Sent: Monday, May 30, 2022 12:59 PM

To: Nathan MacBeth

Cc: Jocelyn Drake; Nathan MacBeth; Daniel Zazueta; Justin Graham; Kent Edler

Subject: Requests for Coastal Development Permit No. 151074; Building Permit Application No.

APP-181025; 660 Bay View; APN 043-161-58- EMAIL #1

Attachments: Photo #1- 18 inch stormwater pipe at entrance inside concrete, catch basin (close up

showing condition of pipe) IMG_2281 (002).jpg; Photo #2- Exit of 18 inch pipe stormwater pipe as discovered covered with debris IMG_2257 (003).jpg; Photo #3- Exit of 18 inch stormwater pipe with Kelley's shovel digging it out IMG_2263 (002).jpg; Photo #4- Exit of 18 inch stormwater pipe following clearing of most of debris IMG_2276 (002).jpg; Photo #10- Kelley fixing pot hole on Bayview (11.24.21) IMG_1625

(002).jpg

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

Good morning, Nathan:

As perhaps you may know, I have been having a series of fruitful conversations with Justin Graham about this matter.

Among the things Justin and I discussed is that my client, Kelley Trousdale, recently located the outlet of the 18-inch stormwater drainage pipe. As the record will show, the DPW had been requiring Kelley and Cindy Trousdale to do so as a condition for the DPW approving the request for a building permit. Although objecting to that condition for a variety of reasons, Kelley nevertheless tried to locate the outlet on several occasions. He was only recently successfully doing so within the last few days.

The outlet was covered in vegetation and had been almost totally clogged with mud and roots of vines. Although we maintain that Kelley had no duty to have searched for that outlet nor fix its partially clogged condition, he nevertheless did so. Attached above in this first of several emails to come are self-explanatory photos of that 18-inch pipe (Nos. 1-4 of a total of 9 that 1 will send). The outlet is only a few feet from the rim of the arroyo and it appears that it has been doing its job successfully for years in in draining stormwater over that rim and down the steep arroyo bank to the arroyo's drainage channel below. It did so even though for some unknown period it was almost totally clogged. Kelley's effort has ensured that stormwater can outflow successfully from its end down to the bottom of the arroyo.

Another thing that Justin and I discussed is the fact that Kelley authorized his civil engineer to hire a company to insert a video camera into the 18-inch stormwater pipe to allow assessment of its interior condition. I will attempt to forward to you by a separate email the video of the inside of the pipe. If for some reason you are not able to open that video, I believe that both Justin Graham and Kent Edler of the DPW have a copy that they could forward to you.

As you may know the County through its DPW has been requiring that my client have a video study performed at his expense and provide it to them as a condition of the DPW approving his application for a building permit. Although we believe for a variety of reasons that such DPW condition unfairly targets Kelley with that sole inspection duty, we ultimately decided not only to perform the video inspection but also to make it available to the DPW now. I have also provided to Justin, and I will forward to you, the written report of the study as well as what Kelley's civil engineer found out from Granite Rock about the estimated costs to line the pipe with a sleave if the DPW decides to do that.

In conclusion, I believe that the proverbial ball is now in the DPW's and the County's court. The County has asserted that Bay View Drive is its street, having accepted its dedication long ago. The County uses the Subdivision's drainage system for its Bay View Drive. To drain its Bay View Drive Its uses the swales along the side of the paved road, the concrete catch basin into which stormwater flows, the 18-inch stormwater drainage pipe that runs from that catch basin under Bay View and through to its outlet and any of the Subdivision's drainage easements. Yet, the County also asserts that it has no ownership or current responsibility for the integrity of that Subdivision drainage system to which it contributes approximately twenty-five percent (25%) of the stormwater runoff from its Bay View Drive. It asserts that it did install the 18-inch pipe (contrary to some evidence) and never accepted the pipe or any aspect of the Subdivision's drainage system.

To me, that is a precarious and contradictory moral and legal position to take. To me the County is now on notice concerning the condition of the entire Subdivision drainage system into which it ports its water off of its Bay View Drive. It seems to me it is up to the County to decide whether the system, especially the 18-inch pipe, is in acceptable condition or whether it needs repair or replacement. It should not be up to Kelley Trousdale (who has never put a drop of water from his property into it) to make a determination about whether the pipe needs repair or replacement. It is the County through the DPW (not Kelley and Cindy Trousdale) that now may have liability if something untoward would happen to the pipe and cause damage to surrounding private property. Shouldn't it be up to the County to determine whether the condition of the pipe constitutes a health and safety issue of significance?

