

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th12a

Prepared August 7, 2017 for August 10, 2017 Hearing

To: Commissioners and Interested Persons
From: Susan Craig, Central Coast District Manager
Subject: **Additional hearing materials for Th12a**
Appeal Number A-3-SCO-17-0037 (Britt)

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.

Carrie and Randy Zar
418 Coates Drive
Aptos, CA 95003

RECEIVED
AUG - 7 2017
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 3rd, 2017

California Planning Commission
26800 Mulholland HWY
Calabasas, CA 91302

RE: A-3-SCO-17-0037
355 Coates Drive
Aptos, CA 95003

Hi Rainey,

After reviewing the plans and speaking with Doug Brit we understand that his project is consistent with the 14 foot height from the street of Coates Drive Seacliff Park Ocean Bluff Subdivision #1. Their plans are also consistent with the deed restriction which were put in place in 1924 for the homes on Ocean Bluff properties only in subdivision #1. These homes have remained in at this height for the last 90 years which the County of Santa Cruz has upheld using the compatibility of the neighborhood.

It's unfortunate that the Brits were caught up in this controversy over the possibility of 2 story homes being built on the ocean bluff in Seacliff Park Subdivision #1. The recent push for new and bigger homes in our area has put much fear in the neighborhood to stop development before it's too late. This project will not break that 90 year precedent that is in place. Because of that fact we support this project.

Please feel free to contact me if you feel it is necessary.

Sincerely,
Carrie Zar
Randy zar
831-234-8507

MILES J. DOLINGER

ATTORNEY AT LAW | Real Estate | Land Use | Litigation

314 Capitola Avenue, Capitola, CA 95010

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July 31, 2017

California Coastal Commission
c/o Central Coast District Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060-4508

AUG 04 2017

CALIFORNIA

Re: Appeal No. A-3-SCO-17-0037
Date Filed: July 17, 2017
District: Central Coast
355 Coates Drive, Aptos, California
APN 038-216-28

Dear Members of the Coastal Commission:

My office represents Douglas and Kelly Britt, who are the owners of the property at 355 Coates Drive in Aptos, Santa Cruz County (the "Subject Property"), and who are the applicants for the project that is the subject of the above-referenced appeal.

The Britts' project, which was approved unanimously by the Santa Cruz County Planning Commission on June 14, 2017, project is to remodel a small, single-story existing house located on the bluff above Seacliff State Beach, which includes a 140-square-foot addition to the entryway, a two-foot increase in the height of the roof (the home remaining one-story), interior remodeling, drainage improvements and a minor lot line adjustment (the "Project").

The Britts oppose the July 17, 2017 appeal filed by the Seacliff Ocean Bluffs Association and Sharon Lai (collectively, "Appellants"), and request the Commission to deny the appeal because it fails to raise a "substantial issue", based on any credible, substantial evidence, that the Project does not conform to any standards set forth in the 1994 Santa Cruz County General Plan/Local Coastal Program ("LCP") or does not conform to any public access policies set forth in the Coastal Act, as required by Public Resources Code section 30603.

The Project will not increase the exterior footprint of the existing house, it will only increase the existing roofline by approximately two (2) feet (with an approved 6-inch buffer) (thereby having an insignificant impact on any public viewshed), and will actually reduce storm water runoff impacts to the bluff and arroyo at the Subject Property. The Project meets all Santa Cruz County development restrictions for the R-1 zone, including height (28-foot maximum), setbacks, FAR and lot coverage. The slightly raised roof will be 13'-10" above existing grade when measured from the front, street side of the house, and 16' above existing grade at its highest

point, as measured from the middle of the house. Furthermore, the maximum roof elevation will only be 12'-6" above the street elevation.

Appellants have presented no substantial evidence to support their arguments that the Project will create or exacerbate any existing geologic hazards, or will negatively impact the "Beachgate" public access way to Seacliff State Beach.

The issues raised by Appellants are either unsupported by any substantial evidence or do not involve an issue of LCP or Coastal Act compliance. (See "Reasons for Appeal" attachment to Appellants' Appeal from Coastal Permit Decision of Local Government.) These issues are addressed in turn below.

Alleged Visual Incompatibility -- Public Viewshed

Appellants' Appeal alleges that "[s]ignificant increase in height will have a major impact on the public viewshed from the State Park and the Beachgate Way", that "355 Coates is already the most visible structure on the Coates bluff as seen from the Seacliff State Park", and "the property overhangs the Beachgate Path..." All of these allegations are false.

Any Project-related impacts to the public viewshed from Seacliff Beach or from Coates Drive will be minimal and insignificant. As viewed from the beach, the existing house on the Property is not the most visible because it is partially obscured by trees and minimally visible from both the public bathroom area along the road at the foot of the bluff below the Subject Property (see photo attached hereto as **Exhibit A**, which was taken by the author on May 25, 2017), and from the water line at the beach (see photo attached hereto as **Exhibit B**, taken by the author on May 25, 2017). The Project will only raise the existing roofline to 13'-10", as measured from the north/front side of the house. (See elevation plan attached hereto as **Exhibit C**.) The height and mass of the Project will continue to be proportionate to and consistent with nearby blufftop homes as viewed from the beach below. (See photo attached hereto as **Exhibit H**.) The Subject Property does not "overhang" the Beachgate Path, but is sited on top of the bluff above the path and the gully, and the house is barely visible, if at all, from the Beachgate path.

Finally, Appellants' representation that "Coates Drive has sweeping views of Monterey Bay" is not true. From the vast majority of Coates Drive itself, the view of the Bay is totally obscured because of the existing row of houses on the bluff. There are obviously sweeping views from the blufftop houses and from portions of the second stories and other houses in the neighborhood with windows that have a view of the line of blufftop houses. The Britts' increase in the roof height by two (2) feet will not significantly change ocean views from the neighborhood from current conditions.

Thus, for all of these reasons, the Project is “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...”, as required by Public Resources Code section 30251.

Alleged Visual Incompatibility – Neighborhood

Appellants allege that the Project is “not consistent or compatible with the single-story structures along this row of houses and would cause a substantial change in the pattern of existing buildings.” This is not an issue involving and LCP or Coastal Act public access policies, and Appellants have not alleged in their Appeal any specific violations of any of these requirements.

Appellants contend that all of the homes located on the bluff in the vicinity of the Subject Property (333-355 and 403-421 Coates Drive (odd numbers only)), are under 14’ high, and that the Project would not be visually compatible with this row of homes. That allegation is false. First, several nearby houses on the bluff are taller than 14’ feet: the house at 353 Coates Street, which is immediately to the west of the Subject Property, is approximately 15.8 feet tall, as measured by Mr. Britt (see photo attached hereto as **Exhibit D**); the house at 357 Coates, which is immediately to the northwest of the Subject Property, is two stories and significantly taller than 14’ (see photos attached hereto as **Exhibits E-1 and E-2**); and the house at 403 Coates, which is directly across the arroyo/Beachgate trail from the Subject Property, is two stories high and obviously taller than 14’ (see photos attached hereto as **Exhibits F-1 and F-2**). Furthermore, there is an ongoing construction project at 341 Coates Drive, which changed the formerly flat roof to two pitched roofs that are approximately 15’ and 16’ high, respectively (see photos attached hereto as **Exhibits G-1 and G-2**).

Thus, for all of these reasons, the Project is “sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas,” as required by SCCC section 13.20.130(A).

Alleged Landslides and Sink Holes Affecting Beachgate Path and Beach Access

Appellants allege that there are slide and sinkhole issues along the Beachgate Path public access to Seacliff State Beach that have not been properly addressed. This is not an issue involving compliance with LCP or Coastal Act public access policies because the Project will have no effect on the Beachgate Path, and Appellants have not alleged that any particular LCP or Coastal Act public access policies or requirements are being violated.

Appellants’ appeal fails to present any expert opinion or other substantial evidence to support their allegations that, “[t]hese bluff failures...clearly will require months of reconstruction before

the stability of the bluff can be assessed”, “[a]dditional work on that area could undermine it further and/or interfere with State Park easement”, and “impact of the proposed work and lot adjustment to the Seacliff State Park easement and preservation of the Beachgate path needs to be ascertained.”

Simply put, there are no landslides on the Britts’ property and the remodel Project will have no negative effects on the Beachgate Path. If anything, the Project will improve existing natural erosion conditions on the bluff edge above the Beachgate Path and in the gully because the Project includes an engineered drainage system to keep storm water from draining over the bluff edge.

The Britts dispute Appellants’ allegations that there are mudslides and/or sinkholes in the vicinity of the Subject Property, the Britts dispute that any alleged mudslides or sinkholes will affect the Subject Property, and they dispute that the Project will have any adverse effects on any existing geologic conditions in the vicinity of the Subject Property. In contrast to Appellants’ unsubstantiated opinions and speculation about technical geological issues, the Britts did have a qualified geologist analyze the issue, and he concluded that the Project will have no impact.

These issues were addressed in a June 3, 2017 letter by Zinn Geology, a copy of which is attached hereto and incorporated as **Exhibit I**. In that letter, Zinn Geology concluded as follows:

In our opinion, the proposed residential project will NOT create or exacerbate any existing geological hazards and attendant risks. The proposed remodel project does not move the residence outward toward the steep slopes that flank it and the proposed drainage improvements will actually decrease the future potential for erosion and shallow landsliding on and below the subject property.

.... ¶ All of the erosion and landslides that occurred this past winter directly below the subject property were small and shallow and mostly involved the thin layers of soil that are perched on top of the Purisima Formation bedrock that underlies the bluff. Past erosion and small shallow landslides that occurred directly below the subject property within the Marine Terrace Deposits appear to have been triggered by poorly controlled storm water drainage, which will be rectified if the currently proposed storm water drainage system is allowed to be constructed.

Given the above findings, it is our opinion that a geological investigation is unnecessary for the project.

Participation by State Parks

Appellants complaint that California State Parks did not participate in the public review process. This is not an issue involving and LCP or Coastal Act public access policies, and Appellants have not alleged in their Appeal any specific violations of any of these requirements. Regardless, Santa Cruz County's record of proceedings does include evidence that the County gave notice of the Project to State Parks, and apparently, State Parks had not concerns about the Project and did not submit any comments. No part of the Project is on State Parks land.

Alleged "Hazards"

Under the heading "Hazards", Appellants' appeal seems to be arguing that the Britts' home renovation Project should have included the Britts' unrelated retaining wall project, and thus, they seem to be alleging that the Britts were required to complete a geologic hazards report pursuant to the County's Geologic Hazards Ordinance. This is not an issue involving and LCP or Coastal Act public access policies, and Appellants have not alleged in their Appeal any specific violations of any of these requirements. LCP Policy 6.2.12 does not apply because the Project will not be changing the existing footprint of the existing house

Note that LCP Policy 6.2.1 requires a geologic hazards assessment of all development that is potentially affected by slope instability. The Project does not include upgrading or relocating the existing foundation, and there is no evidence that the Project will be potentially affected the slope stability.

Furthermore, the County Geologist has determined, pursuant to his authority under SCCC section 16.10.050(B), that a geologic hazard assessment is not required for this Project because there is adequate geologic information on file. Section 16.10.050(B) states as follows:

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

In this case, the County Geologist determined, at least implicitly, there was adequate information on file so as not to require a formal geologic hazard assessment for this particular remodel Project. That information includes, but is not limited to: a geological investigation by Zinn Geology, dated December 2, 2016 and April 22, 2017 (final revision); the June 3, 2017 letter by Zinn Geology (**Exhibit I**), and a March 16, 2017 letter from Zinn Geology (a copy of which is attached hereto and incorporated as **Exhibit J**). In the March 16, 2017 letter, Zinn Geology explained that the County Geologist requested an opinion from Zinn Geology, as the Project Geologist, as to whether a geologic investigation and report was required for the house remodel project. In the letter, Zinn Geology opined that such a report was not required because the house is not being expanded toward the coastal bluff or the arroyo, and because the drainage improvements included in the house remodel project will reduce the flow of storm water runoff onto the coastal bluff and arroyo flank, thereby improving the existing conditions. At the June 14, 2017 Planning Commission hearing, the County Geologist stated that he was comfortable with the analysis contained in the June 3, 2017 Zinn Geology letter.

Regarding the 2002 USGS report, the June 3, 2017 Zinn Geology letter (**Exhibit I**), opined that:

The appellant's repeated citation of the 2002 USGS (Hapke et al., 2002) analysis is misguided, mainly because the work by the USGS is not a replacement for detailed site-specific work prepared by a properly licensed geologist. Furthermore, the USGS measurements are wrong, simply because they appear to have incorrectly identified the location of the top of the coastal bluff with the data sets with which they were working. On a final note, the presentation of the overly broad and select findings by the appellants and incorrectly presenting those findings as facts undermines the geological credibility of their appeal.

For all these reasons, the Project does not require a geologic hazards assessment or report, and the Project does not include any development activities that could require reductions to existing setbacks (which the Britts have a vested right to maintain). The Britts will comply with any applicable LCP or Coastal Act requirements as part of their separate retaining wall project.

Final Local Action Notice (FLAN)

Finally, Appellants' Appeal alleges that the FLAN from Santa Cruz County was incomplete and inadequate. Under Santa Cruz County Code section 13.20.111, "materials that further explain and define the action taken" need only be sent to the Coastal Commission (and not to other recipients), although the FLAN must include a list of all supporting materials provided to the Coastal Commission as part of the FLAN. The checklist on the FLAN cover page indicates the

materials that the County sent to the Coastal Commission. The referenced Staff Report to the Planning Commission included several exhibits. Appellants know what these exhibits are because they participated in the Planning Commission proceedings, and the referenced Staff Report and exhibits were posted on the County's webpage prior to the June 14th Planning Commission meeting. Furthermore, on approximately July 3rd or July 5th, 2017, Appellants went to the Santa Cruz Office of the Coastal Commission and were given a copy of the entire 134-page FLAN package.

On July 27, 2017, Nathan MacBeth, the Santa Cruz County Planning Department planner assigned to the Project, emailed a letter to the Coastal Commission, with courtesy copies to and Marina Buchman and Sharon Lai, giving notice of the Planning Commission's July 26, 2017 action confirming that additional elevation information was added to the Project elevation plans in the June 20, 2017 version of the plans in accordance with the Planning Commission's June 14th approval, and enclosing a copy of the June 20, 2017 plans (revised Sheets 5 and 6).

To the extent the FLAN did not strictly comply with all requirements of SCCC § 13.20.111 (which the Britts deny), any such error was harmless and not prejudicial to Appellants.

Neighborhood Support

Lastly, please note that the Britts' remodel project is supported by some of the neighbors on Coates Drive, one of whom explained that he was "misinformed" about the Britts intentions, presumably by the Appellants. (See emails attached herein and incorporated as **Exhibit K.**)

Conclusion

For all of the foregoing reasons, the Coastal Commission should find that Appellants' Appeal fails to raise a "substantial issue" that the Project does not conform to any standards set forth in the LCP or does not conform to any public access policies set forth in the Coastal Act, as required by Public Resources Code section 30603.

Yours truly,



Miles J. Dolinger

Attorney for Douglas and Kelly Britt

California Coastal Commission
Re Appeal No. A-3-SCO-17-0037
July 31, 2017
Page 8

Encls.

CC (by email only):

Doug and Kelly Britt
Dennis Norton

355 Contes



EXHIBIT A

355 Coates



EXHIBIT B



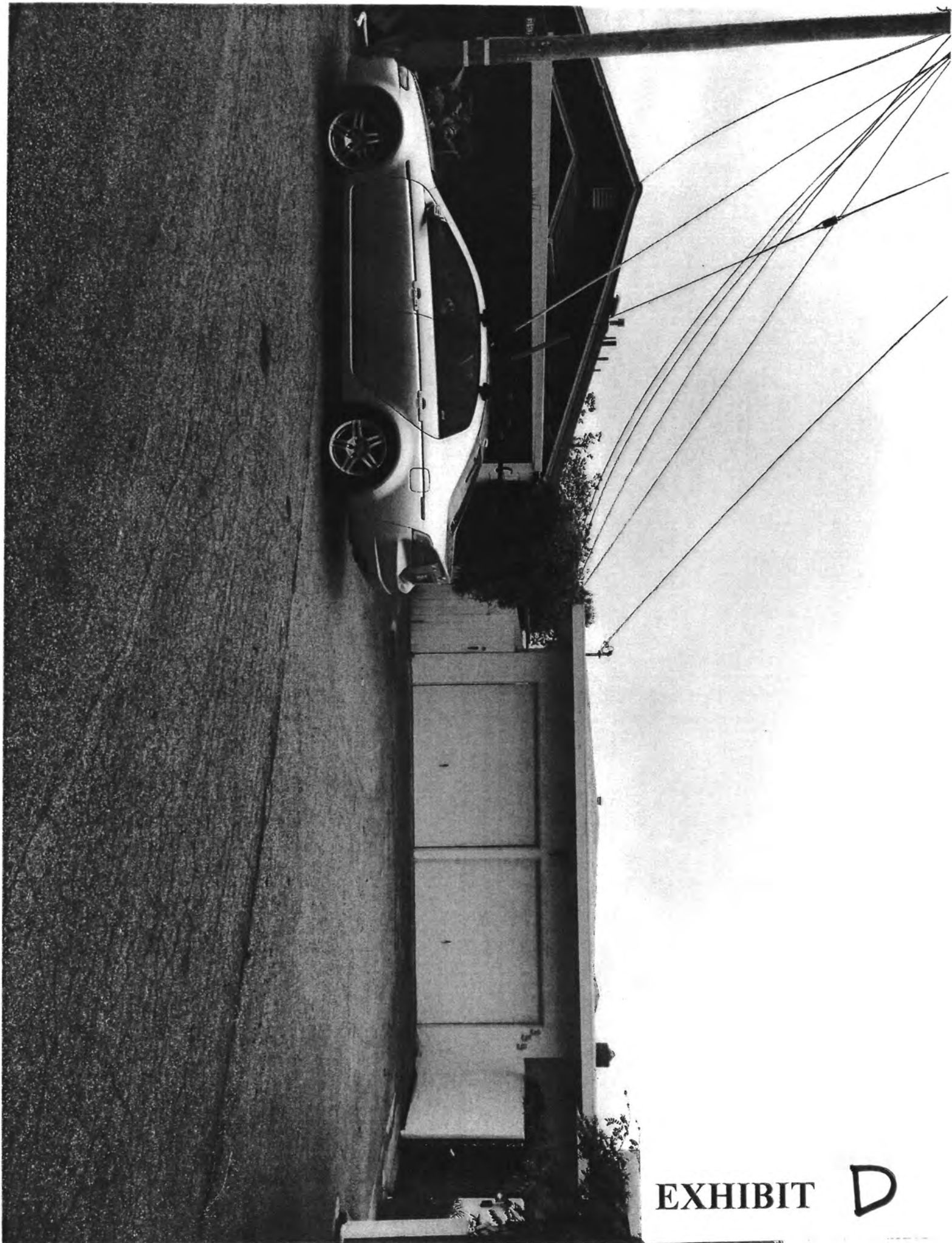


EXHIBIT D

357 Coates

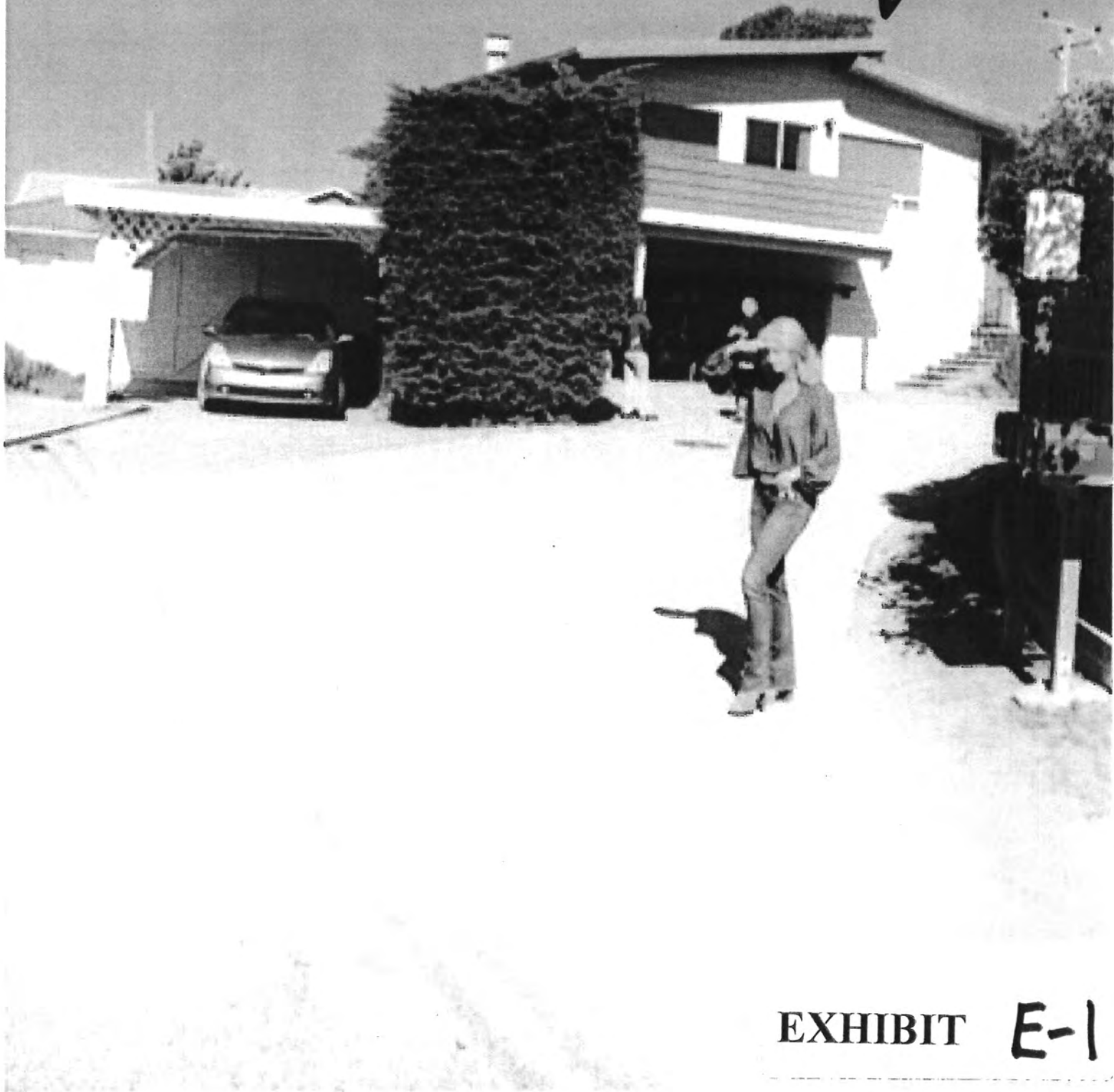


EXHIBIT E-1

357
Coates ↓

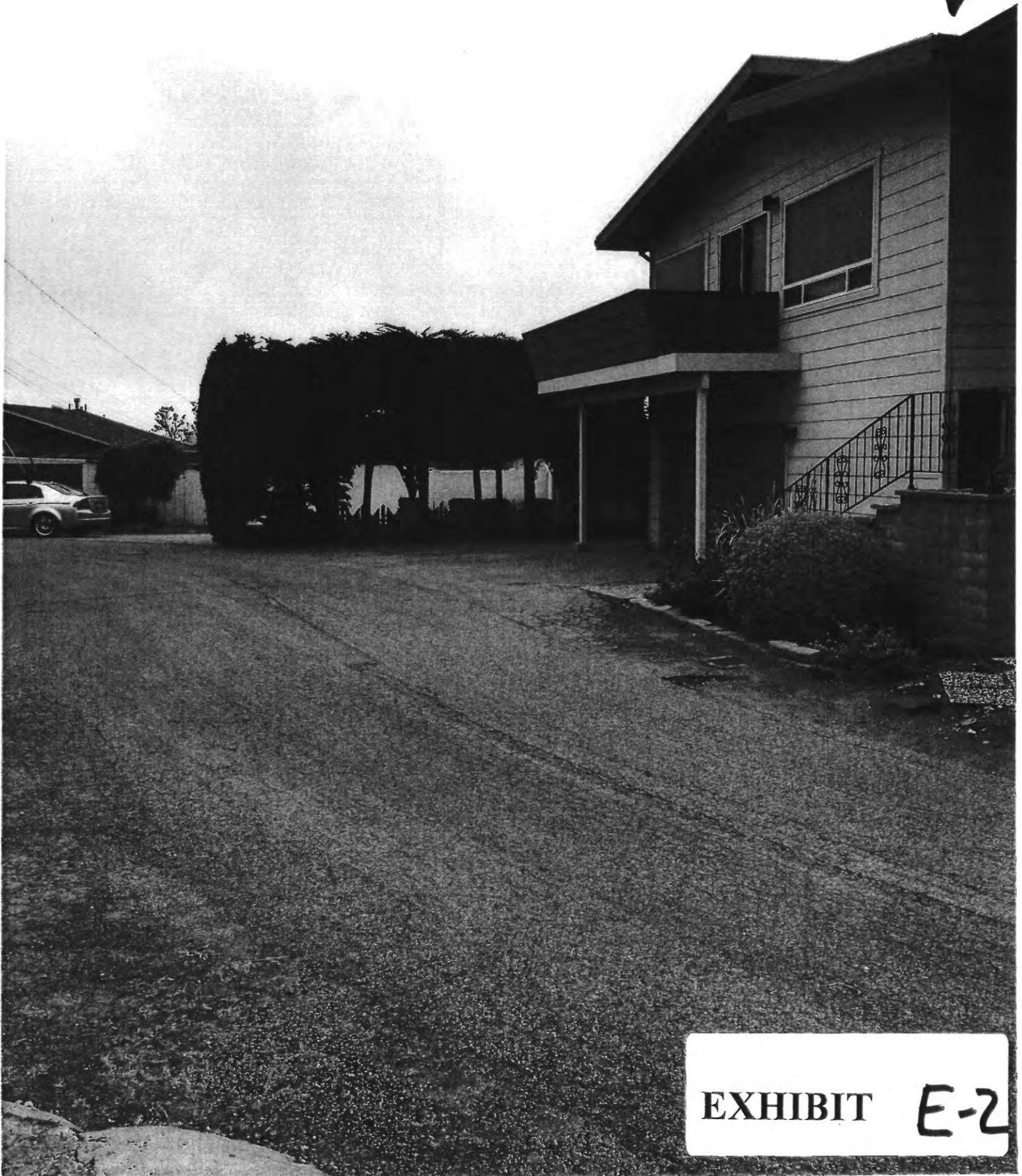


EXHIBIT E-2

403
Coates

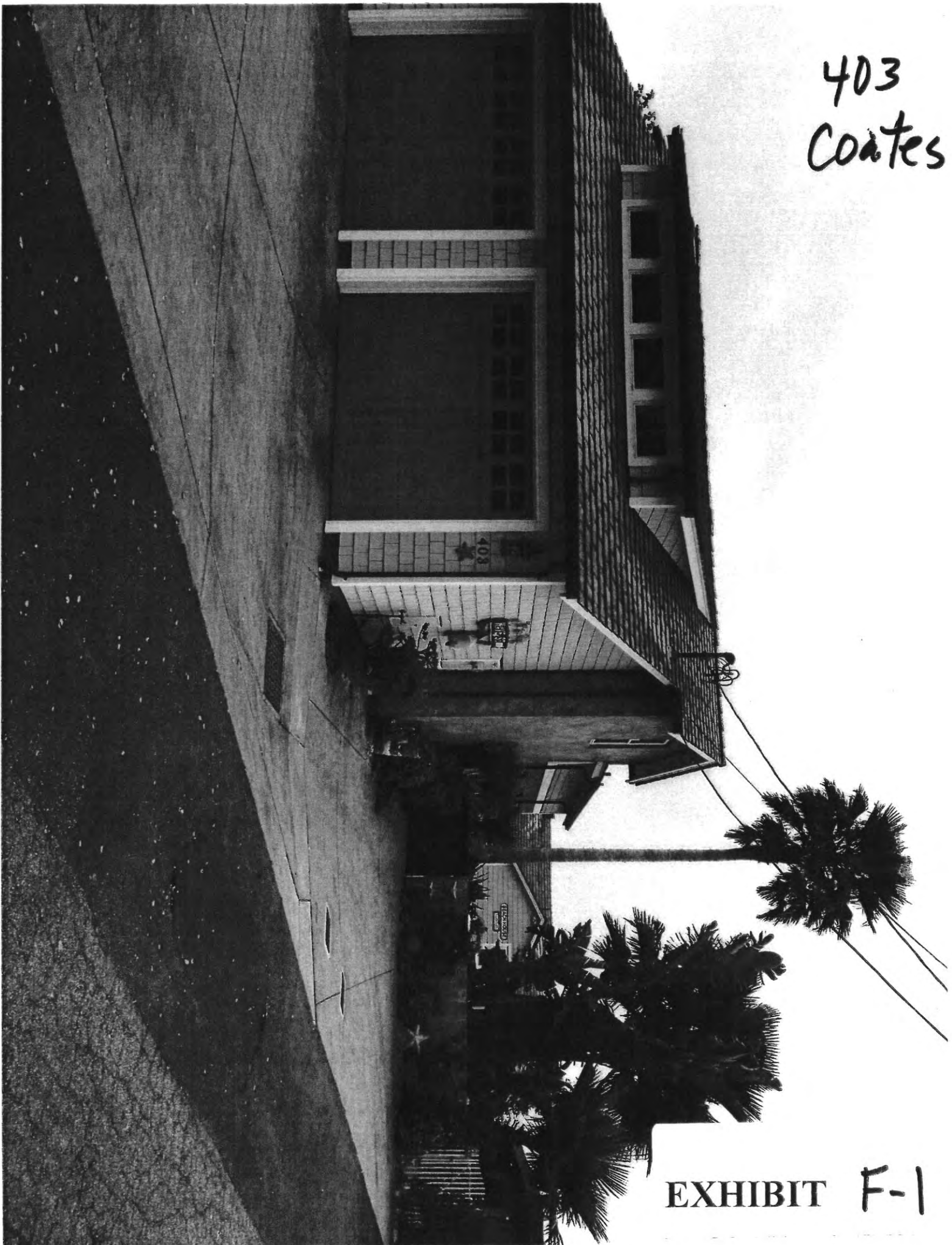


EXHIBIT F-1

403 Coates

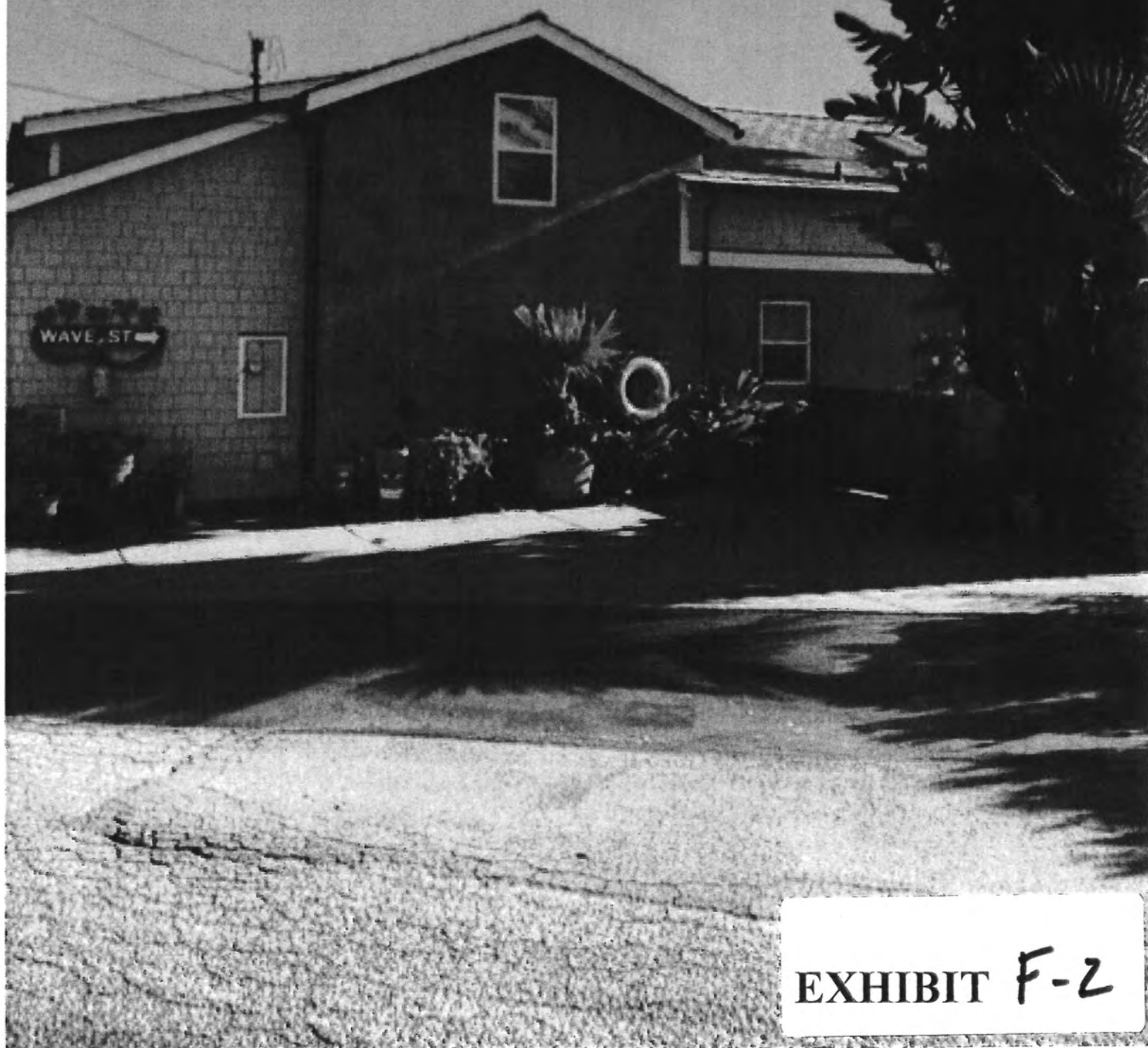
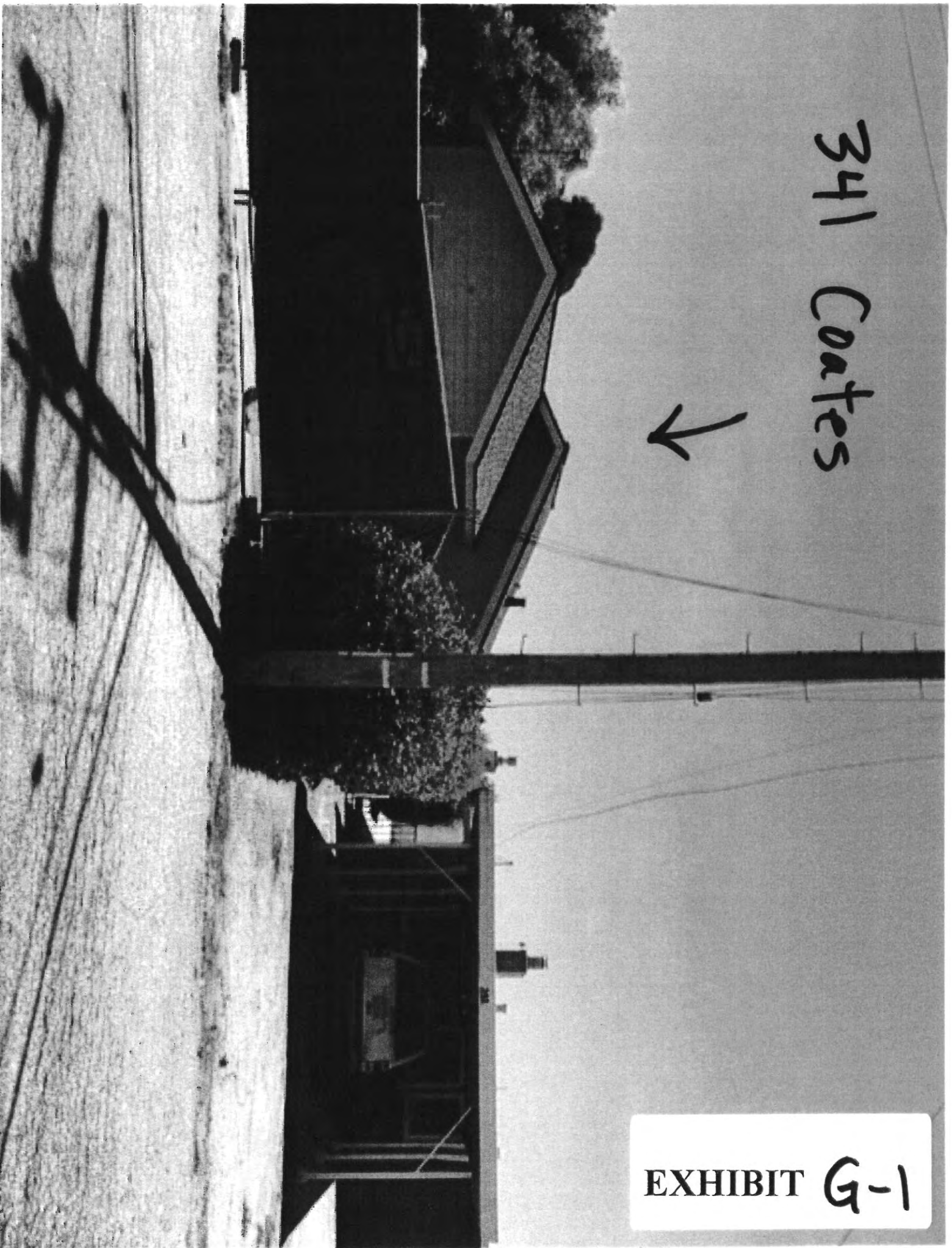


