

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

April 30, 2014

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: May 28, 2014

Agenda Item #: 8 Time: After 9:00 a.m.

Subject:

Appeal of the approval of Coastal Development Permit 141027,

located partly on APN 028-142-13 (120 13th Avenue) and partly within

the right-of way for 13th Avenue.

Members of the Commission:

On April 18, 2014 the Zoning Administrator approved application 141027, a proposal to install a tied-back shotcrete upper bluff coastal stabilization structure across the end of 13th Avenue and on a portion of APN 028-142-13; to grade approximately 15 cubic yards of material to extend the existing public overlook by around 180 square feet; to construct improvements including safety fencing and to allow for the retention of an existing fence post located at the point where the top of the coastal bluff intersects the property boundary with APN 028-142-13.

Project Setting

The land at the end of 13th Avenue between the road and the top of the coastal bluff lies within the Parks, Recreation and Open Space zone district and has been used for many years as an unofficial public park and coastal overlook area. However, the area is not maintained by the County Parks and Recreation division and the improvements are minimal, consisting of two benches.

At one time there was a beach access staircase from the end of 13th Avenue, but this was very badly damaged in storm events that occurred in 1977 and 1979 and it was subsequently removed. Following this, a replacement beach access path and staircase was developed along the property line between 130 and 150 13th Avenue, about 85 feet north of the bluff at the end of 13th Avenue. However, because there is no fence or other barrier at the top of the bluff, many members of the public continue to access the beach by climbing down the steep slope and over the rip rap to the sand below. This repeated unauthorized foot traffic has, over time, caused significant erosion of the bluff face, particularly on either side of the overlook adjacent to neighboring fences.

The overlook is bordered to both the east and west by private homes and this project to construct public improvements at the overlook area was proposed and will be paid for by the owner of 120 13th Avenue (APN 028-142-13) located directly east of the overlook.

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Background

The proposed project is the result of lengthy discussions with the California Coastal Commission in conjunction with a separate application (131264), a proposal to construct a replacement garage and associated landscape improvements on APN 028-142-13. Application 131264 also included replacement of the fence that runs along the front property boundary and bordering the overlook to the top of the coastal bluff.

Because of accelerated erosion on the public side of the fence adjacent to the overlook, the existing wood fence appears to extend beyond the face of the bluff when viewed from the overlook side, whereas the erosion on the private side of the fence is minimal. In an attempt to prevent continued erosion from public use of the area, the property owner at 120 13th Avenue has in the past placed concrete around the final fence post and within the eroded area. During the review of 131264 the Coastal Commission determined that this concrete was unsightly. However, instead of requiring removal of the concrete and thereby also the final fence post, a plan was negotiated with the Coastal Commission whereby the erosion adjacent to the fence could be repaired and the face of the bluff restored to its former line as part of a larger project for improvements to the public overlook.

A draft design was then submitted to the Planning Department for initial review that proposed a tied-back shotcrete stabilization structure across the end of 13th Avenue and extending approximately 16 feet onto APN 028-142-13. To blend with the existing natural environment the proposed shotcrete structure would be colored and contoured to match the bluff face. In addition, the proposed project included grading of approximately 15 cubic yards of material to fill the areas between the proposed shotcrete wall and the eroded bluff edge in order to repair the damaged areas on both sides of the overlook. As a result, the public overlook area would be enlarged by around 180 square feet.

Because the proposed improvements are mostly within the public right-of-way, the draft design was reviewed by the Department of Public Works for conformance with current codes. As a result of this review the project was required to also include a new safety fence across the end of 13th Avenue along the ocean-facing edge of the overlook. The fence is required by the Department of Public Works to protect the public safety and to prevent continued public access down the bluff.

In order to preserve ocean and beach views to the greatest extent possible, the required safety fence has been designed to be "see-through". In ongoing discussions with the Department of Public Works and the Coastal Commission a design that included an open wire mesh with redwood posts and a chamfered redwood cap was approved as being the least visually intrusive option that would provide the required public safety while maintaining coastal views. In addition, although not a part of this project, the Coastal Commission required that the southernmost 17 feet 6 inches of the replacement front yard fence on APN 028-142-13 that is proposed to be erected in conjunction with application 131264, must be replaced with a "see-through' fence that will match this safety fence. As a result, the overlook will be further enhanced in that views to the east along the coastline that are currently blocked by the existing solid fence will be opened up allowing wider panoramic views.

On March 3, 2014 application 141027 was submitted for a Coastal Development Permit for the bluff stabilization and for improvements to the public overlook. The submitted plans were reviewed by Development Review, Environmental Planning, the County Geologist, the Department of Public Works and the Coastal Commission, and were determined to be in compliance with the prior discussions as well as with all current codes and policies. A staff report was therefore prepared recommending approval of application 141027 (Exhibit B)

A public hearing before the Zoning Administrator was scheduled on April 18, 2014. During the required public notification period correspondence was received from several neighbors on 13th Avenue, some in support of the project, but many expressing concerns about the change in the existing coastal views that would result from the safety fence (Exhibit C).

Prior to the hearing neighbors contacted the Department of Public Works requesting that the design of the proposed safety fence be revised to replace the wire mesh with vertical metal rods, to result in a fence design similar to that used along East Cliff Drive in Pleasure Point. Although this design had originally been proposed by the applicant, the Coastal Commission's original position was that the wire mesh would have the least impact on coastal views. However, as a result of this request, the Director of Public Works contacted the Coastal Commission and received confirmation in writing that this originally proposed design would be an acceptable alternative (Exhibit D).

At the hearing public comment was heard from several neighbors, generally in favor of the proposed bluff stabilization and overlook improvements, but concerned about the loss of coastal views created by the safety fence. During the ensuing discussion it was determined that the final design of the required safety fence could be revised to allow for either vertical rods or wire mesh, as preferred by the neighbors. In addition it was determined that it would be acceptable to allow a minor change to the proposed grading as suggested by the project engineer, to slightly lower the grade at the edge of the bluff/fence and to also raise the benches.

The Zoning Administrator therefore approved application 141027 with revised conditions of approval to allow for revisions to the design of the fence and the proposed grading as discussed at the hearing, so long as the final project was acceptable to the project Engineer and both the Department of Public Works and the Coastal Commission (Exhibits E & F).

Following the hearing the project Engineer, John Kasunich, met with the neighbors at the overlook at the end of 13th Avenue to discuss the proposed revisions to the grade. As a result, a revised proposal was submitted that has since been accepted by the Department of Public Works and the Zoning Administrator. The revised grading raises the benches approximately 6 inches, the greatest extent possible without exceeding safety code requirements with regard to maximum grades at the overlook (Exhibit G).

In spite of the serious attempts to work with the neighbors to provide a solution that they could support, it has not been possible to reach a mutually acceptable plan that will remove or further reduce the impact of the required safety fence while still complying with current safety codes that are required by the Department of Public Works.

Appeal of Coastal Development Permit 141027

On April 29, 2014 an appeal was filed by W. Scott McGilvray, resident at 335 13th Avenue, Santa Cruz. In his letter of appeal dated April 28, 2014 (Exhibit A), Mr. McGilvray sets out his reasons for the appeal. These reasons are summarized below:

- 1. The 42" safety fence proposed with the bluff stabilization is a visual blight.
- 2. The proposed shotcrete bluff stabilization structure will create a greater hazard than currently exists.
- 3. The bluff is no longer subject to rapid erosion.
- 4. Alternative stabilization methods, such as vegetation, would be a preferred solution.

The 42" safety fence proposed with the bluff stabilization is a visual blight

Although the proposed safety fence will alter the existing unprotected view from the benches at the end of 13th Avenue, great care has been taken to design a fence that has the minimum amount of impact on public views while maintaining public safety.

The design of the safety fence is in accordance with section 1013 of the California Building Code which requires a minimum 42 Inch height (section 1013.3) and the maximum size for an opening in a fence of 4 inches (section 1013.4).

The proposed shotcrete bluff stabilization structure will create a greater hazard than currently exists

The proposed shotcrete that will be laid over the existing bluff face will not create a "slide" that will be an "attractive nuisance" appealing to, "especially young males", as alleged by the appellant, in that the shotcrete will have a rough texture that will not be conducive to sliding. Although it may be possible to climb over the proposed safety fence, the fence is intended to protect the general public from tripping and falling accidents and cannot be designed to eliminate dangerous behavior.

Further, the existing signs directing the public to the official beach access are small and not readily visible, therefore many members of the public from outside the immediate neighborhood scramble down the bluff, unaware of the paved public pathway and stairs that is located just 85 feet north from the end of 13th Avenue. To remedy this situation, the applicant has been required, as a condition of approval of Coastal Development Permit 141027, to work with the Department of Public Works to provide better signage at the overlook and also on 13th Avenue at the top of the official beach access that will help to direct people to the beach via the official paved pathway.

The bluff is no longer subject to rapid erosion

Although coastal erosion patterns were changed by the development of the harbor, the main concern at the 13th Avenue overlook at this time is the erosion that has already been caused by unauthorized pedestrian movements up and down the bluff over time. This repeated incursion over steep slopes characterized by loose, easily dislodged material, has resulted in deep gullies at the bluff face, particularly at either side of the overlook adjacent to the private residential properties. The proposed shotcrete bluff

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stabilization structure allows for the repair of these eroded gullies and the restoration of the edge of the bluff to the approximate line that existed prior to its erosion caused by pedestrian movements. As a result the size of the overlook area will be increased by approximately 180 square feet, restoring the area to approximately its former size.

Alternative stabilization methods, such as vegetation, would be a preferred solution

Although, once established, vegetation can provide some protection against erosion, the use of planting to repair the existing erosion and to deter established pedestrian circulation routes is not feasible. First, without irrigation it would be extremely difficult to establish plants on the steep, dry slopes of the bluff and second, in order to give the plants time to become established sufficiently to prevent pedestrian traffic, the entire planting area would need to be protected by fencing for several years, if not in perpetuity. Such fencing would likely have the same visual impact as the proposed safety fence and there would be added visual impacts from the mature vegetation.

Conclusion

The proposed upper bluff stabilization and other associated improvements will enhance the existing public beach overlook at the end of 13th Avenue by restoring areas of the bluff top that have been eroded by pedestrian traffic. This will result in an overall increase in the size of the overlook area by approximately 180 square feet. In addition the area will be re-graded slightly to create a more level walking surface. Although the bluff edge is currently open, the proposed safety fence that is required by the Department of Public Works has been designed to have the least visual impact possible to maintain coastal views while protecting public safety. The visual impacts from this fence will be minimal. Further, although not included within this application, the fence along the front property line at the adjacent private property to the east, APN 028-142-13, that is currently solid wood, will be replaced with an open "see-through" fence that will match the safety fence of the overlook. This related project will therefore open up wider views that are not currently available.

The proposed project will not interfere with public access to the beach since, although access down the bluff to the beach will be blocked by the new safety fence, the existing beach access staircase, located 85 feet north of the overlook, will continue to be available. Further, as a condition of approval of this project the applicant will be required to work with the County of Santa Cruz, Department of Public Works, to provide signage that better directs the public to the official beach access.

Recommendation

The proposed installation of a shotcrete upper bluff stabilization structure, and associated improvements to the public beach overlook is consistent with all County General Plan policies and ordinances, and staff recommends that the Planning Commission uphold the decision of the Zoning Administrator and take the following actions:

 Approve Application No. 141027 with revised conditions as approved by the Zoning Administrator;

- Certify the CEQA Categorical Exemption of Application 141027; and
- Deny the appellant's appeal of the Zoning Administrator's approval of this application.

Sincerely,

Lezanne Jeffs Project Planner Development Review

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Steven Guiney AICP Principal Planner Development Review

Exhibits:

- A. Letter of appeal submitted by W. Scott McGilvray, dated April 28, 2014
- B. Staff Report to the Zoning Administrator
- C. Late public comments and correspondence submitted prior to, or at the Zoning Administrator hearing of April 18, 2014
- D. E-mail correspondence between the department of Public Works and the California Coastal Commission
- E. Alternate safety fence design
- F. Revised conditions of approval as approved by the Zoning Administrator
- G. Approved revisions to the proposed grading at the overlook
- H. Additional appeal materials submitted May 12, 2014 by William F. Clark

W. Scott McGilvray 335 13th Ave. Santa Cruz CA 95062

Email: wscottmcgilvray@yahoo.com

Planning Department County of Santa Cruz, Room 400. 701 Ocean St. Santa Cruz, CA 95060 April 28, 2014

Re: Appeal of Zoning Administrator Decision, April 18, Item #4, of the hearing agenda.. #141027**

My name is Scott McGilvray. I am a resident of 13th Avenue. My address is 335 13Th avenue, Santa Cruz, 95062. I am appealing the decision of the Zoning Administrator to approve the proposal for a bluff stabilization project at the end of 13th Avenue. The applicant is Charlene Atack, Atack and Penrose, LLP. The parcel APN is 028-142-13.

I was the president and owner of Jensen Corporation, Landscape Contractors for 25 years. Jensen Corporation builds parks and public spaces, among them the Apple and Oracle world headquarters and the recent expansion of Cabrillo College. I have an "A" contractor's license, inactive. In my work I have considerable experience dealing with what is termed an "attractive nuisance."

"attractive nuisance doctrine n. a legal doctrine which makes a person negligent for leaving a piece of equipment or other condition on property which would be both attractive and dangerous to curious children. These have included tractors, unguarded swimming pools, open pits, and abandoned refrigerators. Liability could be placed on the people owning or controlling the premises even when the child was a trespasser who sneaked on the property. Basically the doctrine was intended to make people careful about what dangerous conditions they left untended. Some jurisdictions (including California) have abolished the attractive nuisance doctrine and replaced it with specific conditions (e.g. open pit and refrigerators) and would make property owners liable only by applying rules of foreseeable danger which make negligence harder to prove." Free legal dictionary, online definition.

Here are the reasons for the appeal:

1. The 42" safety fence proposed with the bluff stabilization is a visual blight. It is directly in the site line of the beach and the surf when viewed from the existing benches. The serenity, excitement, majesty or other emotion of the view is destroyed by the 4"x4" horizontal beam and the vertical bars 4" on center.



- 2. The solution created by the bluff stabilization plan creates a hazard that is worse than the existing condition. The 42" safety fence can be easily climbed. The other side will have a 33' long concrete slide, angled at 25 degrees. 25 degrees is the angle of a playground slide. This creates what is called an "attractive nuisance." This is appealing to persons, especially young males, who will see this as a shortcut down to the beach. Therefore the liability of the county is increased if this project is permitted and constructed. The current condition (an uneven bluff with considerable vegetation) is uncertain and acts as a restraint to approach. My wife and I have sat on the benches for 13 years on this bluff, and notice the effect of the uneven and unpredictable on the curious.
- The bluff is alleged to be rapidly eroding. This is questionable. While substantial erosion has occurred at this bluff over the last 100 years, two actions have arrested the erosion.
 a. The street does not slope down 13th Ave. to the end. Therefore there is no large
 - a. The street does not slope down 13th Ave. to the end. Therefore there is no large amount of water running to the end of 13th and over the bluff. It is estimated that not more than 500 sq. ft. are sloped toward the ocean, thus runoff is minimal.
 - b. The construction of the harbor has turned the beach into a depository of additional sand. Each year the width of the beach grows and the ocean recedes.
- 4. The proposed bluff stabilization material is concrete. Other materials, particularly vegetation, would provide better stabilization and less exposure to the county from falls or other accidents at the bluff edge.

Enclosed is a check for \$1,200 as required to file the appeal.

Sincerely yours,

Scott McGilvray





COUNTY OF SANTA CRUZ RECEIPT FOR PAYMENT

CASHIER: GF

APPLICATION NO.

PARCEL NO.

141027

028-142-13

DATE: 04/29/2014

TIME: 9:08.41

RECEIPT NUMBER: 21575

TRANSACTION		FUNDING FOR		FEE AMOUNT
141027				<u> </u>
Fee Paid		NAC-Appeal Zoning AdmEnvCoord Non-Applic		\$1,200.00
				\$1,200.00
TOTAL DUE				\$1,200.00
PAYMENT TYPE	CHECK NO.	RECEIVED FROM		•
Check	8251	Leslie/Scott McGilvray		\$1,200.00
			TOTAL PAID	\$1,200.00
			CHANGE	\$0.00
			OVER PAYMENT	\$0.00



Staff Report to the Zoning Administrator

Application Number: 141027

Applicant: Charlene Atack

Owner: Reed Geisreiter / County of Santa Cruz

APN: 028-142-13 / No-APN-Spec

Agenda Date: April 18, 2014

Agenda Item #: 4 Time: After 9:00 a.m.

Project Description: The proposal is to install a tied-back shotcrete upper bluff coastal stabilization structure across the end of 13th Avenue and on a portion of APN 026-142-13, to grade approximately 15 cubic yards of material to extend the existing public overlook by around 180 square feet, to construct improvements including safety fencing and to allow for the retention of an existing fence post located at the point where the top of the coastal bluff intersects the property boundary with APN 028-142-13, in the R-1-6 and PR zone districts. This requires a Coastal Development Permit.

Location: The project is located at the southern end of 13th Avenue and on a portion of the parcel to the east of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

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

Permits Required: Coastal Development Permit

Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141027, based on the attached findings and conditions.

Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Letters from Haro, Kasunich and Associates dated October 15, 2010, May 31, 2012, and November 6, 2012.
- G. Comments and correspondence.

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

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

Parcel Information

Parcel Size:

12,850 square feet / N/A

Existing Land Use - Parcel:

Single-family dwelling / Public beach overlook

Existing Land Use - Surrounding:

Residential neighborhood and beach/ocean

Project Access:

13th Avenue Live Oak

Planning Area: Land Use Designation:

R-UL / O-R (Urban Low Residential / Existing Parks and

Recreation!)

Zone District:

R-1-6 / PR (Single-family Residential / Parks Recreation

and Open Space)

Coastal Zone:

X Inside __ Outside

Appealable to Calif. Coastal

X Yes

__ No

Comm.

Environmental Information

Geologic Hazards:

Coastal bluff

Soils:

Pinto Loam
Not a mapped constraint

Fire Hazard:

Steep coastal bluff

Slopes: Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

15 cubic yards of fill to repair eroded top of bluff

Tree Removal:

No trees proposed to be removed

Scenic:

Coastal/beach viewshed

Drainage:

Preliminary plans approved by the Department of Public Works,

Stormwater Division.

Archeology:

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

X Inside _ Outside

Water Supply:

Santa Cruz City Water District

Sewage Disposal:

Santa Cruz county Sanitation District

Fire District:

Central Fire Protection District

Drainage District:

Zone 5

Background

A portion of the land that lies within the right-of-way for 13th Avenue, between end of the road and the top of the coastal bluff, has been used for many years as an unofficial small public park and coastal overlook area. The area is not maintained as a public park by the County Parks and Recreation division and improvements in this area are minimal. At one time there was a beach access staircase from the end of 13th Avenue to the beach below, however these stairs were very badly damaged in storm events that occurred in 1977 and 1979 and were removed. Due to the high cost of providing a replacement staircase in an area subject to repeated tidal action, the County determined that it was infeasible to construct a replacement staircase in this location and

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

closed the area to pedestrian traffic. In June 1983 the County instead accepted a 5 foot beach access easement adjacent to 150 13th Avenue (Resolution 328-83) and the decision was made to relocate the 13th Ave stairway to this location. This revised coastal access was also approved subject to Coastal Commission Permit XS-82-37.

