

**CALIFORNIA COASTAL COMMISSION**

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**Th10b****RECORD PACKET COPY**

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## **APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION**

**Appeal number** ..... A-3-SCO-01-034, Rogers Subdivision and SFDs

**Applicants** ..... Peter and James Rogers

**Appellant** ..... Charles Paulden

**Local government** ..... Santa Cruz County

**Local decision** ..... Approved with conditions (March 14, 2001)

**Project location** ..... Inland side of East Cliff Drive (between East Cliff Drive and Moran Way adjacent to Moran Lake) in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County (APN 028-302-02).

**Project description** ..... Divide one roughly 1/2 acre parcel into two parcels, demolish existing SFD, widen Moran Way, and construct two SFDs.

**File documents** ..... Santa Cruz County Certified Local Coastal Program; Santa Cruz County Coastal Development Permit Application File 98-0603; California Coastal Commission Appeal Files A-3-SCO-00-076 (Santa Cruz County's Pleasure Point Street Improvement Project) and A-3-SCO-01-009 (Powers Blufftop Improvements in the Live Oak Beach Area); California Coastal Commission ReCAP project for the Monterey Bay region.

**Staff recommendation** ... **No Substantial Issue**

**Summary of staff recommendation:** This is the substantial issue determination for appeal number A-3-SCO-01-034 (the Commission previously opened and continued the substantial issue hearing for this matter on May 7, 2001). Santa Cruz County approved a 2 parcel subdivision, demolition of a single family home, and development of two single family homes on a half-acre parcel near Moran Lake in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County. The Appellant claims that the County-approved project would not adequately protect the Pleasure Point community and visual character, Moran Lake habitat, adjacent public trails and recreational access, and is thus inconsistent with the County's certified Local Coastal Program (LCP). The Appellant raises several valid issues, however these do not rise to the level of a substantial issue requiring the Commission to take jurisdiction over the project. The Applicant has developed a relatively modest project, generally consistent with the



**California Coastal Commission  
July 2001 Meeting in Santa Rosa**

Staff: D.Carl Approved by:  
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level of adjacent urbanization and the surrounding character, that has been sensitively designed in light of the adjacent Moran Lake County Park and nearby Monterey Bay.

The site is located near an important Monarch butterfly habitat (the habitat is located roughly ¼ mile inland from the site), but the trees on the subject site are not part of this habitat; rather, the trees here act as a secondary windbreak for the primary windbreak for the inland habitat area (i.e., twice removed from the actual habitat area). Although the Applicant would remove 5 trees on site to allow for the development, the 5 trees are the farthest away from the habitat area, the remainder of on-site trees would be placed under permanent conservation easement, and the County has required that 40 trees be planted inland nearer to the habitat to enhance the actual habitat area (an 8:1 mitigation ratio). The Commission's senior biologist has visited the site and concurs with the County biologist and the Applicant's consulting biologist that the tree removal proposed would not degrade the inland habitat area, and that the replacement trees required will enhance habitat values from what currently exists. The partial coastal view of the tree canopy of the site from the beach and ocean will not be significantly altered and the continued use of the public recreational trail adjacent will not be compromised. Water quality BMPs (pervious pavers, retention of existing understory, drop inlet filters, etc.) should ensure that runoff from the site does not adversely impact recreational and habitat resources of the Sanctuary and Moran Lake.

Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and decline to take jurisdiction over the coastal development permit for the project.

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Exhibit B: Photos of the Project Site and Surrounding Area  
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Exhibit K: Monarch Habitat and Vicinity Map

### **1. Local Government Action**

On March 14, 2001, and following several Planning Commission hearings on the matter, the Santa Cruz County Planning Commission approved the proposed project subject to multiple conditions (see exhibit D for the County's staff report, findings and conditions on the project). The Planning Commission approval was not appealed to the Board of Supervisors. Notice of the Planning Commission's action on the coastal development permit (CDP) was received in the Commission's Central Coast District Office on April 2, 2001. The Commission's ten-working day appeal period for this action began on April 3, 2001 and concluded at 5pm on April 16, 2001. One valid appeal (see below) was received during the appeal period.

### **2. Appeal Procedures**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it includes a non-principal permitted use (i.e., the subdivision), and because the site is within 300 feet of the mean high tide line of Moran Lake and the Monterey Bay.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo



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hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest through public road (East Cliff Drive) and the shoreline of a waterbody (i.e., Moran Lake) and thus, this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

### **3.Appellant's Contentions**

Charles Paulden generally contends that the proposed project would negatively impact the special character of the Pleasure Point community, the habitat in and around Moran Lake, coastal trail and offshore recreational access, marine and recreational water quality, and the overall public viewshed. Please see Exhibit E for Mr. Paulden's complete appeal document.

Please note that Mr. Paulden's appeal alleges inconsistencies with a large number of County objectives, policies, and programs. Many of the references cited in the appeal are General Plan policies and not LCP policies. In addition, a large number of others are not specifically applicable to the project at hand (for example, the site is not designated as either urban-open space (LUP Policy 5.11.1) or resource conservation (LUP Policy 5.11.5) in the LCP). As such, not all policy references in Mr. Paulden's appeal document are contained in the "applicable policies" sections of this staff report. The policies cited herein have been cited using the broadest possible construction of Mr. Paulden's appeal so as to be as policy-inclusive as possible while not overly burdening the analysis with unnecessary detail. The complete Santa Cruz County LCP is available for review at the Commission's Central Coast District office and is a substantive file document for these findings. In any case, Mr. Paulden's LCP contentions are addressed in full in these findings.

### **4.Procedural History (Post-County Action)**

On May 7, 2001, the Commission opened and continued the substantial issue hearing on the appeal because Commission staff had not yet received the administrative record on this project from the County, and thus could not prepare a staff report with a full analysis and recommendation in time for the Commission's May 2001 meeting. The County's administrative record on the application was received in the Commission's Central Coast District Office on June 27, 2001.



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### 5. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

***Motion.** I move that the Commission determine that Appeal Number A-3-SCO-01-034 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

***Staff Recommendation of No Substantial Issue.** Staff recommends a yes vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

***Resolution To Find No Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-01-034 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

### Recommended Findings and Declarations

The Commission finds and declares as follows:

### 6. Project Description

#### A. Project Location

The proposed project is located near Moran Lake in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County.

#### 1. Regional Setting

Situated on the northern shore of the Monterey Bay, Santa Cruz County is bordered to the north and south by San Mateo and Monterey Counties. Santa Cruz County is characterized by a wealth of natural resource systems ranging from mountains and forests to beaches and the Monterey Bay itself. The Bay has long been a focal point for area residents and visitors alike providing opportunities for surfers, fishermen, divers, marine researchers, kayakers, and boaters, among others. The unique grandeur of the region and its national significance was formally recognized in 1992 when the area offshore became part of the Monterey Bay National Marine Sanctuary – the largest of the 12 such federally protected marine sanctuaries in the nation.



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Santa Cruz County's coastal setting, its mild climate, and multicultural identity combine to make the area a desirable place to both live and visit. As a result, Santa Cruz County has seen extensive development and regional growth over the years. In fact, Santa Cruz County's population has nearly doubled since 1970 alone with projections showing that the County will be home to over one-quarter of a million persons by the year 2000.<sup>1</sup> This growth not only increases the regional need for housing, jobs, roads, urban services, infrastructure, and community services but also the need for parks and recreational areas. For coastal counties such as Santa Cruz where the vast majority of residents live within a half-hour of the coast, coastal recreational resources are seen as a critical element in helping to meet these needs. Furthermore, with coastal parks and beaches themselves attracting visitors into the region, an even greater pressure is felt at coastal recreational systems such as that found in Live Oak. With Santa Cruz County beaches providing arguably the warmest and most accessible ocean waters in all of Northern California, and with the population centers of the San Francisco Bay area and the Silicon Valley nearby, this type of resource pressure is particularly evident in Live Oak.

Live Oak is part of a larger area including the Cities of Santa Cruz and Capitola that is home to some of the best recreational beaches in the Monterey Bay area. Not only are north Monterey Bay weather patterns more conducive to beach recreation than the rest of the Monterey Bay area, but north bay beaches are generally the first beaches accessed by visitors coming from the north of Santa Cruz. With Highway 17 providing the primary access point from the north (including San Francisco and the Silicon Valley) into the Monterey Bay area, Santa Cruz, Live Oak, and Capitola are the first coastal areas that visitors encounter upon traversing the Santa Cruz Mountains. As such, the Live Oak beach area is an important coastal access asset for not only Santa Cruz County, but also the entire central and northern California region.

See figure below and exhibit A for maps of project location.

### **2. Live Oak Area**

Live Oak represents the unincorporated segment of Santa Cruz County located between the City of Santa Cruz (upcoast) and the City of Capitola (downcoast). The Live Oak coastal area is well known for excellent public access opportunities for beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area. Walking, biking, skating, viewing, surfing, fishing, sunbathing, and more are all among the range of recreational activities possible along the Live Oak shoreline. In addition, Live Oak also provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. These varied coastal characteristics make the Live Oak shoreline unique in that a relatively small area can provide different recreational users a diverse range of alternatives for enjoying the coast. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access complex.

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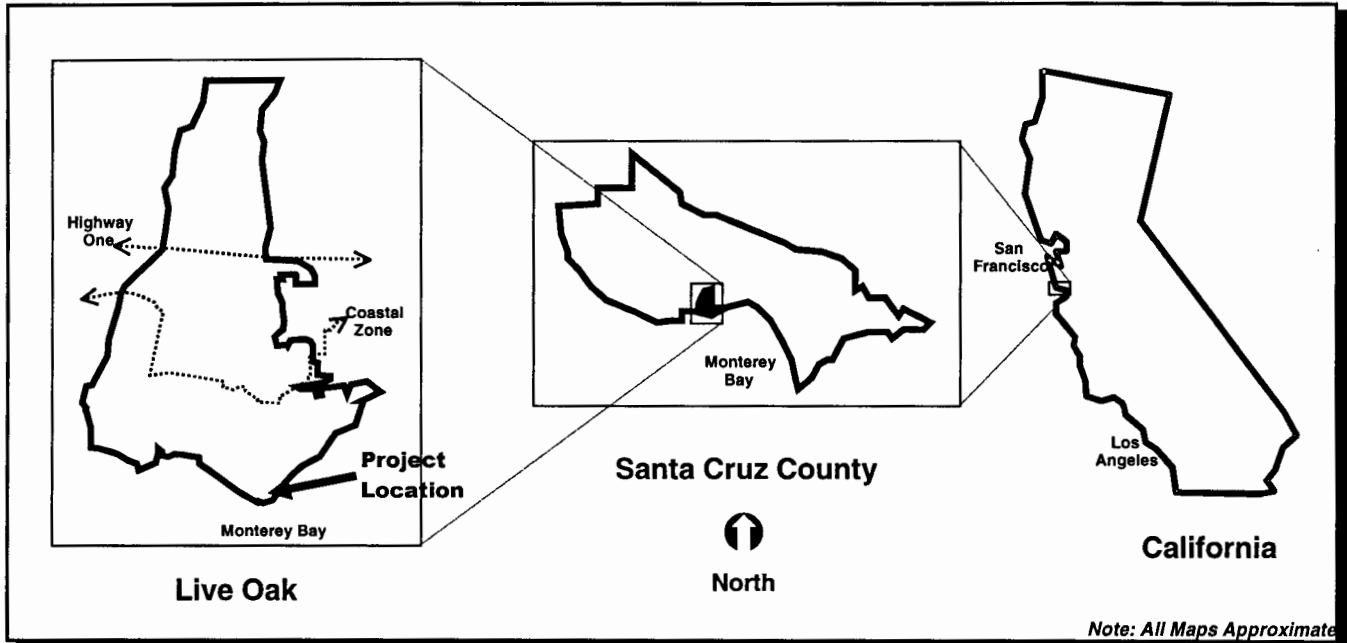
<sup>1</sup> Census data from 1970 shows Santa Cruz County with 123,790 persons; by 1996, California Department of Finance estimated that this number had increased to 243,000 persons; Association of Monterey Bay Area Governments (AMBAG) projections show that the population was expected to increase to 259,905 by the year 2000.



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Primarily residential with some concentrated commercial and industrial areas, Live Oak is a substantially urbanized area with few major undeveloped parcels remaining. Development pressure has been disproportionately intense for this section of Santa Cruz County. Because Live Oak is projected to absorb the majority of the unincorporated growth in Santa Cruz County, development pressure will likely continue to tax Live Oak's public infrastructure (e.g., streets, parks, beaches, etc.).<sup>2</sup> Given that the beaches are the largest public facility in Live Oak, this pressure will be particularly evident in the beach area.

### 3. Proposed Development Site

The proposed project is located in the Pleasure Point area of Live Oak adjacent to Moran Lake County Park. The Park provides a developed parking lot and related beach-going facilities (restroom, shower, etc.) serving the highly used beaches in and around the 26<sup>th</sup> Avenue area. Moran Lake proper is an estuarine lagoon that has long been mostly blocked from the Monterey Bay due to the presence of East Cliff Drive itself which acts as a dam. The box culvert there allows for some interaction between the Lake and the ocean, but only during periods of high tides and surf. As a result of this disconnect; encroaching urbanization and its attendant impacts (i.e., increased polluted runoff and sedimentation; increased noise, lights, activities, floatable pollutants and debris; domestic animal predators; vegetation removal; etc.); rapidly expanding invasive exotics (such as iceplant); and lack of funding with which to manage, restore and enhance the Park, the Moran Lake wetland habitat is severely degraded.

<sup>2</sup> The LCP identifies Live Oak at buildout with a population of approximately 29,850 persons; based on the County's recreational formulas, this corresponds to a park acreage of 150-180 acres. Though Live Oak accounts for less than 1% of Santa Cruz County's total acreage, this projected park acreage represents nearly 20% of the County's total projected park acreage.



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Moran Lake County Park provides habitat for monarch butterflies in several groves of eucalyptus on the Park property and in the area surrounding the County wastewater treatment facility. This butterfly habitat area is on the inland finger of the riparian corridor feeding Moran Lake snaking inland from the ocean. The monarch habitat at Moran Lake has been estimated to be the second largest overwintering habitat in Santa Cruz County, and a significant proportion of the western migratory monarch population (roughly 5% of the total).<sup>3</sup>

The subject roughly ½ acre parcel is located about ¼ mile seaward of the inland monarch habitat area between Moran Way and East Cliff Drive. East Cliff Drive is the primary lateral street moving through the Live Oak beach area and acts as the first through public road from the ocean. The stretch of East Cliff fronting the subject property is very narrow and barely affords space currently for bike lanes and travel lanes. Opposite the subject parcel on the seaward side of East Cliff Drive is a row of large beach-fronting homes that block the view of the subject site as seen from the beach and ocean. Moran Way is a narrow paved road that is used as a public recreational trail for pedestrians and bicyclists travelling upcoast from Pleasure Point who want to avoid looping around the narrow stretch of East Cliff Drive here. Moran Way also serves as the driveway to the various residences on either side of the subject parcel similarly configured between East Cliff and Moran Way. There appear to be 5 dwellings on the property northwest of the subject site in a series of structures (one and two-story), and 5 residences on the properties southeast of the subject site. Further to the southeast is a large undeveloped parcel, densely populated with eucalyptus, that the County recently designated a park acquisition site.<sup>4</sup> Inland of Moran Way begins the County Park and lies Moran Lake proper.

The subject parcel is mostly flat with a gentle slope to the back (towards Moran Way) and a steeper drop-off at East Cliff Drive in the front. The property contains a significant grove of eucalyptus, roughly 25 individuals, located primarily in the back half of the lot towards Moran Way. These back of the lot trees connect into the dense overstory of eucalyptus extending along Moran Way (the "Moran Way wind row"). There is an existing one-story single-family home on the site (set towards the East Cliff Drive part of the lot) with driveways onto the site from both East Cliff and Moran Way. Ruderal vegetation covers the subject site.

See exhibits A, B, and K for graphics showing the subject site in relation to the various features described above.

### B. County Approved Project

The proposed project has been in varying stages of review at the County level since 1998. Originally, the

<sup>3</sup> Dayton, 2000 (see the monarch butterfly reports attached as exhibit I). See also the ESHA section of this report for more detail on the butterfly habitat at Moran Lake.

<sup>4</sup> Commonly referred to as the "Yates" property. This large vacant parcel to the southeast (one parcel removed from the subject site on the curving corner of East Cliff Drive) was designated as a future park site subject to the County's formal park acquisition process; this designation has since been forwarded to the Commission as an LCP amendment request (not yet scheduled for hearing). The Appellant and other coastal activists in the area were instrumental in this designation process at the County level, and the Appellant continues to press for other acquisition in this area – including the subject site and the neighboring residential parcels.



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Applicant sought approval for a 3-lot subdivision and 3 homes. Through the course of environmental review and multiple local Planning Commission hearings, the Applicant modified the project to its current configuration in response to concerns voiced by County staff and interested parties. The main effect of the reduced project (as opposed to that originally proposed), is that the heavily wooded half of the existing parcel (nearest Moran Lake and the public pathway) can be left alone - the 3 lot subdivision and homes would have resulted in substantial tree removal and an additional home in this area.

To this point several observations need be made.

First, there are a number of petitions opposing all or part of the project in the County administrative record and attached to the submitted appeal. It should be noted that these petitions were written in opposition to the previously proposed 3 lot subdivision, and not specifically in opposition to the current proposal. While it is unknown in most cases if the petition signer withdrew their opposition once the project was reduced in scale, these petitions must be understood in this context.

Second, the Appellant has included as part of his appeal a letter from Mike Guth, a local coastal activist, that included a petition of its own signed by 250 or so persons (see exhibit E). This letter from Mr. Guth, as the others in the County administrative record, was directed to the original 3 lot subdivision. This letter and the impassioned lobbying by the Appellant, Mr. Guth, and countless other interested persons in the Pleasure Point area, helped result in a much reduced project (i.e., the current proposal) that includes substantial long-term preservation of on-site trees as well as off-site plantings to enhance the further inland Monarch butterfly habitat. Commission Staff has discussed this matter with Mr. Guth and he does not oppose the proposed project as finally approved by the County.<sup>5</sup> Again, Mr. Guth's letters and associated petitions submitted as part of the appeal materials should be understood in this context.

Lastly, the Appellant printed a flyer opposing development at this site (see page E-21 of exhibit E). The flyer has been posted at numerous outdoor locations in the Pleasure Point region as well as local surf shops since at least the time the County Planning Commission was last considering the proposed project (i.e., since at least March 2001). Unfortunately, the flyer is somewhat misleading as to the magnitude of the project being proposed and its potential impacts, particularly on offshore surfing resources. In any case, the flyer has engendered a multitude of phone calls on the project to Commission staff. The callers have been concerned until it is explained to them the parameters of the proposed project. Also note that a steady volume of letters on this project have been received by the Commission since the flyer was posted (see exhibit F). Again, while the level of project understanding by the letter-writers is unclear, these letters must be understood in this flyer context. Staff hopes that letters on the proposed project that respond to the recommended staff report will be timely received for review by the Commission at the July 2001 hearing as such letters, if based upon a reading of the staff report, should be based upon a clear understanding of the project and its potential impacts.

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<sup>5</sup> Mr. Guth has also submitted a letter clarifying his position on the project. Following the Applicant reducing the scale of the project, Mr. Guth attempted to contact each of the persons who had signed the previous petition submitted to the Planning Commission (i.e., when the project proposal was for 3 lots and 3 homes) to inform them that he was dropping his opposition and why. Please see exhibit H for Mr. Guth's clarifying letter. See also letter on this topic from the Applicant attached as exhibit G.



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In any case, the County approval that is the subject of this appeal includes the following:

- Subdivision of a roughly half acre parcel into two parcels measuring roughly 7,338 square feet and 16,378 square feet.
- Demolition of the existing single-family home and replacement with 2 two-story single family homes, measuring roughly 2,850 square feet and 3,180 square feet, with an exterior treatment of stucco with composite roofs meeting all appropriate size, setback, and floor-area ratio requirements for the property's medium density residential land use designation and its R-1-5 (minimum 5,000 square feet per dwelling unit) residential zoning.
- Removal of 5 live and 1 dead eucalyptus trees in the footprints of the proposed homes, and removal of 3 on-site stumps.
- Retention of 20 eucalyptus trees on-site, including the 15 trees forming the vast majority of the tree canopy on site in the area towards Moran Way. This area towards Moran Way will be maintained with the existing understory in its natural state protected by a preservation deed restriction.<sup>6</sup> The so-protected area represents roughly ½ of the Applicant's property.
- Planting of 40 eucalyptus trees in an area of Moran Lake Park used by the County as a re-planting and mitigation area designed to serve as a windbreak to the inland Monarch butterfly habitat at Lode Street.<sup>7</sup>
- A prohibition on wood-burning fireplaces so as to avoid smoke that may impact inland roosting monarch butterflies.
- A curvilinear pervious (using grass pavers) driveway designed to avoid tree drip lines.
- Dedication of a 10 foot wide strip of the Applicant's property adjacent to East Cliff Drive to the County for their use in future road improvement projects in this area.
- Dedication of a 45 square foot area of the Applicant's property to the County along Moran Way, and corrective pavement in this area, to enhance public pedestrian and bicycle access along Moran Way.
- Installation of an on-site drainage system filtered by a silt and grease trap prior to discharge from the site. Installation of a new storm drain line and a series of catch basins in the East Cliff Drive right-of-

<sup>6</sup> County Conditions 4.B.2 and 4.B.3 (see pages D-16 through D-31 of exhibit D for the County conditions).

<sup>7</sup> Note that on this point the County's conditions were unclear in that the condition text required conformance with the consulting biologist's mitigation plan, but the condition text described replanting with 20 trees while the mitigation plan describes 40 (County Condition 4.C, see pages D-16 through D-31 of exhibit D for the County conditions. See exhibit I for the subject monarch butterfly reports). Commission staff has since discussed this issue with both the Applicant and the County to clarify the intent of the conditions and how they would be implemented. Both the County and the Applicant indicate that 40 mitigation trees was their understanding of the requirement. As such, the requirement for consistency with the mitigation plan (describing the 40 tree mitigation) shall govern in this case (personal communications between Coastal Planner Dan Carl and the Applicant, and between Dan Carl and County Planner Melissa Allen on June 26, 2001).



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way from the subject site extending downslope and northwest towards the existing East Cliff Drive outfall at Moran Lake

See exhibit C for County-approved site plans. See exhibit D for the County staff report, findings, and conditions approving the Applicant's proposed project.

## 7. Substantial Issue Findings

The Appellant's contentions fall generally into 3 overlapping areas: community and visual character, habitat protection, and public access and recreation.<sup>8</sup> Each of these is discussed in detail in the findings that follow. As summarized below, although these contentions raise LCP issues, these issues do not rise to the level of substantial issues with respect to the project's conformance with the Santa Cruz County LCP.

### A. Community and Scenic Character

#### 1. Applicable Policies

The LCP recognizes the Live Oak beach area as a special area. The LCP states:

*Objective 8.8, Villages, Towns and Special Communities. To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.*

*LUP Policy 8.8.1 Design Guideline for Unique Areas. Develop specific design guidelines and/or standards for well-defined villages, towns and communities.... New development within these areas listed in Figure 8-1...shall conform to the adopted plans for these areas, as plans become available.*

*Figure 8-1 Areas with Special Design Criteria or Guidelines....Area: Live Oak Planning Area; Design Guideline Source: Live Oak Community Plan (to be completed)...*

The County's LCP is also fiercely protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. The LCP states:

*Objective 5.10.a Protection of Visual Resources. To identify, protect, and restore the aesthetic values of visual resources.*

*Objective 5.10.b New Development in Visual Resource Areas. To ensure that new development*

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<sup>8</sup> See exhibit E for the Appellant's complete appeal document.



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*is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.*

***LUP Policy 5.10.2 Development Within Visual Resource Areas.*** *Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....*

***LUP Policy 5.10.3 Protection of Public Vistas.*** *Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.*

***LUP Objective 5.11 Open Space Preservation.*** *To identify and preserve in open space uses those areas which are not suited to development due to the presence of natural resource values or physical development hazards.*

***IP Section 13.20.130(b)(1) Entire Coastal Zone, Visual Compatibility.*** *The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*

***IP Section 13.20.130(d)(1) Beach Viewsheds, Blufftop Development.*** *The following Design Criteria shall apply to all projects located on blufftops and visible from beaches: Blufftop development and landscaping...in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.*

Visual access to and along the coast is also a form of public access. The project is located between the first through public road (East Cliff Drive) and Moran Lake. As such, the following visual access policies of the Coastal Act also apply:

***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 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,*



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*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.*

In addition, the site is located adjacent to Moran lake County Park. Accordingly, Section 30240(b) of the Coastal Act states:

*Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

### 2. County-Approved Project

The County-approved project would result in the removal of five live eucalyptus trees and the existing one story home on the ½ acre site to make way for two, 2-story single-family homes with stucco exterior. The streets framing the project site would be mostly left alone (other than minor re-pavement on Moran Way and a shift of the existing East Cliff Drive driveway location to the northwest). As such, the existing street edges framing the site would remain largely status quo.<sup>9</sup>

See County-approved plans in exhibit C.

### 3. Consistency with Applicable LCP and Coastal Act Policies

The LCP indicates that the Live Oak area as a whole is an area with “special design criteria or guidelines” (LUP Figure 8-1). Unfortunately, the implementation portion of this special design criteria remains incomplete despite efforts over the years, including an administrative draft of a Live Oak Community Plan as recently as 1996. Within the larger Live Oak coastal area, the Harbor Area and the East Cliff Village Tourist Area (roughly a mile to the west (upcoast) of the proposed project) are defined as Coastal Special Communities (LUP Policy 8.8.2) within which specific design criteria must be applied (IP Section 13.20.144 and 13.20.145); the Pleasure Point area is not so defined by the LCP. That is not to say, however, that the Pleasure Point area is not a special community area. This area has an informal, beach community aesthetic and ambiance that clearly distinguishes this area from inland commercial areas as well as the downcoast Opal Cliffs neighborhood towards Capitola. Though certainly in the midst of a gentrification that has intensified over the last decade, the Pleasure Point area retains much of its informal charm and appeal.

The LCP requires that the proposed project “be visually compatible and integrated with the character of the surrounding neighborhoods or areas” (IP Section 13.20.130(b)(1)) and sensitively designed to retain and preserve visual resources and visual access (see applicable policies above). The Appellant claims

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<sup>9</sup> See also previous “Project Description” section for more detail.



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that this is not the case because: (1) the trees that would be removed would appreciably alter the overall aesthetic; (2) the smaller house that would be removed on site is more evocative of the local housing stock and/or should be preserved for what historically was present in Live Oak; (3) the new houses would be too large and not aesthetically in character with the surrounding development, (4) Moran Lake County Park would be adversely impacted; (5) the loss of the 5 trees would change the functioning of the overall windbreak, adversely impacting the surrounding micro-climate for residents; and (6) the tree removal and replacement houses would detract from the open space character of the site.<sup>10</sup>

The Commission finds that the removal of 5 live trees from this site will not appreciably alter the overall character of the surrounding grove of eucalypti as the canopy to be removed is but a fraction of this overall grove (see page C-3 of exhibit C). Views of the overall grove from up and downcoast, as well as offshore, should be largely the same as current. As such, the effect of the tree removal on the surrounding area's character would be minimal.

As to replacing the smaller home with two larger homes, the proposed project is clearly different than what exists on the site today. As such, it will change the character of the site. However, the existing situation on this site is hardly typical of development in and around the area. Development within this section of the County is very dense, and has been increasing in size, architectural detail, and cost rapidly over the past two decades. Surrounding development, particularly that seaward of East Cliff Drive adjacent, is mostly two-story with much redevelopment occurring recently.<sup>11</sup> The properties on either side of this site are currently developed even more densely than that proposed here, with 5 residential structures on either side of the subject property between Moran Way and East Cliff Drive; development on the seaward side of East Cliff Drive is large and 2 story (see exhibit B for photos of the site and surrounding area). The structures proposed, while fairly plain in terms of architectural detail, are not wildly different from development surrounding the site. So while the site will change, the overall character of the area will not be substantially altered by the proposed project.

The existing house on the site is not recognized as a historic resource by the County. Although clearly an older structure, it is not a particularly representative or evocative example of local historical architecture, nor is it associated with any persons particularly important in the development of the County. There have clearly been haphazard additions that have expanded the existing structure over the years (such as the add-on shed and carport to the rear) that are clearly not even in character with the front portion of the house. The existing structure is small, as were many of the original cottages developed in and around Pleasure Point, but not particularly critical for maintaining the character of the area (a densely developed character different than the existing home here). See photos of the existing structure in exhibit B.

As to the open space character of the site, clearly the site provides more open space now than would be present post-project. This is because the large lot here (roughly 25,000 square feet) is currently occupied by one small single family home served by dual driveways. However, the main tree canopy would be maintained at the back of the lot (towards Moran Way) and the project has been developed consistent

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<sup>10</sup> See exhibit E for the Appellant's full appeal document.

<sup>11</sup> See also exhibit G supplied by the Applicant describing adjacent housing stock sizing.



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with the underlying residential zoning guidelines. In fact, the proposed project provides much more open space than that required by code, and much less lot coverage than that allowed. The parcels on either side of the site are already densely developed with residential structures. See exhibit B for photos of the surrounding project area.

The site is not visible from the beach because there is a row of two-story homes on the seaward side of East Cliff Drive that block the view of the site from the beach. Portions of the tree canopy are visible from the beach and offshore, but, as discussed above, the removal of five such trees from this larger canopy will have an insignificant impact on the visual resources and character as seen from the beach and ocean area.

Moran Lake County Park is located inland of the project site (to the north) and is separated from the site by a substantial grove of trees and Moran Way. The proposed development would be marginally visible, if at all, from within the Park through the dense trees in this area. Much of the Park is currently bordered by residential development with only very minimal (if any) such screening (for example, residential development stretching inland along Palisades Avenue). The impact of the proposed project on the Park ambiance and viewshed would be negligible.

The site does not offer substantial views across its length (neither from East Cliff Drive through to Moran Way or vis versa) because such views are almost entirely blocked now by vegetation, topography, and structures. As such, the proposed development would not block any coastal views that currently exist. In addition, the retention of the vast majority of trees at the site will ensure that the through view, such as it is, is not unduly impacted.

As to the contention that the loss of the 5 trees would change the functioning of the overall windbreak, thus adversely impacting the surrounding micro-climate for residents, there is little evidence in the record to substantiate such a claim. On the contrary, the loss of the 5 trees was deemed by the biologists involved to have an insignificant impact on surrounding wind patterns. The corresponding effect on the surrounding micro-climate enjoyed by area residents would be negligible.

The Commission has previously raised concerns about streetscape improvements in this section of Live Oak. Namely, issues have arisen regarding the style of street improvements (e.g., curb, gutter, sidewalk, landscaping, etc.) necessary to retain the area's charm.<sup>12</sup> In this case, the streetscape, both that of Moran Way and East Cliff Drive, would remain almost entirely the same. The only modifications would be to shift the existing East Cliff Drive driveway slightly and to pave a small (roughly 45 square feet) section of Moran Way to enhance the coastal trail along Moran Way. The County did not require standard street improvements for this one property on East Cliff (i.e., a sidewalk, curb, and gutter) so as to avoid prejudicing options for future street improvements in this area. The Applicant was required to dedicate a 10 foot strip of their East Cliff Drive frontage to the County to be used in the event of street improvements and widening in this (currently) narrow stretch of East Cliff Drive.

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<sup>12</sup> For example, Appeal (and CDP) A-3-SCO-00-076 (Pleasure Point Street Improvements).



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### 4. Community and Scenic Character Conclusion

The LCP protects the unique Pleasure Point community and visual character and requires development to be compatible with it. The County-approved project represents a modest-sized development for the ½ acre lot – one that retains the vast majority of the trees on site and one that is generally in character with development in this densely developed and populated section of Live Oak. Coastal views will not be blocked and the amount of development visible from within the Moran Lake County Park viewshed will be negligible. Design review and character assessment is often somewhat discretionary, and the Appellant argues some of the finer points of design and character compatibility. Unfortunately, the County has yet to develop specific design guidance for the Live Oak beach area against which to evaluate the proposed project. In its absence, appropriate judgement calls must be made against the broader County design standards, as was done by the County in this case.

The Appellant raises germane issues with respect to the proposed development. However, the County-approved project is substantially consistent with its larger surroundings and these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's community and visual character policies, as well as the applicable Coastal Act visual access policies, cited in this finding.

In making this finding, the Commission laments the lack of better defined design guidance for the Live Oak beach area. As clearly articulated by the Appellant, this area has an informal, beach community aesthetic and ambiance – particularly in Pleasure Point – within which extensive redevelopment<sup>13</sup> is expected (as homes are remodeled, increased in size, etc.) in the future. If the informal charm and appeal of the area is to be defined and maintained, the County needs better tools with which to make decisions. Such tools should take the form of better defined design guidelines, and may include additional design review measures (for example, an architectural review board or equivalent). Such tools help all parties understand what is expected in proposed development, and allows the community to establish a vision for the future. If the Live Oak Community Plan identified in the LCP is not to be developed for whatever reason, then some other form of guidance is necessary. Such guidance in any case should encompass residential, commercial, and public improvement (e.g., streetscape) projects and provide standards for each.<sup>14</sup>

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<sup>13</sup> Because of the dearth of vacant lots in this area, redevelopment is much more likely in the future than significant new development on previously vacant lots.

<sup>14</sup> The same need for better guidance was previously articulated by the Commission in relation to public street improvement projects in the Live Oak beach area through Appeal (and CDP) A-3-SCO-00-076 (approved January 2001). In that Commissioner appeal, the Commission approved a County street improvement project mostly as proposed, but articulated a series of more appropriate design guidelines for future street improvement projects that the County should follow and incorporate into applicable guidance documents (such as the Live Oak Community Plan or its equivalent).



## **B. Environmentally Sensitive Habitat Areas**

### **1. Applicable Policies**

The LCP is very protective of environmentally sensitive habitat areas (ESHAs). LCP wetland and wildlife protection policies include LUP Chapter 5 policies and Zoning Chapter 16.32 (Sensitive Habitat Protection). In general, these LCP policies define and protect ESHAs, allowing only a very limited amount of development in these areas. Relevant LCP policies include:

***LUP Objective 5.1 Biological Diversity.** To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.*

***LUP Policy 5.1.2 Definition of Sensitive Habitat.** An area is defined as a sensitive habitat if it meets one or more of the following criteria: (a) Areas of special biological significance as identified by the State Water Resources Control Board. (b) Areas which provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests. (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below. (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game in the Special Animals list, Natural Diversity Database. (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines. (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society. (g) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves. (h) Dune plant habitats. (i) All lakes, wetlands, estuaries, lagoons, streams and rivers. (j) Riparian corridors.*

***LUP Policy 5.1.3 Environmentally Sensitive Habitats.** Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and allow only uses dependent on such resources in these habitats within the Coastal Zone unless other uses are: (a) consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public; (b) it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative; and (c) legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.*



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***LUP Policy 5.1.6 Development Within Sensitive Habitats.*** Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

***LUP Policy 5.1.7 Site Design and Use Regulations.*** Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations: (a) Structures shall be placed as far from the habitat as feasible. (b) Delineate development envelopes to specify location of development in minor land divisions and subdivisions. (c) Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels. (d) Prohibit domestic animals where they threaten sensitive habitats. (e) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens; (f) Prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species.

***LUP Policy 5.1.10 Species Protection.*** Recognize that habitat protection is only one aspect of maintaining biodiversity and that certain wildlife species, such as migratory birds, may not utilize specific habitats. Require protection of these individual rare, endangered and threatened species ...

***LUP Policy 5.1.11 Wildlife Resources Beyond Sensitive Habitats.*** For areas that may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species...

***LUP Objective 5.2 Riparian Corridors and Wetlands.*** To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

***LUP Policy 5.2.1 Designation of Riparian Corridors and Wetlands.*** Designate and define the following areas as Riparian Corridors: (a) 50' from the top of a distinct channel or physical evidence of high water mark of perennial stream; (b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams; (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water; (d) The landward limit of a riparian woodland plant community; (e) Wooded arroyos within urban areas.



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*Designate and define the following areas as Wetlands: Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water periodically or permanently. Examples of wetlands are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens....*

***LUP Policy 5.2.5 Setbacks From Wetlands.*** *Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, as outlined in the Water Resources section.*

***LUP Policy 5.2.7 Compatible Uses With Riparian Corridors.*** *Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.*

The LCP likewise protects water quality; for the purposes of this finding, inasmuch as such water quality impacts habitat values. The LCP states as follows:

***Objective 5.4 Monterey Bay and Coastal Water Quality.*** *To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.*

***Objective 5.7 Maintaining Surface Water Quality.*** *To protect and enhance surface water quality in the County's streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses.*

***Policy 5.4.1 Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts.*** *Prohibit activities which could adversely impact sensitive habitats of the Monterey Bay National Marine Sanctuary, including the discharge of wastes and hazardous materials. The main sources of concern are wastewater discharge, urban runoff, toxic agricultural drainage water, including that originating outside of Santa Cruz County, and the accidental release of oil or other hazardous material from coastal tanker traffic.*

***LUP Program 5.4(a).*** *Continue to coordinate with federal, state and other local agencies, including NOAA, California Coastal Commission, Regional Water Quality Control Board, and AMB AG to manage and protect the resources of the Monterey Bay National Marine Sanctuary.*

***LUP Policy 5.3.1 Support the Monterey Bay Sanctuary.*** *Support the mission of the Monterey*





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*Bay National Marine Sanctuary to facilitate the long-term management, protection, understanding and awareness of its resources and qualities.*

***LUP Policy 5.4.14 Water Pollution from Urban Runoff.*** Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

***LUP Policy 5.7.1 Impacts from New Development on Water Quality.*** Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated.

***LUP Policy 5.7.4 Control Surface Runoff.*** New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with urban street designs; and (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

***LUP Policy 7.23.1 New Development.*** ...Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible.

***LUP Policy 7.23.2 Minimizing Impervious Surfaces.*** Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.

***LUP Policy 7.23.5 Control Surface Runoff.*** Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:...(b) construct oil, grease and silt traps from parking lots, land divisions or commercial and industrial development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

## **2. County-Approved Project**

The County-approved project is located adjacent to Moran Lake County Park within which is Moran Lake proper and several monarch butterfly habitat areas. The County determined that the project would not adversely impact either the habitat of Moran Lake itself nor the habitat area for the butterflies (located roughly ¼ mile inland from the subject site). The trees on the subject site were found to be a secondary windbreak for the primary windbreak for the inland monarch habitat area (i.e., twice removed from the actual habitat area), and their removal was found to have a negligible impact on monarch habitat. Nevertheless, the County required that the 5 live trees to be removed be mitigated at an 8:1 ratio inland within the Park nearer to the monarch overwintering habitat to enhance the actual habitat area (40



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trees planted and tree maintenance funding provided by the Applicant to the County). On site drainage that didn't permeate into the ground would be collected, filtered through silt and grease traps, and directed away from the Moran Way/Moran Lake side of the lot. The County conditioned the project for consistency with the arborist reports (attached as exhibit J) and the monarch butterfly reports (attached as exhibit I).<sup>15</sup>

See County-approved plans in exhibit C.

### **3. Consistency with Applicable LCP Policies**

#### **Moran Lake Habitat**

As detailed before, Moran Lake proper is an estuarine lagoon system that has long been mostly blocked from the Monterey Bay due to the presence of East Cliff Drive itself which acts as a dam. The box culvert there allows for some interaction between the Lake and the ocean, but only during periods of high tides and surf. As a result of this disconnect, encroaching urbanization and its attendant impacts (i.e., increased polluted runoff and sedimentation; increased noise, lights, activities, floatable pollutant and debris; domestic animal predators; vegetation removal; etc.), rapidly expanding invasive exotics (such as iceplant); and lack of funding with which to manage, restore and enhance the Park, the Moran Lake wetland habitat is severely degraded. Nonetheless, options for restoring this habitat exist and the LCP categorically defines Moran Lake as ESHA (LUP Policy 5.1.2(i) and 5.1.3).

The proposed project is located well over 100 feet from Moran Lake consistent with LCP wetland requirements. The majority of vegetation, including the significant trees towards the back side of the subject lot, would be retained and preserved. As such, the proposed structures would be predominantly screened from Moran Lake proper. Some amount of increased noise, lights, and activities would be associated with the new structures (i.e., since the site would go from one single family home to two), however such increases would be minimal and would be mostly blocked from view and sight of the Lake by vegetation. In addition, the site and the Lake are both ringed by similar residential uses and activities; the effect of this project on the habitat values of the Lake would be negligible.

Although the project would increase on-site impervious surfacing from what exists today, the project has been sensitively designed to avoid introducing additional sedimentation and/or urban pollutants into the Lake and/or Monterey Bay offshore. This will be accomplished through retaining the existing ruderal understory towards the back of the lot (for continued filtering), installing pervious pavers for the driveway areas, and directing any remaining site runoff through silt and grease traps prior to discharge to the County storm drain system. The County required the Applicant to install a new storm drain line and drop inlets from the East Cliff Drive property frontage to the existing outfall at Moran Lake (see exhibit C). The County conditioned all water quality control apparatus on site for ongoing maintenance by the Applicant (see pages D-16 through D-31 of exhibit D for the County conditions).

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<sup>15</sup> See also previous "Project Description" section for more detail.



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### Monarch Butterfly Habitat

As already noted, monarch butterflies are known to overwinter within Moran Lake County Park. Such overwintering habitats are narrowly distributed in California and are relatively rare; they have been described as the "Achilles' heel" of the monarch migratory phenomenon. Monarchs repeatedly search out specific micro-climates based on the interaction of temperature and wind, preferably in close proximity to food sources. These monarch micro-climate sites are generally classified on the basis of how they are used by the butterflies: those sites that are used for only the first part of the winter migration (i.e., September/October through November) being known as "autumnal roost sites," while those used for all or part of the winter (due to preferred micro-climatic conditions) being known as "overwintering sites." Further breaking this down, there will be different roosting locations within an overwintering "site" over the course of a winter as the butterflies respond to prevailing wind and temperature variations within any one site.<sup>16</sup>

The Moran Lake monarch overwinter roosting habitat is located approximately ¼ mile inland (to the north) of the subject site; the subject site itself does not function as roosting habitat. This primary inland habitat area essentially surrounds the County's Lode Street Sanitation Facility and extends partially to the south from this area; the habitat is almost exclusively made up of blue-gum eucalyptus trees (see exhibits I and K for site plans identifying roost areas). The Moran Lake overwintering habitat has been identified as the second largest (after Natural Bridges State Park in the City of Santa Cruz upcoast) monarch butterfly colony in Santa Cruz County, supporting an average of 40,000 butterflies every winter.<sup>17</sup>

Monarch butterfly in overwintering habitat is recognized by the California Department of Fish and Game as a Species of Concern. As such, the LCP defines the Moran Lake overwintering site as ESHA (LUP Policy 5.1.2(d) and 5.1.3) and strongly protects this habitat.

As detailed by the Applicant's consulting biologist, the subject site is located roughly ¼ mile seaward of the Moran Lake overwintering site. As such, it is not located within ESHA. Between the subject site and the inland overwintering site lies a grove of eucalyptus trees running along Moran Way that act as a primary wind screen for the inland roosting habitat (the Moran Way wind row; see exhibit K). The trees on the subject property act as a wind screen for the off-site Moran Way wind row. In other words, the on-site trees function as a wind screen for the wind screen. These on-site trees do not, however, independently offer protection to the inland habitat. In fact, were the Moran Way wind row to be lost, the trees on the subject site would not offer a functional replacement. The Applicant's consulting biologist and the County's consulting biologist concur that the removal of five live trees on the subject site would

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<sup>16</sup> Please see the Monarch Butterfly reports done for the proposed project by the Applicant's consulting butterfly biologist, John Dayton, attached as exhibit I. Mr. Dayton provides detail on the lifecycle of Monarch butterflies in general, as well as significant detail on the Moran Lake monarch habitat and potential impact from the proposed project. It should be noted that the subject reports evaluate previous proposals that would have resulted in significantly more on-site trees being removed than the project finally approved by the County. Mr. Dayton has been studying the Moran Lake habitat for a number of years and is considered one of a small number of experts on monarchs in Santa Cruz County.