EXHIBIT F-2

341 Coates



EXHIBIT G-1



© LIVE

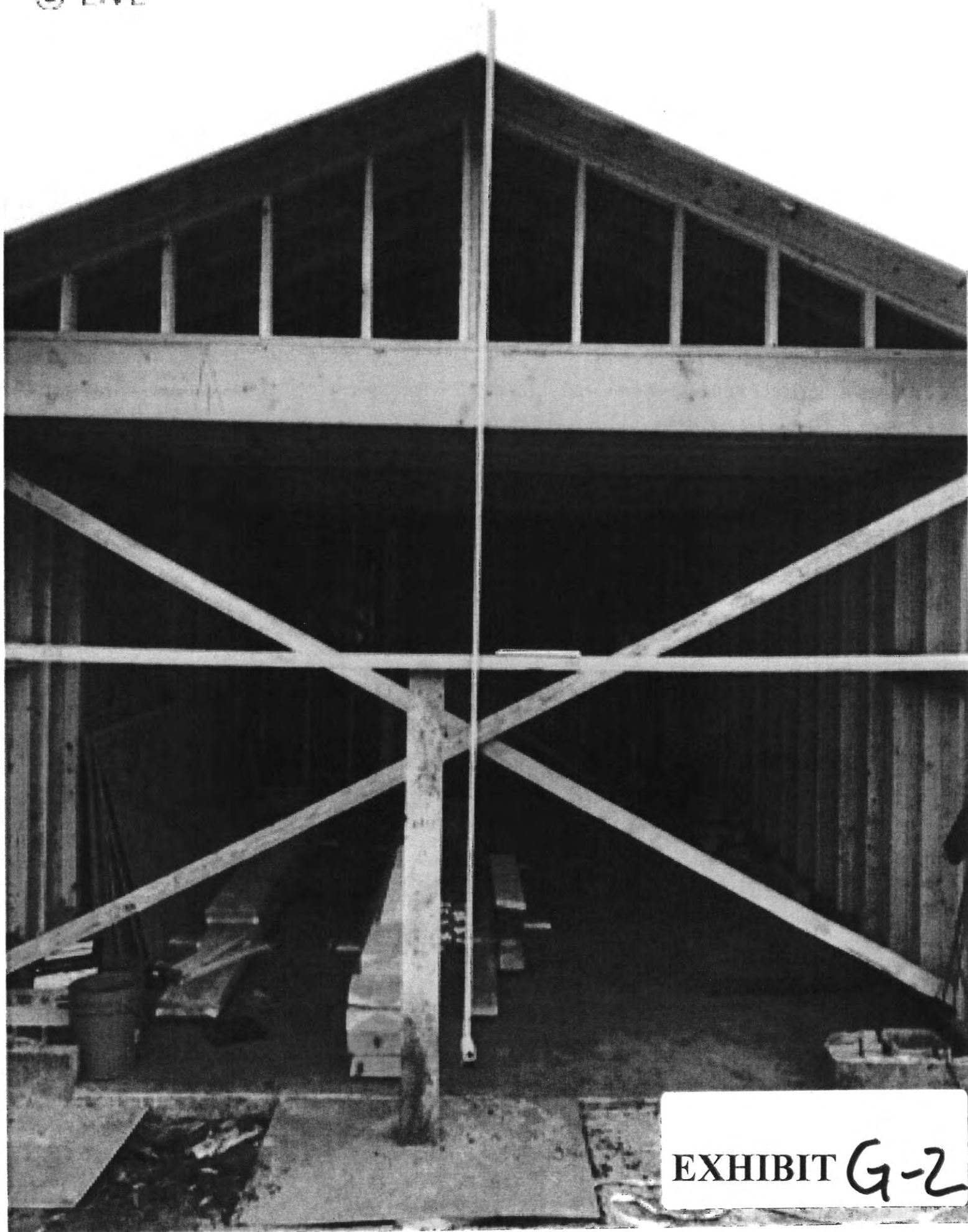


EXHIBIT G-2

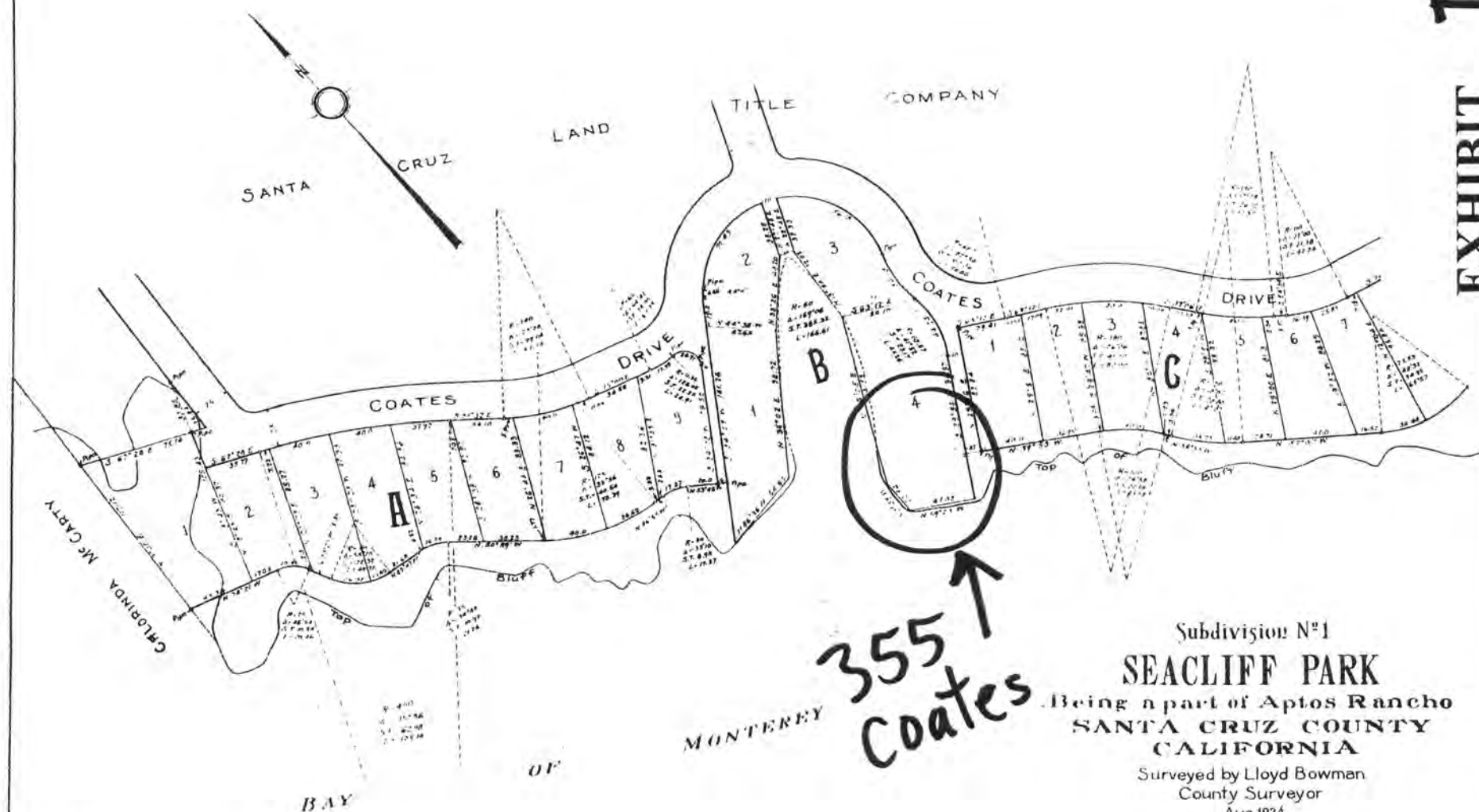
355 Coates

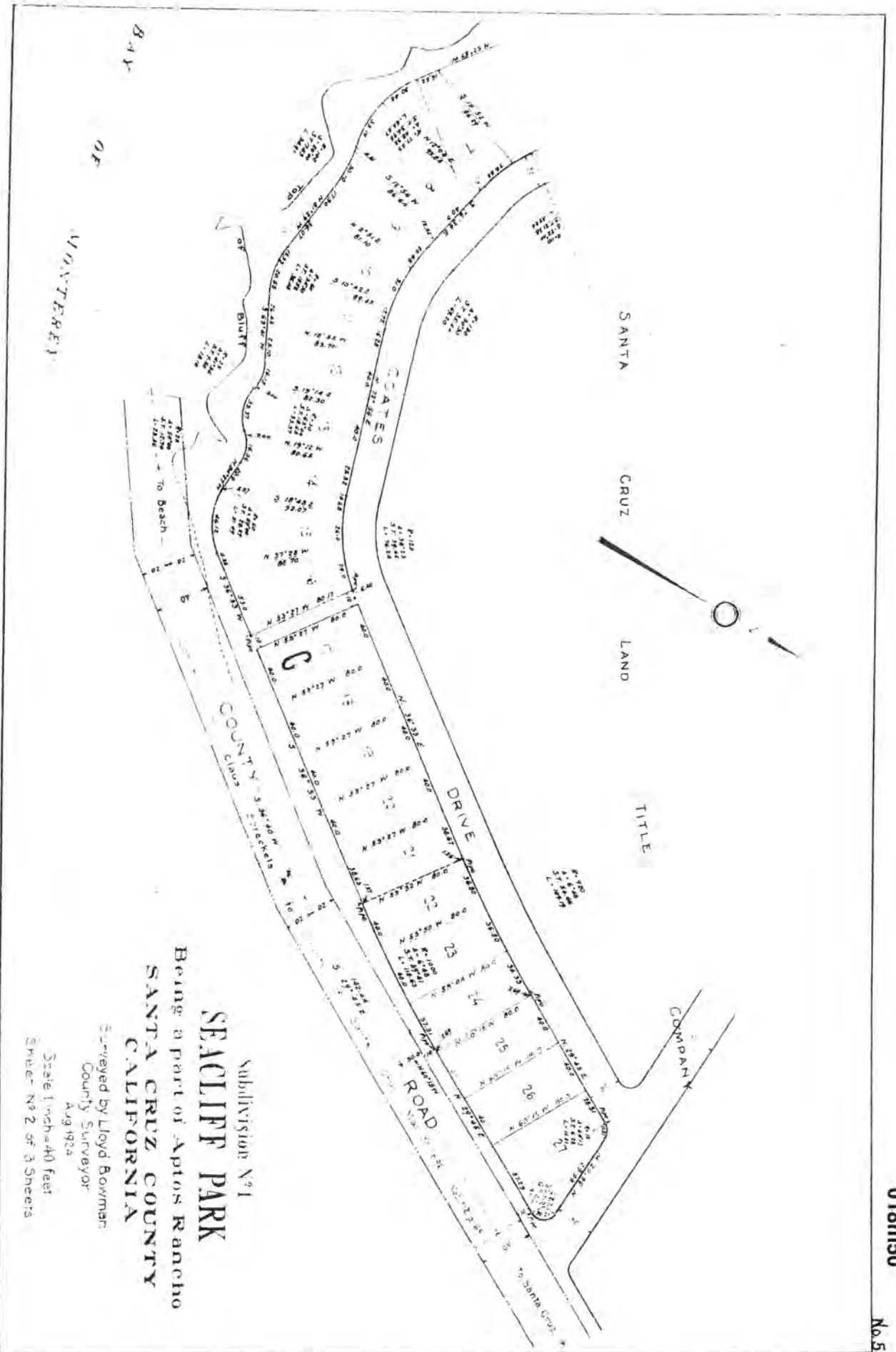


EXHIBIT H

I

EXHIBIT





Subdivision No. 1
SEACLIFF PARK
 Being a part of Aptos Rancho
 SANTA CRUZ COUNTY
 CALIFORNIA

Surveyed by Lloyd Bowman
 County Surveyor
 Aug 1924
 State 1 inch=40 feet
 Sheet No 2 of 3 Sheets

SANTA CRUZ LAND TITLE COMPANY, a corporation, owner of the land embraced within said map, (on three sheets, numbered 1, 2, and 3, this certificate being on sheet 3,) hereby consents to the making thereof.

Dated: August 25, 1924.

SANTA CRUZ LAND TITLE COMPANY

By Hugh B. Gordon President

Attest:

Constance M. McCall
Secretary

STATE OF CALIFORNIA,)
COUNTY OF SANTA CRUZ,) ss.

On this 25th day of August, in the year one thousand nine hundred and twenty-four, before me, HARRIET ROSE, a Notary Public, in and for said County of Santa Cruz, personally appeared, HUGH B. GORDON, and ALBIE M. McCALL, personally known to me to be the President and Secretary, respectively of the Corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have herewith set my hand and affixed my official seal, at my office in the City of Santa Cruz, in said County of Santa Cruz, the day and year in this certificate first above written.

Harriet Rose
Notary Public in and for the County
of Santa Cruz, State of California.

I hereby certify that there are no liens for unpaid taxes, (except taxes not yet payable,) against the tract of land covered by this map, or any part thereof.

Dated: August 25, 1924.

William Vance
County Auditor

I hereby certify that a bond has been filed, approved by and in amount, \$200.00, fixed by the Board of Supervisors, and by its terms made to insure to the benefit of this County, conditioned for the payment of all taxes which are, at the time of filing this map, a lien against the tract covered by said map, or any part thereof, but are not yet payable.

Dated: August 25, 1924.

N. E. Miller
County Clerk of the County of Santa Cruz,
California, and ex-officio clerk of the
Board of Supervisors of said County.
By Philip Hayward Deputy

The Board of Supervisors of Santa Cruz County approves this map, but does not accept any of the streets shown thereon as public highways.

Dated: August 25, 1924.

Attest:
N. E. Miller Clerk
by Philip Hayward Deputy
BOARD OF SUPERVISORS SANTA CRUZ COUNTY
CALIFORNIA.
By W. A. Hurland Chairman.
County Assessor
by Lloyd Bowman County Surveyor

We hereby certify that we have examined the subdivision of land as shown on this map, for residence or commercial purposes, and hereby approve same.

This map was drawn by me from my own survey of the ground.

Attest: E. J. Hurland
Registered Surveyor

4975

Filed September 6th 1924
Belle Lindsay
County Recorder
by Jane Lindsay
Deputy

Subdivision N°1
SEACLIFF PARK
Being a part of Aptos Rancho
SANTA CRUZ COUNTY
CALIFORNIA

Surveyed by Lloyd Bowman
County Surveyor
Aug 1924

Scale 1 inch = 40 feet
Sheet N° 3 of 3 Sheets



3 June 2017

Job #2016032-G-SC

Mr. and Mrs. Doug Britt
6582 Deer Hollow Drive
San Jose CA 95120

Re: Application No. 161245
355 Coates Drive
Aptos, California
County of Santa Cruz APN 038-216-28

Dear Mr. And Mrs. Britt:

This letter presents our responses to some of the geology issues raised in the 4 May 2017 letter from several of your neighbors to the Santa Cruz County Planning commission appealing the Zoning Administrator's approval of your proposed project for a small addition, house remodel and drainage improvements. This letter also builds upon a letter issued by our firm on 16 March 2017 (appended to this letter) explaining why, in our opinion, a full geological investigation for this proposed project is unnecessary. In addition to performing our own field work and analysis, we have reviewed the sundry documents that have surfaced in the past several months of your project. We have particularly focused on the comments made by appellants of your project in order to bring some geological clarity to the situation.

We have also attached the Curriculum Vitae for Erik Zinn, the Principal Geologist for Zinn Geology that has worked on the project, in order to document his professional qualification and licensing for this work.

SUMMARY OF OPINION

In our opinion, the proposed residential project will NOT create or exacerbate any existing geological hazards and attendant risks. The proposed remodel project does not move the residence outward toward the steep slopes that flank it and the proposed drainage improvements will actually decrease the future potential for erosion and shallow landsliding on and below the subject property.

In our opinion, the presentation of the overly broad and select findings by the appellants and incorrectly presenting those findings as facts undermines the geological credibility of their

appeal. Furthermore, based upon our site specific work, it appears that some of the cited geological measurements presented by the appellants are incorrect.

All of the erosion and landslides that occurred this past winter directly below the subject property were small and shallow and mostly involved the thin layers of soil that are perched on top of the Purisima Formation bedrock that underlies the bluff. Past erosion and small shallow landslides that occurred directly below the subject property within the Marine Terrace Deposits appear to have been triggered by poorly controlled storm water drainage, which will be rectified if the currently proposed storm water drainage system is allowed to be constructed.

Given the above findings, it is our opinion that a geological investigation is unnecessary for the project.

SCOPE OF WORK

1. A review of readily available geologic maps, reports and historical stereo-pair aerial photographs (with photos dating back to 1928) pertinent to the property to assess the past effects of earthquakes and storms on the subject property.
2. We have visited the site repeatedly since December 2016 and reconnoitered the footpath leading from Coates Drive to State Park Drive on the beach below the Britt residence. We visited the site on 28 February 2017, 16 March 2017 and 20 April 2017 and walked the foot path that leads to the bluff below after the damaging winter storms from earlier this winter.
3. Co-logging of small-diameter exploratory borings on the property and field location of all the borings advanced by the project geotechnical engineer, Haro, Kasunich And Associate [HKA].
4. Construction of a geologic map and cross section for the property.
5. Discussions of site geologic parameters with the Project Geotechnical Engineer Of Record, Chris George of HKA.
6. Completion of a letter by our firm dated 16 March 2017, explaining in our opinion why the proposed residential remodel does not require a full geological investigation (letter is appended to this letter).
7. Review of the document dated 4 May 2017, submitted to the County of Santa Cruz by the appellants of the project.
8. Analysis and interpretation of the geologic data and preparation of this letter.

It is important to note that this letter and our findings pertain only to geologic issues.

INTRODUCTION

There is an existing permitted residence on the property that was constructed sometime in the 1960's. It is our understanding that a new storm water drainage system will be constructed on the site as part of this permit application for the residential remodel. There is currently an agglomeration of short wooden retaining walls and drain pipes that line the coastal bluff area below the existing patio. It is unclear to us as to precisely which outfall pipes are currently operating or plugged or abandoned.

Select documents reviewed for our work include:

1. "Re: Proposed On-Site Stormwater Mitigation, 355 Coates Drive, Aptos, CA, County of Santa Cruz APN: 038-216-28, Our File No. 26377.01" by Bowman & Williams, dated 27 September 2016,, unpublished consultant letter.
2. "Percolation Test Results - Proposed Storm Water Infiltration Pit - APN 038-215-28 - 355 Coates Drive - Aptos California" by Haro, Kasunich And Associates, dated 11 November 2016, unpublished consultant letter.

In our opinion the proposed remodel project will NOT create or exacerbate an existing geological hazard with respect to the ongoing long term processes of erosion and landsliding. This is because the proposed addition does not result in the residence being expanded seaward toward the coastal bluff or toward the arroyo that flanks it on the up coast. Furthermore, the proposed drainage improvements for the project will actually decrease the future potential for erosion and shallow landsliding on and below the subject property. Given the above findings, it is our opinion that a geological investigation is unnecessary for the project.

We did, however, conduct a geological investigation for a proposed bluff and arroyo retention system that will protect the existing patio and hardscaping on the property. It is our understanding that work falls under a future separate application. We have completed a geological report for that work that has been given to the Project Soils Engineer Of Record and Project Civil Engineer of Record to provide them with the appropriate geological design parameters needed in order to adequately embed the proposed pin pier system. As noted above, during the course of that work we have not observed any evidence that would support an opinion that the proposed remodel project will create or exacerbate a geological hazard.

General Responses To The Appeal Letter

The appellants' letter appears to use documentation out of context that does not, in our opinion, take the place of the detailed site specific geological work we have conducted on the subject property. As part of that work, we have recommended that the drainage be reconfigured as quickly as possible, because we found that the locations of past erosion and shallow landsliding were triggered by improperly controlled storm water drainage.

All of the erosion and landslides that occurred this past winter directly below the subject property were small and shallow and mostly involved the thin layers of soil that are perched on top of the Purisima Formation bedrock that underlies the bluff. Past erosion and small shallow landslides that occurred directly below the subject property within the Marine Terrace Deposits appear to have been triggered by poorly controlled storm water drainage, which will be rectified if the currently proposed storm water drainage system is allowed to be constructed.

The appellant's repeated citation of the 2002 USGS (Hapke et al., 2002) analysis is misguided, mainly because the work by the USGS is not a replacement for detailed site-specific work prepared by a properly licensed geologist. Furthermore, the USGS measurements are wrong, simply because they appear to have incorrectly identified the location of the top of the coastal bluff with the data sets with which they were working. On a final note, the presentation of the overly broad and select findings by the appellants and incorrectly presenting those findings as facts undermines the geological credibility of their appeal.

The bottom line is that the proposed residential project will NOT create or exacerbate an existing geological hazard. The proposed remodel project does not move the residence outward toward the steep slopes that flank it and the proposed drainage improvements will actually decrease the future potential for erosion and shallow landsliding on and below the subject property.

ANALYSIS OF APPEAL LETTER DATED 4 MAY 2017

Below are our comments and responses to some of the geological issues raised in the 4 May 2017 appeal letter to the Planning Commission. We reference in our comments the page numbers and enumeration used in the appeal letter for the sake of consistency, as follows:

Page 3 - "... *The California State Parks Department was part of the previous application# 95-0637 approval process (See Appendix 1). In view of the damage to the Beachgate public path, which is located a mere 20 feet from the property located at 355 Coates, we assert that California State Parks, on which property the path is located, should have been part of the review process.*"

"In order to understand the full import of the arguments set forth below, we also encourage the SCC Planning Commission to survey the extensive damage to the ocean bluff on Coates Drive, and the Beachgate public path. Upon a walk-through of the Beachgate path, one can readily ascertain the damage caused by numerous mudslides and sink holes caused by the past winter storms.

Zinn Geology Comment - The 2017 winter damage to the public path does not change our finding, based on a site specific geological work, that the existing residence with the proposed addition will NOT create or exacerbate an existing geological hazard with respect to the ongoing long term processes of erosion and landsliding and is NOT imminently threatened by landsliding. Furthermore, we disagree that "a walk-through" will lead to any accurate form of a

detailed technical understanding for the contributory parameters and primary triggers for the landsliding that has occurred in the past, both on and off the subject property.

Page 6 - 3. "SCCC 16.10.040 (14)(m)-the Application is in violation of this statute, specifically, any project "that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review."

"In the 1995 permit, the county required geologic and soils reports, as well as acknowledgement by the owners, which is recorded and is part of Toe Title Report DECLARATION REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT IN AN AREA SUBJECT TO GEOLOGIC HAZARDS (Appendix 2)

Sales disclosures specified that over \$250,000 in foundation and bluff reinforcement is required to preserve the home.

Several major landslides on the Coates bluff (Appendix 8), with the closest two being the following:

There are two mudslides and a sink hole right under 355 Coates and the Beachgate path. North, on the cliff on the other side of the Beachgate path, less than 20' from 355 Coates Drive, at 403 Coates and south, just two doors down at 349 Coates.

80% of the Seacliff bluff has significant mudslides and sink holes"

"According to the foregoing, the Planning Director would consider this application a "development for the purposes of geologic review" and any development as contemplated by the application

"may create or exacerbate an existing geologic hazard" (namely the sink holes and mud holes prevalent on the Coates Bluff."

Zinn Geology Comment - Appellant has omitted and failed to mention the letter written by Zinn Geology dated 16 March 2017 that established why, in our opinion, a full investigation of the proposed residential remodel is not necessary. The County of Santa Cruz Geologist, Joseph Hanna appears to have reviewed that letter and concurred with our opinion, based upon his lack of objection at the continued Zoning Administrator hearing. The passages from page 6 of the appellant letter do not specifically address how the identified geological conditions somehow supercede or substitute the site specific investigatory work completed by a licensed geologist for the subject property. The disembodied snippets thrown out by the appellant are merely out of context observations that do not materially affect our opinion that the proposed addition will NOT create or exacerbate existing landsliding and erosion hazards and risks. The final comment that implies that the proposed residential project will create or exacerbate an existing geological hazard is incorrect. The proposed remodel project does not move the residence outward toward the steep slopes that flank it **and the proposed drainage improvements will actually decrease the future potential for erosion and shallow landsliding below the subject property.**

Page 6 - "4. SCCC 15301.d and 15304.a -the Application is in violation of this statute, specifically, any project - 2002 USGS study of the Seacliff State Beach bluff determined that the cliff is primarily composed of less resistant sandstone and siltstone. The report data concluded:

"76% of historical storms that caused significant coastal erosion or damage occurred during El Nino years. "

Notably, the 1998 El Nino was a primary cause of the cliff receding over 10 feet in the area of 355 Coates Drive (Appendix 4).

Last winter's storms, resulted in a sinkhole and numerous landslides on the cliff below 355 Coates. (Appendix 8)"

Zinn Geology Comment - Once again, appellant has omitted and failed to mention the letter written by Zinn Geology dated 16 March 2017 that established why, in our opinion, a full investigation of the proposed residential remodel is unnecessary. Furthermore, their findings are inconsistent with our findings that were derived from our site specific work. The appellants appear to be referencing a document produced by the U.S. Geological Survey (2002) that can be found at the following web site:

<https://pubs.usgs.gov/mf/2002/2399/>

Here is a passage from the text that accompanies the map (with added highlighting):

"This map has introduced new techniques of analyzing the short-term evolution of sea cliffs and the differential response of sea cliffs to seismic and climatic events."

The key phrase in the above statement is "short-term". The authors of the paper were looking at a very narrow window of time that was book-ended by the impacts of the Loma Prieta Earthquake and the damaging El Nino storms of 1997-1998. The authors never discuss why they chose such a narrow window of time to analyze the bluff retreat, nor do they discern on their map the stretch of coastal bluff that is no longer subject to wave attack.

The primary fault with the appellants' approach is that it relies exclusively on the 2002 USGS (Hapke et al., 2002) study and fails to even acknowledge that bluff retreat is episodic and that we actually have a decent aerial photo history dating back to the late-1920's and early 1930's for this region. Analyzing the more extensive and longer period of data makes more sense when attempting to comment on risks related to the long term bluff retreat hazard, as opposed to selectively using a narrow window of time bracketed by extreme events. In the case of the Britts' proposed remodel project, it is important to note the it will not expand the footprint toward the arroyo or the coastal bluff, so the risk to the remodel is the same as the current risk to the existing residence.

To put it into perspective with an extreme example, if you measured a bluff retreat of 5 feet caused by a landslide in one year and then extrapolated that 1 year measurement to 100 years, you would calculate a long term average bluff retreat rate of 5 feet per year resulting in 500 foot

retreat predicted position for the bluff by year 100. Using 10 years that brackets an earthquake and major El Nino event to extrapolate a long term bluff retreat rate is almost as absurd.

Now, turning to the site specific measurements, we noted that the 2002 USGS (Hapke et al., 2002) study incorrectly depicts the top of the coastal bluff. The top of bluff has been almost coincident with the edge of the patio since its construction (which shows up in aerial photos from 1975 and oblique photos from 1972). The authors depict the bluff moving landward of that position between 1989 and 1998, which makes no sense whatsoever with respect to the historical aerial photos taken after the residence was constructed. In fact, the top of the bluff was actually pushed seaward slightly after construction of the residence because the constructed retaining walls and patio were pushed slightly seaward of the existing top of bluff. The USGS measurements are flat out wrong, simply because they incorrectly identified the location of the top of the coastal bluff with the data sets with which they were working.

With all that said, this might be filed under the category of "fascinating but irrelevant". The work by the USGS in 2002 is not a replacement for detailed site specific work by a properly licensed geologist. Furthermore, the presentation of the overly broad and selective findings by the appellants, which incorrectly presenting those findings as facts, undermines the geological credibility of the geologic arguments presented in their appeal.

Finally, it is puzzling as to why the appellants have omitted the proposed drainage improvements for the project, which will actually lessen the load on the adjacent storm water systems and the existing potential of erosion and shallow landsliding on the arroyo slope and coastal bluff.

Page 7 - *"5. CA coastal regulation section 30211 and Seacliff State Beach General Plan - the Application is in violation of this statute, specifically, impact of the proposed work and lot adjustment on the Seacliff State Park easement and preservation of the Beachgate public path."*

"The public beach path is only 22-30 feet from the property.

Given that 355 Coates is overhanging the Beachgate public path, there is an important need to assess the impact of the construction and drainage improvements on the viability of the path.

Please note that in some areas the home is set back less than 7' from the Beachgate bluff.

The proposed work is less than 7 feet from that part of the bluff, as shown in the design plan in The Staff Report pp. TM-1 & TP-1 and photos Appendices 6 & 9)

Beachgate path has significantly deteriorated and was closed for over 4 months due to landslides and a sinkhole. It was just reopened, however, the path is in very poor condition and does not look safe. Additional work in that area could undermine it further and/or interfere with the State Park easement.

The Seacliff State Beach General Plan highlights concern with the development adversely affecting the State Park resources. The plan was published in 1990, prior to the 1998 and 2017 El Ninos. The plan identifies Coates Bluff in the Zone of Exclusion and the Zone of Primary Interest;

" The zone of primary interest is that area outside the unit, in which land use changes could adversely affect the resources of Seacliff State Beach. This zone includes ... Seacliff Drive, Coates Drive, "

"Structures have been developed within what is currently the zone of exclusion. ... Many of the structures are at risk from future landslides. "

"The department shall continue to work with adjacent residents and landowners and appropriate local, regional, and state agencies to identify and propose solutions which will reduce any existing hazards associated with the presence of structures and landscaped areas within the zone of exclusion. " "

Significantly, the California State Park Department was NOT part of the review process. The 1995 application #95-0637 states that part of the property is located on the State Park land and the State Park Department was part of the review process and was asked to sign off on the project (Appendix 1). This appeal should be granted in order for the California State Park Department to do an assessment, and lodge any objections.

Zinn Geology Comment - The appellants implication that the project could "adversely affect the resources of Seacliff State Beach" is incorrect. The proposed remodel does not move the residence any closer to the steep slopes that lie below it. Therefore the existing landsliding hazard and erosion hazard and attendant risks are not being changed. Furthermore, the proposed drainage scheme will actually decrease the amount of water flowing over the top of the arroyo slope and coastal bluff, thereby decreasing the current impact of the existing development on the property on the slopes and storm drainage below.

The appellant appears to have omitted that the 1990 Seacliff State Beach General Plan was published AFTER the damaging El Nino events of 1982 and 1983. Nonetheless, it is still overly broad and does not substitute for the site specific geological work we have conducted on the property.

The appellants continue to incorrectly imply somehow that the erosional damage driven by improperly designed and maintained storm water drainage along the footpath will affect the remodel. They appear to have omitted the finding that the proposed drainage improvements that are part of this project will reduce the load on the pathway storm water system, thereby reducing the impacts of erosion and landsliding from the existing developments on the property.

Pages 7 and 8 - SCCC 18.10.123 - the Application is in violation of this statute violation, specifically, "all the required approvals, permits or extensions shall be applied for, processed, and acted upon concurrently"

Parallel application #161083, 8/15/16 was to construct a replacement retaining wall and drainage improvements. (Appendix 3)

In the March 2017 meeting both Mr. Britt and Mr. Norton stated that the drainage improvement, application# 161083, would be completed in parallel with the work specified in the application# 161245.

The report prepared by the county geologist for Application #161083, was completed last November, prior to last winter's storms. The REPORT REQUIREMENTS section states:
"The Geologic Hazards Ordinance requires that 'all development activities shall be located away from potentially unstable areas.... ' ... a full engineering geologic report is required to evaluate any homesite on this parcel with respect to slope stability, seismic and blufftop erosion issues.

"If geologic risks can be mitigated and a building site is determined to be suitable for a residence, it will be necessary to complete a soil report to assist in the determination of the appropriate engineered foundation, and render an engineered drainage plan for the site."

"It is entirely likely that a soils engineer will need to assist the project engineering geologist in evaluating the potential slope stability hazards affecting the development envelope. I have included a list of consultants and County guidelines for geologic reports. The guidelines must be strictly adhered to."

The PERMIT CONDITIONS section states:

"Permit conditions will be developed for your proposal after the technical report has been reviewed "

" Final building plans submitted to the Planning Department will be checked to verify that the project is consistent with the conditions outlined above prior to issuance of a building permit. "

"The Geologic Hazards Ordinance requires that 'all development activities shall be located away from potentially unstable areas.... ' ... a full engineering geologic report is required to evaluate any homesite on this parcel with respect to slope stability, seismic and blufftop erosion issues.

If geologic risks can be mitigated and a building site is determined to be suitable for a residence, it will be necessary to complete a soil report to assist in the determination of the appropriate engineered foundation, and render an engineered drainage plan for the site. "
Given the USGS study determination that "El Nino storms, lead to the greatest localized amount of retreat of the top edge of the cliff" and the previous El Nino resulted in the loss of over 10' (Appendix 4), it would be prudent to assess the impact of this winter's storms.

Since the two applications are part of the same project and it was already determined that the geologic report is required for one of them, completing the Geological Report prior to the commencement of the construction will avoid damaging the home and/or creating additional hazards for already damaged Beachgate path, which was just re-opened after being closed for over 4 months.

Zinn Geology Comment - The appellants once again cite a ten foot loss documented by the USGS in their 2002 report (Hapke et al., 2002), which appears to be incorrect for the subject property, based on our aerial photo measurements with photo dates that range from 1928 to 2003. As noted earlier, the top of the bluff has been marked by outboard edge of the patio and hardscaping since at least 1972 and that position has not changed. We have noted several very small and shallow debris flows that pockmark the area directly below the patio, but none of that

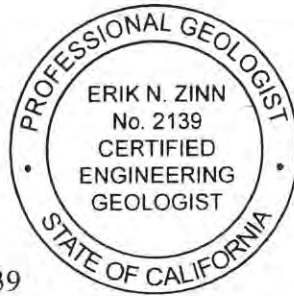
landsliding imminently threatens the existing residence. We have also recommended that the drainage be improved immediately to mitigate the ongoing damage at the top of the bluff, which is why those improvements have been made part of the remodel application.

The appellants have made an incorrect finding that the proposed house remodel and drainage improvements will somehow exacerbate the erosional damage to the foot path below. The house footprint will not change, which means that nothing geological is impacted by that development and the proposed drainage improvements will eliminate the water flowing over the top of the arroyo slope and coastal bluff and reduce the storm water load on the foot path storm water system.

Sincerely,
ZINN GEOLOGY



Erik N. Zinn
Principal Geologist
P.G. #6854, C.E.G. #2139



Attachment: 16 March 2017 letter by Zinn Geology regarding proposed house remodel
Curriculum Vitae For Erik Zinn



16 March 2017

Job # 2016032-G-SC

Mr. And Mrs. Doug Britt
194 Vista Del Monte
Los Gatos, CA 95030

Re: Geological summary letter regarding proposed house remodel
355 Coates Drive
Aptos, California
County of Santa Cruz APN 038-216-28
Application # 161245

Dear Mr. And Mrs. Britt:

We were alerted earlier today by your designer and agent, Dennis Norton, of the possibility that the County Geologist, Joseph Hanna, was recommending to your Zoning Administrator the hearing to remodel your residence be continued due to circumstances with respect to geological hazards.

We subsequently spoke with Mr. Hanna for clarification on the matter. He relayed that he was recommending the continuance because he would like for the Project Geologist of Record to issue a letter substantiating and clarifying why the proposed house remodel for this application is not in need of a geology investigation and report. This letter satisfies that request.

**REASONS WHY CONDUCTING A FULL GEOLOGICAL INVESTIGATION IS
UNNECESSARY FOR THE PROPOSED REMODEL**

1. The residence is not being expanded seaward toward the coastal bluff nor toward the arroyo that flanks it on the up coast side. It is our understanding that the only footprint change for the proposed development consists of adding to the interior of the existing footprint in the courtyard area. In our opinion the residence is not currently imminently threatened by the ongoing long term processes of erosion and landsliding, which is why a geological investigation is unnecessary.

2. The proposed drainage improvements for this application will reduce the flow of storm water runoff onto the coastal bluff and arroyo flank. We addressed this issue in a letter issued earlier this year in January and it is our understanding that this letter has been reviewed and accepted by

the County of Santa Cruz Planning Department. The upshot of the letter is that the proposed drainage will infiltrate water only into the Purisima Formation sandstone bedrock with deep percolation pits. The storm water placed into the deep percolation pits at the proposed depth and location is unlikely to daylight in either the coastal bluff or arroyo bluff. It is more likely that the storm water will have percolated downward below the elevation of the bluffs, eventually entering the regional groundwater regime which is near sea level. This represents an improvement to the current storm water drainage scheme and will only serve to slow down the retreat of the coastal bluff and the arroyo flank.

3. We ARE currently conducting a geological investigation for a proposed bluff and arroyo retention system that will protect the existing development on the property. It is our understanding that work falls under a separate application. We are in the midst of completing a geology report for that work that will give the Project Soils Engineer Of Record and Project Civil Engineer of Record the appropriate geological design parameters needed in order to adequately embed the proposed piers for the walls. During the course of this work we have not observed any evidence that would support an opinion that the existing residential structure is imminently threatened by landsliding. In the end, after the proposed retention system is installed, any concerns regarding the impacts of erosion and landsliding to the existing development on the property will be ameliorated.

