

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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SANTA CRUZ, CA 95060
7-4863
HEARING IMPAIRED: (415) 904-5200

W 130



Filed: 08/19/97
49th day: 10/7/97
180th day: 2/15/98
Staff: RH-SC
Staff Report: 08/20/97
Hearing Date: 09/9-12/97
Commission Action:

**STAFF REPORT:
PERMIT AMENDMENT**

APPLICATION NUMBER: 3-97-055-A-1 (formerly P-80-356)

APPLICANT; **Steve Luczo** AGENTS: James Ritchey; Rogers Johnson

PROJECT LOCATION: 100 26th Avenue, Live Oak, Santa Cruz County (see Exhibits 1 & 2).

DESCRIPTION OF PREVIOUSLY-APPROVED PROJECT: Alteration and addition to existing rip-rap seawall.

PROJECT DESCRIPTION: Add 1,000 tons of rock to existing riprap seawall; offer to dedicate access easement seaward of seawall (see Exhibits 3 & 4).

LOCAL APPROVALS RECEIVED: none required.

SUBSTANTIVE FILE DOCUMENTS: *Santa Cruz County 1994 General Plan and Local Coastal Program*; Coastal Development Permit files: P-80-356; 3-83-200.

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the amendment request with standard and special conditions to address engineered plans, construction access, future maintenance, public access, and State Lands.

I. STAFF RECOMMENDATION

Staff recommends that the Commission vote "yes" on the following motion to approve the proposed project and adopt the following resolution:

Motion:

"I move approval of coastal permit amendment # 3-97-055-A-1."

Resolution: Approval with Conditions:

The Commission hereby **grants** an amendment to the permit on the grounds that the proposed development with the proposed amendment, as conditioned below, will be in conformity with policies contained in Chapter 3 of the Coastal Act and (with respect to those portions inland of the mean high water mark) the certified local coastal program; is located between the nearest public road and the sea and will conform with public access and recreation policies of the Coastal Act; and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit amendment 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 amendment will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit amendment 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 amendment, 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 project during its development, 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.

III. SPECIAL CONDITIONS**1. Retention and Application of Original Permit Conditions/Engineered Plans**

All six conditions of the original coastal development permit (#P-80-356; Exhibit 5) remain in full force and effect and apply to this amended project as well. Pursuant to original condition #1, final engineered plans must be submitted for this additional work for Executive Director review and approval, **PRIOR TO TRANSMITTAL OF THE PERMIT AMENDMENT**. The plans shall indicate that any suitable rock on the beach currently seaward of the proposed seawall toe shall be incorporated back into the seawall, as proposed. Disturbance to sand shall be minimized; any excavated beach sand shall be redeposited on the beach. If the plans show any work extending onto either adjacent property to effectuate a smooth transition, then they shall be accompanied by the owners' permission to perform the work.

2. Staging and Construction Plan

Project construction shall conform to the recommendations and plans contained in the Geotechnical Investigation prepared for the subject project by Rogers E. Johnson & Associates, dated February 19, 1997 and the final engineered plans required pursuant to condition # 1. Rip-rap placement shall occur under the inspection of a Certified Engineering Geologist or Registered Civil Engineer. At least one week **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicants shall submit for Executive Director review and approval: a revised construction schedule (showing a beginning date after permit issuance, coordinated if possible with permit #3-83-200's work), a map showing the areas of staging and construction located out of any wetlands and located in a manner that has least impact on public access, permission from any affected property owners, and an encroachment permit from Santa Cruz County, if necessary.

3. Maintenance Agreement

In order to implement original condition #6, which requires maintenance of the seawall, **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the permittee shall record a maintenance plan in a form and content acceptable to the Executive Director that includes the following elements: limits of approved toe of seawall (i.e., as built plans), permanent survey monuments, engineering inspection report at least annually, procedures for maintenance, and consent for the County to perform removal or repair if a public nuisance is determined.

4. Lateral Public Access Easement

PRIOR TO TRANSMITTAL OF THE PERMIT AMENDMENT, the landowner shall, as offered, 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 rip-rap as indicated by applicant's final plans. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. 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.

5. State Lands Commission Review.

PRIOR TO TRANSMITTAL OF THE PERMIT AMENDMENT, the applicant shall submit an updated letter from the State Lands Commission that concludes either:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits required by the SLC have been obtained; or

- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the SLC for the project to proceed without prejudice to the determination.
-

IV. FINDINGS AND DECLARATIONS

A. Proposed Amendment Description and Relationship to Previous Permit

The proposed amendment is to add approximately 1,000 tons of rock riprap to an existing riprap wall, which predates the Coastal Act (see Exhibits 3 & 4). The wall is continuous along a stretch of beach between Corcoran Lagoon and Moran Lake in Santa Cruz County, including the entire length of the subject 100 foot long parcel (see Exhibits 1 & 2).

In 1980 the former owner requested a permit to restack existing rip rap and add 200 new tons of riprap at the bluff fronting his home. That permit (P-80-356; see Exhibit 5) was approved with conditions for engineered plans, a deed restriction, State Lands determination, Corps of Engineers, no prejudice of public rights, and future maintenance responsibility. The work was subsequently performed and compliance with all conditions was eventually achieved.

The project is necessary, according to the consulting engineering geologist, Rogers Johnson & Associates, because over time the rocks comprising the riprap protection have sunk into the sand.

B. Standard of Review

The Commission is acting on this permit amendment since the Commission retains jurisdiction over amendments to Commission-approved permits after certification of a local coastal program (LCP). Also, a portion of the proposed project may fall within the Commission's retained original jurisdiction. The County of Santa Cruz has indicated that no separate County permit is required and has agreed to have the Commission process the entire permit amendment, to avoid duplication of effort. County staff has requested that this permit be conditioned for inspection by a registered engineer and for maintenance. Along with the relevant Coastal Act policies, the applicable County policies are also cited.

