I. PROJECT DESCRIPTION

The request is for a Coastal Development Permit (CDP) to address various as-built structures on the south side of the subject property that are on the bluff top and bluff face. The project proposes to permit the already performed removal of an as-built brick path, steps, and wood viewing deck, and permit the additional removal of a concrete support post that remains. Additionally, the project proposes to permit as-built brick wall with wood fence on the eastern property line and wooden planter walls to remain on the bluff face based upon the recommendation of the applicant’s geologist. New drought tolerant landscaping on the bluff face is proposed to reduce visibility of the structures to remain and increase stability of the area. No new structures are proposed.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2017-00014) to allow the proposed development in the Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060);

APPLICATION DEEMED COMPLETE: May 3, 2018
DATE ACTION REQUIRED: July 30, 2018

III. RECOMMENDATION

If approved as proposed with conditions, the project would conform to the City’s Zoning and Building Ordinances; however, certain aspects of the project on the bluff face would not be consistent with all applicable policies of the Local Coastal Plan, specifically LCP Policy 8.2 prohibiting development on a bluff face. The project proposes the permitting of an as-built brick wall with wood fence and as-built wood planter walls on the bluff face. Therefore, staff does not recommend approval of the project as proposed by the applicant.
IV. BACKGROUND

In March of 2017, a prior owner of the property applied for a Zoning Information Report (ZIR) from the City with the intention of selling the property. The ZIR identified a bluff top viewing deck without the benefit of permits, which was qualified as a “major violation.” The owner’s agent applied for a building permit for removal of the deck to abate the violation prior to sale of the property. The building permit was issued a zoning clearance over the counter on March 8, 2017, mistakenly without coastal review. The deck was removed and the building permit was finalized March 14, 2017. The property was sold to the current owner on May 19, 2017. Upon discovery of the need for coastal review, the Planning Division informed the new owner, who applied for the required CDP for the “as-built” removal of the deck in November 2017.

As part of the CDP application review, a site visit was conducted by staff. During this site visit staff identified additional bluff face development (brick wall with wood fence and wood planter walls) that was not mentioned in the prior building permit application. A search of City records found no permits for these improvements. Therefore, the CDP application needed to be revised to include the additional features and a geological assessment was conducted to assess the potential impact of removing them. Per the geologist’s recommendation, the applicant is requesting to retain the brick wall with wood fence and wood planter walls, and proposing to landscape the bluff face with native plantings to screen the structural features and provide additional slope stability.
V.  SITE INFORMATION AND PROJECT STATISTICS

A.  SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Trish Allen, Suzanne Elledge Planning &amp; Permitting Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner:</td>
<td>Stephen Odell</td>
</tr>
<tr>
<td>Site Information</td>
<td></td>
</tr>
<tr>
<td>Parcel Number:</td>
<td>045-182-012</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>9,208 square feet</td>
</tr>
<tr>
<td>General Plan:</td>
<td>Low Density Residential</td>
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<tr>
<td>Zoning:</td>
<td>E-3/SD-3</td>
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<tr>
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<td>Low Density Residential (5 du/acre)</td>
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<tr>
<td>Existing Use:</td>
<td>Residential</td>
</tr>
<tr>
<td>Topography:</td>
<td>29% slope (average)</td>
</tr>
<tr>
<td>Adjacent Land Uses</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Residential, Recreational (Thousand Steps)</td>
</tr>
<tr>
<td>South</td>
<td>Pacific Ocean</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
</tr>
</tbody>
</table>

VI.  ISSUES

The applicant is proposing the permitting of as-built development on the coastal bluff. The City’s Local Coastal Plan (LCP Policy 8.2) expressly prohibits development on the coastal bluff face, with limited exceptions not applicable in this circumstance. Meanwhile Coastal Act (Section 30253), requires the minimization of adverse impacts including actions which create or contribute to instability—of which removal of the as-built bluff face development would elicit. It is therefore up to the Planning Commission to balance these competing policies and determine whether the proposed project can be found to be consistent with coastal policies.