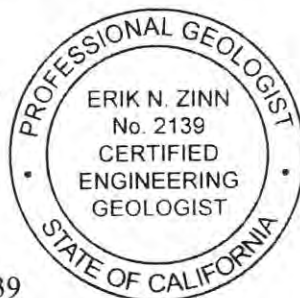
4. We have visited the site repeatedly since December and reconnoitered the footpath leading from Coates Drive to State Park Drive on the beach below the Britt residence. We have observed: some erosional damage to an inadequate storm drain system in the footpath, a small, shallow debris flow on the opposite arroyo flank from the Britt residence, and a shallow landslide on the footpath below the Britt residence. None of the observed damage appears to imminently or immediately threaten the Britt residence. The aforementioned observations simply underscore a finding for the Santa Cruz County coastal bluff and arroyo flanks we have made repeatedly over the past 25 years - the long term retreat rate is driven by erosion and piecemeal shallow landsliding. Nothing that happened below the Britt residence this past winter was unexpected and those events do not imminently threaten the development on the property.

We trust this letter will put to rest any further geological concerns for the proposed residential remodel and drainage improvements. We did not originally recommend that a geological investigation be conducted for the proposed remodel and we continue to stand by that recommendation. A geological investigation for the proposed remodel will not result in any recommendations that will change the design outcome for that particular project.

Sincerely,
ZINN GEOLOGY



Erik N. Zinn
Principal Geologist
P.G. #6854, C.E.G. #2139



ZINN GEOLOGY



CURRICULUM VITAE
ERIK N. ZINN

PROFESSIONAL HISTORY

2005 to present: **Owner and Principal Geologist**, *Zinn Geology*, Santa Cruz, California
2001 to 2004: **Principal Geologist**, *Nolan, Zinn and Associates*, Santa Cruz, California
1999 to 2001: **Owner and Principal Geologist**, *Zinn Geology*, Santa Cruz, California
1995 to 2000: **Project Geologist**, *Rogers E. Johnson & Associates*, Santa Cruz, California
1991 to 1995: **Project Geologist**, *Weber, Hayes & Associates*, Watsonville, California
1989 to 1991: **Staff Geologist**, *Pacific Geotechnical Engineering*, Morgan Hill, California
1989: **Staff Geologist**, *Harding Lawson & Associates*, Novato, California
1988 to 1989: **Staff Geologist**, *Fox, Nielsen & Associates*, Santa Cruz, California

EDUCATION

University of California, Santa Cruz: B.S. Earth Science, 1989

REGISTRATION

Registered Geologist, State of California #6854
Certified Engineering Geologist, State of California #2139

PROFESSIONAL AFFILIATIONS

Association of Engineering Geologists
Geological Society of America
Seismological Society of America
American Geophysical Union
Davenport Geological Society
Monterey Bay Geological Society
Friends of Pleistocene

CIVIL SERVICE

Santa Cruz County Grand Jury - 2010-2012 (two sequential terms)
Board member for the State of California - Department of Consumer Affairs - Board for Professional Engineers, Land Surveyors and Geologists - 2011 to 2014
Association of State Boards Of Geology (Member At Large and Subject Matter Expert) - 2013 to present

Engineering Geology ✕ Coastal Geology ✕ Fault & Landslide Investigations

REPRESENTATIVE PROJECT EXPERIENCE

Principal Geologist: *Wayne Wyckoff vs. City of Santa Cruz and County of Santa Cruz*

Performed a geological investigation and expert witness testimony for the City of Santa Cruz for the site of catastrophic landsliding that undermined a portion of Branciforte Drive. The geological investigation and testimony focused upon contributory and triggering factors for the genesis of the March 2011 landsliding that damaged the plaintiff's property.

Principal Geologist: *Assessment of California Coastal Commission Coastal Exclusions Zone Boundary in Rio Del Mar, Santa Cruz County*

We assisted the applicant, project architect, County of Santa Cruz Planning staff, and California Coastal Commission staff in assessing mapping methods and protocols developed utilized for deriving the Coastal Commission exclusions zone map for the Rio Del Mar area. The pivotal geological arguments used for this project included the definitive criteria for arroyos versus coastal bluffs and how those criteria were to be applied via the Local Coastal Plan and California Coastal Commission statutes. The applicant was finally allowed to move forward with construction after the CCC commissioners voted to accept our assessment at the final appeals hearing, confirming that our interpretation was the sole correct opinion on this matter.

Principal Geologist: *Rock Fall And Retreat Of Bedrock Cut Slope Investigation Along Chestnut Street For City Of Santa Cruz*

Performed a rock fall hazard and risk analysis of unarmored bedrock cut slope above Chestnut Street, across the street from City of Santa Cruz City Hall. Our work, in conjunction with the geotechnical engineer's analysis was utilized by the City of Santa Cruz and the design-build contractor to construct a series of soil and rock retention systems that was within the city's initial stipulated budget.

Principal Geologist: *Geological Investigation & Probabilistic Seismic Hazards Analysis For Two 9-Story Apartment Buildings*

Performed an engineering geology investigation for two high-rise apartment buildings on the UC Santa Cruz campus, focusing upon the potential hazards and risks posed to the design due to the site being underlain by sinkholes. For construction we will be completing field observation of the construction of over 100 deep large-diameter piers for the foundation, including downhole logging of the shafts. This project is one of the largest of its' kind in Santa Cruz and is particularly impressive due to the aggressive design and construction schedule.

Principal Geologist: *Geological Investigation & Construction Observation Services For San Lorenzo River Pedestrian Bridge*

We assisted the design team in understanding the configuration of the underlying package of liquefiable sediments, as well as the depth to competent bedrock in this challenging river environment. We also provided construction observation services for the bridge piers to ensure that the project conformed to our specifications and to document the geological conditions encountered, in order to provide the City of Santa Cruz with final as-built plans and to provide a basis in case of any changed condition claims made by the contractor.

Principal Geologist: *Geological Investigation & Probabilistic Seismic Hazards Analysis For Six Water Tank Sites For Tanks Up To 1.5 Million Gallons, California American Water Company*

Performed geological investigations for select water tank sites and probabilistic seismic and spectral hazards analyses for all sites at various locations in northern and central California. Developed a probabilistic seismic shaking hazards model and site response spectra for all tank sites. Analysis results were incorporated into the analyses by the project geotechnical engineer, Pacific Crest Engineering, Inc. and the project structural and civil engineers, RBF Consulting.

Principal Geologist: *Detailed Sinkhole Investigations of Eleven Multi-Story Buildings and Building Complexes - University of California at Santa Cruz*

Performed engineering geology investigations for nine multi-story buildings and building complexes on the UC Santa Cruz campus, with a particular emphasis on hazards due to sinkholes. The investigations entailed logging and interpretation of over one hundred exploratory borings, and synthesis of the geologic data to delineate the structure of the marble bedrock surface in three dimensions at each building site. The potential impact of possible continued stoping of soils within the filled sinkholes was also investigated.

Principal Geologist: *Rock Fall Hazards Investigation For Landels - Hill Big Creek Reserve*

Performed the first phase of a rock fall hazard and relative risk investigation for a very large rock fall source area above the existing research facilities at the Landels-Hill Big Creek Reserve, located along the Big Sur coastline of California. We coordinated our investigation with Mark Ready of the Landels-Hill Big Creek Reserve and UCSC GIS lab staff in order to create basic geological data products and statistical analyses that would serve as a basis for the subsequent mitigation constructed to protect the facilities and lower the existing risk from future rock falls.

Principal Geologist: *Probabilistic Seismic Hazards Analysis For Forest Lakes Reservoir 5-Million Gallon Water Tank, Pebble Beach, California American Water Company*

Developed a probabilistic seismic shaking hazards model and site response spectra for a five million gallon water tank set atop a fossil marine terrace cut into weathered granitic bedrock. Analysis results were incorporated into the analyses by the project geotechnical engineer, Pacific Crest Engineering, Inc.

Principal Geologist: *Rock Fall And Retreat Of Bedrock Cut Slope Investigation Along Front Street Extension For City Of Santa Cruz*

Performed a rock fall hazard and risk analysis of unarmored bedrock cut slope above Front Street Extension. Our investigative work led to the finding that an expensive bedrock retention system was unnecessary to implement and that a combination of scaling loose slabs of rock and removing the vines and tree roots that were triggering rock falls via roots wedging into the bedrock fractures. In this particular instance, the expense of our work led to an extreme reduction in mitigation cost implementation.

Principal Geologist: *Geological Investigation For New Proposed La Bahia Hotel - Santa Cruz, California*

Performed a geological investigation and probabilistic seismic shaking hazards analysis for the design of this multi-storied hotel. The proposed hotel is located in an extremely challenging design and construction environment, and based upon the results of our joint investigation with Pacific Crest Engineering, will be subject to hazards related to seismic shaking, liquefaction, coastal flooding and tsunamis.

Principal Geologist: *Geological Investigation Of Distress To Sewer Pipe In Karst Terrane for University of California at Santa Cruz*

Performed a geological investigation for a distressed sewer main pipe in karst terrane. Our analysis has ultimately led to the University researching new maintenance and monitoring protocols for portions of their old sewer mains as well as the consideration of alternative alignments across the hazardous karst terrane present on the campus.

Principal Geologist: *Probabilistic Seismic Hazards Analysis For Upper Middle Canyon 100,000-Gallon Water Tank, Carmel Valley, California, California American Water Company*

Developed a probabilistic seismic shaking hazards model and site response spectra for a 100,000-gallon water tank underlain by complexly folded and faulted schist and marble bedrock belonging to the Schist of the Sierra de Salina. Analysis results were incorporated into the analyses by the project geotechnical engineer, Pacific Crest Engineering, Inc. and the project structural and civil engineers, RBF Consulting.

Principal Geologist: *Geologic feasibility analysis - Integrated Coastal Distribution System Santa Cruz and Monterey Counties, California - For Pajaro Valley Water Management Agency*

Performed a geological feasibility analysis for the proposed pipeline alignment, pump stations, and other related appurtenant structures; provided geologic oversight and identified areas of geologic concern needing further investigation. We also attempted to identify portions of the proposed pipeline alignment that were subject to geologic "fatal flaws"; areas underlain by geologic hazards which pose severe risks to the pipeline which may be economically prohibitive to mitigate.

Principal Geologist: *Geologic Hazards Assessment for University of California at Santa Cruz*
Compiled and interpreted existing data using ESRI ArcView software to assess the geologic hazards on the UC Santa Cruz campus in order to assist planners for future campus development. Special emphasis was placed on the hazards associated with caverns and sinkholes in the marble bedrock on campus. Study provided a systematic compilation of existing subsurface data and overview of geologic and geotechnical problems on campus. Interpretive maps and a carefully defined "standard of care" unique to the campus sinkhole terrain will assist planners in selecting sites that are economically prudent for exploration and construction.

Principal Geologist: *Geological, Geotechnical & Environmental Consulting Services For Monterey Bay National Marine Sanctuary Visitor Center (subcontracted to AMS Planning & Research)*

Performed geological feasibility investigations for four separate prospective visitor center sites scattered around the Monterey Bay. In addition to identifying the potential geological hazards and attendant risks at each site, we also developed a geological hazards and risk matrix for the project, which was subsequently incorporated into the weighted planning matrix prepared by AMS Planning & Research.

Principal Geologist: *Geological Investigation Of Four-Story Cooling Tower In Karst Terrane for University of California at Santa Cruz (subcontracted to Pacific Crest Engineering)*

Performed a geological investigation for a proposed four-story cooling tower to service the Earth & Marine Sciences building. Our investigation indicated that the foundation of this structure will span schist and marble bedrock terranes, cross cut by granitic dikes. Our mapping and cross sections were extensively utilized by the design team in order to design an adequate foundation in this challenging geological environment underlain by earth materials with highly contrasting engineering properties.

Principal Geologist: *Geological feasibility study for proposed Butterfly Estates Residential Subdivision, Salinas, California for HYH Corporation (subcontracted to Haro, Kasunich & Associates)*

Performed geological feasibility investigation for a 1000+ unit subdivision in Monterey County. Our mitigation recommendations for the identified hazards were used by the design team to layout the 680-acre subdivision project that included over 5,000,000 cubic yards of grading and 60-feet of fill. Our feasibility analysis was ultimately folded into the subsequent CEQA documents issued for the project.

Principal Geologist: *Peer-review of geological report for UC Santa Cruz Digital Arts Facility*

Performed a geological peer-review of geological and geotechnical engineering reports issued for the recently constructed Digital Arts Facility on the UC Santa Cruz campus, at the request of the project architect. Our peer-review focused on the lack of subsurface work and analysis that was initially completed for the building, which was to be constructed over an existing sinkhole in the karst terrane present on the campus. Our recommendations as peer-reviewer ultimately led to further investigation by the Project Geologist Of Record, which revealed that the geological hazards and attendant risks present on the site were more extensive than previously presented.

Principal Geologist: *Feasibility investigation for proposed detention/infiltration ponds and wetlands delineation - UCSC Marine Science Campus Long Range Development Plan*

Characterized the suitability of the area north-northeast of the NOAA Fisheries Laboratory for the design of detention/infiltration ponds, via a geological and hydrogeological investigation of area. The work done for this project, which included a drilling, percolation testing and data analysis served as a basis for evaluating the design of detention/infiltration ponds for the proposed Marine Science Campus Long Range Development Plan.

Principal Geologist: *Geological Investigation of Coastal Bluff Retreat for Depot Hill – Crest Apartments – Impacts and Mitigation*

We completed a phased geological investigation to assess the specific impacts of ongoing coastal bluff retreat upon the existing Crest Apartments that overlook the esplanade area of Capitola. We are working closely with the project planner and with the local California Coastal Commission staff on this project to develop a feasible seawall and upper bluff retaining wall mitigation scheme that can be moved expeditiously through the City of Capitola building permit process and the California Coastal Commission review process.

Project Geologist: *Geologic Hazards Mapping for the City of Morgan Hill*

Assisted with the creation of detailed geologic maps, relative stability maps and seismic hazard maps for the entire City of Morgan Hill.

Project Geologist: *Geologic Hazards Assessment of 11 Existing Schools for Laguna Salada Unified School District Pacifica, California*

Multi-phased investigation involving compilation of existing geotechnical and geologic data for eleven public elementary schools built in the Pacifica area in the 1950's and 1960's. A probabilistic seismic hazards shaking model, based on the regional geologic information, was developed for eight of the schools. Detailed engineering geology investigations were also performed at eight of the schools, with a particular emphasis on hazards related to landsliding, faulting, liquefaction and flooding. Results of the analysis are being used by the project architects and engineers to perform structural seismic upgrades of the schools.

Project Geologist: *Mapping of Sinkhole Deformation on Hollywood Boulevard for Los Angeles Metropolitan Transit Authority, Hollywood, California*

Assisted with forensic geologic and geotechnical field work to determine the origin and extent of deformation related to a tunnel collapse, and subsequent subsidence underneath Hollywood Boulevard. Created detailed deformation maps of all the street and buildings for a one block area. This data was compiled to assist William Cotton and Associates with their expert witness testimony for Los Angeles MTA.

Project Geologist: *Determination of Late Pleistocene-Holocene slip rates on the San Gregorio fault - USGS NEHRP Award #1434-93-G-2336 San Mateo and Santa Cruz Counties, California*

Assisted with field studies of the San Gregorio fault zone to determine the nature and rates of crustal deformation, and the characteristics and dates of past earthquakes. Performed data compilation and detailed geologic mapping of Quaternary deposits and major faults within the San Gregorio fault zone. Located and surveyed shoreline angles for the first two emergent marine platforms with a sub-meter accuracy GPS receiver. This work has provided new insights into the style of structural deformation that is occurring on the San Gregorio fault zone, and a simpler interpretation of the Santa Cruz marine terrace sequence.

Project Geologist: *Paleoseismic Study of the Southern Sargent Fault - USGS NEHRP Award #1434-94-G-2466 San Benito County, California*

Assisted with logging and analysis of exploratory trenches across the southern Sargent fault to determine the movement history of the southern portion of the fault. Results of this study have provided an understanding of strain partitioning across the San Andreas and Calaveras fault zones in the Hollister area.

Project Geologist: *Preliminary Geologic Evaluation of Sinkhole Collapse, Earth and Marine Sciences Building University of California at Santa Cruz*

Supervised the geologic evaluation of a sinkhole collapse which occurred mid-construction under the foundation of a large multi-story building. Compiled and interpreted logs of existing cut slopes, and supplemental borings advanced by the project geotechnical engineer. The potential of future sinkhole hazards at this site was assessed by using the geologic and marble structure maps generated for this project.

Project Geologist: *Probabilistic Seismic Shaking Hazards Assessment for Watsonville Community Hospital Watsonville, California*

Developed tectonic model for input into site specific probabilistic seismic shaking investigation. Probabilistic peak ground motions were provided for the hospital site to meet Office of State Health Planning Division (OSHPD) and California Title 24 requirements for hospital design.

Project Geologist: *Engineering Geology Investigation for A New Millennium High School Watsonville, California*

Responsible for engineering geology investigation of a proposed high school site in Watsonville, including mapping, geologic interpretation of exploratory borings and development of probabilistic peak ground accelerations for the site. Also developed the geologic and seismic models for site specific response spectra output, to satisfy California Title 24 requirements for public school design.

Project Geologist: *Probabilistic Seismic Shaking Hazards Assessment for Multi-Story Parking Garage University of California at Santa Cruz*

Developed probabilistic seismic shaking hazards model for a multi-story parking structure located on the UC Santa Cruz campus. Analysis results were incorporated into the site response spectra developed by the project geotechnical engineer.

Project Geologist: *Paleoseismic Study of the Coastways Trace of the San Gregorio Fault Zone - USGS Award #98-7460-68031 San Mateo County, California,*

Supervised paleoseismic research trenching of the Coastways fault to determine the number of ground surface rupturing events within the last 1000 years. This project was funded as part of an on-going effort to evaluate the seismic risk posed to coastal California by the San Gregorio fault zone.

Project Geologist: *Fault Investigation for St. Francis High School Watsonville, California*

Supervised the excavation, logging and geologic interpretation of over 1000 feet of exploratory trenches at the proposed school site. The results of the trenching were later used to refute the location of the Zayante fault in this region.

SELECTED PUBLICATIONS

- Weber, G.E., Nolan, J.M. and Zinn, E.N., 1995, Determination Of Late Pleistocene-Holocene Slip Rates Along The San Gregorio Fault Zone, San Mateo County, California: Final Technical Report prepared for the U.S. Geological Survey
- Nolan, J.M., Zinn, E.N. and Weber, G.E., 1995, Paleoseismic Study Of The Southern Sargent Fault, Santa Clara and San Benito Counties, California: Final Technical Report prepared for the U.S. Geological Survey.
- Weber, G.E., Nolan, J.M. and Zinn, E.N., 1993, Siting Structures in Karst Terrain at the University of California, Santa Cruz: Problems and Solutions for Long Range Planning, Geological Society of America, Abstracts with Programs, Vol. 25, no. 5, p. 161.



16 March 2017

Job # 2016032-G-SC

Mr. And Mrs. Doug Britt
194 Vista Del Monte
Los Gatos, CA 95030

Re: Geological summary letter regarding proposed house remodel
355 Coates Drive
Aptos, California
County of Santa Cruz APN 038-216-28
Application # 161245

Dear Mr. And Mrs. Britt:

We were alerted earlier today by your designer and agent, Dennis Norton, of the possibility that the County Geologist, Joseph Hanna, was recommending to your Zoning Administrator the hearing to remodel your residence be continued due to circumstances with respect to geological hazards.

We subsequently spoke with Mr. Hanna for clarification on the matter. He relayed that he was recommending the continuance because he would like for the Project Geologist of Record to issue a letter substantiating and clarifying why the proposed house remodel for this application is not in need of a geology investigation and report. This letter satisfies that request.

**REASONS WHY CONDUCTING A FULL GEOLOGICAL INVESTIGATION IS
UNNECESSARY FOR THE PROPOSED REMODEL**

1. The residence is not being expanded seaward toward the coastal bluff nor toward the arroyo that flanks it on the up coast side. It is our understanding that the only footprint change for the proposed development consists of adding to the interior of the existing footprint in the courtyard area. In our opinion the residence is not currently imminently threatened by the ongoing long term processes of erosion and landsliding, which is why a geological investigation is unnecessary.
2. The proposed drainage improvements for this application will reduce the flow of storm water runoff onto the coastal bluff and arroyo flank. We addressed this issue in a letter issued earlier this year in January and it is our understanding that this letter has been reviewed and accepted by

the County of Santa Cruz Planning Department. The upshot of the letter is that the proposed drainage will infiltrate water only into the Purisima Formation sandstone bedrock with deep percolation pits. The storm water placed into the deep percolation pits at the proposed depth and location is unlikely to daylight in either the coastal bluff or arroyo bluff. It is more likely that the storm water will have percolated downward below the elevation of the bluffs, eventually entering the regional groundwater regime which is near sea level. This represents an improvement to the current storm water drainage scheme and will only serve to slow down the retreat of the coastal bluff and the arroyo flank.

3. We ARE currently conducting a geological investigation for a proposed bluff and arroyo retention system that will protect the existing development on the property. It is our understanding that work falls under a separate application. We are in the midst of completing a geology report for that work that will give the Project Soils Engineer Of Record and Project Civil Engineer of Record the appropriate geological design parameters needed in order to adequately embed the proposed piers for the walls. During the course of this work we have not observed any evidence that would support an opinion that the existing residential structure is imminently threatened by landsliding. In the end, after the proposed retention system is installed, any concerns regarding the impacts of erosion and landsliding to the existing development on the property will be ameliorated.

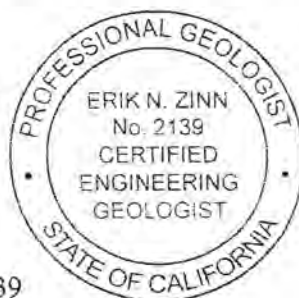
4. We have visited the site repeatedly since December and reconnoitered the footpath leading from Coates Drive to State Park Drive on the beach below the Britt residence. We have observed: some erosional damage to an inadequate storm drain system in the footpath, a small, shallow debris flow on the opposite arroyo flank from the Britt residence, and a shallow landslide on the footpath below the Britt residence. None of the observed damage appears to imminently or immediately threaten the Britt residence. The aforementioned observations simply underscore a finding for the Santa Cruz County coastal bluff and arroyo flanks we have made repeatedly over the past 25 years - the long term retreat rate is driven by erosion and piecemeal shallow landsliding. Nothing that happened below the Britt residence this past winter was unexpected and those events do not imminently threaten the development on the property.

We trust this letter will put to rest any further geological concerns for the proposed residential remodel and drainage improvements. We did not originally recommend that a geological investigation be conducted for the proposed remodel and we continue to stand by that recommendation. A geological investigation for the proposed remodel will not result in any recommendations that will change the design outcome for that particular project.

Sincerely,
ZINN GEOLOGY



Erik N. Zinn
Principal Geologist
P.G. #6854, C.E.G. #2139



ZINN GEOLOGY

Miles Dolinger

From: Doug Britt <dougbritt80@yahoo.com>
Sent: Thursday, June 08, 2017 7:25 PM
To: dougbritt80@yahoo.com; susan arthur
Subject: re: remodel on Coates Drive

Thank you very much for your note. It's much appreciated.

Best regards,

Doug and Kelly

On Thu, 6/8/17, susan arthur <sqarthur@sbcglobal.net> wrote:

Subject: re: remodel on Coates Drive
To: "dougbritt80@yahoo.com" <dougbritt80@yahoo.com>
Date: Thursday, June 8, 2017, 3:20 PM

Dear Doug and Kelly,

We thank you for the letter clarifying your intentions regarding your remodel. We did sign the petition, thinking it included the property across from us, the property we are most concerned about. It appears from your very clear and informative letter, that we were misinformed about your plans. Your remodel sounds like it will enhance the neighborhood rather than detract from it. We will not participate in attempts to derail your plans.

Good luck,

Keith and Susie Henderson 344 Coates drive

Virus-free. www.avast.com

EXHIBIT

K

Miles Dolinger

From: Doug Britt <dougbritt80@yahoo.com>
Sent: Monday, June 12, 2017 10:36 AM
To: Miles Dolinger
Subject: Fw: RE: Letter to Seacliff Neighbors

--- On Sun, 6/11/17, Denny Garite <DGarite@svious.com> wrote:

> From: Denny Garite <DGarite@svious.com>
> Subject: RE: Letter to Seacliff Neighbors
> To: "Doug Britt" <dougbritt80@yahoo.com>
> Date: Sunday, June 11, 2017, 10:03 AM
> Absolutely OK to include my
> note.

>
>
> Dennis A Garite
> Executive Vice
> President / COO
> SVI Global LTD.

>
> -----Original Message-----
> From: Doug Britt [mailto:dougbritt80@yahoo.com]

>
> Sent: Sunday, June 11, 2017 6:54 AM
> To: dougbritt80@yahoo.com;
> Denny Garite <DGarite@svious.com>
> Subject: Re: Letter to Seacliff Neighbors

>
> Denny,
>
> Thanks so much for your note. My wife and I remember meeting you. If
> it's ok with you we will include this note in the documentation we
> provide the county.

>
> Thanks again,
> Doug and Kelly Britt

> -----
> On Sun, 6/11/17, Denny Garite <DGarite@svious.com>
> wrote:

>
> Subject: Letter to
> Seacliff Neighbors
> To: "dougbritt80@yahoo.com"
> <dougbritt80@yahoo.com>
> Date: Sunday, June 11, 2017, 2:42 AM
>

>
 >
 >
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 >
 >
 >
 > Hello,
 >
 > I am your neighbor at 325
 >
 > Coates (Denny Garite). I have received your letter to your
 > Seacliff Neighbors. Like you I grew up in Aptos and always dreamed
 > of moving back to Aptos, being near the beach and settling in a
 > special place.
 >
 > My business requires I spend more than half of my time in China and
 > while I can only spend 3 to 4 days a month in Aptos, I know that
 > living in Seacliff is the right decision for the long term.
 > I read your
 > summary and
 > can't imagine the frustration
 > for you and your wife as you push forward with your home efforts.
 > I have no doubt it took years of hard efforts to reach your goal of
 > returning to the neighborhood and buy a house
 > close to the
 > beach. You and your wife are the type of neighbors I want to have.
 > Your project plan is following all guidelines and the remodel will
 > improve your home and make an old neighborhood a better place to
 > live. Please know you have my support
 > for your home
 > efforts and don't hesitate to reach out to me if needed on your
 > project to document my feelings.
 >
 >
 >
 > Best Wishes for the
 > next
 > steps on the 335 Coates efforts and
 > Positive thoughts!
 >
 >
 > Denny
 >
 >
 >
 > DENNIS A GARITE
 >
 > EXECUTIVE
 >
 > VICE PRESIDENT/ COO

>
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> Ltd.
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*Carrie Zar
418 Coates Drive
Aptos, CA 95003*

August 2nd, 2017

California Planning Commission
26800 Mulholland HWY
Calabasas, CA 91302

RE: A-3-SCO-17-0037
355 Coates Drive
Aptos, CA 95003

California Coastal Commission,

I am writing to express my concerns for the above referenced appeal. My family has lived in our residence for 35 years. We love our small unique neighborhood with amazing views from streets, & walkways that lead to Seaciff State Beach.

I hope you consider and research the updated plans (dated 6/20/2017) specifying Santa Cruz Planning Commissions "Approval of Conditions" specifying the height measurements to be shown on the final plans (6/20/2017.)

The Seacliff Ocean Bluff Subdivision #1 has 21 single story homes in a row. These homes have remained in tack for 90 years.

The referenced 2 story homes that Rainey Graveven mentioned in the staff report on Coates Drive are (*over the entrance to the State Park below*) and are not considered the Ocean Bluff per Santa Cruz County .

Myself along with many neighbors do expect to see a home that is compatible with the last remaining 21 homes on the Ocean Bluff.

As a California native raised along the coast I have seen many of California's beautiful bluffs destroyed by large over built homes.

Please consider the height of the proposed home that is on your 8/10/2017 agenda.

I truly believe that The California Coastal Commission has the California Coast line your number one concern. I thank you all in advance for your time and effort.

Sincerely,
Carrie Zar
831-234-8507

MILES J. DOLINGER

ATTORNEY AT LAW Real Estate | Land Use | Litigation

314 Capitola Avenue, Capitola, CA 95010

OFFICE (831) 477-9193

FAX (831) 477-9196

miles@dolingerlaw.com

June 5, 2017

Santa Cruz County Planning Commission
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060
BY HAND-DELIVERY

Re: Application No. 161245
355 Coates Drive, Aptos, California
APN 038-216-28

Dear Members of the Planning Commission:

I represent Douglas and Kelly Britt, who are the owners of the property at 355 Coates Drive in Aptos (the "Subject Property"), and the applicants for the above-referenced project that proposes a small, 140 square-foot addition to the house entryway, some remodeling, drainage improvements and a minor lot line adjustment (the "Project").

Drainage improvements are NOT part of this application, but parallel application #161083

This letter presents the Britts' responses to the issues raised in the letter from several of the Britts' neighbors ("Appellants"), which is dated on or about May 4, 2017 ("Appeal Letter"), appealing the Zoning Administrator's March 17, 2017 approval of Project.

General Response:

None of the issues raised by Appellants have any merit. Appellants ignore the facts that the Project will not increase the exterior footprint of the house, will only increase the roofline by approximately two (2) feet (thereby having an insignificant impact on any public viewshed), and will actually reduce storm water runoff impacts to the bluff and arroyo near the Subject Property. There are no facts to support Appellants' arguments that the Project will create or exacerbate any existing geologic hazards, or will negatively impact the Beach Gate path.

Roof line as seen from the beach is increased by five to seven (5-7) feet

Drainage work has not been designed. Therefore, the impact on the bluff can not be assessed.
SCC 16.10.70

Response to Paragraph 1 Re Public Viewshed:

Appellants allege that the Project violates Public Resources section 30251, which is part of the Coastal Act. In pertinent part, that section states that, "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...."

This does not conform to the SCC measurement standards (see Appendix 5 of our submission). At the south elevation, seen from the beach and the Beachgate path the height is 21 feet.

The Project complies with these requirements. Any Project-related impacts to the public viewshed from New Brighton State Beach or from Coates Drive will be minimal and insignificant. As viewed from the beach, the existing house on the Property is partially obscured by trees and minimally visible from both the public bathroom area along the road at the foot of the bluff below the Subject Property (see photo attached hereto as Exhibit A, which was taken by the author on May 25, 2017), and from the water line at the beach (see photo attached hereto as Exhibit B, taken by the author on May 25, 2017). The Project will only raise the existing roofline to 13'-10" (as measured from the north/front side of the house), and to 15'-4" (as measured from the existing grade at the midpoint of the house depth). (See elevation plan attached hereto as Exhibit C.) The house is not visible from the Beach Gate path.

50% increase in height as seen from the beach or the Beachgate path.

The house overhangs the Beachgate path and the existing top half is completely visible.

16.10.040 (19) (m) Any other project that is located within a mapped geologic hazard area... shall be determined by the Planning Director to constitute development for the purposes of geologic review. It is established in the deed that the project is located in the geologic hazard area

Appellants also allege that the Project violates Santa Cruz County Code (SCCC) section 16.10.070(H). In pertinent part, section 16.10.070(H)(1)(e) states that, "[p]rojects in areas subject to coastal bluff erosion shall meet the following criteria: (e) Additions, including second story and cantilevered additions, shall comply with the minimum 25-foot and 100-year setback." Section 16.10.070(H) does not apply because the subject Project does not qualify as a "project" as defined in Ch. 16.10. Regardless, the addition part of the Project complies with these setback requirements, as the exterior footprint of the house will not change.

Please visit the site to verify it as well as to view the mud slides on the bluff.

The setback from the bluff on the west side is 5 feet.

Response to Paragraph 2 Re Visual Compatibility:

Appellants allege that the Project violates SCCC section 13.20.130(A) and (B), and Public Resources section 30251, arguing that all of the homes located on the bluff in the vicinity of the Subject Property (333-355 and 403-421 Coates Drive (odd numbers only)), are under 14' high, and the Project would not be visually compatible with any of them.

According to county records 353 is under 14 feet.

The plans of 341 Coates do not show the height. The planning department needs to review the permit to verify the height. 355 is already the tallest structure as seen in photos in Appendices 7&8.

That allegation is false. First, several nearby houses on the bluff are taller than 14' feet: The house at 353 Coates Street, which is immediately to the west of the Subject Property, is approximately 15.8 feet tall, as measured by Mr. Britt (see photo attached hereto as Exhibit D); The house at 357 Coates, which is immediately to the northwest of the Subject Property, is two stories and significantly taller than 14' (see photos attached hereto as Exhibits E-1 and E-2); and the house at 403 Coates, which is directly across the arroyo/Beach Gate trail from the Subject Property, is two stories high and obviously taller than 14' (see photos attached hereto as Exhibits F-1 and F-2). Furthermore, there is an ongoing construction project at 341 Coates Drive, which changed the formerly flat roof to two pitched roofs that are approximately 15' and 16' high, respectively (see photos attached hereto as Exhibits G-1 and G-2).

Both two story homes, 357 and 403, are not on the bluff. They are second row homes. 357 is located behind 355 and 403 states so in permit #99-0662 to add a second story above a detached garage.

In addition, as explained above, the Project only proposes to raise the roof on the existing house by approximately two (2) feet and will be proportionate to the height and mass of the nearby blufftop homes as viewed from the beach below. (See photo attached hereto as Exhibit H.)

Height increase is 7 feet as measured by a planner at the zoning counter.

Thus, for all of these reasons, and the reasons explained in the Staff Report to the Zoning Administrator, the Project is "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas," as required by SCCC section 13.20.130(A), and the Project is, "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...", as required by Public Resources Code section 30251.

Please see enclosed rendition of the impact of 355 remodel on the views from the beach

Response to Paragraph 3 Re Alleged Geologic Hazard:

Appellants allege that the Project is in violation of SCCC section 16.10.040(14)(m). The Appeal Letter appears to be quoting from section 16.10.040(19)(m), which states,

355 Coates is located in the geologic hazard area and its title contains "DECLARATION REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT IN AN AREA SUBJECT TO GEOLOGIC HAZARDS" recorded October 12, 1995 as BOOK 5741, PAGE 845

Any other project that is defined as development under SCCC 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review.

In the same letter Mr. Zinn, states: "We are in the midst of completing a geology report" for the "work that falls under a separate application", i.e. App. #161083., which is a violation of SCCC 18.10.123

The Project will not increase the number of people exposed to a geologic hazard and will not create or exacerbate an existing geologic hazard. The Project will make no changes to the exterior existing footprint of the house, and the "addition" will only add 140 square foot to the interior entranceway. Furthermore, the County Geologist has determined, pursuant to his authority under SCCC section 16.10.050(B), that a geologic hazard assessment is not required for this Project because there is adequate geologic information on file. That information includes, but is not limited to: a geological investigation by Zinn Geology, dated December 2, 2016 and April 22, 2017 (final revision); and the March 16, 2017 letter from Zinn Geology explaining that a geologic investigation is not required for the house remodel project because the house is not being expanded toward the coastal bluff or the arroyo, and because the drainage improvements included in the house remodel project will reduce the flow of storm water runoff onto the coastal bluff and arroyo flank, thereby improving the existing conditions.

Where is the geologic information? None was submitted as part of the permit

The Beacgate beach path was closed January-April due to a sink hole below 355 Coates. See appendix 6 containing May photos of mudslides on the bath below 355 Coates.

Drainage improvements are part of another App. #161083, which requires geological survey per Mr. Hanna. No design specification submitted.

The Britts dispute the allegations in the Appeal Letter that there are mudslides and/or sinkholes in the vicinity of the Subject Property, the Britts dispute that any alleged mudslides or sinkholes will affect the Subject Property, and they dispute that the Project will have any adverse effects on any existing geologic conditions in the vicinity of the Subject Property. Zinn Geology addressed these issues in a letter dated June 3, 2017 (a copy of which is being submitted herewith as

Attachment 1, which is attached at the end after all of the exhibits). In that letter, Zinn Geology concluded as follows:

The drainage project is part of a parallel application #161083. As a condition of its approval Mr. Hanna, county geologist, specified in the report dated 11/15/16: "An engineered drainage plan formulated by the engineer, and reflecting the findings of the geological report is required for any development for the parcel."

In our opinion, the proposed residential project will NOT create or exacerbate any existing geological hazards and attendant risks. The proposed remodel project does not move the residence outward toward the steep slopes that flank it and the proposed drainage improvements will actually decrease the future potential for erosion and shallow landsliding on and below the subject property.

.... ¶ All of the erosion and landslides that occurred this past winter directly below the subject property were small and shallow and mostly involved the thin layers of soil that are perched on top of the Purisima Formation bedrock that underlies the bluff. Past erosion and small shallow landslides that occurred directly below the subject property within the Marine Terrace Deposits appear to have been triggered by poorly controlled storm water drainage, which will be rectified if the currently proposed storm water drainage system is allowed to be constructed.

Given the above findings, it is our opinion that a geological investigation is unnecessary for the project.

What are the proposed drainage improvements?

Where are they specified?

How will they impact the stability of the bluff and the Beachgate Path?

Mr. Zinn, owner's geologist, states in his letter: "We are in the midst of completing a geology report" for the "work that falls under a separate application", i.e. App. #161083., which is a violation of SCCC 18.10.123

Response to Paragraph 4 Re 2002 USGS Study:

CEQA (California Environmental Quality Act)

The project should not be exempted from Environmental Review

Appellants allege that the Project violates SCCC sections 15301.d and 15304.a. There are no such sections in the Santa Cruz County Code. This allegation is nonsensical and does not indicate any violations of any code or regulation. Furthermore, in its June 3, 2017 (**Attachment 1** hereto), Zinn Geology opined that:

California Coastal project, showing the retreat of the Seacliff bluff
www.californiacoastline.org/cgi-bin/image.cgi?image=8712158&mode=sequential&flags=0&year=1987

The appellant's repeated citation of the 2002 USGS (Hapke et al., 2002) analysis is misguided, mainly because the work by the USGS is not a replacement for detailed site-specific work prepared by a properly licensed geologist. Furthermore, the USGS measurements are wrong, simply because they appear to have incorrectly identified the location of the top of the coastal bluff with the data sets with which they were working. On a final note, the presentation of the overly broad and select findings by the appellants and incorrectly presenting those findings as facts undermines the geological credibility of their appeal.