<sup>17</sup> Again, see Dayton reports (exhibit I).



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have an insignificant impact on the inland ESHA. The Commission's senior biologist has reviewed the applicable reports and visited the site and concurs with both the Applicant's consulting biologist and the County's biologist that the inland habitat will not be impacted by the proposed project.

Most of the tree canopy on the subject site would be retained, and the County required mitigation planting of 40 trees inland nearer to the ESHA to better buffer the habitat there (an 8:1 mitigation ratio).<sup>18</sup> According to the Applicant's biologist, the mitigation planting is meant as a precautionary measure to reduce the importance (to the inland habitat) of the off-site Moran Way wind row should other trees be removed not associated with the proposed project. In other words, the mitigation is not directly because the 5 trees to be removed on the subject site are significantly tied to the inland habitat, but rather meant to act as an overall insurance policy for the Moran Lake habitat in general.<sup>19</sup> With the inland mitigation replanting, the inland habitat area will be better protected from winds. As a result, the net impact on the habitat may be beneficial as the mitigation trees come to fruition and provide additional habitat screening. Again, this conclusion is shared by the County, the Applicant's consulting butterfly expert, and the Commission's senior biologist.

#### 4. Environmentally Sensitive Habitat Area Conclusion

The LCP protects Moran Lake and the monarch butterfly overwintering site there as ESHA. The proposed project site is not located within either of these ESHAs. It is likewise located roughly ¼ mile seaward of the monarch overwintering site and well over 100 feet from Moran Lake. The project will be mostly screened from within Moran Lake County Park by existing dense vegetation and the slight increase in residential activities (i.e., going from one to two residences on-site) should not affect habitat values. The removal of 5 live trees from the subject site will have a negligible effect on ESHA; with the required inland mitigation planting, a net beneficial impact on the inland butterfly ESHA is expected. The project incorporates significant water quality BMPs (i.e., pervious pavers, retained understory landscaping, silt and grease traps, etc.) and site runoff should be minimized and adequately filtered and treated as a result.

The Appellant raises important questions associated with the proposed development. However, the County-approved project should not adversely impact ESHA, and may have a beneficial ESHA impact, and these issues do not rise to the level of a substantial issue in terms of the project's conformance with

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<sup>18</sup> Note that the 40 tree mitigation requirement was developed by the County when the Applicant was proposing a larger project that would have resulted in three lots, three homes, and the removal of 20 trees (i.e., a 2:1 mitigation ratio). However, even though the project was much reduced to preserve the vast majority of the trees on-site, particularly those closest to the Moran Way wind row, the 40 tree mitigation was not likewise adjusted downward and remains a County requirement though only 5 live trees would be removed.

<sup>19</sup> There have been a number of tree removal projects in the recent past within Moran Lake County Park. As detailed by Mr. Dayton in his reports (see exhibit I), these recent episodes have directly resulted in monarch butterfly habitat degradation. It is within this overall context that the mitigation has been recommended (i.e., in part to offset the cumulative impact of these past events). Notably, most of Moran Lake County Park is within the Commission's retained coastal permitting jurisdiction. Although such previous tree removal episodes constitute development for which coastal development permits are required, not a single application for tree removal here has been submitted for permit consideration by the Commission. The Commission's Statewide Enforcement Unit is investigating these past episodes as a high priority work item and intends to develop and require appropriate corrective actions for such unpermitted development at Moran Lake.



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the certified LCP's ESHA policies cited in this finding.

In making this finding, the Commission notes that the LCP lacks a management plan for Moran Lake. Review of individual developments in light of habitat issues here would be better accomplished if they were within the context of a larger management plan; the County's consulting biologist observed the same in reviewing the subject application. The idea is that required setbacks, required enhancement/restoration, and ongoing management of the Moran Lake system would be described in a plan to be applied when properties develop or, more likely when properties re-develop (since Moran is already fairly ringed by developed properties). Such planning can also address cumulative issues with respect to monarch butterflies as their habitats throughout the County are impacted by encroaching urbanization.<sup>20</sup> The resources like Moran Lake that remain in these urban areas of the County have been condensed and hemmed in by urban activities over time from what were once much larger and robust systems. What remains is thus that much more precious, likely interconnecting, and deserving of careful consideration when projects are proposed that chip away a little bit more each time. While the individual projects evaluated in a vacuum may seem (in some cases at least) innocuous, the cumulative effect can be profound; Moran Lake is a classic example.

The same could be said for other Live Oak systems as well (Corcoran Lagoon, Schwann Lagoon, Bonita Lagoon, etc.). Proper planning for these urban habitat systems cannot be done on a project-by-project basis. Rather, each habitat system should be considered as a whole ecosystem and appropriate rules for adjacent development, system enhancement, and management should be established. These rules would be based upon valid biological criteria which takes into account the entire system and the individual and cumulative ramifications of development (including new development, expansions, additions, and complete redevelopment) adjacent to these natural communities as well as in nearby linked natural communities (e.g., overwintering monarch sites up and down coast). When projects are instead analyzed one at a time outside of the context of the whole system, such as is the case with the current project and the unpermitted development within Moran lake to date, their consistency with LCP policies, goals, and objectives can be more difficult to measure.

Although the County-approved project in this case adequately addresses Moran Lake habitat issues, it is not clear that future development in this area will do the same. Moreover, the County required this particular Applicant to preserve the remainder of his site, roughly half of the subject property, in a conservation easement, to plant habitat-protecting trees off-site at an 8:1 ratio to address (in part at least) cumulative tree removal impacts over time within Moran Lake County Park, to install an expensive drainage system, and to dedicate portions of the property frontage; such has not been the norm for previous approvals in this area and it is not clear that this level of scrutiny and required conditions will be applied in future cases. The need for an articulation of such appropriate measures through a management plan (so that all future development is held up against the same filter) is acute here. The Commission fully supports the development of such a plan, which, Commission staff understands is now

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<sup>20</sup> For example, current development pressures on monarch habitat at the Noble Gulch and Rispin Mansion sites in downcoast Capitola, and at the Lighthouse Field site in upcoast City of Santa Cruz; as well as similar habitat erosion at Natural Bridges State Park in Santa Cruz City.



being discussed.

## **C. Public Access and Recreation**

### **1. Applicable Policies**

Similar to the Coastal Act, the LCP encourages maximum public access and requires the protection of existing public access and recreation areas. The LCP is filled with policies reflecting these general Coastal Act-inspired goals including:

LCP Land Use (LUP Chapter 2) policies identifying public recreational use as a higher priority than private residential use, including.

***LUP Policy 2.22.1 Priority of Uses within the Coastal Zone.** Maintain a hierarchy of land use priorities within the Coastal Zone:*

*First Priority: Agriculture and coastal-dependent industry*

*Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.*

*Third Priority: Private residential, general industrial, and general commercial uses.*

***LUP Policy 2.22.2 Maintaining Priority Uses.** Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.*

LCP Circulation (LUP Chapter 3) policies encouraging a coordinated recreational circulation system for access to beach recreational areas and giving priority to road improvements that provide access to coastal recreational resources, including:

***LUP Policy 3.8.7 Recreation.** Plan bicycle routes to facilitate access to recreational areas such as regional parks, beach areas, and major tourist commercial/recreational facilities. Promote recreational bicycle routes to promote "eco tourism".*

***LUP Policy 3.14.1 Capacity.** Reserve capacity on the existing County road system for recreational traffic.*

***LUP Policy 3.14.2 Priority to Recreational Improvements.** In the development of transportation improvement programs, consider giving priority to road improvements which provide access to recreational resources.*

And finally, LCP Parks, Recreation, and Public Facilities (LUP Chapter 7) policies and programs generally protecting existing public access and encouraging public access and recreational enhancements such as public parking, trails, and other facilities to increase enjoyment of coastal resources and to improve access within the Live Oak coastal region, including:



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***LUP Objective 7.1a Parks and Recreation Opportunities.*** To provide a full range of public and private opportunities for the access to, and enjoyment of, park, recreation, and scenic areas, including the use of active recreation areas and passive natural open spaces by all ages, income groups and people with disabilities with the primary emphasis on needed recreation facilities and programs for the citizens of Santa Cruz County.

***LUP Objective 7.7a Coastal Recreation.*** To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.

***LUP Objective 7.7b Shoreline Access.*** To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2.

***LUP Policy 7.7.1 Coastal Vistas.*** Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points and overlooks with benches and railings, and facilities for pedestrian access to the beaches...

***LUP Policy 7.7.11 Vertical Access.*** Determine whether new development may decrease or otherwise adversely affect the availability of public access, if any, to beaches and/or increases the recreational demand. If such impact will occur, the County will obtain as a condition of new development approval, dedication of vertical access easements adequate to accommodate the intended use, as well as existing access patterns...

In addition, Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." Because this project is located between East Cliff Drive (the first through public road) and Moran Lake, for public access and recreation issues the standard of review is not only the certified LCP but also the access and recreation policies of the Coastal Act. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

***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



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*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...*

*Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*Section 30214(a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...*

*Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

The Appellant also contend that offshore recreational resources may be impacted by the proposed project. Applicable LCP policies addressing this issue were already identified in the previous ESHA finding. For these particular applicable policies, please see the water quality-related "applicable policies" section of the ESHA finding above.

## 2. County-Approved Project

The County-approved project is located between Moran Way and East Cliff Drive. East Cliff Drive is the primary lateral street moving through the Live Oak beach area and is the first through public road as one moves inland from the Monterey Bay. The stretch of East Cliff fronting the subject property is very narrow and barely affords space currently for bike lanes and travel lanes. Moran Way is a narrow paved road that is used as an alternate public recreational trail for pedestrians and bicyclists travelling upcoast from Pleasure Point who want to avoid looping around the narrow stretch of East Cliff Drive here. Moran Way also serves as the driveway to the various residences on either side of the subject parcel similarly configured between East Cliff and Moran Way. There appear to be 5 dwellings on the neighboring property northwest of the subject site in a series of structures (one and two-story), and 5 more residences on the neighboring properties southeast of the subject site (see exhibit B for photos of the immediate vicinity). The County conditioned the project to require the Applicant to dedicate to the County a ten-foot strip of the Applicant's property along East Cliff Drive, and a 45 square foot portion of the Applicant's property along Moran Way; in addition, a portion of Moran Way is to be re-paved (see exhibit C).<sup>21</sup>

<sup>21</sup> See also previous "Project Description" section for more detail.





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In terms of marine recreational resources, the County-approved project would increase impervious surfacing at the subject site. The project has been designed and conditioned to filter and treat runoff prior to its discharge from the site (i.e., by retaining the existing ruderal understory towards the back of the lot (for continued filtering), installing pervious pavers for the driveway areas, and directing the remaining site runoff through silt and grease traps prior to discharge to the storm drain system). Finally, the County required the Applicant to install a storm drain line and drop inlets from the East Cliff Drive property frontage to the existing outfall at Moran Lake (see exhibit C). The County conditioned all water quality control apparatus for ongoing maintenance and required construction BMPs (see pages D-16 through D-31 of exhibit D for the County conditions).<sup>22</sup>

See County-approved plans in exhibit C.

### **3. Consistency with Applicable LCP Policies**

#### **Public Trail Access**

East Cliff Drive is the main thoroughfare through coastal Live Oak. The stretch of East Cliff Drive fronting the subject property is extremely narrow (roughly 25 paved feet), within which two travel lanes and a narrow bike lane are provided. Most pedestrian and bicyclist traffic moving laterally along this stretch of coast currently uses the Moran Way path extending from the mouth of Moran Lake, behind the subject parcel, and re-connecting with East Cliff Drive to the east.

The LCP and Coastal Act require public access and recreational uses to be preserved. The Appellant claims that this is not the case because the proposed project would increase traffic on Moran Way, and would degrade recreational use of East Cliff Drive due to the drive-way access there.

Moran Way is a very narrow pathway that acts as both a public pedestrian/bicyclist path and a driveway access for the subject site as well as the ten or so residences on either side of the subject site (see exhibit B for photos of this area). Since driveway access currently to the existing on-site residence comes both from East Cliff and Moran Way, and since the proposal would have driveway access for the rear unit from Moran and for the front unit from East Cliff, a small additional amount of trips can be expected for each entrance. However, Moran Way is already an area within which residents access their homes using the same space that the public uses to walk and ride bikes. It is not likely that the incremental addition of a small amount of similar residential traffic here will appreciably alter public access along Moran Way. Public access will not be blocked with the proposed project. In fact, the County required an area of dedication from the Applicant should future Moran Way widening be pursued, and required repaving to correct a small area of existing uneven pavement.

In terms of East Cliff Drive, again, there would only be a small increment of additional trips onto and off of East Cliff Drive due to the proposed project since the existing driveway here is currently used in the same manner. This additional increment would have a negligible impact on the public's ability to use

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<sup>22</sup> See also previous "Project Description" section for more detail.





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East Cliff Drive. In any case, most pedestrian and bicycle traffic in this area bypasses this narrow stretch of East Cliff Drive, using Moran Way instead. In addition, the County required the Applicant to dedicate a 10-foot strip of East Cliff to the County. Such additional space added to the public right-of-way will help to ensure that future East Cliff Drive enhancements can provide for a wider area of recreational access.

### Marine Recreational Resources

The LCP dictates that impervious surfaces be minimized, potential pollutants in runoff be combated, and that everything possible is done to protect the water quality of Monterey Bay. The Appellant contends that offshore marine recreational resources will be adversely impacted by site runoff contrary to the LCP. There is a small but highly used beach area seaward of Moran Lake across East Cliff Drive. This beach area extends up and down coast in a narrow strip. Upcoast, the beach area is blocked by the rocky outcrops of Soquel Point (aka "Pleasure Point") itself as well as substantial amounts of rip-rap protecting the ocean fronting residences (i.e., the residences that are located across East Cliff Drive and seaward of the subject site). The "Little Wind-and-Sea" surf break is found in this area. Downcoast the narrow beach, again backed and occupied in large measure by massive mounds of rip-rap, extends through to the Santa Maria Cliffs Beach fronting Corcoran Lagoon. The 26<sup>th</sup> Avenue surf break is found in this area. The beach area involved near Moran lake is commonly referred to as 26<sup>th</sup> Avenue Beach.

Although the project would increase on-site impervious surfacing from what exists today, the project has been sensitively designed to avoid introducing additional sedimentation and/or urban pollutants into either Moran Lake and or the beach and Monterey Bay offshore. As previously detailed, significant treatment and filtering controls have been designed and/or conditioned into the County-approved project. Runoff that does not otherwise permeate on site and that is collected in the drainage system will be passed through a silt and grease trap prior to discharge from the site. Given that the existing site lacks drainage controls, and is scarcely vegetated in the front section (nearest East Cliff Drive),<sup>23</sup> the project may in fact result in lesser sedimentation and pollutant loading than what currently exists.

The County required the Applicant to install a new storm drain line with two drop inlets along East Cliff Drive extending from the subject site to the existing storm drain outfall at Moran Lake (i.e., at the box culvert under East Cliff Drive). As previously described, Moran Lake rarely receives tidal flow as a result of the East Cliff Drive fill and the configuration of the box culvert. Because of this, drainage from East Cliff Drive predominantly flows into Moran Lake itself.<sup>24</sup> Only on those rare occasions of high surf and tides will the runoff make its way onto the beach and/or into Monterey Bay. Given the extent of runoff filtering and treating provided in the County-approved project, and given the limited connection between this runoff and the beach recreational area seaward of East Cliff Drive at Moran Lake, the effect of the proposed project on the downstream recreational beach and ocean use will be negligible.

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<sup>23</sup> See exhibit B for photos of the site showing the existing unvegetated, and potentially sediment-inducing, front of the site at East Cliff Drive.

<sup>24</sup> See previous findings on the effect of such runoff on Moran Lake habitat.



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### **4. Public Access and Recreation Conclusion**

The LCP and Coastal Act protect existing public access and offshore marine recreational resources. The proposed project will not unduly impact the public's ability to access the coast. The County-required areas of dedication and Moran Way repaving will ensure that any negligible increase in trips onto and off of Moran Way and East Cliff Drive are adequately mitigated. The County-approved project incorporates runoff filtering and treatment mechanisms and will have an insignificant effect on such resources. The County-approved project should not adversely impact public access and recreation, and thus the public access and recreation issues raised by the Appellant do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP policies cited in this finding.

That said, it should be noted that the County inaccurately characterizes the ownership of Moran Way as private. Unlike other private roadways in the area (such as 22nd Avenue), Moran Way is not shown as a separate parcel on parcel maps for which there is a fee owner and taxes are paid. Moreover, according to the original subdivision maps, all the streets here were dedicated to public use. Even were it to be determined that Moran Way was in some way privately "owned," the public has historically and heavily used Moran Way as if it were public for years. In addition, the County required that the Applicant dedicate a portion of his property for future (presumably) public road widening of Moran Way. Lacking indisputable evidence to the contrary, the Commission finds that Moran Way should be considered a public road.

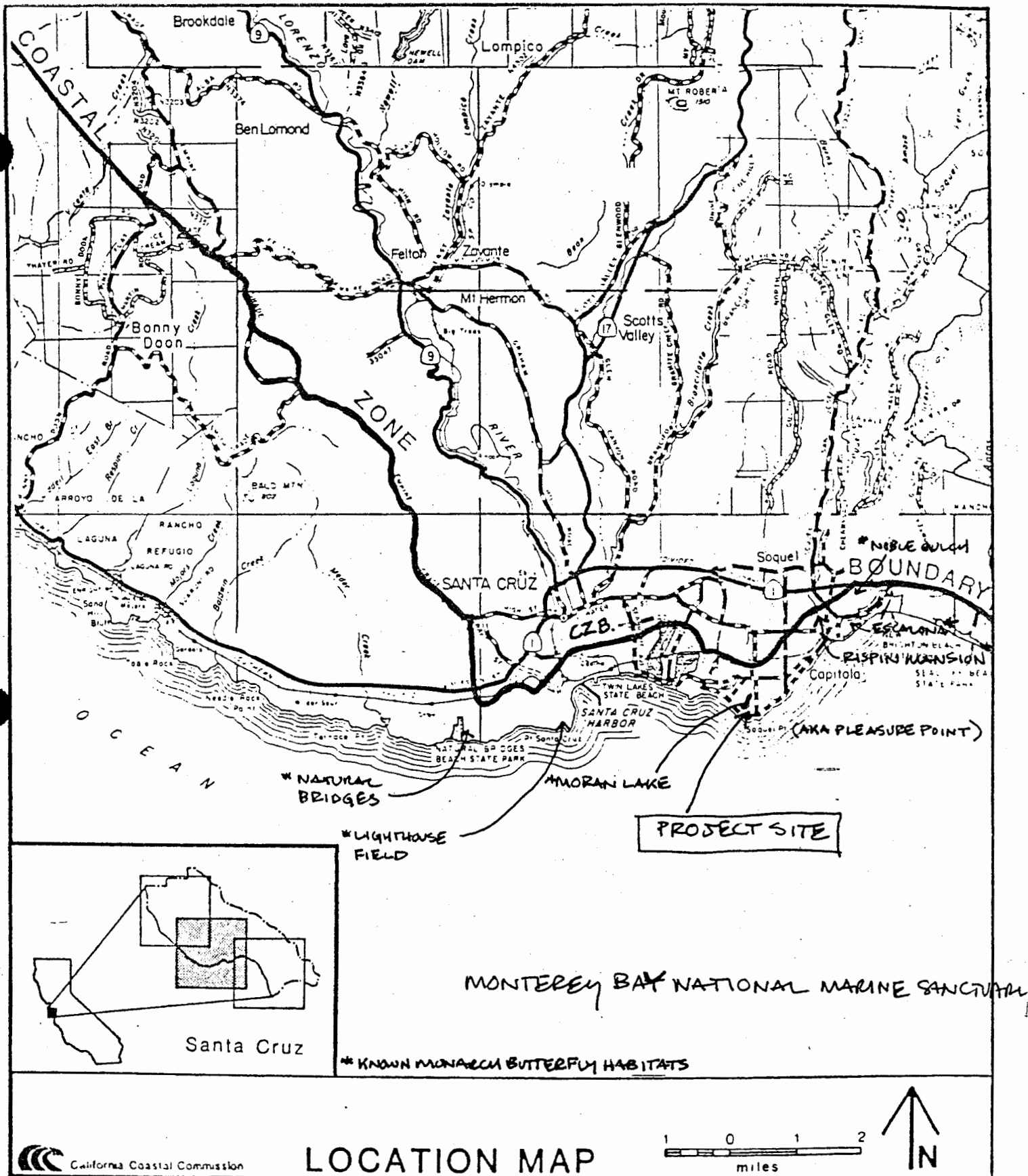
### **E. Substantial Issue Conclusion**

The LCP and Coastal Act protect the community character of coastal Live Oak, including Pleasure Point, its associated viewshed, the habitat value of Moran Lake and the monarch overwintering site located there, coastal trail access along Moran Way and East Cliff Drive, and the beach and offshore recreational areas at 26<sup>th</sup> Avenue Beach. The County-approved project will have a negligible impact on these public resources; some aspects of the County-approved project will enhance these resources (e.g., inland tree planting; drainage system; right-of-way dedications; etc.). Although the Appellant raises a series of valid coastal issues, the County-approved project has been designed sensitive to its important location and to the LCP issues engendered here. Accordingly, and as detailed in the above findings, the issues raised by the Appellant do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP policies cited in this staff report and the Commission declines to take jurisdiction over the coastal development permit for the project.

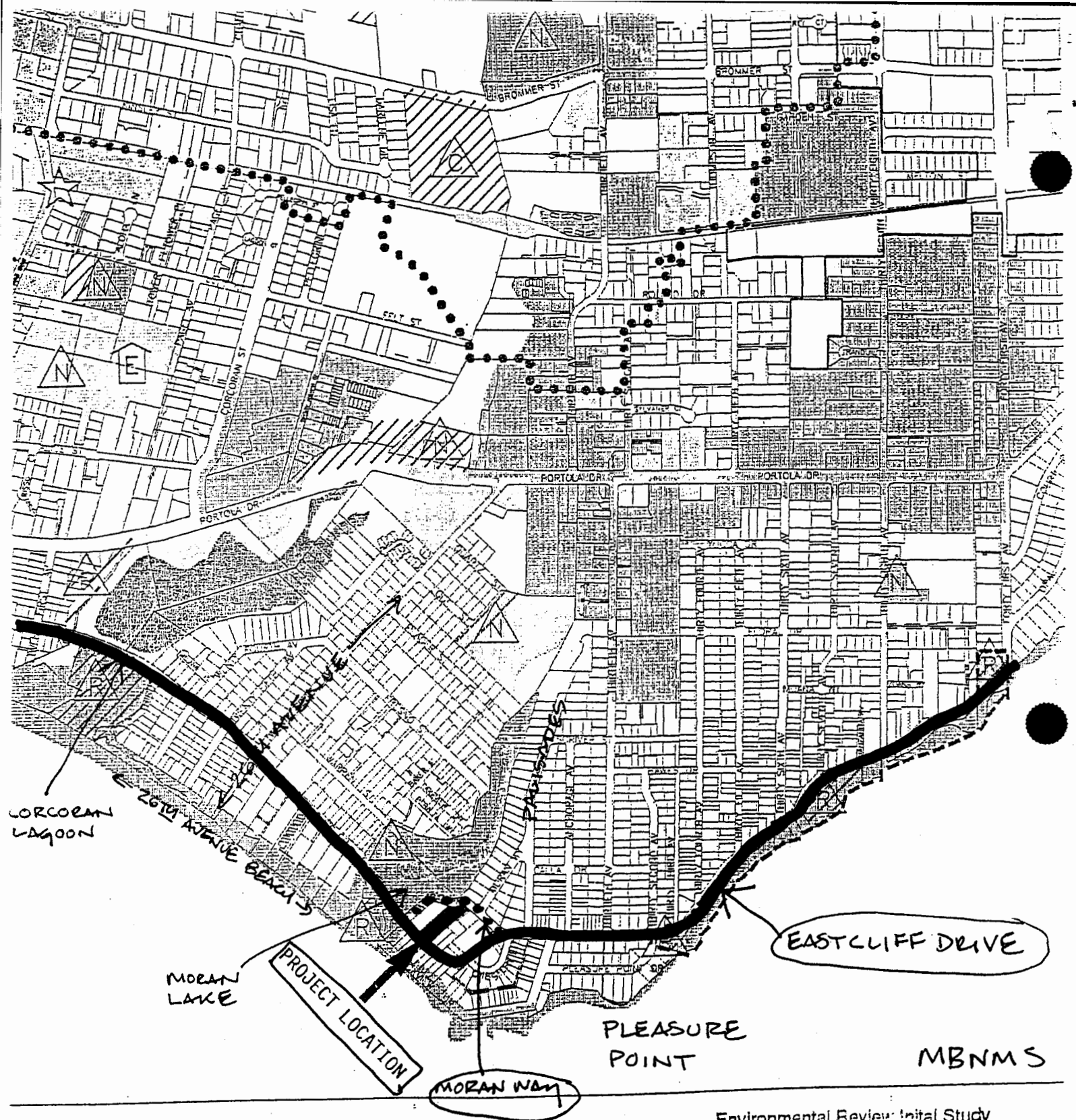
That said, the Commission again wants to encourage the County to develop adequate design guidance for development in the Live Oak beach area. This special coastal area is deserved of standards that will embody the community's vision to retain its informal charm at the same time as protecting its declining urban habitats. Plans and standards for sensitively developing access facilities (such as adequate parking, trails, vistas, etc.) for this amenity-starved, but heavily used by the public, recreational beach and ocean access jewel are also needed. If coastal Live Oak's natural beauty and attraction are to be preserved for future generations to enjoy and marvel, the 'tyranny of small decisions' must be replaced by a grander vision that guides development, preservation, and enhancement of its built and natural environment.



California Coastal Commission



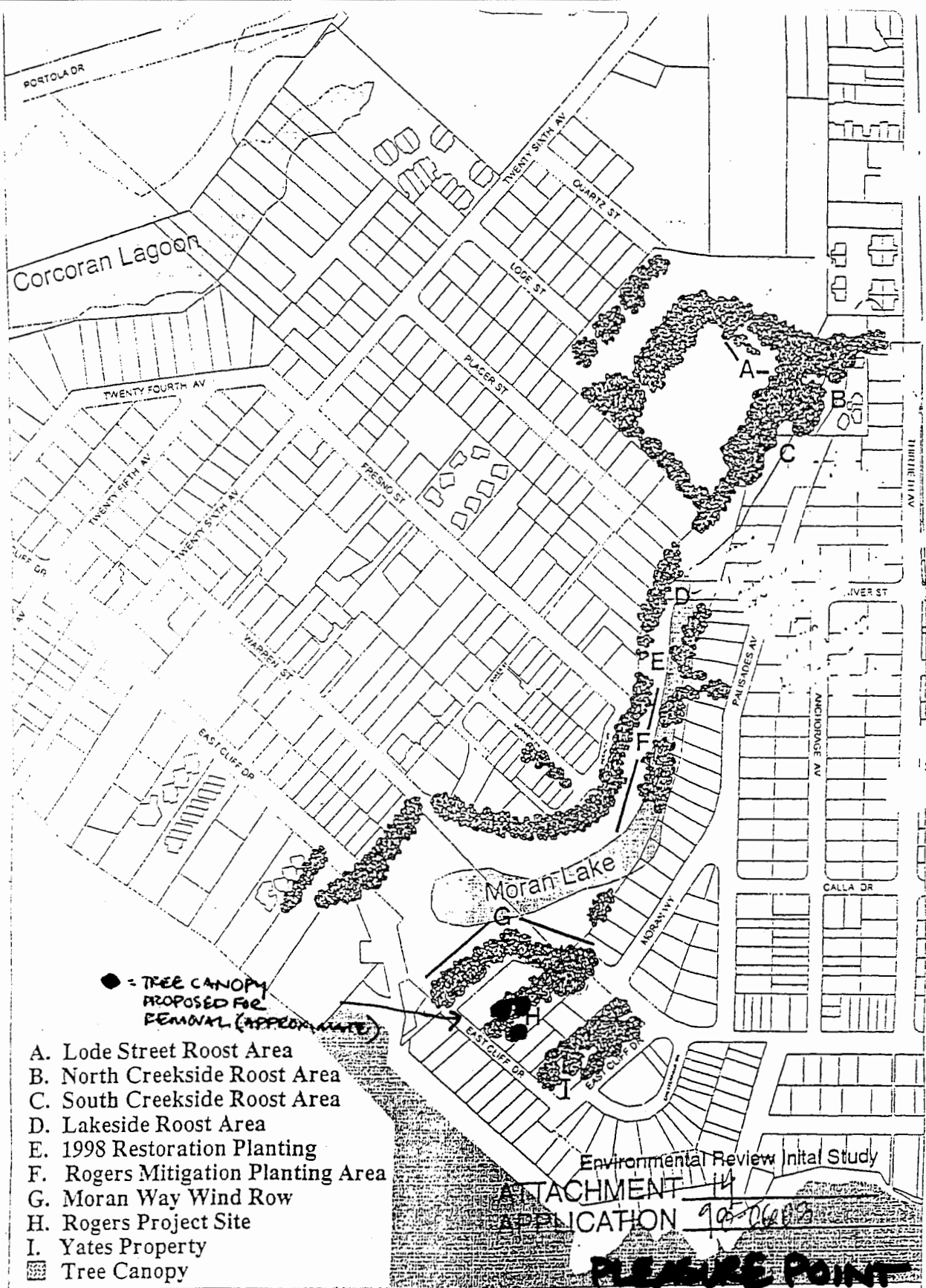
**A-3.SCO.01.034**  
**CALIFORNIA COASTAL COMMISSION**  
**EXHIBIT A-1**



Environmental Review Initial Study  
ATTACHMENT 2  
APPLICATION 93-0603

CALIFORNIA COASTAL COMMISSION GENERAL PLAN MAP  
EXHIBIT **A-2**

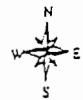
EXHIBIT **J**



# Moran Lake Area Monarch Butterfly Habitat and Vicinity

Note: Location of water bodies are approximate.

500 0 500 1000 Feet



CALIFORNIA COASTAL COMMISSION  
 EXHIBIT A.3

Figure 1  
 EXHIBIT D





Photo 1: View of Moran Lake looking inland



Photo 2: View of 26<sup>th</sup> Avenue Beach and Monterey Bay from Moran Way trail

CALIFORNIA COASTAL COMMISSION  
EXHIBIT B-1

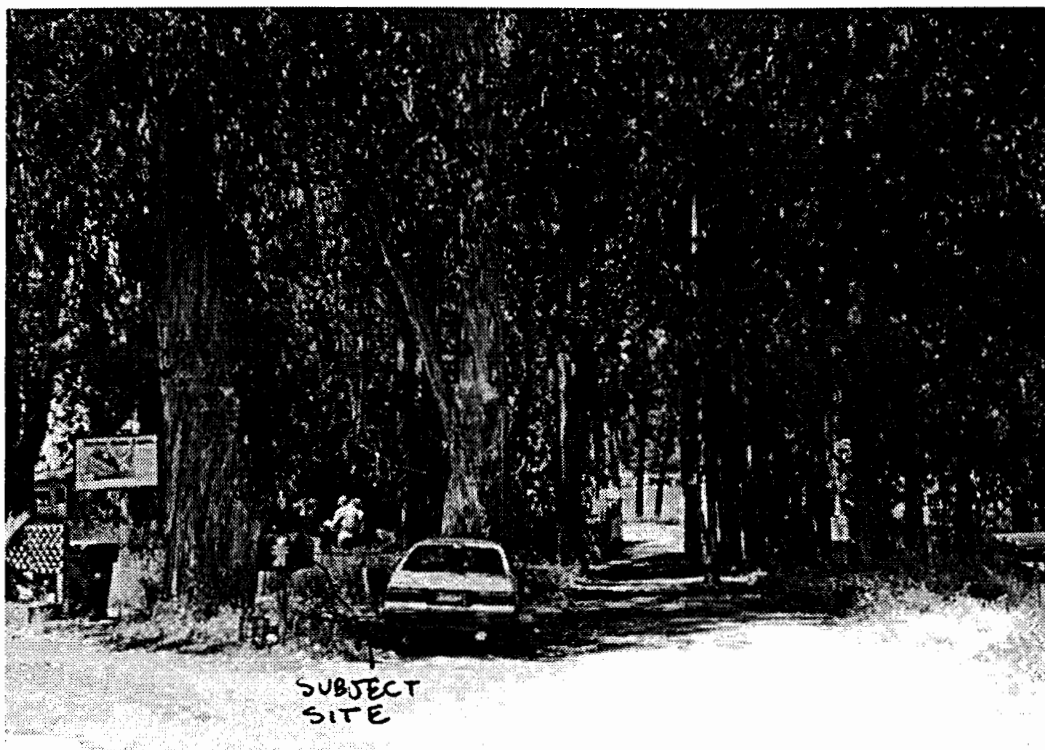


Photo 3: View of Moran Way entering the trail behind the subject site



Photo 4: View of subject site from Moran Way trail looking seaward

CALIFORNIA COASTAL COMMISSION  
EXHIBIT B.2



Photo 5: View of the rear of the existing single family dwelling on the subject site that is proposed for removal



Photo 6: View of the front of the existing single family dwelling on the subject site that is proposed for removal, as seen from East Cliff Drive

CALIFORNIA COASTAL COMMISSION  
EXHIBIT B.3





Photo 7: View of the neighboring residential development (to the northwest) as seen from East Cliff Drive



Photo 8: View of the neighboring residential development (to the southeast) as seen from subject site

CALIFORNIA COASTAL COMMISSION  
EXHIBIT B.4

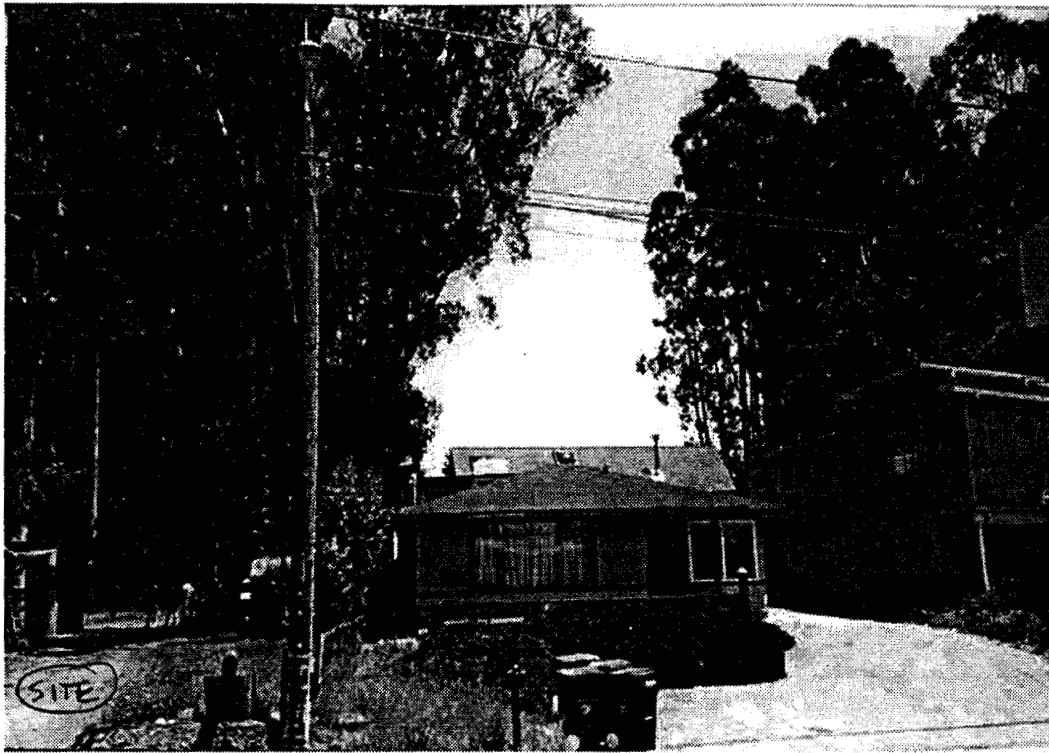
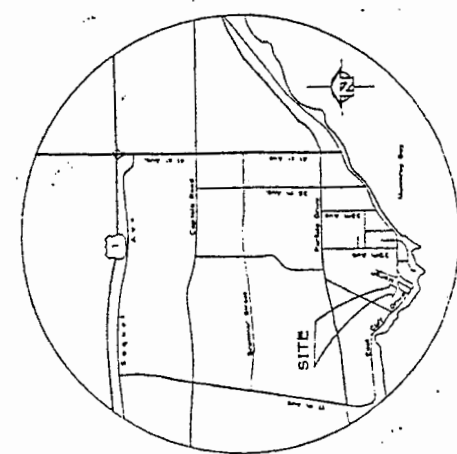


Photo 9: View of the neighboring residential development (to the southeast) as seen from East Cliff Drive



Photo 10: View of the neighboring residential development (to the southwest across East Cliff Drive seaward) as seen from subject site

CALIFORNIA COASTAL COMMISSION  
EXHIBIT B.5



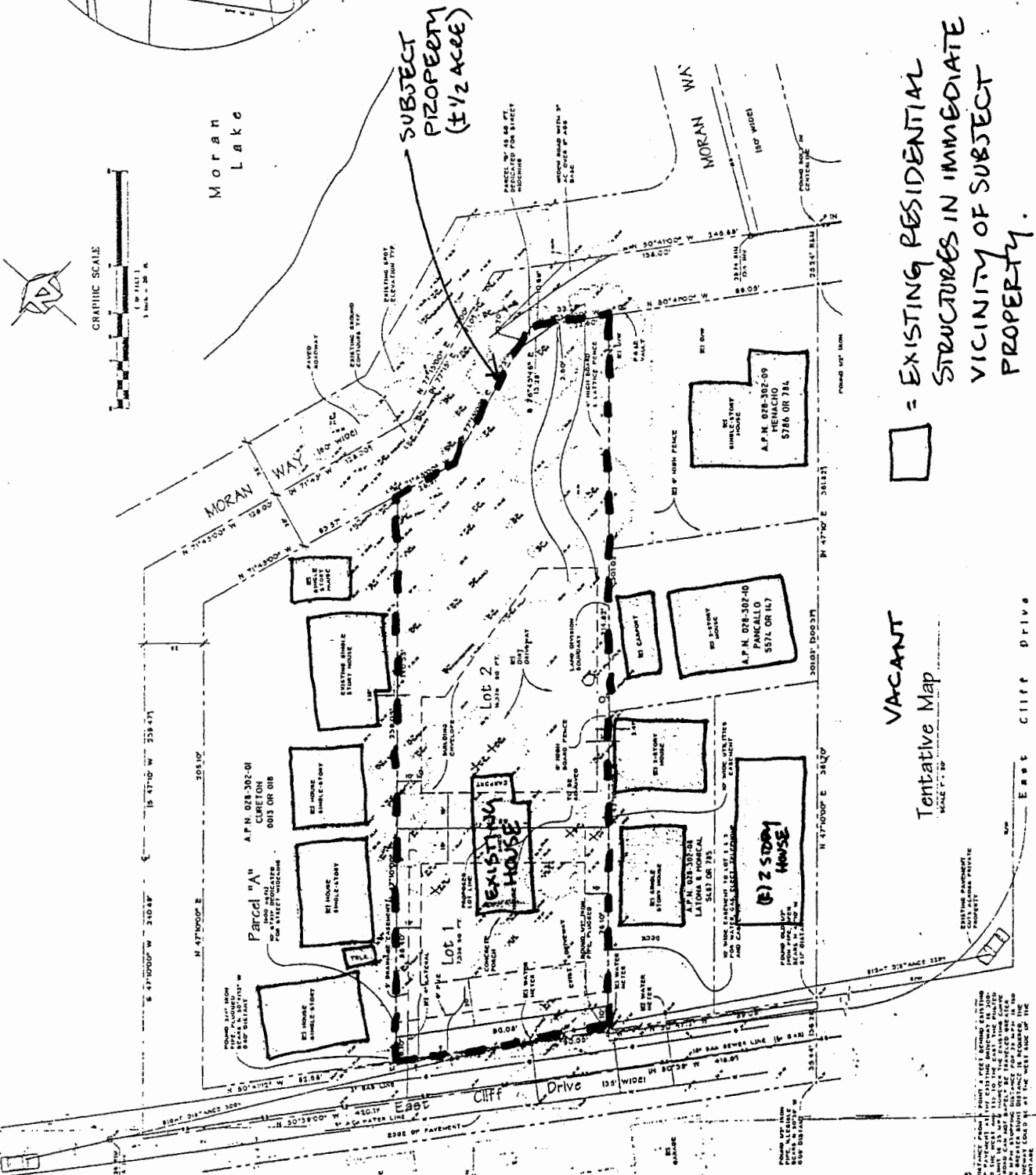
Vicinity Map  
NOT TO SCALE

Project Data

Owner	City of Santa Cruz
Subdivider	City of Santa Cruz
Existing Zoning	Residential
General Plan	Urban Medium Density
Existing Use	Vacant except for old single family house
Proposed Use	City of Santa Cruz
Water Supply	City of Santa Cruz
Sewer Disposal	County of Santa Cruz
Telephone	Pacific Bell
Gas & Electric	Pacific Gas & Electric
Total Area of Subdivision	2.661 sq ft (0.061 acre)

Benchmark

1. THE BENCHMARK IS A 10" DIA. IRON PIPE SET IN CONCRETE. IT IS LOCATED AT THE CORNER OF THE LOT 1 AND LOT 2. THE BENCHMARK IS 1.5' ABOVE THE FINISHED GRADE. THE BENCHMARK IS 1.5' FROM THE CORNER OF THE LOT 1 AND LOT 2. THE BENCHMARK IS 1.5' FROM THE CORNER OF THE LOT 1 AND LOT 2.



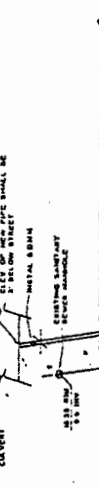
□ = EXISTING RESIDENTIAL STRUCTURES IN IMMEDIATE VICINITY OF SUBJECT PROPERTY.

VACANT Tentative Map

Note: DISTANCE FROM POINT A TO POINT B IS 1.5'.

