

CALIFORNIA COASTAL COMMISSION

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

Th15i



RECORD PACKET COPY

Filed: 3/21/2002
49th day: 5/9/2002
180th day: 9/17/2002
Staff: D.Carl
Staff report prepared: 3/21/2002
Hearing date: 4/11/2002
Hearing item number: Th15i

COASTAL DEVELOPMENT PERMIT APPLICATION

- Application number**3-02-012, Vista Del Mar Homeowners Revetment Repair
- Applicant**.....Vista Del Mar Homeowners Association Inc. (Agent: David Cermak)
- Project location**.....Coastal bluff seaward of 2-2750, 2-2752, 2-2754, and 2-2756 East Cliff Drive (common parcel APN 028-341-05) along 26th Avenue Beach in the Live Oak beach area of unincorporated Santa Cruz County.
- Project description**Fill gaps and voids in an existing revetment (with no seaward encroachment).
- File documents**.....Santa Cruz County Certified Local Coastal Program; California Coastal Commission Coastal Development Permit files P-1554 (Cermak, 1976) and P-77-947 (Cermak, 1978), and Emergency Permit File M-78-34 (Cermak, 1978); California Coastal Commission Monterey Bay ReCAP.
- Staff recommendation** ...Approval with Conditions

Summary: The Applicant proposes to fill a series of gaps and voids that have developed in an existing permitted revetment fronting the popular 26th Avenue Beach in coastal Live Oak. Although such a repair project is fairly routine, Coastal Act issues are engendered nonetheless because: recreational beach area will be impacted for the duration of the construction time frame; additional rock massing will be present in the public viewshed in the long-term; failure of the revetment could adversely affect recreational resources; and future erosion response could lead to more substantive hard armoring in the future.

These Coastal Act issues are readily addressed by conditions that require the Applicant: to restore the beach and bluff area after construction; to remove the non-native ice plant landscape cover and replace it with native plantings designed to cascade over the topmost portion of the revetment; to commit to no further seaward encroachment in relation to the approved revetment profile; to commit to long-term monitoring and maintenance of the revetment and the bluff plantings; and to assume all risks for developing in light of the known hazards present at this bluff location.

As so conditioned, Staff recommends approval.



California Coastal Commission

April Meeting in Santa Barbara

Staff: D.Carl Approved by *(Signature)* 3/21/02

II. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Approved Repair.** This approval allows for the repair of the revetment present on the bluff seaward of 2-2750, 2-2752, 2-2754, and 2-2756 East Cliff Drive (common parcel APN 028-341-05) to a 1.5:1 slope as measured inland from the existing toe of the subject revetment. Placement of rock seaward of the existing toe of the revetment or seaward of the 1.5:1 slope profile at any point on the revetment is prohibited. All private stairways, railings, and associated structures present in the revetment shall be removed in their entirety.
2. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all construction access corridors (to the construction sites and staging areas), and all public pedestrian access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the beach and to have the least impact on public access. The Plan shall specify all construction methods to be used, including all methods to be used to keep the construction areas separated from beach recreational use areas (including using the blufftop space available inland of the revetment for staging, storage, and construction activities to the maximum



- (j) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

3. **Beach Restoration.** WITHIN THREE (3) DAYS OF COMPLETION OF REVETMENT CONSTRUCTION, the Permittee shall restore all beach areas and all beach access points impacted by construction activities to their pre-construction condition. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. The beach access ramp, providing pedestrian access from the crosswalk on East Cliff Drive to the sandy beach opposite Moran Lake, shall be reestablished. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office upon completion of beach restoration activities to arrange for a site visit to verify that all beach restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access point, such measures shall be implemented immediately. The beach and beach access point shall be considered restored, and this condition satisfied, upon written indication of same from planning staff of the Coastal Commission's Central Coast District Office.
4. **Upper Bluff Plan.** WITHIN ONE (1) MONTH OF COMPLETION OF REVETMENT CONSTRUCTION, the Permittee shall submit an Upper Bluff Plan to the Executive Director for review and approval. The Upper Bluff Plan shall have three related and overlapping elements: a revegetation plan, an irrigation plan, and a drainage plan. These are more specifically described as follows:
- (a) **Revegetation Plan.** The revegetation plan shall provide for the removal of all the non-native invasive iceplant currently present on the upper bluff area above the revetment, and the planting of native species along the full linear extent of the bluff area above the revetment in a manner designed to provide for a dense cascading screen of vegetation to completely cover the upper one-third (roughly 10 vertical feet) of the revetment. Soils, soil composites (e.g., a mixture of sandy loam soil and cement), and support for same (such as filter fabric or equivalent), may be placed in and/or on top of the upper portion of the revetment to provide adequate planting pockets as necessary to ensure effective and successful screening. The revegetation plan shall clearly identify in site plan view the type, size, extent and location of all native plant materials to be used as chosen from the following native planting palette (substitutions of appropriate native bluff edge plants to complement this planting palette may be allowed upon written consent from