C. Geotechnical Issues

The following excerpts from the Coastal Act are relevant:

Section 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

Section 30253.

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.*

Additionally, the County *General Plan and Local Coastal Program* mandates the following (policy 6.2.16):

limit structural shoreline protection measures to structures which protect existing structures...Require any application for shoreline protective measures to include a thorough analysis of all reasonable alternatives...permit structural protection measures only if non-structural measures...are infeasible...or not economically viable. The protection structure must not reduce or restrict public beach access, adversely affect shoreline processes and sand supply, increase erosion on adjacent properties, or cause harmful impacts on wildlife and fish habitats...The protection structure must be placed as close as possible to the development requiring protection and must be designed to minimize adverse impacts to recreation and to minimize visual intrusion. Shoreline protection structures shall be designed to meet approved engineering standards for the site...[and] should only be considered where a significant threat to an existing structure exists...Detailed technical studies will be required to accurately define the oceanographic conditions affecting the site. All shoreline protective structures shall incorporate permanent survey monuments for future use in establishing a survey monument network along the coast...no approval shall be given for shoreline protective structures that do not include permanent monitoring and maintenance programs. Such programs shall include a report to the County every five years or less, as determined by a qualified professional, after construction of the structure, detailing the condition of the structure and listing any recommended maintenance work. Maintenance programs shall be recorded and shall allow for County removal or repair of a shoreline protective structure, at the owner's expense, if its condition creates a public nuisance or if necessary to protect public health and safety.

The proposed project is necessary because the rock has settled and the bluff is more susceptible to erosion. The seawall predates the Coastal Act, and the Coastal Commission has already approved one major repair, as described in Finding #1. The seawall helps protect the applicant's home on the bluff above in an area where the coast has significantly eroded prior to the installation of protective devices. Almost the entire shoreline in this area is armored, and several similar repairs have occurred over the years. A geotechnical report has been prepared recommending this project by consulting engineering geologists (Rogers E. Johnson & Associates, February 1997). The project is designed to a recommended height and slope so as to remain stable over at least 20 years. This permit is consistent with the Commission's previous approval requiring maintenance. The only alternative, short of allowing further deterioration of the structure, is to replace it with a vertical wall in order to lessen beach encroachment. However, such a solution would be very costly, involve extensive excavation, and not be feasible performed in isolation, given that the rock wall extends on either side of this property for hundreds of feet.

The main geotechnical issue posed by the current situation and proposed project is long-term structural stability. Although a geotechnical report has been prepared, containing cross-sections and a plan view (see Exhibits 3 and 4), there are no final engineered plans. Condition #1 of the original permit required final engineered plans for the previous work and remains in effect for this added work as well, requiring an updated set of plans. One possible detail not included in the report is how the new rock on the subject property will blend in with the rock on either side. If work extends onto either adjacent property, then permission will have to be obtained from the landowner(s). Additionally, the County geologist recommends that a certified engineering geologist or registered civil engineer be on-site when the new rip-rap is installed. All these measures can help ensure that the wall is built to engineering standards that will ensure stability.

Nevertheless, there is the possibility that the wall, even with added engineered rock, could continue to fail in the future, resulting in rocks strewn on the beach and/or cliff failure. Therefore, to mitigate

against this potential impact, on-going maintenance of the structure is necessary. The original 1980 permit was conditioned (#6) for maintenance:

It is the responsibility of the permittee and successors in interest in the property to maintain the seawall in such a manner [as] to prevent the rock from scattering and from encroaching onto the public beach., as quoted above.

The consulting geologist recommends at least annual inspection with follow-up maintenance when necessary. As noted above, the County geologist recommends a maintenance program and County policy requires the program to be recorded. The applicant may refer to a recent Coastal Commission guidance document that provides suggestions for the contents of a monitoring/maintenance plan.

Repair and maintenance of seawalls generally require coastal permits; always, if they involve mechanized equipment on the beach. The Commission does have some procedures to expedite approval of projects, such as waivers and immaterial amendments. To the extent that any future repair activities fall within the parameters of this or the original permits and the required maintenance plan, the Commission would be in a position to expedite processing.

The original 1980 permit also contained a standard assumption of risk condition: (#2 of P-80-356):

within 30 days of the effective date of this permit, the applicant shall submit to the Executive Director, a deed restriction for recording, that binds the applicants and any successors in interest. The form and content of the deed restriction shall be subject to review and approval of the Assistant Executive Director. The deed restriction shall provide:

(a) that the applicants understand that the project and construction site is subject to extraordinary hazard from waves during storms and from related erosion, and the applicants assume the liability from those hazards;

(b) the permittees agree that they will unconditionally waive any claim of liability on the part of the Commission or any other public agency for any liability as a result of the completion of construction of the project related to the hazards as identified above; and

(c) the permittee agree that the construction in the face of these hazards may make them ineligible for public disaster funds or loans for repair or replacement of the project designated by the engineering plans attached to the application, in the event of future storms and related erosion.

This required deed restriction was recorded and is binding on the new owner.

The original permit condition # 4 also required evidence of U.S. Army Corps of Engineers approval. Applicant has recontacted the Corps, who has indicated that no further approvals are necessary for the proposed work.

As conditioned for final engineered plans, on-site inspection by an engineer, and a recorded maintenance agreement, the proposed amendment is consistent with the cited Coastal Act sections. regarding geology.

D. Public Access Issues

The following excerpts from the Coastal Act are relevant:

Section 30210.

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 private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use 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 30212.