EXISTING SITE PLAN

Profile Thru Driveway to Lot 1 (A) - (A)



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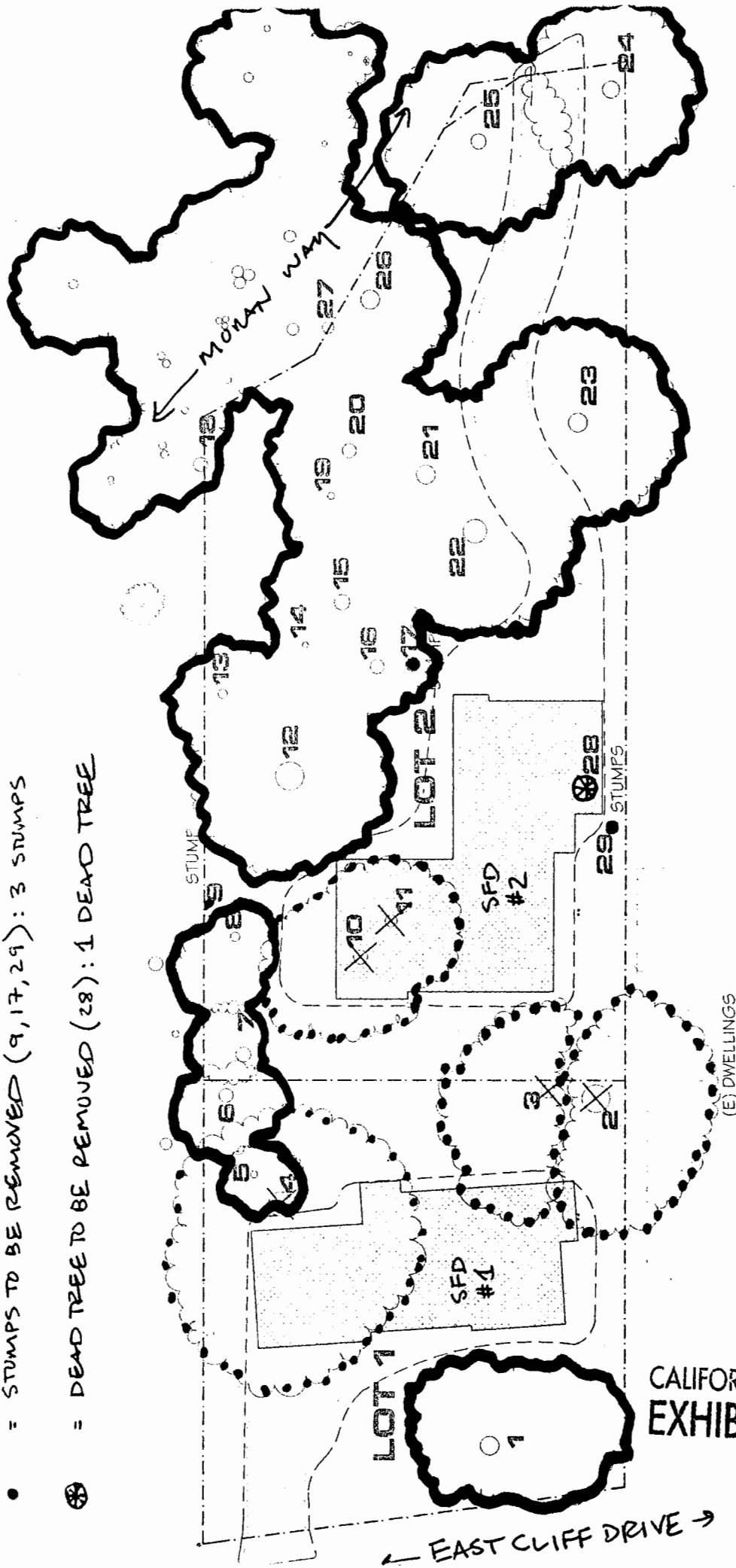
## Drainage Calculations

Lot Grading

### Estimated Earthwork Volumes

PROPOSED SITE PLAN

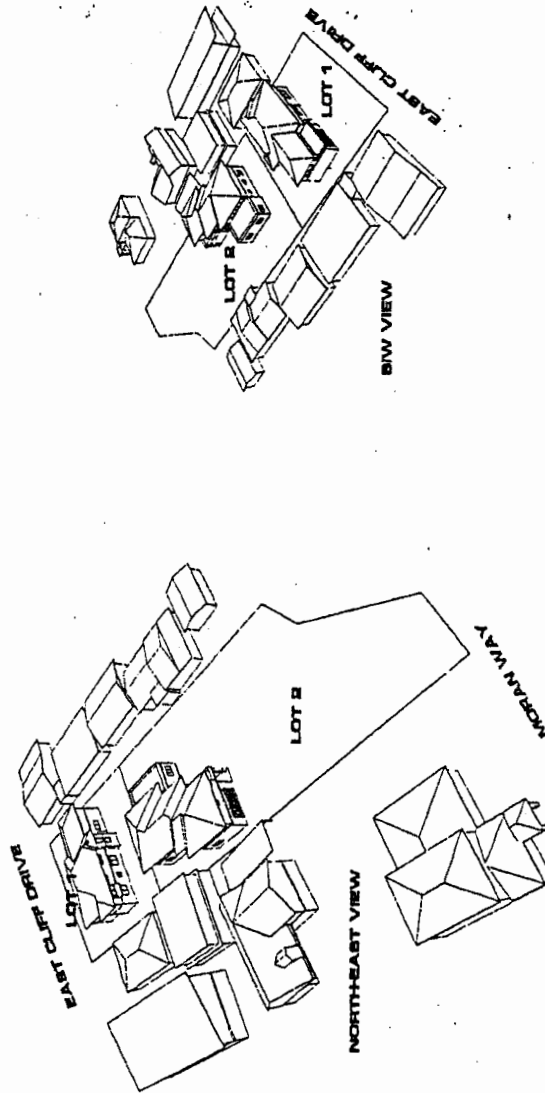
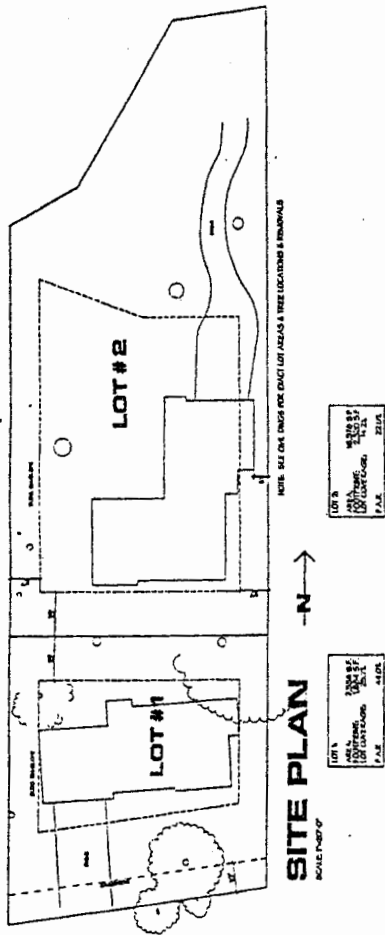
- TREES PROTECTED BY CONDITION (1, 5-8, 12, 18-27): 20 TREES
- = LIVE TREES TO BE REMOVED (2, 3, 4, 10, 11): 5 TREES
- = STUMPS TO BE REMOVED (9, 17, 29): 3 STUMPS
- ⊗ = DEAD TREE TO BE REMOVED (28): 1 DEAD TREE



# SUPPLEMENTAL SITE PLAN N

PROPOSED SITE PLAN W/TREE DETAIL

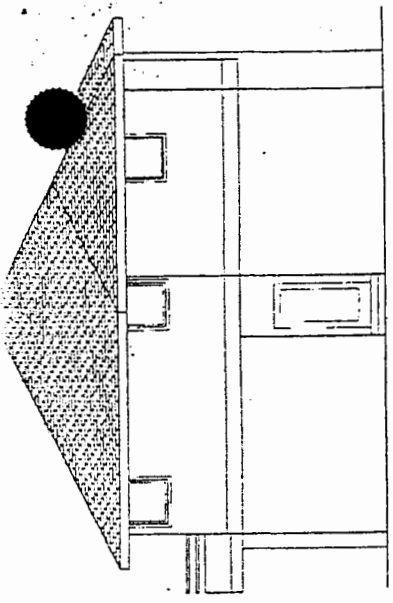
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EXHIBIT C.3



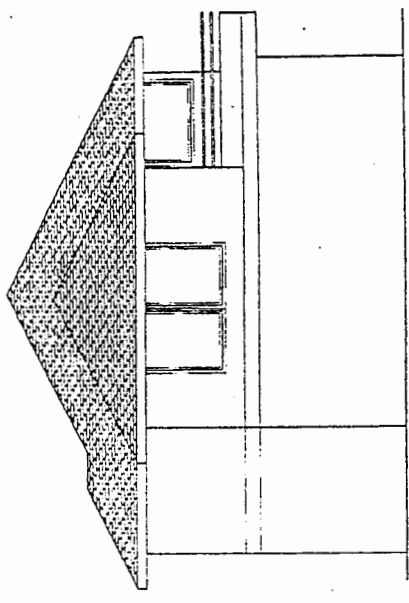
PROPOSED SITE PLAN (NOTE: TREE CANOPY NOT SHOWN)

EXHIBIT A

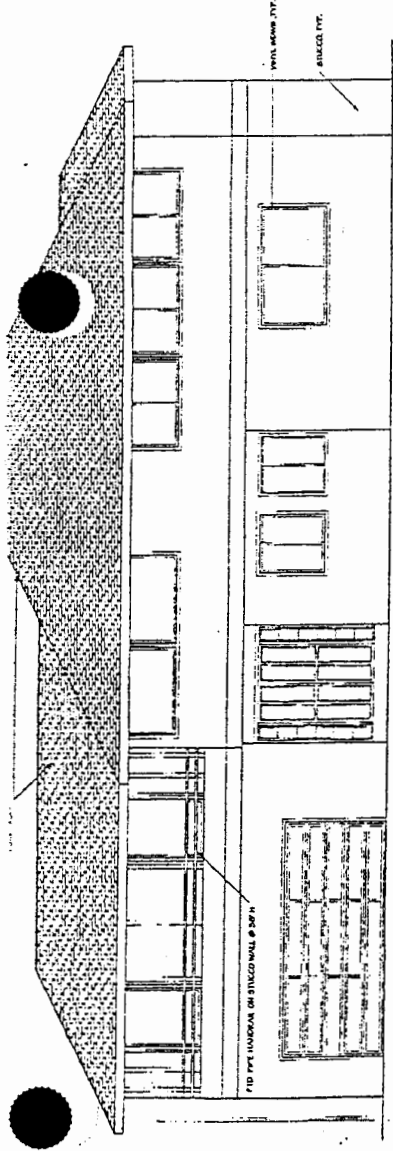




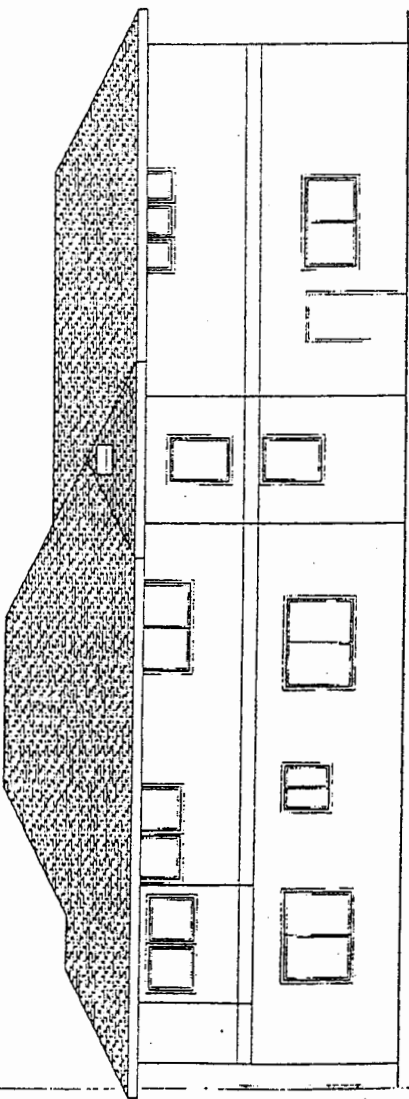
**NORTH ELEVATION**



**SOUTH ELEVATION**



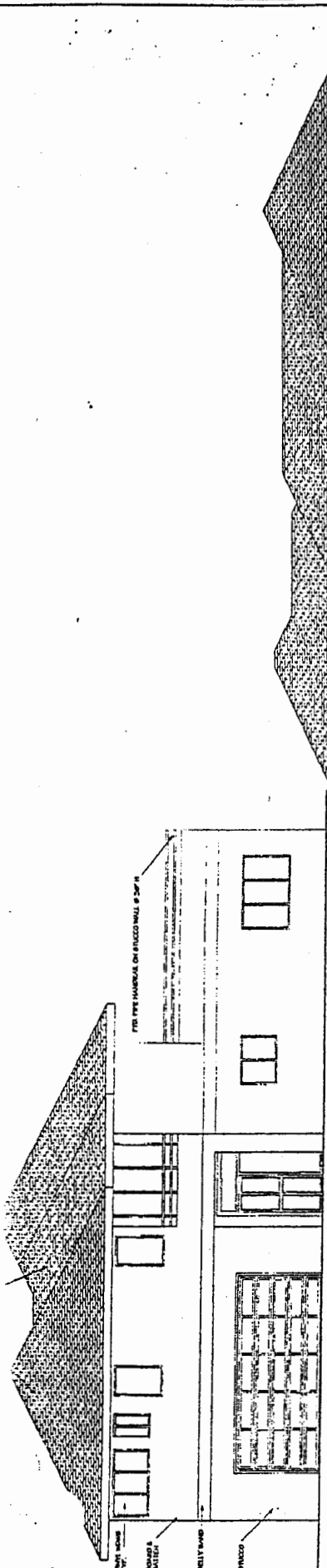
**EAST ELEVATION**



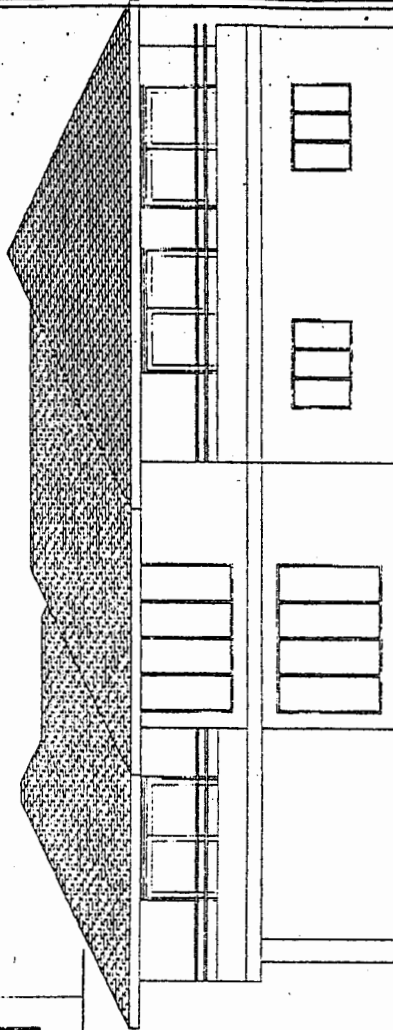
**WEST ELEVATION**

LOT 1 ELEVATIONS

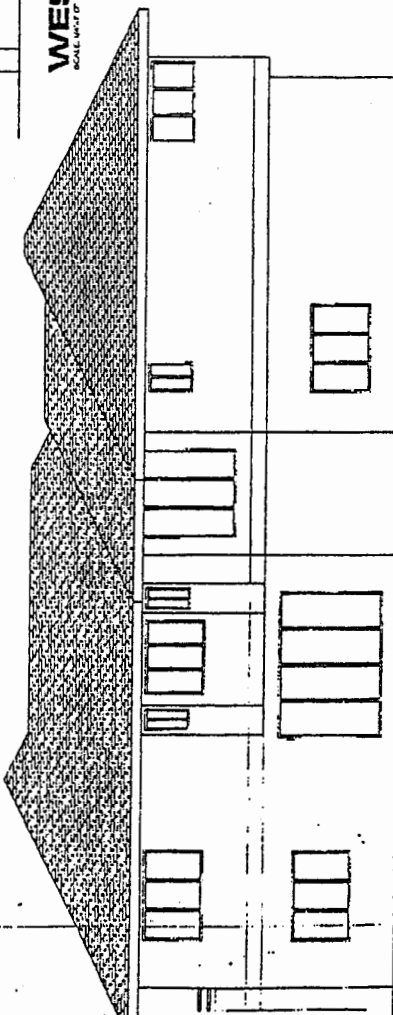
EXHIBIT A



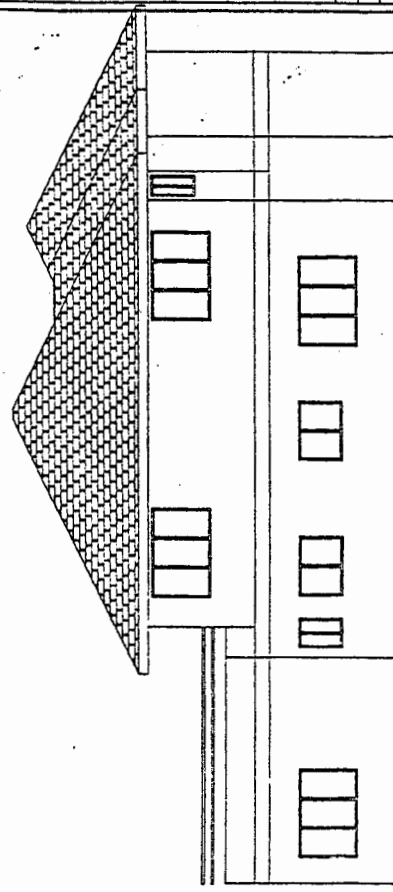
**NORTH ELEVATION**



**WEST ELEVATION**



**EAST ELEVATION**



**SOUTH ELEVATION**

LOT 2 ELEVATIONS

EXHIBIT A



## Planting Plan

[illegible]

31. See the record for details.
32. Electric lines of plants are able to be reconfigured as to how they coordinate with suppliers based for delivery.
33. See the record for details.
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95. See the record for details.
96. See the record for details.
97. See the record for details.
98. See the record for details.
99. See the record for details.
100. See the record for details.

## Shrub Planting



## Irrigation Concept



EXHIBIT 1

CALIFORNIA COASTAL COMMISSION  
EXHIBIT C.7



COUNTY OF SANTA CRUZ  
Planning Department

MINOR LAND DIVISION AND RESIDENTIAL  
DEVELOPMENT PERMIT

Owner James R. Rogers, Trustee  
Address 327 Hawthorne  
Los Altos, CA 94022

Permit Number 98-0603  
Parcel Number(s) 028-302-02

**PROJECT DESCRIPTION AND LOCATION**

Proposal for a Minor Land Division for two lots with Residential Development Permit for two homes, with a Coastal Development Permit, Roadway/Roadside Exception, and a Preliminary Grading Approval.

**SUBJECT TO ATTACHED CONDITIONS.**

Approval Date: March 14, 2001

Effective Date: March 28, 2001

Exp. Date (if not exercised): March 28, 2003

Coastal Appeal Exp. Date: Call Coastal to Verify

Denied by: \_\_\_\_\_

Denial Date: \_\_\_\_\_

— This project requires a coastal zone permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

X This project requires a coastal zone permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the coastal zone permit is also appealable with the County. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. Permittee is to contact Coastal staff at the end of their appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

**RECEIVED**

APR 02 2001

Signature of Owner/Agent

*Melissa H. Allen*  
Staff Planner

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FIDELIAL LOCAL**

**ACTION NOTICE**

Date

REFERENCE # 3-SCC-01-152

APPEAL PERIOD 4/3/2001 - 4/16/2001

Distribution: Applicant, File, Clerical, Coastal Commission

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT D.1**

**STAFF REPORT TO THE PLANNING COMMISSION**

APPLICATION NO.: 98-0603

APN: 028-302-02

APPLICANT: Peter J. Rogers

OWNERS: James R. Rogers Trustee

PROJECT DESCRIPTION: Proposal to create two, single family residential lots and construct two single family homes on a parcel where one single-family dwelling is now located. Original application was to create three, single-family residential lots and construct three single family homes, however, the applicant modified the proposal after the Planning Commission hearing on October 25, 2000. Proposal requires a Minor Land Division, a Coastal Development Permit, a Roadway/Roadside Exception, approval to remove significant trees, a Biotic Review (nearby Monarch Butterfly habitat), and Preliminary Grading Approval to cut 150 cubic yards.

LOCATION: Property located on the north side of East Cliff Drive between East Cliff Drive and Moran Way.

PERMITS REQUIRED: Minor Land Division, Coastal Permit, Roadway/Roadside Exception, and Preliminary Grading Approval.

ENVIRONMENTAL DETERMINATION: Negative Declaration with Mitigations.

COASTAL ZONE: X yes \_\_\_ no      APPEALABLE: X yes \_\_\_ no

**PARCEL INFORMATION**

PARCEL SIZE: 0.566 acres

EXISTING LAND USE-

PARCEL: Residential

SURROUNDING: Residential

PROJECT ACCESS: East Cliff Drive and Moran Way

PLANNING AREA: Live Oak

LAND USE DESIGNATION: Urban Medium Density Residential ("R-UM")

ZONING DISTRICT: "R-1-5" (Single-family Residential; 5,000 square feet min./dwelling)

SUPERVISORIAL DISTRICT: First District

**ENVIRONMENTAL INFORMATION**

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. No mapped hazards.
b. Soils	b. USDA Soil Type 178, Watsonville loam, Thick Surface, 0 - 2% slopes. USDA Soil Type 179, Watsonville loam, Thick Surface, 2 - 15% slopes. A soils report was submitted, reviewed and approved.
c. Fire Hazard	c. Low

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT D-2**

- |                       |   |
|-----------------------|---|
| d. Slopes             | d. No slopes > 30%.   |
| e. Env. Sen. Habitat  | e. Moran Lake and nearby Monarch Butterfly habitat.   |
| f. Grading            | f. 150 cubic yards of cut.  |
| g. Tree Removal       | g. Five trees over 6" d.b.h. are proposed to be removed to construct the residences on Lots 1 and 2.  |
| h. Scenic             | h. Not mapped.  |
| i. Drainage           | i. Within Zone 5 Drainage District.   |
| j. Traffic            | j. Traffic on East Cliff Drive and Moran Way operates at an acceptable level of service; any increase from the proposed project will not result in a reduction of the level of service. |
| k. Roads              | k. Minor widening of Moran Way at driveway to Lot 2.  |
| l. Parks              | l. Park fees are required.  |
| m. Sewer Availability | m. Sewer service is available for the proposed development. Sewer will be extended to serve both lots.  |
| n. Water Availability | n. Municipal water is available from City of Santa Cruz Water district, for both domestic use and fire protection. Water will be extended to serve both lots.                           |
| o. Archeology         | o. None mapped.   |

## SERVICES INFORMATION

W/in Urban Services Line: X yes \_\_\_ no

Water Supply: City of Santa Cruz Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5 Drainage District

## ANALYSIS & DISCUSSION

### Background

On September 1, 1998, the County Planning Department accepted this application for a Minor Land Division, Coastal Permit, and Preliminary Grading Approval. In accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, the project was considered by the County Environmental Coordinator on December 6, 1999 and April 3, 2000. One comment letter was received on the initial study during the comment period (Exhibit "F"). A Negative Declaration with Mitigations was issued on May 24, 2000 (Exhibit "D").

The applicant requests approval to create two new single-family lots and construct two homes on the new parcels created.



### **Project Setting & Surroundings**

The parcel is approximately 0.566 acres in area and is in the Live Oak Planning area. The property fronts on both East Cliff Drive, a publicly maintained street; and Moran Way, a private road. The parcel is relatively flat, and is vegetated with eucalyptus trees. The current use of the subject parcel is residential. The property is bordered by residential developments to the east, west, and south; and by Moran Lake to the north. The eucalyptus trees on site provide a wind break for a Monarch Butterfly overwintering site at Moran Lake.

### **Project Description**

The applicant proposes to create two single-family residential parcels: Lot 1 (7,338 square feet, net developable) and Lot 2 (16,378 square feet, net developable). The existing dwelling would be demolished. The applicant is also proposing to build two new single-family homes.

As part of the proposed land division, the applicant proposes to perform minor widening of Moran Way via a 45 square foot dedication of the subject parcel near the driveway to serve Lot 2, and to dedicate a ten foot strip along the East Cliff Drive frontage serving Lot 1 for future street widening.

### **General Plan & Zoning Consistency**

The project site has a General Plan land use designation of "R-UM" (Urban Medium Density Residential). A map of General Plan designations is included in Attachment 2 to Exhibit "D". The "R-UM" designation allows a density range of 7.3 to 10.8 units per net developable acre, which corresponds to lot size requirements of 4,000 square feet to 6,000 square feet of net developable parcel area. The objective of this land use designation is to provide for medium density residential development in areas within the Urban Services Line that have a full range of urban services.

The project is in the R-1-5 Zone District (Single Family residential; 5,000 square feet of net developable land area per dwelling unit). A map of Zoning Designations is included as Attachment 3 to Exhibit "D." The proposed division of land complies with the zoning ordinance as the property is intended for residential use, the lot sizes meet the minimum dimensional standard for the R-1-5 Zone District, and the setbacks on the new lots created will be consistent with the minimum zoning ordinance requirements.

Both of the proposed new dwellings meet development standards for the R-1-5 zone district. Each home meets the required setbacks of twenty feet from the front parcel boundary, 15 feet from the rear parcel boundary, and five and eight feet from the side parcel boundaries. A portion of the home on lot two is proposed to be located 5 feet off the eastern property boundary with eaves encroaching 3 feet into the setback. This condition is permitted within the R-1-5 zone. Each proposed dwelling covers less than 30% of the total lot area, and the proposed floor area ratio is less than 50%. The proposed architectural plans are included in Exhibit "A". A landscape plan for Lot 1 (East Cliff Drive frontage) is also included in Exhibit "A".

## Biotic Issues

A fragile biotic community, a Monarch Butterfly Overwintering site, is located to the north of the project site at Moran Lake (See map in Exhibit "D", Attachment 14, Figure 1). A Biotic Report and addenda were submitted for the project to address the impact of the proposed removal of eucalyptus trees on site to the nearby Monarch habitat (see Exhibit "D", Attachment 14). The County's consulting biologist has reviewed these reports (see Exhibit "D", Attachment 13).

Biotic studies were prepared to evaluate whether trees on this parcel provide, or could negatively impact, Monarch overwintering habitat, roosting sites, or temporary rest sites, also called bivouac areas. Bivouac areas are used when the main roost site is temporarily unsuitable due to weather or other conditions. Potential impacts that were evaluated included possible loss of wind protection to the overwintering/roost sites, either directly by the removal of trees that provide wind protection, or indirectly, by the increase in the possibility that other trees that provide wind protection might be more vulnerable to falling in heavy winds when these subject trees are removed.

The conclusion was that there is no overwintering habitat on the parcel. The trees provide some bivouac function, the loss of which is small enough to not be significant. The trees on the subject parcel do not directly provide wind or other protection to the overwintering/roost area. However, a row of Eucalyptus along Moran Way off the property was identified as providing critical wind protection to overwintering/roost sites to the north. This grove, referred to as the Moran Way windrow, may itself derive some protection from wind from some of the trees on the subject parcel. However, the conclusion, which was reviewed by the County consulting biologist, is that the seven trees originally proposed to be removed with the three-lot land division (Tree No.'s 2, 3, 10, 11, and 14-16, with reference to the map in the arborist report, Barrie D. Coate and Associates, Exhibit "D", Attachment 12) will not significantly affect this protection. (Tree # 4, which was previously proposed to remain is now proposed for removal with the two lot configuration and trees 14, 15, and 16 are proposed to remain). Further, even if additional trees are lost in the future (trees that are designated as remaining on the project plan), to disease or development related stresses, including direct conflicts with the development, there would be no significant impact on the overwintering habitat.

However, because the function of wind protection is complex and has not been quantified, mitigation will be required to address the possibility that the loss of the subject trees increases the vulnerability of the off site windrow. This mitigation will include plantings in the immediate vicinity of the main overwintering/roost sites to the north. These trees will serve as back-up protection as they mature, and as the Moran Way windrow trees age. In addition, certain important trees on the subject parcel will not be approved for removal and will be protected by a permanent preservation easement (Tree No.'s 20-27). The other trees to remain onsite outside of the proposed building envelopes (Tree No.'s 1, 5-8, 12-16, and 18 and 19) will be protected by a declaration of restriction recorded on the lots. The project arborist has made specific recommendations to protect the health of the trees shown as being retained. This pattern of removal/retention was presented as "Option C" in the biotic report.

The revised two-lot land division proposal results in a preferable condition in that only five trees

(Tree No.'s 2, 3, 4, 10, and 11) are proposed to be removed at this time for site improvements and home construction. A difference in this proposal is that Tree 4 on Lot 1 is now proposed to be removed and Trees 14, 15, and 16 on Lot 2 will remain. Other beneficial changes to the proposal include modifications to the building footprints to pull out of tree drip lines, the re-routing of the drain line on Lot 1 to avoid tree #6 (see Exhibit "A", Preliminary Improvement Plan), the shifting of the driveway alignment on Lot 2 to provide more distance from tree #'s 23 and 24, and revisions to the landscape plan to remove irrigation from under the Eucalyptus tree drip lines (see Exhibit "A", Irrigation Concept and Planting Plan). John Dayton confirmed by phone call to Paia Levine, Environmental Planner, on January 12, 2001, that the proposed changes in tree removal would not result in any significant environmental impacts to the nearby Monarch habitat.

The mitigation trees will be planted on County Parks property (see Exhibit "D", Attachment 14, Dayton, May 5, 1999, Replanting Plan). The proposed mitigation includes a planting plan and a monitoring and maintenance plan which has been reviewed by County Environmental Planning and County Parks. County Environmental Planning has determined that the plan would be adequate for mitigation and the Parks Department has agreed to placement and maintenance. No tree removal or disturbance (other than tree replanting) is proposed within the riparian corridor of Moran Lake.

The arborists recommendations, as well as the completion of the mitigation tree planting, will be required as conditions of the permit. The arborists' recommendations include: the use of pier and grade beam foundation (see Exhibit "D", Attachment 5); driveway construction to serve Lot 2 to meet the specifications of Barry Coate, project arborist (see Exhibit "D", Attachment 12, and Exhibit "A" Preliminary Improvement Plan, Ifland); and the positioning of drainage swales and underground infrastructure which minimizes the impact to tree roots. Additional recommendations and detail are provided by the consulting arborist in the Updated Analysis of the Predicted Effects on Construction on Trees, dated January 15, 2001 (see Exhibit "I").

Finally, construction activities have the potential to increase siltation and erosion, and thereby degrade the water quality at Moran Lake. The final grading plan must provide specifications for erosion control measures to be in place prior to any site disturbance. A temporary fence, of welded wire, must be installed along the northern edge of the proposed road widening on Moran Way to prevent construction activities from inadvertently entering the riparian area.

#### **Design Review Issues**

Because the project is a land division located inside the Urban Services Line, it is subject to the provisions of County Code Chapter 13.11; Site, Architectural and Landscape Design Review. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Because the proposed project is an urban infill development, the applicant has submitted perspective drawings with architectural floor plans and elevations.

The applicant proposes to construct homes on both of the new lots created. Perspective drawings with architectural floor plans and elevations for the proposed homes are included in Exhibit "A." The

site and landscape plans are also included in Exhibit "A." Homes are proposed to be two story with stucco siding. Roofing materials are proposed to be composition shingle of a neutral color. The size of the proposed homes, exclusive of attached garages, first story covered porches, and second story decks, are: 2,850 square feet (Lot 1) and 3,180 square feet (Lot 2). Both plans include design features such as varied roof lines and window shapes for additional visual interest.

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibit "A." An additional condition of approval has been incorporated that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval by the Planning Commission. Conditions of approval have also been included to require the use of siding materials as presented, and to require that color combinations be varied in the development.

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. Home designs are consistent with existing, surrounding development.

A street tree is required on Lot 1 (East Cliff Drive frontage). The applicant proposes to retain the existing eucalyptus tree (Tree #1) within the front yard for this purpose. Additional proposed plantings include a variety of shrubs and ground covers. Further, Lots 1 and 2 would retain 20 of 25 existing mature trees. Finally, the biotic mitigations, as discussed above, call for off-site plantings to augment the wind break for the monarch butterfly overwintering site along Moran Lake.

#### **Roadway and Roadside Improvement Issues**

Only minor widening along the Moran Way frontage via a 45 square foot triangular area at the east corner of the subject parcel is proposed as a part of this project. Dedication of a 10 foot strip along the East Cliff Drive frontage is also included for future street widening. No trees exist within either area to be dedicated.

Deletion of the requirement to improve the frontages to full street standard (e.g. constructing a full local street with curb, gutter and separated sidewalk) requires a Roadway/Roadside Exception. Minor widening only of Moran Way would reduce the impact on the adjacent Monarch Overwintering site by reducing the amount of tree removal required, and would allow the east-west trending section of Moran Way to retain its natural ambiance and wooded bike path. Furthermore, no portion of East Cliff Drive or Moran Way is currently improved with curb, gutter and separated sidewalk. Installation of full design standard roadway and roadside improvements would require the adoption of a plan line and the acquisition of additional off-site property.

Given that County Code Section 15.10.050(e) allows for exceptions to roadway/roadside improvements when those improvements would not be appropriate due to the character of development in the area and the lack of improvements on surrounding developed property, and when the improvements would be located in an environmentally sensitive area (such as the Moran Way

**CALIFORNIA COASTAL COMMISSION**  
**EXHIBIT D.7**

frontage), the exception request would be in conformance with County policies.

### **Environmental Review Issues**

The project was considered by the County Environmental Coordinator on December 6, 1999 and April 3, 2000. A Negative Declaration with Mitigations was issued on May 24, 2000 (see Exhibit "D"). One comment letter was received during the comment period for the preliminary determination (see Exhibit "F").

The proposed project changed after the Negative Declaration was issued, however, the changes result in a project reduction to a two-lot land division with associated houses and a reduction in trees to be removed and potential impacts to trees. This is a reduction in impacts from the prior three lot proposal so additional environmental analysis is not required. The mitigations previously required with the Negative Declaration will still apply to the modified project, though they have been modified to directly apply to the two lot subdivision currently proposed (see attachment "I").

### **Conclusion**

All required findings can be made to approve this application. The project is consistent with the General Plan in that the project constitutes a residential use. The proposed density is compatible with the existing density and intensity of land use in the surrounding area, and is consistent with the zoning designation of the subject parcel. The project, as conditioned, will not have a significant effect on the environment.

Please see Exhibit "B" (Findings) for a complete listing of findings and evidence related to the above discussion.

### **RECOMMENDATION**

Staff recommends that the Commission take the following actions:

1. Certify the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act (Exhibit "D" with modified mitigations Exhibit "I"); and
2. Approve Application No. 98-0603, based on the findings, (Exhibit "B") and subject to the attached conditions (Exhibit "C").

### **EXHIBITS**

- A. Tentative Map and Preliminary Improvement plans with revisions dated 2-07-01, prepared by Ifland Engineers.  
Architectural Plans w/Axonometric Plan, prepared by Leif Rideout, Architect, dated 11-8-00.  
Landscape Plan, prepared by Gregory Lewis, dated 1-15-01.  
Color Board.  
(Originals on file with the Planning Department)
- B. Findings
- C. Conditions of Approval

**CALIFORNIA COASTAL COMMISSION**  
**EXHIBIT D-8**

Applicant: Peter Rogers for James Rogers Trustee  
Application No. 98-0603  
APN: 028-302-02

- D. Mitigated Negative Declaration and Environmental Review Initial Study
- E. Memorandums from Rachel Fatoohi, Department of Public Works/Drainage, dated 4-7-00 and 6-15-00.
- F. Letter from John Pancallo dated 5-10-00.
- G. Letter from Peter Rodgers dated 7-18-00.
- H. Cover letter staff report for 10-25-00 Planning Commission hearing with Mike Guth letters dated 9-10-00 and 9-12-00 with opposition signature sheets.
- I. Revised Negative Declaration mitigation measures with Updated Analysis of the Predicted Effects of Construction on Trees dated 1-15-01 by Barrrie D. Coate.

**SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE  
ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING  
DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD  
FOR THE PROPOSED PROJECT.**

Report Prepared By: Melissa Allen, Associate Planner  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
Phone Number: (831) 454-3181

Report reviewed by: \_\_\_\_\_  
Cathy Graves  
Principal Planner

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT D.9**



### SUBDIVISION FINDINGS

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. THAT THE PROPOSED SUBDIVISION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT WITH THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY.

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two single family lots and is located in the Residential, Urban Medium Density General Plan designation which allows a density of one dwelling for each 4,000 to 6,000 square feet of net developable parcel area.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcels created, including municipal water and sewer service. The land division is on an existing street, which provides satisfactory access to the project. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and, with proposed minor road improvements, will have adequate and safe vehicular access.

The land division, as conditioned, will be consistent with the General Plan regarding infill development in that the proposed single family development will be consistent with the pattern of the surrounding development, and the design of the proposed homes is consistent with the character of the surrounding neighborhood. The subdivision is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-5 Zone District where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new

EXHIBIT B

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D.10

dwellings will comply with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, minimum site width and minimum site frontage.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed subdivision is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for variances or site standard exceptions. No unmitigatable environmental constraints exist which would necessitate the area remain undeveloped.

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The design of the proposed division of land and its improvements will not cause unmitigatable environmental damage nor substantially and avoidably injure fish or wildlife or their habitat in that the project building envelopes and driveway have been placed to minimize tree removal. Additionally, off-site trees will be planted which will augment the nearby Monarch Butterfly overwintering site.

The project received a mitigated Negative Declaration on May 24, 2000, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (Exhibit "D"), and is conditioned to comply with all mitigation measures. The project was reduced in scale from three lots to two lots after the Negative Declaration was issued. No greater impacts are anticipated. The mitigations were modified accordingly to accommodate the changes in tree removals proposed.

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve all proposed parcels, and these services will be extended as part of the improvement plan for the subdivision.

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to Lot 1 will

EXHIBIT B

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D.11

be from an existing public road (East Cliff Drive). Access to Lot 2 will be from an existing private road (Moran Way) where access is currently enjoyed.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All proposed parcels are conventionally configured and all proposed building envelopes meet the minimum setbacks as required by the zone district for the property and County code.

9. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076) AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed lot sizes meet the minimum dimensional standards for the R-1-5 zone district, and all development standards for the zone district will be met. Homes are proposed to be two story with stucco siding. Roofing materials are proposed to be composition shingle and shall be a neutral color. The proposed paint palette shall include earthtones for the wall colors and shall allow more intense trim and accent colors. The sizes of the proposed homes are 2,850 square feet and 3,180 square feet (exclusive of attached garages, first story covered porches, and second story decks). All plans include design features such as varied roof lines and window shapes for additional visual interest.

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. Home designs are consistent with existing, surrounding development.

The proposed project restricts tree removal to those trees which obstruct the prime building sites, maximizes tree preservation, and includes off-site tree planting which will augment the nearby Monarch Butterfly Overwintering site. The alignment of the access driveway to Serve Lot 2 also preserves existing trees.

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EXHIBIT B

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D.12

### ROADWAY/ROADSIDE EXCEPTION FINDINGS

1. THE IMPROVEMENTS ARE NOT APPROPRIATE DUE TO THE CHARACTER OF DEVELOPMENT IN THE AREA AND THE LACK OF SUCH IMPROVEMENTS ON SURROUNDING DEVELOPED PROPERTY (COUNTY CODE SECTION 15.10.050.f.1).

The applicant has requested the elimination of any new roadside and roadway improvements along the East Cliff Drive frontage and only minor street widening via a 45 square foot dedication at the east corner of the subject parcel along the Moran Way frontage. Dedication of a 10 foot strip along the East Cliff Drive frontage is also included for future street widening.

Deletion of the requirement to improve the frontages to full street standard (e.g. constructing a full local street with curb, gutter and separated sidewalk) requires a Roadway/Roadside Exception. No portion of East Cliff Drive or Moran Way is currently improved with curb, gutter and separated sidewalk. Installation of full design standard roadway and roadside improvements would require the adoption of a plan line and the acquisition of additional off-site property.

2. THE IMPROVEMENTS WOULD BE LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA AS SHOWN ON FILE IN THE PLANNING DEPARTMENT; AND THE IMPACTS CANNOT BE SATISFACTORILY MITIGATED.

The applicant has requested the elimination of any new roadside and roadway improvements along the East Cliff Drive frontage and only minor street widening via a 45 square foot dedication at the east corner of the subject parcel along the Moran Way frontage. No trees exist within either area to be dedicated.

Deletion of the requirement to improve the frontages to full street standard (e.g. constructing a full local street with curb, gutter and separated sidewalk) requires a Roadway/Roadside Exception. Minor widening only of Moran Way would reduce the impact on the adjacent Monarch Overwintering site by reducing the amount of tree removal required, and would allow the east-west trending section of Moran Way to retain its natural ambiance and wooded bike path.

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EXHIBIT B

## COASTAL FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The proposed residential use is intrinsic to the "R-1-5" zone district (Single-Family Residential; 5,000 sq. ft. min./dwelling unit) and is consistent with the "R-UM" (Medium Density Urban Residential) Land Use designation assigned by the General Plan.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposed project does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such matters are known to encumber the project areas.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF CHAPTER PURSUANT TO SECTION 13.10.130 et. seq.

The proposed project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 et seq., in that the project does not involve excessive grading, is not located on a prominent ridge, and is visually compatible with the character of the surrounding neighborhood.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN THE NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES IF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. The proposed improvements will therefore not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

EXHIBIT B

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE  
CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project is in conformity with the County's certified Local Coastal Program (as incorporated into the 1994 County of Santa Cruz General Plan) in that the proposed residence conforms with the "R-UM" (Medium Density Urban Residential) land use designation of the General Plan and is consistent with the applicable development standards set forth in Section 13.20.130.



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## CONDITIONS OF APPROVAL

Minor Land Division, Coastal Permit & Preliminary Grading Approval No.: 98-0603

Applicant: Peter Rogers

Property Owner: James Rogers Trustee

Assessor's Parcel No.: 028-302-02

Property Location: On the north side of East Cliff Drive between East Cliff Drive and Moran Way

Planning Area: Live Oak

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All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
  - A. The Parcel Map shall be in general conformance with the approved tentative map and shall conform with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
  - B. This land division shall result in no more than two (2) total lots.
  - C. The minimum lot size shall be 5,000 square feet, net developable land.
  - D. The following items shall be shown on the Parcel Map:
    1. Building envelopes and/or building setback lines located according to the approved Tentative Map.

EXHIBIT C

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2. The net area of each lot to nearest square foot.
  3. The owner's certificate shall include:
    - a. An irrevocable offer of dedication to the County of Santa Cruz for the right-of-way and improvements shown on the tentative map:
      - i. A 10 foot strip dedication along East Cliff Drive for future street widening.
      - ii. A 45 square feet dedication at the east corner of the subject parcel at Moran Way and street widening over this area.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
1. Lots shall be connected for water service to City of Santa Cruz Water District.
  2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
  3. All future construction of the lots shall conform to the Architectural Floor Plans and Elevations, as stated or depicted in Exhibit "A" and shall also meet the following additional conditions:
    - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, shall be permitted without review and approval by the Planning Commission.
    - b. Exterior finishes shall be stucco. T-1-11 type siding is not allowed. Exterior color combinations shall be varied in the development.
    - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-5 zone district. No residence shall exceed a 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district.

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- d. Wood-burning fireplaces shall be prohibited as smoke may be detrimental to the nearby Monarch Butterfly overwintering site, and sparks create fire hazard to nearby eucalyptus groves. The use of gas or mechanical fireplaces and gas-fired furnaces is permitted.
4. A final Landscape Plan for Lot 1 specifying the species, their size, and irrigation plans and meeting the following criteria:
- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
  - b. Plant Selection. At least 80 percent of the plant materials in non-turf areas (equivalent to 60 percent of the total landscaped area including the Eucalyptus areas to remain) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
  - c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
  - d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the

**EXHIBIT C**

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public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

Appropriate irrigation equipment, including the use of pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.

Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

- e. All planting shall conform to the landscape plan shown as part of Exhibit "A". The following specific landscape requirements apply:
  - i. Retain the existing 24" eucalyptus tree in the front yard of Lot 1 as the street tree.
  - ii. Reference Condition IV, etal for all other tree preservation and off-site planting requirements.
- 5. All future development on the lots shall comply with the requirements of the project geotechnical report prepared by Reynolds & Associates, dated August 31, 1998, with letter addendums dated November 17, 1998 and February 11, 1999.
- 6. All future development on the lots shall comply with the requirements of the project biotic report prepared by John Dayton, dated August 31, 1998, with letter addendums dated May 5, 1999 and February 8, 2000.
- 7. All future development on the lots shall comply with the requirements of the project arborist report prepared by Barrie Coate, dated February 1, 1999 and with the updated letter report dated January 15, 2001.

