

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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SANTA CRUZ, CA 95060
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W18a

Prepared March 6, 2023 for March 8, 2023 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Nolan Clark, Coastal Planner

Subject: Additional hearing materials for W18a
CDP Number A-3-SCO-23-0003 (Cauwels Armoring)

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed.

Law Offices of
IRA JAMES HARRIS

February 28, 2023

Via E-mail: Nolan.Clark@coastal.ca.gov

Nolan Clark
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Commission Hearing March 8, 2023 - Item 18a
A-3-SCO-23-0003 Application 201302 – 70 Geoffroy Drive
Our File No. 1142.1

Dear Mr. Clark:

As you know, this office represents the applicants, Mark and Suzanne Cauwels, the owners of 70 Geoffroy Drive, Santa Cruz, California APN 028-143-35.

As the Commission Staff report is, once again, replete with unsupported and misleading “facts” (it appears that few have really ever taken the time to review the Commission and County records regarding the purported conditions along this private bluff top driveway), below please find my specific responses:

1. The PROJECT had an existing drain and drainpipe extending down along the edge of the private drive from the bluff top, with a curb and chain link fence since the 1950’s. See, **Exhibit 3, pages 113-134, 139 and 219** as well as **Correspondence pages 67-69** and the Haro Kasunich & Associates Plans **Exhibit 3, pages 309-311**.

a. As a result, the slide repair was truly an emergency “like-kind” repair as it replaced the existing hazardous slope, drain and drainage pipe to protect the health and safety of persons and property along the private driveway (as well as 60 Geoffroy and the beach areas below) within the exemptions of Santa Cruz Code 13.20.040 and CEQA 15260, 15269 and 15785.

b. The County properly considered and made findings on the health and safety concerns involved with the emergency repairs as well as the visual and recreational resources and public access issues. See, **Exhibit 3, pages 5-14 and 16-39**.

2. There are no OPEN VIOLATIONS on the Applicant’s property:

a. CCC File *V-3-81-005* involved 61 Geoffroy (not the applicant’s property) and was resolved with Leo Raiche’s dedication of the sandy portion of the beach below: See **Exhibit 3, pages 84 to 104**; and the verified complaint at **pages 178-189 and specifically paragraph 23**.

a. V-3-81-055 was further resolved by the writ of mandamus which included reference to said claim [See, **Exhibit 3, pages 84-89 (paragraph 23) and pages 209-215 and 270-277**] and title was quieted as to any and all claims of historic public prescriptive rights of access [See, **Exhibit 3, pages 178-199 and 278-285**]. Further evidence of the absence of any historic public access can be found at **Exhibit 3, pages 113-134, 139, 219 and Correspondence pages 67-69**.

b. V-3-18-0018 (the vehicular and pedestrian gate and signage) was resolved by way of the Writ of Mandamus Order and Judgment in Action No. 19CV00673 which has not been stayed or overturned. See, **Exhibit 3, pages 178-199, 209-215 and 220-215**.

c. While a prior owner, Eugene Sklar, may have installed barbed wire on portions of the fence in 2001, there has not been any barbed wire on the fence since nor is any currently shown [See, **Exhibit 2, Photos 1, 2 and 3 or Exhibit 3, pages 30-32**]; Furthermore, the chain link fence predates the Coastal Act [See, **Exhibit 3, pages 113-134, 139, 219 and Correspondence pages 67 to 69**]; and the alleged “security guard” was not hired by the Cauwels, but by Mark Woodward who owned a residence down the street for his construction project. It had nothing to do with the 5 homes along this private driveway off Geoffroy Drive [See, **Exhibit 3, pages 209 to 245, 264 to 285 and specifically page 267**].

The slide repair was truly an emergency like-kind repair, which was completed under the observation of the local authorities (including the Commission). All required findings have been made by the County Planning Staff. The work has long been complete. There is absolutely no nexus or proportionality to impose any of the access, recreational or other conditions implied in the Staff report on the Cauwels, who own 70 Geoffroy not the private driveway off Geoffroy or the other lots across which someone would have to trespass to secure the fictional “historic” access and/or recreational privileges claimed.

Very truly yours,

Law Offices of
IRA JAMES HARRIS

Ira James Harris

Ira James Harris



March 3, 2024

To: Donne Brownsey, Chair, California Coastal Commission

Cc: Kate Huckelbridge, Executive Director, California Coastal Commission
Nolan Clark, Coastal Planner California Coastal Commission

Re: Support for Substantial Issue for Item W18a, coastal armoring at Geoffrey Drive in Santa Cruz County

Dear Chair Brownsey and Commissioners,

The Surfrider Foundation Santa Cruz Chapter stands for the principles that all Californians deserve the opportunity to access and enjoy the County's coast and that we have a legal duty to protect public resources and public trust lands, including beaches and waves. **From this basis, we urge the California Coastal Commission to find Substantial Issue with Santa Cruz County's approval of slope stabilization and drainage infrastructure at Black's Point Beach fronting Geoffrey Drive.** The County's permit fails to comply with Coastal Act requirements on shoreline armoring and may negatively impact water quality. This is yet another example of an emergency armoring permit being left in place with inadequate review and unmitigated impacts.

Surfrider's Santa Cruz Chapter participated in the County's December 14 hearing where emergency development (including shoreline armoring and drainage infrastructure) was subsequently approved in a coastal development permit. We continue to assert that the negative impacts of this project, including its violations of the Coastal Act, have not been properly discussed or considered. The County's review for the shoreline armoring portion of the project failed to consider basic LCP and Coastal Act requirements. As the staff report points out, the County failed to evaluate key Coastal Act tests for shoreline armoring, including:

- whether an "existing structure" exists that would be entitled to armoring;
- whether the armoring was even necessary;
- evaluate mitigation for impacts to public resources.

Further, the erosion control grid is clearly armoring for new development. This is not approvable under Coastal Act Section 30235, which approves armoring for structures that were existing before the Coastal Act was enacted in 1976. The driveway is not such a structure warranting protection and has been completely redone since the Coastal Act.

Coastal access at Geoffrey Drive has been degraded and privatized and the County should not reinforce access prohibiting development in an area where prescriptive



access rights are currently being evaluated. The coastal armoring approved in the County's CDP impedes potential restored coastal access in the area, which violates the Coastal Act section 30211 and the LCP.

The County needs to uphold our rights to access and enjoy our beaches in Santa Cruz. We urge the Commission to find Substantial Issue with the County's CDP.

Sincerely,

Mandy Sackett
California Policy Coordinator
Surfrider Foundation

W18a

**A-3-SCO-23-0003 (CAUWELS SLOPE STABILIZATION)
MARCH 8, 2023 HEARING**

CORRESPONDENCE

Table of Contents

Correspondence 1: Applicant

From: [Ira Harris](#)

Sent: Thursday, February 16, 2023 3:04 PM

To: [Clark, Nolan@Coastal](#)

Cc: [Graeven, Rainey@Coastal](#)

Subject: Re: Notice of Appeal for A-3-SCO-23-0003 (Cauwels Slope Stabilization) - Substantial Issue Only

Thank you for the "notice" - so I will try to keep March 8-10, 2023 open. Since the matter is not a denovo review, I trust that the Commissioners will consider the writ of mandate order finding that the Commission had no jurisdiction over the vehicular and pedestrian gate and signage installed given its approval by the County pursuant to exemption provisions of the approved LCP.

I trust further that the Commissioners will properly consider the absence of any "ongoing violation with respect to V-03-01-055 as the Offer of Dedication recorded as Santa Cruz Document Vol. 4228 page 395 to 450 clearly resolved any dispute regarding any public access and fencing, which clearly predated the Coastal Act given the attached AERIAL PHOTOS from August 27, 1963, September 13, 1973 and June 7, 1974. There was never any public access through this private driveway atop the bluff as it was fenced and the homeowners regularly enforced their rights. Whatever vague claims were made by members of the public (seeking to claim such rights without ever seeking to enforce said claims by proving a prescriptive easement) were just that uncertain and unverifiable claims with regard to the points of egress and ingress along that hillside (as reflected in the County and Commissions own records). The bluff top chain link fencing clearly predated the Coastal Act so please stop this nonsense.

The emergency "like kind" slide repair was monitored and has been complete for over two years. The fencing was taken down to perform said work and reinstalled in the exact same location and materials. The application only affects 70 Geoffroy Drive at APN 028-143-35. The other Five lots 60, 61, 63, 80 and 90 Geoffroy all have easement rights of ingress and egress and/or own portions of the private driveway that extends down the bluff top from Geoffroy Drive. As a result there is no nexus or portionality to attempting to condition any "public view or access" on this emergency repair as the Cauwels are in no position to grant it.

On Thu, Feb 16, 2023 at 12:00 PM Clark, Nolan@Coastal <nolan.clark@coastal.ca.gov> wrote:

Hello Mr. Harris,

As you are likely aware, Santa Cruz County's final local action on County Coastal Development Permit No. 201301 (Cauwels Slope Stabilization) has been appealed to the Coastal Commission. You have been identified as a representative of the applicant for this project. The Commission's file number for this appeal is A-3-SCO-23-0003. This item will be brought to hearing during the Commission's March hearing, which will occur March 8-10, 2023. A specific hearing date for this item is still to be determined.

Importantly, I want to inform you that Commission staff recommend that the members of the Coastal Commission find that substantial issue exists with respect to this project's consistency with the County's certified LCP. We will not be conducting a de novo review for this item at the March hearing. The specific findings and analysis that resulted in this substantial issue determination will be available in the staff report for this item, which will be posted publicly prior to the hearing.

If you have any questions regarding this appeal, please let me know.

Thank you,

Nolan Clark

Coastal Planner, Central Coast District

California Coastal Commission

--

Ira James Harris, Esq.

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--

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Law Offices of
IRA JAMES HARRIS

February 21, 2023

Via E-mail: Nolan.Clark@coastal.ca.gov

Nolan Clark
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Commission Hearing March 8, 2023
A-3-SCO-23-0003
Emergency Bluff Restoration Application 201302 – 70 Geoffroy Drive
Our File No. 1142.1

Dear Mr. Clark:

This office represents the applicants, Mark and Suzanne Cauwels, the owners of 70 Geoffroy Drive, Santa Cruz, California APN 028-143-35.

As you know, this application follows a permitted emergency like-kind repair, which was completed in early August 2020. The County of Santa Cruz staff reports for the Zoning Administrator's Hearing on October 21, 2022 and the Planning Commissioners' Hearing on December 14, 2022 were properly limited to the propriety of the emergency repair, and recommended approval of the CDP application.

We have provided copies of the following: (a) the complaint in Santa Cruz Action No. 19CV00673 seeking a Writ of Mandamus and Quiet Title; (b) the Writ of Mandate briefs and Judge Timothy R. Volkmann's August 10, 2020 Order Granting the Writ of Mandate (on the alleged "open Violations" claimed by the Coastal Commission); and (c) the September 30, 2022 Default Judgment Quieting Title as against any and all members of the public to any claims of prescriptive rights over the properties. We have provided (which will be attached to the e-mail that accompanies this response) further aerial photographs showing the a bluff-top fence has existed along the private driveway since the 1950s and declarations from longtime owners regarding their efforts to protect against trespassers; yet a couple of members of the public continue to parrot stale "adjudicated" claims regarding public historic rights of access and various Commissioners assert disingenuous claims of "Open Violations" related to (1) a purported "historic prescriptive right of access" through the private driveway" to Geoffroy Drive [V-3-01-055] as well as (2) the exempted mechanical gate and improvements that had been approved on January 22, 2016 through Application 151297 [V-3-18-0018] that has also been adjudicated in the the homeowner's favor by Judge Volkmann. See, **Exhibit 8 RFJN H**.

There simply are no "open" enforcement actions on this property!

THE ALLEGED EXISTING BASELINE LACKS FACTUAL OR LEGAL SUPPORT:

Development of the lots and the private driveway off Geoffroy Drive all pre-date the California Coastal Act. The Cauwels have produced written and photographic evidence supporting the fact that a (keyed and private) gated fence existed at the top of the bluff barring access down the northeastern slope for well over 50 years. [See, **Exhibit 1 RFJN A - 000013-14** and **Exhibits 3 and 4**] produced on October 28, 2020. All Exhibits have already been produced in support of the Cauwels Application. Also enclosed with the e-mail of this letter are **aerial photographs taken on August 27, 1963, September 13, 1973 and June 7, 1974** that clearly depict such fencing in place at all times.

1. The Alleged Violation No. V-3-01-055:

Despite the above, since at least 1986, the COUNTY through the County of Santa Cruz Planning Department (hereinafter as "Local Agency") and the COMMISSION have received periodic unsupported complaints by certain members of the public about a "blocked access" down some unspecified section of the bluff at the end of Geoffroy Drive. [See, **Exhibit 2 RFJN B - 000001-3 and 000007**]. On each occasion the Local Agency and/or COMMISSION failed to identify the exact location or require any specific access other than a dedication of the sandy beach portion below the bluff and seawall from 60 Geoffroy as part of V-3-01-055 as identified in **Exhibit 1 RFJN A - 000002-3**: choosing instead to refer members of the public to their right to bring a lawsuit to perfect any prescriptive rights or easements claimed. [See, **Exhibit 2 RFJN B - 000004 and Exhibit 5 RFJN E - 000011-12 and 000023, Findings 2 and 4**]. It did so because of (amongst other things) the long history of the lack of public access along that slope. See. **Exhibits 3, 4 and 9**. The alleged V-3-01-055 "open violation" related to 60 Geoffroy Drive (not the Applicant's property at 70 Geoffroy Drive) and was clearly resolved through the required dedication in **Exhibit 1 RFJN A - 000003 and 000014**. I personally subpoenaed the COMMISSION's files on this 1986 Violation in 2010 and found it was completely empty!

When complaints arose, once again, in 1997 and 2009-2010, the Local Agency investigations reconfirmed that no public access existed along the northeastern slope or if it had existed at all, it had been closed for decades, and the complaint files were closed (and the alleged violation was once again resolved)! [See, **Exhibit 2 RFJN B - 000001-3 and 000007 and Exhibit 5 RFJN E - 000011-12**].

No prescriptive easement action has ever been instituted and no one responded to the Quiet Title claims herein. See, the Complaint to Quiet Title and for a Writ of Mandamus attached as **Exhibit 6 RFJN G** and the Entry of Default on any and all members of the Public as **Exhibit 7 RFJN F**. The default was never vacated and Judge Volkmann entered JUDGMENT thereon on September 30, 2022 upon a evidentiary record fully supportive of clear title in the homeowner's favor.