EXECUTIVE DIRECTOR, all native species identified in the Plan shall be planted and all drainage and irrigation facilities shall be installed and shall be in working order.

The Permittee shall undertake development in accordance with the approved Upper Bluff Plan. Any proposed changes to the approved Upper Bluff Plan shall be reported to the Executive Director. No changes to the approved Upper Bluff Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office when all native species identified in the Plan have been planted and all drainage and irrigation facilities have been installed and are in working order consistent with the approved Plan. Initial implementation of the Upper Bluff Plan shall be considered complete, and this condition satisfied, upon written indication of same from planning staff of the Coastal Commission's Central Coast District Office.

5. **As-Built Revetment Plans.** WITHIN TWO (2) MONTHS OF COMPLETION OF REVETMENT CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval As-Built Plans of the revetment structure that include one or more permanent surveyed benchmarks inland of the revetment for use in future monitoring efforts. The As-Built Plans shall identify the extent of the revetment structure in site plan and cross-section views. The benchmark elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall indicate vertical and horizontal reference distances from the surveyed benchmark(s) to at least 3 survey points along the top edge of the revetment (one at each property line and one in between), and to at least 3 survey points along the toe of the revetment (one at each property line and one in between) for use in future monitoring efforts. The survey points shall be identified through permanent markers, benchmarks, survey position, written description, et cetera to allow measurements to be taken at the same location in order to compare information between years.

The As-Built Plans shall be submitted with certification by a licensed geotechnical engineer, acceptable to the Executive Director, verifying that the shoreline structure has been constructed in conformance with the approved repair project described by special condition 1 above.

6. **Monitoring.** The Permittee shall ensure that the condition and performance of the as-built revetment is regularly monitored by a licensed engineering geologist or licensed geotechnical engineer. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact its future performance, and identify any structural damage requiring repair to maintain the as-built revetment profile. At a minimum, the Permittee shall submit to the Executive Director for review and approval a monitoring report once every five years by May 1st (with the first report due May 1, 2007) for as long as the revetment exists at this site. Each such report shall be prepared by a licensed engineering geologist or licensed geotechnical engineer and shall cover the monitoring evaluation described in this condition above. Each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the as-built



blufftop area inland of the revetment onto the revetment or the beach below.

- (f) Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

WITHIN SIX (6) MONTHS OF COMPLETION OF REVETMENT CONSTRUCTION, the Permittee shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction (Deed Restriction) shall affect the entire parcel (APN 028-341-05) and shall include a legal description and a site plan of the as-built revetment footprint (per special condition 5) and the Permittee's entire parcel (APN 028-341-05). The Deed Restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This Deed Restriction shall not be removed or changed without a Commission amendment to coastal development permit 3-02-012.

8. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this permit as evidence of a waiver of any public rights which may exist on the property.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The proposed project is located on the bluffs seaward of East Cliff Drive along 26th Avenue Beach in the unincorporated Live Oak beach area of Santa Cruz County.

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



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, offshore surfing areas, rocky tidal shelves, 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 system.

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.).² Given that the beaches are the largest public facility in Live Oak, this pressure will be particularly evident in the beach area.

Proposed Development Site

The project would take place on the bluffs and back beach area of 26th Avenue Beach, an extremely popular recreational beach and surfing destination.³ 26th Avenue Beach is a narrow stretch of recreational sand area almost entirely backed by rip-rap revetments extending from Corcoran Lagoon upcoast through to the first outcroppings of Pleasure Point downcoast.