Although the beach access staircase was removed and the area closed, there is no fence or other barrier, and many members of the public have continued to access the beach by climbing down the coastal bluff and over the rip rap to the sand below. This repeated unauthorized foot traffic has, over time, caused significant erosion of the bluff face. In the past, residents on the street have been concerned about the impacts to the 13th Avenue bluffs from users and have contacted the Parks Department to do erosion control protection and prevent beach access. The Department of Public Works only maintains the paved area of the public street and the guardrail.

Permit History

On January 18, 2013 Coastal Development Permit, Residential Development Permit and Variance 121143 was approved by the Zoning Administrator for the construction of a replacement garage at 120 13th Avenue (APN 028-142-13), to the east of the overlook at the end of 13th Avenue. This permit included the construction of a replacement fence along the front property line adjacent to the public overlook at the end of 13th Avenue and other landscape and yard improvements. The California Coastal Commission reviewed the approved staff report and plans for 121143 and determined that the project was inconsistent with a previous Coastal Permit, P-77-0933, that had been issued by the Commission in 1977 for the fence along the western/front property line.

Because of this and other concerns about the proposed project, the Coastal Commission indicated that they would call the project up on appeal. To avoid this, the property owner worked with the Coastal Commission to revise their project to reflect an acceptable design for the replacement front yard fence, along with other required modifications to 121143.

Application 131264 was submitted on October 25, 2013 for a Minor Variation to Coastal Development Permit, Residential Development Permit and Variance 121143 for the agreed upon revisions. However, that application cannot be approved until the proposed bluff stabilization project has been approved to allow for the retention of the existing final fence post at the bluff edge.

Project Setting

The existing public overlook is located at the southern end of 13th Avenue beyond a metal guard rail that is located at the end of the paved street. The coastal bluff is approximately 24 feet in height and protected at its base by rip-rap. South of the overlook is the beach and the Pacific Ocean. The overlook area is mostly unimproved except for the provision of two public benches, and is characterized by bare trampled earth in the most heavily trafficked areas with unmaintained grass areas around the periphery. At the southeastern corner of the overlook there is a well worn pathway down the coastal bluff that has been created by repeated public access from 13th Avenue to the beach below.

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

The overlook is bordered to both the east and west by private homes. The street is continuously developed on both sides and constitutes a mixed neighborhood that is made up of mostly older one and two story single-family residential homes with some newer or remodeled structures.

Proposed Project

A tied back shotcrete stabilization structure is proposed to be installed across the end of 13th Avenue which will extend approximately 16 feet onto APN 128-142-13. In addition, approximately 15 cubic yards of fill will be added between the proposed shotcrete structure and the existing eroded bluff edge and this will enlarge the public overlook area by around 180 square feet. The shotcrete wall will be colored and contoured to blend with the existing bluff face.

To protect the public safety and also to prevent continued public access down the bluff, a new safety rail is proposed to be erected along the ocean-facing edge of the overlook. This fence has been designed using an open wire mesh with redwood posts and a chamfered redwood cap that will protect public safety while providing the minimal obstruction to the public views of the beach and ocean. The southernmost 17 feet 6 inches of the proposed front yard fence on APN 028-142-13 (to be erected in conjunction with application 131264) will match this safety rail. As a result, public views to the east and along the coastline that are currently blocked by the existing solid fence, will be opened up, thereby enhancing the public overlook.

Zoning & General Plan Consistency

The public beach overlook is located in the Parks Recreation and Open Space (PR) zone district, a designation which allows recreational and open space uses. The proposed bluff stabilization and public overlook improvements are a principal permitted use within the zone district and the zoning is consistent with the site's Existing Parks and Recreation (O-R) General Plan designation.

The portion of the proposed bluff stabilization that will be on APN 028-142-13 lies within the R-1-6 (Single-family Residential) zone district, a designation which allows for the repair and maintenance of existing topographic features. The proposed bluff stabilization, which will help protect the proposed front yard fence, is therefore allowed within the zone district and the zoning is consistent with the property's Urban Low Residential (R-UL) General Plan designation.

Local Coastal Program Consistency

The proposed upper bluff stabilization is in conformance with the County's certified Local Coastal Program, in that the proposed project will be designed to be visually compatible, in scale with, and integrated with the character of the existing coastline. The exposed concrete surfaces of the proposed structure will have a contoured surface that follows natural bluff landforms in the vicinity to help to blend the structure into the existing natural bluff face. In addition, the concrete surface will be colored to match the color of the bluff face so that it will be natural in appearance. The proposed bluff stabilization will enhance an existing public overlook and expand the area by around 108 square feet.

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APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

The proposed upper bluff stabilization and public overlook improvements will not interfere with public access to the beach, ocean, or any nearby body of water. Although an unofficial beach access will be blocked by the provision of a new safety fence at the top of the bluff an existing beach access staircase is located approximately 85 feet north of the project site and this facility will continue to be available to public use. As a condition of approval of this project the applicant will be required to work with the County of Santa Cruz, Department of Public Works, to provide signage that directs the public to the official beach access.

Existing coastal views will be protected in that the proposed safety fence has been designed utilizing an open mesh that will minimize view impacts. In addition, in conjunction with an associated project on the adjacent residential property adjacent to the overlook, an existing solid board fence will be replaced with a see-through fence with a design to match the proposed safety rail, thereby opening up public views to the east and along the coastline that are currently not available.

Design Review

The proposed bluff stabilization and public beach overlook improvements complies with the requirements of the County Design Review Ordinance, in that the proposed shotcrete structure will be textured and colored to blend with the existing coastal bluff to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Further, the proposed safety rail has been designed to incorporate redwood posts and a chamfered redwood cap with an open wire mesh to minimize the impact of the fence on coastal scenic views.

Environmental Review

Environmental Review has not been required for the proposed project since, as proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 1, Existing Facilities (1530), in that the proposed bluff stabilization and public beach overlook improvements will be constructed mostly within an area designated for recreational uses with only a minor extension of the proposed work onto an adjacent residential parcel. The proposed repair and minor alterations to the coastal bluff to improve the existing public overlook will result in negligible expansion of the existing recreational use and no expansion to the adjacent residential use.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 141027, based on the attached findings and conditions.

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APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

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

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

Report Prepared By: Lezanne Jeffs

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-2480

E-mail: <u>lezanne.jeffs@co.santa-cruz.ca.us</u>

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application N	umber: 141027
Assessor Parce	el Number: 028-142-13 / No-APN-Spec
Project Location	on: 120 13th Avenue / Street, Santa Cruz
Project Descr	iption: Proposal to install a tied-back shotcrete upper bluff coastal stabilization structure across the end of 13th Avenue and on a portion of APN 028-142-13, to grade approximately 15 cubic yards to extend the existing public overlook by around 180 square feet and install fencing.
Person or Age	ency Proposing Project: Charlene Atack
Contact Phon	e Number: (831) 515-3344
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C	<u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
D	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. <u>X</u>	Categorical Exemption
Specify type:	Class 1 – Existing Facilities (Section 15301)
F. Reason	ns why the project is exempt:
Repairs and m of use.	inor alterations to existing topographical features involving negligible expansion
In addition, no	one of the conditions described in Section 15300.2 apply to this project.
	Date:
Lezanne Jeffs	Project Planner

EXHIBIT A

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

The portion of the right-of-way for 13th Avenue that is located beyond the end of the paved street is zoned for Parks Recreation and Open Space (PR), a designation which allows for recreational uses. The proposed bluff stabilization will improve an existing small public beach overlook and is therefore a principal permitted use within the zone district, and the zoning is consistent with the site's Existing Parks and Recreationl (R-UL) General Plan designation.

The portion of the proposed bluff stabilization that will be on an adjacent residential parcel, APN 028-142-13, lies within the R-1-6 (Single-family Residential) zone district, a designation which allows for the repair and maintenance of existing topographic features. The proposed bluff stabilization, which will help protect the existing fence post that is located at the edge of the coastal bluff, is therefore allowed within the zone district. The zoning of that parcel is consistent with the property's Urban Low Residential (R-UL) General Plan designation.

Therefore this finding can be made.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site. Further, the proposed bluff stabilization will enhance an existing public overlook and expand the area by around 108 square feet. The existing beach access that is located approximately 85 feet north of the public overlook will continue to be available and improved signage is proposed as a condition of approval of this project to better direct the public to this facility.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

The exposed concrete surfaces of the proposed bluff stabilization structure will have a contoured surface that mimics natural bluff landforms in the vicinity to help to blend it into the natural and existing bluff face. In addition, the concrete surface will be colored to match the color of the bluff face so that it will be natural in appearance. The color, texture, and undulations of the seawall surface will be maintained throughout the life of the structure.

Therefore this finding can be made.

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Owner: Reed Geisreiter / County of Santa Cruz

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project will enhance an existing public beach overlook that is located within the public right-of way at the end of 13th Avenue, between the end of the paved road and the coastal bluff. The proposed stabilization of the bluff face, repair of the bluff edge and addition of new safety railings will not interfere with public access to the beach, ocean, or any nearby body of water in that an existing beach access staircase is located approximately 85 feet north of the project site and this facility will continue to be available to public use. Existing coastal views will be protected in that the proposed safety fence has been designed utilizing an open mesh that will minimize view impacts. In addition, in conjunction with an associated project on the residential property adjacent to the overlook, an existing solid board fence will also be replaced with a see-through fence with a design to match the proposed safety rail, thereby opening up public views to the east and along the coastline that are currently not available.

The project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the proposed upper bluff stabilization and improvements to the existing public coastal overlook will be sited and designed to be visually compatible, in scale, and integrated with the existing coastal landscape and with the adjacent neighborhood. Additionally, recreational and public uses uses are allowed uses in Parks Recreation and Open Space (PR) zone district, as well as in the General Plan and Local Coastal Program land use designation.

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for recreational and private residential yard uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. Further, the proposed upper bluff stabilization structure has been designed in accordance with the recommendations of both a consulting Geotechnical Engineer and Geologist and has been reviewed by the County Geologist for conformance with the Geologic Hazards ordinance, chapter 16.10 of County Code. The proposed bluff stabilization will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be constructed over the existing bluff face.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

The proposed location of the upper bluff stabilization structure and associated public improvements within the right-of-way for 13th Avenue, and the conditions under which they will be operated or maintained, will be consistent with all pertinent County ordinances and the purpose of the Parks Recreation and Open Space (PR) and Single-family Residential (R-1-6) zone districts. This finding can be made in that the primary use of the property will continue to be a public beach overlook adjacent to existing residential properties and the bluff stabilization meets all current site standards for the respective zone districts in which it is located.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed stabilization use is consistent with the use and density requirements specified for the Existing Parks and Recreationl (O-R) and Urban Low Residential (R-UL) land use designations in the County General Plan.

Further, the safety fence that will be erected in conjunction with the proposed bluff stabilization and public overlook improvements will be constructed using an open mesh design so as to minimize the impact on existing public views as specified in Policy 5.10.3 (Protection of Public Vistas).

The General Plan/Local Coastal Program sets out a hierarchy of land use priorities within the Coastal Zone. The first priority is agriculture and coastal dependant industry, the second priority is recreation, including public parks, visitor serving commercial uses and coastal recreation facilities, the third priority is private residential, general industrial and general commercial uses. Because the surrounding area is a densely developed urban neighborhood, the land uses and zoning designations in the area are for residential uses and parks and recreation. There are no existing or potential sites for higher priority coastal uses such as agriculture or coastal dependant

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

industry. The maintenance and enhancement of the existing coastal overlook is therefore in conformance with the public access and coastal recreation, policies, standards as set out in Policy 2.22.1 (Priority Uses within the Coastal Zone).

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed bluff will not require the use of any public utilities and will not change the level of traffic generated by the existing coastal overlook.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

The proposed upper bluff stabilization structure and fencing improvements will enhance an existing public overlook and therefore serve to upgrade the appearance of the neighborhood. Exposed concrete surfaces of the proposed bluff stabilization structure will have a contoured surface that mimics natural bluff landforms in the vicinity to help to blend it into the natural and existing bluff face. In addition, the concrete surface will be colored to match the color of the bluff face so that it will be natural in appearance. The proposed safety rail has been designed to incorporate redwood posts and a chamfered redwood cap with an open wire mesh that will minimize the impact of the fence on coastal scenic views and will be compatible with the existing, widely varying, physical design aspects of the neighborhood..

Therefore this finding can be made.

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

This finding can be made, in that the proposed shotcrete structure will be textured and colored to blend with the existing coastal bluff to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Further, the proposed safety rail has been designed to incorporate redwood posts and a chamfered redwood cap with an open wire mesh, to minimize the impact of the fence on coastal scenic views. Therefore the proposed bluff stabilization and public overlook improvements will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and enhance the open space that is available to the surrounding area.

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Owner: Reed Geisreiter / County of Santa Cruz

Conditions of Approval

Exhibit D: 6 sheets prepared by Haro, Kasunich and Associates, Inc., dated 2/20/2014.

- I. This permit authorizes the construction of a tied-back upper bluff stabilization stucture with a wire mesh safety fence, associated grading of around 15 cubic yards of material between the existing edge of the bluff and the new structure to extend the overlook area by approximately 180 square feet and the retention of the existing fence post at the edge of the coastal bluff on the property line with APN 028-142-13. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final engineered plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. Supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval for the proposed shotcrete upper bluff protection structure to show conformance with the following requirement:

All concrete surfaces shall be contoured surface that mimics natural bluff

APN: 028-142-13 / No-APN-Spec

Owner: Reed Geisreiter / County of Santa Cruz

landforms in the vicinity to help to blend it into the natural and existing bluff face. In addition, the concrete surface will be an irregular colored nozzle finish to match the color of the bluff face so that it will be natural in appearance. The color, texture, and undulations of the seawall surface shall be maintained throughout the life of the structure.

- 2. The proposed safety fence will be 42" high as required by County code and will include 4" x 4" wire fence that is designed to be see-through as per submitted plans.
- 3. Grading, drainage, and erosion control plans.

NOTE: No additional drainage shall be directed toward the bluff. The irrigation plan, if one is necessary, shall be reviewed and approved by the geotechnical engineer prior to building permit approval

- 4. A stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control Best Management Practices Manual. The Manual may be found on our website at sccoplanning.com by navigation to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
- 5. Provide additional copies of the October 15, 2010, May 31, 2012, and November 6, 2012 letters from Haro, Kasunich and Associates.
- 6. Provide a construction staging and access plan to be reviewed by the County Geologist.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. A drainage fee will be assessed on the net increase in impervious area. The fees are currently \$1.14 per square foot, and are subject to increase based on the fee amount applicable at the time of permit issuance. Reduced fees (50%) are assessed for semi-pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.

For fee calculations please provide tabulation of new impervious and semiimpervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built

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- D. Provide an assessment of the existing onsite drainage systems. Identify any problems and proposed any needed improvements. Make clear on the plans how runoff directed toward the proposed bluff stabilization structure will be controlled and directed to a safe point of release
- E. Record a maintenance agreement for all improvements within the County right-of-way (as noted in the permit description) to state that all improvements shall be the responsibility of the property owner for 120 13th Avenue (028-142-13). This requirement shall run with the land and is required to be recorded on the property deed. Prior to recordation the maintenance agreement shall be approved by the Department of Public Works, Encroachment Division.
- F. Work with the Department of Public Works to provide signage designed to direct the public at the beach overlook area and on 13th Avenue to the existing beach access staircase. Submit details of the final, agreed upon signs.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. No equipment shall be used on the beach and any impacts must be minimized and any disturbances along the access route must be restored to pre-construction conditions upon project completion.
 - D. To the extent that is reasonably practical public access to the public overlook shall be maintained throughout the duration of construction of the project.
 - E. The project must comply with all recommendations of the project Geotechnical Engineer and Geologist.
 - F. Prior to Building Permit final the applicant shall submit:
 - a. Final inspection form signed and stamped by the soils engineer.
 - b. Final inspection form signed and stamped by the project geologist.
 - c. Final inspection form signed and stamped by the civil engineer.
 - G. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons

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Owner: Reed Geisreiter / County of Santa Cruz

shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. All improvements within the right-of-way for 13th Avenue shall be maintained in accordance with all provisions of the recorded Maintenance Agreement as approved by the Department of Public Works, Encroachment Division.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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Owner: Reed Geisreiter / County of Santa Cruz

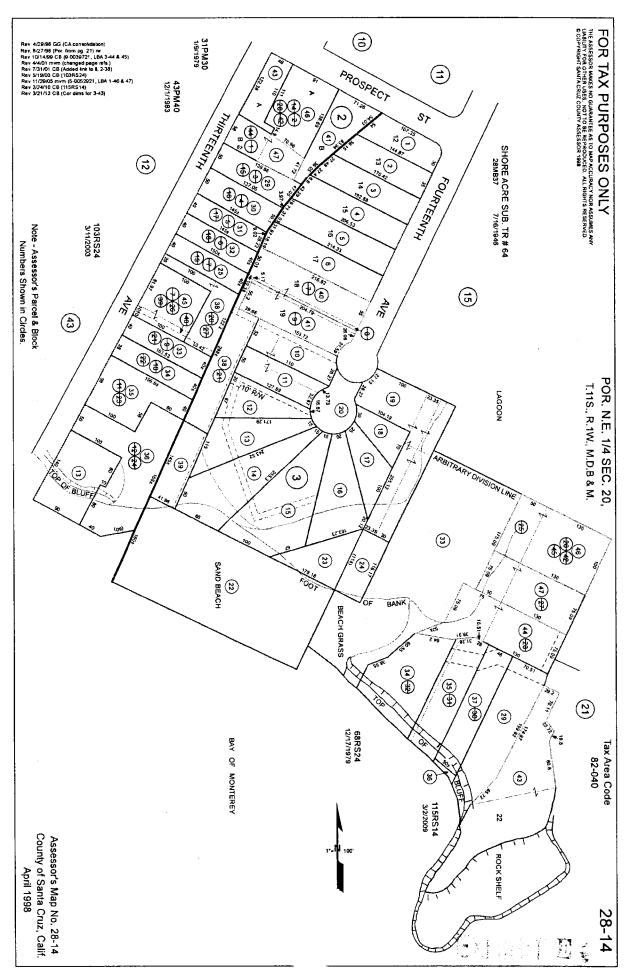
D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date:		
Effective Date:		
Expiration Data:		
Expiration Date:		
Expiration Date:		
Wanda Williams	Lezanne Jeffs	