Further, any action on said "alleged" violation (which pre-dated the Coastal Act) would be time barred. Such statutory violations have a one (1) year statute of limitations for any assessment of a penalty or forfeiture [*Code of Civil Procedure Section 340*] or a three (3) year statute for any other liability created by statute [*Code of Civil Procedure Section 338*]. Without any specific guidance by the

Coastal Act such general statutes of limitation control. *G.H.I.I. v. MTS, Inc.* (1983) 147 Cal.App.3rd 256, 276. The COMMISSION has no authority to expand the limitation periods set by the legislature. *Hittle v. Santa Barbara County Employees Retirement Ass'n* (1985) 39 Cal.3d 374, 387. As a result, if not resolved by **Exhibit 1**, the statute of limitations has long since lapsed on any such enforcement action. Finally, the Quiet Title Judgment eliminates any “public member” claim of access due to some specious claim of “historic usage” that occurred prior to September 30, 2022.

Alleged Violation No. V-3-18-0018:

The Cauwels are one of the five property owners involved in the above-mentioned lawsuit [**Exhibit 6 RFJN G**]. The five properties extend down a paved 15-foot wide private driveway at the end of Geoffroy Drive. The right to access the private driveway that lies within the “EASEMENT” which is legally described in each of the title reports for the five properties as being Twenty Five (25) feet in width, is granted to each of the five properties. From the end of Geoffroy Drive northwest of the private drive lie 90 Geoffroy (APN 028-143-29), 80 Geoffroy (APN 028-143-37), the applicant’s lot at 70 Geoffroy, which then terminates at 60 Geoffroy (APN 028-143-34). To the east and down the bluff from the end of Geoffroy extending all the way to Blacks Beach at the end of 60 Geoffroy lies 63 Geoffroy (APN 028-143-44). One would have to trespass over 63 Geoffroy’s rear acreage to get to the bluff leading up to 70 Geoffroy, then trespass across the easement serving all properties as well as the lots at 70, 80 and 90 Geoffroy to reach the public roadway.

After trespassers had broken into and burglarized 60 Geoffroy Drive in 2014, and in the process started a fire that gutted the house, Fowler Packing Company and the other four property owners inquired of the Local Agency regarding the possibility of installing an electric gate and other landscape improvements across the private driveway that serves their properties. The Local Agency was then imbued with authority to determine whether such projects were appealable, non-appealable or exempt as the Local Coastal Plan (hereinafter as “LCP”) had been certified by the Commission. See, *Cal. Pub. Res. Code Sections 30519 (a), 30500, 30600 (d)* and *Hagopian v. State of California* (2014) 223 Cal.App.4th 349, 362-363. Judge Volkmann has so held in his Order on Plaintiff’s Writ of Mandamus.

Given preliminary comments from the County Planner, the homeowners proceeded to file an application [**No. 151297**] for a Coastal Development Permit and Over-Height Fence Certification as of October 20, 2015. The application included a detailed set of plans and specifications as well as a survey map. The Santa Cruz County Code (hereinafter as “SCCC”) required the Planning Director to determine the project’s status at the time of submittal or as soon thereafter as possible, and certainly before the permit was considered complete. See, *SCCC Sections 13.10.525, 13.20.080 and 18.10.230*.

Here, the Local Agency properly processed the application: it requested additional information, posted the plans on the County Website, required the applicants to post the property with Notice of their development permit application, and solicited comments from any and all agencies involved.

After completing the above, the Local Agency approved the Development Permit and Over-Height Fence Certification on January 22, 2016, which approval was a necessary precursor to any

application for a building permit. The Local Agency, exercising its discretion and delegated authority under the certified LCP, found the application exempt under Sections 13.20.060 and 13.20.061 which was posted on its website and later confirmed by their internal log.

In reliance on that determination, the applicants filed a Building Permit Application [No. B-161575] as of February 24, 2016 which was approved as of April 4, 2016 and proceeded to install an electric gate, fencing and landscape improvements at a cost in excess of \$175,000. All such improvements were inspected and finally accepted by the Local Agency in 2016.

The COMMISSION purportedly received a complaint from a member of the public in late 2017, inquired regarding the absence of a FLAN and were told that the County had found the application exempt. Despite that record, the COMMISSION threatened the County as well as each of the applicants with civil administrative penalties should they not remove the “unpermitted” improvements (including the fence at the blufftop that had existed since the 1950’s) or reapply for a Coastal Development Permit through which the COMMISSION indicated a public access condition would be imposed!

While the Cauwels along with the other applicants on this gate project, obviously concerned about their exposure to civil administrative penalties, opted to remove the gate pending resolution of the dispute, they nonetheless proceeded with the above-mentioned complaint. **Exhibit 6.** The writ of mandamus sought against BOTH the County and the COMMISSION was granted by the Santa Cruz Superior Court on August 10, 2020. See, **Exhibit 8 RFJN H.** This decision disposed of Violation No. V-3-18-0018 and with it any right by the COMMISSION or the COUNTY to claim that said improvement violated the Coastal Act or the need for any property owner on said private driveway to provide for public access through said improvements to or from Black’s Beach.

As a result, there are no “existing” unresolved enforcement actions against this property! Any claim to the contrary is patently false on its face.

2. The Alleged Baseline Lacks Factual Or Legal Support:

The fence and locked gate at the blufftop predated the Coastal Act and has prevented public access for decades. This was known and resolved in 1986 as it relates to 60 Geoffroy Drive. While the COMMISSION and COUNTY have addressed vague claims from specific individuals to blockage of a trail somewhere along the end of Geoffroy for decades, neither they or any member of the public have ever presented any evidence supportive of such a public prescriptive right. The barbed wire on top of the fence and restrictive signage has also existed for decades. These issues were all resolved in the complaint and Order granting the Writ Of Mandamus and for Quiet Title!

The Commission unbelievably claims that the applicant (or possibly one of the 5 property owners along this private driveway) had a security guard blocking or deterring public access. This is also patently false: all it had to do was check with the Chief of Police or Fire Chief as it would have found out that a Mark Woodward (not one of the 5 property owners here) hired the security forces to protect his property against vandalism by gangs of teenagers who were regularly trespassing and vandalizing his properties. It had nothing whatsoever to do with the applicants or any alleged public access through the

Geoffroy private driveway to Blacks Beach, which coincidentally was then hazardous as the slide had taken out the driveway and much of the bluff face.

THERE ARE NO PUBLIC RECREATIONAL ACCESS ISSUES.

The Commission and various members of the public seek to bootstrap the hearsay apparently contained in unsupported online questionnaires regarding vague public “memories” of periodic access somewhere along the slope at the end of Geoffroy Drive, into a conclusion that such rights not only existed (over the required prescriptive period of time and was not lost or abandoned thereafter) but that they continue to exist, and that the bluff Restoration somehow adversely impacts these rights. Ms. Graeven cites to *LT-WR, LLC v. California Coastal Commission* (2007) 152 Cal.App.4th 770 but apparently failed to appreciate the holding in that case that indicated that public prescriptive rights do not exist **until the Court finds sufficient evidence of such** (neither the COMMISSION nor COUNTY have any right to unilaterally determine that such rights exist). See, *LT-WR, LLC* at pp. 805-806. Here, Judge Volkmann has entered Judgment quieting title as against any and all members of the public making said claims.

Given the above, there is no legal basis for the Commission to revisit these issues, which remain as enforceable Judgments pending the Commission’s Appeal. *Daly v. San Bernardino Bd. Of Supervisors* (2021) 11 Cal.5th 1030, 1040-1042.

THE BLUFF RESTORATION REPRESENTS A LIKE-KIND EMERGENCY REPAIR.

While the bluff restoration stems from a storm drain inlet (that became blocked as a result of leaves and debris from a nearby tree on County property) as a result of five (5) days of heavy wind and rains over the Thanksgiving Holiday weekend in 2019; the Commission fails to recognize that such falls within the definitions of “disaster” “emergency” and “structure” in **SCCC 13.20.040**. A “disaster” applies to “any situation in which the force or forces which destroyed a structure to be replaced were beyond the control of its owner.” An “emergency” is defined as “a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.” Finally, the storm drainage devices and adjacent driveway and curb clearly constitute structures as Chapter 13 expansively identifies a “structure” as “anything constructed or erected.”

As no right of public access has been established across the private driveway and down the bluff slope off 70 Geoffroy (nor can it be claimed any longer until the Quiet Title Judgment is vacated), there is no nexus whatsoever to impose any condition on this Applicant (as such would have to involve all five properties and fly in the face of the Judicial record), the like-kind repair or restoration of the slope cannot be said to adversely affect public access or public recreation.

THE STATUS OF 19CV00673:

I have advised counsel for both the County and the COMMISSION that the Order granting Plaintiff's Writ of Mandate was final as of August 10, 2020 under the authority of *Meinhardt v. City of Sunnyvale* (2022) 76 Cal.App.5th 43 [which cited a long history of settled precedent¹ in holding that the entry of the Order granting a Writ as to the parties involved constitute a "Final Judgment" from which the time to appeal properly runs]. Furthermore, contrary to the expected claim by the COMMISSION that the time to appeal runs from the subsequent Notice of Entry of Judgment on October 18, 2022 (of both the Writ of Mandate and the Quiet Title Judgment), the *Meinhardt* Court made clear that such subsequent notices of entry merely reinstate the final judgment entered earlier. See *City of Calexico v. Bergeson* (2021) 64 Cal.App.5th 180, 182-183 and 192; *Laraway v. Pasadena Unifed School Dist.* (2002) 98 Cal.App.4th 579, 582-583 and *Valero Refining Co.-California v. Bay Area Air Quality Management Dist. Hearing Board* (2020) 49 Cal.App.5th 618, 633, fn 10.

While the Commission has filed an appeal of Judge Volkmann's Order and Judgment, there has been no stay of enforcement, so the Judgments remain enforceable. *Daly v. San Bernardino Bd. Of Supervisors* (2021) 11 Cal.5th 1030, 1040-1042 [Citing to *Merced Mining, Dewey and Heinlen* California Supreme Court cases).

I have filed a Motion to Dismiss the Appeal for lack of standing and because (coming some two years after Entry of the Order on the Writ of Mandamus) it is clearly untimely. The Attorney' General's response: the Court of Appeal should postpone any decision on the Motion to Dismiss until the California Supreme Court rules on the limited appeal of the *Meinhardt* case. Despite that position, the Commission seeks by this appeal of the Cauwels emergency like kind repair application (which work was inspected and approved upon completion in 2020) to impose conditions or reopen alleged violations that have already been adjudicated or are properly before the Court.

CONCLUSION

The like-kind emergency repair or restoration of the private driveway atop the bluff [which presented an undeniable health and safety issue as it severely restricted the use and access to 70 and 60 Geoffroy and risked further personal injuries and property damage if not repaired] the repair was clearly within *Public Resources Code Section 30610 (d)*. In addition, it represents a repair and/or maintenance activity that has "not resulted in the addition to, or enlargement or expansion of, the object of the repair..." within *Section 30610 (g)* as it is solely the replacement of a "structure ...destroyed by a disaster." Accordingly, the emergency authorization of this like-kind repair of the damage caused by a disaster is and was authorized pursuant to Public Resources Code Section 30610!

¹ The present cited includes *Dhillon v. John Muir Health* (2017) 2 Cal.5th 1109, 1115; *Sandlin v. McLaughlin* (2020) 50 Cal.App.5th 805, 820; *Public Defenders Organization v. County of Riverside* (2003) 106 Cal.App.4th 1403, 1409; and *Tomra Pacific Inc. v. Chiang* (2011) 199 Cal.Spp.4th 463, 481-482.

Nolan Clark
California Coastal Commission, Central Coast District
February 21, 2023
Page: 7

In closing, there are no open violations or public access issues that impact this Application. The continued effort to “condition” any and all improvement/development along this private driveway upon a right of access must come to an end.

Very truly yours,

Law Offices of
IRA JAMES HARRIS

Ira James Harris

Ira James Harris

Attachments: Aerial Photographs and Vol 4228, pages 395-450

cc Justin Graham, Esq. – Justin.Graham@santacruzcounty.us
Joel Jacobs, Esq. – joel.jacobs@doj.ca.gov

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RECORDED
AT THE REQUEST OF
RICHARD W. BEDAL
REORDER
SANTA CRUZ COUNTY
OFFICIAL RECORDS

064914
SEP 29 2 43 PM '87
The Coastal Comm

064914

Recording Requested by and
When Recorded, Mail To:
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
Attention: Legal Department

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this ____ day
of December, 19 86, by LEO G. RAICHE & PATRICIA RAICHE,
(hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real
property located in the County of SANTA CRUZ, State of
California, and described in the attached Exhibit A (hereinafter referred to as
the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as
defined in Section 30103 of the California Public Resources Code (which code is
hereinafter referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to
as the "Act") creates the California Coastal Commission, (hereinafter referred
to as the "Commission") and requires that any coastal development permit
approved by the Commission must be consistent with the policies of the Act set
forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor applied to the California Coastal
Commission for a permit to undertake development as defined in the Act within
the Coastal zone of SANTA CRUZ County (hereinafter the
"Permit"); and

V. WHEREAS, a coastal development permit (Permit No. 3-81-55A)

1 was granted on October 7, 19⁸⁶, by the Commission in
 2 accordance with the provision of the Staff Recommendation and Findings,
 3 attached hereto as Exhibit B and hereby incorporated by reference, subject to
 4 the following condition:

5 "PRIOR TO TRANSMITTAL OF THE PERMIT, the landowner shall execute and
 6 record a document, in a form and content acceptable to the Executive
 7 Director, irrevocably offering to dedicate to a public agency or
 8 private association approved by the Executive Director an easement
 9 for lateral public access and passive recreational use along the
 10 shoreline. The document shall provide that the offer of dedication
 11 shall not be used or construed to allow anyone, prior to acceptance
 12 of the offer, to interfere with any rights of public access acquired
 13 through use which may exist on the property. Such easement shall be
 14 located along the entire width of the property from the mean high
 15 tide line to the toe of the bluff/or the toe of the existing
 16 seawall. The document shall be recorded free of prior liens which
 17 the Executive Director determines may affect the interest being
 18 conveyed, and free of any other encumbrances which may affect said
 19 interest. The offer shall run with the land in favor of the People
 20 of the State of California, binding all successors and assigns,
 21 and shall be irrevocable for a period of 21 years, such period
 22 running from the date of recording."