Due to the revetments fronting the bluffs, the beach here is in most cases less than 100 feet wide in summer to completely disappearing during parts of the winter. The Commission's 1995 Monterey Bay ReCAP project, or Regional Cumulative Assessment Project, estimated that over an acre of beach at 26th Avenue Beach was covered by rock revetments.⁴ Since such armoring fixes the bluff location and prevents beach replenishment from eroding bluffs, and in light of sea level rise and continuing shoreline erosion, it is expected that the usable beach areas here will continue to narrow over time.

There is currently a rock rip-rap revetment fronting the four-unit residential development between East

² 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.

³ Historic County analyses identified an estimated average daily use of this beach of 848 persons, showing it to be the second highest beach use area in Live Oak after Twin Lakes State Beach (Technical Appendix; Live Oak General Plan; Planning Analysis and EIR, October 1977). Background LCP reports completed in 1980 estimated annual visitor counts for this beach segment at 195,393 (1980 Public Access Working Paper for the County LCP). Given the doubling of the County's population since 1970, and the increase in recreational use associated with that and population increases in surrounding areas, these historic figures appear to undercount the current level of use at this location.

⁴ ReCAP estimated approximately 2,700 linear feet of revetment between Corcoran Lagoon and Pleasure Point at 26th Avenue Beach. Based on a conservative footprint estimate of 20 feet of sand beach coverage for such structures, this translates to approximately 54,000 square feet of beach covered by rock (roughly 1¼ acres).



access from East Cliff Drive onto the beach and to the subject site (roughly 150 yards downcoast); the rock to be used would be staged at the access ramp area along East Cliff Drive above the beach for the duration of the project. The project would be coordinated to take place at the same time as a similar repair project fronting the adjacent property.⁸ Although the Applicant is exploring other options as of the date of this staff report, the Applicant proposes to park the rubber tired bobcat tractor (to be used to transport rock on the beach) on the backbeach area nearest East Cliff Drive.

See exhibit B for proposed project plans.

B. Coastal Development Permit Determination

1. Applicable Policies

Public Access, Recreation, and Views

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. This includes protecting public visual access as well. In particular:

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.

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.

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

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.

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

Coastal Act Section 30240(b) also protects parks and recreation areas such as the beach and surfing area seaward of the site. Section 30240(b) states:

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

⁸ Coastal development permit application 3-02-013 (O'Neill), item Th15j on the April 2002 Commission agenda.



Policy Summary

In sum, while repair of existing permitted shoreline protective structures is clearly within the established parameters of the Coastal Act, and fairly routine projects in the Commission's experience, Coastal Act policies protecting the adjacent recreational beach, its offshore surf area, the beach area public viewshed, and the overall shoreline visitor experience must be respected in that process.

2. Consistency Analysis

As detailed previously, the beach area at the project site has been degraded over time by the presence of revetments fronting the majority of the recreational beach area. This degradation includes the unnatural back beach character defined by large piles of boulders, the loss of beach area given over to the boulders, the fixing of the back beach and its relation to overall loss of beach as the shoreline continues to erode and the sea level continues to rise. The 26th Avenue Beach recreational area is one of the most popular for visitors in all of unincorporated Santa Cruz County, and supports an offshore surfing area that is extremely well known both locally and around the world. The Monterey Bay National Marine Sanctuary is located directly offshore. It is within this context, and in light of the Coastal Act parameters established because of it, that individual projects must be understood and evaluated for their effect on the recreational beach experience.

In this case, the proposed project would add roughly 516 cubic yards of rock to the back beach environment. Such a project raises Coastal Act issues because: recreational beach area will be impacted for the duration of the construction time frame; additional rock massing will be present in the public viewshed in the long-term; failure of the revetment could adversely affect recreational resources; and future erosion response could lead to more substantive hard armoring in the future. Fortunately, these issues can be readily rectified to ensure Coastal Act consistency as follows:

