

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th3a



ADMINISTRATIVE PERMIT NUMBER 3-07-047

Applicants **Highview, LLC (Attn: Tushar Atre)**

Project location..... Along the bluff face, atop an existing bedrock platform below the bluff face, and at the toe of the bluff and along the beach seaward of 2866 South Palisades Avenue in the unincorporated Live Oak area of Santa Cruz County (APN 028-304-72) (see location maps in Exhibit 1 and site area photograph in Exhibit 2).

Project description... Recognize as-built emergency revetment repair (including securing plastic sheeting against and across exposed soil deposits from the bluff top down to the existing bedrock platform; covering plastic sheeting with geo-textile fabric and securing the fabric to the bluff top; applying a veneer of shotcrete to the area of repair; reclaiming displaced riprap from beach area below existing bedrock platform; restacking of riprap atop an existing bedrock platform). Retrieve and restack fugitive rock riprap; construct infill vertical seawall between two existing vertical seawalls; and plant new cascading vegetation along bluff top.

File documents..... Santa Cruz County certified Local Coastal Program (LCP); Coastal Development Permits (CDPs) 3-06-066-G (emergency CDP), Adm-09-73-272, and P-78-736; Santa Cruz County CDP files 92-0585 and 99-0463.

NOTE: Public Resources Code Section 30624 provides that this administrative coastal development permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

August 7, 2008, 8:00 AM
City of Oceanside
300 North Coast Highway
Oceanside, CA

IMPORTANT: Before you may proceed with development, the following must occur: You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

PETER DOUGLAS
Executive Director

By: DAN CARL
Central Coast District Manager

EXECUTIVE DIRECTOR’S DETERMINATION: THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR BELOW.

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I. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit 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 will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

II. SPECIAL CONDITIONS

1. **Approved Project.** Subject to these standard and special conditions (including modifications to project plans required by them), the approved project is to recognize the work approved under emergency permit 3-06-066-G (including repairing the outflanked 2001 seawall with the use of plastic sheeting covered with geo-textile fabric secured to the bluff top and covered with a veneer of fiber-reinforced shotcrete; and reclaiming displaced rock riprap from the beach area below the

bedrock platform and restacking the rock riprap atop the bedrock platform at a slope of 1.5:1); to restack existing rock riprap located below and adjacent to the bedrock platform to support the downcoast end of the bedrock platform revetment located immediately beyond the December 2006 repair area; to remove existing rock riprap that is stacked between the two vertical seawalls, and relocate this rock along the toe of the exposed footing of the 1959 seawall; to install a colored and textured structural shotcrete vertical wall with tiebacks between the 1959 seawall and the 2001 seawall; to restack over-steepened riprap; and to plant cascading vegetation along the entire length of the bluff top, as described in and shown on the project plans titled "As-Built Emergency Revetment Repair Plan and Proposed Future Maintenance Plan" by Haro, Kasunich & Associates dated May 4, 2007 and dated received in the Commission's Central Coast District Office May 4, 2007 (see Exhibit 3).

- 2. Drainage.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a drainage plan to the Executive Director for review and approval. The drainage plan shall clearly identify all permanent measures to be taken to collect bluff-top drainage and to direct it away from the bluff-top edge. Such measures may include collection systems such as cisterns (water collected in cisterns can be used for onsite irrigation needs), a sump pump system (to collect water and pump it to the street), installation of a low berm inland of and parallel to the bluff-top edge to prevent water from collecting at or flowing over the bluff edge, or a combination of these and other appropriate drainage collection and conveyance methods. In all cases, drainage shall not be allowed to pond directly at the bluff-top edge, sheet flow over the bluff seaward, or otherwise be directed seaward. Collected drainage may be used for landscape irrigation provided such irrigation use does not contribute to bluff instability in any way.
- 3. Landscaping.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a landscaping plan to the Executive Director for review and approval. The landscaping plan shall (1) require the removal of all nonnative vegetation between the seawall/revetment and a line 5 feet inland of the bluff-top edge; (2) require the planting of drought and salt tolerant native plants, including plants that cascade over the bluff edge, to be planted along the entire length of the top of the bluff along the subject property. The plan shall provide that all native plantings be maintained in good growing and coverage conditions, including replacement plantings as necessary, so as to maintain such plantings in their approved state for the life of the project.
- 4. Concrete Surfacing.** All concrete surfaces shall be faced with a sculpted concrete surface that mimics natural undulating bluff landforms in the vicinity in terms of integral mottled color, texture, and undulation. Any protruding concrete elements (e.g., corners, edges, etc.) shall be contoured in a non-linear manner designed to evoke natural bluff undulations.
- 5. Excess rock removal.** All rock riprap fronting concrete seawalls shall be either restacked within the permitted/pre-coastal development permit configuration of existing revetments (without seawalls) at the site at a slope of 1.5:1 or shall be removed from the site unless such rock is conclusively shown to be unavoidably required for seawall stability. Any such rock retention fronting the seawalls shall only be allowed if first authorized by the Executive Director based on receipt of clear written evidence prepared by a licensed civil engineer with experience in coastal structures and processes conclusively demonstrating that such rock is unavoidably required for seawall stability.

6. Construction Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

(a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the beach, South Palisades Avenue, and all beach access points, and to have the least impact on public access.

(b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using the space available on the Permittee's property inland of the existing seawall for staging, storage, and construction activities to the maximum extent feasible, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(c) Property Owner Consent. The Construction Plan shall be submitted with written evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties.

(d) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours and lighting of the beach area is prohibited.
- Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited with one exception as follows: existing rock riprap that has migrated seaward of the revetment or the bedrock platform, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock riprap retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and

equipment shall be removed in their entirety from the beach area by sunset each day that work occurs (raised platforms located above the high water line may be used for equipment storage with adequate safety and resource protection precautions). The only other exceptions shall be for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the toe of the seawall/revetment as possible, and are minimized in their extent, and for sand and rock materials which are being relocated.

- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur on the beach during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- Equipment washing shall not take place on the beach; refueling and/or servicing of equipment shall be allowed only at a designated location as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall

occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

- 7. MBNMS Review.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review a copy of the Monterey Bay National Marine Sanctuary (MBNMS) permit, letter of permission, or evidence that no MBNMS permit is necessary. Any changes to the approved project required by the MBNMS shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.
- 8. State Lands Commission Authorization.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review a copy of the State Lands Commission authorization to allow the project, or evidence that no State Lands Commission authorization is necessary.
- 9. Construction Site Documents & Construction Coordinator.** DURING ALL CONSTRUCTION:

 - (a) Construction Site Documents.** Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
 - (b) Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with the indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- 10. As-Built Plans.** WITHIN THREE MONTHS OF COMPLETION of all the components of the approved project, the Permittee shall submit two sets of As-Built Plans to the Executive Director for review and approval. The plans shall be prepared by a licensed civil engineer with experience in coastal structures and processes with respect to armoring and drainage, and a licensed landscaping professional with respect to landscaping and shall clearly identify the configuration of all armoring, drainage, and related elements at the site; all native plant species along the bluff-top of the parcel; and all related development, including residential development, in site plan and cross section views substantially in conformance with the approved project (as described in Special Condition 1 and as modified by the rest of these special conditions) as augmented by the following:

- (a) **Benchmark.** The As-Built Plans shall identify at least one immovable surveyed benchmark location, including its elevation, for use in future monitoring efforts.
 - (b) **Photographs.** The As-Built Plans shall include clear color photographs of the as-built armoring and all related development with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan. At a minimum, the site shall be photographed from a sufficient number of viewpoints as to provide complete photographic coverage of the armoring and all related development at a scale that allows comparisons to be made with the naked eye between photographs taken in different years from the same vantage points, including at a minimum from the following locations: upcoast, seaward, and downcoast beach viewpoints. All photographs shall be accompanied by electronic versions of the photographs in jpg format.
 - (c) **NGVD.** All elevations shall be described in relation to National Geodetic Vertical Datum (NGVD).
- 11. Rodents.** If at any time evidence indicates that rodents are living in the voids within the riprap revetment, then the Permittee shall take reasonable action to eliminate such rodent colonization consistent with generally accepted professional pest control methods that also ensure the health and safety of the public.
- 12. No Further Seaward Encroachment.** Any future development, as defined in Section 30106 (“Development”) of the Coastal Act, on the subject parcel, including but not limited to modifications to the existing and new seawalls and the riprap revetments, shall be constructed inland of, and shall be prohibited seaward of, the approved sloped faces of the seawalls and the associated riprap revetments with the following development excepted from this prohibition: (i) appropriately permitted construction activities associated with construction, maintenance, or repair of the seawalls and riprap revetments, and/or landscaping approved by coastal development permit; and (ii) standard beach maintenance activities.
- 13. Future Shoreline Planning.** There may be future shoreline armoring planning efforts that involve the armoring as shown on the approved As-Built Plans. Such planning efforts may involve consideration of a shoreline armoring management entity meant to cover the larger shoreline that includes the armoring, and may involve consideration of potential modifications and/or programs designed to reduce public viewshed and beach access impacts due to shoreline armoring. The Permittee agrees to participate in such planning efforts. Agreeing to participate in no way binds the Permittee (nor any successors and assigns) to any particular outcome of such planning efforts nor to any financial commitment, and in no way limits his ability to express his viewpoint during the course of such planning efforts.
- 14. Public Rights.** The issuance of this coastal development permit shall not constitute a waiver of any public rights which may exist on the subject property. The Permittee shall not use such permit as evidence of a waiver of any public rights that may exist on the property.
- 15. Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of himself and all successors and assigns: (i) that this site is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, and coastal flooding; (ii) to

assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

16. Monitoring and Reporting. The Permittee shall ensure that the condition and performance of the approved as-built armoring structures are regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural damage requiring repair to maintain the approved as-built profiles. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes, and covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2013, and subsequent reports due May 1, 2018, May 1, 2023, and so on) for as long as the approved armoring exists at this location. The reports shall identify the existing configuration and condition of the armoring, drainage system, and required landscaping, shall recommend actions necessary to maintain these project elements in their approved and/or required state, and shall include photographs taken from each of the same vantage points required in the As-Built Plans with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan.

17. Deed Restriction. WITHIN SIXTY (60) DAYS AFTER THE DATE THAT THIS PERMIT BECOMES EFFECTIVE, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the subject property governed by this permit (i.e., APN 028-304-72) a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property subject to terms and conditions that restrict the use and enjoyment of said property; and (2) imposing the Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of said property. The deed restriction shall include a legal description of the property governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the said property so long as either this permit or the development this permit authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to said property.

III. EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit

(Public Resources Code Section 30624). Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

IV. FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

1. Project Location and Background

The project is located along the bluffs, rocky shelf, and wet sand beach fronting 2866 South Palisades Avenue in the unincorporated Live Oak area in Santa Cruz County (see Exhibit 1 for project location maps). This stretch of coastline at Soquel Point (aka "Pleasure Point") is exclusively described by a row of private residential properties that are perched atop the bluffs located seaward of East Cliff Drive and South Palisades Avenue, the first through public roads. As a result, seaward public views and access from East Cliff Drive and the adjacent smaller side streets have been extremely curtailed (see Exhibit 2 for a photograph of the project site). The proposed project site is located on a parcel that includes beach property, a bedrock platform extending above the beach, and a vertical bluff face extending above the bedrock platform. Two vertical seawalls (separated by about 20 feet) extend up the bluff face; a rock riprap revetment is situated atop the bedrock platform.

A public access overlook area with a picnic table, surfing access, and limited beach access is located about 250 feet downcoast of the project site on Rockview Avenue. Access to the project area from Rockview Avenue is difficult for all but the very nimblest given the rocky intertidal and shelf areas between Rockview Avenue and the project site. The nearest reliable beach access is located upcoast of the project site at Moran Lake/26th Avenue beach. The pocket beach located seaward of the project site can, at times, be accessed from the beach area extending from Moran Lake/ 26th Avenue, but this access is generally limited to very low tides due, at least in part, to the large piles of riprap and rubble that front much of the bluffs in this area of Live Oak.