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



APN MAPS

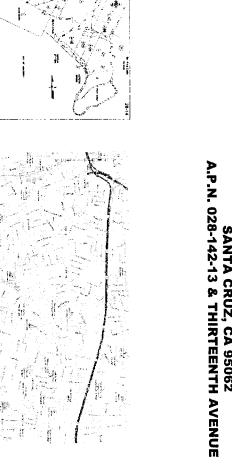
SHEET 5 - AERIAL PHOTO

SHEET 6 - FENCE DETAILS SHEET 4 - GENERAL NOTES SHEET 3 - CROSS SECTIONS

SHEET 2 - PLAN VIEW

SHEET 1 - TITLE SHEET SHEET INDEX

120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCEL **COASTAL OVERLOOK IMPROVEMENT PLANS SANTA CRUZ, CA 95062**

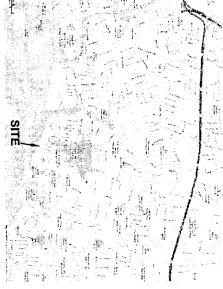


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County of Santa Cruz (Thirteenth Avenue Parcel)

And

Reed Geisreiter 120 Thirteenth Avenue Santa Cruz, CA 95062 (APN 028-142-13)

PROPERTY OWNER:

PLAN PREPARERS:

Mark Foxx, C.E.G. 1493 HARO, KASUNICH & ASSOCIATES, INC. Watsonville, CA 95076 (831)722-4175 (831)722-3202 FAX 116 East Lake John Kasunich, G.E. 455

PROJECT SURVEYOR:

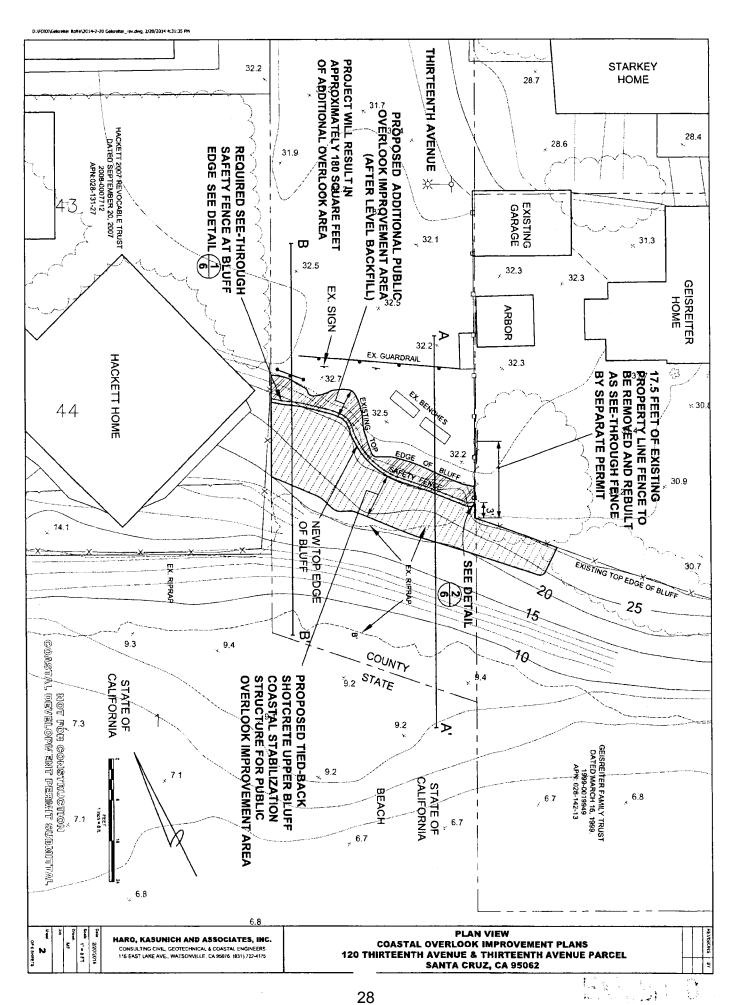
Bryan Happee, P.L.S. 8229 DUNBAR & CRAIG 1011 Ceder St Senta Cruz, CA 95060 (831) 426-3560

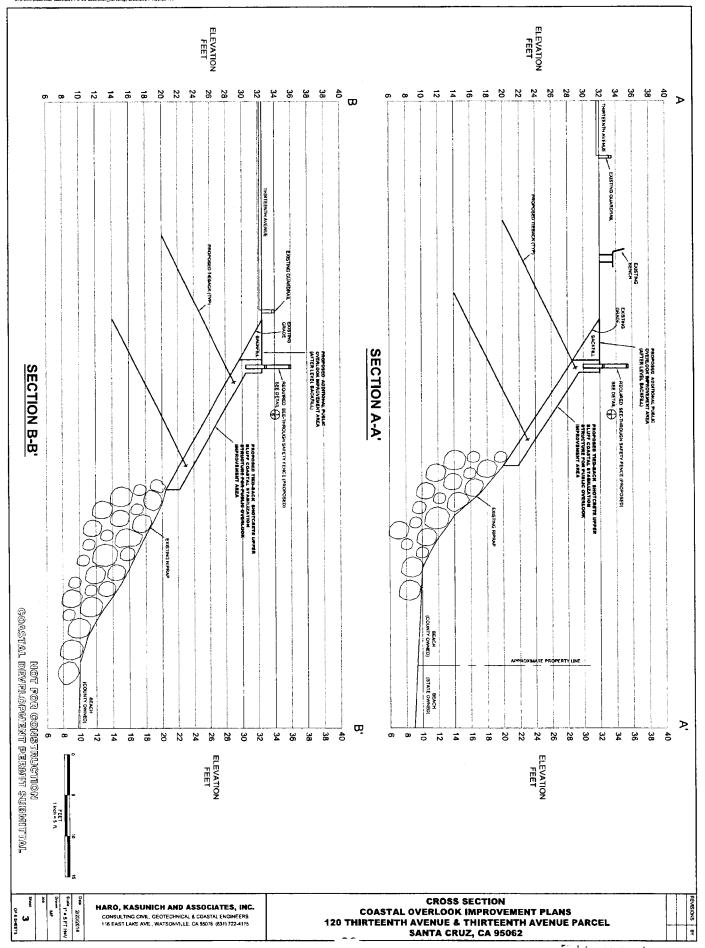
Show 1	à	Drawn	SCHO AS SHOW	Date 2/20/2014	HARO, KASUNICH AND ASSOCIATES, INC. CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS. 116 EAST LAKE AVE., WATSONVILLE CA 85076 (831) 722-4175
HEET'S			TO NO.	2014	116 EAST LAKE AVE., WATSONVILLE, CA 85076 (831) 722-4175

COASTAL DEVELOPMENT PERMIT SUBMITTAL NOT FOR CONSTRUCTION

TITLE SHEET		
COASTAL OVERLOOK IMPROV	EMENT PLANS	
120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCE		
SANTA CRUZ, CA 95	062	

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EXI Hari

GENERAL NOTES

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RESIDENTIAL ACCESS PROTECTION

The proposed work is partly on Santa Crue County property. The proposed construction access route is a brig. Trickearth Aurora to where it code at the dop of the constat build. Impacts to the access route must be minimized. The impact of beach access and readerfell access must be minimized. Appropriat agrains that he used to make aura that black have show what to do as they exported the work seles. EXAMINATION OF JOB SITE, PLANS AND SPECIFICATIONS

A. The Commission shall examine specifying size of were and the Pares and Specifications The submission is a skill easily account and evidence in the Commission Commission for the submission of the Specific Spe B Red Cleanier is 120 Threath Americ Serior Oct. Courty is the Dorse of Threath Americ Hon.
Kausch and Associate. Combing Geometrical Coasiant and CNE Express is the Express for the
project and will represent the Dometra during design and construction of the project. Here, Kauschis and
Associates, Combing Geotechnoid, Coasiant and CNE Express are the Express for the project expresent the project applicant during design and construction of the poject.

C. The contender shall recognize that the plans used for the drawings of the Seawall Structures may differ from the actual physical sits. Dimensions are approximate, before proceeding with the work, if shall the the Contractor is represented, but check the sits in mattern to the deswings and specifications. Report any distinguished to the Commercial to the Commercial

D The Contact must stand a peakl making with its Explant pool to standing a price in complete complete in the propose sect. This Contract may be equited to attack 6 per-contraction making with the Explant in the commencement of conduction. The purpose of these meetings is no the Contractor may ask questions constring this sort and to make suce the Contractor understands the permit conductor and environmental constructs.

COMPLIANCE WITH CODES:

A. All construction and materials shall be as specified and an equined by the California Building Code. The Building Code is shalling Code Standard, locally enforced occess and surfamilies. All anches is materials and equipment shall be installed applied and companded as described by the manufacturar's based written specifications accept where otherwise noted.

5. The Contrador shall keep himself they informed of all applicable codes, him, contractus and regulations of any justication or authority, and shall achieve strictly frames. Compliance with all laws, colorances and regulations of Factoria, State, County and Local agencies shall lake precedence over all other Contract documents.

), drainage and germal erceion control messures to be

These plans show the proposed structural work, gooding implemented as soon as possible. INSPECTIONS AND MAINTENANCE

The Owner and his representations shall have the right to inspect any malarial brought to the job tals and shall have the right to aspect any make size deserted detective or the conformity to the specification. The Registered Capation has life to a specification to the registered was the capation of the specification of the state of the specification and to contain a first projection of the strategy and almost contained by their to be take to be the specification of the strategy and almost contained to partie to be take on an action as executive made to contain a projection dates, contained and contained that notes inspection dates, contained actions needed and contained actions to be the contained and contained actions to be contained as the contained and contained actions to the contained actions the contained actions to the contain

NOTIFICATION OF ENGINEER

four (4) working days prior to any sta clearing or grading so that the title grading contractor, and arrangements for surveying, testing and

WORK HOUR RESTRICTIONS available work kame if the work is undertaken in the

Hours of operation or movement of heavy 6:00 p.m., Monday through Saturday, Such r construction equipment shall be limited to between 8.00 a.m. and noperations shall not occur on Sundays or holidays.

All equipment that will operate for extended periods of time at the type mufflers. NOSE with residential

The Contrador shall not close or obsta without the written permission of the shall be protected from damage. SITE DISTURBANCE o located t

Obstabance of the property beyond the simile of the processory such a see shall be availed as availed immediately adjects to the work area. The Conteach should appear regulaterly particularly consistent and about any impacts outside the

STARGIG AND COCATION

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Excavation: Excavated materials shall be used as backfill or disposed of where directed by Owner or Engineer at an approved dumpates

Temporary Cut Blopas: Musimum gradents shall not exceed 10:10 (HV), except in had belook Temporary cut slopes must be inspected by the Engress during exception, to determine the need by temporary bering or temporary underprinting of educant relating structures action improvements. The Compactor will be request to implement shoring as required by the Engineer and as required by CSHA and other regulatory agencies.

9

File Placement: The placement and appearing of 18 maintiels and the processing and compaction of 18 mainties by footing powering or leading shall not by some that all the placement of the placement of 18 mainties and 18 ma

Weather, bo if malerial shall be placed, speed or companied during unitworable weather conditions. When weath a managed by heavy rains, fill operations shall not insure orbified density tests belon by its Geologic Proper redicate that the most use context and density of the fill med the specified requirements.

PROTECTION OF IMPROVEMENTS

BROSION CONTROL

DUST CONTROL.

For all controls, whelming of exposed surfaces during dearing, excassion, excepting and grading, for all other than original and the end of each working that he done. Grading schilbles that he prohibited authorized that make then 30 miles are hour.

If undestimble conditions are encountered during construction, that planned at this time, Haro, Kasunich and Associates, recommendations can be given. or if the proposed construction will differ from the, shall be notified so that supplemental

MSPECTIONS AND MAINTENENCE

DRAINPIPES AND UNDERGROUND UT RUTIES

Easily, description and underground utilises which the work eres (if any) shall be boated by the Contractor and verifical under countries.

A. The Considers shall bear indexity, and podest utilities from damage. The easiling underground high processors if any) are not allowed in the contractors and account and account and accountries the contractors are reported by the contract of the foreign and extending utilities prior to particip works and processors quite latest throughout course of each.

B. The Contractors was interrupt utilities throughout course of each at Contract and each problem through participation. If the country provide impourary utilities.

C. The Contractors was intolly the Course prior to studied for each ground and the pipe and the processors. All contracts was the countries of each to country account to a proper description and the countries of the countrie

This plan above the proposed grading drainage and general excelon corroll measures to be implemented blyween October 15 and April 15, appeared and that be protected from socion at all times. Such protection may promise of multiple, generally of legislation of set-space deaths, or covering soils with plastic. Expects soils on described sepace shall be protected from existing prior to October 15.

Well Backett Relating write that he backlets with president when followed by the Egybers (Cores build Chite a Commatte America Clear | Type A, Colleton speciation (SE CCS) or X; Cost orgative great as secretal by the Egybers (Cores backet was be compresed in the lost secretary had feel thick (Great ball by passed or with the electrical and of hinth great (Dampers that was paged) the accomplates in the great to pass frought the sea section of secretal by the Engineer.

impovements on the stall be potented from damage. While impovements (such as forces, paying, or somego) need to be senowed to allow access or communities, they shall be removed and with impovements of equal quality.

During combined by erasion control measures to form of dust control, sell femas and watter fingment. shall be in place. These construction placed at the appropriate ereas of

SUPPLEMENTAL RECOMMENDATIONS

The Registered Geolectrical and Chil Expinese analon has a construction observation and to make a final replaced of the according to plan. Miles abone represents shall be conducted to the connection of the comment according to the connection according to comment according to actions in section of contractive actions taken.

SUPPLEMENTAL RECOMMENDATIONS

f undesirable conditions are encountered during construction, that planned at this time, our firm shall be notified so that supply or if the proposed construction will differ from mental recommendations can be given.

GRADING, DRAINAGE, AND EROSION CONTROL NOTES TIMETABLE

belienfous Maserials. The Contrator shall carefully accesses all materials nocessary of whetever nature, for construction of the work Any material of snowscale of editions nature discovered below the socing of the proposal ealaring wells also brought to the alteration of the Gad extrictal Engineer telline proceeding with the work.

Fooling Excavations: Excavations must be inspected by Engineer; and approved by Engineer placement of sized and concrete. Abids: Any voids expassed during excevation work shell be baddfilled as directed by the Engineer

CONSTRUCTION COORDINATOR

Contractic stall produce a constaction conditional test can be contacted during constaction, they deal of both implain (ordinate) test and the contraction of the contraction conditions the contraction conditions the contraction conditions the contraction of th

CONSTRUCTION MANAGEMENT PLAN PROVISIONS

2

Any debris generaled during construction shall be ramoved from the beach and either proposed seawall or haused offsite to an approved dumpsite. Constitution access shall be from the and of Thirteenth Avenue. We equipment shall be used on the beach imposa to the access much much be inhibited, and disturbence along the access route much be restored to pre-conduction conditions upon project completion. The tolowing provisions shall apply to the work. used as fill landward of the

Al word shall has plaze during digight from and lighting of the heart west is prohibed unless, due to estimating discretizeres, he Saint Cur Courst Planning Director of Estourne Director of the California Countil Commission authorizes non-buyight resist and/or beach and lighting Construction work and equipment operations shall not be conducted seaward of the mean high water line

and avoid contact t with ocean

All construction equipment shall remain as far landward as possible, areas. waters and insertidal

All entains and assigned controls shall be in place prior to the commercement of constitution as well as at the end of seath work day sill forces, or equivalent papersat, may be installed at the perimeter of the construction also to prevent constitution statistic prior factor sessions from statistic parts to the Parts Const. Froming may be used at the back step of the back step of the back step of the section and sediment commits as not search to contain not and/or sediments at the project stat.

Construction materials and equipment may be stored at the end of Thrisenth Avenue. The extent of overright storage areas what be kept the minimum necessary.

No work shall occur on the beach during Sundays or holidays unless, due to extensioning directionates as that is total success of the sundamental occustor), and the Santa Couz Courst Phinting Devictor or Executive Director of the California Calada Calada

All has y equipment used for opcode pouring shall be set at least 25 feet landward of the bufflop and shall use flatible focuses of included booms to deleval contrate to the proper time. Once the eny exponent may be used producibly stop the operal bufflow is able terrowed from the bufflow sharm of a use All themsy exponent and proped contribution materials that the stored on any fand along the need or dineway areas adjacent to the project size. Equipment washing, refusing, and/or servicing shall not take place on the beach, or within 100 feet of the shorelins

The construction site shall maintain good construction shit house/kepping controls and procedures (e.g., chain up at leaks, opps, and other spite immediately keep materials powered around of the sinificacting covering suppose plates of covered arounds; dispose of all wastes (purpose of all wastes) apposed or all wastes (purpose), gither all the copysible on one for the burpose, cover open tasks receppacted during wait wealther, remove any covertuction define from the basis?). Petrolum products and other hazardous materials will be kept on public roads or a dissurant of at least 100 feet from the shouline and shall be about office.

All eress distarbed by construction activities whell be restored to their original pre-construction condition completion of construction of the seawell, these areas shall be restored to their original condition or belier. ξģ

A all times during project construction activities, copies of each of the following shall be maintained in a compositious liceation at the construction page as the few and the small table for public reviews and at persons moderal with the construction shall be briefed on the constructed maintain of each prior to commercement of construction. (a) the state of the construction shall be briefed on the construction described to the construction of each prior to commercement of construction. (a) the approved final plans.

MARINE PROTECTION

To prevent any limpacts upon the marine habital, no overfunden or well centert may be altituded to adversely impact the beach or well center the titulal zone. Any sees of loose or unable coll must be seablized immediately effect other portions of the proper are finalled. Any feety equipment operation must be conducted with case near the edge of the built to prevent the settle built or the substitute and additional erosion. Case must be taken so the coastal built outside the work area are not demaged during construction.

