run-off away from the coastal bluff towards a drainage inlet box to be discharged in a manner that will not impact the coastal bluff or the beach that lies below.

Local Coastal Program Consistency

The proposed garage and landscape improvements are to be constructed within 50 feet of a coastal bluff, and therefore a Coastal Development Permit is required as set out in 13.20.068(a)2(iv). The proposed project is in conformance with the County's certified Local Coastal Program, in that the proposed structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood as detailed in the Coastal Development Permit findings.

The project site is located between the shoreline and the first public road and there is an unofficial unpaved beach access that exists immediately adjacent to the parcel. The proposed garage and garden fence will not impact this pathway in any way. Also, because the proposed structures will replace existing structures that are in roughly the same location, they will not significantly alter the beach views from the end of 13th Avenue or views from the beach. Due to the height of the coastal bluff, the proposed replacement garage will not be visible from

the beach. Although the new fence may be visible from the beach below it will not have any greater impact than the existing fence in the same location. The proposed landscaping within the enclosed yard area will not materially affect any existing coastal vistas.

Design Review

The proposed garage and fence comply with the requirements of the County Design Review Ordinance. The new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The existing garage has a blank north facing wall which is highly visible from the neighborhood. As proposed the replacement garage includes decorative windows to increase the visual interest of the north facing wall of the garage which will enhance the aesthetic appeal of the structure. The street facing elevation of the proposed garage includes two separate garage doors as opposed to a single larger door, and this, along with a decorative vent located on the gable end, will break up the bulk and mass of the structure as viewed from the street. The proposed covered walkway that extends along the southern elevation of the proposed garage will terminate at the street with a gated entry that has a matching pitched roof that will connect to and extend the roofline of the existing entrance porch at the dwelling towards the street. The line of the replacement fence has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood and also from the public beach viewing area at the end of the street. Developed parcels in the area contain both one and two story homes that include both attached and detached garages and that reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the styles in the area.

Environmental Review

Environmental Review has not been required for the proposed project since, as proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 15303: New Construction or Conversion of Small Structures, in that the demolition of the existing single-car garage and the construction of a double garage and the landscaping of the yard area, have no potential to cause environmental impact due to the small scale of the project which has been designed to minimize drainage impacts and prevent potential damage to the coastal bluff.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121143**, based on the attached findings and conditions.

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

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

Report Prepared By: Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
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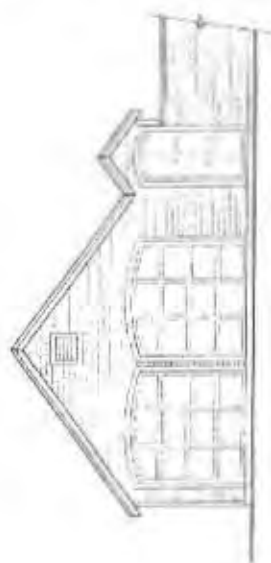
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Agarose Gel Electrophoresis (100V, 100mA, 1hr) + DNA stain + 2-mercaptoethanol
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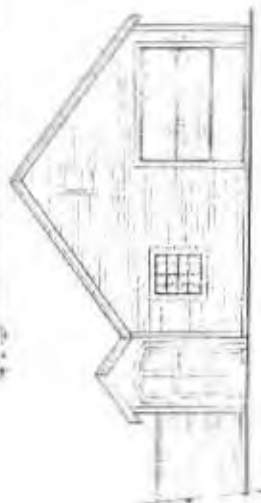
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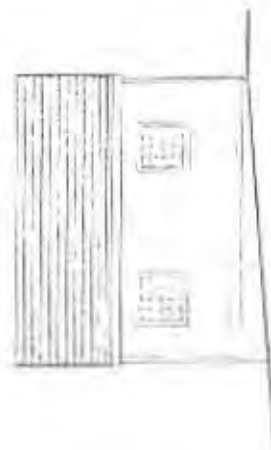
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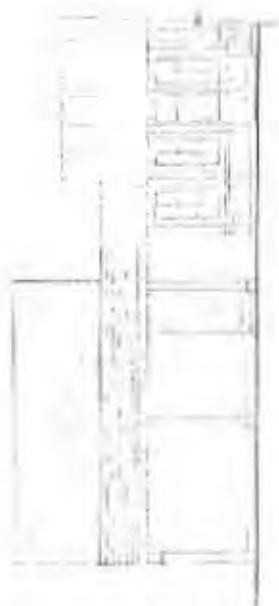
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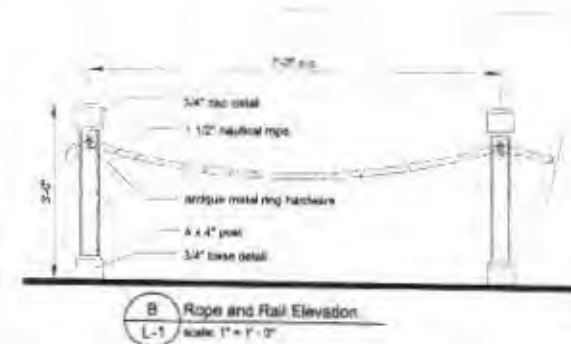
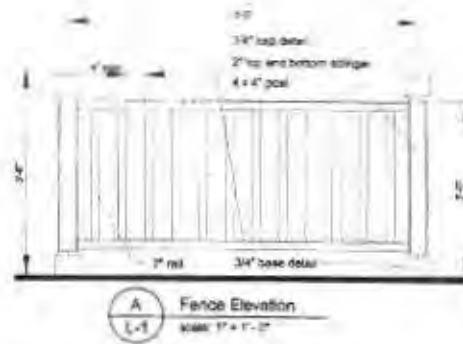
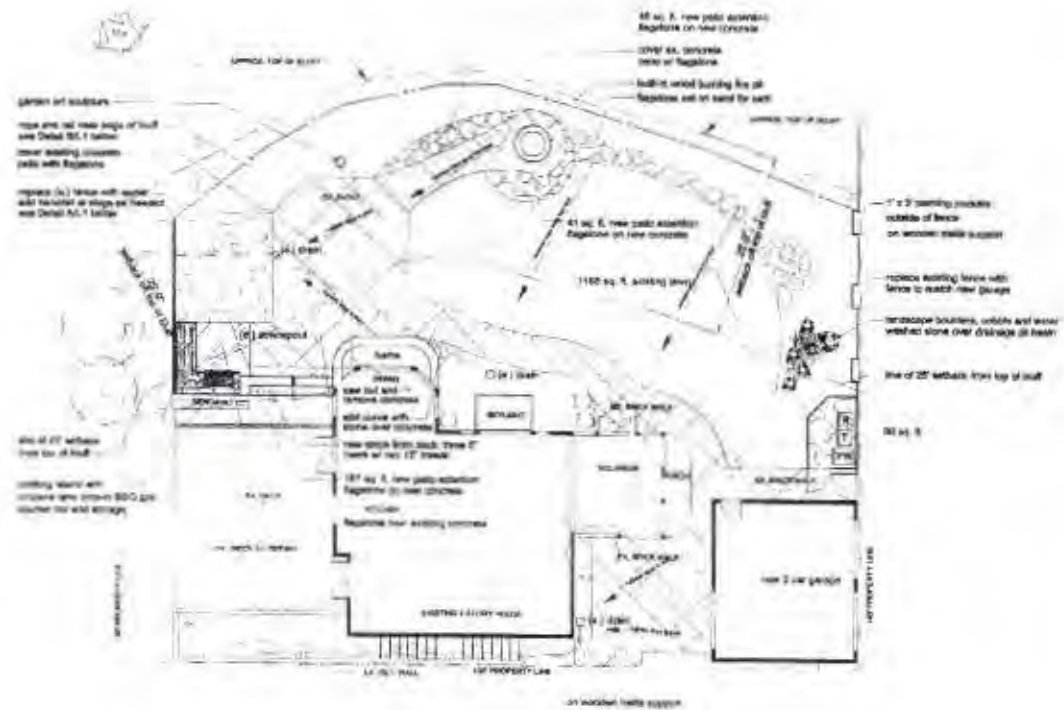
Replacement - Feb 28 Det.

DRAINAGE NOTES:

1. All surface runoff from lawn and planting beds presently slopes away from the bluff. The new landscape will maintain that flow so that no additional storm runoff will reach the bluff.
2. All existing downspouts and drains are piped to the east side of the house. These lines will be checked and repaired as needed to provide positive flow away from the house and away from the southern bluff.
3. All new paving areas will have drain inlets added if necessary to collect water and direct it away from the southern bluff.

PAVING LEGEND:

Key	Description	Area
	ex. paving to be covered with flagstone	1318 sq. ft.
	new concrete to be covered with flagstone	229 sq. ft.



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Michael Arnone + Associate
LANDSCAPE ARCHITECTURE
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Van Nuys, CA 91411
(818) 709-1111

GEISREITER RESIDENCE
120 THIRTEENTH AVENUE
SANTA CRUZ, CALIF. 95060



DATE	REVISION	BY	CHKD
4.5.12	Final review	MAA	MAA
4.5.12	2nd review	MAA	MAA
11.12	prepare plot	MAA	MAA

scale:
1/8" = 1' - 0"

sheet title:

hardscape

sheet number:

L - 1
of three

Exhibit 3

A-3-SCO-16-0100

81 of 325

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Variance Findings

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

The project is located on the portion of the parcel that is zoned R-1-6 (Single Family Residential), a designation that allows for residential uses. A single-family dwelling is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing house, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. This zoning is consistent with that portion of the site's (R-UH) Urban High Residential General Plan designation.

The special circumstance that applies to this lot is that there are no other locations on the parcel where the garage could be located. Open yard areas south of the existing dwelling are mostly within 25 feet of the top of the coastal bluff that runs through the parcel and therefore the construction of a garage in this area could not be approved as set out in County Code section 16.10.070h.(ii). Further, most of the yard area lies within the PR (Parks and Recreation) zone district, a designation that is intended for open space and park uses. Therefore development in this area is required to be for outdoor uses oriented toward the coastal location and this limits the placement of structures. An additional circumstance that limits the placement of the garage is that the pavement for 13th Avenue does not extend along the entire front property line but terminates at a point just over 30 feet south of the northeastern corner of the parcel. Therefore, any alternate location for the garage other than the proposed site would require the provision of an extensive additional paved driveway area that would increase the impervious coverage on the parcel and potentially impact drainage in the area of the coastal bluff. The proposed replacement garage which is in the same corner of the parcel, is proposed to be sited such that there will be a one foot setback to both the north and western property boundaries, which will allow for the provision of a one foot eave at the new garage without encroaching over the property line.

Therefore, this finding can be made.

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

The intent and purpose of the residential zone districts is to provide for residential uses. The Variance will allow for the replacement of an existing detached garage and adjacent paved parking area, originally covered by a carport, used in conjunction with an existing single-family dwelling in a residential zone district. The proposed garage will not deprive adjacent properties or the neighborhood of light, air, or open space in that the neighboring dwelling is set back approximately 20 feet from the street such that the front wall of the dwelling is approximately in line with the rear of the proposed garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed structure. In addition, the proposed garage is to be moved one foot further away from the neighboring parcel so that no part of the structure will encroach over the property line. The impact of the structure created by the increase in size from a one-car garage to a two-car garage will be minimal in views along

13th Avenue since the proposed garage is only one story in height and the extension of the front wall of the garage along 13th Avenue will be along the line of the existing six foot high board fence.

The proposed additions will not be materially detrimental to public health safety and welfare or injurious to property or improvements in the vicinity in that the proposed additions are to be located further from the street than the existing structure and will therefore not impair sight lines along 13th Avenue.

Therefore this finding can be made.

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

The granting of a Variance to reduce the required 5 foot side setback and required 20 foot setback to the front of a garage to one foot to the wall and zero feet to the eave will not constitute a grant of special privilege to this parcel since the garage replaces an existing structure that was in roughly the same location and which has eaves extending over the property line. A similar Variance has already been granted for a detached garage on APN 028-142-35, located one parcel to the north and on the same side of 13th Avenue as the subject parcel. Variance 80-59-V was approved to reduce the required front yard to around zero feet and the required side yard to around two feet for the construction of a garage.

Further, the proposed project is located in an area of older homes that have both attached and detached single or double garages and within a neighborhood where almost all of the structures are nonconforming with respect to setbacks or have been granted a Variance approval for reduced setbacks. Across the street, Use Permit 3497-U was approved for the construction of an addition at the nonconforming dwelling on APN 028-431-10 that lies immediately opposite the subject parcel. Coastal Permit 89-1142 was approved for the construction of additions at an existing nonconforming dwelling on APN 028-431-09, and Planned Development and Variance 82-49-PD was approved to reduce the side yards to four feet six inches and two feet six inches respectively and the required front yard to around five feet, for the construction of an addition on APN 028-431-08. The proposed enlargement and reconstruction of the existing garage within the setbacks is therefore not a grant of special privilege.

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.**

The developed portion of the property and the location of the proposed replacement garage is zoned R-1-6 (Single-Family Residential), a designation which allows residential uses. A single-family dwelling with parking and a fenced yard is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing dwelling, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. This zoning is consistent with the (R-UH) Urban High Residential General Plan designation of that portion of the site. The proposed landscape improvements are an allowed use in conjunction with the residential use of the parcel and are also consistent with the uses allowed in the PR (Parks and Recreation) zone district that encompasses the southern portion of the parcel. The PR zone district is consistent with the Existing Parks and Recreation (O-R) General Plan Designation.

Therefore this finding can be made:

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 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.**

The site is surrounded by lots developed to an urban density. Developed parcels in the area contain both one and two story homes that include both attached and detached garages and structures reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the range of styles in the area and with prior permit approvals. The proposed structures replace a smaller garage, a paved parking area that was originally covered by a carport and an existing six foot tall fence in roughly the same location. The new garage has been designed in the style of the existing home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The existing garage has a blank north facing wall which is highly visible in view from the neighborhood. However, as proposed the replacement garage includes decorative windows to break up the north facing wall and thereby enhance the appearance of the structure in views from the street and neighboring parcels. The street facing elevation of the proposed garage includes two separate garage doors as opposed to a single larger door, and this, along with a decorative vent located on the gable end, will break up the bulk and mass of the structure as viewed from the street. A covered walkway is also proposed and this will extend along the southern elevation of the proposed garage and terminate at the street with a gated entry that has a matching pitched roof that connects to and extends the roofline of the existing entrance porch at the dwelling towards the street. The line of the replacement fence where it runs southward from the entrance gate, has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood, from

the public beach viewing area at the end of the street and also from the beach. The height of the southernmost twelve foot long section of the new fence will be reduced in height by 2 feet 9 inches, consistent with Coastal Development Permit P-77-933 for the original fence, to maintain existing views at the end of 13th Avenue.

Due to the height of the coastal bluff the proposed replacement garage will not be visible from the beach to the south and west. Where the new fence is potentially visible from the beach below it will not have any greater impact than the existing fence in the same location. Further, the replacement fence will be softened and screened by the addition of planting.

In addition to the replacement garage and fence, landscape improvements are proposed within the existing yard area. These include new paving, improvements to existing paving, the installation of a propane barbecue within a counter area that has storage below, a new spa that will be located on the existing deck area as originally approved by Coastal Development Permit 90-0198, and new planting. The proposed landscaping within the enclosed yard area will not affect any existing coastal vistas. Further, the proposed improvements have all been designed in conformance with the Geologic Hazards Ordinance and all paved areas will direct storm water run-off away from the ocean so as to not impact the coastal bluff or the beach that lies below.

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 proposed garage and fence will not interfere with public access to the beach, ocean, or any nearby body of water. An unofficial beach access exists immediately adjacent to the parcel which descends on the bluff and over the rip rap from the public viewpoint at the end of 13th Avenue down to the beach. The proposed project will not impact this pathway in any way. Because the proposed structures will replace existing structures that are in roughly the same location, the proposed project will not significantly alter the beach views from the end of 13th Avenue or otherwise negatively impact the public enjoyment of the area. 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 structures are sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood, as required by the LCP, and will not materially change the visual impact of the existing structures on the parcel that are in the same area. Additionally, residential uses are allowed uses in the R-1-6 (Single-Family Residential) zone district, as well as the General Plan and Local Coastal Program land use designation.

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 the proposed two car garage and six foot high wood fence are allowed uses on the property. Construction of the proposed garage and fence 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 existing nonconforming garage was constructed with a zero setback to the property lines and with eaves that encroach into the neighboring parcel to the north and into the right of way to the west. The existing permitted six foot high fence extends the line of the garage along 13th Avenue. These existing structures meet County design criteria related to sight distance for vehicles traveling along the roadway as well as for vehicles entering and exiting the property because of their location at the end of 13th Avenue, which dead-ends just past the proposed garage due to the coastal bluff. Therefore the proposed replacement fence and garage, which are to be constructed in basically the same location as the existing structures but inside the property boundaries, also will not obstruct sight lines for traffic on 13th Avenue.

The design and location of the replacement garage will not deprive adjacent properties or the neighborhood of light, air, or open space or adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that that the neighboring dwelling is set back approximately 20 feet from the street, such that the front wall of the dwelling is approximately in line with the rear of the proposed garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed garage. In addition, the proposed garage is to be moved one foot further away from the neighboring parcel than the existing nonconforming structure, so that no part of the new structure will encroach over the property line. The fence shall not exceed the height limit that was approved by 76-1143-U, which was approved to construct a six foot high solid board fence along the eastern property boundary within the required front yard setback of the parcel. The design of the new fence also includes a reduced height section adjacent to the coastal bluff as required by the original Coastal Commission approval, to allow for public views of the beach.

Therefore, this finding can be made.

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 garage and six foot high fence and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6/PR (Single-Family Residential/Parks and Recreation) zone district as the primary use of the property will continue to be one single-

family dwelling with a garage and fenced yard area. The Zoning Ordinance does not allow the replaced garage to be located where proposed unless a Variance is obtained. Findings for a Variance have been made so the location of the replacement garage and its use is consistent with County ordinances.

The replacement fence is proposed to be located just inside the front property line in approximately the location of the existing fence that was approved by 76-1143-U. The replacement fence will not exceed the approved six foot height limit measured from the level of the adjacent street, but the design of the fence has been amended to include for planter pockets on the outside of the wall and to revise the colors and materials of the fence to match the proposed garage. These changes require an Amendment to 76-1143-U. The proposed fence is consistent with the conditions of approval of the 76-1143-U in that the fence will be in approximately the same location as the existing fence, will not exceed six feet in height above the adjacent street and will not extend closer to the coastal bluff than the existing structure. Therefore, this finding can be made.

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 proposed replacement garage and fenced yard area are consistent with the use and density requirements specified for the Urban Low Residential / Existing Parks and Recreation (R-UL / O-R) land use designation in the County General Plan.

The proposed replacement garage and fence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) because neither the garage nor fence will adversely shade adjacent properties. The proposed fence allows adequate sight distance consistent with road standards specified in the General Plan.

The proposed garage will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that in that the lot coverage will be only 18%, well below the 40% maximum that is allowed. The new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. As proposed the replacement garage includes decorative windows and two separate garage doors to increase the visual interest and to enhance the aesthetic appeal of the structure. The proposed covered walkway that extends along the southern elevation of the proposed garage will terminate at the street with a gated entry that has a matching pitched roof and the line of the replacement fence has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood and also from the public beach viewing area at the end of the street.

Developed parcels in the area contain both one and two story homes that include both attached and detached garages and that reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the range of styles in the area and will result in structures that are consistent with a design that could be approved on any similarly sized lot in the vicinity.

Therefore, this finding can be made.

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.**

The proposed replacement garage and fence are to be constructed on an existing lot developed with a single-family dwelling and garage. The proposed garage and fence will not significantly increase the amount of electricity or utilities used by the current garage and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate fixtures will not create a significant draw on electrical utilities, and the enlarged garage and replacement fence will not generate or intensify traffic and no new bedrooms are proposed.

Therefore, this finding can be made.

- 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 proposed structures will be located in a mixed neighborhood containing a variety of architectural styles, and the proposed garage and fence will be compatible with the visual character of the neighborhood in that in that the new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The proposed garage and fence will not alter or increase the density or intensity of residential use within the surrounding neighborhood.

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

This finding can be made, in that the proposed enlarged garage and replacement fence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The proposed structures have been designed to blend with the existing older residence on the parcel and therefore the project will not significantly change the character of the existing development.

Conditions of Approval

Exhibit A: Two sheets prepared by Larry Rego Construction and Design, dated May 2012, one sheet as revised October 29, 2012 and one sheet as revised November 11, 2012; three sheets prepared by Michael Arnone and Associates, Landscape Architecture, one sheet as revised December 3, 2012 and two sheets as revised October 30, 2012; and one sheet prepared by Dunbar and Craig, Licensed Land Surveyors, dated July 2012.

- I. This permit authorizes the construction of a 440 square foot replacement garage, attached to the existing single-family dwelling by a breezeway, and to install landscape improvements that include a replacement 6 foot fence within the required front yard, the addition of a cooking island with a propane tank drop-in barbecue grill, a replacement spa on the existing deck area, a fire pit, paving and new plantings in the south side and rear yards. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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. Show clearly on the plans that the walls of the garage are set back one foot within the property line and that eaves do not encroach beyond the limits of the parcel.
2. Provide an elevation of the proposed fence to show the entire length from where it attaches to the garage/gate to the coastal bluff. The fence shall not exceed 6 feet in height as measured from the level of the street and the southernmost 12 feet of the fence shall be reduced in height by 2 feet 9 inches as approved by the Coastal Development Permit P-77-933 issued by the California Coastal Commission for the original fence.
3. Elevations of the garage and fence shall indicate materials and colors to match the existing development on the parcel. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
4. Grading, drainage, and erosion control plans.
 - a. Please make clear on the plans how the existing garage and brick patio runoff drains. Identify any problems and propose any needed improvements. Please show all existing and proposed drainage features on the plans.
 - b. Please make clear on the plans the locations of the proposed downspouts and indicate how runoff will be directed to a safe point of release. Note: Projects are required to utilize Best Management Practices where feasible to treat development runoff onsite. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.
 - c. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

5. No additional drainage shall be directed toward the bluff.
 6. The irrigation plan shall be reviewed and approved by the geotechnical engineer prior to building permit approval.
 7. Improvements requiring a building permit, including the placement of utilities for landscaping features, shall be prohibited within 25 feet of the bluff top.
 8. The location of the proposed spa shall be shown on building permit plans. The new spa may be placed on the east facing deck, either in the original location approved by Coastal Development Permit 90-0198, or relocated closer to the home than the approved location, or may be placed in any other alternate location outside of the 25-foot setback from the coastal bluff.
 9. Prior to building permit issuance, the applicant shall submit the geotechnical supplemental letter referenced in the November 6, 2012 letter from Haro, Kasunich and Associates, Inc
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Complete and record a Declaration of Restriction to construct a non-habitable garage. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established

in Sections 16.40.040 and 16.42.100, shall be observed.

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.

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

Please note: This permit expires 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: January 18, 2013
Effective Date: February 1, 2013 plus Coastal Appeal Period
Expiration Date: February 1, 2016 plus Coastal Appeal Period

Wanda Williams Lezanne Jeffs
Deputy Zoning Administrator Project Planner

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

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: 121143
Assessor Parcel Number: 028-142-13
Project Location: 120 13th Avenue, Santa Cruz

Project Description: Proposal to replace an existing nonconforming detached one car garage with a 440 square-foot two car garage that will be attached to the existing single-family residence by a breezeway, to replace a six-foot high wood fence located within a required 20 foot front yard with a new six foot high wood fence and to install landscape and yard improvements including a replacement spa on the existing deck, paving, a fire pit and a cooking island.

Person or Agency Proposing Project: Larry Rego

Contact Phone Number: (831) 479 1808

- 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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. **Reasons why the project is exempt:**

Construction of a replacement garage and landscape improvements at an existing single-family dwelling in an area designated for residential use.

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


Lezanne Jeffs, Project Planner

Date: January 18, 2013

Project No. SC9803
31 May 2012

REED GEISREITER
120 13th Avenue
Santa Cruz, California 95062

Subject: Proposed Garage Expansion
Impact from Adjacent Coastal Bluff

Reference: 120 30th Avenue
Santa Cruz, California

Dear Mr. Geisreiter:

As project geotechnical and coastal engineers for maintenance of the existing rock revetment, coastal protection structure at the referenced property we presented recommendations for and inspected the repair of the revetment structure located against the coastal bluff in front of your residential structure. The riprap rock that had drifted seaward onto the beach was salvaged and replaced on the revetment structure in appropriate areas.

You propose to expand your garage by widening it 12 feet seaward. This expansion will cover an existing grouted brick patio area. The top of the coastal bluff is located 85 to 100 feet from the existing garage building. It is our opinion the expansion of the single car garage to a two car garage as proposed will not negatively impact the coastal bluff; nor will the coastal bluff impact the proposed garage addition over the next 100 years if the existing rock revetment structure is maintained.

The proposed garage expansion will cover an existing grouted brick patio area. The proposed increase in impermeable area due to expanded roof coverage over an existing impermeable patio area will result in no change to storm water infiltration rates at the reference property.


EXHIBIT
Exhibit 3
A-3-SCO-16-0100

Mr. Larry Rego
Project No. SC9803
120 Thirteenth Avenue
6 November 2012
Page 2

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:

3 to Addressee

1 to Reed Geisreiter

120 13th Avenue

Santa Cruz, California 95062



CENTRAL COAST REGIONAL COMMISSION
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CALIFORNIA 95060
PHONE: (408) 426-7390

PERMIT

November 29, 1977

William E. Geisreiter
2496 Larkspur Lane # 207
Sacramento, CA. 95825

Dear Applicant:

Re: Regional Coastal Commission
Permit Application No. P-77-033

Pursuant to Public Resources Code Section 30600, your application for a permit to perform the work described in the above numbered application has been granted by the Central Coast Regional Commission in accordance with Resolution No. 77-325, passed on 11-14-77; a copy of the resolution is attached hereto and made a part of this permit.

Please note:

(1) That this permit will become effective only when you have returned to the Regional Commission the enclosed copy of this letter, within 10 working days signed by you acknowledging thereon that you have received a copy of this letter and that you accept its contents.

(2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.

(3) This permit is issued subject to the conditions stated in attached documents, and approved plans on file with the Regional Commission. Unless otherwise provided in the conditions, all proposed changes must be submitted to the Commission prior to construction thereof.

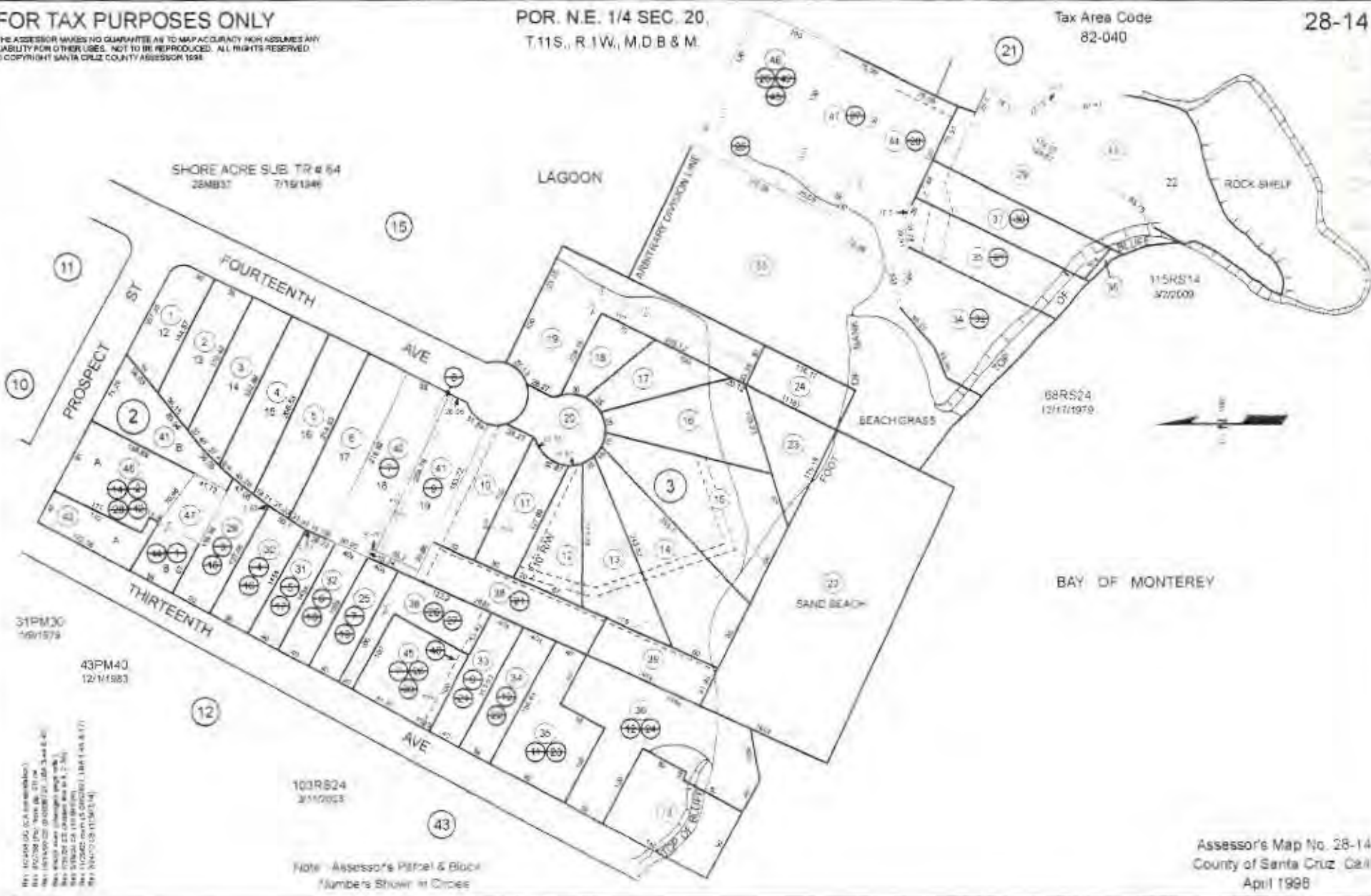
FOR TAX PURPOSES ONLY

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POR. N.E. 1/4 SEC. 20,
T.11S., R.1W., M.D.B & M.

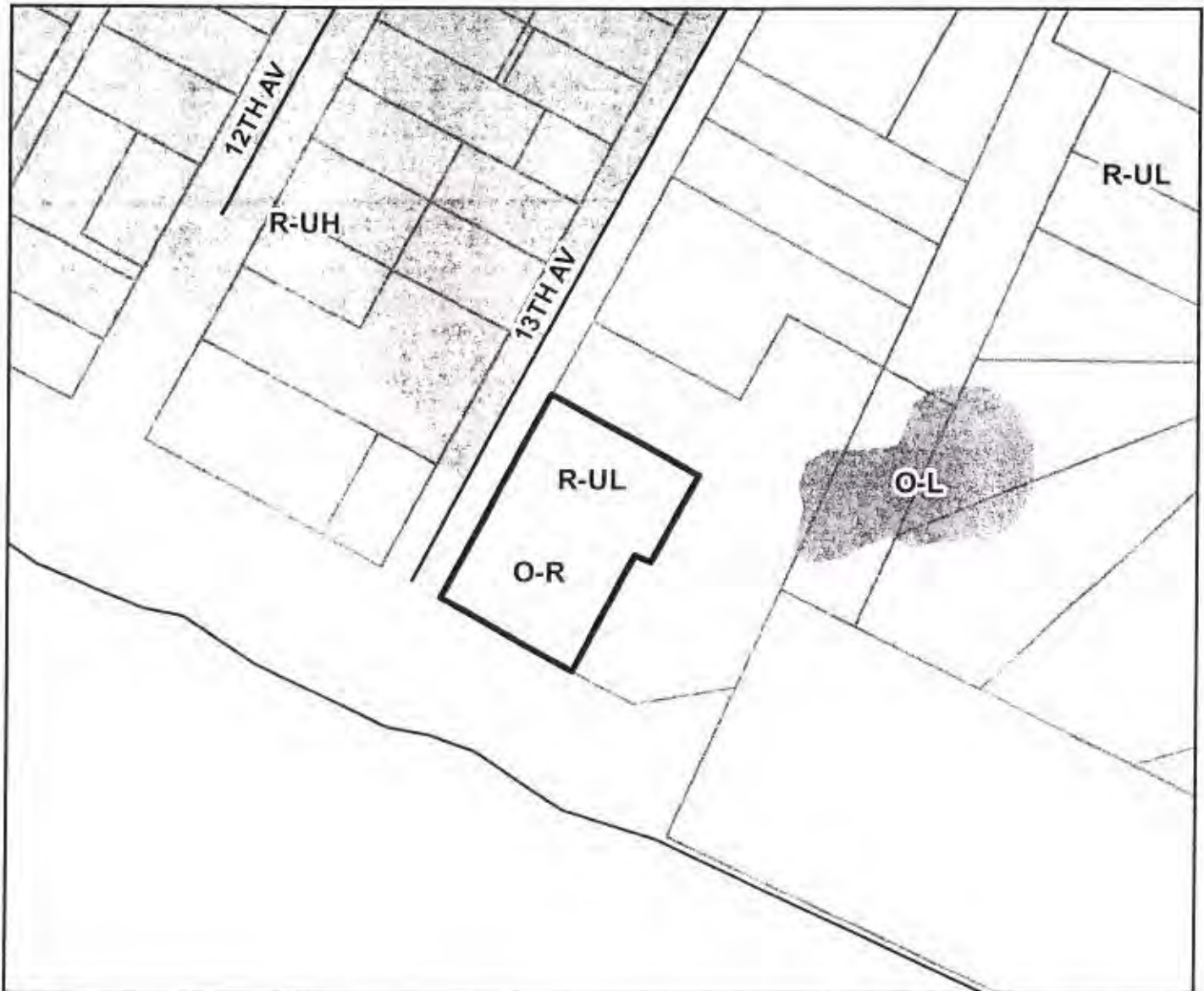
Tax Area Code
82-040

28-14






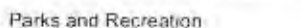




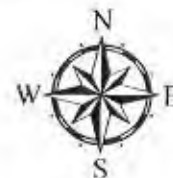


General Plan Designation Map



LEGEND

-  APN: 028-142-13
-  Assessors' Parcels
-  Streets
-  County Boundary
-  Residential - Urban Low Density
-  Parks and Recreation
-  Residential - Urban High Density
-  Lake



Map Created by
County of Santa Cruz
Planning Department
June 2012

EXHIBIT A



Zoning Map



LEGEND



APN: 028-142-13



Assessors Parcels



Streets



County Boundary

RESIDENTIAL-SINGLE FAMILY
PARK

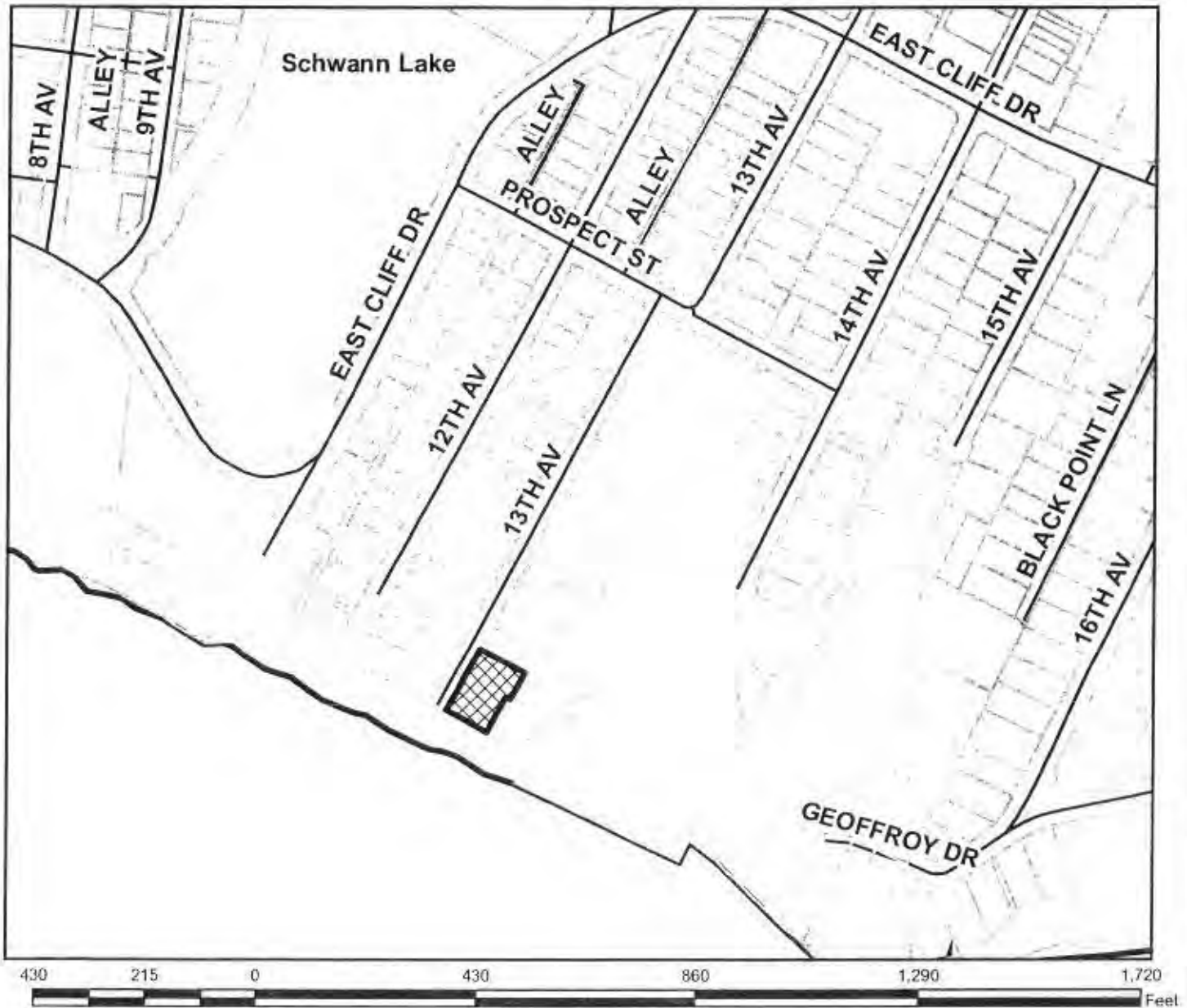


Map Created by
County of Santa Cruz
Planning Department
June 2012






EXHIBIT 3
A-3-SCO-16-0100
102 of 325



Location Map

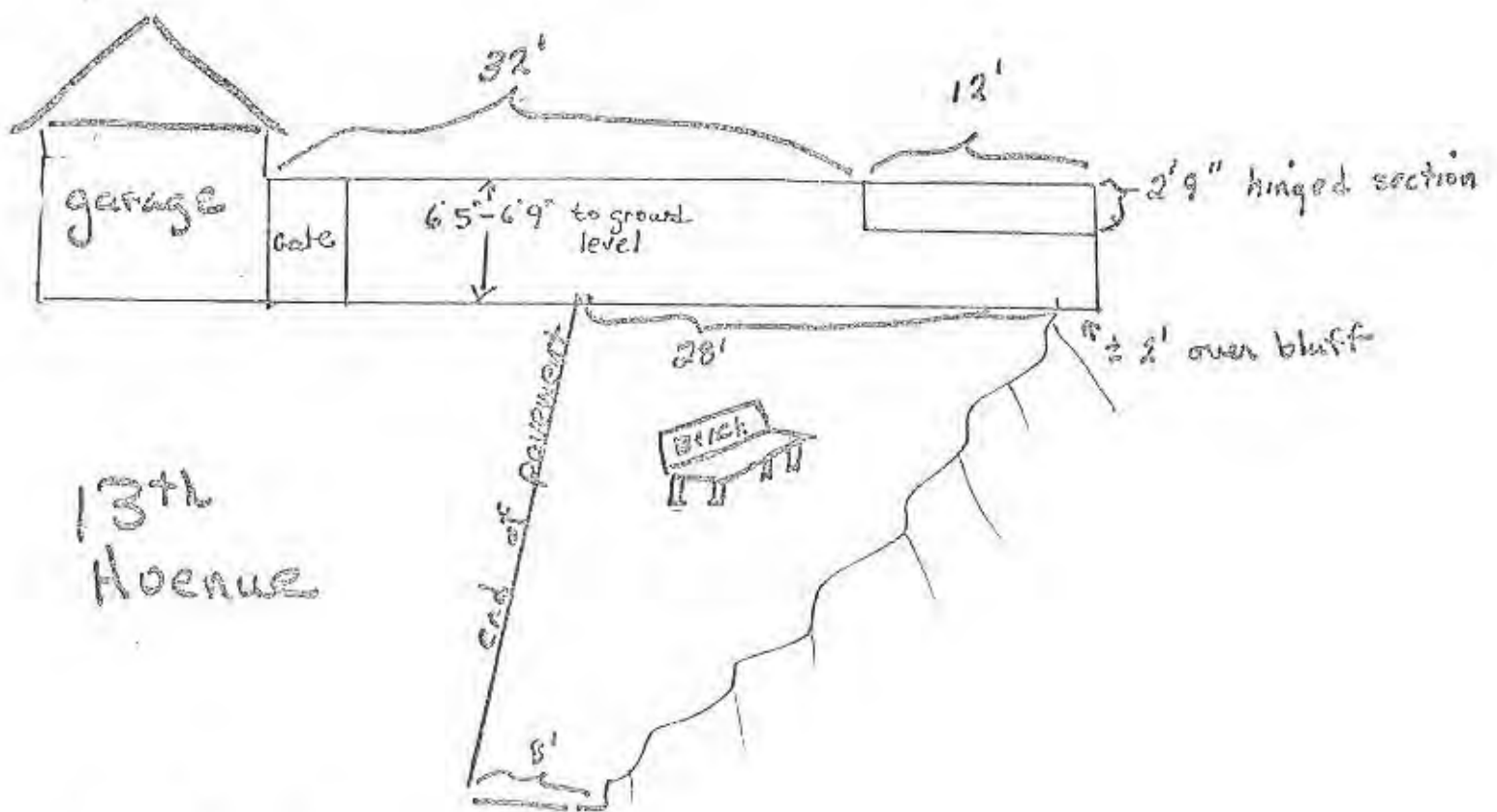


LEGEND

-  APN: 028-142-13
-  Assessors Parcels
-  Streets
-  County Boundary
-  Lakes



Map Created by
County of Santa Cruz
Planning Department
June 2012



(new) existing fence

CENTRAL COAST REGIONAL COMMISSION
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CALIFORNIA 95060
PHONE: (408) 426-7390



PERMIT

January 24, 1978

William E. Geisreiter
2496 Lakespur Lane
Sacramento, CA. 95825

Dear Applicant:

Re: Regional Coastal Commission
Permit Application No. P-77-933

Pursuant to Public Resources Code Section 30600, your application for a permit to perform the work described in the above numbered application has been granted by the Central Coast Regional Commission in accordance with Resolution No. 78-1, passed on 1-10-78; a copy of the resolution is attached hereto and made a part of this permit.

Please note:

(1) That this permit will become effective only when you have returned to the Regional Commission the enclosed copy of this letter, within 10 working days signed by you acknowledging thereon that you have received a copy of this letter and that you accept its contents.

(2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.

(3) This permit is issued subject to the conditions stated in attached documents, and approved plans on file with the Regional Commission. Unless otherwise provided in the conditions, all proposed changes must be submitted to the Commission prior to construction thereof.

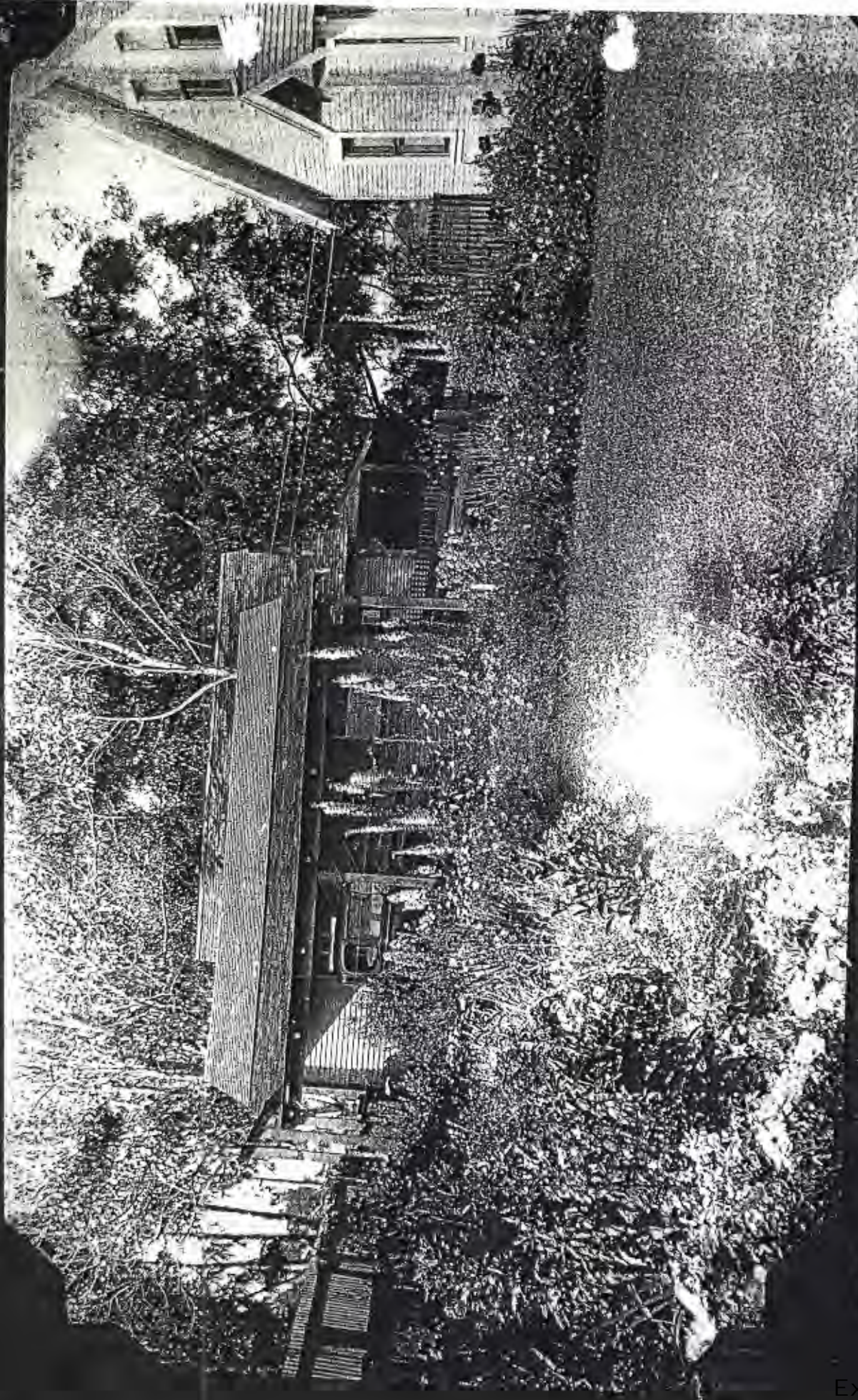


Exhibit 3
A-3-SCO-16-0100
106 of 325

EXHIBIT

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: May 13, 2014

Notice Sent (via certified mail) to:

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

See attached Exhibits
For project as revised
by 131264.

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.: 131264
Project Applicant: Reed Geisreiter
Address: 120 13th Avenue
Phone/E-mail: (831) 246 0661
Applicant's Representative: Larry Rego / Charlene Atack, Atack and Penrose LLP
Address: PO Box 1878, Capitola, CA 95010 / 1200 Pacific Avenue #260, Santa Cruz, CA 95060
Phone/E-mail: (831) 479 1808 / (831) 515 3344

Project Location: Property located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Project Description: Proposal to revise Coastal Development Permit 121143 to reduce the proposed garage from 440 square feet 436 square feet by reducing the width of the proposed garage along the street frontage by 2 feet and adding a 36 square foot storage area to the rear; to add a 189 square foot storage room with a dormer window within the attic of the proposed garage accessed by a spiral staircase; to delete the proposed breezeway; to reconstruct the entry arbor; to revise the proposed fence by deleting recessed planters and to lower the southern portion of the fence that lies within 17 feet 6 inches from the top of the coastal bluff to 4 feet in height, to change the materials of the lowered section from solid wood to a "see-through" design, and to modify the landscape plan. In addition, the proposal includes for a phased implementation of the proposed improvements so that the project can proceed independently from Coastal Development Permit 141027 a concurrent application for improvements to the public beach overlook adjacent to the subject property. Requires a Minor Variation.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body: Planning Director/Designee (Administrative review).

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

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
Elevations	X	
CEQA Document	X	
Other, Staff report and Exhibits For Coastal Permit 121143		X (2/1/13)

Coastal Commission Appeal Information

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
- Applicant's representative (Atack and Penrose LLP)



Staff Report & Development Permit Level 3 – Minor Variation

Application Number: 131264 APN: 028-142-13
Applicant: Charlene Attack / Larry Rego Owner: Reed Geisreiter
Site Address: 120 13th Avenue, Santa Cruz, CA

Proposal & Location

The proposal is to revise Coastal Development Permit 121143 to reduce the proposed garage from 440 square feet 436 square feet by reducing the width of the proposed garage along the street frontage by 2 feet and adding a 36 square foot storage area to the rear; to add a 189 square foot storage room with a dormer window within the attic of the proposed garage accessed by a spiral staircase; to delete the proposed breezeway; to reconstruct the entry arbor; to revise the proposed fence by deleting recessed planters and to lower the southern portion of the fence that lies within 17 feet 6 inches from the top of the coastal bluff to 4 feet in height, to change the materials of the lowered section from solid wood to a "see-through" design, and to modify the landscape plan. In addition, the proposal includes for a phased implementation of the proposed improvements so that the project can proceed independently from Coastal Development Permit 141027 a concurrent application for improvements to the public beach overlook adjacent to the subject property. This requires the approval of a Minor Variation.

The property is located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Analysis

This application is a proposal to change the scope of Coastal Development Permit, Residential Development permit and Variance 121143 in order to to prevent the possibility of an appeal of the approval by the California Coastal Commission.

Application 121143 was approved by the Zoning Administrator on January 18, 2013, for the demolition of an existing 207-square foot, nonconforming, one-car garage and the construction of a replacement 440 square foot, two-car garage which was to be attached to the single-family dwelling by a breezeway. The proposed project also included landscape and yard improvements on the lot including a replacement six foot high fence along the western property boundary within the required front yard, a replacement spa on the existing deck, paving, a fire pit and the addition of a cooking island.

Following the approval of 121143 by the Zoning Administrator and a 14 day appeal period pursuant to County Code section 18.10.330 (during which no appeal was filed) a Final Local Action Notice (FLAN) was sent by Certified Mail to the California Coastal Commission. The FLAN was received on February 5, 2013 commencing a 10 working day appeal period. During

the coastal appeals period the California Coastal Commission reviewed the approved staff report and plans and determined that, as proposed, 121143 was inconsistent with the previous Coastal Permit P-77-0933, issued by the Commission in 1977 for the fence along the western/front property line.

Based upon County records, the existing fence along the western/front property line had been approved by the County in 1976 subject to Residential Development 76-1143-U and a Coastal Development Permit that was issued by the Coastal Commission. Plans on file for 76-1143-U do not include any details of the approved 6 foot high wood board fence but drawings for Coastal Commission permit P-77-0933, that were provided by the applicant during the processing of 121143, showed that the southernmost 12 feet of the fence were to be reduced in height from 6 feet to 4 feet 3 inches. Therefore the approval of 121143 was conditioned to reflect the Coastal Commission approval based upon these plans. However, the final approval of P-77-0933 superceded the plans and is a written permit that includes additional conditions and requirements of which the County has no record. In accordance with P-77-0933 the southernmost 18 or 20 feet of the fence (records are unclear) was to be reduced from 6 feet to 4 feet in height and, in addition, was to be constructed to be "see through" so as to not obstruct public coastal views from the overlook at the end of 13th Avenue. The fence that is currently on the property, which appears to have been constructed in accordance with the original plans submitted for P-77-0933, is therefore in violation of P-77-0933 as it was finally approved.

In addition to the design of the proposed replacement fence, the Coastal Commission also had concerns regarding the proposed firepit and additional paving within 25 feet of the Coastal Bluff, over-mature landscaping on the lot that limits public coastal views and also with regard to the increase in the footprint of the garage and breezeway toward the coastal bluff.

As a result of these concerns the Coastal Commission indicated that the approval of application 121143 would be appealed. However, in order to prevent this from happening, it was suggested that the applicant withdraw the FLAN and work with the Coastal Commission to revise the project such that an appeal would not be required. On February 20, 2013 following discussions with the property owner, the FLAN for Coastal Development Permit, Residential Development Permit and Variance 121143 was formally rescinded. At a subsequent meeting between Planning Department staff, the applicant and the Coastal Commission it was determined that the project could be amended subject to a Minor Variation to 121143 to address Coastal Commission concerns and that following the approval of this revised project, the FLAN would be re-submitted.

Following lengthy negotiations between the Coastal Commission and the applicant, the project as approved by 121143 has been amended so as to revise the design of the fence adjacent to the coastal bluff. The southernmost portion of the fence that is within 17 feet 6 inches of the top of the coastal bluff as measured from the existing final fence post will be reduced from 6 feet in height to 4 feet. Further, the design of this lowered section will be revised from solid wood to either an open wire mesh or vertical metal rods so that the fence will be "see-through" and allow for open coastal views. In addition, the width of the garage has been reduced from 22 feet to 20 feet and the breezeway has been deleted to minimize the encroachment of any new structures closer to the coastal bluff. To compensate for the size reduction of the garage a 36 square foot workshop has been added at the rear of the garage away from the bluff and a 189 square foot storage loft with dormer windows has been added within the attic space at the second floor.

Other minor changes to the project include deletion of planter pockets on the street side of the new fence, reconstruction of the existing arbor over the front walkway and the removal of two existing mature Myoporum bushes from within the public viewshed. Further, additional conditions of approval have also been required to ensure that public coastal views from the public overlook located at the end of 13th are not obstructed. These include a requirement for ongoing pruning and maintenance of existing Eucalyptus trees along the eastern property boundary, a prohibition on any structures or yard features within the viewshed area and a requirement that the selection of plant material within five feet of the edge of the coastal bluff and within the viewshed area shall be limited to species that have a projected mature height of one foot or less.

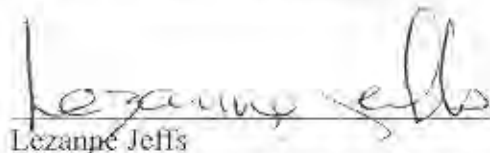
The retention of the final fence post at the bluff edge to which the lowered 17 foot 6 inch southern section of the fence is proposed to connect, is currently being reviewed separately under concurrent application 141027 for a Coastal Development Permit. This application, in addition approving the retention of the fence post, is for the installation of an upper bluff stabilization structure and public overlook improvements at the end of 13th Avenue. Therefore, in order that this application for a Minor Variation to approved Coastal Development Permit 121143 can proceed independantly of application 141027, the project includes a plan for a phased implementation of the proposed improvements. The proposed phasing of the project also allows for an alternate design for the southernmost portion of the fence should application 141027 not be approved.

These changes require a Minor Variation to Coastal Development Permit, Residential Development permit and Variance 121143.

All findings remain valid as approved for Coastal Development Permit, Residential Development permit and Variance 121143. Based on the findings for permit number 121143, which are hereby incorporated by reference, Planning Department staff recommends approval of the requested Minor Variation including the conditions contained in this permit.

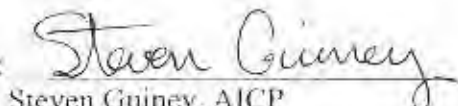
If you have any questions about this project, please contact Lezanne Jeffs at:
(831) 454-2480 or Lezanne.Jeffs@santacruzcounty.com

Report Prepared By:



Lezanne Jeffs
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: Reed Geisreiter Charlene Atack
120 13th Avenue 1200 Pacific Avenue, #260
Santa Cruz, CA 95062 Santa Cruz, CA 95060

Larry Rego
PO Box 1878
Capitola, CA 95010

Note: This decision is final unless it is appealed.

See permit conditions 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.)**

Conditions of Approval

Exhibit A. Project plans, 2 sheets prepared by Larry Rego, dated May 2012 as revised 2/20/2014, and 3 sheets prepared by Michael Arnone + Associates, as revised 2/18/2014.

- i. Phase One of this permit authorizes the construction of a 436 square foot garage with a 189 square foot storage loft above, the construction of a 6 foot high solid fence along the front property line to within 17 feet 6 inches of the coastal bluff and all associated landscaping and yard improvements as shown on Exhibit A with the exception of the southern 17 feet 6 inches of the proposed fence along the property line.

Phase Two of this permit authorizes the construction of the southernmost section of the fence along the front property line, from the final post of the 6 foot high solid fence erected under Phase One (above) towards the coastal bluff. This fence shall be "see-through" and must be designed using either an open wire mesh or vertical metal rods and have a maximum height of 4 feet. The southernmost termination of this fence shall be as follows:

- i. Option One: The existing final fence post located at the top of the coastal bluff, if this is approved by Coastal Development Permit 141027. In this case the proposed fence will connect to the proposed safety rail at the public overlook and the design of the fencing will be the same as that approved for application 141027.
- ii. Option Two: If retention of the existing fence post cannot be approved subject to application 141027, the southern portion of the fence will automatically be revised to allow for the installation of a replacement final fence post that is set back two feet from the edge of the existing coastal bluff. The existing fence post will then be removed. However, if the California Coastal Commission approves an alternate location for a replacement fence post or can approve the retention of the existing fence post separately from the approval of 141027, and this agreement between the parties is submitted to the Planning Department in writing, then this alternate final design may be implemented. The design of the southernmost portion of the fence may then be either an open wire mesh or vertical metal rods as preferred by the California Coastal Commission.

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. **The conditions of approval of this permit (131264) replace/supersede the conditions of permit number 121143.**

- B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit for Phase One 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 but will eliminate the portion of the fence to be constructed as Phase Two. Any other 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.
 - B. The final plans for Phase One shall include the following additional information:
 - 1. Show clearly on the plans that the walls of the garage are set back one foot within the property line and that no portion of the structure, including the eaves/gutters etc., encroach beyond the limits of the parcel.
 - 2. Provide elevations of the proposed fence to show the entire length from where it attaches to the garage/gate to the coastal bluff. The fence shall not exceed 6 feet in height as measured from the level of the street and the southernmost 17 feet 6 inches of the fence shall be reduced in height to a maximum height of 4 feet and shall be constructed of an open mesh.
 - 3. Elevations of the garage and fence shall indicate materials and colors to match those of the existing single-family dwelling. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

4. Grading, drainage, and erosion control plans.

- a. Please make clear on the plans how the existing garage and brick patio runoff drains. Identify any problems and propose any needed improvements. Please show all existing and proposed drainage features on the plans.
- b. Please make clear on the plans the locations of the proposed downspouts and indicate how runoff will be directed to a safe point of release. Note: Projects are required to utilize Best Management Practices where feasible to treat development runoff onsite. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.
- c. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

5. No additional drainage shall be directed toward the bluff.
6. The irrigation plan shall be reviewed and approved by the geotechnical engineer prior to building permit approval.
7. Improvements requiring a building permit, including the placement of utilities for landscaping features, shall be prohibited within 25 feet of the bluff top.
8. The location of the proposed spa shall be shown on building permit plans. The new spa may be placed on the east facing deck, either in the original location approved by Coastal Development Permit 90-0198, or relocated closer to the home than the approved location, or may be placed in any other alternate location outside of the 25-foot setback from the coastal bluff.
9. Prior to building permit issuance, the applicant shall submit the geotechnical supplemental letter referenced in the October 15, 2010, May

31, 2012, and November 6, 2012 letters from Haro, Kasunich and Associates, Inc

10. Prior to building permit issuance, the applicant shall provide geotechnical recommendations for the proposed two-story garage.
 11. Prior to building permit issuance, the applicant shall provide a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at sccoplanning.com by navigation to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
 12. Prior to building permit issuance, the applicant shall submit a construction staging and access plan to be reviewed by the County Geologist.
 13. Prior to building permit final, the applicant shall submit:
 - a. Final inspection form, signed and stamped by the soils engineer;
 - b. Final inspection form, signed and stamped by the project geologist;
 - c. Final inspection form, signed and stamped by the civil engineer.
 14. Landscaping: The two mature *Myoporum* bushes closest to the coastal bluff shall be removed. All planting within 5 feet of the bluff edge shall be non-invasive, drought tolerant or native species that may trail over the edge of the bluff. In addition, such planting shall be limited to species that have a projected mature height of one foot or less.
- C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- D. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- E. Complete and record a Declaration of Restriction to construct a non-habitable garage with a storage loft above. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- F. Prior to the implementation of Phase Two of this project (no Building Permit is required for a fence), the applicant must submit final plans for review and approval by the Planning Department. The final design submitted for Phase Two shall conform to the requirements set out in section I. (above) and, if required, shall include written approvals and additional conditions of approval as set out by the California Coastal Commission.

