

VOL. 4228 PAGE 395

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RECORDED
AT THE REQUEST OF
California Coastal Comm
064914
SEP 28 2 43 PM '81
RICHARD W. HEDAL
RECORDER
SANTA CRUZ COUNTY
OFFICIAL RECORDS

064914

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

7 IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT
8 AND
9 DECLARATION OF RESTRICTIONS

10 THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
11 DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this _____ day
12 of December, 1986, by LEO G. RAICHE & PATRICIA RAICHE,
13 (hereinafter referred to as "Grantor").

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

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

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

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

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

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

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

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

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

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

1 IX. WHEREAS, it is intended that this Offer is irrevocable and shall
2 constitute enforceable restrictions within the meaning of Article XIII, Section
3 8 of the California Constitution and that said Offer, when accepted, shall
4 thereby qualify as an enforceable restriction under the provision of the
5 California Revenue and Taxation Code, Section 402.1;

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

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

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

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

26 //

27 //

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

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

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

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

23 //
 24 //
 25 //
 26 //
 27 //

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

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

8 Signed Leo G. Raiche

9 Owner

10 LEO G. RAICHE

11 Type or Print

12 Signed Patricia Raiche

13 PATRICIA RAICHE

14 Type or Print

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

18 State of California.)

19 County of Santa Clara)

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

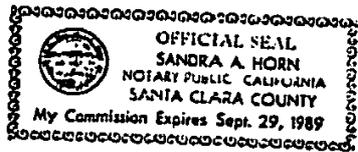
21 before me Sandra A. Horn, a Notary Public, personally

22 appeared Leo G. Raiche & Patricia Raiche,

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

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

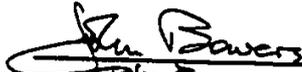
25 acknowledged that he/she/they executed it.

26 
27

Sandra A. Horn
NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

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

7 Dated: March 26, 1987

8 
9 John Bowers
10 Staff Counsel
California Coastal Commission

11 STATE OF California

12 COUNTY OF San Francisco

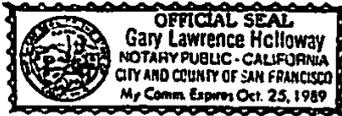
13 On 26 March 1987, before me the undersigned.

14 a Notary Public, personally appeared John Bowers, personally known to
15 me to be (or proved to me on the basis of satisfactory evidence)

16 to be the person who executed this instrument as the Staff Counsel
17 and authorized representative of the California Coastal Commission and
18 acknowledged to me that the California Coastal Commission executed it.

19

20



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22 
NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

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EXHIBIT A

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

PARCEL ONE:

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

BEGINNING at a nail and tag, "R.C.P. 6270" set in a concrete footing on the Northern boundary of said lands conveyed to Mello from which a 3/4 inch iron pipe at the Eastern corner of the lands conveyed to Joe L. Mello, et ux., by Deed dated August 31, 1950, recorded October 20, 1950 in Volume 795, Page 502, Official Records of Santa Cruz County bears North 83° 21' East 31.28 feet and South 64° 50' East 28.00 feet distant; thence from said point of beginning South 28° 14' West (at 20.65 feet a 3/4 inch iron pipe, at 139.61 feet a 3/4 inch iron pipe) to the Bay of Monterey; thence Northwesterly along the Bay of Monterey to the Southwestern corner of said lands conveyed to Mello, by Deed recorded in Volume 841, Page 92, Official Records of Santa Cruz County; thence along the Northern boundary of said last mentioned lands North 25° 10' East to an angle; thence North 68° 30' East 21.95 feet to a 3/4 inch iron pipe; thence North 48° 45' East 60.25 feet to a 3/4 inch iron pipe; thence South 81° 18' East 64.20 feet to a 3/4 inch iron pipe; thence North 83° 21' East 8.63 feet to the place of beginning.

PARCEL TWO:

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

BEGINNING at a 3/8 inch iron pipe on the Western boundary of the map entitled "Tract No. 57, Santa Maria Cliffs", Being a part of Section 20, T. 11 S. R. 2 W., M. D. N., Santa Cruz County, Calif.", filed for record in the office of the County Recorder of Santa Cruz County on March 11, 1947 in Map Book 28 at page 48, Santa Cruz County Records, from which the most Northern corner of Lot 22 as shown on said map bears South 25° 10' West 12.50 feet distant; thence from said point of beginning North 64° 50' West 98.18 feet; thence South 81° 52' West 25.00 feet to a point on the Southeastern boundary of the lands conveyed by Joe L. Mello, et ux., to Vincent J. Coates, et ux., recorded May 4, 1972 in Volume 2197, Page 259, Official Records of Santa Cruz County; thence North 80° 12' West 58.02 feet to the Northwestern boundary of said lands of Coates, as conveyed in the Deed from Arthur H. Timmons, et ux., to Joe L. Mello, et ux., recorded March 29, 1974 in Volume 2396, Page 565, Official Records of Santa Cruz County.

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

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

REGULAR CALENDAR
AMENDMENT
STAFF REPORT

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

PROJECT INFORMATION

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

APPLICATION NUMBER: 3-81-55-A

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

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

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

LOT AREA: 9,600 sq. ft.

ZONING: Residential

BUILDING COVERAGE: 1646 existing
for reconstruction; 490

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

PAVEMENT COVERAGE: 880 sq. ft.

PLAN DESIGNATION:

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

PROJECT DENSITY: approx. 4 du/acre

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

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

SUBSTANTIVE FILE DOCUMENTS:

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

PTT:

EXHIBIT "B"

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

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

RECOMMENDED CONDITIONS

Standard Conditions

See Exhibit A.

Special Conditions

1. FINAL PLANS

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

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

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

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

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

2. LATERAL ACCESS

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

3. PERMITTEES' ASSUMPTION OF RISK

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

4. DEED RESTRICTION

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

5. PRESCRIPTIVE RIGHTS

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

6. FUTURE DEVELOPMENT

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

RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Project History

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

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

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

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

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

2. Proposed Amendment

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

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

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

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

3. Public Access

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

The Coastal Act states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Scenic Resources

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

Section 30251 of the Coastal Act provides that:

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

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

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

5. Geologic Stability

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

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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

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

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

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

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

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

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

6. LCP/CEQA

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

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

a. Technical report (either a geologic hazards assessment or a full geologic report) demonstrating that the potential hazard can be mitigated). Mitigations can include, but are not limited to, building setbacks, elevation of the proposed structure and friction pier or deep caisson foundation.

b. Mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected.

c. A deed restriction indicating the potential hazards on the site and the level of prior investigation conducted is recorded on the deed with the County Recorder.