In 1959, prior to the coastal permitting requirements of Proposition 20 ("The Coastal Initiative") and the Coastal Act, a vertical 10-foot-high concrete retaining wall was installed extending from the upcoast neighboring parcel along the Applicant's bluff area for about 35 feet. Riprap also existed along the base of the bluff on this parcel prior to coastal permitting requirements. The Commission permitted the installation of additional riprap at the base of the bluff in 1973 (Adm-09-73-272) and in 1978 (P-78-736). In 2000, pursuant to County coastal development permit 99-0463, the County approved installation of a concrete vertical seawall (approximately 46 feet long and 16 feet tall), installation of a riprap buttress wall (approximately 50 feet in length and 2 feet in height), as well as reconfiguration and restacking of existing riprap atop the bedrock shelf (this permit was in follow-up to a County emergency permit issued in November 1999; this work was completed in 2001). Thus the seawalls on the project site are coastal permitted structures, while some of the riprap on the project site predates coastal permitting requirements, and some of the riprap was installed subject to coastal permitting requirements. In sum, the armoring at the site appears to either be permitted or to predate such permitting requirements.

In late November 2006, severe storm waves destabilized the riprap stacked at the downcoast end of the vertical seawall that was approved by the County in 2000 and constructed in 2001. The riprap slumped seaward, allowing storm waves to erode the exposed terrace deposits and outflank the downcoast end of this vertical seawall (about 4 linear feet of the 16-foot-tall seawall had been outflanked). Coincidentally, the beach sand accretion level at that time was episodically high, which would allow for heavy equipment to access the beach in order to repair the distressed seawall and restack the slumped riprap. The Applicant applied to the Commission for an emergency permit to: 1) repair the outflanked seawall with the use of plastic sheeting covered with geo-textile fabric secured to the bluff top and covered with a veneer of fiber-reinforced shotcrete and; 2) to reclaim displaced riprap from the beach area below the bedrock platform and restack the riprap atop the bedrock platform at a slope of 1.5:1. The Commission issued the emergency permit (CDP 3-06-066-G) on December 4, 2006.

The work authorized under the emergency permit was performed from December 7 to December 9, 2006. Initially, exposed fugitive riprap was reclaimed from the surf zone adjacent to the sand beach and used to reconstruct the riprap revetment atop the bedrock platform at the downcoast end of the distressed seawall. However, the high sand level and storm swell prevented the recovery of sufficient fugitive riprap to reconstruct the revetment at the end of the seawall. To address this issue, the contractor imported about 43 cubic yards (76 tons)¹ of riprap quarrrystones to the site from a nearby quarry. The plastic sheeting and geo-textile fabric were secured to the area of bluff failure adjacent to the outflanked seawall, but due to storm swell, it was not possible to cover the area with shotcrete at that time; thus, additional riprap was placed along the face of the bluff failure.

2. Project Description

The proposed project would both recognize and allow completion of the work approved under CDP 3-06-066-G, including retention of the 76 tons of riprap quarrrystones that were imported to the site in December 2006. The Applicant also proposes to restack the existing riprap located below and adjacent to the bedrock platform with additional retrieved fugitive riprap to support the downcoast end of the bedrock platform revetment located immediately beyond the December 2006 repair area. The proposed project also includes moving existing riprap stacked seaward of the gap between the two existing seawalls to a location along the toe of the exposed footing of the 1959 seawall, and construction of a colored and textured structural shotcrete vertical wall with tiebacks to tie the 1959 seawall to the 2001 seawall in order to support the bluff face and reduce the need for future maintenance. The proposed project also includes removing the riprap located seaward of the area of 2006 bluff failure and installing the shotcrete in this area of bluff failure as was approved (but not completed) under the emergency permit. Also, at the upcoast parcel perimeter, there is an area of over-steepened riprap that is proposed to be restacked for long-term stability and site safety. Finally, the project also includes the planting of cascading vegetation along the entire length of the bluff top. The proposed project results in replacement of less than 50% of the seawall/revetment structure and thus does not constitute a replacement structure (per California Code of Regulations Section 13252). For project plans please see Exhibit 3.

¹ The individual riprap quarrrystones weighed between 2 and 6 tons each; therefore between 13 and 38 new quarrrystones stones were installed on the project site in December 2006.

3. Coastal Act Consistency

The main issues raised by this application are consistency with the shoreline hazards, viewshed/character, public access, and recreation policies of the Coastal Act (Sections 30210-30224, 30235, and 30250-30253). The site is dynamic and is subject to storm surge and wave run-up with subsequent bluff and beach erosion. Responding to the hazard danger at this location must still take into account the special beach location so that public views and public recreational access are not adversely impacted.

This area of coast, including the Applicant's parcel and upcoast and downcoast parcels between Moran Lake/26th Avenue Beach and Rockview Avenue, contains a mishmash of shoreline protection structures, including vertical seawalls (some textured to mimic a bluff face, some not), riprap revetments, retaining walls, etc. If armoring is to remain, the long-term comprehensive vision for this stretch of coast would include removal of riprap revetments and outdated, visually obtrusive vertical walls and retaining walls, and replacement of these structures with vertical seawalls textured and contoured to match the bluff face. Removal of large amounts of riprap over time and re-contoured seawalls would allow for more lateral beach and bedrock platform access that would provide a connection between 26th Avenue beach and Rockview Avenue. Given the fairly limited extent of the application before the Commission in this case, and the need for more comprehensive and coordinated restoration involving multiple properties to bring the vision to reality for this stretch of coastline, this individual project involving pre-coastal-permitting requirements and CDP-recognized armoring is not being made to implement this vision per se. Rather, this authorization recognizes the immediate need accruing to this property owner while not doing anything that would prejudice achieving such a vision in the future. In this respect, this permit is conditioned to require the Applicant to participate in any sub-regional planning effort designed to address shoreline protection in this area of Live Oak (see Special Condition 13).

The primary remaining issues not completely addressed by the project as proposed relate to excess riprap, landscaping, drainage, and camouflaging of the seawall and revetment structures. In terms of excess riprap, the project as proposed includes retrieval and retention of riprap at the site, both in existing revetments and fronting existing and proposed seawalls. Although such retention to restack existing revetments that are not fronting seawalls is appropriate, it is not appropriate to allow rock riprap in areas that are already protected by and/or will be protected by seawalls. In other words, it appears that the seawalls provide the level of armoring protection necessary, and adding rock in addition to that level of protection cannot be found consistent with the Coastal Act when the rock covers beach or rock shelf area, thus contributing to coastal access and view degradation at the site. If the rock fronting the concrete seawalls can be avoided to limit coastal resource impacts while still providing adequate hazard protection against erosion, then the Coastal Act dictates that such rock be removed. This permit is conditioned to require such rock removal (see Special Condition 5).