III. All construction shall be performed according to the approved plans for the building permit (Phase One) and plans required at II.F. above (Phase Two). 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. All work within a County road right-of-way shall require an encroachment permit.
- 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. All landscaping on the lot shall be maintained in good condition. No new structures, garden features or replacement plants that block or otherwise impede public coastal views shall be allowed in the view corridor shown on Exhibit A or within 5 feet of the coastal bluff. Existing mature Eucalyptus trees on the eastern edge of the property shall be trimmed as required so as to not obstruct the view corridor.
- B. 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 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: April 29, 2014
Effective Date: May 13, 2014 plus Coastal Appeals period
Expiration date: May 13, 2017 plus Coastal Appeals period

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **131264** (APN 028-142-13) 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 028-142-13) 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 may appeal an action or decision taken on a Level III project such as this one. Appeals of decisions of the Principal Planner 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 upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

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: 131264

Assessor Parcel Number: 028-142-13

Project Location: 120 13th Avenue, Santa Cruz, CA

Project Description: Minor revisions to the design of an existing approved garage to include a revised footprint, the addition of a storage loft and deletion of a breezeway, resulting in a reduced footprint by structures, and minor changes to approved landscaping and yard improvements plan to include eliminating planter pockets along the fence at the front property boundary, to reduce the height of the southernmost 17 feet 6 inches of the fence to a maximum height of 4 feet and change the design from solid wood to an open mesh or vertical rods and to modify the planting plan.

Person or Agency Proposing Project: Charlene Atack / Larry Rego

Contact Phone Number: (831) 515 3344

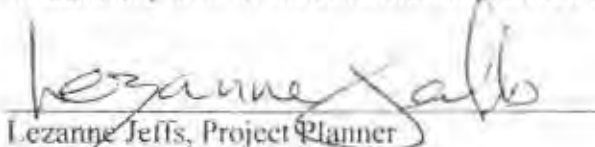
- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal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

Specify type: Class 4 -Minor Changes to land use limitations (Section 15304)

F. Reasons why the project is exempt:

Revisions to the design of an approved replacement garage and other minor revisions to the approved landscaping and yard improvements including a revised fence design that will result in a reduced impact on the surrounding neighborhood and adjacent public beach overlook.

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


Lezanne Jeffs, Project Planner

Date: April 29, 2014



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 20, 2014

Charlene Attack
1200 Pacific Avenue #260
Santa Cruz, CA 95060

Subject: **Complete Application Submittal**
Application #: **131264**; Assessor's Parcel #: **028-142-13**
Owner: **Reed Geisreiter**

Dear Charlene Attack:

On February 24, 2014, you submitted additional information in support of the application for a Minor Variation to Coastal Development Permit, Residential Development Permit and Variance 121143. As March 20, 2014, this application has been considered **complete** for further processing.

The next phase in the processing of your application will be the preparation of a staff report with recommendations to the appropriate decision-making body (Principal Planner). If additional materials or information are necessary to prepare the staff report, Planning Department staff will contact you.

Possible outcomes include: approval (with conditions) or denial, of your proposed project.

Administrative decisions such as this can be appealed to the Zoning Administrator. In addition, because your project is within the appeals jurisdiction of the Coastal Zone it will also be appealable to the California Coastal Commission.

It is important to understand that although your application has been found to be complete for further processing, the Planning Department may, in the course of processing the application, request that you clarify, amplify, correct, or otherwise supplement the information required for this application, or to submit additional information to comply with the provisions of Division 13 (California Environmental Quality Act) of the Public Resources Code. Please note that the environmental determination for this project has not been made at this time and the environmental determination for this project, required by the California Environmental Quality Act, shall be made at the time the final action is taken on this project by the appropriate decision-making body.

Should you have further questions concerning this application, please contact me at:
(831) 454-2480 or e-mail: lezanne.jeffs@co.santa-cruz.ca.us

Sincerely,

Lezanne Jeffs
Project Planner
Development Review

Cc Larry Rego
P.O.Box 1878
Capitola, CA 95010

Exhibit 3
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NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: May 13, 2014

Notice Sent (via certified mail) to:

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

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.: 131264
Project Applicant: Reed Geisreiter
Address: 120 13th Avenue
Phone/E-mail: (831) 246 0661
Applicant's Representative: Larry Rego / Charlene Atack, Atack and Penrose LLP
Address: PO Box 1878, Capitola, CA 95010 / 1200 Pacific Avenue #260, Santa Cruz, CA 95060
Phone/E-mail: (831) 479 1808 / (831) 515 3344

Project Location: Property located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Project Description: Proposal to revise Coastal Development Permit 121143 to reduce the proposed garage from 440 square feet 436 square feet by reducing the width of the proposed garage along the street frontage by 2 feet and adding a 36 square foot storage area to the rear; to add a 189 square foot storage room with a dormer window within the attic of the proposed garage accessed by a spiral staircase; to delete the proposed breezeway; to reconstruct the entry arbor; to revise the proposed fence by deleting recessed planters and to lower the southern portion of the fence that lies within 17 feet 6 inches from the top of the coastal bluff to 4 feet in height; to change the materials of the lowered section from solid wood to a "see-through" design, and to modify the landscape plan. In addition, the proposal includes for a phased implementation of the proposed improvements so that the project can proceed independently from Coastal Development Permit 141027 a concurrent application for improvements to the public beach overlook adjacent to the subject property. Requires a Minor Variation.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body: Planning Director/Designee (Administrative review)

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

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
Elevations	X	
CEQA Document	X	
Other: Staff report and Exhibits For Coastal Permit 121143		X (2/1/13)

Coastal Commission Appeal Information

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
- Applicant's representative (Atack and Penrose LLP)

Exhibit 3
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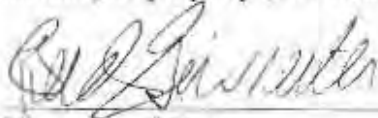


County of Santa Cruz Planning Department

Signature Page

(To be signed and returned to the Santa Cruz County Planning Department to demonstrate acknowledgement of the issuance of this permit and the acceptance of all permit conditions)

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **131264** (APN 028-142-13) 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 028-142-13) must sign this form.

	REED GEISREITER	5/1/14
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date

Please return to:

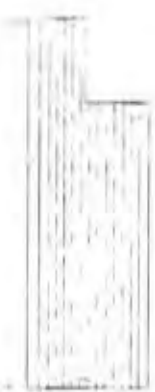
Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

*(Records room staff: Please file this page with the discretionary application listed above.)

EXHIBIT A 131264



South Elevation



Hand-drawn sketch of a building's side elevation, showing a rectangular structure with a chimney on the left side.

West Elevation

East Elevation

Hand-drawn sketch of a building's side elevation, showing a rectangular structure with a chimney on the left side.



Hand-drawn sketch of a building's side elevation, showing a rectangular structure with a chimney on the left side.

Hand-drawn sketch of a building's side elevation, showing a rectangular structure with a chimney on the left side.



Hand-drawn sketch of a building's side elevation, showing a rectangular structure with a chimney on the left side.

PROVIDED TO AR 131264 FOR:

AR 131264

1	131264
2	131264
3	131264
4	131264
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8	131264
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10	131264

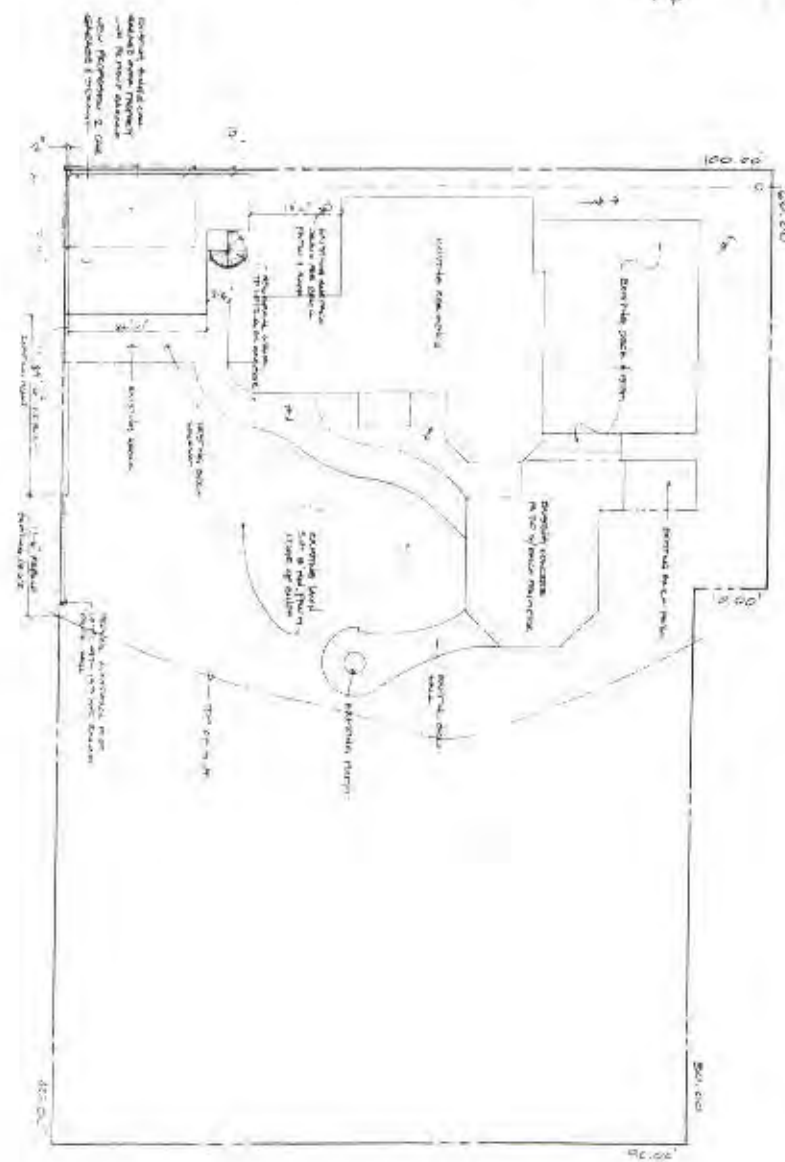
EXHIBIT A-131264

SCOPE OF WORK:

Provide Excavate 1 inch diameter 1 mile for 2-Compartment

1. 1.000 sq. ft.
2. 5.000 sq. ft.
3. 10.000 sq. ft.
4. 15.000 sq. ft.
5. 20.000 sq. ft.
6. 25.000 sq. ft.
7. 30.000 sq. ft.
8. 35.000 sq. ft.
9. 40.000 sq. ft.
10. 45.000 sq. ft.
11. 50.000 sq. ft.
12. 55.000 sq. ft.
13. 60.000 sq. ft.
14. 65.000 sq. ft.
15. 70.000 sq. ft.
16. 75.000 sq. ft.
17. 80.000 sq. ft.
18. 85.000 sq. ft.
19. 90.000 sq. ft.
20. 95.000 sq. ft.
21. 100.000 sq. ft.

WATER & SEWER SYSTEM - 1000.000 sq. ft.

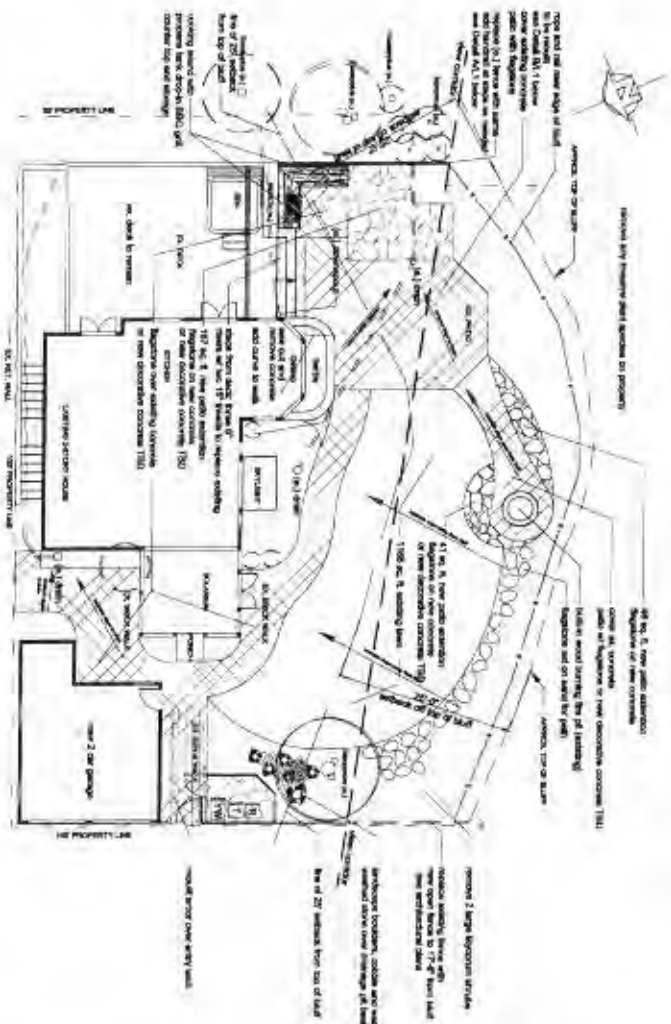
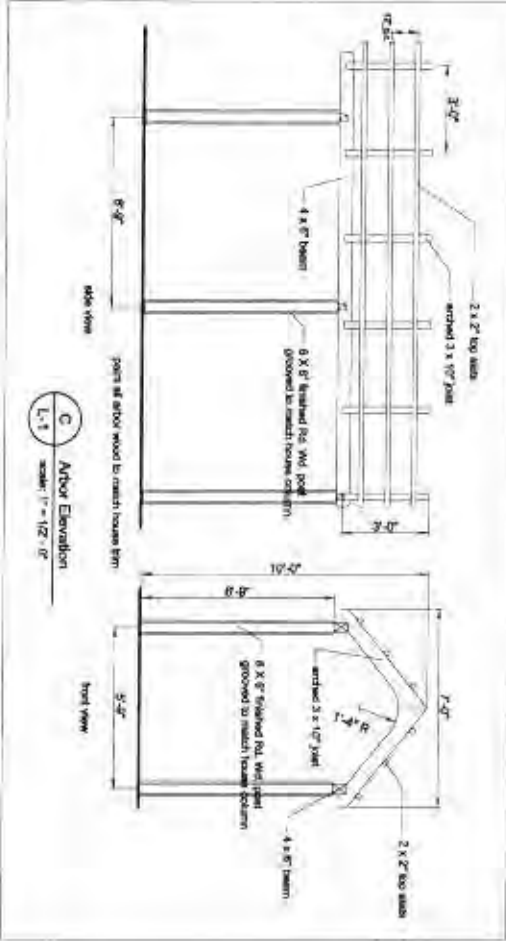
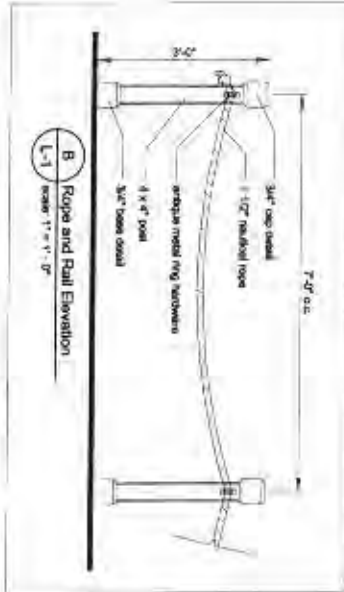
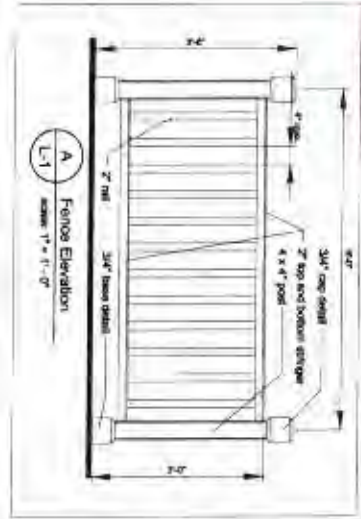


SITE PLAN



REBUILD FENCE 25.6 LB/FT

REBUILD FENCE DET 7.0 LB/FT



PLANTING LEGEND

Key	Description	Amount
	1315 sq. ft. of new concrete	1315 sq. ft.
	225 sq. ft. of new concrete	225 sq. ft.

DISCLAIMER NOTE:
 1. All materials shown on this plan are primarily for informational purposes only and are not intended to be used as a construction document. The client is responsible for obtaining all necessary permits and approvals for the project.
 2. All existing structures and materials are shown as existing for informational purposes only. The client is responsible for verifying the accuracy of the information provided.
 3. All new structures and materials are shown as proposed for informational purposes only. The client is responsible for verifying the accuracy of the information provided.
 4. All materials and methods shown on this plan are for informational purposes only and are not intended to be used as a construction document. The client is responsible for obtaining all necessary permits and approvals for the project.

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 All rights reserved. No part of this document may be reproduced without written permission from Michael Arnone + Associates.
 This document is the property of Michael Arnone + Associates and is loaned to the client for informational purposes only. It is not to be used for any other purpose without the written consent of Michael Arnone + Associates.

DATE: 11/11/14
 PURPOSE: REVIEW
 BY: [Signature]
 SCALE: 1/8\"/>

GEISREITER RESIDENCE

120 THIRTEENTH AVENUE
 SANTA CRUZ, CALIFORNIA

Michael Arnone + Associates
 LANDSCAPE ARCHITECTS
 1111 N. ZEPHYRUS AVE.
 SANTA CRUZ, CA 95060
 (408) 298-1111

GEISHEITER PLANT LEGEND

GROUND COVER LEGEND

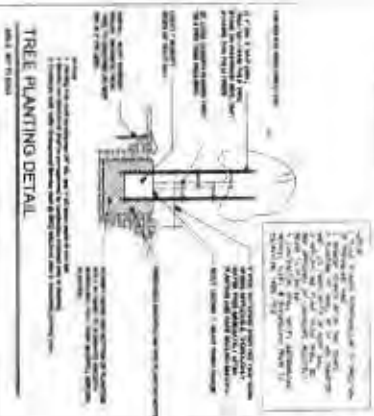
	Forest		Canyon Wash		Bar		Quarry
	Alluvial Sandstone		Alluvial Sand		4' x 6' pole		16' x 24' pole

Pairing Factors

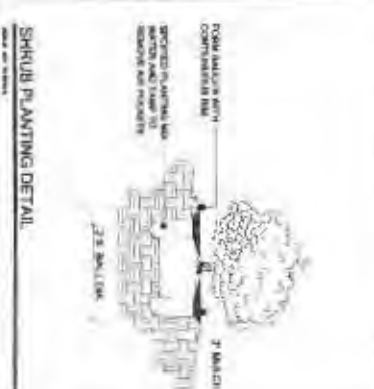
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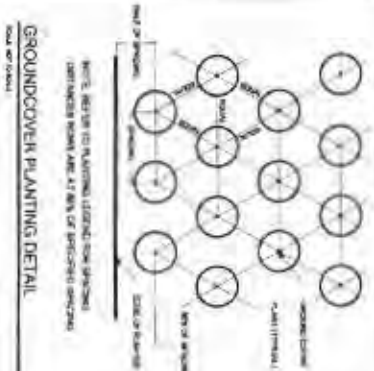
TREE PLANTING DETAIL



SHKUB PLANTING DETAIL



GROUNDCOVER PLANTING DETAIL



B. Heston, Arizona Lodging Assn., Inc. is a 501(c)(6) organization that represents the interests of the hotel and lodging industry in Arizona. It is a non-profit organization that is not subject to the rules of the Internal Revenue Code that apply to for-profit organizations. It is a non-profit organization that is not subject to the rules of the Internal Revenue Code that apply to for-profit organizations.

GEISREITER RESIDENCE
120 THIRTEENTH AVENUE
SANTA CRUZ, CALIFORNIA

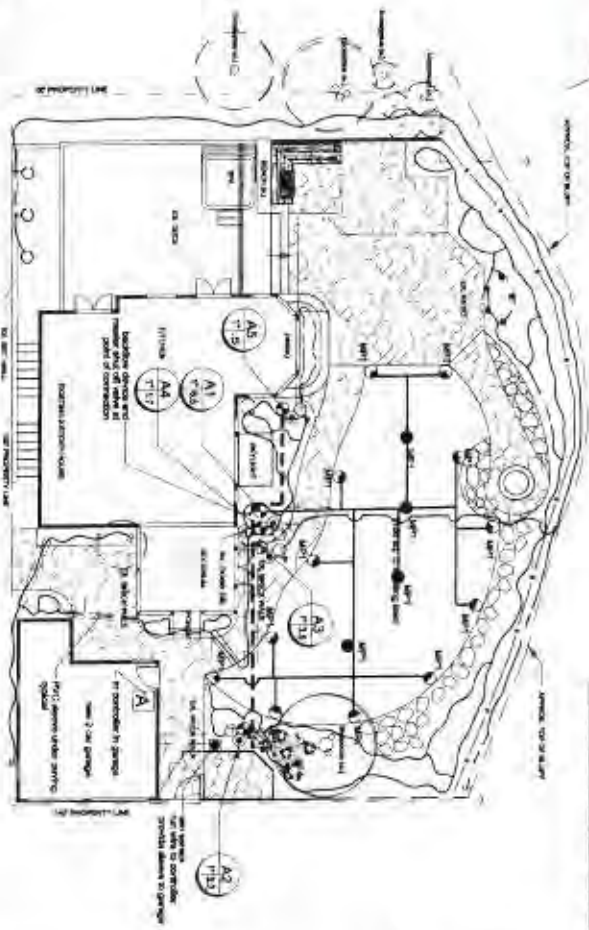
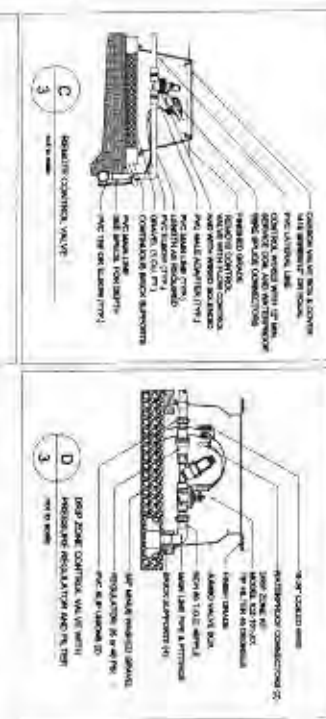
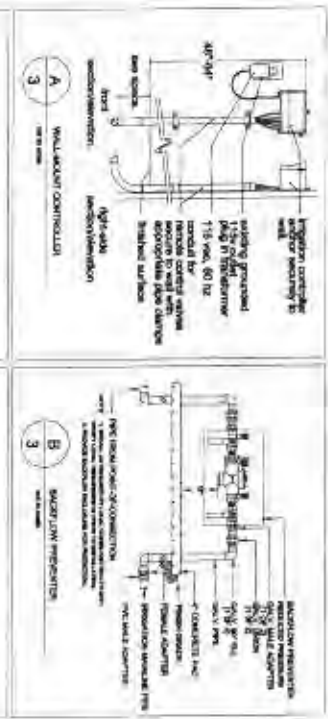
Michael Arnone + Associates
LANDSCAPE ARCHITECTURE

Exhibit 3
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Event number:
L-2
of three

planting

EXHIBIT A 131264



SYMBOL	DESCRIPTION
1	Zone 1: 1/2\"/>

SYMBOL	DESCRIPTION
1	Zone 1: 1/2\"/>

IRRIGATION NOTES

1. Controller and main line 1/2\"/>
2. Controller and main line 1/2\"/>
3. Controller and main line 1/2\"/>
4. Controller and main line 1/2\"/>
5. Controller and main line 1/2\"/>

IRRIGATION SCHEDULE

DATE	TIME	ZONE	ACTION
1/1/20	10:00 AM	1	1/2\"/>

IRRIGATION MAINTENANCE

DATE	TIME	ZONE	ACTION
1/1/20	10:00 AM	1	1/2\"/>

GEISREITER RESIDENCE

120 THIRTEENTH AVENUE

SANTA CRUZ, CALIFORNIA

Michael Arnone + Associates

LANDSCAPE ARCHITECTS

2111 BRADSHAW ST. SANTA CRUZ, CA 95061

408-298-1111

DATE: 1/1/20

BY: [Signature]

SCALE: 1/8" = 1'-0"

1/8" = 1'-0"

1/8" = 1'-0"

1/8" = 1'-0"

1/8" = 1'-0"

1/8" = 1'-0"

SITE AND DEVELOPMENT STANDARDS AS RELATE TO PREVIOUS PERMIT APPROVALS

	Required	Feature	121143, 90-0198 and 04-0488	Proposed	Permit approvals / Notes
Front Yard	20 feet	Dwelling	26 ft 5 in	No Change	CDP 04-0488
		Garage	2 in. to wall 0 ft. to eave	No Change	CDP, RDP & Variance 121143 and MV 131264. <u>NOTE:</u> Front setback in the project description for 141143 states the front setback is 1 ft. to the wall but Exhibit A of 141143 and 131264 both show proposed a setback of 2'.
		B'way/Arbor	0 ft. to eave	No change	
North Side Yard	5 feet	Dwelling	4 ft.	No Change	Existing nonconforming setback as built in 1924
		Garage	1 ft. to wall 0 ft. to eave	No Change	CDP, RDP & Variance 121143 and MV 131264.
		Deck	7 ft. (posts/deck)	No Change	CDP 90-0198 required a minimum SYSB of 10 ft. to the posts and 7 ft. to the deck, based upon the then current site standards
South Side Yard	8 feet	Dwelling	+/- 96 ft.	No Change	CDP 90-0198
		Garage	+/- 105 ft.	+/- 107 ft.	MV 131264 (2 ft. greater than approved by 121143)
		B'way/Arbor	+/- 101 ft.	No Change	MV 131264 (replaced breezeway approved by 121143)
Rear Yard	15 feet (uncovered, unenclosed decks may encroach 6 ft. into RYSB so long as they are cantilevered)	Dwelling	28 ft. 6 in.	No Change	Measured to the surveyed property line
		Garage	+/- 79 ft.	+/- 73 ft.	MV 131264 (6 ft. less than approved by 121143 due to addition of one-story storage area at rear)
		Deck	11 ft to posts 7.33 ft deck	15 ft to posts 11 ft to deck (based on the surveyed p/l)	CDP 90-0198 required a minimum RYSB of 15 ft. RYSB to the posts and 9 ft. to the deck. A condition of approval of 90-0198 required that if a survey were performed, the setbacks must be to the surveyed property line. As built deck was not in compliance with setbacks from the surveyed property line therefore, since the deck posts were altered without benefit of permits the structure must meet current setbacks.
Minimum Separation	10 feet	Between garage and dwelling	N/A (structures attached by b'way roof)	6 ft.	A Variance for a reduced separation was approved by MV 131264 (no Variance required for separation under 121143 since the dwelling and garage were attached by a common roofline - breezeway deleted per requirements of the Coastal Commission)
Lot Coverage	40% (of net site area, 6,865 sq.ft.)	Structures > 18" in height	30.1%	27.9%	MV 131264 (approx. 83sq.ft added from 121143 by revised garage footprint/stairs and relocated spa) but reduced +/- 240 sq.ft with this project by reduction in size of rear deck and dwelling and deletion of breezeway
FAR	50% (of net site area)	Floor Area	39.5%	41.4%	MV 131264 (approx. 197 sq.ft floor area added from 121143 by revised garage with added second floor but reduced +/- 59 sq.ft with this project by reduction in size of rear deck and dwelling.
Height	28 feet	Dwelling	28 ft	No Change	Existing height is 28 feet measured to grade at the rear (as-built 1924).
		Garage	17 3 in.ft. at the street 18 ft. 9in. at the rear	19 ft. at the street 20 ft. 6in. at the rear	Exhibit D of CDP, RDP & Variance 121143 did not include dimensions but shows a scaled height at the street of around 17 ft (18 ft. 6 in. at the rear). MV 131264 includes dimension of 19 ft. from street level but scales around 17 ft. 3 in. (18 ft. 9 in. at the rear).

DISCUSSION OF PROPOSED AMENDMENT TO APPROVED COASTAL DEVELOPMENT PERMITS 121143, 90-0198 AND 04-0488

The design that was submitted for administrative review as Minor Variation 131264 and that closely resembles the as-built project, was prepared in consultation with Coastal Commission staff and was subsequently approved by the County. Further, the Coastal Commission accepted application 131264 and did not call it up on appeal.

Revisions to the garage, which included a reduced width of the structure along the street and replacing the breezeway, with an open arbor, were required by the Coastal Commission so that the project would have a reduced impact on the coastal resources. The addition of a dormer window within the roofline was not a concern, since it did not significantly change the impact of the garage and would break up the expanse of the roof and was also consistent with an existing dormer window at the main dwelling. The approximately two foot discrepancy in the height of the as-built garage/storage from the scaled height of the structure as depicted on the approved plans (although it conforms to the written dimension), lower header height at the garage doors, revision of the windows at the northern elevation to closed shutters and addition of a pelican relief to the street-facing wall do not materially alter the design accepted by the Coastal Commission and complies with the provisions of the zoning ordinance and Local Coastal Program.

The fence approved by 131264, including changes required during subsequent discussions with Coastal Commission staff, has resulted in significant improvements to the public overlook and benches due to the revised fence, which has a lower height and is visally open and see-through. Additional improvements resulted from the removal of existing mature vegetation on the subject parcel. These changes taken together, significantly opened up the public views along the shoreline. In addition the original fence post and unpermitted concrete that had been placed on the bluff face to protect the post from coastal erosion, was removed and the natural bluff restored. The final fencepost for the new fence has been relocated so as to be within the subject parcel and away from the edge of the coastal bluff.

The existing deck at the rear of the dwelling, was legally constructed following the approval of Coastal Development Permit 90-0198, and Building Permit #93727. At that time the required setbacks for the structure were based upon the presumed property line as shown on the plans, but a condition of approval of 90-0198 required that, if (prior to an application for a Building Permit) a survey of the property showed that the location of the property boundaries differed from that shown on the Coastal Permit plans, the setbacks must be based upon the actual property lines. However, a survey was not required at that time and therefore the deck was constructed in accordance with the Coastal Permit plans. When the property was surveyed in 2012 it was discovered that property lines were not as shown on the plans for 90-0198 and that, as a result, the legally constructed deck was nonconforming to the setbacks approved by the Coastal Development Permit. A nonconforming structure has the right to remain if no structural alterations are done, however, because unauthorized alterations had been made to the deck support posts, the entire deck has been required, as part of this project, to be reduced in size to meet the required setbacks as determined by Coastal Development permit 90-0198 and also current setbacks as required by the zoning designation of the parcel.

In addition to the alterations to the deck posts, an approximately 4 foot retaining wall beneath the deck was replaced by a retaining wall of around 6 feet 6 inches in height, allowing for the excavation of the grade beneath the deck to create a level patio area for the basement level. The as-built construction, which would require the issuance of a Building Permit for the wall and a Coastal Development Permit for the grading, could not be approved since it includes work that meets the definition of development within the required 25 foot/100 year setback from the coastal bluff. Therefore the current project includes demolition of a portion of the unpermitted wall and reinstatement of the original grade within the required 25 foot/100 year coastal bluff setback. The remaining section of retaining wall and grading outside the coastal setback area is to be recognized by this permit, together with a replacement section of retaining wall. The remaining section of wall and the new new wall will also require the issuance of a Building Permit. The area that lies within the coastal bluff setback is proposed to be reinstated and landscaped and no work that meets the definition of development (as set out in County Code section 16.10.040) will be permitted within the coastal setback area. The proposed landscape improvements include removal of all of the unpermitted concrete at the existing patio, to be replaced with semi-pervious pavers, the addition of stepping stones on the reinstated grade, a free-standing landscape wall and new groundcover planting. The drainage of this area has been designed so as to not negatively impact the adjacent coastal bluff or beach.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 400
SANTA CRUZ, CA 95060
PHONE: (831) 427-4860
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



August 7, 2015

Ms. Lezanne Jeffs
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Mr. Reed Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

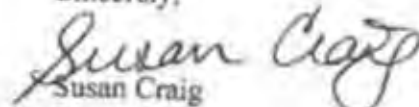
Subject: Violation #V-3-14-0123 (120 13th Avenue, Santa Cruz; APN 028-142-13)

Dear Ms. Jeffs and Mr. Geisreiter:

The above-referenced violation involved non-compliance with coastal development permit (CDP) P-77-0933 with respect to fencing and unpermitted placement of concrete and rubble along the upper bluff. These violations have been resolved. Specifically CDP P-77-0933 required that a portion of the fence that extends perpendicularly from the bluff edge shall not exceed four feet in height and shall be constructed of a material that permits visual access to downcoast. The new fencing has been installed and meets these requirements. Thus, this component of the violation is now resolved. The unpermitted concrete and rubble that was placed along the upper bluff has been removed, and the area planted with low-growing drought-tolerant native plants that will be watered until established. Thus, this component of the violation is now resolved.

We now consider Violation #V-3-14-0123 to be resolved and the file closed.

Sincerely,


Susan Craig
District Manager
Central Coast District Office

c: Lynn Dunn
Bill Clark

Project No. SC9803
24 July 2015

MR. SCOTT LONG
Central Coastal Landscape and Maintenance, Inc.
P.O. Box 1226
Capitola, CA 95010

Subject: Landscape and Erosion Control Requirements

Reference: Geisreitter Resident
120 13th Avenue
Santa Cruz, California

Dear Mr. Long:

A requirement of the Coastal Permit for the recent garage renovation was construction of a see through fence and rehabilitating the top of the coastal bluff by removing old concrete and providing an erosion control cover with native shrubbery across the impacted area. As previously outlined to the Coastal Commission the disturbed bluff face due to removal of concrete and the construction of the see through fence will consist of:

1. Lightly dressing the disturbed bluff face to smooth surface contours an area about 15 feet wide in an upcoast direction from the see through fence.
2. Apply North American Green SC150 BN erosion control fabric (or approved equivalent) on the exposed slope surface per manufacturer's specification.
3. Planting Ceanothus bushes (Carmel Creeper) in irregular rows at 3 foot on center spacing.
4. Installing a temporary drip irrigation system to help propagate and increase survival of the ceanothus plantings. The drip irrigation will use a time control as well as check valve system to minimize flooding should acts of vandalism damage the irrigation line jeopardizing the bluff slope.
5. Construct a short (12 inch high) wire fence border/barrier along the top of the bluff edge to contain the erosion control improvements during initial stages of plant growth.
6. Place a small, short sign informing the public not to trespass on the new planted surface area.

Exhibit 3

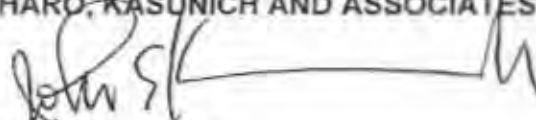
Mr. Scott Long
Project No. SC9803
120 13th Avenue
24 July 2015
Page 2

Our firm is available for consultation during implementation of the above recommendations.

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "John E. Kasunich", written over the company name.

John E. Kasunich
G.E. 455

JEK/dk

Copies: 1 to Addressee
 1 to Reed Geisreitter
 1 to Deidre Hamilton, Hamilton, Swift Land Use
 1 to Susan Craig, California Coastal Commission

Lezanne Jeffs

From: Deidre Hamilton [deidre@hamiltonswift.com]
Sent: Thursday, February 18, 2016 1:39 PM
To: Lezanne Jeffs
Subject: FW: exterior planting 120 13th avenue

Here is Susan Craig's approval.
Deidre

Deidre Hamilton
deidre@hamiltonswift.com



505 Chestnut St. Suite 100
Santa Cruz, CA 95060
831 459-9992 | Fax 831 459-9996
www.hamiltonswift.com

 Please consider the environment before printing this e-mail.

From: Craig, Susan@Coastal [mailto:Susan.Craig@coastal.ca.gov]
Sent: Thursday, February 18, 2016 11:56 AM
To: Deidre Hamilton; 'Steve Wiesner'
Cc: Moroney, Ryan@Coastal
Subject: RE: exterior planting 120 13th avenue

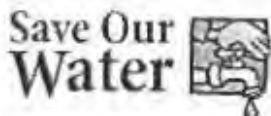
Hi Deidre,

The revised landscaping plan looks fine. If the *Rosa californica* grow any taller than the fence, they should be pruned to maintain the public view. The temporary sign is fine too.

Susan Craig
Central Coast District Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California CA 95060
(831) 427-4863
Susan.Craig@coastal.ca.gov
<http://www.coastal.ca.gov/>



Every Californian should conserve water. Find out how at:



SaveOurWater.com - Drought.CA.gov

From: Deidre Hamilton [<mailto:deidre@hamiltonswift.com>]
Sent: Thursday, February 18, 2016 11:46 AM
To: 'Steve Wiesner'; Craig, Susan@Coastal
Subject: FW: exterior planting 120 13th avenue

Hi Steve & Susan,

Here is the revised landscape plan that includes the planting in front of the fence (see delta 3). As per our discussion, we are planting rosa californica. We would also like to install a 18"x24" sign to read "Bluff Stabilization in progress. Please stay off". Hopefully this will help keep people from trampling this area until the plants take hold. Please let me know if you are ok with the sign and the plantings. I know we have verbally spoken about this being ok, but given the public interest in this, I just want to follow up with something in writing. Email is fine for me.

Thanks.

Deidre

Deidre Hamilton
deidre@hamiltonswift.com



500 Chestnut St. Suite 100
Santa Cruz, CA 95060
831 459 9992 | Fax 831 459 9998
www.hamiltonswift.com



From: MICHAEL ARNONE [<mailto:rknown1@hotmail.com>]
Sent: Wednesday, February 17, 2016 9:49 AM
To: Deidre Hamilton; reed geisreiter
Cc: reed geisreiter
Subject: exterior planting 120 13th avenue

Deidre

Here is the revised sheet L-2 showing the existing planting and sign elevation. I used four 5-gallon Rosa californica (Wild California Rose) as per the approved recommendations.

Mike

Michael Arnone + Associates
LANDSCAPE ARCHITECTURE
commercial and residential design
831.462.4988 desk
www.arnonelandscape.com

Lezanne Jeffs

From: Deidre Hamilton [deidre@hamiltonswift.com]
Sent: Thursday, February 18, 2016 1:31 PM
To: Lezanne Jeffs
Subject: FW: exterior planting 120 13th avenue

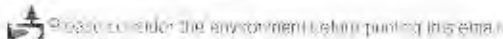
I just want to keep you in the loop on the landscaping on DPW property. Both Coastal and DPW have approved putting some rosa californica in front of the low fence to help keep people from standing on this area. Here is the approval from DPW. I will email you a copy of the landscape plan showing this (it will also be included in the re-submittal), and the email approval from Susan Craig. Since this is not on Geisreiter's property, (it's on county land), we are going to put this in now (just like we did the fence and the other landscaping). But in case you got a call about it I wanted you to know what is going on.

Deidre

Deidre Hamilton
deidre@hamiltonswift.com



500 Chestnut St. Suite 100
Santa Cruz, CA 95060
831-459-9992 | Fax 831-459-9998
www.hamiltonswift.com



From: Steve Wiesner [mailto:Steve.Wiesner@santacruzcounty.us]
Sent: Thursday, February 18, 2016 1:06 PM
To: 'Deidre Hamilton'
Cc: 'Craig, Susan@Coastal'
Subject: RE: exterior planting 120 13th avenue

Hi Deidre,

Your proposal looks good to me... I assume that the sign is temporary and not intended to be there permanently.

Steve

Steven B. Wiesner, P.E.
Assistant Director of Public Works
Transportation Division
County of Santa Cruz DPW

From: Deidre Hamilton [mailto:deidre@hamiltonswift.com]
Sent: Thursday, February 18, 2016 11:46 AM
To: Steve Wiesner; 'Craig, Susan@Coastal'
Subject: FW: exterior planting 120 13th avenue

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Thanks,

Deidre

Deidre Hamilton

deidre@hamiltonswift.com



500 Chestnut St., Suite 100
Santa Cruz, CA 95060
831.459.9992 | Fax 831.459.9998
www.hamiltonswift.com

 Please print on the information below printing this email

From: MICHAEL ARNONE [<mailto:rknown1@hotmail.com>]

Sent: Wednesday, February 17, 2016 9:49 AM

To: Deidre Hamilton; reed geisreiter

Cc: reed geisreiter

Subject: exterior planting 120 13th avenue

Deidre

Here is the revised sheet L-2 showing the existing planting and sign elevation. I used four 5-gallon *Rosa californica* (Wild California Rose) as per the approved recommendations.

Mike

Michael Arnone + Associates
LANDSCAPE ARCHITECTURE
commercial and residential design
831.462.4988 desk
www.arnonelandscape.com

NOTICE OF NEIGHBORHOOD MEETING

You are invited to attend an informational meeting to discuss the improvements to 120 13th Ave., the Geisreiter residence (See project description below). There will be a presentation of the project followed by a question and answer session.

When? Thursday, July 21, 2016

Where? Systems Studies Conference Room, 21340 E. Cliff Dr., 95062

Time? 7:00pm - 8:30pm

Questions? Please contact Deidre Hamilton of Hamilton Swift and Associates at 831-459-9992

Application #151187

PROPOSAL TO RECOGNIZE DESIGN CHANGES TO THE GARAGE, OVER-HEIGHT FENCE AND LANDSCAPE PLAN APPROVED BY 121143; CONVERT AND UPGRADE THE EXISTING BASEMENT TO HABITABLE AREA; REDUCE THE SIZE OF THE REAR DECK AT THE EASTERN ELEVATION AND REVISE THE POSTS AND SUPPORT BEAMS TO MEET THE SETBACKS, REMOVE A PORTION OF THE UNPERMITTED RETAINING WALL WITHIN THE COASTAL BLUFF SETBACK, RECOGNIZE THE REMAINING WALL AND CONSTRUCT A NEW WALL TO ALLOW FOR REINSTATEMENT OF THE ORIGINAL GRADE; EXPAND AND RE-PAVE THE PATIO BELOW THE DECK; REPLACE A FENCE IN THE REAR YARD AND RELOCATE A HOT TUB FROM THE REAR DECK TO BEHIND THE GARAGE. REQUIRES AN AMENDMENT TO COASTAL DEVELOPMENT PERMITS 90-0198, 04-0488, COASTAL DEVELOPMENT PERMIT AND VARIANCE 121143 AND MINOR VARIATION 131264. THIS PROJECT INCLUDES A COMBINED SOILS REPORT REVIEW AND GEOLOGIC HAZARDS ASSESSMENT REPORT REVIEW (REV 151097).

SYNOPSIS

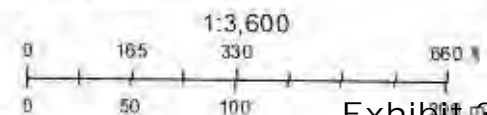


Exhibit 3
A-3-SCO-16-0100
139 of 325

02843106 OO
DUNN LYNN H/W ETAL JT
165 13TH AVE
SANTA CRUZ, CA 95062

02814238 AO
COLLINS DENNIS J U/M
18540 BICKNELL RD
MONTE SERENO, CA 95030

02843107 AO
DALE SCOTT WILLIAM & KELLY PLATER
106 TAIT AVE
LOS GATOS, CA 95030

02814213 OO
GEISREITER REED EUGENE M/M SS
120 13TH AVE
SANTA CRUZ, CA 95062

02814236 AO
STARKEY JOSEPH W & JUDITH TRUSTEES E
1030 DIAS DR
CHICO, CA 95973

02843121 AO
KELLY CLAUDIA C M/W SS
P O BOX 2221
SANTA CRUZ, CA 95063

02843120 OO
HASELDEN EULIS A & KAREN L H/W CP RS
170 12TH AVE
SANTA CRUZ, CA 95062

02843109 AO
DONNELLY KEVIN S & LAURA E
762 EDGEWOOD LN
LOS ALTOS, CA 94022

02843103 AO
CROCKER RICHARD L & THERESA E TRUSTE
P O BOX 1389
FREEDOM, CA 95019

02813225 OO
HERMAN BRIAN H & PATRICIA A TRUSTEES
131 12TH AVE
SANTA CRUZ, CA 95062

02814235 AO
LIVAICH GARY A & MARIANNE M
369 DEER RIVER WAY
SACRAMENTO, CA 95831

02843108 AO
SPINAZZE ROBERT & GEORGIANNA CO-TRUS
19249 CITRUS LN
SARATOGA, CA 95070

02814311 OO
LINCOLN ROBERT O JR AND MARY LEE
175 14TH AVE
SANTA CRUZ, CA 95062

02843114 AO
GILMAN ARTHUR E & JACQUELINE R TRUST
307 PASADERA CT
MONTEREY, CA 93940

02814233 AO
STILLINGER SCOTT H & DIANE B TRUSTEE
15360 ROBIN ANNE LN
MONTE SERENO, CA 95030

02814245 AO
STILLINGER SCOTT H & DIANE B
15360 ROBIN ANN LN
MONTE SERENO, CA 95030

02814234 AO
JOHNSTON EVELYN A TRUSTEE
20611 BROOKWOOD LN
SARATOGA, CA 95070

02813223 AO
SMITH WILLIAM H & DOTTI CO-TRUSTEES
P O BOX 9778
SO LAKE TAHOE, CA 96158

02843104 AO
DUNN DONNA H CO-TRUSTEES ETAL
3320 WHITE OAK CT
SACRAMENTO, CA 95864

02843112 AO
CALIFORNIA STATE OF
303 BIG TREES PARK RD
FELTON, CA 95018

02813222 AO
FLAHERTY JOHN A & GEORGIANA L TRUSTE
608 S 13TH ST
SAN JOSE, CA 95112

02843105 AO
DUNN MARIE H TRUSTEE ETAL
1911 MORSE ST
SANTA CLARA, CA 95050

02843110 AO
HACKETT JAMES KENT TRUSTEES ETAL
P O BOX 1561
SANTA CRUZ, CA 95061

02813206 AO
DEBROECK DENNIS R
215 GOLDEN HILLS DR
PORTOLA VALLEY, CA 94028

02843117 AO
MILLAR JULIET B
106 PASTURE RD
SANTA CRUZ, CA 95060

02843115 AO
CORKERN JILL ANN M/W S/S ETAL
PO BOX 714
DIABLO, CA 94528

02813224 AO
MC PHAIL IAN D SUCCESSOR TRUSTEES ET
245 CENTER ST A
APTOS, CA 95003

02843119 AO
RMPF LLC
55-415 ROYAL ST GEORGE
LA QUINTA, CA 92253

02843113 AO
KETELSEN GARY STEWART & SARA LYNN TR
1570 KENSINGTON CIR
LOS ALTOS, CA 94022

02813229 AO
SHEPARD JAY P & PAMELA K TRUST
15126 QUITO RD
SARATOGA, CA 95070

02814310 AO
MATITYAHU ELDAD & CHARLOTTE
345 MANZANITA WAY
WOODSIDE, CA 94062

02814235 BR
Resident
150 13TH AVE
SANTA CRUZ, CA 95062-4830

02843121 BR
Resident
174 12TH AVE
SANTA CRUZ, CA 95062

02814338 BR
Resident

02843114 BR
Resident
130 12TH AVE
SANTA CRUZ, CA 95062

02843103 BR
Resident
205 13TH AVE
SANTA CRUZ, CA 95062

02814245 BR
Resident
206 13TH AVE
SANTA CRUZ, CA 95062-4832

02814234 BR
Resident
170 13TH AVE
SANTA CRUZ, CA 95062-4830

02843108 BR
Resident
145 13TH AVE
SANTA CRUZ, CA 95062

02843104 BR
Resident
175 13TH AVE
SANTA CRUZ, CA 95062

02843112 BR
Resident
0 TWIN LAKES SE
SANTA CRUZ, CA

02814233 BR
Resident
174 13TH AVE
SANTA CRUZ, CA 95062-4830

02843105 BR
Resident
171 13TH AVE
SANTA CRUZ, CA 95062

02843110 BR
Resident
119 13TH AVE
SANTA CRUZ, CA 95062

02813223 BR
Resident
139 12TH AVE
SANTA CRUZ, CA 95062-4801

02843117 BR
Resident
150 12TH AVE
SANTA CRUZ, CA 95062

02843110 BR
Resident
115 13TH AVE
SANTA CRUZ, CA 95062

02813222 BR
Resident
135 12TH AVE
SANTA CRUZ, CA 95062-4801

02843119 BR
Resident
160 12TH AVE
SANTA CRUZ, CA 95062

02843115 BR
Resident
134 12TH AVE
SANTA CRUZ, CA 95062

02813227 BR
Resident
161 12TH AVE
SANTA CRUZ, CA 95062-4801

02814238 BR
Resident
208 13TH AVE
SANTA CRUZ, CA 95062-4832

02843113 BR
Resident
128 12TH AVE
SANTA CRUZ, CA 95062

02813206 BR
Resident
145 12TH AVE
SANTA CRUZ, CA 95062-4801

02814236 BR
Resident
130 13TH AVE
SANTA CRUZ, CA 95062-4830

02843107 BR
Resident
155 13TH AVE
SANTA CRUZ, CA 95062

02813224 BR
Resident
2906 E CLIFF DR
SANTA CRUZ, CA 95062-4812

02843109 BR
Resident
135 13TH AVE
SANTA CRUZ, CA 95062

02843116 BR
Resident
140 12TH AVE
SANTA CRUZ, CA 95062

02813224 BR
Resident
2904 E CLIFF DR
SANTA CRUZ, CA 95062-4812

02813229 BR Resident 2900 E CLIFF DR SANTA CRUZ, CA	02814243 OO STEFFEN CATHERINE J TRUSTEE 1310 PROSPECT ST SANTA CRUZ, CA 95062	02812102 BR Resident 275 13TH AVE SANTA CRUZ, CA 95062-4831
02814310 BR Resident 185 14TH AVE SANTA CRUZ, CA 95062-4810	02843102 AO SCHOOLEY FREDERICK A M/M SS 3161 HOLLYBURNE CT GLENDALE, CA 91206	02814232 BR Resident 224 13TH AVE SANTA CRUZ, CA 95062-4832
02814313 BR Resident 171 14TH AVE SANTA CRUZ, CA 95062-4810	02812102 AO CASSIDY JOHN B & NANCY M TRUSTEES 2297 HARVARD ST PALO ALTO, CA 94306	02814232 BR Resident 220 13TH AVE SANTA CRUZ, CA 95062-4832
02814225 OO DOUGLASS ROGER L & TERESA T TRUSTEE 210 13TH AVE SANTA CRUZ, CA 95062	02814232 AO KAMB BARCLAY J 28140 STORY HILL LN LOS ALTOS, CA 94022	02812104 BR Resident 247 13TH AVE SANTA CRUZ, CA 95062-4831
02812106 OO STEVENS STANLEY DAVID & CARLI ANN TR 231 13TH AVE SANTA CRUZ, CA 95062	02812104 AO BABULA THOMAS A & LAURIE A TRUSTEES 200 MASSOL AVE LOS GATOS, CA 95030	02843101 BR Resident 217 13TH AVE SANTA CRUZ, CA 95062
02812103 OO LUEDTKE DAVID L & CYNTHIA M TRUSTEES 251 13TH AVE SANTA CRUZ, CA 95062	02814231 AO WARD DEON MARIE & THOMAS DEAN TRUSTEES 4820 BONNY DOON RD SANTA CRUZ, CA 95060	02843101 BR Resident 215 13TH AVE SANTA CRUZ, CA 95062
02812101 OO MILLER JOHN D & CATHY METZ CO-TRUSTEES 1230 PROSPECT ST SANTA CRUZ, CA 95062	02812107 AO BATY STUART H & MARGERY A TRUSTEES 4478 BELMONT WAY CASTRO VALLEY, CA 94546	02814231 BR Resident 234 13TH AVE SANTA CRUZ, CA 95062-4832
02814230 OO COPPOLINO ANTHONY P & LORRAINE H H/W 244 13TH AVE SANTA CRUZ, CA 95060	02812105 AO WALTERS JEROME B & ROBYNN ANDRE TRUS P O BOX 526 MT HERMON, CA 95041	02812107 BR Resident 221 13TH AVE SANTA CRUZ, CA 95062-4831
02814247 OO NATHE DONALD R TRUSTEE ETAL 274 13TH AVE SANTA CRUZ, CA 95062	02843102 BR Resident 211 13TH AVE #COTTAGE SANTA CRUZ, CA 95062	02812105 BR Resident 241 13TH AVE SANTA CRUZ, CA 95062-4831
02814229 OO BROWN ROBERT N & LAURIE G TRUSTEES 254 13TH AVE SANTA CRUZ, CA 95062	02843102 BR Resident 211 13TH AVE SANTA CRUZ, CA 95062	02814243 BR Resident 276 13TH AVE SANTA CRUZ, CA 95062-4832

**Transcript of Neighborhood Meeting
Geisreiter Project
120 13th Ave.
July 21, 2016**

In Attendance

DD - Denis Diego, Architect

DH - Deidre Hamilton, Land Use Consultant

RG - Reed Geisreiter, property owner

JM - Jeff Martin, project engineer

Neighbors: Fred Thoits (FT), Roger Douglass (RD), Toby Goddard (TG), John Miller (JMiller), Jim Thoits (JT), Carli Stevens (CS), Stan Stevens (SS), Jerry Walters (JW).

Begin transcription:

(DD) "to first document the difference between a anomaly in the drawings that got translated into the actual building where uh there was ... original project that was submitted to coastal was about, uh ... was about building a two car garage, and in that two car garage presentation there was a drawing, so that became the base line of the decision of that meeting. Um, so that's there's going to be a section of the presentation that's about the garage and the garage height as designed and as built. The second section is in the process of drawing up the building we went to get another permit which in '89 - '91 time period a deck was added and there were some modifications to the rear of the house. Those were drawn up by an architect, those drawings are available at record. We dug them up, looked at them and I used that information along with measuring the existing house to document what I'm about to show you. And then finally the rest of the project is the incidental things that have to do with the remodel of the house. So the remodel of the house, inside, the interior part that you won't see, is converting they have a bedroom that's gonna added to area of the kitchen, so the kitchen becomes bigger, therefore losing a bedroom on the second floor. A master bedroom remodel which is taking the existing master bedroom and the existing master bath and reconfiguring it with new windows making it, bringing it up to date, and installing a new stair uh that's up to code because the one there is very steep and then finally in the basement uh, we are improving the uh the floor plan down there and I will go into detail on that. those are the three components of the uh, the project.

So starting with the uh, the view shed and the two situations of, I chose the google map street pictures because they're done by a third party, completely this is what you can get if you go online when I started the project the only thing that was available was the February 2014 picture on the right, and just recently the 2016 version has appeared, so between these two, I can take approximately the same view, the one on the left has the centerline of the car, the cameras mounted, I don't know if you've seen those vehicles, about 12 feet up in the air, so it's not at ground level, it's higher and then on the right side there was a car parked, several cars parked on the left side so the vehicle veered so the point of view is a little bit more to the right, and you can see that at the end you can't see the horizon on this picture because there was a marine layer that day and on this side you can see the horizon. So those are the things that I look at, but in particular, this area here, right here, is kinda like the focal point of where the change was relative to the garage. The space between the telephone post and the fence has not changed at all. The building is what's new to the left of the of the telephone pole, and we went from a single story, one car garage to a one and a half story, two car garage. um, ok. So the approved Coastal Permit was for a two car garage, and the drawing depicted a 17 foot, 3 scale because it was a hand, it was hand drafted. I used to do everything I design hand drafting, but about 20 years ago I

switched over to digital. now when I enter, when I put something in and it's 14 feet, it's 14 feet. Whereas when I drew it, I would go eh, I'm not going to redraw it I'm just going to change, it's a different process is what I'm trying to say. The drawing depicted a shorter building although the notation was for a 19 foot maximum. There were 8 foot high garage doors, without any consideration for the height of the floor inside or header that was needed for the garage door. so when it was built, the garage doors became 7 feet tall to allow for a header. and that made the face of the building look, you'll see in a minute, bigger. Once the project went to building department phase, more drafting was done, a section was cut, oh gee I gotta to put all these things together, boom, the building grew, however, the elevation drawing was not revised. and it was subtle enough that to my understanding, you know, the County didn't catch it and the building department didn't catch it. Again, the elevation of Coastal drawings was reused in the height the same drawing was reused they changed the date and the purpose of the drawing and uh, that's how that occurred. Then there were windows shown on the north side on the property line, even though this building is being built on a zero lot line, which the building code does not allow you to have openings when you're right on the property line, and so that those windows were eliminated in that building phase because there was a comment from the building department. So here's again the same google truck 2014, 2016 notice in the 2014 picture, right here, the arbor and the house are in the view shed. and here you can see the same trees and the same basic fence are in the same location the only difference is the width of the garage grew and of course, the hedges or these, what do we call these, topiaries, (DH) "the bush", the bush was quite large and so that was something that was removed recently right? So now if you go out there today, this whole thing is open."

(DH) "One thing I will say while you have that particular slide up, the house in the background is a lot more visible in the 2014 and you don't see it except for a little bit of a part of the roof in the 2016, you see what I'm talking about there Dennis?"

(DD) "so basically the view shed, those are just observations made from these two photographs. Now, before we had the 2016 picture, I compared, I made a model of the entire house, which you're going to see in more detail coming up. And so I modeled the original design as it was drawn. And then I modeled in the same location using the same foreground picture the building as built. and you can see, right here that there was also a change in the roof line where this face of the building was broken up, as opposed to here where it had continuous edge all the way across. you can see the difference when you compare it to the height of the telephone pole, and then here, you can see the two windows and this piece of artwork that was placed here. So those are kinda like this is what we're observing."

(FT) "you can see the change in the door",

(DD) "You can see the change in the door. So here you have the whole project, and if you look at the deck you'll notice that the uh, back deck is in line with the uh, wall below, the edge of the , so there's the coastal bluff and there's a set back line and we can show you the site plan so exactly where that is. The time that the deck was built, 1989-'91, there was no survey. and so I'm not sure, uh recently when I got involved, we had a survey. which shows where the actual property line is. So on this slide, you can see that the uh, sorry my screen is not catching up to it's um, right there .. the deck in this proposal is being reduced 4 feet to the set back and losing approximately 200 square feet of deck in order to bring it in line with the criteria that was part of the '89-'91 approval. So that those elements are being removed. so basically that's being dismantled and rebuilt. This shows the east and north side and you can see that the current deck goes all the way to the limit of the patio below. and this is the proposed which shows the deck

being pulled back and then all elements all structure between there and ...it's removed so there's a retaining wall that's getting removed so it goes back to the ground level, and I can show you on the plan. in terms of the interior remodel, I've placed the plans here which you're welcome to look at basically we show, in this case in most project that I work on we have an existing condition and a proposed condition. In this particular of documentation the County has required us to have three levels, original, non-permitted remodel and the proposed, so all three are distinctly identified and clear, and basically the upper bedroom is this upper plan here shows the bathroom and the closet and the master bedroom being remodeled and a new stair with a flatter rise being installed. The next item is on this upper left hand side is the living area on the main floor which basically takes a bedroom that was in the back and incorporates that into the room in front of it, towards the bay which makes the kitchen bigger, so we lose a bedroom there. And finally on the lower level, there is an open sleeping area that had according to the documentation, that I have which goes back to previous permits, it had a stair going upstairs, an open area that was used for sleeping, and a washer/dryer and mechanical. So the proposal is to make a formal laundry in the mechanical room larger, enclose a bedroom add a bathroom and the remainder is a living area, so we end up with a three bedroom, three bath residence, with a two car garage. So, oh, I'm sorry, I missed one item. The patio at the lowest level, was poured in concrete. The current standard is that needs to be pervious, so that paving in conjunction with changing the deck, that paving will be removed and then pervious material will be put in it's place so that the water will perk down. So those are the components of the proposal, current proposal."

(DH) "Jeff did you have anything to add before I open it up to questions? Ok, I don't see any writing on any of the cards, I'm sure there's a ton of questions. Oh, Toby?"

(TG) "Well, I'm just curious we just ended on the third topic which was the interior remodel portion. What is the public interest in that? Such that it goes to a public hearing, is that even an issue in a public hearing because the public interest seems to me to be on the exterior that meets all the required zoning and esthetic thing. So why even bring in the interior?"

(DH) "And you're right, the public concern has to do with it actually from the County's perspective it's public views, not really public private people's views, but the public's view. So the reason that we even brought it up is because it had been brought up in previous communications with the County. We are going through this process and as I mentioned earlier it's not a Planning Commission item because it normally would be, only because of the public outcry is it being pushed up to that level, but the concerns and the things that are more in the public purview would be things like the view, but not things that are going on in the interior cuz quite frankly nobody's going to see that but the property owner,"

(TG) "Fair enough"

(DH) "Ok"

(JMiller) "I have a question, very detailed information about the garage and it sounds like there's gonna be some changes to the garage but I think I missed the whole point of what changes are going to be made to the garage, are you adding windows, are you making it 3 feet higher cuz the built it too short or extending that ... DH "Well if you go back" where that line is in the back you showed us I don't know what changes you planned."

(DD) "Let me get back to that slide."

(DH) "and while you're going back I'll start explaining it, oh you got there too quick. Go ahead"

(DD) "So the proposal is to introduce shutters, this is something I used to live in New Orleans and practiced architecture in the French Quarter and we had a lot of problems, discussions about fenestration and whether it was appropriate to scale to the old buildings. And so one of the things that we were allowed to do when an opening was removed, was to either leave the opening so that you could see that it was originally an opening or you could put something like a shutter which gave you the scale and the feeling of the and this in particular was a good solution because the wall is already built, it's a fire wall it's not like I can go in there and put a window."

(JMiller) "So you're just putting these shutters on the outside."

(DD) " we are putting shutters with a frame like it's a pair of windows with the shutters closed."

(DH) " and the whole purpose of it was, like we explained, the building department would not let us put the windows that were originally proposed for this side. But the County was still concerned about the look of this elevation, so it sort of was a compromise in the middle. They still get to keep the wall the way that it is, and meet Building Code requirements but from an architectural stand point this breaks up that wall and adds architectural interest."

(JMiller)"got it, got it, ok"

(DH) "and then the pelican which was on the side"

(DD) "we put that in the space that was created because the doors of the garage, it could fill that." So you know it's a device, I understand architectural device but I think it will work. Given this problem."