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EXHIBIT D-19

8. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
9. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for preliminary grading, drainage, erosion control, preliminary improvement plans, architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans that in any way do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

III. Prior to recordation of the Parcel Map, the following requirements shall be met:

- A. Pay a Negative Declaration filing fee of \$1,250.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- C. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated September 15, 1998, including, without limitation, the following standard conditions:
  1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
  2. Pay all necessary bonding, deposits, and connection fees.
- D. Submit and secure approval of engineered improvement plans from the Department of Public Works for all driveways, drainage improvements, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:

1. All improvements shall meet the requirements of the County of Santa Cruz Department of Public Works Design Criteria Manual except as modified in these conditions of approval.
2. Provide proof of legal access along any private road to be used for access to the subdivision.
3. A detailed erosion and sediment control plan for the subdivision shall be integrated with the improvement plans and shall be submitted to the Planning Department, Environmental Planning Section, for review and approval prior to submittal to the Department of Public Works and approval of the Parcel Map. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization, a welded wire silt fence, erosion protection at the outlets of pipes, sediment barriers around drain inlets, etc.
4. A landscape plan for areas designated on the tentative map shall be submitted for Planning Department review and approval prior to submittal to the Department of Public Works. Wherever irrigation for landscaping is required, stub outs for water service shall be shown on the improvement plans. The landscape plan shall be compared to the utility plan to prevent placement conflicts. No change in the landscape plan shall be granted without County review.
5. A full soils engineering investigation shall be prepared and shall be reviewed and accepted by the County Planning Department. A plan review letter from the geotechnical engineer shall be submitted with the plans, stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical report.
6. Engineered drainage plans shall be reviewed and approved by the Zone 5 drainage district, and appropriate fees for new impervious surface shall be paid. The drainage plan shall include:
  - a. Details of the outlet of any swales and/or pipes that are within 100 feet of Moran Lake. The plan shall show an energy dissipater of adequate size, erosion control at the outlet, any vegetation that will be disturbed or removed, and replanting of said vegetation at a ratio of 2:1, with riparian species.
  - b. Details of drainage control for water entering the parcel from the property to the east.

7. All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
  8. Acquire all rights of way and easements and make all dedications thereof as needed for construction of required improvements. Any and all costs incurred by the County of Santa Cruz to obtain title to any property in the event that condemnation proceedings are necessary to implement this condition, shall be paid in full by the applicant/subdivider prior to the recording of the Parcel Map.
  9. To prevent drainage discharges from carrying silt, grease, and other contaminants into Moran Lake, the silt and grease trap shown on the improvement plans shall be maintained according to the following monitoring and maintenance schedule:
    - a. Language in the private maintenance agreement that will be recorded on each deed, shall specify that the owners shall inspect the trap each year to determine if it needs cleaning or repair prior to October 15.
    - b. A brief annual report shall be prepared by the inspector at the conclusion of the October inspection and submitted to the Drainage Section of the Department of Public Works within five days of inspection. The report shall specify any repairs that have been done or that are needed for the trap to function well.
  10. The following notes shall be included on the final improvement plans:
    - a. A Roadway/Roadside Exception shall be permitted to eliminate the requirement to improve the East Cliff Drive and Moran Way frontages to the full County Design Standard road width, with curb, gutter and separated sidewalk; and to instead perform only minor road widening via a 45 square feet dedication at the east corner of the subject parcel near the driveway to serve Lot 2.
    - b. Condition of Approval IV, etal (Tree & Habitat Preservation).
- E. Engineered improvement plans for all water line extensions required by the City of Santa Cruz Water District shall be submitted for the review and approval of the water agency.



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- F. A private maintenance agreement shall be submitted and recorded with the Parcel Map, for the permanent maintenance of the following:
1. All joint drainage facilities and the silt and grease trap associated with the storm drain system. Reference condition of approval III(D)(9).
- G. All requirements of the Central Fire District shall be met as set forth in the District's letter dated September 8, 1998.
- H. Park dedication in-lieu fees shall be paid for one (1) new single-family dwelling unit. On January 17, 2001 these fees were \$3,000 per unit (which assumes three bedrooms/unit at \$1,000.00 per bedroom), but are subject to change.
- I. Transportation improvement fees shall be paid for one (1) new single-family dwelling unit. On January 17, 2001 these fees were \$2,000 per unit, but are subject to change.
- J. Roadside improvement fees shall be paid for one (1) new dwelling unit. On January 17, 2001, these fees were \$2,000 per unit, but are subject to change.
- K. Child Care Development fees shall be paid for one (1) new single-family dwelling unit. On January 17, 2001 these fees were \$327 per unit (which assumes three bedrooms/unit at \$109 per bedroom), but are subject to change.
- L. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- M. Obtain a Demolition Permit from the County Building Official and complete the demolition of all structures on the project site.
- IV. In order to ensure that the removal of trees on the subject parcel will not significantly impact the Monarch butterfly population, the following measures shall be undertaken:
- A. Tree removal is limited to trees #2, 3, 4, 10, 11, dead trees #9, 28, 29 and stump #17, as numbered in the arborist report (Barrie Coate, February 1, 1999, Figure 2) and in the updated addendum report (Barrie Coate, January 15, 2001, Supplemental Site Plan).
  - B. Trees # 1, 5-8, 12-16, and 18-27 shall be protected as follows:
    1. Prior to filing the map, owner/applicant shall:
      - a. Have the project surveyor stake the building footprint on each lot, and call for inspection by Environmental Planning staff. Owner/applicant shall revise the improvement plans to specify the sections of each

- foundation that will be within 5 diameters of the tree trunk, and that will therefore be constructed with a pier and grade beam foundation. Owner/applicant shall revise the first floor plans (improvement plans sheets 2, 4, and 6) to label the pier and grade beam sections;
- b. Provide a letter from the project arborist verifying that the driveway detail on the improvement plans meets the recommendations of the arborist report. If the detail does not meet the recommendations, it shall be revised in order to do so.
2. Concurrent with filing the map, owner/applicant shall record a preservation easement onto Lot 2 deed that provides for long term maintenance, and preservation, and replacement, as necessary, of trees #20-27. The document shall be scheduled before the Planning Commission as an informational item on the consent agenda prior to recordation.
3. Concurrent with filing the map, owner/applicant shall record a declaration of restriction onto Lots 1 and 2 that provides for the maintenance, preservation, and replacement, as necessary, and specifies the restrictions applicable to the trees (trees # 1, 5-8, 12-16, and 18 and 19) that are remaining onsite outside of the building envelopes, consistent with the modified mitigation measures herein and per Environmental Planning review. The document shall be scheduled before the Planning Commission as an informational item on the consent agenda prior to recordation.
4. Prior to the start of clearing, grading or construction of improvements, owner/applicant shall:
- a. Install protective fencing per the diagram given in the arborist report (Barrie Coate, February 1, 1999, Figure 2) and as updated in the addendum report (Barrie Coate, January 15, 2001, Supplemental Site Plan). The fence shall be 5 foot tall chain link fence, on 2 inch diameter pipe, driven 18 inches into the ground, around the drip line of each tree to be protected. Where the fencing would intrude into a footprint, within the 10 foot zone that is required around each footprint for construction maneuvering, or into the driveway, the fencing may cut through the dripline. No access or storage is allowed within the fencing. Fencing shall remain until structures receive final inspection;
- b. Arrange a pre-construction meeting to be held on site, with the Public Works inspector, area Resource Planner from Environmental Planning, contractor/supervisor, and owner/applicant in attendance.

The parties shall review the tree protection requirements and inspect the tree protection fencing;

- c. Stake the driveway for lot 2 and place a minimum of eight inches of permeable material on the driveway to protect root systems from disturbance from construction traffic. Use metal plates to protect the ground from trucks laying the first course of fill. Construction traffic shall be confined to the driveway. (See requirements in arborist reports and details on Improvement Plan by Ifland.)

5. Prior to the issuance of building permits, site shall be inspected by Environmental Planning staff to verify compliance with tree protection measures and plans shall be inspected to verify pier and grade beam foundation.

C. Prior to the issuance of any building permit\*, the applicant/owner shall:

1. Engage a licensed landscape contractor to install the tree mitigation plan, as described in the letter of John Dayton, titled "Mitigation for APN 28-302-02 Tree Removal," May, 1999, on the Parks Department property at the north end of Moran Lake. The plan calls for the planting of 20 15 gallon trees, of the listed species, in particular locations. Installation, including double staking, fencing, and special planting holes when near Eucalyptus trees, shall be as described in the plan. A letter, signed by the project biotic consultant John Dayton and the Parks Manager, documenting proper installation, shall be submitted to Environmental Planning staff. The Parks Department shall be given advance notice of the planting date;
2. Submit a written agreement, signed by Parks Department maintenance manager and the owner/applicant, committing the owner/applicant to replace any trees lost or damaged during the twelve months following installation;
3. Pay the Parks Department the sum of \$80 per tree (total of \$1600) for ongoing maintenance after the initial first year and for the installation of irrigation, and submit a receipt to Environmental Planning staff.

\* If the issuance of a building permit will not fall between October 1 and December 15, the permit may be issued before the trees are planted. However, in that case the trees must be planted between the first October 1 and

**EXHIBIT C**

December 15 following the issuance of the permit. Documentation of proper installation will be required for any construction inspections to occur after October 1.

- V. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.D. The construction of subdivision improvements shall also meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
  - B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
  - C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
  - E. Construction of improvements shall comply with the requirements of the project geotechnical report. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
  - F. Construction of improvements shall comply with the requirements of the project biotic report. The biologist shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the biotic report.

**EXHIBIT C**

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- G. Construction of improvements shall comply with the requirements of the project arborist report. The arborist shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the arborist report.
- H. To minimize noise, dust, and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall, or shall have the project contractor, comply with the following measures during all construction work:
1. Limit all construction to the time between 8:00 A.M. and 5:00 P.M. weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation.
  2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
  3. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site. The name, phone number and nature of the disturbance shall be recorded by the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the prescription of additional Operational Conditions.
  4. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
- II. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- I. All required off-site improvements shall be substantially complete to the satisfaction of the County Director of Public Works and the Environmental Planning staff prior to the granting of occupancy for any new unit.
- K. The project engineer who prepares the grading plans must certify that the grading was

**EXHIBIT C**

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D-27

completed in conformance with the approved tentative map or the engineered improvement plans.

- L. A preconstruction meeting between the developer and the Department of Public Works shall be held to conduct a survey of the existing condition of Moran Way. This survey shall be submitted in written form to the Planning Department prior to any site disturbance. Prior to final of the last residence, a post-construction survey of Moran Way shall be prepared in the same manner. Damage done to Moran Way which can reasonably be attributed to the construction activity of this project shall be repaired by the developer under the direction of and specification by the Department of Public Works. Capital improvement bonds will be held for these repairs. Bonds shall be released by the Department of Public Works upon completion and acceptance of any required repairs.
- VI. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E.
- VII. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VIII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

EXHIBIT C

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D-28

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

IX. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Erosion Control [Conditions III.D.3]

Monitoring Program: Prior to recordation of the Parcel Map, the improvement plans

EXHIBIT C

CALIFORNIA COASTAL COMMISSION  
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will be reviewed and accepted by the Environmental Planning Section of the Planning Department and the County Surveyor. The improvement plans will include detailed grading, drainage, and erosion control plans. Inspections will be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

B. Mitigation Measure: Drainage Improvements [Conditions III.D.6]

Monitoring Program: Prior to recordation of the Parcel Map, the improvement plans will be reviewed and accepted by the Environmental Planning Section of the Planning Department and the County Surveyor. The improvement plans will include detailed grading, drainage, and erosion control plans. Inspections will be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

C. Mitigation Measure: Protection of Riparian Buffer and Corridor [Conditions III.D.9]

Monitoring Program: Prior to recordation of the Parcel Map, the improvement plans will be reviewed and accepted by the Environmental Planning Section of the Planning Department and the County Surveyor. The improvement plans will include detailed grading, drainage, and erosion control plans. Inspections will be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

D. Mitigation Measure: Protection of Monarch Butterfly Habitat [Condition IV, etal]

Monitoring Program: Prior to recordation of the Parcel Map, the improvement plans will be reviewed and accepted by the Environmental Planning Section of the Planning Department and the County Surveyor. The improvement plans shall adhere to all recommendations of the project biotic and arborist reports and addendums. Inspections will be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

EXHIBIT C

CALIFORNIA COASTAL COMMISSION  
EXHIBIT D-30

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**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE  
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

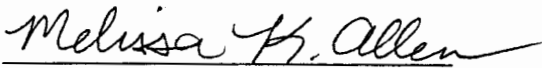
This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Parcel Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking **at least 90 days** prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

cc: County Surveyor

Approval Date: March 14, 2001  
Effective Date: March 28, 2001  
Expiration Date: March 28, 2003

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Cathy Graves  
Principal Planner

  
Melissa Allen  
Associate Planner

**EXHIBIT C**

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT D-31**

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(831) 427-4863

RECEIVED



APR 03 2001

# APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

 CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

CHARLES PAULDEN415 PALISADESSANTA CRUZ, CA - 9506295062(831) 462-3423

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

SANTA CRUZ County

2. Brief description of development being appealed:

SUBDIVISION IN HISTORIC WINDBREAK ALONG  
COASTAL TRAIL & BIKE PATH ADJACENT TO MORAN LAKE  
BUTTERFLY OVERWINTERING SIGHT, VISIBLE TO BEACH &  
SCENIC ROADWAY 33rd 41st Ave Pleasure Point

3. Development's location (street address, assessor's parcel number, cross street, etc.):

2-2811 E. CLIFF DRSANTA CRUZ CALIF95062

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SCO-01-034DATE FILED: APRIL 3, 2001DISTRICT: CENTRAL COAST
 CALIFORNIA COASTAL COMMISSION  
 EXHIBIT **E.1**

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)**

5. Decision being appealed was made by (check one):

a. ☒ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of Supervisors

d. ☐ Other: \_\_\_\_\_

6. Date of local government's decision: \_\_\_\_\_

7. Local government's file number: APN 1028-303-02  
Application No. 98-0603

**SECTION III Identification of Other Interested Persons**

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SEE ATTACHED PETITION

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

PLEASE SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Charles Paulde  
Signature of Appellant(s) or Authorized Agent

Date 4/3/2001

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-3  
Signature of Appellant(s)

Date \_\_\_\_\_

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY PARK.

THIS PROJECT WILL REMOVE MANY SIGNIFICANT TREES IN THE HISTORIC WINDBREAK PLANTED TO PROTECT THE RANCH THAT PREDATED THE DEVELOPMENT OF PLEASURE POINT. THIS WINDBREAK CREATES THE MICRO-CLIMATE THAT THE RESIDENTS IN THIS AREA BENEFIT FROM. THIS FOREST ADDS A LAYER OF PROTECTION FOR THE HABITAT OF THE MONARCH BUTTERFLY AS WELL AS MANY OTHER SPECIES. THE PROPERTY STRADDLES THE BIKE AND BEACH PATH AND IS PART OF THE SCENIC RESOURCES FROM THE PUBLIC BEACH, LAKE, STATE PARKS( LIGHT HOUSE FIELD, SEA CLIFF AND NISENE MARKS), AS WELL AS THE SCENIC ROADWAY FROM 33RD TO 41ST ON EAST CLIFF.

THE REMOVAL OF THE HISTORIC KNOTTY PINE BEACH HOUSE AND REPLACING IT WITH A TWO STORY STUCCO RECTANGULAR HOME THAT FILLS THE FRONT OF THE PROPERTY AND WILL OVER LOOM EAST CLIFF DRIVE AND THE HISTORIC CABINS ON MORAN LAKE AS WELL AS A SECOND STUCCO HOUSE THAT WILL REPLACE MANY HISTORIC TREES, WITH IT MANY NEGATIVE IMPACTS ON THE COMMUNITY, AS WELL AS FURTHERING IMPACTING THE CABINS, PARK, ROAD AND BEACH. THE REMOVAL OF THIS HISTORIC CABIN WILL DEplete THE AFFORDABLE HOUSING STOCK AND INCREASE PRESSURE TO DEVELOP THE CABINS, WHICH WILL REMOVE MORE AFFORDABLE HOUSING , AS WELL AS INCREASING PRESSURE TO REMOVE MORE SIGNIFICANT HISTORIC TREES BETWEEN THE TWO PROJECTS AND ALONG THE PARK AT MORAN LAKE. THESE PROJECTS WILL INCREASE DEVELOPMENTAL PRESSURES ON THE FORESTED YATES PROPERTY TO THE EAST, LEADING TO FURTHER DEGRADATION AND EVENTUAL ELIMINATION OF THIS IMPORTUNE HISTORIC WIND BREAK AS WELL AS INCREASED NEGATIVE TRAFFIC IMPACTS TO THE COASTAL TRAIL AND BIKE PATH . THE ENTRY TO THE HOUSE IN FRONT IS ON A SECTION OF EAST CLIFF WITH LIMITED LINE OF SIGHT INCREASING CONFLICT WITH TRAFFIC ON EAST CLIFF.

FOR THESE REASONS AND OTHERS WE CALL UPON YOU TO REJECT THIS PROJECT .

THANK YOU  
CHARLES PAULDEN

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-4

Reg; H-4. 98-0603(") 2-2811 E. Cliff Dr  
Santa Cruz APN(S) : 028-302-02

This property is part of the visual gateway to Pleasure Point, The many significant trees provide a visual back drop and a warm micro-climate producing windbreak for the park at Moran lake as well as the Pleasure Point and 26th Ave neighborhoods. This historic landmark grove is visible from both land and sea and as indicated by the hundreds of people who have petitioned to preserve this importune Santa Cruz Resource, that sets the aesthetic tone of Coastal Live Oak, it needs to be respected and preserved.

In relation to protecting of Visual Resources in the General Plan (Obj.5.10 a&b) this visual resource as well as the view across the property need to be preserved. (Police 5.11)

This project, in this grove that was planed to protect the ranch that predates the development in this area, will remove the last historical example of the Knotty Pine Beach House to exist on a lot of this size at this proximity to the beach in Pleasure Point and as such needs to be preserved to be included in the list of historical sight in the yet to be completed Live Oak Coastal Plan. (Obj 5.20)

The back of the property abuts the bike and walking path to the park and beach at Moran Lake, it is part of the developing Coastal Trail System and ties into the Scenic Road from 33rd to 41st ave, and needs to be preserve for their recreational and aesthetic value (Obj~~7~~.6)

This property has traditionally provided a park like atmosphere that retains a natural open space character and historic uses that has provided visual enjoyment and a way for people to walk from E Cliff to the bike way and other recreational pursuits, provides relief from the increased development in this area. In keeping with the need for increased parks and Open space to match increased population densities this property needs to be treated with the highest regard to preserve its park like open space character.(Obj. 7.10.7)

The many exceptions, approvals, reviews, permits, and mitigations needed to allow this project to go ahead reinforces the very sensitive and public nature of this sight.

Runoff and on sight retention of water can no longer be mitigated by grease and silt traps. The awareness of the adverse affects on Public Health and the well being of the Monterey Bay Marine Sanctuary must be fully mitigated.(CEQA guidelines)

Pleasure Point is a Special Coastal Community that deserves special consideration in its development. While the rest of Live Oaks character is being transformed into an Urban Center, This area can still provide relief for the people who live and visit here (Obj . 8.8)



When considering this change, please preserve the beach neighborhood character (policy 8.4.5) and the Landscape Design (Obj 8.7), so that it enhances rather than diminishes the Visual, Historical and recreational character of this important resource and gateway to Pleasure Point.

A project that uses the existing footprint and leaves all the significant trees will still endanger the historic wind break as we have seen removal of significant trees by means both legal and illegal follow the building of homes in these sensitive areas. The placement of one well designed home that fit into this wooded environment would threaten the grove. Two maximum size houses would further compound the threat. Any building must be done without removing trees from this important historical wind break and away from trees so that emergency tree removal will not lead to a loss of this important coastal resource.

APPLICATION NO. 98-0609 2-2811 E. Cliff Dr  
Santa Cruz APN(S) : 028-302-02

#### RODGERS PROPERTY

The character of Pleasure Point is set by this gateway project. The historic knotty pine beach house nestled in the historic wind break sets the tone for the casual beach oriented surf community of Pleasure Point. This historic surf community is now being torn apart by the destruction of small affordable homes in which lots are subdivided and built to maximum density and sold for beach homes that often seem left empty or used by a couple of people without children. As in this case affordable housing is eliminated and the economic, age and cultural diversity is destroyed and many long time residents are displaced, contrary to both stated General Plan and Coastal Plan Objectives. This lot and the cottages in front set the historic tone for this area. If the rest of Pleasure Point is not protected by receiving special design criteria under Special Coastal Community designation and all the lots are built to the maximum, destroying the unique community aesthetic, the maintenance of this historic entryway view would preserve the sense of place by which longtime residents and coastal visitors identify this area. The size of these proposed buildings will overwhelm the East Cliff and the cottages on Moran Lake, as well as cut off the view through the trees and grape stake fence to the sea.

The proposed stucco lot covering homes could be found anywhere and do not use this unique setting to practice a higher level of architectural design (Look to Frank Lloyd-Wright or read A Pattern Language, by Christopher Alexander, as well as objective 8.2 of the general plan). These very large homes are proposed for a lot on a hill overlooking the small historic cottages on Moran lake and will lead to development pressures to replace them with maximum density dwelling that will eliminate these five moderately affordable dwellings. This transformation of the character of the area will lead to increased pressures on the historical wind break leading to the removal of trees both on and off the property by means both legal and illegal. As the trees to the lake side of the Rodgers property are removed a new 2

application will come in and ask for a new exception to the significant tree ordinance to be mitigated by off sight trees. The loss of any of the trees in this forest will lead to endangerment of the microclimate enjoyed by our community and will threaten the trees in Moran Lake park as well of those on the Yates property that is proposed for park acquisition. The loss of the tree canopy will limit the biodiversity of this habitat as well as the loss of the gifts these trees give to the well being of the community through the aromatic air, the sound of the winds through the trees , the view of the rising and setting sun reflected from the leaves and bark as well as the view of the full moon over the grove and the loss of a softly lit area that allow the viewing of the stars in the night sky. We have never been offered a plan that might be built without removing, disturbing or eliminating these historic trees and that is designed to enhance this special landscape with a jewel of architecture that would match this magnificent setting.

These points lead to questions of no impact to the environmental review under G. Cultural/Aesthetic factors 1 and 3, under E Air factor 5., J Land Use/ Housing factor 1,4 and 5,as well as I General Plans and Planning policy 3. This also brings into question the no designation for mandatory findings of significance 1,2,3 and 4 and calls for a full EIR. The facts that it will eliminate an importune example of a major period of California history while degrading the quality of the environment and threatening the Monarch over wintering area by reducing the depth of protection this grove adds to the Moran Lake sight as well as to the wind breaking protection for the surf, beach and community in Pleasure Point and 26th ave ( see p. 103 pp 2, 4 and 6 ; p104 pp2,5 &6; p105 pp2&4; p106 &107; p110 pp4; p120). This would suggest it should be listed as a yes under 1 while a yes for 2 is necessary in that there is no short term advantage to this project and many long term disadvantages to environmental goals. 3 should be yes in that the components of runoff into the riparian corridor and into the Marine Bay sanctuary, the loss of historical and scenic resources, the threat to importune windbreak trees for the butterflies, the beach and community ( that provide the enjoyable microclimate visitors and residents enjoy) and will increase developmental pressures on the cabin on Moran and the smaller homes in Pleasure Point. This leads to the loss of permeable surfaces, increased runoff that is not being treated as the pollutant threat to the the Sanctuary and recreational resource as well as increasing pressure to remove the historical windbreak. 4 should be yes in that it will cause a loss of a recreational resource that has been historically enjoyed by the human beings that visit and live in this area as well as the increased conflict between traffic and bikes as well as pedestrians on the coastal path to Moran Lake and the Pleasure Point area.

In summery this project has too many negative impacts on this sensitive sight not only can they not be truly mitigated the cumulative effect and long term effects are truly catastrophic. The controversy over whether it is worse to enter the property from Moran or East Cliff seems to indicate that no project would be better than any project and that this project is ill conceived and needs to be rejected. The past proposal to build in Moran Lake was rejected and the land was saved for a Park. As the population in the mid county coastal area increases the stated objectives of 3 acres within a mile3

per 1000 people and 2-3 acres within 4 miles per 1000 and 5-6 acres for regional parks and that objective 5.11 calls for open space preservation as does LCP 5.11.5 , it leads to the natural choice to preserve this area in its natural historical and environmentally whole condition for visitors and residents. Any proposed development must be held to the highest standards with the protection of all significant trees , views, historic resources , micro climate , biotic resources and water quality. Under this criteria this project needs at the least to be redesigned. The owner stated he could apply for a remodel and a granny unit without needing to subdivide the lot. This would be a good beginning to act in the constraints of the property and even at that might overwhelm the sight.

Relevant LCP concerns:

Access and recreation, Chapter 2, public recreation as higher priority than private residential use: LUP Objective 2.22, LUP Policy 2.22.1; LUP Policy 2,22,2; LUP Policy3.8.7; LUP Policy7.7.1; LUP Policy7.7.4; LUP Policy 7.7.10.

Visual Resources: Objective 5.10.a, 5.10.b; LUP Policy 5.10.2, 5.10.3; IP Section 13.20.130(b)(1),13.20.130(d)(1), Section 30251.

Marine and Offshore Recreational Resources: Objective 5.4; Objective 5.7, Objective 5.20, Policy 5.4.1; Program 5.4(a); Policy 5.3.1; Policy 5.4.14; 5.7.1; Policy 7.23.1; Policy 7.23.2; Section 30211; Section30213; Section 30240(b)

Community Character: Objective 8.8;LUP Policy 8.8.1; Figure 8-1; LUP Program 8.7(c);IP Section 13,20,130(b)(1)

RECEIVED

Rodgers Project  
2-2811 East Cliff  
APN: A-3-SCO-01-034

JUN 19 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Other relevant concerns:

Policy 2.23.1(LCP)Lower and moderate income housing in the coastal area

Policy 3.8.7 (LCP) Recreation, bike route

Visual Resources: 5.10.1(scenic road),2(structure),3(design),6(ocean vista),8(significant tree)

Obj. 5.1 Bio diversity

Policy 5.1.2 c,d(next to provide habitat)

5.1.3 (only use dependent on)

5.1.5(b)(allow only one single family dwelling unit per existing parcel of record)

5.1.6(deny any project)

5.1.10(species protection)

5.1.11(beyond habitat)

Program 5.1.11-e. (seek funding),c. (for surrounding area)

Policy 5.10.2 Develop in visual resource areas

Objective 5.11 Urban open space

Policy 5.11.1, 5.511.5 Designation of resource, (expand), program(acquire)

Objective 7.2 Neighborhood Parks

Policy 7.2.3 Siting (natural, trail corridors, proximity)

Objective 7.6 Trails and Recreation

Policy 7.7.5 Bike

7.7.6 Hike and Bike

program c. (Moran Lake, South Palisades -develop, maintain)

7.8.3 Coastal zone acquisition priorities

The loss of affordable housing along the coastal trail view corridor leading to the loss of significant trees that create the micro climate for a special coastal community and are the gateway to this community in ESHA and replacing it with growth inducing homes oversized for the neighborhood, setting precedence for future loss of the casual coastal community aesthetic and other important historic trees is inappropriate. This parcel needs to be included in the county park or left undivided and protected.

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E.9

Jan Beautz  
County Board of Supervisors

Mike Guth  
2-2905 East Cliff Drive  
Santa Cruz, CA  
(831) 476-0295

Re: Preservation of Moran Lake / Pleasure Point Trees

Dear Ms. Beautz,

I am writing to you to request your help with an issue of great importance to the community. In the face of increased development pressures that at times do not take the best interests of the community to heart, now is the time to act. The Moran Lake area and its surrounding trees constitute an invaluable scenic resource. The combination of open water ringed by the tall eucalyptus trees, coupled with the thousands of Monarch butterflies that frequent the area, provide a level of beauty and community pride rarely found. I believe that the undeveloped lot along East Cliff between Moran Way and the ocean should be targeted for acquisition by the County as open space. I also believe that the proposed subdivision at 2-2811 East Cliff Drive, which will remove many eucalyptus trees and provide a visual back drop to Moran Lake Park of three large two story houses, is antithetical to the nature of the neighborhood and should be opposed.

The large eucalyptus trees that surround Moran Lake provide a community landmark that can be seen easily from Main Beach or from boats on the ocean. In a sense they define Pleasure Point in this way. They also act as a gateway to the neighborhood for drivers along East Cliff. The local micro climate is very favorably affected by these trees, as they act as a windbreak to protect the neighborhoods from the strong ocean breezes. These trees are under threat from many sources.

The undeveloped lot along East Cliff Drive along the S turn is approximately 300 feet by 108 feet. On this lot lives one of the three groups of trees left along the southeast side of Moran Lake. These three rows of trees, which we have taken for granted for so long, provide a favorable micro climate for the adjacent neighborhoods. They are also a spectacular scenic resource. I strongly urge you to consider making this undeveloped

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-10

parcel an acquisition target. I believe that only through this method can we preserve this asset to the community.

The second of the three rows of trees is located on a property that is currently pursuing subdivision. This drastic change to the use of the property from a beach single beach house to three two story houses involves not only a complete change to the scenic nature of the Moran Lake area, but also the removal of a great many mature eucalyptus trees. The development proposes to limit the number of mature trees felled to seven, but the appendixes to the proposal prepare us in advance to expect this number to increase. References to development related stress of other trees are made, and mention is made of a possible ingress to the property through an area currently filled with mature trees. These clues alert us that the number of trees proposed to be felled should be treated only as a minimum number. I believe that this large development so close to Moran Lake, which will tower above the beach cottages adjacent to the lake in place of the removed trees, is absolutely not in keeping with the nature of this local scenic treasure. Although I believe that this development proposal should be defeated, I also believe that this lot should be viewed as an acquisition target. The Coastal Planner for the California Coastal Commission identified this site as one that would be attractive for acquisition and potential future recreational improvements. This statement was made in his comments of record for the aforementioned proposal.

The third row of trees along this side of Moran Lake is referred to as the Moran Way Wind Row, and is on county property. Although this of course gives us security, it is not clear to me that the County has made tree preservation in this area a priority. There were several incidents of unlawful tree felling along Moran Lake last year by private residents. It appears to me that all trees along the lake are in the riparian corridor and can not be removed without the granting of an exception. I am not aware of any of these offenders being required to replace the unlawfully removed trees. I sincerely hope that the County shares my concern for this area.

There is a great deal of community support for the preservation of the trees surrounding Moran Lake. If you share this concern and feel that you are in a position to pursue some

of the actions proposed in this letter, I am confident that the community will support you in those efforts. I look forward to discussing this matter further with you.

Yours Sincerely,

Mike Guth

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-12



Planning Commission  
County of Santa Cruz

Mike Guth  
2-2905 East Cliff Dr.  
Santa Cruz, CA

9/10/00

**Re: Proposed Subdivision and Development on East Cliff Drive between East Cliff  
and Moran Way**

Application Number : 98-0603

This letter is to voice my strong opposition to the proposed project on East Cliff Drive adjacent to Moran Lake. My opposition stems from my belief that the project is not in keeping with nature of the local community. The proposed development will overwhelm the unique scenic resource of Moran Lake. The impact of the proposed automobile access via the bicycle and pedestrian pathway will create an unnecessary increased threat to local recreational users. This proposal also does not meet the General Plan Objective of preserving and enhancing the visual fabric of the community. The felling of a large number of trees in this unique area will cause irreversible harm, and the number of trees proposed to be felled appears to be understated. I also have strong concerns about the reports submitted in support of this project, which I believe, when viewed together, demonstrate that this proposed project will have adverse environmental effects on the Moran Lake corridor.

**1. This Proposal Represents a Departure From the Nature of the Local Area**

Moran Lake and Corcoran Lagoon characterize the local area in their combination of open water and trees. Just as West Cliff has its Lighthouse Field, these two areas define the local area as unique in its combination of reasonable development and preservation of undeveloped area. The entrance to Pleasure Point from the west is along East Cliff, and at Moran Lake the open water with the backdrop of the mature eucalyptus defines this boundary.

The proposed development seeks to destroy the balance at this defining neighborhood juncture with the removal of mature eucalyptus and a traditional beach cottage, and their replacement with three larger two story houses. Since there is already a single residence

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT E-13**

on this lot, an appropriate question to be asking is not whether a particular house on any of the new proposed subdivided lots is itself in keeping with the character of the community, but whether the transformation of a beach cottage and its surrounding large trees into three large two story houses with many less trees is in keeping with the character of the community. I think that it is clear to anyone familiar with the local area that it is not.

**a) The Staff Report Does Not Demonstrate the Impact of This Development**

I believe that the perspective drawings shown on pages 18-19 of Attachment A of the Staff Report, prepared by the applicant, are inherently misleading in that do not clearly show a before and after viewpoint of the property. These drawings should not be used in an assessment of whether the proposed development is in keeping with the nature of the community. The property is adjacent to Moran Lake, a public park that is populated with eucalyptus trees that provide both Monarch butterfly habitat and are essential to the micro-climate and wind protection of the surrounding neighborhood. The only parcel between the proposal site and Moran Lake comprises an assortment of single story bungalows intermixed with eucalyptus. A more telling perspective would be to view a photograph showing the neighborhood in its current state as viewed from East Cliff Drive in front of Moran Lake, with the beach bungalows and eucalyptus trees in the background, and then to compare that to an altered photograph showing three large two story houses towering over the scene in place of the eucalyptus trees. The applicant's sketches at pages 8-9 also misrepresent the nature of Moran Way at the backside of the property, which is used primarily as a bicycle and pedestrian path. This path is not of the proportions as shown in these sketches, and is not a vehicle thru way to East Cliff Drive.

**2. The Eucalyptus Trees on the Property Are Important to the Community**

The trees on the property are indispensable to the community. The eucalyptus trees provide an incredible scenic backdrop for the neighborhood and function as a windbreak. The eucalyptus trees in the Moran Lake area also provide a home to the Monarch butterfly. As stated in the Biotic Site Review(Attachment D to the Staff Report), a large

number of trees were lost in the vicinity in the last year alone. The County has a responsibility to insure that trees in this sensitive habitat are not lost unnecessarily.

**a) The Number of Trees Stated as Planned to be Removed Conflicts  
With the Findings in the Staff Report**

The Staff Report lists as seven the number of large trees proposed to be removed in this project. This number should be viewed as an absolute minimum. In reference to Exhibit D, page 98, one can see that trees 6, 7, 8, 13, 18, and 19 will be very close to the proposed structures. In fact, when this sketch is compared to the house plans on page 19, it is clear that the structures will encroach right upon these trees (which are not "planned" to be removed). I think that it is not credible to believe that the long term plan is to leave these trees in. In fact, the Environmental Review Initial Study refers to the possibility of the loss of further trees due to development related stress, including direct conflicts with the development, at page 55. A larger structure built to the current zoning configuration of this lot would not require the wholesale destruction of these important trees. It is due to this proposed subdivision alone that the trees are at risk.

**b) These Trees Function as a Windbreak for the Local Area**

The trees slated for removal, as well as the others identified as at risk (above), prevent wind penetration into the more critical trees in the Monarch butterfly habitat (see page 102). In addition to the important function the trees on this property play in providing a windbreak for the off site windrow (Environmental Review page 55), these trees provide a windbreak for the adjacent neighborhood. Neighborhood residents are well aware of the role that the three rows of eucalyptus (Moran Way Wind Row, Rogers, Yates; page 111) play in moderating the ocean breezes in the areas behind Moran Lake. Part of the unique nature of the neighborhood adjacent to the proposed development is that the trees here, in addition to providing historic visual value, provide a more moderate climate.

**3. The Proposed Vehicle Access Will Diminish the Safety of the Pedestrian and  
Bicycle Path**

Despite the misleading sketches of Moran Way previously described, the area directly behind the property is a bicycle and pedestrian pathway. Moran Way changes from its look as a street in the area prior to the property's border to that of a narrow bicycle path.

The only use of this path by vehicles I have observed is an occasional vehicle entering into the bungalows adjacent to the Lake. On the contrary, the path is used **constantly** by bicyclists, joggers, walkers, including many children. The use of East Cliff Drive around this area is dangerous because it is so very narrow and dangerous through the S curve around this parcel.

At no time in my twelve years as a resident of this neighborhood have ever observed this path used as vehicle access for the property in question. This certainly diminishes any claim to the use of Moran Way for this lot by an easement by prescription.

**a) The Applicant Has Not Been Forthcoming in This Area**

I take particular issue with the statements by the applicant regarding the Moran Way access at pages 147-149 of the Staff Report.

**i) Exclusive Use**

Mr. Rogers states in Point 2 that the owner of the adjacent bungalows "almost exclusively uses this portion of Moran Way for access..." To the extent that this statement gives the impression that this is the almost exclusive use of this path, it is greatly misleading. The absolutely dominant use of this portion of Moran Way is as a bicycle and pedestrian pathway.

**ii) Increase in Access**

Mr. Rogers states in Point 3 that the proposal does not constitute an increase in the present right of access the current property has(or has according to him). It strains credibility to think that a single parcel zoned single family, even with an in-law unit, would provide no more traffic to Moran Way than two large two story houses on two new lots. One must also keep in mind that the access is currently on East Cliff. Although I have never seen any entrance to this lot from Moran Way, it is my understanding that an easement by prescription would not extend to new, higher density uses than those at the time of the prescription. I think that is important that Mr. Rogers understand that his legal council, in Point 4, may have provided him a legal opinion regarding the right of access, but only the courts can affirm his right to access.

**4. Summary**

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-16

The Planning Commission has the difficult task of determining whether proposed developments meet the requirements of the various county regulations. The importance of our coastal resources, and especially of a unique scenic area and habitat such as the Moran Lake area, cannot be overstated. A development suitable for one region in the county may not be suitable in another.

When a proposal such as this comes up for review, which will overwhelm the landscape adjacent to one of the few remaining open reserves along the East Cliff area, there is a need for close scrutiny. A speculative developer garners no vested right just because he has targeted a property for that development, and should further understand that a proposal for overdevelopment in such a delicate area may be viewed as inappropriate and not in keeping with the county regulations.

I strongly urge the Commission to reject the proposed development for the reasons stated in this letter.

Yours Sincerely,

Mike Guth

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-17

Planning Commission  
County of Santa Cruz

Mike Guth  
2-2905 East Cliff Dr.  
Santa Cruz, CA

9/12/00

Re: **Addendum to Letter to Planning Commission of 9/10/00**  
**Proposed Subdivision and Development on East Cliff Drive between East**  
**Cliff and Moran Way**

Application Number: **98-0603**

This letter is to supplement my prior comments in opposition to the proposed project at 2-2811 East Cliff Drive. I disagree with the Coastal Findings, and do not believe this proposal to be compliant with the Local Coastal Plan for at least the reasons stated below. I disagree with the Subdivision Findings at least to the extent that they find this proposal to be consistent with the General Plan.

**1. The Project is Non-Compliant with the Local Coastal Plan**

This project does not comply with the Local Coastal Plan in that it has too much adverse impact upon the visual resources of the local area. This project will also have an adverse impact upon existing pedestrian and bicycle access to a primary public beach access. Further, this proposal is not proper given the sensitive habitat of the Monarch Butterfly.

One of the goals of the Local Coastal Plan is "to protect and restore unique, rare, threatened, endangered and other natural and cultural resources that warrant preservation because of their biological value, scarcity, scientific value, aesthetic quality or cultural significance." LCP, Ch. 5. The proposed subdivision does not meet this goal. As such, I take exception to Coastal Finding 5 of the Staff Report.

**2. Protection of Visual Resources**

The Local Coastal Plan requires us [t]o ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon visual resources. LCP 5.10(b). Visual resources are defined as areas having regional public importance.

CALIFORNIA COASTAL COMMISSION  
EXHIBIT **E-18**

LCP 5.10.1. Projects are to be evaluated against the context of their unique environment.

LCP 5.10.2.

Moran Lake and the surrounding tree groves are a unique visual resource to the community. The open water and backdrop of trees adjacent to the beach sand provide a spectacular juxtaposition of these elements. The existing structures along the southeast corner of the Moran Lake are old beach bungalows. The construction of three two story houses will overwhelm this landscape. In this context, the proposed project has tremendous adverse impact upon an important visual resource. I take exception to Coastal Finding 3 of the Staff Report. I also take exception to the Environmental Review at G1 and G3.

### **3. Protection of Existing Beach Access**

The Local Coastal Plan requires us to protect existing pedestrian, and where appropriate, equestrian and bicycle access to all beaches to which the public has a right of access, whether acquired through grant or through use. LCP 7.7.10. Moran Lake Beach is designated as a Primary Public Access. LCP 7.7.15.

The beach access for pedestrians coming from the neighborhood southeast of Moran Lake is along the pedestrian and bicycle path behind the subject property. In fact this path has county signs on it identifying as the bicycle path. The current vehicle access to the structure on the lot in question is from East Cliff Drive. The proposed development seeks to have a driveway for two houses use this pedestrian and bicycle path as its entry point. This proposal interferes with the public beach access to Moran Lake Beach. I take exception to Coastal Findings 2 and 4 of the Staff Report. I also take exception to the Environmental Review at G5, in that it interferes with established recreational uses of the area.

### **4. Sensitive Habitat**

The trees on the property are part of a sensitive habitat for the Monarch butterfly. A sensitive habitat is defined as an area which provides habitat for rare or endangered species. LCP 5.1.2(f). The Monarch butterfly is listed under the heading "Threatened, Endangered, or Animal of Special Concern in Santa Cruz County." General Plan, Appendix B. It further notes that the species is associated with a habitat that is rapidly

declining in California. **The Local Coastal Plan allows for land divisions in sensitive habitat areas only when the density and design of the subdivision are compatible with protection of these resources.** LCP 5.1.5. As an example, in areas designated special forest, only one dwelling is allowed per existing parcel of record. LCP 5.1.5(b). The keeping of non-native trees is specifically called for if they provide habitat. LCP 5.1.14.

The trees on this parcel provide critical windbreak for Monarch butterfly roosting. If the trees on this lot are removed, wind penetration to trees further inland increases, making them more vulnerable. I think it is important to restate the first thing said in the Biotic Review Addendum Summary: **Loss of trees is loss of habitat.** Any tree loss is "an incremental degrade that could be cumulatively considerable." Staff Report p. 106. It is irresponsible to put three houses up on this lot, with some of the remaining trees directly adjacent to them. These trees will be subject to removal later as risks to those same houses. Therefore, it is not proper to view the impact to the habitat in the context of the number of trees currently proposed to be removed.

I take exception to the Environmental Review at E5, in that the tree removal will significantly alter wind patterns in the area.

## **5. Summary**

The proposed development is not compliant with the Local Coastal Plan for at least the reasons stated above and in my earlier letter to the Commission.

Yours Sincerely,



Mike Guth

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-20





# **SAVE THE** **WINDBREAK !!!**

**FOR PLEASURE POINT-26TH AVE**

PROTECT THE SURF, TREES, BIKE  
PATH, CABIN AND BUTTERFLIES!