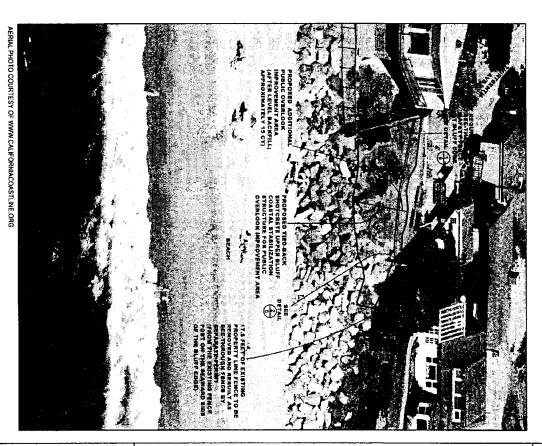
GENERAL NOTES PUBLIC ACCESS AND COASTAL PLANS 120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCEL SANTA CRUZ, CA 95062

COASTAL DEVELOPMENT PERMIT SUBMITTAL NOT FOR CONSTRUCTION

OF 6 SHEETS 2/20/2014 NONE Ę

HARO, KASUNICH AND ASSOCIATES, INC. CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS 116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

30



NOT FOR CONSTRUCTION
COASTAL DEVELOPMENT PERMIT SUBMITTAL

AERIAL PHOTOS
COASTAL OVERLOOK IMPROVEMENT PLANS
120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCEL
SANTA CRUZ, CA 95062

ENTOL

Scale NONE

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6

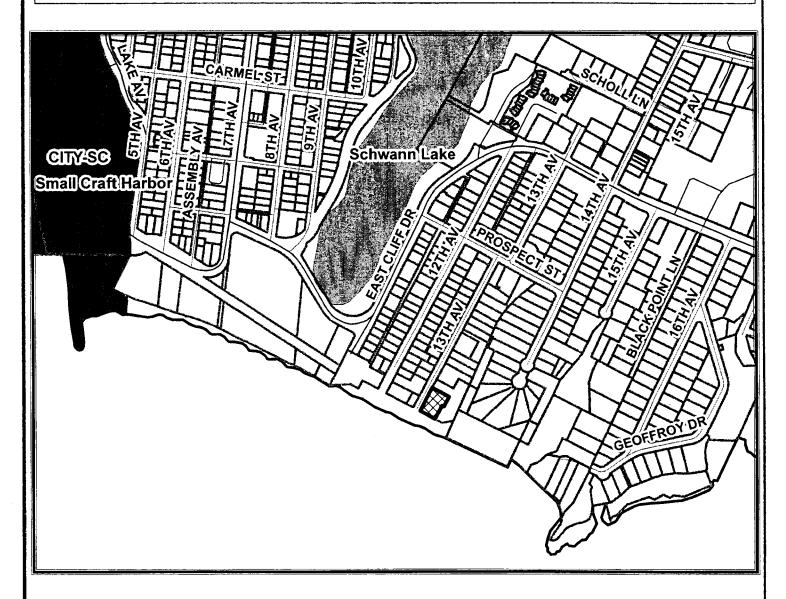
HARO, KASUNICH AND ASSOCIATES, INC.

CONSULTING CIVIL, GEDTECHNICAL & COASTAL ENGINEERS 118 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175 FENCE DETAILS
COASTAL OVERLOOK IMPROVEMENT PLANS
120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCEL

SANTA CRUZ, CA 95062



Location Map



0 425 850 1,700 2,550 3,400 Feet

LEGEND

APN: 028-142-13

Assessors Parcels

Street

CITY OF SANTA CRUZ

County Boundary

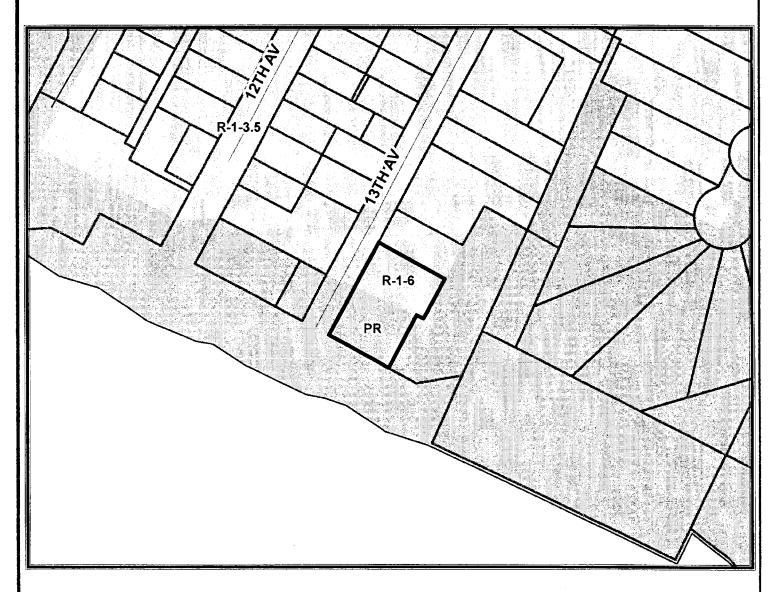
Lakes



Map Created by
County of Santa Cruz
Planning Department
April 2014



Zoning Map



0 105 210 420 630 840 Feet

LEGEND	
APN: 028-142-13	
Assessors Parcels	
Street	
County Boundary	
RESIDENTIAL-SIN	IGLE FAMILY
PARK	

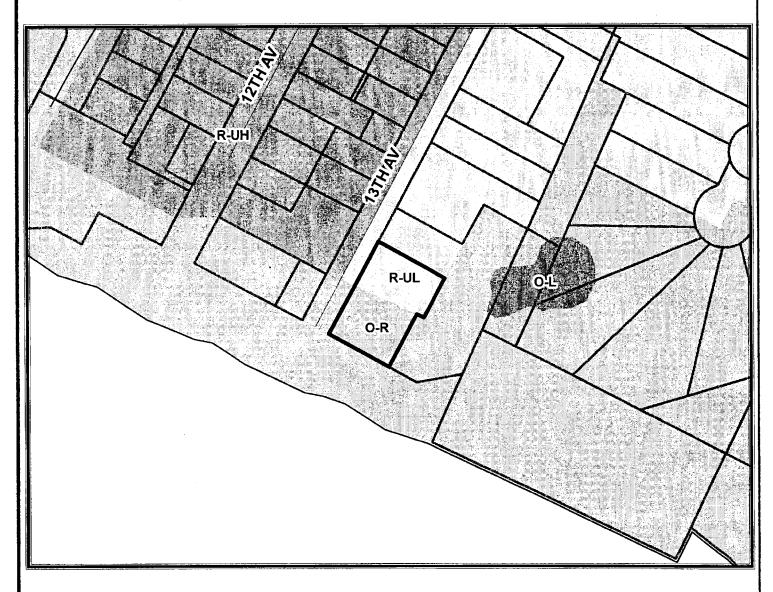


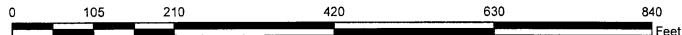
Map Created by County of Santa Cruz Planning Department April 2014

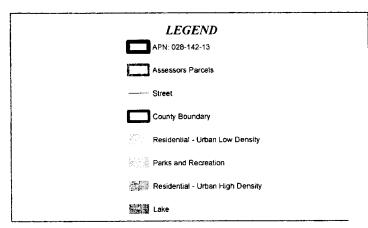
EXHAIT N



General Plan Designation Map









Map Created by County of Santa Cruz Planning Department April 2014

April 2014

Project No. SC9803 15 October 2010

MR. REED GEISREITER 120 13th Avenue Santa Cruz, California 95062

Subject:

Summary of Geotechnical and Coastal Investigation and Coastal

Protection Structure Maintenance

Reference:

120 13th Avenue and 130 13th Avenue

Santa Cruz County, California

Dear Reed:

In late 2008, your dad (Bill Geisreiter) requested that Haro Kasunich and Associates make recommendations for maintenance, and assist him in obtaining a contractor to do maintenance work on the existing coastal protection structure adjacent to your family's home at 120 13th Avenue. Haro, Kasunich and Associates submitted a proposal to perform a Geotechnical and Coastal Investigation related to the maintenance work. The purpose of this letter is to summarize the work we did for you. The existing rip-rap coastal protection structure (called a "revetment") extends from the Santa Cruz County owned 13th Avenue right of way parcel downcoast across the oceanfront portion of the two Geisreiter Family Trust parcels (both are within Assessor Parcel Number 28-142-13) to the edge of cove where the revetment crosses onto the Starkey Family Trust (formerly Brattan) parcel (Assessor Parcel Number 28-142-36) and turns inland, eventually extending past the front of the Starkey home at 130 13th Avenue and terminating at the public beach access stairs.

Prior to conducting our work we had made approximately 25 years of intermittent site observations, conversations with you, a brief site visit and review of some photographs and site plans, giving us a reasonable understanding of the coastal conditions at your home. We understand your property has been impacted by wave impact and runup during the past and coastal protection structures have been constructed to resist coastal erosion, bluff recession and wave impact. In 2008 we observed that the existing coastal protection structures have been deteriorating with age and were in need of repair and maintenance. We understand that prior to our involvement the California Coastal Commission had verbally indicated that it would not be possible for you to do any maintenance of the revetment without obtaining a new Coastal Development Permit

The purpose of our investigation was to evaluate the condition of your existing coastal protection structures, evaluate the appurtenant risks to your home and property, and address what recommended maintenance, repair or improvements should be made to your coastal protection structure. We did a reconnaissance of the site and reviewed

available data your family and the Starkey's provided to us, as well as data in our files regarding the site and region. This included the prior report we did for your property.

We had Dunbar and Craig (Licensed land surveyors) establish vertical elevation control points and prepare a topographic survey of the seaward part of your property showing the parcel lines, the approximate Mean High Tide Line, and actual elevations. The map included the area of rip rap to the east of your property that is on the parcel owned by the Starkey Family Trust. We located the existing coastal protection structures and prepared four profiles that relate its position to your home, patio, fence and other improvements. Based on the approximate position of the Mean High Tide Line mapped by Dunbar and Craig, we found that the revetment (including the portions buried by sand) was landward of the Mean High Tide Line and was not on State property. After obtaining a Right of Entry permit from the California State Parks Department, we used their 14th Avenue beach access route, and excavated 4 exploratory test pits on your We used these test pits to examine property (out on the beach) with a backhoe. surface and subsurface soil conditions in selected areas, short/long term scour, and the condition of the coastal protection structures. Our test pits exposed the bedrock platform below the beach sand and we measured its elevation.

We reviewed time sequential oblique and vertical aerial photography and historical plat maps to assess bluff recession and coastal erosion hazards, and help evaluate the condition of the revetment.

We also reviewed document files at the County of Santa Cruz and the California Coastal Commission offices.

The primary document of importance is California Coastal Commission Permit P-80-276 which was approved on 9/30/1980. The plans submitted with this permit were drawn by Ifland Engineers and dated 8-24-1979. They depict a revetment structure across the entire Geisreiter property and on a portion of the Starkey property. The revetment turns slightly into the cove on the Starkey property. Permit P-80-276 was issued to "Geisreiter, Brattan and Starkey" and included the following Conditions:

Condition: "5. It is the responsibility of the permittee, semi-annually, to maintain the seawall in good condition and remove large rocks that migrate significantly onto the sandy beach."

and

Condition: "6. This Permit authorizes future maintenance work on the seawall without a separate Coastal Permit but subject to the Assistant Executive Director and any conditions he deems appropriate."

In 1983, a severe series of coastal storms caused widespread damage to the California coast and impacted the Geisreiter and Starkey properties. Ifland Engineers prepared plans dated 2-11-1983 that depict restacking about 65 lineal feet of rip-rap that was installed in 1980 on the Brattan property and placing about 145 lineal feet of additional rip-rap on the Brattan (Starkey) property. On 3/9/1983 Santa Cruz County issued a Grading Permit to G. J. Brattan for this work which indicated 800 tons of rip-rap were to be placed. On May 5, 1983, Linda Locklin of the Coastal Commission signed a letter for Les Strnad (Les was the Coastal Commission Chief of Permits) and sent the letter to the Brattan's indicating that it had come to their attention that a Coastal Commission permit for this rip-rap was required. We found an unsigned copy of a Coastal Permit application dated 5-17-1983 in the Geisreiter records, naming Joe Brattan, H. Jean Starkey and William E. Geisreiter as permit applicants. Hand written notations on that application suggest it was received by the Coastal Commission on 5-17-1983 and returned to the applicant on 6-7-1983. We found a letter from Joe Brattan to Cathy Terry at the Coastal Commission dated August 4, 1983 transmitting a check in the amount of \$75.00 and 2 copies of Ifland Engineers drawings to the Coastal Commission. We reviewed the Coastal Commission files and there is no record of this permit application in their files.

Because there is no written record of this permit application in the Coastal Commission files, and there is no written record of any Coastal Commission approval of the 1983 work on the Brattan (Starkey) property, there is a possibility that the Coastal Commission could allege that the requirements in their May 5, 1983 letter were never complied with, and a Coastal Act violation exists. We consulted with Les Strnad, who has retired from the Coastal Commission, and he did further Coastal Commission research. He was unable to find any record of receipt of any such permit application or of the Coastal Commission's receipt of funds in the amount of \$75.00. He suspected that after these documents and funds were submitted to the Coastal Commission, a decision was made to allow the 1983 work under the future maintenance provisions required by the prior Permit P-80-276. He indicated that this would not be allowed today, but may have been allowed in 1983 because Coastal Commission staff was stretched thin from processing an abundance of permit applications related to the severe series of coastal storms caused widespread 1983 damage to the California coast. No written records of any Coastal Commission approval for the 1983 work were found.

In consultation with Les Strnad, we ultimately decided to prepare a 2009 Maintenance Plan that showed the 1980 coastal protection work, the 1983 coastal protection work that was presumed to be maintenance allowed under the provisions of the 1980 permit, and identified all of the historical maintenance with written approvals since then. These include:

On 8/20/1987 Lee Otter of the Coastal Commission issued a letter authorizing maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 1/2/1990 Les Strnad of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 12/6/1991 Les Strnad of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 9/22/1997 Lee Otter of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On 2/26/1998 Lee Otter of the Coastal Commission issued a letter to William Geisreiter approving his request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

From 1999 to 2007, Bill Geisreiter attempted to get permission to do maintenance on the revetment, particularly near the end of 13th Avenue, in order to comply with the requirements of Permit P-80-276. Those attempts were unsuccessful, in part because of changing State Park and Coastal Commission policies.

We reviewed all of our collected field data, the survey, the photos and maps, and the prior plans in conjunction with the documents at the County of Santa Cruz and the California Coastal Commission. In the 2009-2010 winter, storms had lowered the beach sand elevations at the Geisreiter and Starkey properties, and exposed scattered rip-rap rocks seaward of the existing revetment. Some rocks had been plucked out of the revetment trunk since the last maintenance in 1997. Some areas of rock had settled. We recommended maintenance and repair of the revetment.

In prior discussions with Susan Craig, the Coastal Planner at the Coastal Commission, she indicated that her supervisor (Dan Carl) would not allow supplemental new rock to be used for maintenance. At the time of that discussion, in our opinion, beneficial maintenance that would strengthen the revetment could be completed without the need for supplemental new rock. In an effort to perform the beneficial maintenance without triggering a new coastal permit, we met with you and Bill and we all decided to limit the approval we were seeking to not include any new rip-rap.

We then prepared a plan dated 12/2/09, in conjunction with Ifland Engineers, depicting current site conditions and schematically showing recommended and required revetment maintenance (attached). We submitted the plan to the California State Parks Department (Victor Roth) and obtained a Right of Entry permit to use the State Parks 14th Avenue beach access road to gain necessary equipment (excavator) access to the beach to reach the revetment on the Geisreiter and Starkey properties. The excavator is not able to reach the base of bluff in this area without the excavator crossing State Parks Land.

The plan was then submitted to Susan Craig, the Coastal Planner at the Coastal Commission for the Santa Cruz section of the coastline; along with a request to perform maintenance work required by P-80-276. She initially verbally denied the maintenance request under the grounds that there were no maintenance provisions in permits of 1980 vintage, and indicated that a new coastal development permit would be required to perform maintenance. Further discussions revealed that she did not have a copy of P-80-276. We provided her a copy of that permit with a transmittal directing her attention to the required maintenance condition and the condition that authorizes future maintenance work on the seawall without a separate Coastal Permit. Finally, she sent an email on February 10, 2010 approving the Geisreiter family's request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

On February 11, 2010, Reber Construction Company brought an excavator to the site and repaired and performed maintenance on the revetment by removing fugitive rocks from the beach, repositioning individual rocks that had been plucked from the structure, and reorienting other rocks to provide better rock interlocking. Because of the high elevation beach sand levels during the work, only the exposed portion of the revetment could be maintained; the buried portion of the revetment was inaccessible. Best Management Plan criteria was used by the contractor. Mark Foxx of Haro, Kasunich and Associates was onsite to observe the work. After the rip-rap work was complete, the sand was smoothed out where rip-rap was excavated and the contractor left the site.

Mr. Reed Geisreiter Project No. SC9803 120 13th Avenue and 130 13th Avenue 15 October 2010 Page 6

On 3/16/2010 Susan Craig of the Coastal Commission issued a letter (attached) confirming her February 10, 2010 approval of William Geisreiter's request to perform maintenance work on the seawall constructed pursuant to Coastal Development Permit P-80-276.

We recommend that regular maintenance and repair of the revetment be conducted, in part to preserve Permit P-80-276, but also to maintain coastal protection at your property. The revetment should be inspected annually and after severe storms and during periods when beach elevations are very low. The beach elevations fluctuate based on the dredging activities at the Santa Cruz Harbor, and storm wave characteristics (direction, frequency, size, coincidence with extreme high tides, etc.) In some years, no maintenance, repair or improvement to the coastal protection will be needed. Less frequently, greater repair or emergency response will be required. The revetment appears to be in good condition right now. You should notify us when beach sand elevations are "abnormally" low so we can inspect the toe and lower trunk of the revetment.

We appreciate this opportunity to be of service to you on this project.

Respectfully submitted,

ÀRO, KASUNICH & ASSOCIATES, INC.

Mark Foxx C. E. G. 1493

JEK/MF

Attachments: 1. Revetment Maintenance Plan by Ifland Engineers dated 12-2-2009

2. California Coastal Commission March 16, 2010 letter approving

revetment maintenance dated March 16, 2010

2 to Addressee Copies

CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project No. SC9803 31 May 2012

REED GEISREITER 120 13th Avenue Santa Cruz, California 95062

Subject:

Proposed Garage Expansion

Impact from Adjacent Coastal Bluff

Reference:

120 30th Avenue

Santa Cruz, California

Dear Mr. Geisreiter:

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

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

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

Reed Geisreiter Project No. SC9803 120 30th Avenue 31 May 2012 Page 2

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

John E. Kasunich G.E. 455

JEK/dk

Copies: 1 to Addressee

1 to Larry Rego

Project No. SC9803 6 November 2012

MR. LARRY REGO P. O. Box 1878 Capitola, California 95010

Subject:

Response to Incomplete Application

Additional Information Required from

County of Santa Cruz Planning Department

Application #121143 APN 028-142-13

Reference: 120 Thirteenth Avenue Santa Cruz, California

Dear Mr. Rego:

At your request, we reviewed the most recent plans for the Giesreiter residence hardscape by Michael Arnone and Associates. The plans are also in a response to the Incomplete and Additional Information Request by Santa Cruz County dated 1 October 2012. Specifically we focused on Sheets L-1 and L-2, revision date 30 October 2012.

The revised plans show the full extent of existing and new concrete paving areas and indicate clearly where the new paving will extend beyond the limits of the current concrete paved area. Portions of the new and old concrete paving area do lie within the 25 foot setback from the edge of the coastal bluff. The proposed installation of the new concrete paving and the gradients to be established for drainage of this new concrete pavement area are positive. They direct storm water flow away from the coastal bluff towards a drainage inlet box as recommended in our geotechnical supplemental letter. The proposed concrete pavements will not negatively affect drainage. The new concrete pavements and the old concrete pavements flow positively to a drainage inlet that carries water away from the coastal bluff where it is discharged in a proper manner in a historic outlet on the northeast side of the reference property.

Based on our review of the County letter and the most updated landscape plans, it is our opinion that all geotechnical aspects of the proposed development have been adhere to.