23 VI. WHEREAS, the subject property is a parcel located between the first
 24 public road and the shoreline; and

25 VII. WHEREAS, under the policies of Sections 30210 through 30212 of the
 26 California Coastal Act of 1976, public access to the shoreline and along
 27 the coast is to be maximized, and in all new development projects located
 28 between the first public road and the shoreline shall be provided; and

29 VIII. WHEREAS, the Commission found that but for the imposition of the above
 30 condition, the proposed development could not be found consistent with the
 31 public access policies of Section 30210 through 30212 of the California Coastal
 32 Act of 1976 and the Local Coastal Program as defined in Public Resources Code
 33 Section 30108.6 and that therefore in the absence of such a condition, a permit

Correspondence 1

A-3 600-430003 have been granted;

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IX. WHEREAS, it is intended that this Offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1;

NOW THEREFORE, in consideration of the granting of Permit No. 3-81-55A to Grantor by the Commission, the owner(s) hereby offer(s) to dedicate to the People of California an easement in perpetuity for the purposes of lateral public access and passive recreational use along the shoreline located on the subject property along the entire width of the property from the mean high tide line to the toe of the bluff/or the toe of the existing seawall.

and as specifically set forth by attached Exhibit C hereby incorporated by reference.

1. BENEFIT AND BURDEN. This Offer shall run with and burden the Property and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all successors and assigns. This Offer shall benefit the State of California.

2. DECLARATION OF RESTRICTIONS. This offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the Property.

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A-3-SCO-23-0003

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1 3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the
2 opening of the accessway, the Grantee, in consultation with the Grantor, may
3 record additional reasonable terms, conditions, and limitations on the use of
4 the subject property in order to assure that this Offer for public access is
5 effectuated.

6 4. CONSTRUCTION OF VALIDITY. If any provision of these restrictions
7 is held to be invalid or for any reason becomes unenforceable, no other
8 provision shall be thereby affected or impaired.

9 5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions,
10 exceptions, obligations, and reservations contained in this Offer shall be
11 binding upon and inure to the benefit of the successors and assigns of both the
12 Grantor and the Grantee, whether voluntary or involuntary.

13 6. TERM. This irrevocable offer of dedication shall be binding for a
14 period of 21 years starting from the date of recordation. Upon recordation of
15 an acceptance of this Offer by the Grantee, this Offer and terms, conditions,
16 and restrictions shall have the effect of a grant of access easement in gross
17 and perpetuity that shall run with the land and be binding on the parties,
18 heirs, assigns, and successors. The People of the State of California shall
19 accept this offer through the local government in whose jurisdiction the
20 subject property lies, or through a public agency or a private association
21 acceptable to the Executive Director of the Commission or its successor in
22 interest.

23 //

24 //

25 //

26 //

27 //

Correspondence 1

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Acceptance of the Offer is subject to a covenant which runs with the land, providing that any offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original Offer to Dedicate.

Executed on this 1 day of December, 1986, at San Jose
 , California.

Signed

Owner

LEO G. RAICHE

Type or Print

Signed

PATRICIA RAICHE

Type or Print

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons signing on behalf of a corporation, partnership, trust, etc., please use the correct notary acknowledgment form as explained in your Notary Public Law Book.

State of California.

County of Santa Clara

On this 1st day of December, in the year 1986.

before me Sandra A. Horn, a Notary Public, personally

appeared Leo G. Raiche & Patricia Raiche

personally known to me (or proved to me on the basis of satisfactory evidence)

to be the person(s) whose name is subscribed to this instrument, and

acknowledged that he/she/they executed it.

NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

-5-

Correspondence
A-3-SCO-23-0003
Page 15 of 59

This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to the action of the Commission when it granted Coastal Development Permit No. 3-81-55A on December 23, 1986 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: March 26, 1987

John Bowers
John Bowers
Staff Counsel
California Coastal Commission

STATE OF California

COUNTY OF San Francisco

On 26 March 1987, before me the undersigned, a Notary Public, personally appeared John Bowers, personally known to me to be (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as the Staff Counsel TITLE and authorized representative of the California Coastal Commission and acknowledged to me that the California Coastal Commission executed it.



Gary Lawrence Holloway
NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

EXHIBIT A

SITUATE in the County of Santa Cruz, State of California.

PARCEL ONE:

BEING a part of the lands conveyed to Joe L. Mello, et ux., by Deed dated September 12, 1951, recorded October 5, 1951 in Volume 841, Page 92, Official Records of Santa Cruz County and more particularly bounded and described as follows:

BEGINNING at a nail and tag, "R.C.F. 6270" set in a concrete footing on the Northern boundary of said lands conveyed to Mello from which a 3/4 inch iron pipe at the Eastern corner of the lands conveyed to Joe L. Mello, et ux., by Deed dated August 31, 1950, recorded October 20, 1950 in Volume 795, Page 502, Official Records of Santa Cruz County bears North 83° 21' East 31.28 feet and South 64° 50' East 28.00 feet distant; thence from said point of beginning South 28° 14' West (at 20.65 feet a 3/4 inch iron pipe, at 139.61 feet a 3/4 inch iron pipe) to the Bay of Monterey; thence Northwesterly along the Bay of Monterey to the Southwestern corner of said lands conveyed to Mello, by Deed recorded in Volume 841, Page 92, Official Records of Santa Cruz County; thence along the Northern boundary of said last mentioned lands North 25° 10' East to an angle; thence North 68° 30' East 33.95 feet to a 3/4 inch iron pipe; thence North 48° 45' East 60.55 feet to a 3/4 inch iron pipe; thence South 81° 18' East 64.20 feet to a 3/4 inch iron pipe; thence North 83° 21' East 8.63 feet to the place of beginning.

PARCEL TWO:

A right of way, appurtenant to Parcel One, for road and all public utility purposes, 25.00 feet in width, 12.50 feet on each side of the following described centerline:

BEGINNING at a 3/8 inch iron pipe on the Western boundary of the map entitled "Tract No. 57, Santa Maria Cliffs", Being a part of Section 20, T. 11 S. R. 2 W., M. D. M., Santa Cruz County, Calif.", filed for record in the office of the County Recorder of Santa Cruz County on March 11, 1947 in Map Book 28 at page 48, Santa Cruz County Records, from which the most Northern corner of Lot 22 as shown on said map bears South 25° 10' West 12.50 feet distant; thence from said point of beginning North 64° 50' West 98.18 feet; thence South 81° 52' West 25.00 feet to a point on the Southeastern boundary of the lands conveyed by Joe L. Mello, et ux., to Vincent J. Coates, et ux., recorded May 4, 1972 in Volume 2197, Page 259, Official Records of Santa Cruz County; thence North 80° 12' West 58.02 feet to the Northwestern boundary of said lands of Coates, as conveyed in the Deed from Arthur H. Timmons, et ux., to Joe L. Mello, et ux., recorded March 29, 1974 in Volume 2396, Page 363, Official Records of Santa Cruz County.

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CA 95060
(408) 426-7390 8-525-4863

FILED: 09/05/86
49TH DAY: 10/24/86
180TH DAY: 03/06/87
STAFF REPORT: 09/22/86
HEARING DATE: 10/07/86
STAFF: LS-(SC)/cm
DOCUMENT NO.: 0469P

REGULAR CALENDAR
AMENDMENT
STAFF REPORT

aw/c, 10-0
p/7/86 LA

PROJECT INFORMATION

APPLICANT: LEO AND PAT RAICHE, 1470 McBain, Campbell, CA 95008

APPLICATION NUMBER: 3-81-55-A

PROJECT LOCATION: 60 Geoffroy Drive, Live Oak Area (Blacks Point)
of Santa Cruz County

PROJECT DESCRIPTION: Foundation design modification to an approved coastal permit for the partial removal of an existing one-story single-family dwelling and construction of a second-story.

ASSESSOR'S PARCEL NUMBER(S): 028-143-34

LOT AREA: 9,600 sq. ft.

ZONING: Residential

BUILDING COVERAGE: 1646 existing
for reconstruction; 490

LCP JURISDICTION: Certified LCP of
Santa Cruz County; -- Original permit
issued by Coastal Commission

PAVEMENT COVERAGE: 880 sq. ft.

PLAN DESIGNATION:

LANDSCAPE COVERAGE:
approx. 4,640 sq. ft.

PROJECT DENSITY: approx. 4 du/acre

HEIGHT ABV. FIN. GRADE: 24 ft. 6 in.

LOCAL APPROVALS RECEIVED: Santa Cruz County - zoning approval and
variance for front yard setback; 8-13-81; exempt from C.E.Q.A. Variance
extension 83-1288-DP; Santa Cruz County Building Permit Issued 1/8/85

SUBSTANTIVE FILE DOCUMENTS:

Santa Cruz County Certified LCP; Rivoir 3-81-46 A1&2; Geoffrey 3-82-55;
Lewis 3-84-307

PTT:

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONSStandard Conditions

See Exhibit A.

Special Conditions

1. FINAL PLANS

A. PRIOR TO TRANSMITTAL OF THE PERMIT, the applicant shall submit for Executive Director review and approval, final plans as follows:

1. final site plan showing accurate location of all structures, limits of grading and vegetation alteration, landscaping, engineered drainage facilities, any other development, and sandy beach areas on a complete topographic base;
2. final building plans (beach view);
3. final engineered foundation plans; and
4. description of landscape, exterior building and surfacing materials.

B. These plans shall incorporate measure which accomplish all of the following:

1. minimize site disturbance;
2. reduce visible mass as seen from the beach;

3. implement geological engineering recommendations (except for a seawall);
4. erosion control (during construction and permanently);
5. use of native plant materials;
6. minimize obstrusiveness through earth-tone colors, non-glare glass, shielded lighting, etc.; and
- 7 be consistent with all the following conditions.

2. LATERAL ACCESS

PRIOR TO TRANSMITTAL OF THE PERMIT, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the mean high tide line to the toe of the bluff/or the toe of the existing seawall. The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. PERMITTEES' ASSUMPTION OF RISK

PRIOR TO TRANSMITTAL OF THE PERMIT, the applicant shall submit to the Executive Director a deed restriction for recording free of prior liens except tax liens that binds the permittees and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall provide that (a) the permittees understand that the site is subject to extraordinary hazard from waves during storms and from erosion, and the permittees assume the liability from those hazards; (b) the permittees unconditionally waive any claim of liability on the part of the Commission or any other public agency for any damage from such hazards; and (c) the permittees understand construction in the face of these possible known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of storms.

4. DEED RESTRICTION

PRIOR TO TRANSMITTAL OF THE PERMIT, the applicant shall record a deed restriction in the form and content of which are to be approved in writing by the Executive Director of the Commission, stipulating that the landowner (deed holder) shall not construct any shoreline protective devices to protect the subject single family residence in the event that the structure, at some future point in time, is subject to damage from erosion or storm wave damage. In such an event, the landowner (deed holder) shall remove the structure from the parcel, reduce the size of the structure, or take some other such measure to protect the structure rather than the construction of a shoreline protection device. This document shall be recorded free of prior liens and encumbrances except for tax liens and shall run with the land, binding successors and assigns of the permittees or landowner.

5. PRESCRIPTIVE RIGHTS

Nothing in this approval shall be construed to constitute a waiver of any sort or a determination of any issue of prescriptive rights which may exist on the parcel.

6. FUTURE DEVELOPMENT

The approval of this permit in no way authorizes or condones any future development not shown on the final plans approved per Condition 1. Unless waived by the Executive Director, a separate Coastal Development Permit shall be required for any additions to the permitted development or any additional site disturbance, including placement of antennas or other minor structures above roof level of permitted structure, or elsewhere within view of Twin Lakes Beach.

RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Project History

The permittees are requesting an amendment to their Coastal Permit to modify the foundation design of an extensive remodel to an existing single family dwelling. The dwelling-remodel was originally approved as a partial removal of an existing 1,646 sq. ft. one-story single-family dwelling, with new construction of a second story and an increase of 490 sq. ft. of ground coverage. The Commission approved the project on the Administrative Calendar (3-81-55) in October of 1981 with no special conditions. In November 1984 Santa Cruz County approved a redesign of the

foundation similar to one currently before the Commission, but the applicant failed to obtain Coastal Permit modifications. The Coastal Permit was extended twice once in October of 1983 and once in October of 1984.

In June of 1985 the permittee's contractor commenced the construction process. During various field inspections and contacts by the contractor with the Santa Cruz County building department staff, it was determined that the original structure was in very poor structural condition. (see Exhibit 1 & 2)

Specifically, as the building was being taken apart in early September of 1985, "it was observed that there was termite damage and dry rot in all wall areas and subfloor which originally had been intended to be utilized in the remodel project. It was further observed that the foundation had settled and was cracked in several places. It was further observed that existing portions of the foundation were inadequately reinforced and the anchor bolts were not sufficient. During the dismantling process, it was found that none of the elements of the structure which were originally intended to be utilized would meet the uniform building code requirements. To allow the building inspectors to confirm that the existing foundation could be utilized as anticipated, several sections of the old foundation were left at the proposed tie-in points. These remaining sections do not meet UBC requirements and would require removal and replacement. See letter from John Fraser dated 11/5/85 and letter from John Kasunich dated 11/4/85 for further information."

With authorization from the Santa Cruz County building department to remove the "bulk" of the existing structure the contractor removed the entire existing residence. Since the project no longer constituted a "partial-removal and addition", Stop Work orders were issued by Santa Cruz County and the Commission staff (see Exhibits 3 & 4 for detailed chronology).

2. Proposed Amendment

The current amendment involves a change in the foundation plans. The original house was located on a peninsula of land adjacent to the end of Geoffroy Drive. The project site is relatively level before dropping off abruptly at the top of approximately 28 MSL coastal cliffs. Monterey Bay is located to the south, a sandy beach (Twin Lakes - "Lincoln's" - State Beach) is at the base of the cliff to the west and a lagoon (Bonita Lagoon) is located to the north (see Exhibit 5).

The applicant's property is underlain by relatively loose sediments (terrace deposits) which are not well cemented and, therefore, have relatively low strength. These sediments are in turn underlain by a more resistant bedrock material known as the Purissima Formation (D. Leslie - Geologist; S.C.Co.).

As proposed the new foundation system is "designed to withstand bluff erosion and slumping for the next 50 years, regardless of whether or not a coastal protection structure is implemented at the base of the bluff. The support system will consist of a pier and grade beam foundation. The piers will extend through the terrace deposit at the top of the bluff and into the underlying sandstone formation. The depth of the piers will be such that if erosion or slumping of the complete bluff should take place, the piers will be embedded deep enough to continue to support the structure" (J. Kasunich). Accordingly, the applicant submitted revised foundation plans to Santa Cruz County and the Commission's geologist for review. The revised plans have received local approval and technical review and approval from Commission staff (see Exhibits 6 & 7).

This amendment would not change the footprint of the dwelling as approved in the original permit. The architectural style is unchanged from the previous action. Santa Cruz County has reviewed the modification for structural changes and has approved the changes. Upon Coastal Commission approval the County will reinstate the original building permit and issue a new foundation permit. (see Exhibit 7). For the above reasons it was determined by the Executive Director that this modification to the foundation design was immaterial. Objections to the amendment were received from three residents (see Exhibit 8). A public hearing is required pursuant to Coastal Commission regulations.

