

# 755 SAND POINT RD. CARPINTERIA, CA

Appellant: Raemer Crest, LLC & Brilliant Projects, LLC

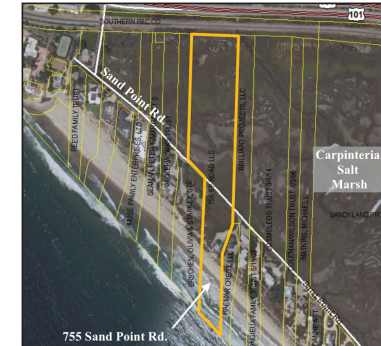
Law Office of Marc Chytilo  
August 28, 2018

MARC CHYTILO, ANA CITRIN, ATTORNEYS AT LAW  
DAVE REVELL, PH.D. REVELL COASTAL  
MICHAEL GONELLA, PH.D.

Figure 1 - Project Vicinity Map



Source: US Dep. of the Interior, US Geological Survey  
Carpinteria Quadrangle, 2015



From Updated Wave Run Up Analysis of Feb 2016  
By Streamline WEST Engineering

From SB County Planning Commission Staff Report  
Dated 3-14-2018

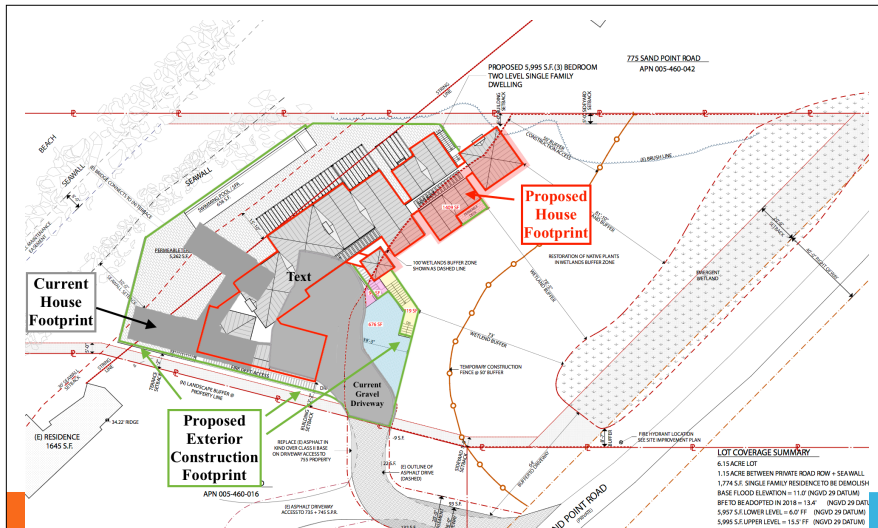
## 755 Sand Point Rd Site Location and Parcel Outline



755 Sand Point Rd.

## 2 Rock Revetments, Wetlands & Vulnerability to Flooding from 2 sides

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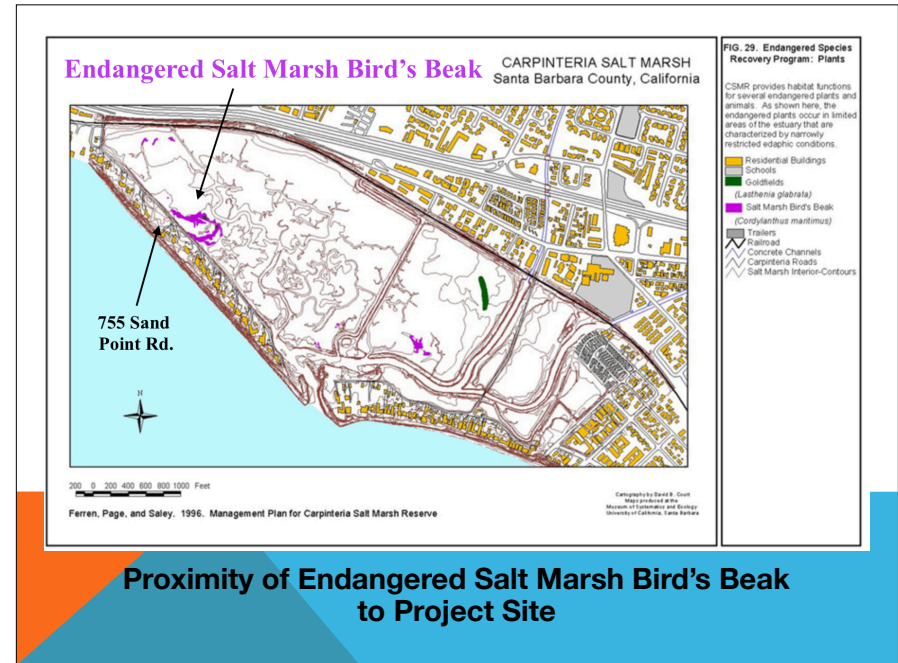