So for example, what if the County through the DPW decides that the 18-inch pipe should be repaired with a sleaving process (something estimated to cost \$100,000) due to the video showing a few spots in the 18-inch pipe that have rusted away to expose the ground underneath? It is certainly not fair or legal, in my opinion, to require that Kelly and Cindy Trousdale pay more than their pro rata share for any repair or replacement. Why should these two be asked to pay when none of the other owners of Subdivision property that have used that drainage system and pipe for likely over sixty (60) years are not being asked to pay anything?

As Justin and I discussed, Kelley and Cindy have been and continue to be good, responsible, long term residents of this County. They are hard working people who pay their County taxes and otherwise contribute to the County (SEE ATTACHED PHOTO #10- Kelley voluntarily fixing potholes in the County's Bay View Drive). Do they not deserve after more than thirteen (13) years to receive a building permit to build the home of their dreams- the home whose equity shall also serve as the major part of their retirement assets?

Sincerely,

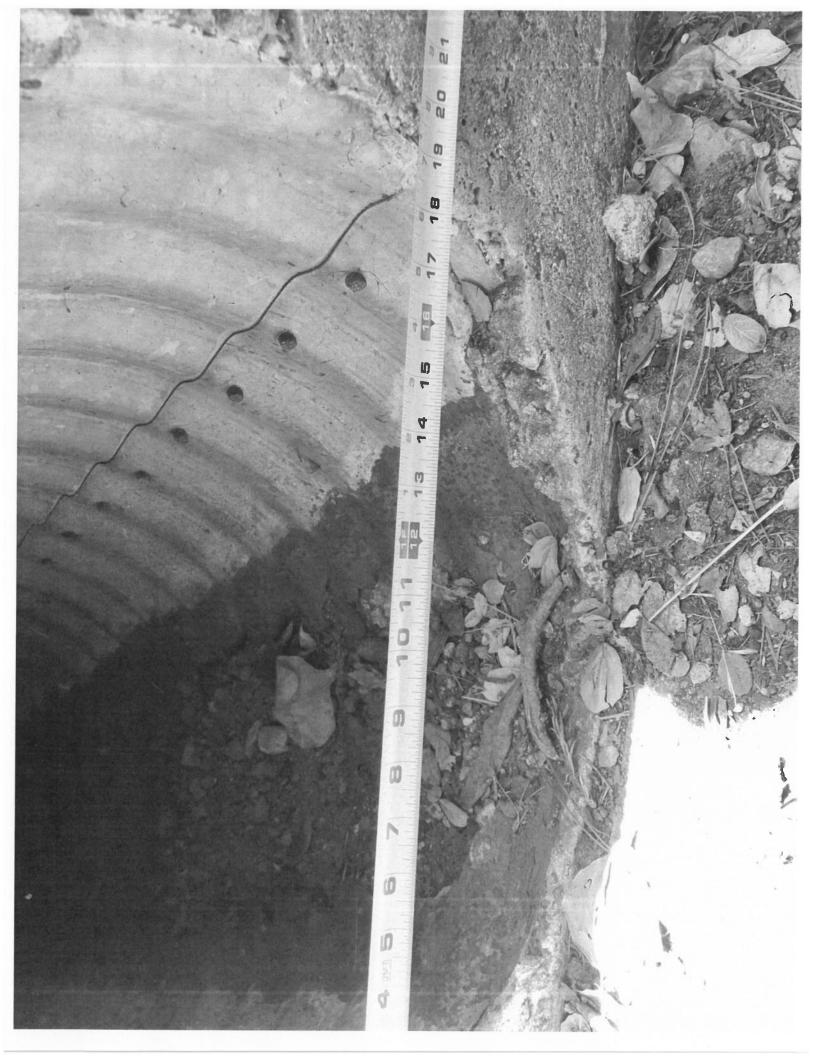
Gerald V. Barron

From: Gerald V Barron

Sent: Thursday, May 26, 2022 11:17 AM

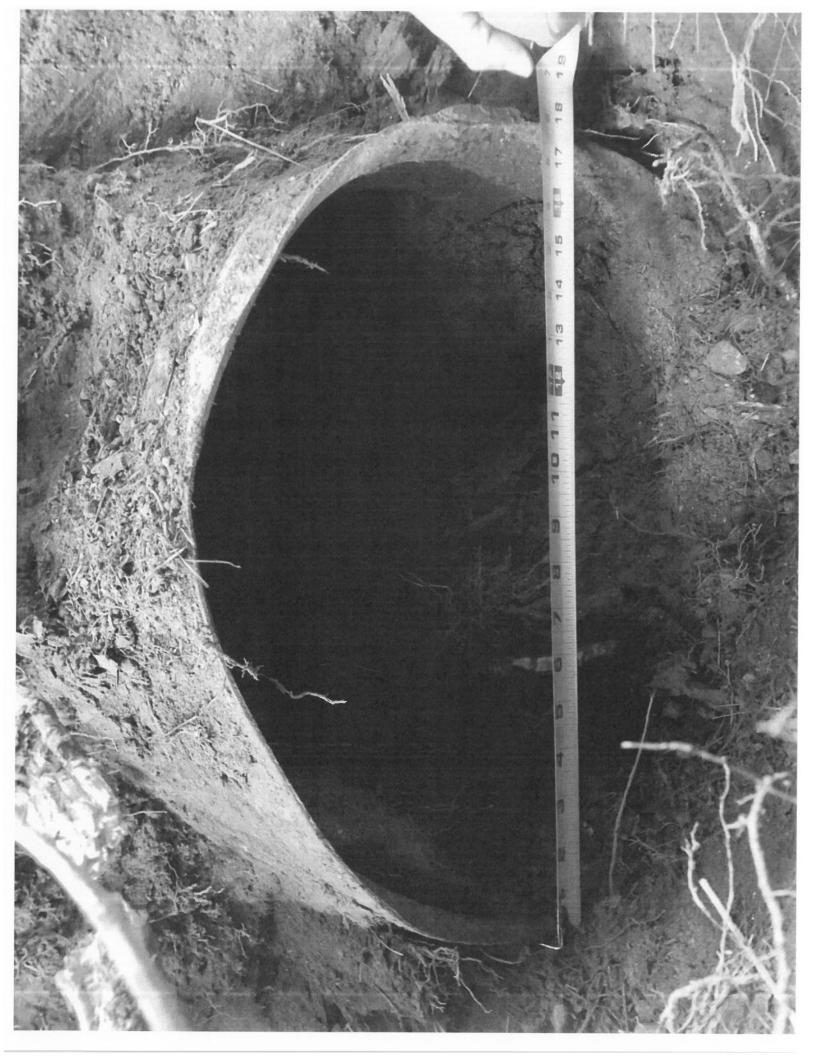
To: 'Justin Graham' < Justin. Graham@santacruzcounty.us>