3. Public Access

Coastal Act public access policies require provisions for maximum access and recreational opportunities for all people consistent with public safety needs and protection of natural resource areas from overuse. Since the project site is now void of structures a public access analysis is required.

The Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of public property owners, and natural resource areas from overuse. (Section 30210)

Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. (Section 30211)

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected ... (Section 30212)

Approximately 30% of the applicant's 9,600 sq. ft. parcel comprises beach and intertidal area adjacent to Twin Lakes State Beach. This beach is extremely popular and is one of the most heavily used beaches in Santa Cruz County. The beach, sand dune, and lagoon area which surrounds the applicant's peninsula home-site is contiguous to and commonly considered to be part of the public state beach.

Beach access is available by several paths down the cliffs from 13th Avenue, 14th Avenue and at the end of Geoffroy Drive. Access used to be available across the applicant's parcel (although the steps in the bluff face have eroded and vegetation has overgrown the upper slope areas). For approximately twenty years this access path has primarily served the residence on the site. Since the time that construction stopped (Sept. 1985), a 6' wooden construction fence has blocked this access. Immediately adjacent to the project site (north-east), at the terminus of Geoffrey Drive, an approximately 5' chain link and barbed wire fence has been installed to preclude free beach access down the bluff at that location. However, a locked gate does provide an entrance to a defined trail apparently for neighborhood use only.

The locations of the paths to the state beach are well-known and well-used by both locals and visitors and provide adequate vertical access to the shore. The reconstruction of the applicant's residence does not appear to interfere with these existing beach access trails. The residence will be rebuilt on the same foundation footprint as originally approved in CDP-3-81-55.

As stated above, the sandy beach area of project parcel is heavily used by the public. Thus, it appears that the sandy beach portion of the applicant's parcel has been historically used by the public and therefore a strong case for prescriptive rights exist.

To meet the provisions of Section 30211 of the Coastal Act, development cannot interfere with the public right to use the sea where acquired through historical use or legislative authorization. Public prescriptive rights must, therefore, be protected wherever they exist. Where there is evidence of historic public use of the shoreline area, and where a proposed development could interfere with the asserted historic use, the Commission should protect the possible prescriptive rights. Such rights can be reserved through recordation of access agreements acknowledging the existence of public rights on the site or by siting and designing the proposed

development in a manner which does not interfere with the public rights. The actions taken by the Commission should not diminish the potential prescriptive rights in any way. The Commission may, however, allow development to be sited in an area of historic public use where equivalent areas for public access are provided; such compromise dedication areas should provide for equivalent area and use of the accessways. As cited above, evidence of prescriptive use also indicates the need for dedication areas required under Section 30212 of the Coastal Act. Requiring dedications of historic use areas under 30212 would protect any public rights while avoiding public and private litigation costs over the issue of prescriptive rights in a quiet title action. Thus access conditions to protect existing public use have been included as a condition of this permit.

The language of Public Resources Code Section 30212 makes clear that the Legislature concurred with previous Commission's action and concluded that all new development resulting in any intensification of land use generates sufficient burdens on public access to require access conditions in conjunction with that development. The basis for the public access requirements of the Coastal Act can be readily discerned by analyzing the exceptions set forth in Section 30212(a) (1-3). In those exceptions, the Legislature has weighed the public policy issues involved, by defining situations where public access itself would be inappropriate, rather than focusing on the nature of the proposed development. For example, the exception for public safety and military security is a self-evident statement that access is not appropriate where personal harm to individual members of the public or the public as a whole, in the form of impaired military security, would result. Similarly, the exceptions indicate that public access requirements are not appropriate where access would adversely affect natural resources of a statewide interest (i.e., fragile coastal resources and agriculture). Each of these exceptions focuses, however, on the appropriateness of access itself, rather than on any burdens which might be generated by particular types of development. In other words, Section 30212 of the Coastal Act indicates that all new development generates access burdens and that the only situations where access is not required are where access itself would be inappropriate for public policy reasons.

The legislature has enacted criteria to be considered in establishing access requirements that relates to the "time, place and manner of public access..." (PRC 30214). These criteria provide the basis for determining the type and extent of access to be required under Section 30212. As in the case of the Section 30212(a) tests, the criteria set forth in Section 30214 focus on the appropriateness of access itself ("time, place and manner") and not on the particular impact of any proposed development. In every permit action, the Commission must therefore consider the criteria specified in Section 30214 and make findings where such criteria are applicable. These criteria focus on the physical aspects of the areas under consideration and on the type of access appropriate to

the fragility of natural resources and the nature of development in the vicinity. The criteria also focus on the management aspects of providing public access. In this case where the area proposed by condition to be reserved for public use is adjacent to and indistinguishable from the Twin Lakes State Beach lands and will likely be managed by the State Parks in the future, use and management standards should conform with existing management policies of that agency for that area.

Thus based on the historical evidence that development along the California coast in many different ways in the precludes public use of the state-owned tidelands, based on the same conclusions by the Commission in adopting the Coastal Plan, and based upon the legislative expressions in both the 1972 and 1976 Coastal Acts, the Commission concludes that all new development projects between the first public roadway and the shoreline cause a sufficient burden on public access to warrant the imposition of access conditions as a condition to development, subject only to the exceptions specified by the Legislature.

As discussed above the shoreline area of the applicant's site has been historically used by the public, therefore, these rights must be protected. The Commission therefore finds that, with the addition of a condition requiring the dedication of the shoreline (sandy beach and tidal areas) of the subject site, this project can be found consistent with Coastal Act policies concerning public access.

4. Scenic Resources

The proposed residential reconstruction and remodeling is located in the Live Oak area of Santa Cruz County between the first through public road and the sea. This area is an established residential community which is approximately 95% developed.

Section 30251 of the Coastal Act provides that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site overlooks Twin Lakes State Beach. The remodeled two-story structure as a blufftop house overlooking a publicly used beach will be visible from the beach. The proposed project is a two-story home. The majority of homes in the area are older one-story structures. However, in recent years many homes have been remodeled to include two-story elements. The proposed structure is not to be finished externally with stone and wood siding. The roof will be finished with shingles. The design and architectural style of the project, in staff's opinion, is far superior to the previous residence and many existing structures in the area. Additionally, the applicant proposes new landscaping for the site which should soften the stark nature of the blufftop site.

Therefore, as conditioned to require final review of exterior materials, landscaping plans, and restricting development to the proposed building envelope, the project is consistent with Section 30251 of the Coastal Act.

5. Geologic Stability

Sections 30253(1) and (2) of the Coastal Act require that:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed amendment involves a change in the foundation design. Although no site specific geotechnical review has been conducted for the project site, detailed soil analysis and engineering has been incorporated into the proposed design. As stated previously this new design has been reviewed and approved by Santa Cruz County and the Commission's staff geologist. Nevertheless, some discussion is warranted relative to the stability of the existing building site.

Two separate geologic hazard assessments were conducted by Santa Cruz County staff in 1981 and 1984. (See Exhibit ____). These assessments as well as analysis by the applicant's engineers original assumed, that at sometime in the future, addition to the minimal shoreline structure(s) (rip-rap installed by previous owners

under emergency conditions) would be required. In order to reinstate the County's building permit(s), amend the original coastal development permit, and not be subject to a new permit process and geologic setback criteria under Santa Cruz County's certified Local Coastal Program the applicant chose to modify the foundation plans to eliminate the need for any shoreline structure. In fact, the applicants in relying on the engineer's design analysis have indicated that they would accept a restriction preventing future shoreline protection on their property.

The project site is underlain by relatively loose sediments (terrace deposits) which are not well cemented and, therefore, have relatively low strength. These sediments are in turn underlain by a more resistant bedrock material known as the Purissima Formation (D. Leslie - Geologist; S.C.Co.).

As proposed the new foundation system is "designed to withstand bluff erosion and slumping for the next 50 years, regardless of whether or not a coastal protection structure is implemented at the base of the bluff. The support system will consist of a pier and grade beam foundation. The piers will extend through the terrace deposit at the top of the bluff and into the underlying sandstone formation. The depth of the piers will be such that if erosion or slumping of the complete bluff should take place, the piers will be embedded deep enough to continue to support the structure" (J. Kasunich).

Mr. Kasunich has noted that, "The cliff erosion rate at the subject property has been averaging about 6 inches per year for the period of 1960 to 1970. Recent strong ocean storms may have accelerated this rate. A coastal protection structure at the base of the cliff would retard the [landform] erosion rate, protecting the yard area about the proposed residence, even though the house will be designed to stand free on its pier foundation." To assure that the engineer's design criteria are carried out in the field the applicant has agreed to retain Mr. Kasunich's firm "... to observe the excavation and installation of the foundation system for the proposed residence." This procedure, in lieu of a detailed predesign geotechnical investigation has been approved by the Santa Cruz Building Department and the Commission's staff geologist.

In order to be consistent with the Coastal Act, the proposed project and amendment must follow the above recommendations, as conditioned. Final engineered foundation and surface drainage plans will be necessary. Given the proximity of the project to the bluff, the applicant will have to record a waiver of liability, or show evidence of similar waiver, as conditioned, for conformity with Section 30253.

6. LCP/CEQA

The certified Santa Cruz County LCP designates this site as medium residential. The Hazards Component, Beach Erosion, 3.3.7 states:

Allow new development in areas subject to storm wave inundation and beach erosion on existing lots of record within existing developed neighborhoods under the following circumstances:

- a. Technical report (either a geologic hazards assessment or a full geologic report) demonstrating that the potential hazard can be mitigated). Mitigations can include, but are not limited to, building setbacks, elevation of the proposed structure and friction pier or deep caisson foundation.
- b. Mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected.
- c. A deed restriction indicating the potential hazards on the site and the level of prior investigation conducted is recorded on the deed with the County Recorder.

Under Flood, Tsunami, Hazard, the following policy applies:

3.4.3 Allow new development in areas immediately adjacent to coastal beaches only if a geologist determines that wave action, storm swell and tsunami inundation are not a hazard to the proposed development. Such determination shall be made by the staff geologist or a registered geologist may conduct this review at applicant's choice and expense.

Under Slope Stability and Erosion, the following policy applies:

3.2.1 GP

Require a geologic hazards assessment of all discretionary permits, including grading permits within areas of known slope instability, in all cases where development is planned on slopes greater than 30% and for all projects including permits for single-family dwellings on existing parcels of record in the designated landslide review area. Such assessment shall be prepared by County staff or a registered geologist may conduct this review at applicant's choice and expense.

The Visual Resources Component contains the following policy under New Development:

6.2.4 Maintain the scenic integrity of open beaches.

- a. Except where permitted by LCP Policies, prohibit the placement of new permanent structures on beaches. (See Hazards

Correspondence 3.3.3, 3.3.8)

The Access Component designates Twin Lakes State Beach/Lincoln Beach as a Primary Access Point 4.1.2 pg. 71. The following policies apply:

PROGRAM

4.1.5 Develop a program to inform the public of primary public access to the shoreline phased with the provision of basic improvements, maintenance, recycling, garbage collection, and law enforcement. Establish priorities for provision of improvements at primary accesses, giving highest priority to the provision of basic improvements.

4.3.1 Protect access to all beaches where a high or medium likelihood of prescriptive rights has been identified through permit conditions such as easement dedication or continued maintenance as an accessway by a private group.

4.3.2 Vertical Access: As a condition of new development approval, require dedication of vertical access easements adequate to accommodate the intended use if adverse environmental impacts and use conflicts can be mitigated, under the following conditions:

a. ...

b. Within the Urban Services Line:

- o from the first public roadway to the shoreline if there is not dedicated access within 650 feet;
- o through properties inland of the first public roadway if there is evidence that residents have been using the property to gain access to the shoreline, and if closure of the pathway would require residents to detour more than one-eighth mile.

c. All dedications required shall be consistent with policies 4.5.1 and 4.5.6.

4.3.3.a. No development shall be approved which would interfere with public lateral access along beaches in Live Oak and from New Brighton Beach to the Pajaro River. Where appropriate require dedication of lateral access along the beach to the first line of terrestrial vegetation to the base of the bluffs, where present or to the base of any seawall also see Policy 3.3.3.

Based upon the current local building permits the proposed amendment request appears consistent with the certified LCP.

The proposed amendment is categorically exempt and will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act.

The Santa Cruz County Local Coastal Program (LCP) has been certified by the Commission and the County has been issuing coastal permits since March 1983. This application is an amendment to a coastal permit granted by the Coastal Commission. In this case the project is being considered under construction and therefore the Commission retains permit authority.

As conditioned, the proposed amendment is consistent with the policies contained in Chapter 3 of the Coastal Act.

EXHIBIT-A

RECOMMENDED CONDITIONSSTANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. A

APPLICATION NO.

3-81-55A

Standard Conditions



California Coastal Commission

John Frazer, civil engineer
111 Otis St., Santa Cruz, CA 95060
(408) 425-8401

November 5, 1985

VOL. 4228 PAGE 417

FIELD REPORT SUMMARY

Raiche Residence
60 Geoffroy Street
Santa Cruz

* This office has performed three site visits to the subject residence: October 1981, December 1984, and October 1985.

During preparation of the drawings in October 1981, it was anticipated that a significant portion of the original framework and foundation could be utilized. It was intended that the original subfloor and foundation were to remain essentially intact. The original walls were to be utilized where possible. The original plumbing, electrical and mechanical systems were to be tied into.

At the start of construction in October 1985, it was discovered that the condition of the original foundation was not as anticipated. The foundation had settled in several locations. The foundation was found to be under-reinforced. Spacing of the anchor bolts was inadequate. Individual piers had settled to a point where they no longer supported the girders. It was apparent that it was necessary to replace the original foundation and subfloor.

As it is practically impossible to replace the foundation and subfloor without dismantling the walls that bear on them, it became obvious that the project required the complete demolition of the original structure.


Additionally, it was found that fungus growth was occurring at several window openings and at plumbing vent locations.

It is the opinion of this office that the subsequent demolition of the structure was required to assure code conformance.

John R. Frazer, P.E.
R.C.E. 29, 172

John R. Frazer

Correspondence 1
A-3-SCO-23-0003
Page 33 of 69

EXHIBIT NO. 1
APPLICATION NO. 3-81-55A
Raiche
 California Coastal Commission

Project No. SCO516
4 November 1985

LEO & PAT RAICHE
c/o Mr. Keith Carlson
21684 Eastcliff Drive
Santa Cruz, California 95062

Subject: Raiche Property
Geoffroy Street
Santa Cruz County, California

Dear Mr. Carlson:

We were called to the subject site by Sheldon Crowen, foundation contractor for the project. During removal of the northeast side of the house (garage area), a series of old pier foundations were uncovered. Mr. Crowen was concerned that failure of the old foundation was occurring even with a pier system and wanted to make sure that the proposed pier and grade beam foundation system would not incur the same problems. He asked that we be present during the initial drilling operations for the pier system to determine the extent and condition of the underlying sandstone formation.