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

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

Under Slope Stability and Erosion, the following policy applies:

3.2.1 GP

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

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

6.2.4 Maintain the scenic integrity of open beaches.

a. Except where permitted by LCP Policies, prohibit the placement of new permanent structures on beaches. (See Hazards policies 3.3.3, 3.3.8)

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

PROGRAM

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

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

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

a. ...

b. Within the Urban Services Line:

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

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

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

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

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

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

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

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

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

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

EXHIBIT NO. A -
APPLICATION NO. 3-81-55A
Standard Conditions
 California Coastal Commission

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

November 5, 1985

VOL. 4228 PAGE 417

FIELD REPORT SUMMARY

Raiche Residence
60 Geoffroy Street
Santa Cruz

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

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

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

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

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

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

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

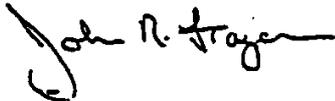


EXHIBIT NO. 1
APPLICATION NO. 3-81-55A
Raiche
 California Coastal Commission

HARO, KASUNICH AND ASSOCIATES

CONSULTING SOIL AND FOUNDATION ENGINEERS

Project No. SC0516
4 November 1985

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

Subject: Raiche Property
Geoffroy Street
Santa Cruz County, California

Dear Mr. Carlson:

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

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

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

EXHIBIT

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

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

VOL. 4228 PAGE 419

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

①

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

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH & ASSOCIATES, INC.



John E. Kasunich
C.E. 33177

JEK:th

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

Exhibit 2

Kris Schenk
Raiche



PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ CALIFORNIA 95060

October 11, 1985

RECEIVED
OCT 11 1985
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

KRIS SCHENK
Director

Leo and Pat Raiche
1470 McBain
Campbell, CA 95008

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

Dear Mr. and Mrs. Raiche:

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

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

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

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

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

Sincerely,

Lou Bacigalupi
LOU BACIGALUPI
CHIEF OF INSPECTION SERVICES

LB/jm

CC: Dave Leslie
Les Strnad
David Lee

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

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LA CROIX, SCHUMER, MATTEUCCI, SANGUINETTI & KELLER

EDWARD HIP LACROIX, S.A.
JOSEPH S. SCHUMER, JR.
MICHAEL J. MATTEUCCI
JAMES E. KELLER
RICHARD S. SANGUINETTI
CHRISTOPHER E. SCHUMER
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
AN ASSOCIATION OF PROFESSIONAL CORPORATION
1830 MERIDIAN AVENUE, SUITE 1800
SAN JOSE, CALIFORNIA 95125
TELEPHONE (408) 296-6430

MAILING ADDRESS:
P. O. BOX 8238
SAN JOSE, CA 95180-8238

April 25, 1986

APR 30 1986

COASTAL COMMISSION
CENTRAL COAST DISTRICT

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

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

Dear Mr. Starnad:

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

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

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

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

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

Michael J. Matteucci

MICHAEL J. MATTEUCCI

Enclosures
cc: Jonathan Witwer, Esq.

EXHIBIT NO. 4
APPLICATION NO 3-81-55 A
Raiche
 California Coastal Commission

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

- 4/21/81 Preliminary plans for the subject remodel project were completed by Clark Schultes.
- 6/8/81 Geologic hazard review was completed by Sue Williamson, Assistant Planner for Santa Cruz County.
- 7/24/81 Variance application No. 81-399V was approved by Santa Cruz County to reduce the 20-foot front yard set back to 8 feet.
- 10/5/81 A Coastal Development Permit No. 3-81-55 was granted by the California Coastal Commission.
- 11/22/81 Foundation plans were completed by Clark Schultes after engineering work by John Praser.
- [NOTE: MR. AND MRS. RAICHE WERE UNABLE TO BEGIN CONSTRUCTION OF THE PLANNED REMODEL PROJECT BECAUSE OF DIFFICULTIES IN OBTAINING FINANCING DUE TO THE DETERIORATING ECONOMY AND EXCESSIVELY HIGH INTEREST RATES]
- 11/8/82 A variance extension was granted by Santa Cruz County.
- 10/7/83 Coastal Permit Extension was granted by the State Coastal Commission.
- 1/9/84 A second variance extension was granted by Santa Cruz County with Level IV Permit No. 83-1288-DP.
- 10/5/84 Second extension request for Coastal Permit was granted by the Coastal Commission.
- 12/4/84 Further geologic hazards assessment was performed by the County of Santa Cruz (Dave Leslie, Planning Geologist).
- 1/8/85 County of Santa Cruz issued Building Permit No. 78075.
- 6/19/85 The owners Leo and Pat Raiche met with Keith Carlson, contractor at 60 Geoffrey Drive to discuss the proposed project. At this time Mr. Carlson reviewed the building plans and observed the condition and quality of the existing home. At this point, after inspecting the condition of the subject property, Mr. Carlson found extensive problems with the foundation and the structure itself including extensive dry rot and fungus damage to the subfloor and joists and apparent extensive

Exhibit 4

been intended to be utilized in the remodel project. It was further observed that the foundation had settled and was cracked in several places. It was further observed that existing portions of the foundation were inadequately reinforced and the anchor bolts were not sufficient. During the dismantling process, it was found that none of the elements of the structure which were originally intended to be utilized would meet the uniform building code requirements. To allow the building inspectors to confirm that the existing foundation could be utilized as anticipated, several sections of the old foundation were left at the proposed tie-in points. These remaining sections do not meet UBC requirements and would require removal and replacement. See letter from John Fraser dated 11/5/85 (Exhibit "A") and letter from John Kasunic dated 11/4/85 (Exhibit "3") for further information.

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

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

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

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

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

431 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8333
TDD ONLY (415) 896-1825

GEORGE DEUKERIAN, Governor

RECEIVED

AUG 20 1986

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

August 19, 1986

TO: Dave Loomis
FROM: Richard McCarthy
SUBJECT: (Review of Foundation Plans for the Raiche Residence
(no permit number), Santa Cruz

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

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

EXHIBIT NO. 6
APPLICATION NO. 3-81-35A
Raiche
 California Coastal Commission



OFFICE OF THE
COUNTY COUNSEL

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060-4068

(408) 425-2041

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

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

June 24, 1986

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

RECEIVED
JUN 24 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

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

Dear Mr. Strnad:

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

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

- (1) The County of Santa Cruz does not object to the Coastal Commission exercising jurisdiction for the purpose of amending the Coastal Development Permit for subject property, which permit was previously granted by the Coastal Commission; and
- (2) The County of Santa Cruz does not object if the Coastal Commission deems its Development Permit, as amended, to allow for rebuilding of the demolished portion of the improvements to be for reconstruction, rather than for new development. The County of Santa Cruz understands as follows: The Coastal Commission has received a report from John E. Kasunich.

