

**MINUTES OF THE REGULAR MEETING
OF THE TOWNHOUSE COMMITTEE
Sand Dollar Beach Homeowners Association
June 14, 2019**

Call to Order:

The meeting was held at La Selva Community Church, 29 Florido Ave, La Selva Beach. Present were Committee members Cynthia Haines, Zonia Waldon (via tele-conference), and Brent Tucker (via tele-conference). Also present was Amy King, Certified Community Association Manager and Hannah Carpenter, Community Association Support, representing King Management, and homeowner Jerry Moore of the HOA Finance Committee. The meeting was called to order by Chair Brent Tucker at 9:05AM.

Approve Minutes – April 12, 2019 & May 8, 2019 & June 3, 2019:

It was moved (Cynthia) and seconded (Zonia) to approve the Townhouse Committee minutes from the April 12, 2019, May 8, 2019 and the June 3, 2019 meetings as distributed. Motion carried unanimously.

Consultant Ken Hart – Swift Consulting Services – Ken Hart via Tele-Conference:

- Ken confirmed we are in the Santa Cruz County appeal period for the TH stair project permit. The appeal period ends Friday, June 21st.
- The following Monday the 24th, the County should send out the Final Vocal Action Notice. The Coastal Commission has 10 days to appeal from the date of receipt of this notice.
- If the CC appeals, the process could take several months.
- It is possible that the CC will take the stance that the seawall itself is not permitted and is not a legal structure.
- Sand loss mitigation laws were not developed until the 90's. The seawall existed and was re-constructed long before that time.
- An attempt by the CC to apply retro-active fees may be the reason the TH Committee will ask the HOA to hire an attorney.
- The stair permit as approved has no connection to the seawall.

- Ken recommends the Committee waits to see if the CC appeals and what the basis of the appeal is.
- Ken also recommended the Committee review the issue and consult with a qualified attorney, in the event that legal representation is required.
- The June 6, 2019 letter from Swift Consulting to Nathan MacBeth at the Planning Department has been attached to these minutes.

Roof Repairs:

Daddario Roofing confirmed all completed repairs and received payment.

Set Next Meeting Date:

The next teleconference meeting of the Committee was set for Wednesday, June 26th at 8:30AM. Painting will be added as a topic for that meeting.

Adjournment:

There being no further business before the Committee, and no objections raised, the meeting was adjourned at approximately 9:40AM.

Amy King
Secretary Pro Tempore

Swift Consulting Services

Nathan MacBeth
Santa Cruz County Planning Department, 4th floor
701 Ocean Street
Santa Cruz, CA 95060

June 6, 2019

Subject: Application 171364 (The Shoreline)

Dear Nate:

As you know, I am representing The Shoreline Homeowner's Association on this application. The purpose of this letter is to provide you with a response to the letter submitted to your office from Rainey Graeven, Coastal Commission staff, dated June 3, 2019 (Attachment 1). As you know, while not originally a part of our application for a Coastal Development Permit, the permit history for the adjacent seawall has been a major focus by both the County and the Coastal Commission staff. The staff report prepared for the project correctly identifies an exception contained in the Coastal Act that directly applies to the work done in 1983 to the seawall. A brief chronology of permitting history is included with this letter (Attachment 2).

In her letter, Ms. Graeven states that a Coastal Development Permit (CDP) for the seawall needs to be processed with the current application, as the reconstruction of the wall that occurred in 1983 did not include a CDP. In her letter, she does not cite any statutory or regulatory requirements to support her assertion. The basis for her opinion appears to be predicated on the extent of work done to the wall in 1983 to repair the damage done during the 1982 storm event. She presents evidence that the work went beyond normal repair and maintenance and states that it was not eligible for an exemption to Coastal permitting requirements. We disagree. The Coastal Act contains the following exemption for this type of work in Section 30610(g)(1):

30610 *Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

(g)(1) *The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.*

This Section of the Coastal Act has been incorporated into the Santa Cruz County Code as Section 13.20.063 and has been certified by the Coastal Commission.

Ms Graeven goes on to cite a letter from the engineering firm involved in the design of the repairs, recommending that "a new wall be constructed directly in front of the old wall." There is no evidence to compare the exact location of the old and this new wall,

only this recommendation that it be directly in front of the damaged structure. Our position is that the wall permitted by the County of Santa Cruz was in the same location

as the damaged structure and was eligible for this exemption. The County agrees with this position and provides further documentation that the work on the seawall was eligible for the exemption because it met the applicable tests established by policy 3.3.9 of the 1983 Local Coastal Program.

In her letter, Ms Graeven also discusses the issue of impacts to sand supply associated with the both seawall and with the construction of the upslope retaining wall. I will not discuss her comments on sand supply issues relative to the seawall, as there is no nexus between the proposed retaining wall and lawfully permitted work on the seawall that occurred in 1983.

We continue to believe that the sand loss as a result of the construction of the retaining wall landward of the seawall will have little or no effect on sand supply. A review of the plans and project site will show that the area behind the low retaining wall atop the grade beam is located underneath the decks of the condominiums at Unit 3. As such, this area is not subject to raindrop impact-related sand transport.

Likewise, there is no water that runs onto the site from above, as all rainfall is captured and transported to the beach in the drainage system for the property. As a result, there is no sand movement onto the beach that would be interrupted as a result of the construction of the stairway project. The only potential for soil movement in this location would be via dry ravel. As designed, a 2:1 slope will result in little or no soil movement. In fact the County standard to design to a 2:1 slope is based on slope stability concerns and this configuration provides for a long-term stable slope.

Perhaps the only area of agreement I have with the letter from the Coastal Commission staff is the question as to the methodology used by the County to arrive at the 150 cubic yard figure for sand loss attributable to construction of the retaining wall. John Wallace, the project geologist, has developed an estimate of sand loss due to the implementation of this project. John is working up an estimate (he believe it to be a fraction of the 150 cubic yard figure used by the County. I'll get it this afternoon and insert appropriate language here and state that his estimate is included as Attachment 3.

I do have some comments on the terminology used in the Findings. The terms "retaining wall", "coastal protection structure," and "seawall" are used interchangeable throughout the Findings to describe the improvements proposed by this application. I understand that this retaining wall is technically a coastal protection structure, but it should not be described as a seawall. I recommend that the term "seawall" be changed to "retaining wall in the following locations:

Coastal Development Permit Findings

Finding 1: The second paragraph, line one, refers to "seawall." Change to "retaining wall."

Finding 3: For clarity I recommend that the sentence on lines three and four be changed to read "The project has been conditioned to require the existing, previously permitted seawall and the proposed retaining wall to be maintained in perpetuity..."

Finding 6: The second line refers to "seawall." Change to "retaining wall."

Development Permit Findings

Finding 4: Line one refers to "seawall." Change to "retaining wall."

In closing, thank you for your assistance with this project and for your consideration of the recommendations contained in this letter.

Sincerely,

Ken Hart
Senior Associate
Swift Consulting Services