VII.  POLICY AND ZONING CONSISTENCY ANALYSIS

A.  ZONING ORDINANCE CONSISTENCY

The E-3, One Family Residence Zone requires a twenty foot front setback and six foot interior setbacks. Fences and walls are allowed within the interior setbacks, as long as they do not exceed eight feet in height. It is important to note, however, that when dealing with multiple walls, unless there is a horizontal separation of at least five feet between a wall and an adjacent wall, the height is measured cumulatively. For instance, if two four foot walls are within five feet of each other, the height is equal to that of one eight foot wall.

The as-built brick wall with wood fence on the eastern property line cumulatively measured exceeds the eight feet in height. SMBC 28.87.170.E allows the Community Development Director to grant exceptions to fence and wall heights with an Administrative Exception. Should the Planning Commission approve the project proposal, a condition of approval would be placed on the project that the applicant apply for and obtain an Administrative Exception for fence height prior to building permit issuance. With this condition, the project would be consistent with zoning requirements.
B. COASTAL ACT AND LOCAL COASTAL PLAN CONSISTENCY

The project site is located within the Appealable Jurisdiction of the Coastal Zone and must be found consistent with the City’s Local Coastal Plan (LCP), which implements the California Coastal Act. The project is in Component 2 of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential, and has very limited additional development potential. The major coastal issues identified for Component 2 include seacliff retreat and flooding hazards; public access, both vertically and laterally along the bluffs, overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space.

Staff has reviewed the subject application and finds the removal of the as-built wood deck and brick pathway consistent with the Local Coastal Plan. However, in staff’s opinion, leaving the as-built brick wall with fence and wood planter walls on the bluff face is not consistent with Policy 8.2 of the Local Coastal Plan. However, weighing whether removal or maintaining the walls is the preferred option as far as policy consistency will ultimately have to be made by the Planning Commission in their review of the Coastal Development Permit.

1. CALIFORNIA COASTAL ACT POLICIES

a. Coastal Act Section 30251 (Scenic and visual qualities)

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 of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Due to the steepness of the slope, the as-built wood planter walls cannot be seen from the beach below, and they also do not impede views of the ocean from the north. Additionally, the low profile of the individual walls (ranging between 12 to 48 inches in height) installed 12 to 42 inches apart maintain the steepness of the slope along with the proposed landscaping would result in minimal visibility.

b. Coastal Act Section 30253 (Minimization of adverse impacts)

New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) 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 geologic investigation report prepared by Adam Simmons dated April 18, 2018 investigated the brick wall with wood fence and the wood planter walls on the site and analyzed the potential impacts that could be associated with their removal. As far as the brick wall with wood fence on the eastern property line, of which a small
portion is on the bluff face, his report states that “removal of the small brick wall would require removal of earth materials on the neighboring parcel to create a more stable slope angle, since the vertical cut soil exposed after wall removal cannot stand on its own unsupported.”

Regarding the wood retaining walls on the bluff face, Mr. Simmons estimates the volume of soil within one of the 11 foot wide planter boxes to be approximately 323 cubic feet (12 yards). He extrapolates that this volume across the other walls could be as much as 50 cubic yards of material that would have to be excavated if the walls were removed—which would ultimately “increase the potential for slope instability” and “accelerated erosion likely.” In order to provide a more stable slope (1.5 to 1 slope) for revegetation, he estimates an additional 50 cubic yards of earth material would need to be removed. Mr. Simmons, therefore recommends retention of the wood planter walls, along with the installation of low water drought tolerant plantings and deep rooted varieties that help stabilize the slope and keep it in a state of under saturation.

Separate of the brick wall with fence and wood planter walls Mr. Simmons identifies a third feature—a concrete filled support post—on the bluff face that is a remnant of the wood deck that was already removed. Given the weight of the post and the location on the bluff face, he recommends removal of the post through splitting and breaking and careful removal.