The USGS report was written by the Santa Cruz office, which has been closely studying and monitoring local beaches. The paper has been published by several scientific publications and cited by numerous professional articles.
<https://pubs.usgs.gov/mf/2002/2399>

Response to Paragraph 5 Re Beach Gate Public Path:

Appellants allege the Project will violate Public Resource Code section 30211, which states, in pertinent part, that “[d]evelopment shall not interfere with the public’s right of access to the sea....” The Project will not interfere with the public’s access to New Brighton State Beach down the Beach Gate public path because the Project will have no impact on the path. All Project construction will be within the existing footprint of the house, except for the new storm water drainage system, which will reduce storm water flows on the bluff and arroyo.

Appellants also complain that the California State Parks Department did not adequately participate in the public review process, implying that State Parks would have concerns that the Project would negatively impact the Beach Gate path. This is a pure speculation and distraction. County Planning did notice State Parks of the Project, and State Parks chose not to participate or submit comments, indicating that it has no concern that the Project will adversely affect State Park resources.

Depending on how the drainage is designed and implemented, it can severely damage the bluff and/or the public path

Response to Paragraph 6 Re Separate Permits:

Appellants allege the Project violates SCCC section 18.10.123, which provides, in pertinent part:

Concurrent Action. When more than one approval is required for a permit, or more than one permit is required for a project, or when a time extension for more than one permit is applied for, all the required approvals, permits or extensions shall be applied for, processed, and acted upon concurrently, except in the following cases....

The drainage work is part of a separate application #161083, which requires geological report and the drainage to be designed by an engineer prior to any development on the parcel.

The Project is in compliance with these requirements. As indicated in the March 17, 2017 Staff Report to the Zoning Administrator, the Project requires a Coastal Development Permit and a Lot Line Adjustment approval, which are being processed together in a single application.

Response to Paragraph 7 Re Height Measurements:

Appellants complain that the project plans do not satisfy necessary height measurement standards, citing SCCC section 13.10.700-H and General Plan Policy 8.6.2, and alleging that the Project plans are missing height measurements. Presumably, Appellants are referencing the Zoning Ordinance definition of “Height of a structure” in section 13.10.700-H, which is, “the vertical distance between the existing or finish grade, whichever is lower, to the uppermost point of the structure.” Sheet 5 in the Project plan set shows the existing grade elevation, the maximum height of the proposed new roofline elevation, and the distance between the two,

The '95 permit file contains several memos stating that part of the property is located on the CA State Park land. One of the options discussed was to deed it to 355 Coates, however it does not appear to have been implemented

Members of the Santa Cruz County Planning Commission
Re Application No. 161245
June 5, 2017
Page 6

SCC website specifies: "All building permit applications for a structure, an addition to a structure, or modification to the exterior of a structure are required to include information to confirm that the structure will not exceed the allowed height in the zone district. The definition of Height, found in Section 13.10.700-H of the County Code, is as follows: The height of a structure is the vertical distance between the existing or finish grade, whichever is lower, to the uppermost point of the structure."

which is 13'-10". (See elevation plan attached hereto as **Exhibit C.**) For an addition or renovation to an existing structure, height is measured from "existing or finish grade", not from the ground, as Appellants allege. **Appendix 5 contains Hight Exhibit from the SCC website showing the way the height should be specified.**

Response to Paragraph 8 Re Alleged Deed Restriction:

Appellants allege that the Project violates a deeded height restriction, and thus violates SCCC section 16.10.035. That section states:

This chapter is not intended to repeal, nullify, or impair any existing easements, covenants, or deed restrictions. If this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Does it mean that 16.10.035 is invalid and should be repealed? **Section 16.10.035 is** simply not relevant to the County's approval of the Project. Whether or not a project violates a deed restriction is a matter between the property owners subject to it and the property owners having standing to enforce it. Thus, the only height restrictions and guidelines that are relevant to the County's approval of the Project, are the zoning height restriction (which is 28 feet in the subject R-1-4 zone (SCCC section 13.10.323)), and applicable regulations regarding design, public viewsheds, and neighborhood conformity.

Furthermore, Appellants are incorrect that the document attached to their letter in Appendix 11 creates a deed restriction that binds the Subject Property. The referenced document is a Grant Deed from Annabell Morgan to Alexander P. Lange and Alice C. Lange, dated August 13, 1934 and recorded September 19, 1934 in Book 272, Page 287 of Official Records ("Morgan Deed"). The Morgan Deed conveyed "Lots 1 and 2 in Block "B", Subdivision 1, of Seacliff Park, which map was recorded September 6, 1924 in map book 18, page 50, Santa Cruz County Records." However, the Morgan Deed did not convey the Subject Property and is not properly in the Subject Property's chain of title. According to the 1924 subdivision map referenced in the Morgan Deed, the Subject Property was designated as Lot 4 in Block "B". (See subdivision map attached hereto as **Exhibit I.**) In any event, the highest point on the new roof of the Project will be only 12.57 feet as **measured from the manhole cover in the street in front of the Subject** Property, which is lower than the 14-foot restriction set forth in the Morgan Deed.

All ocean bluff homes in Seacliff Subdivision 1 have the CCR.

Does it mean that the other easements, including the ones for the power company are invalid?

Conclusion

NOT county standard, especially since the property is located on a slope and the manhole is two (2) feet above the highest base point of the structure located in front of the garage and the point facing the bluff is seven (7) below it.

Appellants seem intent on obstructing the Project without any factual grounds to do so, and none of the issues raised by Appellants have any merit. Appellants ignore the facts that the Project will not increase the exterior footprint of the house, will only **increase the roofline by a small**

7 feet is not small and will have major impact on viewshed from the beach and the public path

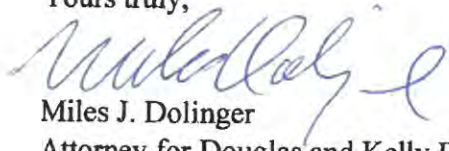
Members of the Santa Cruz County Planning Commission
Re Application No. 161245
June 5, 2017
Page 7

amount, and will actually reduce storm water drainage impacts to the bluff or arroyo near the Subject Property.

adding 50% in height is NOT minor.

We appreciate your careful consideration of the Britts' minor addition/remodel/drainage project, and request that you approve the Project.

Yours truly,



Miles J. Dolinger
Attorney for Douglas and Kelly Britt

The drainage project is part of a parallel application #161083. As a condition of its approval Mr. Hanna, county geologist, specified in the report dated 11/15/16: "An engineered drainage plan formulated by the engineer, and reflecting the findings of the geological report is required for any development for the parcel." So far no drainage plans were submitted. Therefore, the impact on the bluff, neighborhood, and the Beachgate path can not be determined.

Encls.

CC (by email only):

Doug Britt
Dennis Norton
Eric Zinn

355 Coates



BYK < YJL \h



EXHIBIT

A

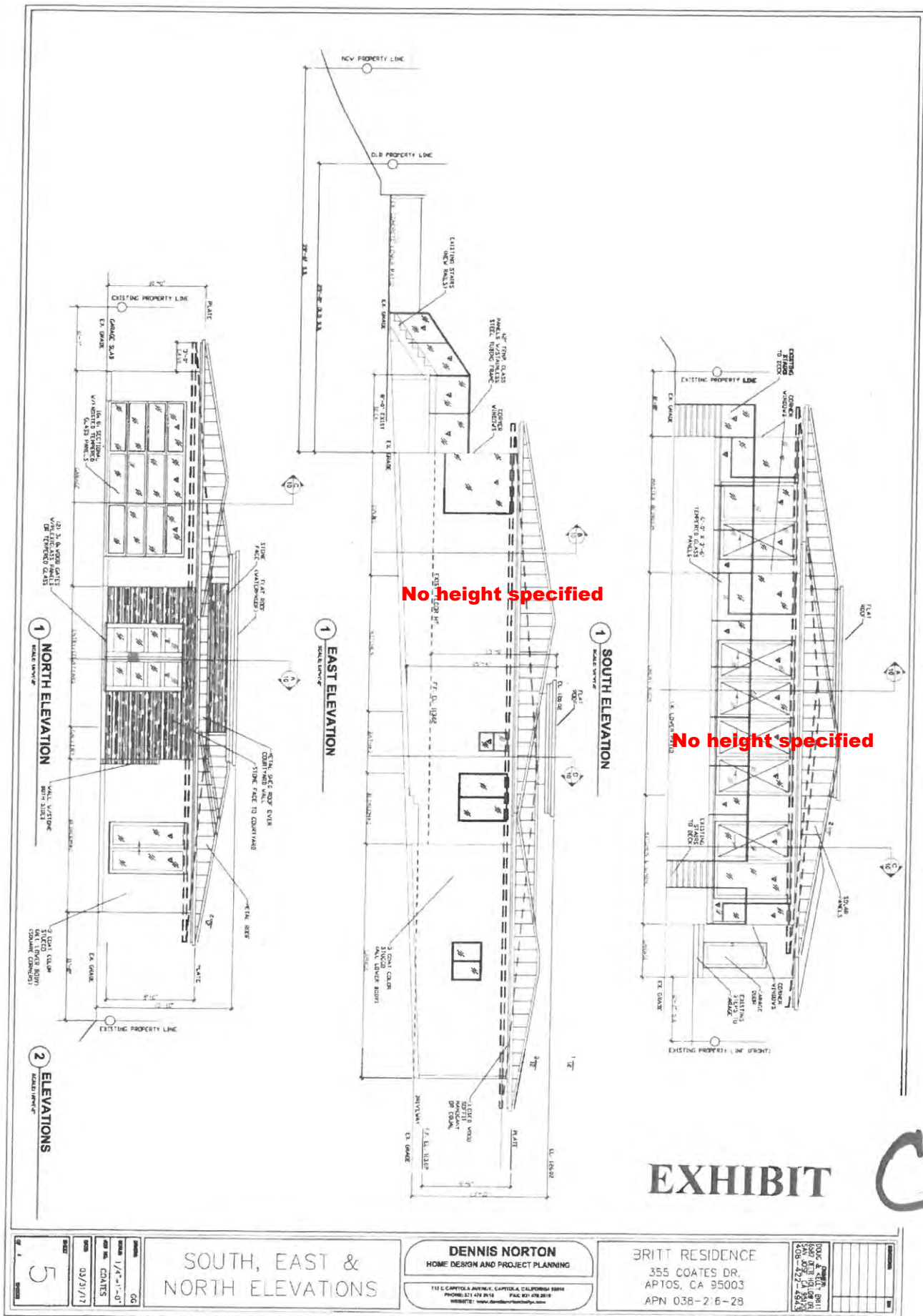


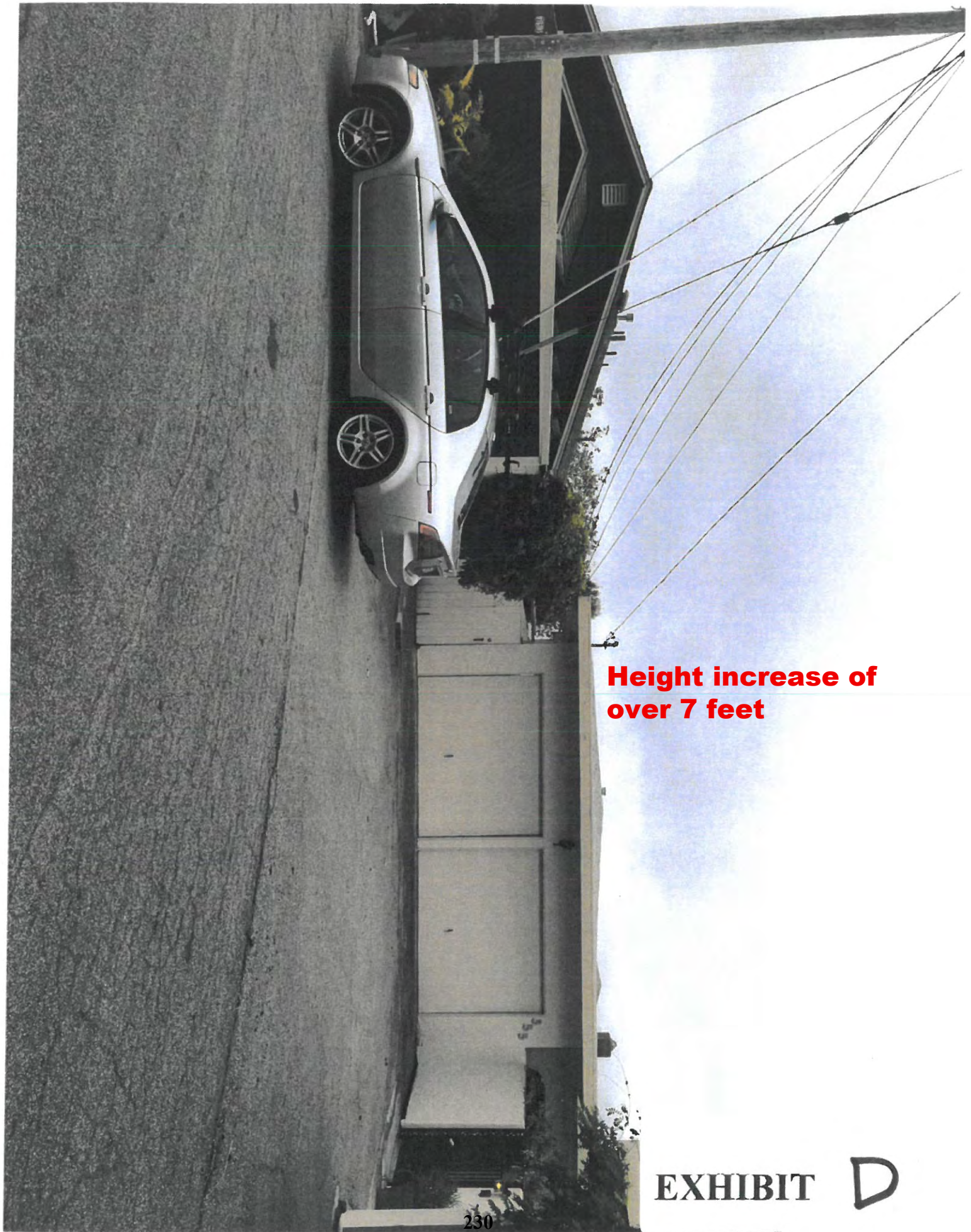
355 Coates



New Height

EXHIBIT B





**Height increase of
over 7 feet**

EXHIBIT D

357 Coates

357 Coates is not located on the ocean bluff. See the map or visit the site

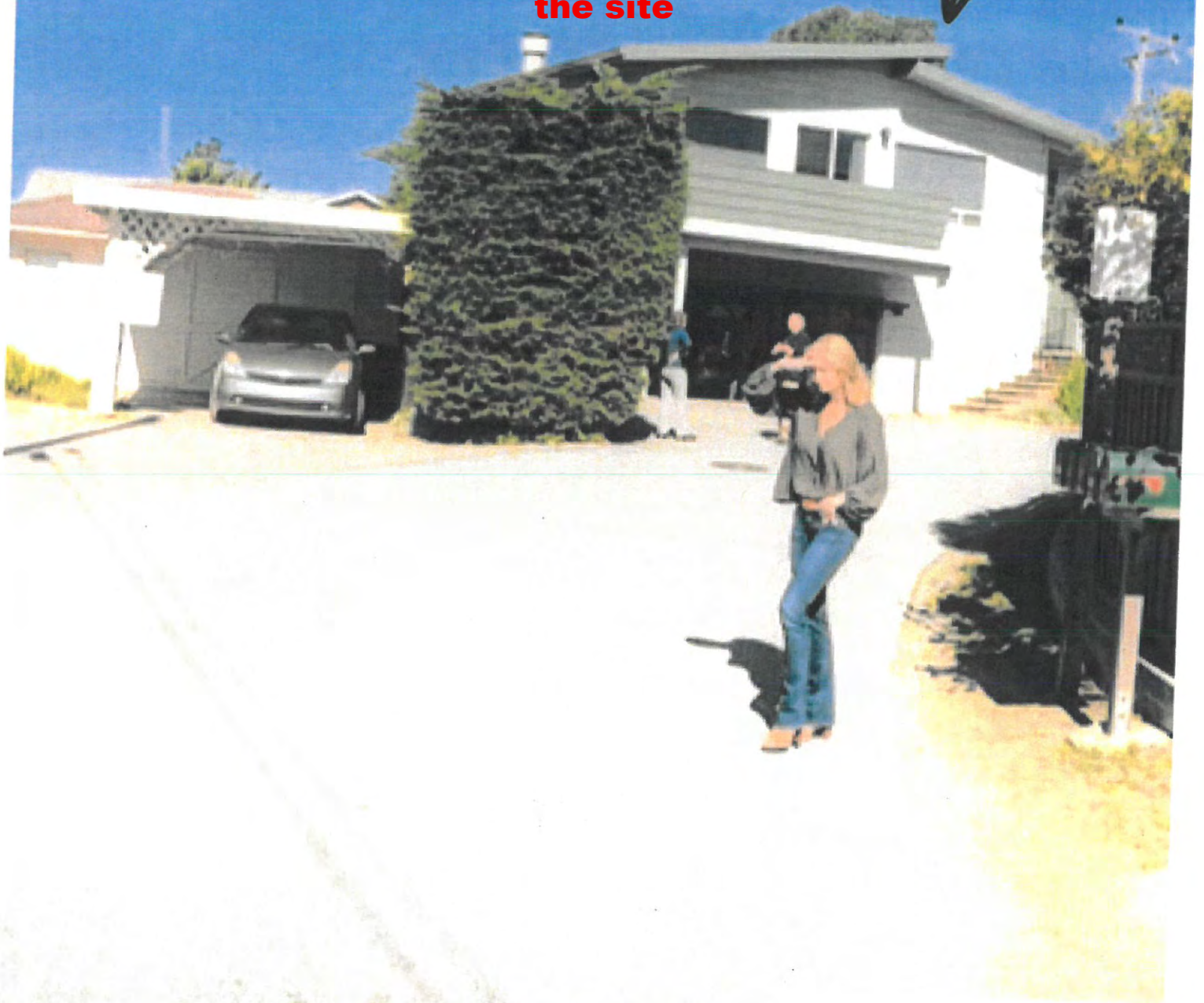
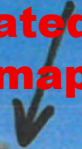


EXHIBIT E-1

357 Coates is 2nd row from the ocean

357
Coates

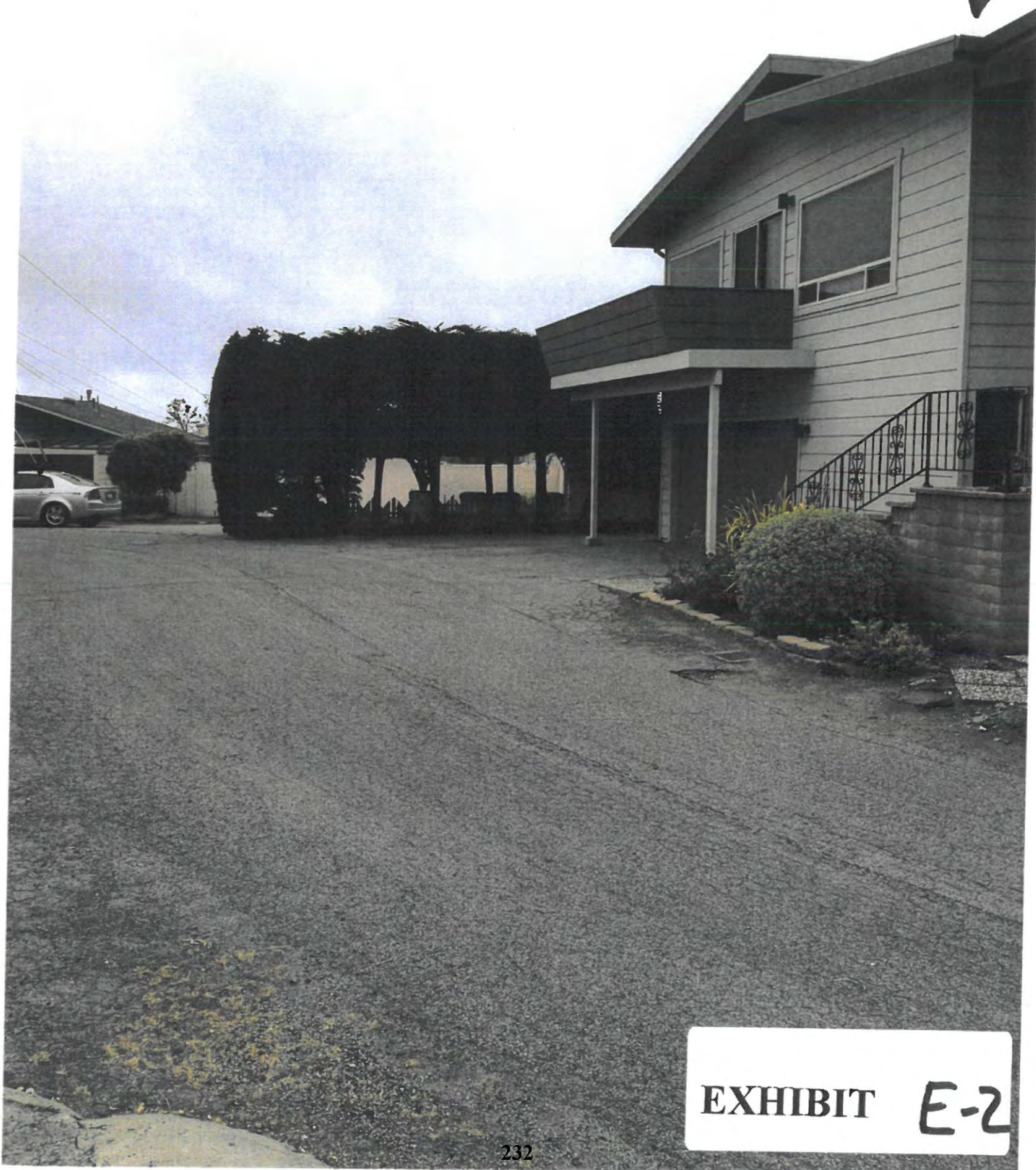


EXHIBIT E-2

403
Coates

403 Coates The two story in-law unit is 2nd row from the ocean.

EXHIBIT F-1

403 Coates The permit #99-0662 to add a second story in-law unit specifically states that it will not be on the ocean bluff.

403 Coates

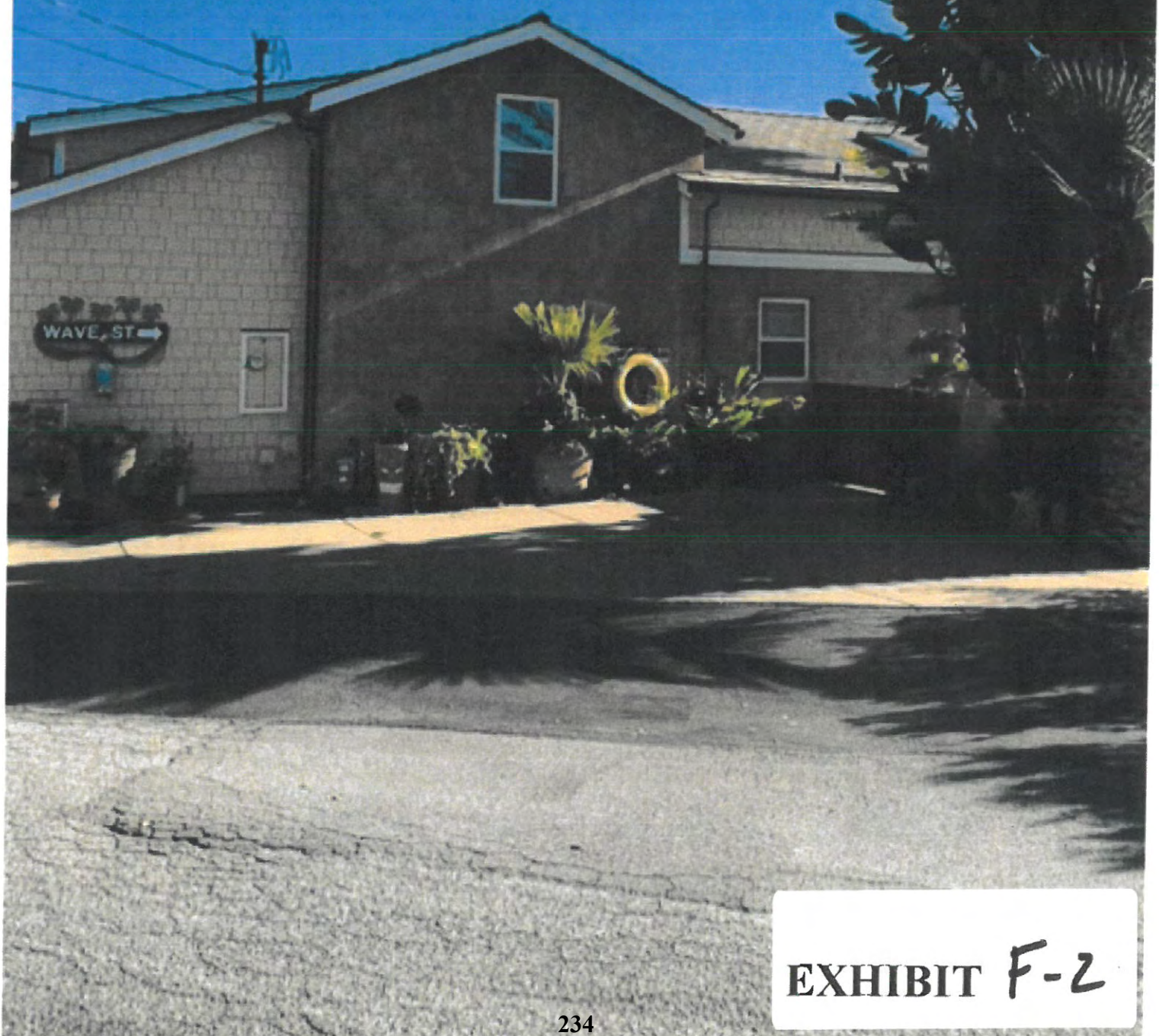


EXHIBIT F-2

341 Coates



EXHIBIT G-1



EXHIBIT G-2

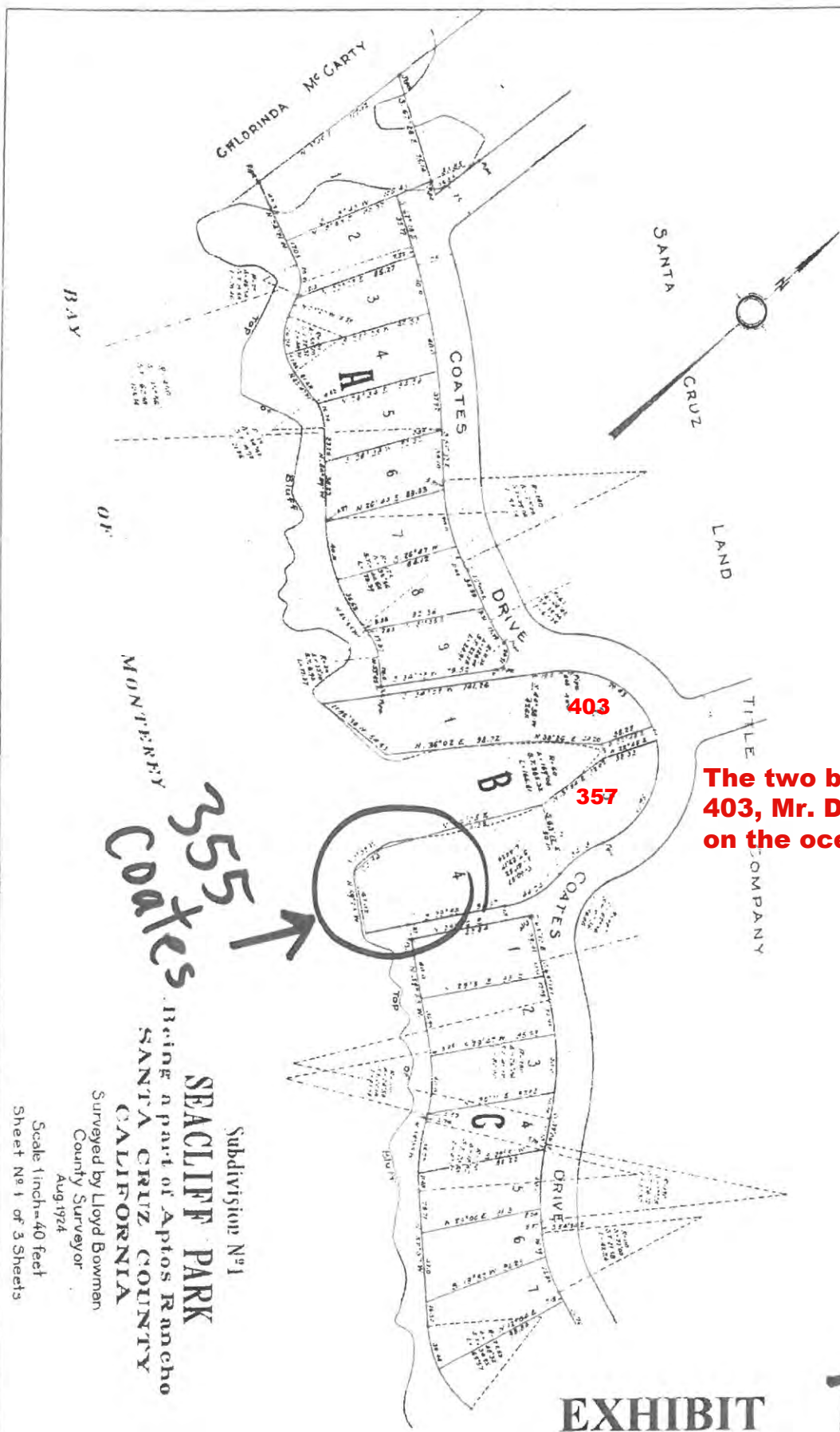
355 Coates



The yellow highlight shows the view from the beach after the proposed remodel.



EXHIBIT H



018m50

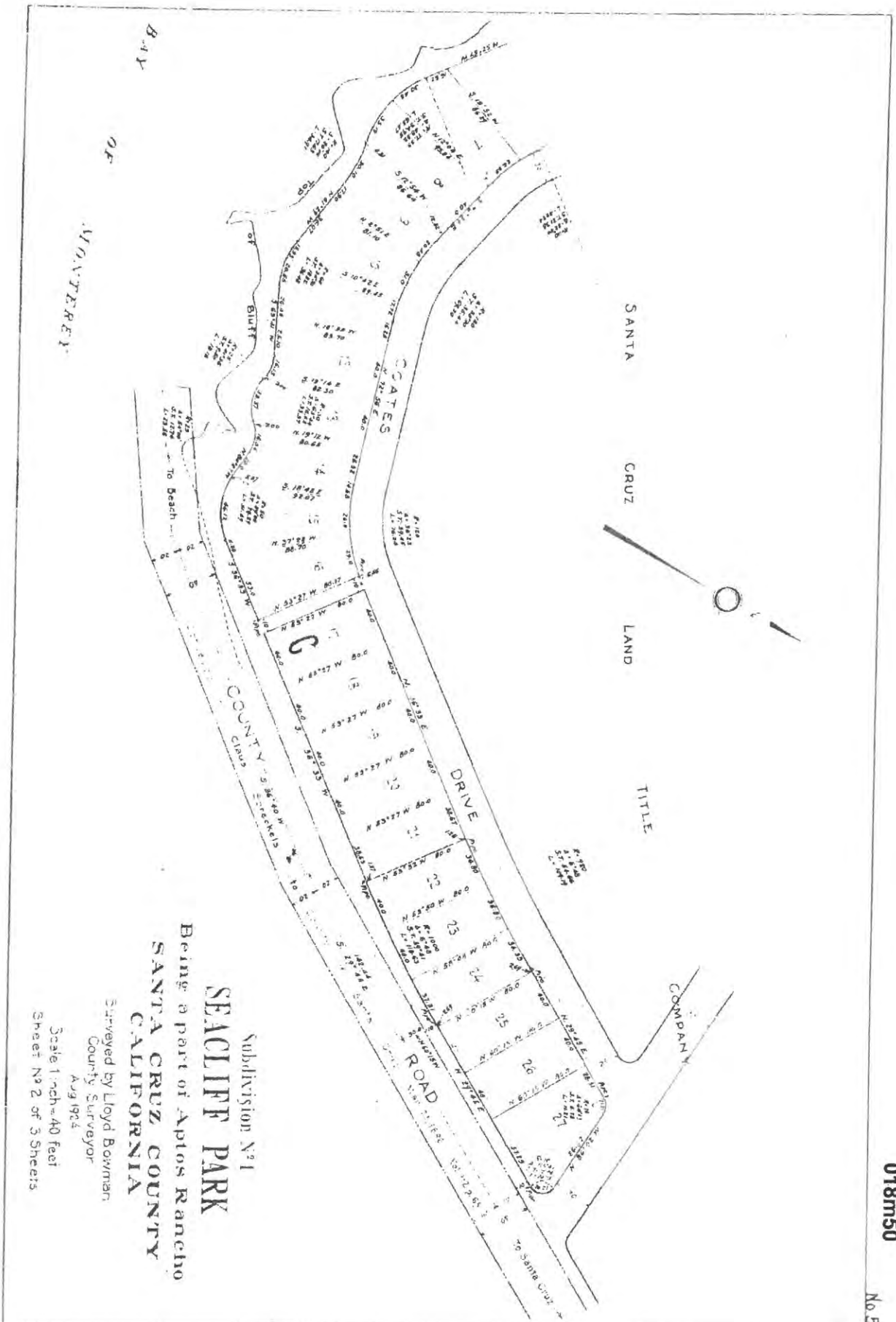
No. 50

EXHIBIT

I

018m50

No. 50



Subdivision No. 1
SEACLIFF PARK
 Being a part of Aptos Ranch
 SANTA CRUZ COUNTY
 CALIFORNIA

Surveyed by Lloyd Bowman
 County Surveyor
 Aug 1904
 Scale 1 inch = 40 Feet
 Sheet No 2 of 3 Sheets

UNITED STATES LAND OFFICE, a corporation, owner of the land embraced within this map, (on three sheets, numbered 1, 2, and 3, this certificate being on sheet 3.) hereby consents to the making thereof.

Dated: August 25, 1924.

Witness my hand and the seal of said County, at Santa Cruz, California, this 25th day of August, 1924.

WITNESSES:
COUNTY OF SANTA CRUZ,) SS.
COUNTY OF SANTA CRUZ,)

On this 25th day of August, in the year one thousand nine hundred and twenty-four, before me, JACOB H. HARRIS, a Notary Public, in and for said County of Santa Cruz, personally appeared, JAMES B. CONDON, and ALVIN W. HOLMIST, personally known to me to be the President and Secretary, respectively, of the Corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

I, JACOB H. HARRIS, I have however put my hand and affixed my official seal, at my office in the City of Santa Cruz, in said County of Santa Cruz, the day and year in this certificate first above written.

Jacob H. Harris
Notary Public in and for the County
of Santa Cruz, State of California.

I hereby certify that there are no liens for unpaid taxes, (except taxes not yet payable,) against the tract of land covered by this map, or any part thereof.

Dated: August 25, 1924.

Michael J. Jones
County Auditor

I hereby certify that a bond has been filed, approved by me in amount, \$200.00, fixed by the Board of Supervisors, and by its terms made to issue to the benefit of this County, conditioned for the payment of all taxes which are, at the time of filing this map, a lien against the tract covered by said map, or any part thereof, but are not yet payable.

Dated: August 25, 1924.

J. F. Mills
County Auditor
By Edgar Hayward
Deputy

The Board of Supervisors of Santa Cruz County approved this map, but does not accept any of the streets shown thereon as public highways.

Dated: August 25, 1924.

Witness my hand and the seal of said County, at Santa Cruz, California, this 25th day of August, 1924.

J. F. Mills
County Auditor
By Edgar Hayward
Deputy

This map was drawn by me from my own survey of the ground.

Edgar Hayward
County Auditor

SUBDIVISION No. 1
SEACLIFF PARK
Being a part of Aptos Rancho
SANTA CRUZ COUNTY
CALIFORNIA
Surveyed by Lloyd Bowman
County Surveyor
Aug 1924
Scale 1 inch = 40 feet
Sheet No. 3 of 3 Sheets

4975

Edgar Hayward
County Auditor
By Edgar Hayward
Deputy

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



**The Seacliff Ocean Bluffs Association's
 Review of the CCC's Staff Report**

Th12a

RECEIVED

AUG - 4 2017

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Appeal Filed: 7/17/2017
 49th Day: 9/25/2017
 Staff: Rainey Graeven - SC
 Staff Report: 7/27/2017
 Hearing Date: 8/10/2017

**APPEAL STAFF REPORT: SUBSTANTIAL ISSUE
 DETERMINATION ONLY**

A-3-SCO-17-0037

Appeal Number: Kelly and Doug Britt

Applicants: Seacliff Ocean Bluffs Association

Appellant: Santa Cruz County

Local Government: Coastal development permit (CDP) application number 161245 approved by the Santa Cruz County Planning Commission on June 14, 2017.