(a) 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*
- (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.*
- (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Also, relevant is County Local Coastal Program Policy # 6.2.16 cited in the previous finding as well the following Policy # 7.7.4:

Protect the coastal blufftop areas and beaches from intrusion by nonrecreational structures and incompatible uses to the extent legally possible without impairing the constitutional rights of the property owner, subject to policy 7.6.2 [which states in part]:

Obtain trail easements by encouraging private donation of land, by public purchase, or by dedication of trail easements, in full compliance with California Government Code Section 65909(a) for development permits...provided that state and federal constitutional rights of landowners are not violated....Notwithstanding the foregoing, it is the policy of Santa Cruz County to accept offers to dedicate coastal access, complete, open, and maintain or assist other public agencies or private non-profit groups to complete, open, and maintain coastal accessways between the first public road and the shoreline as soon as feasible. This policy is not intended and shall not be construed as authorizing the exercise of the County's regulatory power in a manner which will take or damage private property for public use without the payment of just compensation in violation of the Constitution of the State of California or of the United States.

a. Beach Encroachment Issues:

This project will cover approximately 1,500 square feet of sandy beach, currently used by the public for general recreational activities. The proposed project will extend generally 5 to 20 feet seaward from the toe of the current seawall, thus narrowing the usable beach. The subject property's current seawall already occupies some former beach area. Thus, the project, when analyzed in conjunction with the previous project on the site, as well as other area seawalls, poses a potentially significant cumulative impact on the ability to use the beach for recreational purposes. Live Oak beaches are heavily utilized by local residents and visitors alike for typical beach activities, such as jogging and sunbathing. The subject property is part of an identified complex between Corcoran Lagoon and Moran Lake. A four-day count in August 1976 resulted in an estimated average daily use of this beach by 848 persons, showing it to be the second highest beach use area in Live Oak after Twin Lakes State Beach (*Technical Appendix; Live Oak General Plan; Planning Analysis and EIR, October 1977*). Estimated annual visitor count is 195,393, according to the 1980 Public Access Working Paper for the County LCP. The beach fronting the cliffs and seawalls is fairly narrow; less than 100 feet wide in summer to completely disappearing during part of the winter. As the beach narrows, visitors traversing the coast (i.e., walking, jogging) face the prospect of more interference with those sunbathing. As the beach further disappears, due to the various seawalls that have been installed, lateral access along the beach becomes impossible. The Commission's Regional Cumulative Assessment Project (ReCAP) heightened awareness of the cumulative impact associated with loss of sandy beach; an impact often not mitigated through individual permits in the area in which the project is located:

Incremental impacts to beach areas, access and the general character of the shoreline have occurred from approval of permits for shoreline armoring. Over the ReCAP time period [1983 - 1993], there have been measurable losses in beach access through increases in the length and area extent of shoreline armoring, but many permits have been approved without any conditions directed at access impacts.

ReCAP estimated that most of the stretch of beach between Corcoran Lagoon and Moran Lake is covered by armoring; approximately 1,700 linear feet. Using a typical 20 feet of sand beach coverage, this translates to approximately 34,000 square feet of beach now covered by rock. Since seawalls fix the bluff location and prevent beach replenishment from eroding cliffs, the usable beach areas will continue to narrow due to ongoing shoreline erosion. Projects, such as the subject proposal, contribute to and accelerate the cumulative loss of usable beach area in Live Oak.

The proposed project may possibly encroach upon State Lands. The project plans show all work being performed above what is shown to be mean sea level (i.e., the inland extent of State Lands).

The 1980 permit was conditioned (#3) to require a State Lands determination. However, that determination was inconclusive noting "the exact extent of the State's interest has not yet been determined. Since the question of State interest remains unresolved, a lease or permit will not be required at this time. However, a permit may be required when the State determines the extent of its interest in the subject property." Given that the project will extend beyond the existing rip-rap, a new determination by State Lands is required. Condition #5 requires that the applicant submit such documentation prior to issuance of the permit.

The proposed project can be found consistent with Coastal Act access policies. Under Section 30212 cited above, certain projects may trigger an access requirement. The proposed project, being a seawall that encroaches farther out on the beach, falls under such a "new development" category (Section 30212(b)4). In determining whether public access must be provided, the Commission must thus determine whether the project poses an adverse impact on lateral public access (Section 30212(b)5). As detailed above, individual and cumulative impacts do result by reducing the area available for beach recreational activities and imperiling the ability of the public to move laterally along the shoreline. The original condition (#5) stated:

The permittee shall, [by] accepting the terms and conditions of the permit, agree that issuance of the permit and completion of the authorized development shall not prejudice any subsequent assertion of public rights, e.g., prescriptive rights, public trust, etc.

and remains in effect for this amendment. Further, although the question of private/public ownership in this case is yet to be determined, the applicant has included a lateral access offer to dedicate as part of the project. This dedication would extend from the toe of the rip-rap seawall and is described in Condition # 4. In order to ensure that this area stays useable by the public, any currently displaced rock should be used in the project and future maintenance should occur. As noted, the original permit included a maintenance condition (#6), which remains in effect for this amendment.

Finally, it might be noted that given Constitutional private property rights, avenues in addition to the permit process need to be pursued in order to address the continued incremental loss of sandy beach that this request illustrates. As a follow-up to the referenced ReCAP study, Coastal Commission staff is preparing a specific Live Oak strategy. Implementation of the strategy could include development of specific programs to secure public entitlement (e.g., fee or easement purchase) of the beach, to minimize beach encroachment through more uniform seawall design standards, and/or to enhance public access facilities.

b. Temporary Encroachment Onto the Beach

The applicant's proposed access route to the seawall is across private beach property at Corcoran Lagoon. This is same staging area that two other projects would use (permit # 3-83-200-A for Rossmann, et. al. and a pending permit for Filazetti). In order to ensure that public access disruption is kept to a minimum and public safety is not compromised, as well as to ensure that the applicant has permission to cross others' property and that resources are not damaged (e.g., Corcoran wetland), a construction staging area plan is required. To date the applicant has provided a narrative, an outdated permission letter, and a generalized map. Necessary elements for a final plan should include specific dates (hopefully coordinated among the three projects), updated permissions, and a more detailed map.