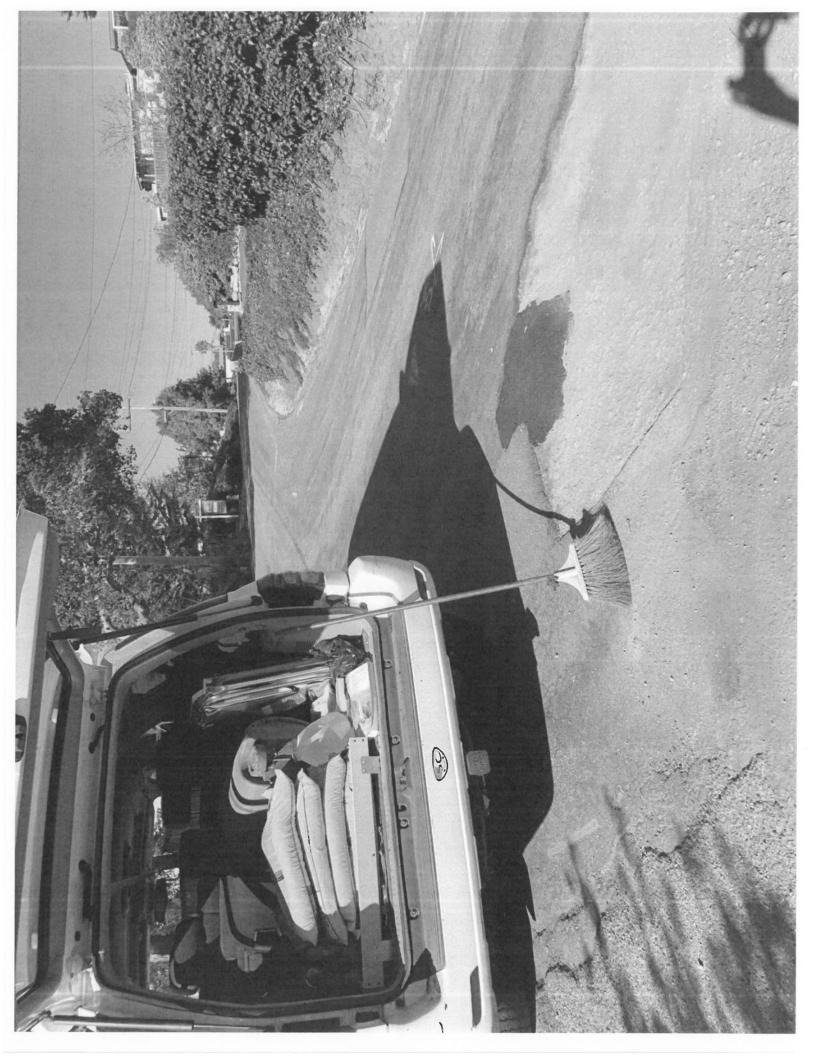
Subject: 660 Bayview











Sent: Monday, May 30, 2022 1:08 PM

To: Nathan MacBeth

Cc: Jocelyn Drake; Daniel Zazueta; Justin Graham

Subject: Requests for Coastal Development Permit No. 151074; Building Permit Application No.

APP-181025; 660 Bay View; APN 043-161-58- EMAIL #2

Attachments: Photo #5- Exit of 18 inch stormwater pipe as exposed after clearing some debris with

digging IMG_2262 (002).jpg; Photo #6- Exit of 18 inch stormwater pipe and improved channel by Kelley's clean out IMG_2310 (004).jpg; Photo #7- Exit of 18 inch stormwater pipe and its exit channel to arroyo after Kelley's clean out IMG_2311 (004).jpg; Photo #8- Stormwater channel as it continue to flow over into the arroyo IMG_2296 (002).jpg; Photo #9- Stormwater path down the side of the arroyo into the arroyo's flow channel

IMG_2299 (002).jpg

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Nathan:

This is Email #2 today on the above matter containing Photos #5-9.

Thanks,

Gerald V. Barron

From: Gerald V Barron

Sent: Thursday, May 26, 2022 11:19 AM

To: 'Justin Graham' < Justin.Graham@santacruzcounty.us>

Subject: 660 Bayview











From:

Sent:

Monday, May 30, 2022 1:17 PM

To:

Nathan MacBeth

Cc:

Jocelyn Drake; Daniel Zazueta

Subject:

Requests for Coastal Development Permit No. 151074; Building Permit Application No.

APP-181025; 660 Bay View; APN 043-161-58- EMAIL #3

Attachments:

PDF_S1.pdf; PDF_S2.pdf; PDF_S3.pdf

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

Nathan:

This is Email #3 for today, by which I am attaching three PDFs that constitute the report of the video of the 18-inch stormwater drainage pipe.

Sincerely,

Gerald V. Barron

GREENLINE ... Fax: E-mail: **Inspection Report** Date 10/11/2021 Weather P/O. No. Surveyor's Name Pipe Segment Reference Section No. TOM Dry Certificate No. Survey Customer System Owner Date Cleaned Pre-Cleaning Sewer Category U 904 1562 No Pre-Cleaning Street123 **BAYVIEW** DI BY 668 BAYVIEW Use of Sewer Stormwater Upstream MH City **APTOS** DS Drainage Area Dowstream MH Loc. details Flow Control **Not Controlled** Dir. of Survey Downstream 29.78 ft 29.78 ft Location Code Length surveyed Section Length Purpose of Survey Joint Length Year Laid Dia./Height Year Rehabilitated Material **Corrugated Metal Pipe** Tape / Media No. Lining Method Add. Information: 1:84 Position Observation DI BY 668 BAYVIEW 0.00 Catch Basin 29.78 Alignment Down, 45 % 29.78 Survey Abandoned QSR QMR SPR MPR OPR SPRI MPRI OPRI 0000 4100