We observed the drilling of two of the pier holes on 7 October 1985. The piers for bedroom #3 had been completed upon our arrival. The pier holes were drilled to depths of 10 feet and extended into firm, competent Purisima Sandstone. The sandstone encountered at the base of the piers was in a cemented condition. We instructed the contractor to measure the depth of all the pier holes prior to pouring concrete.

During our initial site visit in December of last year, we noticed that surface water ponded adjacent to the existing foundation system. The gutter system along the eaves of the house was in a state of disrepair, allowing roof water to pond adjacent to the footings. The ponding water and old age of the foundation system may have been part of the reason the old piers slumped and pulled away from the house. General deterioration of the old spread footing foundation system on the opposite side of the house was also observed at that time.

EXHIBIT

Correspondence 1
A-3-SCO-23-0003
Page 34 of 69

35 WINHAM STREET • SALINAS, CALIFORNIA 93901 • (408) 4
285 BLUFF ROAD • WATSONVILLE, CALIFORNIA 95076 • (408) 46

EXHIBIT NO. 2
APPLICATION NO. 3-81-55A
Raiche
 California Coastal Commission

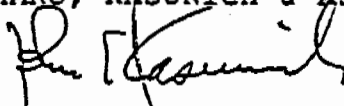
Leo & Pat Raiche
c/o Mr. Keith Carlson
Project No. SC0516
4 November 1985
Page Two

The new pier system along the north side of the house penetrates all loose surface soils and is well founded into the underlying sandstone formation. Control of all roof and surface water should be implemented to protect the new pier and spread footing foundation systems from future deterioration.

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH & ASSOCIATES, INC.


John E. Kasunich
C.E. 33177

JEK:th

Copies: 3 to Addressee
1 to John Frazer, P.E.

KZ See file
Raiche

PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

KRIS SCHENK
Director

October 11, 1985

RECEIVED

OCT 11 1985

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICTLeo and Pat Raiche
1470 McBain
Campbell, CA 95008

SUBJECT: BUILDING PERMIT NO. 78075 (APN 28-143-34), 60 GEOFFROY STREET, SANTA CRUZ

Dear Mr. and Mrs. Raiche:

On January 8, 1985, a building permit (No. 78075) was issued to you to "construct a two-story addition to an existing single family dwelling, to include extension of kitchen, dining and living room; add two bedrooms and bath on 2nd floor; relocate garage and add a 2nd garage (first floor)."

An inspection of the above-referenced parcel was made on October 10, 1985 and it was revealed that the existing single-family dwelling has been totally demolished. Demolition of the dwelling negates the conditions of the building permit and also puts you in conflict with Chapter 16.10 of the Santa Cruz County Code (Geological Hazards) and the Coastal Commission regulations.

Under these circumstances, your building permit No. 78075 is hereby suspended and no further work is to be done until these concerns have been addressed and conclusions reached.

Please contact Mr. Les Strnad of the Coastal Commission at 426-7390 if you have questions pertaining to their particular concerns. Also, please contact Mr. Dave Leslie of the County Planning Department at 425-2854 regarding the geologic hazards on your parcel.

If I can be of further assistance, please do not hesitate to contact me at 425-2751.

Sincerely,

LOU BACIGALUPE
CHIEF OF INSPECTION SERVICES

LB/jm

CC: Dave Leslie
Correspondence
A-3-SC-230000
Page 36 of 69

EXHIBIT NO. 3

APPLICATION NO.

3-81-55A

Raiche



California Coastal Commission

LA CROIX, SCHUMB, MATTEUCCI, SANGUINETTI & KELLER

ATTORNEYS AT LAW

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
1530 MERIDIAN AVENUE, SUITE 150
SAN JOSE, CALIFORNIA 95125
TELEPHONE (408) 264-5430

MAILING ADDRESS:
P. O. BOX 6238
SAN JOSE, CA 95150-6238

EDWARD R. LACROIX, SR.
JOSEPH G. SCHUMB, JR.
MICHAEL J. MATTEUCCI
JAMES E. KELLER
RICHARD B. SANGUINETTI
CHRISTOPHER E. SCHUMB

*A PROFESSIONAL CORPORATION

April 25, 1986



COASTAL COMMISSION
CENTRAL COAST DISTRICT

Mr. Les Sternad
California Coastal Commission
701 Ocean Street
Santa Cruz, California 95060

Re: Mr. and Mrs. Leo Raiche,
60 Geoffrey Street, Santa Cruz

Dear Mr. Sternad:

At our last meeting we discussed the documentation that would be required to be submitted to the Coastal Commission in order to seek an amendment of the previously granted Coastal Development Permit to Mr. and Mrs. Raiche. The documentation that was mentioned included the following:

1. Redrawn foundation plans for the subject property;
2. A report from the soils engineer;
3. A chronology of events leading up to the present situation; and,
4. A letter from the County of Santa Cruz expressing their opinion that the subject development is a work of reconstruction and that the County has no objection to the Coastal Commission issuing a new and/or amended development permit for the subject property.

Enclosed you will find all of the documents requested with the exception of the letter from the County of Santa Cruz which should be forthcoming as soon as I have had an opportunity to sit down with Jonathan Witwer.

Once you have had an opportunity to review the documents and plans enclosed with this letter, I will contact your office to find out what additional documentation you may require.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

MICHAEL J. MATTEUCCI

Correspondence
A-36 CO-23 Jonathan Witwer, Esq.
Page 37 of 69

EXHIBIT NO. 4
APPLICATION NO 3-81-55 A
Raiche

CHRONOLOGY OF EVENTS - 60 GEOFFREY DRIVE, SANTA CRUZ, CA

- 4/21/81 Preliminary plans for the subject remodel project were completed by Clark Schultes.
- 6/8/81 Geologic hazard review was completed by Sue Williamson, Assistant Planner for Santa Cruz County.
- 7/24/81 Variance application No. 81-399V was approved by Santa Cruz County to reduce the 20-foot front yard set back to 8 feet.
- 10/5/81 A Coastal Development Permit No. 3-81-55 was granted by the California Coastal Commission.
- 11/22/81 Foundation plans were completed by Clark Schultes after engineering work by John Fraser.

[NOTE: MR. AND MRS. RAICHE WERE UNABLE TO BEGIN CONSTRUCTION OF THE PLANNED REMODEL PROJECT BECAUSE OF DIFFICULTIES IN OBTAINING FINANCING DUE TO THE DETERIORATING ECONOMY AND EXCESSIVELY HIGH INTEREST RATES]

- 11/8/82 A variance extension was granted by Santa Cruz County.
- 10/7/83 Coastal Permit Extension was granted by the State Coastal Commission.
- 1/9/84 A second variance extension was granted by Santa Cruz County with Level IV Permit No. 83-1288-DP.
- 10/5/84 Second extension request for Coastal Permit was granted by the Coastal Commission.
- 12/4/84 Further geologic hazards assessment was performed by the County of Santa Cruz (Dave Leslie, Planning Geologist).
- 1/8/85 County of Santa Cruz issued Building Permit No. 78075.
- 6/19/85 The owners Leo and Pat Raiche met with Keith Carlson, contractor at 60 Geoffrey Drive to discuss the proposed project. At this time Mr. Carlson reviewed the building plans and observed the condition and quality of the existing home. At this point, after inspecting the condition of the subject property, Mr. Carlson found extensive problems with the foundation and the structure itself including extensive dry rot and fungus damage to the subfloor and joists and apparent extensive

been intended to be utilized in the remodel project. It was further observed that the foundation had settled and was cracked in several places. It was further observed that existing portions of the foundation were inadequately reinforced and the anchor bolts were not sufficient. During the dismantling process, it was found that none of the elements of the structure which were originally intended to be utilized would meet the uniform building code requirements. To allow the building inspectors to confirm that the existing foundation could be utilized as anticipated, several sections of the old foundation were left at the proposed tie-in points. These remaining sections do not meet UBC requirements and would require removal and replacement. See letter from John Fraser dated 11/5/85 (Exhibit "A") and letter from John Kasunic dated 11/4/85 (Exhibit "B") for further information.

- 10/7/85 Keith Carlson received a phone call from Dave Leslie, Santa Cruz County Geologist stating that a neighbor had complained about the project and he was investigating the matter.
- 10/8/85 Dave Leslie called and requested that work in progress stop immediately and stated that a notice would be mailed from the County of Santa Cruz. A copy of the letter dated October 11, 1985 signed by Lou Bacigalupi which is totally inconsistent with the prior actions of the building dept.

The above is a chronological summary of events involving this particular property.

It should be noted that from the very beginning, Mr. and Mrs. Raiche hired various land use planners, consultants, engineers, geologists, and contractors to insure that this project would be properly permitted and constructed. The Raiches have in all respects attempted in good faith to comply with all regulations in order to complete this particular project.

It is hoped that the Coastal Commission will review the history of this particular project and give the Raiches favorable consideration to allow them to continue with the development of this project as they believe that the completed home will be an asset and a valuable addition to the neighborhood. In addition, the Raiches have expended a considerable amount of time and expense in the hopes that they would be able to complete this project and ultimately move into the house as their permanent personal residence. The Raiches therefore respectfully request that an amendment to the previously issued Coastal Development Permit be approved by the Coastal Commission subject to approval and reinstatement of the building permit for the subject property by the County of Santa Cruz.

PURPOSES ONLY

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

Tax Area Code 28-14
82-003 82-012

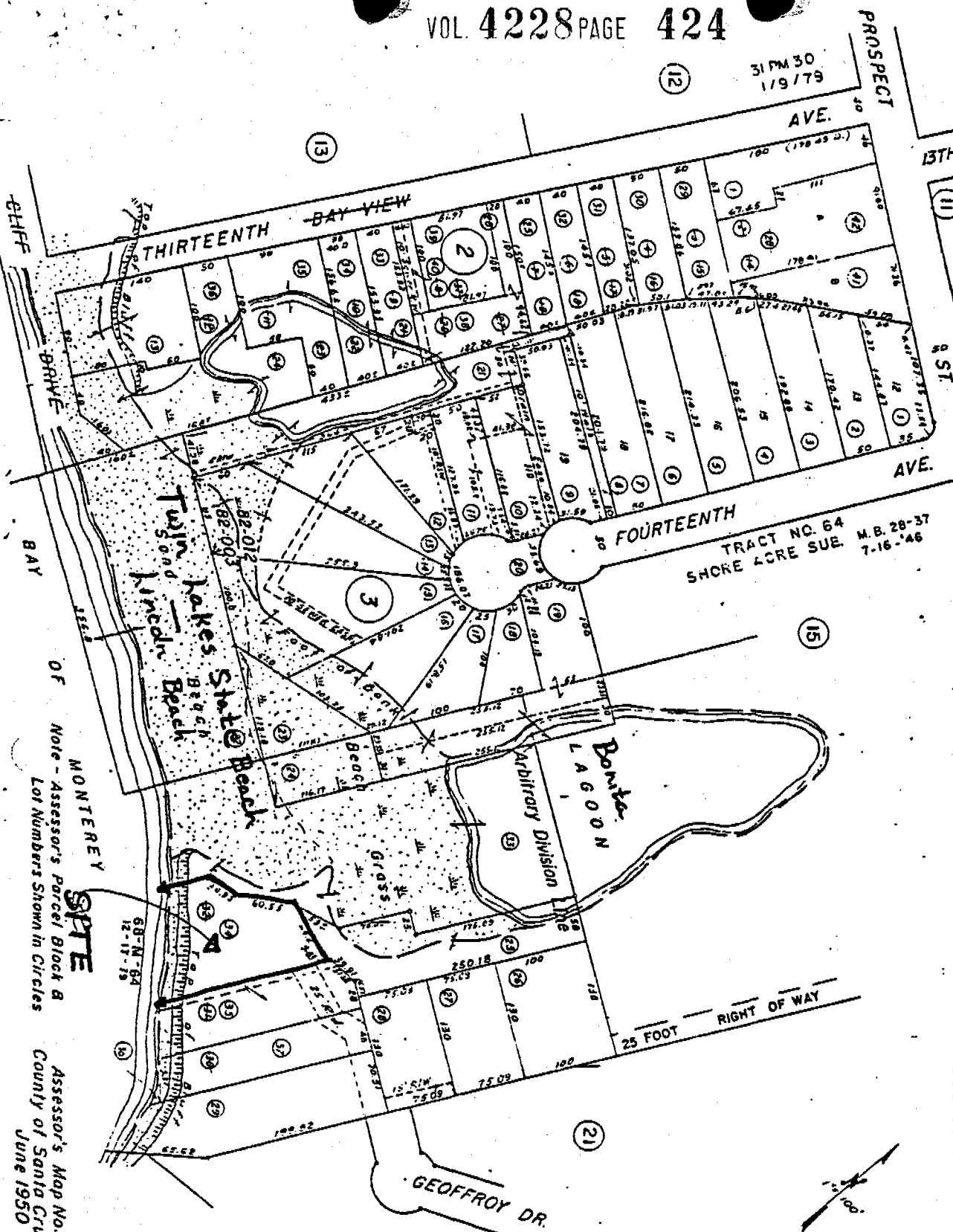



EXHIBIT NO. 5
APPLICATION NO. 3-81-55 A
Raiche
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555
TDD ONLY (415) 896-1825

RECEIVED

AUG 20 1986

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

August 19, 1986


TO: Dave Loomis

FROM: Richard McCarthy

SUBJECT: (Review of Foundation Plans for the Raiche Residence
(no permit number), Santa Cruz

On August 18, 1986, I met with Mr. Leo Raiche in the San Francisco office and reviewed foundation plans and letters from his civil engineer. After reviewing these documents, I believe that the proposed pier and grade beam foundation is adequate to protect the dwelling should the bluff edge continue to recede. Each drilled pier will penetrate the terrace material and be founded into firm bedrock. Pier diameters will be 18 and 24 inches, drilled piers will span a distance of at least 28 feet.

Obviously, as the bluff edge continues to recede, the foundation will be exposed over time. For this reason you may want to consider imposing our "waiver of liability" condition. In any event, the new structure foundation is superior to that of the pre-existing structure.