At the site some excavation of beach sand will occur in order to key in the new rock. Thus, care should be taken to minimize beach sand disturbance and leave the beach in a natural state after rock installation.

As originally conditioned, and as further conditioned for recording the applicant's easement offer, incorporation of displaced rock, minimizing beach sand disturbance, future maintenance, and a construction staging area plan, the proposed project amendment is consistent with the cited public access and recreation policies.

E. Landform Alteration

The following Coastal Act policy is relevant:

Section 30251: 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. 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 proposed project results in added rock to an existing rock seawall. Given that the seawall exists and extends for hundreds of feet, the project will not result in visible landform alteration of the bluff. The project will result in a landform alteration of the sandy beach, as noted in the above access finding. Therefore, conditions to minimize intrusion onto sandy beach also serve to carry out the cited scenic/landform alteration policy.

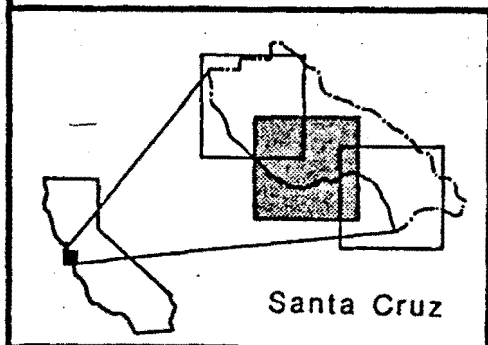
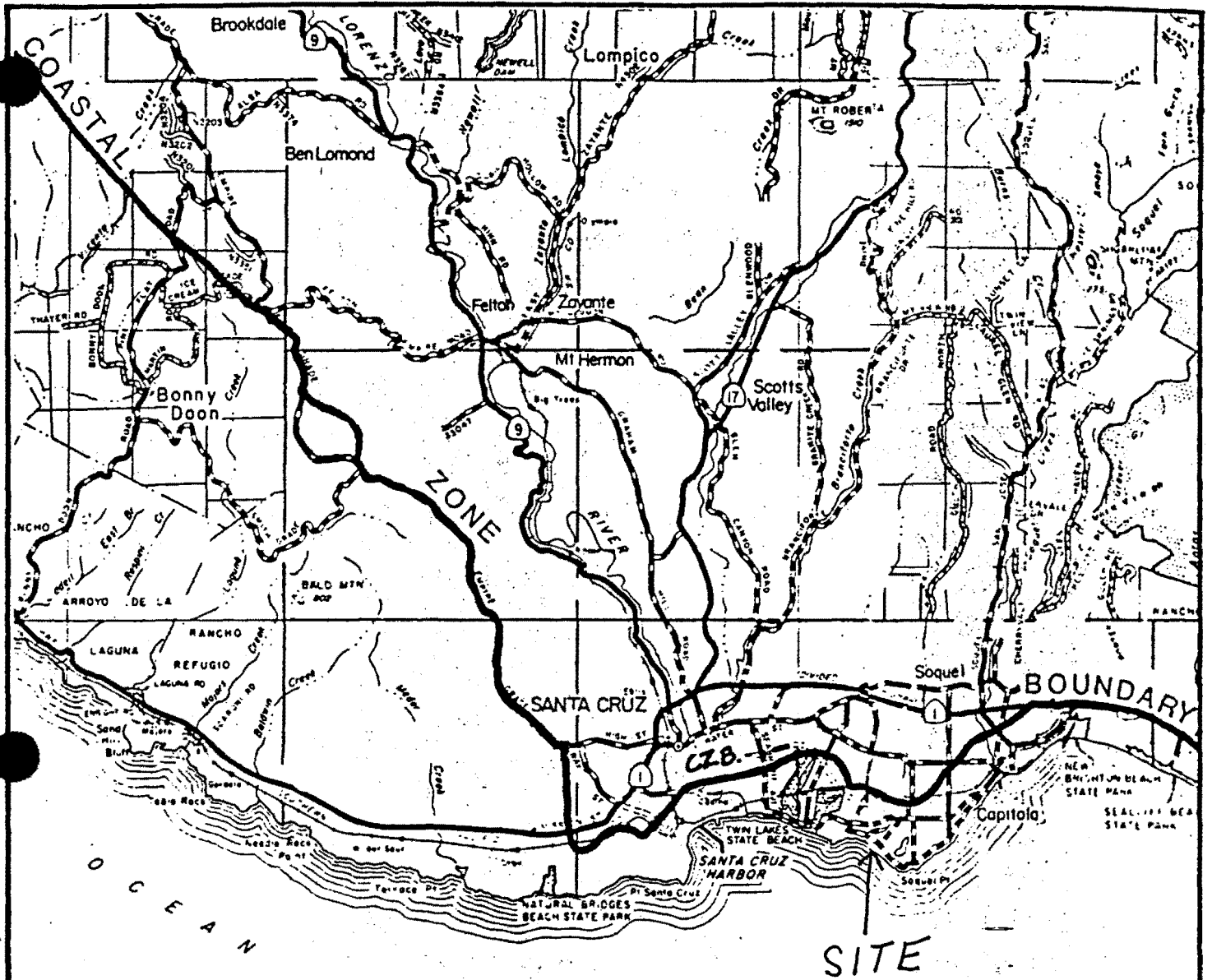
F. California Environmental Quality Act

Section 13096 of the California Code of Regulations governing the Coastal Commission requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5d(2)i of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in these findings, the project has been mitigated to avoid significant geologic, habitat and public access impacts. As conditioned, the proposed development with the proposed amendment will not have a significant adverse effect on the environment, within the meaning of CEQA.