With respect to landscaping, the Applicant's proposal to plant cascading plant species along the length of the parcel's bluff-top should result in both visual enhancement and better bluff stability as the roots of the plants take hold. The Applicant's proposal, however, does not include a specific landscaping plan other than that mentioned above. This approval is conditioned to require submission of a landscaping plan that provides for the removal of nonnative species and replanting from a plant palette restricted to native plant species that are appropriate for a seaside location (see Special Condition 3). The plants

chosen should include native plants that will cascade over the bluff-top to soften the look of the vertical seawalls below.

In terms of the drainage issue, currently the site is sloped such that most drainage is directed over the bluff onto the rocky bedrock shelf below. Thus, the current drainage situation may be contributing to bluff erosion and failure. There is ample space to accommodate and control drainage at this location, and there are clearly design options that can avoid drainage being directed over the bluff-top edge. Design options include small landscaped berms near the bluff-top edge to avoid any sheet flow going over the bluff edge; collection pipes directed by gravity to more inland detention basins (near the street) where drainage could be allowed to infiltrate the soils or could be pumped by sumps to the street; collection directed to cisterns that could be used for onsite landscaping water needs; and permutations of all of these as well as other options (like reducing areas of impervious surface, redesigned roof catchment systems, etc.). This approval is conditioned to require drainage improvements that prevent drainage from flowing over the bluff-top edge (see Special Condition 2).

In terms of camouflaging the proposed infill seawall, the proposal calls for this seawall to be sculpted with colored concrete. Additionally, the bluff plantings described above will help soften the visual impact of the vertical seawalls somewhat. However, to ensure a uniform sculpted and colored appearance for all seawalls on the site (including the 1959 seawall, the 2001 seawall, the infill seawall, and the downcoast seawall approved under the 2006 emergency permit), and to blend these structures as much as possible into the natural bluff setting, this approval is conditioned to require that all vertical seawalls on the project site be sculpted and colored in a similar manner and in a more mottled style that better replicates the range of natural bluff colors (see Special Condition 4).

The project is also conditioned to include construction BMPs; commitments for no further seaward encroachment; submittal of as-built plans; future monitoring; assumptions of risk; and a deed restriction to record the terms and conditions of the permit against the subject property. These proposed project components are all implemented through the special conditions.

In conclusion, the existing seawalls at this location are recognized by previously-issued coastal permits; some of the existing riprap on the project site has been authorized previously by coastal permits, some predates coastal permitting requirements, and some was placed without a coastal permit as part of the emergency repair performed in December 2006. The proposed project results in replacement of less than 50% of the seawall/revetment structure and thus does not constitute a replacement structure. The project includes, and the permit conditions further enhance and require, significant mitigations that will reduce existing coastal resource impacts at this location including by removing retrieving and restacking fugitive riprap and removing excess riprap where possible; by camouflaging the seawall structures to better blend into the bluff environment; by planting the bluff-top with native bluff species appropriate to the area that should result in both enhanced bluff stability from long-rooted native species, as well as public viewshed enhancement associated with returning the bluff-top edge to a natural vegetation state; by upgrading drainage to improve bluff stability; by incorporating appropriate construction BMPs to protect coastal resources in a difficult construction environment; by requiring that there be no further seaward encroachment in the future so as to best protect the beach area for public use; by requiring submittal of as-built plans to be used as a cornerstone for required future monitoring and reporting; by ensuring that the property owner assumes all risks for developing at a site like this that is subject to extreme coastal hazards; by ensuring that the terms and conditions of the permit are recorded against the

subject property to provide proactive notice as to the way that these terms and conditions affect the use and enjoyment of this property; and by requiring participation in future shoreline management efforts to help achieve the appropriate vision for this stretch of coast. In sum, the project as conditioned appropriately avoids coastal resources impacts as much as possible, and mitigates for those that are unavoidable, and is consistent with the Coastal Act.

4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) 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 effect that the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding administrative coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