## Current House and Drive (gray) vs. Proposed House and Exterior Construction (red and green)

## CEQA – BIOLOGICAL IMPACTS

### Potentially Significant Biological Impacts:

- 1) On An Extremely Sensitive Site:
  - a) ESHA on both sides
  - b) Impacting Federally Endangered and Protected Species
    - i) Saltmarsh Bird's Beak (Project)
    - ii) Red-sand verbena (Revetment Remediation Project)
  - c) With designated wetlands on site and adjacent in Carpinteria Salt Marsh
- 2) Increased footprint increasing erosion, runoff, and altering hydrology for on-site wetland



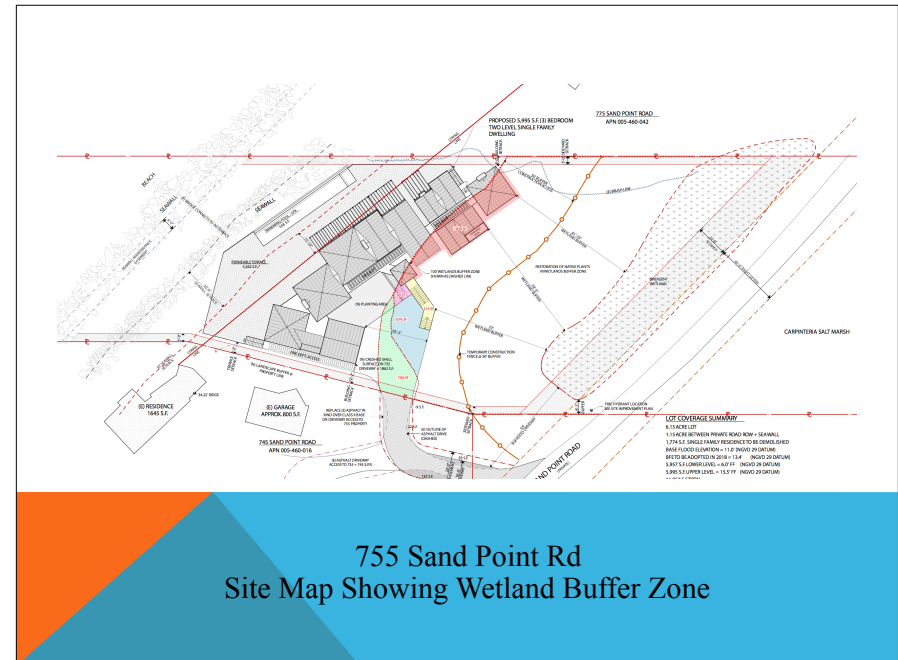
## IMPACTS TO WETLANDS

Project will deposit structural debris into Salt Marsh During Flooding from:

- Breakaway walls
- Storage area contents
- Surface Hardscape

Project hardscapes encroach into 100-ft wetland buffer

On-site construction staging will impact wetlands



## CUMULATIVE BIOLOGICAL EFFECTS

MND Inadequately addresses cumulative Project impacts to biological resources from:

- a. Project + other Sand Point Road projects (755+711+501+607)
- b. Thomas Fire debris flows into Marsh
- c. Sea level rise

Causing impacts to:

- a. Endangered and protected plant populations
- b. Carpinteria Salt Marsh Habitat
- c. remaining dune habitat

## CEQA - CULTURAL

- Sandspit populated by Chumash during Late Period, so presence of cultural resources is probable
- No Subsurface Testing
- Carpinteria Salt Marsh has Significance as Tribal Cultural Resource

## CEQA - COASTAL HAZARDS

Serious Flaws in Coastal Hazard Analysis, Understating Risks and Impacts to Habitat, First Responders, Access and Erosion

- Extremely Vulnerable Site
- Sea Level Rise Understated
- Updated FEMA Maps Ignored
- Wave Run up Analysis Omitted
- Fluvial Flooding (from Carpinteria Creek and Marsh) Not Studied
- Future of Revetment Unknowable but Significant
- Erosion and Beach Loss Ignored
- Implications of Sea Level Rise on Wetlands and ESHA Ignored

## Sea Level Rise Study Defects

- a. Extremely vulnerable site – surrounded by water on 3 sides – only ocean waves analyzed
- b. Ignores effect of back-bay water ponding from either tides or creek flow, impacting development from the north
- c. Ignores any discussion of coastal erosion and tsunami inundation
- d. Does not follow FEMA Pacific Coastal Hazard guidelines or look at wave run up with and without existing coastal armoring





Figure 2 . Air Photo view of the site with water surface elevation contours (courtesy of FEMA) <sup>1</sup>

## Revell Coastal Report 2018

### 755 Sand Point Rd. Building Envelope with Flood Elevations

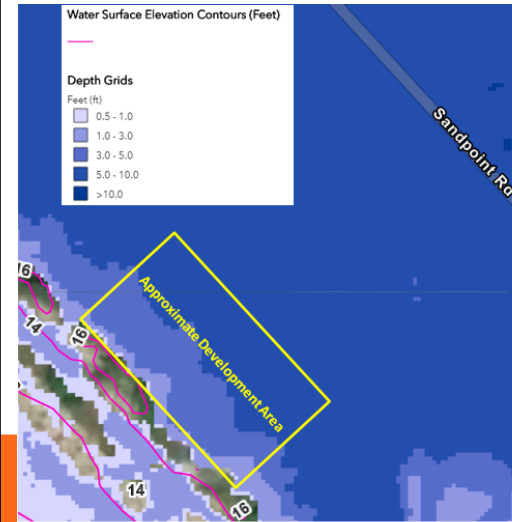


Figure 3. Advisory flood map from a 100 year fluvial flood event and existing post-Thomas debris flow conditions at the proposed development site with flood depths of up to 10' (courtesy of FEMA)<sup>2</sup>