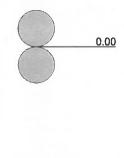
Street123 Use of Sewer Upstream MH City Dowstream MH Drainage Area Loc. details Flow Control Dir. of Survey Length surveyed 29.78 ft Section Length 0.00 ft Location Code Purpose of Survey Joint Length Dia./Height Year Laid Material Year Rehabilitated

Lining Method

Tape / Media No.
Add. Information:

U 904 1562

1:50 Position Observation



GREENLINE A Fax: E-mail: **Inspection Report** Surveyor's Name TOM Date 10/14/2021 Weather P/O. No. Pipe Segment Reference Section No. Certificate No. Survey Customer System Owner Date Cleaned Pre-Cleaning Sewer Category U 904 1562 Street123 Use of Sewer Upstream MH City Drainage Area Dowstream MH Loc. details Flow Control Dir. of Survey Location Code Length surveyed 29.78 ft Section Length 0.00 ft Purpose of Survey Joint Length Year Laid Dia./Height Year Rehabilitated Material Tape / Media No. Lining Method Add. Information: 1:50 Position Observation 0.00 QSR QMR SPR MPR OPR SPRI MPRI OPRI

Sent: Monday, May 30, 2022 1:42 PM

To: Nathan MacBeth

Cc: Jocelyn Drake; Daniel Zazueta; Justin Graham; Kent Edler; Richard Irish

Subject: Requests for Coastal Development Permit No. 151074; Building Permit Application No.

APP-181025; 660 Bay View; APN 043-161-58- EMAIL #5

Attachments: Gould 1 hp pump (type to be used for 660 Bayview Dr.).pdf; DECLARATION of Richard

Irish re pump- V2.docx

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

Nathan:

This is Email #5 for today on this matter. It concerns the use of the small pump to place stormwater runoff into the Subdivision's drainage system. As I pointed out in my letter to the Zoning Administrator, most others in the Subdivision divert some runoff to place it into the Subdivision's drainage system and some of those use pumps to do so. Small pumps like the one to be used for 660 Bay View have a long history of reliable use for decades without failure or repair in settings such as wells etc. The attached Declaration of Richard Irish that he plans to sign and submit on Tuesday speaks to the reliability of those pumps.

In speaking with Justin recently it seemed that the use of this small pump was no longer hanging up the DPW's approval of a building permit.

Sincerely,

Gerald V. Barron



FEATURES

- Cast iron motor housing allowing for optimal heat dissipation
- Premium mechanical seal design provides superior protection against sand and abrasive damage (Silicon Carbide/Silicon Carbide/BUNA)
- Engineered motor designed for peak hydraulic performance without overloading
- Durable cast iron base for stability
- Cast iron impeller with dual vanes. Balanced for smooth operation. (¾ HP, high head is glass reinforced thermoplastic.)
- Corrosion resistant hardware for lifetime use
- Capable of running dry without damage to components
- Designed for continuous operation when fully submerged
- All models have NEMA three prong grounding plugs
- Available in automatic and manual models

- Approved for residential use (CSA/CUS Listed)
- 3 year warranty

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- Schools
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- Effluent systems



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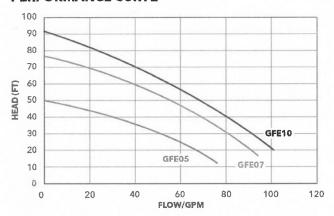


Questions? Call 1-800-810-1053

PRODUCT SPECIFICATIONS

Part No.	НР	Volts	Max. Amps	Locked Rotor Amps	Min. Circuit Breaker	Phase	RPM	Impeller Diameter (in.)	Float Switch Style	Cord Length (ft.)	Power Cable Size	Discharge Connection (in.)	Max. Solids Size	Shipping Weight (lbs.)
GFE0511	1/0	115	115	46.0				3.56	Vertical	20'				64.5
GFE0511M	1/2	115	14.5	46.0				3.56	Not Supplied	20				04.3
GFE0712				27.5				4.32	Vertical	20'				67.5
GFE0712M	214			27.5				4.32	Nies Consulted	20				64.5
GFE0712M30	3/4		10	27.5	454		2400	4.32	Not Supplied	201	11/2	1.5" or	2/48	64.5
GFE0712 30		220	20	27.5	15A		3400	4.32	Vertical	30'	14/3	2" NPT	3/4"	67.5
GFE1012		200		36.2				4.67	W SPERSON	20'				65
GFE1012M	1		125	36.2				4.67	Mar Completed	20				65
GFE1012M30	ı .		12.5	36.2				4.67	Not Supplied	201				40
GFE1012 30				36.2				4.67	Vertical	30'				68