(RD) "I get it, I get it. So are you extending the height of the garage? you said it was built"

(DD)" No, the proposal is to leave it as is, because even though it did not meet the exact graphic, presentation of the original coastal drawing, it's still within the limits of the ordinance, and so that's what the proposal is saying, ok .. you know we really would like to .. "

(DH) "I think the confusion there is that the building as it was built, and that's what Dennis was explaining earlier from the Coastal to the building permit there hadn't been consideration for that header that had to go in there."

(DD) "or floor heights and a number of things"

(DH) " a number of things"

(DD) " Draw the section and do it in detail and all of a sudden I don't have enough head room in the garage if I do this like this"

(DH) "Those things have all been done, so there's no additional height that's necessary."

(RD) "Ok" and you talked about that line along the side where those two fake windows are, um the gutter line, it was different in two different places"

(DD) "yeah, so that was something that had they not done that, if they had raised it up the problem would have been even worse. so they tried to mitigate when they built it they dropped the one side to make it least, break it up architecturally."

(DH) "well, and not only that, there's a door. I don't know if we can wrap around to see that door with the staircase... it's on the other side....oh, you can't see it real good."

(DD) "hold on a minute"

(DH) "they keep coming and coming and coming."

(DD) "um, ok I'm going to go out of the slide mode and I'll get it larger."

(DH) "but there is a spiral staircase and the door that leads up to where the storage is, in order to have the door be able open and close there had to be a change in that roofline. otherwise the door and the roof were going to be in conflict with each other. So that was another reason for putting it that way."

(DD) "I don't know if you can make out, there's a door"

(DH) "no, you can't get it from that, because it's back behind here"

(DD) "well I can see it here but the projector makes it tough."

(DH) "did I answer your question?"

(RD) "um, yeah"

(DH) "well this gentleman and we'll get to your question next, and welcome"

(CS) "thank you, we thought it was 7:30. Well that's what we had written down."

(DH) "well that's ok, you made it"

(RD) "maybe some of the neighborhood's concern is it was not known that the plan had changed from the original. the story levels and replacement garage it's permitting in 2012 I think. Here's two stories and no one was expecting that. It is outrageous that the public had not been educated or consulted, or nobody knew it was coming. And it's still somewhat of a mystery of what the second floor is for, you don't need all that height for storage."

(DH) "well you kinda do, and the reason is there's floor heights that are required and let me back up even further than that. I hear what you're saying about how the notification of the neighborhood wasn't very good ..."

(RD) "well it didn't exist" There was no hearing, there was no open hearing"

(DH) "and yeah, I don't ... I wasn't there for that part. so I can't say you know, where the fault lies, who did what but all I can say is that we're here now, we're trying to be as open with the process as possible. to the point you even having movies of the house so you can see it from all the angles and I'm really sorry about what happened in the past. I can't do anything about it."

(DD) "you can see the plan, you see that the actual space is really small, and it's really an attic space. It comes down."

(RD) "why do you even need a full height door, and headspace if what it's being used for is storage."

(DH) "because there's building code requirements for storage, yeah, for any kind of structure. But let me even back up because you asked "why do you even need that". So originally when the house, the garage was approved, it was a bigger garage than what was proposed. There was a redesign of the garage that shrunk it from the 22 feet to the 20 feet and the area that was lost, because that was going to be the storage area, but that area was lost, then that's when the second area, which is now the loft area, became the storage area."

(RD) "but there was an area in the back", that would have compensated for that loss."

(DH) "well, and that's what we're talking about, so when you add something to the back like that, then you have to have certain height levels on the first level and then a certain height level on the second level. So it does shoot the whole structure up higher than probably you saw on the original plans, which was the 22 foot wide garage with the lower profile. And Dennis did you want to jump in with some building code stuff?"

(DD) "I can't answer the question as why it's there, I do know that in order for you to have a space that you access, unless you're talking about an attic, where you have a fold down ladder,"

(RD) "wasn't it supposed to be an attic"

(DH) "no, this portion back here is the attic, this portion up here which is 189 square feet, is the storage area."

(DD) "so, it has a door, by virtue of having a door and a way to get up there, it's much more convenient, I have an attic stair and the only thing it's good for is open it up and see "

(RD) "crawl up there and put boxes"

(DD) "yeah, uh, once the boxes are there, then that's it. So, that's a personal preference the fact that it has a door, and you can go up there it does have a minimum height,"

(RD) "since there was no hearing, since the public had no education on this, we're kinda surprised to see there's a room in this area."

(DH) "it's not a room, it's still considered non-habitable space, but there's a difference between non-habitable space and an attic from a building code perspective."

(CS) "Well I'd like to say that I think that having the higher roof when we're coming up the street with the bird on the side of the building is really a cool thing. And I don't know why they needed two false windows there, I still don't understand that part. Because it's really a nice thing to see, walking up the street, having that nice sculpture on the side of the building, and it just seems like a pretty petty change to make that you need put on any buildings, that doesn't have any purpose to me, and I think that the garage, the change in the garage does kind of match the height of the

change of the house. I mean, it's not quite as high, but it matches the shape of the roof of the house. and the last room and all. and so I think that all goes together nicely. And I think anything else that happens inside is for convenience and I'm not sure what mechanical parts are in a room, but maybe you could tell me what that means, the laundry and the mechanical, that's all the machinery that runs the house, electricity and everything, I assume."

(DH) "Sure, correct, but let me answer your first question, the bird that is on the side of the garage, um, actually we wanted to leave it there, because he thought that it looked nice there too. The planner though, did not agree, and she thought, and I think she was thinking that the neighborhood wanted to see the windows on the side. So that's why she asked us to come up with an alternative and to move the pelican. She didn't say to move it to the front, that was our doing, but she did want some sort of windows on the side."

(CS) "why would that be necessary, I just don't get it because an artful work on the side of a building is way better than two dumb windows."

(DH) "well to be quite honest,"

(CS) it just seems like there's so much nit picking going on when they've spent thousands and thousands of dollars through the years to improve everything to make it a gorgeous place to go along with all the planning commission things about the garden and heaven forbid we can look over the fence I mean most of the neighbors don't really care about that part, it seemed like they needed more privacy, but now that's pretty well gone too. so I think that to have these false windows is just something that's totally unnecessary."

(DH) "if you feel strongly about it, I would suggest sending an email to Lezanne, our planner, I don't think she's heard that perspective."

(Unknown neighbor) "why would she even consider that?" Why did she make up her mind that a sculpture on the side of the building is not proper?"

(DH) "well there are, well it is very subjective, let me start out by saying that and in her opinion, having the bird on the side, while it was artistic, it didn't meet or match the plans that had been previously approved. And she was trying to put it back to the way it had been previously approved although she knows that we couldn't put windows in because of the building code. So she asked, and we agreed that we would put something on the side as closely to match that as possible. So we went back as close as we could to what was originally approved."

(CS) "I don't understand it yet."

(DH) "but send her an email, like I said, she hasn't heard that perspective."

(CS) "I'll do that"

(JT) "to play off Carly's comments here, would the members of the meeting also agree with her and it could be a meeting decision that the pelican stay where it is."

(DH) "well I'm recording so it will be in the minutes, so ..."

(Unknown neighbor) "you're hearing one person and I think what Jim is saying maybe if there is a consensus of the meeting it will carry more weight."

(DD) "if this meeting says it's a good idea,"

(DH) "if you guys have a consensus, just say it and it will pick it up and I'll put it in the minutes. I'm not trying to force anybody's opinion one way or the other but I did hear you loud and clear and if others feel the same way, I will put it in the minutes but I also suggest that you send an email or come to the meeting which would be even better."

(JT) "I'm Jim Thoits and I agree with Carly's statements here."

(DH) "ok, and make sure you guys have signed in on the sheet there. "

(Unknown neighbor) "I defer to Reed's preference on it, I mean, he's the homeowner and he ought to have a say in it if he agreed to it. Leaving the pelican where it is and .."

(RG) "my, my preference is to do whatever it takes to finish this process. with as little controversy as possible." (Laughter)

(DH) "but are you also saying that, can you put up the pelican once again, are we also saying that moving the pelican back to the side means we won't have a pelican in the front."

(Unknown neighbor) "right"

(DH) "ok, I just wanted to be clear. Does everyone .."

(Unknown neighbor) "I support not putting in the faux windows and putting the pelican back on the north side. "

(DH) "Toby, you have an opinion? "

(TG) "I don't have an opinion on that and frankly I wonder what the discretion of the planner is to require that letter something in the code they have the ability to say so or if it's just that's what they want as a person doing that job, so I would just raise the question show the authority that they can require these minor changes."

(RG) "let me answer that Toby, the question was our discretionary approval had two windows, on the north side of the garage. We pulled our building permit, the building permit County Santa Cruz said that you can't have two windows. So we pulled a building permit that did not have two windows. The planning department came back and said there's a conflict here. That's the conflict we're trying to resolve."

(TG) "understood, between the same agencies"

(RG) "there's two people sitting in two chairs at 701 Ocean Street one says you must have two windows, the other says you can't have two windows. I'm sitting here trying to figure out what do I now do. "

(DH) "so we split the baby, (laughter). RG" we split the pelican" but in terms of the code, what the code specifically is to address is mass. it says that you can't have large masses of building without having something to break it up... without relief. So .."

(Unknown neighbor) "put a vertical or horizontal band"

(DH) "so, it .. what provides relief is what gets to be subjective, because you know, like he said you could put a band, you could put the pelican, you could put the windows it all breaks up the mass but it really is left up to the decision makers. Lezanne, remember is the staff person, she will give her recommendation to the planning commission they will make their final decision, which is why I'm saying, if you have opinion on this stuff you still have time to give that input."

(CS) "I just feel so strongly that this is a very creative city and community and our artistic work is really important to all of us, and for somebody to be able to see that coming down the block, which I see every day, it's really important to me, it's really beautiful, it's different, it's artistic and it's not too dull looking windows. "

(DH) "well and that's why I wanted to keep it somewhere, but I got your ... I hope I'm recording, I better be recording, I've got your input recorded and when I do the "

(FT) "I'll write a letter"

(DH) "do sir?"

(Unknown neighbor) "I had a question of he had a slide there that showed the east view where the deck is to be lopped off and I wanted to have you go back to that because I was wondering how, where is the property line in relation to the deck."

(DD) "the property line is um .."

(DH) "go back to that slide"

(DD) "hang on let me get the actual"

(Unknown neighbor) "I don't think I have an objection, I'm just curious."

(DD) "so the approval showed the property line 9 feet from the edge of the deck, ok, that's the drawing, then when it was built, that turned out to be not correct, because it wasn't accurately laid out and so it was about 2 1/2 DH "it was about 2 1/2" feet"

(Unknown neighbor) "they didn't have a land survey when they build the deck, so the setback in the back if I'm correct was based on the set back from the property line but during the actual construction, because of the topography it is very steep there, nobody really knew where the property line was and they erroneously made the deck about 4 feet wider than it really should have been."

(DD) "2 1/2 .. we're pulling it back 4 feet, but that was another thing that wasn't available was it's like you go out there on the beach and see where the coastal bluff is. oh, that's the line of the coastal bluff, let's measure from there 25 feet, that's a grey area, and so now we have a survey

location of where that is and that's what the new deck does, it respects the current standard and the current data that we have about where, it corrects what was done in '91."

(DH) "so to answer your question the new deck, when it's pulled back, it will be12"

(Unknown neighbor) "8 feet from the property line?"

(DH) "no, because the permit said 9 feet, but we had to pull it in an additional 2 feet because of the 25 foot coastal bluff setback, so that makes it 11 ... from the property line."

(Unknown neighbor) "11 feet"

(DH) "correct"

(DD) "so, uh the existing on the second level the edge of the deck is 7.33 feet from the property line. The permit said 9 feet. The proposed is going to put it at 11 feet. So we're pulling it even back further, and that's because of the coastal bluff set back line, not because of the property line. A little different reason for doing that."

(DH) "right, that's what I wanted to clarify. It's not 11 feet from ... , it's 11 feet from the property line but the reason we pulled it back that far didn't have to do with the property line it had to do with the coastal bluff."

(Unknown neighbor) "the slope, is that what you mean?"

(DH) "well, when you say coastal ...go ahead"

(DD) "the coastal bluff line is a ..geological term that has an approximate location, in fact next winter it will probably be "

(Unknown neighbor) "constantly moving line"

(Unknown neighbor) "that's what I was going to say, do you have to change your deck every time"

(Laughter .. chatter)

(Unknown neighbor) "that's what it sounds like"

(DD) "don't apply for anything because then they'll go look at where the line is today."

(DH) "don't say that, that puts me out of business. (Laughter) no, but we did have the surveyor go out and measure where the coastal bluff line is, which is something that hadn't been done before as well as surveying where is that property line. So both of those lines are accurate so that, no Reed, you will not have to go back in 5 years and say oh my God I have to do this all over again. .. I think I'd rather .. "

(Unknown neighbor) " I guess it raises the question in my mind that if I were the owner of that property, if the cement, below that deck is going to be taken out"

(DD) "just the floor, not the perimeter"

(Unknown neighbor) "oh not the perimeter, so if there's more erosion that takes place, is that going to move in to his property further?"

(DH) "no, because the other thing that we did, and I'll let you talk to Jeff, the other thing that we did we had a geologist go out and a geotechnical engineer go out and inspect what needed to happen in order to make sure that the deck was secure with us taking out and cutting back some of that area. So we did have to follow or at least Jeff did, have to follow their recommendations in order to make sure that even if there is more erosion, the supports for the decks will be able to remain and there won't be harm to life or property as a result. So you can tell him the technical stuff."

(JM) "that lower flat area underneath the deck, is going to remain and is currently and has been for decades supported by a retaining wall on two sides, those retaining walls are tall at the corner and taper as you go, oddly enough tapers to nothing as you go towards the ocean on the east side and tapers as you go back towards the street on this side. Personally I find this a little bit silly, but we're taking out the impervious concrete underneath the deck and putting in pervious surface so that any rain water that comes through the deck is not impeded in it's path to the ocean, which is fortunately not very far away. Normally the requirement for this impervious surface, now you're getting the smart alec civil engineer, normally we don't let you pave new ground without mitigating it up there in the hills somewhere cuz you're gonna add storm water load to our storm sewer system which is going to overload the system. but in this case, we're taking out pervious pavement as an exercise in futility I would say. Put in pervious pavers where concrete is so we can facilitate the water getting to the ocean."

(DH) "Jeff, you do know I'm recording you" (laughter).

(JM) "I'm on record... I'm on record saying that silly things are silly." (laughter).

(DH) "sir"

(Unknown neighbor) "sorry to be new to the discussion, but the deck we're talking about is the one we're looking at right there?"

(DH) "yes"

(Unknown neighbor) "ok"

(DH) "this one right here"

(JT) "I'm going to refer to this as lower 15th avenue, since it goes from Prospect toward the beach so that's lower 13th, there's been many people on that street that have encroached in their front yards and I really commend the applicant for taking and rectifying many of these very small items to come into compliance, with either things that were not known before and he's rectifying now and or opening up views to the ocean so it seems like the applicant has be very forthcoming and very willing to remedy situations that some may be in the grey zone and some are more clearly need to be done, but I'd just like to thank the applicant for his ability to work with everybody on this and come up with a project that and also take some of the if they were deemed not to code at the time bringing them to code today. So thank you."

(DH) "well that permit was issued back when your dad was still alive, so when his dad build the fence he didn't build it as per the coastal commission approval so we had no choice in that one."

(CS) "I realize that, but it all went backwards and I don't know ... I realize all that happened earlier on but I don't know from when I feel really uncomfortable looking over the fence when I get down to the end of our block. That needs to be a more sensitive thing I think. The public view thing has gone a little too far as far as I'm concerned. All these people's privacy spent thousands and thousands of dollars in making a gorgeous place and they should have had some more privacy than that. I feel really strongly as you can tell about that. And we've lived down the block for over 35 years, I've never seen that kind of thing so all this for they can get, I would appreciate, we all would because they've gone through hell with this. They really have, they're young, they inherited that property and they've gone through hell to make it a really beautiful place, they share with the neighbors they welcome us in and for that they've had a really hard time and I'm sorry about that, really sorry, the bureaucracy sometimes isn't worth it."

(DH) " and I don't think you'll get much argument on that. Are there any other comments, questions, if people want to come up and look at the floor plans feel welcome, we have the room for about another half hour "

(Unknown neighbor) "Move approval of the project" (Laughter)

(Unknown neighbor) "second it"

(RD) "For the record I'd like to make a comment on the Planning Department's procedures modify, not real concerned with the garage, modifying that thing ... I think the big change worthy were the added room with the dormer and the stairway were added as done as a minor variation and I think Lezanne tended to like to change those to minor variations."

(DH) " They don't allow it anymore"

(RD) "they don't allow it anymore for Coastal"

(DH) "Coastal"

(RD) "they never have been, I don't think it's ever been allowed for Coastal permit"

(DH) "well they were doing it, but they weren't supposed to"

(RD) "that's right, ok I wanted to point that out to the planning people that procedures have not been according to the coastal and county code."

(DH) "so, do you ...what concerns do you still have about the project? Is there ... I know that the planning department part of it is still sort of an issue but in terms of the project itself, what questions or concerns might you have?"

(RD) "when the permit for the garage was first issued, in 2012, the project planner said that that the new garage being set back and being single story would not be visible from the beach. In fact, coastal views from the street, anymore than the single garage, there was no objection at that time. Since that meeting the Zoning Administration meeting in 2012, there's not been another

airing of the project until now. Planning department hasn't had an open hearing those promises from Lezanne certainly have not been met. the garage looks like a second house from the beach, it's more than visible. Largely procedural."

(DH) "can you pull up the comparison slide that you did. ..the garage. And I'm talking about the one you did. So if you look at the .. no, this isn't the one, I want to see the one story garage, I mean the one car garage. That one .. so in this picture, and the reason I brought it up, is and I think you said it earlier and I hate to point at you all, sorry about that but I didn't get your name.

(Carly) Carly mentioned that the garage now blends in with the house behind it and from my perspective by the way, that holds some merit because what you're seeing on the right side it is the one car garage before, and what you're seeing isn't more ocean, but it's the house behind it. What you're seeing now and the picture on the left the 2016 existing garage, yes you don't see the house behind it but in actuality with the removal of this bush here and the lowering of the fence you've actually got more ocean view than you had before. and the garage did not take away from the ocean view because the view that you had was of the house and not of the ocean."

(RD) "well it depends on where you're standing in the houses across the street and up the street

(DH) "but that's inside the house, those are private views."

(Unknown neighbor) "that's right"

(DH) "and I'm talking public views, so that's why we feel that we had to address that concern and as I mentioned earlier, yes, there's going to be people that feel that their private view is being effected but if you think about it your private view effected somebody else's private view and I think that's why the County and the Coastal Commission doesn't focus on private they focus on public. And you may still not feel that way but I'm just trying to tell you that we did take that into consideration and feel like what had been done had been addressed, if not we'd be looking at something totally different, because we did try to address each and every item."

(Unknown neighbor) "can you give us the contact information for the Planner?"

(DH) "Sure, so her name is Lezanne Jeffs and her email address is lezanne.jeffs@co.santa-cruz.ca.us and her phone number is 454-2480. So if no one else has any questions, like I said, feel free to walk around, look at the floor plans, if there's some other slide you wanted us to pull up or any other comments. I want to make sure that we've answered all of your questions."

(Unknown neighbor) "Thank you for doing this"

(DH) "not a problem"

(Unknown neighbor) "for having the patience to listen to me."

(DH) "not a problem at all, I was actually expecting a more contentious meeting." (laughter)

(Unknown neighbor) "I'm sorry" (Laughter)

(Unknown neighbor) "just give us a minute" (Laughter)

(Unknown neighbor) "we can start over"

(DH) "no ...no!" well thanks everybody for coming out I really appreciate it."

End Transcription.

Lezanne Jeffs

From: Deidre Hamilton [deidre@hamiltonswift.com]
Sent: Friday, August 05, 2016 11:05 AM
To: 'Jeffrey Martin'
Cc: Lezanne Jeffs; Tony Sloss; John Leopold; 'Reed Geisreiter'; 'Dennis Diego'
Subject: RE: Neighborhood Meeting - Geisreiter
Attachments: Meeting transcription.pdf

Jeff,
Here is the corrected transcript. Sorry about that.
Deidre

Deidre Hamilton
deidre@hamiltonswift.com



500 Chestnut St. Suite 100
Santa Cruz, CA 95060
831 459 9992 | Fax 831 459 9998
www.hamiltonswift.com

Please recycle the environment by recycling this email.

From: Jeffrey Martin [<mailto:steelheadengineering@gmail.com>]
Sent: Monday, August 01, 2016 9:24 AM
To: Deidre Hamilton
Cc: Lezanne Jeffs; tony.sloss@santacruzcounty.us; John.Leopold@santacruzcounty.us; Reed Geisreiter; Dennis Diego
Subject: Re: Neighborhood Meeting - Geisreiter

Deidre,

Finally had a chance to read through the transcript....just wanted to note that my initials are identified at the top as JM which throughout the transcript is actually used for statements made by John Miller. The one statement I recall making is noted (Jeff) rather than JM.

Thanks,
Jeff Martin

On Thu, Jul 28, 2016 at 4:35 PM, Deidre Hamilton <deidre@hamiltonswift.com> wrote:

Lezanne,

Please find attached a copy of the transcript from the neighborhood meeting held last week for the Geisreiter project. I've also included a copy of the notice that was sent, the mailing list and the map showing the addresses of the properties that were sent notices. As you can read from the transcript many of the neighbors were in support of the project. The concerns that were raised had to do with the storage area above the garage and the pelican on the side of the garage which we were proposing be relocated to the front of the garage. There were also concerns express about the way the minor variation had been done and the feeling was the neighbors were not given proper notice. I believe we answered all of the questions that were asked and with the

power point presentation by the architect and the plans that were displayed, it gave the neighbors an opportunity to study the project in more detail and hopefully there is a better understanding of the project. If you have any other questions, please feel free to contact me.

Thanks,

Deidre

Deidre Hamilton

deidre@hamiltonswift.com



500 Chestnut St, Suite 100

Santa Cruz, CA 95060

[831.459.9992](tel:831.459.9992) | [Fax 831.459.9998](tel:831.459.9998)

www.hamiltonswift.com

 Please consider the environment before printing this e-mail

Lezanne Jeffs

From: Carli Stevens [carlisplace@gmail.com]
Sent: Friday, July 22, 2016 3:12 PM
To: Lezanne Jeffs
Subject: Fwd: Geisreiter Project/Meeting last night

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Carli Stevens <carlisplace@gmail.com>
Date: Fri, Jul 22, 2016 at 2:52 PM
Subject: Geisreiter Project/Meeting last night
To: <LEZANNE.JEFFS@co.santacruz.ca.us>

Hello, my husband and I attended the meeting regarding Application 151187:APN 02814813 last night. We have lived on 13th Ave.almost 40 years, and have known Reed Geisreiter since he was very young. My main concern at this point in the process, is that we heard last night that the Pelican on the North Side of the garage doesn't suit your likings. To those of us in the neighborhood, it is a wonderful, artistic, interesting addition to our environment. Certainly, two faux windows in its place and putting it on the front of the garage is not what we think is a good idea. Why would it be? Santa Cruz has so many talented, artistic people who make our environment more interesting and beautiful. Please change this decision and leave the Pelican where it is, thank you, Carli Stevens
231 13th Avenue

Lezanne Jeffs

From: Fred Thoits [fthoits@pacbell.net]
Sent: Thursday, July 21, 2016 10:19 PM
To: Lezanne Jeffs
Subject: Application 151187 APN 028 142 13

Follow Up Flag: Follow up
Flag Status: Flagged

Lezanne

I attended the Neighborhood Meeting regarding Application 151187 (120 13th Ave - APN 028 142 13) held by Deidre Hamilton at 7pm on Thursday July 21, 2016 at System Studies Conference Room, 21340 E. Cliff Dr, Santa Cruz.

I was involved with the neighborhood group during the approval and construction of the garage project, regarding the issue of the fence at the end of 13th Ave and the bluff stabilization. I live on 14th Ave, but walk my dog in the neighborhood and to the end of 13th Ave several times a week. I got to know Larry Rego, the general contractor, and stay familiar with the project during the garage construction. In my opinion I like the final outcome of the garage in its appearance and fitting into the style and character of the house. I also am very thankful that a fence was not constructed across 13th Ave, and the think the end result of the bluff stabilization was the correct remedy.

I am writing to you regarding the information that was presented at the July 21 neighborhood meeting regarding the faux windows that are being proposed/required on the north side of the garage. I am very opposed to this change. I understand that the initial elevations and application showed windows in this north wall, that the Planning approval was made with these windows, but that the building department determined that the code prohibits windows because the north garage wall is on or very near the property boundary. To enhance the visual appearance of this north garage wall, the property owners installed a piece of very attractive art in the form of a pelican in flight. This art work is viewed as you walk down 13th Ave toward the ocean, is a thing of beauty, and enhances the new garage structure.

It would be a great loss if this art work is removed and replaced with faux windows. Replacing a beautiful piece of art with some attempt to install phony windows for the sake of making the final structure look like an elevation drawing in the initial application submittal makes no sense. Moving the art work to a new location above the garage doors on the east side of the garage, would not provide a good visual vantage of the art work, and would require getting immediately in front of the garage and turning to see it. This would eliminating the aesthetic viewing of the art work from afar, and as you approach the end of 13th Ave.

If the goal is to provide some more pleasing visual presentation of a solid garage wall, I would think embracing the installation of a beautiful piece of art would be much preferable to some phony windows. A faux window decision comes across as some bureaucratic attempt to cover for a conflict between the Planning and Building Depts. A decision to support the installation of a piece of art demonstrates a greater community benefit with a higher aesthetic value.

Thus, I strongly request and plead with you to allow the art work to remain in its present location on the north garage wall, and not ruin its current aesthetic presentation with some horrible faux facade windows.

Fred Thoits
234 14th Ave
Santa Cruz, CA 95062

**Late Correspondence and Additions
to the Staff Report
for the Planning Commission**

Item # 7

Application # 151187

Lezanne Jeffs

From: Laurie Chase [Laurie@rialtowest.com]
Sent: Monday, August 22, 2016 10:30 PM
To: Lezanne Jeffs
Cc: Laurie Chase
Subject: 120 13th Avenue

Hi Lezanne-

I am planning to make the Wednesday, 8/24, meeting re: 120 13th Avenue, Santa Cruz, CA 95062. In the event I do not make it, I wanted to express a few sentiments re: this project since I know there has been a lot of talk about this project voiced by a few neighbors.

I own a property on 13th Avenue & wanted to express my opinion, as well. I prefer the pelican or other art work on the side of the garage over "faux" windows. "Faux" anything is not what Santa Cruz has ever represented, in my opinion. In addition, I think the fence that we required the property owner to build may give the public a view into their backyard more than anything. The public view at the end of 13th has always been, and remains, amazing and approval of this project will not change that.

Hoping this project disagreement gets resolved and this project is approved sooner than later so our neighborhood can settle back into the calm, inviting & inclusive place it's always been.

Thanks,

Laurie

Laurie Chase, Broker
Rialto West Properties
BRE# 01092297
laurie@rialtowest.com
408-623-0094 (Cell)

Lezanne Jeffs

From: Geoff Flavell [gflavell1@me.com]
Sent: Tuesday, August 23, 2016 11:35 AM
To: Lezanne Jeffs
Subject: 8/24/16 Pubic Hearing - Public Comment Submission

Subject: August 24, 2016 Public Hearing
Application: 151187
APN 028-142-13
Owner: Reed Geisreiter

August 23, 2016

Dear Ms. Jeffs,

Kindly accept my comments for the public hearing on August 24, Scheduled Item number 7.

My name is Geoff Flavell and I reside at 40 Rockview Dr. 13th Ave is one of our favorite neighborhoods to walk to because of the friendly neighbors and some of the best panoramic views of the Santa Cruz coast line.

I am writing to you regarding the public information I read, which was presented at the July 21, 2016 neighborhood meeting for this application.

I do not believe the storage area above the garage adversely impacts the view from the street or the beach in any negative way. Having storage above one's garage is a very good storage solution. Furthermore, I am very happy to see a two car garage instead of a one car. One garages just force more cars on the street.

I am concerned with the faux windows required on the North side of the garage. I am oppose to fake windows being placed here.

I understand the original windows planned no longer met building code. However, something here was required by the Planning Department in order to break up the visual appearance of this wall. This presented a true conundrum between two planning departments' requirements. The compromise solution resulted with fake windows.

The good news here is that there is a lot of common ground, where all parties agree this is a architecturally large bland and boring wall.

I prefer the solution the citizen/owners came up with on their own. Their action was to hang a spectacular piece of oversized artwork to distract the observer with an interesting focal point. The subject matter is of a majestic local pelican in flight. How cool is that!

Just visualize, to be walking down the street and get a preview of what one might be lucky enough to actually observe once at the ocean view end of street.

What a great teaching tool for moms and dads to ask their kids, "What is that a sculpture of?" And hopefully get the response, "That's a California Brown Pelican, which were almost wiped out by man made chemicals in the 1970's."

Also there is so much tagging going on in these neighborhoods. It is such a delight to see a neighbor take the time and financial risk to even add outdoor artwork to their community.

Moving the pelican to the front, west wall of the garage, just clutters an already well planned and thought out architectural design for this side of the building. The sculpture really belongs on the North wall versus ugly fake windows. Please reconsider this decision. Save The Pelican ...again.

Thank you for your kind consideration.

Sincerely,
Geoff & Limay Flavell

and would prefer the pelican artwork or some form of artwork

Lezanne Jeffs

From: Joe Hall [rama@cruzio.com]
Sent: Saturday, August 20, 2016 11:43 AM
To: Lezanne Jeffs
Subject: 120 13th Avenue, Santa Cruz, Application 151187

Lezanne,

I am writing to support the application at 120 13th Avenue, 151187.

From reviewing this lengthy report I think page 6 of the staff report summarized this permit very well and shows that it will have minimal if any impact. I could provide more input if you request but after reading pages of this material I found the report covered my memory of the various projects at this property and the proposed changes are very minor in nature and deserve to be approved.

For purposes of this email I would like to mention we have lived in our house since 1981 and have a view of the back of this home.

I will not be able to attend this hearing but am available to answer any questions you may have any via email.

Thank You

Joe Hall

Lezanne Jeffs

From: Roger/Teresa Douglass [rogntre@comcast.net]
Sent: Friday, August 19, 2016 2:24 PM
To: Wanda Williams
Cc: Lezanne Jeffs; Deidre Hamilton
Subject: Comments for Planning Commission hearing of CDP 151187

Wanda, would you please add a copy of this email to the 151187 file for planning commissioners to see before the upcoming meeting Aug 24? Thank you.

Dear Commissioners,

Having seen the recent Staff Report to the Planning Commission for CDP 151187, I want to express my opinions concerning 'recognizing design changes to the garage'.

I certainly agree that the Geisreiter home, with no on-street parking or room for a driveway, needed to replace the single car garage with a double. There were no objections to the original garage permit, CDP 121143 to do that. Unfortunately, the garage plan evolved since the first approval by the Zoning Administrator on 1/18/2013.

There are other garages in the neighborhood with little or no setback from the street, but none that loom over our narrow street like this one. The others are single story with low rooflines. The Geisreiter's 19 ft. high two story garage, contiguous with a six foot fence, completely shields the house behind it from the street. From the beach, the new garage looks like a second house (see below). So it cannot be truly said that the style is consistent with the neighborhood or that it conforms to the strictures of the LCP for a bluff-top structure.

Inquiries and complaints to the project planner started as soon as the framing of the roof with dormer windows went up (see below). We expected a single story garage. It looked like an apartment or extra bedroom was being built over the garage. What a great coastal view from that dormer window. Would it be available as a vacation rental? Where would the extra guests park? It was too high to be a legal second unit. The project planner assured us it was proceeding according to the approved permit. What permit?

It turned out that Planning and the Coastal Commission had ignored or administratively approved successive changes to the garage plan by handling these changes as Minor Variations at level 3, without notification of all concerned parties. This kept the public from learning of, or influencing, or appealing the plan changes. I feel the applicant's attorney and builder have been allowed to game the county's permit system. The county LCP expressly requires in section SCCC 13.20.100 that procedures, amendment, and all processing for a Coastal Development Permit be done at Zoning Administrator level 5 or above, with public notification and hearings.

Had the permit proceedings been open, surely the design creep would have triggered appeals and we would not be confronted with the garage that has now been built. Please, in the future, avoid situations like this by rigorously following the LCP provisions of county code even for non-commercial development, and insisting on transparent ZA level treatment of all coastal permits.

Thank you,

Roger Douglass
210 13th Ave.



Lezanne Jeffs

From: chris hackett [chackett25@yahoo.com]
Sent: Wednesday, August 24, 2016 2:23 PM
To: Lezanne Jeffs
Subject: Fw: Comments for Planning Commission hearing of Application Number 151187
Attachments: Santa Cruz Planning Commission Application Number 151187.pdf

Lezanne,

Please see the attached letter in support of Reed Geisreiter's application number 151187

Thank you,
chris

Chris Hackett

August 21, 2016

Lezanne Jeffs and the members of the Planning Commission
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: Planning Commission hearing of Application Number 151187

Lezanne and Commission Members,

I am the owner of the house across the street from Reed Geisreiter and his house/project at 120 13th Ave, application number 151187 and am writing to encourage you to approve this application.

There seems to be general consensus in the neighborhood about the north facing wall of the garage and the pelican art work. I agree that this is a nice addition to the neighborhood and it would be a shame to lose it for installation of fake windows. I hope you allow the artwork to remain.

I would disagree with what some have said about the process for determining whether these windows are required along with other changes made to the garage. I've spoken with Reed about this project and know that at every step of the planning and construction of the garage he worked with the Planning Department and Coastal Commission and that all the changes were approved by both bodies. He's also trying to bring together 80+ years of construction, additions, changes and applications which can be very difficult to coordinate. I don't believe that minor changes during this process, that at times were initiated by the Planning Department or the Coastal Commission, should be seen as anything other than Reed working with these bodies to get the job done.

In summary, I hope that you approve application 151187 as submitted.

Sincerely,
Chris Hackett
Owner of 115 13th Ave, Santa Cruz, CA 95062

Big New Home Is Being Erected In Twin Lakes

Mrs. Ida Geisreiter, 481 Seabright avenue, is building a large house at the ocean end of Thirteenth avenue, East Twin Lakes. The building contains a basement and first and second floors. The first floor will have five rooms; a living room, dining room, kitchen, two bedrooms and a bath. The floor above will contain several sleeping rooms, and the basement will contain a garage and sleeping rooms.

The exterior will be rustic siding. A rustic fence encloses the yard, which will be landscaped as soon as the building is finished. From this location there is a beautiful view of the ocean and land line along the Santa Cruz shore and most days the land line along the Monterey shore can be seen.

L. C. Scholl and his father, Conrad Scholl, of Seabright, are the contractors and builders.

Santa Cruz Evening News 1932 Apr 16 2:4 Ida
Geisreiter

Clipped By:



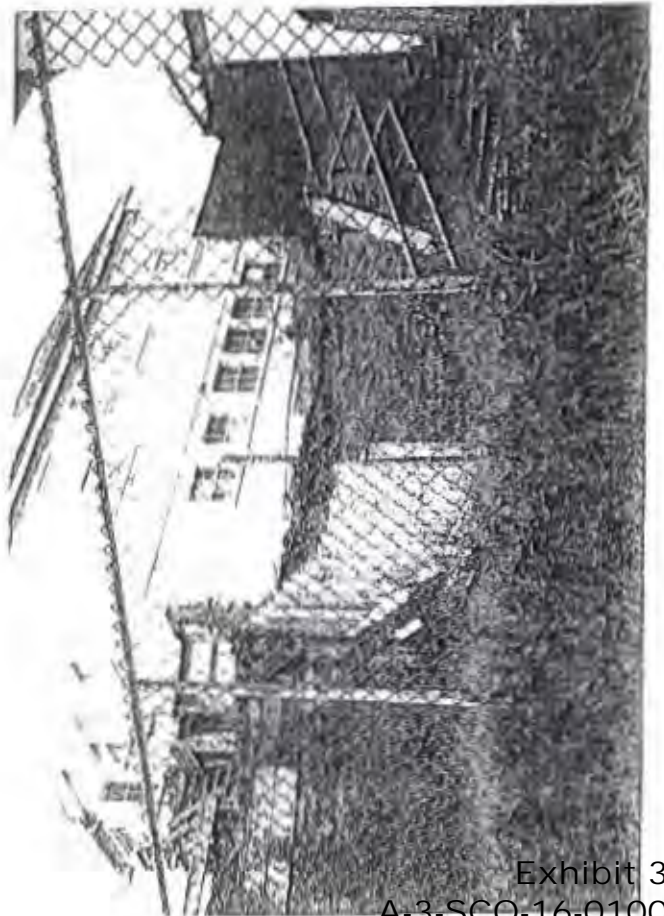
sstevens

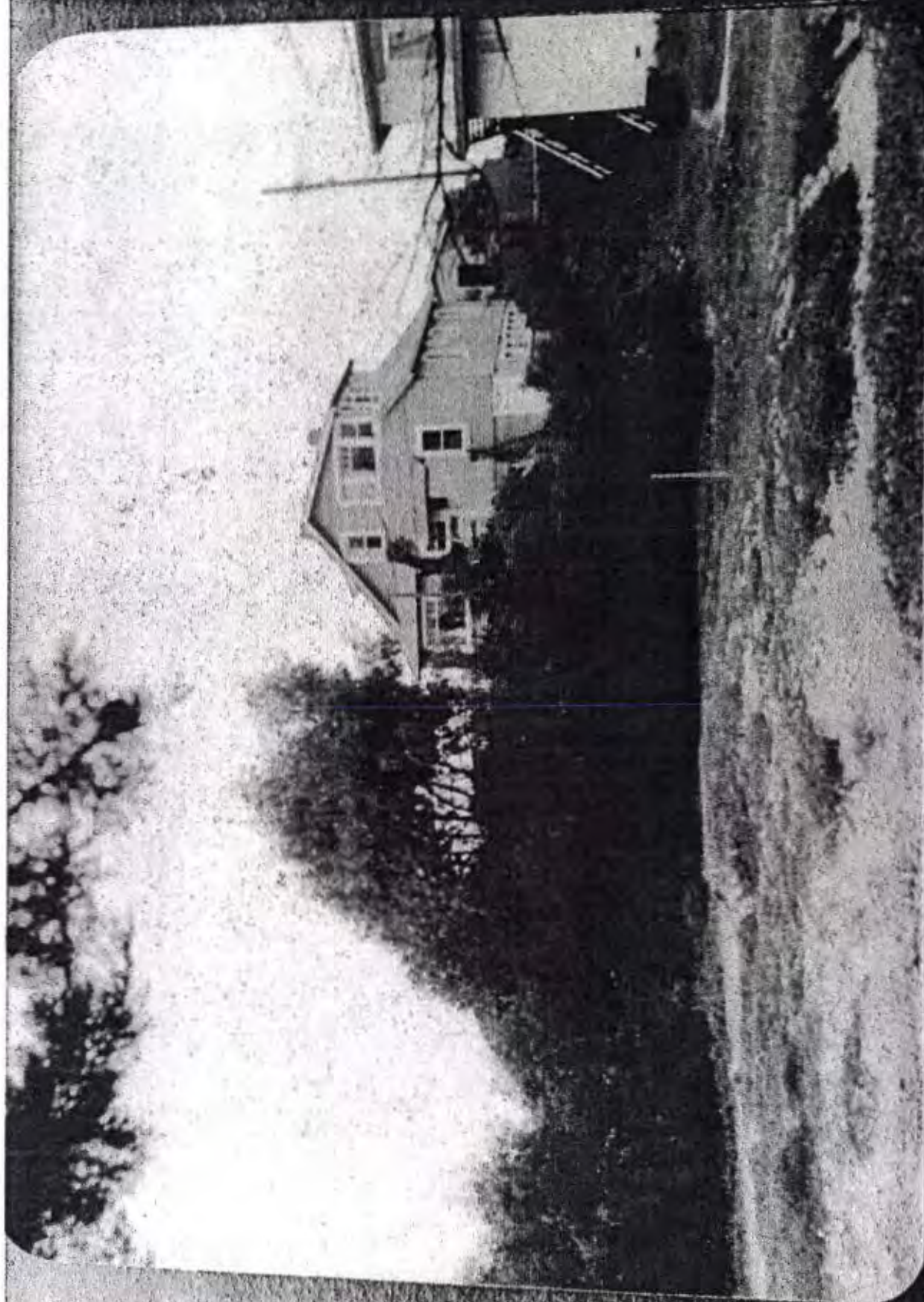
Mon, Mar 16, 2015

Exhibit 3

A-3-SCO-16-0100

173 of 325





1956



STREET VIEW from 210 13th Ave



150 13th

120 13th

ZERO SETBACK DETACHED GARAGES



135 13th stve



231 13th Ave

191 12TH Av



131 1 2th Avenue



Exhibit 3
A-3-SCO-16-0100
180 of 325

128 12TH AVE



Exhibit 3
A-3-SCO-16-0100
181 of 325

185 14TH Ave' .



Project No. SC9803
17 September 2015

REED GEISREITER
c/o Hamilton Swift and Associates
500 Chestnut Street, Suite 100
Santa Cruz, California 95060

Attention: Deidre Hamilton

Subject: Geotechnical and Geologic Hazard Assessment
Preliminary Design Recommendations

Reference: Proposed Basement Remodel and
Concrete Patio/Overhead Deck Reconstruction
Geisreiter Residence (APN 028-142-13)
120 13TH Avenue
Santa Cruz, California

Dear Mr. Geisreiter:

At the request of Deidre Hamilton, we have evaluated the reference property and the existing basement to assess the geotechnical requirements necessary to complete the proposed basement plan and patio/deck reconstruction. We have also reviewed the application requirements from Santa Cruz County Environmental Planning requiring a Coastal Geologic Hazard Assessment. The purpose of our evaluation is to identify potential geologic hazards at the property and then to identify existing mitigations to those hazards or make appropriate recommendations to mitigate hazards that still exist. The scope of our work included a thorough review of our files associated with the reference property, 120 13th Avenue. Numerous site inspections and meetings were done with the project structural engineer, Jeff Martin of Steelhead Engineering, Dennis Diego, project architect and with Deidre Hamilton, project planner. Included with this letter report are Appendices A, B, C and D relating to past geotechnical and civil engineering investigations and evaluations of the property and the resultant engineering improvements to mitigate potential geologic hazards. As part of our investigation, we reviewed select photographs of the existing basement foundation and retaining wall systems taken by the contractor who constructed those basement improvements. We also discussed the original basement configuration with Mr. Geisreiter as well as reviewed our files relative to the condition of the basement prior to recent basement reconstruction.

The project site is located adjacent to and east of 13th Avenue in the unincorporated area of Santa Cruz County known as Live Oak. The house sits on and fronts a coastal bluff adjacent to the Pacific Ocean at Blacks Beach. The site slopes downward towards the northeast away from the blufftop edge. A rock, riprap revetment surrounds the bluff

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
17 September 2015
Page 2

on which the house is located on. The rock revetment structure has been placed to protect the property from periodic coastal erosion and wave runup impact. The original concrete basement floor had cracking in its northeast corner due to significant settlement of the supporting soils in this area. The perimeter footing along the north side of the house also showed signs of settlement and cracking due to the rainstorms of 1983 and the fact that that corner of the property is composed of old fill that was supporting the residential structure. The residence was underpinned in 1985 as a result of the fill settlement.

Potential geologic and geotechnical hazards that impact the site are:

1. Wave runup and coastal erosion of the adjacent bluff leading to recession and undermining of the building site.
2. A combination of wave runup and storm runoff paralleling to the east side of the site causing erosion.
3. An historic fill wedge placed at the northeast corner of the property to level the building site resulting in less than adequate bearing support to the residential improvements.

These geologic hazards have been identified, investigated, evaluated, and mitigated with engineering improvements that are addressed in the following sections of this report and included in the Appendices of this report.

Uncompacted Non-engineered Fill

The northeast corner of the residential structure including portions of the original basement, experienced settlement that was amplified during the 1983 El Nino rainstorms. A soil investigation of the property was conducted in July 1984 by M. Jacobs and Associates leading to recommendations and calculations for underpinning of the home and patio/deck in that area of the property by Soil Engineering Construction. Plans for the underpinning were completed and permitted in July 1985. The underpinning project was completed by Soil Engineering Construction in October/November 1985 and positively inspected by the Santa Cruz County Building Department and the project geotechnical engineer, M. Jacobs and Associates. The aforementioned soil investigation, calculation, underpinning foundation plans, building permit inspection check off and final underpinning foundation inspection letter are included in Appendix A. Since implementation of the piers that underpin the northeast section of the property, the residential structure and concrete patio/deck system have performed satisfactory with no signs of distress or settlement. The engineered,

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
17 September 2015
Page 3

underpinning foundation system is adequate and appropriate for the existing residential improvements and the adjacent patio/deck structure. It can be incorporated into future structural modifications, if necessary.

Patio/Deck Retaining Wall Replacement

Old retaining walls that contained the uncompacted fill on the north and east side of property, were replaced with soldier pile, steel beam, cantilever and tiedback retaining walls in 1989. The replacement soldier pile steel beam wood lagging walls were geotechnically evaluated by M. Jacobs and Associates and designed by Ifland Engineers in 1988. Haro, Kasunich and Associates, Inc. evaluated potential wave impact to the retaining walls and concluded that wave runup would not directly impact the wall. Permits for the reconstruction of the replacement 4 to 8 foot high retaining walls were obtained in January 1989 and Kendall Contractors constructed the new retaining wall system with inspections by M. Jacobs and Associates in February 1989. The new steel beam retaining walls have performed well since their implementation. Some of the wood lagging has weathered. The north and east sides of the patio are well contained by the retaining wall system. The north side of the retaining wall has been infilled with new wood lagging between the outer webbing of the steel beams. We recommend that the east retaining wall also be infilled in like manner to ensure uniform longevity. Appendix B, Patio/Deck and Basement Retaining Wall Replacement, includes the geotechnical review by M. Jacobs and Associates, the Ifland Engineers plans, the potential wave runup impact evaluation by Haro, Kasunich and Associates, permits from the County of Santa Cruz Planning Department and the final pier observation inspection letter by M. Jacob and Associates. The retaining wall system is structurally and geotechnically in good condition and performing as designed. Adding wood lagging to the exterior webbing on the east side of the wall as was done on the north side will enhance the performance of the wall and extend its durability. The existing retaining wall system is appropriate to contain the exterior sides of the patio/deck system.

Rock Revetment Coastal Protection

A rock revetment coastal protection structure surrounds the south and east side of the reference property protecting it from coastal wave impact and episodic runoff from the drainage course east and north of the property. The rock revetment structure has been placed and maintained with various emergency, County and coastal development permits since 1980. Appendix C includes a maintenance plan dated December 2009 by Ifland Engineers which shows the existing rock revetment structure in both plan and section, presenting different dates of permitting and implementation and proposed maintenance. In early 2010, Haro, Kasunich and Associates inspected the rock revetment coastal protection structure and formally prepared an updated maintenance

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
17 September 2015
Page 4

schedule to cleanup fugitive rock on the beach that had been plucked or fallen from the structure. The gathered rock was replaced on the revetment to enhance its protection ability. A summary of the geotechnical and coastal investigation and coastal protection structural maintenance for the existing revetment structure is dated October 2010 by Haro, Kasunich and Associates and included in Appendix C. The revetment structure is in good condition at present. It was recently maintained in 2010 and will continue to function as necessary and appropriate coastal protection in the future with proper inspections and maintenance as needed per the recommendations of our 15 October 2010 Coastal Protection Structure Maintenance report.

Garage Remodel/Addition Geotechnical Design Criteria

In July 2014, Haro, Kasunich and Associates completed an additional geotechnical investigation for the garage remodel addition project. That report was produced to support the structural engineering requirements for the recently reconstructed garage. A Progress Construction Report by Haro, Kasunich and Associates presents the results of compaction testing and foundation implementation for that project. Haro, Kasunich and Associates is now involved in the final erosion control landscaping of that project which included the replacement of a fence to meet coastal conditions as a see-through fence. Appendix D contains the recent Haro, Kasunich and Associates geotechnical investigation and construction report.

Using the information contained in Appendix A, B, C, and D of this report, we have worked with Dennis Diego, project architect and Jeff Martin, project structural engineer to develop preliminary geotechnical recommendations for the proposed basement plan. In order to utilize existing foundation elements placed during the 1985 underpinning project and the additional foundation work completed to date, we discussed the underpinning with Soil Engineering Construction, reviewed plans approved and used for construction in 1985 and looked at numerous photos of the basement foundation and retaining wall work recently completed. We also reviewed our 1988 file when we inspected the original basement and adjacent patio/deck system. At that time we could walk upright in the basement which was being used as a workshop, laundry and auxiliary overflow space. No signs of structural distress were noted. Based on our research, it appears that the foundations that support the current basement retaining walls were hand dug through unengineered fill, some of the surficial terrace deposits and founded into the denser underlying native brown sands or Purisima Sandstone. Preliminary discussions with the structural engineer have determined that the existing foundations are adequate and can be used to satisfy structural requirements. The following geotechnical design criteria should be used when the existing basement foundation and retaining walls are evaluated by the project structural engineer.

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Based on the results of our previous investigations and review of our files, the proposed basement project is compatible with the site, provided the following recommendations are incorporated into the design and construction of the proposed project. The use of existing foundation elements is acceptable. Two foundation elements exist, a deep conventional spread footing bearing on native terrace deposit materials or bedrock and is a pier foundation system. The deep spread footing or piers may be designed for end bearing in the native soil encountered at depth. These soils have sufficient strength to support the existing and proposed residential and basement foundations. Piers embedded to bedrock may use the higher bearing capacities presented.

Primary geotechnical considerations will include maintaining the geologic hazards mitigation improvements identified in this report, controlling all surface runoff, and utilizing the grading and seismic criteria presented in the 2014 garage/remodel geotechnical report included in Appendix D.

Foundations – End Bearing Piers or Deepen Spread Footing

1. Drilled piers should be at least 12 inches in diameter penetrate all fill and be embedded into native soil or sandstone.
2. Piers should be designed for an allowable end bearing capacity of 4000 psf plus a one-third increase for seismic and wind loading.
3. Deepen spread footings founded in the native terrace deposit soil may be designed for an allowable bearing capacity of 2000 psf plus a one-third increase for seismic and wind loading.
4. For design of retaining walls up to 9 feet high and fully drained, the following design criteria may be used:
 - A. Active earth pressure for walls allowed to yield is that exerted by an equivalent fluid weighing 35 pcf for a level backslope gradient; and 50 pcf for a 2:1 (horizontal to vertical) backslope gradient. This assumes a fully drained condition.
 - B. Where walls are restrained from moving at the top, design for a uniform rectangular distribution equivalent to 28 H psf per foot for a level backslope, and 40 H psf per foot for a 2:1 backslope, where H is the height of the wall.
 - C. Use a coefficient of friction between base of foundation and native soil of 0.35.
 - D. In addition, the walls should be designed for any adjacent live or dead loads which will exert a force on the wall (garage and/or auto traffic).

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120 13th Avenue
17 September 2015
Page 6

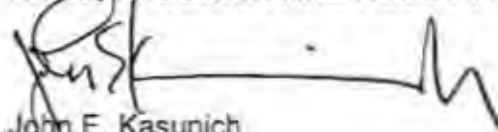
5. For fully drained conditions as delineated above, we recommend that permeable material meeting the State of California Standard Specifications, Section 68-1.025, Class I, Type A or an approved equivalent be placed behind the wall, with a minimum continuous width of 1-foot, and extending the full height of the wall to within 1-foot of the ground surface. A 4-inch diameter perforated drain pipe (with perforations placed downward) should be installed within 4 inches of the bottom of the granular backfill and be discharged to a suitable location. We do not recommend that this or any drain pipe be discharged into dry wells. They should be designed to discharge at adequate points that pick up accumulated surface and subsurface water in lined ditches, closed conduit, catch basins, or similar facilities that carry the accumulated water away from the foundation system and fill slopes.

Our office is on standby to work with and review the final project structural plans for the existing residential structure and proposed basement prior to submittal to public agencies. We will also observe all grading and foundation enhancement if applicable during final construction.

If you have any questions, please call our office.

Respectfully Submitted,

HARGREAVES KASUNICH AND ASSOCIATES, INC.



John E. Kasunich
G.E. 455

JEK/sr

Attachments

Copies: 4 to Addressee + email
1 to Reed Geisreiter + email
1 to Jeff Martin email only
1 to Dennis Diego Architect email only

APPENDIX A

RESIDENTIAL, PATIO AND BASEMENT FOUNDATION UNDERPINNING

- Soil Investigation for 120 13th Avenue, July 1984 by M. Jacobs and Associates
- Calculations for 120 13th Avenue Underpinning, 2/1/1985 and 9/11/1985 by Soil Engineering Construction
- Underpinning Foundation Plans, 120 13th Avenue, July 1985 by Soil Engineering Construction
- Building Permit Inspection Check off for Foundation Underpinning for 120 13th Avenue by RAM, Santa Cruz County Building Department, dated 10/1/1985
- Underpinning Pier Foundation Inspection Letter for 120 13th Avenue by M. Jacobs and Associates, dated 21 November 1985

SOIL INVESTIGATION
FOR
120 13TH AVENUE
LIVE OAK, CALIFORNIA

FOR
WILLIAM GEISREITER—
LIVE OAK, CALIFORNIA

M. JACOBS & ASSOCIATES
SOIL & FOUNDATION ENGINEERS
3064-B268-E51
JULY 1984

M. JACOBS & ASSOCIATES
SOIL AND FOUNDATION ENGINEERS

0004-S208-E31
July 30, 1984

Mr. William Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

Subject: Geisreiter Residence
120 13th Avenue
Santa Cruz County, California

Dear Mr. Geisreiter,

In accordance with your authorization, we have performed a limited soil investigation at your house located on 13th Avenue.

The accompanying report presents our conclusions and recommendations as well as the results of the soil investigation on which they are based. If you have any questions concerning the data, conclusions or recommendations presented in this report, please call our office.

Purpose and Scope

This report describes the soil investigation and presents results including recommendations, for dealing with the settlement problems. The purpose of this study was to determine the subsurface soil conditions and then to provide corrective recommendations. Recommendations for general improvements are also given.

Location and Description

The project site is known as 120 13th Avenue, and is located adjacent to and east of 13th Avenue in the unincorporated Area of Santa Cruz County known as Live Oak. The house is on a coastal bluff adjacent to the ocean and Blacks Beach. The site slopes downward toward the northeast. There is granite boulder riprap surrounding the bluff on which the house resides.

There were several areas of distress noted. The concrete basement floor has an approximately 1 inch wide crack in the northeast corner and has settled in this area significantly. The perimeter footing along the north side of the house has shown marked settlement and cracking. Doors and windows within the residence will not shut properly. It appears that water had been trapped along the perimeter footing of the house and was flowing in a northeasterly direction beneath it. The house has a ~~recently~~ installed roof gutter around the perimeter of the residence with the discharge carried in closed conduit below the bluff east of the residence. No further settlement was noted by the owner after this installation. - incorrect conclusion

- common
fact in 1977

Field Investigation

The field investigation was performed on July 9, July 13, and July 16, 1984, with the hand augering of 4 test borings at the approximate locations shown on Figure No. 1, "Site Plan Showing Test Borings". The soils encountered were logged by the Soil Engineer in the field, and relatively undisturbed samples were taken by driving a 3 inch O.D. Modified California Split Tube Sampler fitted with internal brass liners into the ground at various depths. The results of the field logging and the laboratory analysis are continued in Appendix A, Figure No's. 4, 5, 6, and 7, "Logs of Test Borings". These logs show a graphic presentation of the soil profiles as exposed in the test borings and the locations and depths at which the soil samples were obtained. The stratification lines represent the approximate boundaries between material types as the actual transitions may be gradual.

Laboratory Testing

The laboratory testing program was directed toward a determination of the physical and engineering properties of the soils underlying the site.

Moisture content and dry density tests were performed on representative soil samples to determine the density of the soil and the moisture variations.

The strength parameters and engineering properties of the soil were determined by direct shear tests performed on representative soil samples.

3064-S268-E51
July 30, 1984

Soil Conditions

The soils encountered in the test borings are somewhat similar. There are some marked variations in texture, density, moisture content, and color. There is an area of manmade fill beneath the house which has been approximately located and is shown on Figure No's. 1, 2, and 3. The fill is approximately 6 to 12 feet deep. The fill soils are mostly sandy clays with some traces of organic material. The native soils are either clean sands which become more cemented with depth, or are gravelly sands or clays with rounded cobbles towards the south end of the residence.

DISCUSSIONS, CONCLUSIONS, AND RECOMMENDATIONS

1. The manmade fill material beneath the foundation of the residence appears to be settling and translating down the slope in a northeasterly direction. This appears to be due to the loose nature of the fill material and the flow of water through it along the native/fill interface. It is our opinion that the fill was not placed as an engineered fill and compacted adequately. More settlement and movement can be expected to occur if subsurface drainage is not provided.

2. One alternative for dealing with the fill movement would be to remove and recompact it as a properly engineered fill. As this would require the removal of the house from this area, we do not consider this an economically feasible alternative. Another alternative is to prevent further settlement by a system of end bearing piers placed through the fill into firm native material upon which the house will be founded. This latter alternative is our recommended alternative.

3. The structure should be underpinned with end bearing cast-in-place reinforced concrete piers in conjunction with reinforced concrete grade beams. The area of underpinning is approximately located on Figure No. 1.

4. The end bearing piers should be designed for the following criteria:

- a. Pier depth should be a minimum of 2 feet into the native soils underlying the site. This will require a minimum total depth of 8 to 14 feet. Actual depth should be based on a lateral force analysis by the Project Structural Engineer.
- b. Minimum pier diameter should be 18 inches and all pier holes should be clean at the bottom.
- c. An active pressure in the fill soils is equivalent to a fluid weighing 40 pcf. A passive pressure of 300 pcf equivalent fluid pressure can be developed in the native soils. Both active and passive pressures act on a plane $1\frac{1}{2}$ times the pier diameter.

- d. The allowable end bearing capacity in the native soils is 4000 psf, with a 1/3rd increase for wind or seismic loading. Neglect weight of the pier in design.
 - e. Pier drilling must be observed by the Soil Engineer to insure embedment in the proper material. Any pier drilling done without the full knowledge of, and not under the direct observation of the Soil Engineer, will render the recommendations of this report invalid.
5. The pier and grade beams should contain steel reinforcement as determined by the Project Structural Engineer in accordance with applicable USC or ACI Standards.

Drainage

6. Surface water must not be allowed to pond adjacent to the building foundation.
7. Final grades should be provided with a positive gradient leading down and away from all foundation elements to provide rapid removal of the surface water from the foundations to an adequate discharge point. Concentration of surface runoff should be handled by providing necessary structures, such as paved ditches, or V-gutters. These should discharge to a central location, such as the slope near the northeast corner of the house, and be collected in closed conduit and discharged below the bluff east of the residence.
8. All eaves should have drain gutters connected to downspouts with adequate capacity to carry storm water from the structure to a suitable discharge point. The discharge from the downspouts should be collected in closed conduit and discharged below the bluff east of the residence. All drain gutters should have periodic maintenance to insure adequate performance.
9. Should significant movement of the slope continue after the above items have been completed, consideration should then be given to the installation of a subdrain along the west and south sides of the residence to collect the subsurface flow of water. We feel that this will most likely not be needed, but, should movement occur, M. Jacobs & Associates should be contacted immediately for further recommendations.

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July 30, 1984

10. Irrigation activities at the site should not be done in an uncontrolled or unreasonable manner.

Plan Review

11. We respectfully request an opportunity to review the plans during preparation and before bidding to insure that the recommendations of this report have been included and to provide additional recommendations, if needed.

If you have any questions or need clarification of any of these issues, please contact our office.

Very truly yours,

M. JACOBS & ASSOCIATES

Michael D. Kleames

Michael D. Kleames

Steven M. Kase
Steven M. Kase
C.E. 33459

PP
cc: 3 to Mr. William Geisreiter

LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the time, our firm should be notified so that supplemental recommendations can be given.