## Revell Coastal Report 2018

### Flood Simulation

### 755 Sand Point Rd. Building Envelope with Flood Elevations

755 Sand Point Rd : Dune Erosion (with Storm Erosion and without Coastal Armoring)

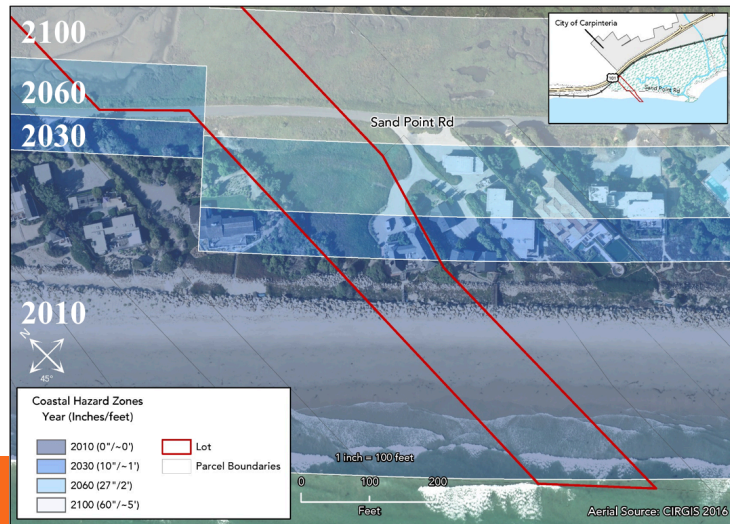


Figure 4. Coastal erosion hazard projection with sea level rise and a 100 year wave event and no armoring <http://maps.coastalresilience.org/california>

## CDP FINDINGS CANNOT BE MADE

### a.Finding 2.2.3: Required Finding: The Property is in compliance with all laws.

- i. The property is subject to a letter described in the Staff Report as a Notice of Violation from the Coastal Commission dated August 27, 2015. The property's APN is identified as containing the unpermitted rock revetment.
- ii. Current status of violation is County, Coastal Commission and Landowners are "working" on it. State Lands Commission Boundary Issue unresolved
- iii. The Property contains and relies on unpermitted armoring of the shoreline. It is not in compliance with all laws.



## UNPERMITTED ROCK REVETMENT

### Two Revetments,

Inland Revetment – Installed 1964 before Coastal Act

Coastal Side Revetment, Installed by County without permits in 1983 and Repaired in 1994 and 1998, without permits

Coastal Commission Violation File Number V-4-15-0055

Commission's Efforts to gain County Cooperation rebuffed

Potential Penalties of \$11,250/day for 34 years exceed \$100M

Current Status: Boundary Dispute before State Lands Commission

Potential Outcomes: remove one or both revetments, combine revetments

Impact Issues: Red-sand verbena plant, beach erosion and access, ramp effect on wave run up

## CDP FINDINGS

**a. Finding 2.2.4: Required Finding: The development will not significantly obstruct public views from a recreational area.**

i. Caltrans is designing and will construct a new Class 1 bikepath between Carpinteria Avenue and Santa Claus Lane on the northern margin of the Carpinteria Salt Marsh, with direct views of the Project.

ii. The bikepath constitutes a recreational area, and the size and design of the structure obliterates public views of the ocean through the parcel.

iii. The views of the mountains from the beach will be significantly obstructed due to the size and design of the development.

**b. Finding 2.2.5: Required Finding: The development is compatible with the established physical scale of the area.**

i. Elevated base floor elevation combined with excessive development requires a Modification to allow unusually steep roofs in excess of 30°.

ii. The development includes four chimneys that are 40' above grade.

iii. The development would be the tallest structure on Sand Point Road, and one of the biggest.



SAND POINT RESIDENCE  
755 SAND POINT ROAD  
CARPINTERIA, CA 93013  
APN 005-460-043  
13CDH-00000-00001  
PLANNING COMMISSION REVISION 02.15.2018

Architect's Rendering Depicting Size and Scale



755 Sand Point Rd  
Story Poles As Seen From the Ocean

## **REQUESTED ACTION**

Find MND inadequate and Direct Preparation of EIR to address Coastal Hazard, Biological, Cultural and Visual Impacts

Declare Findings of Approval Cannot Be Made Until Revetment Violation is Remedied

Direct Applicant to Pursue a Smaller Project That Minimizes Impacts, Avoids Wetlands and Buffers, Reduces Impervious Surfaces and Respects the Numerous Site Constraints

