

Evan Ditmars

From: Cove Britton <cove@matsonbritton.com>
Sent: Tuesday, October 10, 2023 6:52 PM
To: Evan Ditmars
Subject: Re: 266 Cliff Court

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan-

Please delete the prior email as there is a typo.

Please include the below.

Dear Members of the Planning Commission.

As noted prior there are very simple facts here.

1. This project was sent back by the Board of Supervisors (5-0) to the Zoning Administrator for approval. The ZA self admittedly did not listen to the Board of Supervisors hearing and the planning staff, and their reports do not communicate that point.

2. No code, ordinance, or law exists that was written to prevent an engineered landslide mitigation structure NOT to be built for the benefit of homes below the landslide. Any interpretation of code, ordinance, and law, is an incorrect interpretation to the point of being absurd. To that point please see #3 below.

3. The County of Santa Cruz General Plan and LCP states:

"Require property owners and public agencies to control landslide conditions which threaten structures or roads."

County staff's interpretations of code are incomplete regarding this matter and misapplied. Ultimately current staff's interpretation for this project, is demonstrably not consistent with the life safety objectives of the County of Santa Cruz, or other applicable code and law.

4. County of Santa Cruz Chapter 16.10.070 (H) (3) Shoreline Protection Structures shall be governed by the following:

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

The proposed structure is not engineered to be a Shoreline Protection Structure, it is engineered to be a landslide mitigation structure. To date no qualified engineer has stated to the contrary despite code requirements.

Yet planning staff have said that the proposed structure does not protect the homes below fully. Which is it? Planning staff has already inadvertently proved the point. The proposed pin piers are not a seawall, they are not a revetment, they are not a shore line protection structure, they are engineered to be a landslide mitigation measure and there is absolutely zero code that disallows such structures.

This whole absurd process occurred because of that very simple fact.

Thank you for your consideration.

On Tue, Oct 10, 2023 at 6:41 PM Cove Britton <cove@matsonbritton.com> wrote:

Dear Members of the Planning Commission.

As noted prior there are very simple facts here.

1. This project was sent back by the Board of Supervisors (5-0) to the Zoning Administrator for approval. The ZA did not listen to the planning staff report to not communicate that point.

2. No code, ordinance, or law exists that was written to prevent an engineered landslide mitigation structure built for the benefit for homes below the landslide. Any interpretation of code, ordinance, and law, is an incorrect interpretation to the point of being absurd. To that point please see #3 below.

3. The County of Santa Cruz General Plan and LCP states:

"Require property owners and public agencies to control landslide conditions which threaten structures or roads."

County staff's interpretations of code are incomplete regarding this matter and misapplied. Ultimately current staff's interpretation for this project, is demonstrably not consistent with the life safety objectives of the County of Santa Cruz, or other applicable code and law.

4. County of Santa Cruz Chapter 16.10.070 (H) (3) Shoreline Protection Structures shall be governed by the following:

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

The proposed structure is not a Shoreline Protection Structure, it is engineered to be a landslide mitigation. To date no qualified engineer has stated to the contrary despite code requirements.

However planning staff have said that the proposed structure does not protect the homes below fully. Which is it? Planning staff has already inadvertently proved the point. The proposed pin piers are not a seawall, they are not a revetment, they are not a shore line protection structure, they are engineered to be a landslide mitigation measure and there is absolutely zero code that disallows such structures.

This whole absurd process occurred because of that very simple fact.

Thank you for your consideration.

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