**WRITE THE COASTAL COMMISSION**

725 FRONT ST, SANTA CRUZ, 95060

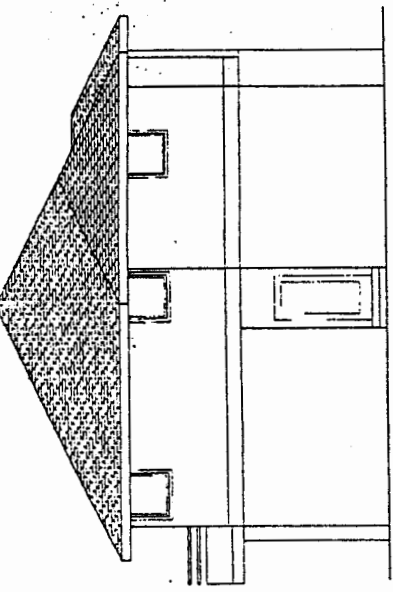
**APPEAL** THE RODGERS PROJECT

2-2811 EAST CLIFF, APN:028-302-02

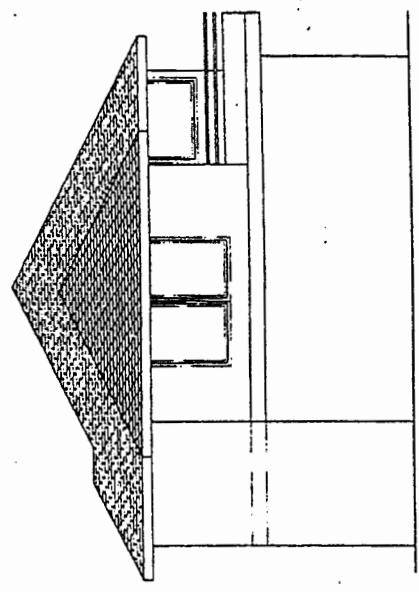
APPLICATION NO.98-0603

CALL 427-4893

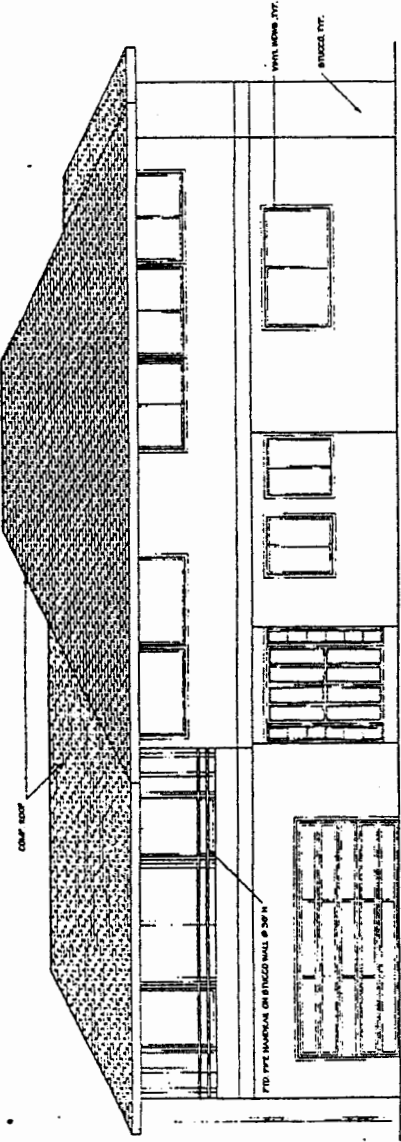
CALIFORNIA COASTAL COMMISSION  
**EXHIBIT E-21**



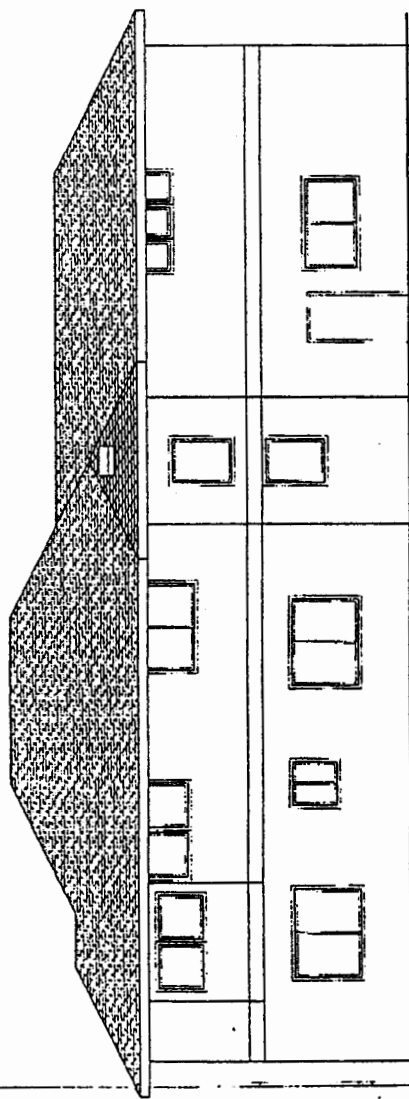
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

*Wingt Proposed to front on E-cliff*

EXHIBIT A

BERRY ESTY'S Great Great Grandfather

# The Owls Of Pleasure Point

By Margaret Koch  
Sentinel Staff Writer

Pleasure Point plunge is gone, and most newcomers to the area are unaware that the pool ever existed.

It was built in the early 1930s and used until several years ago when it was dismantled. The excavation that was the pool was filled with earth. Now nothing remains to suggest that a swimming pool ever was there. Even more interesting is the fact that the pool was originally built in the basement excavation of a large home,—that of the late A. D. Houghton, engineering consultant to John D. Rockefeller Sr.

The Houghton home was known as "The Owls" because there were so many owls in the area, according to Houghton's daughter, Mrs. Mae Esty Morgan. She lives today at 19 North Branciforte avenue.

Her memories of her girlhood home at Pleasure Point are happy ones.

"We usually had a houseful of young people during holidays," she related.

Her brothers, Robert and John, both attended Stanford University and brought home many new students. Robert also attended the University of California at Davis.

A family friend carved several items from wood and these stood on the mantel.

John D. Houghton, a graduate of the University of Maine, serving as Rockefeller's engineer, designed and built the Heller hall, library and plant at Bryn Mawr college. Under his direction the heating plants at the University of Chicago and Bryn Mawr college also were designed and constructed. Houghton patented several heating devices of which earned him many college doctorates.

After this successful career East and Middle West, Houghton retired and brought his family to Santa Cruz in the following year. He bought about 100 acres at Pleasure Point and built his home with a full basement beneath it and the front porch would shake the house.

During a storm, the wind would blow up the front windows, Mrs. Morgan said.

He considered a remote place, but when he was nothing but a young man from the cliff back to



Mrs. A. D. Houghton (Nellie) with her pet dove. The picture was taken during a Thanksgiving gathering at the

Houghton home on Pleasure Point. Mrs. Houghton was a former concert singer.

the railroad," Mrs. Morgan commented.

There were no close neighbors. Neither were there lights nor city water. Houghton had a well dug, then installed a wind mill and tank house. The tank house building was built to include servants' rooms and, on the ground floor, a large carriage house. The family's own acetylene gas plant provided lights in the main house. Cooking was done on a huge iron stove which gobbled cords of wood almost faster than they could be purchased.

Houghton, who wanted to be a "gentleman farmer" in his retirement, built a large barn and put in a sizeable vegetable garden. He planted rows and rows of eucalyptus trees as a wind break. Some are yet growing in the area.

Pleasure Point drive originally was named Eucalyptus avenue. Later the name was changed to Pleasure Point.

When he was nothing but a young man from the cliff back to

of mind, A. D. Houghton also experimented with extracting iodine from seaweeds. He and his family gathered along the beach below the home.

The Houghton children, in order to attend Santa Cruz High school, walked a half-mile daily to the streetcar line which ran from Santa Cruz to Capitola.

"Travel was by horse and buggy, of course, but when autos came out, father bought one of the first," Mrs. Morgan said.

Houghton also had another retirement hobby — a lumber mill. He and the late George Cardiff established it on Soquel avenue, between Branciforte and Benito avenues.

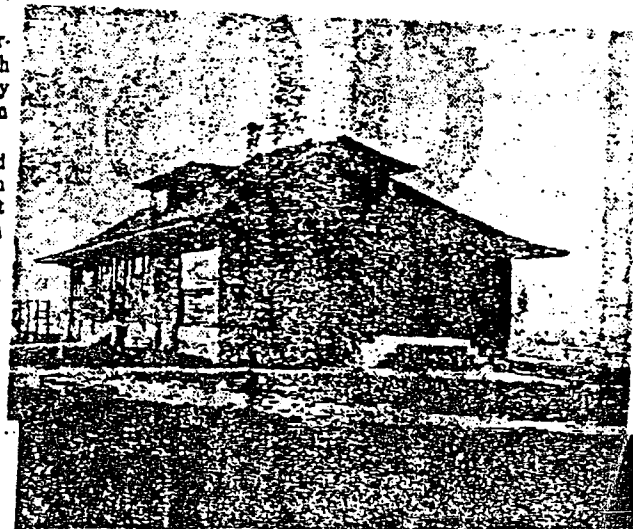
burned to the ground in 1914 and the family moved in to Santa Cruz. Houghton sold off the "Owls" property which became known later as Pleasure Point. The owners subdivided and built the plunge in the basement excavation of the burned home.

Today one of the streets in the area is named Houghton.



A. D. Houghton, engineer for John D. Rockefeller Sr. and first settler at Pleasure Point. He posed for this photo

in his Spanish-American war uniform when he was assistant engineer at Boston Navy yard.



The Houghton home, known as "The Owls," at Pleasure Point. After it burned, Pleasure

Point plunge was built in the house basement excavation.

EXHIBIT E-23

# Vanishing forest hurts butterfly

## Logging blamed in sanctuary destruction

By MORRIS THOMPSON  
*Knight Ridder Newspapers*

CERRO SAN ANDRES, Mexico — When up to 5 million monarch butterflies turned up dead here, some people suspected murder.

The mayor of Maravatio, whose jurisdiction includes this remote forest, heard that a pesticide had been sprayed on these magnificent insects and, relayed by an environmentalist, his tale was transmitted in news stories around the world.

The mayor was probably wrong. But the likely cause of the insects' demise — the destruction of the forests where they spend the winter — may be even more worrisome.

Mayor Jaime Hinojosa Campa at first suspected that disgruntled residents may have killed the butterflies last month to thwart his efforts to add this traditional wintering area for monarchs to government preserves. With the butterflies dead there would be nothing to protect, and residents could have unrestricted access to the forest.

In the end, the evidence pointed in a different direction. A government report blamed a cold snap. But a cold snap alone was not enough to decimate them.

Legal and illegal logging in the mountain forests of Mexico's central Michoacan state has degraded and severely reduced the size of the habitat where the orange-and-black butterflies spend the winter before heading toward Canada. The Oyamel fir trees in which the monarchs lived were too small to provide protection when rain fell and a freeze followed.

"Every day, people are cutting more and more," Hinojosa said. "And the government has only two or three people working to re-establish the forest."

Among the drying stumps and thin trees, the forest floor in Cerros San Andres is still papered with wafer-like butterfly carcasses.

By contrast, the Rosario butterfly sanctuary, about 25 miles to the southeast, has a healthy forest. Most of the monarchs there departed recently on the long journey north, with its first major layovers along the Gulf Coast from Texas to Florida. As the sun warms the firs that top the thick forest canopy, thousands of butterflies flutter from the branches and stream in a swirling procession along the migration paths. Adult monarch butterflies that live east of the Rocky Mountains come here for the Oyamel fir trees. Ten million monarchs concentrate in 2½ acres where trees are plentiful. They stay from late November to mid- or late March and then migrate toward southern Canada, where Oyamel firs are plentiful but scattered. Monarch colonies west of the Rockies winter along the California coast.



Monarch butterflies drift over a pool of water in the El Rosario ecological preserve in Mexico's Michoacan state. This month, millions of the delicate butterflies will rise above Mexico like a giant, orange cloud and begin their journey north to the United States and Canada.



undersigned, have read Mike Guth's letter to Jan Beautz regarding  
 preservation of trees adjacent to Moran Lake and support this effort.

	Name	Address	Signature
1	Elizabeth Turner	116 Santa Cruz St. Santa Cruz, CA.	Elizabeth Turner
2	ROBERT EBERLE	205 TERRACE WAY CAPITOLA, CA	Robert Eberle
3	Katie Cullen	246 Palisades Ave SC, 95062	Katie Cullen
4	Mike Taylor	4630 Portola Dr S.C. 95062	Mike Taylor
5	Brenda Miller	3310 Hawks Dr	Brenda Miller
6	Nancy Turk	4910 Chomyle Soguel 95073	Nancy Turk
7	Chris Heiman	3498 HAZARD SOULE	Chris Heiman
8	Jeremy Scribner	451 34TH AVE.	Jeremy Scribner
9	Erin Olsen	2-1081 East Cliff, Apt. 10	Erin Olsen
10	Tim Loomis	422 Pacheco Ave Santa Cruz, CA.	Tim Loomis
11	JANE CASTAGNETTE	138 RIVIERA DR. APTOS, CA. 95003	Jane Castagnette
12	Eric Schnittger	P.O. Box 1653 CAPITOLA, CA 95010	Eric Schnittger
13	Robert Giles	500 38TH AVE Santa Cruz, Ca	Robert Giles
14	RAY A. CONTI	2-2921 E. CLIFF DR. SANTA CRUZ, CA. 95062	Ray A. Conti

We, the undersigned, have read Mike Guth's letter to Jan Beautz regarding the preservation of trees adjacent to Moran Lake and support this effort.

Name	Address	Signature
SPARSHAW	2965 Pasadena Dr. S.C.	[Signature]
[Signature]	31 Rockview Dr. S.C.	JEFF A. NEWKIRK
Martha L Robinson	2876 Chesterfield Dr	[Signature]
BERNARD PATURY	1440 42ND AVE.	[Signature]
[Signature]	102 Meow Way	Bert Mouth
Mike Ericson	155 Palisades #2 <sup>FL</sup>	[Signature]
RYAN AUGENSTEIN	112 RIVERA APTS	Ryan Augenstein
Cameron Lucki	2930 Calla Dr.	[Signature]
Robert E. Crompton	341 34 <sup>th</sup> Ave. S.C.	Rob Crompton
Jeani Mitchell	288 Chesterfield Dr.	Jeani Mitchell
Jim Roloff	2-3715 E. GIFF	[Signature]
Alicia Mangin	2680 FRESNO	[Signature]
[Signature]	2680 Fresno	[Signature]
[Signature]	331 PALISADES	[Signature]

TENY BERKOWITZ

EXHIBIT H-1

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-26

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
Marina Santiago	369 Lett St. Sanz	Marina Santiago
Angela Headley	510 El Salto Capitola	Angela Headley
Ellis Goldfrid	4160 NOVA DR SC.	Ellis Goldfrid
Kerry Beth Hypes	545 Bellevue St. S.C.	Kerry Beth Hypes
ARNOLD ROBINSON	3225 SYLVANERCIRE	Arnold Robinson
Beverly Robinson	" "	Beverly Robinson
Theresa A. Jones	13847 Longridge	Theresa A. Jones
KEITH MILLER	343 GREEN LLY	Keith Miller
Joseph R. Juliana	3052 DOVER DR - APT 15 S.C. R.O.	Joseph R. Juliana
Nicholas Elston	221 Valencia Schat Rd Apt 85003	Nicholas Elston
Leanne Manss	905 CORCORAN AVE	Leanne Manss
JAMES MANSS	905 CORCORAN	James Manss
Blanca Lowe	13847 Longridge	Blanca Lowe
Robert Austin	1500 Park Ave.	Robert Austin

2 We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
Martha Robinson	2876 Chesterfield Dr	M Robinson
John Ribera	151 Angorage	John Ribera
Sandra Hansen	PO Box 2142	Sandra Hansen
Amira Robinson	101 Grand Ave.	A Robinson
Tom Peters	430 Bluegum	Tom Peters
RAY BRANSON	101 GRAND AVE #16	Ray Branson
Steve McIn	6015 Pringle Lane Soquel	Steve McIn
Don Gardner	1155 Suncroft	Don Gardner
Hyman Aulstern	502 Grand Ave	Capitol 95010
Michael M. Mami	418 (E) Sorelty Rd.	Michael Mami
BARBETH HORN	516 Park Ave Cap.	Barbeth Horn
Jan Borsard	4955 Jewel St Capitol	Jan Borsard
ROSSUM	4955 Jewel St Capitol	Ross
ALAN J MINKER	215 E BROADHOLM PHOENIX AZ 85022	Alan Minker

Cileen M. Nebel

309 26th Ave  
Santa Cruz CA 95062  
CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-28



We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
LINDA MINUCCI	2725 Subec Sq	Linda Minucci
ROBERTA FUMA	3058 Aptos Hill Ln.	Roberta Fuma
Connie Jones	509 RIVERVIEW DR CAPITOLA	Connie Jones
Karen Alvarez	3001 Chen Way Saguel CA	Karen Alvarez
Shirley Reimer	320 MAR VISTO APTOS CA	Shirley Reimer
Denise Burris	1100 West Av Santa Cruz CA	Denise Burris
Parvin Ghassemi	1733 Foster Ct. S.C.	Parvin Ghassemi
Diana Rose	APTOS 1828 Summer AV	Diana Rose
Kate Riley	2022 Harper St S.C.	Kate Riley
Lisa Anderson	353 Raker St	Lisa Anderson
Laura Anderson	929 35th Ave Santa Cruz CA	Laura Anderson
Sam Compton	924 35th Ave Santa Cruz CA 95062	Sam Compton
Karl G. Caldwell	1530 BULL AV SANTA CRUZ CA 95062	Karl G. Caldwell
Walter G. ...	413 Hickman Ct. Santa Cruz, CA 95062	Walter G. ...
Stephen D. ...	23635 E. Cliff Apt. 11	Stephen D. ...

4  
We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
DEANIS GODFREY	414 ANCHORAGE AVE SANTA CRUZ	Dean Godfrey
MIKE SELBO	2-2909 E. Cliff Dr #2 Santa Cruz, CA 95062	Mike Selbo
DEANIS AQUILINA	1547 HIDDEN TERRACE CT SC 95062	Dean Aquilina
NATHAN PIERCE	390 TINA DR HOLLISTER, CA 95023	Nathan Pierce
STACY SELBO	22909 E. Cliff Dr #2 Santa Cruz, CA 95062	Stacy Selbo
Matt Arthur	1360 49th Ave Capitola CA 95010	Matt Arthur
RICHARD JUSTE	4335 JAKINNA RD APTOS CA 95003	Richard Juste
HILLARY BROOKS	113 IOWA DR Santa Cruz CA 95060	Hillary Brooks
ANNA BARAWAY	4140 COURT DR. Santa Cruz CA 95062	Anna Baraway
JOSIE RAYNES	2711 CROCKET CT APTOS CA 95003	Josie Raynes
JANET GODFREY	414 ANCHORAGE AVE Santa Cruz, CA	Janet Godfrey
MARK HILLENBACH	1485 CREEKVIEW LN. SANTA CRUZ, CA	Mark Hillenbach
LINDA GIST	360 34TH AVE SC. CA	Linda Gist
BRIAN HART	1820 PICTOLA DR	Brian Hart

5 We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
Steve-Glossco	629 35th Ave	Steve M. G.
Kent Adney	2902 Kristed., S.C.	Kent Adney
Annette Pennock	3000 PLEASURE POINT DRIVE S.C.	A. Pennock
BARBARA SCHLAGER	3001 PLEASURE POINT DR. S.C.	Barbara Schlager
Peter Beckman	1244 32nd Ave. S.C.	Peter Beckman
Dana Crause	5520 GROSS RD	Dana Crause
Mike Ward	22960 E. CLIFF DR.	Mike Ward
Kevin BUTLER	3051 PLEASURE PT. DR. S.C.	Kevin Butler
Paula Brown	430 34th AVE.	Paula Brown
STEVE WEST	430 34th Ave	Steve West
Erory Hughes	742 Paget	Erory Hughes
JUDY BUDGE	2-3651 EAST CLIFF	Judy Budge
JAMES MELLO	1438 GARDEN CLIFF AV S.C.	James Mello
Lolie Bridgely	1561 30th Ave S.C.	Lolie Bridgely
Gregory Andino	304 Hill St. Capitola 95010	Gregory Andino

4 We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
Tanya Wadhwani	155 Palisades Ave SCCA 95002	Tanya Wadhwani
Jim Hughes	155 Palisades Av S.C. CA 95002	Jim Hughes
ROSANA VILARÓ	155 PALISADES S.C. CA 95002	Rosana Vilario
Dale Tracy	2930 CALLA OR SANTA CRUZ CA	Dale Tracy
Beau Godfrey	3054 Aguel Dr. 70401 Ca	Beau Godfrey
Robin Janiszewski	315 36th Ave 95002 Santa Cruz Ca	Robin Janiszewski
Cathy Chen	3011 Hawes Dr. S.C. SANTA CRUZ	Cathy Chen
JAMES ANTONELLO	529 35TH AVE SANTA CRUZ	James Antonello
Sterling Lewis	23434 E CLIFF S.C., Ca 95062	Sterling Lewis
John E Pfock	9000 Chesterfield Dr. SC 95062	John E Pfock
LUIS MARQUES	232 30th #B- SANTA CRUZ 95062	Luis Marques
Tim Johnson	500 38th Ave S.C.	Tim Johnson
GARY EVANS	501 PALISADES S.C.	Gary Evans
BONNIE KISH	325 PALISADES AVE SANTA CRUZ, CA 95062	Bonnie Kish

Peter Potevhauser 936 38th ave  
CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-32

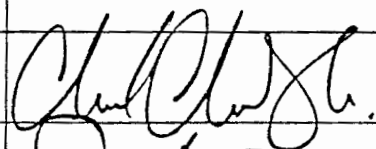
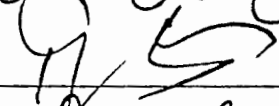
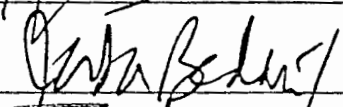
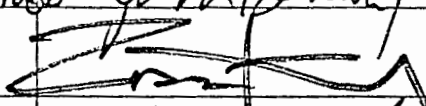
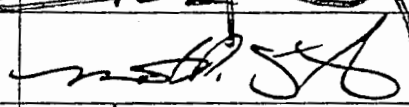
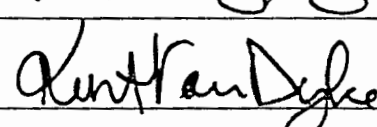
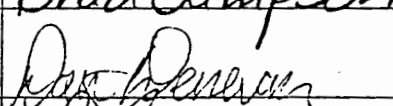
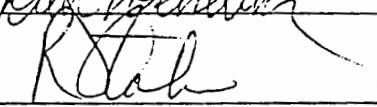
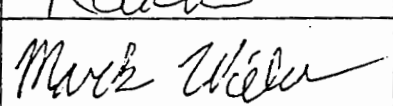
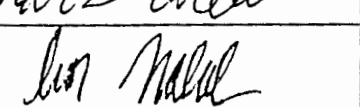
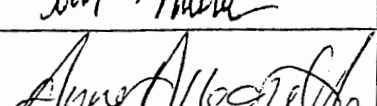
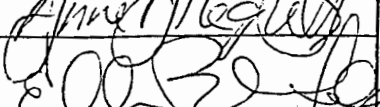

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.


Name (PRINT)	Address	Signature
Nate Penniman	2-2979 E. Cliff Dr	Nate Penniman
Tim Wolf	1850 46th Ave <sup>CA</sup>	Tim Wolf
Phyllis Christensen	102-32nd Ave	Phyllis Christensen
W.S. Hyslop	1015 HECL DR.	W.S. Hyslop
Kalu Coletta	4340 Gladys Ave S.C.	Kalu Coletta
Carol Latta	152 Olive Springs, Soquel	Carol Latta
Shannon Stanger	480 Larch Ln.	Shannon Stanger
Sean Petersen	675 38th ave	Sean Petersen
Kim Hall	1780-43rd Ave	Kim Hall
Glen Peterson	2122 Warren	Glen Peterson
Penn S. Morrison	3835 MORAN WAY S.C.	Penn S. Morrison
Bob Farley	108 Sequoia	Bob Farley
Kristina Wimpz	137 Clay #4 San Mateo 95060	Kristina Wimpz
Mike Welch	475 REDWOOD DR FELTON 95010	Mike Welch

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
MATT LOCHNER	235 MAR VISTA DR. APTOS, CA 95008	Matt Lochner
BUD FREITAS	130 34 <sup>th</sup> AVE <sup>95062</sup> SL	Bud Freitas
Bobby Paul	1825 AVIATOR ST SANTA CRUZ, CA	Bobby Paul
Pat McGinnis	610 Riverview Dr Capitola CA 95010	Pat McGinnis
CHRIS STANGER	2911 CALA DR. S.C. CA. 95060	Chris Stanger
Sheryl Allen	7857 Mattison Ln Santa Cruz, CA 95062	Sheryl Allen
R'Leen Lovina	740 30th Avenue Santa Cruz CA 95062	R'Leen Lovina
Evelyn Arant	3052 Elda Lane Santa Cruz, CA 95062	Evelyn Arant
MARTY SCHREIBER Marty Schriber	1915 15TH AV SANTA CRUZ 95067	Marty Schriber
John Horsten	7-2680 ECLIFF	John Horsten
TJ MIKUS	211 35TH AVE	TJ Mikus
BRETT SHAW	120 32nd Ave	Brett Shaw
Tim Lochner	3401 Roland Dr. SANTA CRUZ, CA 95062	Tim Lochner
MATT SCHRODETZ	711 37 <sup>th</sup> santa cruz	Matt Schrodetz

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
CHARLIE Chesleigh	21681 E. CLIFF #16 S.C. CA 95067	
Terry Champion	4501 AVOA S.C.	
JASON Bedient	1037 A-3 <sup>rd</sup> 95060	
<del>ZAC KING</del>	117 PLEASANT ST.	
MATT Stelck	417 Market St.	
Kurt HanDyke	3811 Floral	
<del>BRAD SAMPSON</del>	660 Paget St.	Brad Sampson
Dan Denevan	4540 Bain Ave	
R. Stakem	241 30th Ave	
Mark Wiebe	401 Palisades	
IAN KABAL	3229 Scriber St	
Anne Allegretti	3230 Howard St. 95062	
Ellen Blumhardt	560 Palisades	
Dennis Mann	560 Palisades	

Chal Paeglow 325 Palisades 

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-35

9

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

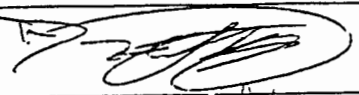
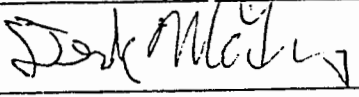
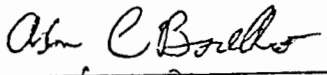
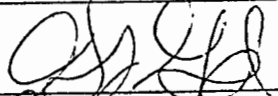
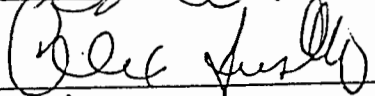
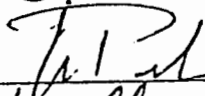
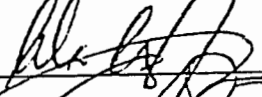
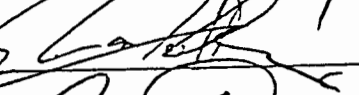
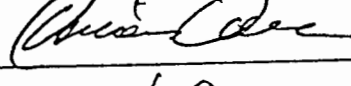
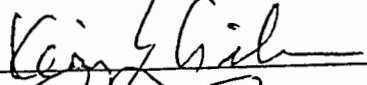

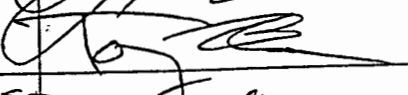

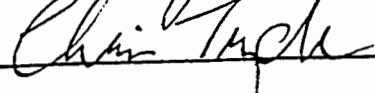
Name (PRINT)	Address	Signature
Jack Blum	Plum Mt. Dr.	Jack Blum
John Brunk	1120 Seabright	John Brunk
Olivia Marques	232 30th Ave	Olivia Marques
Edwin Rugh	318 Chestnut St	Edwin Rugh
Craig Schindler	1875 Pine Blvd RD Santa Cruz, CA	Craig Schindler
Fel Guzman	5 Isabel Dr Santa Cruz 95062	Fel Guzman
Holly Guzman	200 7th Ave Santa Cruz 95062	Holly Guzman
Char Zajac	507 Alta Vista Dr. Santa Cruz CA	Char Zajac
Susan Greeninger	6200 Fern Field Apt 5 CA. 95003	Susan Greeninger
Nora Bianchi	150 Miguels Mt Ln Apt 5 CA 95003	Nora Bianchi
Ann Thompson	662 Cathedral Dr Apt 5, CA 95003	Ann Thompson
Jim Atkinson	335 Loxley Apt 5, CA 95003	Jim Atkinson
EJ	1022A San Andres rd La Selva Beach CA 95071	EJ
JR	740 30th Ave SC 95113	JR



We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
Amba Kumar	318 Lunden SCRUZ	Amba Kumar
Paul Reyes	2130 Brommer St	Paul Reyes
Josh Cozzellato	405 37th Ave	Josh Cozzellato
Dr. Green	405 37th Ave	Dr. Green
Jose Colon	722 25th Ave #29	Jose Colon
MILES GROSZMAN	3745 Ramo Dr. SC	Miles Groszman
William Osgood "WILD BILL"	56 Birdhill Ln. Santa Cruz	William Osgood
LEAH HERNANDEZ	4510 WHARF RD SOQUEL	Leah Hernandez
Larry Flitt	4701 Portola	Larry Flitt
Ed Chirco	131 Anchorage	Ed Chirco
Kim Ruby	131 Anchorage	Kim Ruby
Pamela Wylie	373 Seaside Rd #	Pamela Wylie
DON DART	5052 Pleasure Bn	Don Dart
Roberto V. Rubalcava	4870 Jewel St CAPITOLIA CA 95010	Roberto V. Rubalcava

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
Don Moretz	1215 Dougmar Dr. Santa Cruz, CA 95062	
Derek McGirney	Po Box 44 Ben Loma Ca. 95005	
Adam Borello (concerned citizen)	605 37th Ave. Santa Cruz, Ca 95062	
Greg Gurd	3051 Pleasure Point Dr. 95062	
Alex Sushko	96 Rancho Del Mar Apt 07, CA 95007	
GREGG PETERSON	4120 COUNTRY DR. SANTA CRUZ, CA	
Alex Jimenez	2015 Brimmer St. Santa Cruz 95062	
Carlos Sosa	6901 30th Ave SC, CA 95062	
Orion Davis	3051 Pleasure Point Dr. Santa Cruz, CA 95062	
Kevin Gibson	721 Park Way Santa Cruz, CA 95062	
Jeremy Davis	740 Paget St. Santa Cruz CA	
Tony Cullen	1049 38th AVE SANTA CRUZ CA.	
Jill Ayers	216 SWIFT ST SC CA 95060	
Chris Tryde	10 WEST CLIFF DR. Santa Cruz	

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
Justin FASSIO		<i>Justin F Fassio</i>
Mikey Clement		<i>Mikey Clement</i>
TED M. COOPMAN	U4SC@EMAIL.COM	<i>T M C</i>
JASON KRAUSE		<i>Jason Krause</i>
Darshan Gooch	7245 Lotus Wy. Aptos, CA 95003	<i>Darshan P. Gooch</i>
JANA FAITH	235 25th AVE. <sup>S.L.</sup> 95060	<i>Jana Faith</i>
AMBERLAIN	307 DREIS AVE	<i>Amberlain</i>
Vernon		
Charlie Bursey	1485 45th ave #3	<i>Charlie Bursey</i>
Shannon Von Neede	3912 Portola Dr.	<i>Shannon Von Neede</i>
PHILIP VON NEEDE	3912 Portola Dr.	<i>Philip Von Neede</i>
DAVID HALL	745 41st Ave	<i>David Hall</i>
<i>Larry Freitas</i>	522 Harriet Ave Aptos, Ca	LARRY DENIS FREITAS
LARRY FREITAS	522 Harriet Ave Aptos	<i>Larry Freitas</i>

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
Chester M. Belknap	2891 Sandy Ln Santa Cruz	<i>[Signature]</i>
AUSTIN KEEGAN	333 R. Del Mar Blvd.	<i>[Signature]</i>
Jan Pelton	914 Market St. <sup>apto</sup>	<i>[Signature]</i>
Roberta Bristol	911 Balboa Ave <sup>Capitol</sup>	<i>[Signature]</i>
Julius Sarkis	156 Archer Ave <sup>Drive</sup>	<i>[Signature]</i>
Annamarie Wilson	417 Broadway Santa Cruz	<i>[Signature]</i>
Karen Ashby	341 Laurent St.	<i>[Signature]</i>
Lucy Appel	523 Palisades Ave <sup>San Diego</sup>	<i>[Signature]</i>
JAY GILLILAND	523 Palisades Ave	<i>[Signature]</i>
Steven Hancock	2745 S. Main	<i>[Signature]</i>
Chris McRae	502 Oak Drive <sup>Capitol</sup>	<i>[Signature]</i>
William Ponka	2666 QUARTZ ST. <sup>SC</sup>	<i>[Signature]</i>
Earl Hamblin	434 Suncoast Way	<i>[Signature]</i>
Brian Berts	635 Bayview Dr	<i>[Signature]</i>

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
SUSAN NORTH	<sup>CAPITOLA</sup> 980 BALBOA DR	<i>Susan North</i>
Betty Bartholomew	<sup>Boulder Creek</sup> 395 Orchard Dr.	<i>Betty Bartholomew</i>
<i>M. W. ...</i>	1700 4th St	<i>M. W. ...</i>
JEFF M. ...	<del>554</del> 335 <sup>4th</sup> LOSS ST	<i>Jeff M. ...</i>
<i>Bob ...</i>	507 Encino Dr	<i>Bob ...</i>
Lisa Anderson	433 Palisades Ave	<i>Lisa Anderson</i>
CURT OLIN	522 CENTRAVE AVE	<i>Curt Olin</i>
Tom Danley	3110 Mulberry Dr	<i>Tom Danley</i>
Daniel Strawn	1203 41st CAPITOLA 9506	<i>Daniel Strawn</i>
Bill Hovning	471 Sams Rd. SC	<i>Bill Hovning</i>
T.D. VIDNOVIC	123 52nd AVE. SC	<i>T.D. Vidnovic</i>
C. Malone	560 30TH AVE <sup>FB</sup>	<i>(Craig Malone)</i>
<i>P. ...</i>	1011 BOSTWICK ST	<i>P. ...</i>
Betty Gullberg	345 30th Ave	<i>Betty Gullberg</i>

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name (PRINT)	Address	Signature
Tamas Ragin	1905 Eagle Alameda, CA	Tamas Ragin
John Vinsky	Aptos Ca	John Vinsky
ADAM REKOGLE	CAPITOLA CA.	Adam Reogle
Gabe Mackenzie	EASTSIDE !!! Santa Cruz, CA	Gabe Mackenzie
Shauna Alexander	1675 Chestnut #2 SF CA 94123	Shauna Alexander
Chapmans	2500 SOQUEL DR Santa Cruz CA 95065	Chapmans
Catterlins	341 Rio Del Mar Aptos. CA 95003	Kyle T. Catterlin
ERIC SCHNITZER	P.O. Box 1653 Capitola CA 95010	Eric Schnitzer
Jony Mikus	560 30th SC 95062	Jony Mikus
Aja Moody	2670 FRESNO ST. Santa Cruz, Ca. 95062	Aja Moody
Neal Kearney	420 Palisades Santa Cruz, CA	Neal Kearney
Penelope McGuire	3505 Hilltop Rd Soq.	Penelope McGuire
David Rafferty	Santa Cruz, CA	David Rafferty
Charlie Parker	424 Loma Prieta Dr.	Charlie Parker

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAKE FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
DAMIAN SOSA	508 LAVERNE AVE APTOS, CA 95003	Damian Sosa
RIAN MOORE	4120 GUNBY S AVE SANTA CRUZ CA 95062	Rian Moore
KEEFE GARGAN	389 Calle Guaymas San Clemente CA 92672	Keefe Gargan
Steve Jones	1555 Bean Creek Rd Scotts Valley Ca 95066	Steve Jones
TERRY M QUARDE	921 WINDSOR ST SANTA CRUZ, Ca	Terrance M Quinones
JAY MORIARTY	2-2965 E. CLIFF DR. SANTA CRUZ CA	Jay Moriarty
Dr Rumpas	599 35th Ave	Dr Rumpas
ALAN J. SORR	2735, WARREN ST	Alan J. Sorr
Bill Edmonson	320 32nd Ave	Bill Edmonson
Christopher Cole	503 Village Cr. S.C.	Christopher Cole
Lee Hoover	899 Brookside Dr. Feltan, CA 95018	Lee Hoover
B. FREEMAN	201 9TH AVE, SC	B. Freeman
MARK Waechter	251 32nd AVE, SC	Mark Waechter
Emily Waechter	251 32nd Ave	Emily Waechter
Julian Egan	209 Lake St	Julian Egan

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
DONNA SANTORO	PO BOX 1625 CAPITOLA 3531 Arlington Dr Aptos CA 95003	Donna Santoro
Pamela Cox	19631 Vision Dr Tepanga CA 95024	Pamela Cox
Mark Herman	19631 Vision Dr Tepanga CA 95024	Mark Herman
Agi Ann Agior	19631 Vision Dr Tepanga CA 95024	Agi Ann
Jeff Rodrigs	122 Sunset Dr. 95010	Jeff Rodrigs
CRAIG SPRICKBETT	SC 4365 PALCLIFF. 95062	Craig Sprickbett
Will Church	400 Anchorage	Will Church
Kevin Seeger	2620 Capitola Ave	Kevin Seeger
Diane Brenahan	720 Rosedale Ave	Diane Brenahan
J. L. Reddy	127-7th Ave SE.	J. L. Reddy
Richard Morey	415 Palisades; S.C.	Richard Morey
Richard Buckmiller	245 26 Ave Santa Cruz	Richard Buckmiller
DERONA TARANTINO	PO Box 3430 Santa Cruz 95063	Derona Tarantino
JEFF BEE ANN	311 Palisades Ave.	Jeff Bee Ann
David Haisten	104 Turrell St. Aptos	David Haisten



WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT  
SIGNATURE

ADDRESS

PHONE  
E-MAIL

SARAH LEUNG 3070 Amy Anne Pl (831) 476-8103  
Santa Cruz, CA 95062  
Sarah Leung

2220 Chertmiller #7  
Jay K Haley, SCruz CA 95062 477-0449

Diana Rose 1528 Summer Av Aptos 95003 688-1219

Phyllis 1011 Boswell 408-9088

Ang Simmons 212 Treasure Dr 684-9122

Carrie Treubach 1512B-17th Ave S. 476 9593

Dorothy Galini 545 Spruce Aptos 688-2204

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-45 CP

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
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PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT  
SIGNATURE

ADDRESS

PHONE  
E-MAIL

KEVIN KEARNEY 420 Palisades 476-2836  
Santa Cruz  
*Kevin Kearney*

William J Parkore 2666 QUARTZ 475-0855  
SANTA CRUZ  
*William J Parkore*

Diane Bresnahan 720 10vladydi@yahoo.com  
Rosedale Ave.  
*Diane Bresnahan*

PATRICIE Kretsch 107 Hollister Ave pkrtsch@prebell.net  
CAPITOLA  
*Patricie Kretsch*

Alana Wood 240 Monterey wood12@apple.com  
Ave #5  
Capitola  
*Alana Wood*

AUSTIN KEEGAN

Gene Kruger 333 Rio Del Mar Blvd. 684-2774  
Will Hall 201 LAURENT ST SL 457-1842

Will Hall Santa Cruz Ca  
CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-46 CP

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAKE; ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
Carrie Cox	2625 Warren St.	Carrie Cox
Chris McRae	502 Oak Drive	Chris McRae
Nerasha Durham	100 Pasture Rd. S.C.	N. G. Durham
Vicki Pearce	79 Alta Vista Dr., S.C.	Vicki Pearce
Marilyn Barrett	Aptos, Ca. 95003 351 Redwood Mts. Rd.	Marilyn Barrett
Elizabeth Jones	960 N. St. Santa Cruz 95060	Elizabeth Jones
Elizabeth Jones	1870 Boli, S.C.	Elizabeth Jones
Michael Stone	210 Cedar St. S. Cruz	Michael Stone
Dennis Davis	POB 344 SANTA CRUZ 95061	Dennis Davis
Cornelia	100 Pasture Rd	Cornelia
Cynthia Vardul	2501 Hoxton Ave Aptos Ca	Cynthia Vardul
John Rife	916 FAIR AVE. SC, CA 95060	John Rife
Kim Carder	104 Harbor Oaks Cir SANTA CRUZ, CA 95062	Kim Carder
Rock Potemauer	1115 Live Oak Ave Santa Cruz, CA 95062	Rock Potemauer
Linda Kishlansky	1042 Live Oak Ave SC	Linda Kishlansky

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-47

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON; FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
Martha Flohr	1255 Brommer Way <sup>SC</sup>	<i>[Signature]</i>
Jill Perry	829 32nd Ave <sup>SC</sup>	<i>Jill Perry</i>
Colleen Sanderson	1170 Chanticleer <sup>SC</sup>	<i>Colleen Sanderson</i> <sup>CS 1026 @ 201</sup>
William J. Scrivens	1170 Chanticleer <sup>AV</sup>	<i>William J. Scrivens</i>
Wendy Barron	525 Redwood <sup>THS</sup>	<i>Wendy Barron</i>
Mariana Santiago	PO BOX 7441 <sup>SC</sup>	<i>Mariana Santiago</i>
Tary Beth Hypes	545 Bellevue <sup>95060</sup> S.C.	<i>Tary Beth Hypes</i>

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
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PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT	ADDRESS	PHONE
SIGNATURE		E-MAIL

Barbara Pasternak 3900 Del Mar Blvd Soquel

Deborah M. Michael 335 Shoreview Dr Aptos

(Nancy L. Moritt)  
Nancy Moritt 214 Shoreview Dr Aptos

Gay Hughes 742 Paget S.C.

Rob n Abu-Sumayyeh  
Rob n Abu-Sumayyeh 742 Paget 5941 Cr 42 UCSC-ed4

Charlene Rymsha  
Charlene Rymsha 507 Market St. 831-458-9302  
crymsha@hotmail.com

Ann Lindsey

Ann Lindsey

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-49

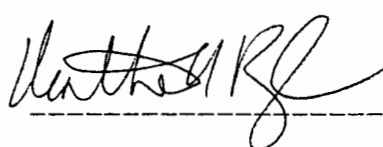
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Santa Cruz CA 95060

(5) CP

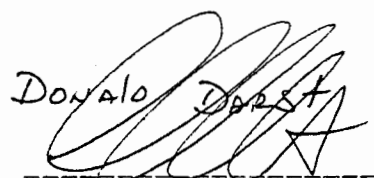
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GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

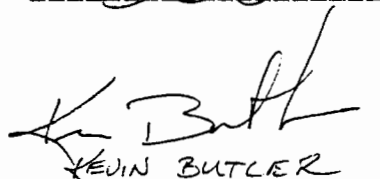
WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
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COMMUNITY.

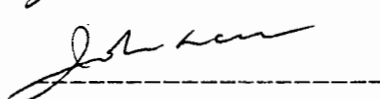
NAME PRINT SIGNATURE	ADDRESS	PHONE E-MAIL
-------------------------	---------	-----------------

HEATHER RANGER 	324 34TH AVE SANTA CRUZ	831-479-0778
---	----------------------------	--------------

John Weber	401 Palisades	831 476 2609
------------	---------------	--------------

Donato Dorsey 	3052 PLEASURE POINT DR	465-1142
--	------------------------	----------

Kevin Butler 	3051 Pleasant Dr	464-7043 EXT 3
---	------------------	----------------

John Meeks 	153 Palisades Ave.	831-475-5896
---	--------------------	--------------


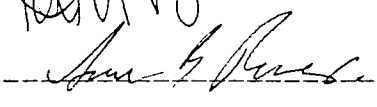
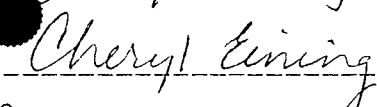
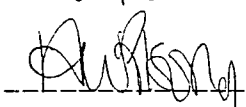
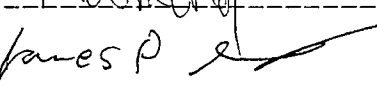


JEREMIAH SAILER	4670 CRYSTAL ST	831-485-1803
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CAPITOLA

CALIFORNIA COASTAL COMMISSION  
EXHIBIT (E) 50

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBORHOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
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COMMUNITY.