EXHIBIT NO. 6
APPLICATION NO. 3-81-55A
Raiche
 California Coastal Commission

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060-4068

(408) 425-2041

DWIGHT L. HERR
COUNTY COUNSEL
JONATHAN WITTWER
CHIEF DEPUTY COUNTY COUNSEL

DEBORAH HOPKINS
HARRY A. OBERHELMAN III
MABLE M. COSTA
SAMUEL TORRES JR.
MARGARET R. MOLIN
JANE SCOTT
ASSISTANTS

June 24, 1986

Mr. Les Strnad
Chief of Permits
California Coastal Commission
Central Coast Region
701 Ocean Street
Santa Cruz, CA 95060

RECEIVED

JUN 24 1986

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Subject Property: Assessor's Parcel No. 28-143-34
Raiche Property (60 Geoffrey Street,
Santa Cruz, California)

Dear Mr. Strnad:

This Office has received a copy of the April 25, 1986 letter addressed to you by Michael J. Matteucci, attorney for Mr. and Mrs. Raiche. That letter lists certain documentation which must be submitted to the Coastal Commission in order for the Raiche's to seek an amendment of their Coastal Development Permit previously granted by the Coastal Commission. Item 4 on that list is a letter from the County of Santa Cruz. This is that letter.

This Office has consulted with the Planning Director of the County of Santa Cruz regarding this matter and can state as follows:

(1) The County of Santa Cruz does not object to the Coastal Commission exercising jurisdiction for the purpose of amending the Coastal Development Permit for subject property, which permit was previously granted by the Coastal Commission; and

(2) The County of Santa Cruz does not object if the Coastal Commission deems its Development Permit, as amended, to allow for rebuilding of the demolished portion of the improvements to be for reconstruction, rather than for new development. The County of Santa Cruz understands as follows: The Coastal Commission has received a report from John E. Kasunich,

EXHIBIT NO. 7
APPLICATION NO. 3-81-55A
Raiche California Coastal Commission

Les Strnad
June 24, 1986
Page two

consulting soils engineer, which addresses geotechnical issues; the Coastal Commission has also received plans drawn by John R. Frazer, Civil Engineer, designed to meet the criteria set forth in the Kasunich report; and the Coastal Commission and the Raiches have agreed that John E. Kasunich will supervise and direct the construction of the foundation to meet the criteria set forth in his report and will submit an as built report to the Coastal Commission upon completion of the foundation. It is also the understanding of the County of Santa Cruz that the Coastal Commission will review and exercise its discretion as to mitigation of geologic hazards (if any) in connection with the subject property.

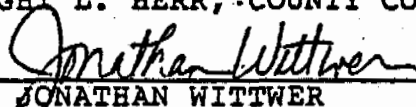
Upon presentation of a Coastal Commission permit for such reconstruction and the previously approved addition, the County will be in a position to reinstate the suspended building permit for all but the foundation and to issue a revised building permit based on the revised foundation plan (after due review which has been accomplished).

Thank you for your consideration of these matters.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By


JONATHAN WITTWER

Chief Deputy County Counsel

JW:ji:4162:11
cc: Planning Director

WYCKOFF & RITCHEY

LAW OFFICES

113 COOPER STREET

POST OFFICE BOX 1119

SANTA CRUZ, CALIFORNIA 95061-1119

AREA CODE 408 • 426-2111

STEPHEN WYCKOFF
JOHN L. RITCHEY III
STEPHEN N. WYCKOFF
MARSHA B. SHANLE

LOYD R. MILLER
OF COUNSEL

H. C. LUCAS (1879-1962)
HARRY C. LUCAS, JR. (1912-1963)

REGISTERED
SEP 10 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

September 9, 1986

Peter Douglas
California Coastal Commission
Central Coast District
701 Ocean Street, Room 310
Santa Cruz, CA 95060

Re: Permit #3-81-55 granted to Leo Raiche
for foundation reconstruction at
60 Geoffrey Lane, Santa Cruz, California

Dear Mr. Douglas:

On August 22, 1986, I wrote to you indicating my formal objection to the proposed amendment and proposal to issue a permit to allow for a foundation to be reconstructed on the above-referenced property.

In my letter of August 22, 1986, I indicated that the subject property is exposed on three sides (the south, the west and the north) to the ebb and flow of ocean waves and water. I also submitted six photographs taken during the winter of 1986 showing the substantial wave action and erosion potential of the bluffs on the three sides of the subject property.

This property has suffered substantial bluff erosion over the past years. Reference to the U.S. geological survey maps and the other survey maps which are available through local civil engineers clearly show substantial decrease in size of this coastal bluff.

Attached hereto is a photograph taken in 1978 of the subject property and shows the substantial erosion and sliding which occurred on the north side of the property. As the photograph shows, the slide occurred not only adjacent to the residence, but also a portion of the fill underneath the residence slid away. I cannot believe putting deeper footings under the proposed foundation will do anything to solve the problem of the coastal bluff erosion at the subject site which will eventually destroy any structure placed upon the property.

It is my opinion that if the amendment is approved, you will be allowing a structure to be created which will eventually be destroyed by the wave and erosion action. It will present a clear danger, not only to the occupants but to other individuals that may be present or nearby. In

EXHIBIT NO. 8

APPLICATION NO.
3-81-55A

Peter Douglas
California Coastal Commission
September 9, 1986
Page Two

addition, as evidenced by the attached 1978 photograph, the erosion activity and the makeshift efforts of temporary repairs to the coastal bluff have been a continual blight to the viewshed of the public utilizing Twin Lakes Beach and the surrounding neighbors' property, and continue to present a less than pleasing view from the adjoining beach and neighborhood.

I have indicated to your staff that I have videotapes of the storm and wave action which occurs at the Black Point, Bonita Lagoon and Twin Lakes Beach area which I would be happy to make available to your Commission or staff.

Very truly yours,


John L. Ritchey III

JLR:lc 140

Enclosure

Copy with enclosure to:
Sue Williamson/Lou Bacigalupi
Santa Cruz County Planning Department

WYCKOFF & RITCHEY

LAW OFFICES

113 COOPER STREET

POST OFFICE BOX 1119

SANTA CRUZ, CALIFORNIA 95061-1119

AREA CODE 408 • 426-2111

STEPHEN WYCKOFF
JOHN L. RITCHEY III
STEPHEN N. WYCKOFF
MARSHA B. SHANLE

LOYD R. MILLER
OF COUNSEL

H. C. LUCAS (1879-1952)
HARRY C. LUCAS, JR. (1912-1983)

August 22, 1986

Peter Douglas
California Coastal Commission
Central Coast District
701 Ocean St., Rm. 310
Santa Cruz, CA 95060

RECEIVED
AUG 23 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Re: Permit #3-81-55 granted to Leo Raiche for foundation reconstruction
at 60 Geoffrey Lane, Santa Cruz, California

Dear Mr. Douglas:

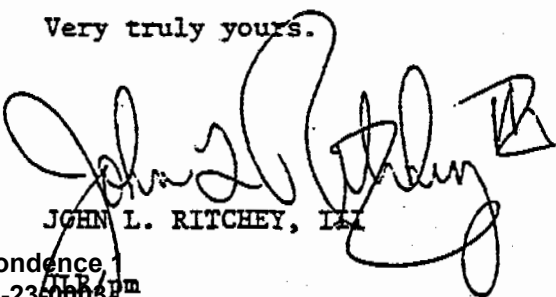
I received a copy of your Notice of Proposed Permit Amendment. A
copy of that notice is attached hereto.

Please consider this letter a formal written objection to your proposed
amendment and to the proposal to issue the said permit. The property
at 60 Geoffrey Lane is exposed on three sides (the south, the west and
the north) to the ebb and flow of ocean waves and water.

Enclosed herein are six photographs taken this past winter which
delineate the subject property. Those photographs clearly indicate
that there is substantial wave action and erosion possibility of the
bluffs on the three sides of the property. It would be a serious mistake
to issue a permit to allow for construction of a residence on the subject
property based upon the substantial erosion potential. The notice for
your permit indicates that the proposal is to reconstruct the foundation
and footprint of the subject residence. In your consideration you
should first look to whether or not there is a likelihood of substantial
erosion of the bluffs surrounding the residence and whether or not the
residence meets the Santa Cruz County requirements for coastal bluff
setback before your subject permit is issued.

I would appreciate you retaining the photographs for safekeeping and
future reference.

Very truly yours.


JOHN L. RITCHEY, III

VOL. 4228 PAGE 431



Robert R. Rittenhouse, Sr.
151 Black Point Lane
Santa Cruz, CA 95062

VOL. 4228 PAGE 432

November 8, 1985

Mr. Lou Bacigalupi
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060

Subject: Bldg. permit #78075 (APN 28-143-34)

Dear Mr. Bacigalupi,

My name is Robert Rittenhouse, Sr. and I live at 151 Black Point Lane. The enclosed map shows our property that adjoins Mr. Raiche's.

This letter is not intended to stop Mr. Raiche's building on his property, but my concern is his disregard for other peoples rights, the building codes and permit requirements. He should be required to up hold the letter of the law and not resort to short cuts.

During the 1980 Winter storms, Mr. Raiche placed rip-rap builders on our property to solve his erosion problem. This was done without our permission or even the courtesy of a telephone call. I am concerned that he may now feel this is a part of his property and can be used as a base to further his construction program. I have not given him permission to do this, nor do I plan to do so at this time. I request that your department pay careful attention to all set-back requirements to property lines. I would be interested to see the corners of his property as determined by a licensed surveyor.

Mr. Raiche's land takes the full brunt of any storms on the south side. The severe storms send waves of water on the far side which in turn empties out the east side of the lagoon, (hitting the north side of Raiche's property on it's way back to the bay). In 1980, the water was accompanied by huge logs and driftwood.

Prior to Mr. Raiche's purchase of the property, a large section on the north side fell away leaving a corner of the former garage hanging in the air. This was replaced by fill.

Thank you for your attention in this matter!

Sincerely,

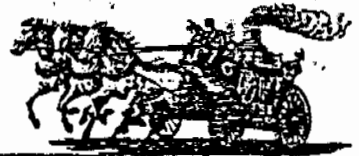


Robert R. Rittenhouse, Sr.

RRR/tm

Correspondence of Pat Raiche
A-3-SCO-23-0903
Page 48 of 69
David Lee

Exhibit 8



RITTENHOUSE INSURANCE CENTER

"Professionals Caring for You"

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RECEIVED
AUG 6 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Mr. Peter Douglas
California Coastal Commission
Central Coast District
701 Ocean Street Room 310
Santa Cruz, CA 95061

RE: Permit #3-81-55
Granted to Leo Raiche
for Foundation Construction at 60 Geoffry Lane, Santa Cruz, CA

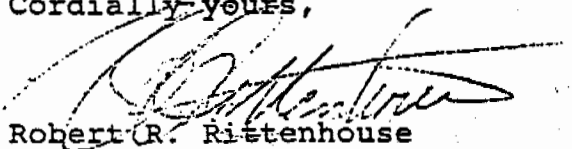
Dear Mr. Douglas,

Thank you for sending me a copy of your notice of proposed permit amendment. A copy of that notice is attached herewith. Also enclosed is a copy of my letter dated November 8, 1985, sent to Mr. Lou Bacigalupi concerning the same piece of property.

That letter pretty well sums up my feelings on this proposed development. There have been no changes since it was written and of course it is not my concern should the building be washed away in the next storm. Last winter as I watched the big waves roll in, I felt it would be foolish to put a house on such a perilous spot.

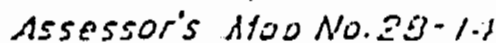
Thank you very much for your careful consideration of this permit, and if you should need any further information from me, please do not hesitate to call.

Cordially yours,


Robert R. Rittenhouse

RR/lr
ENC:2





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435
RECEIVED
AUG 29 1986

65 Geoffroy Drive
Santa Cruz, Calif. 95062
August 27, 1986

Coastal Commission
Central Coast District
701 Ocean Street
Santa Cruz, Calif., 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Dear Commission Members:

In relation to the property of Mr. Leo Raiche at 60 Geoffroy Drive in Santa Cruz County, I wish to submit this letter prior to your granting a permit to build on this piece of land.

My concern is that the land is far too unstable to satisfactorily support a dwelling over a reasonable length of time.

Having lived for thirty years with a close and full view of this property, I have watched the erosion of this land.

If pilings should be used to support a new dwelling, would these pilings placed deep in the earth cause the land to be even more unstable and subject to erosion?

Please consider the problems this property is subjected to by nature's rains, waves, and tides.

Sincerely,

Mary Frances Ireland
(Mrs.) Mary Frances Ireland

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

KRIS SCHENK
Director



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COUNTY OF SANTA CRUZ

701 OCEAN STREET

SANTA CRUZ, CALIFORNIA 95060

December 4, 1984

Leo and Pat Raiche
1470 McBain
Campbell, CA 95008

RE: GEOLOGIC HAZARDS ASSESSMENT, APN: 23-143-34

Dear Mr. and Mrs. Raiche

I have recently completed a site visit of the parcel referenced above where remodeling of a single family dwelling and construction of an as yet unspecified shoreline protection structure are proposed. This property was evaluated for possible geologic hazards due to its location on a coastal bluff. This letter briefly describes my site observations, outlines permit conditions for the two projects and completes the hazards assessment for this parcel.

The subject parcel is located on a peninsula of land adjacent to the end of Geoffrey Lane. The property is generally level around the existing dwelling before dropping off abruptly at the top of the cliff. Monterey Bay is located to the south, a sandy beach is at the base of the cliff to the west and a lagoon is located to the north.

The entire property is underlain by relatively loose sediments (terrace deposits) which are not well cemented and, therefore, have relatively low strength. These sediments are in turn underlain by a more resistant bedrock material known as the Purissima Formation.

Due to the physical properties of these sediments and their location along the coast the bluff is very susceptible to erosion and landsliding. The steep coastal bluff is thus not a permanent natural feature. The subject parcel has been subjected to wave attack, slumping and erosion along the ocean and lagoon sides of the property within the past few winters.

A previous hazards review by Sue Williamson (1961) recognized these on-going processes. The situation was worsened by wave attack in 1983 which caused additional erosion on the Monterey Bay side of the parcel and slumping to the north, adjacent to the lagoon.

Leo and Pat Raiche
December 4, 1984
Page 2

I first visited the site shortly after this occurrence of additional damage in 1983 and observed fresh tension cracks in the paved area adjacent to the northeast side of the dwelling and slumping along the slope above the lagoon. Large rip-rap builders were subsequently placed at the base of this slope to reduce erosion and slumping of the slope.

The Geologic Hazards ordinance, County Code Chapter 16.10, specifies that an assessment is valid and that all assessment requirements remain in effect for three years from the date of completion of the assessment unless a change in site conditions occurs which affects the conclusions or requirements of the assessment. The previous hazards review is thus no longer valid for two reasons:

1. The review was completed over three years ago; and
2. Site conditions have changed since the review was completed.

The permit conditions outlined below in this assessment, therefore, supersede any previous conditions in the earlier review.