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

-VOL. 4228 PAGE 427

Les Strnad
June 24, 1986
Page two

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

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

Thank you for your consideration of these matters.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By Jonathan Wittwer
JONATHAN WITTWER
Chief Deputy County Counsel

JW:ji:4162:11
cc: Planning Director

VOL. 4228 PAGE 428

STEPHEN WYCKOFF
JOHN L. RITCHEY III
STEPHEN M. WYCKOFF
MARINA S. SPANLE

WYCKOFF & RITCHEY
LAW OFFICES
113 COOPER STREET
POST OFFICE BOX 1118
SANTA CRUZ, CALIFORNIA 95061-1118
AREA CODE 408 - 428-2111

LOYD R. MILLER
OF COUNSEL
M. C. LUCAS (1878-1958)
HARRY C. LUCAS, JR. (1918-1983)

RECEIVED
SEP 10 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

September 9, 1986

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

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

Dear Mr. Douglas:

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

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

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

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

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

EXHIBIT NO. 8
APPLICATION NO.
3-81-55 A

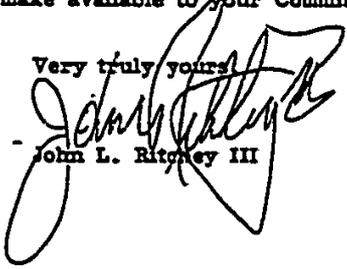
WYCKOFF & RITCHEY VOL. 4228 PAGE 429
LAW OFFICES

Peter Douglas
California Coastal Commission
September 9, 1986
Page Two

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

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

Very truly yours



John L. Ritchey III

JLR:lc 140

Enclosure

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

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WYCKOFF & RITCHEY
LAW OFFICES

113 COOPER STREET
POST OFFICE BOX 1118
SANTA CRUZ, CALIFORNIA 95061-1118
AREA CODE 408 - 426-2111

STEPHEN WYCKOFF
JOHN L. RITCHEY III
STEPHEN N. WYCKOFF
MARSHA S. SHARLE

LOVE R. MILLER
OF COUNSEL
H. C. LUCAS (1878-1962)
HARRY C. LUCAS, JR. (1912-1982)

August 22, 1986

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

RECEIVED
AUG 22 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

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

Dear Mr. Douglas:

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

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

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

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

Very truly yours.

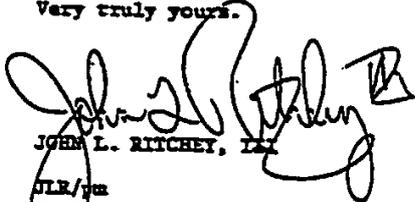

JOHN L. RITCHEY, III
JLR/vm
Encl.

Exhibit 8

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

VOL. 4228 PAGE 431



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

VOL. 4228 PAGE 432

November 8, 1985

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

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

Dear Mr. Bacigalupi,

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

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

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

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

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

Thank you for your attention in this matter!

Sincerely,



Robert R. Rittenhouse, Sr.

RRR/tm

CC: Leo & Pat Raiche
Dave Leslie
Les Sternad
David Lee

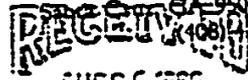
Exhibit 8



RITTENHOUSE INSURANCE CENTER

"Professionals Caring for You"

101 Church Street • P.O. Box 881
Santa Cruz, CA 95061-0881



RECEIVED
AUG 7 1986
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

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

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

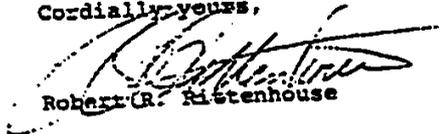
Dear Mr. Douglas,

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

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

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

Cordially yours,


Robert R. Rittenhouse

RR/lr
ENC:2



Exhibit 8

VOL. 4228 PAGE

435
RECEIVED
AUG 29 1986

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

Coastal Commission
Central Coast District
701 Ocean Street
Santa Cruz, Calif., 95060
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Dear Commission Members:

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

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

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

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

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

Sincerely,
Frances Ireland
(Mrs.) Frances Ireland

Exhibit



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PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

KRIS SCHENK
Director

December 4, 1984

Leo and Pat Raiche
1470 KCBain
Campbell, CA 95008

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

Dear Mr. and Mrs. Raiche

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

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

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

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

A previous hazards review by Sue Williamson (1981) recognized these on-going processes. The situation was worsened by wave attack in 1983 which caused additional erosion on the Monterey Bay side of the parcel and slumping to the north, adjacent to the lagoon.

EXHIBIT NO. 9
APPLICATION NO.
3-81-55A

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Leo and Pat
Raiche
Page

Leo and Pat Raiche
December 4, 1964
Page 2

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

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

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

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

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

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

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

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Leo and Pat Raiche
December 4, 1984
Page 3

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

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

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

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

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

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

Sincerely,

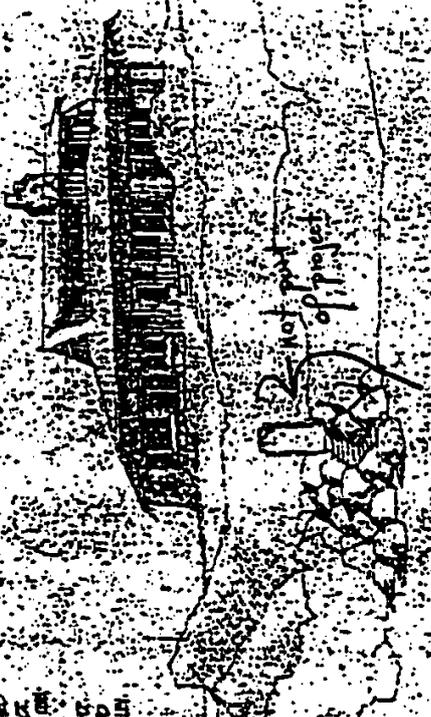
Dave Leslie
DAVE LESLIE
Planning Geologist

DL/emc

cc: Tom Easle
Dieter Beermann

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NEW VIEW BEACH



PROPOSED
SITE PLAN
SITE

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COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