NAME PRINT SIGNATURE	ADDRESS	PHONE E-MAIL
Kate Babis 	156 Tonne Ter Santa Cruz 95060	425-8096 kbabis@oneill.com
	311 Raymond St SE 95060	831 469 9132
Cheryl Eining 	PO 1935 Capitola CA	831-768-9797
AnnMarie Wilson 	720 14th Ave, Santa Cruz	(831) 476-7456
	James P Gentry, 169 Rankin St	(831) 233-2399
CORIN MOWER 	339 Kingsbury Dr. Aptos	831) 662-2574
	1117 Seabright Ave Santa Cruz	(431) 427-0541

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAAGOON; FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
MIKE KETCHUM	2-3715 E CLIFF DR.	<i>Mike Ketchum</i>
Cliff Dinsmore	690 37 <sup>th</sup>	<i>Cliff Dinsmore</i>
Julian Sekon	209 Lake Ct	<i>Julian Sekon</i>
CJ NELSON	241 32ND	<i>CJ Nelson</i>
TAD GIBSON	684 - 9581	<i>Tad Gibson</i>
RYAN AUGENSTEIN	684-1943	<i>Ryan Augenstein</i>
Casey Smith	464 2876	<i>Casey Smith</i>
Dale Mann	476 E 478	<i>Dale Mann</i>
Seth Taylor	476-5612	<i>Seth Taylor</i>
R. Thomas <sup>Rachel Thomas</sup>	588-4486	<i>Rachel Thomas</i>
Stacey Mattson	4345 Opd Cliff DR.	<i>Stacey Mattson</i>
Bill Robinson	1400 Roby Ct <sup>th</sup> 4	<i>Bill Robinson</i>



WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT SIGNATURE	ADDRESS	PHONE E-MAIL
Jeff Blanchard	3001 Hawes Dr	475-0408
Jeff Blanchard		jeffb@CruzID.com
Kelle Mason	3001 Hawes Dr.	
Kelle Mason	Santa Cruz, CA 95062	475.0408
Erin Torrey	437 Anchorage Ave.	
Erin Torrey	S. Cruz, CA 95062	475-7054
Wil Johnson	1117 THOMPSON ST.	
Wil Johnson	SANTA CRUZ, CA 95062	
Stan Meurer	150 -A 25TH AVE	831-479-7769
Stan Meurer	SANTA CRUZ, CA 95062	
LIZABETH LUTZ		
LIZABETH Lutz	650A main St Watsonville, CA	NA
Marianne Santiago	Postal Box 7441 Santa Cruz, CA 95061	239-3929

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-53

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT  
SIGNATURE

ADDRESS

PHONE  
E-MAIL

SIGNATURE

E-MAIL

Michael Congdon, 580 34<sup>th</sup> Ave, 479-0660  
Waxfoots@webtv.net

Paul Johnson, 425 Palisades Ave, 476-3823  
Paul.Johnson@Lotris.com

Cheryl Johnson, 425 Palisades Ave, 476-3823  
Paul.Johnson@Lotris.com

Terry Campton, 4501 Nova Dr, 479-9860  
Campton@crizio.com

AARON HERSHEX, 4505 NOVA DR, 462-6964  
GOIN OFF @ NETZERO.NET

Paul Manchester, 4440 Gladys Ave, 476-8889  
pman@crizio.com

CALIFORNIA COASTAL COMMISSION

2B EXHIBIT E-54

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBORHOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
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GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT	ADDRESS	PHONE
SIGNATURE		E-MAIL
Sue Seely Herforth	130 Paseo Bonito	iceorders@cruzio.com
Sue Seely Herforth	Aptos Ca 95003	

MARGARET A. CAMPBELL

Margaret Campbell	134 Frederick St	460-1046
	Santa Cruz 95062	

CIA BASILLE

Cia Basille	1920 Capitola Av.	464-0766
	Capitola, CA 95010	

Marcia Smith	535D Summer St	
Marcia Smith	SC Ca 95062	475 5935

Christa Mondragon

156-30th Ave

christa@happyhut.com

Chris Myrin

Santa Cruz, CA 95062

477-0588

Sloan Hamilton

156 30th Ave.

sloan@happyhut.com

Sloan Hamilton

Santa Cruz, CA 95062

477-0588

Jim Roberts

2-3715 E Cliff Dr

Santa Cruz Ca 95064 NUNE

James Roberts

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-55

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBORHOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT	ADDRESS	PHONE
SIGNATURE		E-MAIL
<i>Robert L. Hestings</i>	<i>107 Wagon Ave</i>	

<i>Siobhan Saunders</i>	<i>909 Bellignai St</i>	
	<i>SANTA CRUZ CA</i>	<i>477-2076</i>
<i>Kevin &amp; Barbara Clark</i>	<i>141 Anchorage Ave</i>	<i>SURFTHEPOINT@HOL.COM</i>

<i>Tamara &amp; Will Church</i>	<i>400 Anchorage Ave</i>	<i>476-8361</i>
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<i>Howard Hale</i>	<i>135 Anchorage Ave</i>	<i>(831) 475-8753</i>
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<i>Kim Ruby</i>	<i>131 Anchorage</i>	<i>831 476-2720</i>
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<i>Matt Ceranier</i>	<i>22940 E. Cliff Dr. SC. CA</i>	<i>479-9092</i>
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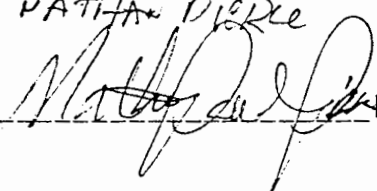
<i>Jim Rios</i>	<i>21135 Ave SC</i>	<i>475-7429</i>
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CALIFORNIA COASTAL COMMISSION  
EXHIBIT **E-56**

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
GHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

Ed Chirco	131 Anchorage Ave	476-2720
NAME PRINT	ADDRESS	PHONE
SIGNATURE		E-MAIL
Ed Chirco		

NATHAN DIERKE	131 E. PARADISE WAY	APR 23 95023	688-857
			

Tim Lechner	3401 Roland Dr. Santa Cruz, CA 95062	476-4754
Jim Lechner		

Brook Medinger

Brook Medinger	1984 Catalina Dr. SC. 95062	454-2218

BENTY JAMISON	1148 34th AVE. SANTA CRUZ	475-1760

James Spaventa	12021 FELT ST SANTA CRUZ	427-2716

SEAN BROWN	SANTA CRUZ 314 CAYUGA ST.	457-1522

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-57

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

Nathan Whitehead	1755 48 <sup>th</sup> Ave	468-9033
NAME PRINT	ADDRESS	PHONE
SIGNATURE		E-MAIL
Michael D. Cooper	1385 7 <sup>th</sup> Ave #69	462-8226

Pete Bernay 1070 7<sup>th</sup> Ave, 464-4828

Shirley #16 Moran Ave 478-5791

RAY CONTI (PPHF) 22921 E. CLIFFORD ST. 465-8645

Sam Arzallan 2125 Francisco Blvd  
Capitola CA 95010 831-465-9323

Bonnie Armstrong 215 Saxon Ave  
Capitola CA

Carol Jones 516 Clubhouse Aptos

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-58

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
BROCKE THORSON	242 25th AVE SE	Brocke Thorson
KARRI KADY	242 25 AVE SE	Karri Kady
KISSIE OLSEN	322 30th AVE SE	Kissie Olsen
RICHARD SCHULZ	101 MORAN WAY SE	Richard Schulz
DILIA SCHULZ	101 Moran way SE	Dilia Schulz
JIM SALVINO	309 McLENNAN <sup>AP</sup>	Jim Salvino
THE ELSTON	271 Valencia School Aptos	The Elston
STEVE NICHOLSON	9900 Monroe Ave Aptos	Steve Nicholson

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON; FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
(print)		PHONE EMAIL
ANNE MORSELAN	107 PASATIEMPO OR SANTA CRUZ, CA, 95060	Are worked (831) 425-0405
SUSAN ALSTON	SC, 95060 489 Center St E	831 423-0234
Rani Olson	SC. 95062 207 Alhambra Av.	(831) 409-3603
Lilani	537 Palisades Av	464-0166
Michael	"	464-0160
Naghme Reseschkian	41 Grandview St SC 95060	457-0954
Joanne McKinney	Davenport 584 Swanton Rd.	433-5100
Fiona Hollins	113 Francis Ct SCCA 95062	fiona@cruzio.com 425-0263
Joy Mmahan	2324 Melrose Pl., SC	462-5351
Linda Kishlanghy	1892 Live Oak Ave SC	462-3388
Wend Wilshusen	1115 Live Oak Ave SC	
Ralf Larsen	1040 35th Ave #42	476 2760
Shelby Henderson	1285 Brommer S.C. CA. Way	475-2505
Colli	1260 Brommer Way	479-7736

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-60



We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
Aileen Henderson	2902 Chestnutfield Dr.	Aileen Henderson
Jean Winterburn	2025 Alice St	Jean Winterburn
Terry Himmel	1105 Rodriguez St	Terry Himmel
Sara Green	3000 Portola Dr.	Sara Green
Bill Mitchell	2691 Placer St	Bill Mitchell
Elyce Boyd	292 Silverfish Ct.	Elyce Boyd
Keith Cerruti	330 Palisades Av	Keith Cerruti
Ram Cerruti	330 Palisades Ave	Ram Cerruti
BONNIE FISH	325 PALISADES ave	Bonnie Fish
TAMARA GEYER	605A 38th Ave	Tamara Geyer
Cheryl Romo	250 30th Ave	Cheryl Romo
Carl White	1019 CAPTAIN CT	Carl White
Christie Sanden	765 Heath Cove S.C.	Christie Sanden
Nikola Stishman	1505 42nd A.P.	Nikola Stishman

We, the undersigned, agree with Mike Guth's letter to the Planning Commission and oppose approval of the proposed development adjacent to Moran Lake. We do not find this development to be in keeping with the nature of the community.

Name	Address	Signature
MIKE CHIARAMONTE	2610 PLACER ST. SANTA CRUZ -	Michael Chiaramonte
JAMES FILLER	125 MORAN WAY SANTA CRUZ	James F. Filler
Ty Hickman	176 Harbor Oaks S.C. 95062 Circle	Ty Hickman
Ann Hope	138 Beachview Ave. Santa Cruz	Ann Hope
Jennifer Stenlund	7105 MC Adams Ln Felton CA 95718	Jennifer Stenlund
Jennifer Clark	377 35TH AVE S.D. Cal. Ave	Jennifer Clark
Amida Jua	597 30TH AVE S.C. Ca.	Amida Jua
Andrew Stewart	30th Ave Santa Cruz	Andrew Stewart
Jessica Deener	731 36th Ave. Santa Cruz, CA	Jessica Deener
Carrie Howieski	2831 Fresno St. S.C. CA 95062	Carrie Howieski
Tom Paulden	410 Palisade SC, CA 95067	Tom Paulden
Kelly Scherf	1241 MORAN WAY SC CA 95062	Kelly Scherf
Kristen Demarest	572 35th Ave SC 95062	Kristen Demarest
Liz DePuydt	2665 Waverly St SC 95062	Liz DePuydt

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON; FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

SHARE

(print) NAME	ADDRESS	SIGNATURE
(print) NAME	ADDRESS	Phone _____ EMAIL _____
<i>[Signature]</i>		
<i>[Signature]</i>	1330 Broomway	
TED M. COOPMAN	2501 FRIESLAND Cct. SC.	Ted@royecon.com
Ronald Paul Mason <i>[Signature]</i>	2303 Porth A #1	Ronald Paul Mason
Robert Blodgett	620 El Salta Drive Capitola	Robert Blodgett
ERIN KELLY	7960 B Sogvel, Apts	Erin Kelly
R'Leen Loving	740 30th Ave Santa Cruz, CA 95062	R'Leen Loving
Marcia Blodgett	216 Lake Court Aptos, Ca.	
<i>[Signature]</i>	4440 Gladys Ave 95062	<i>[Signature]</i>
TRAVIS REYNOLDS	427 ANCHORAGE AVE. SC 95062	TRAVIS REYNOLDS
Cystal Trumborg	1112 Kaunokua St. Honolulu, Hawaii 96825	Cystal Trumborg
CAMERON LACKI	2930 CALA DR. SANTA CRUZ CA, 95062	<i>[Signature]</i>
Esan Wolhal	31420 Via La Naranja Carmel Valley Ca 93924	
Isis Peppard	17 Sunset Dr. Watsonville, Ca. 95067	Isis Peppard
Marilyn Garrett	351 Redwood Hts. Rd. Aptos, Ca. 95003	

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-63

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WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE  
NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS,  
CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-  
2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE  
GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY  
PARK.

WE AGREE WITH THE POINTS FOR THE PRESERVATION OF THIS HISTORIC  
WINDBREAK FOR MANY BENEFITS TO THE ENVIRONMENT AND THE  
COMMUNITY.

NAME PRINT  
SIGNATURE

ADDRESS

PHONE  
E-MAIL

*A. J. Pennock*  
*A. Pennock* 3000 Pleasure Pt. Drive pennocks@pacbell.net

*L. J. Dent* 3052 Pleasure Pt. Dr. 11dant@yahoo.com

*Tom McCollum*  
*Tom McCollum*

3052 Pleasure Pt. Dr. 465-1142

J.D. VIDNOVIC

*J.D. Vidnovic* 123 32nd Ave Santa Cruz CA 95061 476-2439

Acacia Robertson

*Acacia Robertson* 700 Almar Av. S.C. CA 95060 831-420-0618

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERNS RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON; FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	PHONE	EMAIL
(SIGN)			
<i>Jason Parker</i>	CAPITOLA, 1740 - #2 Ruby Court		
Rawley Bushman	Santa Cruz 3032 Buckingham Ln.		
Sharon David	540 13 <sup>th</sup> ave #13		
<i>Heidi McKnight</i>	236 A North Ave #105		
RALPH HEADRICK	152 25 <sup>th</sup> Ave 95062		
Mary Vanderhooft	152 25 <sup>th</sup> Ave 95062		
Edward Buliez	ADTOS 232 North Ave		
KATIE MATTHEWS	610 Capitola Ave, Capitola 95010		
LYNN MADDEN	SANATA 887 35 <sup>th</sup> AVE. CRUZ 95062		lgraeber@subizink.com
Julie Gilbert	705 Riverview Dr Capitola	475-4826	
Colleen Sands Scripps	Ave 1170 Chantrelle		C Sands 1026 @ AOL
<i>Bev Arner</i>	3225 SYLVANER GR		BEVARN@ATTG-LOCAL-NG
Clare Charkowski	2080 7 <sup>th</sup> S C		elained@got.net
Isabel Wilson	170 Westmor Dr Santa Cruz 95060		

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-65

7

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

(print) NAME	ADDRESS	<del>SIGNATURE</del> PHONE / EMAIL
Signature Moon Lockwood	410 36th Ave	444 9236 Moon@scsqaatch.com
S. O'Hara	415 36th Ave	(831) 462-5467
Thomas Floyd	P.O. Box 1589 Sequoia, CA.	831-661-1174
Cliff & Vicki	1 Underhill Mill Valley, CA 94941	415 383 4532
Ambrose Young	1021 Lewis Circle Santa Cruz, CA 95062	462 4269
222-	2-1507 East Elfin RD.	476 7650
Alvin Baker	355 HANST. FELTON 95018	831 335 2258
WADA BOWERS	341 36th Ave	460-0652
Bill Keech	914 32nd Ave	475 0636
Dennis FORDYK	1247 SUSAN LN. SANTA CRUZ	476-9176
Humant	527 1/2 CAPITOLA AVE CAPITOLA CA 95010	462-9316
Trevor Thorpe	1360 49th Ave Capitola, CA 95010	462 1153
CLAUDIO AQUINO	311 33rd Ave Santa Cruz, CA 95062	464 8543
Elliot Fisher	732 Rosedale, Capitola CA 95010	475 4726
Molly Kearney	420 Palisades Ave. Santa Cruz, CA 95062	476-2836

@\*

CALIFORNIA COASTAL COMMISSION  
EXHIBIT E-66

80

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

(print) NAME	ADDRESS	PHONE/EMAIL
Signature Kirsten Gustafson	256 3rd Ave Santa Cruz	457-9492
Signature Bryan [unclear]	501 Park Street + Capitola	P. N/A
Signature [unclear]	504B Wilder	
Shelley Burkway	2715 Sparrow Valley Rd Apt 10	
Carolyn Hightower	750 47th Ave	464-9451
Sa Mudech	612 Bean Creek Rd South Valley	438-5136
Rhea Bernstein	595 Redwood Dr. S.C.	471-9579
IRIS SYREIKA [unclear]	403 Capitola Ave 95010	476-5256
MILES GROBMAN	[unclear]	476 4345
Jordi Grobman	985 30th Ave #5	476 4345
ITZIAR SANTOS	985 30th. Ave #5	476-4345
CHRIS GALLAGHER	2209 BREAKNESS CAPITOLA 95010	41771780
Jim "Jackson" Bahr	3020-CALLA DR SANTA CRUZ, 95062	462-1673
Mar Ruiz	332 4th St Manhattan Pch 90266	
Alex Bawn	311 33rd Ave Santa Cruz CA 95062	588-5975

RECEIVED

JUN 18 2001

2876 Chesterfield Dr.  
Santa Cruz, Ca 95602

June 9, 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Wan and Coastal Commissioners  
725 Front St.  
Santa Cruz 95060

Dear Wan and Coastal Commissioners,

Enclosed is the paper asking you to repeal the Rodgers Project. I am concerned about all the mentioned items.

Pleasure Point is a unique, beautiful and special place to live. But as part of Live Oak I have seen too much high density housing with high impact to our neighborhood. Since the latest jump in real estate value and money to be made by developers I have seen people from outside the area grabbing lots or older homes, tearing them down to put up houses that are out of character with this area. The architecture is not becoming a beach community.

I realize some changes are inevitable. But without a commission that cares and understands our situation, our quaint surf personality will disappear and the charming beauty with it. The O'Neills are one of the main families that made surfing great! This area is historic. We have some of the best surf and most breaks in all the West Coast! But without intervention, Pleasure Point will look like LA or anywhere USA too soon. (Except anywhere USA wouldn't allow the building to go on as it has here!)

We have really been neglected and now abused by these buildings. The big 4 houses on 41<sup>st</sup> street next to Otter's Lair is a real example! Way out of character.

Our area is full of artists and yet our new homes are without thought to size, style, and curb appeal. It has become "about making money" at the expense of our special Pleasure Point without regard to the permanent changes and ugliness.

Please help us curb this behavior. Pleasure Point should not be "Sold Out"!

Thank you,

*M Robinson*

Marti Robinson

CALIFORNIA COASTAL COMMISSION  
EXHIBIT F.1



# SAVE THE WINDBREAK

WRITE TO CHAIRPERSON WAN AND THE COASTAL COMMISSIONERS  
THE COASTAL COMMISSION, 725 FRONT ST, SANTA CRUZ, 95060  
APPEAL THE RODGERS PROJECT, A-3-SCO-01-034

WE, THE PEOPLE FOR THE PROTECTION OF PLEASURE POINT, MORAN LAKE NEIGHBOR HOODS, THE BEACH AND SURF RESOURCES IN THESE AREAS CALL UPON YOU TO STOP THE PROJECT ON THE RODGERS PROPERTY AT 2-2811 EAST CLIFF DRIVE, BETWEEN THE S-TURN AND THE BIKE PATH IN THE GATEWAY TO PLEASURE POINT ADJACENT TO THE MORAN LAKE COUNTY PARK.

THIS PROJECT WILL REMOVE MANY SIGNIFICANT TREES IN THE HISTORIC WINDBREAK PLANTED TO PROTECT THE RANCH WHICH PREDATED THE DEVELOPMENT OF PLEASURE POINT. THIS WINDBREAK CREATES THE MICRO-CLIMATE THAT THE RESIDENTS IN THIS AREA BENEFIT FROM. THIS FOREST ADDS A LAYER OF PROTECTION FOR THE HABITAT OF THE MONARCH BUTTERFLY AS WELL AS MANY OTHER SPECIES. THE PROPERTY STRADDLES THE BIKE AND BEACH PATH AND IS PART OF THE SCENIC RESOURCES FROM THE PUBLIC BEACH, LAKE, STATE PARKS( LIGHT HOUSE FIELD, SEA CLIFF AND NISENE MARKS), AS WELL AS THE SCENIC ROADWAY FROM 33RD TO 41ST ON EAST CLIFF.

THE REMOVAL OF THE HISTORIC KNOTTY PINE BEACH HOUSE AND REPLACING IT WITH A TWO STORY STUCCO RECTANGULAR HOME THAT FILLS THE FRONT OF THE PROPERTY AND WILL OVER LOOM EAST CLIFF DRIVE AND THE HISTORIC CABINS ON MORAN LAKE. A SECOND STUCCO HOUSE WILL REPLACE MANY HISTORIC TREES, WITH IT MANY NEGATIVE IMPACTS ON THE COMMUNITY, AS WELL AS FURTHER IMPACTING THE CABINS, PARK, ROAD AND BEACH. THE REMOVAL OF THIS HISTORIC CABIN WILL DEplete THE AFFORDABLE HOUSING STOCK AND INCREASE PRESSURE TO DEVELOP THE ADJACENT CABINS, WHICH WILL REMOVE MORE AFFORDABLE HOUSING, AS WELL AS INCREASING PRESSURE TO REMOVE MORE SIGNIFICANT HISTORIC TREES BETWEEN THE TWO PROJECTS AND ALONG THE PARK AT MORAN LAKE, LEADING TO FURTHER DEGRADATION AND EVENTUAL ELIMINATION OF THIS IMPORTANT HISTORIC WIND BREAK AS WELL AS INCREASED NEGATIVE TRAFFIC IMPACTS TO THE COASTAL TRAIL AND BIKE PATH AND DRAINAGE INTO MORAN LAKE. THE ENTRY TO THE HOUSE IN FRONT IS ON A SECTION OF EAST CLIFF WITH LIMITED LINE OF SIGHT INCREASING CONFLICT WITH TRAFFIC.

FOR THESE REASONS AND OTHERS WE CALL UPON YOU TO REJECT THIS PROJECT.

## Relevant LCP concerns:

Access and recreation, Chapter 2, public recreation as higher priority than private residential use: LUP Objective 2.22, LUP Policy 2.22.1; LUP Policy 2.22.2; LUP Policy 3.8.7; LUP Policy 7.7.1; LUP Policy 7.7.4; LUP Policy 7.7.10.

Visual Resources: Objective 5.10.a, 5.10.b; LUP Policy 5.10.2, 5.10.3; IP Section 13.20.130(b)(1), 13.20.130(d)(1), Section 30251.

Marine and Offshore Recreational Resources: Objective 5.4; Objective 5.7, Objective 5.20, Policy 5.4.1; Program 5.4(a); Policy 5.3.1; Policy 5.4.14; 5.7.1; Policy 7.23.1; Policy 7.23.2; Section 30211; Section 30213; Section 30240(b)

Community Character: Objective 8.8; LUP Policy 8.8.1; Figure 8-1; LUP Program 8.7(c); IP Section 13,20,130(b)(1)

CALIFORNIA COASTAL COMMISSION  
**EXHIBIT F.2**

6/1/2001  
**RECEIVED**

JUN 04 2001

To: Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA  
427-4893

From: R'Leen Loving  
740 30th Avenue  
Santa Cruz, CA 95062 465-9643

RE: The Rodgers Project  
2-2811 East Cliff, APN: 028-302-02  
Application No 98-0603

I am not in favor of the decision to allow development or tree cutting on this critical grove that, besides providing a safe bike path in an otherwise hazardous traffic curve area, also is one of Santa Cruz's essential Monarch butterfly habitats. Unlike Pacific Grove, a city that unwisely developed to the point that Monarchs no longer winter there, Santa Cruz remains a critical resting place for these remarkable, migrating butterflies who delight locals and draw tourists who have many coastal towns to choose from.

EXHIBIT

F-3

COASTAL COMMISSION

I want to add my voice to those who want this decision appealed.

We need to protect the last vestiges of greenbelt areas near the coast that make our community a uniquely beautiful and inviting one, as well as consider the environmental impact of altering or destroying them.

Thank you for your kind consideration.

Sincerely,

R. Green Loving

CL

RECEIVED

April 28, 2001

MAY 02 2001

California Coastal Commission  
725 Front St  
Santa Cruz, Ca 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: A-3-SCO-01-034 Peter & James Rogers Project

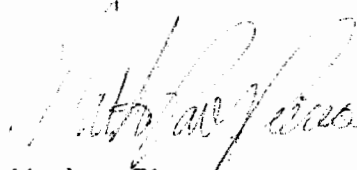
Dear Commissioners,

Please do not approve the Peter and James Rogers' project in Pleasure Point.

Pleasure Point has a very unique character, which will be altered by the construction of large new homes in this area. The project will result in loss of several significant trees, which help maintain the pleasant microclimate of Pleasure Point. Additionally, eucalyptus trees on this property are habitat to the great monarch butterfly, which migrates an amazing 3,000 miles - from Canada to Mexico and back each year!

Your foresight in preserving the unique resources of Pleasure Point will benefit future generations.

Thank you,



Nathan Pierce  
390 Tina Dr  
Hollister, CA 95023

CALIFORNIA COASTAL COMMISSION  
EXHIBIT F-5

●: A-3-SCD-01-034 Peter + James Rogers Project

MAILED 2001

Dear Commissioners,

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please do not approve of the Peter + James Rogers project in Pleasure Point where I live. The project will result in the loss of several beautiful trees, that bring wonderful fragrance, shade & ecosystem to our pleasure point area. The smell of eucalyptus carried by Pacific winds blankets Pleasure Point, and is home to the monarch butterflies - who migrate thousands of miles every year to this area.

Many families enjoy this unique area for biking, practicing skateboarding, bicycling, walking. Please don't approve of the Peter + James Rogers project, I would be so sad. Please protect & preserve this wonderful Pleasure Point area for the benefit of our future generations.

Thank you,

CALIFORNIA COASTAL COMMISSION  
EXHIBIT F.C

Tamara Geyer  
605A 38<sup>th</sup> Ave

Santa Cruz, CA. 95062

ps I am a runner & run through that area twice a day - and the eucalyptus is such a treat to breathe in on my way home again. Please leave them there.

Re: A-3-SC0-01-034 Peter & James Rogers Project

Dear Commissioners,

Please don't approve the Peter & James Rogers project in Pleasure Point. Pleasure Point has a unique character, in part because of the eucalyptus trees that protect & maintain a pleasant microclimate of moist eucalyptus-laden air - so beneficial to the lungs & health of the Pleasure Point inhabitants. The area is a haven for the monarch butterfly migration every fall. Where would they go?

Protect our future generations and please don't approve the Peter & James Rogers project.

Sincerely,

Dr. Ronald James Sagar

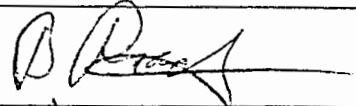

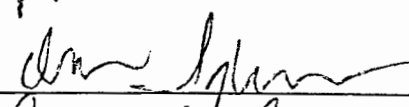

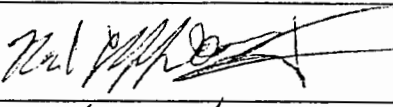
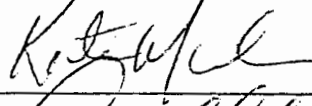
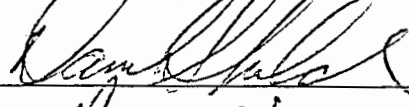

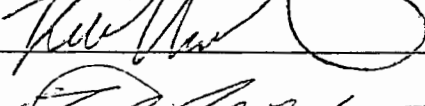

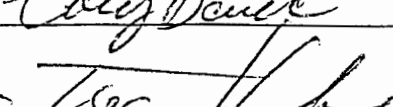
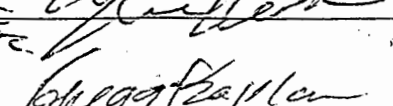



605 A 38<sup>th</sup> Ave.

Santa Cruz, CA

95062

MAY 01 2001

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO CORCORAN LAGOON OR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

(print) NAME	ADDRESS	SIGNATURE
Bill Roach	2955 Pleasure Point DR JANDA CRUZ CA	
Neal Woods	1600 4th Ave Capitola	
Don Iykeias	908 Polton Ave Santa Cruz 95060	
Amanda Lewis	P.O. Box 1002 Felton CA 95018	
Neal Chippee Woods	1600 4th Ave Capitola CA 95010	
Kate Mullikin	1247 Wharf Rd SE CAPITOLA CA 95010	
Daniel Sheldon	446 Day Valley Rd APOTOS CA 95055	
Nichole LeDonne	4685 GRACE ST. CAPITOLA, CA	
KEVIN MURPHY	101 English Dr Santa Cruz CA	
Gary Silberstein	411 30th Ave. SC. 95062	
COREY BAUCK	1122 SEABRIGHT AVE SANTA CRUZ CA 95062	
TEM KUECH	36 Mona Pl. Palo, HI	
Gregg Kaplan	1511 C. EAST CLIFF DR SC. CA 95062	
KEN SYLVESTER		
CRAIG E. YOUNG		

CALIFORNIA COASTAL COMMISSION

7 EXHIBIT F.8

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHAIR IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	SIGNATURE
Glen Novex	1473 EAST SEA CLIFF Aptos, Cal. 95003	<i>Glen Novex</i>
Rebecca McWhin	3925 Glen Haven Rd. 95073 Sequel, CA	<i>Rebecca McWhin</i>
Jordan Phillips	200 BUNTON ST #71C SANTA CRUZ CA 95060	<i>Jordan Phillips</i>
Trisha Rayner	200 BUNTON ST #7K SANTA CRUZ CA 95060	<i>Trisha Rayner</i>
Joddisse	1475 10th Ave SF CA 94122	<i>Joddisse</i>
John Cummins	361 1/2 53rd Ave St. Can 94121	<i>John Cummins</i>
<i>Sally A. Smith</i>	231 MARTIN DR. APTOS, CA 95022	SALLY A. SMITH
<i>Carl Olsen</i>	3011 Haines Dr. 95062 Santa Cruz CA.	CARL OLSEN
<i>Bridgette Olsen</i>	3011 Haines Dr Santa Cruz CA 95062	Bridgette Olsen
<i>Marion Santiago</i>	241 Lee Street Santa Cruz 95061	Marion Santiago
<i>Justin S Moore</i>	Box 3143 Santa Cruz CA. 95063	<i>Justin S Moore</i>
Dave Landes	4800 Capitola Rd Capitola, CA, 95010	<i>David E. Landes</i>
Bill MOORE	720 26th AVE S.C.	<i>Bill Moore</i>
LILIAN BEGGS	930 Windham St SC	<i>Lilian Beggs</i>
Dana Athley	6315 Imperial Ct Aptos 95003	<i>Dana Athley</i>

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WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON OR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

(print) NAME Signature	ADDRESS	PHONE/EMAIL
JEFF SIRACUSA	915 15th Ave. SANTA CRUZ CA 95062	(831) 462-3792
George Menna	SANTA CRUZ, CA 95062 1450 HALTERMAN AVE	(431) 464 8403
Justin Fossio NHTF	362 McIlhenny Dr. Aptos Ca 95001	831 475 2442
Koss Rogers	187 16th Ave SC CR 95062	831 476 6896
Kristen Lemons	209 Laureadale Apts Jacksonville, NC 28500	910-346-4391
George Isometa	501 Oregon SC Capitola 95010	- 469-9222
JAMES E. Hart	P.O. Box 808 Capitola 95010	662-8413
Jeff Sweet	214 MIRAMAR DR	477-2919
STEPHEN JAVIER	343 SOQUEL AV #261 SANTA CRUZ CA 95062	475-6503
Reed Cook	170 30th Ave #A Santa Cruz, CA 95062	464-5988
Simone Krietz	3440 ST. DEYMS ST. Santa Cruz, CA 95062	477-1485
Chris Tryde	170 WEST CLIFF DR #50 Santa Cruz	469-7782
Tim Scallanini	533 ST 66 W SC CA 95062	477 2173
Chuck Galloway	2835 Moran SC 95062	464-2186
Ioni Sousa	782 43rd Ave. SF CA 94121	(415) 386 4838

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CALIFORNIA COASTAL COMMISSION

7 EXHIBIT F.10

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON FOR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE (BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESOURCE.

(print) NAME	ADDRESS	PHONE/EMAIL
<i>Signature</i> Kirsten Gustafson	256 3rd Ave Santa Cruz	457-9492
<i>Signature</i> Bridget Jackson	501 Main Street Capitola	P. n/a.
<i>Signature</i>	504B Wilder	
Shelley Burkway	2715 Sparrow Valley Rd Apt 10	
Carolyn Hightower	750 47th Ave	464-9451
Lisa Madorsky	612 Bean Creek Rd Santa Cruz Valley	438-5136
Rhea Bernstein	595 Redwood Dr. S.C.	471-9579
<del>IKAS SVERBIKA</del> <i>Signature</i>	403 Capitola Ave 95010	476-5256
MILES GROBMAN	<i>Signature</i>	476 4345
Jordi Grobman	<del>985</del> 985 30th Ave #5	476 4345
ITZIAR SANTOS	985 30th. Ave #5	476-4345
CHRIS GALLAGHER	2209 BREAKNESS CAPITOLA 95010	4177/780
Jim "Jackson" Bahr	3020-CALLA DR SANTA CRUZ, 95062	462-1673
Mary Ruth	332 4th St Manhattan Beach 90266	
Alex B. Bawn	311 33rd AVE Santa Cruz CA 95062	588-5975

@\*

CALIFORNIA COASTAL COMMISSION  
EXHIBIT 7 D T-11

WE, THE UNDERSIGNED, WISH TO EXPRESS OUR CONCERN RELATIVE TO THE PRESERVATION OF THE IMPORTANT FORESTED WINDBREAK ADJACENT TO MORAN LAGOON OR ITS SCENIC BEAUTY; ITS BENEFICIAL PROTECTION OF THE COMMUNITY MICRO-CLIMATE ( BOTH FOR RESIDENTS AND LOCAL FAUNA); FOR ITS HISTORIC SIGNIFICANCE AND AS A RECREATIONAL RESOURCE FOR PLEASURE POINT AND THOSE WHO SHARE IN THIS SPECIAL COASTAL COMMUNITY RESORCE.

(print) NAME	ADDRESS	PHONE/EMAIL
Signature		
Barnaby Stann	P.O. Box 1206 Capitola, CA 95010	425-3357, barnaby@barnaby.com
Timothy Stann	Watsonville Ca	760-83519
Josh Bohman	2117 Derby Ave. Capitola California	
Joseph C. Henry Jr.	103 Idaho Ave. Santa Cruz CA 95062	831 468-8016
Gang Hersman	502 Escalona	831-468-8016
Peter Chin	220 Glengarry Rd	831 335-5968
Christine Helm	540 36th Ave Santa Cruz	831-464-8888
Sherril Ralston	12900 Julian Ave. Lakeside Ca 92040	619-443-6049
Annie Aird	315 Brook Ave SC 95062	831-421-9423
Uriah Langmuir	341 PARKWAY S.C. 95062	831-457-8742
Crystal Ferrin	827 Calabasas Rd. Watsonville 95076	831-768-0660
Mavel Armijo	419 McCormick Ave	" 462-9415
Joseph Grassadonia	350 SANTANA LN APTOS, CA. 95073	831-662-8572
Jonathan Bishop	140 Seaview Ave #2	
Marty Sullivan	1415 15th Santa Cruz	831 425 1120

@\*

CALIFORNIA COASTAL COMMISSION  
EXHIBIT 74 F-12

DC

April 21, 2001

Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

RECEIVED

APR 23 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Members of the Commission:

I'm writing to appeal the Rodgers project at 2-2811 East Cliff (APN 028-302-02, Application No. 980603.

I use this area on a regular basis: surfing, biking, walking. It is clear to me and to anyone else who enjoys this stretch of our local coast that this project should not be approved. This area is developed almost to the point of ruin. Let's stop at "almost."

Meade Fischer



270 Hames Rd. #72  
Corralitos, CA 95076  
763-2660

CALIFORNIA COASTAL COMMISSION  
EXHIBIT F-13

SUBJ: RODGERS/Pleasure point 3/28/01

TO CALIFORNIA COASTAL COMMISSION,

I AM writing in opposition of  
the RODGERS PROJECT 2-2811 E CLIFF DR.

ADN. 028-302-02 Application No. 98-0603.

This project should not be approved. I and many  
others find "sanctuary" in this area and also  
use the area almost daily for recreation (Bike path)  
or the near by beach. The Eucalyptus trees are  
majestic in this area. The trees make a beautiful  
landmark at sequel point as seen from Afar (on the  
bay or around the bay). Monterey BAY SANCTUARY!

RECEIVED

MA- 3 11 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Thank You for Your  
Attention being brought  
to this subject.

831-462-3260

ROBERT GILES  
500 38th AVE  
Santa Cruz, Ca  
95062

CALIFORNIA COASTAL COMMISSION  
EXHIBIT

F.14

Home owner's Resident  
for 20+ years.

RECEIVED

Peter J. Rogers  
511 34<sup>th</sup> Ave.  
Santa Cruz, CA 95062  
(831) 464-9622  
Fax (831) 464-0301

JUN 19 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June 15, 2001

Mr. Dan Carl  
Coastal Planner  
California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

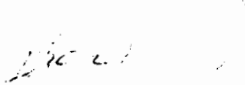
Re. A-3-SCO-01-034, Rogers Subd.

Dear Mr. Carl,

This letter is to respectfully call your attention to the fact that the appeal to the above referenced project by Mr. Charles Paulden contained exhibits which were not properly identified by the appellant. Specifically there are twenty (20) pages of a petition which were gathered by Mr. Mike Guth objecting to a three lot subdivision of our property and submitted to the County of Santa Cruz by cover letter dated 9/12/00. (Please see pages 154 to 156, pages 158 to 159, pages 163 to 178, and pages 190 and 191 of the Exhibit H of the County of Santa Cruz Staff Report to the Planning Commission dated February 28, 2001). These petitions were not gathered in protest to a two lot subdivision which was approved by the Planning Commission and is the subject of the appeal by Mr. Paulden. It is our feeling that inclusion of these portions of a petition in the appeal are misleading and should be identified for what they actually are.

Could you please notify us at your earliest convenience as to when we could pick up a copy of the Coastal Commission staff report of this appeal. Thank you for your consideration in this matter.

Very truly yours,

  
Peter J. Rogers

CC: James Rogers

CALIFORNIA COASTAL COMMISSION  
EXHIBIT 6.1

**James R. Rogers**

327 Hawthorne Avenue  
Los Altos, California 94022

Phone-Fax (650) 941-6129  
e mail: rogers38@ix.netcom.com

RECEIVED

MAY 14 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

May 10, 2001

Mr. Dan Carl  
Coastal Planner  
California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

Re.A-3-SCO-01-034, Rogers Subd.

Dear Mr. Carl,

In regards to one of the items that you thought had the potential of becoming an issue concerning the current appeal of our project, we offer the attached for your consideration. We first arbitrarily drew a circle around the immediate neighborhood surrounding Moran Lake. Next we inspected all the homes within the circle and noted which ones were one story homes, which ones were two story homes as viewed from the street ,and, finally which homes were two story homes when viewed from Moran Lake.

There are approximately 110 lots within the circle we drew. Of the 110 lots there exist about 111 homes (several lots have no homes and a few lots have multiple units). Of the approximate 111 homes 56 homes are two story as viewed from the street (and shaded in red on the attached map) and about 7 homes are two story when viewed from Moran Lake (shaded in green on the attached map). The balance of the homes are one story homes and they are not shaded on the attachment.

In summary in the immediate neighborhood of Moran Lake the majority (about 57%) of homes are two story. We believe there is no question as to the precedent for new two story homes at our proposed project.

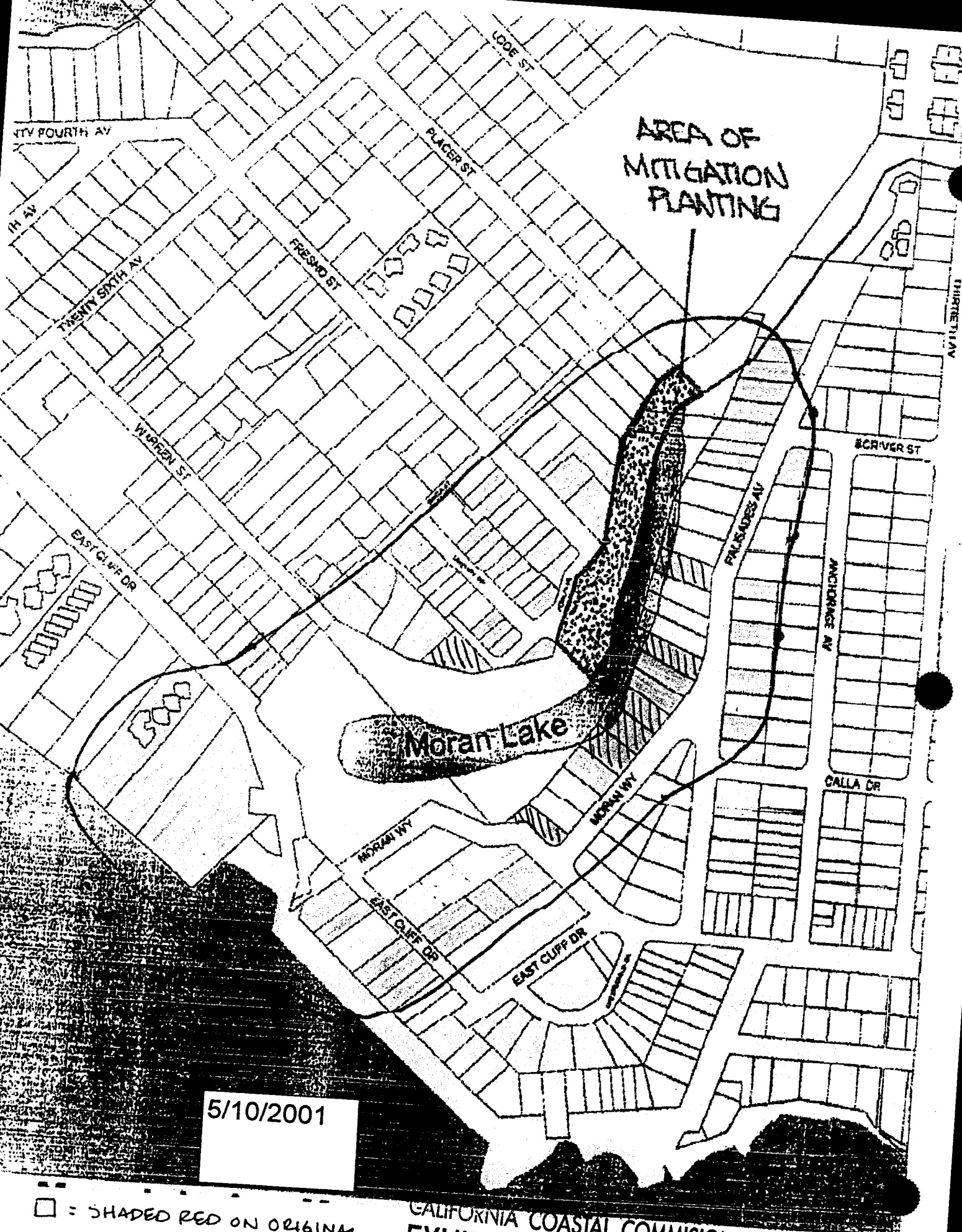
Very truly yours,



James R. Rogers

cc Peter Rogers

CALIFORNIA COASTAL COMMISSION  
EXHIBIT 4-2



5/10/2001

- = SHADED RED ON ORIGINAL
- ▨ = SHADED GREEN ON ORIGINAL

CALIFORNIA COASTAL COMMISSION  
EXHIBIT 4.3



Dan Carl  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Mike Guth  
2-2905 East Cliff Drive  
Santa Cruz, CA 95062

6/27/2001

Re: County Application No.: 98-0603  
Applicant: Peter J. Rogers  
APN: 028-302-02

Dan,

This letter is in response to your request that I summarize my correspondences to the Santa Cruz County Planning Commission with regard to the referenced application. These correspondences occurred over the last ten months, and I will fill in the time line to the best of my recollection.