As you are aware, shoreline protection structures require a grading permit from the Planning Department prior to construction. Please contact Dieter Beermann, 425-2767 for specific information regarding a grading permit application for the anticipated project. The following items must be completed, however, with respect to geologic issues prior to issuance of the grading permit:

1. A full geologic report must be completed by a registered geologist to evaluate the hazard of coastal wave attack and erosion on the entire parcel. A report guideline and a list of consultants are enclosed to assist in completion of this report;
2. A Soils and foundation engineer must evaluate the existing site conditions to determine if additional foundation support is necessary, especially to the north where subsidence and tension cracks lead directly up to the dwelling. A written report must be submitted with recommendations in accordance with the enclosed guidelines.

These reports must be completed in accordance with the enclosed County report guidelines by a registered geologist and soils engineer either working together (preferably) or separately.

Leo and Pat Raiche
December 4, 1984
Page 3

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Two copies of the reports must be submitted to the Planning Department for review prior to acceptance. It is possible that due to their complexity the reports will be reviewed by the County's Geologic Advisor. A report review fee (currently \$245.00) must be paid for this review service if it is determined to be necessary.

After the reports have been accepted by the County you will be notified in writing of whether or not approval of the project can be granted with respect to geologic issues. If the project can be approved any additional permit conditions concerning geologic issues will also be indicated. In general, approved projects must follow the reports' recommendations.

Prior to issuance of the remodeling permit the following must be completed:

1. A site inspection by your consultants (geologist and soils engineer) to verify that the construction of anticipated shoreline and slope protection measures will not be hindered by the proposed remodeling; and
2. That the proposed 6 foot reduction of the existing garage on the northeast side of the residence is consistent with anticipated mitigation measures intended to reduce the risk of damage to the dwelling from erosion and landslide processes.

It is hoped that completion of these last two items by the consultants can be accomplished within the next two weeks. Unless the consultants recommend otherwise, I can approve your permit for the remodeling work with respect to geologic issues after your consultants complete their inspection and verify that the proposed remodeling will not hinder the future construction of protection structures before the time extension for your variance expires.

If you have any questions concerning this assessment, report requirements or the inspection to be conducted prior to issuance of the remodeling permit please contact me at 425-2854. Please have your consultants contact me prior to commencing work so the County's concerns will be clearly understood and properly addressed.

Sincerely,

Dave Leslie
DAVE LESLIE
Planning Geologist

DL/emc

cc: Dick Beale
Dieter Beermann

Correspondence 1

A-3-SCO-23-0003

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COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Jim Weaver
8-18-81

LANDSCAPING

GENERAL NOTES: PLANT MATERIALS AND
LANDSCAPE GRADING TO BE LEFT IN PLACE.
PLANTING TO BE PROVIDED AND REPLACED WITH COR-
RESPONDING SPECIES AND PLANTING.
NEW PLANT MATERIALS TO BE PROVIDED AND REPLACED WITH
PLANTING TO BE PROVIDED AND REPLACED WITH COR-
RESPONDING SPECIES AND PLANTING.
SEE SHEET NO. 2

BEACH HOUSE



2 not part
of project



SITE PLAN

SCALE 1/8" = 1'

NOT TO SCALE
TOP AND BOTTOM

THESE DRAWINGS ARE AN
EXTRACT OF THE PROPERTY
AND ARE THE PROPERTY
OF THE DESIGNER. THEY
MAY NOT BE REPRODUCED
OR ALTERED WITHOUT THE
DESIGNER'S PERMISSION.

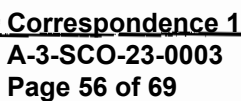
PROPOSED ADDITION
LEO PAT RACHE
LOCATED AT THE END OF COUNTRY
ROAD ONE
SANTA CRUZ
CLARK COUNTY
SANTA CRUZ
SANTA CRUZ

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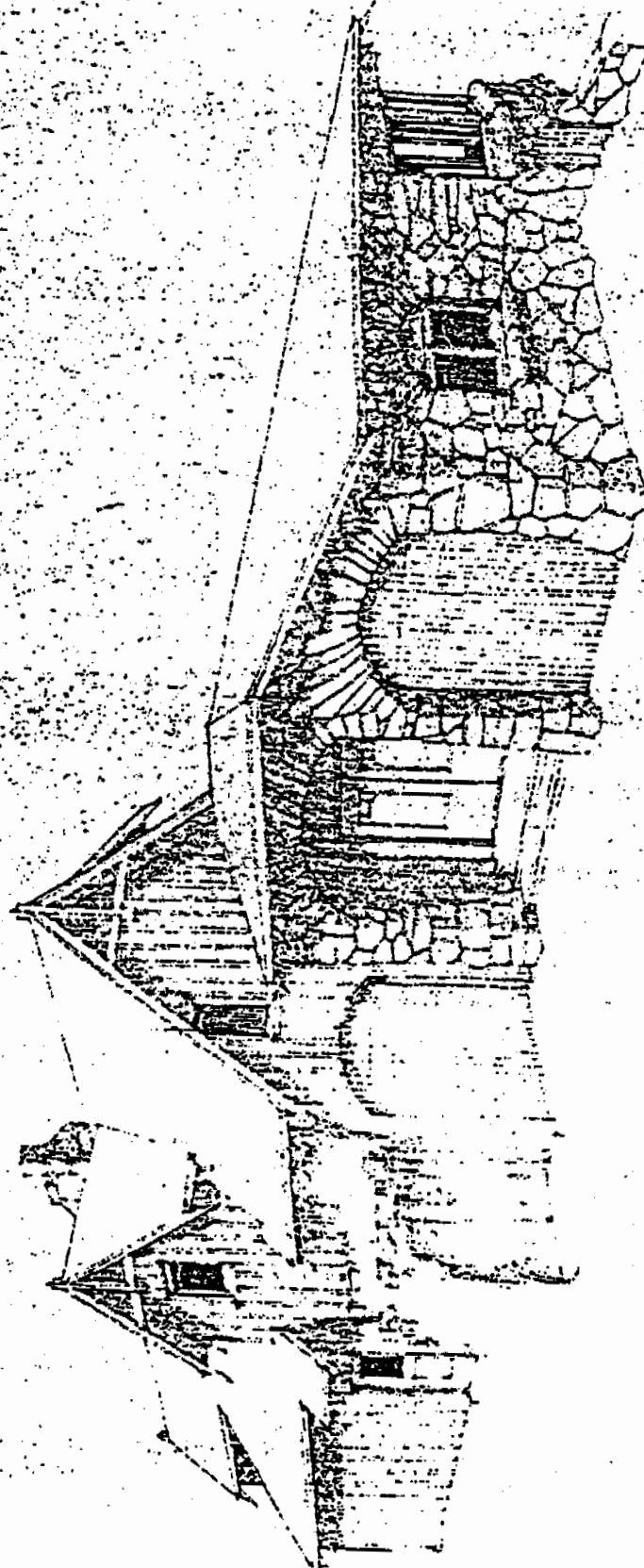
EXHIBIT NO. 10
APPLICATION NO.
3-81-55 A