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

If you have any questions, please call our office.

Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC.

John E. Kasunich

G.E. 455

JEK/dk

Copies: 3 to Addressee

1 to Reed Geisreiter 120 13th Avenue

Santa Cruz, California 95062

From:

Lezanne Jeffs

Sent:

Monday, April 07, 2014 4:39 PM

To: Cc: 'Lynn Dunn' John Leopold

Subject:

RE: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

Dear Lynn

This application for a bluff stabilization project and for improvements to the existing overlook, including the safety fence, has not yet been approved by the Planning Department. The proposed project includes fencing as a requirement of the Department of Public Works for public safety reasons. This fence has been designed using an open wire mesh to minimize any impacts on coastal views. In addition, a portion of the existing solid fence at 120 13th Avenue will be replaced with similar wire mesh fencing to open views to the east that are currently blocked.

The project is scheduled to be reviewed by the Zoning Administrator at public hearing and a decision will be made at that time. The hearing is scheduled for April 18, 2014 at 9:00 am and will be held in the Board of Supervisors chambers on the 5th floor of the County building at 701 Ocean Street, Santa Cruz.

Following a decision by the Zoning Administrator to either approve or deny this application there will be a two week public appeal period, during which time an appeal (subject to the payment of fees) may be filed at the Planning Department. In addition, because the project falls within the appeals jurisdiction of the Coastal Commission, the project can also be appealed directly to the Coastal Commission. The Coastal Commission appeal period (10 working days) commences following the expiration of the county appeal period if no appeal has been filed. The proposed project will not be effective and no construction can commence until both appeal periods have expired.

The previous Variance and Coastal Development Permit application (121143), for a garage, a replacement front yard fence and landscape improvements on the adjacent parcel (120 13th Avenue) did not include any improvements in the right-of-way.

Sincerely,

Lezanne

Lezanne Jeffs

Project Planner Development Review Tel:(831) 454 2480

lezanne.jeffs@co.santa-cruz.ca.us

From: Lynn Dunn [mailto:dunnreimers@me.com]

Sent: Monday, April 07, 2014 2:02 PM

To: Lezanne Jeffs **Cc:** John Leopold

Subject: Fwd: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

To: County Planner Leanne Jeffs

Fm: Lynn Dunn & Charles Reimers, owners 165 13th Ave. Santa Cruz, CA 950

Re: Proposed "safety" fencing @ public outlook.

Application 14102 proposes safety fencing across 13th Ave public outlook bluff.

There is no "safety" fencing @ 12th & 14th Aves and other Live Oak Aves @ public outlook bluffs.

This proposal obstructs the public view. We understand the County approved a variance for a

no cost improvement to the public outlook bluff that obstructs the public view. The County

approved this public view obstruction without notification of the neighbors. What is the date of the public hearing?

From: carlisplace@comcast.net

Sent: Tuesday, April 08, 2014 11:22 AM

To: Lezanne Jeffs
Cc: Lynn Dunn

Subject: fencing at end of 13th Ave.

To:: Lezanne Jeffs From: Carli Stevens

231 13th Ave. Santa Cruz

Dear Luzanne, Lynn Dunn was kind enough to copy your letter to me. My family has lived on 13th for over 34 yrs., after living in the house where Lynn and her husband live now, when we came to Santa Cruz in 1961. We loved it here so much we came back to the neighborhood. We have lots of gatherings at the end of the block as a neighborhood, and communicate quite frequently. I have been the Neighborhood Watch person since I asked to meet about five years ago with the Sheriff's at a meeting at Simpkins Center.

I just want to express my reaction to the notice on the Geisreiter's fence for the new project and fence. Unfortunately, Reed didn't give any of us a heads up on it, so the word spread about a fence, blocking the view, etc. He realizes that was not a good thing, that we do like to know what might happen in the future and he is willing to talk to anyone. They have been wonderful neighbors, and they treasure the home his grandfather built when there were buildings beyond the house that are gone. My reaction when I met with him and saw the plans, was that the fence will not obstruct the view, although I do feel it has never been a public safety concern without a fence. As see through as it is, a fence is a fence. People step or jump over the barriers out on West Cliff constantly, and disregard the signs. In all the years we have lived here, I don't recall an ambulance coming because someone fell down the cliffside.

Many years ago, we all backed the cement walkway down to the beach, and that has worked really well. (A better sign at the top of the stairs and an arrow would be better that the existing one at the bluff, or in addition to that one would be good.) Carl Conely, whose family still owns a small cottage next to our house, was the spearhead to getting the stairway in many years ago. We had and still do have elderly people who couldn't go to the beach and families with small children who couldn't go down the cliff. Safety and access was our main concern. A small fence on the cliff would make little difference for safety, but be a bit of a blot on the scenery as you sit on the benches.

I know the fence will be the biggest objection to the current proposal. I feel that the Geisreiter's, aside from funding a huge project to keep the land and add a little more, are acting in all of our best interests, not just theirs. I also feel they are giving up most of their privacy with requiring 15 ft. of the 17ft.for see thru fencing. I have expressed my opinion to several neighbors-a small fence, if mandated, is a minor thing in the whole picture of the two projects combined. However, I would not want objection to the fence on the cliff to forestall the progress. We all know this has been at least a two year process already. We also realize the County can't afford to keep the land from eroding.

Hopefully, this can be resolved with the hearings coming up. Thank you for your work on it, Carli Stevens

From:

Robert Brown [papa33044@yahoo.com] Friday, April 11, 2014 6:34 AM

Sent:

To: Subject: Lezanne Jeffs 120 13th Ave Fence

Lezanne,

We live at 254 13th Ave. and our neighbors of Reed Geisreiter. After reviewing his plan to "enhance" and protect the bluff at the end of street, we STRONGLY recommend approval of his plan with the proviso that we re-firb and raise the viewing benches so that the new 42" fence does not obstruct our precious view of the ocean. Please count this as a strong vote "FOR" this enhancement to our street.

Bob and Laurie Brown 254 13th Avenue

831 479-1848

From:

John Presleigh

Sent:

Tuesday, April 15, 2014 11:36 AM

To: Cc: 'Lynn Dunn'; Lezanne Jeffs; kathleen.previsich@santacruzcounty.us

John Leopold; Robert Brown; Scott Mcgilvray; John Neater; wfclarksc@yahoo.com; Kitty

Steffen; Nancy Cassidy; Edwin Fix; rogntre@baymoon.com; Theresa Crocker;

scott@stillinger.com; prudence masseth; mariedunn@comcast.net

Subject:

RE: Pictures of a 42" fence @PP--re:app 14102 13th Ave

Hi Lynn, we are trying to make this design work. The outstanding item is getting the Coastal Commission to buy into this. Thanks for your assistance. We will know more in the next day or so. John

From: Lynn Dunn [mailto:dunnreimers@mac.com]

Sent: Tuesday, April 15, 2014 6:35 AM

To: John Presleigh; Lezanne Jeffs; kathleen.previsich@santacruzcounty.us

Cc: John Leopold; Robert Brown; Scott Mcgilvray; John Neater; wfclarksc@yahoo.com; Kitty Steffen; Nancy Cassidy; Edwin Fix; rogntre@baymoon.com; Theresa Crocker; scott@stillinger.com; prudence masseth; <a href="mailto:m

Subject: Fwd: Pictures of a 42" fence @PP--re:app 14102 13th Ave

John:

Here's another idea on the fencing. Positioning, height and type of fence can address some obstruction of views. You will note the vertical material versus the mesh does provide less obstruction. Safety, public enjoyment of coastal views and ada can be achieved.

Thank you,

Lynn Dunn & Charles Reimers

Begin forwarded message:

From: Robert Brown <papa33044@yahoo.com>

Subject: Pictures of the fence

Date: April 14, 2014 8:05:23 PM PDT

To: Scott McGilvray <wscottmcgilvray@yahoo.com >, "Scottm@wateraware.net"

<<u>Scottm@wateraware.net</u>>, "dunnreimers@mac.com" <dunnreimers@mac.com>, john

neater < irneater@gmail.com>

Cc: Bob Brown <papa33044@yahoo.com>

Reply-To: Robert Brown papa33044@yahoo.com>

We went down to Pleasure Point to see the exact 42" fence that the County is specifying for 13th Ave. See pictures attached. The fence is required for any end of street situation when beach access is not allowed/doesn't have steps to beach at end of street.

If we move the benches closer to fence I think we are OK and we get a shored up bluff to stop erosion and people sliding dow to the beach.

From:

Scott Mcgilvray [scottm@wateraware.net]

Sent:

Sunday, April 13, 2014 12:25 PM

To:

Lezanne Jeffs

Cc:

John Leopold; dunnreimers@me.com; John Neater; Bob Brown; Leslie McGilvray

Subject:

13th Avenue bluff stabilization project

Attachments:

Bluff stabilization on 13th Ave..doc; End of 13th Avenue, section.jpeg

Dear Ms. Jeffs,

I am writing regarding the proposed bluff stabilization project; in particular, we are concerned about the 42" high fence proposed at the end of the street.

Please see attached letter and drawing.

Scott McGilvray

W. Scott McGilvray 335 13th Ave.

Santa Cruz CA 95062

Email: wscottmcgilvray@yahoo.com

Ms. Lezanne Jeffs Project Planner Santa Cruz County Ocean St. Santa Cruz, CA 95060 April 13, 2014

Re: The 13th Avenue proposed bluff stabilization and improvements to the overlook, and the installation of a safety fence.

Dear Ms. Jeffs,

My wife and I are concerned with the proposed 42" high safety fence planned for installation as part of a bluff stabilization project at the end of 13th Avenue

Many of the neighboring residents and a large number of visitors enjoy viewing the open ocean and the view up and down the coast with the breeze in our face and a sense of unobstructed relationship with the view. That view is enjoyed not only from the edge of the bluff, but also on the walk down 13th Avenue from Prospect. The open view of the approaching ocean makes that walk calming and magical.

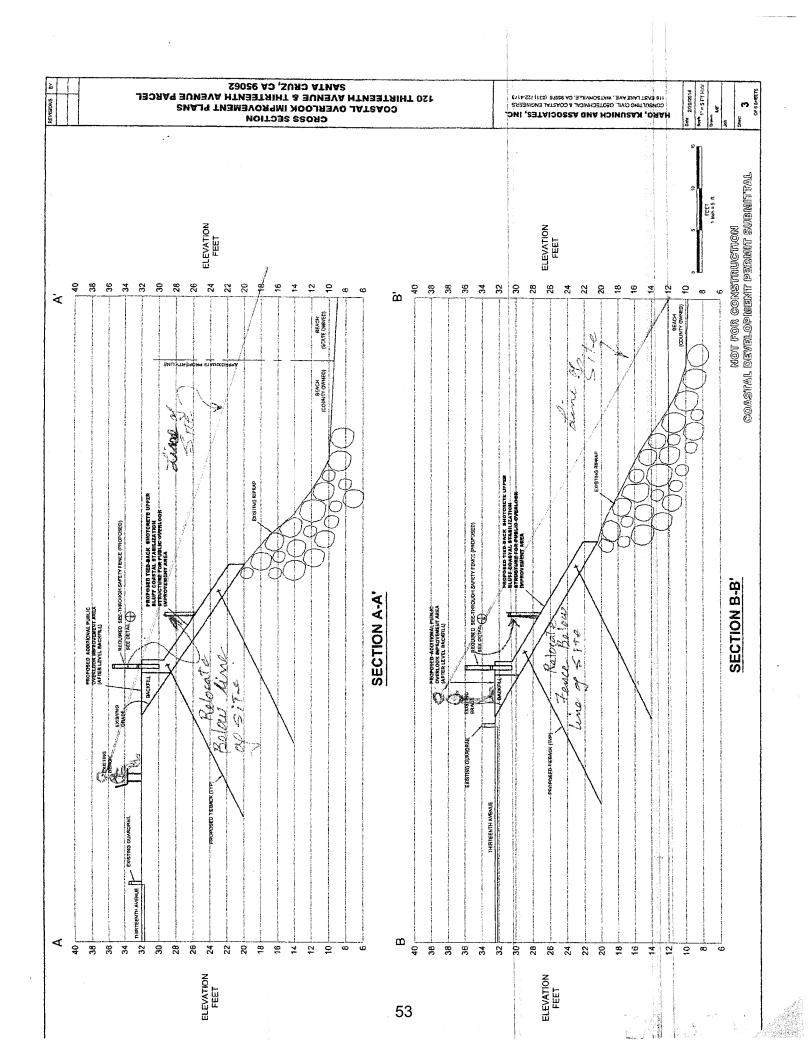
It is our request that the unobstructed view be preserved. Is it possible to eliminate the safety fence? If it is not possible to eliminate the 42" high safety fence, then we would like to see it moved down the slope of the bluff enough to have the top of the fence below the 32' elevation.

I have attached a schematic drawing of a simple change in location of the proposed 42' safety fence that I believe would preserve the view from the street and the top of the bluff should the county find it necessary to include a 42" high safety fence in the proposed bluff stabilization.

Sincerely yours,

Scott and Leslie McGilvray

Cc: Supervisor John Leopold



141027 Then #2 ZA 418/14

April 14, 2014 Zoning Administrator 701 Ocean Street, Rm: 400 Santa Cruz, CA 95060

Re: Public Hearing #4. 141027 120 13th Ave. Santa Cruz, Ca

APN: 028-142-13

Dear Zoning Administrator,

Since the postings on March 28th and April 8th many impacted neighbors have discussed DWP's plan to obstruct our public view with a fence. No one in the neighborhood had any idea DWP had plans to erected a 42 inch mesh fence in front of our 40 year old community benches. We are all in shock. In 18 days, I was able to give copies of the plans to 12 neighbors. Everyone objects to the obstruction of the public view. The impact on our aging neighbors and disabled is forever. Attached is the letter to our supervisor John Leopold and emails from our block captain and Scott McGilvray. On Sunday, Scott rode his bicycle to all of the 16 public outlooks from Twins Lakes to 41st Ave. none of them have obstructing mesh fences.

We request you to consider other options and the two included in this packet.

Lynn Dunn & Charles Reimers

We appreciate your consideration.

165 13th Ave.

Santa Cruz, CA 95062 dunnreimers@mac.com

831-476-3465

April 14, 2014 Supervisor John Leopold 701 Ocean Ave. #500 Santa Cruz, CA 95060 Dear Supervisor,

away, which obstructs the ocean view from our two community benches.

The unobstructed view from these benches have been enjoyed for

40 years by generations of families. Now, some 80 & 90 years of age, with

physical challenges and disabilities. Scott McGilvray(335 13th) rode his bike to the 16

dead end streets with bluffs between Twin Lakes and 41st Ave., none have fences.

Permit Application 14102 proposes a fence in the 13th Ave public right

1. increase the grade differential to raise the benches over the top railing of the fence or

Neighbors have proposed two options to preserve our unobstructed public views.

2. lower the fence placement(4 inches) on the bluff to preserve again to preserve view Enclosed are emails from neighbors Carli Stevens(231 13th)(n. watch captain), Scott McGilvray. In the short time made available(22 days), I have provided 12 neighbors the plans and last night, we met with Joe Hall(1814 Prospect)to seek solutions. Carli Stevens email correctly states none us knew DPW's had plans for our ocean bluff. We will attend the Public Hearing Friday, April 18, 2014. The applicant Reed Geisreiter (120 13th) told my husband and Carli Stevens on April 6, 2014, the the application has been approved. Can you arrange a meeting for us with DPW before the public hearing on Friday, April 18th?

Sincerely,

Lynn Dunn & Charles Reimers
165 13th Ave. <u>dunnreimers@mac.com</u> 831-476-3465

From: Scott Mcgilvray <scottm@wateraware.net>@ Subject: Re: 13th Avenue bluff stabilization project

Date: April 13, 2014 8:48:51 PM PDT

To: Lynn Dunn Lynn Dunn com>

Con John Neater < irneater@gmail.com>, Bob Brown < papa33044@yahoo.com>, Leslie McGilvray < lesliemcgilvray@yahoo.com>

2 Attachments, 5.6 MB

Lynn,

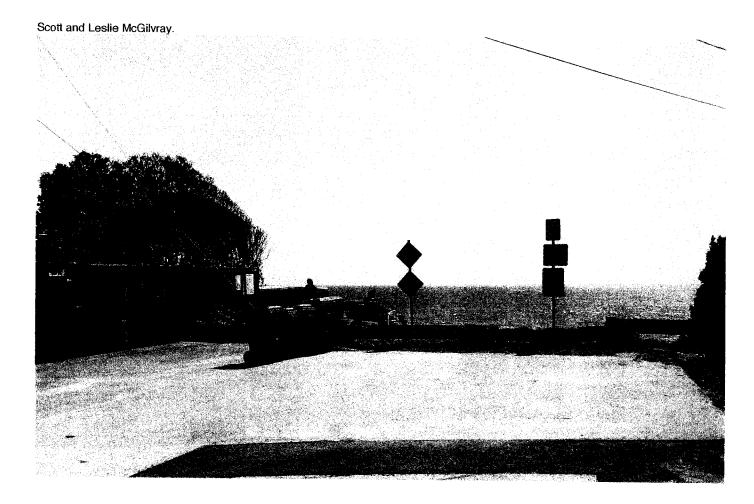
Thank you for bringing the proposal to our attention. Without the envelope you and Charlie put in our mailbox, We would not even have known what was going on at the end of the street.

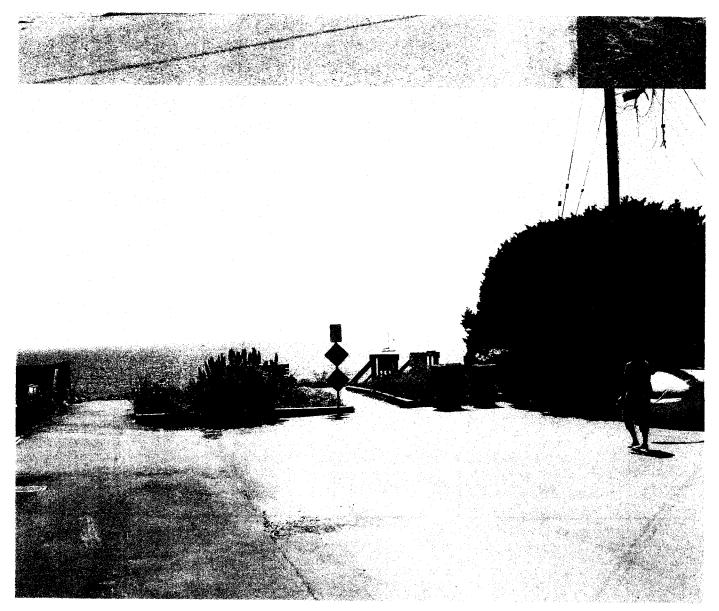
After I wrote the letter, I rode my bike all along the streets that branch off East Cliff from Twin Lakes to 41st. There are 16 streets that dead end into the bluffs between Twin lakes (11th) and 41st. Avenue. Not one of them, including 41st. has a 42" high fence. I do not see why we need a security fence at all. No other street has one, except Pleasure point, which is a trail, not a dead end street.