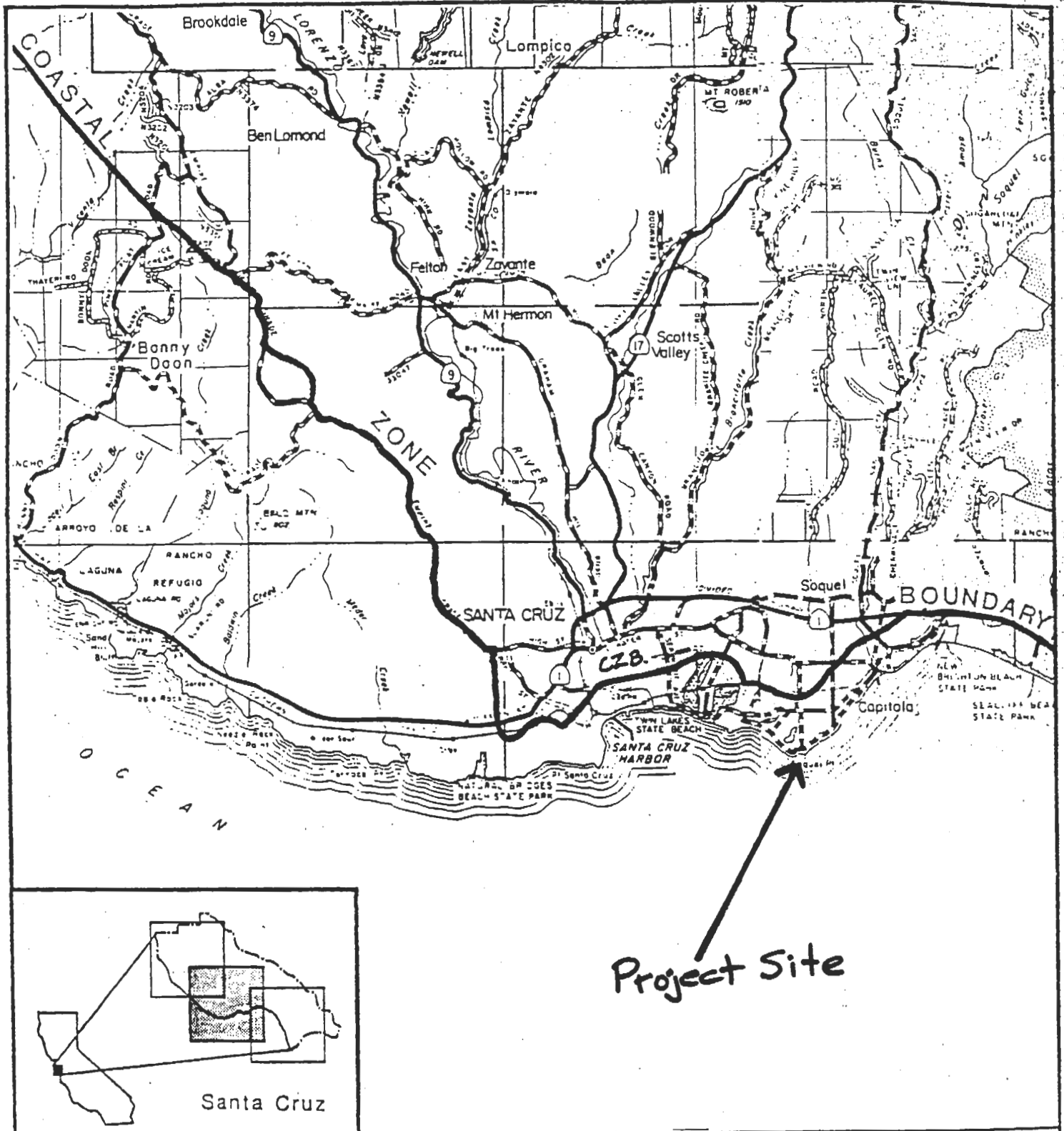
V. ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I acknowledge that I have received a copy of this permit and have accepted its contents including all conditions.

Business Name: _____

Signed: _____

Print/Type Name and Capacity of Above: _____



Project Site



California Coastal Commission

LOCATION MAP



County of Santa Cruz

CCC Exhibit 1
(page 1 of 2 pages)

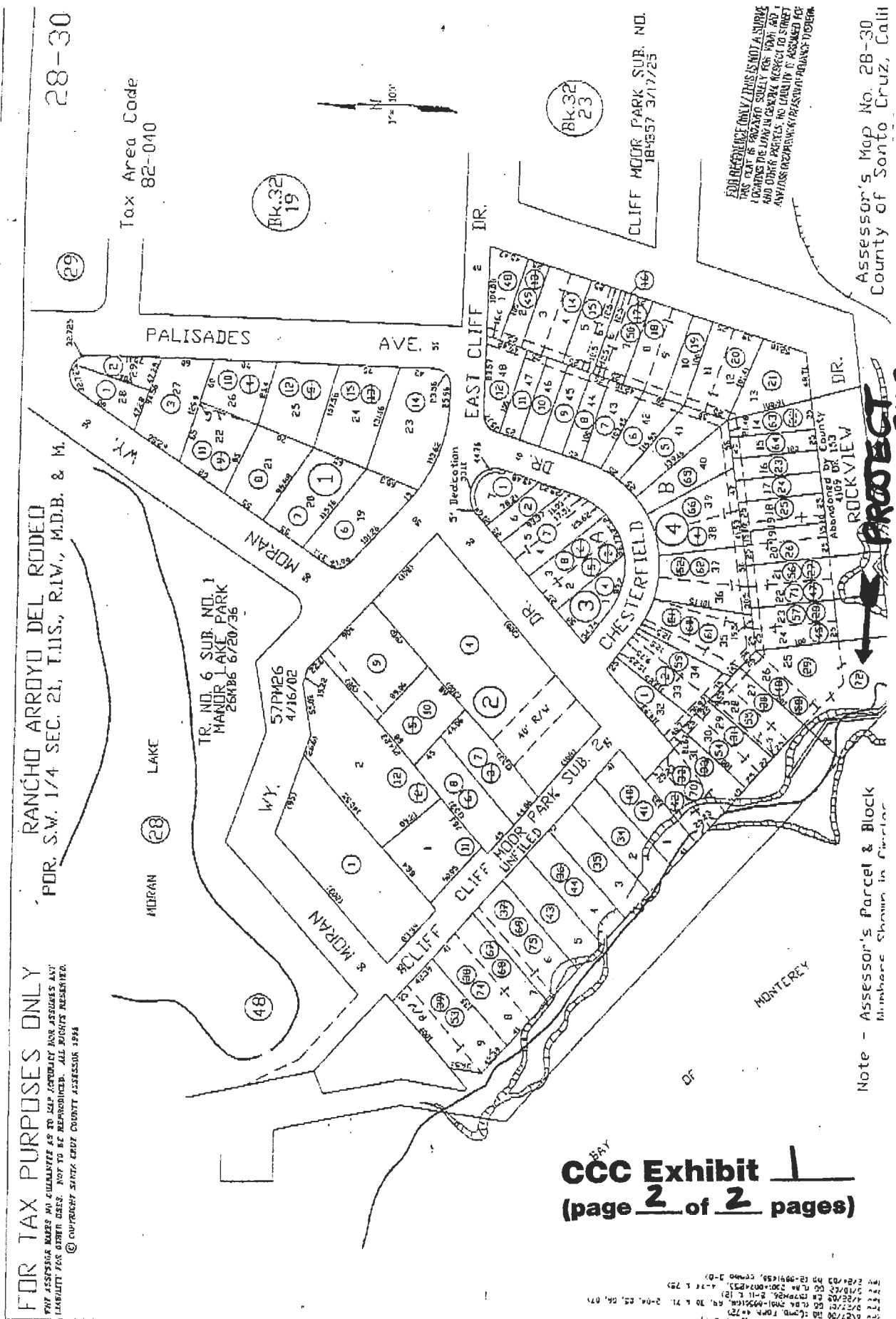
Sheet 2 of 3

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO THE ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© CUPERTINO SANTA CRUZ COUNTY ASSESSOR 1994

RANCHO ARROYO DEL RODEO
POR S.W. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

28-30

Tax Area Code
82-040



FOR REFERENCE ONLY / THIS IS NOT A SURVEY
THIS IS A PARCEL MAP ONLY FOR TAX AND
LOCATING THE LAND IN GENERAL RESPECT TO STREET AND
OTHER FEATURES. NO LIABILITY IS ASSUMED FOR
ANALYSIS OR PREPARATION OF SURVEY DATA SYSTEM.