Construction Impacts

The project would involve large equipment that would drive over the recreational beach area and the main beach entrance point (back and forth from East Cliff Drive to the project site), occupy a construction zone of recreational beach area (at the immediate project area), potentially intrude on Sanctuary waters (depending on tides), include a rock staging area along East Cliff Drive covering the main beach entrance, include overnight storage of large equipment on the beach, and generally intrude and negatively impact the aesthetics, ambiance, serenity, and safety of the recreation beach experience. These impacts can be contained through a construction plan that limits the width of construction corridors (from East Cliff Drive to the project area), limits the times when work can take place, clearly fences off the minimum construction area necessary, keeps equipment out of Sanctuary waters, more appropriately stores equipment off of the public beach at night (e.g., parked along East Cliff Drive or in the Moran Lake parking lot), and clearly delineates and avoids to the maximum extent feasible public use areas (see special condition 2). Even with these containment provisions, however, the public will bear the burden of the negative construction impacts associated with roughly 10 days of construction on this very popular beach. Although the beach area and the beach access point can and must be restored to their original configuration immediately following construction to limit these impacts (see special



vertical feet) of the bluffs and revetment for the life of the project (see special conditions 4 and 7). Given that the bluff is roughly 30 feet tall in a winter scour condition, and roughly 20 feet tall in a summer beach condition, such screening should provide effective upper bluff camouflaging. Extending the screening further down slope does not appear feasible at this time due to the lack of available soil areas for plantings, and the potential for the loss of materials in the lower revetment area during winter storm events.

As discussed, almost the entire stretch of back beach area at 26th Avenue Beach is covered in rock revetments. Some of these revetments include a vegetative cap with native plants, some a vegetative cap with iceplant, and others none at all. Given that these revetments require fairly regular maintenance, over time it is anticipated that the straggly non-native invasive vegetation atop the revetments in the public viewshed can be replaced by a cascading screen of native species through similar coastal permit conditions as additional repair projects are forwarded. In fact, in addition to this repair application, there are two additional repair applications in front of the Commission at the April 2002 hearing for revetments fronting 26th Avenue Beach for which similar revegetation conditions are identified.¹⁰

No Seaward Encroachment

The plans submitted indicate that the 516 cubic yards of rock would be placed inland of the existing seaward edge of the revetment. The plans submitted include one cross section defining the edge of the existing revetment, but do not include a corresponding site plan; important in this case because the bluffs are not straight-line linear at this location. Since the plans include photographs describing the areas in which the rock would be placed, this omission is not critical (see exhibit B). However, to ensure that there is no confusion on this point, and since the revetments and underlying natural bluffs here undulate, the Commission considers the seaward edge of the revetment to be the seaward most location of the bulk of the existing rock currently located here. In other words, individual boulders, or clumps of several boulders, that may have migrated seaward from the main revetment do not extend the seaward edge of the revetment to encompass them.

Pursuant to Coastal Act Section 30253, development is to be designed, sited, and built to allow the natural shoreline processes to occur without creating a need for additional more substantive armoring. Coastal development permittees for new shorefront development thus are essentially making a commitment to the public (through the approved action of the Commission, and its local government counterparts) that, in return for building their project, the public will not lose public beach access, sand supply, visual resources, and natural landforms, and that the public will not be held responsible for any future stability problems. This commitment was made when the Applicant was granted a CDP in 1978 for the inland development and the recognized revetment. The Applicant is now proposing to refurbish the revetment. Coastal Act Section 30253 requires that the current project, like the original project before it, assure structural stability without the need for additional armoring.

The proposed revetment refurbishment (to re-stack at a 1.5:1 slope) is consistent with the general

¹⁰ Application numbers 3-83-200-A2 (Gibson) and 3-02-013 (O'Neill); item numbers Th16a and Th15j respectively.



upper bluff area (see special condition 4). For monitoring, the Applicant is responsible for ensuring adequate monitoring of the revetment and is required to submit a monitoring report on five year intervals that evaluates the condition and performance of the revetment, and to submit the report with recommendations, if any, for necessary maintenance, repair, changes or modifications to the project (see special condition 6). The Applicant is responsible for promptly retrieving and restacking (or removing off-site) any boulders that migrate seaward of the existing revetment (see special condition 7). All monitoring and maintenance commitments must be recorded as property restrictions to ensure long-term compliance, and to ensure that any future landowners are clearly notified of these commitments (see special condition 7).