Local Decision: 355 Coates Drive (APN 028-216-28) in the Seacliff area of Santa Cruz County.

Location: Construct a 169-square-foot entryway addition within the interior courtyard of the existing residence; modify the existing flat roof to incorporate a new pitched roof design; demolish an existing 170-square-foot detached carport; replace windows and doors; install drainage improvements including roof spouts and percolation pits;

Project Description: adjust lot lines to transfer approximately 643 square feet of land from an adjacent property (APN 038-216-31) to the subject property (APN 038-216-28).

We assert that the project is significantly larger in scope. On numerous occasions the owners and the designer have stated that it's a \$1,000,000+ project that involves foundation work and complete remodel with taking the home to the studs.

The existing roof is not flat. In '99 remodel its pitch was limited by the historic (90 years) neighborhood height restriction (see photo in Exhibit S6). Where as a large portion, over 1,000 sq feet, of the new roof design is flat.

Staff Recommendation: No Substantial Issue

It appears that the above decision was made before May 8th prior to the SCC Planning Commission hearing on June 14th and the filing of this appeal on July 17th. See author's email in Exhibit S1.

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. 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. Others may submit comments in writing. 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. (California Code of Regulations, Title 14, Sections 13115 and 13117.)

*Not a small project,
\$1,000,000+.*

*Height increase by
100% as seen from
the State Park and
the Beachgate Path.*

*Roof line as seen
from the beach is
increased by five to
seven (5-7) feet
since existing height
of the home facing
the ocean is 9' - 11'
as shown in the east
elevation plan and
Exhibit S6)*

*It is one of the
highest structures
on the bluff. (See
Exhibit S6)*

*Drainage
improvements are
NOT part of this
application, but
parallel App
#161083. Moreover,
drainage work has
not been designed.
Therefore, the
impact on the bluff
can not be assessed.*

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County approved a coastal development permit (CDP) to perform minor remodeling to an existing single-family residence (i.e., replace windows and doors, demolish an existing 170-square-foot carport; construct an approximately 169-square-foot entryway addition within the interior courtyard; change the roof from the existing flat roof design to a pitched roof design; install drainage improvements; and transfer approximately 643 square feet of land from an adjacent neighbor's property to the subject property at a site located in the Seacliff area of Santa Cruz County). The project site is located on the blufftop above Seacliff State Beach and adjacent to the Beachgate pathway, which provides pedestrian access from Coates Drive on top of the bluff down to the beach below.

The Appellant contends that the approved project is inconsistent with Santa Cruz County Local Coastal Program (LCP) policies related to public views, geologic hazards, and public access, and that the County's notice of CDP action was incomplete. After reviewing the local record, Commission staff has concluded that the County-approved project does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

Specifically, the project is minor in scope, largely consisting of aesthetic improvements, as well as drainage improvements conditionally required by the County. In terms of public views, the approved project is consistent with the LCP because it will not block or significantly impact public views, including public views from the Beachgate pathway and Seacliff State Beach. The approved project is also generally consistent with the character of other residential development in the neighborhood.

Please see 2002 USGS report regarding the stability of the Seacliff State Park Bluff (Exhibit S3)

With respect to hazards, while the County's review and processing process did not entirely meet geologic reporting requirements, ultimately the project is adequately set back to meet the LCP's 100-year stability requirements, and the project also includes significant drainage improvements, which taken together appropriately ensures that potential geologic hazards at the site have been adequately addressed. *The county geologists report states: "average bluff retreat of 4-6 inches per year" - 35-50 feet in 100 years!*

With respect to contentions related to public access, the LCP sections related to public access are not implicated by the County-approved development, and the project will not have an effect on public recreational access in this case. Finally, while the County CDP notice does not entirely conform to standards set forth in the LCP, the notice adequately conveyed all of the necessary and pertinent information including, but not limited to, project plans, Zoning Administrator and Planning Commission staff reports, revised conditions of approval, correspondence, and site

The '95 permit file contain several memos stating that part of the property is located on the CA State Park land. One of the options discussed was to deed it to 355 Coates, however it does not appear to have been implemented. Please see State Park memos. (Exhibit S2). Moreover, the '95 work included drainage work, which obviously was not done correctly. Where is the guarantee that it will work this time?

photos. Further, the notice process worked in a way that allowed the Appellant to appeal, which is arguably one of its primary functions.

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. *It appears that the above recommendation was made before May 8th prior to the SCC Planning Commission hearing on June 14th and the filing of this appeal on July 17th. See author's email in Exhibit S1.*

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EXHIBITS

Exhibit 1 – Project Site Map
Exhibit 2 – Project Site Images and Photographic Simulations
Exhibit 3 – County's Final Local Action Notice
Exhibit 4 – County Approved Project Plans
Exhibit 5 – Appeal of Santa Cruz County's CDP Decision
Exhibit 6 – Aerial View (Lot Line Adjustment)
Exhibit 7 – Applicable LCP Policies and Standards

CORRESPONDENCE

(Appellant 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-17-0037 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-17-0037 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 DESCRIPTION AND LOCATION

The County-approved project is located at 355 Coates Drive in the Seacliff area of Aptos in unincorporated south Santa Cruz County. The project site is on the seaward side of Coates Drive on the blufftop above Seacliff State Beach, and within an LCP mapped scenic resources area. The State Beach below includes a wide beach with an array of public access and recreational opportunities, an RV campground, an interpretive center, and the renowned Cement Ship¹. The property is also located adjacent to the Beachgate pathway that begins at the intersection of Beachgate Way and Coates Drive and provides access (primarily to residents, although not exclusively) down the bluff to Seacliff State Beach. The coastal bluff is between 100 to 120 feet high in the Seacliff area.² The bluff below Coates Drive is generally unarmored and contains a fair amount of vegetation largely consisting of various trees and brush.

¹ According to the Department of Parks and Recreation's webpage for Seacliff State Beach, three cement ships were built in the early 1900's for military uses following steel shortages. Ultimately, these ships were not completed until after WWI had ended, so they sat in various shipyards in the Bay Area. In 1929, Cal-Nevada bought one of the ships, the Palo Alto, with the idea that they would use it as an amusement ship. The Palo Alto's maiden voyage was to Seacliff State Beach. Upon opening the sea cocks, the Palo Alto settled to the ocean floor where it has resided ever since. By the summer of 1930 a pier to the ship had been built, and a deck, swimming pool, and dance floor were constructed. After two seasons Cal-Nevada went bankrupt, and the boat was stripped. It was then used for recreational fishing until it became unsafe. Although it has deteriorated over time and completely broke in half in winter of this year, it has remained a renowned local attraction.

² Griggs, G.B. & Fulton-Bennett, K.W. "Failure of Coastal Protection at Seacliff State Beach, Santa Cruz County, California, USA." Environmental Management Volume 11, No. 2, pp. 175 – 182. (1987).

The property is zoned R-1-4 (Single-Family Residential, 4,000-square-foot minimum parcel size). Existing development on the project site consists of a single-family residence, a carport, and a detached non-habitable accessory structure. The County-approved project provides for: 1) the replacement of windows and doors; 2) the demolition of an existing 170-square-foot carport; 3) the construction of an approximately 169-square-foot entryway addition within the existing interior courtyard; 4) the alteration of the roof from the existing flat roof design to a pitched roof design.

The immediate downcoast property is located at 353 Coates Drive (APN 038-216-31). The parcel boundary for APN 038-216-31 is shaped like a backwards capital "L" with the base of the backwards "L" extending seaward of the project site. The County-approved project also includes a lot line adjustment to transfer approximately 634 square feet of property (i.e., the base of the backwards "L") from APN 038-216-31 (353 Coates Drive) to APN 038-216-28 (355 Coates Drive).

See **Exhibit 1** for a location map; see **Exhibit 2** for photographs of the site and surrounding area, as well as photo-simulations of the approved project; and see **Exhibit 4** for the approved project plans. *NO photo-simulations provided. If there was one it would show that the height is increased by 100% as seen from the State Park and the Beachgate Path, since the current home is 9'-11' in the east elevation, but only the top 3'-5' are visible and the proposed design is 13'-16', resulting in 7'-10' height as seen from the beach.*

B. SANTA CRUZ COUNTY CDP APPROVAL

On April 21, 2017, the Santa Cruz County Zoning Administrator (ZA) approved a CDP for the project (County application 161245). The ZA's decision was appealed by the current Appellant to the County's Planning Commission on May 5, 2017. The Planning Commission approved the project with revised conditions of approval on June 14, 2017. 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 Friday, June 30, 2017. The Coastal Commission's ten-working-day appeal period for this action began on Monday, July 3, 2017 and concluded at 5 p.m. on Monday, July 17, 2017. One valid appeal (see below) was received during the appeal period.

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, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP (Coastal Act Sections 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. (Coastal Act 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. Section 30625(b)(2) 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.³ Under Section 30604(b), if the Commission conducts the de novo portion of an appeal 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.

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

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the County-approved project raises LCP consistency questions relating to visual resources, coastal bluff hazards, and public access/recreation, as well as procedural inconsistencies. Specifically, the Appellant contends that the approved project is inconsistent with the LCP because: 1) the approved roof modification would result in a significant increase in height and thus would be visually incompatible with the adjacent properties; 2) the required geology reports were not obtained, and the project does not meet the required blufftop setback or mitigate for geologic hazards at the site; 3) development at the project site could lead to erosion of the coastal bluff, which in turn could adversely affect the Beachgate pathway; and 4) the FLAN is incomplete. Please see **Exhibit 5** for the full text of the appeal contentions.

³ 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.

E. SUBSTANTIAL ISSUE DETERMINATION

1. Visual Resources

The existing roof is not flat. In '99 remodel its pitch was limited by the historic neighborhood height restriction (see photo in Exhibit S6)

The Appellant contends that the County-approved project raises LCP consistency questions relating to protection of visual resources. Specifically, the Appellant contends that the approved modifications to the roof (which entail modifying the existing flat roof design by raising the plate height by one foot and reframing the roof with a pitched roof design) would: 1) adversely impact views from the adjacent Beachgate pathway and from Seacliff State Beach; 2) result in a significant height increase that would be incompatible with the surrounding neighborhood and would set a negative precedent for future development in the area.

The Santa Cruz County LCP is very protective of coastal zone visual resources, particularly in regards to views from public roads and from the beach. 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 7** for the LCP's applicable visual protection policies. In addition, the Implementation Plan sets forth standards for residential development including for maximum height (See **Exhibit 7**: IP Section 13.10.323).

The inland homes are not visible from the bluff and the upcoast residences are facing the State Park road and are not directly facing the beach. Moreover, the second story addition of 403 is not on the bluff, as stated by permit#99-0662 to add a second story above a detached garage.(see photo in Exhibit S6)

The LCP's maximum height for this zoning district is 28 feet. The existing residence is 13 feet and 4 inches in maximum height. The County-approved roof modifications will result in a maximum height that is two-and-a-half feet taller than the existing residence (i.e., a maximum height of 15 feet 10 inches). In total, the County-approved roof modifications result in a relatively modest increase in height that is well below the LCP's maximum height limitation of 28 feet for this zoning district, and these changes will not have significant impacts on public views.

With respect to neighborhood compatibility, although the Appellant contends that the project site is located "in the middle of a continuous row of 21 single story houses that are sitting directly on top of the ocean bluffs," the development along both the seaward and inland side of Coates Drive consists of a combination of single-story and two-story residences, including two two-story residences located directly upcoast from the project site (see **Exhibit 2**). Furthermore, the County-approved development does not entail a second story addition; rather the project entails aesthetic roof improvements to an existing single-story house, consistent with other peaked roof designs that exist along Coates Drive. In this light, converting the flat roof to a pitched roof design arguably facilitates conformance of the property to the community character.

The property is located within an LCP-mapped scenic area. A mapped scenic resource designation recognizes that the area contains significant visual resources worthy of protection. Currently, existing residential development is only minimally visible from both Seacliff State Beach and the Beachgate pathway due to both the topography and the height of the bluff, and existing trees and shrubs that help block views of residential development from the beach (see **Exhibit 3**). In terms of views from the beach, the only portion of the existing house currently visible from the beach is the roof line, which is barely visible from select angles and locations along Seacliff State Beach. While the County-approved roof modifications do increase the maximum roof height from grade by a maximum of two-and-a-half feet, this increase in height will not have a significant impact on views from the beach given that there is other existing

As seen from the beach, the house will double in height, since existing height of the home facing the ocean is 9' - 11', but only 3'-5' are visible from the beach. It is already one of the highest structures on the bluff. (see photo in Exhibit S6)

If these houses are considered facing the ocean, than the north-west side of the 355 should also be and should be required to have setback of 25', which at present is only 5-7' from the bluff. (see photo in Exhibit S7)

No two-story houses on Coates Dr. are visible from the beach. Please specify which ones are.

As seen from the beach the height of the house will double.

It is one of the highest structures on the bluff (see photo in Exhibit S6)

355 Coates. Please visit the site to view the mud slides on the bluff less than 10' from the home. (Exhibit S7 contains May and August 3rd photos)

The Beachgate beach path was closed by the State Park administration January-April due to a sink hole 15' below the property.

How was the County's LCP applied to this project? The setback from the blufftop is 5' in the west elevation. The GHA was not done, even though the USGS report states that the bluff in front of the home has lost 10' during the '98 El Nino. (Exhibit S3)

development along Coates Drive that is more visible from the beach, including two-story development. 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 the effect that it will have on the public view from the beach. Therefore, because the County-approved development entails a relatively small increase in total height (i.e., two-and-a-half feet) and development along the blufftop is already visible from the beach, the project does not raise substantial issue with respect to its location within a designated visual resource area.

Regarding the contention that the approved project will have a negative impact on views from the Beachgate pathway, the existing residence is visible from the public path because the path passes alongside as well as seaward of the house. However, in terms of views towards the ocean from the path, the approved project will not have any impact on public views of the ocean from the path because the slightly taller roof will not impede any sight lines along the path (i.e., the sight lines when walking down the path are out toward the ocean, not toward the residence).

With respect to the contention that the roof modifications would set a precedent for larger development in this area, because the roof modification would result in a total height increase of only two-and-a-half feet and the residence will remain single-story and is well below the LCP's maximum height limitation for this zoning district, the County-approved development will not create a precedent for taller development in the area.

In sum, the approved project does not result in significant adverse impacts to the public viewshed, and are compatible with surrounding development. For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to visual resources.

2. Coastal Blufftop Development/Hazards

The Appellant contends that the approved residence is inconsistent with the County's Geologic Hazards Ordinance including with respect to adequately mitigating geologic hazards, required setbacks, and required geologic reports. The Appellant also raises issues with the fact that the Applicant elected to submit a separate application to the County for a retaining wall and additional drainage improvements.⁴ Lastly, the Appellant broadly contends that existing landslide conditions are not being properly addressed.

The County LCP seeks to reduce hazards and property damage caused by landslides and other ground movements in areas of unstable geologic formations, potentially unstable slopes and where there is coastal bluff retreat, including by requiring appropriate setbacks from coastal blufftop edges. Further, the LCP generally requires the preparation of a geologic hazards assessment (GHA) and/or a geologic report for new development located on the blufftop, and also requires that any such development be sited a minimum of 25 feet from the blufftop or be adequately set back for 100 years, whichever is greater. See **Exhibit 7** for the LCP's applicable geologic hazard policies and standards.

⁴ The Applicants have submitted a CDP application to the County (Application No. 161083) that remains incomplete. Application No. 161083 is a separate application from the project that is the subject of this appeal.

App. #161083 requires geological survey per county geologist, Mr. Hanna. On the SCC Planning department's website the status of the application #161083 is complete and applications B-173175 and B-173178 have been submitted to the building department. The plans for the building permit B-173178 include a retaining wall on the seaward side of the home.

How are the setback and hazard requirements met? The setback from the bluff on the west elevation is 5'. No geological studies were done

In the report dated 11/15/16 the county geologist, specified that the geological report is required and stated: "An engineered drainage plan formulated by the engineer, and reflecting the findings of the geological report is required for any development for the parcel." (Exhibit S4) This report was written prior to this winter's storms, which resulted in sink holes and mud slides, and the assessment was done after the storms.

This is NOT the assertion. The assertion is that without completing the geological report and drainage plan it is not possible to determine the impact the future construction will have on the Beachgate Path.

Moreover, the applicants has cut more than 50% of the trees on the bluff without obtaining county permits. This could have had a major impact on the deteriorating state of the cliff and the Beachgate path.

With respect to the contentions that the County-approved project does not meet the required setbacks and did not include required geologic reporting, it appears that the County's process did not perfectly conform to the LCP's geologic assessment requirements, but ultimately LCP objectives are met because the project meets all required setback and other relevant hazard requirements. Specifically, the project required a GHA, including because it includes a lot line adjustment and constitutes an addition, but an assessment was not completed for this project. It is possible a full geologic report may have been required as well (e.g., if either a significant potential hazard is identified by a hazard assessment or for a land division located within an earthquake faultzone on the State Alquist-Priolo Earthquake Fault Zoning Act maps).

In any event, in this case a GHA was completed for the site (related to the aforementioned separate CDP application for a retaining wall and certain drainage improvements), and it was reviewed by the County geologist who determined that the information included in the assessment was "sufficient to demonstrate that the project is both 25 feet from the coastal bluff and set back from the 100 year erosion/ stability setback" (see page 10 of **Exhibit 3**). Therefore, although the processing of the geologic assessment was atypical and did not perfectly conform to the LCP's requirements, the development nevertheless meets both the 100-year setback and the minimum 25-foot setback, which translates to the same project outcome. In other words, regardless of whether the GHA was formally reviewed as a part of this project or for the associated project at the project site, the County-approved project that is the subject of this appeal still conforms to the necessary setbacks, and the project site (including the development of the subject appeal) meets the 100-year stability requirements. In sum, while there are some processing questions, the County-approved development meets the LCP's setback requirements (i.e., minimum of 25 feet and 100 years of stability), and these appeal contentions do not raise a substantial issue with respect to the project's conformance with the certified LCP.

The county geologists report states: "average bluff retreat of 4-6 inches per year" - 35-50 feet in 100 years!

The Appellant also broadly contends that "existing slide conditions are not being properly addressed." Specifically, the Appellant states that the adjacent Beachgate pathway experienced erosion during the winter the months, and alleges a connection between the erosion of the path and the approved project (see **Exhibit 5**). First, there is no evidence in the administrative record that the subject site, including any existing development at the site, contributed to the erosion of the Beachgate pathway this past winter. Moreover, the County-approved project is conditioned to include significant drainage improvements that will redirect runoff away from the bluff (where it was historically directed) through the construction of roof spouts, deep percolation pits, and increased permeable surfaces on the inland street-facing area of the development site (see **Exhibit 4**). The County-approved project is thus consistent with the LCP's requirements for mitigating "existing or potential erosion problems" stemming from drainage conditions at the project site (see LUP Policy 6.3.3 of **Exhibit 7**). Therefore, the Appellant's contention that slide conditions are not being properly addressed does not raise a substantial issue with respect to conformance to the certified LCP.

In sum, while there are some processing questions related to assessment and report requirements, because the County-approved project adequately addresses geologic hazards at the site, including because the development effectively meets the required minimum 25-foot and 100-year setback and includes significant drainage and erosion control improvements, the appeal contentions

How does the project address geologic hazards and setbacks without performing the necessary work, i.e. geologic report and engineered drainage plan?

related to geologic hazards do not raise a substantial issue with respect to the project's conformance with the certified LCP. *Given the state of the bluff after the last winter's storms, how is it possible?*

3. Public Access

The Appellant contends that the approved project raises LCP consistency questions relating to public access. Specifically, the Appellant contends that: 1) additional development of the project site could undermine the adjacent Beachgate pathway which, as described above, suffered erosion during the past winter; 2) the lot line adjustment could interfere with a "State Parks easement;" and 3) State Parks "should be a part of the process since Seacliff State Beach General Plan highlights concern with the development adversely affecting the State Park resources" (see **Exhibit 5** for the Appellant's contentions).

Both the LCP and the Coastal Act are highly protective of public access and recreational opportunities and seek to protect and improve public access through maximizing public access opportunities (see **Exhibit 7** for the applicable LCP and Coastal Act public access policies). However, these policies are not implicated by this minor residential project. With respect to the lot line adjustment, the adjacent downcoast property is unusually configured and actually extends seaward of the subject site (see **Exhibit 6**). Because an existing developed deck on the project site extends over the existing property line onto the neighboring downcoast property, the primary purpose of the lot line adjustment is to reconfigure the parcel boundaries such that they reflect the current development pattern and to ensure that the deck is located within the Applicants' property line and meets the necessary setback requirements from the property's boundaries. Further, it should be noted that the approved lot line adjustment is a transfer between two neighboring property owners (353 Coates Drive and 355 Coates Drive), and that the State Parks easement is located on a separate property (APN 038-175-21) and is thus not affected by the County-approved lot line adjustment.

Please see photos (Exhibit S7) regarding the condition of the State Park's Beachgate path and the proximity of the home to it. The State Park should be consulted in assessing the impact of the drainage and the retaining wall on the Beachgate path and to make sure they are not on the park's property.

Therefore, because the public access and recreation policies of the Coastal Act and LCP are not relevant to this particular development project, and the project raises no public access and recreation issues, the appeal contention does not raise a substantial issue in terms of the project's conformance with the certified LCP or the Coastal Act.

4. Incomplete Final Local Action Notice (FLAN)

Lastly, the Appellant contends that the County's final local action notice (or FLAN) on its CDP decision is "disorganized and incomplete." Specifically, the Appellant contends that: 1) the FLAN does not include a list of supporting documents; 2) the FLAN does not list the recipients of the notice; 3) correspondence is missing from the FLAN, and; 4) the FLAN failed to include project plans and/or that these plans will be finalized at the Planning Commission's July 26, 2017 hearing.

The County LCP (see **Exhibit 7**; IP Section 13.20.111) requires that FLANs contain: 1) a cover sheet or memo summarizing the relevant action information and 2) materials that further explain and define the action taken. The cover sheet is required to contain: a) the project applicants, their representatives, and their addresses/ contact information; b) project description and location; c) the County decision-making body, the County decision, and the date of the decision; d) all local appeal periods and disposition of any local appeals filed; e) whether the County decision is

The '95 permit file contain several memos stating that part of the property is located on the CA State Park land. One of the options discussed was to deed it to 355 Coates, however it does not appear to have been implemented. Please see State Park memos. (Exhibit S2)

This is NOT a minor remodel. Both owners and their designer have stated that it will cost more than \$1,000,000 and involves fixing the foundation and complete remodel with taking the home to the studs.

appealable to the Coastal Commission, the reason why it is appealable, and the procedures for appeal to the Coastal Commission; f) a list of all supporting materials provided to the Coastal Commission as part of the final local action notice; and g) all recipients of the notice. In this case, the cover sheet/memo did not include all of the above-required information; however, all relevant information was provided within the FLAN itself. Specifically, in terms of missing items, the memo/cover sheet did not include: all local appeal periods and disposition of any local appeals filed; nor a list of the supporting documents included in the FLAN. However, Commission staff and the Appellant were aware of the dates of the local appeal periods⁵ due to communication between Commission staff and Santa Cruz County planning staff and the Appellant and Santa Cruz County planning staff, and the staff reports for both the Zoning Administrator and Planning Commission hearings were included in the FLAN. In addition, the FLAN contained all of the required supported materials (i.e., final adopted findings and final adopted conditions, final staff report, approved project plans, and correspondence), including correspondence that adequately characterizes the Seacliff Ocean Bluffs Associations' (i.e. the Appellant's) opposition to the project.

With the exception of one document, NONE of the documents submitted by the members of the association were part of the FLAN. Only a small subset of emails was included.

More importantly, the county geologist's report, dated 11/15/16, is not part of the FLAN.

Finally, the FLAN did include a copy of the project plans and one of the two pages of the architectural drawings that specify heights from various points of the property. While a complete FLAN would have included both pages of the architectural drawings that specify the project heights throughout the property, the single page was sufficient to gauge the total development height at various grades throughout the property. With respect to the Appellant's contention that the plans have yet to be finalized, the Planning Commission added Condition II.A.2.a (see page 4 of **Exhibit 3**) to the CDP in an effort to address the Appellant's concerns related to the project heights. This condition requires the Applicant to submit revised plans that clearly depict the project height approved by the Planning Commission. In other words, this condition requires that the revised architectural drawings (which include the project's height) be incorporated into the final plans for Planning Commission review in order to ensure that the condition is met. Therefore, the condition requiring revised plans' compliance with the Planning Commission-approved project height was finalized at the time of project approval, even though actual performance in compliance with the condition would occur at a later time, as is a typical way of conditioning projects.

In sum, while the FLAN was not organized precisely as required by the LCP as a technical matter, it did include sufficient information to allow for adequate review of the project for substantive LCP consistency. Finally, the notice process worked in such a way that allowed the Appellant to appeal, which is arguably one of its primary functions. Thus, this contention does not raise a substantial issue of LCP conformance with regard to the adequacy of the FLAN.

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

⁵ The Appellants appealed the project from the Zoning Administrator to the Planning Commission, and indicated to Commission staff that they would have appealed the project to the Board of Supervisors had they "not run out of time" in preparing their appeal documents.

7 feet is not small and will have major impact on viewshed from the beach and the public path.

Doubling height is NOT minor. Please see enclosed rendition of the impact of 355 remodel on the views from the beach (Exhibit S8)

The State Park has not been involved and has not assessed the impact of the lot adjustment and drainage improvements on the State Park property, including the Beachgate Path.

Drainage work has not been designed. Therefore, the impact on the bluff and Beachgate Path can not be assessed.

The setback from the bluff on the west elevation is 5'. No geological studies were done

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 in its past decisions has considered whether the issues raised in a given case are "substantial" by the following five factors: 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. With respect to the first factor (i.e., degree of factual and legal support for the government's decision), it was reasonable for the County to conclude that the project conforms to the LCP's requirements with respect to the protection of public viewsheds, public access, and geologic hazards, and the County notified the Commission of its action via the County's procedures for the FLAN. Specifically, among other things, the project entails a minor height increase of two-and-a-half feet to provide for a pitched roof design, and it is not anticipated that the additional two-and-a-half feet in roof height will impact views given that the existing residence is barely visible from the beach due to the bluff topography, the presence of trees of trees and shrubs on the bluff, and the relatively insignificant height increase.

With respect to the public access contentions, while the approved project is located adjacent to the Beachgate pathway, the County-approved project does not entail any development that will adversely impact the pathway. Rather, the County-approved project actually redirects drainage away from the bluff, which may positively benefit the pathway through decreased runoff down the bluff and onto the path (thereby facilitating public access). With respect to the geologic hazard contentions, because the development is adequately set back and includes significant drainage improvements, the County reasonably concluded that potential hazards at the site have been adequately mitigated. Therefore, the project, as approved by the County, can be found to be in accordance with the LCP policies related to public access and the protection of public views, and achieves the LCP's objective of mitigating geologic hazards. Thus, the County had adequate factual and legal support for its decision.

The county geologists report states: "average bluff retreat of 4-6 inches per year" - 35-50 feet in 100 years!

With respect to the second and third factors (i.e., extent/scope of development as approved or denied and significance of coastal resources affected by the decision, respectively), the approved project is relatively minor; it entails the demolition of a carport, a 169-square-foot interior addition, and the replacement of doors, windows, slight elevation of the roof, and drainage improvements. Thus, the approved project is relatively limited in scope, qualifies as a minor remodel, and does not adversely affect significant coastal resources. With respect to the fourth factor (i.e., precedential value of the County's decision for future interpretations of its LCP), the County-approved development is compatible with adjacent development, including development located along the seaward side of Coates Drive. In fact, given that the project was designed without a second story addition, the project actually helps to perpetuate single-story development in this area. To the extent that the County misinterpreted the LCP with respect to hazards policies (i.e., with respect to the need for a hazard assessment) and/or technical FLAN requirements, the Commission finds that any resultant error is non-prejudicial given that the project as approved by the County is consistent with the LCP. Finally, with respect to the fifth factor (i.e., whether the

This is NOT a minor remodel. Both owners and their designer have stated that it will cost more than \$1,000,000 and involves fixing the foundation and complete remodel with taking the home to the studs.

The appeal raises issues related to the Coastal Act Sections 30210, 30211, 30212, 30213, 30220, 30251 and to the CA State park Plan 409

Access to the State Park Beach, the views from that beach and the preservation of the coastal bluff are NOT local issues.

appeal raises only local issues as opposed to those of regional or statewide significance), the appeal does not raise any issues of statewide significance because any potential issue of consistency with respect to hazards or FLAN policies is solely in relation to the specific requirements of the County's LCP.

In short, the Appellant's contentions do not raise a substantial issue with respect to consistency with applicable LCP policies and standards and are further adequately addressed by the County's conditions of approval. Based on the foregoing, including when all five substantial issue factors are weighed together, the appeal contentions do not raise a substantial LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP application for this project.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-17-0037 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.

It appears that the above decision was made before May 8th prior to the SCC Planning Commission hearing on June 14th and the filing of this appeal on July 17th and did not take into consideration the material provided by the appellant. See author's email in Exhibit S1.

EXHIBITS:

- S1. Email correspondence of the planner and the author of the staff report, Rainey Graven.*
- S2. Previous permit correspondence with the CA State Parks, stating that part of the property is on the Park's land*
- S3. 2002 USGS Report of the state of the Seacliff Bluff*
- S4. County Geologist's report for 355 Coates Drive*
- S5. Seacliff State Park Plan, stating the home is located in the Zone of Exclusion and the Zone of Primary Interest, can be found at https://www.parks.ca.gov/pages/21299/files/seacliff_sb_gp_n409.pdf*
- S6. Aerial photos of the Coates Bluff, showing that the existing roof is not flat and there are NO 2 story homes on the Coates ocean bluff*
- S7. Photos of the CA State Park's Beachgate Path*
- S8. Rendition of the impact of 355 remodel on the views from the Seacliff State Park beach*

EXHIBIT S1

Graeven, Rainey@Coastal

From: Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Sent: Tuesday, May 09, 2017 8:33 AM
To: Graeven, Rainey@Coastal
Subject: RE: 355 Coates

Rainey,
The applicant had submitted a GHA to consider a future wall. A coastal permit application has not been submitted.

Thank you,

Nathan MacBeth
Development Review Planner
County of Santa Cruz

An application B-173178 has been submitted to the building department, which includes a retaining wall on the seaward side of the home.

From: Graeven, Rainey@Coastal [<mailto:Rainey.Graeven@coastal.ca.gov>]
Sent: Monday, May 08, 2017 1:52 PM
To: Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Subject: RE: 355 Coates

Hi Nate,

Does the applicant currently have a separate application in with the County for a bluff retention structure or do they simply intend to submit an application for one?

Thank you,
Rainey

From: Graeven, Rainey@Coastal
Sent: Monday, May 08, 2017 12:11 PM
To: Moroney, Ryan@Coastal; Craig, Susan@Coastal
Subject: 355 Coates

FYI this one has been appealed to the PC. Nate said he will take it to hearing in the next 60 days. The project plans are really confusing, which is probably why people are so fired up about this project. I spoke to some neighbors and they said that there was a lot of misinformation about the project on a website called Next Door, and then pretty soon thereafter petitions in opposition were being passed around. If it does come our way I think it'll be a quick NSI. Lots of the adjacent homes have pitched roofs and some even have second stories. The neighbors I spoke to support 355 Coates shifting to a pitched roof because the flat roof (as seen in image 290) is quite ugly. Plus, this home is actually shielded from vegetation from the beach. Other homes are much more visible from the beach. Complete list of photos available in: Central Coast → P & R → South County → Seacliff → 355 Coates. It is probably a good idea to write a letter to the PC to help ward off a potential appeal, but then again an appeal might be inevitable.

Rainey Graeven
Coastal Program Analyst, Central Coast District
California Coastal Commission
725 Front Street, Santa Cruz, CA 95060
(831) 427-4863

EXHIBIT S2

1995 correspondence with the CA State Parks, stating that

part of the property is on

the Seacliff California State Park's land

To _____		
Date <u>10/5</u>	Time <u>3:30</u>	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM
WHILE YOU WERE OUT		
M <u>Victor Roth</u>		
of <u>CA. State Parks</u>		
Phone (____) <u>429-2850</u>	Area Code	Number Extension
TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>	
CALLED TO SEE YOU <input type="checkbox"/>	WILL CALL AGAIN <input type="checkbox"/>	
WANTS TO SEE YOU <input type="checkbox"/>	URGENT <input type="checkbox"/>	
RETURNED YOUR CALL <input type="checkbox"/>		
Message <u>Re: project @ 355 Coates</u>		
<u>trespass problem - improvements</u>		
<u>located on Park's property</u>		
<u>pls set up meeting c him</u>		
<u>myself + property</u>		
<u>from voicemail</u>		
recorder 22-700	Operator _____	



Green Cycle
RECYCLED PAPER

355 Coates 10/12/95
Victor Roth, John David, O'Carroll

re: siting, property lines
slab existed ~~19~~ pre 1984

→ 3rd wall on state parks
property appl. worked
with George Gray (St Parks)
prior to construction
(G. Gray is Park employee but
not in permitting ~~process~~ part
of parks.

according to V. Roth no legal
avenues to legitimize this
type of construction.

JD to talk to O re removing
wall @ grade

one option deed surplus
bluff to owner ^{reps det of} state legislature
(possible long run option)

patio is undercut

re-contour drainage
ditch below - George Gray's
area and bridge

may need St. Paul's
permit

(temp. use permit) from Parks

* Obtain construction
access from State Parks

obtain pertinent permit
for recontouring of
LS materials on
State Park property
and to clear natural
drainage channel if
reqd.

Remove pipes on
Parks Property

* Remove small landscape wall
cut @ ground level

temp use permit to Victor
Roth



C. H. H. H.
AFFIDAVIT OF POSTING
County of Santa Cruz
Planning Department

Please return Affidavit by: October 12, 1995

Applicant John David - Prime Landscape Services

Application No. 95-0637

APN 038-216-28

Site Address 355 Coates Dr. Aptos

Hearing Date October 20, 1995

AG ☐ BD ☐ FC ☐ ZA ☒ Level IV ☐

APPLICANT: PLEASE COMPLETE THE FOLLOWING AND RETURN TO:

County of Santa Cruz, Planning Department
701 Ocean Street, Room 406B, Santa Cruz, CA 95060
Attn: Miguel Rivera

Posting Location (please be specific):

AIRPORT POST - 355 COATES

Please note that it is legally required that the notice be posted in a conspicuous place on the property.

Posted By: JOHN D. DAVIA

Date Posted: 10/3/95

I declare under penalty of perjury that I posted the notices at the location and on the date listed above.

John D. Davia
(Signature)

10/9/95
(Date)

EXHIBIT S2



**U.S. Geological Survey
Miscellaneous Field Studies Map MF-2399**

Map Showing Seacliff Response to Climatic and Seismic Events, Seacliff State Beach, Santa Cruz County, California

***By Cheryl J. Hapke, Bruce M. Richmond, and
Mimi M. D'Iorio***

2002



Sea cliff along the intersection of Seacliff Drive and San Benito Ave. Note the variable width of the beach here in Seacliff State Beach in front of the seawall

and park road. The homes sit atop the Highway One Terrace (Santa Cruz Terrace), a former beach uplifted between 60,000 and 120,000 years ago.

Introduction

The 1.2 km stretch of Seacliff State Beach included in this study is a portion of a continuous section of sea cliffs that extend 3 km from New Brighton State Beach in the north to Aptos Creek in the south. The cliffs at Seacliff State Beach are protected from waves by a seasonally dependent, variable-width sandy beach backed by a seawall. Waves only reach the base of the cliffs during extreme storms that occur on the order of once every several decades. Therefore, the sea cliff failures and resulting cliff retreat that occur along this stretch of coast are primarily a result of terrestrial processes (overland flow, groundwater flow, and seismic shaking).

The 28- to 36-m-high cliffs are composed of the Pliocene Purisima Formation, and are capped along most of their length by a 6- to 12 m-thick layer of unconsolidated Pleistocene terrace deposits. In this exposure, the Purisima Formation is moderately weathered, weakly to moderately indurated siltstone and sandstone that contain lenses of shell hash deposits. Joints are common along this exposure and are unevenly spaced. Along the northern half of the study area joints are separated by as much as 5 to 6 m, whereas in the southern half they become much more closely spaced (0.5 m). The joints are unfilled, with little to no separation. There are two distinct joint sets with average strikes of 35° and 275° and near vertical dips.

The wave climate is well documented for the northern Monterey Bay. Existing data show that deep-water waves have a mean height of 1.2 m and a mean period of 13 seconds. The waves most frequently arrive from the northwest, but during El Niño winters storm waves arrive more frequently from the west and southwest with heights of 3 m or greater. Wave refraction studies show that for the portion of coastline of northern Monterey Bay that includes Seacliff State Beach, waves approaching from the northwest diverge around Point Santa Cruz at the northwestern entrance to the Monterey Bay, changing to approach the shore from the west. Wave height (and consequently wave energy) is thus reduced before reaching the shoreline. However, waves approaching from the southwest undergo less refraction because there is no headland to dissipate wave energy. As a result, waves from the southwest have greater heights and more energy upon reaching the shoreline.

Tides in this region are diurnal and have a mean range of 1.6 m; the highest high water is 2.4 m and the lowest low is -0.8 m. The highest monthly tides occur in the winter and summer; it is not unusual for the highest tides to coincide with large, winter storm waves. Rainfall in this region occurs predominantly from December through March, and high rainfall frequently

coincides with large waves. The average annual precipitation since 1895 is 53 cm, although large climatic perturbations such as El Niño can bring excessive precipitation to the area. Based on data compiled by Storlazzi and Griggs, 76 percent of historical storms that caused significant coastal erosion or damage occurred during El Niño years.