2. CITY LOCAL COASTAL PLAN POLICIES
   a. LCP Policy 8.2 (Bluff face development)

   *With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.*

   The project geologic investigation report identifies a bluff edge location at approximately the 82 foot elevation (below the wood deck that was removed). However, the City’s certified LCP map identifies the top of bluff at the 89 foot elevation (above the wood deck that was removed). The brick wall with wood fence terminates at the 85 foot elevation, and the wood planter walls all fall below the 89 foot elevation. This line was provided to the City by the California Coastal Commission (CCC) as part of the approval of the City’s Post LCP Certification Permit and Appeal Jurisdiction Map in 2017.

   The decision of where the bluff edge is located is not based on geologic conditions such as soil type, bedding planes, etc., but rather on topographical data and a policy interpretation of how topographical survey data is interpreted to meet the definition contained in Section 13577(h)\(^1\) of the California Code of Regulations. The

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\(^1\) CCR Section 13577(h) states that the “Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the
interpretation of the definition was conducted in consultation with California Coastal Commission (CCC) mapping staff, and previous CCC staff geologist Mark Johnsson. The topographical data on the project site shows a steplike bluff face and CCC and City staff interpreted the 89 foot elevation to be the landward edge of the topmost riser of this steplike feature as described in Section 13577(h).

If the Planning Commission agrees with staff’s recommendation that the bluff edge be identified at 89 foot elevation, then the brick wall with wood fence and wood planter walls would be interpreted as being on the bluff face and, therefore, would be inconsistent with LCP Policy 8.2. Native, drought tolerant, landscaping, has historically been allowed on the bluff face.

VIII. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15304 (Minor Alterations to Land), which allows for minor earthwork and the replacement of existing landscaping with water efficient landscaping. None of the exceptions to the use of Categorical Exemptions per Guidelines §15300.2 apply.

IX. DESIGN REVIEW

This project is scheduled for consent review by the Single Family Design Review Board on May 29, 2018. As of publication of this staff report the draft minutes were not yet available, but will be provided to the Planning Commission at the June 7, 2018 hearing.

X. FINDINGS

The Planning Commission finds the following:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

The project qualifies for an exemption from further environmental review under CEQA guidelines Section 15304 (Minor Alterations to Land), based on City staff analysis and the CEQA certificate of determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

The project’s as-built removal of the wood deck, brick pathway and steps is consistent with the policies of the California Coastal Act and Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because per the work abated existing violations on the property and was conducted in an manner that minimized impacts to the surrounding area per the geological analysis. Additionally, the removal of the deck, brick path and stairs does not substantially impact views from the shoreline as they were not visible from the public beach below due to the site topography.

Staff understands the dilemma of having to deal with previously installed walls, not previously identified as a violation, and trying to address them in the least impactful
manner, while also giving effect to LCP policy. Staff provides the following two options for the Commission to consider regarding the as-built walls:

1. The brick wall with wooden fence and wooden planter walls would not be consistent with the California Coastal Act and Local Coastal Plan because the walls were constructed on the bluff face and modified the natural slope of the bluff. Therefore, the owner shall remove the as-built structural features and provide an updated grading and landscaping/restoration plan consistent with Section 30253 of the Public Resources Code prior to SFDB design approval; or

2. If the Planning Commission can find the project, as proposed by the applicant, consistent with the California Coastal Act and Local Coastal Plan, staff recommends the Commission consider the geologist’s recommendations to require the drought tolerant landscaping as proposed on the landscape plan and permit the brick wall with wood fence and wood planter walls to remain because this option would reduce soil excavations which could increase the potential for slope instability and accelerated erosion likely.

Please note that depending on the action of the Planning Commission recommended Conditions of Approval numbers C.1 and C.5 may need to be amended.