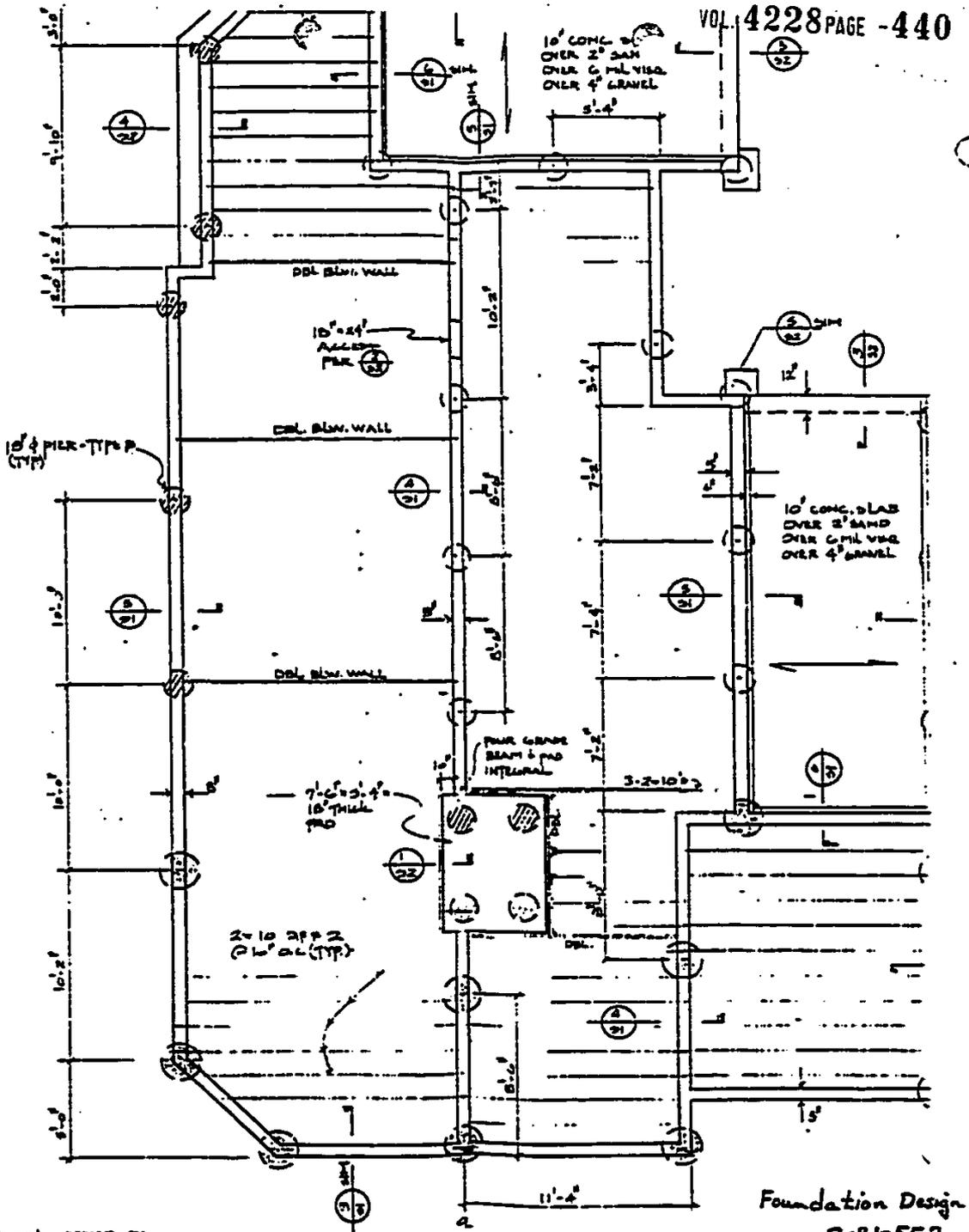
Jim Walsh
8-15-81

LANDSCAPING

GENERAL NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

EXHIBIT NO. 10
APPLICATION NO. 3-81-55 A
Building Raiche Design
California Coastal Commission

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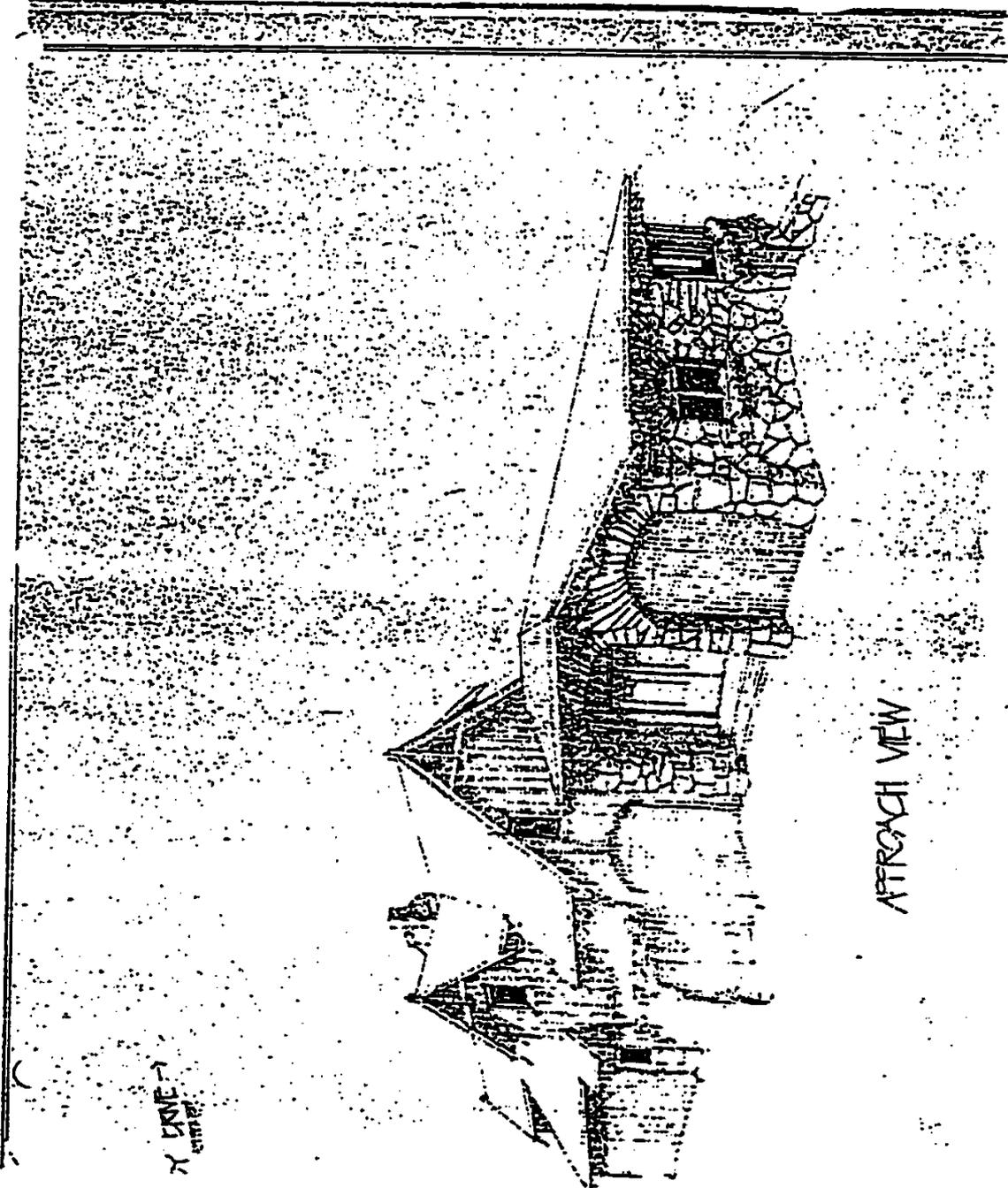