Note - Assessor's Parcel & Block
Numbers Shown in Circle

Assessor's Map No. 28-30
County of Santa Cruz, Calif

ROCKVIEW
PROTECT SITE

CCC Exhibit 1
(page 2 of 2 pages)

08/09/2007 18:36 8314769700

<http://www.californiacoastline.org/>

Photo 200507104

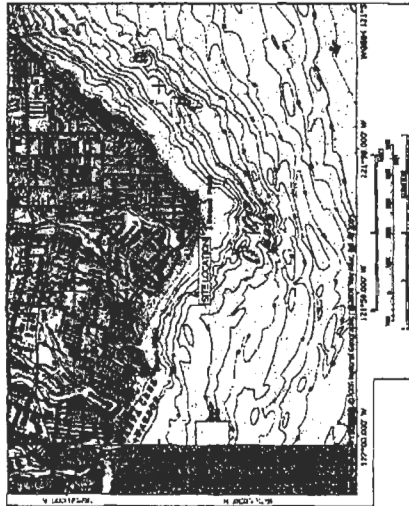
2001 seawall

1959 seawall



Exhibit #2
Page 1 of 1

AS-BUILT EMERGENCY REVETMENT REPAIR PLAN
and
PROPOSED FUTURE MAINTENANCE PLAN
Tushar Atre Residence
2866 South Palisades Drive
Santa Cruz County, California
APN 028-304-72



VIGNITY MAP
SCALE AS NOTED

PROJECT INFORMATION

PERMITS
 CALIFORNIA COASTAL COMMISSION
 EMERGENCY PERMIT NUMBER 3-06-066-G

PERMITEE
 TUSHAR ATRE
 c/o ATRE.NET
 2222 EAST CLIFF DRIVE
 SANTA CRUZ, CALIFORNIA

LOCATION OF EMERGENCY
 2866 SOUTH PALISADES DRIVE
 APN 028-304-72
 Santa Cruz County, CA

PROJECT GEOTECHNICAL, COASTAL & CIVIL ENGINEERS
 Rick Parks, G.E. 2803
 HARO, KASUNICH & ASSOCIATES, INC.
 116 East Lurie
 Watsonville, CA 95076
 (831) 722-4176
 (831) 722-3002 FAX

PROJECT SURVEYORS
 ROBERT L. DEWITT AND ASSOCIATES, INC.
 1607 Oak Street
 Santa Cruz, California 95060
 (831) 425-1817 TEL
 (831) 425-0224 FAX

SHEET INDEX

SHEET 1 TITLE SHEET
 SHEET 2 TOPOGRAPHIC SURVEY DATED 24 JANUARY 2007
 SHEET 3 LIMITS OF EMERGENCY REVETMENT REPAIR
 SHEET 4 PROPOSED FUTURE MAINTENANCE