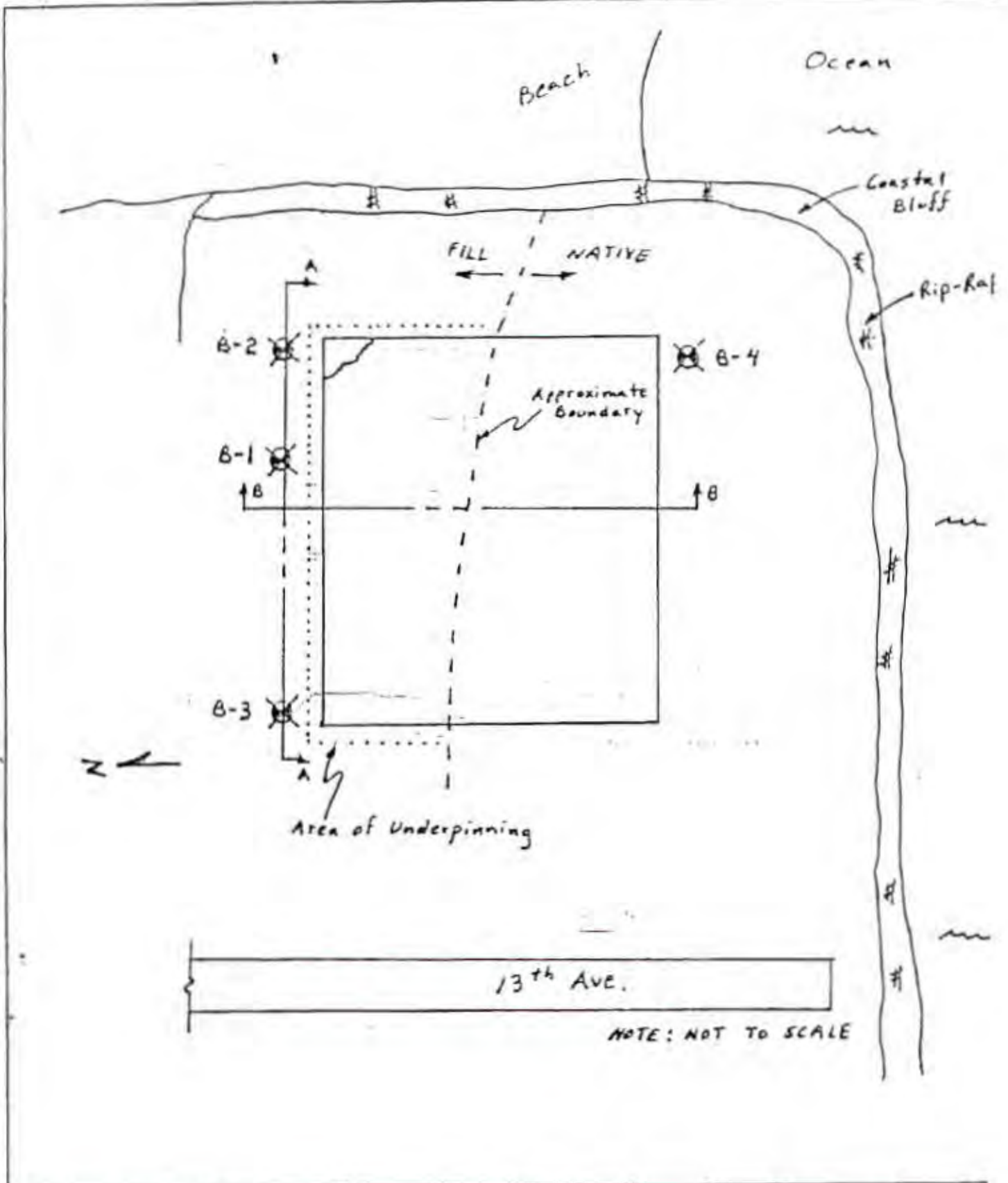
2. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans, and that the necessary steps are taken to ensure that the Contractors and Subcontractors carry out such recommendations in the field.

3. The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether they are due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards occur, whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or partially, by changes outside of our control. This report should therefore be reviewed in light of future planned construction and then current applicable codes.

APPENDIX A

Site Plan Showing Test Borings

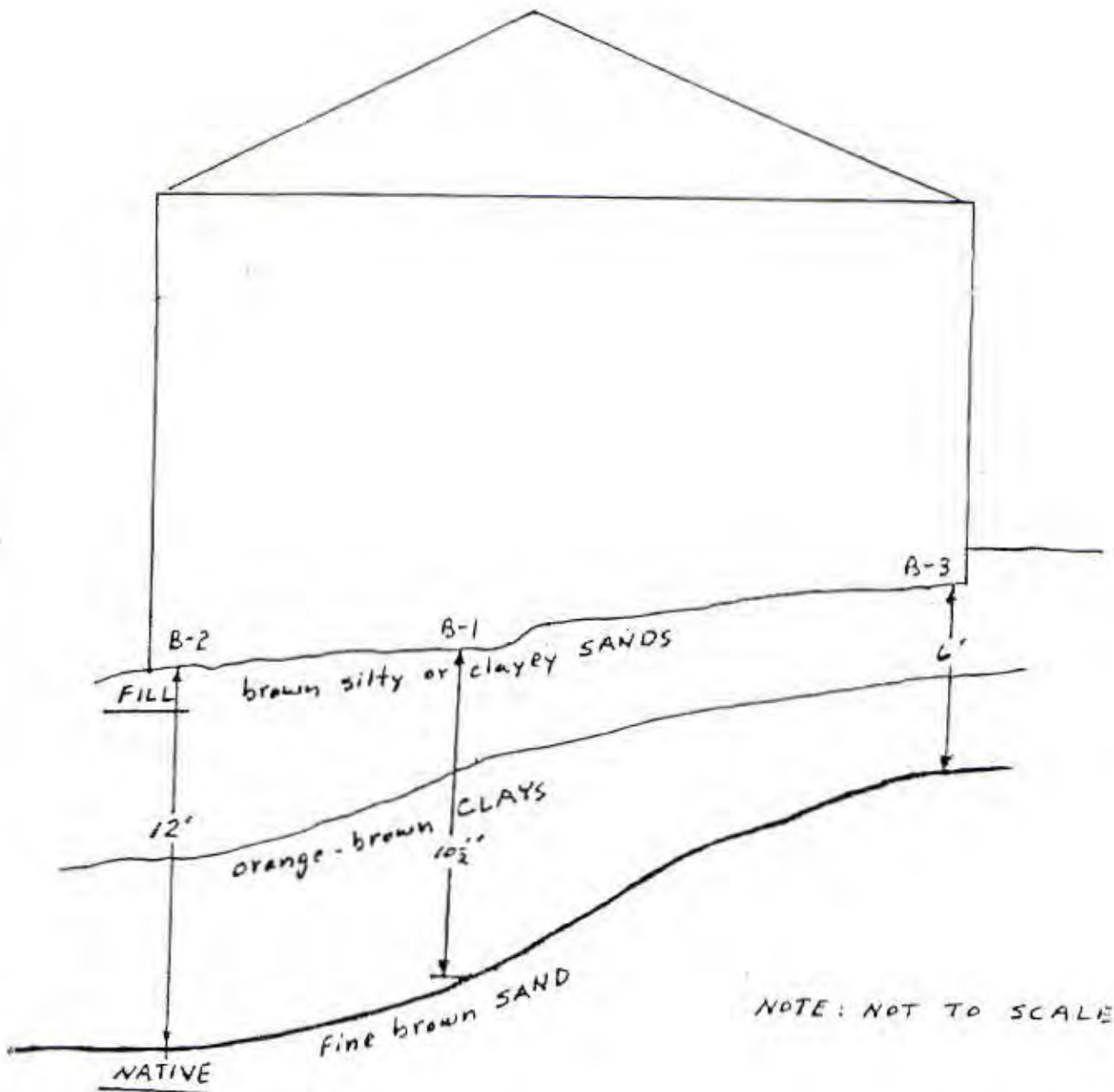
Logs of Test Borings

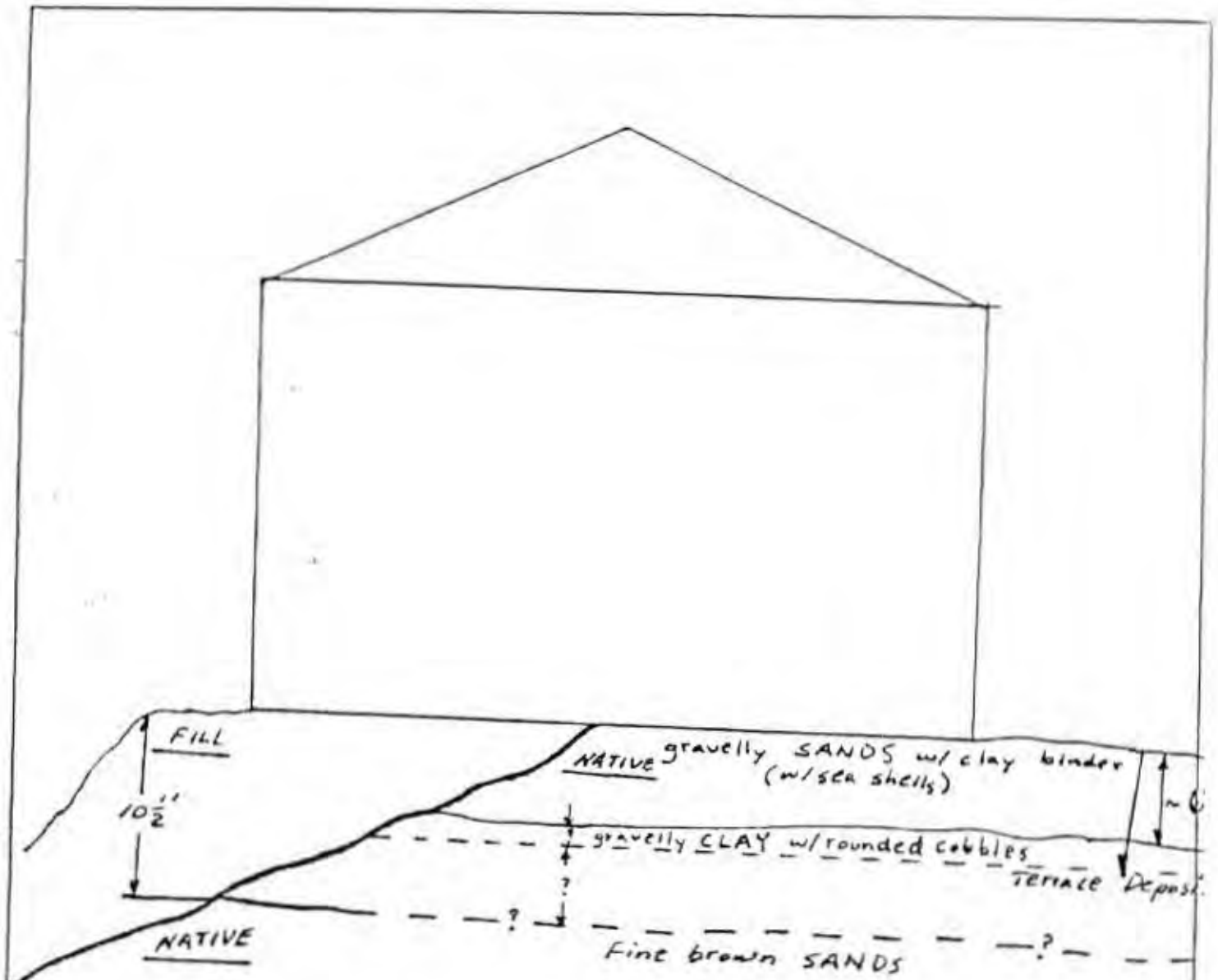


H. JACOBS & ASSOCIATES

FIGURE NO. 1 Site Plan Showing Test Borings

Exhibit 3
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-52.08-154
July 30, 1966

LOGGED BY <u>ME</u> DATE DRILLED <u>July 2, 1966</u> BORING DIAMETER <u>4"</u> BORING NO. <u>1</u>									
Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft. lbs.	Qu - 1.5 f. - Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
			FILL						
1			Light Orange-brown Silty SAND slightly cemented, damp						
2			Black-brown Silty SAND with some clay binder, very damp, decomposed redwood debris, minor organics noted.						
3			increase in clay content						
4			Gray-black Sandy CLAY, moist						
5			Reddish-brown Sandy CLAY, moist						
6									
7									
8			Gray-brow-orange mottled Clayey SAND, moist to very moist, 1/2" Ø angular gravel encountered						
9			Fine Brown Clayey SAND, very moist						
10									
11			Fine Brown SAND, moist (NATIVE)						
12									
13									
14									
15			Boring terminated at 14 feet						
16									
17									
18									
19									
20									
21									
22									
23									
24									
M. JACOBS & ASSOCIATES				FIGURE NO. 4 Log of Test Boring					

Exhibit 3

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LOGGED BY		DATE DRILLED		BORING DIAMETER		BORING NO.			
H. JACOB & ASSOCIATES		July 30, 1962		6"		2			
Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft-lbs.	Qu - t. s. f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
			FILL						
1			Medium brown Silty SAND with some clay binder, damp, medium dense						
2			increase in moisture, clay content						
3	2-1 L				13		108.0	8.5	
4			Black-brown Clayey SAND, moist						
5									
6	2-2 L								
7			Black-brown Sandy CLAY, very moist, stiff		14		112.3	14.8	C=1350 psf M=240
8			Orange-brown Sandy CLAY, very moist, small angular gravel and pieces of brick						
9			Reddish-brown Clayey SAND, very moist						
10									
11									
12	2-3 L		Reddish-brown Clayey SAND, very moist				93.4	19.6	C=450psf M=300
13			Reddish-brown SAND, moist, medium dense (NATIVE)		26				
14			Boring terminated at 13 feet						
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									

H. JACOB & ASSOCIATES

FIGURE NO. 5

Log of Test Boring

Exhibit 3

H. JACOB & ASSOCIATES

FIGURE NO. 5

Log of Test Boring

Exhibit 3

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LOG-100-101
JULY 30, 1964

LOGGED BY <u>HL</u> DATE DRILLED <u>July 10, 1965</u> BORING DIAMETER <u>4"</u> BORING NO. <u>3</u>									
Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows /foot 350 ft.-lbs.	Qu - 1.5 f.s. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
			FILL						
1		11	Light brown Silty SAND, damp						
2		11	Orange-brown Clayey SAND, very damp						
3		11	Black-brown Clayey SAND, very damp						
4		11	Orange-tan CLAY, moist, roots, 1/8"φ angular gravel at 4 feet						
5		11	4"φ rounded gravel at 4 1/2 feet						
6		11	Mottled-orange-tan Sandy Gravelly CLAY, very moist						
7		11	Mottled-orange-tan Clayey SAND, moist						
8		11	NATIVE						
9		11	Reddish-brown SAND, very damp						
10		11	Reddish-brown SAND, very damp, more cemented with depth						
11			Boring terminated at 10 feet						
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
H. JACOBS & ASSOCIATES				FIGURE NO. 1 Log of Test Boring					

Exhibit 3

A-3-SCO-16-0100

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200-151
July 30, 1964

LOGGED BY <u>ME</u> DATE DRILLED <u>July 16, 1964</u> BORING DIAMETER <u>4"</u> BORING NO. <u>4</u>									
Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft-lbs.	Qu - t. s. f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
1			Black-brown Silty SAND with clay binder, moist						
2			Mottled Orange-brown SAND with clay binder, 1/2"Ø angular gravel, sea shells encountered						
3									
4									
5			Mottled Black-brown Clayey SAND, moist						
6			Mottled Black-orange Sandy Gravelly CLAY very moist, 4"Ø rounded cobbles						
7			Boring terminated at 6 1/2 feet						
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
H. JACOBS & ASSOCIATES				FIGURE NO. 7 Log of Test Boring					

Exhibit 3

A-3-SCO-16-0100**

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SOIL ENGINEERING CONSTRUCTION INC.
927 Arguello Street
REDWOOD CITY, CALIFORNIA 94063
(415) 367-9595

JOB GEISLER RESIDENCE
SHEET NO 1 OF 2
CALCULATED BY GEO DATE 2/1/85
CHECKED BY _____ DATE _____
SCALE 1/2"

DESIGN PIERS FOR VERTICAL LOAD
ALL BEARING = $4000 \frac{\text{lb}}{\text{sf}}$ PER SOIL REPORT BY R. JACOBSON & ASSOC.
PIER LOAD ON EACH PIER

FLOOR AREA $12' \times 6' = 72 \text{ SF}$

DL; FIRST FLOOR = SECOND FLOOR + ROOF = $10 + 20 + 10 = 40 \frac{\text{lb}}{\text{sf}}$

LL: FIRST FLOOR + SECOND FLOOR + ROOF = $40 + 40 + 16 = 96 \frac{\text{lb}}{\text{sf}}$

DL + LL = $136 \frac{\text{lb}}{\text{sf}}$ OVER $72 \text{ SF} = 10,000 \text{ lb}$ PIERS $2' \times 2'$ min. 4 SF ; Bearing $\frac{10,000}{4} = 2500 \frac{\text{lb}}{\text{sf}}$
PIER

OK $4 \frac{\text{lb}}{\text{sf}}$ ALL.

CHECK PIERS FOR LATERAL

ASSUME $4 \frac{\text{lb}}{\text{sf}}$ ground, Pier excavation in basement starts at $\pm 4'$

FILL DEPTH = TOTAL DEPTH CONSIDERED = $8'$

DESIGN CRITERIA PER SOILS REPORT BY R. JACOBSON & ASSOC.

Lateral Load on PIER = $\frac{1}{2} 8 \cdot 8 \cdot 40 = 1280 \frac{\text{lb}}{\text{ft}}$ (ASSUME $10' = 12.8 \text{ ft}$)



$$R = 1.5 \cdot 3 \cdot \frac{1}{2} 8 \cdot 8 \cdot 300$$

$$R = 4.5 \cdot 32 \cdot 300 = 43.2$$

$$M_b \geq 0 \quad 12.8 \cdot 12 < 43.2 \cdot 6$$

$$15.36 \text{ ft} < 25.9 \text{ ft} \quad \text{OK}$$



SOIL ENGINEERING CONSTRUCTION INC.
927 Arguello Street
REDWOOD CITY, CALIFORNIA 94063
(415) 367-9595

JOB GEISLER RESIDENCE
SHEET NO 2 OF 2
CALCULATED BY SWP DATE 5/1/85
CHECKED BY _____ DATE _____
SCALE 1" = 5'

CHECK SUPPORT BEHVI IN BENDING

$$\text{MAX LOAD/FT} = 136 \frac{\text{W}}{\text{SF}} \text{ OVER } 6' = 816 \frac{\text{W}}{\text{LF}}$$

$$\text{MAX SPAN} = 14' \therefore M_{\text{max}} = \frac{WL^2}{8} = \frac{816 \cdot 14^2}{8} = 19$$

$$S_{\text{req'd}} = \frac{M}{f} = 9.5 \text{ USE } W8 \times 24 \quad S = 20 \quad \text{OK}$$

$$\text{CHECK DEFLECTION} = \frac{5WL^4}{384EI} = .29" \quad \text{OK}$$



Exhibit 3

A-3-SCO-16-0100

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App# 81413

SOIL ENGINEERING CONSTRUCTION INC.
927 Arguello Street
REDWOOD CITY, CALIFORNIA 94063
(415) 367-9595

JOB GEISREITER RESIDENCE
SHEET NO. 1a OF
CALCULATED BY gh DATE
CHECKED BY DATE
SCALE NTS

DESIGN CHECK - VERIFY COLUMNS

From Beam Calc, Max Beam Load = 816 #/LF

Calc Max Column Load = $.816 \frac{\text{#}}{\text{LF}} \left(\frac{1}{2} \right) (18' + 14') = .816 (16)$

Max Column Load = $13,056 \text{ #}$ acting

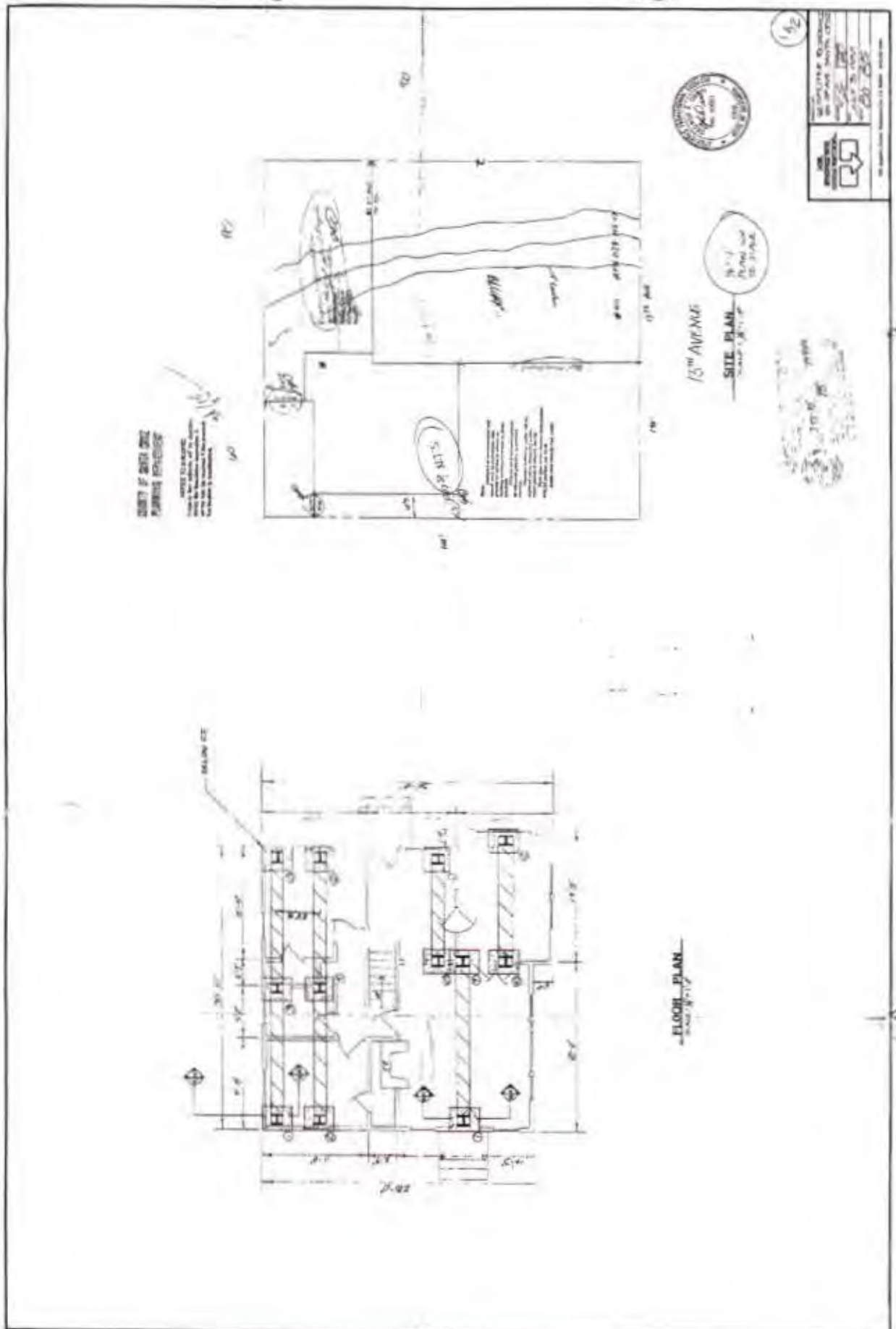
W8X24 with $KL = 6'$ (FROM AISC) Allowable Axial Load = 133 #

$FS = \frac{133}{13,056} > 10 \text{ OK}$



gh
John A. Brown
CE # 20681

9/11/85



BUILDING PERMIT

RECEIVED
072960 02 05

APPLICATION # 0143		JOB LOCATION 122 13th Ave., Santa Cruz	
A.P.N. 028-142-13			
OWNER William Geisreiter c/o 2351 Explorer Drive		ELECTRICAL PERMIT NUMBER _____ CHARGE _____ SQ. FT./100 _____ LIGHTS _____ SWITCHES _____ OUTLETS _____ KW/Hr _____	
ARCHITECT-ENGINEER-DESIGNER Soil Engr. Const. Redwood City Lic. No. A250152		MECHANICAL PERMIT NUMBER _____ CHARGE _____ FURNACE < 100M _____ FURNACE > 100M _____ SOLAR PANELS _____ FLUES _____ PERMIT FEE _____ TOTAL \$ _____	
CONTRACTOR Soil Engr. Const. 927 Arguello St Redwood City, CA 94062 415-367-2395		LICENSING <input type="checkbox"/> Building will not be sold for a minimum of ONE YEAR after completion. <input checked="" type="checkbox"/> All work will be performed by contractor(s) listed on this permit.	
LICENSE # 2580000 TYPE 3		PLUMBING PERMIT NUMBER _____ CHARGE _____ FIXTURES _____ W. HEATER _____ W. PIPING _____ GAS PIPING _____ GAS METERS _____ PERMIT FEE _____ TOTAL \$ _____	
PROJECT DESCRIPTION UPGRADE FOUNDATION Upgrade foundation under existing SFR to include en- ginedered caissons on site to prevent further settling.		ADDITIONAL PERMITS SEWER _____ DRIVEWAY _____ SEPTIC _____ GRADING _____ ADDITIONAL \$190.00 paid 8/05/05 #10733	
OCCUPANCY GROUP A-2 CONSTR. TYPE V-A			
VALUATION SQ. FT. @ _____ SQ. FT. @ _____ SQ. FT. @ _____ Contractor's Cost of Construction 40,000 TOTAL VALUE \$ 40,000			

INSPECTION RECORD As per Engr. RTH 10/11/85		
foundation _____	insulation _____	sewer connect _____
other conc. & masonry _____	insulation _____	driveway _____
POUR NO CONCRETE UNTIL THE ABOVE HAS BEEN SIGNED.	DO NOT COVER WALLS UNTIL THE ABOVE HAS BEEN SIGNED.	environmental health _____
underfloor mechanical _____	stucco wire _____	fire district _____
underfloor plumbing _____	sheet rock, lath _____	THIS PERMIT WILL BECOME INVALID UNLESS AN INSPECTION IS MADE WITHIN 180 DAYS OF ISSUANCE AND WITHIN EACH 180 DAYS THEREAFTER.
underfloor framing _____	scratch coat _____	
DO NOT INSTALL SUBFLOOR UNTIL THE ABOVE HAS BEEN SIGNED.	finish electric _____	
fireplace _____	plumbing final (fixtures) _____	
rough plumbing _____	gas final (appliances) _____	
gas pressure test _____	electric final (fixtures) _____	building final _____
water pipe _____		NO UTILITIES WILL BE CLEARED UNTIL THE ABOVE HAS BEEN SIGNED. IT IS THE OWNER'S RESPONSIBILITY TO OBTAIN THESE CLEARANCES.
roof frame, insulation, flues _____		utilities clear _____
mechanical _____		
rough electrical _____		
DO NOT INSULATE WALLS OR CEILING UNTIL THE ABOVE HAS BEEN SIGNED.		

ISSUING OFFICER Francis Padilla DATE 9/17/1985

PERMITS ARE BASED ON SPECIFIC PLANS AND SPECIFICATIONS FILED WITH THE COUNTY AND ARE SUBJECT TO ALL APPLICABLE STATE STATUTES, COUNTY ORDINANCES, AND SPECIAL CONDITIONS IMPOSED.
I HAVE READ BOTH SIDES OF THIS FORM AND VERIFY THAT THE INFORMATION IS CORRECT.

X _____ DATE 10/17/85
SIGNATURE OF OWNER/CONTRACTOR

JOB COPY

SANTA CRUZ COUNTY INSPECTION SERVICES • 701 OCEAN STREET • SANTA CRUZ, CALIFORNIA 95060 • PHONE (408) 425-2751

62A HANGAR WAY
WATSONVILLE, CA 95076
722-8176 - 868-6130

3785 VIA NONA MARIE
CARMEL, CA 93022
825-2448

M. JACOBS & ASSOCIATES
SOIL AND FOUNDATION ENGINEERS

3064-SZ68-E51
November 21, 1985

William Geisreiter
1212 Lucio Lane
Sacramento, CA 95822

Subject: 120 13th Avenue
Santa Cruz, California

Dear Mr. Geisreiter,

As requested by Soil Engineering Construction, an engineer from our firm was present at the subject site to inspect the pier excavation being constructed for underpinning the existing residence. The piers penetrated a minimum of 2 feet into a native brown medium coarse sand. The piers had minimal loose material on the bottom, and no seepage of ground water was noted. It is our opinion that the pier construction was in general conformance with the requirements and specifications outlined in our Soil Investigation dated July 30, 1984.

If you have any questions, please contact our office.

Very truly yours,

M. JACOBS & ASSOCIATES

Michael D. Kleames

Michael D. Kleames

Steven M. Kaas
C.E. 33459

MDK:SMR:jfb

Copies: 2 to William Geisreiter
1 to Soil Engineering Construction

APPENDIX B

PATIO/DECK RETAINING WALL REPLACEMENT

- Steel Beam Wood Lagging Retaining Wall Replacement, 120 13th Avenue, dated 3/3/1988 by Ifland Engineers (blue print)
- Wood Walls Geisreiter Residence, dated 11/1/1988 by M. Jacobs and Associates
- Evaluation of Reconstructed Retaining Wall for Potential Wave Impact and Shoreline Protection, 120 13th Avenue, dated 11/14/1988 by Haro, Kasunich and Associates
- Permit, County of Santa Cruz Planning Department, APN 028-142-13 (120 13th Avenue), 4 to 8 Foot Retaining Wall Replacement, dated 1/12/1989
- Pier Observation, 120 13th Avenue, dated 2/15/1989 by M. Jacobs and Associates

62A HANGAR WAY
WATSONVILLE, CA 95076
722-8175 * 688-6130

3785 VIA NONA MARIE
CARMEL, CA 93922
625-2446

M. Jacobs & Associates
CONSULTING GEOTECHNICAL ENGINEERS

3064-SZ68-E51
November 1, 1988

Mr. William Geisereiter
1212 Lucio Lane
Sacramento, CA 95822

Subject: Wood Walls, Geisereiter Residence
Santa Cruz County

Dear Mr. Geisereiter,

In response to our conversation, I discussed this project with Mr. Jim Kendall. I then reviewed the plans prepared by Mr. Don Ifland of Ifland Engineers.

The proposal, as shown on Mr. Ifland's plans, anticipates soldier beam walls along portions of the north and east property lines. Some will be tied back to deadmen.

1. The borings from the July 1984 Soil Report can be used for this project.
2. The active and passive earth pressures used by Mr. Ifland are suitable for the soil and site conditions. I did not check all of Mr. Ifland's calculations. The design procedures used conform with U.B.C. procedures.
3. All pier drilling must be observed by the Geotechnical Engineer to insure proper and adequate anchorage.

3064-SZ68-E51
November 1, 1988

If you have questions, please contact me at your convenience.

Very truly yours,

M. JACOBS & ASSOCIATES

Myron M. Jacobs
G.E. 432 o. GE 432
Exp. 12/31/88



MMJ:mrk

Copies: 2 to Mr. Geisereiter
2 to Mr. Kendall
1 to Don Ifland, Ifland Engineers

Project No. SC1890
14 November 1988

WILLIAM E. GEISREITER, Ed.D.
122 Lucio Lane
Sacramento, California 95822

Subject: Evaluation of Reconstructed Retaining Wall
for Potential Wave Impact and Shoreline Protection

Reference: 120 Thirteenth Avenue
Santa Cruz, California

Dear Dr. Geisreiter:

At your request, we have reviewed the proposed retaining wall design that will replace an existing wall that has deteriorated to a state of disrepair. The old wall is located on top of a coastal bluff. The wall contains fill that comprised the side and backyard of the referenced property. The fill is presently eroding due to the poor condition of the very old retaining wall.

The purpose of our investigation is to determine if the proposed retaining wall will be subject to wave impact and, therefore, will serve as both a shoreline protection structure and a retaining wall.

The scope of our work included:

1. Discussions with yourself, Don Ifland, S.E., and Jim Kendall, Contractor, regarding the proposed retaining wall and its design function.
2. A review of the wood retaining wall replacement plans prepared by Ifland Engineers, 3 March 1988.
3. A review of the Bratton property rip rap repair plans prepared for the subject property 2 November 1983 by Ifland Engineers.
4. Site visits to inspect the property with specific emphasis on the coastal bluff and beach conditions below and south of the proposed retaining wall.
5. A field profile of the foreshore and backshore of the beach at low tide which included the existing riprap and near vertical bluff configuration and proposed retaining wall location.

William E. Geisreiter, Ed.D.
Project No. SC1890
120 Thirteenth Avenue
14 November 1988
Page 2

6. A review of our files which include numerous coastal engineering projects in the vicinity of the subject property.

7. Wave runup analysis using the computer program WRUP developed by Noble Engineering which is based on design principles set forth in the 1984 Shore Protection Manual, Army Corps of Engineers.

Based on our field investigations, the proposed retaining wall plans and the results of our wave runup calculations, we extend the following professional opinions:

1. The base of the proposed retaining wall be set at elevation ± 22 feet MSL along the south and west side of the property. The most extreme wave runup conditions would be from swells directly from the south-southwest. Only one steel beam is directly exposed to wave runup from the south.

2. Using the worst case beach profile (south to north) and the following design wave conditions:

Design Deepwater Wave $H_o = 2'$ to $5.4'$
Period $T = 8$ seconds to 16 seconds
Breaking Wave $H_b = 4'$ to $7'$
Stillwater level, SWL = $5.5'$ to $8.5'$ MSL

We concluded that the wave runup elevation will range from $12'$ to $20'$ MSL.

3. The $20'$ MSL elevation is for the extreme condition of SWL = 8.5 feet, $T = 16$ seconds and a breaking wave of $7'$ at the toe of the existing riprap. This requires that the beach sand be scoured down to the bedrock elevation at the toe of the riprap.

4. The proposed retaining wall will not be subjected to hydraulic forces resulting from wave runup. Some wave splash may occasionally hit the wall but this would only occur during extreme storm conditions where strong onshore winds carry wave runup spray beyond the 20 feet MSL elevation.

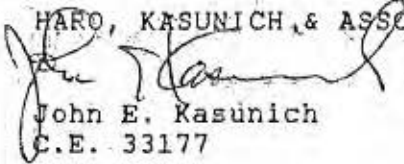
William E. Geisreiter, Ed.D.
Project No. SC1890
120 Thirteenth Avenue
14 November 1988
Page 3

In conclusion, the proposed retaining wall will not be subjected to wave impact and, therefore, should not be considered a shoreline protection structure.

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH, & ASSOCIATES, INC.



John E. Kasunich
C.E. 33177

JEK/br

Copies: 1 to Reed Geisreiter
1 to Jim Kendall, Contractor
1 to Don Ifland, S.E.
2 to Santa Cruz County Planning Dept.,
Attn: Paia Levine and Sharon Mitchell

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

January 12, 1989

J. J. Kendall
530 Santa Margarita
Aptos, CA 95003

PERMIT

PROJECT: APN: 028-142-13 APPLICATION NO.: 88-0926*2

Permit to replace a retaining wall averaging from 4-8 feet in height, 96 lineal feet. Requires a Coastal Zone Permit and a Retaining Wall Permit. Property located at the south end of 13th Avenue (120 - 13th Avenue). About 750 feet south of prospect street.

On January 6, 1989, the ZONING ADMINISTRATOR acted upon your application as follows:

XX APPROVED. See conditions attached. This is your permit.

 DENIED.

NOTE: This decision is final unless it is appealed. See reverse for information regarding appeals. The County appeal period (10-working days) ends January 20, 1989. The Coastal Commission appeal period ends 1-27, 1989. You may exercise this permit following the Coastal Commission appeal period*. THIS PERMIT SHALL EXPIRE ON January 6, 1990, IF NOT EXERCISED. You may require a Building Permit to begin actual construction.

If you have any questions, please contact the planner listed below.

Sincerely,

MARK DEMING
Deputy Zoning Administrator

SHERYL MITCHELL
Resource Planner
425-2903

kenda1p/514

* See back page

*2 This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 working days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable to the Planning Commission; the appeal must be filed within 10 working days of action by the Zoning Administrator.

*THIS PERMIT CANNOT BE EXERCISED UNTIL AFTER THE COASTAL COMMISSION APPEAL PERIOD. THAT APPEAL PERIOD ENDS ON THE ABOVE INDICATED DATE. PERMITTEE IS TO CONTACT COASTAL STAFF AT THE END OF THE ABOVE APPEAL PERIOD PRIOR TO COMMENCING ANY WORK.

APPEALS

In accordance with Section 18.10.300 of the Santa Cruz County Code, any interested person may appeal an action or decision taken under the provisions of such County Code. Appeals shall be made as follows:

<u>Appeals of Decisions of The</u>	<u>Are Made to the</u>
Planning Director	Upon request for Special Consideration by any Board Member
Environmental Coordinator	Planning Commission
Zoning Administrator	Planning Commission
Planning Commission	Board of Supervisors*

Decisions for projects within the appealable area of the Coastal Zone may also be appealed to the State Coastal Commission (Chapter 13.21.110).

All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis upon which the decision is considered to be in error. Appeals and appeal fees must be received not later than ten (10) working days following the date of hearing from which the action was taken. Appeals for consideration by the Planning Commission and/or the Board of Supervisors shall be scheduled at the earliest next regular meeting consistent with agenda preparation, procedures, and schedules.

In accordance with Section 14.01.316 of the County Code appeals of decisions on time extensions of Tentative Maps for minor land divisions shall be made within fifteen days.

*CRITERIA FOR TAKING JURISDICTION

The Board of Supervisors will only accept jurisdiction of an appeal if the presentation of the appellant convinces the Board that there was a lack of a fair and impartial hearing before the Planning Commission, or that the Planning Commission decision is not supported by the facts presented or considered at the time the decision was made, or that there is significant new evidence relevant to the decision which could not have been presented to the Planning Commission, or that there was an error or abuse of discretion on the part of the Planning Commission, or there is some other

factor which renders the act done or determination made unjustified or inappropriate to the extent a further hearing before the Board is necessary.
coastal2

Kendall for Geisreitter
Application: 88-0926*2
APN: 028-142-13

Conditions of Approval

1. Wall shall be constructed in conformance with the approved plans for the construction of the retaining wall.
2. All soils report recommendations shall be followed.
3. If not already done a Geologic Hazard Declaration shall be recorded with the County Recorder's Office.
4. Applicant shall obtain all other necessary permits.
5. See approved Job Copy (Exhibit A) for additional conditions.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or Staff.

Please note: This permit expires in one year if not exercised. Your retaining wall permit must be issued and construction commenced within one year or this permit is void.

62A HANGAR WAY
WATSONVILLE, CA 95076
723-8175 • 688-6130

3785 VIA MONA MARIE
CARMEL, CA 93972
825-3446

M. Jacobs & Associates
CONSULTING GEOTECHNICAL ENGINEERS

3064-SZ68-E51
February 15, 1989

William Geisreiter
1212 Lucio Lane
Sacramento, CA 95822

Subject: Pier Observation
120 13th Avenue
Santa Cruz, California

Dear Mr. Geisreiter:

As requested by your contractor, Jim Kendall, an engineer was present on February 1, 2 and 14, 1989 to observe the excavations for piers for the perimeter retaining wall at the subject site. We observed the pier excavations for the soldier beams and dead men. All piers were excavated to the depth specified on the plans prepared by Don Ifland. The piers had minimal loose material on the bottom and no free groundwater was observed. It is our opinion that the pier construction was in general conformance with our requirements and specifications outlined in our letter report dated November 1, 1988.

If you have any questions, please contact our office at your convenience.

Very truly yours,

M. JACOBS & ASSOCIATES

Gretchen A. Ray

Gretchen A. Ray

Myron M. Jacobs

Myron M. Jacobs

C.E. 432

Exp. 12/31/91

GAR:MMJ:cmh

Copies: 2 to William Geisreiter
1 to Jim Kendall
1 to Don Ifland

APPENDIX C

ROCK REVETMENT COASTAL PROTECTION STRUCTURE EVALUATION AND MAINTENANCE

- Maintenance Plan Geisreiter-Starkey 120 – 130 13th Avenue, dated 12/02/2009 by Ifland Engineers (blue print)
- Letter of Request to Enter Twin Lakes State Beach By Way of 14th Avenue, Fugitive Rock Cleanup, 1/27/2010 by Haro, Kasunich and Associates, Inc.
- Coastal Protection Maintenance, Fugitive Rock Cleanup, 120 13th Avenue, dated 2/2/2010 by Haro, Kasunich and Associates, Inc.
- Summary of Geotechnical and Coastal Investigation and Coastal Protection Structure Maintenance, 120 13th Avenue, dated 10/15/2010 by Haro, Kasunich and Associates, Inc.
- Coastal Protection Permits for Construction and Maintenance, 1980 and 1997

Project No's SC9803
27 January 2010

MR. VICTOR ROTH
c/o California State Parks
303 Big Trees Park Road
Felton, California 95018

Subject: Letter of Request for Right of Entry Permit through Twin Lakes
State Beach by way of the 14th Avenue Beach Access Road

Reference: Coastal Protection Maintenance – Fugitive Rock Cleanup
120 13th Avenue
Santa Cruz County, California

Dear Mr. Roth:

The property owner, Bill Geisreiter, has requested that Haro Kasunich and Associates make recommendations for maintenance and assist him in obtaining a right of entry permit from California State Parks Department to do maintenance work on the existing seawall at their existing home at 120 13th Avenue

Recent storms have lowered the beach sand elevations and exposed a few scattered rip-rap rocks seaward of the existing revetment. Haro Kasunich and Associates has recommended that these rocks be moved landward and integrated into cavities in the revetment. The backhoe is not able to reach this base of bluff area without the backhoe crossing State Parks Land. Therefore, the purpose of this letter is to gain permission from State Parks to access the base of the bluff from the 14th Avenue beach access road, go across Twin Lakes State Beach to our client's property, move the fugitive rip-rap, and then drive back to the 14th Avenue beach access road.

To perform our geotechnical investigation we would utilize a rubber tire backhoe. No new rip-rap will be imported. No samples will be collected. The sand will be smoothed out where the rip-rap is excavated. The contractor (Reber Construction) is tentatively scheduled to work during one of the days with afternoon low tides during the period of February 8th through 11th, 2009 (weather permitting). We estimate the maintenance work will take the contractor one eight hour day or less, starting between 8:00 and 9:00am and working to about 4:00 pm.

Mr. Victor Roth
Project No. SC9803
120 13th Avenue
27 January 2010
Page 2

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

Mark Foxx
C. E. G. 1493

MF/dk

Copies: 1 to Addressee (hand delivered)

Project No SC9803
2 February 2010

MR. LEE OTTER
California Coastal Commission
425 Front Street
Santa Cruz, California 95060

Subject: Letter of Request for Maintenance of Revetment at 120 13th
Avenue

Reference: Coastal Protection Maintenance – Fugitive Rock Cleanup
120 13th Avenue
Santa Cruz County, California

Dear Mr. Otter:

The property owner, Bill Geisreiter, has requested that Haro Kasunich and Associates make recommendations for maintenance and assist him in obtaining a contractor to do maintenance work on the existing revetment surrounding their existing home at 120 13th Avenue

Recent storms have lowered the beach sand elevations and exposed a few scattered rip-rap rocks seaward of the existing revetment. Haro Kasunich and Associates has recommended that these rocks be moved landward and integrated into cavities in the revetment. The excavator is not able to reach this base of bluff area without the excavator crossing State Parks Land. California State Parks has issued a right of entry permit to access the base of the bluff from their 14th Avenue beach access road. The excavator will go across Twin Lakes State Beach, accompanied by a safety control equipment flagperson to protect public access. A direct route will be taken to our client's property, the equipment will move the fugitive rip-rap, and then will immediately drive back to the 14th Avenue beach access road. No equipment will be refueled while in the coastal work area, nor will any equipment be left unattended while it is on the beach. Best Management Plan criteria should be used by the contractor. A representative of Haro Kasunich and Associates will be on-site during the work to observe the work.

No new rip-rap will be imported. No samples will be collected. The sand will be smoothed out where the rip-rap is excavated. The contractor (Reber Construction) is tentatively scheduled to work during one of the days with afternoon low tides during the period of February 8th through 11th, 2009 (weather permitting). We estimate the maintenance work will take the contractor

Mr. Lee Otter
Project No. SC9803
120 13th Avenue
2 February 2010
Page 2

one eight hour day or less, starting between 8:00 and 9:00am and working to about 4:00 pm.

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

Mark Foxx
C. E. G. 1493

MF/dk

Copies: 1 to Addressee (hand delivered)

MR. REED GEISREITER
120 13th Avenue
Santa Cruz, California 95062

Subject: Summary of Geotechnical and Coastal Investigation and Coastal
Protection Structure Maintenance

Reference: 120 13th Avenue and 130 13th Avenue
Santa Cruz County, California

Dear Reed:

In late 2008, your dad (Bill Geisreiter) requested that Haro Kasunich and Associates make recommendations for maintenance, and assist him in obtaining a contractor to do maintenance work on the existing coastal protection structure adjacent to your family's home at 120 13th Avenue. Haro, Kasunich and Associates submitted a proposal to perform a Geotechnical and Coastal Investigation related to the maintenance work. The purpose of this letter is to summarize the work we did for you. The existing rip-rap coastal protection structure (called a "revetment") extends from the Santa Cruz County owned 13th Avenue right of way parcel downcoast across the oceanfront portion of the two Geisreiter Family Trust parcels (both are within Assessor Parcel Number 28-142-13) to the edge of cove where the revetment crosses onto the Starkey Family Trust (formerly Brattan) parcel (Assessor Parcel Number 28-142-36) and turns inland, eventually extending past the front of the Starkey home at 130 13th Avenue and terminating at the public beach access stairs.

Prior to conducting our work we had made approximately 25 years of intermittent site observations, conversations with you, a brief site visit and review of some photographs and site plans, giving us a reasonable understanding of the coastal conditions at your home. We understand your property has been impacted by wave impact and runup during the past and coastal protection structures have been constructed to resist coastal erosion, bluff recession and wave impact. In 2008 we observed that the existing coastal protection structures have been deteriorating with age and were in need of repair and maintenance. We understand that prior to our involvement the California Coastal Commission had verbally indicated that it would not be possible for you to do any maintenance of the revetment without obtaining a new Coastal Development Permit

The purpose of our investigation was to evaluate the condition of your existing coastal protection structures, evaluate the appurtenant risks to your home and property, and address what recommended maintenance, repair or improvements should be made to your coastal protection structure. We did a reconnaissance of the site and reviewed

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue and 130 13th Avenue
15 October 2010
Page 2

available data your family and the Starkey's provided to us, as well as data in our files regarding the site and region. This included the prior report we did for your property.

We had Dunbar and Craig (Licensed land surveyors) establish vertical elevation control points and prepare a topographic survey of the seaward part of your property showing the parcel lines, the approximate Mean High Tide Line, and actual elevations. The map included the area of rip rap to the east of your property that is on the parcel owned by the Starkey Family Trust. We located the existing coastal protection structures and prepared four profiles that relate its position to your home, patio, fence and other improvements. Based on the approximate position of the Mean High Tide Line mapped by Dunbar and Craig, we found that the revetment (including the portions buried by sand) was landward of the Mean High Tide Line and was not on State property. After obtaining a Right of Entry permit from the California State Parks Department, we used their 14th Avenue beach access route, and excavated 4 exploratory test pits on your property (out on the beach) with a backhoe. We used these test pits to examine surface and subsurface soil conditions in selected areas, short/long term scour, and the condition of the coastal protection structures. Our test pits exposed the bedrock platform below the beach sand and we measured its elevation.

We reviewed time sequential oblique and vertical aerial photography and historical plat maps to assess bluff recession and coastal erosion hazards, and help evaluate the condition of the revetment.

We also reviewed document files at the County of Santa Cruz and the California Coastal Commission offices.

The primary document of importance is California Coastal Commission Permit P-80-276 which was approved on 9/30/1980. The plans submitted with this permit were drawn by Ifland Engineers and dated 8-24-1979. They depict a revetment structure across the entire Geisreiter property and on a portion of the Starkey property. The revetment turns slightly into the cove on the Starkey property. Permit P-80-276 was issued to "Geisreiter, Brattan and Starkey" and included the following Conditions:

Condition: "5. It is the responsibility of the permittee, semi-annually, to maintain the seawall in good condition and remove large rocks that migrate significantly onto the sandy beach."

and

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue and 130 13th Avenue
15 October 2010
Page 3

Condition: "6. This Permit authorizes future maintenance work on the seawall without a separate Coastal Permit but subject to the Assistant Executive Director and any conditions he deems appropriate."

In 1983, a severe series of coastal storms caused widespread damage to the California coast and impacted the Geisreiter and Starkey properties. Ifland Engineers prepared plans dated 2-11-1983 that depict restacking about 65 lineal feet of rip-rap that was installed in 1980 on the Brattan property and placing about 145 lineal feet of additional rip-rap on the Brattan (Starkey) property. On 3/9/1983 Santa Cruz County issued a Grading Permit to G. J. Brattan for this work which indicated 800 tons of rip-rap were to be placed. On May 5, 1983, Linda Locklin of the Coastal Commission signed a letter for Les Strnad (Les was the Coastal Commission Chief of Permits) and sent the letter to the Brattans indicating that it had come to their attention that a Coastal Commission permit for this rip-rap was required. We found an unsigned copy of a Coastal Permit application dated 5-17-1983 in the Geisreiter records, naming Joe Brattan, H. Jean Starkey and William E. Geisreiter as permit applicants. Hand written notations on that application suggest it was received by the Coastal Commission on 5-17-1983 and returned to the applicant on 6-7-1983. We found a letter from Joe Brattan to Cathy Terry at the Coastal Commission dated August 4, 1983 transmitting a check in the amount of \$75.00 and 2 copies of Ifland Engineers drawings to the Coastal Commission. We reviewed the Coastal Commission files and there is no record of this permit application in their files.

Because there is no written record of this permit application in the Coastal Commission files, and there is no written record of any Coastal Commission approval of the 1983 work on the Brattan (Starkey) property, there is a possibility that the Coastal Commission could allege that the requirements in their May 5, 1983 letter were never complied with, and a Coastal Act violation exists. We consulted with Les Strnad, who has retired from the Coastal Commission, and he did further Coastal Commission research. He was unable to find any record of receipt of any such permit application or of the Coastal Commission's receipt of funds in the amount of \$75.00. He suspected that after these documents and funds were submitted to the Coastal Commission, a decision was made to allow the 1983 work under the future maintenance provisions required by the prior Permit P-80-276. He indicated that this would not be allowed today, but may have been allowed in 1983 because Coastal Commission staff was stretched thin from processing an abundance of permit applications related to the severe series of coastal storms caused widespread 1983 damage to the California coast. No written records of any Coastal Commission approval for the 1983 work were found.

Mr. Reed Gelsreiter
Project No. SC9803
120 13th Avenue and 130 13th Avenue
15 October 2010
Page 4

In consultation with Les Strnad, we ultimately decided to prepare a 2009 Maintenance Plan that showed the 1980 coastal protection work, the 1983 coastal protection work that was presumed to be maintenance allowed under the provisions of the 1980 permit, and identified all of the historical maintenance with written approvals since then. These include:

On 8/20/1987 Lee Otter of the Coastal Commission issued a letter authorizing maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 1/2/1990 Les Strnad of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 12/6/1991 Les Strnad of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 9/22/1997 Lee Otter of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 2/26/1998 Lee Otter of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

From 1999 to 2007, Bill Geisreiter attempted to get permission to do maintenance on the revetment, particularly near the end of 13th Avenue, in order to comply with the requirements of Permit P-80-276. Those attempts were unsuccessful, in part because of changing State Park and Coastal Commission policies.

We reviewed all of our collected field data, the survey, the photos and maps, and the prior plans in conjunction with the documents at the County of Santa Cruz and the California Coastal Commission. In the 2009-2010 winter, storms had lowered the beach sand elevations at the Geisreiter and Starkey properties, and exposed scattered rip-rap rocks seaward of the existing revetment. Some rocks had been plucked out of the revetment trunk since the last maintenance in 1997. Some areas of rock had settled. We recommended maintenance and repair of the revetment.

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue and 130 13th Avenue
15 October 2010
Page 5

In prior discussions with Susan Craig, the Coastal Planner at the Coastal Commission, she indicated that her supervisor (Dan Carl) would not allow supplemental new rock to be used for maintenance. At the time of that discussion, in our opinion, beneficial maintenance that would strengthen the revetment could be completed without the need for supplemental new rock. In an effort to perform the beneficial maintenance without triggering a new coastal permit, we met with you and Bill and we all decided to limit the approval we were seeking to not include any new rip-rap.

We then prepared a plan dated 12/2/09, in conjunction with Ifland Engineers, depicting current site conditions and schematically showing recommended and required revetment maintenance (attached). We submitted the plan to the California State Parks Department (Victor Roth) and obtained a Right of Entry permit to use the State Parks 14th Avenue beach access road to gain necessary equipment (excavator) access to the beach to reach the revetment on the Geisreiter and Starkey properties. The excavator is not able to reach the base of bluff in this area without the excavator crossing State Parks Land.

The plan was then submitted to Susan Craig, the Coastal Planner at the Coastal Commission for the Santa Cruz section of the coastline; along with a request to perform maintenance work required by P-80-276. She initially verbally denied the maintenance request under the grounds that there were no maintenance provisions in permits of 1980 vintage, and indicated that a new coastal development permit would be required to perform maintenance. Further discussions revealed that she did not have a copy of P-80-276. We provided her a copy of that permit with a transmittal directing her attention to the required maintenance condition and the condition that authorizes future maintenance work on the seawall without a separate Coastal Permit. Finally, she sent an email on February 10, 2010 approving the Geisreiter family's request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On February 11, 2010, Reber Construction Company brought an excavator to the site and repaired and performed maintenance on the revetment by removing fugitive rocks from the beach, repositioning individual rocks that had been plucked from the structure, and re-orienting other rocks to provide better rock interlocking. Because of the high elevation beach sand levels during the work, only the exposed portion of the revetment could be maintained; the buried portion of the revetment was inaccessible. Best Management Plan criteria was used by the contractor. Mark Foxx of Haro, Kasunich and Associates was on-site to observe the work. After the rip-rap work was complete, the sand was smoothed out where rip-rap was excavated and the contractor left the site.

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue and 130 13th Avenue
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On 3/16/2010 Susan Craig of the Coastal Commission issued a letter (attached) confirming her February 10, 2010 approval of William Geisreiter's request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

We recommend that regular maintenance and repair of the revetment be conducted, in part to preserve Permit P-80-276, but also to maintain coastal protection at your property. The revetment should be inspected annually and after severe storms and during periods when beach elevations are very low. The beach elevations fluctuate based on the dredging activities at the Santa Cruz Harbor, and storm wave characteristics (direction, frequency, size, coincidence with extreme high tides, etc.) In some years, no maintenance, repair or improvement to the coastal protection will be needed. Less frequently, greater repair or emergency response will be required. The revetment appears to be in good condition right now. You should notify us when beach sand elevations are "abnormally" low so we can inspect the toe and lower trunk of the revetment.

We appreciate this opportunity to be of service to you on this project.

Respectfully submitted,

HARO, KASUNICH & ASSOCIATES, INC.

John E. Kasunich
G. E. 455

Mark Foxx
C. E. G. 1493

JEK/MF

Attachments: 1. Revetment Maintenance Plan by Ifland Engineers dated 12-2-2009
2. California Coastal Commission March 16, 2010 letter approving
revetment maintenance dated March 16, 2010

Copies 2 to Addressee

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4883
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



March 16, 2010

Mr. William Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

Subject: *Riprap Revetment Maintenance at 120 13th Avenue*

Dear Mr. Geisreiter:

This letter is to inform you that your request to perform maintenance work on the riprap revetment constructed pursuant to Coastal Development Permit P-80-276 was approved on February 10, 2010.

Sincerely,

A handwritten signature in cursive script that reads "Susan Craig".

Susan Craig
Coastal Planner
Central Coast District Office



California Coastal Commission

Exhibit 3
A-3-SCO-16-0100
235 of 325

**HARO, KASUNICH
& ASSOCIATES, INC.**

Geotechnical Engineers

116 East Lake Avenue

WATSONVILLE, CALIFORNIA 95076

(831) 722-4175 FAX #(831) 722-3202

LETTER OF TRANSMITTAL

DATE	2/9/2010	JOB NO.	SC 9803
ATTENTION			
RE:	GEISREITER		
	P-80-276		

TO SUSAN CRAIG
CALIFORNIA COASTAL COMMISSION
FAX 427-4877

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1	9/30/80	6 PP.	P-80-276 PERMIT
1	9/22/97	1 PG.	MAINTENANCE APPROVAL CDP P-80-276

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 20 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS SUSAN -

PLEASE NOTE THAT CONDITION #5 OF PERMIT #
P-80-276 ADDRESSES THE REQUIRED
MAINTENANCE BY THE PERMITEES.

I HAVE INCLUDED A COPY OF THE MAINTENANCE
APPROVAL BY LEE OTTER FROM 1997.

HARO KASUNICH, REBER CONSTRUCTION AND THE
GEISREITER FAMILY ARE ON STANDBY AWAITING
YOUR APPROVAL TO PERFORM THE MAINTENANCE.
TIME IS OF THE ESSENCE. SIGNED: THANKS? HANDED

COPY TO

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST REGIONAL COMMISSION701 OCEAN STREET, ROOM 310
SANTA CRUZ, CALIFORNIA 95060
(408) 426-7390

PERMIT

September 30, 1980

Geisreiter, Brattan & Starkey
6241 Riverside Blvd. #116
Sacramento, Ca. 95831

Dear Applicant:

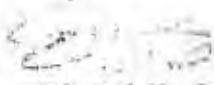
RE: Regional Coastal Commission
Permit Application Number P-80-276

Pursuant to Public Resources Code Section 30600, your application for a permit to perform the work described in the above numbered application has been granted by the Central Coast Regional Commission in accordance with Resolution No. 80-148, passed on September 15, 1980; a copy of the resolution is attached hereto and made a part of this permit.

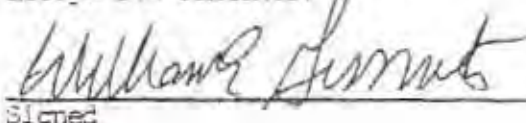
Please note:

- (1) That this permit will become effective only when you have returned to the Regional Commission the enclosed copy of this letter, within 10 working days, signed by you, acknowledging thereon that you have received a copy of this letter and that you accept its contents.
- (2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.
- (3) This permit is issued subject to the conditions stated in attached documents, and approved plans on file with the Regional Commission. Unless otherwise provided in the conditions, all proposed changes must be submitted to the Commission prior to construction thereof.
- (4) Development under this permit must be commenced within one year of issuance.

Very truly yours,


Edward Y. Brown
Executive Director

(I) (We) acknowledge receipt of the above captioned Regional Commission Permit and accept its contents.



Signed

10/9/80
Date

STAFF REPORT (CONSENT AGENDA)

APP. NO. P-80-276

FILED: 8-4-80

49th DAY: 9-22-80

I. APPLICATION SUMMARY

Applicant: William Geisreiter and Joe Bratton, 6241 Riverside Blvd #116, Sacramento, CA

Work Proposed: Install rock rip-rap seawall at base of bluff on two properties.

Location of Project: 120 and 130 - 13th Avenue, Santa Cruz County, APN 28-142-13,36

Approvals Received (type/date): OCR 15 (4-3-80)

Project Data:	Not given	± 2250 sq. ft.	3 - 10 feet
	parcel size	proposed coverage	height of structure
	R-1-6 and Waterfront	N/A	
	current zoning	proposed density	

Other:

Attachments: Location Map, Site Plan,

II. STAFF EVALUATION

Site Characteristics: The sites are oceanfront parcels with existing SFD's. Each parcel has a 20 - 25 foot bluff which is subject to wave attack. There is some existing scattered rip-rap on the sites which were placed many years ago and offer little protection

Surrounding Land Use: To the south - sandy beach and Monterey Bay; to the north - SFD's; to the east - a seasonal lagoon and beach; to the west - SFD's.

POLICY CONFORMANCE NOTES

Public Access (30210-30213): See other comments

Recreation (30220-30224): No applicable policies

Marine Environment (30230-30236): 30235 - Rip-rap will protect existing structures.

Land Resources (30240-30244): No applicable policies

Development (30250-30254): 30253 - Project consistent with policies on hazards, erosion.

Industrial Development (30260-30264): N/A

CCR-21

PP: 35

P-80-276

APP. NO. P-80-276

APPLICANT: Geisreiter & Bratton

ENVIRONMENTAL IMPACT NOTES

Adverse Impacts/Significance: No significant impacts noted.

Mitigation:

RELATIONSHIP OF PROPOSED DEVELOPMENT TO LOCAL COASTAL PROGRAM:

Due to existing rip-rap in area and lack of wave protection options, placement of this seawall will not prejudice the LCP.

OTHER COMMENTS:

Public Access: The rip-rap will not interfere with vertical public access. Access is available to the east via 14th Avenue and to the west via 12th Avenue. The project will cover a small amount of usable sandy beach but the amount is not significant. It is also noted that there is existing rock and concrete rubble on the Geisreiter property which will be cleaned up and incorporated into the core of the new seawall.

Project Design: This project has been reviewed by the Santa Cruz County Geologist who approved its design. The seawall is planned to be higher (10 feet) at the end which is closest to the existing house and lower (3 feet) at the point which is farthest from the two houses.

State Parks Land: The beach portions of both properties are scheduled for acquisition by the State Department of Parks and Recreation. This project therefore will encroach upon what might be State property in the future. However, the encroachment is minimal and Condition 5 below requires the applicant to maintain the seawall.

III. RECOMMENDATION

Approval: Find consistency with Chapter III, that the development will not prejudice an LCP, that the development has no significant adverse environmental effects as proposed or as conditioned:

(Between shoreline and first public road, note comments on front page under Public Access and Recreation.)

CONDITIONS:

I. Within 30 days of the effective date of this permit, the applicant shall submit to the Assistant Executive Director a deed restriction for recording, that binds the applicants and any successors in interest. The form and content of the deed restriction shall be subject to review and approval by the Assistant Executive Director. The deed restriction shall provide:

- (a) that the applicants understand that the project and construction site is subject to extraordinary hazard from waves during storms and from related erosion, and the applicants assume the liability from those hazards;
- (b) the applicants agree that they will unconditionally waive any claim of liability on the part of the Commission or any other public agency for any liability as a result of the completion of construction of the project related to the hazards as identified above; and
- (c) the applicants agree that the construction in the face of these hazards may make them ineligible for public disaster funds or loans for repair or replacement of the project designated by the engineering plans attached to the application, in the event of future storms and related erosion.

CONDITIONS (Cont.):2. State Lands Commission Review:

Prior to commencement of construction, the applicant shall submit to the Assistant Executive Director a written determination from the State Lands Commission that:

- (a) No State lands are involved in the development; or
- (b) State Lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- (c) State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

3. Public Rights:

The permittee shall, by accepting the terms and conditions of the permit, agree that issuance of the permit and completion of the authorized development shall not prejudice any subsequent assertion of public rights, e.g., prescriptive rights, public trust, etc.