Exhibits:

A. Conditions of Approval
B. Project Plans
C. Applicant’s letter, dated March 5, 2018
D. Geological Investigation Letter, dated April 18, 2018
E. Aerial/Bird’s Eye Photographs

NOTE: SFDB Minutes to be distributed at the June 7, 2018 Planning Commission Hearing.
PLANNING COMMISSION CONDITIONS OF APPROVAL

5 SANTA CRUZ BOULEVARD
COASTAL DEVELOPMENT PERMIT
JUNE 7, 2018

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:
   1. Obtain all additional land use approvals. Refer to Condition B “Approval Contingent upon Administrative Height Exception for Over Height Walls.”
   2. Obtain all required design review approvals.
   3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
   4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
   5. Record any required documents (see Recorded Conditions Agreement section).
   6. Permits. Submit an application for and obtain a Building Permit (BLD) for demolition/construction of approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. Approval Contingent Upon Administrative Height Exception. Approval of the subject project is contingent upon approval of an Administrative Height Exception for the overheight walls that are a part of the project. Submit application materials for the Administrative Height Exception to the Planning Counter at 630 Garden Street.

C. Recorded Conditions Agreement. The Owner shall execute a written instrument, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

   1. Approved Development. The development of the Real Property approved by the Planning Commission on June 7, 2018 is limited to the previously removed as-built brick path, steps, and wood viewing deck; removal of the concrete support post that previously supported the western portion of the wood deck; as-built wooden planter walls; a brick and wood perimeter wall; new drought tolerant landscaping; and the improvements shown on the plans signed by the chairperson of the Planning Commission on June 7, 2018 said date and on file at the City of Santa Barbara.

   2. Development Rights Restrictions on Bluff Face. The Owner shall not cause or suffer any development on, or make any use of, the bluff face beyond what is identified on the approved plans, in order that the bluff face will remain in its natural

EXHIBIT A
state as much as reasonably feasible. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the landscape plans. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

3. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.

5. **Future Threats to Development.** By acceptance of this permit, the Owner agrees, on behalf of him/herself and all successors and assigns, that the Owner shall remove the development authorized by this permit, including the brick wall and wood fence, wooden planter walls or other structural features that become unearthed in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. In the event that portions of the development fall to the beach before they are removed, the Owner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a Coastal Development Permit.

6. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

7. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to
indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

D. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.

2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Community Development Department.**
   a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C “Recorded Conditions Agreement” to the Community Development Department prior to issuance of any building permits.

   b. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan:

   If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

   If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines
that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

c. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

d. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D “Design Review,” and all elements/specifications shall be implemented on-site.

e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor</td>
<td>Date</td>
</tr>
<tr>
<td>Architect</td>
<td>Date</td>
</tr>
<tr>
<td>Engineer</td>
<td>Date</td>
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</tbody>
</table>

2. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuant, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

**F. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:** The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development,
and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.
Exhibit B: The project plans for 5 Santa Cruz Boulevard have been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.
EXHIBIT C

5 March 2018

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE: Coastal Development Permit for 5 Santa Cruz Blvd (APN 045-182-012);
MST2017-00770, Project Description/Applicant Letter

Dear Commissioners:

On behalf of the applicant, we are pleased to provide the following project description associated with the removal of an as-built bluff top deck for the subject property.

The City issued a building permit to demolish an as-built brick path, access steps, and wooden deck that were constructed prior to the current property ownership. Following permit issuance and final inspection, it was discovered that the building permit was issued without the proper coastal review. Development activity on a property located in the coastal zone appeals jurisdiction and within 50 feet from the top of the bluff requires a Coastal Development Permit (CDP).

Existing Setting/Background

In 1950, the subject property was developed with a single-family residence and detached garage on the approximate 9,200 square foot lot located in the East Mesa neighborhood, west of the One Thousand Steps beach access. The lot is configured as a flag lot, the existing driveway access is located off of Santa Cruz Boulevard between the residence at 1 Santa Cruz Blvd. and 1501 Shoreline Drive. The property is generally flat, with top of bluff to the south of the residence, a distance of approximately 40 feet, and is developed with an approximate 1,400 SF single-story residence and a 400 SF detached garage.