PERFORMANCE CURVE



MATERIALS OF CONSTRUCTION

Part Name	Material
Impeller	Cast Iron*
Casing	Cast Iron Motor Housing
Motor Adapter	Cast Iron
Mechanical Seal	Silicon Carbide/Silicon Carbide/BUNA
Cord	SJTOW
Mechanical Switch	cURus listed, 15A, 125V
Fasteners	Stainless Steel
Handle	Stainless Steel
Float Bracket	Stainless Steel

^{* 3/4} HP, high head is glass reinforced thermoplastic

AGENCY LISTINGS



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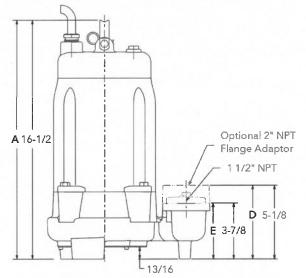
Phone: (866) 325-4210 • Fax: (888) 322-5877

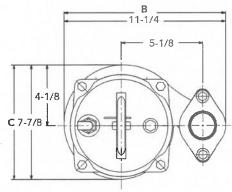
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DIMENSIONS

	Α	В	С	D	E
All Models	16 1/2"	11 1/4"	7 7/8"	5 1/8"	3 7/8"





DECLARATION OF RICHAR IRISH

I, RICHARD IRISH, do declare and swear the following:

- 1. This is a declaration in support of Applicants Kelley and Cindy Trousdale's requests as contained in letters to the Planning Director authored by Applicants' attorneys Gerald Barron.
- 2. I am a civil engineer licensed by the State of California and have been so since <u>1990</u>. I am the principal of RI Engineering, a civil engineering firm.
- 3. Starting in 2007, our firm was retained by Kelley and Cindy Trousdale (hereinafter the "Applicants") to provide civil engineering services for their 660 Bay View property. That included analyzing and calculating drainage conditions including potential runoff and identifying drainage plans to satisfactorily deal with such runoff.
- 4. Sometime shortly after April 7, 2015, I became award that Ms. Alyson Tom, PE, a member of the staff at the DPW, had issued a "Drainage Review" and/or otherwise stated in sum that the County would not permit runoff from Applicants' property to flow over the downhill, adjacent property of Mr. Neil Frank unless Applicants obtained his written permission. I was also informed that Applicants had been unable to obtain that permission from Mr. Frank.
- 5. Our firm then designed a simple, effective, and safe system to collect and transport Applicants' runoff to the point where the runoff would enter that subdivision drainage system. An element of our design is a submersible pump that would pump stormwater from a detention system (required to attenuate "diverted flow" per the County) to a pipe that will discharge into an existing roadside swale on Bay View Drive.
- 6. The design is a simple and effective means of discharging storm water to an outlet to the subdivision's drainage swale. Our firm and every other engineering firm I know of, routinely uses this method when there is no other way to make up elevation is a storm drain system. It is a tried-and-true method. In fact, the County's drainage manual allows this method upon the approval of the Director of Public Works, and staff indicated to me that they would allow the use of a pump in this instance.
- 7. The pump would be a small submersible pump (1/2 1 house power), electrically powered, with float controls. The owner of the property is required to maintain the pump and to have a standby generator on the property in the event of a power failure. Where the pump system to fail, which is unlikely given the reliability of such pumps and a backup generator system, or if it was overwhelmed by stormwater, the stormwater would follow its current runoff path and be dissipated in part by the soil with the rest entering the arroyo as any does now.
- 8. As I stated, pump systems are known technology that have been in use for centuries (the hanging gardens of Babylon, 350 BC, used a devise similar to an Archimedes' Screw, which are

pumps, to provide water). The County's sanitary sewer system has multiple pump stations to transport sewage from the Aptos area to the City of Santa Cruz' sewage treatment plant.