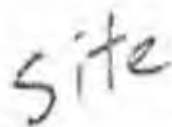
4. Prior to commencement of construction, the permittee shall submit evidence to the Assistant Executive Director for review and approval that the State Department of Parks and Recreation has given permission for construction equipment to cross State property and that the properties are not yet purchased by the State.

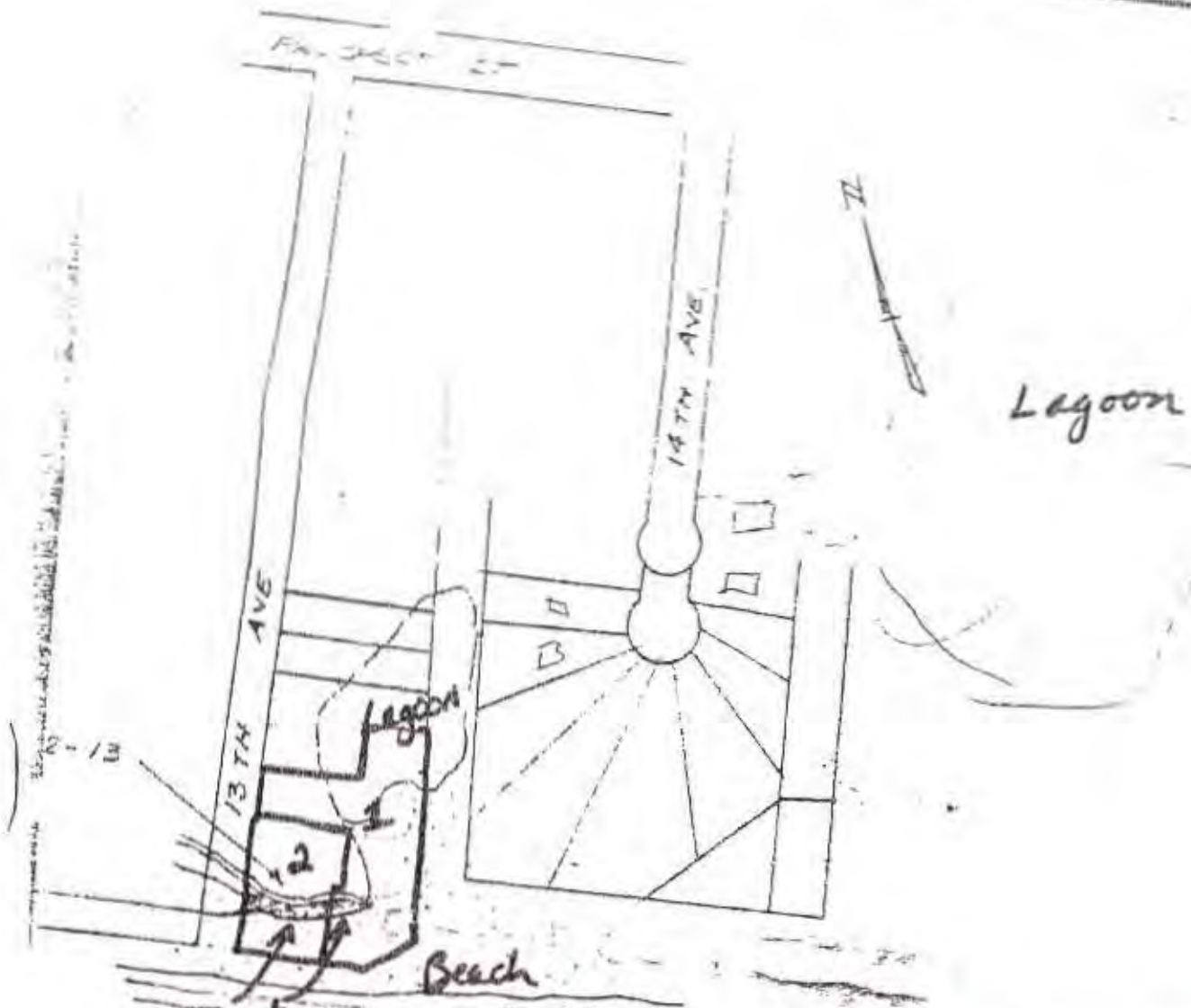
- * 5. It is the responsibility of the permittee, semi-annually, to maintain the seawall in good condition and to remove large rocks that migrate significantly onto the sandy beach.

6. This permit authorizes future maintenance work on the seawall without a separate Coastal Permit but subject to the approval of the Assistant Executive Director and any conditions he deems appropriate.

7. Conditions 1, 5 and 6 of the permit shall be recorded on the deeds for the properties in order to bind the permittee and any successor in interest to the properties. The form and content of the deed recordation is subject to the review and approval of the Assistant Executive Director.

8. If bedrock is not encountered after excavation for the toe of the seawall, filter blanket shall be placed prior to installation of the rocks.





1 = Bratton parcel
2 = Geisreitter parcel

SITE PLAN
NO SCALE

P-80-276
Vicinity Map

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200



September 22, 1997

William E. Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

RE: *Coastal Development Permit Number P-80-276*

Dear Mr. Geisreiter:

Your request of September 18, 1997, to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276, is approved.

Thank you for your careful attention to the conditions of your permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lee Otter", with a stylized flourish at the end.

Lee Otter
District Chief Planner
Central Coast Area Office

LO:dc

APPENDIX D

GARAGE REMODEL/ADDITION, GEOTECHNICAL DESIGN CRITERIA

- Geotechnical Investigation, 120 13th Avenue, Garage Remodel/Addition, dated 7/7/2014 by Haro, Kasunich and Associates, Inc.
- Progress Construction Report, Proposed Detached Garage, 120 13th Avenue, dated 11/24/2014 by Haro, Kasunich and Associates, Inc.

Project No. SC9803
2 June 2014
Revised 7 July 2014

REED GEISREITER
120 13th Avenue
Santa Cruz, California 95062

Subject: Geotechnical Investigation

Reference: 120 13th Avenue
APN 028-142-13
Santa Cruz, California

Dear Mr. Geisreiter:

At your request, this letter report presents geotechnical design criteria for a garage addition to the existing single family dwelling at 120 13th Avenue, Santa Cruz, California. It is our understanding the proposed project will consist of constructing a detached automobile garage on the east side of the residence. The purpose of our investigation was to determine the condition of the foundation zone soil and recommend design criteria for the proposed garage foundation system.

Site Location and Description

The referenced parcel is located at 120 13th Avenue, Santa Cruz, California (See Figure 1). The site has near level topography. The Santa Cruz County Geologic Map indicates the site is located within the coastal marine terrace deposit (Qcl) geologic unit (See Figure 3).

Deepened footings with stem walls and a concrete slab-on-grade floor are proposed.

Field Exploration

On 17 June 2009, we explored the subsurface soil conditions at the site with two (2) exploratory boring, advanced 30.5 feet below grade. The borings were advanced with 4-inch diameter continuous flight auger drilling equipment. Representative soil samples were obtained from the exploratory borings at selected depths, or at major strata changes. These samples were recovered using a Standard Terzaghi Sampler (T). The soils encountered in the borings were continuously logged in the field and described in accordance with the Unified Soil Classification System (ASTM D2488, Visual-Manual Proceeding). Stratification lines shown on the logs represent the approximate boundaries between soil types. The actual soil layer transitions may be gradual.

The penetration blow counts noted on the boring logs were obtained by driving a sampler into the soil with a 140-pound hammer dropping through a 30-inch fall. The

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sampler was driven up to 18 inches into the soil and the number of blows counted for each 6-inch penetration interval. The numbers indicated on the logs are the total number of blows that were recorded for the second and third 6-inch intervals, or the blows that were required to drive the penetration depth shown if high resistance was encountered.

Soil boring logs are included in the Appendix of this report.

Laboratory Testing

Soil samples obtained from the borings at selected depths were taken to our laboratory for further examination and laboratory testing. The laboratory testing program was directed toward determining pertinent engineering properties of soil underlying the project site.

Sieve Analysis

Sieve analysis was performed to evaluate the gradational characteristics of the material and to aid in soil classification. Tests were performed in general accordance with ASTM Test Method D 422 (Modified).

The strength parameters of the underlying earth materials were determined from field penetration resistance of the in-situ soil.

The results of the laboratory testing appear on the "Logs of Test Boring" opposite the sample tested.

Subsurface Conditions

We encountered medium dense native silty sand in the near surface soil. Below the terrace deposit material, medium dense to dense sandstone was encountered at a depth of 10 feet. Groundwater was encountered during the field investigation in Boring No. 1 at a depth of 27 feet. It should be noted that groundwater levels may fluctuate due to variations in rainfall or other factors not evident during our investigation. Contrasts in permeability between soil and bedrock strata could allow perched groundwater conditions to develop. Subsurface conditions and water levels at other locations may differ from conditions at the locations where sampling was conducted. The passage of time may also result in changes to the conditions observed or inferred from our investigation.

Results of particle size analysis performed indicate that the soil contains approximately 10 to 20 percent fines consisting of silt-clay size particles, on a dry weight basis.

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CBC Seismic Design Coefficients

It is highly probable that a major earthquake will occur in California during the next 50 years. During a major earthquake epicentered nearby, there is a potential for 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_{0s}) and for one second periods (S_{01}) 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 a site are determined by using USGS quadrangles topographic maps and Google Earth.

Based on soil information obtained during exploratory borings at the referenced site, a Site Class D was determined. The longitude and latitude of the site was determined to be -121.994854 degrees and 36.960666 degrees, respectively.

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	$S_s = 1.5g$	(T = 0.2 sec.)
	$S_1 = 0.6g$	(T = 1.0 sec.)
Site Coefficients	$F_A = 1.0$	(T = 0.2 sec.)
	$F_V = 1.5$	(T = 1.0 sec.)
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameters	$S_{MS} = 1.5g$	(T = 0.2 sec.)
	$S_{M1} = 0.9g$	(T = 1.0 sec.)
Design Spectral Response Acceleration Parameters	$S_{0s} = 1.0g$	(T = 0.2 sec.)
	$S_{01} = 0.6g$	(T = 1.0 sec.)

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

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Discussions, Conclusions and Recommendations

Based on the results of our investigation, the proposed garage addition appears compatible with site conditions, from a geotechnical standpoint, provided our recommendations are closely followed during the design and construction phases of the project.

Primary geotechnical concerns at the site include strong seismic shaking, adequate foundation support, and adequate control of surface runoff around the proposed improvements.

The project site is located within a seismically active area and strong seismic shaking is expected to occur over the lifetime of the project. Structures should be designed and constructed in accordance with the most current CBC (2013) and the recommendations of this report to minimize reaction to seismic shaking.

The results of our geotechnical investigation indicate that the proposed addition can be supported by deepen spread footings bearing on firm native soil.

The following recommendations should be used as guidelines for preparing project plans and specifications, and assume that **Haro, Kasunich & Associates** will be commissioned to review project grading and foundation plans before construction and to observe, test and advise during earthwork and foundation construction. This additional opportunity to examine the site will allow us to compare subsurface conditions exposed during construction with those inferred from this investigation. Unusual or unforeseen soil conditions may require supplemental evaluation by the geotechnical engineer.

Site Grading

1. The geotechnical engineer should be notified at least four (4) working days prior to any site clearing or grading, so that the work in the field can be coordinated with the grading contractor, and arrangements for testing and observation services can be made. The recommendations of this report are based on the assumption that the geotechnical engineer will perform the required testing and observation services during grading and construction. It is the owner's responsibility to make the necessary arrangements for these required services.
2. Where referenced in this report, Percent Relative Compaction and Optimum Moisture Content shall be based on ASTM Test Designation D1557.

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3. Areas to be graded should be cleared of all obstructions including loose fill, trees not designated to remain, and other unsuitable material, (i.e. cobbles greater than 6 inches in diameter). Existing depressions or voids created during site clearing should be backfilled with engineered fill.
4. Cleared areas should then be stripped of organic-laden topsoil. Stripping depth is typically from 2 to 6 inches. Actual depth of stripping should be determined in the field by the geotechnical engineer. Strippings should be wasted off-site or stockpiled for use in landscaped areas if desired.
5. Areas to receive engineered fill should be scarified to a depth of 8 inches in slab and footing areas, moisture conditioned and compacted to 90 percent relative compaction.
6. Engineered fill should be placed in thin lifts not to exceed 8 inches in loose thickness, moisture conditioned and compacted to at least 90 percent relative compaction.
7. The majority of the on-site soil appears suitable for use as engineered fill. Materials for engineered fill should be granular, essentially free of organic materials, and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches and have a PI of 18 or less.
8. If grading is performed during or shortly after the rainy season, the grading contractor may encounter compaction difficulty, such as pumping or bringing free water to the surface. If compaction cannot be achieved after adjusting the soil moisture content, it may be necessary to overexcavate the subgrade soil and replace with angular crushed rock and stabilize the bottom with stabilization fabric. We estimate the depth of overexcavation would be approximately 24 inches under these adverse conditions. The need for ground stabilization measures to complete grading effectively should be determined in the field at the time of grading based on exposed soil conditions.

Foundation - Continuous Exterior Spread Footings

9. Based on the site and soil characteristics, an appropriate foundation system for support of the proposed addition will consist of continuous exterior conventional spread footings, bedded into firm, moisture conditioned native soil.

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10. All spread footings should be at least 15 inches wide. The footings should be trenched at least 15 inches deep, and penetrate into firm, moisture conditioned native soil. If very loose native soil or very dry soil is encountered at the 15 inch footing excavation, deeper excavations (6 to 12 inches) can be done to achieve adequate bearing capacity. Spread footings constructed to the given criteria may be designed for the following allowable bearing capacities:
 - a) 1,500 psf for dead plus live loads
 - b) A one-third increase for seismic loading
 - c) Coefficient of friction of 0.35
11. The foundation trenches should be kept moist and be thoroughly cleaned of all slough or loose materials prior to pouring concrete. In addition, all footings located adjacent to other footings or utility trenches should have their bearing surfaces founded below an imaginary 1.5:1 plane projected upward from the bottom edge of the adjacent footings or utility trenches.
12. All footing excavations should be thoroughly cleaned and observed by the geotechnical engineer prior to placing forms and steel. Observation of foundation excavations allows anticipated soil conditions to be correlated to those inferred from our investigation and to verify that the footings are in accordance with our recommendation.
13. Provided our recommendations are incorporated into the design and construction of the project, post-construction total and differential settlement of foundations is expected to be 1 inch or less.

Utility Trenches

14. Trenches must be properly shored and braced during construction or laid back at an appropriate angle to prevent sloughing and caving at sidewalls. The project plans and specifications should direct the attention of the contractor to call CAL OSHA and local safety requirements and codes dealing with excavations and trenches.
15. Trenches should be backfilled with granular-type material and uniformly compacted by mechanical means to the relative compaction as required by county specifications, but not less than 95 percent under paved areas and 90 percent elsewhere. The relative compaction will be based on the maximum dry

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density obtained from a laboratory compaction curve run in accordance with ASTM Procedure #D1551.

16. We recommend placing a 3 foot concrete plug in each trench where it passes under the exterior foundations. Care should be taken not to damage utility lines.
17. Trenches should be capped with 1.5 feet of relatively impermeable soil.

Slabs-on-Grade

18. We recommend that proposed slabs-on-grade be supported on at least 4 inches of non-expansive granular material. Prior to construction of the slab, the subgrade surface should be compacted to provide a smooth, firm, uniform surface for slab support. Slab reinforcing should be provided in accordance with the anticipated use and loading of the slab. We recommend, as a minimum reinforcement, No. 4 bars in two directions.
19. In areas where floor wetness would be undesirable, a blanket of 4 inches of free-draining clean sand should be placed beneath the floor slab. In order to minimize vapor transmission, an impermeable membrane should be placed over the sand.
20. Exterior concrete slabs-on-grade should be founded on firm, well-compacted ground. Reinforcing should be provided in accordance with the anticipated use and loading of the slab. The reinforcement should not be tied to the building foundations. These exterior slabs can be expected to suffer some cracking and movement. However, thickened exterior edges, a well-prepared subgrade including premoistening prior to pouring concrete, adequately spaced expansion joints, and good workmanship should minimize cracking and movement.

Flexible Pavements

21. Asphaltic concrete, aggregate base and subbase, and preparation of the subgrade should conform to and be placed in accordance with the Caltrans Standard Specifications, latest edition, except that the test method for compaction should be determined by ASTM D1557.
22. To have the selected sections perform to their greatest efficiency, it is important that the following items be considered:

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- A. Moisture condition the subgrade and compact to a minimum relative compaction of at least 95 percent, at about 2 percent over optimum moisture content.
- B. Provide sufficient gradient to prevent ponding of water.
- C. Use only quality materials of the type and thickness (minimum) specified. Base rock should meet Caltrans Standard Specifications for Class II Aggregate Base, and be angular in shape.
- D. Compact the base rock to a relative dry density of 95 percent.
- E. Place the asphaltic concrete during periods of fair weather when the free air temperature is within prescribed limits per Caltrans specifications.
- F. Provide a routine maintenance program.

Surface Drainage

- 23. We recommend that full gutters be used along all roof eaves to collect storm runoff water and channel it through closed rigid conduits to a suitable discharge point away from the perimeter foundations of the house.
- 24. Water must not be allowed to pond adjacent to structural foundations or on the paved areas. Final grades should be provided with positive gradient away from all foundations in order to provide rapid removal of the surface water from the foundations to an adequate discharge point. Concentrations of surface water runoff should be handled by providing necessary structures, such as paved ditches, catch basins, etc.
- 25. Irrigation activities at the site should be done in a controlled and reasonable manner. Planter areas should not be sited adjacent to walls; otherwise, measures should be implemented to contain irrigation water and prevent it from seeping into walls and under foundations.
- 26. The migration of water or spread of extensive root systems below foundations, slabs, or pavements may cause undesirable differential movements and

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
2 June 2014
Revised 7 July 2014
Page 9

subsequent damage to these structures. Landscaping should be planned accordingly.

Plan Review, Construction Observation and Testing

27. 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 us to compare subsurface conditions exposed during construction with those inferred from this investigation.

Should you have any questions concerning this letter report, please call our office.

Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC.

John E. Kasunich
G.E. 455

JEK/dk
Attachments
Copies: 3 to Addressee

Mr. Reed Gelsreiter
Project No. SC9803
120 13th Avenue
2 June 2014
Revised 7 July 2014
Page 10

LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the time, our firm should be notified so that supplemental recommendations can be given.
2. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans, and that the necessary steps are taken to ensure that the Contractors and Subcontractors carry out such recommendations in the field. The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. No other warranty expressed or implied is made.
3. The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether they be due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards occur whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or partially, by changes outside our control. Therefore, this report should not be relied upon after a period of three years without being reviewed by a geotechnical engineer.

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
2 June 2014
Revised 7 July 2014
Page 11

APPENDIX A

Site Vicinity Map (Figure No. 1)

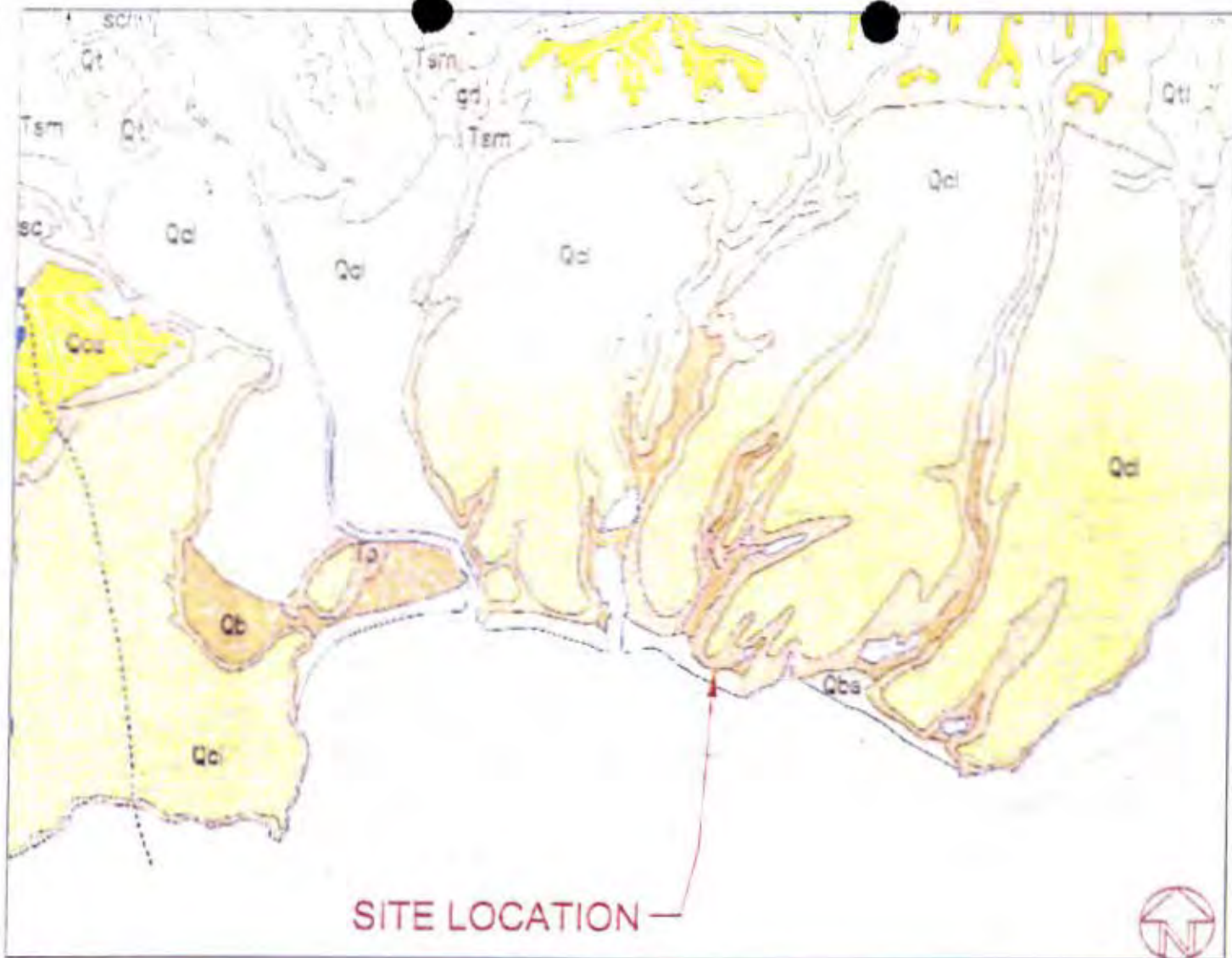
Regional Geology Map (Figure No. 2)

Boring Site Plan (Figure No. 3)

Key to Logs (Figure No. 4)

Logs of Test Borings (Figure No. 5)





KEY:

- Tp** Purisima Formation (Pliocene and upper Miocene)—Very thick bedded yellowish-gray tuffaceous and siltaceous sandstone containing thick interbeds of bluish-gray, semihard, fine-grained andesitic sandstone. As shown, includes Santa Cruz Mudstone east of Soledad Valley and north of Santa Cruz. Thickness approximately 3,000 ft in the Corralito Canyon area.
- Qca** Basin deposits (Holocene)—Unconsolidated, plastic, silty clay and clay rich in organic material. Locally contain interbedded thin layers of silt and silty sand. Deposited in a variety of environments including estuaries, lagoons, and sheltered sloughs, flood basins, and lakes. Thickness highly variable, may be as much as 90 ft thick underlying some sloughs.
- Qcl** Lowest emergent coastal terrace deposits (Pleistocene)—Semi-consolidated, generally well-sorted sand with a few thin, relatively non-rigid layers of gravel. Deposited in a variety of high-energy, marine environments. Includes upland terrace deposits of Marina Beach in southern part of county. Thickness variable, maximum approximately 40 ft. Unit thins south where it merges with Qc. Deposited from 5 to 20 ft thick. Underlies some sloughs from 5 to 20 ft thick. As mapped, includes material that is up to 10 ft thick and is not mapped as Qcl. As mapped, includes material that is up to 10 ft thick and is not mapped as Qcl.

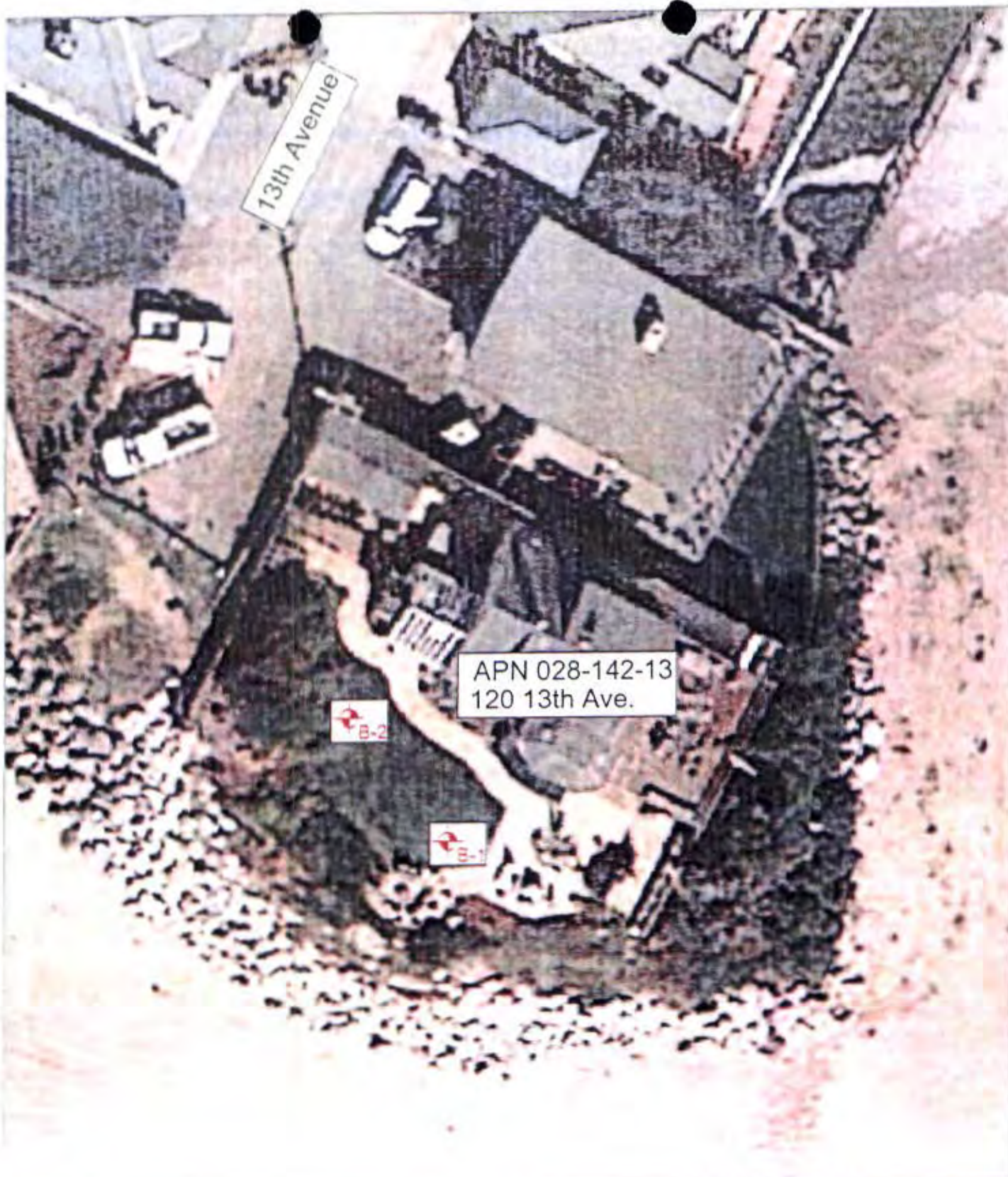
FROM:


REGIONAL GEOLOGIC MAP OF SANTA CRUZ COUNTY, CALIFORNIA

Geological Resources of Santa Cruz County, California, and the San Francisco Bay Area

REGIONAL GEOLOGIC MAP	
APN 026-142-13	
120 13th Avenue	
Santa Cruz, California	
SCALE: no scale	HARO, KASUNICH & ASSOCIATES, INC. GEOTECHNICAL AND COASTAL ENGINEERS 1112 LANE AVENUE, WATSONVILLE, CA 95090 (408) 722-4178
DRAWN BY: JC	
DATE: June 2014	
BY: SCDG	

FIGURE NO. 2



KEY  = SOIL BORING LOCATION



BORING SITE PLAN

APN 028-142-13
120 13th Avenue
Santa Cruz, California

SCALE: NO SCALE

aerial photo from Google Earth, dated 24 Feb. 2014

DESIGNED BY: JD

DATE: June 2014

REVISION:

PROJECT: SC9803

HARO, KASUNICH & ASSOCIATES, INC.
GEO TECHNICAL AND COASTAL ENGINEERS
114 S. LAKE AVENUE, WATSONVILLE, CA 95070
(831) 722-4176

FIGURE NO. 3

Exhibit 3

A-3-SCO-16-0100

258 of 325

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE 9	CLEAN GRAVELS (LESS THAN 5% FINES)	GW ²	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
			OL	Organic silts and organic silty clays of low plasticity.
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of medium to high plasticity, organic silts.
	HIGHLY ORGANIC SOILS			Pt

GRAIN SIZES

U.S. STANDARD SERIES SIEVE				CLEAR SQUARE SIEVE OPENINGS		
200	40	10	4	3/4"	3"	12"
SILTS AND CLAYS	SAND			GRAVEL		COBBLES
	FINE	MEDIUM	COARSE	FINE	COARSE	
						BOULDERS

RELATIVE DENSITY

SANDS AND GRAVELS	BLOWS/FT*
VERY LOOSE	0-4
LOOSE	4-10
MEDIUM DENSE	10-30
DENSE	30-50
VERY DENSE	OVER 50

CONSISTENCY

SILTS AND CLAYS	STRENGTH**	BLOWS/FT*
VERY SOFT	0-1/4	0-2
SOFT	1/4-1/2	2-4
FIRM	1/2-1	4-8
STIFF	1-2	8-16
VERY STIFF	2-4	16-32
HARD	OVER 4	OVER 32

*Number of blows of 140 pound hammer falling 30 inches to drive a 1 inch O.D. (1 3/8 inch I.D.) split spoon (ASTM D-1586)

**Unconfined compressive strength in tons/ft² as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvane, or visual observation

HARO, KASUNICH & ASSOCIATES

FIGURE NO. 4 KEY TO LOGS

LOGGED BY JD DATE DRILLED June 17, 2009 BORING DIAMETER 4" BORING NO. B-1

Depth, ft.	Sample No. and type Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 360 ft. - lbs.	Qu - ts.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0								
1-1 (T)		Brown Silty SAND, very damp, medium dense, some small Gravels, terrace deposit	SM	10				Passing #200 23.1%
1-2 (T)		Brown/Tan with orange stains, fine SAND, damp, medium dense, some binder, no Gravels, Purisima Sandstone (Tp)	SP	20				Passing #200 20.2%
1-3 (T)		Dark brown fine SAND, damp medium dense, some binder, tip of shoe had more Clay/Silt than rest of sample, Tp	SP	29				Passing #200 9.6%
		Hit water @ 27', hole caved in	SP					
1-4 (T)		Dark brown fine SAND, saturated, medium dense Tp Boring terminated at 30.5 feet	SP	20/6*				Passing #200 10.5%
35								

SuperLog CivilTech Software, USA www.civiltech.com File: C:\Superlog4\H\KALDOS\SC9803.log Date: 6/2/2014

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 5



120 13th Avenue

PROJECT NO. SC9803

LOGGED BY JD

DATE DRILLED June 17, 2009

BORING DIAMETER 4"

BORING NO. B-2

Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft - lbs.	Qu - t.s.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0			Brown Silty SAND, very damp, medium dense, some small Gravels, terrace deposit	SM					
5									
2-1 (T)			Brown/Tan with orange stains, Silty Gravelly SAND, damp, medium dense, some cemented Sandstone pieces, weathered Tp	GM	20				Passing #200 20.6%
2-2 (T)			Brown/orange fine SAND, damp, medium dense, some binder, Tp	SP	27				Passing #200 22.6%
10			Boring terminated at 10.5 feet						
15									
20									
25									
30									
35									

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 6

REED GEISREITER
120 13th Avenue
Santa Cruz, California 95062

Subject: Progress Report No. 1

Reference: Proposed Detached Garage & ADU
APN 028-142-13
120 13TH Avenue
Santa Cruz, California

Dear Mr. Geisreiter:

As requested, Haro, Kasunich and Associates has performed ongoing earthwork observation and testing services for the referenced project. The addition project consists of constructing a detached 2-car garage with a second story accessory dwelling unit (ADU). Our geotechnical plan review letter is dated 25 July 2014. Our geotechnical investigation report for the project is dated 7 July 2014. This letter summarizes our observations and presents the results of field and laboratory compaction tests performed between 3 October 2014 and 16 October 2014.

Geotechnical aspects of construction observed and tested during this report period consisted of:

- a) Observation of native cuts in garage slab area and garage perimeter footing excavations into very dense native material;
- b) Observation and compaction testing of import Class II aggregate base material;
- c) Observation of sub-slab vapor barrier.

During a site visit on 3 October 2014 to inspect perimeter footing excavations, the native cut in the slab area was observed to be very firm when probed with a metal soil probe. The slab area was scarified and moisture conditioned prior to placement of import Class II material. Perimeter foundation excavations penetrated any loose material and were embedded into very dense native soil. Excavations were clean of any loose material at the time of inspection. Excavation dimensions matched minimum requirements shown on the project plans.

Reed Geisreiter
Project No. SC9803
120 13th Avenue
24 November 2014
Page 2

Class II aggregate base material from the Aromas quarry was used as engineered fill in the garage slab area. We used recent compaction and moisture analysis results from our laboratory utilizing ASTM test method D-1557 for Aromas Class II material. Engineered Class II fill material was moisture conditioned and compacted with a vibratory sheepsfoot machine and/or vibratory plate machine up to the desired finish elevation. The aggregate base section was approximately 12 inches thick.

Compaction test results for Class II engineered fill in slab-on-grade flooring area indicate a minimum of 93.4 percent relative compaction was recorded in one test location six inches below finish subgrade elevation. The relative compaction is the ratio of the in-place dry density as determined by nuclear test method, ASTM D6938 to laboratory test method, ASTM D1557. The one test location was placed approximately in the center of the slab area.

6-mil thick visqueen plastic was placed on top of the sand as a sub-slab vapor barrier. A 2 inch thick sand layer was placed on top of the plastic to protect the vapor barrier during rebar installation.

As the project is ongoing we will continue to provide observation and testing services at the request of Larry Rego Construction. All ongoing aspects of site grading, foundation excavation, and drainage are to be observed by our staff in the field.

Based on our observations and compaction test result, the earthwork observed and tested during this report period was performed in general conformance with our geotechnical recommendations.

If you have any questions concerning this Progress Report, please contact our office.

Respectfully Submitted,

HARO, KASUNICH & ASSOCIATES, INC.

Jeff Davis
Engineering Assistant

John E. Kasunich
G.E. 455

JD/dk

Attachment: Compaction test results

Copies: 1 to Addressee

3 to Larry Rego, P.O. Box 1878, Capitola, CA 95010

TABLE I LABORATORY COMPACTION CURVE RESULTS ASTM D1557-91			
CURVE NUMBER	SOURCE AND SOIL DESCRIPTION	MAXIMUM DRY DENSITY (PCF)	OPTIMUM MOISTURE CONTENT (%)
1	Aromas Class II	144.0	7.0

Reed Geisreiter
120 13th Avenue

Project No. SC9803
24 November 2014

TABLE II SUMMARY OF FIELD DENSITY TEST RESULTS							
Test No.	Date of Test	Location	Grade	Moisture Content (%)	Dry Density (pcf)	Relative Compaction (%)	Curve No.
1	10/16/2014	Garage slab middle	FAB	3.7	134.5	93.4	1

NOTES

Reed Geisreiter
120 13th Avenue

Project No. SC9803
24 November 2014

1. The field in-place density tests were performed in accordance with ASTM D6938-07b, Density of Soil In-Place by Nuclear Methods, and the results are expressed as relative compaction based on ASTM D1557-07, Laboratory Compaction Test. The field tests were taken at random, as were the bulk samples for the earth materials encountered during the grading operation.

2. * - Denotes failing test.

3. Numbers in remarks section refer to soil type from Table I.

4. N, W, NW, SE, etc. refer to compass directions.

5. Abbreviations:

FAB - Finish Aggregate Base



JOB COPY
APPROVED BY THE COUNTY OF SANTA CLAY
DATE: 10/10/2014
REASON: CORRECTION
THE JOB SHEET IS NOT TO BE
REPRODUCED OR COPIED

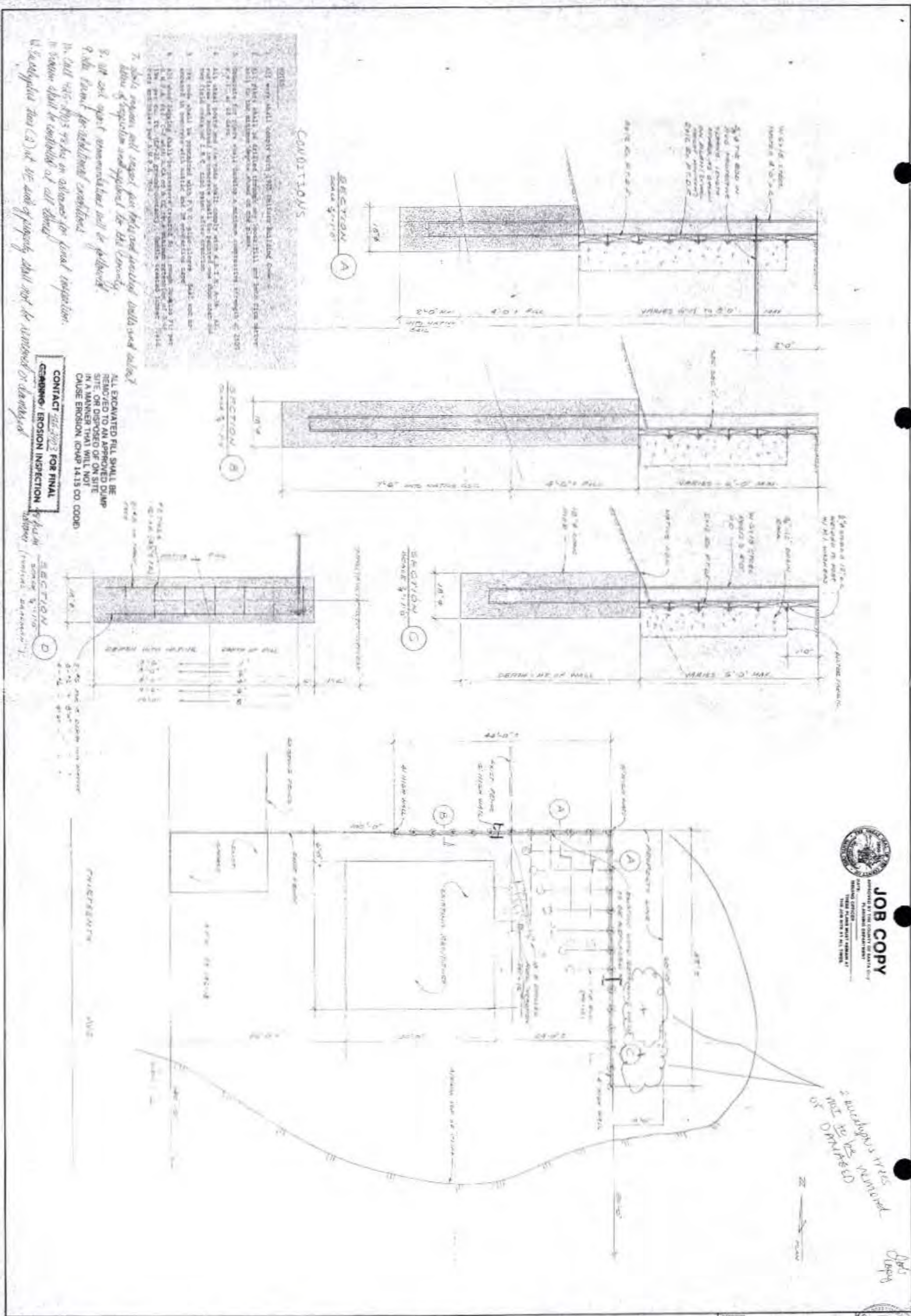
2. SUCCESSIONS TYPES
NOT TO BE REPRODUCED
OR COPIED

Clayton

Exhibit 3

A-3-SCO-16-0100

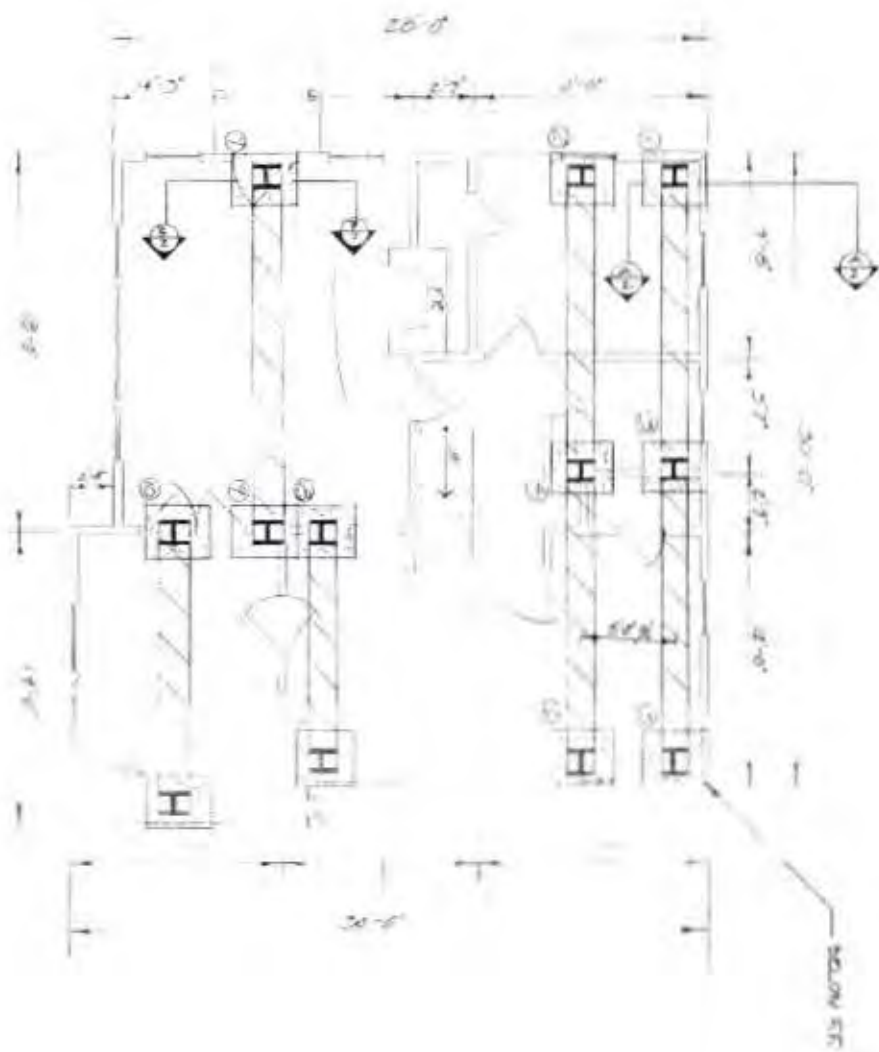
268 of 325



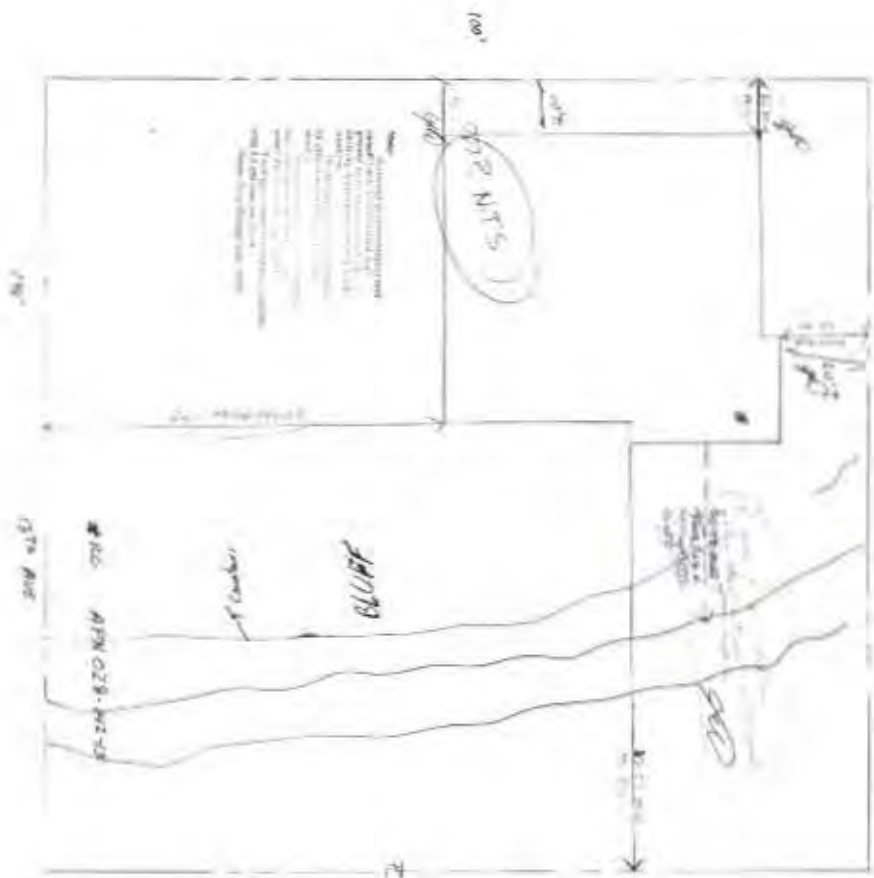
ifland engineers, inc.
civil and structural design
1000 1st St. N. Suite 100, St. Petersburg, FL 33713 (813) 421-1111

DATE	2-2-06	DESIGN	2
BY	J. J. J.	CHECKED	
SCALE	AS SHOWN	NOTED	

WOOD RETAINING WALL REPLACEMENT
SEIBREITER RESIDENCE
100 1st AVE
SAFETY, FLA.



FLOOR PLAN



SITE PLAN

13th AVENUE
13th AVENUE

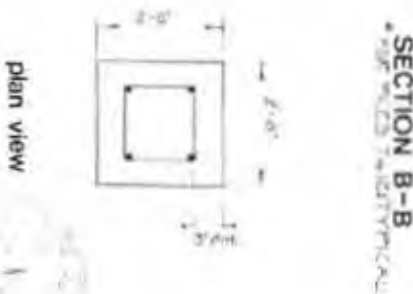
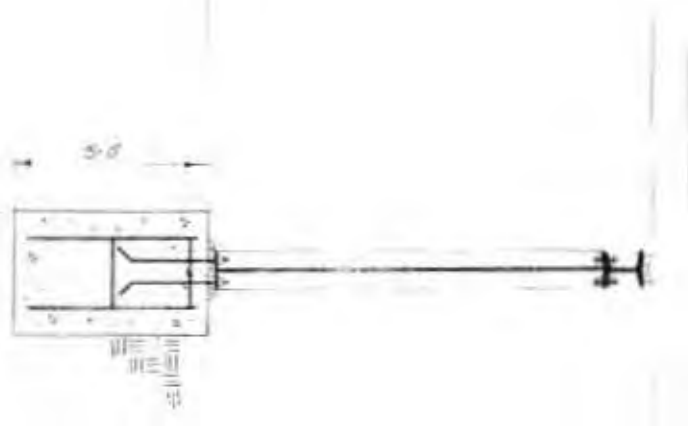
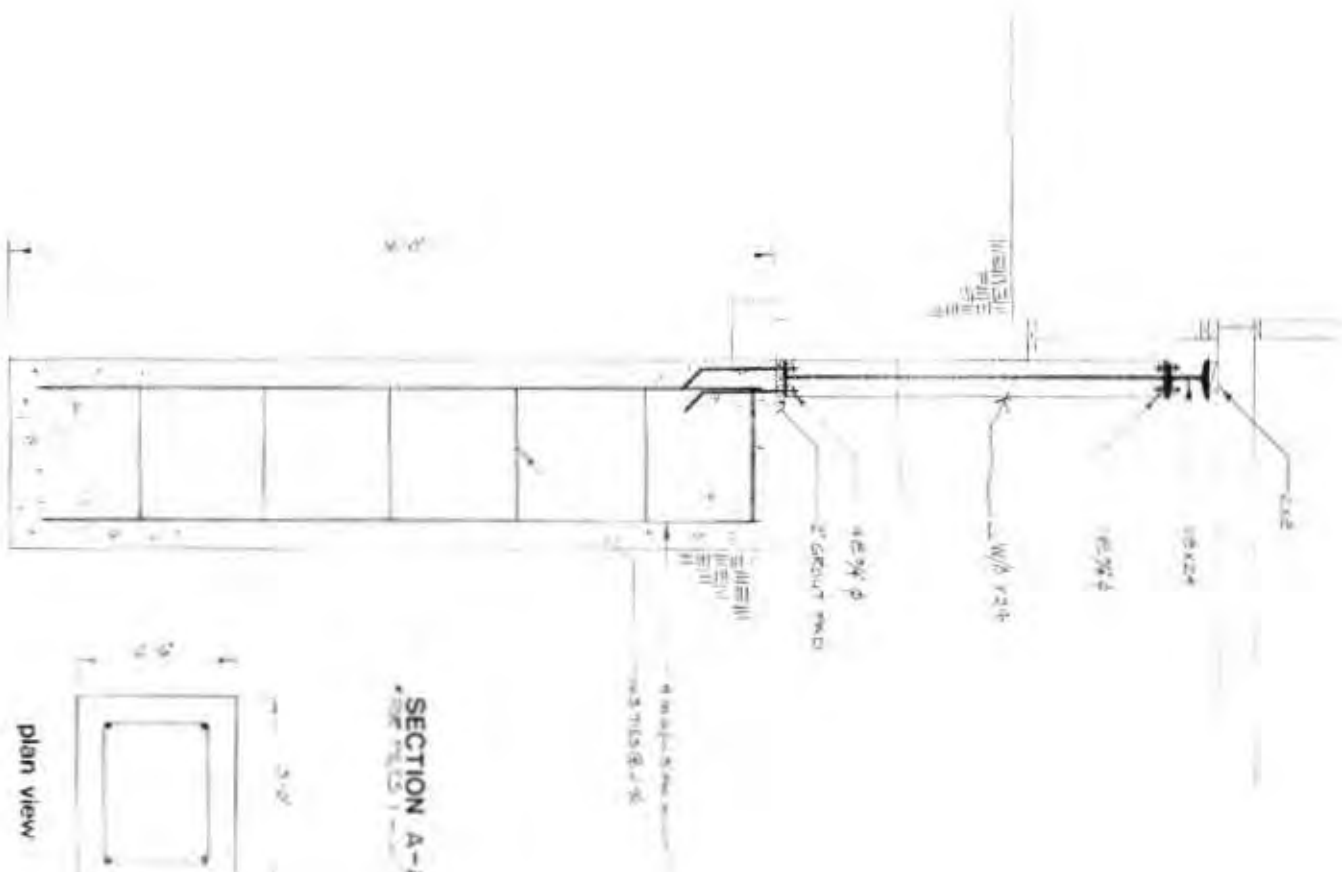


JONATHAN L. JONES
ENGINEER
CONSTRUCTION

40246 JONES, JONATHAN L. JONES, CALIFORNIA, 01/15/2018

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

NOTICE TO THE PUBLIC
The County of Santa Cruz Planning Department has received a request for a Conditional Use Permit for the proposed project. The project is located at the intersection of 13th Avenue and 13th Avenue. The project is a proposed development of a new building and parking area. The project is located at the intersection of 13th Avenue and 13th Avenue. The project is a proposed development of a new building and parking area. The project is located at the intersection of 13th Avenue and 13th Avenue. The project is a proposed development of a new building and parking area.



SPECIAL INSPECTIONS AND TESTS
 SPECIAL INSPECTIONS AND TESTS
 ARE REQUIRED AS PER BUILDING
 CODE SECTION 1905.4.1.1.1



	J.B. SMITH ENGINEERING CONSTRUCTION, INC. 12345 MAIN ST. SUITE 100 SAN JOSE, CA 95128 (408) 555-1234	
	PROJECT NO. 20-05	DATE 10/1/2025

Project No. SC9803
10 May 2016

REED GEISREITER
120 13th Avenue
Santa Cruz, California 95062

Subject: Coastal Bluff Recession Study and
FEMA Flood Elevation Evaluation

Reference: 120 13th Avenue
Santa Cruz, California
APN 028-142-13

Dear Mr. Geisreiter:

Below is our report on the Coastal Bluff Recession Study that we completed at your request, for the property known as 120 13th Avenue in Santa Cruz, California. We understand that this study will be used to obtain permits for improvements to your existing home on the property.

We have studied the historical coastal bluff recession rates at 120 13th Avenue in Santa Cruz, California. We also qualitatively evaluated the slope stability of the coastal bluff and the adjacent rip-rap coastal protection structure.

During our study, we:

- 1) Reviewed our file concerning prior geologic work at the property
- 2) Obtained and reviewed four sets of historical vertical aerial photographs: two from 1965, one from 2003 and one from 2015.
- 3) Reviewed several sets of oblique angle aerial photographs from 1972 through 2013.
- 4) Visited the site
- 5) Prepared two geologic cross sections and made measurements from the seaward edge of the existing home out to the top edge of the coastal bluff
- 6) Prepared a sketch map of the current top edge of the bluff-top using a surveyed 2009 base map prepared by Dunbar and Craig (now Bowman and Williams); in conjunction with our field observations

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
10 May 2016
Page 2

7) Prepared this letter report and the accompanying graphics

Our firm was retained to manage the repair and maintenance of the permitted existing rip-rap coastal protection structure in 2009-2010. This work involved re-stacking some individual rip-rap boulders that had been displaced by wave impact. Such maintenance is required under the terms of the Coastal Development Permit that was issued when the rip-rap revetment was constructed. No new rock was added to the revetment in 2009-2010. The revetment has functioned well during the 2015-2016 El Nino winter season, which has seen record levels of wave energy and frequent very large deep-water ocean wave heights.

Bluff Geology and Future Bluff Recession Discussion

The referenced property is situated just east of the Santa Cruz Harbor, along a south facing segment of shoreline in northern Monterey Bay.



Vicinity Map of 120 13th Avenue showing Monterey Bay



Topographic Map of 120 13th Avenue

The property is sheltered compared to properties that are more directly exposed to waves from all directions in Monterey Bay. Because the coastal bluff at the property is inside Monterey Bay and faces south-southwest, the bluff is somewhat protected from the largest and most powerful ocean waves that come from the northwest in the wintertime.

We prepared two geologic cross sections from the ocean to the building site which depict the earth materials and topography. Basically they show a level blufftop area at about elevation 31, seaward to a bluff face 20 to 24 feet high inclined downward to the beach sand surface. The upper bluff is inclined very steeply at about 60 degrees for about 8 feet, then the rip rap slopes at about a 40 degree inclination become flatter above the sandy beach surface, which commonly slopes at about a 10% gradient. The beach width varies significantly based on tidal conditions and ocean wave runup. The sandy beach serves to protect the base of the bluff from ocean wave runup impact because the lower bluff is covered by beach sand. The thickness of the beach sand deposit at the base of the coastal

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
10 May 2016
Page 4

bluff varies seasonally and annually, being affected by natural processes and by dredging of the Santa Cruz Harbor. Our geologic cross sections show the geologic conditions we interpret to exist at the site.

As we measured at the site and as shown on Section 1, parts of the existing house foundation are about 44 feet from the top edge of the coastal bluff that faces south toward the ocean. The closest part of the home is about 30 feet from this bluff edge, as shown on Section 2.

Towards the east the coastal bluff turns inland and faces east downcoast of the home. In this area an east facing point of land was visible at low elevation in the 1965 photos that was eroded and modified by construction of the existing rip-rap revetment. This area is obscured by trees and vegetation that exist near the bluff edge, which shaded or covered the bluff edge position in much of the area of interest. As the bluff edge turns inland and faces eastward, it is exposed to much less ocean wave energy, and geomorphically transitions to a riverine bluff face shaped more by the hydrology and erosion from storm runoff than from ocean wave runup or impact.

We confirmed that the ocean facing bluff edge position did not change between 2009 and 2015. We examined the position and shape of the top edge of the coastal bluff on the November 30, 1965 historical aerial photo and compared it to the bluff edge mapped on the 2009 survey.

From our comparison of the bluff edge position in 1965 compared to the current bluff edge position, it appears that the coastal bluff has receded toward the home very little since 1965, which is a 50 year period. The presence of the rip-rap coastal protection structure is one reason there has been very little historical bluff recession. Compared to average historical recession rates, accelerating future sea level rise rates may result in possible increased future recession rates. Based on the analysis we have completed to date, we are unable to accurately predict how much future bluff recession rates will increase due to sea level rise.

One form of bluff recession is caused by rainfall or wave splash or spray that erodes the bluff face. Slope instability (landsliding) along the coastal bluff face is another form of the coastal erosion processes that results in landward recession of the top edge of the coastal bluff. Coastal bluff landslides are caused either by undermining of the base of the bluff or from saturation of the bluff edge or bluff face. Because the upper part of the bluff is composed primarily of relatively weak sedimentary deposits (terrace deposits), the failure mechanism from landsliding is typically tabular or consists of very shallow failures. The terrace deposits exposed in the upper portion of the bluff face, which is the upper 8 feet of the bluff, is presently standing at a 1 to 1 or steeper gradient, which is statically stable. Field

observations of the geology and geomorphology of the bluff suggest that terrace deposits in the bluff face are generally stable at a 1:1 (H:V) gradient under seismic conditions. A major earthquake occurred with the epicenter near the property in 1989. From comparison of oblique aerial photography of the bluff face prior to that earthquake compared to present day conditions, there was no significant instability caused by that earthquake's seismic shaking. Based on the soil strengths found at this property, slope stability analysis indicates that a 1.25 to 1.0 (H to V) gradient in the upper terrace deposits should be stable.

Our assessment of the rip-rap revetment indicates that if no maintenance of the structure occurs for 100 years, it will likely be damaged by wave impact. We anticipate the revetment will slump and provide less protection to the bluff. The crest elevation of the revetment may be reduced by 9 feet in elevation as a result. We have evaluated future bluff recession rates based on this scenario, which does not take into account the level of protection presently provided by repairing and maintaining the revetment.

The Santa Cruz County Geologic Hazards Ordinance contains these provisions:

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

(b) For all development, including that which is cantilevered, and for non-habitable structures, a minimum setback shall be established at least 25 feet from the top edge of the coastal bluff, or alternatively, the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater.

Thus, the required setback is calculated two ways. Whichever is more conservative (further landward) is enforced.

We have prepared drawings that show an Estimated 100 Year Future Coastal Bluff Recession Setback (Two 24 by 36 inch sheets Dated 1/12/2016 Rev 5-10-2016) that depict the setback in plan (birds-eye) view and on two geologic cross sections.

The distance necessary to provide a stable building site over a 100-year lifetime of the structure setback was evaluated based on:

- 1) Failure of the upper portion of the revetment
- 2) Ten feet of horizontal erosion of the unprotected bluff face

Mr. Reed Geisreiter
Project No. SC9803
120 13th Avenue
10 May 2016
Page 6

- 3) A projected failure of the unprotected bluff face to a 1.25 to 1.0 (H to V) stable gradient
- 4) Where that projected failure would daylight in the blufftop

The components of this distance are depicted on Sheet 2 of the attached Estimated 100 Year Future Coastal Bluff Recession Setback drawings dated 1/12/2016. This method of calculating a 100 year setback results in setback distances that are slightly less than 25 feet from the existing bluff edge.

Both Sheets 1 and 2 of the attached Estimated 100 Year Future Coastal Bluff Recession Setback drawings show a minimum setback that is depicted 25 feet from the top edge of the coastal bluff, since that setback is more conservative (further landward) than the distance necessary to provide a stable building site over a 100-year lifetime of the structure.

We recommend the proposed development work is setback landward of the Estimated 100 Year Future Coastal Bluff Recession Setback, which we believe is the distance necessary to provide a stable building site over the next 100 years.

We recommend that mitigating measures (i.e., landscaping and drainage control) be used and maintained to help avoid increased erosion at the property.

FEMA Flood Elevation Evaluation

The Federal Emergency Management Agency (FEMA) produces flood hazard information in support of the National Flood Insurance Program (NFIP). The presently effective flood map they produce for the selected area is number 06087C0353E, which became effective on 05/16/2012. It indicates that Flood Zone A exists seaward of the blufftop area of the subject property. No Base Flood Elevation was established for this Zone A. As shown on this map, the blufftop area of the subject property is not within the flood hazard area subject to inundation by the 1% annual chance flood (commonly referred to as the 100-year flood).

FEMA is presently in the process of revising their flood hazard maps. They have published a preliminary flood map for the selected area which is number 06087C0353F dated 9-28-2015, which is not effective yet. It indicates that Flood Zone VE exists seaward of the blufftop area of the subject property. A Base Flood Elevation of +20 Feet using a Vertical Datum of NAVD88 was established for this Zone VE. As shown on this map, the blufftop area of the subject property is not within the flood hazard area subject to inundation by the 1% annual chance flood (commonly referred to as the 100-year flood). This map is shown below:



Portion of FEMA FIRM Map Number 06087C0353F Dated 9-28-2015
This Map is Preliminary and is Not Effective Yet

The Dunbar and Craig topographic map for this project utilizes a vertical datum of NGVD-1929 for its basis of elevations. To convert NGVD-1929 based elevations to NAVD88 based elevations in the location of the project, 2.74 feet must be added to the NGVD-1929 based elevations.