On March 1, 2017, a site inspection was conducted by City of Santa Barbara staff as part of the Zoning Information Report (ZIR) process. The site inspection noted that a bluff top viewing deck was constructed without proper coastal review and a building permit; this inspection initiated an enforcement action by the City. Prior to listing the property for sale, the owner and his agent prepared a plan to obtain a City building permit to remove the structure. The permit was issued, the structure removed, and the
site was inspected to confirm the deck removal (see attached permit records). Thus, the enforcement action was abated and the case was closed. This application remedies this oversight.

Deck Removal and Geologic Evaluation

The brick path, the steps, and wooden deck platform were carefully removed from the bluff top in such a manner to protect the bluff stability, minimizing potential erosion impacts to the bluff. The removal process consisted of cutting the wooden 4" x 4" redwood deck support posts at grade, dismantling the deck, and hauling the materials off-site. The brick pathway was also removed and in its place drought tolerant plantings were installed (agapanthus and ivy). Following the removal, the site was inspected by geologist Adam Simmons who prepared a brief report to evaluate the site conditions. Mr. Simmons report determined that the removal of the structures did not impact the sea bluff nor the stability of the slope. The report also recommends that the approximate 30" tall brick retaining wall located near the east property line remain as its removal could negatively impact the adjacent property as well as the bluff stability. Additionally, the geologist recommends careful removal of the concrete filled support post hole that remains. The concrete post removal will be carried out per the geologist recommendation and incorporated into a revised building permit (refer to the site plan included in the application materials).

As part of the initial application submittal to the City’s Land Development Team, City staff conducted a site visit to observe the property and the area where the wooden deck was removed. At this site visit, staff noted additional bluff face development that was not previously observed nor incorporated into the enforcement action following the zoning inspection and issuance of the Zoning Inspection Report. The additional development located on the bluff face include wood retention walls/plantar beds with metal posts that appear to have been installed sometime after 1989 (noted by staff in their DART letter dated December 13, 2017).

The geologist has conducted subsequent site visits to evaluate these additional bluff face features and has updated the geologic report accordingly. A landscape plan has been prepared in consultation with the project geologist as part of a landscape restoration effort to provide bluff stability. For detail regarding the landscape restoration plan, please refer to the plans included in the application materials.

Existing Site Drainage

As indicated on City permit records and confirmed in the field, the property contains a drainage system that includes a trench drain parallel to the bluff top, a catch basin located in the open yard area between the residence and the bluff, where runoff water is collected and directed into drain pipes to avoid sheet flow runoff onto the bluff.
Required Discretionary Applications

- A Coastal Development Permit for site improvements for a property located in the Appealable jurisdiction of the Coastal Zone.
- Review and approval by the Single Family Design Review Board.

The project itself will not negatively impact the health and welfare of the surrounding neighborhood community. It does not impact public or private viewsheds and the project is compatible with the surrounding neighborhood. It is consistent with applicable General Plan and Local Coastal Plan Policies regarding coastal development and bluff protection.

On behalf of the applicant and project team, we thank the Commission for their consideration of this request. I can be reached at (805) 966-2758 x116 should you or your staff have any questions that you would like to discuss.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES

Trish Allen, AICP
Senior Planner

Attachment: City building permit, inspection record, and plan
City of Santa Barbara
Building & Safety Division
Job Card

Permit Application #  BLD2017-00467
Project Address:  5 SANTA CRUZ BLVD
Project Type:  R/OTC-DEMO

Description of Work:
Abate violations noted in ENF2017-00255. Demo unpermitted 14' X 11' wood deck & wood steps.