A TO SCALE REPORT BY

Foundation Design
3-81-55A

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VOL. 4228 PAGE 441

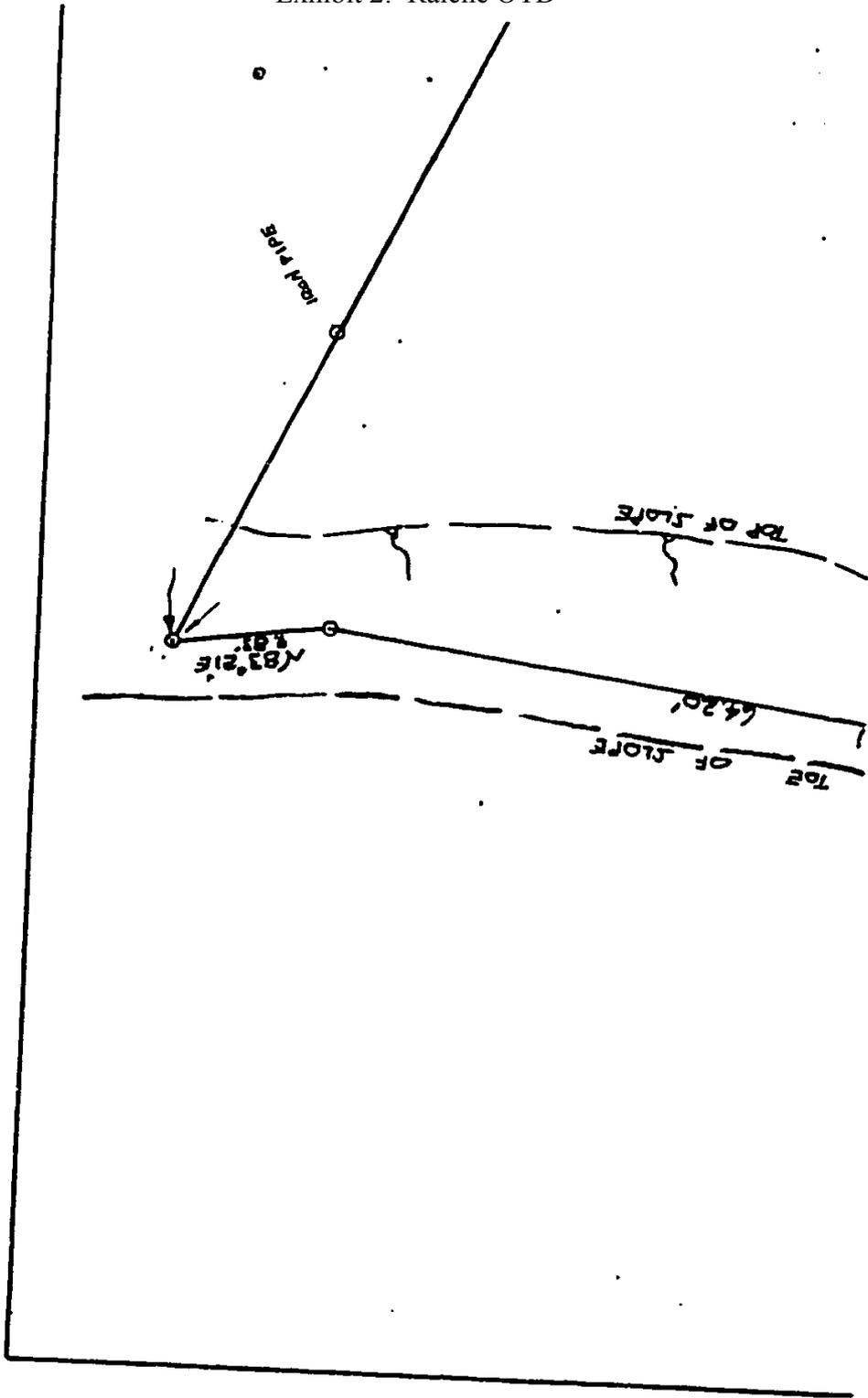


ATTACH VIEW

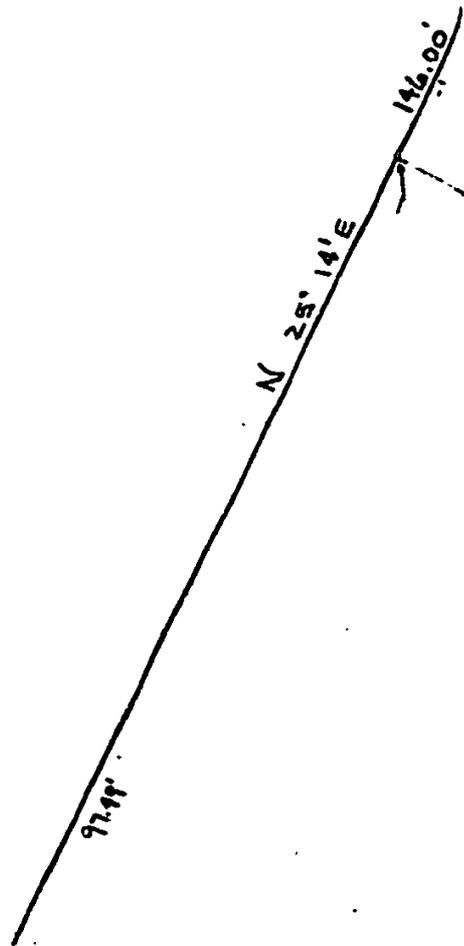