1. I submitted a letter, dated 9/10/2000, in opposition to the project. That letter was immediately followed with another, dated 9/12/2001, that supplemented the original letter and summarized my view that the project as proposed was non-compliant with the County Local Coastal Plan. These letters were circulated in the community and approximately 400 signatures were added. The primary concerns cited in the letters were protection of visual resources, protection of existing beach access, and protection of a sensitive habitat.
2. At the Planning Commission meeting last fall, the applicant was asked to stake out the home footprints on the lot. I toured the site with these footprint and height stakes in place. I outlined my impressions of that tour to the Planning Commission in a letter dated 10/21/2000.
3. Prior to the next Planning Commission meeting, the applicant requested a continuance with the purpose of scaling back the proposal. This new proposal reduced the number of homes and lots from three to two, and pulled the homes out of the driplines of the remaining trees.
4. I wrote a letter, dated 2/12/2001, to the community residents who had signed my previous letters to alert them of my intention to drop my opposition to the proposal based on the changes. Before this letter was sent, I received last minute notice of the next Planning Commission meeting on this application. This was an oversight apparently based on a switch of staff planners on the project. Based on my request, the Planning Commission extended the public comment period and hearing for two more weeks. During this time I made a good faith attempt to mail this letter to all local residents who had signed my earlier letters, sending out approximately 250 first class letters. I omitted non-local residents and those who gave incomplete or no addresses. Attached to this letter was a sheet notifying the recipients of the March 14 hearing and stating that I was not dropping my opposition on behalf of them, and encouraging any who still objected to voice their concerns at this meeting.
5. I wrote the Planning Commission a letter, dated 2/14/2001 (this is an error; it was presented at the 3/14 meeting), requesting a strengthening of the conditions on the permit. This request for additional affirmative covenants was approved.

If I can be of any further assistance please let me know.

Mike Guth  
CALIFORNIA COASTAL COMMISSION  
EXHIBIT H-1

**To:** Moran Lake Neighborhood Residents

**From:** Mike Guth - mguth10189@aol.com

**Subject:** Update on Moran Lake Development 2/12/2001

I am writing this letter to those of you who signed my letter to the Planning Commission regarding the proposed subdivision at the front of Moran Lake.

**The proposed development (Roger's property):**

Originally proposed as a three way lot split, with three homes, this plan was objected to based on existing county law. I saw it as non-compliant with the Local Coastal Plan as proposed. No vote was taken at the Planning Commission meeting in September, and a continuance was given. Two of the commissioners went on record as opposed to the project, and one more sounded critical. But it appeared that their opposition ended if less development was proposed.

Shortly before the final vote scheduled for October 25, the applicant withdrew his proposal in order to scale it back. He has since re-proposed two homes instead of three, further back from the bike/ pedestrian lane. This proposal has reduced impact to the trees on the lot, and has put the home closest to the bicycle/pedestrian pathway, and the park, further into the property. Five trees in the lot will be removed. The homes are out of the driplines of the remaining trees. I view this new proposal as a good faith attempt by the applicant to address the issues raised, and am not planning to oppose it. It does represent a compromise. I do not know the date of its public hearing yet.

There is a positive aspect to getting finality on this parcel. If all attempts now to develop this parcel are defeated, it leaves open the possibility that later a dense development could be approved. With the current proposal, the continuity of the trees along the bicycle/pedestrian pathway is maintained. If the corner S-turn parcel is acquired, which seems likely, the continuity of the windbreak at the front of the lake would also be preserved.

As of this writing I plan to limit my actions regarding this development to ensuring that the new proposal conforms to the conditions presented by the applicant.

Yours Sincerely,

Mike Guth

CALIFORNIA COASTAL COMMISSION  
EXHIBIT H-2

8 February 2000 \*

To: Paia Levine  
Santa Cruz County Planning Dept.  
701 Ocean Street  
Santa Cruz, CA 95060  
(831) 454-2580

From: John Dayton  
284A McGivern Way  
Santa Cruz, CA 95060  
(831) 426-1543  
jjdayton@concentric.net

Re: Addendum to Mitigations for APN 28-302-02 Tree Removal

Dear Ms. Levine,

At your request, I am writing to update my findings regarding the significance of tree removal on the Rogers property (2-2811 East Cliff Drive; APN 28-302-02), in the context of recent tree removal events at Moran Lake.

### Summary

- (1) For wintering monarch butterflies, the trees are the habitat. Loss of trees is loss of habitat.
- (2) Many trees are being lost each year from the Moran Lake monarch habitat. At least 47 medium to large blue-gum eucalyptus trees were lost during 1999 alone.
- (3) Very few new trees become established in the habitat each year, and most of the trees that are lost are not mitigated by the planting of new trees. The value of each tree remaining in the habitat increases with each tree removed. The value of a tree is also a function of the role(s) it plays in the habitat.
- (4) None of the 1999 tree removal events has significantly altered the impacts of proposed tree removal on the Rogers project site or the mitigations that I have recommended.
- ✓(5) The removal of 8 live trees (Option A) from the project site will create a less than significant impact on the Moran Lake habitat as a whole and is unlikely to measurably alter utilization of the project site as a bivouac/refuge area.
- (6) The removal of 26 live trees (Option B) from the project site will also create a less than significant impact on the Moran Lake habitat as a whole, so long as the Moran Way windrow remains intact. However, Option B will reduce habitat heterogeneity on the project site to a greater degree than can be mitigated by placement of buildings and the establishment of residential plantings. Option B will also increase the likelihood that adjacent trees in the Moran Way windrow will be lost as a result of increased wind exposure (wind-throw).
- (7) The removal of 21 live trees from the southern portion of the project site and the preservation of 5 trees at the north end (Option C) will also create a less than significant impact on the Moran Lake habitat as a whole, so long as the Moran Way windrow remains intact. However, by preserving trees (#23-27) that provide south wind protection for the adjacent windrow trees, the

\* CCC STAFF NOTE: THIS REPORT, AS WELL AS THE PREVIOUS REPORTS BY MR. DAYTON DATED 11/17/98 & 5/5/99, ADDRESS THE ORIGINALLY PROPOSED 3-LOT, 3 SFD PROJECT. IMPACTS FOR THE CURRENT 2-LOT, 2 SFD PROPOSAL ARE PRESUMED LESSENED DRAMATICALLY.

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EXHIBIT I.1

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EXHIBIT D

likelihood of tree loss from wind-throw will be substantially reduced. In addition, the inherent reduction of habitat heterogeneity that accompanies tree loss will also be lessened.

(8) Planting sapling trees—as mitigation for tree removal on the project site—along the shore of Moran Lake adjacent to Peralta Way, will require at least ten years of good growth to begin to be effective in reducing south wind at the Lakeside Roost area. Creating a wind barrier in this area will effectively shift some of the burden of south wind protection for the Lakeside Roost Area away from the Moran Way windrow trees. Adding trees along this shoreline will also increase habitat heterogeneity in this area and enhance its function as bivouac/refuge habitat.

### Significance of the Monarch Wintering Habitat at Moran Lake

The monarch habitat at Moran Lake currently supports the third largest overwintering population (ca 17%) of monarch butterflies in Santa Cruz County, and a considerable portion (ca 5%) of the western migratory population. The wintering population at Moran Lake is typically more than twice the size of any other such population in the mid-county area. Wintering populations of similar magnitude to that at Moran Lake occur at only about 25 other sites distributed along the California coastline from north of San Francisco to San Diego. Although monarchs, as a species, are not currently threatened with extinction on a global level, they are recognized as a “species of concern” by the California Department of Fish and Game (CNDDDB Rank: G5S3) because of the restricted range and rarity of their wintering habitats.

Historically, four roost areas were utilized at Moran Lake (Figure 1); three of these roost areas (Lakeside, South Creekside and North Creekside) provided autumnal roost habitat, while the fourth (Lode Street) provided mid to late season roost habitat. In recent years, two of these roost areas (Lakeside and South Creekside) have ceased to function in their traditional capacities as a result of tree loss from wind-throw and tree removal by residents.

Tree loss in the Lakeside Roost Area (especially during the winter of 1997) has degraded this roost area to the point that it is now rarely used as autumnal roost habitat. However, the Lakeside Roost Area still functions as a bivouac/refuge area and a 1998 restoration planting of eucalyptus and redwood should eventually restore its function as an autumnal habitat. As a consequence of tree removal on its southeast side during March and April 1999, the South Creekside Roost Area, which typically provided autumnal habitat for most of the Moran Lake monarch population, is no longer being utilized; this is discussed further below.

As discussed in my original report (17 Nov 98), monarch survival through the overwintering period is primarily a function of being able to find a wind protected habitat, with suitable microclimatic conditions, that is sufficiently heterogeneous to permit shifts of roost location in accord with prevailing weather conditions and seasonal variation in insolation. For wintering monarch butterflies, the trees are the habitat. If no adequate roost locations are present in a given habitat, no monarch wintering population will develop.

### Tree/Habitat Losses at Moran Lake During 1999

During 1999, at least 47 medium to large blue-gum eucalyptus trees (*Eucalyptus globulus*) were removed from the Moran Lake monarch wintering habitat as a result of seven separate tree cutting events. The details of these tree removals—including significant incidents of sapling/small tree removal—are summarized chronologically in the list below.

(1) **March/April 1999:** The resident(s) at 541 Palisades Avenue (APN 28-291-61) removed approximately 20 (20-30) medium to large blue-gum eucalyptus trees along the southeast margin of

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the Creekside Roost Area just east of Moran Creek. These trees provided critical shade and wind protection for the South Creekside Roost Area. Loss of these trees has reduced the availability of suitable roost habitat at Moran Lake by at least one third. This is a significant impact. Because of space limitations, the only feasible mitigation for this impact is to allow the stump sprouts to re-grow and recreate the protection their parent trees once provided for the Creekside Roost Areas. No off-site mitigation planting can compensate for the loss of these trees.

(2) **March 1999:** Vandals burned through the trunk—probably with a propane torch—and so felled one medium blue-gum eucalyptus tree in the center of the South Creekside Roost Area. This tree provided roost limbs for wintering monarchs in past years.

(3) **July 1999:** Four large blue-gum eucalyptus were removed from the southeast margin of Moran Lake by the resident at 111 Moran Way. These trees contributed to south wind protection for the north end of Moran Lake (including the Lakeside Roost Area) by helping to fill a gap in this wind barrier that was created by tree removal for the construction of homes at 1 Moran Way and the strip of properties to its south. Removal of these trees has reduced wind protection provided by the grove of trees—of which the Rogers project site is a part—along southeast border of Moran Lake.

(4) **September 1999:** County Parks staff had 4 dead blue-gum eucalyptus trees removed (2 large and 2 medium) from the margin of the South Creekside Roost Area just west of Moran Creek. The trunks of these trees provided shade and wind protection to the interior of the roost area. At least one large blue-gum eucalyptus was also removed from the windrow between Moran Lake and Peralta Way south of the Lakeside Roost Area. All of these trees were removed as hazard trees in response to neighbor complaints.

(5) **September 1999:** Thirteen medium/large blue-gum eucalyptus trees (trunks) were removed from the eastern section of the grove at the southeast end of Moran Lake (the Yates property—see Figure 1—at the intersection of East Cliff Drive and Moran Way; APN 28-301-04) at the request of a resident at 1 Moran Way (Frank Menacho). These trees contributed to south wind protection for the north end of Moran Lake (including the Lakeside Roost Area) and contributed to east wind protection for the southeast grove (including the Rogers project site). PG&E later (October) removed approximately 5 smaller trees along Moran Way in the same stand. The loss of these trees is to be mitigated by planting trees along the shoreline of Moran Lake adjacent to Peralta Way.

(6) **September/October 1999:** At least 10 blue-gum eucalyptus sapling/stump-sprout trees were cut down—and dumped on County Park Property—at the Lakeside Roost Area; this was apparently done to create a view of the lake for the residents at 450 N. Baker St. These trees provided roost habitat and wind protection for monarchs at the Lakeside Roost Area.

(7) **October/November 1999:** At least one large multi-trunk blue-gum eucalyptus tree (possibly more) was removed by the resident(s) at 415 Palisades Avenue east of the Lakeside Roost Area. This tree contributed to south wind protection for the South Creekside Roost Area and east wind protection for the Lakeside Roost Area.

(8) **August/September 1999:** Two medium/large blue-gum eucalyptus trees and approximately 8 medium trunks were removed along the south margin of the Lode Street Sanitation Facility. This removal was undertaken at the request of County Sanitation Facility Staff (Connie Silva) in response to safety concerns voiced by neighbors. These trees contributed to south wind protection for wintering monarchs in the Lode Street Roost Area at the northeast corner of the county yard. Removal of these trees was partially mitigated by planting redwood saplings and eucalyptus seedlings in the same area.

With regard to the monarch wintering habitat at Moran Lake, the most significant of these tree removals was event #1: the removal of more than 20 trees from 541 Palisades Avenue (APN 28-291-61). Removal of these trees has made the South Creekside Roost Area (Area C, Figure 1) unsuitable as monarch wintering habitat; no monarchs roosted in this area during the 1999-2000 wintering season, whereas 19,000 monarchs roosted in this area from early October through mid-December during the previous season (1998-1999). At best, it will take 5-10 years for the stump sprouts of these trees to gain enough height to begin to provide adequate shade and wind protection for roosting monarchs in the South Creekside Roost Area. This event however does not significantly affect my assessment of the impact of tree removal from the Rogers project site, since the main effect of tree removal on the Rogers property concerns wind protection for the Lakeside Roost Area; however, loss of these trees increases the value of all the other trees in the habitat, including the trees on the Rogers project site.

With regard to the Rogers project site, the most relevant of the 1999 tree removal events is #5: the removal of more than 13 blue-gum eucalyptus trees (trunks) from the disjunct eastern section (Yates property) of the southeastern grove of which the Rogers project site is a part. This section of the grove (Area I, Figure 1) is situated to the east of the windrow of trees that lines the north/west side of Moran Way (a.k.a.: Lake Avenue). These trees serve to extend eastward the south wind protection provided by the Moran Way windrow (Area G, Figure 1). Because the trees that were removed were distributed linearly in a roughly northeast-southwest orientation, their removal did not create gaps in the wind barrier; however the removal of these trees did reduce — though not significantly — the depth and, to some extent, the height of the barrier.

In addition, these trees contributed to east wind protection for the bivouac/refuge area of which the Rogers project site is a part. However, since most of the trees in this eastern section of the grove were unaltered by the removal, east wind protection for the bivouac/refuge area should not be significantly diminished; this is thus a *de minimus* effect.

With respect to the role of these trees in providing wind protection for the northern section of Moran Lake, removal of trees from the eastern section of the grove increases the unit value of the remaining trees in the southeast grove and thus represents an incremental degrade that could be cumulatively considerable in the context of future tree removals in this section of the grove. Implementation of the recommended mitigation measure for event #5 — planting trees along the margin of Moran Lake east of Peralta Way — will mitigate the loss of these trees by creating a south wind barrier in closer proximity to the Lakeside Roost Area. Note that this is the same rationale used for the mitigation planting that I have recommended for tree removal on the Rogers project site.

### The Rogers Project Site

None of the 1999 tree removal events listed in the section above has significantly altered the impact of proposed tree removal on the Rogers property or the mitigations that I have recommended.

Although the trees on the Rogers project site add depth, and an increment of height, to the south-wind barrier created by the Moran Way windrow (and the southeast grove as a whole), their removal is not likely to measurably increase wind flow in the monarch roost areas at the north end of Moran Lake, so long as the Moran Way windrow remains intact. Thus, when considered alone, their removal will create a less than significant impact on these roost areas. However, their removal could be cumulatively considerable in the context of future tree losses in the southeast grove.

With this in mind, I have recommended mitigation planting as a precautionary measure to reduce the importance of the Moran Way windrow (and the southeast grove as a whole) as south wind



protection for the Lakeside Roost Area. Adding trees along the shoreline of Moran Lake adjacent to Peralta Way (Area F, Figure 1) will shift some of the burden of south wind protection for the Lakeside Roost Area from the southeast grove.

With regard to their role in creating monarch wintering habitat at Moran Lake, the trees on the project site serve their most important function by providing south wind protection for the Moran Way windrow trees themselves. Removal of trees from the Rogers project site increases the likelihood that trees adjacent to the project site, in the Moran Way windrow, could fall as a result of increased wind exposure; this would be an indirect physical change. However, this does not mean that they will fall if the Rogers property trees are removed; they will simply be more vulnerable to such wind-throw because their south wind buffer will be reduced in proportion to the number of trees removed from the Rogers property.

### Evaluation of Tree Removal Options for the Rogers Project Site

Mr. Rogers has informed me that it is his intention to remove only the 8 live eucalyptus trees (#2, 3, 10, 11, 14, 15, 16 & 17), plus dead trees #9, 28, 29, that were recommended for removal by Barrie Coate in his 1 February 1999 report (see Figure 2). This strategy—hereafter referred to as **Option A**—would create the least impact possible, while still allowing the proposed development on the property. However, as Mr. Davilla pointed out in our 29 March 1999 meeting with the County Planning Staff, post construction tree removal by future residents—who, unlike Mr. Rogers and Mr. Coate, may perceive the trees as hazardous—is likely. Thus, in the long run, it may be a more prudent strategy to remove those trees that are likely to be perceived as “threatening” by future residents before construction begins. This would represent the “worst case” option—hereafter referred to as **Option B**—and entail the removal of all 26 live trees (#1-8, 10-27) plus dead trees #9, 28, 29. (Note: tree #17 is a stump with 20' water sprouts and trees #30 & #31 have already been removed by the County.)

With respect to the function of the southeastern grove—which includes the Moran Way windrow, the Rogers property, the Yates property and the intervening properties (Figure 1)—as a monarch bivouac/refuge area, it is likely that even Option B would not measurably reduce utilization of the grove by monarchs. In part, this is because occupation of bivouac/refuge areas—by definition—varies widely in time; however, the removal of 26 trees (Option B) would represent an incremental reduction in habitat heterogeneity as compared with the removal of only 8 trees (Option A). High habitat heterogeneity increases the likelihood that some portion of the habitat will remain suitable for roosting monarchs during otherwise unfavorable weather conditions. A reduction in habitat heterogeneity is thus likely to reduce occupation of the site as a bivouac/refuge area.

The presence of buildings on the project site, in conjunction with typical residential yard plantings, should increase habitat heterogeneity sufficiently to fully mitigate the decrease under the conditions of Option A; under Option B the reduction of habitat heterogeneity will be incompletely mitigated by the presence of buildings and yard plants. However, in either case, this reduction in habitat heterogeneity will be a less than significant impact. It is important to note that the suitability of the southeast grove as monarch bivouac/refuge habitat is entirely dependent on the presence of the Moran Way windrow trees; neither the Rogers property trees, nor the proposed residences, will function effectively as monarch habitat in the absence of the windrow trees.

With respect to the function of the southeast grove as wind protection for the Lakeside Roost Area, the removal of 26 trees (Option B) as compared to 8 trees (Option A), would incrementally decrease wind protection by reducing grove depth and height; however, this decrease will still be less than significant so long as the Moran Way windrow remains intact. If trees are removed, or lost through natural causes, from the Moran Way windrow, a significant increase in wind flow in the Lakeside Roost Area could result; this would be a significant impact. It is the responsibility of the County to see that these trees are preserved, since substantial loss of trees from this windrow

would not be fully mitigated by the off-site planting that I have suggested as mitigation for tree removal on the Rogers project site.

The presence of the proposed buildings (3 two-story residences), will help diffuse south wind near ground level. Although this will help conserve the function of the grove as a bivouac/refuge area, the buildings will not be tall enough to function effectively as wind protection for the Moran Way windrow trees adjacent to the property.

The impact of Option B on the wind protection for the Moran Way windrow can be mitigated by preserving trees #23-27 at the north end of the project site (Option C). These trees are all at least 35 feet from the nearest building footprint and none has been rated as hazardous by the arborist. Moreover, these trees are protected from north wind by the presence of the Moran Way windrow and are thus unlikely to fall toward the buildings. Note that these trees would also be preserved under Option A. To ensure the continued preservation of trees #23-27, I recommend that these trees be protected by implementation of a conservation easement or by deed to the County. Mr. Rogers has given tentative verbal consent to this recommendation. I further recommend that trees #181, 184, 185 and 186 (see Figure 2) in the County right-of-way (between the project site and Moran Way) also be preserved.

Preservation of these trees at the northern end of the project site will reduce the likelihood of wind-throw in the adjacent Moran Way windrow, and thus reduce the likelihood of this indirect change, to a less than reasonably foreseeable level. Preservation of these trees will also help ensure that the trees that I have recommended planting as mitigation will have time to mature and assume their role as wind protection for the Lakeside Roost Area.

#### Significance of the Moran Way Windrow

In the absence of the Moran Way windrow trees, the Rogers property trees will not provide an effective barrier to south wind for the Lakeside Roost Area. In the context of this discussion, the key to maintaining south wind protection for the Lakeside Roost Area is preservation of the windrow trees that border Moran Way to the north and west.

This windrow is mostly, if not entirely, within the county right-of-way for Moran Way. In addition, the windrow trees are all within the bounds of Moran Lake County Park; they are in essence "owned", and managed, by the County of Santa Cruz. Likewise, the Lakeside Roost Area, the Creekside Roost Areas, the bivouac/refuge habitat along the western margin of Moran Lake, and the area I have designated for mitigation planting (Figure 1) are all within the bounds of Moran Lake County Park. Given that all these trees are within the bounds of County property, it is difficult for me to accept that "the Planning Department has no means of ensuring that off-site trees will not be removed in the future." At the minimum, the County could designate the County Parks Department as "Trustee Agency" for these habitats and require the preparation and implementation of an appropriate management plan that would ensure preservation of these trees.

The County also needs to take steps to ensure that the importance of these trees is acknowledged in the Moran Lake County Park master plan. If the trees of the Moran Way windrow are removed, the resultant increase in wind disturbance at the north end of Moran Lake is likely to significantly reduce monarch utilization of the Lakeside Roost Area, and could also adversely affect utilization of the South Creekside Roost Area; this would be a significant impact. In addition, increased south wind would raise the likelihood of wind-throw among the trees that line Moran Lake to the north. It is the County's responsibility to ensure that this does not happen, and it is the County's responsibility to ensure that any mitigation trees planted on County property are not removed arbitrarily.



## Mitigation for Tree Removal on the Rogers Project Site

With regard to the mitigation tree planting that I recommended in my 17 Nov 98 report and my 5 May 99 follow-up letter, the planting of these trees is intended to mitigate the adverse effects of tree loss from the section of the Moran Way windrow adjacent to the Rogers property. It is intended as a precautionary measure. Thus, if a wind-throw gap is created in the Moran Way windrow (as a result of tree removal on the Rogers property or for any other reason), the trees planted as mitigation will, at maturity, impede wind flow through the gallery forest adjacent to Peralta Way to a degree sufficient to offset the increase in wind due to the gap. This reduction in wind flow will benefit roosting monarchs in the Lakeside Roost Area regardless of what happens to the trees along Moran Way; however, the mitigation trees will not fully mitigate complete loss of the windrow, or its eastward extension (APN 28-301-04), regardless of the status of the trees on the Rogers property.

The mitigation planting that I suggested will require at least 10 years of good growth to begin to become functional as a wind barrier, and will likely require 20-30 years to completely fulfill its intended function. Given that the Lakeside Roost Area is presently in a state of recovery from previous tree losses, the mitigation planting that I have suggested will become functional at around the same time that the 1998 restoration planting (see Figure 1) begins to become functional. The success of this mitigation is critically dependent on the establishment and consistent implementation of a long term management plan for the Moran Lake County Park—in conjunction with the Lode Street Sanitation Facility—which ensures that the mitigation trees will be cared for, and that the surrounding trees of the gallery forest will also persist through time. Given that more than 47 eucalyptus trees were removed from the Moran Lake monarch wintering habitat during 1999 alone, it seems unlikely that this wintering habitat can long endure in the absence of a such a plan.

### Other Options

Another option for protecting the Moran Way windrow adjacent to the Rogers property is to phase development on the property by developing the two more southerly lots first. This would allow time for the mitigation trees to grow and assume their role in providing wind protection for the Lakeside Roost Area, while maintaining the wind buffer provided by the trees at the north end of the property. Unfortunately, this would result in at least a ten year delay in constructing the third unit. Given that removal of all the trees from the Rogers property is unlikely to result in a significant increase in wind disturbance at the Lakeside Roost Area—so long as the Moran Way windrow remains intact—delaying this development for the sake of reducing the probability of wind-throw seems unjustifiable. Moreover, preserving trees #23-27 would also reduce the likelihood of wind-throw in the adjacent portion of the Moran Way windrow, without delaying the development.

Planting trees along the north side of the Moran Way windrow, to reinforce it, seems untenable because shading by the windrow trees would severely reduce the growth rate of trees planted in this area. However, trees could be planted along the margin of the lake, northwest of the windrow, where they would receive ample sunlight. This option would require the planting of many more trees than would be needed to create a similar barrier in the gallery forest along Peralta Way, and would likely fuel public opposition from residents along the southeast side of Moran Lake, since these trees would eventually interfere with their ocean view. In addition, such a planting would require at least 20 years of good growth to begin to become effective as a south wind barrier.

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CALIFORNIA COASTAL COMMISSION  
EXHIBIT **I-7**

EXHIBIT **D**

## Conclusions:

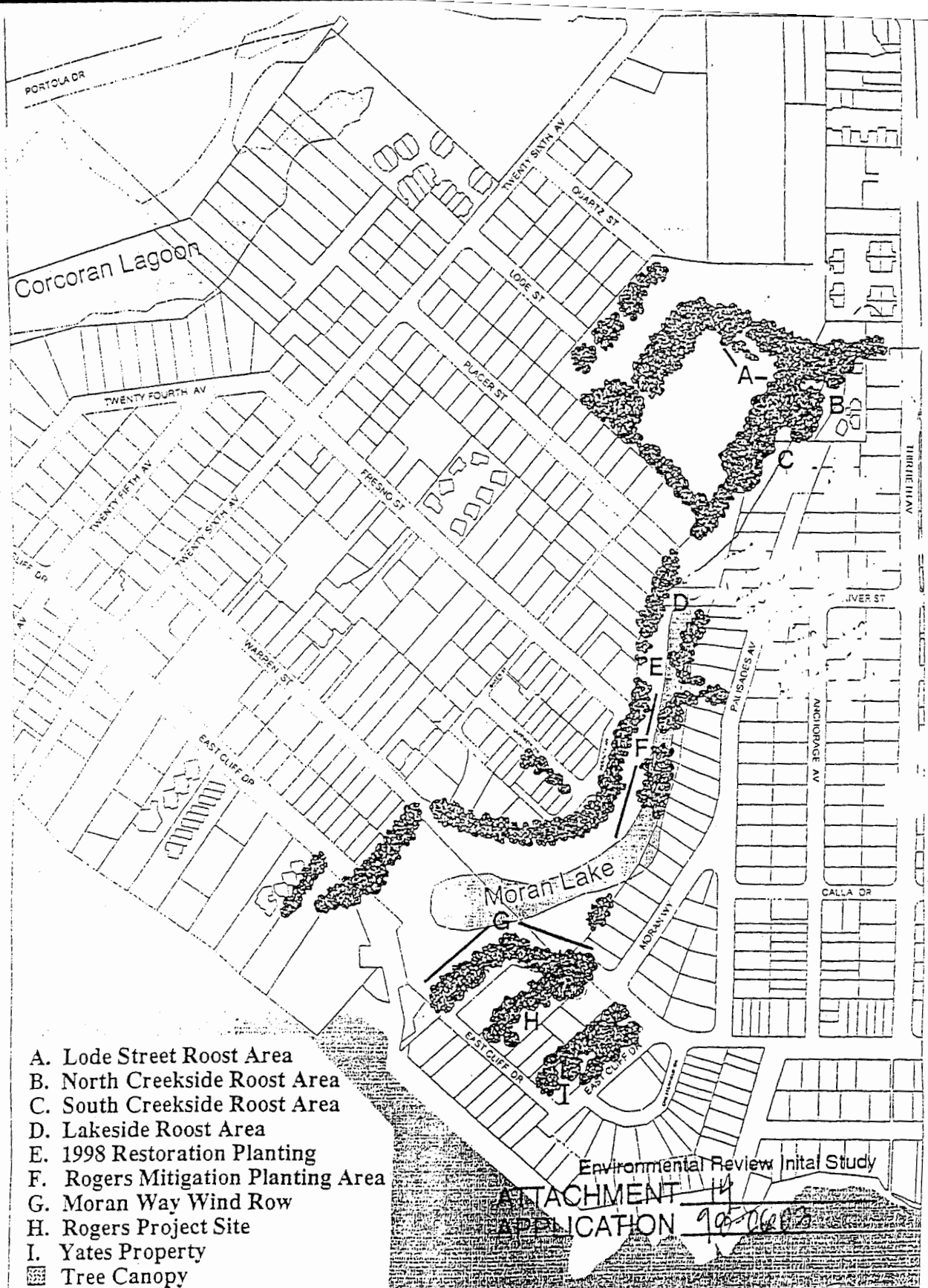
Complete loss, or even substantial loss, of trees from the Moran Way windrow will significantly increase south wind disturbance in the Lakeside Roost Area and make it unsuitable as monarch wintering habitat. It is the integrity of the Moran Way windrow that is critical in creating south wind protection for the roost areas at the north end of Moran Lake; the trees on the Rogers property help protect the windrow, but if the windrow were lost, the Rogers property trees would be of little value in reducing wind flow toward the north end of the lake. Even the worst case option—removal of all 26 live trees from the Rogers property (Option B)—is unlikely to significantly increase wind flow in the Lakeside Roost Area, so long as the Moran Way windrow remains intact. Preservation of trees #23-27 either through Option A or Option C will reduce the likelihood of gap formation in the windrow to a less than foreseeable level and help preserve habitat heterogeneity within the bivouac/refuge area.

Finally, the mitigation planting that I have recommended will not fully mitigate the complete loss of the Moran Way windrow; it is intended to mitigate the possibility of gap formation—due to windthrow—that could result from removing trees from the Rogers property. Ultimately, the preservation of the Moran Way windrow, and the monarch roost areas to the north, is critically dependent upon the creation and implementation of a consistent management plan—for both Moran Lake County Park and the Lode Street Sanitation Facility—that takes into account the needs of wintering monarchs and acknowledges the sensitivity of their habitat.

Please feel free to call if you have any further questions.



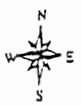
John Dayton  
Biologist



# Moran Lake Area Monarch Butterfly Habitat and Vicinity

Note: Location of water bodies are approximate.

500 0 500 1000 Feet



CALIFORNIA COASTAL COMMISSION  
EXHIBIT I.9


Figure 1  
EXHIBIT D



CALIFORNIA COASTAL COMMISSION  
EXHIBIT I.10

Lot 1  
6,000 SQ. FT.  
ATTACHMENT  
APPLICATION

EXHIBIT D

 <p><b>BARRIE D. COATE</b> and ASSOCIATES (408) 353-1052 2875 Sunset Road Irvine, CA 92616</p>	Tree Survey and Preservation Recommendations
	For The Rogers Property
	2-2811 East Cliff Drive, Santa Cruz
	Job # 01-99-010
	DATE: January 27, 1999
<p><b>HORTICULTURAL CONSULTANT CONSULTING ARBORIST</b></p>	

5 May 1999 \*

To: Peter Rogers  
511 34th Avenue  
Santa Cruz, CA 95062  
(831) 464-9622

From: John Dayton  
125 Myrtle Street #B  
Santa Cruz, CA 95060  
(831) 426-1543

Re: Mitigations for APN 28-302-02 Tree Removal

Dear Peter,

I am writing to clarify the mitigations that I recommended in my 17 Nov 98 evaluation of your proposed development of property (APN 28-302-02) at the south end of Moran Lake in Santa Cruz County.

Based on our discussion of the proposed project (during our meeting with the County Planning Staff on 26 Mar 99), we agree that the impacts on monarch butterfly overwintering habitats at Moran Lake--resulting from the removal of as many as 20 blue-gum eucalyptus trees from the Project Site--may be adequately mitigated by planting trees along the margin of Moran Lake north of the Project Site. We also agree that you should fund the planting of 40 trees--two sapling trees for each mature tree that may be removed from the Project Site--to mitigate these impacts.

On 20 Apr 99, I met with Gretchen Ilif (Maintenance & Facilities Superintendent for Santa Cruz County Parks Department) to discuss the planting of these trees. As we walked along the western margin of the Moran Lake, I pointed out the areas where the planting should take place. She was in general agreement with the plan I am suggesting.

While removal of trees from the Project Site will reduce roost options (habitat heterogeneity) for monarchs in the grove of which the Project Site is a part, it is unlikely to preclude monarchs from using the grove, and it is unlikely to substantially reduce the number of monarchs that will utilize it. Removal of trees from the Project Site will, however, increase the importance--and vulnerability to windthrow--of trees along Moran Way (AKA: Lake Avenue) adjacent to the Project Site; these trees provide south wind protection for monarch habitats at the north end of Moran Lake.

With these issues in mind, I propose that twenty fifteen-gallon sapling trees be planted along the northwest margin of Moran Lake between Lakeview Drive and Placer Street (see attached map of Moran Lake). Appropriate species include: red alder, *Alnus rubra*; Fremont cottonwood, *Populus fremontii* ssp. *fremontii*; western sycamore, *Platanus racemosa*; shining willow, *Salix lucida* ssp. *lasianдра*; and arroyo willow, *Salix lasiolepis*. Ideally, four fifteen-gallon specimens of each species should be purchased and strategically planted--under supervision of a monarch specialist--by a qualified arborist during the early part of winter (November-December). If fifteen-gallon specimens are unavailable, smaller specimens may be planted; however, all specimens must be at least five-gallon container size. The trees should each be staked and fenced to avoid damage by park visitors and, if possible, each should be drip irrigated through the first summer and fall. These trees

\* CCC STAFF NOTE: THIS REPORT, AS WELL AS THE 1ST REPORT IDENTIFIED HEREIN AND THE SUBSEQUENT UPDATE DATED 2/8/2000, ADDRESS THE ORIGINALLY PROPOSED 3 LOT, 3 SFD PROJECT. IMPACTS FOR THE CURRENT 2 LOT, 2 SFD PROPOSAL ARE PRESUMED LESSENED DRAMATICALLY.

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EXHIBIT J.11

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EXHIBIT D

should eventually provide south wind protection for the Lakeside Roost Area and should also reduce wind in the Creekside Roost Area.

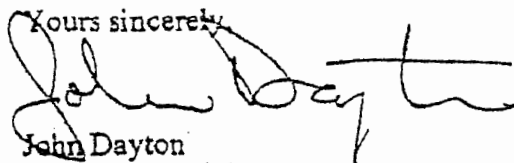
In addition, I propose to plant three fifteen-gallon sapling trees (river red gum, *Eucalyptus camaldulensis*) along the eastern margin of the Lakeside Roost Area; these trees should eventually act as roost trees (and nectar sources) for monarchs during the fall period. Because these trees will be planted adjacent to established blue gum eucalyptus, it will be necessary to plant them with amended soil in holes at least three times the diameter of their containers.

Funds to plant the remaining seventeen trees should be made available to the County Parks Department for replanting trees lost from the initial planting and/or trees lost from the windrow along Moran Way.

While this mitigation planting should eventually compensate for tree loss on the Project Site, I strongly recommend that five trees adjacent to Moran Way at the north end of the Project Site (#23-27 on the attached map: Barrie D. Coate & Associates, 27 Jan 99, Job #01-99-010) remain unaltered so that they can continue to provide wind protection for the windrow trees north of Moran Way. For similar reasons, I also recommend that trees standing between the north boundary of the Project Site and Moran Way--a part of the County road easement--also remain unaltered (i.e., neither arbitrarily limbed nor removed). Preservation of these trees should help diffuse south wind and thus protect the windrow trees north of Moran Way.

If you have any further questions regarding these recommendations, please feel free to call.

Yours sincerely,



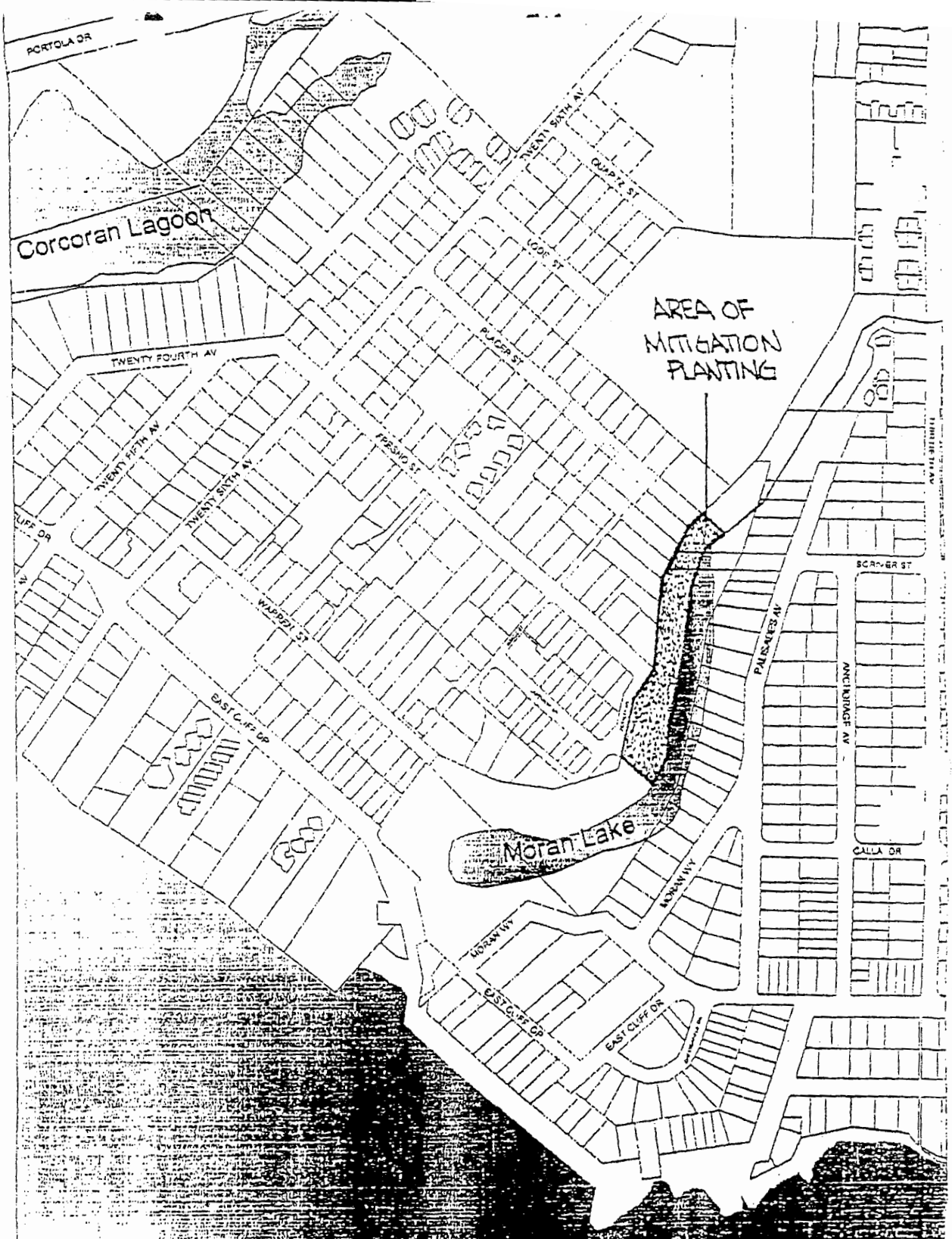
John Dayton  
Monarch Specialist

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EXHIBIT I-12

Environmental Review Initial Study  
ATTACHMENT 14  
APPLICATION 98-0603

EXHIBIT D





# **Moran Lake Area Monarch Butterfly Habitat and Vicinity**

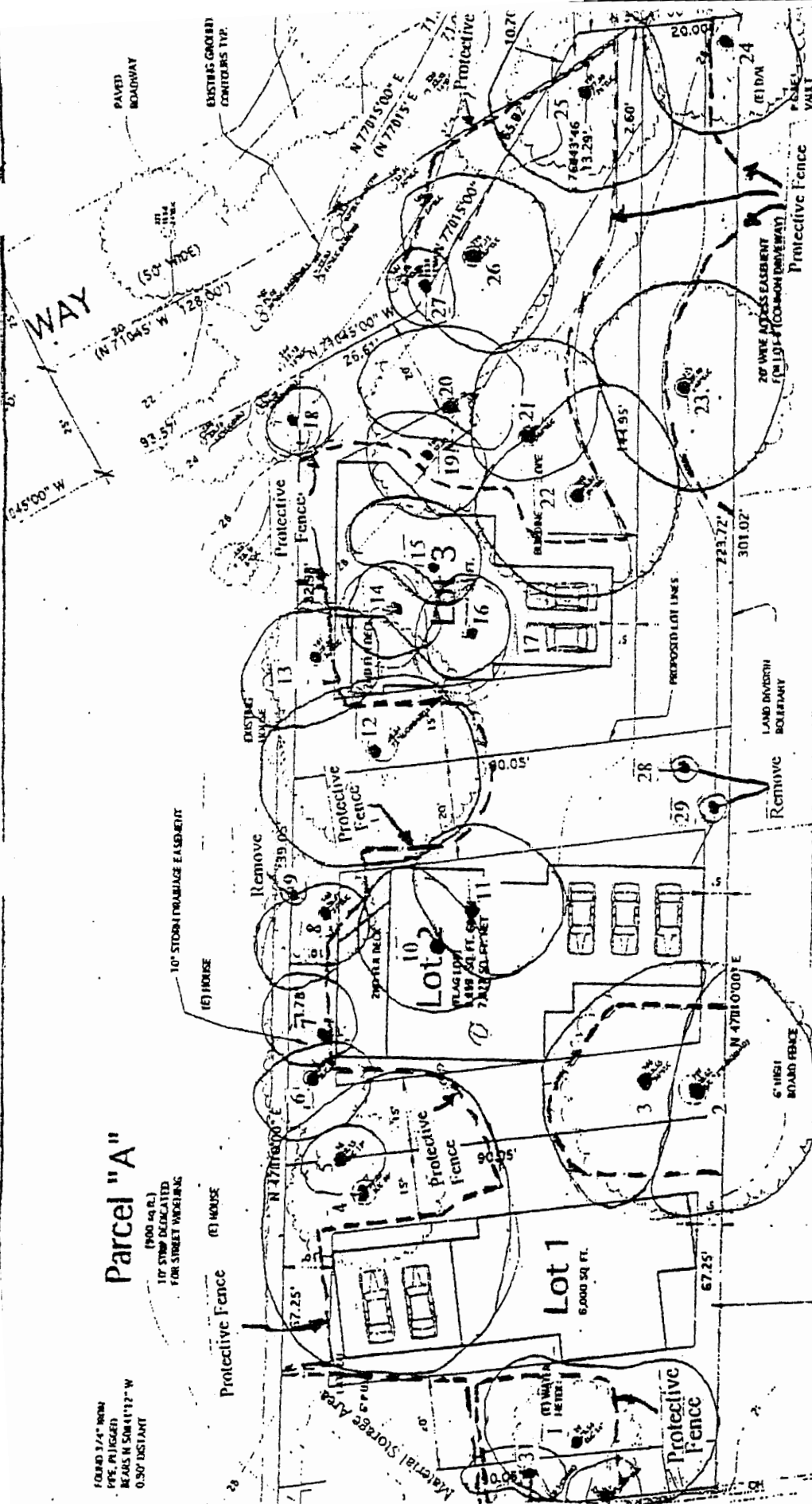
Note: Location of water bodies are approximate.

500 0 500 1000 Feet



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EXHIBIT **I.13**

Environmental Review Initial Sr  
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# Parcel "A"

FOUND 3/4" IRON  
PIPE, PLUGGED  
BEARS N 50° 41' 12" W  
0.30' INSTANT

10' STRIP DEDICATED  
FOR STREET WORKING

(E) HOUSE

Protective Fence

Remove

10' STORM DRAINAGE EASEMENT

(E) HOUSE

Protective Fence

Remove

LAND DIVISION  
BOUNDARY

Remove

PERIOD LOT LINES

Protective Fence

Remove

Protective Fence

Remove

Protective Fence

Remove

Protective Fence

Remove

Protective Fence

Remove

Protective Fence

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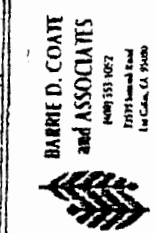
Environmental Review Initial Study

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EXHIBIT I. 14

ATTACHMENT 14  
APPLICATION

98-0603

EXHIBIT D



Barrie D. Coate  
and Associates  
4009 531 1072  
2701 Marshall Road  
San Diego, CA 92108

ORTHOGRAPHIC CONSULTANT  
CONSULTING ARBORIST

Tree Survey and Preservation Recommendations

For The Rogers Property

2-2811 East Cliff Drive, Santa Cruz

Job # 01-99-010

DATE: January 27, 1999

5' WIDE EASEMENT TO LOT 2  
FOR WATER, GAS, ELECT, TV, PHONE  
AND CABLE TV.