People Associated with this Permit:
CON PRIDE CONSTRUCTION
OWN PORTER FAMILY TRUST
GOLETA
PASADENA CA

Code Summary Information:
P.C. Conditions: Occupancy: R-3 Building Areas: New Floor: Deck:
Soils Report: Use: SFR Alteration: Paving:
Notice & Order: Occupant Load: Demo:
Geo. Report: FEMA Flood Zone: Garage/Carp
Type of Work: DEM Plan Sheets: 1 Accessory:
Valuation: $1,500

**ATTENTION**
Per S.B.M.C. and California State Law, all permits for work exceeding $1000.00 in valuation may require the installation of smoke detectors, carbon monoxide detectors and a backwater valve prior to passing Final Inspection. Please consult with your building inspector as to the specific requirements for your project.
## CITY OF SANTA BARBARA BUILDING INSPECTION RECORD

**FOR BUILDING INSPECTION REQUESTS CALL (805)564-5492 ONE DAY IN ADVANCE**

Fire Department Inspections: 564-5702
Public Works/Transportation Inspections: 564-5388

Reinspection fees may be assessed if the plans or inspection records are not available

**On the job site or if the work for which the inspection has been called is not completed.**

**THIS PERMIT IS VALID FOR 180 DAYS FROM THE DATE OF THE LAST INSPECTION**

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<th>INSPECTION TYPE</th>
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**DO NOT POUR CONCRETE UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED**

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<td>Sewer Lateral, TEST</td>
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<td>Electrical Groundwork</td>
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<td>Floor Framing, Hold Downs</td>
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<td>Underground / Underfloor Plumbing</td>
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**ROUGH INSPECTIONS**

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<td>Rough Water / Gas Piping</td>
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<td>Rough Framing / Windows / Egress</td>
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**DO NOT INSULATE OR COVER FRAMING UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED**

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**DO NOT TAP OR PLASTER UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED**

**POOLS AND SPAS, FENCES**

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**BLOCKWALLS, FENCES, RETAINING WALLS**

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**FINAL INSPECTIONS**

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<td>FINAL Mechanical / Plumbing</td>
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<td>FINAL Gas, TEST - OK to Set Meter</td>
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**DO NOT OCCUPY OR USE THE AREA UNTIL ALL REQUIRED INSPECTIONS ABOVE ARE SIGNED**

Notes:

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**For any revisions or additional information, please contact the building inspections department.**

**All inspections must be completed within the specified timeframe.**

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**If any issues arise during the inspection process, please report them immediately to the inspector.**

---

**All permits expire after 180 days from the date of the last inspection.**

---

**Failure to comply with inspection requirements may result in fines or enforcement actions.**

---

**Contact information for building inspections:**

- Phone: (805)564-5492
- Email: buildinginspections@santabarbara.ca.us

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**Please ensure all materials and workmanship meet code requirements.**

---

**Thank you for your compliance and cooperation.**

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**Inspection records are available for public review.**

---

**All inspections are subject to the city's building code and guidelines.**

---

**Please review the permit conditions and inspection schedule before starting work.**

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**If you have any questions, please contact the building inspections department.**
Demolition Permit for
5 Santa Cruz Boulevard

5 Santa Cruz Boulevard, SB 93109
APN: 045-182-012
Owner:
Jim Stimpson
137 Grace Terrace,
Pasadena, CA 91105

Scope of Project:
Demolish the existing approximately
14' x 11' wood deck & wood step and haul off
all debris. Once removed the area will be left
natural with a few native plants planted in its
place.

PLANT PLAN AND LOCATION

City of Santa Barbara - Community Development Department
BUILDING & SAFETY DIVISION APPROVAL
Any changes or alterations to these approved documents
will require approval from the Building & Safety Division.

Date: [Date]
By: [Signature]
All work is subject to field inspection.

This approval is for the plans, documents and project description
submitted. It does not waive any requirement of Federal or State
taxes or ordinances of the City of Santa Barbara. (805) 564-5485

318 PANT

City of Santa Barbara - PLANNING DIVISION APPROVAL
DATE: 3-8-17
BY: DCE
PROJECT EXP. DATE: 11/6

Project Approvals:
□ Design Review □ PC - SHO - CC □ N/A

This approval is for the plans and project description submitted, and does NOT
waive any requirement of other laws or ordinances of the City of Santa Barbara.
Permit must be issued by Planning Expiration Date.