This study documents the impacts of earthquakes and large storms to the sea cliffs along Seacliff State Beach. The first event is the 1989 Loma Prieta earthquake, a M7.1 earthquake that caused widespread damage to the area stretching from Santa Cruz to the San Francisco Bay. The epicenter of the earthquake was located in the Santa Cruz Mountains, approximately 9 km inland from the coast. Extensive block and debris falls, induced by the seismic shaking, occurred along the sea cliffs in the study area.

The second major event considered in this study is the 1997-98 El Niño that brought increased winter storm activity to the coastline of the northern Monterey Bay. Associated with these storms, which began in force in late January of 1998, were increased wave energy from more westerly directions than in non-El Niño years, elevated sea level, and increased amount and duration of precipitation. While increased wave energy and elevated sea level potentially have significant impacts on those portions of the cliffs that are exposed to waves, increased rainfall leading to excessive surface wash and increased groundwater pore pressures promote erosion of the sea cliffs.

The amount of cliff retreat for Seacliff State Beach was determined by digitizing the top edge of the cliff on the rectified photographic stereo models from October 1989 and March 1998. Digitizing while viewing in stereo ensures that the true topographic break in the terrain is used as the cliff edge. The maximum retreat (7.1 m) is located at the northern end of this section. Other than this localized area of retreat, the northern half of the study area experienced few failures associated with El Niño storms. The amount that a particular section of cliff retreats in a given time period provides quantitative information that may be useful to land-use planning and land owners. While such retreat information is valuable, it provides little information on the processes of slope failure that lead to sea cliff retreat. ng rectified photographic stereo models. This method allows us to document the linear extent of cliff failures, the spatial and temporal relationship between failures, and the type or style of slope failure.

Five different types of slope failure were documented during the period from October 18, 1989 to March 6, 1998. These include debris falls, block falls, debris flows, slumps, and slaking. Rapid, seismically induced failures were either debris falls or slumps, resulting in failure of 244 m of the 1.3 km-long cliff section. Failures over the course of the decade, which include the failures associated with early (December and January) El Niño storms, lead to the greatest localized amount of retreat of the top edge of the cliff. However, spatially, the severe

storm period of 1998 (January to March) and the Loma Prieta earthquake caused the most widespread slope failures.

This map has introduced new techniques of analyzing the short-term evolution of sea cliffs and the differential response of sea cliffs to seismic and climatic events. Using stereo models derived from softcopy photogrammetry, we are able to locate sea cliff failures and determine their spatial distribution and the geologic units involved for several different time periods in an area where sea cliff failure and retreat periodically threaten homes and community infrastructures. These data can be incorporated into a GIS database to examine the relationship of the failures to one another, to coastline morphology, and to field data (faults, joints, or lithologic variations). Spatial plots of the failures appear to show specific patterns; if additional data continue to support this observation, the technique of extracting failure signatures and analyzing the temporal and spatial distributions of the signatures may help to identify areas prone to future failures.

Files available for downloading:

- [PDF version of this map](#) (672 kb)

- [Encapsulated PostScript version of this map](#) (76.5 MB)

For questions about the scientific content of this report, contact [Cheryl Hapke](#)

Download [a free copy of Adobe Reader](#)

This report is available [via print on demand](#).

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[Geologic Division](#)	[Coastal and Marine Geology](#)	
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URL of this page is: <https://pubs.usgs.gov/mf/2002/2399/>

Please send comments and suggestions, or report problems, to: [Michael Diggles](#)

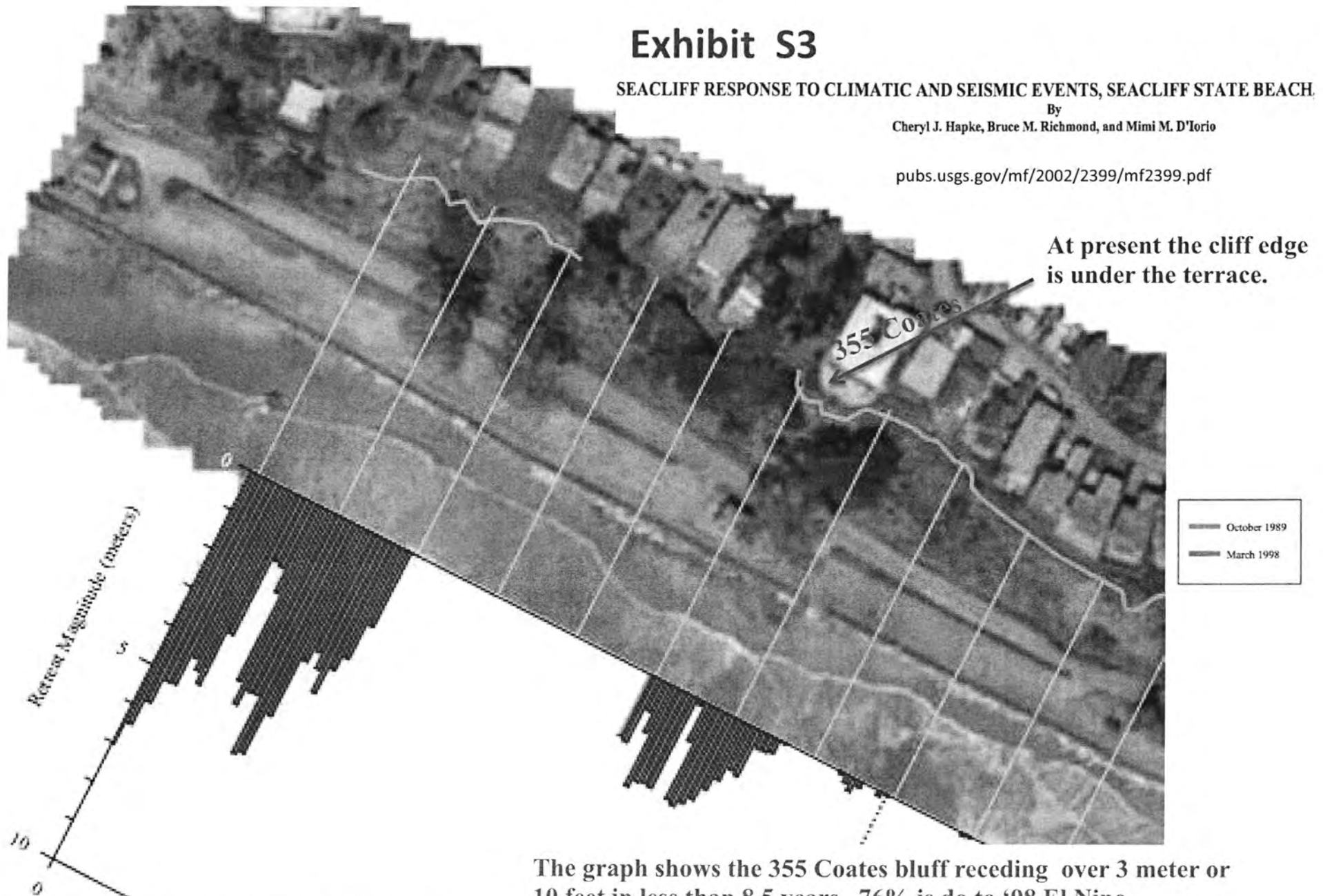
Updated: April 23, 2007 (bwr, mfd)

Exhibit S3

SEACLIFF RESPONSE TO CLIMATIC AND SEISMIC EVENTS, SEACLIFF STATE BEACH

By
Cheryl J. Hapke, Bruce M. Richmond, and Mimi M. D'Iorio

pubs.usgs.gov/mf/2002/2399/mf2399.pdf



The graph shows the 355 Coates bluff receding over 3 meter or 10 feet in less than 8.5 years. 76% is do to '98 El Nino.



EXHIBIT S4

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

November 15, 2016

Dennis Norton
712C Capitola Ave
Capitola, CA 95010

This report was written prior to this winter's storms, which resulted in sink holes and mud slides within 20 feet and directly underneath the property.

Subject: GEOLOGIC HAZARDS ASSESSMENT
LOCATION: 355 Coates Drive
APN 038-216-28
OWNER: Douglas and Kelly Britt
APPLICATION NUMBER: REV161083

Dear Dennis,

I performed a site reconnaissance of the parcel referenced above on August 23, 2016, where construction of a new retaining wall is proposed. The parcel was evaluated for possible geologic hazards due to its location on a coastal bluff. This letter briefly discusses my site observations, outlines permit conditions and any requirements for further technical investigation, and completes the hazard assessment for this property.

Completion of this hazards assessment included a site reconnaissance, a review of maps and other pertinent documents on file with the Planning Department, and an evaluation of aerial photographs. The scope of this assessment is not intended to be as detailed as a full geologic or geotechnical report completed by a state registered consultant.

SITE DESCRIPTION

The 0.186 acre parcel is located within the Seacliff neighborhood in Aptos, CA. The parcel is located on top of a coastal bluff with a deeply incised arroyo located to the northwest. Beach access from the neighborhood is provided by wooden stairs located within the arroyo (State Park property). Slopes on either side of the arroyo are oversteepened and show signs of recent failure. The subject parcel is currently developed with a 2,127 square foot single-family dwelling with an attached wood deck, stairs, and concrete patio and a detached garage and carport. The parcel is relatively level and gently slopes toward State Park property to the south and west. Drainage from the concrete patio and existing downspouts is proposed to be captured by a replacement catch basin located at the southwest corner of the parcel. It appears uncontrolled runoff or failure of the existing catch basin may have caused the slump failure below the retaining wall. An existing failing soldier pile with wood lagging retaining wall is located along the southern property line. A slump failure occurred in 2008 and has since undermined a portion of the existing retaining wall (photos 1 and 2). The proposed project includes construction of a 107-

foot long stitch pier retaining wall along the western property line, a 40-foot long concrete retaining wall with tiebacks around the southern corner of the parcel, and a 65-foot long concrete retaining wall with drilled piers.

COASTAL HAZARDS

The parcel is located within an area subject to wave attack. The bottom of the bluff is adjacent to an existing State Parks roadway and associated wooden seawall. The seawall has been present and maintained for the past 100 years. Erosion at the base of the bluff is episodic and will remain episodic during the next 100 years. Bluff retreat is mainly due to terrestrial processes rather than wave attack at the base. Although bluff retreat is related to both terrestrial and wave attack, each incident of wave attack does not transmit to retreat of the brow of the bluff. Current estimates of bluff retreat will proportionally increase as episodes of wave attack increase with increased sea level rise, which will in turn increase the steepness of the slope and eventually increase the retreat at the top of the bluff. Modeling for this rate of erosion, based on a qualitative analysis, would be difficult due to the placement of the sea wall, lack of clear pre-development data and the level of precision cannot be determined with this report.

SEISMIC HAZARDS

This property is located in a seismically active region of northern California, as the October 17, 1989 earthquake amply demonstrated. The subject parcel is located approximately 7.5 miles southwest of the San Andreas fault zone, and 4 miles southwest of the Zayante fault zone.

Although the subject property is situated outside of any mapped fault zones, very strong ground shaking is likely to occur on the parcel during the anticipated lifetime of the proposed dwelling and, therefore, proper structural and foundation design is imperative. In addition to the San Andreas, other nearby fault systems capable of producing intense seismic shaking on this property include the San Gregorio, Zayante, Sargent, Hayward, Butano, and Calaveras faults, and the Monterey and Corralitos fault complexes. In addition to intense ground shaking hazard, development on this parcel could be subject to the effects of ridgetop shattering, ridge and/or lateral spreading, lurch cracking, liquefaction or subsidence and seismically-induced landsliding during a large magnitude earthquake occurring along one of the above mentioned faults.

GEOLOGIC HAZARDS AND CONCLUSIONS

A survey of aerial photographs and observations noted during my site visit suggest the parcel is located on the top of an actively eroding coastal bluff. Although the bluff is seemingly protected by a wide beach, State Park structures (wooden sea wall and restroom facility) storm surge and wave action during a large storm event will impact the base of the bluff. Recent bluff failure has occurred southeast of the subject parcel, where approximately 3-5 feet of retreat occurred during the past 2016 winter season. Blufftop failure of up to 15 feet of (horizontal) retreat during a 3-year period has occurred on nearby parcels. Although bluff erosion along this section of the coast generally occurs as large failures during periods of heavy rainfall, average bluff retreat of 4-6 inches per year is estimated to occur on this parcel over the lifetime of the structure.

Prior to construction of the improvements at the base of the bluff, wave attack at the base induced retreat of the brow. The toe of the bluff is now partially covered in talus, and terrestrial factors including an increase in moisture and surface drainage dominate the cause of retreat of the top of the coastal bluff. We have estimated episodes of 3-foot failures every 20 years based on surrounding geologic analysis in the area. The potential sea level rise in this area is estimated between 2-4 feet, and the affects of this rise may be reduced by the presence and maintenance of the State Park sea wall which provides access and use to the park below the property.

Several geologic reports have been prepared for projects in the near vicinity. These reports have established various setbacks from the top of the bluff, ranging from 40-50 feet. If 4-6 inches of retreat per year is applied to the projected 100-year lifespan of the structure, the bluff would retreat approximately 34-50 feet.

Most of the rate of retreat is related to terrestrial drainage as the base of the slope is protected by the State Park Improvements which includes RV parking and a functioning, but aging wood retaining wall / seawall and restroom facilities. The parking lot, structures and seawall have and will provide protection against wave erosion at the base of the bluff below the subject home.

A comprehensive analysis of anthropomorphic sea level rise is difficult or impossible given the State Improvements and the historic low number of incidents of wave erosion at the base of the coastal bluff, and is beyond the scope of this GHA. To estimate a high range increase in blufftop erosion due to expected sea level rise a worst case scenario is assumed where sea level rise of over 3 feet is projected and the existing sea wall along the beach is ineffective in preventing wave erosion. The current pattern of erosion would exist for 25-50 years with approximately 15-20 feet of retreat caused by a combination of erosion of the toe of the bluff and terrestrial erosion, or 5 erosion events of 3-foot retreat per event.

Given the potential for sea level to rise, the increase in the number of incidents of wave erosion at the base of the bluff would also increase. This pattern would change within the next 50-100 years with an increase in the number of episodes of 10 erosion events. Therefore, approximately 50 feet of total retreat would be expected within the next 100 years. The proposed addition will be located at least 50 feet from the face of the bluff, and does not require further geologic analysis.

A more likely scenario would be that Sate Parks would maintain their improvements, and would increase the sea walls protection of the parks improvements. In this case the bluff would retreat would be significantly lower than the 50 estimate.

REPORT REQUIREMENTS

The Geologic Hazards Ordinance requires that "all development activities shall be located away from potentially unstable areas....". Therefore, based on my site visit and review of maps and air

photos, a full engineering geologic report is required to evaluate any homesite on this parcel with respect to slope stability, seismic and blufftop erosion issues.

If geologic risks can be mitigated and a building site is determined to be suitable for a residence, it will be necessary to complete a soil report to assist in the determination of the appropriate engineered foundation, and render an engineered drainage plan for the site.

It is entirely likely that a soils engineer will need to assist the project engineering geologist in evaluating the potential slope stability hazards affecting the development envelope. I have included a list of consultants and County guidelines for engineering geologic reports. The guidelines must be strictly adhered to. I encourage you to have the consultant you select contact me before beginning work so that the County's concerns will be clearly understood and properly addressed in an acceptable report.

When completed, please submit two copies of the investigation to the Zoning Counter at the Planning Department, and pay the fee for a Geologic and Geotechnical Report Review.

PERMIT CONDITIONS

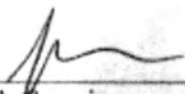
Permit conditions will be developed for your proposal after the technical report has been reviewed. At a minimum, however, you can expect to be required to follow all the recommendations contained in the report in addition to the following items:

1. Grading activities must be kept to a minimum; if grading volumes in excess of 100 cubic yards, fill spreading or placement greater than two feet in depth or cut slopes in excess of five feet in height are envisioned, a grading permit must be secured. Additionally,
2. Drainage from impermeable surfaces (such as the proposed roof and driveway) must be collected and properly disposed of. Runoff must not be allowed to sheet off these areas in an uncontrolled manner. An engineered drainage plan formulated by the project engineer, and reflecting the findings of the geologic report is required for any development on the parcel.
3. A Declaration form acknowledging a possible geologic hazard to the parcel and completion of technical studies must be completed prior to permit issuance, and will be forwarded to you when your technical studies have been reviewed and accepted by the Planning Department.

Final building plans submitted to the Planning Department will be checked to verify that the project is consistent with the conditions outlined above prior to issuance of a building permit. If you have any questions concerning these conditions, the hazards assessment, or geologic issues in general, please contact me at 454-3162. It should be noted that other planning issues not related specifically to geology may alter or modify your development proposal and/or its specific location.

Dennis Norton
038-216-28
November 15, 2016


Sincerely,



Jessica deGrassi
Resource Planner
Environmental Planning

11/15/16

Date



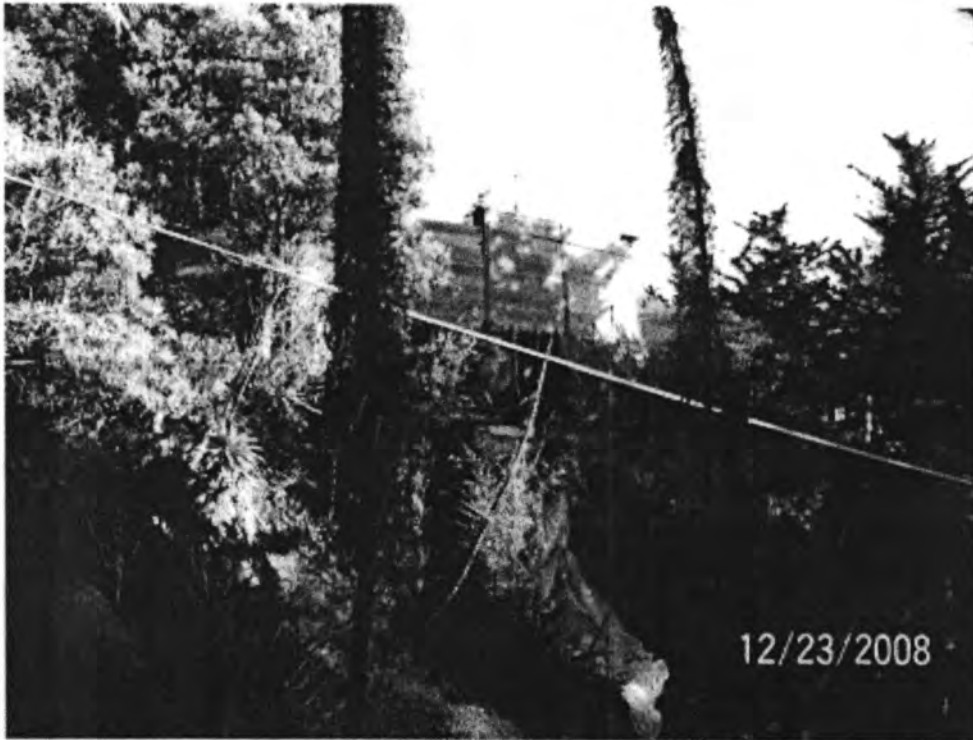
Joe Hanna
County Geologist
CEG #1313

FOR: Carolyn Burke
Senior Civil Engineer
Environmental Planning

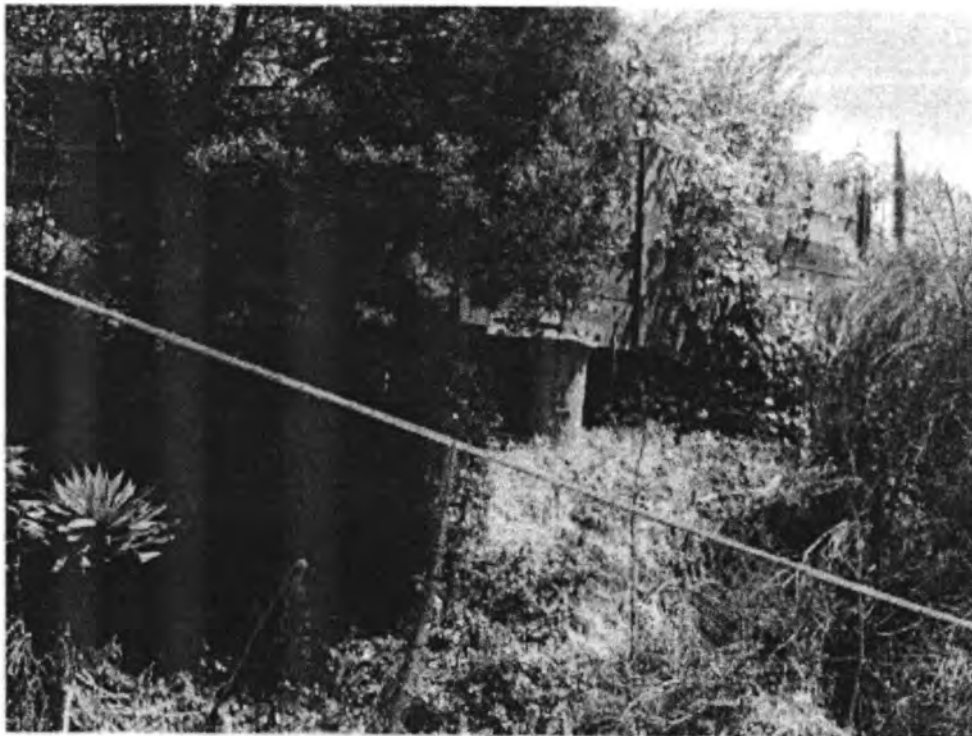
Enclosure(s)

cc: Douglas and Kelly Britt, owners
GHA file

Dennis Norton
038-216-28
November 15, 2016

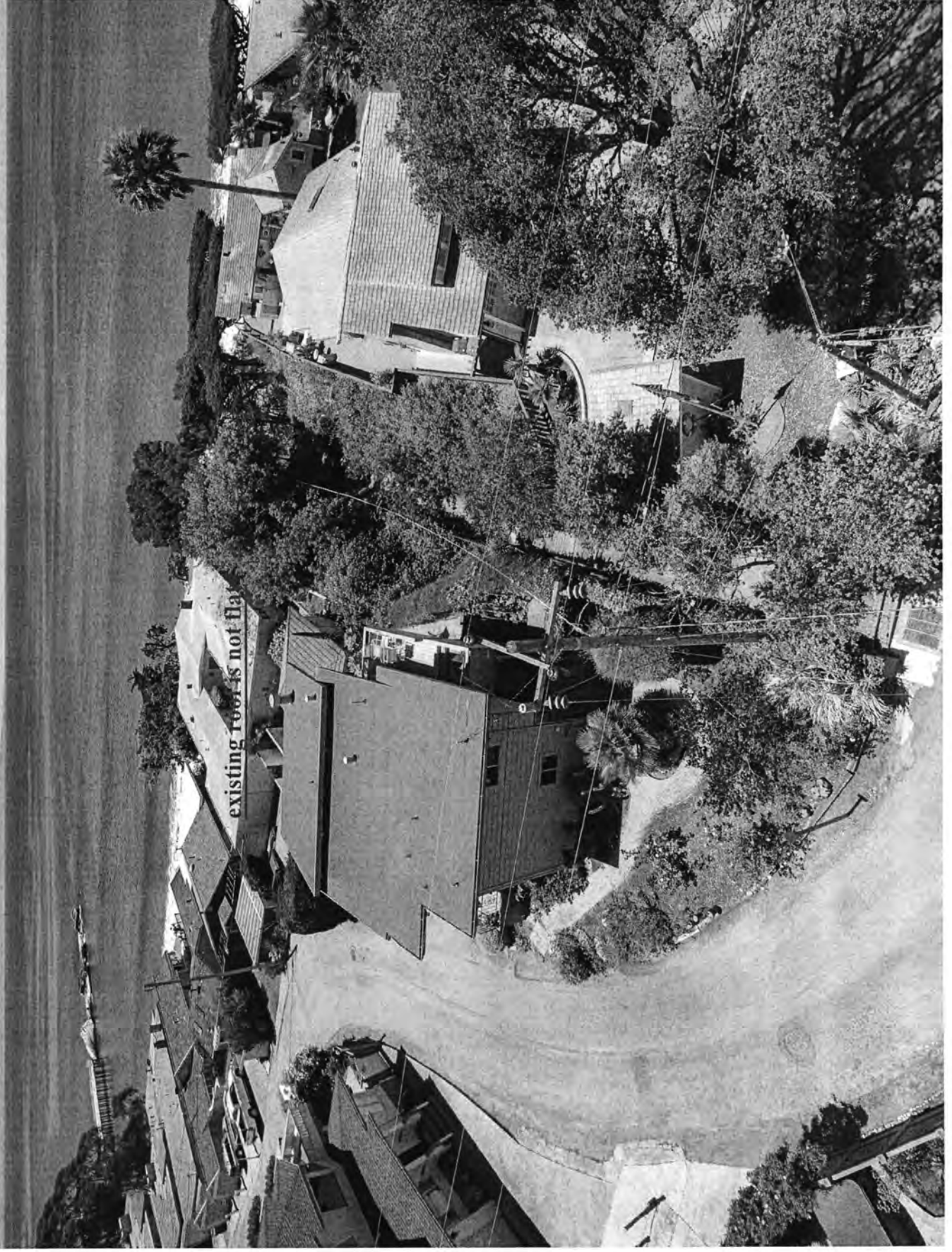


2008 failure

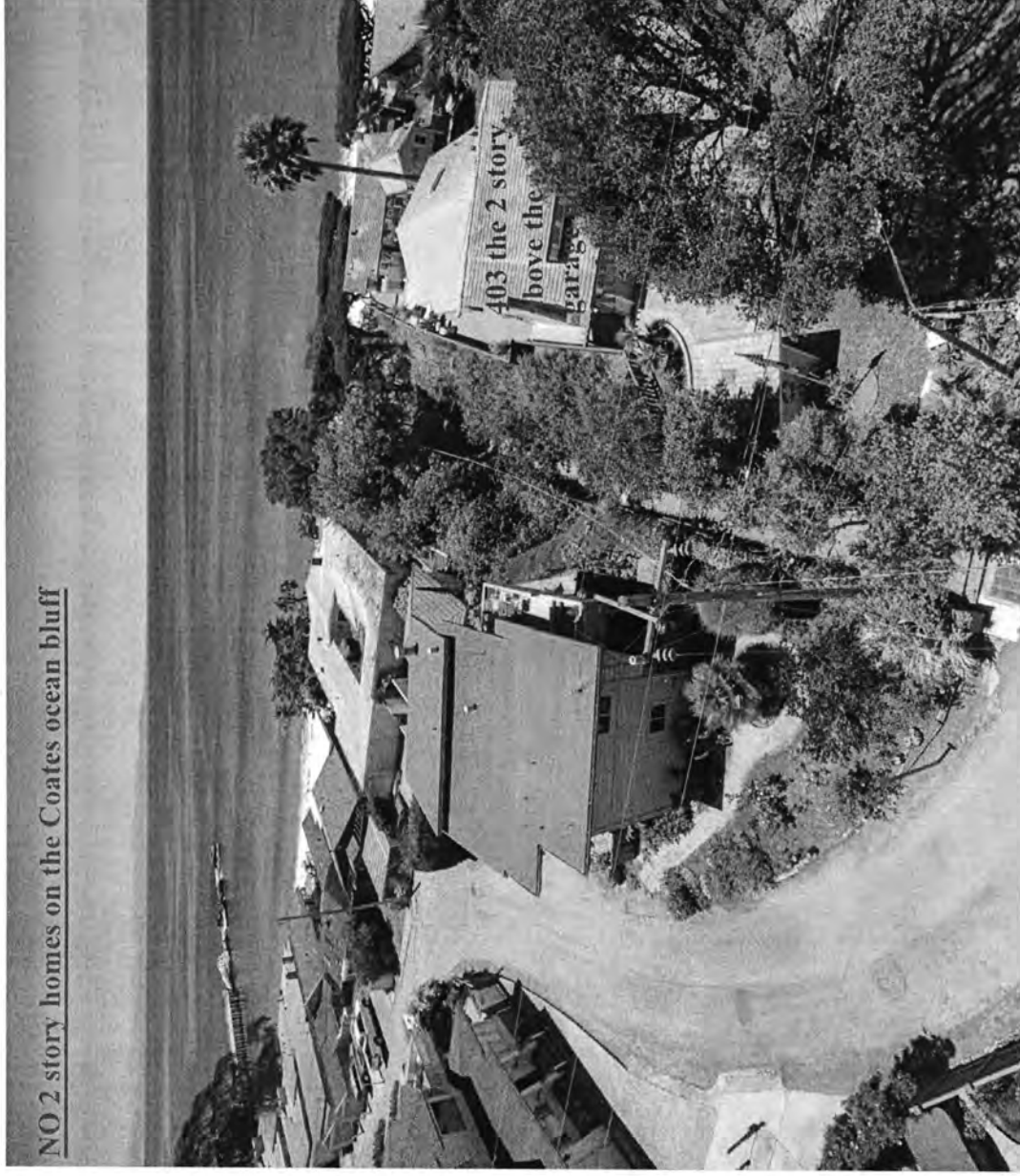


Current condition

Exhibit S6

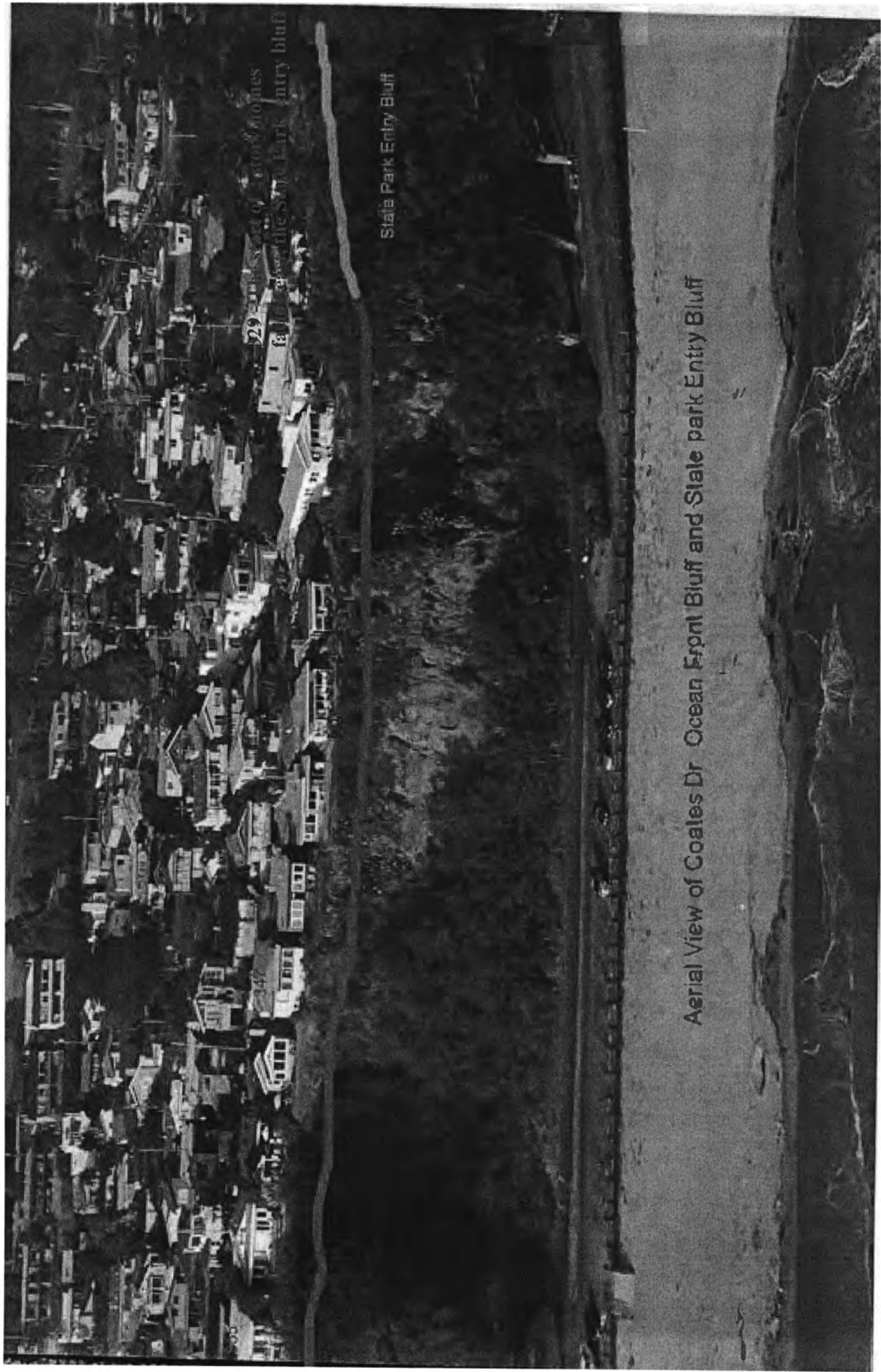


NO 2 story homes on the Coates ocean bluff





NO 2 story homes on the Coates ocean bluff



29 - 1st St. of - stone homes
falling from the State Park entry bluff

State Park Entry Bluff

Aerial View of Coales Dr Ocean Front Bluff and State park Entry Bluff

Exhibit S7

Beachgate Path (photos taken 4/15/17)



355 Coates

Note proximity to
the Beachgate path





View of the Coarces from the path (note the landslide on the right)



EXHIBIT S8

Existing view from the park of 355 Coates



View after the remodel from the park of 355 Coates



**Bluff South of 355 Coates (Starting with 353 Coates, APN #038-216-31, is on the left.
It's the other home in the application contributing land to the lot adjustment.)**



One of the two mudslides below 355 Coates

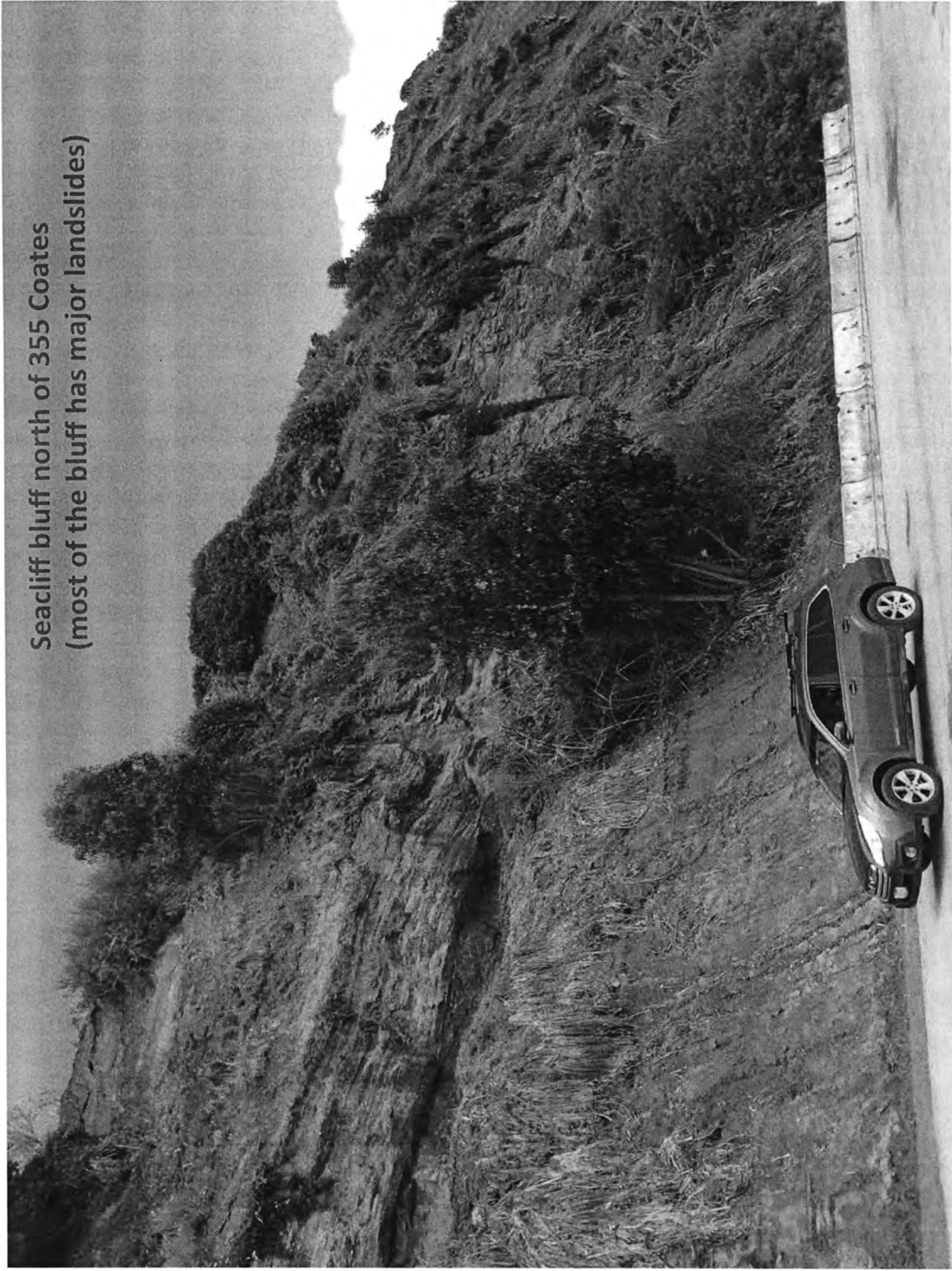




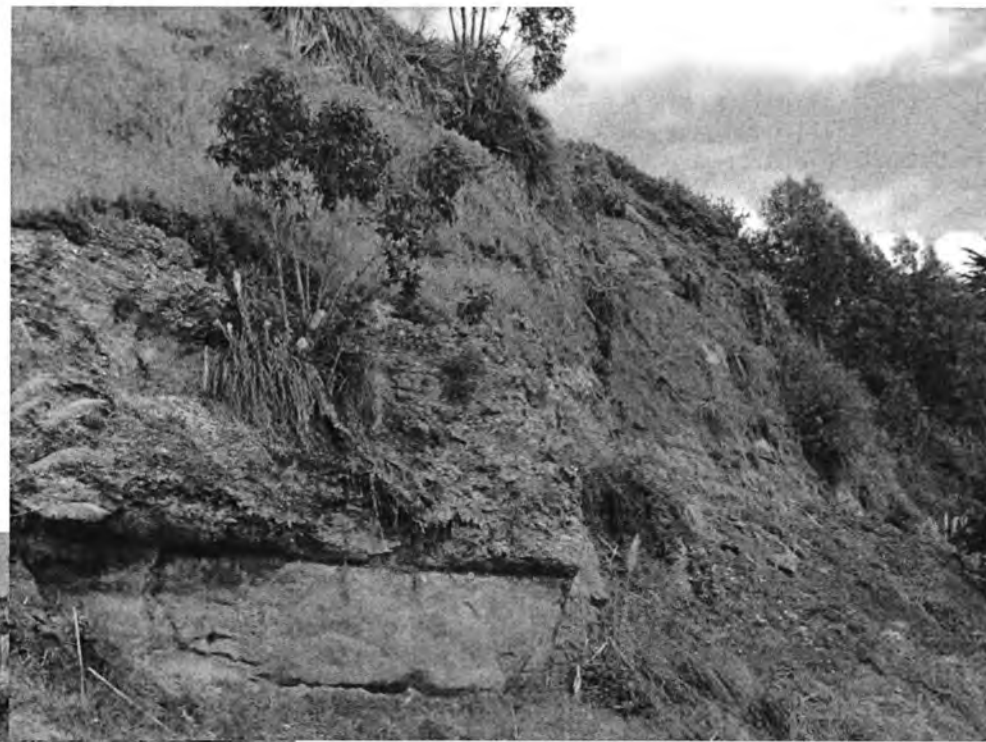
Second mudslides below 355 Coates and
the Beachgate path