DATE	REVISION	BY

HARO, KASUNICH & ASSOCIATES
 116 E. LURIE AVENUE
 WATSONVILLE, CA 95076
 (831) 722-4176

EMERGENCY REVETMENT REPAIR
 ATRE RESIDENCE
 2866 SOUTH PALISADES
 SANTA CRUZ, CALIFORNIA

PROJECT	EMERGENCY
DATE	12/20/07
DRAWN	LM
SCALE	AS NOTED

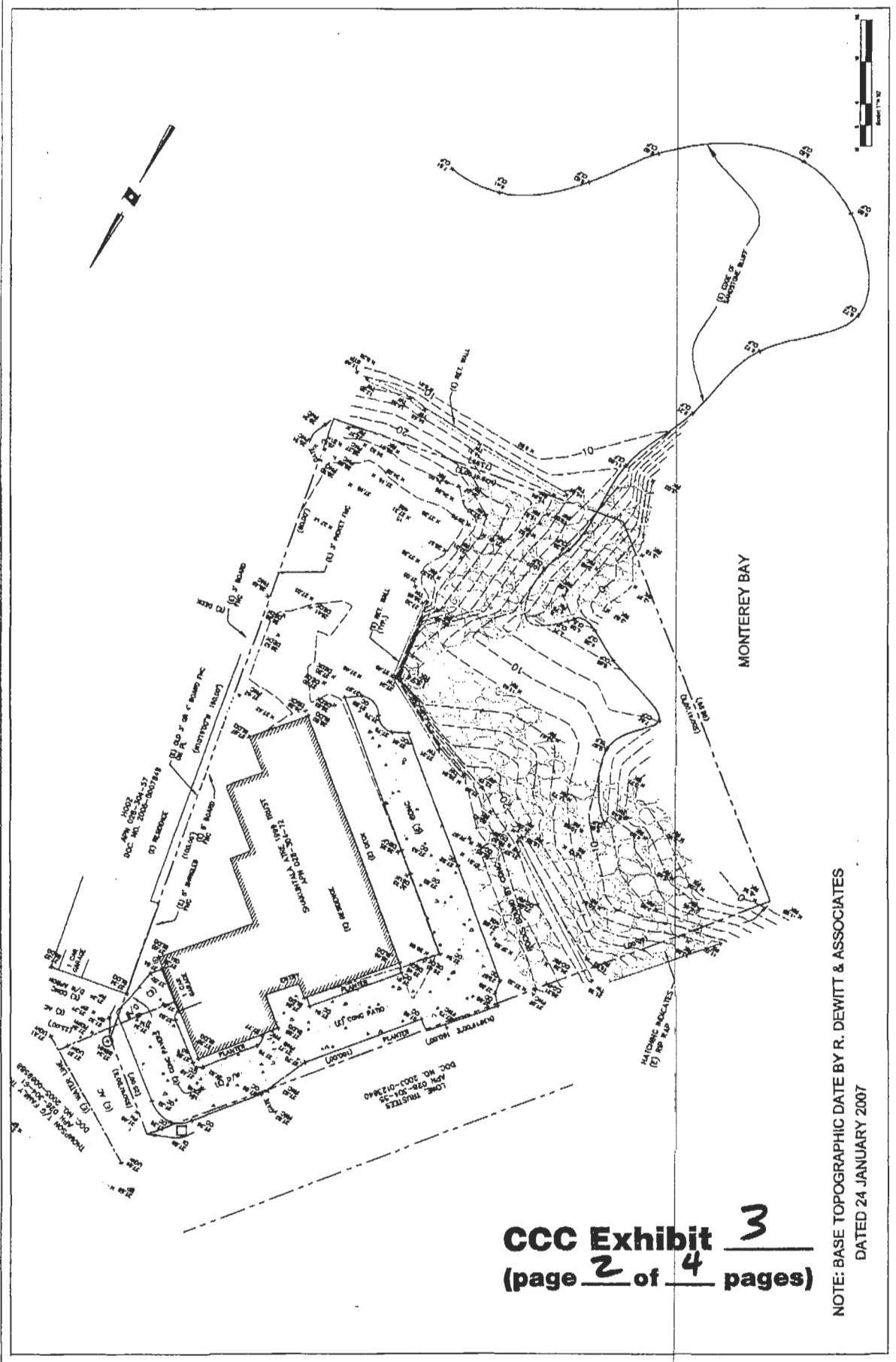
SHEET
 1 of 4

DATE	REVISION	BY

HARO, KASUNICH & ASSOCIATES
 118 E. LAKE AVENUE
 WATSONVILLE, CA 95078
 (408) 722-4175

TOPOGRAPHIC SURVEY-24 JANUARY 2007
 ATRE RESIDENCE
 2886 SOUTH PALMADRS
 SANTA CRUZ, CALIFORNIA

SHEET
 2 of 4



CCC Exhibit 3
 (page 2 of 4 pages)

NOTE: BASE TOPOGRAPHIC DATE BY R. DEWITT & ASSOCIATES
 DATED 24 JANUARY 2007

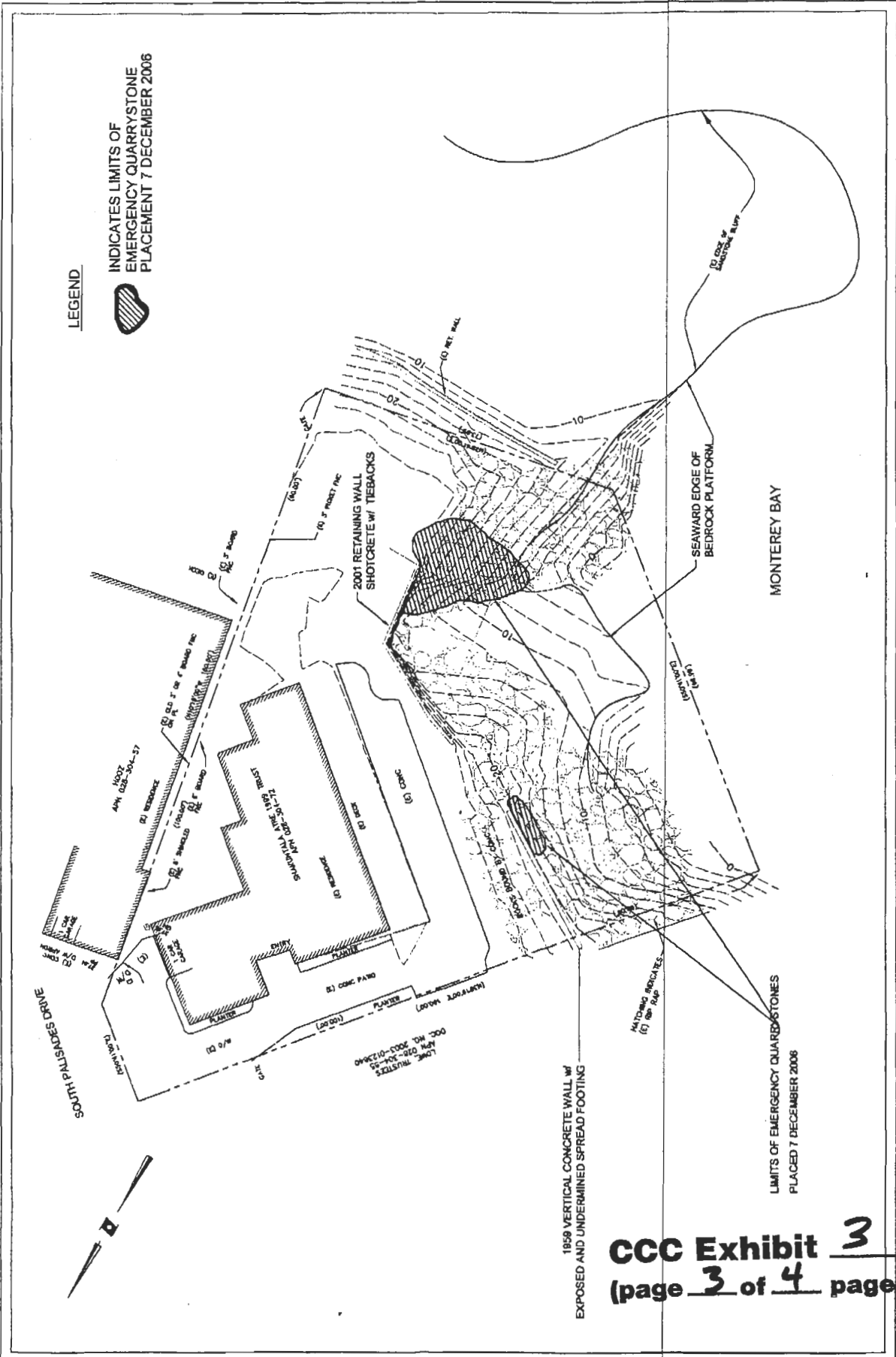
DATE	REVISION

HARO, KASUNICH & ASSOCIATES
 118 E. LAKE AVENUE
 WATSONVILLE, CA 95076
 (408) 722-4175

LIMITS OF EMERGENCY REPAIR
 ATRE RESIDENCE
 2888 SOUTH PALSADES
 SANTA CRUZ, CALIFORNIA

PROJECT	DATE
SCALE	1"=10'
DRAWN BY	
CHECKED BY	

SHEET
 3 of 4



LEGEND



INDICATES LIMITS OF
 EMERGENCY QUARRYSTONE
 PLACEMENT 7 DECEMBER 2006

18-59 VERTICAL CONCRETE WALL W/
 EXPOSED AND UNDERMINED SPREAD FOOTING

CCC Exhibit 3
 (page 3 of 4 pages)