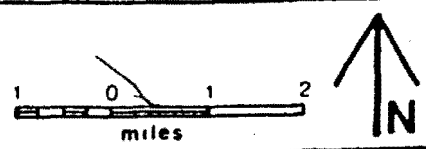
EXHIBITS

1. Regional Location
2. Project Location
3. Proposed Plan View
4. Proposed Cross-sections
5. Coastal Permit P-80-356



California Coastal Commission

LOCATION MAP

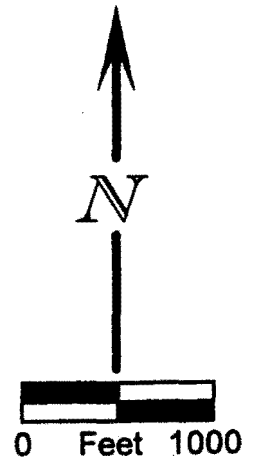
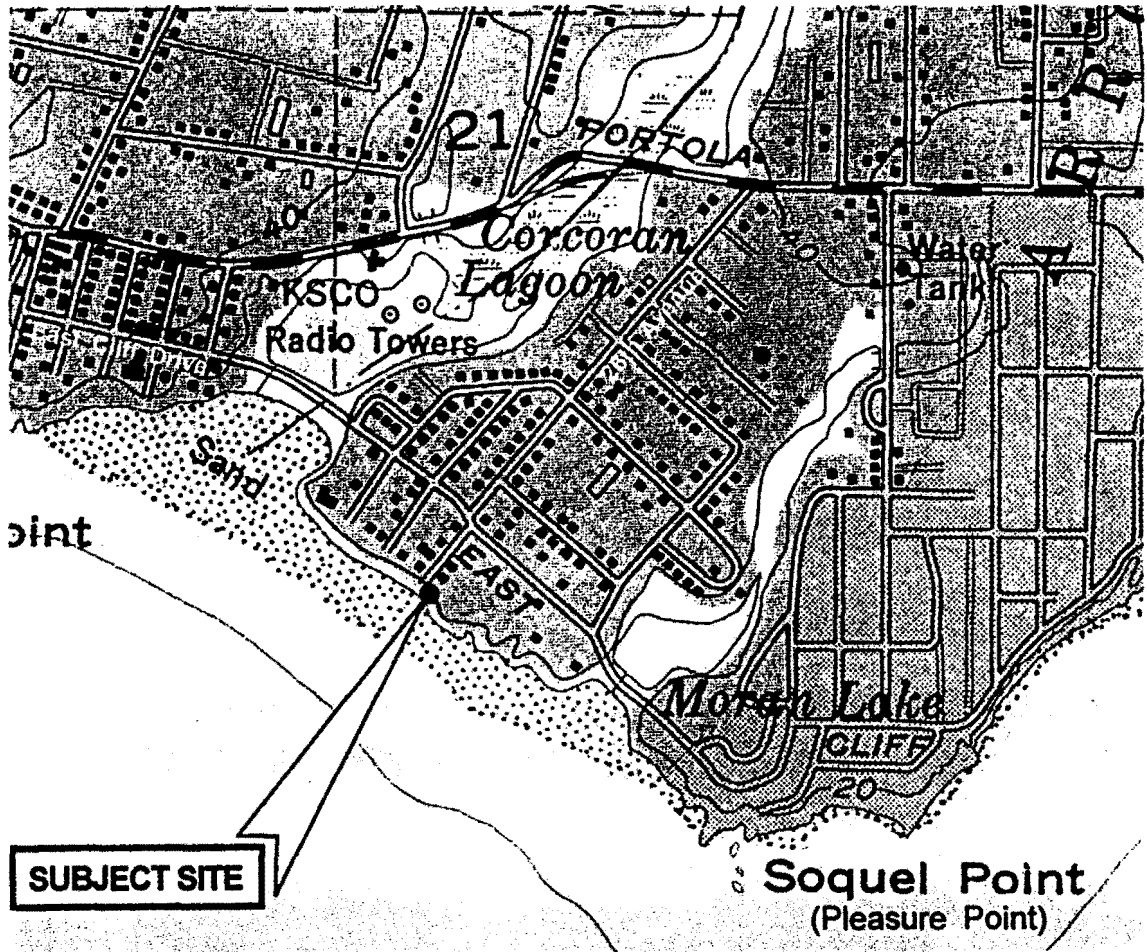


County of Santa Cruz

Sheet 2 of 3

3-97-55-A-1

Exhibit 1



BASE MAP: Soquel 7.5' Quadrangle, United States Geological Survey, 1954 (Photorevised 1968), Scale: 1" = 2000'

RA
 ROGERS E. JOHNSON & ASSOCIATES
 Consulting Engineering Geologists
 1729 Seabright Avenue,
 Santa Cruz, California 95062
 (408) 426-1288 FAX (408) 425-6539

LOCATION MAP
LUCZO PROPERTY
 100 26th Avenue
 Santa Cruz County, California

FIGURE #

EXHIBIT NO.
APPLICATION NO.