Seacliff bluff north of 355 Coates
(most of the bluff has major landslides)



**Two additional areas of Seacliff bluff
north of 355 Coates**



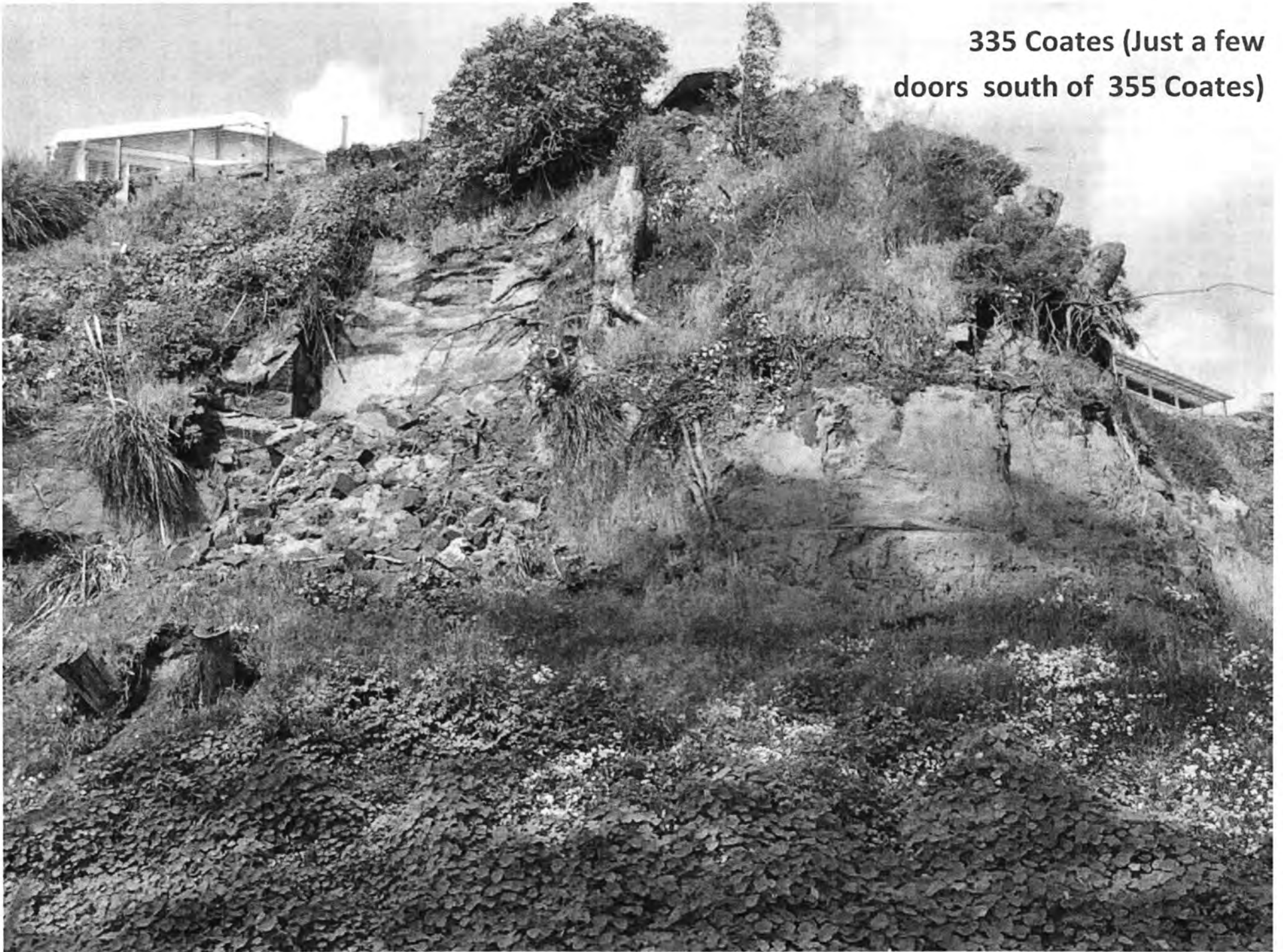


**Two more areas at Seacliff bluff
north of 355 Coates**



**Majority of the Seacliff bluff has
landslides after this winter's storms**

335 Coates (Just a few
doors south of 355 Coates)



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



Th12a

A-3-SCO-17-0037 (BRITT SFD)

AUGUST 10, 2017 HEARING

CORRESPONDENCE

Graeven, Rainey@Coastal

From: Graeven, Rainey@Coastal
Sent: Monday, July 17, 2017 1:29 PM
To: 'Lai, Sharon A.'; 'Nathan MacBeth'
Cc: 'Kathy Previsich'; 'Wanda Williams'; 'Allyson Violante'; 'T. Brooke Miller'; 'Miles Dolinger'; 'seacliffoceanbluffs@gmail.com'; 'marina314@yahoo.com'
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Hi Sharon,

I just left you a voicemail, but I wanted to make sure that you are aware that the revised plans per the Planning Commission hearing were incorporated into the FLAN. They are the Dennis Norton plans dated 6/20/2017 and clearly identify the various heights and elevations. Further, Condition 2A requires that final architectural plans must be submitted to for review and approval by the Planning Department, and that these plans must "be in substantial compliance" with the project plans dated 6/20/17. I believe your concerns are already addressed through/ contained within the FLAN.

Please let me know if you have any additional questions.

Rainey Graeven
Coastal Program Analyst, Central Coast District
California Coastal Commission
725 Front Street, Santa Cruz, CA 95060
(831) 427-4863

From: Lai, Sharon A. [mailto:SALai@ReedSmith.com]
Sent: Monday, July 17, 2017 12:42 PM
To: 'Nathan MacBeth'
Cc: 'Kathy Previsich'; 'Wanda Williams'; Graeven, Rainey@Coastal; 'Allyson Violante'; 'T. Brooke Miller'; 'Miles Dolinger'; 'seacliffoceanbluffs@gmail.com'; 'marina314@yahoo.com'
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)
Importance: High

Dear Planning Department,

Can we please get a response to the below email correspondence by 3:00 pm today? Today is the deadline to file an appeal to the Coastal Commission. We would like to avoid that if at all possible. If we can get a response that addresses the errors in the public record, then we can resolve this and not have to file an appeal today.

Please let us know at your earliest convenience, and no later than 3:00 pm PT today.

Thank you
Sharon

Sharon A. Lai

Associate
1.650.352.0626
salai@reedsmith.com

ReedSmith LLP
1510 Page Mill Road, Suite 110
Palo Alto, CA 94304
Phone: 1.650.352.0500
Fax: 1.650.352.0699

From: Lai, Sharon A.
Sent: Friday, July 14, 2017 2:14 PM
To: 'Nathan MacBeth'
Cc: Kathy Previsich; Wanda Williams; Graeven, Rainey@Coastal; Allyson Violante; T. Brooke Miller; Miles Dolinger
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)
Importance: High

Dear Nathan and the Planning Commission members,

Thank you for your detailed response. We truly appreciate you and the Planning Commission's commitment in helping us resolve this issue.

Unfortunately the responses do not factually resolve the questions and concerns.

Here is a restatement of our issue of the current record as it currently stands:

The applicant's designer, Dennis Norton, has submitted on 6/20/17 the plans that meet the height requirements specified by the Planning Commission. However, the present documentation, including the FLAN submitted to the California Coastal Commission, does not contain the information that restricts final height of the structure in accordance to the drawings submitted by Dennis on 6/20/17 (the revised drawings) and limiting the height increase to 2' as per Staff Report and Nathan's presentation at the Zoning and the Planning Commission hearings. Since no height is specified, the present documentation leaves open the possibility of an increase in height at or after the permit approval.

We are trying to amicably resolve the concerns of the neighborhood, we are respectfully requesting that the following actions be taken with the current record. Can you please confirm whether the record will be revised accordingly?

- 1) Properly incorporate by reference to the Conditions of Approval document the 2 pages of the architectural drawings which were submitted by Dennis Norton on June 20, 2017. The Conditions of Approval document can be amended to say, "The revised drawings are incorporated by Exhibit []" and appending the 2 pages of the revised drawing.
- 2) Submit the updated FLAN to the California Coastal Commission. According to Nathan's response below this has already been done. However, we note that this was not in the copies of the FLAN provided by Rainey Graeven from the CA Coastal Commission office when we checked.
- 3) Revise the FLAN by adding the original December 2016 drawings, and append the revised drawings (the full two pages) as an exhibit to the FLAN. As it currently stands, there is nothing attached to the FLAN, which can lead to confusion. The revised drawings (and the original drawings) must be added to the FLAN, which is referenced by the FLAN document but no copy of any drawing is appended.

If we can get confirmation that each these items will be taken care of, then this issue will be resolved to our satisfaction, and no action will be need to be taken with the Coastal Commission or any court. We hope you can take these simple measures to avoid confusion and litigation/appeals, and this will resolve the issue for us.

Can you please kindly let us know at your earliest convenience?

Thank you very much,
Sharon

Sharon A. Lai
Associate
1.650.352.0626
salai@reedsmith.com

ReedSmith LLP
1510 Page Mill Road, Suite 110
Palo Alto, CA 94304
Phone: 1.650.352.0500
Fax: 1.650.352.0699

From: Nathan MacBeth [<mailto:Nathan.MacBeth@santacruzcounty.us>]
Sent: Thursday, July 13, 2017 2:11 PM
To: Lai, Sharon A.
Cc: Kathy Previsich; Wanda Williams; Graeven, Rainey@Coastal; Allyson Violante; T. Brooke Miller; Miles Dolinger
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Sharon,
Please find responses to your request below in Red.
Thank you,

Nathan MacBeth
Development Review Planner
County of Santa Cruz

From: Kathy Previsich
Sent: Wednesday, July 12, 2017 6:37 PM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>; Steven Guiney <Steven.Guiney@santacruzcounty.us>; Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Subject: Fwd: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Sent from my iPhone

Begin forwarded message:

From: "Lai, Sharon A." <SALai@ReedSmith.com>
Date: July 12, 2017 at 8:10:39 PM EDT
To: "'susan.craig@coastal.ca.gov'" <susan.craig@coastal.ca.gov>,
"'Kathy.Previsich@santacruzcounty.us'" <Kathy.Previsich@santacruzcounty.us>,
"'Jason.Heath@santacruzcounty.us'" <Jason.Heath@santacruzcounty.us>
Cc: "'Zach.Friend@santacruzcounty.us'" <Zach.Friend@santacruzcounty.us>,
"'t.brooke.miller@santacruzcounty.us'" <t.brooke.miller@santacruzcounty.us>,
"'seacliffcoceanbluffs@gmail.com'" <seacliffcoceanbluffs@gmail.com>
Subject: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Dear Ms. Craig, Ms. Previsich and Mr. Heath,

I am writing to respectfully request that the SCC planning department add the June 20, 2017 drawing plans as the official records (which are attached as two separate .pdfs entitled "Updated Plans") as part

of the official record pertaining to 355 Coates Drive, Aptos, and which were submitted to the CA Coastal Commission. I cannot stress enough the importance of having no ambiguity as to the language in the key documents submitted as part of the application relating to the parcel on 355 Coates Drive. The proposed addition of this document to this application should not be controversial; instead, it is simply an attempt to reconcile and comply with the statements and guidance made by the SCC Planning Commission directive issued in the planning hearing dated June 14, 2017.

As you may recall, since the architectural drawings were missing height specifications, the Planning Commission required the homeowner to submit additional plans specifying the building heights at three separate locations in compliance with the county's regulations. I understand that the homeowner's architect, Dennis Norton, submitted the drawings with additional height specification on the week of June 19, 2017. **Significantly, the Conditions of Approval document has not been amended, and incorrectly references the original drawings dated December 2016, without including by reference the new drawings dated June 20, 2017.** The revised condition of approval references the plans that were approved by the Planning Commission. The Planning Commission required that the revised plans be consistent with the approved plans.

In her correspondence with the SeacliffOceanBluffs Association Ms. Graven stated that the online version of the document is "a link to the County staff report and exhibits: <http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/PLNSupMaterial/PC/agendas/2017/20170614/008.pdf>." However, she later stated that the one submitted to the CA Coastal Commission "is the Final Local Action Notice (FLAN)." Therefore, short of coming to the CA Coastal Commission office, and plowing through all the paperwork (which is not complete, in any case, as it currently stands), there is no way for the public to review the documents, or to understand which document is being referenced. Unfortunately, it is this type of confusion which can lead people to file lawsuits and/or appeals to governmental agencies to seek clarification. In order to avoid such confusion as to what document is being referenced, and to avoid burdening the courts or Coastal Commission with this issue (which can readily be resolved by the Planning Commission), we are respectfully requesting that the record be made clear and unambiguous, particularly on such an important issue as the height requirements, which may directly impact neighbors' ocean view, and the public's view from Seacliff beach. The complete file is available for review in the Planning Department. The FLAN was filed with the Coastal Commission in accordance with County Code.

To be clear, there are currently two documents at issue, and they contain different height restrictions.

- The Planning Department's Staff report submitted for the June 2017 Planning Commission meeting, which is dated 6/14/17 does not include any reference to the Condition of Approval document (attached for your reference), which contains the Planning Commission decision. Most importantly, **it does not have any reference to Denis Norton's revised drawings, dated June 20, 2017**, providing the necessary height specifications required by the Planning Commission. . The Planning Commission took action based on the plans presented to the Planning Commission on June 14, with the added requirement (added Condition II.A.2.a) to submit revised plans, *consistent with the approved plans, showing height measurements*. The revised drawings are incorporated into the approval by Condition II.A.2.a, upon confirmation by the Planning Commission that the condition has been met.
- Additionally, the Coastal Commission does not include all of our documents and neighbor's emails to the Planning Department expressing concerns with and objections to the project. It does contain the Condition of Approval document and **an incomplete record of the revised drawings, dated June 20, 2017, providing the necessary height specifications required by the Planning Commission. Nor does the record incorporate the revised drawings by**

reference. Instead, the only plans referenced are the *obsolete December 2016 drawings* in Appendix D. The FLAN is a notice to Coastal that the local action is final. It is not intended to be nor is it a complete record of the project. The FLAN did include the revised drawings (Plan sheets 5 and 6) submitted by the applicant along with the original plans which remain relevant as they were the plans that were approved by the Planning Commission.

In summary, neither of the most recent documents at the Coastal Commission or the Planning Commission currently contain any reference to the revised June 20, 2017 drawings as required by the Planning Commission. The revised plans (submitted after the Planning Commission took action) are not the plans that were approved. The revised plans simply contain the additional heights measurements required by the conditions of approval.

It is of great importance that the documents which make up the public record comply with the decisions and instructions provided by the Santa Cruz County Planning Commission. These documents are part of the administrative record.

We respectfully request that the Planning Department complete these action items to make the record complete and easily understood by the public, and the homeowner at 355 Coates:

- i. Add the architectural drawings submitted by Dennis Norton on June 20, 2017 into the record. Submitted to Coastal with FLAN; final plans will be incorporated into the approval by Condition II.A.2.a upon confirmation by the Planning Commission that they meet the condition.
- ii. Revise the Conditions of Approval document to reference the new height restrictions identified in the drawings dated June 20, 2017 and ensure there is language indicating what was agreed upon at the Planning Committee meeting, including statements that the homeowner shall comply with the height restrictions specified in the new revised drawings dated June 20, 2017, with a six inch buffer. The conditions (as revised by staff) reflect the action taken by the Planning Commission.
- iii. Post the Conditions of Approval so that it is viewable by the public, on the Planning Department's website. The complete record is available for review in the Planning Department. A copy of the conditions of approval and revised plans have been provided to the appellant (Members of the Seacliff Ocean Bluff Association).
- iv. Provide the foregoing information, above, to the California Coastal Commission so that the relevant agencies have the same height restrictions, and all public records are consistent. This information has already been provided to Coastal Commission staff as part of the FLAN.

Thank you for your consideration of our foregoing requests. If at all possible, please kindly let us know your thoughts on the four action items above by **July 14, 2017, 6:00 pm**. We are requesting a response by that date so that we can timely file an appeal to the Coastal Commission if (in the unlikely event) that we cannot get the official record cleaned up.

Thank you so much for your time and consideration.

Best regards,
Sharon A. Lai
342 Coates Drive

On behalf of the neighbors and members of the Seacliff Ocean Bluff Association

Sharon A. Lai
Associate
1.650.352.0626
salai@reedsmith.com

ReedSmith LLP
1510 Page Mill Road, Suite 110
Palo Alto, CA 94304
Phone: 1.650.352.0500
Fax: 1.650.352.0699

* * *

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

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Graeven, Rainey@Coastal

From: T. Brooke Miller <T.Brooke.Miller@santacruzcounty.us>
Sent: Monday, July 17, 2017 1:28 PM
To: Lai, Sharon A.; Nathan MacBeth
Cc: Kathy Previsich; Wanda Williams; Graeven, Rainey@Coastal; Allyson Violante; 'Miles Dolinger'; 'seacliffcoceanbluffs@gmail.com'; 'marina314@yahoo.com'
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Sharon,

Staff has asked me to respond on behalf of the Planning Department. Please see responses below. To be clear, staff has provided the revised drawings to Coastal, and the revised drawings, once confirmed by the Planning Commission to be consistent with the approved conditions, are incorporated into the approval without need for further action. In summary there is nothing further that we can do, or that needs to be done at this point to ensure the project approval is consistent with the revised drawings, except to bring them forth for confirmation by the Planning Commission which is scheduled for July 26, 2017. If you would like to submit comments to the Commission in support of that action you are welcome to do so.

T. Brooke Miller
Assistant County Counsel
Office of the County Counsel, County of Santa Cruz
701 Ocean Street, Room 505
Santa Cruz, CA 95060
(831)454-2040 (Phone)
(831)454-2115 (Facsimile)
T.Brooke.Miller@santacruzcounty.us

SANTA CRUZ COUNTY COUNSEL CONFIDENTIAL COMMUNICATION

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, please delete the email and notify us immediately.

From: Lai, Sharon A. [mailto:SALai@ReedSmith.com]
Sent: Monday, July 17, 2017 12:42 PM
To: Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Cc: Kathy Previsich <Kathy.Previsich@santacruzcounty.us>; Wanda Williams <Wanda.Williams@santacruzcounty.us>; 'Graeven, Rainey@Coastal' <Rainey.Graeven@coastal.ca.gov>; Allyson Violante <Allyson.Violante@santacruzcounty.us>; T. Brooke Miller <T.Brooke.Miller@santacruzcounty.us>; 'Miles Dolinger' <miles@dolingerlaw.com>; 'seacliffcoceanbluffs@gmail.com' <seacliffcoceanbluffs@gmail.com>; 'marina314@yahoo.com' <marina314@yahoo.com>
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)
Importance: High

Dear Planning Department,

Can we please get a response to the below email correspondence by 3:00 pm today? Today is the deadline to file an appeal to the Coastal Commission. We would like to avoid that if at all possible. If we can get a response that addresses the errors in the public record, then we can resolve this and not have to file an appeal today.

Please let us know at your earliest convenience, and no later than 3:00 pm PT today.

Thank you
Sharon

Sharon A. Lai
Associate
1.650.352.0626
salai@reedsmith.com

ReedSmith LLP
1510 Page Mill Road, Suite 110
Palo Alto, CA 94304
Phone: 1.650.352.0500
Fax: 1.650.352.0699

From: Lai, Sharon A.
Sent: Friday, July 14, 2017 2:14 PM
To: 'Nathan MacBeth'
Cc: Kathy Previsich; Wanda Williams; Graeven, Rainey@Coastal; Allyson Violante; T. Brooke Miller; Miles Dolinger
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)
Importance: High

Dear Nathan and the Planning Commission members,

Thank you for your detailed response. We truly appreciate you and the Planning Commission's commitment in helping us resolve this issue.

Unfortunately the responses do not factually resolve the questions and concerns.

Here is a restatement of our issue of the current record as it currently stands:

The applicant's designer, Dennis Norton, has submitted on 6/20/17 the plans that meet the height requirements specified by the Planning Commission. However, the present documentation, including the FLAN submitted to the California Coastal Commission, does not contain the information that restricts final height of the structure in accordance to the drawings submitted by Dennis on 6/20/17 (the revised drawings) and limiting the height increase to 2' as per Staff Report and Nathan's presentation at the Zoning and the Planning Commission hearings. Since no height is specified, the present documentation leaves open the possibility of an increase in height at or after the permit approval.

We are trying to amicably resolve the concerns of the neighborhood, we are respectfully requesting that the following actions be taken with the current record. Can you please confirm whether the record will be revised accordingly?

- 1) Properly incorporate by reference to the Conditions of Approval document the 2 pages of the architectural drawings which were submitted by Dennis Norton on June 20, 2017. The Conditions of Approval document can be amended to say, "The revised drawings are incorporated by Exhibit []" and appending the 2 pages of the revised drawing. . It is not possible to amend the project Conditions of Approval, except by following the procedures under County Code Section 18.10.134. The Conditions approved by the Planning Commission incorporate the final drawings, once confirmed by the Planning Commission to meet Condition II.A.2.a.
- 2) Submit the updated FLAN to the California Coastal Commission. According to Nathan's response below this has already been done. However, we note that this was not in the copies of the FLAN provided by Rainey Graeven from the CA Coastal Commission office when we checked.
- 3) Revise the FLAN by adding the original December 2016 drawings, and append the revised drawings (the full two pages) as an exhibit to the FLAN. As it currently stands, there is nothing attached to the FLAN, which can lead to confusion. The revised drawings (and the original drawings) must be added to the FLAN, which is referenced by the FLAN document but no copy of any drawing is appended. As stated below, the revised drawings are incorporated into the approval by Condition II.A.2.a, upon confirmation by the Planning Commission that the condition has been met. There is no need to update the FLAN as the final plans are required by Condition

II.A.2.a to be consistent with the approved plans, and the final plans are incorporated as part of the project once confirmed by the Planning Commission to meet the requirements of the condition.

If we can get confirmation that each these items will be taken care of, then this issue will be resolved to our satisfaction, and no action will be need to be taken with the Coastal Commission or any court. We hope you can take these simple measures to avoid confusion and litigation/appeals, and this will resolve the issue for us.

Can you please kindly let us know at your earliest convenience?

Thank you very much,
Sharon

Sharon A. Lai
Associate
1.650.352.0626
salai@reedsmith.com

ReedSmith LLP
1510 Page Mill Road, Suite 110
Palo Alto, CA 94304
Phone: 1.650.352.0500
Fax: 1.650.352.0699

From: Nathan MacBeth [<mailto:Nathan.MacBeth@santacruzcounty.us>]
Sent: Thursday, July 13, 2017 2:11 PM
To: Lai, Sharon A.
Cc: Kathy Previsich; Wanda Williams; Graeven, Rainey@Coastal; Allyson Violante; T. Brooke Miller; Miles Dolinger
Subject: RE: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Sharon,
Please find responses to your request below in Red.
Thank you,

Nathan MacBeth
Development Review Planner
County of Santa Cruz

From: Kathy Previsich
Sent: Wednesday, July 12, 2017 6:37 PM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>; Steven Guiney <Steven.Guiney@santacruzcounty.us>; Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Subject: Fwd: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Sent from my iPhone

Begin forwarded message:

From: "Lai, Sharon A." <SALai@ReedSmith.com>
Date: July 12, 2017 at 8:10:39 PM EDT
To: "'susan.craig@coastal.ca.gov'" <susan.craig@coastal.ca.gov>,
"'Kathy.Previsich@santacruzcounty.us'" <Kathy.Previsich@santacruzcounty.us>,
"'Jason.Heath@santacruzcounty.us'" <Jason.Heath@santacruzcounty.us>

Cc: "Zach.Friend@santacruzcounty.us" <Zach.Friend@santacruzcounty.us>,
"t.brooke.miller@santacruzcounty.us" <t.brooke.miller@santacruzcounty.us>,
"seacliffcoceanbluffs@gmail.com" <seacliffcoceanbluffs@gmail.com>

Subject: Application # 161245, APN #038-216-28, 355 Coates - Time Sensitive (Please Review and Respond)

Dear Ms. Craig, Ms. Previsich and Mr. Heath,

I am writing to respectfully request that the SCC planning department add the June 20, 2017 drawing plans as the official records (which are attached as two separate .pdfs entitled "Updated Plans") as part of the official record pertaining to 355 Coates Drive, Aptos, and which were submitted to the CA Coastal Commission. I cannot stress enough the importance of having no ambiguity as to the language in the key documents submitted as part of the application relating to the parcel on 355 Coates Drive. The proposed addition of this document to this application should not be controversial; instead, it is simply an attempt to reconcile and comply with the statements and guidance made by the SCC Planning Commission directive issued in the planning hearing dated June 14, 2017.

As you may recall, since the architectural drawings were missing height specifications, the Planning Commission required the homeowner to submit additional plans specifying the building heights at three separate locations in compliance with the county's regulations. I understand that the homeowner's architect, Dennis Norton, submitted the drawings with additional height specification on the week of June 19, 2017. **Significantly, the Conditions of Approval document has not been amended, and incorrectly references the original drawings dated December 2016, without including by reference the new drawings dated June 20, 2017.** The revised condition of approval references the plans that were approved by the Planning Commission. The Planning Commission required that the revised plans be consistent with the approved plans.

In her correspondence with the SeacliffOceanBluffs Association Ms. Graven stated that the online version of the document is "a link to the County staff report and exhibits: <http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/PLNSupMaterial/PC/agendas/2017/20170614/008.pdf>." However, she later stated that the one submitted to the CA Coastal Commission "is the Final Local Action Notice (FLAN)." Therefore, short of coming to the CA Coastal Commission office, and plowing through all the paperwork (which is not complete, in any case, as it currently stands), there is no way for the public to review the documents, or to understand which document is being referenced. Unfortunately, it is this type of confusion which can lead people to file lawsuits and/or appeals to governmental agencies to seek clarification. In order to avoid such confusion as to what document is being referenced, and to avoid burdening the courts or Coastal Commission with this issue (which can readily be resolved by the Planning Commission), we are respectfully requesting that the record be made clear and unambiguous, particularly on such an important issue as the height requirements, which may directly impact neighbors' ocean view, and the public's view from Seacliff beach. The complete file is available for review in the Planning Department. The FLAN was filed with the Coastal Commission in accordance with County Code.

To be clear, there are currently two documents at issue, and they contain different height restrictions.

- The Planning Department's Staff report submitted for the June 2017 Planning Commission meeting, which is dated 6/14/17 does not include any reference to the Condition of Approval document (attached for your reference), which contains the Planning Commission decision. Most importantly, **it does not have any reference to Denis Norton's revised drawings, dated June 20, 2017**, providing the necessary height specifications required by the

Planning Commission. . The Planning Commission took action based on the plans presented to the Planning Commission on June 14, with the added requirement (added Condition II.A.2.a) to submit revised plans, *consistent with the approved plans*, showing height measurements. The revised drawings are incorporated into the approval by Condition II.A.2.a, upon confirmation by the Planning Commission that the condition has been met.

- Additionally, the Coastal Commission does not include all of our documents and neighbor's emails to the Planning Department expressing concerns with and objections to the project. It does contain the Condition of Approval document and an **incomplete record of the revised drawings, dated June 20, 2017, providing the necessary height specifications required by the Planning Commission. Nor does the record incorporate the revised drawings by reference.** Instead, the only plans referenced are the *obsolete December 2016 drawings* in Appendix D. The FLAN is a notice to Coastal that the local action is final. It is not intended to be nor is it a complete record of the project. The FLAN did include the revised drawings (Plan sheets 5 and 6) submitted by the applicant along with the original plans which remain relevant as they were the plans that were approved by the Planning Commission.

In summary, neither of the most recent documents at the Coastal Commission or the Planning Commission currently contain any reference to the revised June 20, 2017 drawings as required by the Planning Commission. *The revised plans (submitted after the Planning Commission took action) are not the plans that were approved. The revised plans simply contain the additional heights measurements required by the conditions of approval.*

It is of great importance that the documents which make up the public record comply with the decisions and instructions provided by the Santa Cruz County Planning Commission. *These documents are part of the administrative record.*

We respectfully request that the Planning Department complete these action items to make the record complete and easily understood by the public, and the homeowner at 355 Coates:

- i. Add the architectural drawings submitted by Dennis Norton on June 20, 2017 into the record. *Submitted to Coastal with FLAN; final plans will be incorporated into the approval by Condition II.A.2.a upon confirmation by the Planning Commission that they meet the condition.*
- ii. Revise the Conditions of Approval document to reference the new height restrictions identified in the drawings dated June 20, 2017 and ensure there is language indicating what was agreed upon at the Planning Committee meeting, including statements that the homeowner shall comply with the height restrictions specified in the new revised drawings dated June 20, 2017, with a six inch buffer. *The conditions (as revised by staff) reflect the action taken by the Planning Commission.*
- iii. Post the Conditions of Approval so that it is viewable by the public, on the Planning Department's website. *The complete record is available for review in the Planning Department. A copy of the conditions of approval and revised plans have been provided to the appellant (Members of the Seacliff Ocean Bluff Association).*
- iv. Provide the foregoing information, above, to the California Coastal Commission so that the relevant agencies have the same height restrictions, and all public records are consistent. *This information has already been provided to Coastal Commission staff as part of the FLAN.*

Thank you for your consideration of our foregoing requests. If at all possible, please kindly let us know your thoughts on the four action items above by **July 14, 2017, 6:00 pm**. We are requesting a response

by that date so that we can timely file an appeal to the Coastal Commission if (in the unlikely event) that we cannot get the official record cleaned up.

Thank you so much for your time and consideration.

Best regards,

Sharon A. Lai

342 Coates Drive

On behalf of the neighbors and members of the Seacliff Ocean Bluff Association

Sharon A. Lai

Associate

1.650.352.0626

salai@reedsmith.com

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* * *

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Susan Craig
Coastal Commission
Developments on Coates Drive
RE: App #161245

7-16-17

Dear Ms. Craig

I along with our neighbors of subdivision 1, 2, and 3 are very concerned about the development of the coastal ocean bluff side of Coates Drive. The new visibility from the beach will set a precedent that will continue all along the ocean bluff side of Coates Drive.

You can see from the attached parcel map Coates Drive is in the shape of an **m** with all pathways looking at the water and leading to the beach. These continuous 21 parcels on the ocean bluff are the only remaining single story homes on the ocean bluff in Santa Cruz County which is the complete ocean bluff in Seacliff Park Subdivision # 1. The County and Coastal commission have supported this precedent for the last 90 years. Seacliff Park Subdivision #1 was first formed in 1925 along with the deed restrictions that limit ocean bluff properties in Subdivision #1 to only single story homes with a maximum height of 14 feet.

When you look at the Seacliff Park Subdivision #1 development it is clear that this design allows people to walk to the beach while enjoying the view of the water. Most people who walk to the beach from Seacliff Park Subdivision 1, 2, and 3 use Coates Drive to get to the beach via the beach trail at the intersection of Coates Dr. and Beachgate. This is the only beach access from any of the subdivisions north of State Park Drive. When walking along Coates Drive the ocean view is very visible, this was unmistakably by design. (See attached color coded parcel map along with street view photos taken from Coates Drive exhibit 1, 2, & 3)

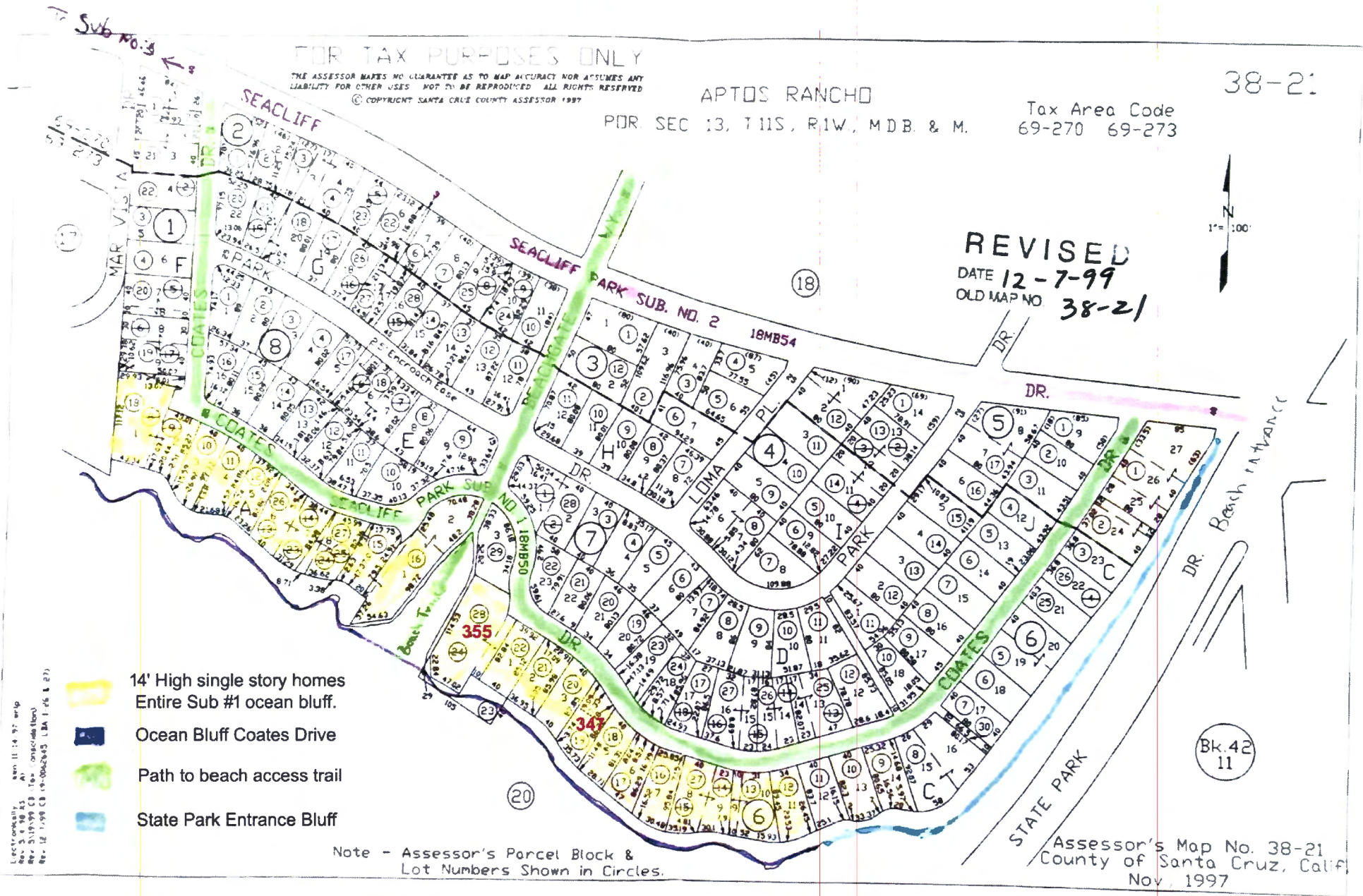
Also to reinforce the public concerns of view shed is the existing ocean bluff single story homes do not look down on Seacliff State Beach camping and parking. They remain low profile and do not interfere with the public view shed. Allowing these homes to rise in elevation will change that completely as you can see from the pictures the homes will tower over the State Park camping area.

The Coastal Commission has the power to stop a new precedent from being established which will stop any legal battles with the County and new developers that are trying to establish a foothold on the ocean bluff in Seacliff Park Subdivision #1.

