

Via Gaviota

# Did anyone hear warnings?

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**APTOS** — The \$3.4 million in wave damage to beachfront homes here last month may have been avoided if someone had listened to warnings nearly 17 years ago.

When these homes on Via Gaviota were proposed in 1966 by the Aptos-Seascape Corp., then-County Planning Director Bert Muhly's warnings about potential wave damage were like a voice in the wind.

Muhly eventually quit the county, made copies of information about this development, and went home to wait for his predictions to come true.

As he waited, he worked actively to get the Coastal Initiative passed in 1972 and served eight years on the Santa Cruz City Council.

On Jan. 27 of this year, Muhly's predictions came true. Huge waves topped the rip-rap between Via Gaviota homes and the beach, causing major damage to 19 of the 21 beachfront homes.

This wasn't the only area damaged, but it's probably the best — and most recent

— example of how such precariously-situated developments came to be.

The homes along Via Gaviota probably will be the last of their kind here since regulations imposed in recent years preclude homes on the beach.

It's the files Muhly copied that tell Via Gaviota's sad story.

Muhly recommended that the Planning Commission deny the proposed 155-lot development when it was requested in 1966. The development included lots on the beach and up a terraced bluff.

He wrote commissioners, "The lot design is not in the interest of public safety where it's subject to inundation. It is not shown to what extent that lots and the street on the beach will be protected from ocean wave action."

Merle Watson was the project manager at the time. He said in a recent interview the developers' plan was to eventually have a beach development a mile along the sand. Via Gaviota was to be the first leg of this mile-long development.

When asked if there was any concern on the developers' part in 1966 about possible

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wave damage, Watson replied, "We had the best experts that could be found to analyze the subdivision and make the recommendations."

The planning staff also told commissioners the proposed development was not only hazardous, but went against the general plan and zoning ordinance.

The countywide general plan in 1966 showed the area as a park with a open space along the bluff. The beach lots were smaller than the 6,000-square-foot minimum prescribed by the zoning ordinance.

The Aptos Area General Plan was in the works at the time. When it was certified seven months after the Via Gaviota development was approved, it called for no roads on the beach and no disturbance of the natural bluffs.

Watson applied for an exception to the zoning ordinance, an exception then-Assistant County Counsel Henry Faltz said couldn't be granted.

These arguments convinced planning commissioners who, on Dec. 28, 1966, denied the development in a 5-3 vote. Their chief reason, Muhly said, was their concern about the road on the beach.

The developers appealed the commission's decision that very day to the Board of Supervisors.

Less than two months later, the board unanimously approved the development complete with beachfront lots and with conditions they believed would protect the homes from high waves. They ordered a new zone be developed to allow the smaller lots.

State Sen. Henry Mello, D-Watsonville, was a county supervisor at the time, and, according to Muhly, a prime backer of the development. Mello took office in November 1966, just as the development was being proposed.

"Mello seemed to take charge of this project," Muhly recalled. "Several months before he took office ..., he appeared in my office several times with (Supervisors' Chairman) Tom Black asking about the project."

"Immediately upon the filing of the appeal, Mello came to me with Black ... and the suggestion was made that I should write conditions of approval in case the board overturned the Planning Commission. I flatly refused..."

But Mello stated in a recent interview that he was very concerned back then about possible wave damage to beachfront homes.

Mello noted it was he who suggested the condition placed on the development that Via Gaviota be five feet higher off the sand than nearby Beach Drive in Aptos, another beachfront road.

Mello said the five feet was "just an arbitrary figure." It was based on no engineering data.

"I sure did (have concerns)," he recalled. "Being a native of Santa Cruz County, since the 1930s, I've seen the waves come over Beach Drive numerous times, as well as debris."

"When the Seascape project came along, they put in fill along the beach and tried to make another Beach Drive-type subdivision. I indicated to them those homes would experience the same damage that Beach Drive had experienced."

Mello said he voted for the project because he believed the conditions would protect the homes.

"And for about 14 years it worked and it worked at a time when Beach Drive had damage on three or four occasions. But 1983 brought more intense wave and tidal action. It even overtopped the five foot height," Mello said.

The Jan. 27 waves were unusual in that they were caused by a combination of storm and higher-than-normal tides from the alignment of the sun and moon on opposite sides of the earth.