3-97-55-11/Luczo

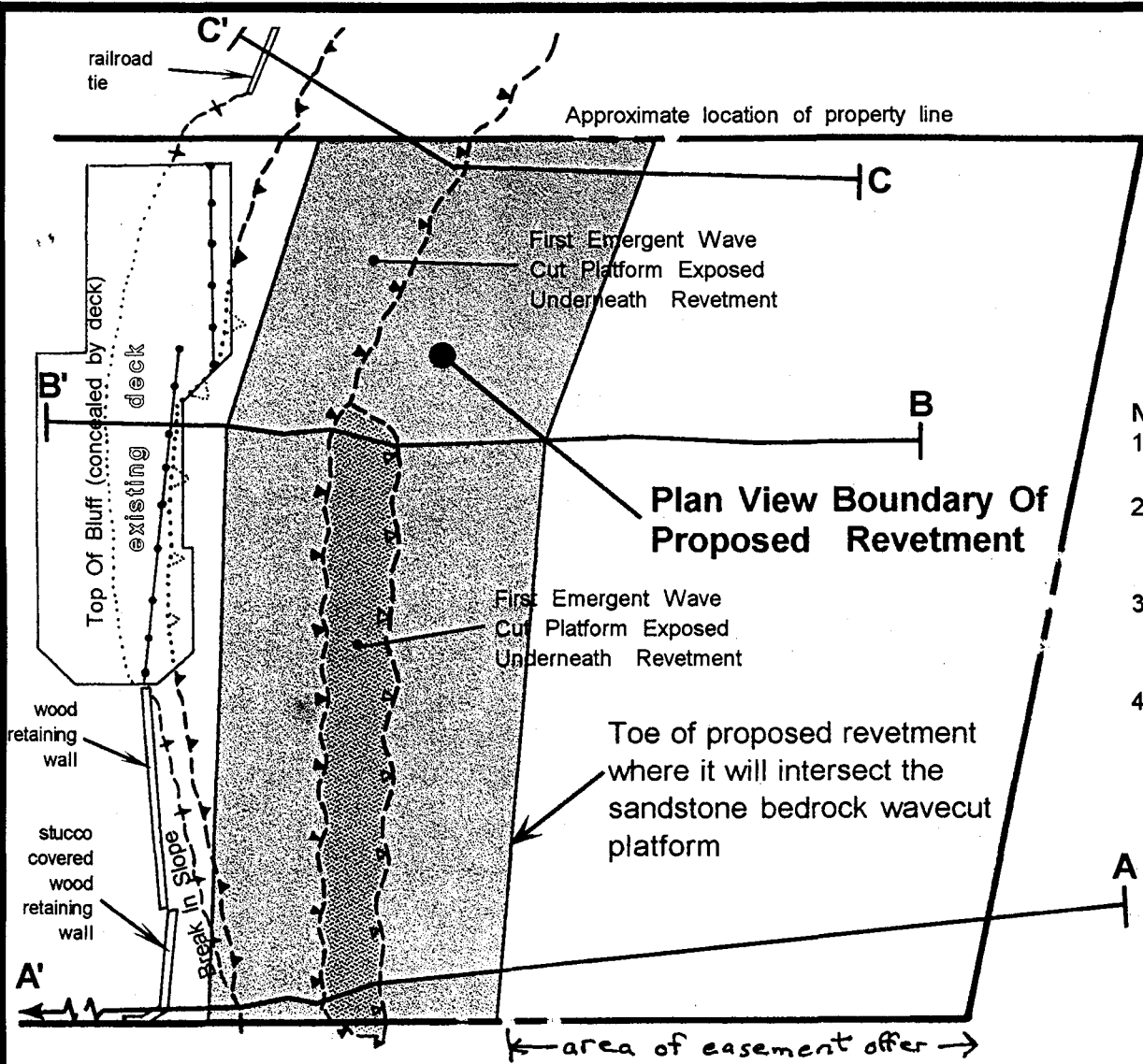


EXHIBIT NO. 3
APPLICATION NO.
3-97-55A/Luczo
Proposed plan

NOTES

1. Recommended minimum stone sizes: 3 tons for facing stones and 1 ton for core stones.
2. Toe of rip rap refurbishment must be imbedded 3 feet into the bedrock platform (see Geologic Cross Sections - Figures 3-5).
3. This map was prepared using "tape and compass" techniques, and is accurate to within +/- 2 feet only.
4. Property lines were taken from "Deck Replacement and Addition - Steve Luczo - 100 26th Avenue, Santa Cruz, CA," by Iland Engineers, Inc., dated 7/18/96.

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 Santa Cruz, California 95062
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PLANIMETRIC MAP SHOWING PROPOSED REVETMENT REFURBISHMENT
LUCZO PROPERTY
 100 26th AVENUE
 Santa Cruz County, California