ONE →
UNIT

Exhibit 2: Raiche OTD

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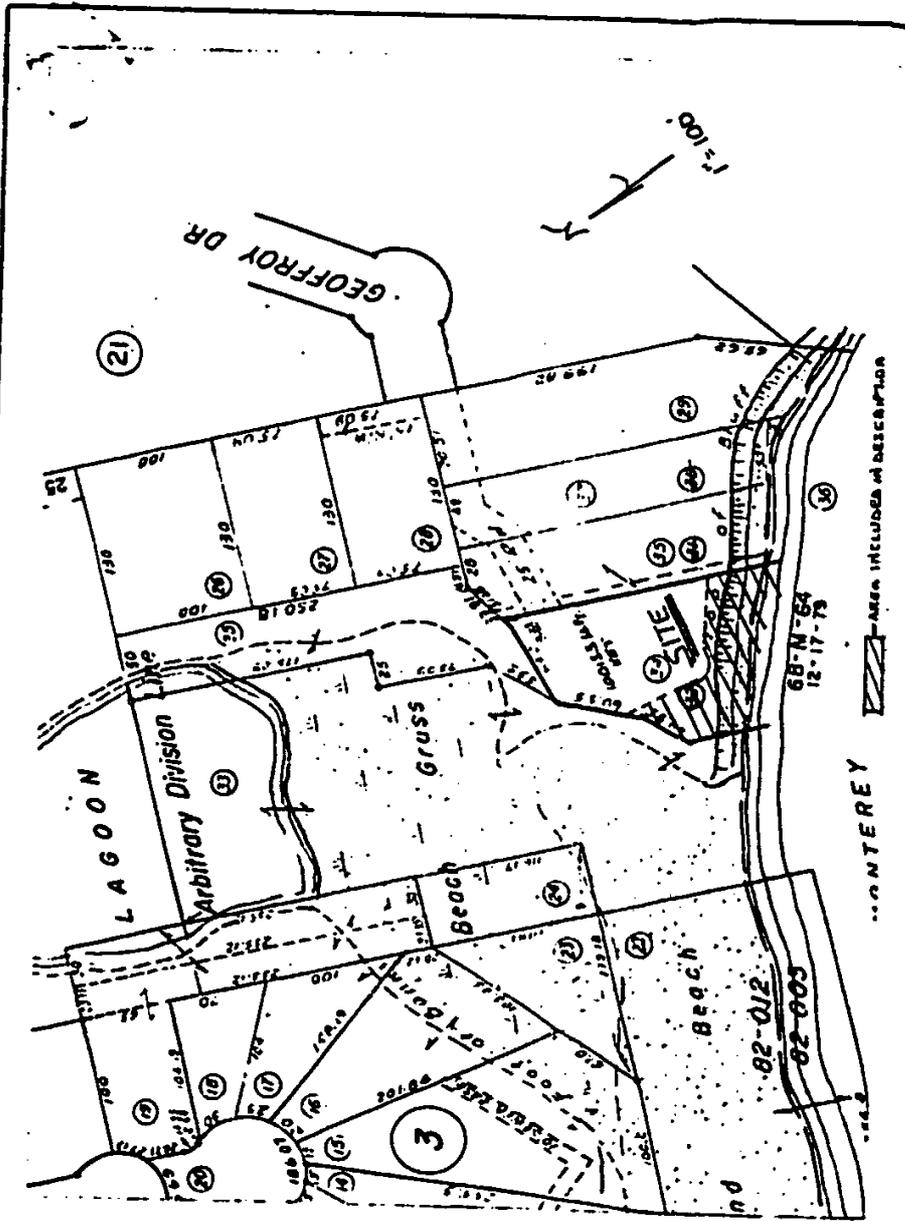
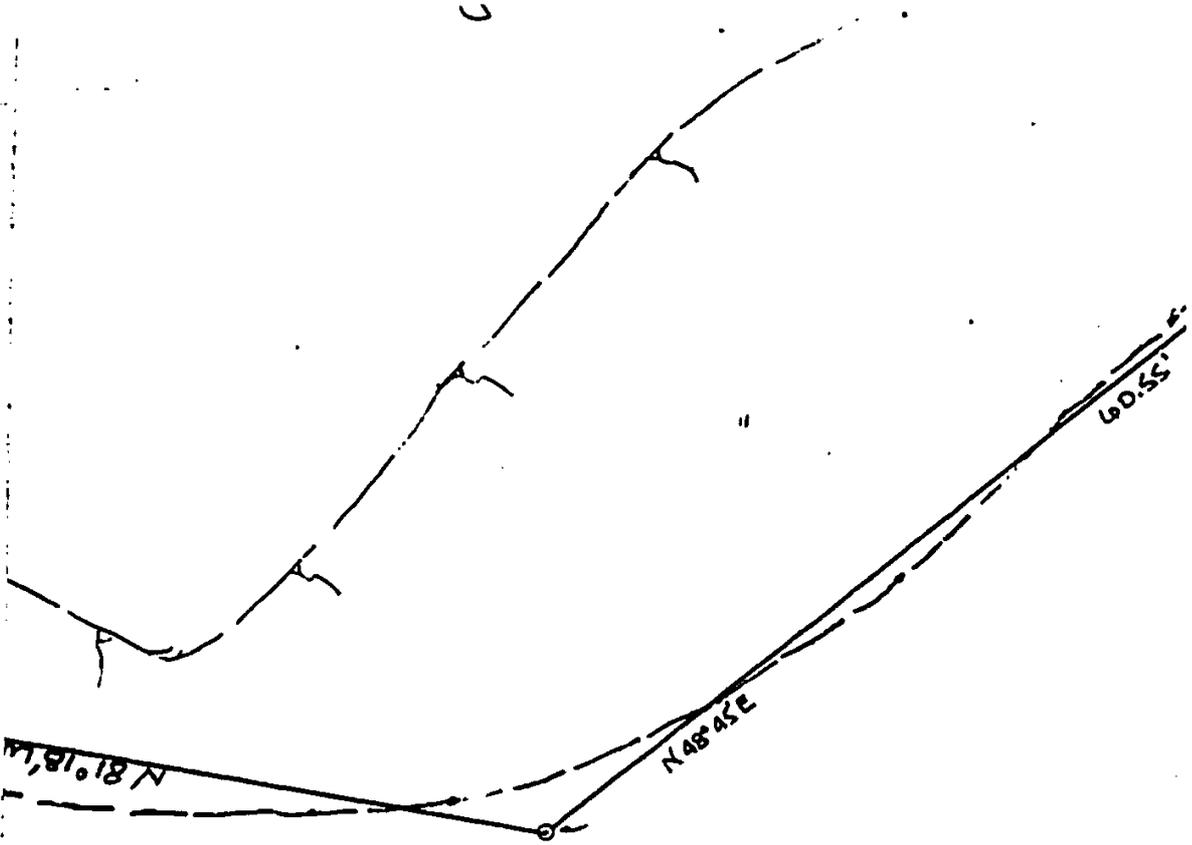
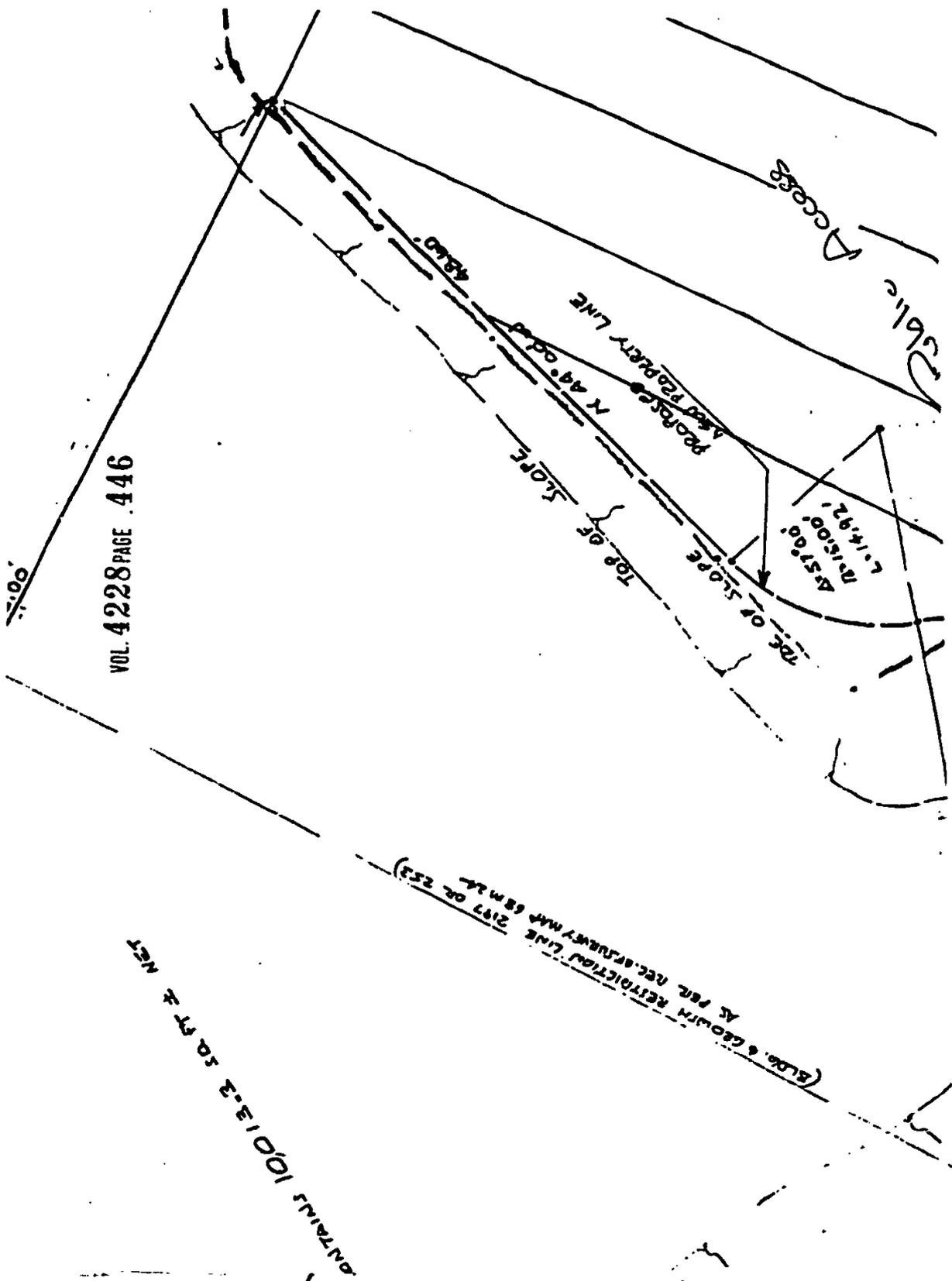