Assumption of Risk

The experience of the Commission in evaluating the consistency of proposed developments with Coastal Act policies regarding development in areas subject to problems associated with geologic instability, flood, wave, or erosion hazard, has been that development has continued to occur despite periodic episodes of heavy storm damage, landslides, or other such occurrences. Oceanfront development is susceptible to bluff retreat and erosion damage due to storm waves and storm surge conditions. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden on the people of the state for damages, the Commission has regularly required that Applicants acknowledge site geologic risks and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Such was the case when the inland structures were approved on this site by the Commission in 1978.

There are inherent risks associated with development on and around revetments and eroding bluffs in a dynamic coastal bluff environment; this applies to the repair proposed as well as for the development landward of the bluffs themselves. The project site, and all development on it, is likely to be affected by shoreline erosion in the future.

Although the Commission has sought to minimize the risks associated with the development proposed in this application, the risks cannot be eliminated entirely. Given that the Applicant has chosen to pursue the development despite these risks, the Applicant must assume these risks. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see special condition 7). Specifically, special condition 7 requires the Applicant to record a deed restriction that evidences their acknowledgment of the risks and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

Public Rights

The Applicant does not propose to install any rock seaward of the existing revetment footprint, as discussed above. As such, the only direct removal of beach recreational space due to the project is confined to the construction impacts that are addressed by conditions described above. That said, the revetment, and the beach area directly seaward of it, appears to occupy an area of beach sand that may be



(e.g., an in lieu-fee program within which individual project impacts can be more systematically quantified and addressed by a fee that could be applied to beach recreational enhancements in the area) are necessary.

The Commission notes that the County has begun preliminary efforts toward developing these types of regional planning tools to address the issue of shoreline armoring with a case study focusing on the nearby Opal Cliffs area (just downcoast of Pleasure Point from the 26th Avenue Beach area). As the Commission currently understands it, the Opal Cliffs project would focus on the removal of the rubble and rock revetments that block much of the beach access in this area, and would develop measures to sculpt and camouflage any armoring that is allowable under the Coastal Act in such a way as to mimic the natural bluff topography and vegetation. Options for building in pedestrian platforms in permitted armoring that allow for lateral access at even higher tides would also be evaluated.¹²

The 26th Avenue Beach area shares some of the same armoring issues as are present along nearby Opal Cliffs, most notably the large area of recreational sandy beach currently occupied by revetments. In the 26th Avenue Beach case, the tension between armoring on the beach and recreational use is heightened due to the fact that the beach at 26th Avenue is much more widely used than that at Opal Cliffs. Thus, 26th Avenue Beach would appear ripe for a similar specific planning exercise. Of course, and as the Commission has already observed with respect to the Opal Cliffs effort,¹³ such a plan must be premised within the context of avoiding armoring to the absolute extent feasible consistent with the Coastal Act, and ensuring that the public is adequately compensated for any burden borne over the long term by armoring that fully meets the applicable LCP and Coastal Act policy tests.¹⁴