Building
Rache Design



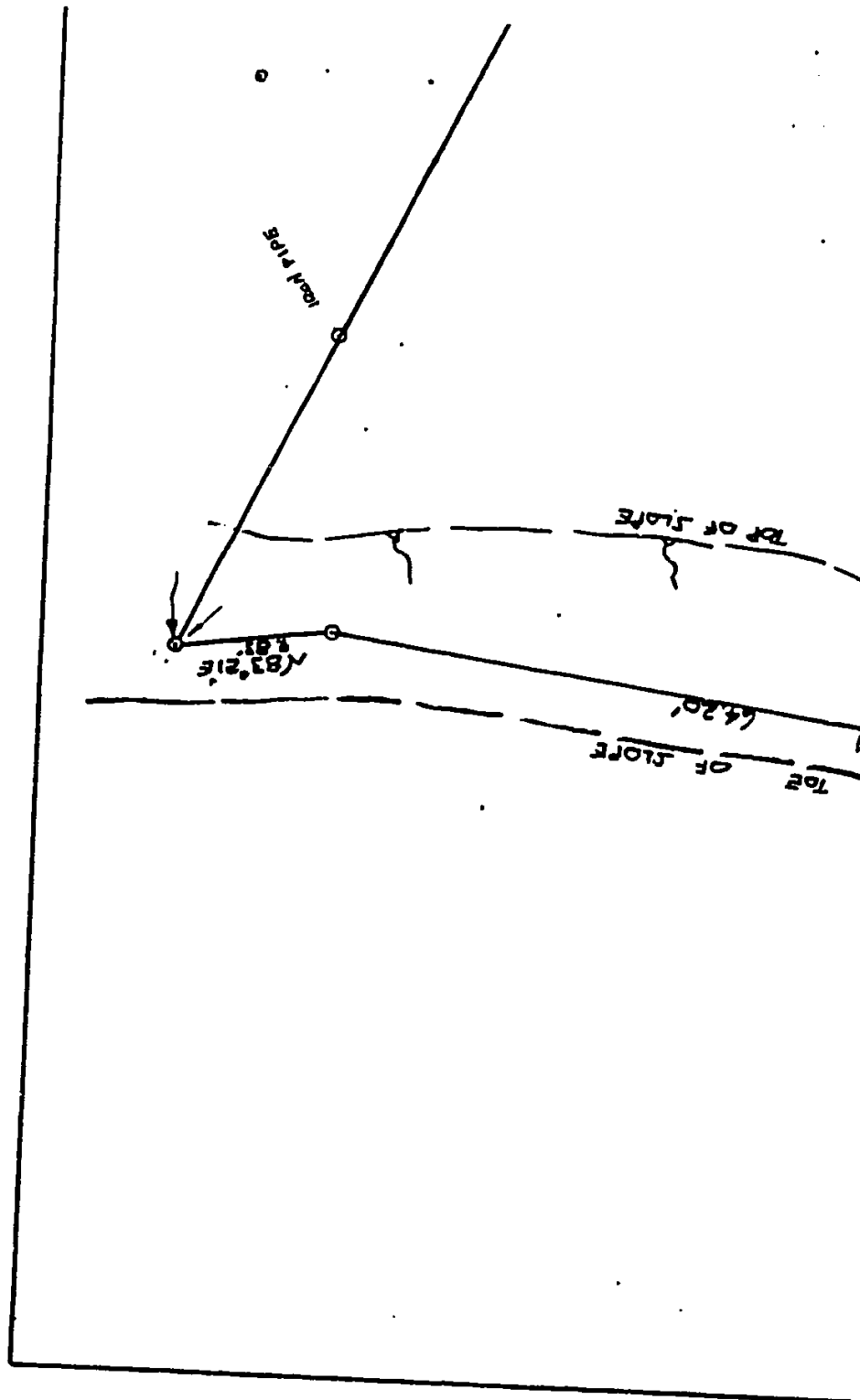


Foundation Design
3-81-55A

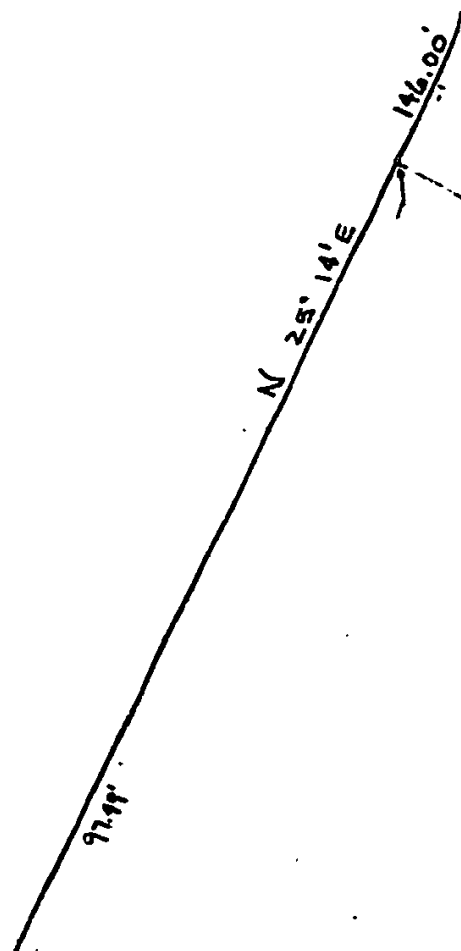


APPROACH VIEW

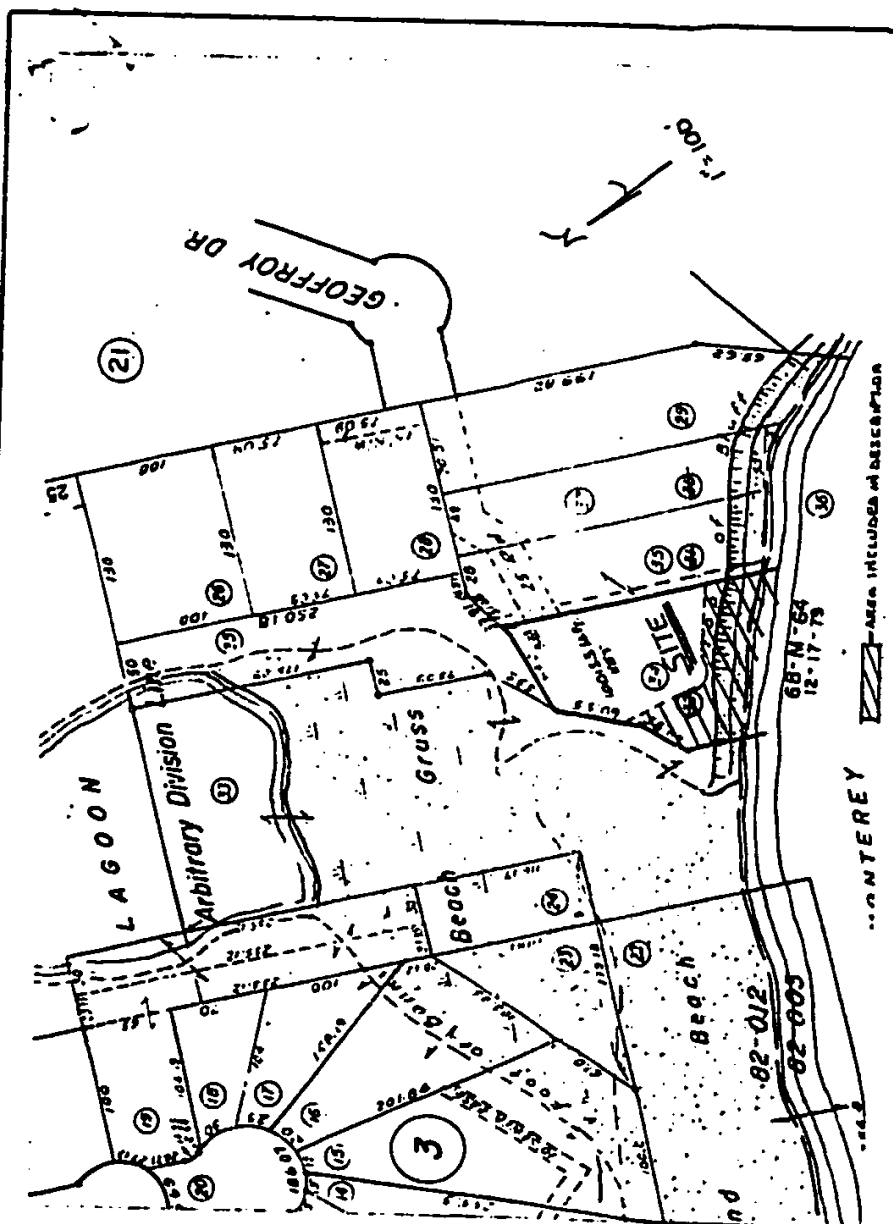
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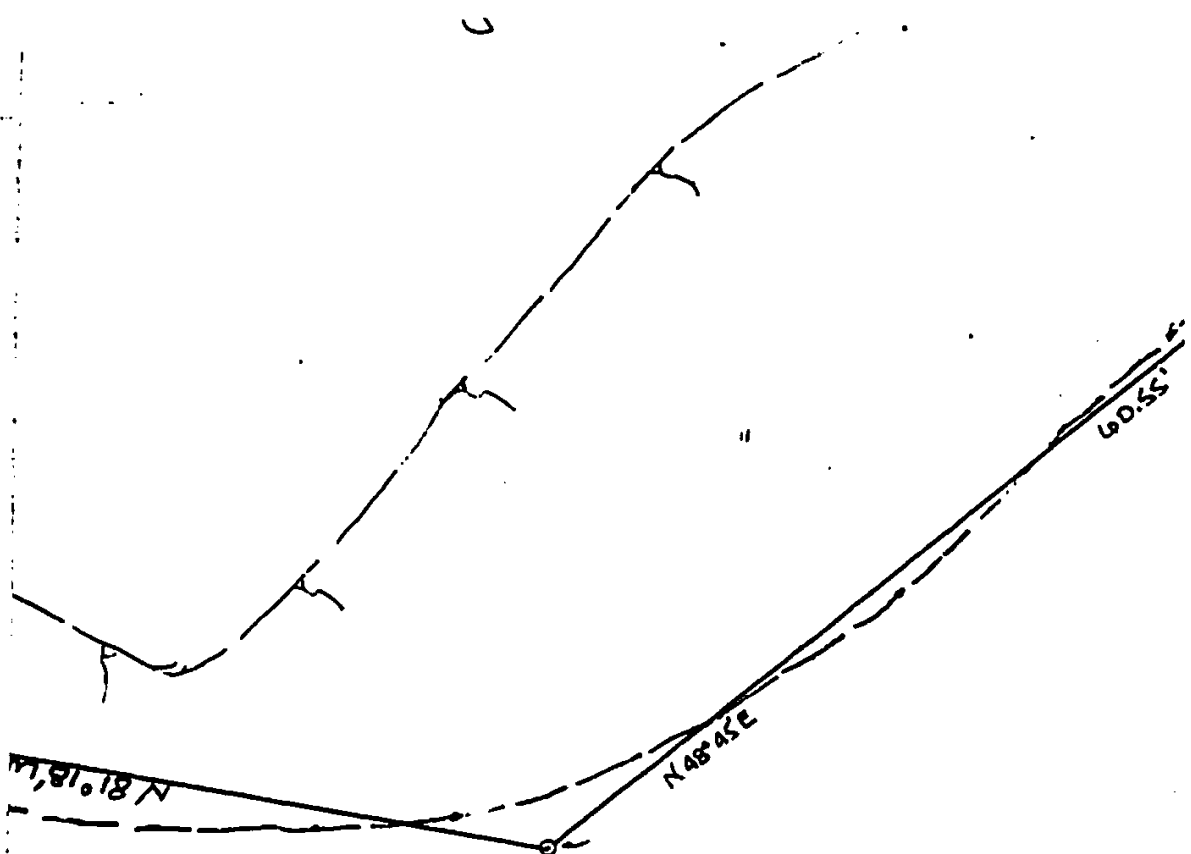


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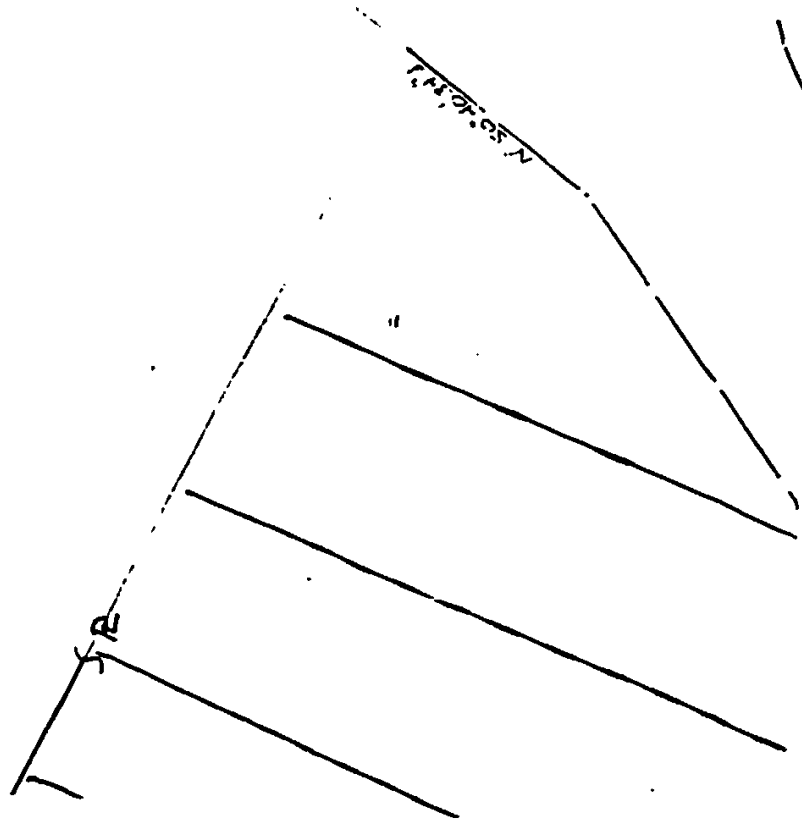


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[illegible]

MONI
 OF
 AY
 Note - Assessor's Parcel Block 8
 Lot Numbers Shown in Circles
 Assessor's Map No. 28-14
 County of Santa Cruz, Calif.
 June 1950
 LAST REVISION - 11-1-1954

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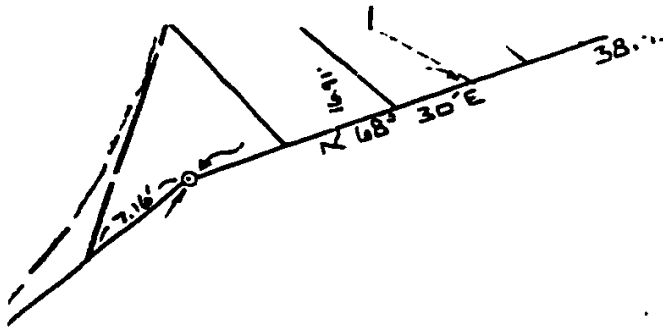
DESCRIPTION OF LANDS TO BE CONVEYED

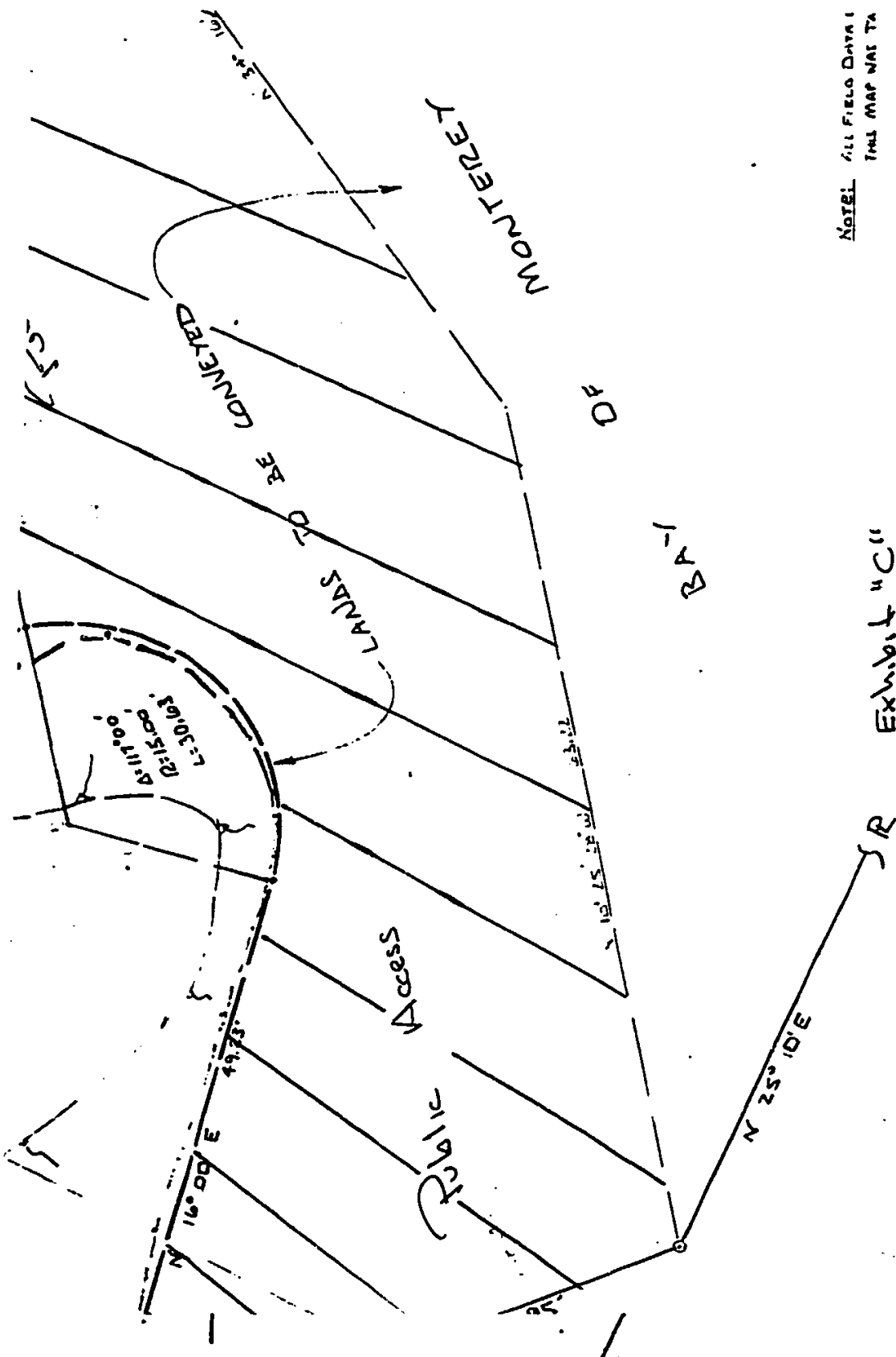
BEING a part of the lands conveyed to Joe L. Mello, et ux, by Deed dated September 12, 1951, recorded October 5, 1951 in Volume 841, Page 92, Official Records of Santa Cruz County and more particularly bounded and described as follows:

BEGINNING at a nail and tag, "R.C.E. 6270" set in a concrete footing on the Northern boundary of said lands conveyed to Mello from which a 3/4 inch iron pipe at the Eastern corner of the lands conveyed to Joe L. Mello, et ux, by Deed dated August 31, 1950, recorded October 20, 1950 in Volume 795, Page 502, Official Records of Santa Cruz County bears North 83° 21' East 31.28 feet and South 64° 50' East 28.00 feet distant; thence from said point of beginning South 28° 14' West (at 20.65 feet a 3/4 inch iron pipe, at 139.61 feet a 3/4 inch iron pipe) to the Bay of Monterey; thence Northwesterly along the Bay of Monterey to the Southwestern corner of said lands conveyed to Mello, by Deed recorded in Volume 841, Page 92, Official Records of Santa Cruz County; thence along the Northern boundary of said last mentioned lands North 25° 10' East to an angle; thence North 68° 30' East 38.95 feet to a 3/4 inch iron pipe; thence North 48° 45' East 60.55 feet to a 3/4 inch iron pipe; thence South 81° 18' East 64.20 feet to a 3/4 inch iron pipe; thence North 83° 21' East 8.63 feet to the place of beginning.

EXCEPT THAT PORTION LYING NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE EASTERNMOST CORNER OF THE ABOVE DESCRIBED LANDS AND PROCEEDING S 25° 14' W ALONG THE SOUTHEASTERLY LINE OF SAID LANDS (LINE SHOWN AS S 28° 14' W IN ABOVE DESCRIPTION) 164.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 44° 00' W 48.00 FEET; THENCE NORTHWESTERLY ALONG A 15.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INTERIOR ANGLE OF 51° 00' AND A CURVE LENGTH OF 14.92 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INTERIOR ANGLE OF 117° 00' AND A CURVE LENGTH OF 30.63 FEET; THENCE N 16° 00' E 49.23 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LANDS, SAID POINT BEING N 48° 45' E 7.16 FEET FROM AN ANGLE POINT THEREIN.





Note: ALL FIELD DATA
THAT MAY NOT BE

RECORDER'S MEMO: : Legibility
of writing, typing or print-
ing UNSATISFACTORY in this
document when received.

PLAT

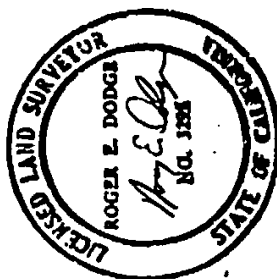
OF LANDS OF

LED RAICHE

SANTA CRUZ Co. 2-7-87

DODGE-SHEPHERD ASSOC., SURVEYING

2341 MONTECITO DR.
CAMPBELL, CALIF. 95008
378-3478 265-1706




FILED TO PRODUCE
NEW FROM 68 M 24

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Correspondence 1
A-3-SCO-23-0003
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An aerial photograph showing a coastal town. In the foreground, there is a large, dark body of water. A narrow, light-colored strip of land or beach separates the water from the town. The town itself is built on a hillside, with numerous houses and buildings visible. The terrain appears rugged and rocky. The overall tone of the image is somewhat muted, with a mix of dark blues, greys, and earthy tones.

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A-3-SCO-23-0003
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E I: 3600

SC I-7

27 AUG, 63

10:45

Correspondence 1
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