I, RICHARD IRISH, do hereby swear under penalty of perjury that what I have stated here is true and correct, except as to those things I have stated on information or belief and as to those things I state that I am so informed and believe them to be true.

Dated:				
Richard Irish:				

From:

Gerald V Barron

barron@barronandassoc.com

Sent:

Tuesday, May 31, 2022 12:02 PM

To:

Nathan MacBeth

Cc:

Jocelyn Drake; Daniel Zazueta; Justin Graham

Subject:

Requests for Coastal Development Permit No. 151074; Building Permit Application No.

APP-181025; 660 Bay View; APN 043-161-58- EMAIL #6

Attachments:

DECLARATION of Richard Irish re pump- V2 (5.31.22).pdf

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

Nathan:

Here is a signed and wet-stamped version the Declaration of Richard Irish to be part of the record for Friday's hearing.

Thank you,

Gerald V. Barron

DECLARATION OF RICHARD IRISH

I, RICHARD IRISH, do declare and swear the following:

- 1. This is a declaration in support of Applicants Kelley and Cindy Trousdale's requests as contained in letters to the Planning Director authored by Applicants' attorneys Gerald Barron.
- 2. I am a civil engineer licensed by the State of California and have been so since 1990. I am the principal of RI Engineering, a civil engineering firm.
- 3. Starting in 2007, our firm was retained by Kelley and Cindy Trousdale (hereinafter the "Applicants") to provide civil engineering services for their 660 Bay View property. That included analyzing and calculating drainage conditions including potential runoff and identifying drainage plans to satisfactorily deal with such runoff.
- 4. Sometime shortly after April 7, 2015, I became aware that Ms. Alyson Tom, PE, a member of the staff at the DPW, had issued a "Drainage Review" and/or otherwise stated in sum that the County would not permit runoff from Applicants' property to flow over the downhill, adjacent property of Mr. Neil Frank unless Applicants obtained his written permission. I was also informed that Applicants had been unable to obtain that permission from Mr. Frank.
- 5. Our firm then designed a simple, effective, and safe system to collect and transport Applicants' runoff to the point where the runoff would enter that subdivision drainage system. An element of our design is a submersible pump that would pump stormwater from a detention system (required to attenuate "diverted flow" per the County) to a pipe that will discharge into an existing roadside swale on Bay View Drive.
- 6. The design is a simple and effective means of discharging storm water to an outlet to the subdivision's drainage swale. Our firm and every other engineering firm I know of, routinely uses this method when there is no other way to make up elevation is a storm drain system. It is a tried-and-true method. In fact, the County's drainage manual allows this method upon the approval of the Director of Public Works, and staff indicated to me that they would allow the use of a pump in this instance.
- 7. The pump would be a small submersible pump (1/2 1 house power), electrically powered, with float controls. The owner of the property is required to maintain the pump and to have a standby generator on the property in the event of a power failure. Were the pump system to fail, which is unlikely given the reliability of such pumps and a backup generator system, or if it was overwhelmed by stormwater, the stormwater would follow its current runoff path and flow to the arroyo as any does now.
- 8. As I stated, pump systems are known technology that have been in use for centuries (the hanging gardens of Babylon, 350 BC, used a devise similar to an Archimedes' Screw, which are

pumps, to provide water). The County's sanitary sewer system has multiple pump stations to transport sewage from the Aptos area to the City of Santa Cruz' sewage treatment plant.

I, RICHARD IRISH, do hereby swear under penalty of perjury that what I have stated here is true and correct, except as to those things I have stated on information or belief and as to those things I state that I am so informed and believe them to be true.

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Richard Irish:



From:

Richard Irish < richard@riengineering.com>

Sent:

Tuesday, May 31, 2022 3:07 PM

To:

Nathan MacBeth; Jocelyn.Drake@sanatacruzcounty.us.

Cc:

Kelley Trousdale; Gerald V Barron

Subject:

Storm sewer video link

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

I just sent you a link to the above noted video of the storm sewer on Bay View Drive, for Kelly Trousdale's project at 660 Bay View Drive. Please let me know if you have any problem accessing it.

Thank you.