I do not think we need to raise the grade at the end of 13th, just leave it alone. If they have to have a fence, put it down the slope.

I have attached 2 photographs of the end of 13th Ave, and 12th Ave. I hope they help you. I also have photos of all the other street dead ends at the bluffs, if you would like some.

Thank you for raising this issue with the county. I am going to be gone for the week, returning on Saturday, or possibly late on Friday. Please keep us informed.





On Apr 13, 2014, at 7:58 PM, Lynn Dunn < dunnreimers@me.com > wrote:

Scott.

THANK YOU. We just finished brain storming with Joe Hall. The other option we came up with is to increase the grade to raise the benches(to see over the fence) to preserve the unobstructed view. Charlie and I will go tomorrow and try to get an appointment with Leopold before the meeting on Friday.

- 2. We just view the bench on 12th and is does appear the the grade was increased for the bench.
- 3. Do you know anyone I can ask to take a pictures of the benches and views on 12th & I3th ? Plus a picture of Joe's fence, which is a good example of the mesh fence the county is proposing.

Thanks. Lynn Dunn & Charles Reimers

On Apr 13, 2014, at 12:24 PM, Scott Megilvray wrote:

Dear Ms. Jeffs,

I am writing regarding the proposed bluff stabilization project; in particular, we are concerned about the 42" high fence proposed at the

From: carlisplace@comcast.net

Subject: Fwd: Fencing across the end on the bluff?!

Date: April 6, 2014 5:10:34 PM PDT

To: Lynn Dunn <dunnreimers@me.com>. Stanley D Stevens <sstevens@ucsc.edu>

From: carlisplace@comcast.net

To: "Reed Geisreiter" < reed.geisreiter@gmail.com>

Sent: Sunday, April 6, 2014 5:09:35 PM

Subject: Fencing across the end on the bluff?!

Hi Reed, I just got an email today about a request about fencing in the end of the block for public safety? I can understand you wanting privacy along your yard where your existing fence is, and for you not to like surfers and people like me taking pictures of the bay, but across the end? Seems a bit extreme. We had the walkway put in so most people don't go down the cliff, it seems to work pretty well.. Are you liable if someone falls down? Has that ever happened? I thought that the County took that over several years ago and thats why they have been involved with some of the upkeep. I recall that it was a dispute for awhile with your dad when he was concerned about erosion, but it wasn't his responsibility to put riprap to save it like in front of the house. I am confused as usual, but I don't think it is appropriate to fence that area, it would limit the view and what would it look like? The public seems to have survived this long there even before Carl Connelly helped us get the walkway for older people and little kids, and to stop the erosion. Please let us know what is up with this. Carli

From: carlisplace@comcast.net

Subject: Re: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

Date: April 8, 2014 10:32:37 AM PDT

To: Lvnn Dunn <dunnreimers@me.com>

Thanks Lynn, you and Charlie have been quite a pair with all the support you give each other thru family "stuff", I know how important that is in our case as well. I guess I have been too edgy this year, and I haven't really been concerned about things outside of family and other activities I finally got back to that I love. I am hoping we all get a break for our own good health to continue. I am glad you concentrated on the fencing part of the deal, that makes for sense for an approach with future hearings, etc. I feel it is unnessary since anyone can jump over a 4ft. fence and go down the new area if they really want to. As I told Reed, and he agrees, through the years no one has been badly injured and hundreds have gone up and down, so "safety wise", I don't think we need it either. The rest of the project sounds necessary for 13th to be protected thru the years. I will write a letter about the fence as a concept for safety, because I don't think we need it, although I don't feel it will obstruct views per se. love me

From: "Lynn Dunn" <dunnreimers@me.com>

To: carlisplace@comcast.net

Sent: Tuesday, April 8, 2014 6:37:21 AM

Subject: Fwd: App. 14102--"safety" fencing-- 13th Ave. public

outlook---Public Hearing

Carli, as always, thanks for caring and sharing. Love you and yours, Lynn & Charlie

From: carlisplace@comcast.net

Subject: Re: App. 14102--"safety" fencing-- 13th Ave. public outlook

Date: April 6, 2014 8:51:18 PM PDT

To: Lvnn Dunn <dunnreimers@me.com>

Hi, I had a nice long visit with Reed on the bench, after he had gotten out of his car and before he read my email. He would like to explain the project to you, I have the plans. The County was wanting so many things from him, and it all came down to give and take. Reed is actually willing to give up thousands of dollars to secure the cliff, fill in for more space, avoid any more erosion, have see thru fences, which the county insists on both for our viewing at the end and thru their yard some 15 ft. to replace the current wooden fence. After talking to him, I feel he is really doing a service to preserve the cliff and stop the erosion, and the fence is definitely okay to me, four feet, totally see thru from the benches and thru their yard just sitting down. He knows the County has no money so he has offered to pay for it all. He just found out that the plan has been approved by a large majority of the county players, and all he and Trish really wanted to begin with was a new 2 car garage on the existing area the old one is on, and a new fence. Trish has been worried about parking on the street, and going in alone when Reed isn't home. He is concerned about the neighbors and heiping to maintain the end, and he will be happy to talk to anyone about it. I will give you the plans tomorrow so you can see what is going on, he is earnest and really does care. Carli

From: "Lynn Dunn" <dunnreimers@me.com>

To: carlisplace@comcast.net

April 9, 2014

Dear Neighbors,

- 1. Enclosed are the Dept. of Public Works plans for our public outlook. Our objection is obstruction of the public coastal views with a 42 inch wire mesh fence and the loss of quiet enjoyment of the coastal views sitting on the bluff benches.
- 2. DPW's rationalizations are attached in project planner Lezanne Jeffs, April 7, 2014 email: safety, expanded eastern views and bluff stabilization.
- 3. We've sat @13th Ave public outlook benches with a 42 inch post, our coastal bluff views are obstructed. We are seniors with disabilities, the benches provide access to the peaceful enjoyment of the public coastal views.
- 4. Join us on Friday, April 18th, to inform the Zoning Administrator, DPW's 42 inch wire mesh fence obstructs 13th Ave Public Coastal Views which adversely affects the public's enjoyment including the disabled. Live Oak bluffs do not have 42 inch wire mesh fences obstructing coastal views. Many of the bluffs have benches.
- 5. Feel free to share with neighbors and provide us with your objections for the Zoning Administrator. We know their are other options.
- 6. We will have 42 inch posts available in our flower bed for neighbors use in visualizing the fence and posts.

Thank you for your support,

Lynn & Charlie 165 13th Ave. dunnreimers@mac.com

cc: Supervisor John Leopold



NOTICE OF PUBLIC HEARING

Notice is hereby given that the County of Santa Cruz Zoning Administrator will hold a public hearing on the following item:

Item # 4. 141027**

120 13th Avenue, Santa Cruz APN: 028-142-13

Proposal to install a tied-back shotcrete upper bluff coastal stabilization structure across the end of 13th Avenue and on a portion of APN 028-142-13, to grade approximately 15 cubic yards of material to extend the existing public overlook by around 180 square feet, to construct improvements including safety fencing and to allow for the retention of an existing fence post located at the point where the top of the coastal bluff intersects the property boundary with APN 028-142-13, in the R-1-6 and PR zone districts. Requires a Coastal Development Permit.

Project located at the southern end of 13th Avenue and on a portion of the parcel to the east of 13th Avenue (120 13th Avenue) at the point where the street terminates at the coastal bluff, approximately 860 feet from the intersection with Prospect Street.

OWNER: Reed Geisreiter

APPLICANT: Charlene Atack, Atack and Penrose LLP

SUPERVISORIAL DIST: 1

PROJECT PLANNER: Lezanne Jeffs, 454-2480 EMAIL: Lezanne.Jeffs@santacruzcounty.us

DATE:

FRIDAY, April 18, 2014

TIME:

The Morning Agenda beginning at 9:00 AM

PLACE:

Board of Supervisors Chamber

County Government Center 701 Ocean Street, Room 525

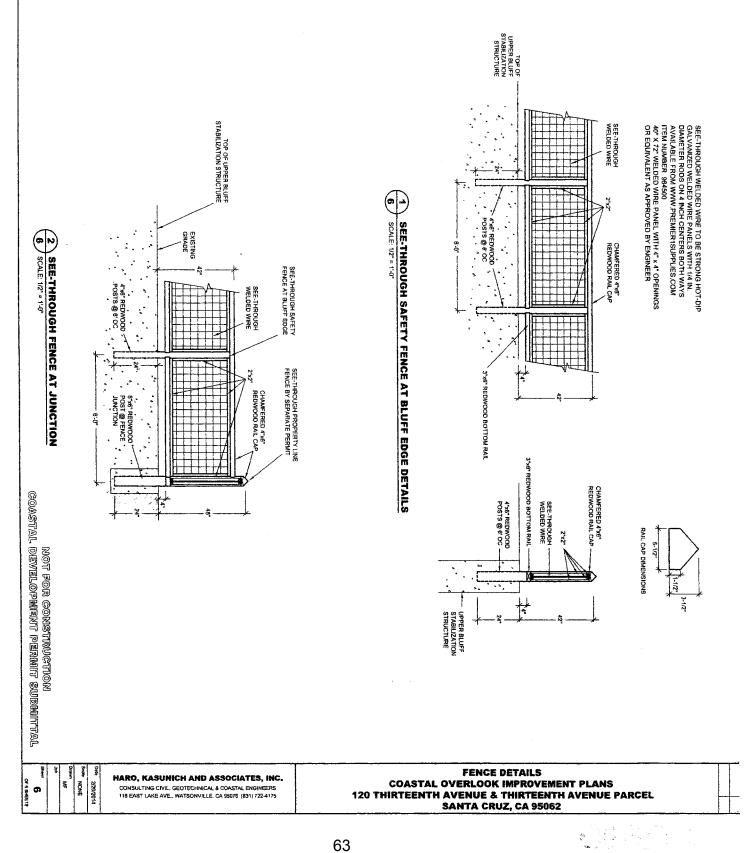
Santa Cruz CA 95060

Any persons whose interests are adversely affected by any act or determination by the Zoning Administrator may appeal such act of determination to the Planning Commission. Appeals from any action of the Zoning Administrator shall be taken by filing a written notice of appeal with the Planning Department and paying the appeal fee, not later than the fourteenth calendar day after the day on which the act or determination appealed was made.

If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

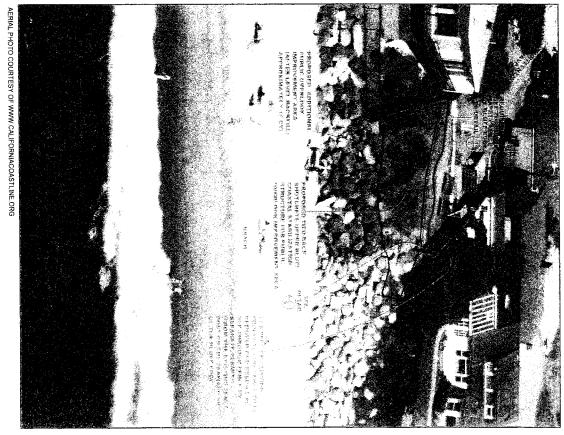
All interested persons are invited to provide comments to the Zoning Administrator either at the public hearing, or in writing. Written comments may be sent to the Zoning Administrator at the County Government Center, 701 Ocean Street, Room 400, Santa Cruz CA 95060. Staff reports on permit applications are available for review or purchase one week before the hearing by calling 454-3371.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors Chambers is located in an accessible facility. If you wish to attend this meeting and you require special assistance 62 order to participate, please contact the ADA Coordinator at 454-3137 (TDD number 454-2123), at least 72 hours in advance of the meeting, to make arrangements. Persons with disabilities may



HOT FOR COMSTRUCTION

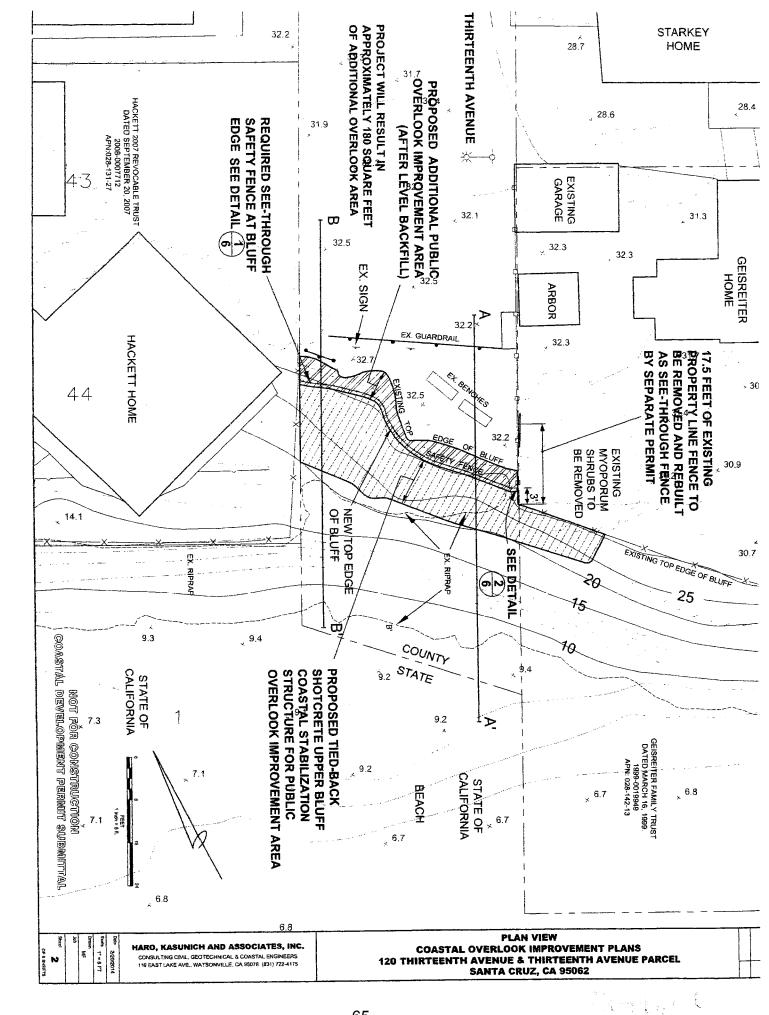
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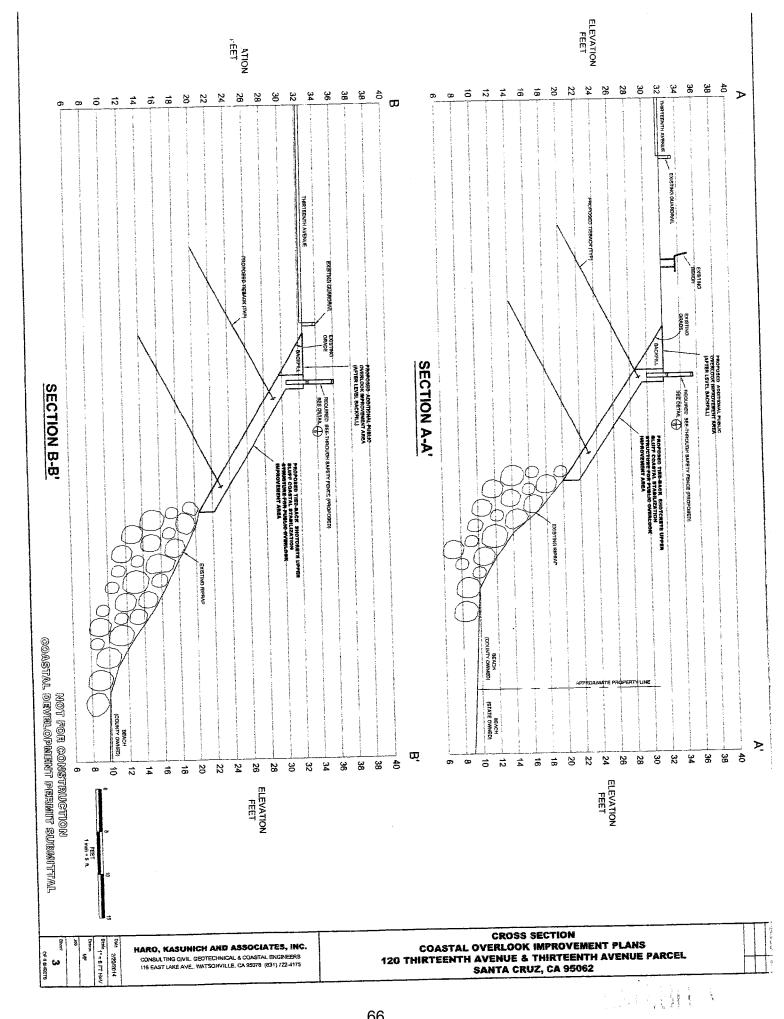


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MARO, KASUNICH AND ASSOCIATES, INC. CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS 116 EAST LAKE AVE., WATSONVILLE CA 95076 (831) 722-4175 Aerial Photos Coastal Overlook improvement Plans 120 Thirteenth Avenue & Thirteenth Avenue Parcel Santa Cruz, Ca 95062

64





April 17, 2014

To: John Presleigh, DPW Director

Fr: Lynn Dunn & Charles Reimers, 13th Ave

Re: Public Hearing APN 028-142-13 fence/obstruction of view community benches

We do support the coastal overlook improvement plans on the county public outlook, and do support senior citizens continued unobstructed views from the existing 40 year old public benches. These public benches approved by the County were paid for and installed by the 13th Ave. neighborhood residents. These public benches have provided decades of peaceful enjoyment and hold both happy and sad memories. These benches are 13th Ave's public front porch, to gather, to contemplate and to heal. The inscription on the bench near south fence reads: Robert Wallace Clinchard, Thank you Dad for Loving Us. Nature, Family, Music, Love, Truth, Honor. We love you. 3/24/39-7-11-90. Second bench reads. Sheridan B. Clinchard, I wish you Grace, Honor, Truth, Fortitude, Harmony, Faith and Love, Mom. The 13th Ave public benches with unobstructed coastal views is a rare treasure in the rapid urbanization of Santa Cruz. See staff report page 3 and exhibit E, plan view for existing community benches.

- 1. The existing benches, see plan views, coastal overlook improvement plans for location of existing benches. Exhibit E.
- 2. The existing benches, will be removed when the proposed tied-back shotcrete upper bluff coastal stabilization structure(seawall)(that allows for the retention of the existing final fence post at the bluff edge on a portion of Reed Geistreiter's property APN 028-142-13), including grading approximately 15 cubic yards of material and installation of 42" safety fencing across the county's entire coastal outlook bluff.
- 3. The 42" safety fencing will be connected to Geistreiter's south end fence post and from this location, of the fence, the existing benches coastal views and senior citizens site line from the benches will be obstructed by the cap of the 42" fence cap.
- 4. The reinstallation of the existing benches, removed during construction, are relocated next to the safety fence at the south end of the 4" by 4" post of the property marker where the fence is tied to the south Geistreiter's property APN 028-142-13 to assure unobstructed line of site viewing from the benches. Again, this is to provide senior citizens sitting on the community benches the same unobstructed view as the public standing, looking over the safety fence. Final engineered plans will provided detail drawings of the benches for review and approval by the Planning Department and Public.
- 5. Public review, of the final plans, regarding preservation and location of the public benches.