But even the conditions placed on the development must not have totally eased Mello's mind because in 1967 he was worried the county would be liable for wave damage to the homes.

After reading a study on the seawall needed there, Mello wrote the county counsel asking, "Would the county of Santa Cruz be liable for any damage incurred to lives and property as a result of approving a subdivision map for Seascape Beach Estates Tract 483 if, at some later date, the wave and tidal action causes damage to the property situated on the beach frontage of said subdivision?"

Eventually, the developers released the county for any liability involving the seawall in front of the homes and from any liability for damages to structures built within 10 feet of the edge of the seawall.

When supervisors approved the final map for the development, they required a steel sheet pile seawall rising seven feet from the sand. The homes were to sit 20 feet from the edge of the wall, according to the requirements.

But what eventually was put in place was a rubble wall of huge stones. The homes at first were required to sit 10 feet back from the edge, but in 1968, supervisors removed the 10-foot requirement.

Again, supervisors ignored Muhly's warning about impending disaster.

"What they did was come 10 feet closer to failure," Muhly said.

But there was a difference of opinion. Public Works Director Don Porath in May 1968 called both the steel sheet pile seawall and the rubble wall "equally acceptable."

Tom Polk-Williams of Bowman & Williams, the local civil engineering firm that designed the rubble wall, can't recall why developers wanted the change.

Now, Via Gaviota residents are required by the county to put in a new, stronger seawall. All homeowners on the coast who had damage must sign agreements to build community seawalls before being allowed to rebuild, according to planner Sue Williamson.

"I think a better, more integrated seawall would have prevented some of the damage (on Via Gaviota) ..., but the location in the cases of Beach Drive and Via Gaviota are very difficult to protect," Williamson said.

When asked if he thought the original design for the seawall would have offered better protection, Watson stated, "It's hard to project acts of God and that is what this was. It's a phenomenon that I'm not sure you could even design for."

age that Beach Drive had experienced."

## Via Gaviota — last of its kind

**APTOS** — The Via Gaviota beachfront housing development here probably will be the last of its kind.

It's not just the recent wave destruction to beachfront homes that has turned government officials off from allowing such development.

The state Coastal Act, the Aptos Area General Plan and the county's Local Coastal Program — all passed after Via Gaviota came to be in 1967 — make it practically impossible for any future development on the beach.

No such developments have been approved here since Via Gaviota.

Since Via Gaviota, supervisors have denied the Aptos-Seascape Corporation's plans to build a beachfront development a mile down the sand. This development was to be an extension south of Via Gaviota.

This denial by supervisors led to a court suit in which Aptos-Seascape Corp. wanted to be compensated for the 70 acres of beachfront property. This case has now been appealed to the state Supreme Court by both parties.

"The development of Via Gaviota laid the basis for the (supervisors') decision that lead to the Seascape suit," Second (Capitola-Aptos) District Supervisor Robley Levy said. "That decision was not to permit development on the beach or the bluffs."

Developers terraced the bluffs above Via Gaviota to complete the 155-lot development.

The Aptos Area General Plan calls for no roads on the beaches and no disturbance by development of the bluffs or arroyos. It was certified seven months after Via Gaviota was approved.

It was developments like Via Gaviota springing up along the coast that convinced voters in 1972 to pass the Coastal Initiative to protect the coastline from intense development, said Bert Muhly, former county planning director.

"It's this kind of abuse by local government officials of the planning process that got the people up at arms enough to pass coastal legislation," Muhly said of the Via Gaviota development.

The Land Use Plan of the county's Local Coastal Program says that if someone wants to build in "coastal hazard areas," they must show the parcel isn't subject to any potential hazards and the development as a whole will not subject people to potential hazards.

The developer also would have to show the long-term stability and safety of the development doesn't depend on or require shoreline protection structures — such as seawalls or rip-rap.

"I think these conditions would be pretty hard to meet," said county planner Sue Williamson.

"I can say firmly that this Board of Supervisors wouldn't allow development on the beach and future boards, having seen what's happened, probably would not

either," Levy said.

"In fact, if future boards had any intention of doing that, they would have to go to the state Coastal Commission for an amendment to the Local Coastal Program and I think that would be highly unlikely."

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