Conditions: - leas
April 18, 2018

Mr. Stephen Odell
4180 Cresta Drive
Santa Barbara, California  93110

Re: Updated Preliminary Geologic Investigation – Zoning Enforcement Case 2017-00255
Coastal Bluff Restoration & Deck Removal near Sea Cliff Study
5 Santa Cruz Blvd
Santa Barbara, California
APN 045-182-012

Dear Mr. Odell:

Pursuant to City Staff request, I have re-examined the above sea cliff property with regards to removal of the existing wooden deck and steps near the top and addition of new plantings. The demolition & restoration plan was approved by the City of Santa Barbara Building & Safety on March 8, 2017.

Based on my site inspections of the subject property and review of historic photographs dating back to 1938, the subject property is not located within a landslide area. No significant landslides were noted on the sea cliff, which explains the steep sea bluff topographic configuration. The sea bluff is composed of in-place shale bedrock with no evidence of deep seated past landslide activity in the past. The closest mapped landslide is a moderate sized landslide located approximately 500 feet west of the subject property. Landslides are not likely to cause damage to the subject property due to the underlying geologic conditions and slope geometry.

However, evidence of several small, shallow landslides and rock fall have been observed along the steep sea bluff along the property and up and down the coastline, as a likely result of wave erosion along the base of the sea bluff within the Monterey Shale and lesser erosion at the top of the slope within the Older Alluvium (terrace) deposits from past uncontrolled runoff water. Higher rates of erosion were noted near the southern terminus of Santa Cruz Boulevard, east of the neighboring parcel to the east, as a result of concentrated runoff water collected in the two storm drains off Santa Cruz Blvd. This accelerated erosion does not appear to have impacted the subject property.

The past erosion by natural processes had caused the sea bluff to encroach upon the small wooden deck situated near the top of sea bluff, at the east end of the property. Removal of the wooden deck and adjacent wooden steps and brick pathway was recommended during a recent zoning violation and has since been carefully removed. The removal process consisted of cutting the wooden 4 inch by 4 inch redwood support posts at grade and the wooden deck was dismantled and hauled off. The brick pathway and wooden steps accessing the deck were also properly removed as per plan. Drought tolerant plants are proposed as shown on the Coastal Bluff Restoration Plan (sheet CD-1), by Robert Fowler, Landscape Architect as part of the restoration process.
The above deck and stairway removal did not impact the sea bluff and likely increased the stability of the slope by removing less permeable materials (i.e. wood, brick) and replacing with drought tolerant plants. An existing, approximate 30 inch tall brick retaining wall with concrete foundation, located near the eastern property line, northeast of the wooden deck (now removed) should remain since its removal of the wall would likely impact the neighboring property to the east since it retains the vertical cut slope, and is currently not considered a threat by slope failure due its current setback from the top of bluff. Removal of the small brick wall would require removal of earth materials on the neighboring parcel to a more stable slope angle, since the vertical cut soil exposed after wall removal cannot stand on its own unsupported. Cutting the brick wall down to soil grade is not practical since one or maybe two courses of brick removal from the 7 course high brick wall would be difficult and impractical.

Likewise, several small wooden retaining walls had been placed on the bluff area, with some of these walls located below the City's designated top of bluff. These wooden walls consist of predominantly 2 inch by 12 inch lumber stacked from 12 to 48 inches tall. The walls are supported with 1 1/2 inch diameter steel pipes strapped to the outside of the wooden planks (all three sides of planter walls). The walls were installed to provide for shoring and planting of the sea bluff area in the past. The walls are largely placed on top of the soil with retaining on the upslope sides, with the deepest embedment into the soil measured at approximate 9 inches below grade (measured by projecting the bottom of the side walls of the wood to the uphill side of the box/retaining wall).