FIGURE #
6
 JOB #
 C97009-68

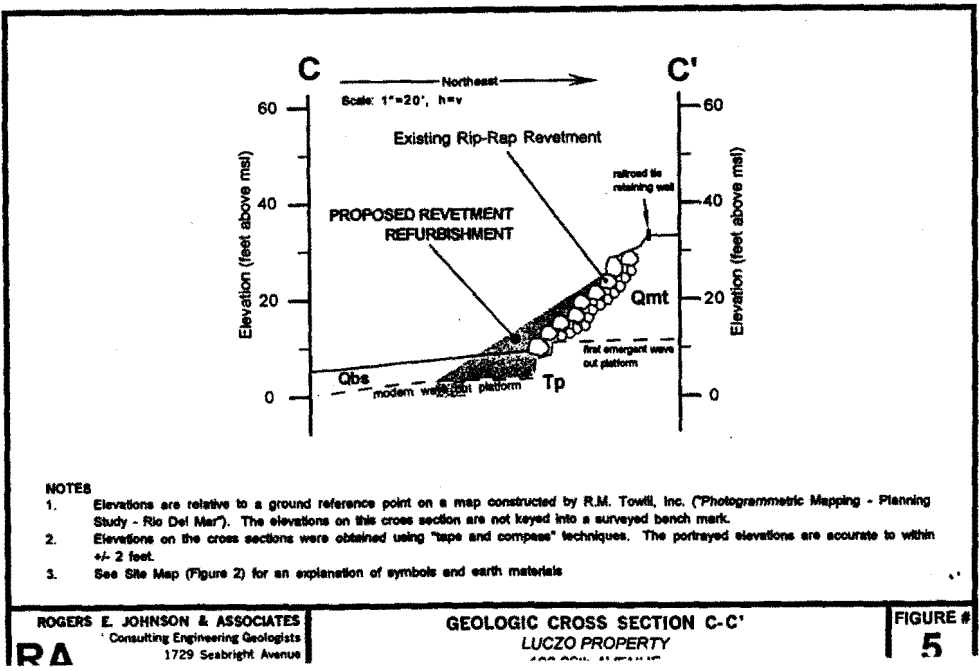
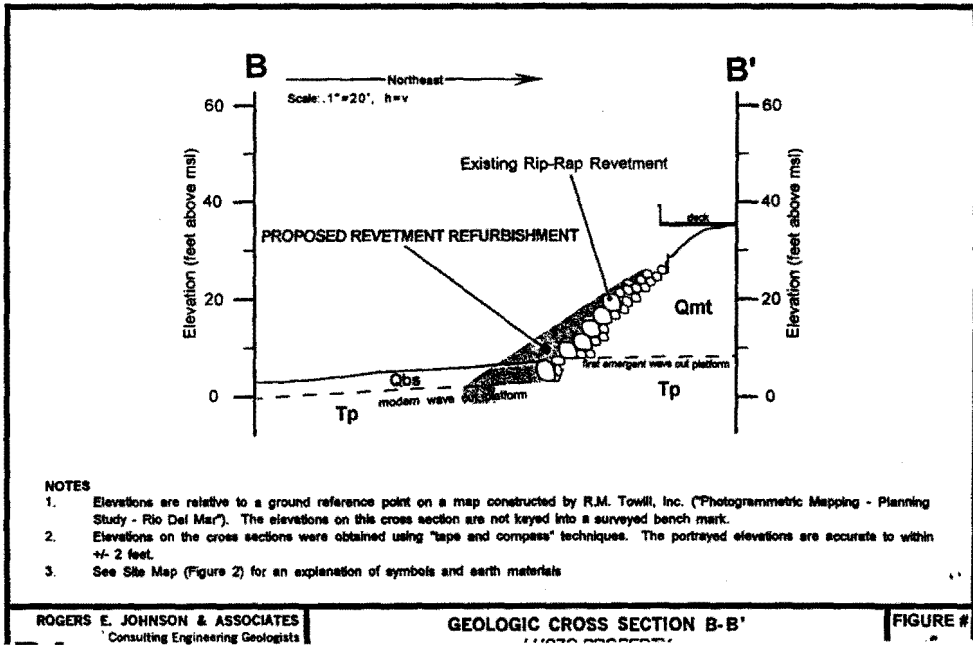
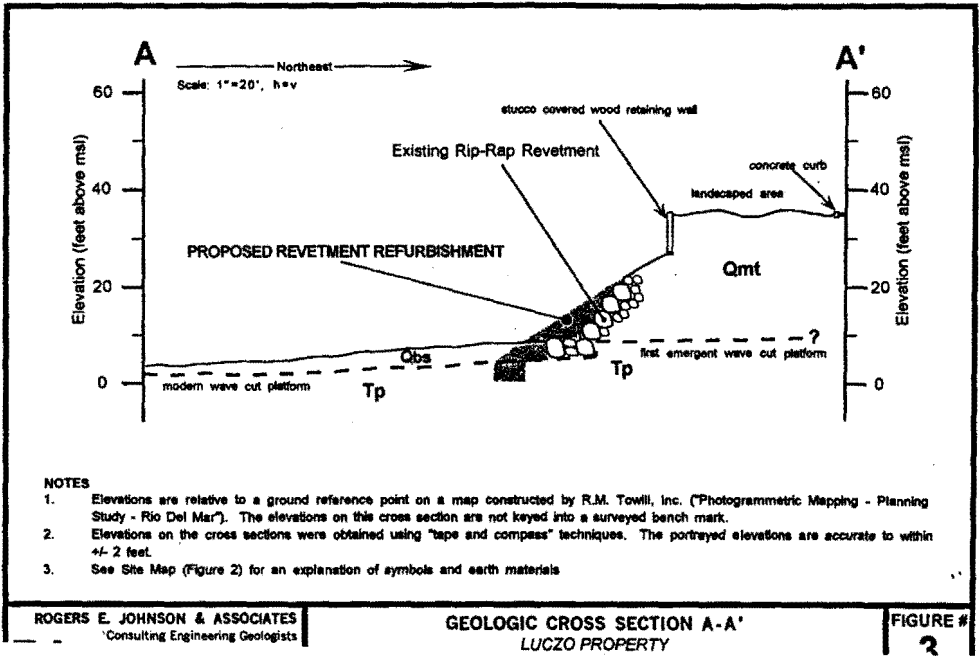


EXHIBIT NO. 4

APPLICATION NO.

3-97-55A1 Luczo

cross-sections

STAFF COMMENTS

P -80-356

APPLICANT: HEATH

PROJECT: Rip-rap

COASTAL POLICY ISSUESENVIRONMENTAL IMPACT ISSUES

- Public Accessways-30210,30212,30252
- Recreation Facilities-30212.5-30224,30252(6)
- Coastal-Relatedness-30222-30223, 30254-30255
- Housing Opportunities-30213
- Ocean Resources-30230-30235
- Wetland Resources-30230-30236
- Land Habitat Resources-30240
- Agriculture/Soil Resources-30241-30243
- Scenic Resources-30251
- Shoreline Alteration-30235,30253
- Hazards/Erosion-30253
- Archaeology/Paleontology-30244
- Concentrating Development-30250
- Urban-Rural Boundary-30250
- Special Coastal Communities-30253(5)
- Public Works Capacity-30254
- Energy Facilities-30261-30264
- Other, see below

EIR identifies significant adverse impacts that have not been mitigated.

Impacts will occur not identified or mitigated in EIR/Negative Declaration

Alternatives to the proposed project have not been adequately investigated

LOCAL COASTAL PROGRAM ISSUES

No adopted issue identification: potential local-state policy conflict

Issue identification/work program adopted: project raises issues not covered by document.