Richard Irish, PE

Civil Engineer

303 Potrero Street, Suite 42-202

Santa Cruz, CA 95060

831.425.3901 ext 2

831.425.1522 fax

RI Engineering, Inc.

www.riengineering.com

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From:

Rachel Fatoohi

Sent:

Wednesday, June 1, 2022 9:35 AM

To:

Nathan MacBeth

Subject:

FW: [EXTERNAL] 660 Bayview- ZA hearing on 6-3-2022

Hi Nate, FYI/use.

The photos were not attachments but part of the e-mail.

From: Sins, Chuck < Chuck. Sins@ti.com > Sent: Sunday, May 29, 2022 12:33 PM

To: Rachel Fatoohi < Rachel. Fatoohi@santacruzcounty.us>

Cc: nathan.macbeth@santracruzcounty.us; Bill Breeding <billbreeding@sbcglobal.net>; Taylor.Samuelson@scc.ca.gov; Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>; Tim.Duff@scc.ca.gov; Mary Breeding <marybreeding@gmail.com>; rsins@sbcglobal.net

Subject: Re: [EXTERNAL] 660 Bayview- ZA hearing on 6-3-2022

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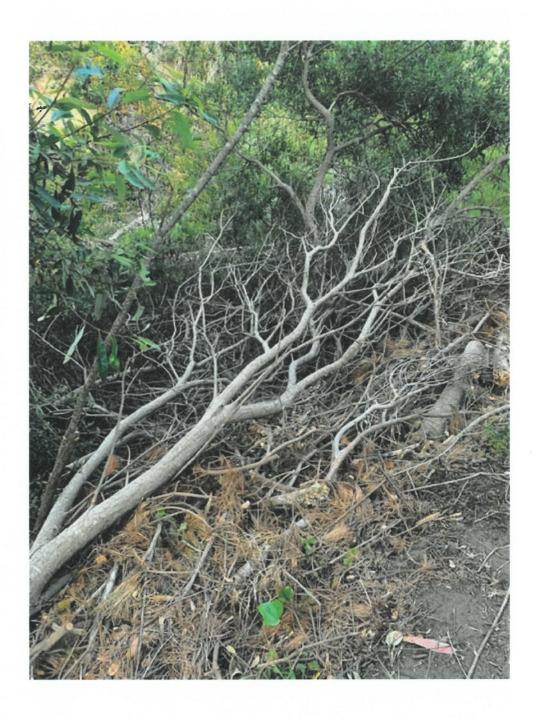
Rachel

Thank you for the information. We will definitely attend on Friday. I saw a comment about trees in the information you forwarded and it made we wonder if the county is aware that they have clear cut most of the trees on the bluff and sent much of the debris down the arroyo. Everyone walking the path looks up at all the dead debris as they walk by. I'm a bit concerned that some of the larger debris could come tumbling down on someone walking down the path below if the material thrown down the side broke loose. This seems environmentally problematic and the thought of no further environmental reviews probably needs to be reconsidered. Would it be possible for someone to come out and inspect the property at 660 Bayview Drive before the meeting on Friday? I looped everyone that we have been in contact with in regards to the arroyo so everyone is aware.

Thanks again and if you need any additional information feel free to call me.

Chuck Sins

408 768-5888







Sent from my iPhone

On May 27, 2022, at 8:23 AM, Rachel Fatoohi < Rachel. Fatoohi@santacruzcounty.us > wrote:

Hello the Breeding and Sins Families;

I understand that you were noticed by the Zoning Administrator's staff of the upcoming ZA hearing regarding the proposed development on the subject site. Below, for your use, are the links to the project's staff report as well as the instructions to access to the hearing. Best,

Rachel Fatoohi, Senior Civil Engineer Storm Water Management Section Department of Public Works County of Santa Cruz 701 Ocean Street Santa Cruz, Ca 95060 Phone (831) 454-2160 Fax (831) 454-2385 E-mail <u>Rachel.fatoohi@santacruzcounty.us</u>

Staff Report - 660 Bayview: https://sccounty01.co.santa-

cruz.ca.us/planning/plnmeetings/PLNSupMaterial/Zoning/agendas/2022/20220603/001.pdf

Agenda/hearing instructions: https://sccounty01.co.santa-

cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=6/3/2022&Meet

ingType=2