For example, a 32 inch tall by 36 inch wide by 11 feet long section of planter/retaining wall was stacked offset approximately 29 inches on top of a 28 inch tall by 48 inch wide by 11 feet long planter box which was stacked, offset on a 24 inch tall by 72 inch wide by 11 feet wide planter box, with each planter progressively stepping into the slope with little or no embedment into the soil below. Similar stacked planter boxes are found elsewhere along the approximate 50 foot wide property, with exception the west side of the property. The western section of the slope consists of numerous, approximate 18 inch tall wooden retaining walls, stacked approximately 12 to 42 inches apart. These walls are also supported with steel posts strapped to the wooden retaining walls.

The volume of soil within the 11 foot wide example of planter boxes described above (not including the retained soil on the uphill side of the planter boxes) is approximately 323 cubic feet. This is equivalent to approximately 12 yards. Extrapolation of this volume across the remainder of the approximate 50 foot wide property with similar wooden walls, suggests approximately 50 cubic yards of material would have to be excavated if these walls were removed. At least two additional smaller wooden walls (estimated to be 2 foot tall maximum) were found with the 11 foot measured section of the slope, although mostly buried by plants closer to the cliff edge and therefore not accurately measured due their inaccessibility being proximal to the steeper cliff.
Removal of these small wooden walls would not only disturb the near surface top soil and surrounding plants but require removal of earth materials present immediately behind the walls, thereby increasing the potential for slope instability. Re-establishing deep rooted drought tolerant vegetation on the disturbed slope would be challenging with accelerated erosion likely. Therefore, an additional amount (estimated 50 cubic yards; based on an average 6 foot tall by 9 foot long triangle cut along a 50 foot stretch) of earth materials would need to be removed if the retaining wall/plant boxes were to be removed, in order to provide a more stable slope (1.5 to 1 slope) for revegetation of the disturbed slope. The close spacing and even stacked design of the small wooden walls is such that they provide support for the surrounding soil and allow for vegetation to cling onto the slope, although do not provide support for the residence whether present or not. I therefore recommend keeping the small walls in place, since these walls do not promote access to the bluff and may be carefully removed as needed when undermined in the future, since the current planting cover the majority of the planter walls and proposed hydroseed would be better implemented with their presence.

I do however, recommend careful removal of the relatively heavy concrete filled post hole previously used to support the southwest section of the wooden deck. The estimated 12 inch diameter by 24 to 30 inches deep concrete support piece may be subject to erosion and fall down the sea bluff since it is situated less than 2 feet from the top of sea bluff. The concrete may be removed by splitting/breaking the concrete and carefully remove in pieces so as to disturb the sea bluff. I still recommend conducting the work during low tide with a spotter at the base of slope (with cell phone) so any beach walkers could be alerted and sectioned off during the removal process as precautionary measure.

If when the sea bluff erodes back to the small brick retaining wall and small wooden garden walls in the future, the sections should be carefully removed with a safety spotter placed at the bottom of the slope to protect beach walkers (at safe distance).

I also recommended minimizing the placement of any high-water use plants (including lawn) and/or heavy, shallow rooted succulents (i.e. jade plants) within 20 feet of the sea cliff, as shown on the proposed landscape plan (CD-1). The use of deep rooted, drought tolerant plants in the proposed landscaping of the property is recommended in order to minimize the potential for over saturation and erosion. Thick and deep rooted plant varieties help to stabilize the slope and keep it in a state of under saturation.
If we can be of any further service to you on this or other geologic matters, please do not hesitate to contact us.

Sincerely,

[Signature]

Mr. Adam Simmons
Professional Geologist; Certified Engineering Geologist & Hydrogeologist
State of California  PG #6234  EG #2015  HG #509
AERIAL/BIRDS EYE VIEW PHOTOGRAPHS
5 SANTA CRUZ BOULEVARD (MST2017-00770)

PHOTO 1: CITY'S BLUFF EDGE (BLACK LINE) & 50 FT. BUFFER (PINK BUFFER)

PHOTO 2: APPROXIMATE LOCATION OF APPLICANT'S "TOP OF BLUFF" VS. CITY'S BLUFF EDGE

EXHIBIT E
Photo 3: 1987 CA Coastal Records Project

Photo 4: 2002 CA Coastal Records Project