Issue identification/work program adopted: project raises issues that will be investigated in LCP.

DISCUSSIONProject Description

The proposed project is restack the existing rip-rap (approximately 500 tons) and install 200 tons of additional rip-rap, and replace the stairway to the beach.

Scenic Resources

The proposed project is located on a sandy beach used by the public. As there is existing rip-rap on the beach and as the installation of additional rip-rap will not significantly alter the views in the area the project is consistent with section 30251 of the Coastal Act.

Recreation/Public Access

The existing rip-rap is located on the sandy beach. The proposed rock will extend seaward of the existing rock, but will not significantly intrude into the public use areas. Therefore, the project is consistent with the Coastal Act as the rock will not significantly intrude onto the public use areas nor will it significantly impede public access along the shoreline.

Ocean Resources

The proposed seawall is located far enough from the water so as not to have adverse effects on marine organisms. Construction activity would occur a sufficient distance away from the water's edge, thereby eliminating possible adverse impacts on intertidal organisms.

Shoreline Alteration and Erosion

Two sections of the Coastal Act concern themselves with structures such as the proposed seawall. Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

And, Section 30253(2) states new development shall:

Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area...

The seawall is intended to protect the existing residence. The last winters storms exposed the need for better protection for this area. The existing rock by itself, proved to be insufficient in the event of large wave attack. To avoid another emergency situation, a coordinated project, such as that proposed, is necessary. However, the submitted plans are conceptual; they are not engineered plans. The Commission has always previously required the submittal of engineered plans showing at least the tonnage of rock, placement of core material, filter cloth, amount of excavation, etc. as required by the California Division of Mines and Geology. Therefore, it is appropriate to require the submittal of engineered plans.

Another question to be answered is whether the seawall would create instability or cause erosion. Of concern here is the seawall's effect on wave patterns and longshore transport of sand. Shoreline structures can affect sand transport causing erosion of beaches up or down coast from the structure. The proposed structure would be above the normal area of wave action and therefore would not affect the littoral transport of sand. Occasionally large waves, especially in winter when the beach profile is lower, would wash up to the seawall. However, the frequency of this occurrence should be low and therefore impacts on sand transport and wave patterns will be very minimal. Therefore, as conditioned to require the submittal of engineered plans, the project will not create instability or cause erosion.

Local Coastal Program and CEQA

The proposed wall will not prejudice the ability of Santa Cruz County to prepare their LCP. The LCP will address shoreline erosion and protective structures. Because of the need for immediate protection from wave attack, the project cannot wait until the LCP is completed. In addition, the proposed location and design of the project are consistent with Coastal Act policies as addressed above. The project is also consistent with the California Environmental Quality Act as possible adverse impacts have been mitigated to the extent feasible.

SCHEDULED FOR: 12/8/80
PREPARED ON 12/2/80
by: LL/deb

112 12/2/80
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EXECUTIVE DIRECTOR'S PRELIMINARY RECOMMENDATION

P-80-356 VERN HEATH: restack existing rip-rap, install 200 tons of additional rip-rap, replace stairway, 100 26th Avenue, Live Oak Area, Santa Cruz County

RECOMMENDATION

We recommend adoption of the following findings and approval of the proposed project as conditioned.

FINDINGS

1. This recommendation incorporates all the information and statements concerning the Coastal Act policies and provisions discussed in the above staff report.
2. The proposed project will not interfere with public access and is therefore consistent with Article 2 of Chapter 3 of the Coastal Act.
3. The project is designed to minimize disruption of landforms and visual qualities of the area and is therefore consistent with Section 30251 of the Coastal Act.
4. The project will not have adverse impacts on shoreline processes including impacts on adjoining beaches and is therefore consistent with Sections 30235 and 30253 of the Coastal Act.
5. Approval of this project will not prejudice the ability of Santa Cruz County to prepare their Local Coastal Program and it will not result in any significant adverse environmental impacts as identified by CEQA.

Recommended Conditions

1. Prior to issuance of permit, permittee shall submit engineered seawall plans, showing at least the following: tonnage of rock (core and face stone), depth of excavation, placement of filter cloth. These plans shall be submitted to the Executive Director for his review and approval for consistency with the requirements of the Division of Mines and Geology.
2. Within 30 days of the effective date of this permit, the permittee shall submit to the Executive Director, a deed restriction for recording, that binds the permittee and any successors in interest. The form and content of the deed restriction shall be subject to review and approval of the Executive Director. The deed restriction shall provide:
 - a) that the permittee understands that the project and construction site is subject to extraordinary hazard from waves during storms and from related erosion, and the permittee assume the liability from those hazards;

b) the permittees agree that they will unconditionally waive any claim of liability on the part of the Commission or any other public agency for any liability as a result of the completion of construction of the project related to the hazards as identified above; and

c) the permittee agrees that the construction in the face of these hazards may make them ineligible for public disaster funds or loans for repair or replacement of the project designated by the engineering plans to be attached to the application in the event of future storms and related erosion.

3. State Lands Commission Review: Prior to commencement of construction, the permittee shall submit to the Executive Director a written determination from the State Lands Commission that:

a) No State lands are involved in the development; or

b) State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or

c) State lands may be involved in the development, but pending final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

4. Corps of Engineers: Prior to commencement of construction permittee shall provide to the Executive Director a copy of U.S. Corps of Engineers permit, or letter of permission, -- evidence that no Corps permit is necessary.

5. Public Rights: The permittee shall, be accepting the terms and conditions of the permit, agree that issuance of the permit and completion of the authorized development shall not prejudice any subsequent assertion of public rights, e.g., prescriptive rights, public trust, etc.

6. It is the responsibility of the permittee and successors in interest in the property to maintain the seawall in such a manner to prevent the rock from scattering and from encroaching onto the public beach.