The deck on the east side of the home is at +31.9 feet NGVD-1929 as shown on the Dunbar and Craig topographic map. The upper finished floor is at approximately +32.0 feet NGVD-1929. The basement finished floor is

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approximately 8.1 feet lower in elevation, at approximately +23.9 feet NGVD-1929. This equates to an elevation of approximately +26.64 feet NAVD88. The floor elevation is more than 6.5 feet above the FEMA Base Flood Elevation of + 20.0 feet NAVD 88 found seaward of the home.

The State of California, through the California Ocean Protection Council agency, has adopted the following sea level rise projections using the year 2000 as a base line.

Sea Level Rise Amounts Adopted by the State of California (2011)		
Year	Average of Models	Range of Models
2030	7 in (0.6 Feet)	5 to 8 inches
2050	14 in (1.2 Feet)	10 to 17 inches
2070	Low 23 inches	17 to 27 inches
	Medium 24 inches (2.0 Feet)	18 to 29 inches
	High 27 inches	20 to 32 inches
2100	Low 40 inches	31 to 50 inches
	Medium 47 inches (4.0 Feet)	37 to 60 inches
	High 55 inches	43 to 69 inches

The data adopted by the State of California indicates 40 to 55 inches of sea level rise should be planned for by 2100. This equates to between 3.4 to 4.6 feet of sea level increase by 2100.

The National Research Council prepared a 2012 report entitled Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future. This report stated the following sea level rise projections for areas South of Cape Mendocino using the year 2000 as a base line:

Sea Level Rise Amounts from the National Research Council (2012)	
Year	Sea Level Rise
2050	Lower Range 5 inches
	Higher Range 24 inches
2100	Lower Range 16 inches
	Higher Range 66 inches

The National Research Council 2012 projections are in good agreement with the projections adopted by the State of California in 2011, however they have a wider range of uncertainty. Extrapolating the National Research Council 2012 projections for 100 years from now the average prediction of sea level rise would

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be 4.3 feet above where sea level was in 2000. Extrapolating the National Research Council 2012 projections for 100 years from now the high range prediction of sea level rise would be 7.8 feet above where sea level was in 2000.

Projecting the average National Research Council 2012 projections for 100 years from now, coastal flood levels would rise by 4.3 feet above where they are now. That would raise those levels to + 24.3 Feet NAVD88, which is more than 2 feet below the basement floor elevation. Projecting the highest National Research Council 2012 projections out to the year 2100, coastal flood levels would rise by 5.75 feet above where they are now. That would raise those levels to + 25.75 Feet NAVD88, which is about a foot below the basement floor elevation. In our opinion, it is very unlikely that sea level will rise to such a degree during the next 100 years that the basement of the home will be flooded. The risk of such flooding is extremely low given that the basement door faces east and there is higher terrain between the basement door and the ocean.

Limitations

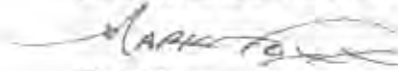
Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to any improvements should be expected at some point in the future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

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If you have any questions or concerns, please call us at (831) 722-4175 Ext. 0,
and we will be happy to discuss them.

Respectfully submitted,

HARO, KASUNICH AND ASSOCIATES, INC.



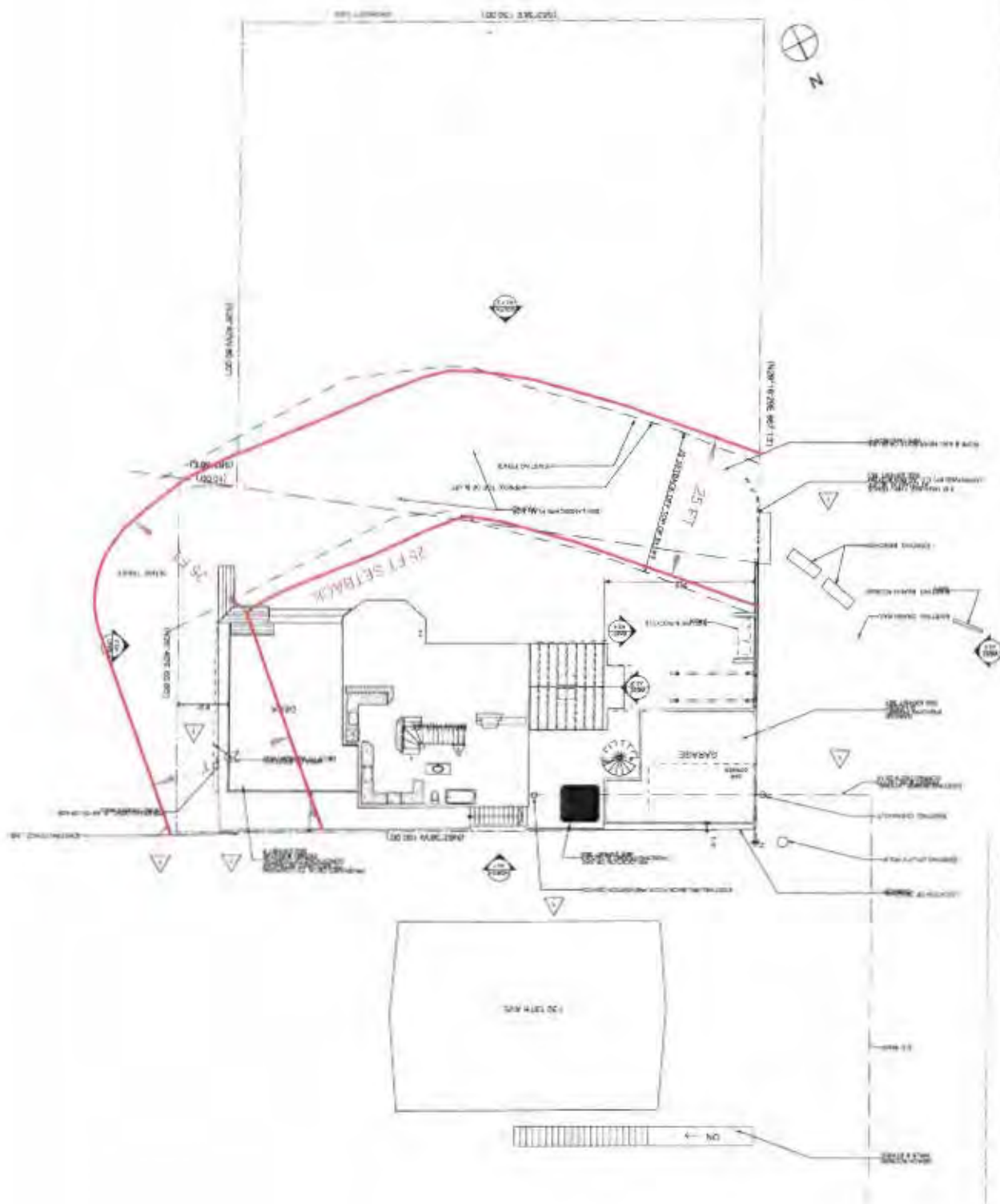
Mark Foxx
CEG 1493

MF/sr

Attachments:

A: Estimated 100 Year Future Coastal Bluff Recession Setback drawings
(Two 24 by 36 sheets dated 1/12/2016 Rev 5/10/2016),

Copies: 1 to Addressee
 6 to Hamilton Swift and Associates; Attn: Deidre Hamilton
 1 to file





County of Santa Cruz

Planning Department

701 Ocean Street, 4th Floor, Santa Cruz, CA 95060
Phone: (831) 454-2580 Fax: (831) 454-2131 TDD: (831) 454-2123
Kathleen Molloy Previsich, Planning Director

Meeting Date: November 15, 2016
Date: September 29, 2016
To: The Board of Supervisors
From: Kathy Previsich, Planning Director
Subject: Jurisdictional hearing on the appeal of Application 151187

This item is an appeal of the Planning Commission's approval of application 151187, to recognize design changes to the previously approved garage/breezeway, over-height fence, and landscape plan. In addition, application 151187 allowed for the conversion of the lower floor of the existing single-family dwelling to habitable area, reduction in the size of the existing rear deck, addition of a patio below the deck, and other associated landscape changes.

On September 7, 2016, a letter of appeal was submitted together with the required fee. Per County Code Section 18.10.340, your Board must now determine whether to accept jurisdiction or allow the Planning Commission decision to stand.

In deciding whether to take jurisdiction of an appeal and grant further review, your Board must evaluate the information provided by an appellant and be convinced that:

1. There was an error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer; or
2. There was a lack of a fair and impartial hearing; or
3. The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made; or
4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; or
5. There is either; error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.

If your Board finds, at the conclusion of this hearing, that the appellant has established sufficient grounds for the Board to take jurisdiction, your Board may grant a hearing limited to the record of the entire proceedings or alternatively, decide to conduct the proceedings de novo, as if no other hearing had been held.

In appropriate circumstances, without taking jurisdiction of the appeal, your Board may refer the matter back to the Planning Commission for reconsideration of new evidence or other considerations. In the event of such a referral, your Board may either require a report back to the Board for review or may provide that the Planning Commission's decision on reconsideration shall be final, subject to further appeal to the Board as in the case of an original decision.

If your Board does not find sufficient grounds to take jurisdiction, your Board should decline to schedule a hearing and the Planning Commission decision becomes final.

Project Setting

The subject property is located at the southern end of 13th Avenue adjacent to the coastal bluff. The coastal bluff, which is approximately 24 feet in height and protected at its base by rip-rap, runs roughly east west across the parcel, then turns northwards along the eastern property line. The northern portion of the parcel at the top of the bluff is developed with a three story single-family dwelling that has habitable areas at the top two floors and a currently unimproved lower floor below that is mostly below grade. The house also has extensive permitted deck areas at the eastern elevation above the coastal bluff. In addition there is the recently constructed and not yet finished two-car garage with an attic storage room above that has a dormer window facing the beach and ocean. All of the structures on the parcel are located along the northern property boundary away from the coastal bluff with open yard areas lying mostly to the south towards the coastal bluff. The southern portion of the parcel is unimproved beach area.

Adjacent to the subject parcel, at the end of 13th Avenue, there is a public beach overlook with a bench that is in the county right-of-way. There is no beach access from the overlook, but access to the beach is provided by a paved public trail and staircase located 50 feet north of the subject parcel that runs between 130 and 150 13th Avenue.

The street is continuously developed on both sides and constitutes a mixed neighborhood that is made up of mostly older one and two story single-family residences along with some newer or remodeled homes. Almost all of the structures in the vicinity of the project site are nonconforming to setbacks, having been constructed prior to permit requirements, and/or having been granted a Variance or other approvals recognizing noncompliance with site standards.

Background

Early History - In 1976 a fence with a vehicle access gate for the carport was constructed along the front property line subject to Residential Development Permit 76-

1143-U and associated Coastal Development Permit, P-77-933, issued by the California Coastal Commission. In 1990 and 2004 additions to the dwelling and a 732 square foot rear deck were constructed subject to Coastal Development Permit and Residential Development Permits.

Recent History - The following is a brief summary of the project history to date. Please refer to the Planning Commission staff report (Attachment 2) for detailed information. In 2012, Coastal Development Permit, Residential Development Permit and Variance 121143 was approved by the Zoning Administrator to demolish the one-car garage and construct a replacement garage with reduced setbacks. The new garage was depicted on the plans with a scaled height of approximately 17 feet 3 inches. Subsequently, a Minor Variation, Application 131264, was submitted with design changes to the garage including the addition of a non-habitable storage room in the attic with a dormer window. Minor Variation 131264 was administratively approved by staff on April 29, 2014. Minor Variations do not require notification of neighbors.

A subsequent building permit for the garage included dimensioned elevations and floorplans that showed the height of the structure as 19 feet measured from the street and depicted the proposed garage exactly as it had been approved by the Minor Variation. The zoning review of the building permit application was therefore approved.

Subsequently, a complaint was received by Code Compliance alleging that the height of the as-built garage was 4.4 feet greater than the approved structure. As a result of that complaint and because of staff concerns about the discrepancy between the plans approved by Coastal Development Permit 121143 and the as-built structure, an amendment to the Coastal Development Permit and Variance (the subject application 151187) was required.

Current Proposal - Application 151187 includes recognition of all of the revisions to the project that were originally approved by Coastal Development Permit, Residential Development Permit and Variance 121143 including changes approved by Minor Variation 131264, and all of the as-built changes that were approved and constructed under Building Permit B-142530. The application also includes proposed revisions to the design of the as-built garage, recognition of the conversion of the lower floor of the dwelling to habitable use, recognition of all of the "as-planted" landscaping on the parcel, a new patio area beneath the rear deck, a revised rear deck that meets current setbacks, and replacement of the rear yard fence.

The Planning Commission's approval of application 151187 was subsequently appealed to the Board of Supervisors on September 7, 2016 by Lynn Dunn who resides at 165 13th Avenue (Attachment 1 - "Letter of appeal").

Discussion of Reasons for the Appeals

As detailed above, an appeal of application 151187 has been submitted. In the letter, of appeal several reasons have been presented to support a determination that the Board

should take jurisdiction of this appeal. The reasons for the appeal of the approval of the Amendment to Coastal Development Permit, Residential Development Permit and Variance 121143, application 151187, and information from staff related to these reasons are summarized below:

1. Procedural: The appellant, Lynn Dunn, states that public rights were denied by the administrative approval of Minor Variation 131264 (for changes to the design of the garage that was originally approved by Coastal Development Permit, Residential Development Permit and Variance 121143), because the application did not include public notification or a public hearing. She also states that this approval was not processed in compliance with the Local Coastal Program and California Coastal Act restrictions. She further adds that interested persons Scott McGilvray and William Clark from another, unrelated, application regarding bluff stabilization were not notified about the public hearing for application 151187.

Staff response: The determination that revisions to Coastal Development Permit, Residential Development Permit and Variance 121143 could be made subject to an administrative Minor Variation was made based on the fact that only minor changes to the proposed design were envisioned. Coastal Commission staff were notified of the approval according to standard procedures and, because the County's approval was not appealed by the Coastal Commission, the project was accepted by the Coastal Commission as being in compliance with the Local Coastal Program and the California Coastal Act.

However, as detailed in the staff report to the Planning Commission, the as-built structure is taller than the garage approved by Coastal Development Permit, Residential Development Permit and Variance 121143 due to inaccuracies in the approved elevations for Minor Variation 131264 that were not picked up during the processing of the application or the during subsequent application for a building permit. It was to address this discrepancy and the resulting increased impact of the structure that application 151187 was required to be submitted so that all of the changes that were approved by Minor Variation 131264 could be recognized. It was also required that this retroactive review required a public hearing.

Therefore public rights were not denied in that all of the changes to the design of the garage approved by Minor Variation 131264 were heard at a public hearing before the Planning Commission on August 24, 2016. Prior to the hearing a notice of proposed development was sent out to neighboring properties in conformance with the requirements of County Code section 18.10.224. Further, on July 21, 2016, the applicant held a neighborhood meeting in accordance with the provisions of County Code section 18.10.211 and additional notification not required by the ordinance was sent to all residents and/or occupants on 13th Avenue south of Prospect Street, a distance of approximately 750 feet from the subject parcel. An e-mail was received from the appellant following receipt of the invitation to the neighborhood meeting, in which a request was made that other interested parties, including Scott McGilvray, be sent notification of the applicant's neighborhood meeting. The

applicant, Deidre Hamilton then corresponded with the appellant directly. However, neither the appellant nor the other interested parties named in the e-mail attended the neighborhood meeting. The County Code requires that notice of a public hearing be sent to all property owners within 300 feet of the boundary of the subject property and to others who are identified as interested parties in the subject application or who have requested to be notified of applications on the subject property. In the case of the subject application in this appeal, application 151187, the two individuals identified as interested parties from another, unrelated application, Scott McGilvray and William Clark, did not at any time contact the Planning Department for information on or request to be notified of applications on the subject property or of the public hearing for application 151187. Additionally, their addresses are some 900 feet from the subject property, well beyond the required 300 foot notification.

Substantive: The appellant asserts that the as-built garage violates the County's Local Coastal Program and California Coastal Act in that it needlessly destroys public views of the Monterey Bay. In support of this point the appellant cites correspondence between the Coastal Commission and Planning Department staff that was sent during the processing of Minor Variation 131264 as well as additional e-mails and other materials.

Staff response: Visual simulation views based upon photographs of the pre-existing, one-car garage, the proposed garage as approved by Minor Variation 131264 and the as-built garage included with the project Plans (Exhibit D of Attachment 2), show that, although the new garage is taller than the approved structure, there is no change to the public views of the Monterey Bay from the street from those that existed before the garage was constructed.

As set out above, the plans that were approved by Minor Variation 131264 were reviewed and accepted by the California Coastal Commission with no appeal being made. At no time did the Coastal Commission contact the Planning Department with any concerns regarding the garage. However, at the time that Planning Department staff became aware of the discrepancy between the as-built garage and the approved plans, the Coastal Commission was made fully aware of the situation. More recently, on two separate occasions during the review of application 151187 (to recognize the changes to the garage together with other proposed work), plans were routed to the Coastal Commission for comment. However, the Coastal Commission staff, who review plans for compliance with the Local coastal Program and the California Coastal Act, did not return comments or set out any concerns about the proposed project.

Discussion of Basis for Your Board Taking Jurisdiction

In deciding whether to take jurisdiction of an appeal and grant further review, your Board must consider whether any of the criteria set forth in County Code Section

18.10.340 have been met. Staff does not believe that there is adequate cause to accept jurisdiction of the appeals for the following reasons:

1. There is no evidence that error or abuse of discretion on the part of the Planning Commission, or other officer occurred. The representatives of the County, including the Planning Commission and staff, made no errors or abused their discretion in any way that warrants a reconsideration of application 151187, to recognize the as-built changes or other associated work on the parcel.
2. There is no evidence that the noticing of and hearings for the proposed recognition of the as-built changes and other associated work was unfair and/or not impartial. The Planning Commission hearing was duly noticed to owners located within 300 feet and residents located within 100 feet of the site; they and others were given adequate time to comment on the applications, either in writing or orally. The appellant was given additional time at the Planning Commission hearing to make their case and their arguments were heard and considered impartially. Further, the applicant held a neighborhood meeting and has continued to reach out to neighbors and any other interested parties to discuss the project.
3. There is evidence that the approvals of the application for the proposed recognition of the as-built changes and other associated changes were fully supported by the facts and findings presented and considered at the time the decisions to approve were made. The approval of the subject application was supported by considerable evidence that there will be negligible visual or other impacts from either the additional height of the garage, that included addition of a dormer window; the proposed change of the formerly non-habitable lower floor of the dwelling to habitable area; reduction in size of the rear deck; addition of a patio below the deck or other associated landscape changes; and that the proposed project is fully compliant with the all provisions of the County Code.
4. There is no evidence that significant new information or facts are available that could have been presented for consideration by the Planning Commission. All arguments and evidence presented by the appellants was fully evaluated and considered through the Planning Commission public hearing processes and the project was approved by a majority of the Commissioners present.
5. There is no evidence that error, abuse of discretion, or any other factor which renders the approval of application 151187 unjustified or inappropriate, which occurred either before or during the hearing to the extent that a further hearing before your Board is necessary.

Staff believes that none of the issues raised in the appellant's letters provide sufficient cause to overturn the Planning Commission's approval of this project.

Conclusion and Recommendation

Based on the appellant's letter and testimony received at the hearings to date, staff does not believe there is new relevant information or facts to support the need for a new appeal hearing. The grounds for your Board to take jurisdiction, as enumerated in Chapter 18.10.340(C), have not been established by the appellant.

It is, therefore, RECOMMENDED that your Board take the following action:

1. Conduct a jurisdictional hearing
2. Decline to take jurisdiction of the appeal.

Submitted by:


Kathy Previsich, Planning Director 10/6/2016

Recommended:

Susan A. Mauriello, County Administrative Officer

Attachments:

- a Attachment 1: Letter of appeal submitted by Lynn Dunn dated Sept 7, 2016
- b Attachment 2: Staff report to Planning Commission, Aug 24, 2016 (162 pages)
- c (web link) Staff report to Planning Commission, Aug 24, 2016
- d Attachment 3: Minutes from Planning Commission Aug 24, 2016 meeting
- e Attachment 4: Letter of Lynn Dunn requesting continuance, dated Sept 29, 2016

September 7, 2016

To: Board of Supervisors
Santa Cruz County

Re: Appeal the Santa Cruz Planning Commissions approval of
revisions approved by permit ~~131264~~ located on APN: 028-142-13 as
voted 3 to 1 on August 24, 2016. 151187

The purpose of this appeal is to ask the Board of Supervisors take
jurisdiction and grant further review of the matter based on the significant
findings raised at the Planning Commission Hearing 8/24/2016.

The findings are:

Procedural:

Changes in conditions for 131264 on 4/29/14 processed as a "Minor
Variation," an administrative approval not subject to public notifications,
should have been processed at a Level 5, with public notifications, because
131264 is a Development permit with Local Coastal
Program and California Coastal Act restrictions. As a result, the "Minor
Variation precluded public from appealing not only at the county ~~level~~ but
also at the Coastal Commission level. Public rights were denied. The
appellants, Scott McGilvary and William Clark were not notified as
interested persons.

Substantive:

Garage as constructed violates county's Local Coastal Program and
California Coastal Act as it unnecessarily destroys public view of Monterey
Bay viewshed and Black's Point Beach shoreline. According to Coastal
Commission staff, Karen Geisler, 4/15/13, "The project should propose the
minimum height necessary for a two-car garage i.e. with NO dormer.
Regarding the entryway, please remove the roof element....". 4/15/13,
owners attorney Attack, " The expansion of the garage should be the
minimum amount necessary to accommodate two cars. Agreed."

May 21, 2013, County Planner Jeffs, 5/21/2013 disagrees, with Coastal Karen Geisler, "therefore the reduction in height of garage will result in a inferior design solution...in my opinion, it did not meet the intent of the County design of the County design review ordinance or the neighborhood compatibility". This second story is zero set back 20 feet from the coastal bluff.

CHRONOLOGY OF EVENTS

1. 4/18/14: Zonal Williams hearing ~~approval~~ ^{addition YN} design revision of second story NOT SUBMITTED AT HEARING. Transcript available.
2. 4/29/14: Design change adding the second story with dormer windows approved administratively by Planner Jeffs as a Minor Variation with no public notification. Appellants were NOT notified by Planner Jeffs. The public could not argue or appeal the garage height increase. It is a violation of the LCP not to process the permit at the ZA level. County Jeffs March 23, 2015 email to Coastal Craig, states: "You are correct, we will process the revision at level 5, and there will be a public hearing in front of the Zoning Administrator". 3/23/2015 email attached.
3. 11/11/2014: Roof construction stopped, problems with height & dormers(picture attached). Picture available.
4. 11/12/2014: Dunn email to Jeff's, pic's of roof construction, response, looks good, all according to permit. Email attached.
5. 02/25/2015: Jeff's urgent email to Applicant, roof is approx. 4ft over approved height; option # 2 revise structure to comply with approved plans. Email attached.
6. 02/26/2015: S.C. County Notice of Correction issued by Livingston. Notice attached.
7. 03/23/2015: Coastal Commission District Manager Susan Craig, email to Cty Planner Jeffs, " My understanding is that the County was going through the regular CDP process for the amendment, including noticing

and a public hearing. Cty Planner Jeffs response, "You are correct, we will process at level 5, and there will be a public hearing in front of the Zoning Administrator". Emails attached.

7. 05/08/2015: Zonal Admin. Wanda Williams email, because garage was approved as part of a previous discretionary permit we intend to schedule of the matter as a Zoning Administrator hearing item. Email attached.

8. 08/24/2016: Planning Commission Public Hearing. Planning Commission Chairperson Mike Guth, based on LCP code, on 4/18/14, why wasn't second story construction with zero setback from the street, 20 feet from coast line included in the ZA hearing ? Ten days later, the second story storage was approved as a Minor Variation by Cty. Planner Jeffs. How did that happen ? If 131264 came before this planning commission on 4/18/14, it would not have approved. This is a huge structure, looks like a compound with an over height fence on the ocean bluff. In addition, this development would not be approved in Pleasure Point. Why is the planning commission asked to clean up this problem ? Commissioner Renee Shepherd, "I am confused". Commissioner Judith Lazenby voted for the removal of the dormers. Glare of dormer glass windows from shoreline a shoreline visual obstruction. Guth questions Cty attorney, what do we do ? Cty attorney, it is a grey area. Certified transcripts available.

9. 08/24/2016: Planning Commission Public Hearing. Douglass(neighbor) there are no other second story garages with zero setbacks on 13th Ave. Pictures provide. Testimony attached. LCP violation.

Conclusion:

The County's LCP, codified in Chapter protects coastal zone visual resources, particularly views from public roads, and especially along the shoreline. This development is not consistent with Visual Compatibility 13.20.130(B)(1)...shall be visually compatible and integrated with character of the surrounding neighborhood. Confirmed by Planning Commission Chairperson's site visit on 8/23/16 and testimony on 8/24/16. It's

a huge structure, a compound, a second story construction, zero set back from property line, no ZA review, and no public notification or hearing.

We are requesting the Board of Supervisor's reject the county's "as built" revision recommendations of 131264(minor variation) and recommend(removal) of the second story structure to comply with the approved plans.

A precedent has now been set in 13th Ave's coastal zone. There *are* 3 homes within a 100 feet of 120 13th Ave, whose owners are in there 90's and likely will be inherited by their families as did Reed Geisreiter. This precedent will be most advantageous to land use attorney's and land use businesses seeking development permits on 13th Ave.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Lynn Dunn", written in dark ink.

Lynn Dunn
165 13th Ave
Santa Cruz, CA 95052
dunnreimers@mac.com

Date of permit	Permit Number	Description	Plans or Exhibit	Action/Notes (voided, finalized, etc)	Location of permit
2/24/2014	Application 141027 submitted to County Planning	Bluff stabilization, extension of public outlook area and safety measures	Permit, conditions	Coastal Permit approved by planning 5/28/14. Application withdrawn on 3/16/15	County
4/29/2014	Approval of permit #131264 (revise 121143)	Construct 436 sf garage with 189 sf storage loft; 6' high solid fence within 17'6" of the coastal bluff & 4' open wire or vertical rod 4' high fence to terminus. Reduced the width of the garage by 2 ft and added 36 sf of storage to the rear. Also added 189 sf storage room with dormers in attic	Approval letter, Permit, Plan, staff report	Coastal Final Action May 13, 2014 <i>No notification of appellants</i>	County
5/30/2015	Recorded Declaration of Restrictions	To maintain garage/workshop and storage loft as non-habitable accessory structure			County
8/21/2014	Building Permit #B-142530 issued	Construct 2 story garage 484 sf lower floor and 198 sf second level accessed by an exterior spiral staircase		Pending	County
8/21/2014	Building Permit #B-143341 issued	demo existing garage		Pending	County
2/26/2015	Notice of Correction issued for B-142530	For revised rear roof elevations	Notice	Pending	County
3/24/2015	Stop Work Notice issued	Alleged basement conversion		Pending	County

4/18/2014 131264 Zonal Hearing
Wanda Williams
NO storage plan submitted
No notification of appellant
William Clark



COUNTY OF SANTA CRUZ

PARCEL RESEARCH REPORT - WITHOUT INSPECTION

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Date: 10/23/2015

Time: 12:08.26

CODE COMPLIANCE COMPLAINT:

SR#	Request Date	Inspector	Additional Information
14208	10/30/2014	Patricia Moreno	CONSTRUCTED A FENCE THAT BLOCKS VISUAL ACCESS TO THE EAST, WHICH IS IN VIOLATION OF PERMIT # P-77-933. CEMENT WAS POURED ON FENCE POSTS. IN AN E-MAIL FROM THE COASTAL COMMISSION DATED 9/15/14 IT WAS REQUESTED THAT UNPERMITTED CONCRETE & CANTILEVERED FENCE BE REMOVED AND THAT A SECTION OF THE FENCE BE REPLACED WITH A SEE THROUGH FENCE.
107	03/05/2015	SEAN LIVINGSTON	1.) UNPERMITTED CONVERSION OF EXISTING BASEMENT INTO TWO BEDROOMS. 2.) UNPERMITTED FOUNDATION REPAIRS. 3.) UNPERMITTED CONSTRUCTION OF RETAINING WALLS. 4.) UNPERMITTED INSTALLATION OF WINDOWS.
14436	03/25/2015	SEAN LIVINGSTON	STOP WORK ORDER ISSUED ON 3-24-2015--BASEMENT CONVERTED TO LIVING SPACE WITH THE FOLLOWING: LAUNDRY ROOM, BA, HALLWAY, 2 BEs, 1ST FLOOR REVISIONS AND NEW STAIRWAYS WITHOUT PERMITS. ON OR BEFORE 4-21-2015--OWNERS TO OBTAIN BUILDING, PLUMBING, ELECTRICAL, AND MECHANICAL PERMITS (ALL REQUIRED INSPECTIONS MUST BE COMPLETED UNTIL FINAL)--PER SL: P NEEDED.
14456	04/15/2015	SEAN LIVINGSTON	PER STOP WORK ORDER: CUREC FEES APPLY. LRG THE GARAGE HEIGHT WAS REVISED AND RAISED APPROXIMATELY 4 FT. OVER APPROVED HEIGHT ON PLANS (1311264 / 121143).
14847	10/05/2015	Patricia Moreno	UNPERMITTED CONSTRUCTION OF A WOODEN WHITE TRELLIS OVER THE ENTRYWAY GATE.

CODE COMPLIANCE CASE(S)

Case No.	Processed Date	Milestone	Case Info

BUILDING APPLICATIONS:

APPLICATION DATE: 10/06/2014
CONTACT: REGO LARRY M U/M
ADDRESS: P O BOX 2197, APTOS, CA
PROJECT DESCRIPTION: Relocate PG&E gas meter from existing SFD to new detached Garage (B-142530)

STATUS: Closed

Exhibit 3
A-3-SCO-16-0100
302 of 325



PARCEL RESEARCH REPORT - WITHOUT INSPECTION

Page: Page 3 of 12

Date: 10/23/2015

Time: 12:08:28

BUILDING APPLICATIONS:

BUILDING PERMITS

PERMIT #: B-143907
ISSUED DATE: 10/06/2014
CONTACT: GEISREITER REED EUGENE
PROJECT DESCRIPTION: Relocate PG&E gas meter from existing SFD to new detached Garage (B-142530)

APPLICATION DATE: 08/20/2014 STATUS: Closed
CONTACT: GEISREITER REED EUGENE
ADDRESS: 120 13TH AVE, SANTA CRUZ, CA 95062
PROJECT DESCRIPTION: Demolish an existing detached garage.

BUILDING PERMITS

PERMIT #: B-143341
ISSUED DATE: 08/21/2014
CONTACT: GEISREITER REED EUGENE
PROJECT DESCRIPTION: Demolish an existing detached garage.

APPLICATION DATE: 06/02/2014 STATUS: Issued
CONTACT: LARRY REGO
ADDRESS: P O BOX 1878, CAPITOLA, CA 95010
PROJECT DESCRIPTION: Construct a 2-story Detached Garage with 484sqft. at the lower level and a 198sqft. Loft at the second level accessed by an exterior Spiral Staircase. On site with an existing SFD.
Project to include relocate service panel from SFD to Garage.
See B-143341 for Garage demo.

BUILDING PERMITS

PERMIT #: B-142530
ISSUED DATE: 08/21/2014
CONTACT: GEISREITER REED EUGENE
PROJECT DESCRIPTION: Construct a 2-story Detached Garage with 484sqft. at the lower level and a 198sqft. Loft at the second level accessed by an exterior Spiral Staircase. On site with an existing SFD.
Project to include relocate service panel from SFD to Garage.
See B-143341 for Garage demo.

Lezanne Jeffs

From: Craig, Susan@Coastal [Susan.Craig@coastal.ca.gov]
Sent: Monday, April 15, 2013 5:03 PM
To: Charlene Atack (atack@atackpenrose.com); Lezanne Jeffs
Subject: Geisreiter

Hello Charlene and Lezanne,

Thanks again for meeting us onsite to discuss the issues with the proposed project. We've had a chance to discuss the project with management staff and as a result of that discussion we have the following recommendations:

- **Right-of-Way**
 - All existing development should be removed from the R-O-W.
 - No new development shall be placed in the R-O-W.
 - The applicant should agree in writing that if, in the future, the County decides to use the R-O-W area that is located seaward of the opening of the new garage for something other than pavement, that the applicant will make adjustments in the use of the garage to avoid the need to back in or turnaround in this seaward extent of the R-O-W.
- **Driveway**
 - The expansion of the garage should be the minimum necessary to accommodate two cars.
 - Side-by-side parking in the garage is okay; tandem is not required.
- **Fence**
 - The see-through section of the fence needs to be applied to the 20-foot section that is closest to the bluff edge (consistent with CDP P-77-0933).
 - The 20 feet should be measured from the bluff edge itself; right now it appears that the fence extends out past the edge of the bluff onto some concrete. The existing fence and concrete should be removed, and the actual bluff edge located and defined (the bluff edge will be located inland of the existing end of the fence). The new fence should start about 6 inches inland from the actual bluff edge (to allow for some sloughing of the bluff). The 20 feet should be measured from that point.
 - Maximum height of the fence along this 20-foot section should be 4 feet.
 - It is fine to use vertical "tubes" instead of horizontal cable, so long as the tube width is minimized (the Pleasure Point example is too bulky – we hope there is another option with narrower tubes) and airspace between tubes is maximized (no smaller than minimum code requirement – 3.5 inches between each tube, we believe).
 - Minimize the number of fence posts as much as possible.
 - Remove the entire shrub located near the bluff edge (the one we discussed at our site visit).
 - Remove any invasive plant species.
 - The areas on the site within 5 feet of the bluff edge should be planted with appropriate native vegetation that is capable of trailing over the edge of the bluff.
 - All landscaping located from 5 to 25 feet from the bluff edge should be either low-growing natives or low-growing (to maintain views) drought-tolerant noninvasive plant species (25 feet accounts for the fact that the bluff extends somewhat seaward near the firepit).
- **Firepit**
 - Okay to keep the firepit and the pathway to the firepit.
- **To Offset New Visual Impacts (from the garage and from the firepit in the viewshed):**

We appreciate you and your client's cooperation and willingness to resolve the remaining issues regarding the project development at the above property. I have reviewed the email sent to Susan Craig on May 10th 2013. Thank you for your response. We note that you have been able to accommodate most of our requests except one listed as item number 7. We would like to focus on being able to resolve the remaining issues we have to allow the project to move forward. After receiving further direction from management, I would like to clarify the following concerns that remain.

As seen from the end of the street, i.e. on the public side of the fence, the existing fence extends over the bluff edge and the bluff has been grouted with concrete. We maintain our request that the existing fence and concrete be removed. The actual bluff edge, which is located inland of the existing fence, needs to be clearly defined. The location of the new fence should be 6 inches inland from the identified bluff edge to create a buffer to allow for potential sloughing of the bluff. While we appreciate your client's concerns regarding future bluff top erosion, it is unclear that the required relocation of the fence and the removal of the concrete would impact the stability of the bluff or create further bluff erosion in this area. This correction is necessary in order to restore public views of the coast.

Currently, development proposed in the front setback is more than is allowed under the certified LCP. Therefore, we would like to see project changes that will minimize the visual impacts of development. With regards to the garage, the project should propose the minimum height necessary for a two-car garage i.e. without a dormer. Regarding the entrance, please remove the roof element over the gate and replace the structural door with a simple gate to blend in with the fence.

Please review these final comments and modify the project accordingly to address these concerns.

We look forward to hearing from you and appreciate your help in resolving these issues.

Best regards,

-Karen

Karen J Geisler, Coastal Program Analyst
California Coastal Commission, Central Coast District
725 Front Street, Suite 300, Santa Cruz, CA 95060
Phone: (831) 427 4863 Fax: (831) 427 4877
Karen.Geisler@coastal.ca.gov
www.coastal.ca.gov

Sept 10, 2014
131143

From: Charlene Atack [<mailto:atack@atackopenrose.com>]
Sent: Friday, May 10, 2013 5:35 PM
To: Craig, Susan@Coastal
Cc: Lezanne Jeffs (lezanne.jeffs@co.santa-cruz.ca.us); Reed Geisreiter
Subject: Geisreiter

After considerable review by the planner we did a redesign of the garage. We have been able to accommodate all of your requests except one (item 7). See my responses in red to your requests. We would very much like to cooperate and resolve this matter. Let me know what your week looks like so we can talk. Thanks.

- Right-of-Way:
 - 1. All existing development should be removed from the R-O-W. Agreed – currently the garage eave overhangs the ROW. It will be removed and all improvements will be located outside of the ROW.
 - 2. No new development shall be placed in the R-O-W. Agreed.
 - 3. The applicant should agree in writing that, if in the future, the County decides to use the R-O-W area is located seaward of the opening of the new garage for something other than pavement, then the applicant will make adjustments in the use of the garage to avoid the need to back-in or turnaround in this seaward extent of the R-O-W. OK – owners are willing to cooperate and avoid the need to back or turnaround seaward of the garage, but they need to retain pedestrian access to the house.
- Driveway:

- 4. The expansion of the garage should be the minimum amount necessary to accommodate two cars. Agreed – See attached redesign that has been reviewed and approved by County planner.
- 5. Side-by-side parking in the garage is okay; tandem is not required. OK
- Fence: *May 10, 2013*
 - 6. The see-through section of the fence needs to be applied to the 20-foot section that is closest to the bluff edge (consistent with CDP P-77-0933). OK – the 77 permit is confusing as to whether the lowered portion is 18 feet per the Amendment, or 20 feet per the original condition, but it is clear that it only applies to the 20 foot section of the fence nearest the bluff. Assuming we reach agreement on all other conditions, the clients are willing to agree to lowering 20 feet of the section of the fence nearest the bluff and having it “see through” as described below. I had asked for 15 feet as the last five feet inland provide views of the living room not of the coast, but again to resolve this issue, owners will agree to 20 feet - this will lower approximately 2 feet more of the existing fence and make it the 20 foot portion “see through”.
 - 7. The 20 feet should be measured from the bluff edge itself; right now it appears that the fence extends out past the edge of the bluff onto some concrete. The existing fence and concrete should be removed, and the actual bluff edge located and defined (the bluff edge will be located inland of the existing end of the fence). The new fence should start about 6 inches inland from the actual bluff edge (to allow for some sloughing of the bluff). The 20 feet should be measured from that point. There is no overhang on the owner's side. The fence is back from its footing at the edge of the bluff. See attached photos. It appears that the bluff edge has worn away on the public side, which may be due to drainage and public use. If the existing fence post and concrete were removed it is likely that this would destabilize the bluff and the public area and greatly accelerate bluff erosion thereby negatively impacting the area available to the public and adversely affecting the County ROW. Owner will replace the fence in its present location at the edge of the bluff with a 20 foot portion of the fence nearest the bluff lowered to 4 feet. The 20 foot section shall be comprised of see through mesh with planting pockets on the public side of the fence all as described below to soften the fence and upgrade the look of the public area. *not true per geologist*
 - 8. Maximum height of the fence along this 20-foot section should be 4 feet. OK –
 - 9. It is fine to use vertical “tubes” instead of horizontal cable, so long as the tube width is minimized (the Pleasure Point example is too bulky – we hope there is another option with narrower tubes) and airspace between tubes is maximized (no smaller than minimum code requirement – 3.5 inches between each tube, we believe). Agreed - ¾ inch copper tubing with min spacing between tubes at 3 ¼ inches
 - 10. Minimize the number of fence posts as much as possible. Agreed
 - 11. Remove the entire shrub located near the bluff edge (the one we discussed at our site visit). Agreed
 - 12. Remove any invasive plant species. Agreed
 - 13. The areas on the site within 5 feet of the bluff edge should be planted with appropriate native vegetation that is capable of trailing over the edge of the bluff. OK as to area on Owner's property
 - 14. All landscaping located from 5 to 25 feet from the bluff edge should be either low-growing natives or low-growing drought-tolerant noninvasive plant species (to maintain views) (25 feet accounts for the fact that the bluff extends somewhat seaward near the firepit). OK
- Firepit:
 - 15. Okay to keep the firepit and the pathway to the firepit. OK
- To Offset New Visual Impacts (from the garage and from the firepit in the viewshed):
 - 16. Compensatory appropriate landscaping to improve the overlook area near the benches. Can focus this along the fence line and the street barrier that is nearest to the fence, or can landscape the entire overlook area. To keep the County ROW open and unobstructed, Owner proposes landscaping with planting pockets (drought-tolerant noninvasive plant species) on Owner's property along fence line as shown on L-1 of Landscaping plans by Michael Arnone.

Charlene B. Atack

Geisler, Karen@Coastal

From: Lezanne Jeffs <PLN797@co.santa-cruz.ca.us>
Sent: Tuesday, May 21, 2013 1:30 PM
To: Geisler, Karen@Coastal; Charlene Atack (atack@atackpenrose.com)
Cc: Craig, Susan@Coastal
Subject: RE: 120 13th Ave (Geisreiter)

Hi Karen,

Welcome back, I hope that you are fully recovered from your surgery and doing well.

I wish to address your last point concerning the height of the garage.

First, this is the first such comment after many reviews of the proposal, including the many routings during the initial review and in the recent comments. In fact, due to the reduction in the width of the garage, the height has already been reduced from the original plans approved by the ZA (see my comments below). I feel that it is extremely unfair to get concessions on most of the points that you initially raised (with further discussions on Item 7 forthcoming) and to then come back requesting further modifications. Just because the client has been willing to work with you does not allow you to keep on moving the goal posts.

Second, the height of the garage is determined by the roof pitch which has been designed to match the pitch of the existing dwelling, and the roof pitch also matches the pitch of the covered walkway, which needs to connect with the existing porch (which cannot be revised). Therefore reduction in the height of the garage will result in an inferior design solution. The original plan submittal included a garage with a flatter roof pitch and this was rejected since, in my opinion, it did not meet the intent of the County design review ordinance or the neighborhood compatibility requirements from the LCP.

Although the dormer has been added along with the recent design changes I feel that the impact of this feature will be minimal since it will be set back away from the front of the garage and from the street. The elevation view is misleading in this regard, since it essentially flattens the view of the garage and visually brings the side of the dormer forward, it therefore does not represent a real life view.

Hopefully we can resolve these issues soon and allow Mr. Geisreiter to proceed with his project.

Best regards,

Lezanne

Lezanne Jeffs
Planner III, Development Review
(831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

From: Geisler, Karen@Coastal [mailto:Karen.Geisler@coastal.ca.gov]
Sent: Tuesday, May 21, 2013 1:00 PM
To: Charlene Atack (atack@atackpenrose.com)
Cc: Craig, Susan@Coastal; Lezanne Jeffs
Subject: 120 13th Ave (Geisreiter)

Dear Charlene:

From: Lezanne Jeffs
Sent: Wednesday, February 25, 2015 4:19 PM
To: 'Charlene Atack (attack@atackpenrose.com)'
Subject: 120 13th Avenue
Attachments: 20150118Garage.jpg; Rego FLAN 2 sheets Final Plans Geisreiter 120 13th Avenue (2).pdf

Hi Charlene,

I have an urgent matter to bring to your attention. I have received a photograph of the new garage under construction at 120 13th Avenue (attached) that is being built pursuant to approved Coastal Development permit and Variance 121143 as revised by Minor Variation 131264. The approved plans are also attached for your reference.

Based upon the photograph, there are two areas of concern:

1. The windows at the north elevation have been deleted. I was made aware of this by a concerned neighbor a few months ago and immediately contacted the contractor, Larry Rego. He told me that the windows had been required to be removed by our Building Plan Checker to comply with Building and fire Codes. This occurred after I had approved the Building Permit plans and therefore was not aware of the change. Since this project is very politically sensitive, as a work around I requested that he construct "faux" windows to match the windows shown in the Exhibit (at this time the building had not been sheathed). I believe that this would meet the intent of the conditions of approval that the garage must be constructed in conformance with the approved plans. Apparently Mr. Rego "forgot" to add the requested faux windows, and I have already informed him that I will not be able to sign off the Building Permit until these windows are added.
2. Of more serious concern, the garage that has been constructed has been revised to raise the plate height by approximately 4 feet over the approved height as shown on the plans. The plate height of the structure at the north elevation was shown on the plans as a continuous line along the entire side of the garage, as constructed the wall now steps up at the main portion of the garage, drastically increasing the wall height and the visual impact of the structure in views along 13th Avenue. This additional height has also significantly altered the approved appearance of the front of the garage as seen from the street. I was not aware of this situation until I saw the photograph and unfortunately this constitutes a deviation from the previously approved plans that cannot be approved without additional review and approvals.

Because of these discrepancies I will not be able to final and sign-off the Building Permit for the project. If the project is not given a final inspection clearance it will not be recognized as a legally permitted structure.

I wanted to bring this to your attention at the earliest opportunity so that your client may have some time to decide upon which course of action he wishes to take. At this time the options are:

1. To apply for an Amendment to the project to recognize the revisions and additional height of the structure. The Amendment will require going back to the approving body (Zoning Administrator) and a further public hearing. Additional design changes may still be required as a condition of approval to address visual concerns from the increased height.
2. To revise the structure to comply with the approved plans as approved by 131264 (Minor Variation to Coastal Development Permit and Variance 121143).

If you have any questions, do not hesitate to contact me.

Regards,



NOTICE OF CORRECTIONS

Date: 2/26/2015

Permit # B-142530

Project Address: 120 13th Ave

Contractor: Owner

The Building Inspector from the Inspection Services Division came to check the:

Revised Rear roof elevations

Please Note The Following Corrections To Be Made:

CH1	Obtain a revised approved plan for all alterations/deviations from the approved plans prior to continuation of inspections.



A re-inspection fee will be required prior to any inspection sign offs if the listed correction items are not complete by the next scheduled inspection.

Thank You,

Please call (831) 454-2077 for Reinspection.

Building Inspector

S. Livingston

Phone

831 454-3096

NOTICE OF CORRECTIONS (continued)

Provide a approved change order for the revised rear roof elevation and deletion
of the side yard garage windows.

An approved change order shall be provided prior to final, permit expiration or permit
extension.

A "Notice of Violation" shall be posted if the conditions of this notice are not met.



A re-inspection fee will be required prior to any inspection sign offs if the listed correction items are not
complete by the next scheduled inspection.

Thank You,

Please call (831) 454-2077 for Reinspection.

Building Inspector

Sean Livingston

Phone

831-454-3096

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Friday, February 27, 2015 11:01 AM
To: 'Charlene Atack (atack@atackpenrose.com)'
Cc: 'Geisler, Karen@Coastal'; Steven Guiney

Hi Charlene,

I met briefly with Larry Rego yesterday and County Building Inspector, Sean Livingstone, also met with Mr. Rego on 120 13th Avenue to review the new garage in light of my concerns.

It appears that the discrepancy that I am seeing between the almost completed garage and the plans that were approved during the discretionary review of the project, arose due to the fact that the scaled dimensions of the elevations do not match written dimensions. Whereas the north facing wall height shown on the elevations scales at just 8 feet, the structural section shown on the approved Building Plans includes an 8 foot wall height plus an additional 3 foot pony wall (total 11 feet). Unfortunately, this discrepancy was not caught during the Building Plan Check review. The rear section that Mr. Rego says was "lowered", because the 3 foot pony wall was not included, is in fact the only portion of the structure that was constructed in accordance with the approved elevations for the Coastal Permit and Variance.

Therefore the garage is in compliance with the approved Building Permit but not in compliance with the Coastal Permit/Variance (although the elevations shown on the Building Permit plans do match the approved plans for 1312

To remedy this, a Correction Notice has been issued requiring that a Change Order be submitted to reflect the "as-built" garage. Because the revised elevations will not match those approved with the Coastal Permit/Variance an application for a Minor Variation will then also be required to be submitted to recognize and explain these deviations (increased wall height and no windows).

The Minor Variation must be approved before the Change Order can be issued. In addition, compliance with Coastal Commission requirements for the replacement fence/removal of concrete, will also be required prior to the removal of zoning holds placed upon the Building Permit for the garage and the issuance of a final inspection clearance.

I hope that this situation can be quickly and easily resolved.

Lezanne

Lezanne Jeffs

Project Planner

Development Review

Tel: (831) 454 2480

lezanne.jeffs@co.santa-cruz.ca.us

From: Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>
Sent: Thursday, March 19, 2015 2:30 PM
To: Craig, Susan@Coastal
Subject: Geisreiter

Hi Susan,

I just thought that I would check in with you about the fence situation at 120 13th Avenue. I am being barraged with mails from Lynn Dunne asking me what has been approved and at this time no plans or other information has been submitted. So I have no idea.

There are also questions regarding the garage. It came to light recently that there was a discrepancy between the written height of the structure as shown on the approved plans for 131264 and the scaled dimensions. Therefore the structure that has been constructed (which is also consistent with the written dimensions and structural plans submitted with the Building Permit) looks different to the Exhibit A of 131264. Windows at the north elevation were also required to be deleted to comply with California Building Codes. Because of the visual discrepancy between the as-built structure and the approved plans, which I noticed recently when a photograph of the as-built structure was e-mailed to me and which has also been picked up by the "appellant" group (Lynn Dunne has been e-mailing me), the County has been looking at how best to recognize these changes.

Since the project does in essence comply with the approved plans for 131264, we have discussed the possibility of processing the revised plans administratively as a further Minor Variation to the Coastal Permit and Variance. This administrative review would then enable us to add further conditions with regard to replacing the lost windows at the taller north wall with some other feature(s), designed to break up the visual expanse of the wall. If the County were to take this approach, would the Coastal Commission wish to see the plans during the review and should a FLAN be submitted to the Commission at the end of our appeals period as was done with 131264?

◀ The other alternative is to process the changes as an Amendment to the original Coastal Permit and Variance for the garage which would then require a public hearing.

Let me know your thoughts.

All the best....

Lezanne
Lezanne Jeffs
Project Planner
Development Review
Tel: (831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

¹¹
- NO Level 5 zoning hearing

1. Did you as the Zoning Administrator on May 30, 2014 approve Port Chairperson Geisreiter's permit(131264) for a second story storage room on top of his garages superseding coastal development permit 121143 thereby denying coastal commission's right to appeal and public's right to a public hearing ?

2. If not, please provide the name of the county administrator that approved the second storage room permanently obstructing the public views of Monterey Bay and Monterey ? Thank you, Lynn Dunn & Charles Reimers, 165



Lynn Dunn & Charles Reimers
165 13th Ave

On May 8, 2015, at 6:07 AM, Wanda Williams wrote:

Ms. Dunn:

The Planning Department has notified the property owner that an application to allow the garage modifications and basement construction must be submitted to Planning to address unpermitted construction issues identified by Planning staff. Because the garage was approved as part of a previous discretionary permit we intend to schedule the review of the matter as a Zoning Administrator hearing item. The basement construction

process with you. Thank you.

5/8/2015

Ms. Dunn:

The Planning Department has notified the property owner that an application to allow the garage modifications and basement construction must be submitted to Planning to address unpermitted construction issues identified by Planning staff. Because the garage was approved as part of a previous discretionary permit we intend to schedule the review of the matter as a Zoning Administrator hearing item. The basement construction may be reviewed/processed as a separate building permit. You will receive notification regarding any County public hearing. We take quite seriously unpermitted construction and strive to resolve violations pursuant to legal time periods as quickly as possible. If you have additional questions regarding the permit process, please contact the Development Review Section Manager Steve Guiney at 454-3182. Thank you.

From: Lynn Dunn [mailto:dunnreimers@mac.com]

Sent: Wednesday, May 13, 2015 2:38 PM

To: Wanda Williams

Cc: Susan@Coastal Craig; Dan.Carl@coastal.ca.gov; Susan Mauriello; John Leopold; cgroom@smcgov.org; Samantha Clark; Steven Guiney; Robin Bolster-Grant; Sharif.Traylor@coastal.ca.gov; Sean Livingston

Subject: Re: RED TAGGED 3/24/2015

Wanda:

Two very important questions:

At the zoning public hearing on January 18, 2013 you(Level 5) zoning administrator approved Reed Geisreitors permit(121143) for single story garages. The coastal commission did not appeal. No one attended the public hearing to oppose the permit for single story garages.

From: Roger/Teresa Douglass <rognre@comcast.net>
Subject: My testimony
Date: August 23, 2016 10:27:01 AM PDT
To: Dunn Lynn <dunnreimers@mac.com>, Leal Matt <reidleal@yahoo.com>, McGillvray Scott <scottm@wateraware.net>, Clark Bill <wfclarksc@yahoo.com>

1 Attachment, 4.8 MB

Here's what I'll probably show and try to say at the hearing tomorrow:

I'm RD. My wife Teresa and I live 6 houses up 13th Ave from Geisreiter's. We did agree that the Geisreiter house needed a double garage and that it had to be located where the old one was. But the new garage is 6-8 feet higher than the old one was. It's was built with taller side walls and greater roof height than were approved. We think it violates several Santa Cruz county codes for new structures on a coastal bluff, and we do not agree with the project planner's recommendation to 'recognize the design changes' and allow it to remain as-is.

The planner seems to think the increased garage height isn't important — is consistent with all county code. I want to review several ways the garage height violates the Local Coastal Plan portion of county code.

As already discussed, the new garage being quite quite visible from the beach is a violation of LCP county code for a new structure on the bluff top. My two pictures illustrate other ways the height violates county code.

The top picture looks down the street to the ocean from in front of my house, half a block from the bluff outlook. The black roof looming behind the trees is Geisreiter's new garage which blots out part of the horizon for those walking down 13th Ave. You could say the trees block the view anyhow, but in the 42 years I've lived here many trees along the street have gone away. Coastal development shouldn't degrade public scenic views. When the trees, or their leaves are gone, that big garage will still block a chunk of the ocean horizon for walkers on the upper half of the block. That violates LCP code.

The new garage is certainly visually compatible with the Geisreiter house, but not with the surrounding community. There are NO OTHER two story garages with zero or small setback. The only other detached garage in the neighborhood that fronts on a street is two doors from the Geisreiter's. The lower photo shows the two of them. The LCP code says: "Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs" I don't think the

Geisreiter garage passes this test. The new garage looms over the street — its second story is not set back — another violation of LCP code.

Part of the responsibility for the huge garage rests with the Planning Department, since the design change adding the second story with dormer windows was approved administratively by a senior planner as a Minor Variation with no public notification. That action in 2013, like the present one, was also an attempt to adjudicate unpermitted structures other than the garage — it looked like approval of a higher garage design was a tradeoff. Not knowing of the action, the public could not argue or appeal the garage height increase. As has been pointed out, it was a violation of the LCP not to process that permit at the ZA level.

Occasionally we see proposed new buildings outlined with story poles and orange netting. This should always be required for projects governed by the Local Coastal Program. If planners and the public had approved such a mockup, and then if builders were held strictly to approved plans, I can't believe the present structure would have been built.



STREET VIEW from 210 13th Ave



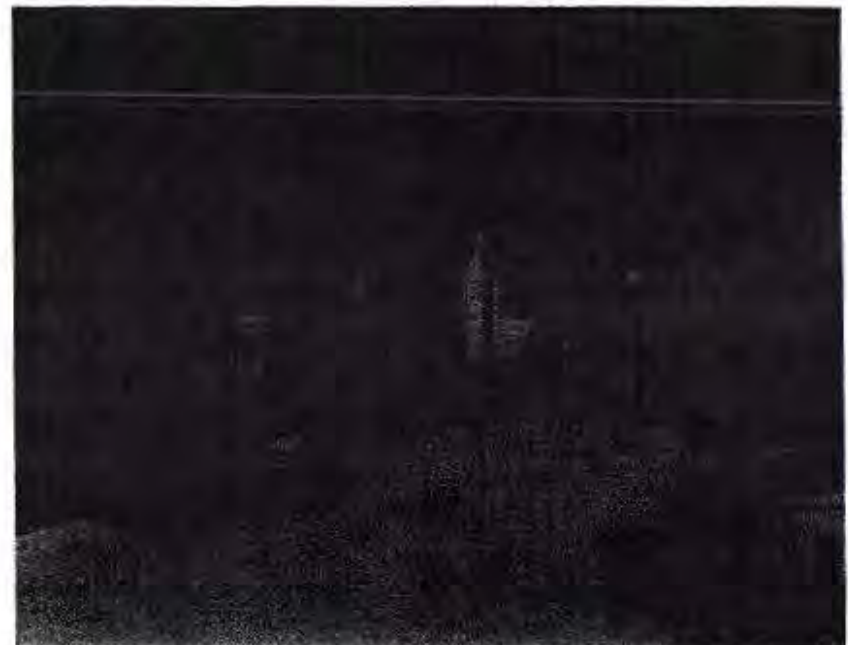
ZERO SETBACK DETACHED GARAGES

1. Project Creep a' la Minor Variations



BEFORE

SCCC 13.10.134 describes types of permit amendments. The original garage permit was amended using the 'Minor Variation', which, as a level 3 procedure, requires no public notice. This violates section SCCC 13.20.100 which requires ALL processing of a Coastal Development Permit to be handled at level 5, with public notifications and hearings, confirmed by Jeff's email to coastal on 3/23/15.



AFTER

Permit #	Roof Height	Wall Height	Width	Footprint Sq. Ft.	Second Floor
121143	16' 11"	8'9"	22'	440	none
5/30/12					
IA	HEARING 4/18/2014				none
131264	17'3"	10'4"	20'	440+36	189 sq ft
4/29/14					
141187	19'	11'4"	20'	400+48	189 sq ft

COPY

COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR HEARING

Friday, April 18, 2014, 9:00 a.m.

AGENDA ITEM NO. 4

Application 141027

120 13th Avenue, Santa Cruz, CA

APN: 028-142-13

Transcription of Audio Recording
from Zoning Administration website

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

2. Destruction of Visual Resources

Application #:121143 – Due to the height of the coastal bluff the proposed replacement garage will not be visible from the beach to the south and west. County Staff Report –

Jeff's



Inconsistencies with Chapter 13 of County Code (Local Coastal Program) and the California Coastal Act

The County's LCP, codified in Chapter 13 of the County code, is protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. This project is inconsistent with the following sections of Chapter 13 of the County code dealing with coastal developments:

Visual Compatibility (13.20.130(B)(1)

...shall be visually compatible and integrated with character of surrounding neighborhoods or

3. The garage has been construction approximately 4' above the approved height as shown on the plans

EMAIL:

From: Lezanne Jeffs

Sent: February 25, 2015 4:19 PM

To: Charlene Atack

Subject: 120 13th Avenue

Hi Charlene,

I have an urgent matter to bring to your attention...

Of more serious concern, the garage that has been constructed has been revised to raise the plate height by approximately 4 feet over the approved height as shown on the plans...the neighbors of

13th Avenue would like the property owner to revise the structure to comply with the approved plans as approved by 131264 (Minor Variation to Coastal Development Permit and Varlance 121143).