Exhibit 2: Raiche OTD



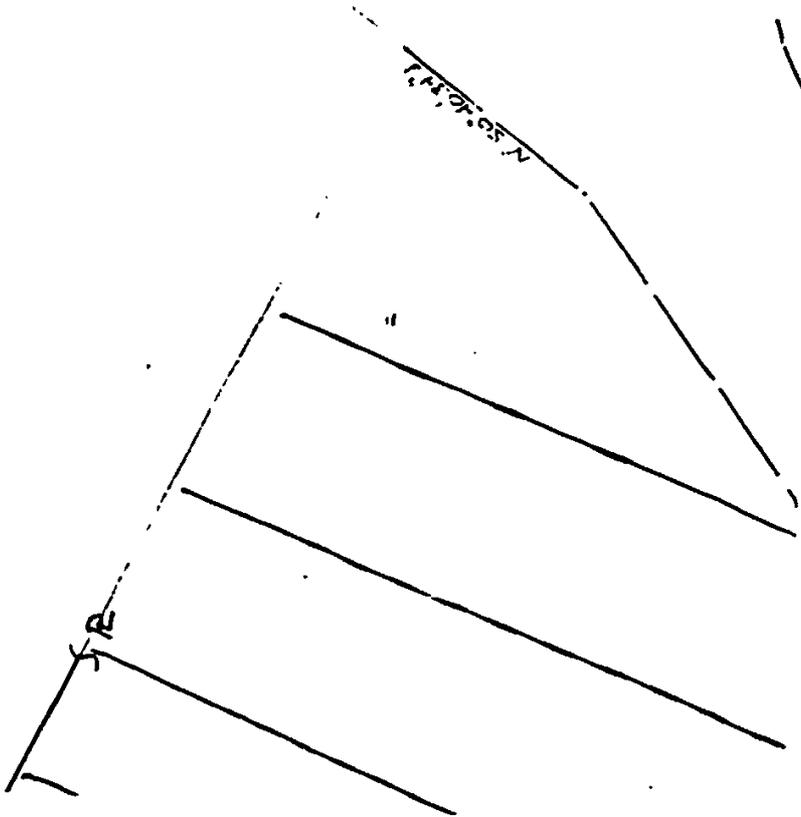
VOL. 4228 PAGE 445

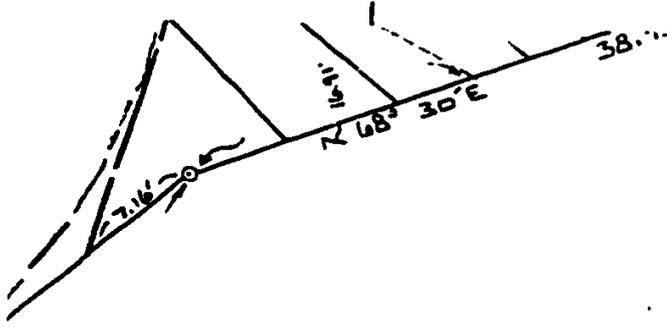
Exhibit 2: Raiche OTD



MONI
 OF Note - Assessor's Parcel Block 8 Assessor's Map No. 28-14
 Lot Numbers Shown in Circles County of Santa Cruz, Calif.
 AY June 1950
 LAST APPROVED - 11-2-1954