Sincerely,

Carrie Zar
418 Coates Drive
Seacliff Park Subdivision #1

Exhibit 1





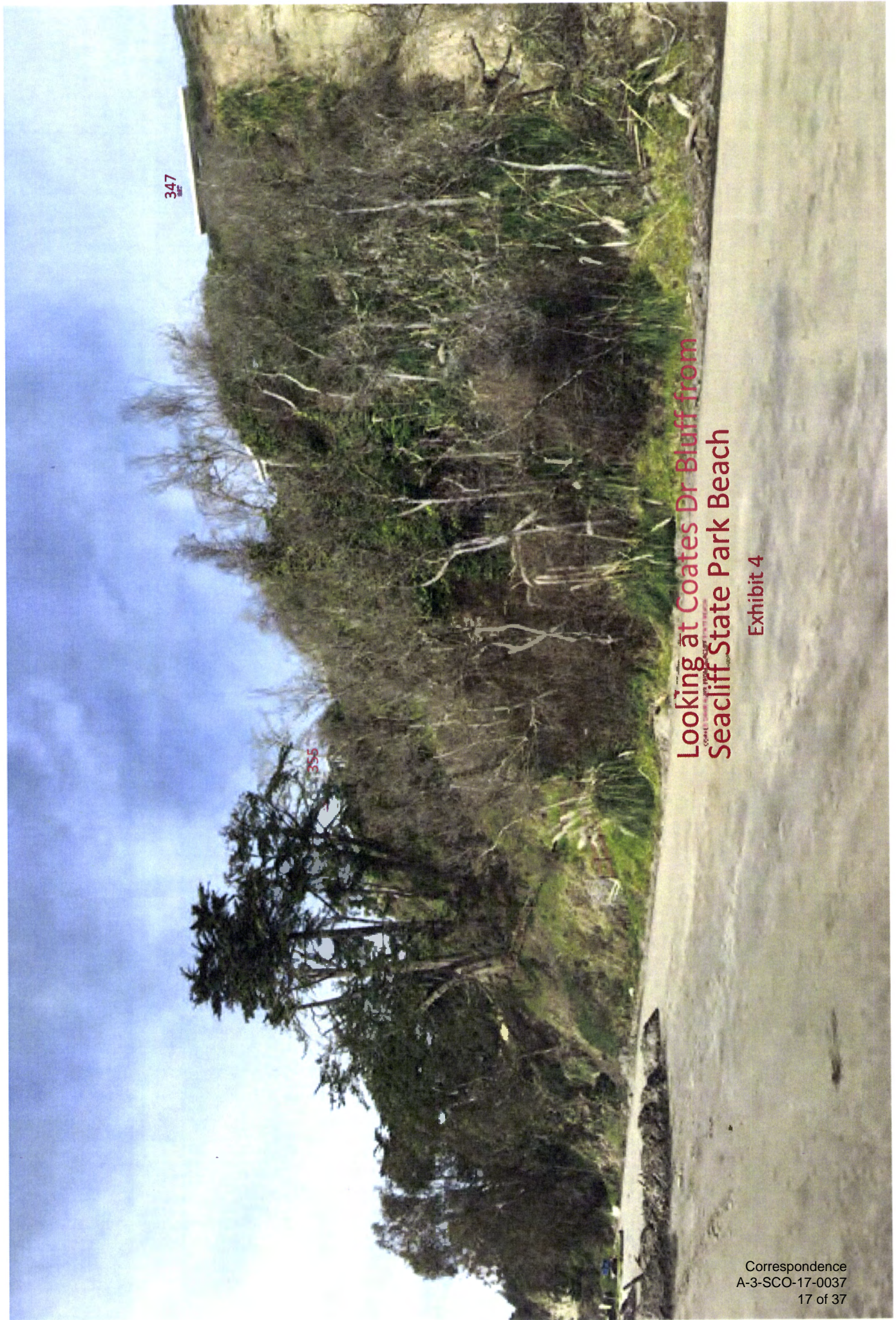
Street View From Coates Drive

Exhibit 2



Coates Dr and Seaclyff Drive
Path to Beach Trail looking at ocean bluff

Exhibit 3

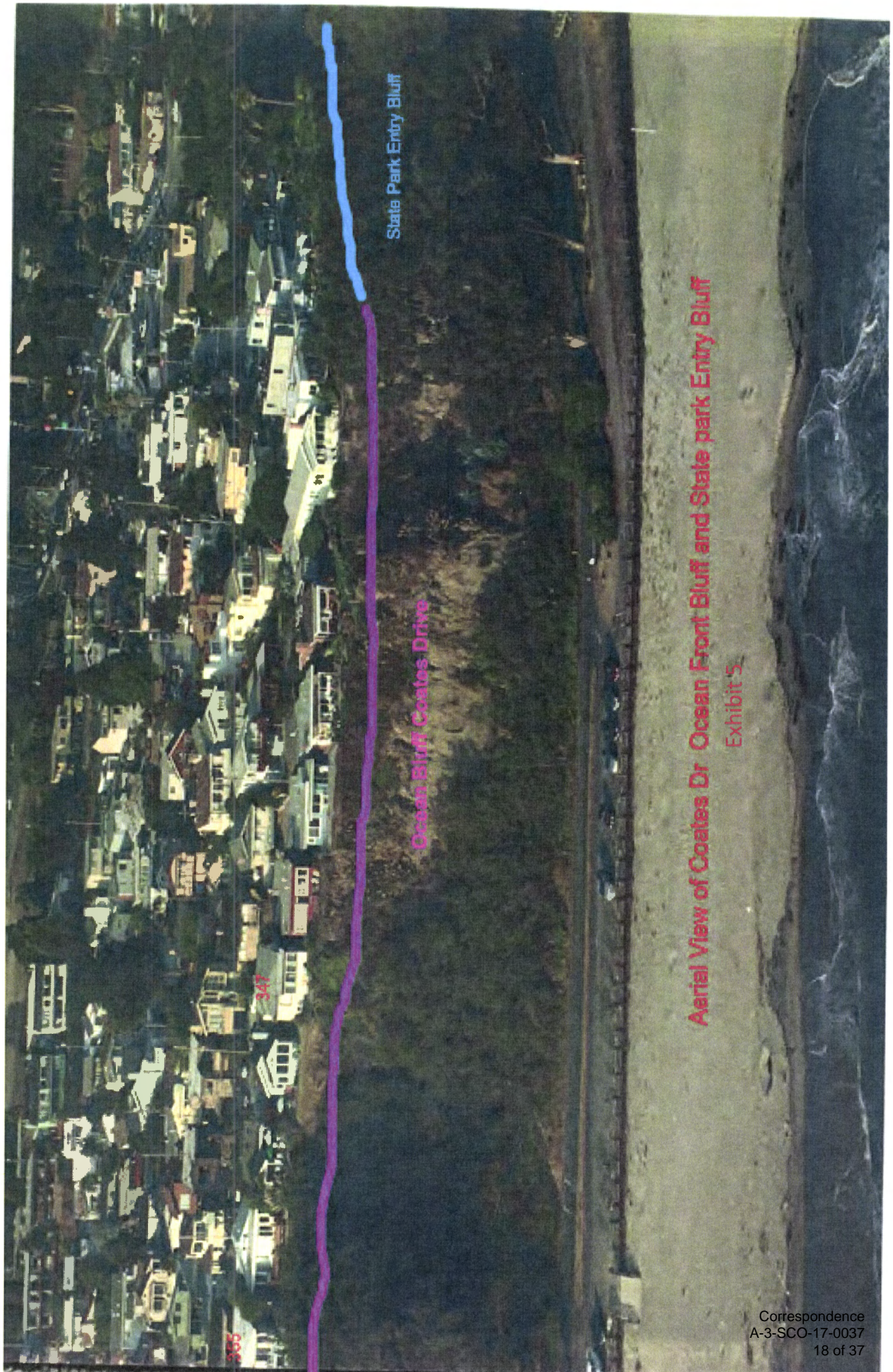


347

355

Looking at Coates Dr Bluff from
Seacliff State Park Beach

Exhibit 4



State Park Entry Bluff

Ocean Bluff Coates Drive

Aerial View of Coates Dr Ocean Front Bluff and State park Entry Bluff

Exhibit 5

Slide 2-10-17

347 Coates

Beachgate Trail

Seacliff State Park
Exhibit 6

Graeven, Rainey@Coastal

From: Craig, Susan@Coastal
Sent: Tuesday, June 06, 2017 8:33 AM
To: Graeven, Rainey@Coastal
Cc: Moroney, Ryan@Coastal
Subject: FW: 355 Coates Drive, Aptos Hearing June 14

FYI.

From: fay levinson [<mailto:fayjoe1@comcast.net>]
Sent: Monday, June 05, 2017 8:05 PM
To: Melanie Freitas; Zach Friend; Craig, Susan@Coastal; coatesneighborhood@gmail.com
Cc: fay levinson
Subject: 355 Coates Drive, Aptos Hearing June 14

This is in regard to a lot line adjustment and possible height adjustment to a remodel at 355 Coates Drive, Aptos. When considering this request, please keep in mind coastal viewshed and precedent setting for the neighborhood. If the new height is visible from the beach below and it impacts the viewshed of beach users, the height should remain at a level that is consistent with the area already built out.

Mega homes from the beach view are unsightly and do not reflect the character of the area.

This is consistent with most Coastal Commission rulings in the recent past.

Thank you for your consideration.

Fay Levinson
650 Hidden Beach Way
Aptos, Ca. 95003

Sent from Mail for Windows 10

Graeven, Rainey@Coastal

From: Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Sent: Tuesday, May 09, 2017 8:33 AM
To: Graeven, Rainey@Coastal
Subject: RE: 355 Coates

Rainey,
The applicant had submitted a GHA to consider a future wall. A coastal permit application has not been submitted.

Thank you,

Nathan MacBeth
Development Review Planner
County of Santa Cruz

From: Graeven, Rainey@Coastal [<mailto:Rainey.Graeven@coastal.ca.gov>]
Sent: Monday, May 08, 2017 1:52 PM
To: Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>
Subject: RE: 355 Coates

Hi Nate,

Does the applicant currently have a separate application in with the County for a bluff retention structure or do they simply intend to submit an application for one?

Thank you,
Rainey

From: Graeven, Rainey@Coastal
Sent: Monday, May 08, 2017 12:11 PM
To: Moroney, Ryan@Coastal; Craig, Susan@Coastal
Subject: 355 Coates

FYI this one has been appealed to the PC. Nate said he will take it to hearing in the next 60 days. The project plans are really confusing, which is probably why people are so fired up about this project. I spoke to some neighbors and they said that there was a lot of misinformation about the project on a website called Next Door, and then pretty soon thereafter petitions in opposition were being passed around. If it does come our way I think it'll be a quick NSI. Lots of the adjacent homes have pitched roofs and some even have second stories. The neighbors I spoke to support 355 Coates shifting to a pitched roof because the flat roof (as seen in image 290) is quite ugly. Plus, this home is actually shielded from vegetation from the beach. Other homes are much more visible from the beach. Complete list of photos available in: Central Coast → P & R → South County → Seacliff → 355 Coates. It is probably a good idea to write a letter to the PC to help ward off a potential appeal, but then again an appeal might be inevitable.

Rainey Graeven
Coastal Program Analyst, Central Coast District
California Coastal Commission
725 Front Street, Santa Cruz, CA 95060
(831) 427-4863

Graeven, Rainey@Coastal

From: BeachgateHouse <beachgatehouse@pacbell.net>
Sent: Friday, April 21, 2017 7:25 AM
To: Wanda.Williams@santacruzcounty.us
Cc: Previsich, Kathy@Santa Cruz County; Joseph.Hanna@santacruzcounty.us; Steven.Guiney@santacruzcounty.us; Graeven, Rainey@Coastal; seacliffcoceanbluffs@gmail.com; Craig, Susan@Coastal; Kiser, Terry@Parks; zach.friend@co.santa-cruz.ca.us; Nathan.Macbeth@santacruzcounty.us; patrick.mulhearn@co.santa-cruz.ca.us
Subject: Hearing on 355 Coates

Good morning. Due to having such a short notice for the hearing this morning, we cannot attend. I live on Coates, 357 Coates, and have a serious problem with the raising of the roof at 355 Coates. These items were requested at the last meeting:

- updated plan is missing most of the height measurements and the ones available are using a point on the street 2 feet higher than the highest point on the property as a reference point for ALL height measurements, in violation of SCCC 13.10.700 H. **The actual height of the proposed structure is 21 feet when measured from the ground.**
- the photos of the Coates and Seacliff bluff are taken from the only point that does not show all the damage of the last year's storms.

The owner of this project continues to waffle when it comes to the actual height of this project. This is building that will create a precedence with all future building along the cliff. There is really no reason for the roof to be raised to 20 Feet. The owners could get all the advantages of the remodel they want within the house by putting in a flat roof. The reason for blocking views and making everyone from the beach look at their house is simply due to their liking a pitched roof. It has nothing to do with expanding the inside of the house. We have tried resolving these issues but find the owners constantly vague about the end height of what their remodel will be. The new height will make the house obvious from the beach path and the beach. It will intrude on the views of all beach users and for no functional reason. Simply because the owner likes the pitch of the roof. The inside of the remodel will not be changed whether it is a flat roof or pitched but the view from the beach, the path, the neighbors with all be impacted. Seems a flat roof could make everyone happy.

At the last meeting you requested better images and measurements for the roof rising. It is still not done. After 40 years on this very small, intimate beach community street we see the importance of keeping the original vision for this unique area. It was developed to have one story houses on the cliff and two story houses on the second tier. This has worked for everyone. At one time, there was path along the cliff in front of the house for the public use. It is now eroded away but the idea was to keep the views clear from Coates for the greater good of the neighborhood. It is one of the last beach neighborhoods that does not have towering, gated houses along the cliff.

As to the soil reports, the cliff is unstable. An expert is not needed for that. You simply need to walk down the path and the beach to see it. These homes on the cliff probably have short lives anyway. By the time the roof is raised and the retaining wall built, it will look like a three story building from the beach.

Please consider this with all seriousness. Our neighborhoods should have some say over the quality of our lives, our property values and the views we currently enjoy. To make such changes that impact all of us for a vacation rental is so disheartening. Diana Lee Craig

Graeven, Rainey@Coastal

From: Pam Hogan <PHogan@hoganls.com>
Sent: Thursday, April 20, 2017 10:01 PM
To: Wanda.Williams@santacruzcounty.us
Cc: Previsich, Kathy@Santa Cruz County; Joseph.Hanna@santacruz.us; Steven.Guiney@santacruz.us; Graeven, Rainey@Coastal; Craig, Susan@Coastal; Kiser, Terry@Parks; zach.friend@co.santa-cruz.ca.us; Nathan.Macbeth@santacruzcounty.us; patrick.mulhearn@co.santa-cruz.ca.us; seacliffoceanbluffs@gmail.com
Subject: 355 Coates

Decision makers;

Please understand that even if you can overcome the deed restriction that prevents cliff-side 2 story dwellings, you can't overcome the spirit by which it was created. The cliff side already enjoys incredible, unobstructed views of the Monterey Bay at the ground level, certainly with 1 story verandahs, decks etc.

Allowing a cliff side residence to block that view for neighbors across the street is counter to the spirit of the deed restriction, the spirit of the original subdividers, the spirit of Aptos and the spirit of coastal living.

Should you choose to approve this single proposal, you set a dangerous precedence for our neighborhood, and all coastal neighborhoods.

A denial of this application (just the second story part) takes nothing away from these owners in terms of view, enjoyment of property, or current value but approval effects all these areas for several property owners on the "second" row in and adversely effects the value, enjoyment and view of this block, the neighborhood and potentially the entire area.

Sincerely,

Mike and Pam Hogan

Neighbors at 404 Park Drive, Aptos, CA 95003



1702 4th Street • Santa Rosa, CA 95404 • P 877.544.2104 • F 707.522.2105
802 Estates Drive, Ste 100A • Aptos, CA 95003 • P 831.425.1617 • F 831.425.0224
phogan@hoganls.com | "We'll Get the Permit!" | www.hoganls.com



Graeven, Rainey@Coastal

From: Maggie Caldwell <seacliffmom@gmail.com>
Sent: Thursday, April 20, 2017 1:25 PM
To: Wanda.Williams@santacruzcounty.us
Cc: Previsich, Kathy@Santa Cruz County; Joseph.Hanna@santacruzcounty.us; Steven.Guiney@santacruzcounty.us; Graeven, Rainey@Coastal; Craig, Susan@Coastal; Kiser, Terry@Parks; zach.friend@co.santa-cruz.ca.us; Nathan.Macbeth@santacruzcounty.us; patrick.mulhearn@co.santa-cruz.ca.us; seacliffcoastbluffs@gmail.com
Subject: concern over 355 Coates proposed remodel

Dear Ms Williams,

My name is Maggie Caldwell. My husband Keith and I have owned our home at 423 Seacliff Drive in the Seacliff Beach area of Aptos for 25 years, and in that time we have gone through two major remodeling projects, each time following the Planning Department guidelines, respecting the rules to prevent over-building and rooftop decks that could impede others' views.

So I am writing you today to register my and my husband's strong objection to the planned remodel of 355 Coates Drive under the current plans submitted to and on file with your department. There are several reasons for our objection:

-By allowing a height variance at 355 Coates, you would be setting the precedent for every one of those bluff homes to ultimately go up a second story. That is not how this neighborhood was originally planned and designed; every home along the bluff is the same single-story height. It has always been my understanding that the bluff has a special designation with existing building codes in place restricting height in order to preserve the historic beach neighborhood feel of the area as well as not to block views of the ocean from the neighborhood or of our bluff from the beach. I'm not clear exactly how tall the proposed home will be; it appears that there has not been an honest attempt to convey the finished elevation. From the estimates I can put together, the finished house will be 21 feet, a height that clearly does not fit in current building codes for that area. There are no bluff-side homes over 14 feet. I am also uneasy that there has not been an effort to disclose the final height and the difference between the proposed final height and the current height, and it makes me wonder if there is some post-permit sign-off building intention. For example, I have seen remodels in town on which a partial rooftop deck is added once the structure is complete and the permit is signed off.

Additionally, most of the trees and shrubs on the cliff beneath this property are gone; the large trees have been cut to their base and slides took out everything else. A home that is taller in any way will be easily seen from the beach.

-I am also concerned with the condition of the bluff itself. I see that that a soils report was not required; I strongly urge you to request a soils report before approving any work. The Beachgate path has suffered quite a bit after this winter's storms; so much of the hill has acted like quicksand in the storms. There was even a new slide yesterday on the path directly under 355 Coates. It's possible that the setbacks and/or work that needs to be done to reinforce the house will need to be adjusted with a clear picture of the condition of the soil on which this will be built.

We urge you to require the final structure is kept at or under current maximum height of 14' of every other Seacliff bluff home.

Graeven, Rainey@Coastal

From: Saps Buchman <sbuchman@stanford.edu>
Sent: Tuesday, April 18, 2017 5:02 PM
To: Wanda.Williams@santacruzcounty.us
Cc: Saps Buchman; Previsich, Kathy@Santa Cruz County; patrick.mulhearn@co.santa-cruz.ca.us; nathan.macbeth@santacruzcounty.us; Craig, Susan@Coastal; Kiser, Terry@Parks; zach.friend@co.santa-cruz.ca.us; Graeven, Rainey@Coastal; marina@alum.mit.edu; Steven.Guiney@santacruzcounty.us; Joseph.Hanna@santacruzcounty.us; seacliffcoceanbluffs@gmail.com
Subject: Re: 4/21 Planning Hearing - Additional information and photos APN 038-216-28 & 038-216-31, Application 161245
Attachments: Zoning hearing April 21 reduced size.pdf

Wanda Williams, Zoning Administrator

County of Santa Cruz

701 Ocean St. 4th Floor

Santa Cruz, CA 95060

RE: Request for denial APN 038-216-28 & 038-216-31, Application 161245

Subject: Applications: # 161245 and REV: 161083

Dear Ms. Williams,

We would like to provide new pertinent information that we learned since the March 17th hearing as well as to address some of the questions that were raised in that meeting. Please open the PDF attachment to view the whole message.

New information:

1. Title report containing Deed Condition and
2. declaration that the property is located in area that is subject to geologic hazards, requiring a geologic report SCCC 16.10.040 (14) (m).
3. Parallel Application Number: REV:161083, violates SCCC 18.10.123.
4. 2002 USGS study of the Seascapes State Beach bluff that determined that **1998 El Nino was a primary cause of the cliff receding over 10 feet in the area of 355 Coates Drive** (appx. 4)

5. Updated plan is missing most of the height measurements and **the ones available are using a point on the street 2 feet higher than the highest point on the property as a reference point for ALL height measurements, in violation of SCCC 13.10.700 H. The height of the proposed structure is 21 feet from the ground.**
6. Impact of the lot adjustment on the Seacliff State Park easement and preservation of the Beachgate public path.

Additional information to address the issues raised in the March 17th meeting:

7. Consistency with existing structures on the ocean bluff
8. Photos of the Coates bluff
9. Petition signatures

Action Requested:

1. Based on all the new and additional information discussed in detail below, we ask that the zoning department deny the application in accordance with CA Coastal Act 30211 and SCCC 6.2.14, 13.10.700-H, 16.10.035, 16.10.040 (14) (m), 16.10.070 (H) (e, a), 18.10.123
2. The development plan, revised to comply with the CA Coastal Act and SCCC zoning regulations, to be consolidated with the parallel application #161083 to improve drainage and construct a retaining wall.

NEW INFORMATION:

1. Deed restriction for 355 Coates Drive (appx. 1) specifically states:

"This deed is expressly conditioned that there shall never be constructed or maintained on said property any residence ... any building over 1 story in height, or any building, tree, or vegetation rising over 14 feet above the present ground level (intending that the view from those portions of said entire Seacliff Park tract lying to the rear or northerly of said property shall remain forever unobstructed)"

- SCCC 16.10.035 Conflict with existing regulations specifically states:

"This chapter is not intended to repeal, nullify, or impair any existing easements, covenants, or deed restrictions. If this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. 4518-C § 2, 1999]."

2. The Title Report also includes DECLARATION REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT IN AN AREA SUBJECT TO GEOLOGIC HAZARDS. (appx. 2)

- 16.10.040 (14) (m) specifies: any project ***"that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review."***

3. 355 Coates has filed an Application Number: REV:161083. The scope of that application is construction of a replacement retaining wall and the drainage improvements. As stated in the March 3/17 meeting by both the owner and the architect, Mr. Britt and Mr. Norton, the drainage improvement will be completed in parallel with the work specified in the application #161245 under review.

Report prepared by the county geologist, Mr. Hanna, for Application #161083, and signed by Joe Hanna and Jessica deGrassi is dated November 15, 2016 (appx. 3). Please note that it was completed prior to this winter storms.

The REPORT REQUIREMENTS section states:

“The Geologic Hazards Ordinance requires that ‘all development activities shall be located away from potentially unstable areas....’. ... a full engineering geologic report is required to evaluate any homesite on this parcel with respect to slope stability, seismic and blufftop erosion issues.

If geologic risks can be mitigated and a building site is determined to be suitable for a residence, it will be necessary to complete a soil report to assist in the determination of the appropriate engineered foundation, and render an engineered drainage plan for the site.

It is entirely likely that a soils engineer will need to assist the project engineering geologist in evaluating the potential slope stability hazards affecting the development envelope. I have included a list of consultants and County guidelines for geologic reports. The guidelines must be strictly adhered to.”

The PERMIT CONDITIONS section:

“Permit conditions will be developed for your proposal after the technical report has been reviewed.”

...

“Final building plans submitted to the Planning Department will be checked to verify that the project is consistent with the conditions outlined above prior to issuance of a building permit.”

- Since the two applications are part of the same project and it was already determined that the geologic report is required for one of them, completing the Geological Report prior to the commencement of the construction will avoid damaging the home and/or creating additional hazards for already damaged Beachgate path and will comply with **SCCC 18.10.123** ***“all the required approvals, permits or extensions shall be applied for, processed, and acted upon concurrently”***

4. Following 1997-98 El Nino USGS study of Seacliff State Beach determined that it is primarily composed of less resistant sandstone and siltstone. The study concluded that 1997-98 El Nino was a primary cause of the cliff retreat (appx. 4):

“76 percent of historical storms that caused significant coastal erosion or damage occurred during El Niño years.”

In the area of 355 Coates Dr the retreat was over 10 feet. Last winter's storms, resulted in a sinkhole and numerous landslides on the cliff below 355 Coates. The public Beachgate path was just re-opened after being closed for over 4 months. **Given the USGS study determination that “El Niño storms, lead to the greatest localized amount of retreat of the top edge of the cliff” it would be prudent to have county geologist to assess the impact of this winter's storms.**

5. The updated plan, reviewed on 4/12 at the zoning department, still does not show the elevation of the property from the ground or as related to the existing structure (only page 5 is changed). Nathan MacBeth suggested that we use a ruler to measure it and most of the numbers below are based on these measurements. The plan does not conform to the SCCC height measurement standards SCCC 13.10.700-H (appx. 5)

- The height shown is relative to the point on the street that is 2 feet higher than the highest point on the property, the garage, and is 5.5 feet higher than the ocean bluff side.
- **The height of the new structure is increased from 12 to 21 feet at a highest point, when measured from the ground, as required by SCCC 13.10.700-H:**

“The height of a structure is the vertical distance between the existing or finish grade, whichever is lower, to the uppermost point of the structure.

In addition, General Plan Policy 8.6.2 states that all unnecessary grading for the purpose of meeting height restrictions is prohibited.

- *Two sets of measurements are needed to determine a structure's height:*
 - *Within the footprint of the structure, inside of the perimeter of the foundation, measurements are taken from the original (natural) grade to the highest points of the structure above;*
 - *At the perimeter of the foundation and beyond, measurements are taken from the original (natural) grade or finished grade, whichever is lower, to the highest points of the structure directly above;*
 - *The measurements from a) and b) must both not exceed the maximum height for the zone district.”*

www.sccoplanning.com/PlanningHome/BuildingSafety/MiscellaneousInformation/MeasuringHeight.aspx

<http://www.sccoplanning.com/Portals/2/County/Planning/bldg/sampleelevation.pdf?ver=2007-09-08-000000-000>

- The new height does not take into account additional rooftop structures, such as decks and / or solar panels.
6. According to Douglas Britt, the proposed lot line adjustment is in order to construct the retaining wall. GIS map shows that APN #038-216-31 has a Seacliff State Park easement. Need to determine if the easement will migrate to APN #038-216-28 with the lot adjustment, as well as the impact of the construction of the retaining wall on the viability of the Beachgate Way path.
- The public beach path is only 22-30 feet from the property.
 - The proposed work is less than 7 feet from that part of the bluff (see design plan pp. TM-1 & TP-1 and photos appx. 6)
 - Beachgate path has significantly deteriorated and was closed for over 3 months due to landslides and a sinkhole. It was just reopened, however, the path is in very poor condition and does not look safe. Additional work in that area could undermine it further and/or interfere with the State Park easement, violating **CA coastal regulation section 30211 Development not to interfere with access.**
 - State Park administration should be part of the review process, since Seacliff State Beach General Plan highlights concern with the development adversely affecting the State Park resources. It was published in 1990, prior to the 1997-98 and 2016-17 El Ninos. The plan identifies Coates Bluff in the Zone of Exclusion and the Zone of Primary Interest sections (p. 22, 63-64) www.parks.ca.gov/pages/21299/files/seacliff_sb_gp_n409.pdf:

"The zone of primary interest is that area outside the unit, in which land use changes could adversely affect the resources of Seacliff State Beach. This zone includes ... Seacliff Drive, Coates Drive, "

"Structures have been developed within what is currently the zone of exclusion. These structures are primarily single-family homes ... Many of the structures are at risk from future landslides. Although no homes have been lost to date, the 1986 storms and the 1989 earthquake caused landslides that reduced the usable size of many backyards. In some cases, the cliff-top instability problems are being exacerbated by excessive landscape watering and encroachment of backyards onto state beach property. Cliff-top instability may threaten adjacent structures and is a regional problem that extends well beyond the immediate vicinity of Seacliff State Beach.

The department shall continue to work with adjacent residents and landowners and appropriate local, regional, and state agencies to identify and propose solutions which will reduce any existing hazards associated with the presence of structures and landscaped areas within the zone of exclusion."

ISSUES RAISED IN THE MARCH 17TH MEETING:

7. The proposed remodel will not be consistent with the style of homes on the ocean bluff of the Coates Drive, violating SCCC 13.20.130. (appx. 7)

To clarify the answer to your question regarding two story houses in the neighborhood. There are no two-story structures on the Coates ocean bluff. The 21 continues homes, 333-355 and 403-421, spanning the two blocks of Coates Drive are all single story, and under 14' height. Since Mr. Norton has stated that 80% of the bluff homes are over 14', we'd like him to identify the 17 homes that have exceeded the height restriction. The proposed development will violate SCCC 16.10.070 (H) (e) "*shall not ... create a significant visual intrusion*"

8. View shed. Appendix 8 has the photos requested in the 3/17 hearing that show the visibility of the existing structure from the Seacliff State Park, from the Beachgate public path, and the state of the Coates ocean bluff after the recent storms. Please keep in mind that all the plans were submitted prior to this year's El Nino.

➤ Please note two mud slides right under 355 Coates and the Beachgate path below.

➤ Several major landslides on the Coates bluff, with the closest two:

- North, on the cliff on the other side of the Beachgate path, less than 20' from 355 Coates, at 403 Coates.
- South, just two doors down at 349 Coates.

9. Updated list of signatures of Coates Ocean Bluff Protection Association Petition:

As the undersigned below, it is our goal to preserve and protect the Coates Coastal Bluff and the row of single story homes overlooking the State Parks, as well as the unique, historic Beachgate Neighborhood, a local landmark designed for public access and foot traffic. We are in support of:

- *Continuing the policy of enforcement by The SCC Planning Department of the deed CC&R of 14ft height on the Coates Dr. ocean bluff for ALL future development, including 347 and 355 Coates Dr.*
- *Preserving public views from Coates Dr. and the Seacliff State Park.*

Appendix lis (see attached PDF)t:

1. Deed restriction for 355 Coates Drive
2. 10/12/1995 declaration that the property is located in area that is subject to geologic hazards.
3. Geologic Hazard Assessment, APN 038-216-28, 11/15/2016
4. USGS studies of the impact of 1998 El Nino on Seacliff Beach
5. Height Exhibit
from <http://www.sccoplanning.com/PlanningHome/BuildingSafety/MiscellaneousInformation/MeasuringHeight.aspx>
6. Photos of the present condition of the Beachgate public path
7. Arial photo of single story homes on the Coates Bluff and the SCC map, dated 12/7/1999, stating "14' High single story homes Entire Sub#1 ocean bluff"
8. Coates bluff photos
9. Updated list of signatures (appx. 9)

Please note that this email does not include our comments on the updated staff report. As of morning of 4/17/17 the plan and the staff report were not available on line for the 4/21/17 meeting, leaving not enough time for community to review and comment on the issues. Attached are files containing appendices and a pdf version of this letter.

Thank you very much for your time and consideration.

Sincerely,

Marina and Sasha Buchman

cc Joe Hanna, County Geologist

Kathy Previsich, Planning Director

Nathan MacBeth, Planner

Patrick Mulhearn, County Supervisor Analyst

Rainey Graven, Coastal Commission

Steve Guiney, Principal Planner

Susan Craig, Central Coast District Manager, Coastal Commission

Terry Kiser, CA State Park Sector Superintendent

Zach Friend, 2nd District Supervisor

Sasha Buchman
Stanford University
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Physics & Astrophysics #231
452 Lomita Mall, Stanford, CA 94305-4085
Tel: (650) 725-4110
Mobile: (650) 823-4905
email: sbuchman@Stanford.edu
<http://www.stanford.edu/~sbuchman/>

Graeven, Rainey@Coastal

From: Craig, Susan@Coastal
Sent: Thursday, April 20, 2017 2:30 PM
To: Graeven, Rainey@Coastal
Cc: Moroney, Ryan@Coastal
Subject: FW: Coates Drive

FYI.

From: Madeline Britton [<mailto:madelinebritton@gmail.com>]
Sent: Thursday, April 20, 2017 2:20 PM
To: Craig, Susan@Coastal
Subject: Coates Drive

Dear Ms. Craig,

As a life-long resident of Seacliff I would hate to see the homes along the bluff allowed to build up to two stories. All of our views would be compromised. I appreciate you voting no on allowing 355 Coates Drive to expand to two stories.

Thank you,

Madeline Britton
415 Hillcrest Drive
Aptos, CA 95003

Graeven, Rainey@Coastal

From: Saps Buchman <sbuchman@stanford.edu>
Sent: Thursday, March 16, 2017 11:32 AM
To: Wanda Williams
Cc: Previsich, Kathy@Santa Cruz County; steve.guiney@santacruzcounty.us; Nathan MacBeth; Craig, Susan@Coastal; Graeven, Rainey@Coastal; Zach Friend; marina@alum.mit.edu; seacliffcoceanbluffs@gmail.com
Subject: Re: Staff Report and Request for hearing postponement 355 Coates, APN 038-216-28 App REV161083

Thank you very much for your kind consideration

Sasha

On Mar 16, 2017, at 10:53 AM, Wanda Williams <Wanda.Williams@santacruzcounty.us> wrote:

Thank you for your comments regarding Application 161245. Because the item was previously scheduled and notice provided to individual property owners, tenants and posted on the site and in a newspaper of general circulation, the public hearing must be opened for this item. I have reviewed the notices to ensure that an error was not made and the item will therefore be opened for staff presentation and public testimony. During the public testimony, any member of the public may request that the item be denied (as opposed to staff's recommendation for approval), modified, continued or withdrawn from further consideration. I have read through the marked up staff report and reviewed several other pieces of written correspondence. This information will also be considered during the hearing. Thank you.

From: Sasha Buchman [<mailto:sbuchman@stanford.edu>]
Sent: Thursday, March 16, 2017 12:43 AM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>
Cc: Saps Buchman <sbuchman@stanford.edu>; Kathy Previsich <Kathy.Previsich@santacruzcounty.us>; steve.guiney@santacruzcounty.us; Nathan MacBeth <Nathan.MacBeth@santacruzcounty.us>; susan.craig@coastal.ca.gov; rainey.graeven@coastal.ca.gov; Zach Friend <Zach.Friend@santacruzcounty.us>; marina@alum.mit.edu; seacliffcoceanbluffs@gmail.com
Subject: Staff Report and Request for hearing postponement 355 Coates, APN 038-216-28 App REV161083

Dear Ms. Williams,

I'm following up on the neighbor's letter submitted on Monday, 3/13, asking to postpone this Friday hearing APN 038-216-28 App REV161083 (attached). To provide more details of our concerns, the copy of the enclosed Staff Report has the issues highlighted and comments in **RED**.

A number of neighbors are planning on coming and would very much appreciate if you could let us know ahead of time if the meeting is going to be postponed.

Thank you very much for your time and consideration.

Best,

Sasha Buchman
Stanford University
W.W. Hansen Laboratory
Physics & Astrophysics #231
452 Lomita Mall, Stanford, CA 94305-4085
Tel: (650) 725-4110
Mobile: (650) 823-4905
email: sbuchman@Stanford.edu
<http://www.stanford.edu/~sbuchman/>

Graeven, Rainey@Coastal

From: Moroney, Ryan@Coastal
Sent: Monday, March 13, 2017 9:15 AM
To: Graeven, Rainey@Coastal
Cc: Moroney, Ryan@Coastal
Subject: FW: Opposition to Roof Height Variance in Seacliff

For FLAN file-

From: Stacey Ristow [<mailto:scristow@comcast.net>]
Sent: Sunday, March 12, 2017 9:04 AM
To: Nathan.Macbeth@santacruzcounty.us
Cc: seacliffcoastalbluffs@gmail.com; Moroney, Ryan@Coastal; Craig, Susan@Coastal; zach.friend@co.santa-cruz.ca.us; wanda.williams@co.santa-cruz.ca.us; kathy.previsich@co.santa-cruz.ca.us
Subject: Opposition to Roof Height Variance in Seacliff

Dear Santa Cruz County Planners,

I am a property owner in the Seacliff neighborhood of Aptos. I would like to voice my opposition to a variance of roof height proposed for 355 Coates Drive in the Seacliff Park Subdivision #1.

Even though I am not an immediate neighbor to the property, I recognize a large part of the charm of the neighborhood is the smaller scale of the homes and their proximity to the beach. The access and ability to walk to the beach through the neighborhood and down the Beach Gate Trail is part of our quality of life in Seacliff. The deed restrictions put in place in 1925 that limit ocean bluff properties in Subdivision #1 to only single story homes with a maximum height of 14 feet help make the walk to the beach enjoyable and unique.

Roof height and second story additions significantly change the scale and feel of an entire neighborhood, not just for the immediate neighbors. Please do not approve the variance for increasing roof height and/or adding a second story in the Seacliff Park Subdivision #1.

Sincerely,
Stacey Ristow, Seacliff Property Owner
101 Oakdale Drive

Graeven, Rainey@Coastal

From: Jack Kirchner <jackkirchner@hotmail.com>
Sent: Thursday, February 02, 2017 10:58 AM
To: Graeven, Rainey@Coastal
Subject: Coates Dr. Development

Categories: Red Category

Hi Rainey,

Nice meeting you last week. Thanks for taking the time to talk with me regarding the two development proposals at 347 and 355 Coates Dr. whereby the applicant of 347 is requesting to add a second story on the bluff side of the street. During our meet, you indicated that you would be calling Lezanne to discuss the projects. I am curious on how the conversation went. If you could fill me in I sure would appreciate it. Thanks!.....jack