Notice of Correction 2/26/2015

Code Compliance Complaint:

SR#

Request Date

Inspector

Additional Information

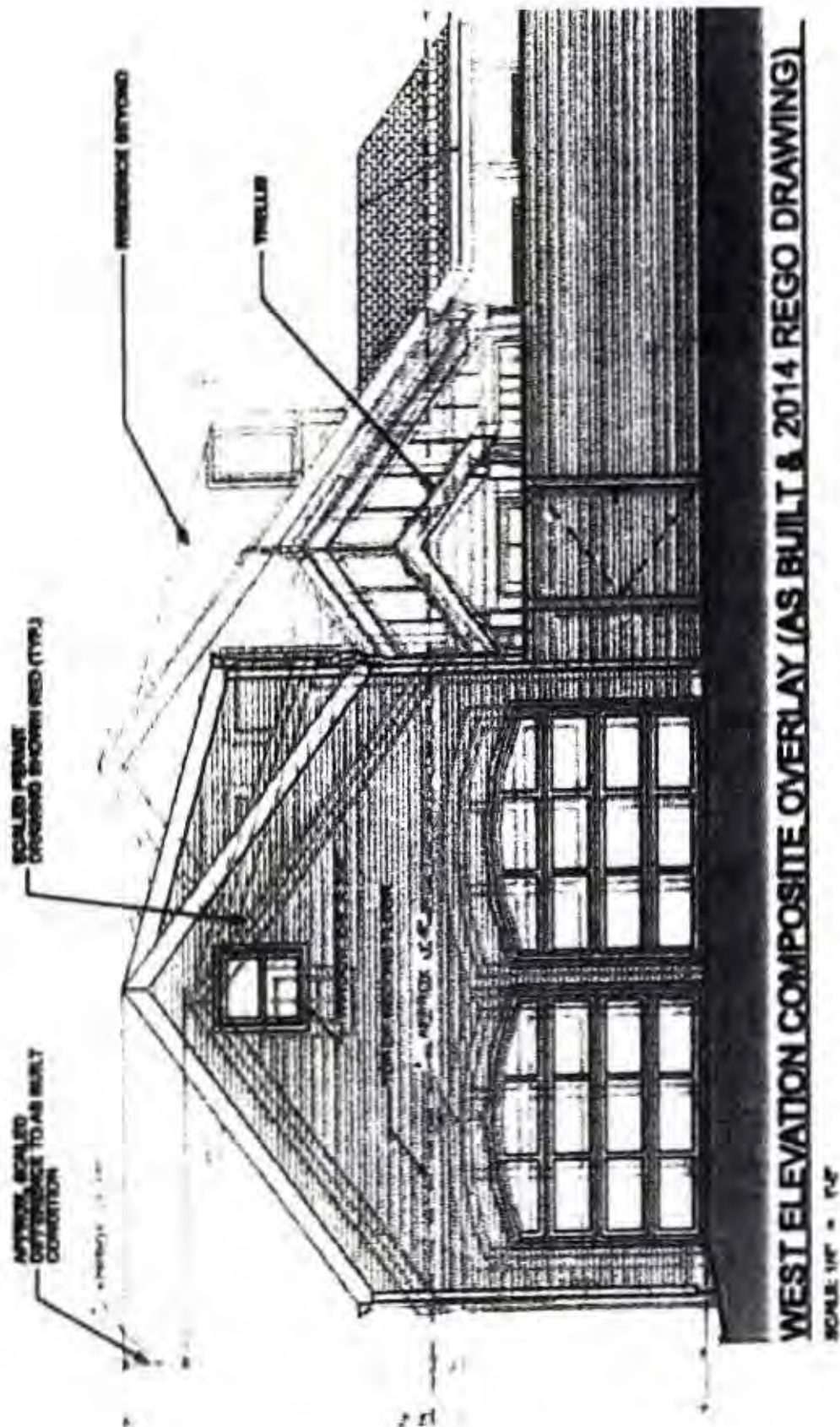
14456

4/15/2015

Sean Livingston

The garage height was revised and raised approximately 4 ft. Over approved height on plans (1311264/121143)

Exhibit 3
A-3-SCO-16-0100
321 of 325

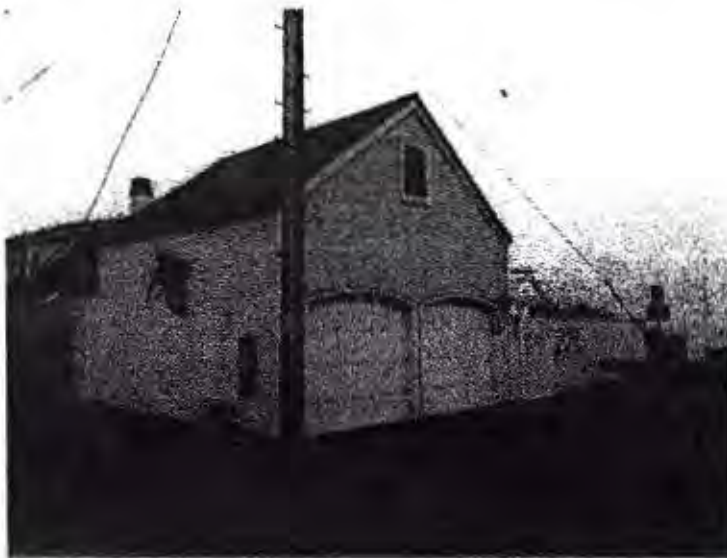


3. Planning Commission Approval of Port Commissioner Geisreiter's
2nd story beach front storage unit sets a precedent future Live
Oak beach front development



4. NOT a Minor Variation

SCCC 13.10.134 describes types of permit amendments. The original garage permit was amended using the 'Minor Variation', which, as a level 3 procedure, requires no public notice. This violates section SCCC 13.20.100 which requires ALL processing of a Coastal Development Permit to be handled at level 5, **with public notifications and hearings.**



Permit #	Roof Height	Wall Height	Width	Footprint Sq. Ft.	Second Floor
121143	16' 11"	8'9"	22'	440	none
131264	17'3"	10'4"	20'	440+36	189 sq ft
151187	19'	11'6"	20'	400+48	189 sq ft

Neighbors and Citizens Course of Action

The 767 petitioners of the original development concur coastal views matter. We are requesting the planning commissioners reject the county's "as built" revision recommendations of 131264 (minor variation) and revise the structure to comply with the approved plans.



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:

Lynn Dunn

Mailing Address:

165 13th Ave

City:

Santa Cruz, CA

Zip Code:

95062

Phone:

808-255-4797

SECTION II. Decision Being Appealed**1. Name of local/port government:**

Santa Cruz County-3-SCO-16-1115 app # 151187

2. Brief description of development being appealed:

Proposal to recognize design changes to garage requiring an amendment to 1. Coastal and Residential Permits 90-0198, 04-0488; 2) Coastal Development Permit, Residential Development Permit and Variance 131241, Application 151187/131264 amending Coastal Development Permit 121143, 131264 was approved on April 29, 2014 by a Level 3 minor variation to add loft, rear workshop, dormer windows and staircase. Coastal did not appeal. Interested parties not notified by County. Unable to appeal nor attend public hearing. County Building inspector on February 26, 2015 noting the construction was NOT in conformance with plans approved by CA Coastal Commission. On August 26, 2016 County Level 3 planner recommends AS-BUILT 19 foot accessory building in zero offset on coastal bluff to City Planning Commission. On Nov. 15, 2016 Board Supervisor's per Supervisor Leopold approved 19 foot accessory building, "series of unfortunate circumstances". Sentinel Newspaper Nov. 30, 2016.

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

The project is located at the southern end of 13th Ave. Santa Cruz, 120 13th Ave, at the point where the street terminates at the coastal bluff.

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

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

RECEIVED

DEC - 5 2016

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-16-0100
 DATE FILED: December 5, 2016
 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

6. Date of local government's decision: 8/24/16

7. Local government's file number (if any): 151187

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:

Deirdre Hamilton
500 Chestnut St
Santa Cruz, CA 95060
For Port Commissioner Reed Geisreiter
120 13th Ave.
Santa Cruz, CA 95062

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) Lynn Dunn & Charles Reimers
165 13th Ave
Santa Cruz, CA 95062

(2) Roger Douglass
210 13th Ave
Santa Cruz, CA 95062

(3) Matt Leal
1234 Prospect Ave
Santa Cruz, CA 95062

(4) Assemblyman Mark Stone
701 Ocean Street #3186
Santa Cruz, CA 95062

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 attached

We appeal the portion of CDP 151187 which legitimizes "as built" ~~is the~~ newly built garage at 120 13th Ave (APN 028-142-13) first introduced as CDP 121143, then amended by minor variation 131264, and tagged with 2015 notice of correction for being over the approved height. The LCP sections violated are:

1) Santa Cruz County Local Coastal Program Section 13.20.100 *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"*

see attachment A.

2) Santa Cruz County Local Coastal Program Section 13.20.130(B)(1) *"All development... shall be visually compatible and integrated with the character of surrounding neighborhoods"*

see attachment B

3) Santa Cruz County Local Coastal Program Section 13.20.130(B)(5) *"Development that is more than one story...adjacent to shoreline fronting roads ... shall be designed so upper stories do not loom over or adversely impact ... viewsheds and community character."*

see attachment C

4) California Coastal Act also states visual access to along the coast is a form of public access. Section 30211 and 30251 explicitly protects this form of public access. Section 30125 states in part: The scenic and visual qualities of coastal area shall be considered and protected as a 0 of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas.

See quoted statements of Commissioners Guth and Lanzenby at the public hearing for 151187 quoted below. Certified transcript attached.

Appendix A — violation of LCP 13.20.100

Since the initial Coastal Development Permit 121143 was granted for a replacement garage by the Zoning Administrator, there were changes to the garage plan adding a second story, dormer windows, rear workshop, spiral stairs, taller walls and taller roof. All of was done without public notice — a flagrant violation of the LCP code section SCCC 13.20.100 which requires ALL

processing of a CDP to have public notice. Only after the garage was built were any notices sent or meetings held. Of course, there were no appeals of design changes to Coastal Commission, because the public was not informed. Commission Guth at 8/24/16 public hearing, "When we get to Exhibit I (Cty. Planner Lezanne Jeffs staff report), and this is our minor variation level 3. So staff reports often don't cite to the code section that are authorizing them. But we have a Permit Amendment Code Section 1810.134(b) (1) that specifically talks about what one can do in a minor variations.... the overall concept does not involve a modification of a design consideration. When you are building in a offset that that you're not allowed to build in and the neighbors are concerned about the bulk and you do that at a Level 5.....at the ZA(level) and now you're going back to the level 3 without hearing to change a condition of approval, which is the height...it's in the record, I don't view this minor variation to have been an allowable use of authority." County Planner Jeffs: "Yeah, so acknowledge you are correct in that." page 23, 25, 26 and 27 of certified transcript.

The memo from Planning Director Kathy Previsich to the Board of Supervisors says public rights were not denied in that all changes to the design were heard at a public hearing before the Planning Commission on August 24, 2016. The denial of public rights was before and while the garage was built. The public noticing and hearing required for Level 5 processing were too late — AFTER the garage was built.

Commission Guth at August 26, 2016 public hearing: "We're being asked to approve something, but it's already built. To hear that the renderings that were submitted at the noticed public hearings where people came in, but they did not appeal, showed garage doors that turns out cannot be built and showed other features that can't be achieved under code but were in the representations visually that were used by the public to ascertain whether or not they were okay with it. This is a problem." April 29, 2014 Planner Jeffs sent FLAN to Coastal and did NOT notify interested parties. See attached conditions of approval. 141027 was severed no notification to the appellant, Bill Clari. Certified transcript pages 23, 25, 26.

Appendix B — violation of 13.20.130(B)(1)

It was claimed that the variance allowing a 19 foot garage with zero street side setback on the coastal bluff was consistent with the neighborhood and not a grant of special privilege because there are other two story garages on neighborhood streets. Other two story garages in the neighborhood are set back from the street by at least the required 20 feet. The only other garages or carports with little or no setback from the street are low single story ones. There is nothing remotely comparable to Geisreiter's garage anywhere near, 12th, 13th or 14th. Evidence provided. The garage looms over the end of the street--seen from the center of the street it looms 35% higher than would the maximum legal structure 28 feet high with a 20 foot setback. The impact of height is

corroborated in CA Coastal Commission Live Oak Access Report, "13th Ave, with approximately 25 feet of public useable space, is one of the narrowest public streets in the Live Oak beach area. At some specific locations near the bluff edge, the public space at 13th Ave. is as narrow as 15 feet." Page 72 Coastal's Live Oak Beach Access report attached. Commissioner Guth on 8/24/16 public hearing, "Like I said, it's not hard and fast 14 foot(garage) but I did not see it at 17' 4', I saw it at 14'. Karen Geisler email to Planner Jeffs, (garage) "should be minimum height necessary, without a dormer". SC Planner Jeff's "(rejects) proposed garage should size reduction. Notice of Correction, (garage) drastically increasing wall height and the visual impact of the structure in views along 13th Ave. A minor variation must be approved before the Change Order can be issued. The other alternative is to process the changes as an Amendment to the original Coastal Permit and Variance for the garage which you then require a public hearing". Planner Jeffs and Karen Geisler emails attached. Evidence of garage height from reduced elevation drawings 121143, 131264 and 151187 attached, confirms Commissioner's Guth and Lanzenby questions about the height approved by the ZA in January 18, 2013. No evidence provided by Planner Jeffs.

Appendix C — violation of 13.20.130(B)(5)

The garage does indeed loom over the end of the street. Viewed from the center of the street (at a distance no greater than the garage height) it has much greater visual

impact (subtends a larger visual angle) than would the largest legal structure 28 ft high with a 20 ft setback.

The project planner and the owner's attorney claim that the garage does not change public views of Monterey bay from 13th Ave. and that the visual impact as seen from the beach is negligible. This is far from true, the new garage is seen against the ocean horizon while walking down 13th Ave starting a block away on Prospect St. Google Earth street view pictures show this clearly. (At the 151187 hearing with the Planning Commission, the project planner falsely claimed the building seen a block away was the house rather than the new garage).

Commissioner Mike Guth, " I mean, the county code is a 36 inch front yard fence. This whole(garage and fence)this has a look of a gated compound, which to me is also contrary to coastal design by mandates. Now that it got bigger than what was approved, it may not have ever been approved this way. We don't know. It was never presented to her(ZA 1/18/13) in that way. I would certainly have a problem approving a 19-foot garage in a offset. Pages 30 and 31 of transcript. Commissioner Lanzeby, " I think that's a tragedy, because I think it does interfere slightly, possibly, with the view shed from the land. I think it also is extremely noticeable from the public view shed of the beach. I think....removal of the dormer." Transcript pages 82 attached.

4. Commissioner Guth during a site visit on August 23,

Date of permit	Permit Number	Description	Plans or Exhibit	Action/Notes (voided, finalized, etc)	Location of permit
2/24/2014	Application 141027 submitted to County Planning	Bluff stabilization, extension of public outlook area and safety measures	Permit, conditions	Coastal Permit approved by planning 5/28/14. Application <u>withdrawn</u> on 3/16/15	Same County <u>APN</u> <u>SEVERED</u> <u>121143</u>
4/29/2014	Approval of permit #131264 (revise 121143) <u>Level 3 -</u> <u>No public hearing</u> <u>major design changes</u> <u>rear workshop, dormers</u> <u>spiral staircase</u>	Construct 436 sf garage with 189 sf storage loft; 6' high solid fence within 17'6" of the coastal bluff & 4' open wire or vertical rod 4' high fence to terminus. Reduced the width of the garage by 2 ft and added 36 sf of storage to the rear. Also added 189 sf storage room with dormers in attic	Approval letter, Permit, Plan, staff report	Coastal Final Action May 13, 2014	County
5/30/2015	Recorded Declaration of Restrictions	To maintain garage/workshop and storage loft as non-habitable accessory structure			County
8/21/2014	Building Permit #B-142530 issued	Construct 2 story garage 484 sf lower floor and 198 sf second level accessed by an exterior spiral staircase		Pending	County
8/21/2014	Building Permit #B-143341 issued	demo existing garage		Pending	County
2/26/2015	Notice of Correction issued for B-142530	For revised rear roof elevations	Notice	Pending	County
3/24/2015	Stop Work Notice issued	Alleged basement conversion		Pending	County

ABBREVIATED 13TH AVENUE CHRONOLOGY

2/39

December 19, 1977

Coastal Commission Permit P-77-0933, Condition 1: "That section of the fence within 20 feet of the bluff edge shall not exceed 4 feet in height and shall be constructed of a material that permits visual access to the east (meshfield (1-4 sq. in.); picket). No portion of the fence shall extend beyond the bluff edge. Fence design and material shall be submitted to the Executive Director for review and approval prior to construction."

January 18, 2013

Permit 121143 approved by Zonal Administrator to construct 2-car garage, landscaping and replacement fence of nonconforming solid wooden fence.

February 20, 2013

Permit 121143 rescinded by Applicant due to negative comments by Coastal.

October 25, 2013

Permit 131264, with revised Permit 121143, submitted, includes replacement garage, landscaping, spa, fire pit etc., all on private parcel but cannot be approved on condition proposed bluff stabilization project, Permit 141027, be also approved.

April, 18, 2014

Zonal Administrator approves Permit 141027; community members oppose.

April 29, 2014

Permit 121143/131143 severed from 141027 by administrative action without public notice because "minor," removing conditionality. Action unknown to appellants. Coastal approves because, partly, there was no appeal. Applicant able to do begin work on own parcel as of May 30, 2014.

Approved permit stipulates that if Permit 141027 is not approved, then Applicant may work with Coastal to determine 37-year old fence issue from 1977.

May 28, 2014

Planning Commission hearing on Permit 141027; approved 3-2 of appealed ZA decision. Community members voiced opposition and appeal to BOS.

September 8, 2014

Work begins on private parcel to tear down garage etc.

September 15, 2014

Coastal sends "for the record" e-mail stating its position that Applicant should conform to 1977 Permit-77-0933 about fence placement and type, remove cement and leave the 13th Avenue bluff alone.

September 16, 2014

Board of Supervisors decide not to take jurisdiction of Permit 141027 (5-0) and redirects back to Planning Commission for decision "with no report."

Aug 24, 2016
To Be Determined

Planning Commission hearing to determine action on Permit 141027. Appellant asks that it be disapproved so can be returned to Coastal where it began in 1977.

NOTICE OF PROPOSED DEVELOPMENT

Application # 141027
severed from 12/1/43 No notification

Proposal to install a tied-back shotcrete upper bluff coastal stabilization structure across the end of 13th Avenue and on a portion of APN 026-142-13, to grade approximately 15 cubic yards of material to extend the existing public overlook by around 180 square feet, to construct improvements including safety fencing and to allow for the retention of an existing fence post located at the point where the top of the coastal bluff intersects the property boundary with APN 028-142-13, in the R-1-6 and PR zone districts. Requires a Coastal Development Permit.

Project located at the southern end of 13th Avenue and on a portion of the parcel to the east of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.
APN: 13th Avenue (end of right-of-way) and 028-142-13

FOR FURTHER INFORMATION CONTACT:

APPLICANT:
CHARLENE ATACK
ATAK AND PENROSE LLP
1200 PACIFIC AVENUE, SUITE 260
SANTA CRUZ, CA 95060
(831) 515-3344
ATAK@ATAKPENROSE.COM

of Appealant

PROJECT PLANNER:
LEZANNE JEFFS
PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR
SANTA CRUZ, CA 95060
(831) 434-2480
LEZANNE.JEFFS@CO.SANTA-CRUZ.CA.US

SAVE THE PUBLIC VIEW

Owner's Final Fence Post



Current View at the End of 13th Avenue, Live Oak, Santa Cruz

View Destroyed to Save Owner's Final Fence Post



Photo Illustration of Proposed Fence Across Bluff

Santa Cruz County Planning Department proposes to build a 42" Safety Rail across 13th Avenue Bluff and Shotcrete (Cement) the Buff Face to Retain Owner's Final Fence Post

SAY NO TO THE FENCE

141027 SEVERED fm 121143
no notification of appellant

5/39

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 100
SANTA CRUZ, CA 95060
PHONE (831) 427-4860
FAX (831) 427-4877
WEB WWW.COASTAL.CA.GOV



August 7, 2015

Ms. Lezanne Jeffs
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Mr. Reed Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

Subject: Violation #V-3-14-0123 (120 13th Avenue, Santa Cruz; APN 028-142-13)

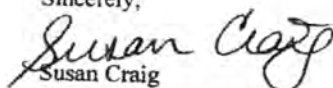
12 1143
14 1027
13 1264
15 1187

Dear Ms. Jeffs and Mr. Geisreiter:

The above-referenced violation involved non-compliance with coastal development permit (CDP) P-77-0933 with respect to fencing and unpermitted placement of concrete and rubble along the upper bluff. These violations have been resolved. Specifically CDP P-77-0933 required that a portion of the fence that extends perpendicularly from the bluff edge shall not exceed four feet in height and shall be constructed of a material that permits visual access to downcoast. The new fencing has been installed and meets these requirements. Thus, this component of the violation is now resolved. The unpermitted concrete and rubble that was placed along the upper bluff has been removed, and the area planted with low-growing drought-tolerant native plants that will be watered until established. Thus, this component of the violation is now resolved.

We now consider Violation #V-3-14-0123 to be resolved and the file closed.

Sincerely,


Susan Craig
District Manager
Central Coast District Office



c: Lynn Dunn
Bill Clark

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: May 13, 2014

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-SCC-14-0433

APPEAL PERIOD 5/14 - 5/29/14

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.: 131264
Project Applicant: Reed Geisreiter
Address: 120 13th Avenue
Phone/E-mail: (831) 246 0661
Applicant's Representative: Larry Rego / Charlene Attack, Attack and Penrose LLP
Address: PO Box 1878, Capitola, CA 95010 / 1200 Pacific Avenue #260, Santa Cruz, CA 95060
Phone/E-mail: (831) 479 1808 / (831) 515 3344

Project Location: Property located on the east side of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

Project Description: Proposal to revise Coastal Development Permit 121143 to reduce the proposed garage from 440 square feet 436 square feet by reducing the width of the proposed garage along the street frontage by 2 feet and adding a 36 square foot storage area to the rear; to add a 189 square foot storage room with a dormer window within the attic of the proposed garage accessed by a spiral staircase; to delete the proposed breezeway; to reconstruct the entry arbor; to revise the proposed fence by deleting recessed planters and to lower the southern portion of the fence that lies within 17 feet 6 inches from the top of the coastal bluff to 4 feet in height, to change the materials of the lowered section from solid wood to a "see-through" design, and to modify the landscape plan. In addition, the proposal includes for a phased implementation of the proposed improvements so that the project can proceed independently from Coastal Development Permit 141027 a concurrent application for improvements to the public beach overlook adjacent to the subject property. Requires a Minor Variation.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body: Planning Director/Designee (Administrative review).

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

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
Elevations	X	
CEQA Document	X	
Other: Staff report and Exhibits For Coastal Permit 121143		X (2/1/13)

Coastal Commission Appeal Information

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
- Applicant's representative (Attack and Penrose LLP)

RECEIVED

MAY 14 2014

Exhibit 4

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA
141027 SEVERED NO NOTIFICATION

Conditions of Approval

Development Permit No. 121143/131264/151187
 Property Owner: Reed Geisreiter
 Assessor's Parcel No.: 028-142-13

Conditions of Approval

Exhibit A. Project plans, 2 sheets prepared by Larry Rego, dated May 2012 as revised 2/20/2014, and 3 sheets prepared by Michael Amone + Associates, as revised 2/18/2014.

- I. Phase One of this permit authorizes the construction of a 436 square foot garage with a 189 square foot storage loft above, the construction of a 6 foot high solid fence along the front property line to within 17 feet 6 inches of the coastal bluff and all associated landscaping and yard improvements as shown on Exhibit A with the exception of the southern 17 feet 6 inches of the proposed fence along the property line.

Phase Two of this permit authorizes the construction of the southernmost section of the fence along the front property line, from the final post of the 6 foot high solid fence erected under Phase One (above) towards the coastal bluff. This fence shall be "see-through" and must be designed using either an open wire mesh or vertical metal rods and have a maximum height of 4 feet. The southernmost termination of this fence shall be as follows:

- i. Option One: The existing final fence post located at the top of the coastal bluff, if this is approved by Coastal Development Permit 141027. In this case the proposed fence will connect to the proposed safety rail at the public overlook and the design of the fencing will be the same as that approved for application 141027.

- * ii. Option Two: If retention of the existing fence post cannot be approved subject to application 141027, the southern portion of the fence will automatically be revised to allow for the installation of a replacement final fence post that is set back two feet from the edge of the existing coastal bluff. The existing fence post will then be removed. However, if the California Coastal Commission approves an alternate location for a replacement fence post or can approve the retention of the existing fence post separately from the approval of 141027, and this agreement between the parties is submitted to the Planning Department in writing, then this alternate final design may be implemented. The design of the southernmost portion of the fence may then be either an open wire mesh or vertical metal rods as preferred by the California Coastal Commission.

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:

2. COUNTY defends the action in good faith.

8/39

- 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 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: April 29, 2014

Effective Date: May 29, 2014

Expiration date: May 29, 2017

9/39

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Wednesday, February 20, 2013 2:31 PM ✓
To: 'karen.geisler@coastal.ca.gov'
Cc: 'susan.craig@coastal.ca.gov'; 'reed.geisreiter@gmail.com'; 'regoconstruction@aol.com';
Steven Guiney
Subject: FLAN Re approval of 121143

Karen and Susan,

Further to our earlier conversations I have now confirmed with the property owner, Reed Geisreiter, and his agent Larry Rego, that they wish to rescind the FLAN for approved application 121143, for the construction of a garage, fence and landscape improvements at 120 13th Avenue, APN 028-142-13.

Therefore, please rescind the FLAN that was received by the Coastal Commission on February 5, 2013

I understand that we will now arrange for a meeting between all parties to discuss the issues of concern to your agency and that once a course of action has been agreed to mitigate those areas of concern, the County will resubmit the FLAN. At that time I would anticipate that, so long as the agreed terms are met, that the Coastal Commission will then not
➤ appeal the approval of 121143.

Hopefully all parties can agree a mutually acceptable course of action.

Regards.

Lezanne

Lezanne Jeffs
Planner III, Development Review
(831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

See MV
131264
and Coastal Permit
141027

From: Lezanne Jeffs
Sent: Monday, October 22, 2012 11:06 AM
To: 'Robinson, Daniel@Coastal'
Subject: FW: 120 13th Avenue CCC Comments

..... Oh, and I forgot to add the only area of paving not shown on prior development approval plans and therefore unrecognized, is the area that extends westwards and which incorporates the fire pit ☺

Lezanne

Lezanne Jeffs
Planner III, Development Review
(831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

From: Lezanne Jeffs
Sent: Monday, October 22, 2012 10:47 AM
To: 'Robinson, Daniel@Coastal'
Subject: RE: 120 13th Avenue CCC Comments

Hi Daniel,

I tried calling you this morning but you were not in the office. Perhaps we can chat tomorrow.

Thanks for the comments on the 13th Avenue project, you raise some good points.

I looked again into the approval for the original fence along 13th Avenue, 76-1143-U which was for a 6 foot fence. As you might expect for a '70's era file, not much information but I can confirm that there are no conditions of approval as regards to restrictions on planting. The proposed replacement fence, which will be sided with horizontal timbers to match the garage, will not exceed 6 feet in height. It was me who recommended the proposed planter pockets as a design consideration, to break up the expanse of the new fence and to increase the aesthetic appeal as viewed from the street. As a Condition of approval I will add that proposed planting must be of tall narrow species or climbing plants trained up the wall and that all planting shall be maintained, and is to be cut back as required, so that planting will not obscure public views of the beach.

K I do not feel that it is appropriate at this stage to require that the proposed garage be reduced in size. However, I did want to assure you that significant design improvements have been made from the original submittal (the plans that you reviewed were the third submittal) and that these changes were reviewed and approved previously by John Akeman. Design improvements have included the addition of windows, a change in the proposed roof pitch, two garage doors as opposed to one and a pitch roof over the proposed covered walkway to match the pitch of the existing entrance porch. Also the garage has been required to be set further back from the right of way and from the neighboring property so that no part of the proposed structure will encroach over the property line (as does the existing garage).

With regard to the existing and proposed landscaping to the side and rear of the property the owner and his designer are currently working with our Environmental Planning Staff to make sure that both the existing recognized and unrecognized areas of paving and the proposed landscaping will comply with all geologic requirements and the 25 foot bluff-top setback. All areas of paving will be required to drain away from the bluff edge and no structures that constitute development (as set out in the Geo. Hazards ordinance) will be allowed in the setback areas. This includes

We appreciate you and your client's cooperation and willingness to resolve the concerns we have regarding the proposed development at the above property. I have reviewed the email sent to Susan Craig on May 10th 2013. Thank you for your response. We note that you have been able to accommodate most of our requests except one listed as item number 7. I would like to focus on being able to resolve the remaining issues we have to allow the project to move forward. After receiving further direction from management, I would like to clarify the following concerns that remain. 11/39

As seen from the end of the street, i.e. on the public side of the fence, the existing fence extends over the bluff edge and the bluff has been grouted with concrete. We maintain our request that the existing fence and concrete be removed. The actual bluff edge, which is located inland of the existing fence, needs to be clearly defined. The location of the new fence should be 6 inches inland from the identified bluff edge to create a buffer to allow for potential sloughing of the bluff. While we appreciate your client's concerns regarding future bluff top erosion, it is unclear that the required relocation of the fence and the removal of the concrete would impact the stability of the bluff or create further bluff erosion in this area. This correction is necessary in order to restore public views of the coast.

Currently, development proposed in the front setback is more than is allowed under the certified LCP. Therefore, we would like to see project changes that will minimize the visual impacts of development. With regards to the garage, the project should propose the minimum height necessary for a two-car garage i.e. without a dormer. Regarding the entryway, please remove the roof element over the gate and replace the structural door with a simple gate to blend in with the fence.

Please review these final comments and modify the project accordingly to address these concerns.

We look forward to hearing from you and appreciate your help in resolving these issues.

Best regards,

~Karen

Karen J Geisler, Coastal Program Analyst
California Coastal Commission, Central Coast District
725 Front Street, Suite 300, Santa Cruz, CA 95060
Phone: (831) 427 4863 Fax: (831) 427 4877
Karen.Geisler@coastal.ca.gov

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From: Charlene Atack [<mailto:atack@atackpenrose.com>]
Sent: Friday, May 10, 2013 5:35 PM
To: Craig, Susan@Coastal
Cc: Lezanne Jeffs (lezanne.jeffs@co.santa-cruz.ca.us); Reed Geisreiter
Subject: Geisreiter

After considerable review by the planner we did a redesign of the garage. We have been able to accommodate all of your requests except one (item 7). See my responses in red to your requests. We would very much like to cooperate to resolve this matter. Let me know what your week looks like so we can talk. Thanks.

- Right-of-Way:
 - 1. All existing development should be removed from the R-O-W. Agreed – currently the garage eave slightly overhangs the ROW. It will be removed and all improvements will be located outside of the ROW.
 - 2. No new development shall be placed in the R-O-W. Agreed.
 - 3. The applicant should agree in writing that, if in the future, the County decides to use the R-O-W area that is located seaward of the opening of the new garage for something other than pavement, then the applicant will make adjustments in the use of the garage to avoid the need to back-in or turnaround in this seaward extent of the R-O-W. OK – owners are willing to cooperate and avoid the need to back or turnaround seaward of the garage, but they need to retain pedestrian access to the house.
- Driveway:

12/39

Geisler, Karen@Coastal

From: Lezanne Jeffs <PLN797@co.santa-cruz.ca.us>
Sent: Tuesday, May 21, 2013 1:30 PM
To: Geisler, Karen@Coastal; Charlene Atack (atack@atackpenrose.com)
Cc: Craig, Susan@Coastal
Subject: RE: 120 13th Ave (Geisreiter)

Hi Karen,

Welcome back, I hope that you are fully recovered from your surgery and doing well.

I wish to address your last point concerning the height of the garage.

First, this is the first such comment after many reviews of the proposal, including the many routings during the initial review and in the recent comments. In fact, due to the reduction in the width of the garage, the height has already been reduced from the original plans approved by the ZA (see my comments below). I feel that it is extremely unfair to get concessions on most of the points that you initially raised (with further discussions on item 7 forthcoming) and to then come back requesting further modifications. Just because the client has been willing to work with you does not allow you to keep on moving the goal posts.

Second, the height of the garage is determined by the roof pitch which has been designed to match the pitch of the existing dwelling, and the roof pitch also matches the pitch of the covered walkway, which needs to connect with the existing porch (which cannot be revised). Therefore reduction in the height of the garage will result in an inferior design solution. The original plan submittal included a garage with a flatter roof pitch and this was rejected since, in my opinion, it did not meet the intent of the County design review ordinance or the neighborhood compatibility requirements from the LCP.

Although the dormer has been added along with the recent design changes I feel that the impact of this feature will be minimal since it will be set back away from the front of the garage and from the street. The elevation view is misleading in this regard, since it essentially flattens the view of the garage and visually brings the side of the dormer forward, it therefore does not represent a real life view.

Hopefully we can resolve these issues soon and allow Mr. Geisreiter to proceed with his project.

Best regards,

Lezanne

Lezanne Jeffs
Planner III, Development Review
(831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

From: Geisler, Karen@Coastal [mailto:Karen.Geisler@coastal.ca.gov]
Sent: Tuesday, May 21, 2013 1:00 PM
To: Charlene Atack (atack@atackpenrose.com)
Cc: Craig, Susan@Coastal; Lezanne Jeffs
Subject: 120 13th Ave (Geisreiter)

Dear Charlene:

Lezanne Jeffs

13/39

From: Lezanne Jeffs
Sent: Wednesday, February 25, 2015 4:19 PM
To: 'Charlene Atack (atack@atackpenrose.com)'
Subject: 120 13th Avenue
Attachments: 20150118Garage.jpg; Rego FLAN 2 sheets Final Plans Geisreiter 120 13th Avenue (2).pdf

Hi Charlene,

I have an urgent matter to bring to your attention. I have received a photograph of the new garage under construction at 120 13th Avenue (attached) that is being built pursuant to approved Coastal Development permit and Variance 121143 as revised by Minor Variation 131264. The approved plans are also attached for your reference.

Based upon the photograph, there are two areas of concern:

1. The windows at the north elevation have been deleted. I was made aware of this by a concerned neighbor a few months ago and immediately contacted the contractor, Larry Rego. He told me that the windows had been required to be removed by our Building Plan Checker to comply with Building and fire Codes. This occurred after I had approved the Building Permit plans and therefore was not aware of the change. Since this project is very politically sensitive, as a work around I requested that he construct "faux" windows to match the windows shown in the Exhibit (at this time the building had not been sheathed). I believe that this would meet the intent of the conditions of approval that the garage must be constructed in conformance with the approved plans. Apparently Mr. Rego "forgot" to add the requested faux windows, and I have already informed him that I will not be able to sign off the Building Permit until these windows are added.
2. Of more serious concern, the garage that has been constructed has been revised to raise the plate height by approximately 4 feet over the approved height as shown on the plans. The plate height of the structure at the north elevation was shown on the plans as a continuous line along the entire side of the garage, as constructed the wall now steps up at the main portion of the garage, drastically increasing the wall height and the visual impact of the structure in views along 13th Avenue. This additional height has also significantly altered the approved appearance of the front of the garage as seen from the street. I was not aware of this situation until I saw the photograph and unfortunately this constitutes a deviation from the previously approved plans that cannot be approved without additional review and approvals.

Because of these discrepancies I will not be able to final and sign-off the Building Permit for the project. If the project is not given a final inspection clearance it will not be recognized as a legally permitted structure.

I wanted to bring this to your attention at the earliest opportunity so that your client may have some time to decide upon which course of action he wishes to take. At this time the options are:

1. To apply for an Amendment to the project to recognize the revisions and additional height of the structure. This Amendment will require going back to the approving body (Zoning Administrator) and a further public hearing. Additional design changes may still be required as a condition of approval to address visual concerns from the increased height.
2. To revise the structure to comply with the approved plans as approved by 131264 (Minor Variation to Coastal Development Permit and Variance 121143).

If you have any questions, do not hesitate to contact me.


Regards,

14/39

Geisler, Karen@Coastal

From: Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>
Sent: Thursday, March 06, 2014 5:35 PM
To: Geisler, Karen@Coastal
Cc: 'Charlene Atack'
Subject: RE: Geisreiter

Hi Karen,

Both parts of the Geisreiter project have now been submitted. There is the Minor Variation (131064) that was  masquerading as new application 141027 and there is the Coastal Permit application 141027 that was submitted last Monday. Please could you confirm that you have received the plans for both applications.

In addition, once you have had the chance to review the plans and to go over them with Dan please let me know the outcome. Even if the plans are exactly as agreed and everything is a "go" it would be very helpful if you could send me an e-mail to confirm this. Generally with regard to projects no news is good news, but for this one I want to be absolutely sure that everyone is happy before I write the staff reports!

Call me if you have any questions.

Lezanne

Lezanne Jeffs

Project Planner


Development Review

Tel:(831) 454 2480

lezanne.jeffs@co.santa-cruz.ca.us

From: Geisler, Karen@Coastal [<mailto:Karen.Geisler@coastal.ca.gov>]
Sent: Wednesday, February 12, 2014 1:21 PM
To: Lezanne Jeffs
Subject: Geisreiter

Hello Lezanne: I'm just wanting to check in with you. Hope you had a wonderful day on Monday. Here's wishing you a belated Happy Birthday!

 I reckon by now you are busy working on the minor variation? Please let's work together so we can be sure that all the items are covered as previously agreed and that way the FLAN can pass through easily. Let me know if I can help at all. Would you want me to send copies of previous emails or create a summary of the changes? I'll wait to hear from you.

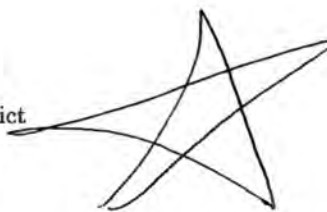
Best

~Karen

Karen J Geisler, Coastal Program Analyst
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725 Front Street, Suite 300, Santa Cruz, CA 95060
Phone: (831) 427 4863 Fax: (831) 427 4877
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collusion

From: Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>
Sent: Thursday, March 19, 2015 2:30 PM
To: Craig, Susan@Coastal
Subject: Geisreiter

Hi Susan,

I just thought that I would check in with you about the fence situation at 120 13th Avenue. I am being barraged with e-mails from Lynn Dunne asking me what has been approved and at this time no plans or other information has been submitted. So I have no idea.

There are also questions regarding the garage. It came to light recently that there was a discrepancy between the written height of the structure as shown on the approved plans for 131264 and the scaled dimensions. Therefore the structure that has been constructed (which is also consistent with the written dimensions and structural plans submitted with the Building Permit) looks different to the Exhibit A of 131264. Windows at the north elevation were also required to be deleted to comply with California Building Codes. Because of the visual discrepancy between the as-built structure and the approved plans, which I noticed recently when a photograph of the as-built structure was e-mailed to me and which has also been picked up by the "appellant" group (Lynn Dunne has been e-mailing me), the County has been looking at how best to recognize these changes.

Since the project does in essence comply with the approved plans for 131264, we have discussed the possibility of processing the revised plans administratively as a further Minor Variation to the Coastal Permit and Variance. This administrative review would then enable us to add further conditions with regard to replacing the lost windows at the taller north wall with some other feature(s), designed to break up the visual expanse of the wall. If the County were to take this approach, would the Coastal Commission wish to see the plans during the review and should a FLAN be submitted to the Commission at the end of our appeals period as was done with 131264?

The other alternative is to process the changes as an Amendment to the original Coastal Permit and Variance for the garage which would then require a public hearing.

Let me know your thoughts.

All the best....

Lezanne
Lezanne Jeffs
Project Planner
Development Review
Tel: (831) 454 2480
lezanne.jeffs@co.santa-cruz.ca.us

Lezanne Jeffs

16/39

From: Lezanne Jeffs
Sent: Friday, February 27, 2015 11:01 AM
To: 'Charlene Atack (attack@atackpenrose.com)'
Cc: 'Geisler, Karen@Coastal'; Steven Guiney

Hi Charlene,

I met briefly with Larry Rego yesterday and County Building Inspector, Sean Livingstone, also met with Mr. Rego on site at 120 13th Avenue to review the new garage in light of my concerns.

It appears that the discrepancy that I am seeing between the almost completed garage and the plans that were approved during the discretionary review of the project, arose due to the fact that the scaled dimensions of the elevations do not match written dimensions. Whereas the north facing wall height shown on the elevations scales at just 8 feet, the structural section shown on the approved Building Plans includes an 8 foot wall height plus an additional 3 foot pony wall (total 11 feet). Unfortunately, this discrepancy was not caught during the Building Plan Check review. The rear section that Mr. Rego says was "lowered", because the 3 foot pony wall was not included, is in fact the only portion of the structure that was constructed in accordance with the approved elevations for the Coastal Permit and Variance.

Therefore the garage is in compliance with the approved Building Permit but not in compliance with the Coastal Permit/Variance (although the elevations shown on the Building Permit plans do match the approved plans for 131264).

To remedy this, a Correction Notice has been issued requiring that a Change Order be submitted to reflect the "as-built" garage. Because the revised elevations will not match those approved with the Coastal Permit/Variance an application for a Minor Variation will then also be required to be submitted to recognize and explain these deviations (increased wall height and no windows).

The Minor Variation must be approved before the Change Order can be issued. In addition, compliance with Coastal Commission requirements for the replacement fence/removal of concrete, will also be required prior to the removal of zoning holds placed upon the Building Permit for the garage and the issuance of a final inspection clearance.

I hope that this situation can be quickly and easily resolved.

Lezanne

Lezanne Jeffs

Project Planner

Development Review

Tel: (831) 454 2480

lezanne.jeffs@co.santa-cruz.ca.us

	12th	13th	14th	15th	16th & Geoffroy	Johan's Beach
Street Attributes						
Street parcel right-of-way	50'	40'	50'	50'	50'	50'
Estimated publicly available space	48'	25'	45'	35'	30'	30'
Estimated encroachment	2'	15'	5'	15'	20'	20'
White line striping	both sides	one side	both sides	both sides	both sides	one side
Facilities						
Benches		/	/			/
Trash cans	/		/			/
Stairways	/	/				
Signage						
Enjoy East Cliff Beaches...	/			/		
No Beach Access				/		
Beach Regulations	/		/		/	/
Privately posted 'no parking' (spaces lost)	9 (9)	9 (10)	0 (0)	0 (0)	1 (1)	0 (0)

The 12th Avenue street end vista point provides a semi-landscaped buffer of about 25 feet and is equipped with a trash can. While a bench used to be found here, as evidenced by the bench footings that still remain, no bench currently exists. A Coastal Conservancy funded stairway provides access directly to Twin Lakes State Beach below.

13th Avenue

With approximately 25 feet of publicly available space, 13th Avenue is one of the narrowest public streets in the Live Oak beach area. At some specific locations near to the bluff edge, the public space at 13th Avenue is as narrow as 15 feet. Due to the lack of available space, 13th Avenue essentially does not provide any on-street parking spaces. The few spaces that do exist are located near Prospect Avenue inland and are impacted by a variety of privately posted 'No Parking' signs. With nine of these private signs removing approximately ten parking spaces along 13th Avenue, 13th represents the second largest instance of this problem to be found on the Live Oak street ends.¹⁴² There are no street improvements

(e.g., sidewalks, curbs and gutters, landscaping, etc.) at 13th Avenue.

The street end vista point at 13th Avenue ranges from approximately 5 to 15 feet in width and is equipped with two benches for visual access; no trash cans are present. The vista point area lacks any landscaping and essentially consists of dirt and weeds. Visual access at 13th is constrained towards Black's Point (to the east) by a fence and landscaping that has grown to about ten feet high. Though informal paths are evident down to sandy beach at the street end itself, coastal access has been formalized at 13th Avenue by a Coastal Conservancy funded stairway that is located on the east side of the street approximately 75 feet inland from the bluff edge. This stairway provides access down to the Black's Point segment of Twin Lakes State Beach.

14th Avenue

14th Avenue is well used as the primary access point to the Black's Point segment of Twin Lakes State Beach. With approximately 45 feet of available street space, 14th represents one of the widest streets in the Live Oak beach area. White lines striped along both sides of the

¹⁴¹ Street widths from assessor's parcel maps found in the TRW RED! Property Data database for Santa Cruz County.

¹⁴² Only the number of private signs posted at 24th Avenue (and the corresponding number of parking

spaces lost) represent a higher figure than the number at 13th Avenue

Craig, Susan@Coastal

From: Lynn Dunn <dunnreimers@mac.com>
Sent: Wednesday, May 13, 2015 2:38 PM
To: wanda.williams@santacruzcounty.us
Cc: Craig, Susan@Coastal; Carl, Dan@Coastal; Susan Mauriello; John Leopold; cgroom@smcgov.org; Samantha Clark; Steven Guiney; Robin.Bolster@santacruzcounty.us; Traylor, Sharif@Coastal; sean.livingston@santacruzcounty.us
Subject: Re: RED TAGGED 3/24/2015

Wanda:

Two very important questions:

At the zoning public hearing on January 18, 2013 you(Level 5) zoning administrator approved Reed Geisreiter's permit(121143) for single story garages. The coastal commission did not appeal. No one attended the public hearing to oppose the permit for single story garages.

1. Did you as the Zoning Administrator on May 30, 2014 approve Port Chairperson Geisreiter's permit(131264) for a second story storage room on top of his garages superseding coastal development permit 121143 thereby denying coastal commission's right to appeal and public's right to a public hearing ?

2. If not, please provide the name of the county administrator that approved the second storage room permanently obstructing the public views of Monterey Bay and Monterey ? Thank you, Lynn Dunn & Charles Reimers, 165



Lynn Dunn & Charles Reimers
 165 13th Ave

On May 8, 2015, at 6:07 AM, Wanda Williams wrote:

Ms. Dunn:

The Planning Department has notified the property owner that an application to allow the garage modifications and basement construction must be submitted to Planning to address unpermitted construction issues identified by Planning staff. Because the garage was approved as part of a previous discretionary permit we intend to schedule the review of the matter as a Zoning Administrator hearing item. The basement construction may be reviewed/processed as a separate building permit. You will receive notification regarding any County public

Exhibit 4

A-3-SCO-16-0100

27 of 48

CALIFORNIA COASTAL COMMISSION

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



August 7, 2015

Ms. Lezanne Jeffs
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Mr. Reed Geisreiter
120 13th Avenue
Santa Cruz, CA 95062

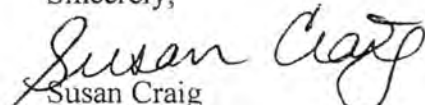
Subject: Violation #V-3-14-0123 (120 13th Avenue, Santa Cruz; APN 028-142-13)

Dear Ms. Jeffs and Mr. Geisreiter:

The above-referenced violation involved non-compliance with coastal development permit (CDP) P-77-0933 with respect to fencing and unpermitted placement of concrete and rubble along the upper bluff. These violations have been resolved. Specifically CDP P-77-0933 required that a portion of the fence that extends perpendicularly from the bluff edge shall not exceed four feet in height and shall be constructed of a material that permits visual access to downcoast. The new fencing has been installed and meets these requirements. Thus, this component of the violation is now resolved. The unpermitted concrete and rubble that was placed along the upper bluff has been removed, and the area planted with low-growing drought-tolerant native plants that will be watered until established. Thus, this component of the violation is now resolved.

We now consider Violation #V-3-14-0123 to be resolved and the file closed.

Sincerely,


Susan Craig
District Manager
Central Coast District Office

c: Lynn Dunn
Bill Clark

20/39

From: Roger/Teresa Douglass <rogntre@comcast.net>
Subject: Garage height, etc
Date: September 16, 2015 10:44:05 AM PDT
To: Lynn Dunn <dunnreimers@mac.com>

Evolution of garage plans -- data from reduced size elevation drawings

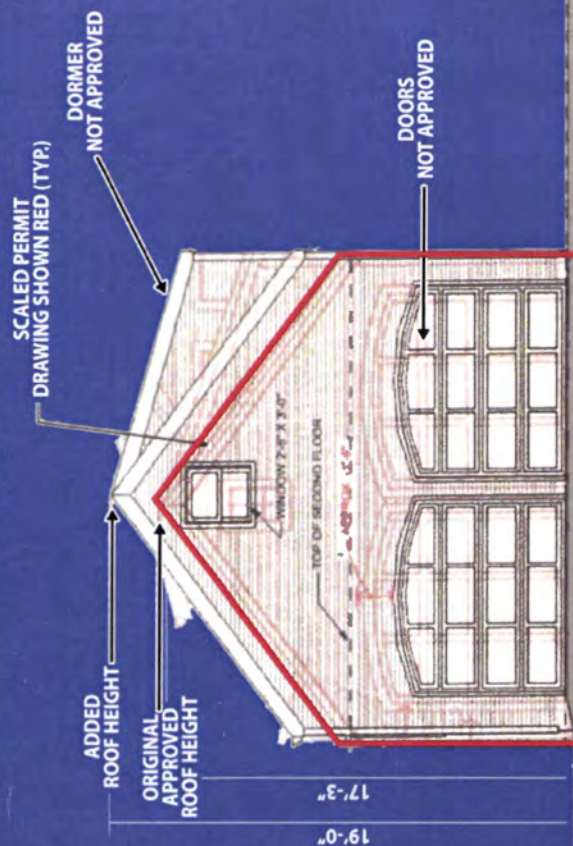
version height	roof height	wall sq. feet	width feet	footprint floor	second
121143	16' 11"	8' 9"	22'	440	none
131264	17' 3"	10' 4"	20'	400 + 36	189 sq ft
Proposed 151187	19'	11' 6"	20'	400 + 48	189 sq ft

The 36 and 48 sq. ft. added to footprint are tool sheds on rear of garage which compensate for storage lost when width went from 22' to 20'. If they had not raised the walls when they narrowed the garage, the garage would be 16' 3" high. That's what Coastal should have insisted on.

I guess the 'proposed' design is the same as built, there being no separate description. As-built, the walls were higher and the second story floor was built lower than the approved plan to make more headroom in the attic. For a non-habitable room the code doesn't require headroom, and for a storage area you don't need it.

Because the ceiling in the garage was lowered they had to use shorter garage doors, 7' instead of 8'. This makes the garage look even taller from the street.

Original Garage Height



Board of Supervisor's my name is Lynn Dunn & this is my husband Charles Reimers. We live at 165 13th Ave 5 homes down from Port Commissioner Reed Geisreiter's home.

His property is governed by a Coastal Development Permit requiring level 5 review which allows for by code (13.20.100) public notification and hearings.

William Clark appealed to you on September 16, 2014 application #141027 minor variation for the fence and bluff development.

We are here today on Nov. 15, 2016 for application #151187 minor variation for a 19 foot accessory building with a zero offset, addition of rear workshop, dormer windows and spiral staircase not approved by the ZA on January 18th, 2013.

1. There was an error or abuse of discretion on the part of the planning commission, Zoning Administrator, or other officer.

Commissioner Guth:

"I don't view this minor variation on 107 (of staff report) to have been an allowable use of authority."

Planner Jeff's respons: "Yeah, so I acknowledge you are correct in that."

2. There was a lack of fair and impartial hearing

Planner Jeffs on April 29, 2014 did not notified appellant Bill Clark and interested party Lynn Dynn, #141027(the fence) was being severed from application #121142 **not giving Bill Clark the opportunity to appeal** to Coastal Commission within 10 day time frame for the major amendments to the accessory structure. See conditions of approval for 121142/131264 in evidence packet.

3. The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made

Commissioner Guth: "To me living in a beach neighborhood with views and decks, **it's a big deal to approve that up to 19 feet.** It's in the offset."

"You are not allowed to build in and neighbors are concerned about bulk and **you do that at a level 5** and now you're going back to the (level) 3 (a minor variation) without a hearing to change a condition of approval, which is this height. This whole - this has the look of a gated compound, which to me is also contrary to coastal design by mandate."

24/39

7

4/6

4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made

Chair Guth: "I would like to sort of clarify what our authorized area of action is here, because this is unusual. **We're being asked to approve something, but it's already built.** I'm troubled by the idea of being put into the position – if this thing was going to come in and we were being asked and it wasn't already built, I'd say **"no"** .

5. Commissioner Lazenby: "I think it also is extremely noticeable from public view shed of beach... **removal of the dormer might be all that would be required!**"

Staff Council: "I think it is legitimate point. The dormer shouldn't be there... For this structure to have a zero offset."

Commissioner Dann: "I'm not willing to change the motion."

We are requesting BOS take jurisdiction over the project and reject the "as built" recommendations, we agree with Commissioner Lazenby to have the **dormers removed.**



Geisreiter garage from beach



Street View

1 under two-foot increase in height of the garage,
2 together with the proposed remodel of the dwelling and
3 other landscape improvements are appropriate given the
4 sensitive location of the property on a coastal bluff
5 and adjacent to a public beach overlook.

6 And that concludes my presentation. I would be
7 happy to answer any questions you may have.

8 CHAIR GUTH: Thank you, Ms. Jeffs. I have a
9 few questions about the staff report, and then I also
10 have a question. I would like to sort of clarify what
11 our authorized area of action is here, because this is
12 unusual. We're being asked to approve something, but
13 it's already built.

14 So a couple of things. One is I -- some things
15 that you didn't mention but are in the plans have to do
16 with bringing the drainage on this property up to snuff
17 under the new ordinances, and I believe applicant has a
18 person here that can talk to that. I have looked at
19 some of the paperwork and it looks good, but I'd like to
20 get a dialogue going. So that -- I mean, separate from
21 some of these confusing issues, there are some real
22 pluses here.

23 I also want to say that I'm glad planning took
24 the point of view about not calling this a basement. I
25 identified last week that I had an issue with --

1 criteria in conformance changes?

2 PLANNER JEFFS: This doesn't result in any
3 change in setbacks or height or lot coverage or floor
4 area ratio (indiscernible).

5 CHAIR GUTH: It also gives us a vehicle to
6 require drainage improvements that are super helpful,
7 not just for this lot but for the neighborhood and for
8 that bluff.

9 But I do have some questions about this
10 process. Like I said, it's not a hard-and-fast 14 foot
11 that I found, but I did not see it at 17' 4", I saw it
12 at 14.

13 I want to point out that if you look at page --
14 we have Exhibits H and I. Exhibit H is where we did our
15 Zoning Administrator variance. This is a really tall
16 garage now. My entire two-story home doesn't have
17 anything on it over 18' 4", and this is a supposedly
18 one-story accessory building that has a 19-foot peak.
19 It's a big building.

20 And there was no right under code for this
21 garage to ever be increased in size and instead it was
22 granted a variance in an area where you're not allowed
23 to build, and the neighbors were shown this picture on
24 page 77 of our staff report that the final product
25 doesn't look like. To hear that the renderings that

1 were submitted at the noticed public hearing where
2 people came in, but they did not appeal, showed garage
3 doors that turns out can't be built -- which anything
4 can be custom built -- and showed other features that
5 can't be achieved under code but were in the
6 representations visually that were used by the public to
7 ascertain whether or not they were okay with it. This
8 is a problem.

9 When we get to Exhibit I, and this is our minor
10 variation. Page 107 of our report, this is a minor
11 variation level 3. So staff reports often don't cite to
12 the code sections that are authorizing them. But we
13 have a Permit Amendment Code Section 1810.134(b)(1) that
14 specifically talks about what one can do in minor
15 variations. And there's a definition here that says
16 three things can't be involved in a Minor Variation and
17 it uses "or," so each one of them stands on its own, and
18 I'll read it using just one.

19 A minor variation is an amendment to a planning
20 approval, including project design, improvements, or
21 conditions approval if the amendment does not affect --
22 and I'll jump ahead to this "or" -- the overall concept
23 and does not involve a modification of a design
24 consideration.

25 When you're building into an offset that that

1 doesn't -- you're not allowed to build in and the
2 neighbors are concerned about bulk and you do that at a
3 level 5, I think it was, at the ZA and now you're going
4 back to the 3 without hearing to change a condition of
5 approval, which is this height, which had to be a
6 consideration, it's in the record, I don't view that
7 variation -- I don't view this minor variation on 107 to
8 have been an allowable use of authority.

9 PLANNER JEFFS: Yeah, so I acknowledge you are
10 correct in that.

11 First, when the minor variation was originally
12 submitted, the intention was that it would be just
13 changes to the fence, there was a little bit of changes.
14 But if you compare this here, which is the garage that
15 was approved with a minor variation, bear in mind this
16 is a slightly narrower --

17 CHAIR GUTH: No, no. I come to your defense
18 here, Lezanne, is --

19 PLANNER JEFFS: -- and they are actually the
20 same height, so it did not look any different.

21 CHAIR GUTH: No, no. I was -- you cut in right
22 before I was going to get to that part in your defense.
23 In defense of the planning person that made the call
24 about whether this was a minor variation, they used the
25 same renderings that had the same scaled things,

1 But you have to show sort of -- you have to
2 kind of let us know, for purposes of the record and so
3 that the applicants and the public knows, how are those
4 changes connected to what's being requested right now.
5 So because a change is being made in a certain portion
6 of the project, we need to make this change -- this
7 additional change or change of condition due to the
8 effect of that change. So if we can show that those are
9 connected, then that's within your -- within your
10 authority.

11 CHAIR GUTH: Okay. Thank you for that. So I'm
12 going to take an initial position that all of this
13 imposition into the 20-foot offset -- I mean, in my
14 neighborhood you wouldn't get a six-foot fence down
15 here. I mean, this is a variance too. That whole
16 fence -- which, by the way, is beautifully done; the
17 finish work is really nice -- but in my neighborhood --
18 I mean, the county code is a 36-inch front yard fence.
19 This whole -- this has the look of a gated compound,
20 which to me is also contrary to coastal design by
21 mandates.

22 But, nonetheless, our Zoning Administrator made
23 a call to allow the six-foot fence and a larger garage
24 in the 20-foot offset. But if this call was a really,
25 really, really close one, now that it got bigger than

1 what was approved, it may not have ever been approved
2 this way. We don't know. It was never presented to her
3 in that way. I would certainly have a problem approving
4 a 19-foot garage in an offset.

5 So one of my last questions about code is, is
6 that it's being presented to us to approve something
7 that's 19 feet, roughly. Is there anything under code
8 that allows us to take into account that it's already
9 built? Or should that not be a factor in our
10 consideration?

11 STAFF COUNSEL: I think that this is kind of a
12 policy question almost. I mean, the amendment procedure
13 for any permit that's established in code allows you to
14 consider sort of the existing circumstances and changes
15 in circumstances in public health, safety, and welfare.
16 So you have a lot of discretion in determining what an
17 amendment covers. I think that -- I mean, I would kind
18 of defer to planning and the planning director if she
19 were here. But I think that the kind of policy
20 considerations in this county are that if we have a
21 constructed structure that can be brought up to code,
22 can be compliant, that that's -- our goal is to get it
23 there rather than to pursue sort of an enforcement
24 position. So --

25 CHAIR GUTH: So is granting a further variance

1 grant. And I don't know what the considerations were
2 going through the ZA's head, but this is not what the ZA
3 approved.

4 So saying that, I like the drainage, I like the
5 landscape plan, I like all the internal improvements to
6 the home, I like the idea of converting the basement --
7 not basement -- the bottom floor up to code, habitable
8 third floor. By the way, that's something you couldn't
9 build now under code, only because it's whenever this
10 is, 1924 -- and I want to acknowledge Ms. Hamilton's
11 photos for the record. It's a great piece of evidence
12 for the record -- clearly showing that third subfloor,
13 and an article from 1932 in the paper. I'll just make a
14 note verbally. I'm very glad we have that. So I'm all
15 for that.

16 I'm troubled by the idea of being put into the
17 position -- if this thing was going to come in and we
18 were being asked and it wasn't built, (indiscernible),
19 I'd say "no." So now I'm confused, because if that's my
20 view, do I have to change that view because it's built?
21 And I'm supportive of basically all the rest of this
22 project and with regard to the height.

23 I'm looking forward to hearing the other
24 commissioners' comments.

25 COMMISSIONER DANN: I'm ready to make some

1 for me is the height of the garage, and I believe it can
2 be --

3 CHAIR GUTH: I'm sorry?

4 COMMISSIONER LAZENBY: -- higher than -- I
5 don't believe it's just one foot.

6 The problem with this (indiscernible) without
7 hearings and getting sort of confusing is that each time
8 it went through a different phase, the -- there's a
9 certification that the proposal is exempt from further
10 environmental review. And I think that's a tragedy,
11 because I think it does interfere slightly, possibly,
12 with the viewshed from the land. I think it also is
13 extremely noticeable from the public viewshed of the
14 beach. And if it had to have gone through further
15 environmental reports, I think it probably would have
16 been caught at a much earlier stage.

17 I don't like to suggest that it be torn down.
18 I think maybe removal of the dormer might be all that
19 would be required.

20 CHAIR GUTH: We have a motion and a second.
21 It's unfortunate that this is moving towards 2-2, then
22 we can't take any action and we have to continue it.

23 But let me say this. I have a deck. The floor
24 of my second-story deck is at nine feet. The typical
25 decks in my neighborhood are 9 to 12 feet. When you

1 have a 14-foot, like the original approval as far as I
2 scaled it, say, blocking your view through a special
3 grant to the neighbor that's two to four feet above your
4 deck, when you're on your deck you see over it, 19
5 blocks (indiscernible). I know that house doesn't exist
6 yet, but these are the things that we are -- among the
7 things that we are protective of, the (indiscernible).

8 To me, living in a beach neighborhood with
9 views and decks, it's a big deal to approve that up to
10 19 feet. It's in the offset. People have their decks
11 along the street to look down.

12 So there's so many good things about this
13 project and it's capturing -- capturing all these
14 things. I will say again, this idea that I have to make
15 a special consideration because it's built is
16 problematic for me, because we will argue about it and
17 I'll try to make the case to you all that this thing
18 should move down.

19 COMMISSIONER DANN: Well, I will make an
20 argument to you that it sounds to me like that you're
21 talking about protecting private views, and the county
22 code does not protect private views. We only protect
23 public views --

24 CHAIR GUTH: Well --

25 COMMISSIONER DANN: -- and to me this doesn't

1 take away from the public view. In fact, I think the
2 public view has been enhanced, so that would be my pitch
3 to you.

4 CHAIR GUTH: No, and I appreciate that. You
5 are right that the code does not protect private views.
6 But the specific reasons of having height limits,
7 offsets, second-story offsets at Pleasure Point, but
8 offsets, fence height limits, and 20-foot offsets in the
9 front have a variety of bases, one is to not
10 (indiscernible), but it's also for people to be able to
11 look down their street. So the --

12 COMMISSIONER DANN: But this garage was --

13 CHAIR GUTH: -- inherent -- let me finish --
14 the code inherently protects private view, although I
15 agree, yes, it does with these offsets. And I am just
16 sharing with you the practical reality of living in area
17 with redwood decks which have views.

18 PLANNER JEFFS: Preexisting nonconforming
19 garage.

20 CHAIR GUTH: This is being built right into the
21 neighbor's line of sight.

22 PLANNER JEFFS: I'm not going to be here on the
23 18th.

24 CHAIR GUTH: To say that you can't build within
25 the allowable building envelope because of a private

1 I can view myself as I can vote for the variance,
2 because we're not changing the variance. I mean, if we
3 are changing the variance, it's problematic.

4 So could you comment on if we're changing the
5 variance by allowing a slight increase in height with
6 the variance for, again, site offsets?

7 STAFF COUNSEL: No. So the variance is to the
8 site standards applicable to the offsets. So those, as
9 Lezanne explained, have already been approved. It's
10 just that the height and the width have changed. The
11 width has actually decreased, so that's less impactful,
12 but the question is would that additional height affect
13 your approval of the variance in the first place. But,
14 again, the variance has been approved for the setbacks,
15 and the variance isn't required for the height.

16 CHAIR GUTH: (Indiscernible.) Weren't these
17 variance findings not related to increasing the height?

18 STAFF COUNSEL: Correct.

19 PLANNER JEFFS: That's what she just said.

20 STAFF COUNSEL: Correct.

21 CHAIR GUTH: Which puts me in a spot where I
22 could see voting for this. Although, like I said from
23 the beginning, I don't like what we've been handed here.