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DESCRIPTION OF LANDS TO BE CONVEYED

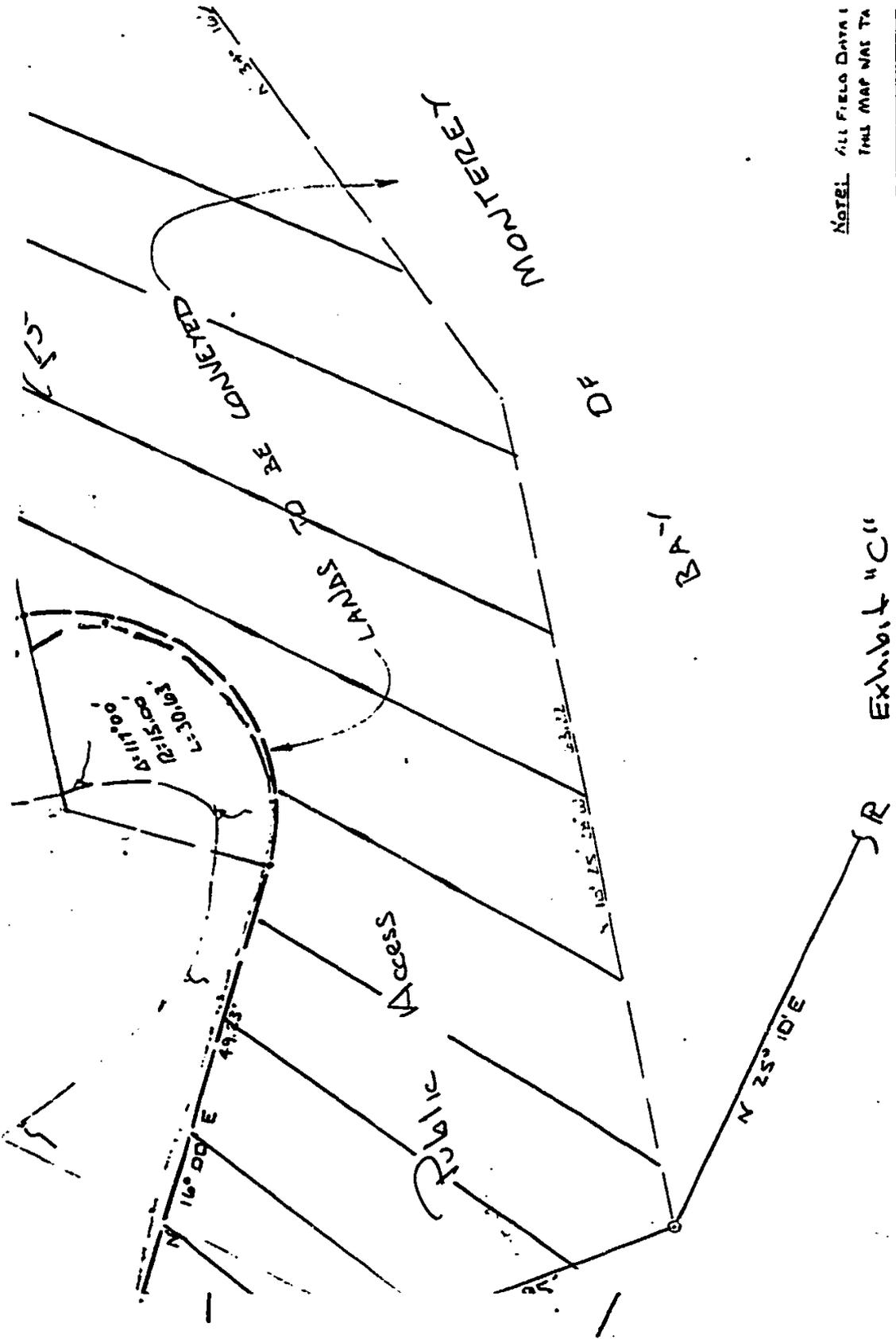
BEING a part of the lands conveyed to Joe L. Mello, et ux, by Deed dated September 12, 1951, recorded October 5, 1951 in Volume 841, Page 92, Official Records of Santa Cruz County and more particularly bounded and described as follows:

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

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

COMMENCING AT THE EASTERNMOST CORNER OF THE ABOVE DESCRIBED LANDS AND PROCEEDING S 25° 14' W ALONG THE SOUTHEASTERLY LINE OF SAID LANDS (LINE SHOWN AS S 28° 14' W IN ABOVE DESCRIPTION) 164.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 44° 00' W 48.00 FEET; THENCE NORTHWESTERLY ALONG A 15.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INTERIOR ANGLE OF 57° 00' AND A CURVE LENGTH OF 14.92 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INTERIOR ANGLE OF 117° 00' AND A CURVE LENGTH OF 30.63 FEET; THENCE N 16° 00' E 19.23 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LANDS, SAID POINT BEING N 48° 45' E 7.16 FEET FROM AN ANGLE POINT THEREIN.

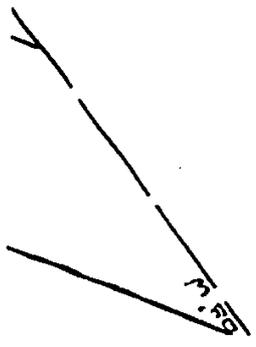
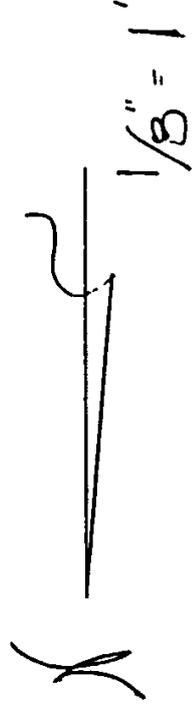
Exhibit 2: Raiche OTD



NOTE: ALL FIELD DATA IN THIS MAP WAS TAKEN

38

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PLAT
OF LANDS OF
LED RAICHE

SANTA CRUZ Co. 2-7-87

DODGE-SHEPHERD ASSOC., SURVEYING
2341 MONTECIMA DR.
CAMPBELL, CALIF. 95008
378-3478 265-1706



SEND TO PRODUCE
KEN FROM 68 M 24