April 18, 2014

To: Wanda Williams, Zone Administrator

Fr: Lynn Dunn & Charles Reimers

Re: App. 141027 View Obstruction/Existing Community Benches

& fence wire mesh & cap

We do support the application with the inclusion of 2 conditions. The public young and old have enjoyed the community benches for over forty years. The staff report addresses the existing public benches once on page 3, Project Setting, line 4," for the provision of two public benches". The benches are not addressed any where else in the report with the exception of Exhibit E(pg.19 & 20) plan view and cross section which include existing benches. Plan of fence no page number.

3 gruations

It is the cap on the 42" fence and the wire mesh that obstructs the views for young and old sitting on the two benches.

Our 2 recommendations for conditions are:

1. Language in the staff report to include the preservation of the community benches and preservation of the public's coastal and beach views above the cap of the 42" fence in appropriate exhibits.

2. The proposed design using an open wire mesh with redwood posts and a chamfered redwood(page 4) does not minimize obstruction, to the public view of the ocean and beach sitting on the existing benches. The criss cross pattern of the wire mesh(see fence details plan) confuses the eye, substitute vertical metal pickets(attached photo) to minimize obstruction. Minimize fence cap(see fence details plan) and substitute cap shown in Pleasure Point fence(see photo).

Provide public review before plans are approved.

From:

Lynn Dunn [dunnreimers@me.com] Monday, April 14, 2014 1:54 PM

Sent: To:

Edwin Fix

Cc:

John Neater; Nancy Cassidy; Kitty Steffen; Lezanne Jeffs; carlisplace@comcast.net; Scott

Mcgilvray

Subject:

Re: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

Dear Ed.

THANK YOU for your response. We can support the project with the only exception being the placement of the 42 inch mesh fence. Seeking solutions two other options have bubbled up so far. 1: establish the fence 4 inches lower on the buff. 2: a grade differential to raise the benches over the top of the railing, like on 12th Ave.

- 3. We feel these are minor revisions to preserve the unobstructed view from our 40 year old benches. Especially for our seniors and disabled.
- 4. 1814 Prospect has a mesh fence that is similar to the one proposed. It is 36 inches high. I encourage everyone to take look at the fence. It will definitely obstructed our coastal views from the benches.
- 5. We also thought this was a give and take between Reed G. and DPW. If you will read the last line in Leanne Jeff's email. "The previous variance and Coastal Development Permit application(121143), for a garage, a replacement front yard fence and landscape improvements on the adjacent parcel(120 13th Ave.) DID NOT include any improvements in the right-of-way." We are very confused. DWP never notified the public 2 years ago, it was planning to make changes in the public right away. Why has DPW's asked Reed Geisreiter to make and pay for improvements in the public right-of-way?
- 6. Scott McGilvary (335 13th) on Sunday, rode his bicycle from Twin Lakes to 41st. He viewed 16 neighborhood ocean bluff right of way outlooks, none of them have mesh fences.
- 7. Carli says yes there is give and take and she does acknowledge the view from our benches is obstructed.

I hope you can support our efforts to preserve the public view.

Again, thank you for your willingness to get involved. Lynn & Charlie On Apr 14, 2014, at 10:58 AM, Edwin Fix wrote:

Lynn and Charlie:

I had a nice chat with Reed this weekend and now have a new impression of this project. While we all feel a fence would be a negative at the end of the street, he explained that it came down to "give and take" as Carli pointed out in her email. Net, net the whole area will be benefited with the improvements that have been outlined. So I can now support the project.

Best Regards,

Ed Fix

220 13th Ave.

From: Lynn Dunn <dunnreimers@me.com>

To: John Neater irneater@gmail.com; Nancy Cassidy nancycassidymusic@gmail.com; Kitty Steffen

kittysteffen@comcast.net; edfix2@sbcglobal.net

Sent: Tuesday, April 8, 2014 6:28 AM

Subject: Fwd: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

141027 Item #4 ZA 4/18/14

April 15, 2014

To: Zoning Administrator

Fm: Lynn Dunn

Re: Public Hearing #4 141027

120 13th Ave. Santa Cruz, CA

APN: 026-142-13 Lezanne Jeffs

Please include these photos in the packet of information submitted on April 14, 2014.

See attached routing form.

From: Robert Brown <papa33044@yahoo.com>@

Subject: Pictures of the fence

Date: April 14, 2014 8:05:23 PM PDT

To: Scott McGilvray <wscottmcgilvray@yahoo.com>, "Scottm@wateraware.net" <Scottm@wateraware.net>,

"dunnreimers@mac.com" <dunnreimers@mac.com>, john neater <jrneater@gmail.com>

Co: Bob Brown <papa33044@yahoo.com>
Reply-To: Robert Brown <papa33044@yahoo.com>

2 Attachments, 3.5 MB

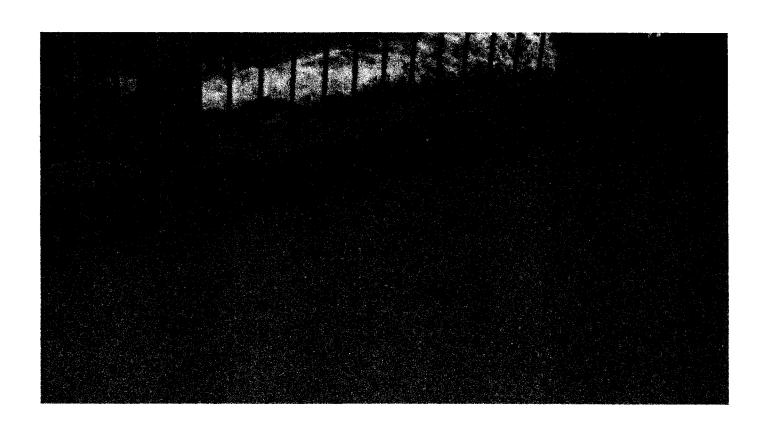
We went down to Pleasure Point to see the exact 42" fence that the County is specifying for 13th Ave. See pictures attached. The fence is required for any end of street situation when beach access is not allowed/doesn't have steps to beach at end of street.

If we move the benches closer to fence I think we are OK and we get a shored up bluff to stop erosion and people sliding dow to the beach.









From: Lynn Dunn <dunnreimers@mac.com>

Subject: Re: Pictures of the fence

Date: April 14, 2014 11:09:42 PM PDT

To: Robert Brown <papa33044@yahoo.com>

Co: Scott McGilvray <wscottmcgilvray@yahoo.com>, Scott Mcgilvray <Scottm@wateraware.net>, John Neater

<irneater@gmail.com>



Thank you. Unfortunately, the plans shows a mesh fence, vertical fence poles provides a less obstructed view. Take a look at the fence on Prospect(1814) and the one on the corner of Portola and Laurel. If the ground is gradually elevated approx. 4 inches, the view of the ocean would not be obstructed but the ocean/beach views would still be obstructed. But again not as much if the fence poles were vertical as shown in your pictures. I will provide your pictures & suggestion to DWP. You are welcome to join us on Friday. Thanks, Lynn & Charlie On Apr 14, 2014, at 8:05 PM, Robert Brown wrote:

We went down to Pleasure Point to see the exact 42" fence that the County is specifying for 13th Ave. See pictures attached. The fence is required for any end of street situation when beach access is not allowed/doesn't have steps to beach at end of street.

If we move the benches closer to fence I think we are OK and we get a shored up bluff to stop erosion and people sliding dow to the beach.

IMG_0334.jpg><lMG_0335.jpg>

Lynn Dunn dunnreimers@mac.com 808-255-4797 cell



Elizabeth Hayward

From: Sent: PLNAgendaMail@co.santa-cruz.ca.us

Thursday, April 17, 2014 6:06 PM

To: Subject: PLN AgendaMail Agenda Comments

Meeting Type: Zoning

Meeting Date : 4/18/2014

Item Number: 4.00

Name: Roger and Teresa Douglass

Email: rogntre@comcast.net

Address: 210 13th Ave

Phone: 831-475-2798

Comments:

We've just learned a week ago of the proposal to modify the end of our street with a view obstructing fence.

We have lived 7 houses up 13th Ave from the beach for 40 years and enjoy the bench and view at the end of our street almost daily. We feel there are many street-ends in Live Oak that need cliff stabilization and a fenc e for public safety, but our street is not one of them.

The bluff at 13th Ave is not a cliff, it is a bank with green growth. We have not known of anyone ever injured at this location. If the county creates a cliff with concrete it will indeed need a safety fence, which will obscure the view.

It seems this project is related to permits for improvements at 120 13th Ave. We think it should be possible to build a support for the crumbling fence on the street side of the yard at 120 13th Ave without 'tied-back shotcrete' armoring and a safety fence all the way across 13th Ave.

If this project goes forward, perhaps the fence could be located down a stepped slope to preserve the unobstructed view we now have from the street and bench.

Roger and Teresa Douglass

From:

Edwin Fix [edfix2@sbcglobal.net]

Sent:

Monday, April 14, 2014 10:58 AM

To:

Lynn Dunn; John Neater; Nancy Cassidy; Kitty Steffen

Cc:

Lezanne Jeffs; carlisplace@comcast.net

Subject:

Re: Fwd: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

Lynn and Charlie:

I had a nice chat with Reed this weekend and now have a new impression of this project. While we all feel a fence would be a negative at the end of the street, he explained that it came down to "give and take" as Carli pointed out in her email. Net, net the whole area will be benefited with the improvements that have been outlined. So I can now support the project.

Best Regards,

Ed Fix

220 13th Ave.

From: Lynn Dunn < dunnreimers@me.com>

To: John Neater < irneater@gmail.com >; Nancy Cassidy < nancycassidymusic@gmail.com >; Kitty Steffen

< kittysteffen@comcast.net>; edfix2@sbcglobal.net

Sent: Tuesday, April 8, 2014 6:28 AM

Subject: Fwd: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public Hearing

Good Morning. Pls. review and let me know what questions you have. We will respond to Lezanne's email with questions. Pls. feel free to forward to other neighbors. Lynn & Charlie

Begin forwarded message:

From: Lezanne Jeffs < Lezanne.Jeffs@santacruzcounty.us >

Subject: RE: App. 14102--"safety" fencing-- 13th Ave. public outlook---Public

Hearing

Date: April 7, 2014 4:38:50 PM PDT

To: 'Lynn Dunn' <<u>dunnreimers@me.com</u>>

Cc: John Leopold < John Leopold@santacruzcounty.us >

Dear Lynn

This application for a bluff stabilization project and for improvements to the existing overlook, including the safety fence, has not yet been approved by the Planning Department. The proposed project includes fencing as a requirement of the Department of Public Works for public safety reasons. This fence has been designed using an open wire mesh to minimize any impacts on coastal views. In addition, a portion of the existing solid fence at 120 13th Avenue will be replaced with similar wire mesh fencing to open views to the east that are currently blocked.

The project is scheduled to be reviewed by the Zoning Administrator at public hearing and a decision will be made at that time. The hearing is scheduled for April 18, 2014 at 9:00 am and will be held in the Board of Supervisors chambers on the 5th floor of the County building at 701 Ocean Street, Santa Cruz.

From:

Joe Starkey [star1030@sbcglobal.net] Tuesday, April 15, 2014 12:44 PM

Sent:

To:

Lezanne Jeffs

Subject:

Application #: 141027

To whom it may concern,

My name is Joe Starkey, and I am an owner of 130 13th Ave, Santa Cruz, next door to the application. I have no objections to the proposed project. I think the project will enhance the area, and protect the cliff.

Joe Starkey 130 13th Ave.

From:

jethoits [jethoits@gmail.com]

Sent:

Monday, April 14, 2014 5:51 PM

To:

Lezanne Jeffs

Subject:

APN 028-142-13

Lezanne Jeffs,

I have sent my comments in the required county comment section. You may receive 2 emails there. Please disregard the first one, this was sent before completion. The correct one reads as below.

Thank you, Jim Thoits

After review of the proposed improvements for the bluff at the end of 13th Avenue I am very pleased for this addition of ground space and especially the guard rail that has been long needed. In past years the lack of a guard rail adjoining the bluff has caused concerns to for safety. I would like to express my overwhelming favor of this addition of a public overlook but mostly the construction of the guard rail system. Thank you, Jim Thoits

From:

Chris Hackett [chackett@gmail.com] Saturday, April 12, 2014 2:09 PM

Sent: To:

Lezanne Jeffs

Subject:

Message in favor of App# 141027 - Safety rail on 13th Ave

Dear Lezanne,

My name is Chris Hackett, I am the property owner across the street from Reed Geisreiter on 13th avenue and I am writing in support of item 141027 - 12013th Ave and the construction of a safety rail.

Like Reed, this property has been in my family since before I was born and I too have seen the drastic changes that nature and people have done to the public access at the end of the street.

Despite very nice and accessible public stairs just a few feet away, people continue to climb up and down the cliff at the end of the street for beach access. As someone who has been at this house his entire life, I've seen many people have difficulty negotiating the rocks and loose dirt, especially children. Parents are often unable to keep their children's anticipation and excitement in check and the kids often rush down the cliff to the beach. Over the years I've seen my fair share of people fall and in some cases hurt themselves.

We've seen the bluff deteriorate over the years, not only reducing the area at the top for the neighbors to view the ocean but also creating risks for the people that do gather there. Additionally, if the bluff continues to erode, it will only be a matter of time before it begins to affect the roadway and eventually the public infrastructure such as water and sewer lines.

The County has seen far too many examples of roadways giving out due to erosion and then trying to juggle budgets for the massive costs of putting the infrastructure back in place.

Some neighbors have raised the point that other streets nearby don't have a safety railing but as you know, these other streets have major, county maintained access points and are typically without the steep and dangerous conditions that are present on 13th avenue. The areas around Twin Lakes beach offer a gentle transition to the sand and water. 12th avenue has a very large, county maintained stairwell and the end of 14th avenue has a beautiful new stairwell as well as road access for the beach rangers to drive their patrol cars.

Comparisons with these other streets do not offer an apples to apples example. Rather, the conditions at the end of 13th avenue represent a danger to the public due to the steep cliff and deteriorating conditions.

Thank you for your time, I'm hopeful this project will be approved.

Regards, chris

Chris Hackett 115 13th Ave, Santa Cruz, CA 95060

From:

Joel Lacagnin

Sent:

Tuesday, April 15, 2014 9:19 AM

To:

Lezanne Jeffs

Subject:

FW: 13th Avenue overlook

Hi Lezanne,

The applicant should use the same fence framing detail as shown on their plan, except that Public Works is now requiring 1/2" vertical rods in place of the mesh spaced per UBC requirements (4-inch spacing). The final product is very similar to the Pleasure Point fence. The Coastal Commission has already approved this approach (see e-mail below). Call me if you need further explanation.

Thanks

Joel

----Original Message----

From: Carl, Dan@Coastal [mailto:Dan.Carl@coastal.ca.gov]

Sent: Monday, January 27, 2014 5:31 PM

To: Joel Lacagnin; jkasunich@harokasunich.com; 'Charlene Atack'

Cc: Geisler, Karen@Coastal **Subject:** 13th Avenue overlook

FYI. We are OK with the railing detail that John forwarded last Tuesday (using wire mesh), or the same railing detail using ½-inch vertical rods in place of the wire mesh. In either case, the property line fence style should match the overlook fence style, albeit the property line fence is allowed to be up to 48 inches when the overlook fence is at 42 inches. Let me know if questions. Thanks...Dan

EXHIBIT D2

PERMIT NO. 14-1027

Approved alternate Fence Design.

PRE-FABRICATED HOT DIPPED GALVANIZED STEEL INSERT PANEL

I/2-INCH DIAMETER HOT-DIPPED * GALVANIZED STEEL RODS MELDED TO PANEL FASTEN MUH I/4" X 3" LAG SCREWS RODS SHALL BE SPACED SUCH THAT A 4-INCH-DIAMETER SPIERE CANNOT PASS THROUGH ANY OPENING

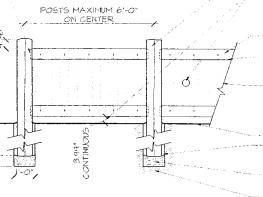
"" 4X5 CEDAR RAILS (TOP AND

BOTTOM) - 6×6 PRE-NOTCHED CEDAR - POSTS

PLAN

END POST, PROVIDE TENSION JOINT ON ONE SIDE.

Pods, top and bottom raid to be asshown on Exhibit Dol 141027:



6×6 PRE-NOTCHED CEDAR

RODS SHALL BE SPACED SUCH THAT A 4-INCH-DIAMETER SPHERE CANNOT PASS THROUGH ANY OPENING

4X5 CEDAR RAIL (TOP AND-BOTTOM)

VZ-INCH DIAMETER
HOT-DIPPED GALVANIZED
STEEL RODS WELDED TO
PANEL, FASTEN WITH I/4" X 3"
LAG SCREWS

-- FINISH GRADE -- CONCRETE FOOTINGS WITH TOP TROWELED TO SHED WATER AWAY FROM POST - 95% COMPACTED CLASS 2 AGGREGATE BASE

- 95% COMPACTED SUBGRADE SIDE ELEVATIO

SECTION/ELEVATION

NOTES:

Y(2) REDWOOD CAP

STAINLESS STEEL 12 GAUSE WIRE

EXISTING POST, CUT TO REQUIRED HEIGHT,

APPROXIMATE

OCATION OF

EXISTING DECK

2X4 REDWOOD

BOARD ROUTED TO FIT TONGUE

вюттом)

5-SECTION OF POST

AND GROOVE BOARDS (TOP AND

IXX REDWOOD

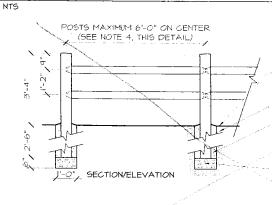
FRAME

MESH

3 1/2 JNCH

- ALL MOOD SHALL BE CEDAR, CLEAR HEART AND CONSTRUCTION GRADE-FOREST STEMARDSHIP COUNCIL CERTIFIED (FSC).
- 2. CONFIRM ALL FENCE POST LOCATIONS AND SPACING WITH COUNTY'S REPRESENTATIVE PRIOR TO COMMENCING WORK.
- 3. ALL HARDWARE AND ATTACHMENTS TO BE STAINLESS STEEL, ALL SCREWS, NO NAILS.
- CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR COUNTY APPROVAL.
- 5. END POSTS TO BE TERMINAL POST.
- PROVIDE MOCK-UP ON-SITE TO FULLY REPRESENT COMPLETED SECTION FOR APPROVAL BY COUNTY REPRESENTATIVE PRIOR TO INSTALLING OR FABRICATING.
- 7. REFER TO CIVIL ENGINEERING DRAWINGS

WOOD SAFETY RAIL



FINISH GRADE OR SURFACE, GRADE VARIES

EXISTING SOIL

CONCRETE FOOTINGS WITH TOP TROWELED TO SHED WATER AWAY FROM POST

95% COMPACTED CLASS 2 AGGREGATE BASE 6X6 PRE-NOTCHED

GEDAR POSTS

— 8'X3.5"X I.5" CEDAR
RAILS WITH TAPERED
TIPS TO MEET SLOTS.
JOIN POSTS WITH
STAINLESS STEEL
SCREWS, TWO PER
RAIL AS SHOWN IN
ELEVATION.