24 COMMISSIONER DANN: I understand, yeah.

25 CHAIR GUTH: I don't like stuff going through

1 two other routings and coming to us when it's in this
 2 condition.
 3 PLANNER JEFFS: It's very unusual.
 4 CHAIR GUTH: Mr. Hart, why don't you do a roll
 5 call?
 6 PLANNER HART: Certainly.
 7 Commissioner Aramburu?
 8 ✓ COMMISSIONER ARAMBURU: Aye.
 9 PLANNER HART: Commissioner Dann?
 10 ✓ COMMISSIONER DANN: Yes.
 11 PLANNER HART: Commissioner Lazenby?
 12 ✓ COMMISSIONER LAZENBY: No.
 13 PLANNER HART: Chair Guth?
 14 ✓ CHAIR GUTH: Yes.
 15 PLANNER HART: And it should be noted that
 16 ✓ Commissioner Shepherd has left the room.
 17 Motion carries.
 18 COMMISSIONER DANN: Okay. Motion carries.
 19 (End of agenda item recording.)
 20
 21
 22
 23
 24
 25



1 I, Kelli A. Rinaudo, a certified shorthand
2 reporter in and for the state of California do hereby
3 certify:

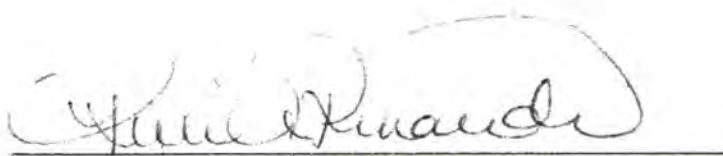
4 That the foregoing transcript was prepared by
5 me, to the best of my ability, via an audio recording;

6 That I was not present to ascertain speaker
7 identities, and some misidentified or nonidentified
8 speakers may appear in the transcript;

9 That I was not present to clarify certain
10 words, and some unintelligible or inaudible phrases may
11 appear in the transcript;

12 I further certify that I am not related to any
13 party to said action, nor in any way interested in the
14 outcome thereof.

15
16 DATED: September 10, 2016
17
18
19

20
21 

22 KELLI A. RINAUDO, CSR 6411

23 Monarch Court Reporting
24
25

Applicable LCP Policies and Regulations

Public Notice and Hearing Regulations

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.

18.10.211 Neighborhood notification and meeting.

(A) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within 300 feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than 10 separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300-foot distance shall be extended in increments of 50 feet (e.g., 350, 400, 450) until owners of at least 10 properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted application will require new noticing and a neighborhood meeting:

(a) A change that results in an increase of 20 percent or more in height, floor area ratio or lot coverage;

(b) A change that necessitates a variance;

(c) A change that results in an increase in the number of lots or dwelling units;

(d) A change that results in an intensification of use, as defined in SCCC 13.10.700-I.

(B) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required.

18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)—Notice of public hearing.

(A) Procedures. A public notice of all public hearings conducted pursuant to the issuance of permits and approvals at Levels V (Zoning Administrator) through VII (Board of Supervisors) shall be given in the following ways:

(1) The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County at least 10 calendar days prior to the date set for hearing.

(2) Posted on the property in a conspicuous place at least 10 calendar days prior to the hearing.

(3) The County shall mail notices in the form of a postcard or letter not less than 10 calendar days prior to the public hearing to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property. In the event that there are fewer than 10 separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300-foot distance shall be extended in increments of 50 feet (e.g., 350, 400, 450) until owners of at least 10 properties have been notified by mail. The County shall also mail these notices to the Coastal Commission and to all persons who have requested to be on the mailing list for the subject development project or for coastal decisions within that jurisdiction.

(4) The County shall provide notice to the Board of Supervisors by delivery by the United States Postal Service addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least 10 days prior to the public hearing.

(B) Contents of Notice. The contents of the notice shall be as follows:

- (1) Location of the proposed project;
- (2) Name of the applicant;
- (3) Description of the proposed use;
- (4) Title of the hearing officer or hearing body;
- (5) Date of the hearing;
- (6) Time of the hearing;
- (7) Location of the hearing;
- (8) How further information may be obtained;
- (9) Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

(C) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (A) of this section is more than 1,000, or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general

circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners and residents affected by the proposal.

(D) Alternative Notice Procedure for Coastal Approvals. When a development permit includes only a coastal approval for a project pursuant to Chapter 13.20 SCCC, and when the number of persons or entities who would be notified in subsection (A)(3) of this section is more than 200, the County may give notice by:

(1) Increasing the posting requirement in subsection (A)(2) of this section to provide posting every 1,000 feet along an adjoining roadway; and

(2) Placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the project.

(E) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing.

(F) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors resolution.

(G) Notice to Other Jurisdictions.

(1) Public agencies shall be notified of tentative map applications pursuant to SCCC 14.01.305.1, 14.01.318, 14.01.319 and 14.01.320.

(2) Public agencies shall be notified of public hearings on General Plan amendments pursuant to SCCC 13.01.080.

(3) In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement of the Planning Director, have an interest in the project.

(H) Recipients of Notice of Final Action. On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:

(1) The applicant;

- (2) The owner of the subject parcel;
- (3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit;
- (4) In the Coastal Zone, the Coastal Commission;
- (5) Provide to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.

18.10.224 Notice of proposed development for Level IV through Level VII.

For all development that requires review at Levels IV through VII, the applicant shall install a sign or signs on each site of the proposed development in accordance with this section.

(A) **Deadline for Placement.** Any sign required by this chapter shall be placed no later than seven calendar days after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The number of signs, size, and locations shall be approved in advance by the Planning Director. Sign specifications shall be provided by the Planning Department to the manufacturer of the sign for the applicant who will then install the sign. Verification shall occur when the County receives from the applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(B) **Location.** Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. For proposed projects in public rights-of-way, signs shall be posted at 1,000-foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway. Signs shall be located so as to not interfere with vehicular line of sight distance.

(C) **Size, Material and Height Above Grade.** Each sign shall be a minimum of two feet by two feet up to a maximum of two feet (vertical) by four feet (horizontal). Signs shall be constructed of recyclable coroplast material. Other material may be used with the approval of the Planning Director. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

(1) Letter style: Arial or similar standard typeface;

(2) Letter size:

(a) Two-inch bold capital letter for the header:

NOTICE OF PROPOSED DEVELOPMENT

(b) One-inch bold capital letters for the project description,

(c) One-inch upper and lower case for all other letters,

(d) One-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

Applicant:

Project planner:

Applicant's name

Planner's name

Applicant's phone number

Planner's phone number

Applicant's e-mail address

Planner's e-mail address

(3) Letter color shall be black;

(4) Background color shall be white.

(D) Information Required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

(1) Header;

(2) Application number;

(3) Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each;

(4) Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side;

(5) Staff may require additional specific information be included in order to provide a useful notice.

(E) The following modifications to a submitted application will require new noticing including new sign text:

(1) A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage;

(2) A change that necessitates a variance;

(3) A change that results in an increase in the number of lots or dwelling units;

(4) A change that results in an intensification of use, as defined in SCCC 13.10.700-I.

(F) Deadline for Sign Removal. Each sign shall be removed within 10 calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed affidavit attesting that the sign has been removed in the time period allowed.

(G) Failure to Provide Affidavit and/or Remove Sign. If the applicant fails to return the affidavit or if the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation.

Public View Policies

Objective 5.10a Project of Visual Resources

(LCP) To identify, protect and restore the aesthetic values of visual resources.

5.10.2 Development Within Visual Resource Areas

(LCP) 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

(LCP) 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.)

5.10.6 Preserving Ocean Vistas

(LCP) Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

5.10.7 Open Beaches and Blufftops

(LCP) 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.

Neighborhood Character and Compatibility Regulations

13.20.130 Design criteria for Coastal Zone developments.

(A) General.

- (1) **Applicability.** The design criteria for Coastal Zone developments are applicable to any development requiring a coastal development permit.

(2) Conformance with Development Standards and Design Criteria of Chapters 13.10 and 13.11 SCCC. All applicable and/or required development standards and design criteria of Chapters 13.10 and 13.11 SCCC shall be met in addition to the criteria of this section. For projects that are listed in SCCC 13.11.040 as requiring Chapter 13.11 SCCC design review, and for those located in scenic areas mapped on the LCP maps or as determined during project review, all applicable standards and conditions of that chapter shall be met. For projects that are not listed in SCCC 13.11.040 as requiring Chapter 13.11 SCCC design review, the standards and conditions of SCCC 13.11.072(A)(1) and 13.11.073(B)(1) only shall be met.

(3) In the Highway 1 viewshed inside of the Urban Services Line, allow signage where consistent with this chapter as well as the sign regulations of the County Code and any applicable village, town, community, or specific plan.

(4) Exceptions. Exceptions to the Coastal Zone design criteria may be allowed in conjunction with the granting of a coastal development permit after public hearing when the following findings can be made:

(a) The project meets the general intent of the Coastal Zone design criteria.

(b) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the natural and visual environments.

(c) The project will be consistent with the visual resource policies of the LCP Land Use Plan and this chapter.

(B) Entire Coastal Zone. The following design criteria shall apply to projects located in the Coastal Zone:

(1) Visual Compatibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).

(2) Minimum Site Disturbance. Grading, earth moving, and removal of major vegetation shall be minimized. Developers shall be encouraged to maintain all mature trees over six inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.

(3) Ridgeline Development. Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, natural vegetation, and other structures. Ridgeline protection shall be ensured by restricting the height and placement of buildings and landscape species and by providing landscape screening in order to prevent projections above the ridgeline that are visible from public roads or other public areas. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to ensure that the proposed structure is compatible with its environment, is low profile, and is visually screened. Land divisions which would create parcels whose only building site would lead to development that would be exposed on a ridgetop shall not be permitted and land divisions shall be appropriately conditioned to prohibit ridgeline development in all cases.

(4) Landscaping. Development shall include landscaping meant to provide visual interest and articulation, to complement surrounding landscaping (including landscaping in adjacent rights-of-way), to screen and/or soften the visual impact of development, and to help improve and enhance visual resources. When a landscaping plan is required, new or replacement vegetation shall be consistent with water-efficient landscape regulations, compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area.

(5) All development that is more than one story, where allowed by the site regulations of the basic zone district, that is located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that upper stories do not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.

(6) Front yard averaging shall only be allowed where the front setback so established does not adversely impact significant public viewsheds (including those associated with shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character.

(7) Development shall be sited and designed so that it does not block or significantly adversely impact significant public views and scenic character, including by situating lots, access roads, driveways, buildings, and other development (including fences, walls, hedges and other landscaping) to avoid view degradation and to maximize the effectiveness of topography and landscaping as a means to eliminate, if possible, and/or soften, if not possible, public view impacts.

(C) Rural Scenic Resources. In addition to the criteria above that applies throughout the Coastal Zone, the following design criteria shall also apply to all development proposed outside of the Urban Services Line and the Rural Services Line located in mapped scenic resource areas or determined to be in a scenic resource area during project review:

(1) Location of Development. Development shall be located, if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline and/or ocean from scenic roads, turnouts, rest stops, or vista points.

(2) Site Planning. Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, including through appropriately maintaining natural features (e.g., streams, riparian corridors, major drainages, mature trees, dominant vegetative communities, rock outcroppings, prominent natural landforms, tree groupings, etc.) and requiring appropriate setbacks therefrom. Screening and landscaping suitable to the site shall be used to soften the visual impact of development unavoidably sited in the public viewshed.

(3) Building Design. Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched rather than flat roofs, which are surfaced with nonreflective materials (except for solar energy systems that unavoidably reflect) shall be encouraged. Natural materials and colors which blend with the patterns and colors of the vegetative cover and landform of the site and surrounding area shall be used, and if the structure is located in an existing cluster of buildings, colors and materials shall also repeat or harmonize with those in the cluster.

(4) Large Agricultural Structures. The visual impact of large agricultural structures shall be minimized by:

(a) Locating the structure within or near an existing group of buildings.

(b) Using materials and colors which blend with the building cluster, or the natural vegetative cover, or landform where there is no vegetative cover, of the site.

(c) Using landscaping to screen or soften the appearance of the structure.

(5) Restoration. Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development. The requirement for restoration of visually blighted areas shall be proportional to the size of the proposed project and its visual impacts.

(6) Signs. Signs shall minimize disruption of the scenic qualities of the viewshed, including by not blocking or having a significant adverse impact on significant public views and shall be consistent with the sign regulations of the County Code.

(a) Materials, scale, location and orientation of signs shall harmonize with surrounding elements.

(b) Internally lighted, rotating, reflective, blinking, flashing or moving signs are prohibited.

(c) Illumination of signs shall be permitted only for State and County directional and informational signs, except in commercial and visitor serving zone districts where such lighting may be allowed if it can be harmonized with the surrounding area and public view protection.

(d) In the Highway 1 viewshed outside of the Urban Services Line, only public signs (i.e., CALTRANS standard signs, public access and park signs, public parking lot identification signs, etc.); signage for farm stands, agritourism uses, and self-pick sites; and signage within the Davenport commercial area shall be allowed to be visible from Highway One and only where such signs are of unobtrusive materials and colors and are harmonized with the surrounding area and public view protection.

(D) Beach Viewsheds. In addition to the criteria above that applies throughout the Coastal Zone, and the criteria above that also applies within rural areas (as applicable), the following design criteria shall also apply to all projects located on blufftops and/or visible from beaches:

(1) Blufftop Development.

(a) Outside of the Urban Services Line and the Rural Services Line, in addition to meeting the Rural Scenic Resources criteria in subsection (C)(2) of this section, blufftop development and landscaping (e.g., houses, garages, decks, patios, fences, walls, barriers, other structures, trees, shrubs, etc.) shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline or, if such a setback is infeasible, to not be visually intrusive.

(b) Within the Rural Services Line and the Urban Services Line, new blufftop development shall conform to the rural scenic resources criteria in subsection (C)(2) of this section.

(2) Beaches. The scenic integrity of open beaches shall be maintained:

(a) No new permanent structures on open beaches shall be allowed, except where permitted pursuant to LUP Chapter 5 (for required shoreline armoring), LUP Chapter 7 (for public recreational access improvements), or Chapter 16.10 SCCC (for required shoreline armoring).

(b) All structures that are allowed on open beaches shall be sited and designed to minimize visual intrusion, and to minimize unavoidable intrusion, including through the use of materials and finishes which harmonize with the beach character of the area. Natural materials are preferred.

13.10.230 Variance approvals.

(A) Description. A variance approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including design standards and guidelines and regulations for special uses. The power to grant variance approvals does not allow changes in use which are affected only by use approvals pursuant to SCCC 13.10.220, rezoning of the property pursuant to SCCC 13.10.215, or amendment to the regulations of this chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

(1) To facilitate certificates of compliance.

(2) To facilitate dedications of rights-of-way or other required improvements for public benefit.

(3) To allow the consideration of the creation of new lots when the size of the lot is within one percent of the zoning requirement and is consistent with the General Plan.

(B) Procedures. All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a variance approval shall be in accordance with the provisions of Chapters 18.10 and 19.01 SCCC for a Level V approval and “findings” in subsection (C) of this section except that site area variances which create new building sites under the circumstances described in subsection (A) of this section shall be processed at Level VII.

(C) Findings. The following findings shall be made prior to granting a variance approval in addition to the findings required for the issuance of a development permit pursuant to Chapter 18.10 SCCC:

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

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

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

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DEC 14 2016
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To: California Coastal Commission
Central Coast Office
725 Front St, Suite 300
Santa Cruz, CA 95060-4606

Subject: Appeal A-3-SCO-16-0100 of Coastal Development Permit 151187

CDP 151187 seeks recognition of much un-permitted work recently done at 120 13th Ave. This letter only concerns the new replacement garage. In allowing the huge new garage built at the end of the street next to the public outlook on the coastal bluff, the county Planning Department has violated Santa Cruz County Local Coastal Program code sections mentioned below.

Neighbors expected the single story double garage design that was approved by the Zoning Administrator in 2013. Complaints began when the second story, spiral stairs, and ocean facing dormer windows went up. The single story design had been amended using a Minor Variation (no public notice). The Minor Variation FLAN passed the Coastal Office. The public didn't know. The enlarged garage would have faced early opposition and probably been blocked if the change of design had been known.

A building permit for the garage was later issued with a structural plan for taller walls and roof than the scaled drawings of the Minor Variation. Apparently, even the project planner didn't know the structural plan disagreed with the amended drawings. The inconsistency between the garage that was built and the scaled drawings of the Minor Variation caused new garage drawings to be added to CDP 151187, seeking after-the-fact approval.

At the Nov 15 appeal hearing before the Board of Supervisors, the project planner defends her use of Minor Variation level 3 permit amendment as allowed by county code. The county **LCP section 13.20.100** clearly forbids this for a Coastal Permit. Any amendment to a CDP shall be at Zoning Administrator level 5 or above, requiring public notice and review. County Council Dana McRae said at the Nov 15 hearing that earlier procedural lapses in permit processing were nullified by hearing the after-the-fact permit application to 'recognize' the as-built structures at Planning Commission level.

Not so easily nullified are the violations of **LCP section 13.20.130(B)(1),(5), and (7)** design constraints requiring compatibility with the neighborhood, that structures of more than one story be designed not to loom, and that structures not adversely affect scenic views from streets and beaches. The garage certainly looms over our narrow street and photos show significant impact of on public views along 13th Ave and from Twin Lakes State beach. The garage appears at the end of the street on Google Earth streetview starting from 290 13th Ave, a block away.

Applicant Deirdre Hamilton told the Board of Supervisor's that the completed garage is compatible with the neighborhood and that the variance is not a grant of special privilege because there are other tall garages in the neighborhood. There are NO other buildings on neighborhood streets with the combination of zero or small setback from the street and two story height. A tall garage with a 20 ft setback has much less impact on the neighborhood than one with no setback. The looming and view blocking effect is especially great with the garage on the bluff just above the beach. I think the permit was indeed a special privilege to Mr. Geisreiter. It's not likely that others up the block with more modest circumstances and without professional representation would get similar permits.

Two changes in Coastal Commission procedures would prevent another fait accompli such as this one:

- 1) Refuse to approve a CDP which has not received level 5 processing by the county.
- 2) Where neighborhood compatibility or public scenic views may be an issue, insist on an early mockup of the building outline with story poles and netting — and require compliance by the builder. The LCP design constraints concern how a structure is suited to it's site. Scaled drawings of a structure in isolation don't reveal that information.

To illustrate the inadequacy of an isolated drawing, the project planner claimed at the ZA hearing the replacement garage would not be visible from the beach, and later maintained that it could not be seen from upper 13th Ave. These mistakes would not have been possible with a full scale mockup.

Roger Douglass
210 13th Ave
Santa Cruz, CA 95062

12/22/16

Ryan Moroney
California Coastal Commission
725 Front St., Suite 300
Santa Cruz, Ca. 95060

Re: Response to appeal No. A-3-SCO-16-0100; Local Permit No 151187; Geisreiter

I am writing this letter on behalf of Reed Geisreiter, the owner of 120 13th Ave., Santa Cruz, Ca., the subject of the appeal filed by Lynn Dunn, et al. The appellants state that in their opinion the project is in violation of County Code sections 13.20.100, 13.20.130 and Coastal Act sections 30211 and 30251. However, this opinion is not supported by the facts or the decision by the County of Santa Cruz who approved the project. And therefore no Substantial Issue exist with respect to the appellants assertions and therefore there are no grounds for an appeal.

Section 13.20.100 (B) states "*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.*"

The appellants contend that because a Minor Variation was approved to make changes to the garage without a public hearing this was a violation of County code section 13.20.100(B). At the time of the issuance of the minor variation the approved permit and the code did allow for such a procedure. Since the minor variation was approved the County Code was amended and Coastal Permits were no longer allowed to be amended with a minor variation. Partly because of the concerns expressed by the appellants, as well as concerns expressed by the Coastal staff, the plan revisions were required to obtain an amendment to the Coastal Permit. Coastal Permit Amendment No. 151187 was submitted and a public hearing was held by the County Planning Commission, who approved the project. The appellants then appealed the Planning Commission's decision to the Board of Supervisor who could not make the required findings to hear the appeal..

The purpose of the garage is to replace the original one car garage with a two car garage and some additional storage area. Because of the location of the property at the end of a dead-end street with a public viewing area at the end or the right of way, off street parking is the only option for this property owner. Even though the County Zoning Administrator approved the one story, 440 square foot garage, the Coastal staff indicated that the existing 6 foot fence along the street frontage adjacent to the garage was not in keeping with the Coastal Permit P-77-933 and that coupled with the length of the garage along with the street frontage would not be support by staff. Therefore they recommended the project be modified to address these concerns. The project was amended to reduce the length of the garage by taking away the proposed storage area

on the ground level and adding a storage loft. The fence along the frontage was also reduced in height to 4 feet for the southernmost section. The staff and the Planning Commission found that this proposal did not intensify the use of the property and is visually compatible with the surrounding neighborhood. In addition the design of the garage is consistent with the design of the existing house and at 19-20'6" in height it is well below the maximum 28 foot height allowed by the zone district. The public view of the garage from 13th Ave to the beach is not being impacted and the view from the beach towards 13th Ave and the property has been improved with the removal of a large tree. While the garage is visible from the beach, it is in keeping with the residential urban setting in which it is located. There are several existing structures that can be seen from the beach and this garage is consistent with these existing urban views. In fact the County Planning staff noted in their staff report that "Views towards the garage from the public beach to the south are limited by the distance of the structure from the edge of the bluff and by the steep angle of the bluff face. Although the garage is visible from some areas of the beach close to 13th Avenue, because the structure has been designed to be architecturally compatible with the existing older house on the parcel and is located amongst other residential structures developed along the coastline, the visual intrusion from this structure is minimal."

Section 13.130(B)1 states "*Visual Compatibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).*"

As stated above, the garage is designed to be visually compatible with the neighborhood and provides articulation which matches that of the existing house. The materials used for the garage and the pitch of the roof along with the dormer all match the existing house. The property is located in an area of very similar structures. Many of which are equal to or greater than the height and size of the garage or the existing house. The design and size of are very much in keeping with the surrounding urban residential neighborhood.

Section 13.20.130 (B)5 states, "*All development that is more than one story, where allowed by the site regulations of the basic zone district, that is located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that upper stories do not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.*"

The garage has been sited on the property line furthest away from the coastal bluff and the public viewing area. Public access is not hindered in any way because the access stairs are located 50 feet to the north of the property. The 189 square foot storage loft is not cantilevered nor does it loom over the lower portion of the garage. It is in character with the neighborhood as well as the existing house.

Section 30211 of the California Coastal Act states, "*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*"

As previously stated the public access is located 50 feet from the property. This project in no way interferes with that access. Also, access to the public viewing area at the end of 13th Ave which is located within the public right of way is not being hindered or blocked in any way.

Section 30251 of the California Coastal Act states, "*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*"

The fact that this project has been sited and designed to protect the public's views and to be compatible with the surrounding neighborhood has been shown above. The redesign of the project has enhanced the public view by lowering of the fence along 13th Ave near the bluff, the removal of the large tree within the public viewshed, and the reduction of the length of the garage along 13th Ave. Serious consideration was given to the preservation of the public view while providing much needed off street parking for the existing house to be in keeping with the required number of parking spaces required by the County's code.

It is my belief that the facts support the County's decision to approve this project and that there are no coastal resources that would be affected by this decision. The project is consistent with the County's Local Coastal Plan as well as the California Coastal Act. No regional or statewide issues have been raised by this project and great consideration has been given to the preservation of public views from 13th Ave, the public vista at the end of 13th Ave and from the beach. The process undertaken by the County to reach their decision was done at a public hearing before the Planning Commission. And even though the appellants filed appeal to the Board of Supervisors, they found no grounds to hear the project or to overturn the Planning Commission's decision. Therefore I ask that you find that No Substantial Issue exist with respect to this project and therefore no further hearing is required.

Thank you for your consideration.

Yours Truly,

A handwritten signature in black ink, appearing to read "Deidre Hamilton", written over a light blue horizontal line.

Deidre Hamilton
Principal, Hamilton Land Planning

Cc: Reed Geisreiter

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
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Th13f

Prepared January 9, 2017 for January 12, 2017 Hearing

To: Commissioners and Interested Persons
From: Susan Craig, Central Coast District Manager
Subject: Additional hearing materials for Th13f
Appeal Number A-3-SCO-16-0100 (Geisreiter)

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- ☐ Staff report addendum
- ☒ Additional correspondence received in the time since the staff report was distributed
- ☐ Additional ex parte disclosures received in the time since the staff report was distributed
- ☐ Other:

From: Lezanne Jeffs [<mailto:Lezanne.Jeffs@santacruzcounty.us>]
Sent: Friday, December 30, 2016 1:33 PM
To: 'Lynn Dunn' <dunnreimers@mac.com>
Cc: 'Ryan Moroney' <Ryan.Moroney@coastal.ca.gov>; Susan@Coastal' 'Craig' <Susan.Craig@coastal.ca.gov>; Wanda Williams <Wanda.Williams@santacruzcounty.us>; Carole Groom <cgroom@smcgov.org>
Subject: RE: 151187 & A-3-SCO-16-0100-Geisreiter

Dear Ms. Dunn,

I believe that Deidre Hamilton's comment should be interpreted to mean that the changes to the proposed garage approved subject to Minor Variation 131264, complied with the provisions of Section 13.20.100(A) at the time that the application was processed. She was not suggesting that the as-built structure had been, or should be, approved subject to a Minor Variation.

However, as noted by Wanda Williams: "As additional information was received and reviewed for the property" (meaning the revised elevations and increased height of the as-built structure) "staff determined that the cumulative impact of the combined project changes would not (emphasis added) be consistent with the intent of Section 13.20.100(A) and that for Code consistency, the protection of Coastal areas and more importantly for due process affecting all affected parties, the matter should be referred to the Planning Commission for review." Therefore, as set out in the staff report, review of all of the revisions to the original project, as approved under previous Coastal Development Permit and Variance 121143, were re-reviewed at a public hearing before the Planning Commission.

At the Planning Commission hearing my understanding was, that Commissioner Guth was discussing current County Code requirements regarding amendments to approved permits (in this case, Coastal Development Permit and Variance 12114) and how the item before the Commission (Amendment 151187) should be reviewed in light of the current regulations.

There have been no recent changes to the Santa Cruz County Code with regard to Amendments.

I hope that this provides the additional clarification you seek.

Lezanne

Lezanne Jeffs
Senior Planner
Development Review
Tel: (831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: Lynn Dunn [mailto:dunnreimers@mac.com]

Sent: Friday, December 30, 2016 10:06 AM

To: Steven Guiney <steven.guiney@santacruzcounty.us>; Wanda Williams <wanda.williams@santacruzcounty.us>

Cc: Ryan Moroney <ryan.moroney@coastal.ca.gov>; Susan@Coastal Craig <susan.craig@coastal.ca.gov>; Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>; Carole Groom <cgroom@smcgov.org>

Subject: Fwd: 151187 & A-3-SCO-16-0100-Geisreiter

Director Wanda,

1. Diedra Hamilton stated in her letter to Ryan Moroney on 12/22/16, " The appellants contend that because a Minor Variation was approved to make changes to the garage without a public hearing this was a violation of County code section 13.20.100(B).

AT THE TIME OF THE ISSUANCE OF THE MINOR VARIATION THE APPROVED PERMIT AND THE CODE DID ALLOW FOR SUCH A PROCEDURE.

Since the minor variation was approved the County Code was amended and the Coastal Permits were no longer to be amended with minor variation. "

2. At the Planning Commission Hearing in Aug. 2016, Commissioner Guth quoted Permit Amendment Code Section 1810.134(b)91) that specifically talks about what one can do in minor variations. Commissioner Guth would have known if LCP section 13.20.100 had changed in regard to Level 5 review of CDP.

3. When did the code change...TO ALLOW FOR SUCH A PROCEDURE ?

Lynn Dunn

Dear Commissioners,

The Santa Cruz County Board of Supervisors ruled to "recognize" Reed Geisreiter's new barn-like garage at the coastal end of 13th Ave. above Twin Lakes State Beach. Your appeal staff report from Ryan Moroney of the Central Coast District lists LCP violations (section D, page 8 of report) but finds they don't constitute a substantial issue. I feel two LCP issues, neighborhood compatibility and procedural deficiencies (CDP amendment without public notice) should be considered substantial issues.

The Moroney staff report pictures several tall houses in our Live Oak neighborhood and suggests their presence renders the 19 ft garage visually compatible. It doesn't feel that way to someone walking along 13th Ave. The two story garage at the street edge looms above the viewer way more than other neighborhood structures.

What we see is image size, not height. From the center of street facing the garage, looking first at ground level and then at the roof peak, your eye sweeps a vertical angle 49 degrees high, versus 37 degrees high for the tallest house (28 ft. high with the required setback). That visual angular height difference of 32% makes a huge difference.

Unfortunately, the County granted the variance to build at the street edge without regard for height, allowing a garage that is seen against the ocean horizon along 13th Ave from a block away as well as towering over viewers at the end of the street. It is certainly not visually compatible with the neighborhood.

Initially a single story garage plan was approved by the Zoning Administrator with a public hearing in 2013. The County allowed the garage to acquire a second story, dormer windows, and new 19 ft height without public notice. This clearly violated Santa Cruz LCP code requiring public notice, and deprived neighbors of their right to a hearing prior to construction.

Your staff report says "the County corrected all of the prior notice and hearing deficiencies by noticing and holding a public hearing before the Planning Commission on the present (CDP 15118) application" to recognize the as-built developments. I can't see how the public notice violation was "corrected" after the fact, because the two story garage would never have been built if the public had known of the design changes beforehand. Isn't this violation a substantial issue?

Thanks for reading this,

Roger Douglass
210 13th Ave
Santa Cruz, CA 95062

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JAN - 6 2017

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COASTAL COMMISSION
CENTRAL COAST AREA

From: Lynn Dunn <dunnreimers@mac.com>
Sent: Wednesday, January 04, 2017 4:53 PM
To: Groom, Carole@Coastal Commission; effie.turnbull-@coastal.ca.gov; Vargas, Mark@Coastal; McClure, Martha@Coastal; Kinsey, Steve@Coastal; erick.howell@coastal.ca.gov; Uranga, Roberto@Coastal; Cox, Greg@Coastal; Faustinos, Belinda@Coastal; Orr, Trent@Coastal; Garcia-Erceg, Nidia@Coastal; sarah.gladegurney@coastal.gov; Diaz, Olga@Coastal
Cc: ExecutiveStaff@Coastal; Craig, Susan@Coastal; Leal Law LLP; Roger Douglass; Andrew F. Pierce
Subject: Fwd: A-3-SC0-16-01000 APPEAL

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JAN - 6 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1. Dear Gentlepersons:

I would like the following documents considered in support of the appeal to the approval of the 19 foot garage built on the cliff bluff without permits by the port commissioner. I understand that they must be distributed to the commission and staff by 1/6/16 to be considered. (1) the 3 below succinct statutory arguments and (2) a series of photographs showing the public view of ocean and sailboats are negatively impacted, taking away about 30% of the former view.

MINOR EXCEPTION STATUTORILY BARRED AS OVER 5% INCREASE

The minor exception statute was not amended to allow such a procedure for more than 5% increase in height, or about 6 inches, (See CC §13.10.235)

2. NO EVIDENCE OF VIEWSHED CONSIDERATION

It seems like there is some discrepancy as to what height was initially approved and what height was there before and whether findings were made as to no impact on "Public Viewshed" as defined by Wikipedia, and excluding that beyond the horizon—"the great blue beyond" as Wanda Williams called it.

Apparently no "line of sight" analysis was done for the underlying permit as is custom and practice. Nor was it done after the illegal construction. A line of sight analysis would consider those public ocean views from where 13th and Prospect intersect, a busy thoroughfare for bicyclist and walkers. A geometric "Visibility Graph" of the Euclidean plane would show that the previous ocean and sailboat view has been completely obstructed from 200 yards away where the garage is built, now only a portion of the ocean can be seen. The photographs considered standing 10 feet away from a wall 10 feet high or 19 feet high is indistinguishable, but farther back negatively impacts the public viewshed which was not considered. As such no "Findings" were made as required by statute. There must be some custom and practice to be associated with official findings, unless Wanda Williams makes the call from her desk as custom and practice. I think the photo with the sailboat from the intersection would better depict the viewshed.

A public official should be particularly very careful to follow the rules, the roof was raised to 19+ feet on a whim one day without permits.

GARAGE VARIANCES CAP OUT LIMIT ON GARAGE HEIGHT

Bluff construction enjoys a variance with respect to set back requirements when on the bluff so that a garage can be maintained. However the height limit under these multiple variances is 17 feet. (See CC§13.10.684(16))—There may be another statute on this as well.

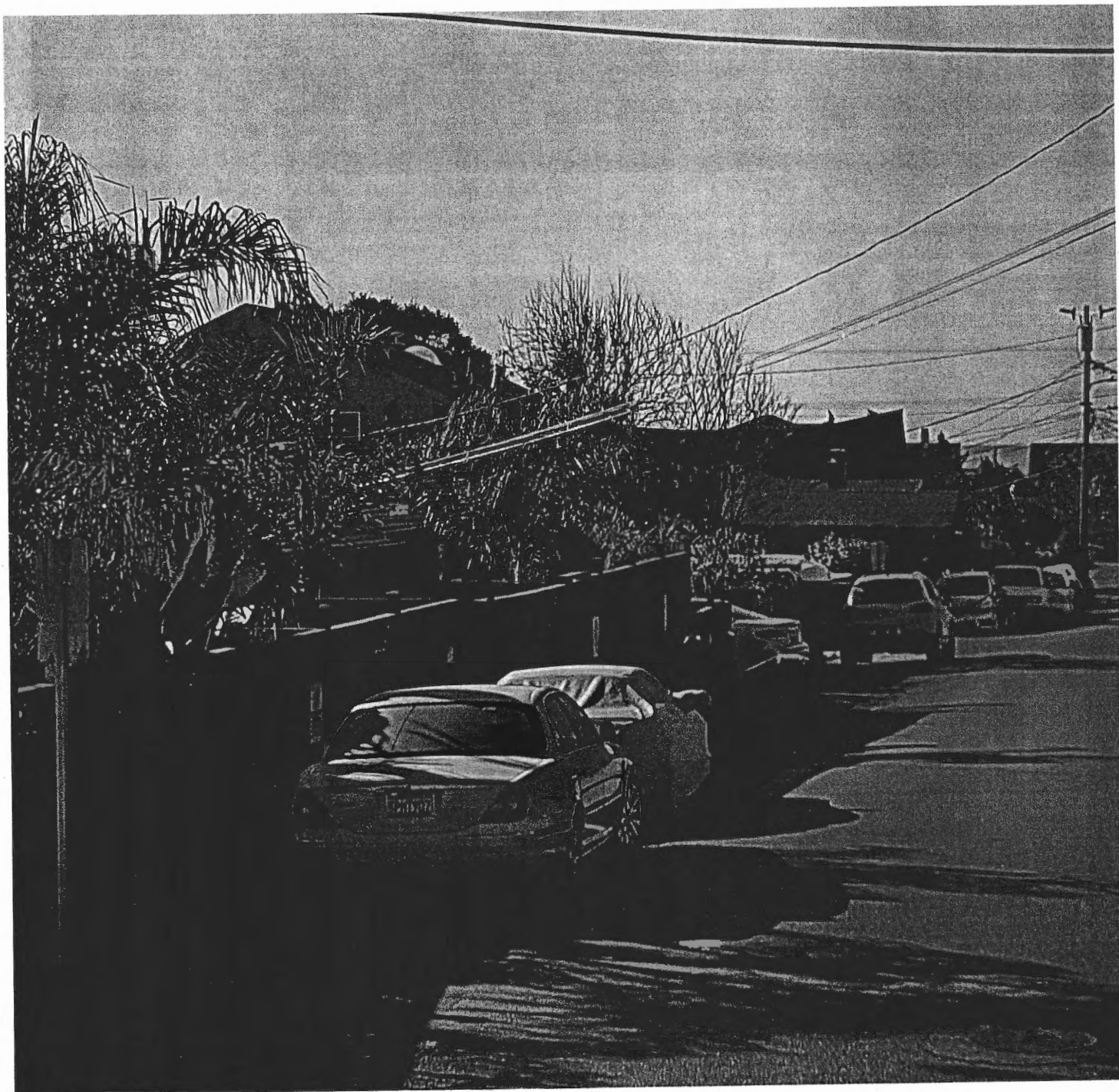
Best Regards,

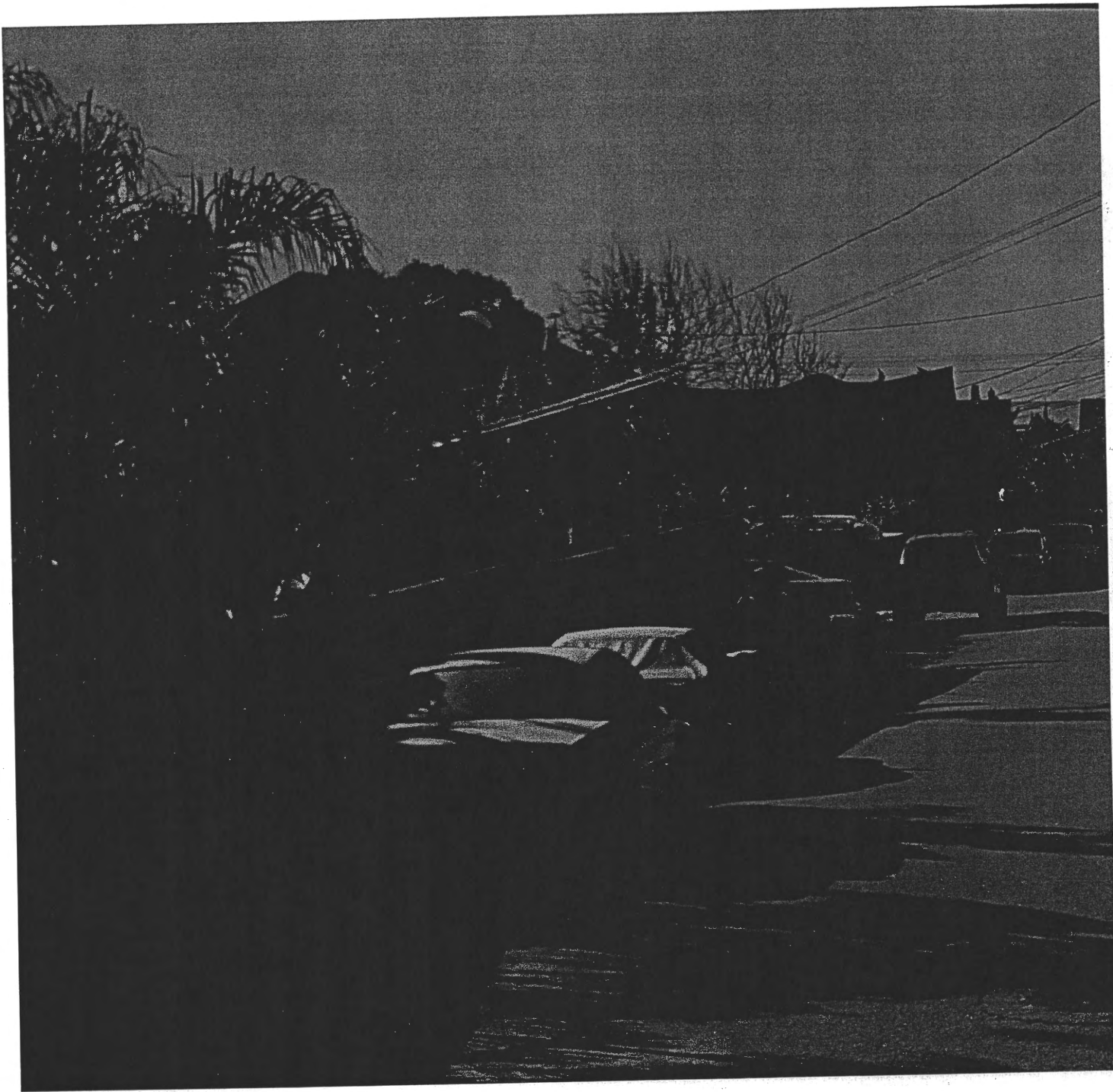
Matt Leal

RECEIVED

JUN 8 1991

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA









From: Lynn Dunn <dunnreimers@mac.com>
Sent: Wednesday, January 04, 2017 11:49 AM
To: ExecutiveStaff@Coastal
Cc: Groom, Carole@Coastal Commission; Craig, Susan@Coastal; Leal Law LLP; Roger Douglass
Subject: Fwd: A-3-SC0-16-01000 APPEAL

RECEIVED

JAN - 6 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1. Dear Gentlepersons:

I would like the following documents considered in support of the appeal to the approval of the 19 foot garage built on the cliff bluff without permits by the port commissioner. I understand that they must be distributed to the commission and staff by 1/6/16 to be considered. (1) the 3 below succinct statutory arguments and (2) a series of photographs showing the public view of ocean and sailboats are negatively impacted, taking away about 30% of the former view.

MINOR EXCEPTION STATUTORILY BARRED AS OVER 5% INCREASE

The minor exception statue was not amended to allow such a procedure for more than 5% increase in height, or about 6 inches, (See CC §13.10.235)

2. NO EVIDENCE OF VIEWSHED CONSIDERATION

It seems like there is some discrepancy as to what height was initially approved and what height was there before and whether findings were made as to no impact on "Public Viewshed" as defined by Wikipedia, and excluding that beyond the horizon—"the great blue beyond" as Wanda Williams called it.

Apparently no "line of sight" analysis was done for the underlying permit as is custom and practice. Nor was it done after the illegal construction. A line of sight analysis would consider those public ocean views from where 13th and Prospect intersect, a busy thoroughfare for bicyclist and walkers. A geometric "Visibility Graph" of the Euclidean plane would show that the previous ocean and sailboat view has been completely obstructed from 200 yards away where the garage is built, now only a portion of the ocean can be seen. The photographs considered standing 10 feet away from a wall 10 feet high or 19 feet high is indistinguishable, but farther back negatively impacts the public viewshed which was not considered. As such no "Findings" were made as required by statute. There must be some custom and practice to be associated with official findings, unless Wanda Williams makes the call from her desk as custom and practice. I think the photo with the sailboat from the intersection would better depict the viewshed.

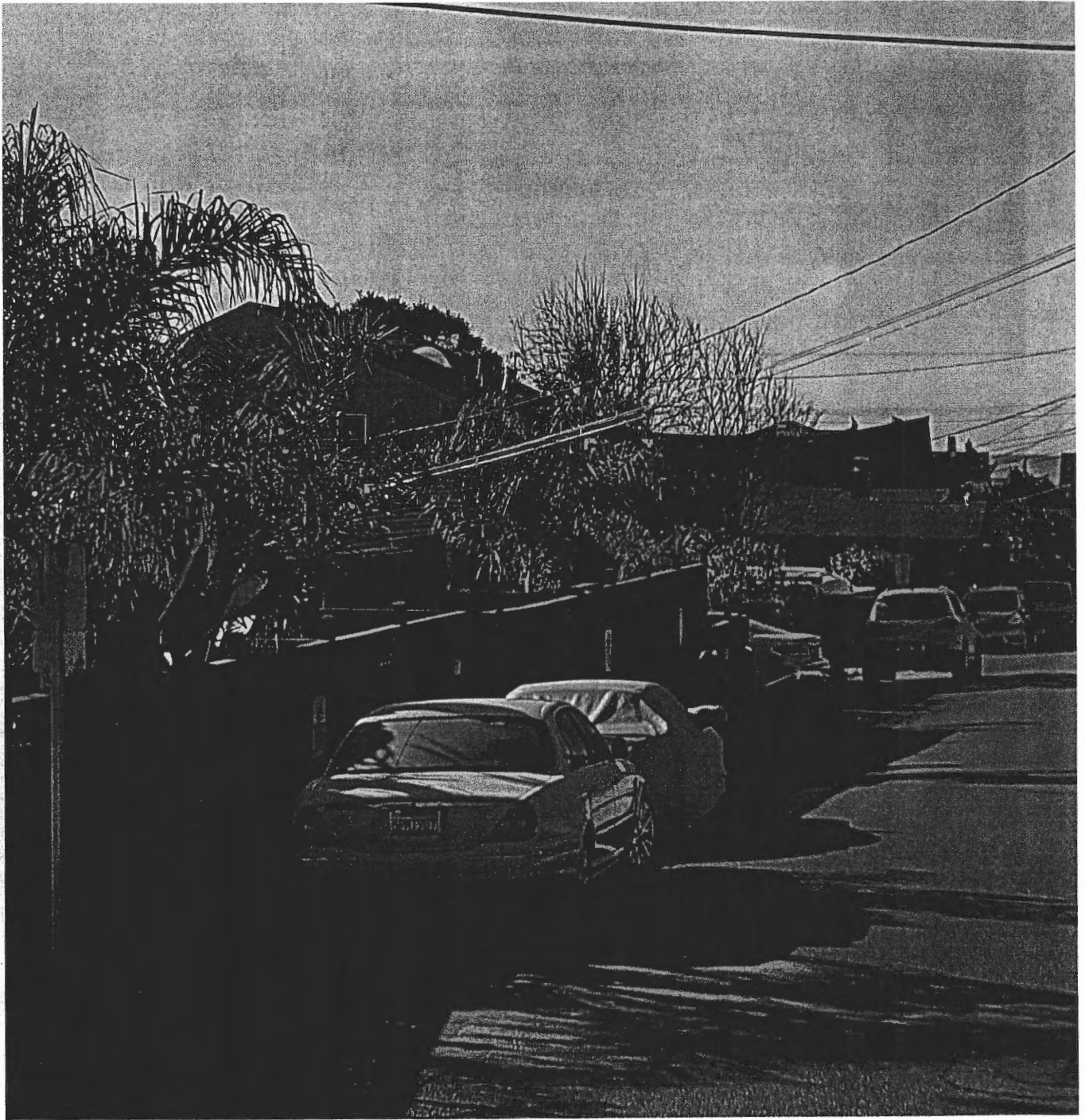
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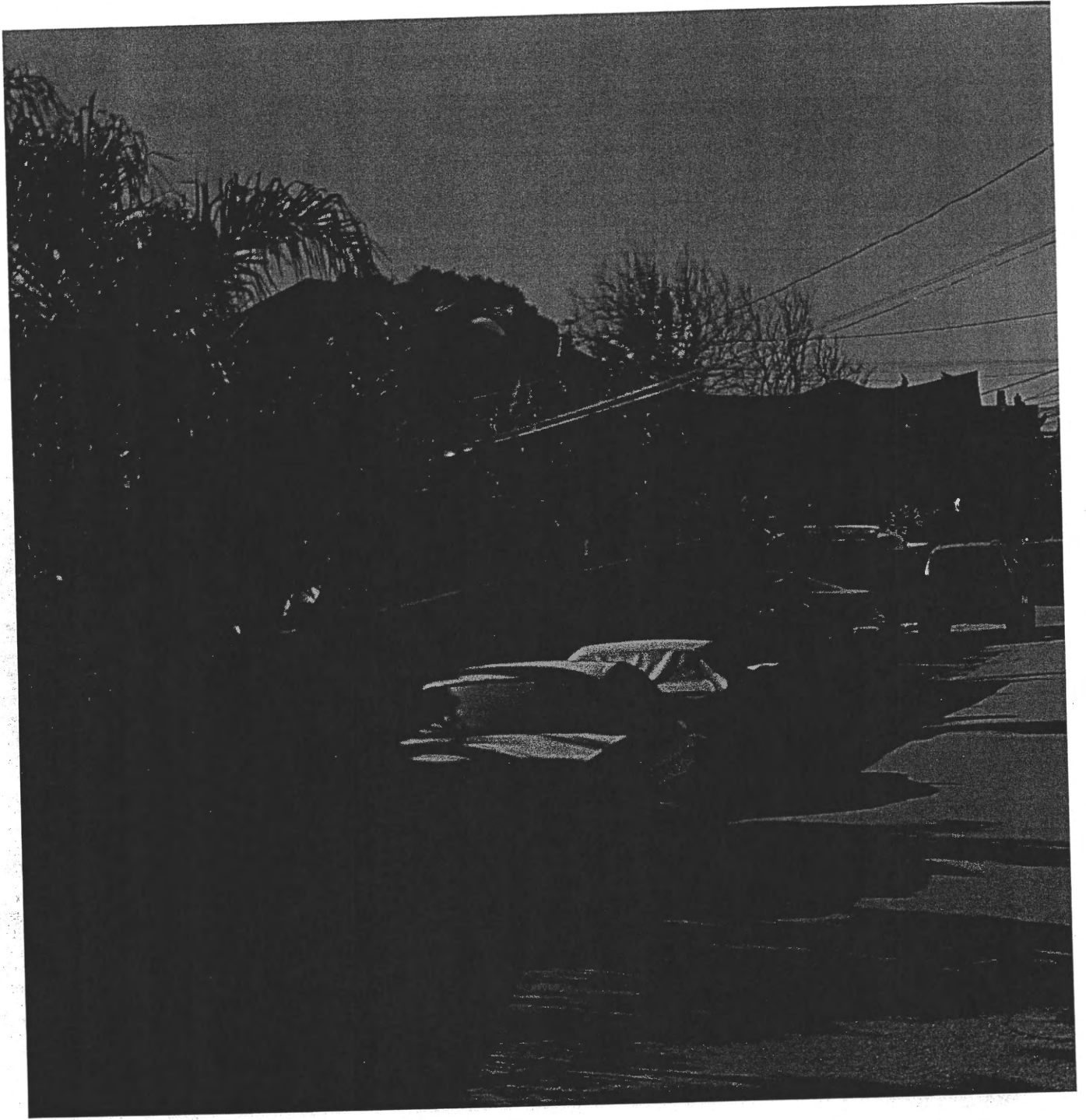
3. GARAGE VARIANCES CAP OUT LIMIT ON GARAGE HEIGHT

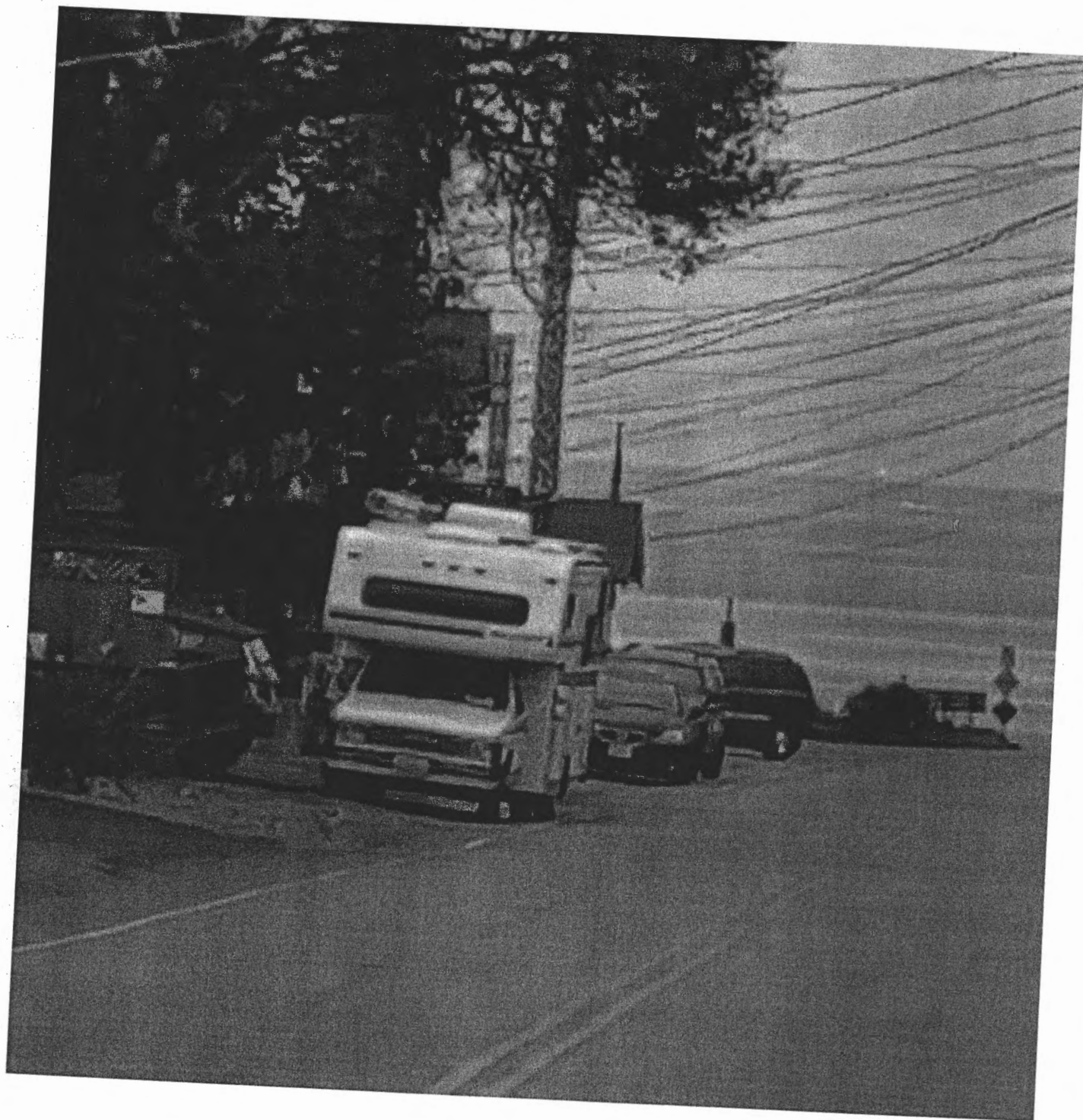
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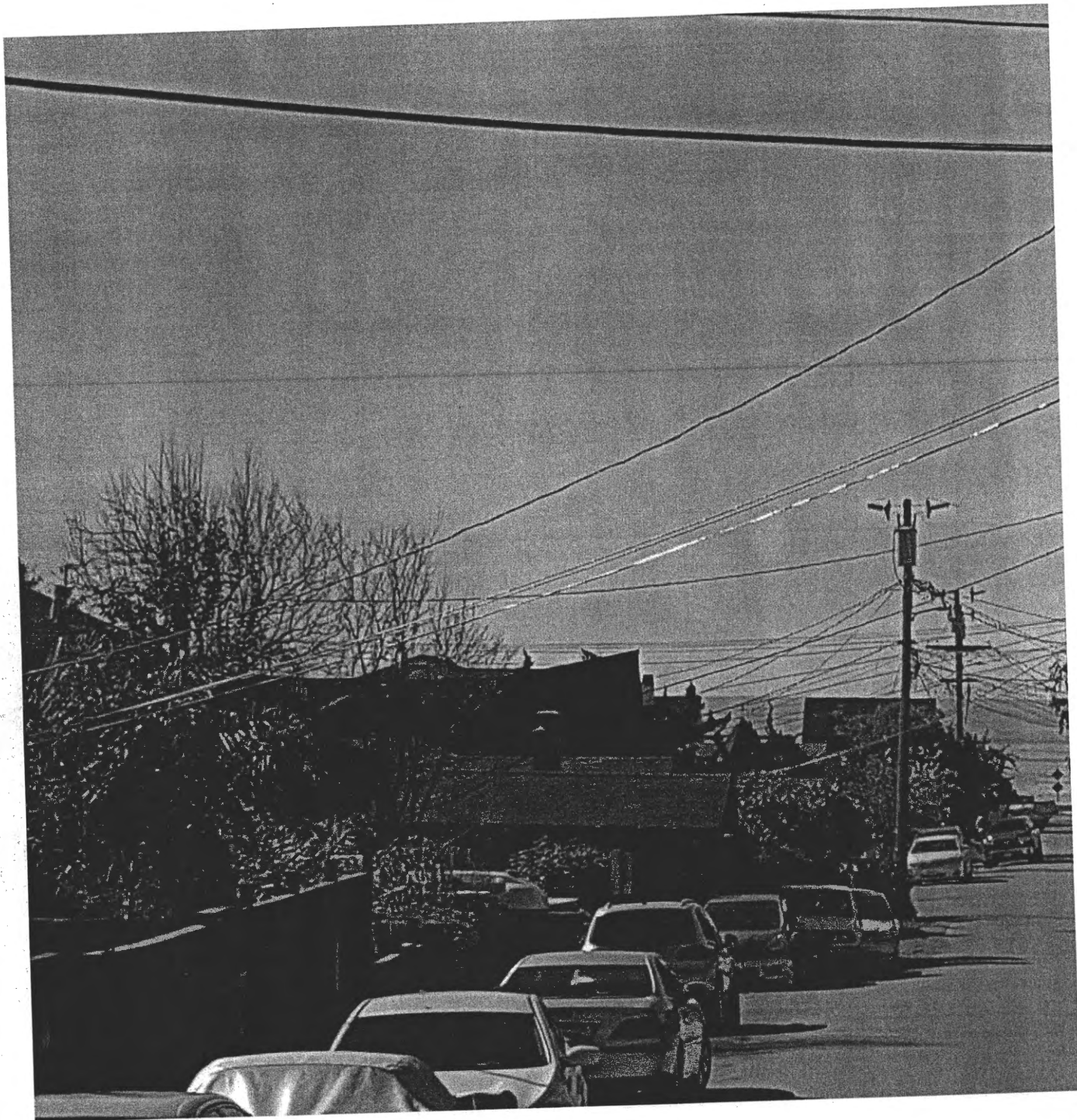
Best Regards,

Matt Leal









VIA U.S. MAIL and EMAIL

January 6, 2017

Ryan Moroney
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Email: ryan.moroney@coastal.ca.gov

**Re: Appeal of Lynn Dunn and Charles Reimers
Appeal No. A-3-SCR-16-0100
of Coastal Development Permit 151187**

Dear Mr. Moroney and Members of the California Coastal Commission:

We are the attorneys for Lynn Dunn and Charles Reimers with respect to this appeal of the Coastal Development Permit granted, after the fact, to Santa Cruz County Port Commissioner Reed Geisreiter.

This appeal raises substantial issues and should be given a full *de novo* hearing. Pursuant to Public Resources Code § 30625(b)(2) the Coastal Commission is directed to hear all appeals from local jurisdictions unless it determines "that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603." In *Alberstone v. California Coastal Commission* (2008) 169 Cal.App.4th 859, 863-864, the Court held that in this context a substantial issue is defined as one that "presents a significant question as to conformity with the certified local coastal program." The Santa Cruz County Planning Commission was divided in its decision, voting 3 to 1 for approval. The Appeal Staff Report for this appeal A-3-SCR-16-0100 acknowledges, on p.12, that the variance was not "appropriate" and that there was "LCP inconsistency" in the approval of the variance. Moreover, Santa Cruz County Code 13-10.235 allowing Minor Variations only allows a five percent increase in allowed height, whereas the increase in this case was over ten percent. Appellants respectfully submit that several substantial issues exist here that warrant at least the courtesy of a hearing.

This case involves a two-story accessory structure immediately adjacent to the coast which includes potential living space/storage space. The structure intrudes into the zoning offset and was never approved prior to construction, as the Coastal Development Permit application and subsequent so-called "Minor Variation" did not disclose that the height would be raised from the original plans. A Minor Variation was approved by Santa Cruz County staff administratively without public notice or a hearing. The Coastal Commission's Appeal Staff Report notes that it "does not believe that the Applicant's desire for additional storage space warranted approval of the second story and additional garage height which

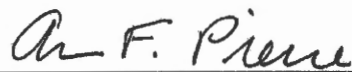
should have been restricted through the variance process ... the variance approval should have been more narrowly tailored to meet a particular identified need ... and otherwise conditioned to limit the height of the structure to one story since there was not an appropriate basis to allow for a second story to the garage structure.” See pp.11-12. Indeed, the Appeal Staff Report acknowledges that “staff does not believe that the variance approval was appropriately tailored to address these legitimate parcel constraints without also granting a special privilege to the Applicant and causing unnecessary impacts to the community character of the neighborhood[.]” Appeal Staff Report, p.2.

There is a significant impact on the public viewshed from 13th Avenue, a busy thoroughfare for bicyclists and walkers. Ocean and sailboat views have been obstructed from 200 yards away. This in combination with a fence creates an apparent private appropriation. Chairman Guth of the Santa Cruz County Planning Commission acknowledged that “this has the look of a gated compound, which to me is also contrary to coastal design by mandate ... if this call was a really, really, really close one, now that it got bigger than what was approved, it may not have ever been approved this way.” See Transcript of Audio Recording of County of Santa Cruz Planning Commission meeting of Aug. 24, 2016 at pp.30-31. Commissioner Lazenby of the Santa Cruz County Planning Commission also noted that “it also is extremely noticeable from the public viewshed of the beach.” Aug. 24, 2016 Transcript at p. 82:12-14. The Live Oak area with over one million visitors each year is a case study of shoreline privatizing and this project marks a further effort to obstruct the viewshed and privatize the owner’s own views.

There is a third reason why a full commission hearing should take place. It is necessary to avoid the appearance of favoritism and impropriety. The Appeal Staff Report acknowledges that the applicant may be viewed as having received a “special privilege”. See Appeal Staff Report p.2. The applicant was Reed Geisreiter, a member of the elected Santa Cruz Port Commission. His property was red-tagged for unpermitted basement construction. This project was required because his garage was in violation before construction began. The appearance created when Mr. Geisreiter, without public hearing, received approval for an “as built”, illegal, second story which was never approved prior to construction is that he is above the law – he can build a two-story structure when staff would not have approved it and force it down the public’s throat through a Minor Variation after the fact. There is widespread neighborhood dissatisfaction and dismay over the appearance of favoritism here. The only way to correct this is to have a non-County-affiliated body hear the matter *de novo* on its merits. The integrity of the system of coastal building regulation demands that this erroneous decision be reviewed after a full hearing by an independent body. Indeed, that is the very purpose of the Coastal Act.

Very truly yours,

PIERCE & SHEARER, LLP

A handwritten signature in dark ink, appearing to read "A. F. Pierce". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew F. Pierce

AFP/jb

CC (by email only):

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