LIMITS OF EMERGENCY QUARRYSTONES
 PLACED 7 DECEMBER 2006

DATE	REVISION







HARO, KASUNICH & ASSOCIATES
 116 E. LAKE AVENUE
 WATSONVILLE, CA 95076
 (831) 722-4175

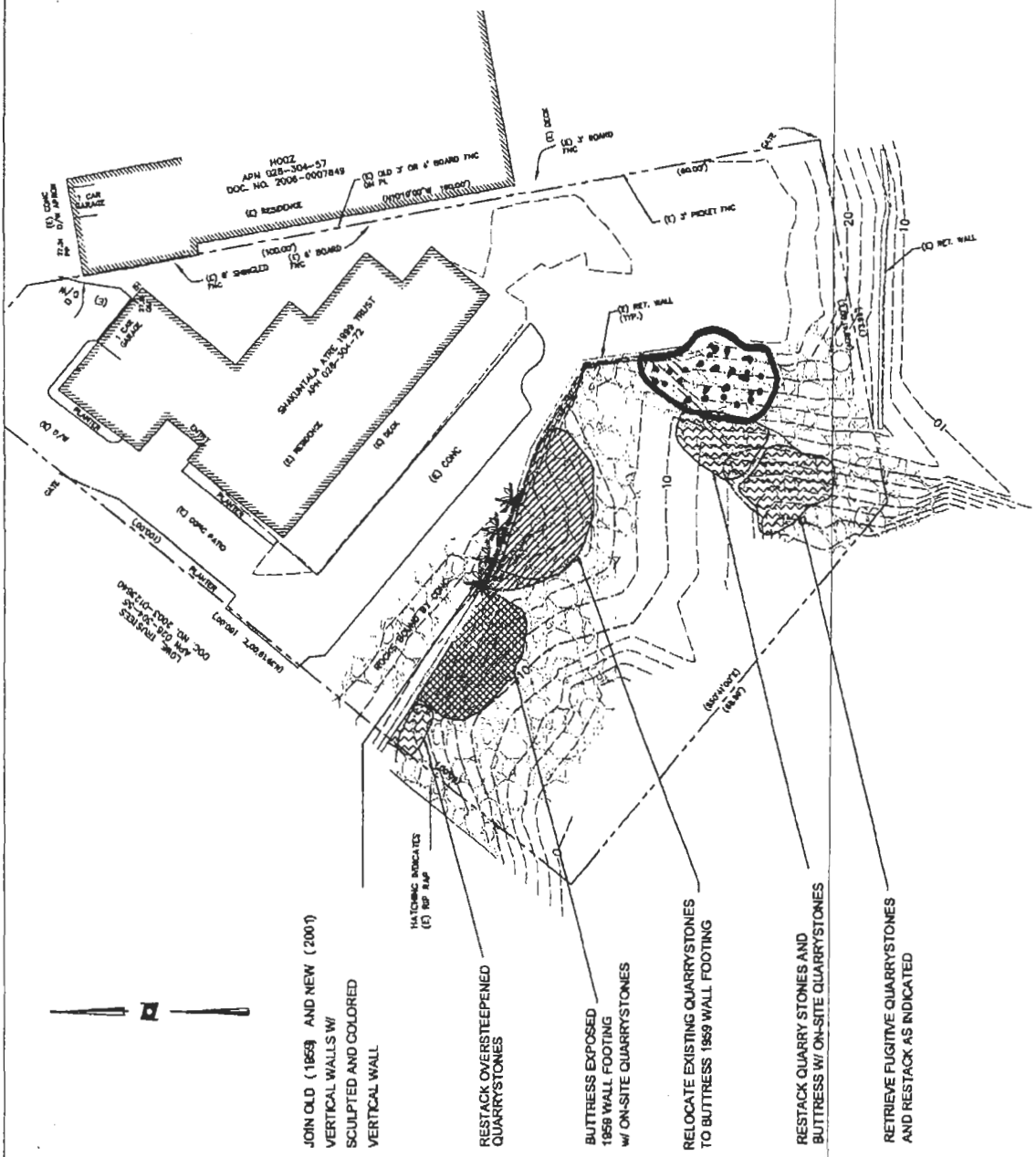
PROPOSED FUTURE MAINTENANCE
 AT THE RESIDENCE
 2898 SOUTH PALMS
 SANTA CRUZ, CALIFORNIA

PROJECT	DATE	SCALE	SHEET

SHEET
 4 of 4

LEGEND

- 
 INDICATES AREAS OF EMERGENCY QUARRY STONE PLACEMENT 7 DECEMBER 2006
- 
 INDICATES ROCK TO BE RETRIEVED AND RE-STACKED
- 
 INDICATES ROCK TO BE RELOCATED WESTWARD
- 
 INDICATES ROCK MOVED TO BUTTRESS EXPOSED SEAWALL FOOTING
- 
 SEAWALL INFILL-TO BE SCULPTED, COLORED CONCRETE
- 
 NEW VEGETATION TO CASCADE OVER WALL



- JOIN OLD (1959) AND NEW (2001) VERTICAL WALLS W/ SCULPTED AND COLORED VERTICAL WALL
- HATCHING INDICATES (1) RP MAP
- RESTACK OVERSTEEPENED QUARRYSTONES
- BUTTRESS EXPOSED 1959 WALL FOOTING w/ ON-SITE QUARRYSTONES
- RELOCATE EXISTING QUARRYSTONES TO BUTTRESS 1959 WALL FOOTING
- RESTACK QUARRY STONES AND BUTTRESS W/ ON-SITE QUARRYSTONES
- RETRIEVE FUGITIVE QUARRYSTONES AND RESTACK AS INDICATED