Effects on Overwintering Monarch Butterflies  
of Proposed Development of Property  
(APN 28-302-02)  
at the South End of  
Moran Lake in Santa Cruz County, CA

17 November 1998 \*

\* CCC STAFF NOTE

THIS REPORT, AND ITS  
SUBSEQUENT UPDATES  
(DATED 5/5/99 & 2/8/2000),  
ADDRESS THE ORIGINALLY  
PROPOSED 3-LOT, 3 SFD  
PROJECT. IMPACTS FOR  
THE CURRENT 2-LOT, 2 SFD  
PROPOSAL ARE PRESUMED  
LESSENED DRAMATICALLY.

Prepared For:  
Peter Rogers

Applicant  
511 34th Avenue  
Santa Cruz CA 95062  
(831) 464-9622

Prepared By:  
John Dayton

Environmental Consultant  
125 Myrtle Street #B  
Santa Cruz CA 95060  
(831) 426-1543

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ATTACHMENT 1A  
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EXHIBIT I-15

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## PURPOSE

This report reviews the habitat requirements of overwintering monarch butterflies, discusses these requirements with regard to potential adverse effects that may result from tree removal on a strip of property (APN 28-302-02) at the southeast end of Moran lake, and provides recommendations for mitigating these effects.

## INTRODUCTION

The life history of the monarch butterfly (*Danaus plexippus* L.) can be divided into two temporally defined periods: a spring/summer reproductive period and a fall/winter diapause (overwintering) period. During the spring and summer, monarchs exploit the widely distributed North American milkweed (*Asclepias* spp.) flora as food for their larvae. In the fall, the adult butterflies that are produced during the summer migrate to wintering habitats in coastal California or central Mexico to spend the winter months. The availability of overwintering habitats is particularly important for monarchs, since they are unable to survive prolonged periods of freezing temperature in any stage of their life cycle. Thus, in order to exploit the North American milkweed flora during the spring and summer, monarchs must migrate to warmer climates to overwinter (October through February). As is the case with other migratory animals, both the breeding grounds and wintering habitats of monarchs are crucial in the maintenance of viable populations.

In comparison to the broad geographic range of the summer breeding grounds, overwintering habitats are narrowly distributed and relatively rare; they are the "Achilles' heel" of the monarch migratory phenomenon. Loss of these habitats could result in a virtual collapse of the annual migration cycle and would, in any case, vastly reduce the numbers of monarchs in North America. As human population pressures continue to increase the frequency of overwintering habitat degradation and destruction, the success of the monarch's annual migration increasingly requires active conservation of overwintering habitats both in Mexico and along the California coast.

Monarch survival during the winter depends on their ability to find habitats where they can avoid physical damage from weather and predators, while optimizing utilization of their limited fat reserves. Since they are "cold blooded" animals, monarch activity is largely a function of ambient temperature. During periods of low temperature (<60°F), monarchs must roost in wind protected locations that provide some periodic exposure to sunlight; during periods of warm weather they seek cool, shady roost areas in order to keep their metabolic activity levels low enough to conserve their limited fat reserves. Thus, monarch survival through the overwintering period is primarily a function of being able to find a wind protected habitat, with suitable

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microclimatic conditions, that is sufficiently heterogeneous to permit shifts of roost location in accord with prevailing weather conditions and seasonal variation in insolation. In California, such environments are typically found in coastal *Eucalyptus* groves. Although *Eucalyptus* groves are quite common along the coast of California, very few of them are utilized by monarchs as overwintering habitats. The specific range of environmental conditions that the monarchs seem to be seeking is apparently only rarely realized in nature.

It is a common misconception that monarchs roost on, and therefore require, only a few specific trees (roost trees) in an overwintering habitat. Long-term studies show that, over the course of a winter, monarchs roost in several, to many, different trees within a grove and shift their roost locations in response to prevailing wind and temperature conditions. In fact, most of the trees in a typical overwintering habitat do not ever function as roost trees; instead, they function in creating the microclimatic conditions that make a particular habitat suitable. Although non-roost trees affect a number of microclimatic conditions that are important in creating a suitable overwintering habitat (e.g., buffered temperature, high relative humidity, and shade), their most important function is in providing wind protection for the roost trees. A monarch overwintering habitat is thus composed of both roost trees and non-roost trees and both are important in making the habitat suitable for the monarchs.

#### THE MORAN LAKE OVERWINTERING HABITAT

The Moran Lake overwintering habitat regularly attracts and supports the second largest monarch butterfly colony in Santa Cruz County; on average 40,000 butterflies spend the winter at this site. Due to its continual occupation by monarchs throughout the entire overwintering period (October through mid-February), this habitat is designated as a "full-term" (or "permanent") overwintering site. Full-term overwintering habitats are the most crucial type of wintering habitat with regard to preservation of monarch populations.

The monarch overwintering habitat at Moran Lake includes the trees surrounding the Lode Street Sanitation Facility (AKA: East Cliff Transmission Facility), the trees that line Moran Creek (adjacent to the Lode Street Facility to the east) and the trees that line the "lake" south to East Cliff Drive. Most of these trees are blue-gum eucalyptus (*Eucalyptus globulus*).

Although monarchs only roost in a relatively small number of the trees in this habitat, many, if not most, of the other trees play an essential role by providing wind protection for the roost trees. The most frequently utilized portions of the grove provide a multi-layer canopy created by mature trees and saplings. Understory vegetation (which contributes to microclimatic conditions in the habitat) is dense in most areas and consists primarily of poison oak (*Toxicodendron*

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*diversilobum*), English ivy (*Hedera helix*), German ivy (*Senecio mikanioides*) and French broom (*Genista monspessulana*). The English ivy provides nectar for the monarchs in the fall and German ivy, and blue-gum eucalyptus, provide winter nectar.

Monarchs are present in the Moran Lake habitat from October through mid-February in most years. Traditionally, they began to congregate during early October in the trees at the north end of the lake (Lakeside Roost Area) and in several locations along Moran Creek east of the Lode Street Facility (Creekside Roost Area). The Lakeside Roost Area has been used infrequently in recent years owing to habitat degradation resulting from removal of saplings, pruning of lower tree limbs, and tree loss from wind throw, development and permitted removal based on resident safety concerns. The Creekside Roost Area continues to provide suitable conditions for monarchs from early October through early November. Storm winds and declining temperature in November generally force the butterflies to shift their roost locations northwest through the grove surrounding the Lode Street Facility. From the end of November through early February, most of the colony typically roosts near the northeast corner of the Lode Street Facility (Lode Street Roost Area).

#### GENERAL RECOMMENDATIONS FOR HABITAT PRESERVATION

The primary focus of habitat preservation at any monarch overwintering site must be preservation of the trees; this includes maintaining: (1) grove size and spatial configuration, (2) tree density, (3) upper & lower canopy densities, and (4) sapling/mature tree ratios. Secondary considerations include the preservation of understory vegetation and on-site nectar sources.

Based on the premise that most arbitrary changes in a functioning system will degrade the system rather than enhance it, the most prudent approach to the issue of tree removal and pruning in monarch overwintering habitats is one of minimizing change. Trees are the most essential component of any monarch overwintering habitat; as a consequence, tree loss is the greatest contributor to degradation of these habitats. Habitat degradation, resulting from incremental tree loss, continues to be the most serious threat to the monarch overwintering habitat at Moran Lake. Thus, tree trimming and removal must be minimized as much as possible in the monarch overwintering habitat and necessary tree removal should always be mitigated by tree planting at a minimum ratio of two trees planted for each tree removed. The level of impact resulting from tree pruning/removal is obviously dependent on the proximity of the tree(s) to the roost areas and the number of trees involved; however, the cumulative effect of minor ("less than significant") tree pruning/removal events, which lead to incremental habitat degradation, must also be considered in mitigation requirements. Safety pruning, rather than tree removal, should always be the first option considered in dealing with problem trees.

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### THE PROJECT SITE

The project site (APN 28-302-02) is located in a grove of *Eucalyptus* trees at the southeast margin of Moran Lake between East Cliff Drive and Moran Way (AKA: Lake Avenue). The site consists of a 0.566 acre (24,661 sq. ft) strip of land oriented lengthwise in a northeast by southwest direction with approximately 22 mature eucalyptus (*Eucalyptus globulus* L.) trees scattered across it. North and west of the property is a dense windrow of mature *Eucalyptus* along the lakeside margin of Moran Way; east of the property, at the corner of East Cliff Drive and Moran Way, is another remnant stand of *Eucalyptus*. No trees of note exist between the property and Monterey Bay to the southwest of East Cliff Drive. The trees on the project site are remnant trees from a previously continuous stand that once extended from the shoreline of Moran Lake in the west to the intersection of Moran Way and East Cliff Drive in the east and along the margin of Moran Lake to the grove surrounding the Lode Street Facility at the north end of the lake. Development of properties along the eastern margin of Moran Lake and on either side of the project site (to the east and west) has necessitated removal of most of the eucalyptus in these areas.

### PROPOSED PROJECT

The applicant (Peter Rogers) proposes to subdivide the project site to create three smaller lots and build houses on each of these lots. The project would thus require the removal of only 10 of the 22 mature eucalyptus trees on the project site. However, several of the trees that are presently designated to remain on the project site are in close proximity to proposed building envelopes; thus care will need to be taken in the design and location of the buildings to ensure that setbacks are adequate to preserve these trees. The grove of trees at the southeast margin of Moran Lake, of which the trees on the project site are a part, provides important south wind protection for the Lakeside Roost Area to the north and contributes to wind protection for the Creekside Roost Area and the Lode Street Roost Area as well.

### SUMMARY OF FIELD OBSERVATIONS

I visited the project site on five days during the fall of 1998 (7 Oct, 11 Oct, 23 Oct, 5 Nov, & 9 Nov) to look for monarchs on the site and to evaluate potential impacts of the proposed tree removal on known monarch roost areas at Moran Lake. In conjunction with several of these visits to the project site, I also visited the traditional roost areas in the Moran Lake habitat to determine habitat utilization and visually estimate the number of monarchs present (Table 1).

On 11 Oct 98, under a mostly clear sky, I observed monarchs flying and nectaring along the coastline from Natural Bridges to Moran Lake and I estimate that there were 7,600 monarchs

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roosting in the Creekside and Lode Street Roost Areas at Moran Lake. Despite the abundance of monarchs in the Moran Lake habitat, I observed no monarchs among the trees on the project site on this day.

On 23 Oct 98, under a mostly foggy sky with calm wind, I observed 20,000 monarchs roosting in the Creekside Roost Area, none in the Lode Street Roost Area, several flying around in the Lakeside Roost Area and several flying in the grove that includes the project site; however, none were observed roosting on the project site or in its immediate vicinity.

I returned to the Moran Lake habitat on 5 Nov 98, under a clear sky with a gusty 10 mph wind from the west-northwest, and observed 19,000 monarchs roosting in the Creekside Roost Area, no monarchs in the Lode Street Roost Area, 10-20 flying and basking in the Lakeside Roost Area, and 5-10 flying and basking in trees on the project site. Although many of the monarchs on the project site flew in and out of the property, at least 5 were perched (basking) on trees on the project site during the entire period of observation (approximately 45 min.). I also observed monarchs entering the grove from the northeast along the lee side of the windrow that lines Moran Way. The grove provides excellent wind protection from north to west winds.

I visited the Moran Lake habitat again on 9 Nov 98, under a clear sky with wind (mostly <10mph) from the south-southwest, and observed 19,000 monarchs clustered in the Creekside Roost Area. I observed no monarchs in the Lode Street Roost Area, the Lakeside Roost Area or in the grove including the project site. Wind penetration through the trees on the project site was substantial on this day owing to the open exposure of the site to the south.

**Table 1:** Summary of numbers of monarch butterflies observed Flying (F), Basking (B), and Roosting (R) at four locations in the Moran Lake habitat. Data for the Creekside Roost Area (and the Lode Street Roost Area on 11 Oct 98) are visual estimates of roosting monarchs; an additional 100-200 basking and flying monarchs were often also present in the area.

Date	Project Site APN 28-302-02	Lakeside Roost Area	Creekside Roost Area	Lode Street Roost Area
7 Oct 98	0	-	-	-
11 Oct 98	0	0	5,600 (R)	2,000 (R)
23 Oct 98	3 (F)	4 (F)	20,000 (R)	0
5 Nov 98	5-10 (F/B)	10-20 (F/B)	19,000 (R)	0
9 Nov 98	0	0	19,000 (R)	0

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## CONCLUSIONS

The grove of trees at the southeast margin of Moran Lake, of which the project site is a part, provides excellent wind protection from north and west winds in its interior and good exposure to midday sun. The grove, including the project site, thus can (and does) function as a bivouac or refuge area for wayward monarchs in the Moran Lake habitat (especially during periods when winds blow from the north-west quadrant). However, because of its open exposure to wind from the south (and northeast) it is unlikely to provide suitable habitat for roosting butterflies over extended periods of time when wind conditions are variable.

The proposed removal of 10 of the 22 eucalyptus trees on the project site, in conjunction with the construction of three new buildings, will substantially reduce the habitat available to monarchs on the project site. However, providing that other trees are not removed from the project site or from the grove of which the project site is a part (especially in the windrow along Moran Way to the north), the grove itself should still remain functional as a monarch bivouac/refuge area. Likewise, the proposed project should have a less than significant impact on the function of the grove as wind protection for known monarch roost areas in the Moran Lake habitat to the north. However, if trees are removed/lost from the east-west windrow along Moran Way north of the project site, south wind velocities in the Lakeside Roost Area could increase substantially.

Although it is unlikely that the proposed tree removal and construction on the project site will have a measurable adverse effect on monarchs in roost areas at the north end of Moran Lake, it will increase the significance of the remaining trees in the grove of which the project site is a part. This change, with respect to the function of this grove as wind protection, increases the probability that future tree loss in the grove may result in a significant increase of wind penetration in the roost areas to the north. To reduce this risk, and compensate for habitat loss on the project site, I recommend that the applicant provide funding for the purchase, planting and establishment of 20 trees in the Moran Lake habitat north of the project site; this represents a 2:1 replacement for trees removed on the project site. The planting of these trees should be undertaken by the County Parks staff (in accord with the County Parks' Master Plan for Moran Lake), and should be overseen by a qualified monarch butterfly specialist.

Environmental Review Initial Study

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APPLICATION 90-0603

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EXHIBIT I-21

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EXHIBIT D



BARRIE D. COATE AND ASSOCIATES  
Horticultural Consultants  
(408) 353-1052  
Fax (408) 353-1238  
23535 Summit Rd. Los Gatos, CA 95033

**AN UPDATED ANALYSIS OF THE PREDICTED EFFECTS OF  
CONSTRUCTION ON TREES AT 2-2811 EAST CLIFF DRIVE  
SANTA CRUZ**

Prepared at the Request of:  
Peter Rogers  
511 34<sup>th</sup> Ave.  
Santa Cruz, CA 95062

Prepared by:  
Barrie D. Coate  
Consulting Arborist  
January 15, 2001

Job #01-99-018-01

EXHIBIT 1

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.1

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### Assignment

Mr. Rogers provided a new plan of proposed construction on the property which would construct two homes rather than the three homes referred to in our report of February 1, 1999.

Due to this reduced density only 5 of the original 31 trees on the property would be removed, leaving the 17 trees on the north end of the property an intact wind screen for the Moran Way Windrow toward the east northeast.

We have been asked to comment on the difference in affects on the trees on the property, resulting from this change.

### Summary

The changed density will have the following affects:

1. The new architectural plans do not place any buildings beneath tree canopies.
2. New grading limits eliminate grading beneath tree canopies except where the driveway enters from Moran Way.
3. Only 5 live trees (#2, 3, 4 10 and 11) would be removed instead of 7 as previously required. Two of those (trees #2 and 3) have high hazard ratings and removal of 2 others (#10, and 11) had been recommended in our previous report. The dead stumps would still be removed.
4. It is less likely that owners of the two homes will feel the need to remove remaining trees, since the buildings will be further from the tree canopies.

### Discussion

Of the 5 trees #2, 3, 4, 10 and 11, which would be removed, four (#2, 3, 10, 11) have very poor structure which could not be corrected without such severe pruning that the remaining tree would serve no esthetic or wind barrier purpose.

The fifth is only slightly less bad.

### Roadway Construction

Wherever an entry drive travels beneath tree canopies, the driveway should be constructed on top of existing grade, using a pervious base material like pea gravel. (Refer to item 3, page 2 of our Feb. 1, 99 report).

The roadway beneath the canopies of trees #21, 22, 23, 24, and 25 must be protected from excessive compaction. That can be accomplished by one of several methods;

1. Directing construction traffic through E. Cliff when possible.
2. Directing construction traffic from Moran Way only if access from E. Cliff is restricted for any reason.

3. That any construction traffic from Moran Way travel either over:

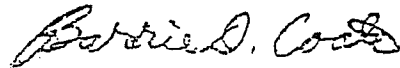
- a. A finished driveway constructed of pervious materials such as Grass-crete blocks or interlocking pavers laid over a pervious base material such as pea gravel.
- b. A temporary driveway surface of 5-inches of tree chips top dressed with 1-inch of  $\frac{3}{4}$  - 1  $\frac{1}{2}$  -inch quarry rock.

Since it would be necessary to provide an edge for the permanent driveway, laid on top of grade, an 8-inch or higher concrete border, installed with 5/8-inch rebar "ells" on 12-inch centers driven 12- to 18-inches into the ground may be necessary. I have seen this process used but cannot testify to its successful function.

#### Protective Fencing

Temporary fencing must be installed as far from tree trunks as practical allowing access to actual areas of construction. Suggested locations are shown on the enclosed plan.

Respectfully submitted,



Barrie D. Coate

Enclosures:

Assumptions and Limiting Conditions  
Map

BDC/sl

PREPARED BY: BARRIE D. COATE, CONSULTING ARBORIST

JANUARY 15, 2001

EXHIBIT 1

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.3



DARRIN D. COATE  
and ASSOCIATES

Horticultural Consultants  
408-353-1052  
23535 Summit Road, Los Gatos, CA 95030

### ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided to the appraiser/consultant is assumed to be correct.


Any titles and ownerships to any property are assumed to be good and marketable.

No responsibility is assumed for matters legal in character nor is any opinion rendered as to the quality of any title.

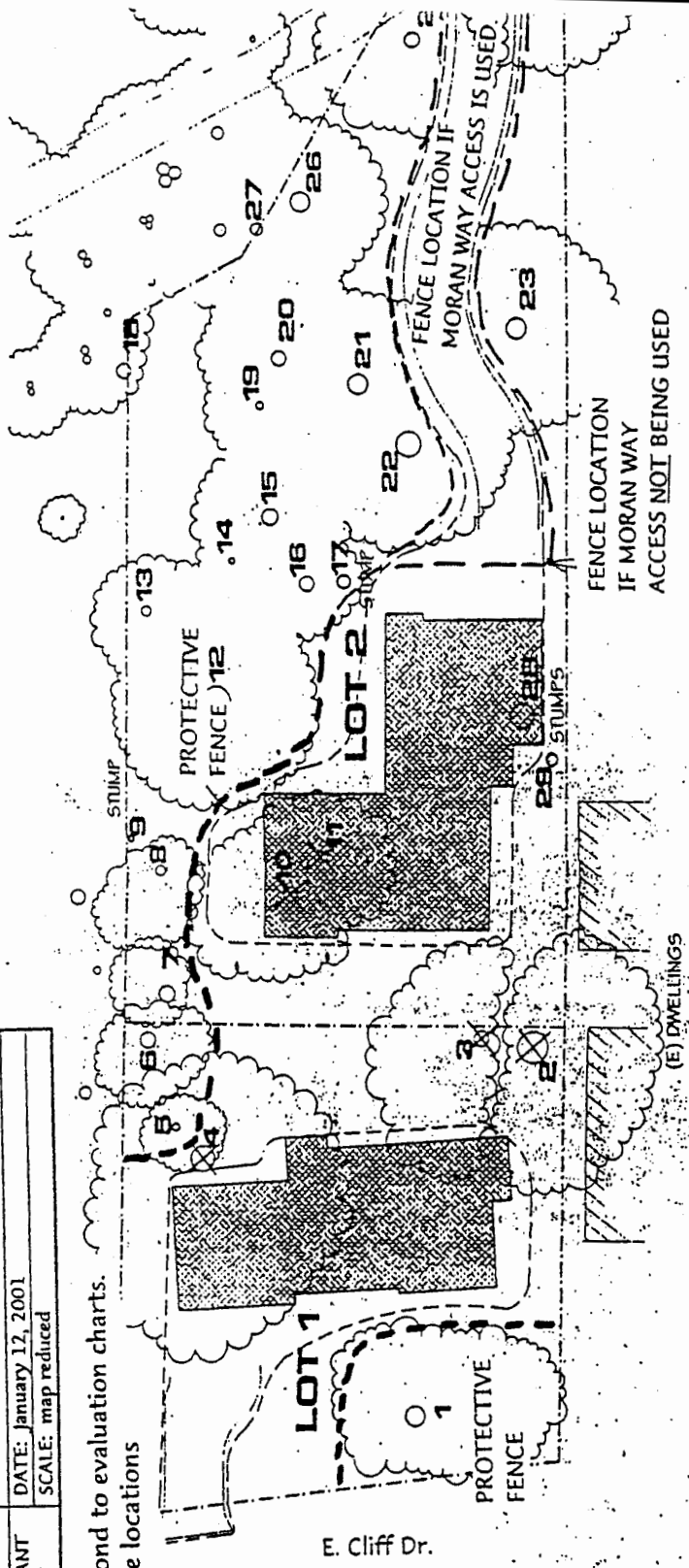
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
  3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the appraiser/consultant can neither guarantee nor be responsible for accuracy of information provided by others.
  4. The appraiser/consultant shall not be required to give testimony or to attend court by reason of this appraisal unless subsequent written arrangements are made, including payment of an additional fee for services.
  5. Loss or removal of any part of this report invalidates the entire appraisal/evaluation.
  6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person(s) to whom it is addressed without written consent of this appraiser/consultant.
- Neither all nor any part of the contents of this report, nor copy thereof, shall be used for any purpose by anyone but the client to whom it is addressed, without the prior written consent of the appraiser/consultant; nor shall it be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the author; particularly as to value considerations, identity of the appraiser/consultant or any professional society or institute or to any initialed designation conferred upon the appraiser/consultant as stated in his/her qualifications.
8. This report and the values expressed herein represent the opinion of the appraiser/consultant, and the appraiser's/consultant's fee is in no way contingent upon the reporting of a specified value nor upon any finding to be reported.
  9. Sketches, diagrams, graphs, photos, etc. in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys.
  10. This report has been made in conformity with acceptable appraisal/evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.
  11. When applying any pesticide, fungicide or herbicide, always follow label instructions.
  12. No tree described in this report was climbed, unless otherwise stated. We cannot take responsibility for any defects which could only have been discovered by climbing. A full root collar inspection, consisting of excavating the soil around the tree to uncover the root collar and major buttress roots, was not performed, unless otherwise stated. We cannot take responsibility for any root defects which could only have been discovered by such an inspection.

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.4

EXHIBIT 1

 Barrie D. Coate & Associates (408) 353-1052 23535 Summit Road Los Gatos, CA 95033	An Updated Analysis of The Predicted Effects of	
	Construction on Trees at 2-2811 East Cliff Drive	
	Prepared For: Peter Rogers	
	Job # 01-99-018-01	
	DATE: January 12, 2001 SCALE: map reduced	
HORTICULTURAL CONSULTANT CONSULTING ARBORIST		

Tree numbers correspond to evaluation charts.  
All dimensions and tree locations  
are approximate.



# SUPPLEMENTAL SITE PLAN





and ASSOCIATES

Horticultural Consultants

408-353-1052

Fax 408-354-3767

23535 Summit Road, Los Gatos, CA 95030

AN ANALYSIS OF THE TREES  
AT THE ROGERS PROPERTY  
2-2811 EAST CLIFF DRIVE  
SANTA CRUZ

Prepared at the Request of:

Mr. Peter Rogers  
511 34<sup>th</sup> Ave.  
Santa Cruz, CA 95062

Site Visit by:  
Barrie D. Coate  
February 1, 1999 \*

Job # 01-99-018A

\* CCC STAFF NOTE

THIS REPORT ADDRESSES THE  
ORIGINALLY PROPOSED 3 LOT,  
3 SFD PROJECT. THIS REPORT  
WAS UPDATED TO RESPOND TO  
THE CURRENT 2 LOT, 2 SFD  
PROPOSAL. SEE 1/15/2001  
UPDATE REPORT.

Environmental Review Initial Study

ATTACHMENT 12  
APPLICATION 99-0603

CALIFORNIA COASTAL COMMISSION  
EXHIBIT **T.6**

EXHIBIT **D**



### *Assignment*

Mr. Rogers asked me to prepare an analysis of the health, structure, potential usefulness, and the potential impact of construction on the 27 live trees at the property at 2-2811 East Cliff Drive in Santa Cruz.

This report does not address pruning needs of specific trees.

### *Summary*

I see no reason that the proposed construction could not occur if five to seven blue gum trees one Monterey pine and three dead trees and one stump can be removed, assuming the recommendations seen in this report are followed.

### *Discussion*

There are 27 live Tasmanian blue gum trees (*Eucalyptus globulus*) on the property one short stump sprout and 3 dead and one Monterey pine.

These blue gum trees range in trunk diameter from 12" to 42" and in height from 20 to 130 feet tall.

Tree #17 is a twin trunk pair of 20' stump sprouts of no value.

The majority of the largest specimens were cut off many years ago at 6 to 10 feet above grade and are now composed of multi-stem water sprout growth which emerges from those old cuts.

In addition there are many younger specimens which are no doubt seedlings from the original first growth specimens.

The trees are in reasonably good health. However, some individuals have thinning canopies and an abnormally large amount of dead twig growth in the upper canopies, probably due to the soil compression over the years by truck and car travel over the root zones.

### *Construction/Tree Conflict*

1. The greatest potential for construction damage to these trees would be caused by a trench dug between trees #22 and 23 to provide access by sewer, water and power lines into lots 2 and 3.

For this reason, I suggest that those services enter from East Cliff Drive. This could mean removing trees #2 and 3. In my opinion, this would be a benefit since those two trees are likely candidates for breaking off near the ground in any case. They are stump sprouts from an old, cut tree, and not well attached to the stump. If that is not acceptable, the service lines could be installed at 3' or more deep, trees #2 and 3 by "Jacking" a line from at least 20' east or west of their trunks.

Prepared by: Barrie D. Coate

Environmental Review Initial Study

ATTACHMENT 12  
APPLICATION 99-0603

February 1, 1999

CALIFORNIA COASTAL COMMISSION  
EXHIBIT **J.7**

EXHIBIT **D**

2. Spread footings dug to 2 feet deep into the area beneath tree canopies would destroy or damage absorbing roots and for this reason, it may be necessary to use pier and beam foundation design in some specific areas.
3. If the driveway enters lots 2 and 3 off of Moran Way, it would have to be composed of highly pervious materials layed on top of existing grade to prevent further compaction of the soils in which roots of trees #22, 23, 24 and 25 are seen.

Since existing grade is far below the surrounding grade due to compression of soil and roots by vehicle travel, it would be possible to actually improve the condition of those roots over that which would exist if the conditions were left as they are presently seen by installing pervious paving materials on top of existing adjacent grade with no grading and allowing roots to grow up into those materials over time, providing a surface over which loads are spread evenly rather than concentrated as happens with wheeled equipment travel.

#### *Recommendations*

1. I recommend that the 7 trees, #2, 3, 10, 11, 14, 15 and 16, dead tree #9 and stump #17 be removed.
2. That all services to lots 2 and 3 which enter from the east are by underground installation at least 3 feet below the existing surface.
3. Any roadway to lots #2 and 3 in any areas beneath an existing tree canopy or within the root protection zone<sup>1</sup> be of pervious paving materials laid on top of existing grade. The sub-grade materials must drain a minimum of ½-inch of water per hour.

Existing soil may not be compressed to more than 82% compaction rate before driveway materials are laid over the surface.

During installation of the driveway materials, dump trucks must not roll over exposed bare ground until at least 8 inches of fill is laid over the surface. It may be necessary to lay steel plates on the ground for travel of these dump trucks during the tailgating of the first layer of materials on the soil.

4. Foundation construction closer than 5 times the trunk diameter to the trunk must be of pier and beam foundation design to avoid severing absorbing roots in the areas in which those foundations are installed. No crawl space may be excavated in areas inside foundation perimeters which are beneath current tree canopies.
5. I suggest that drip-lines of all trees not adjacent to actual construction be fenced with 5 foot tall chainlink material mounted on 2-inch diameter galvanized iron posts driven 18-inches into the ground. These fences must not be moved after installation or before all subcontractors are off site.

<sup>1</sup> Root Protection Zone

Respectfully submitted,

*Barrie D. Coate*

Barrie D. Coate

BDC/las

Enclosures: Assumptions and Limiting Conditions  
Tree Data Charts  
Map  
1 Root Protection Zone

Prepared by: Barrie D. Coate

Environmental Review Initial Study

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APPLICATION 98-0603

February 1, 1999

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.9

EXHIBIT D





Los Galos, CA 95030

[illegible]

Job Name: Rogers Property  
Job #: 01-99-018A  
Date: February 1, 1999

## Environmental Review Initial Study

ATTACHMENT:  
APPLICATION

1.2

919-0103

1 = Best, 5 = Worst

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CALIFORNIA COASTAL COMMISSION  
EXHIBIT J. 10

EXHIBIT 10



**BARRIE D. COATE  
and ASSOCIATES**

(415) 353-1052  
23535 Summit Road  
Los Gatos, CA 95030

Tree # Plant Name

11	Tasmanian Blue Gum	42.0					130	35	3	3	6																		X
12	Tasmanian Blue Gum	29.0	X	26.0	21	20	130	40	2	4	6																		
13	Tasmanian Blue Gum	33.0					130	35	3	3	6																		
14	Tasmanian Blue Gum	17.0					130	15	3	4	7																		X
15	Tasmanian Blue Gum	25.0	X	21.0			130	40	4	4	8																		X
16	Tasmanian Blue Gum	43.0					130	30	3	4	7																		X
17	Tasmanian Blue Gum	6.0	X	4 1/3	multi	20	20	20	2	5	7																		X
18	Tasmanian Blue Gum	7.0	X	4.0	4 1/3	70	20	20	2	4	6																		
19	Tasmanian Blue Gum	24.0	X	7.0			130	15	3	3	6																		
20	Tasmanian Blue Gum	27.0	X	14.0			130	30	3	3	6																		

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.11

EXHIBIT D

Job Name: Rogers Property  
Job #: 01-99-018A  
Date: February 1, 1999

Environmental Review Initial Study  
ATTACHMENT 12  
APPLICATION 18-0603

1 = Best, 5 = Worst  
Page 2 of 4



**BARRIE D. COATE  
and ASSOCIATES**  
(408) 353-1052  
23535 Summit Road  
Los Gatos, CA 95030

Tree # Plant Name

21	Tasmanian Blue Gum	45.0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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CALIFORNIA COASTAL COMMISSION  
EXHIBIT J.12

EXHIBIT D

Job Name: Rogers Property  
Job #: 01-99-018A  
Date: February 1, 1999

Environmental Review Initial Study  
ATTACHMENT 12  
APPLICATION 98-0603

1 = Best, 5 = Worst



**BARRIE D. COATE  
and ASSOCIATES**

(408) 353-1052  
23535 Summit Road  
Los Gatos, CA 95030

Tree # Plant Name

31 Monterey Pine  
Pinus radiata

Measurements				Condition				Pruning/Climbing Issues										Removal Priority (1-3)									
DBH	MULTI-SYSTEM	DBH	DBH	DIAMETER @ 2 FEET	HEIGHT	CANOPY DIAMETER	HEALTH (1-5)	STRUCTURE (1-5)	CONDITION RATING (2-10)	HAZARD RATING (3-9)	CROWN CLEANING	CROWN THINNING	CROWN RESTORATION	CROWN RAISING	REMOVE END-WEIGHT	CABLES NEEDED #	PRUNING PRIORITY (1-5)	INSECTS (1-5)	TREE CROWN DISEASE (1-5)	DEAD WOOD (1-5)	TRUNK DECAY(1-5)	ROOT COLLAR COVERED (1-5)	ROOT COLLAR DISEASE (1-5)	NEEDS WATER (1-5)	NEEDS FERTILIZER	RECOMMEND REMOVAL	REMOVAL PRIORITY (1-3)
9.0	x	8.0			15	20	5	2	7																	x	

Environmental Review Initial Study  
ATTACHMENT 12  
APPLICATION 48-0603

Job Name: Rogers Property  
Job #: 01-99-018A  
Date: February 1, 1999

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Page 4 of

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J-13

EXHIBIT D



DARRIN D. CORTI  
and ASSOCIATES  
Horticultural Consultants  
408-353-1052  
Fax 408-354-3767  
23535 Summit Road, Los Gatos, CA 95030

## ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided to the appraiser/consultant is assumed to be correct.

Any titles and ownerships to any property are assumed to be good and marketable.

No responsibility is assumed for matters legal in character nor is any opinion rendered as to the quality of any title.

2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.

3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the appraiser/consultant can neither guarantee nor be responsible for accuracy of information provided by others.

4. The appraiser/consultant shall not be required to give testimony or to attend court by reason of this appraisal unless subsequent written arrangements are made, including payment of an additional fee for service.

5. Loss or removal of any or part of this report invalidates the entire appraisal/evaluation.

6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by an other than the person(s) to whom it is addressed without written consent of the appraiser/consultant.

Neither all nor any part of the contents of this report, nor copy thereof, shall be used for any purpose by anyone but the client to whom it is addressed, without the prior written consent of the appraiser/consultant; nor shall it be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the author; particularly as to value considerations, identity of the appraiser/consultant or any professional society or institute or to any initialed designation conferred upon the appraiser/consultant as stated in his/her qualifications.

8. This report and the values expressed herein represent the opinion of the appraiser/consultant, and the appraiser's/consultant's fee is in no way contingent upon the reporting of a specified value nor upon any finding to be reported.

9. Sketches, diagrams, graphs, photos, etc. in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys.

10. This report has been made in conformity with acceptable appraisal/evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.

11. When applying any pesticide, fungicide or herbicide, always follow label instructions.

12. No tree described in this report was climbed, unless otherwise stated. We cannot take responsibility for any defects which could only have been discovered by climbing. A full root collar inspection, consisting of excavating the soil around the tree to uncover the root collar and major buttress roots, was not performed, unless otherwise stated. We cannot take responsibility for any root defects which could only have been discovered by such an inspection.

Environmental Review Initial Study

ATTACHMENT

12

APPLICATION

99-0003

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J. 14

EXHIBIT

D



**BARRIE D. C.**  
**and ASSOCIATES**

(408) 353-1072  
23335 Sunset Road  
Law Center, CA 95006

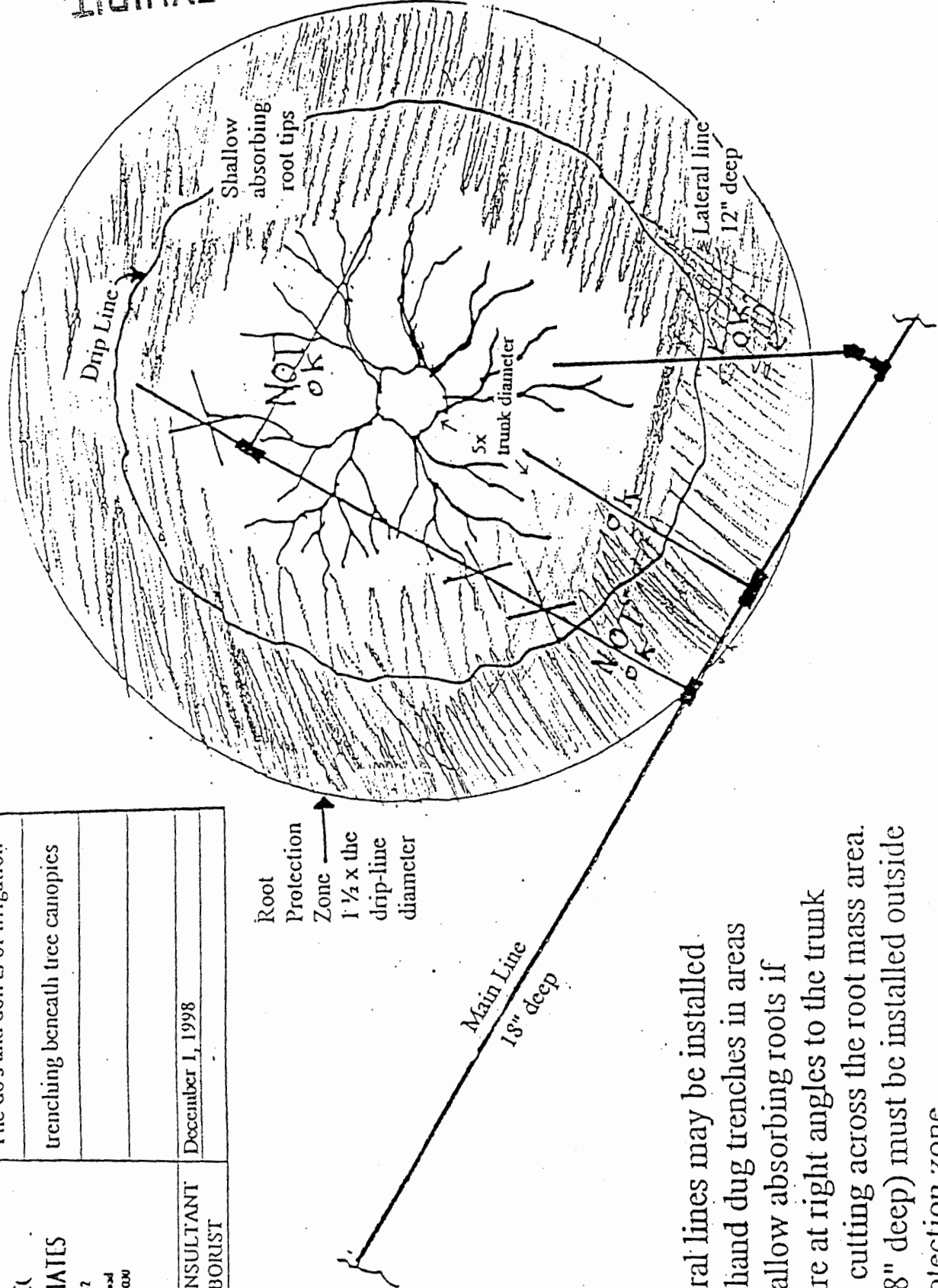
**CULTURAL CONSULTANT**  
**IRRIGATING ARBORIST**

December 1, 1998

The do's and don'ts of irrigation

trenching beneath tree canopies


Root  
Protection  
Zone  
1 1/2 x the  
drip-line  
diameter



gation lateral lines may be installed  
" deep) in hand dug trenches in areas  
taining shallow absorbing roots if  
trenches are at right angles to the trunk  
opposed to cutting across the root mass area.  
in lines (18" deep) must be installed outside  
the root protection zone.

no case may sprinklers wet the area within 5 times the trunk diameter of the trunk.

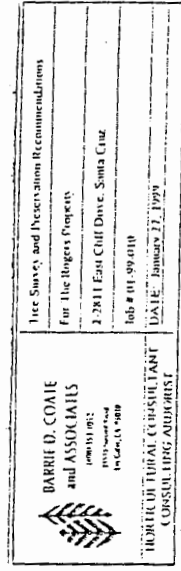
Environmental Review Initial Study

ATTACHMENT 12

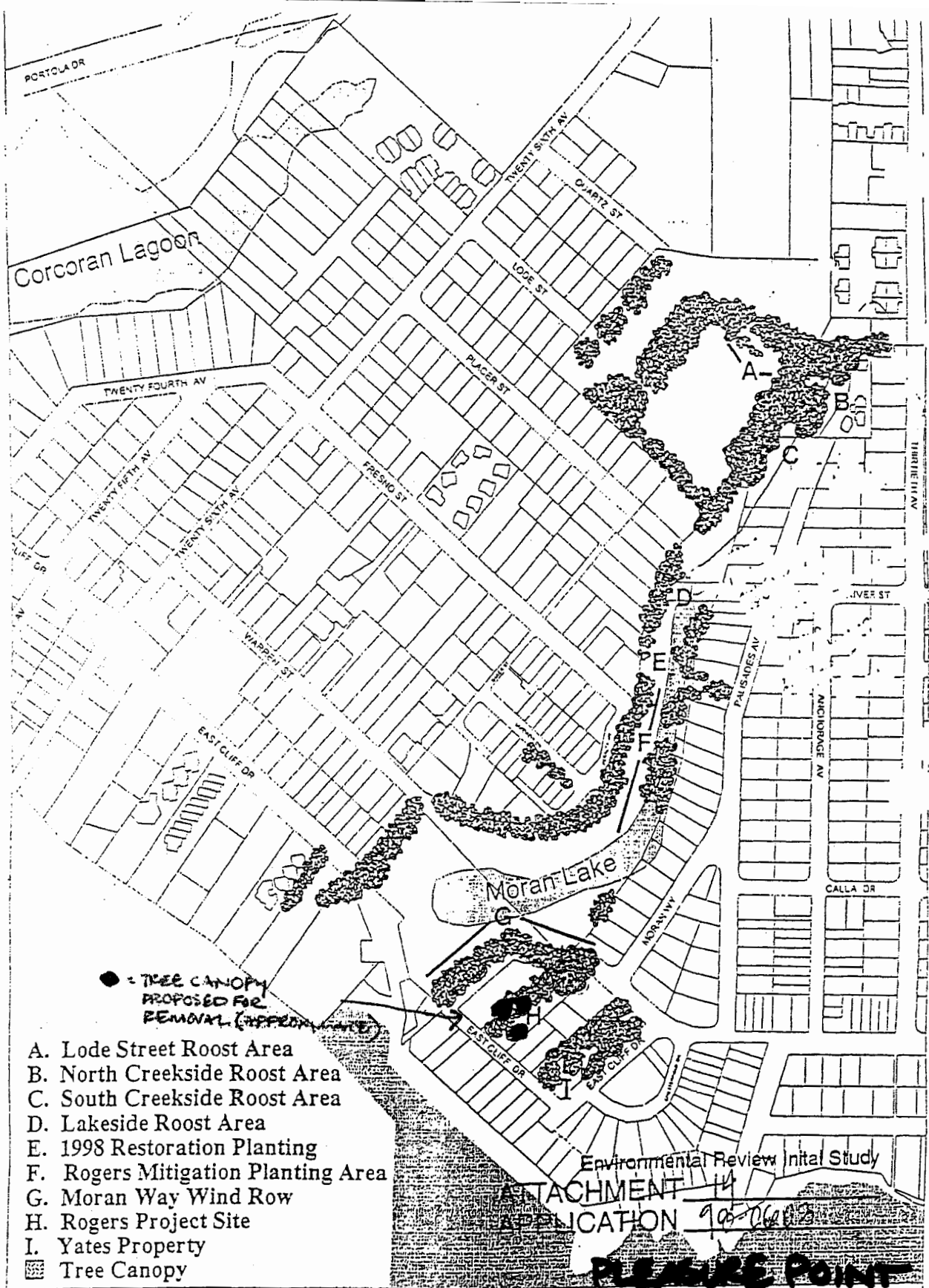
APPLICATION 4B-0603

EXHIBIT

CALIFORNIA COASTAL COMMISSION  
EXHIBIT J-15







# Moran Lake Area Monarch Butterfly Habitat and Vicinity

Note: Location of water bodies are approximate.

500 0 500 1000 Feet

CALIFORNIA COASTAL COMMISSION

EXHIBIT K<sup>08</sup>

Figure 1  
EXHIBIT D