SECTION

NOTES:

- I. ALL WOOD SHALL BE CEDAR, CLEAR HEART AND CONSTRUCTION GRADE-FOREST STEWARDSHIP COUNCIL CERTIFIED (FSC).
- CONFIRM ALL FENCE POST LOCATIONS AND SPACING WITH COUNTY'S REPRESENTATIVE PRIOR TO COMMENCING WORK.
- 3. ALL HARDWARE AND ATTACHMENTS TO BE STAINLESS STEEL, ALL SCREWS, NO NAILS.
- CONTRACTOR TO PRE-MEASURE FENCE LENGTH AND EVENLY SPACE POSTS.
- 5. END POSTS TO BE TERMINAL POST.
- 6. REFER TO CIVIL ENGINEERING DRAWINGS FOR LOCATION.



SPLIT RAIL FENCE

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Conditions of Approval

Development Permit No. 141027 Property Owner: Reed Geisreiter Assessor's Parcel No.: 028-142-13

Conditions of Approval

Exhibit D: 6 sheets prepared by Haro, Kasunich and Associates, Inc., dated 2/20/2014.

- I. This permit authorizes the construction of a tied-back upper bluff stabilization stucture with a safety fence that includes either an open wire mesh or vertical metal rods as approved by the Department of public Works and the California Coastal Commission that safety fence, associated grading of around 15 cubic yards of material between the existing edge of the bluff and the new structure to extend the overlook area by approximately 180 square feet and the retention of the existing fence post at the edge of the coastal bluff on the property line with APN 028-142-13. Incidental grading of the overlook area associated with the installation of the shotcrete structure that results in a slight alteration in the existing grade of the overlook, the elevation of the public benches and the elevation at the top of the bluff are allowed subject to the approval of the project engineer, the Department of Public Works and the Coastal Commission. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final engineered plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans

marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. Supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval for the proposed shotcrete upper bluff protection structure to show conformance with the following requirement:

All concrete surfaces shall be contoured surface that mimics natural bluff landforms in the vicinity to help to blend it into the natural and existing bluff face. In addition, the concrete surface will be an irregular colored nozzle finish to match the color of the bluff face so that it will be natural in appearance. The color, texture, and undulations of the seawall surface shall be maintained throughout the life of the structure.

- 2. The proposed safety fence will be 42" high as required by County code and will include *either a* 4" x 4" wire fence *or vertical metal rods*, that is designed to be see-through as per submitted plans. *The proposed safety fence shall be approved by both the Department of Public Works and the California Coastal Commission.*
- 3. Grading, drainage, and erosion control plans.

NOTE: No additional drainage shall be directed toward the bluff. The irrigation plan, if one is necessary, shall be reviewed and approved by the geotechnical engineer prior to building permit approval

- 4. A stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control Best Management Practices Manual. The Manual may be found on our website at sccoplanning.com by navigation to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
- 5. Provide additional copies of the October 15, 2010, May 31, 2012, and November 6, 2012 letters from Haro, Kasunich and Associates.
- 6. Provide a construction staging and access plan to be reviewed by the County Geologist.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. A drainage fee will be assessed on the net increase in impervious area. The fees are currently \$1.14 per square foot, and are subject to increase based on the fee amount applicable at the time of

permit issuance. Reduced fees (50%) are assessed for semi-pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.

For fee calculations please provide tabulation of new impervious and semiimpervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built

- D. Provide an assessment of the existing onsite drainage systems. Identify any problems and proposed any needed improvements. Make clear on the plans how runoff directed toward the proposed bluff stabilization structure will be controlled and directed to a safe point of release
- E. Record a maintenance agreement for all improvements within the County right-of-way (as noted in the permit description) to state that all improvements shall be the responsibility of the property owner for 120 13th Avenue (028-142-13). This requirement shall run with the land and is required to be recorded on the property deed. Prior to recordation the maintenance agreement shall be approved by the Department of Public Works, Encroachment Division.
- F. Work with the Department of Public Works to provide signage designed to direct the public at the beach overlook area and on 13th Avenue to the existing beach access staircase. Submit details of the final, agreed upon signs.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. No equipment shall be used on the beach and any impacts must be minimized and any disturbances along the access route must be restored to pre-construction conditions upon project completion.
 - D. To the extent that is reasonably practical public access to the public overlook shall be maintained throughout the duration of construction of the project.
 - E. The project must comply with all recommendations of the project Geotechnical Engineer and Geologist.
 - F. Prior to Building Permit final the applicant shall submit:
 - a. Final inspection form signed and stamped by the soils engineer.

Tage 4

- b. Final inspection form signed and stamped by the project geologist.
- c. Final inspection form signed and stamped by the civil engineer.
- G. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. All improvements within the right-of-way for 13th Avenue shall be maintained in accordance with all provisions of the recorded Maintenance Agreement as approved by the Department of Public Works, Encroachment Division.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved

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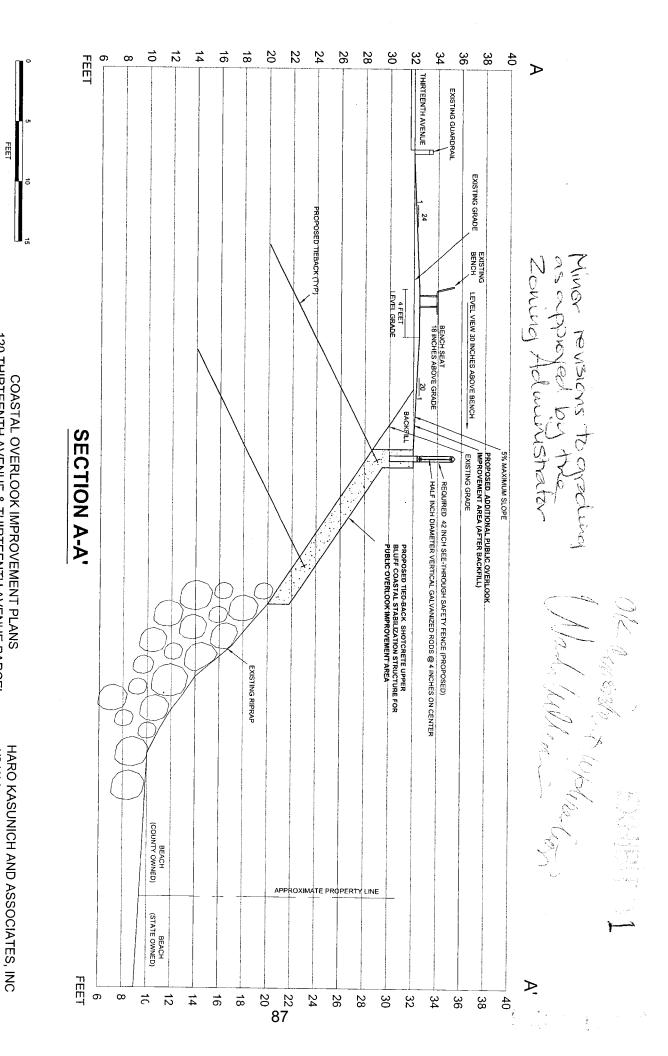
the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date:	April 18, 2014
Effective Date:	May 2, 2014 (plus Coastal Commission Appeal Period)
Expiration Date:	May 2, 2017 (plus Coastal Commission Appeal Period)



DSFOXXIGolareiter Roffel2014-4-24 Golbrator_rev.dwg, 4/24/2014 8:34:31 AM

120 THIRTEENTH AVENUE & THIRTEENTH AVENUE PARCEL

May 12, 2014

Agenda Date: May 28, 2014 Time: After 9:00 a.m.

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060

Subject: Appeal of Application Number 028-142-13 (Armoring of 13th Avenue coastal bluff).

Members of the Commission:

On behalf of W. Scott McGilvray, who filed the appeal on April 28, 2014, my self and other concerned citizens (see Exhibit A of list of petition signatories), we respectfully ask that the Commissioners over turn the decision of the Zonal Administrator on April 18, 2014 approving the above-referenced application. We ask for this repeal because we believe the Zonal Administrator both underestimated the public harm the approval would create—destruction of a public pristine unobstructed view of the Monterey Bay viewshed—and overestimated the potential public safety hazards and erosion problems the proposal alleged to resolve. In fact, as we discuss below, we believe the proposed project will create a greater public safety hazard for which the County will be liable. Finally, we ask for this repeal to work with the applicant, Department of Public Works and the Planning Department to fully specify alternative solutions to keep the unobstructed view and allow the owner to achieve his goals.

BACKGROUND

On January 18, 2013 the Zonal Administrator approved permits (121143) that would allow the applicant to construct a replacement garage, a replacement fence and other landscape and yard improvements. The California Coastal Commission reviewed the plan and determined it was out of compliance with a Coastal Permit (P-77-0933) it had issued 37 years ago in 1977. The applicant worked with Costal Commission staff and modified the project to bring it into compliance with the 1977 permit.

The new revised application (131264) was submitted on October 25, 2013 to the Zonal Administrator with the agreed-upon revisions indicated by the Coastal Commission staff. At this point, the County Department of Public Works said that it would not be approved unless the applicant paid for a bluff stabilization project, estimated to be at a cost of \$250,000, on the entire public portion of the upper coastal bluff. The alleged connection to the applicant's modest project (replacement garage, replacement fence and landscaping) is that the quarter-million dollar bluff stabilization project is required to allow for the retention of the existing final fence post at the bluff edge (see Exhibit B). The coastal armoring, in turn, necessitates, according to the County Department of

Public Works, the construction of a 42-inch high fence. This fence will destroy forever the public pristine unobstructed panoramic view of the beach, surf line and Monterey Bay currently enjoyed by the public. The destruction of this public resource is the stimulus for this appeal.

Each of our major points is discussed below.

LOSS OF UNOBSTRUCTED PUBLIC VIEW

The proposed project intends to construct a 42-inch high fence across the public overlook at the end of 13th Avenue. As the photograph in Exhibit C shows, the fence is directly in the site line of the beach, surf line and the waters of Monterey Bay as viewed when sitting on the existing two benches. This visual blight destroys a pristine panoramic view currently enjoyed by the public. The serenity, excitement, sense of majesty and other emotions such a view evokes would be lost forever. No other public overlook in the Live Oak area, from Twin Lakes beach to Pleasure Point, has such a fence and 15 of the 16 have no fence at all. Exhibit D shows a sample of several of the other public overlooks in the area.

In addition, the loss of this public pristine unobstructed view will harm the homeowners of the area whose property values are related to public access to an unobstructed view.

PUBLIC SAFETY HAZARD

The construction of the proposed fence is termed a "safety fence" in the application, presumably as a deterrent to individuals who seek beach access by directly going down the bluff and climbing over the riprap. Up to this point, residents who have lived decades on 13th Avenue have never heard of anyone being injured while climbing down the bluff. Nor were any reports of injury or death mentioned in the application.

Consequently, given evidence to the contrary, we consider the assertion that the current situation constitutes a public safety issue to be baseless. Again, as Exhibit D illustrated, no other 42-inch high fences exist at the other 16 public overlooks in the Live Oak area, some with shear drops. We conclude that the assertion that a public hazard currently exists overestimates the reality of the situation.

However, if the proposed coastal armoring stabilization project is constructed, it will create approximately a 33-foot straight slide with a slope of approximately 30 degrees—the same as a playground slide. In effect, this "slide" will create an "attractive nuisance," and fence-jumpers will no longer have vegetation to cushion or halt their falls but rather crash directly into the jagged riprap below. If we the undersigned can foresee the real possibility of injury or death, then surely the injured party or parties' lawyer(s) will also view it as foreseeable. As a County structure, the County will be liable for injuries and deaths associated with the 13th Avenue killer slide. It is a catastrophic solution to a nonexistent problem.

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EROSION

The application states that "many members of the public" have continued to access the beach from the coastal bluff and "caused significant erosion to the bluff face." As Exhibit E illustrates, the path down the bluff is not a well-trodden thoroughfare. The applicant does not quantify how many individuals make up "many members of the public" nor "significant erosion." Given the steepness of the slope and riprap to traverse, it is unreasonable to assume families, carrying ice chests, towels, umbrellas, pails and shovels and little children use the path to get to the beach when there is a 5-foot wide beach access cement staircase within 75 feet of the overlook, a staircase that has been there for 30 years. Whatever the number of the "many," the "many members" that do go down the path, once they have to cross the riprap to get to the beach, are unlikely to go back up the same way.

As indicated, the bluff, covered in vegetation, is already protected by riprap that goes over halfway up the cliff face. The beach below is permanent with signs of expansion due to the annual sediment dredging deposits from the nearby harbor. Compared to a photograph from 1972 of the 13th Avenue beach and bluff area, the current beach is larger (Exhibit F). Furthermore, the end of 13th Avenue slopes upwards so any storm drainage will flow away from the bluff.

When asked for empirical evidence to quantify the "significant erosion" at the April hearing, the County supplied none.

As reality indicates, there are no signs of active erosion that would warrant the armoring of the 13th Avenue coastal bluff and thereby set a dangerous precedent for additional armoring along the coast. As the Commissioners may know, the Monterey Bay National Marine Sanctuary opposes new coastal armoring (see MBNMS for additional information).

In sum, we believe the Zonal Administrator overestimated the significance of erosion occurring at the bluff due to unsubstantiated assertions made by the applicant that are not supported by empirical evidence. In addition, new coastal armoring would set a dangerous precedent for implementing an erosion control technique that is expensive and problematic at best.

ALTERNATIVES

We request that the Planning Commissioners direct the applicant, the Department of Public Works and the Planning Department to develop alternative solutions to his final fence post problem—if one is really needed. These solutions should be aimed at eliminating the "attractive nuisance" of the 33-foot slide and substitute a more durable, safer solution (e.g., riprap to the top of the bluff).

In addition, we ask, independent of any alternatives, that the Department of Public Works install new signage to deter beach access at the end of the Avenue (e.g., "DANGEROUS CLIFF") and to increase the size of the present 5.5-inch x 12-inch

plaque, less than 3 feet above street level, indicating the public access cement staircase so to be more noticeable to beach goers.

Finally, we ask that the Department of Public Works re-examine the requirement of a 42-inch "safety fence" and research under what circumstances variances can be permitted under that standard. A variance, rather than the strict adherence of a standard that denies the public's access to a pristine unobstructed view of the Monterey Bay, may save the view. Perhaps if the County works backwards from first examining what fence, if any, is needed, then solutions to other parts of the problem may fall into place.

CONCLUSION

This situation consists of two separate projects: the private replacement garage and the public coastal armoring of 13th Avenue. Unfortunately, the two projects have been unnaturally joined together by the County. We support the original private project that was approved by the Zonal Administrator in January 18, 2013 and later modified to be in compliance with the California Coastal Commission. We are opposed to the public project that will irreparably destroy a pristine panoramic view enjoyed by the public and create a greater safety hazard, and liability to the County, that now exists. It is a project that is not necessary and that unfairly harms the residents of the Live Oak coastal area while setting a dangerous precedent of promoting armoring of the coastal bluffs of Santa Cruz County.

For all of the above, we request the Planning Commission overturn the Zonal Administrator's decision of April 28, 2014 regarding APN 028-142-13.

Sincerely,
William F. Clark.

William F. Clark 350 13th Avenue

Santa Cruz, CA 95062

wfclarksc@yahoo.com

And others (See Exhibit A)

List of Exhibits

- A. Photocopy of petition signatories
- B. Photo of existing final fence post
- C. Photograph of line of sight and 42-inch high fence
- D. Photograph of Live Oak overlooks, benches and coastal bluffs
- E. Photographs of the path
- F. Photograph of 1972 view of 13th Avenue coast area

EXHIBIT A

SIGNATORIES TO PETITION AGAINST APPLICATION NUMBER 028-142-13

We the undersigned support the maintenance of the present unobstructed view of the beach, surf line and waters of Monterey Bay from the public overlook at the end of 13th Avenue and request that the County consider alternatives to its present plans.

NAME NA ATT / FRA / PRO	ADDRESS/E-MAIL 1235 Prospect St. Reidleal@yahoo 334 13 th Avl. Bouta Creez Ca Smith 5543 camail com
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Bob & Douna Smith	334 13 th Ave. Santa Creez Ca
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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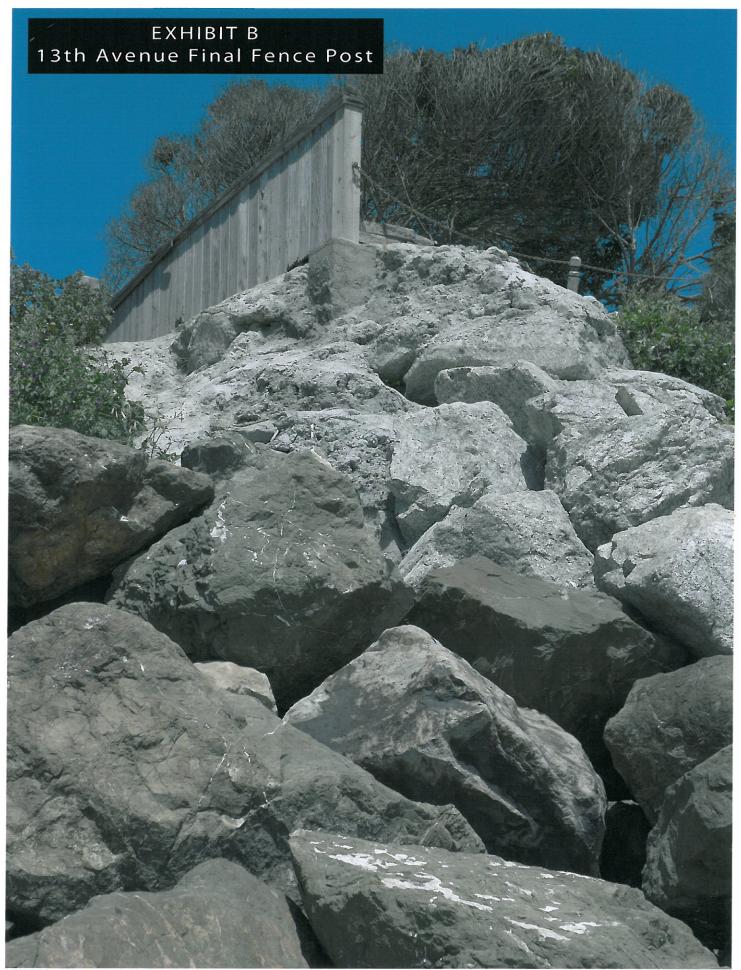
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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