3. California Environmental Quality Act (CEQA)

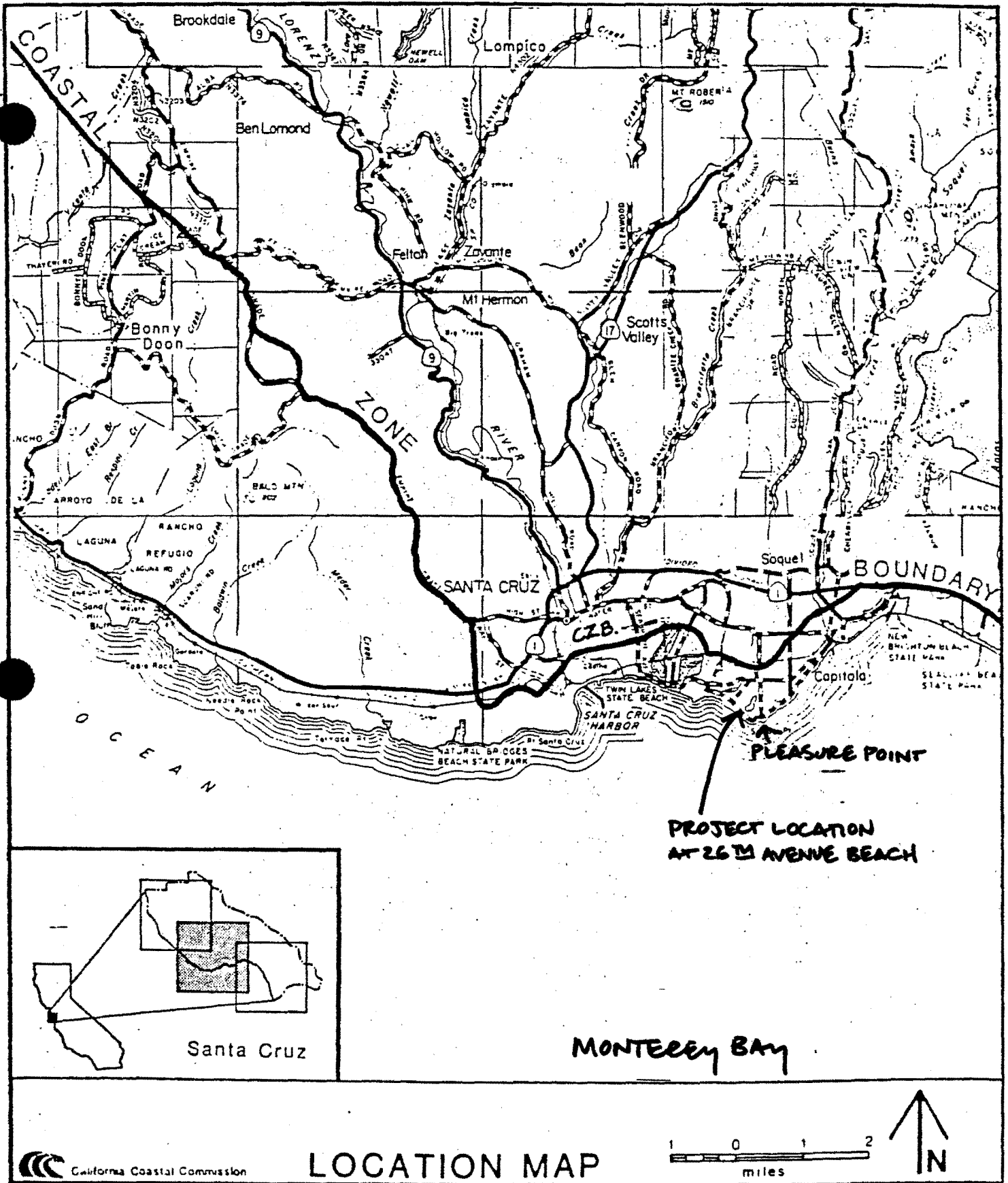
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures

¹² It appears at this time that the vehicle for such a regional solution would be a specific plan for Opal Cliffs that would be an amendment into the LCP. The specific plan approach has the benefit of allowing decision makers at the County and Commission levels to develop appropriate regional planning standards based upon the unique regional geology and existing situation of a specific stretch of coast rather than being limited by the piecemeal approach of individual permit applications. A specific plan also has the added advantage of providing an increased level of certainty in the permitting process since individual applications would then simply need to fit within the regional guidelines so established and agreed upon. Alternatively, if course, there is the potential for some type of larger project by multiple applicants or through some type of special district and/or County-sponsored arrangement. In either case, planning is completed ahead of any associated permitting and the same level of certainty is provided.

¹³ In adopted findings for the March 2002 denials of 3 armoring proposals in Opal Cliffs: A-3-SCO-01-109 (Adams), A-3-SCO-01-117 (Banman), and A-3-SCO-01-118 (Black).

¹⁴ The Commission, through the 1995 Monterey Bay ReCAP project, has previously recommended such a regional shoreline planning approach for the Monterey Bay area where it was estimated that approximately 25 acres of sandy beach had been covered with shoreline armoring in the study region by 1993, most of that in Santa Cruz County. In fact, the Commission's ReCAP analysis focused on the Opal Cliffs area as a case study to illustrate the coastal resource problems associated with project-by-project review of armoring proposals as opposed to long-term planning. Most of Opal Cliffs, like 26th Avenue Beach, is currently armored in some way, and much (if not most) of the armoring appears to pre-date Proposition 20 and the Coastal Act.





CCC Exhibit A
 (page 1 of 3 pages)

FOR TAX PURPOSES ONLY

ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR. 1998

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

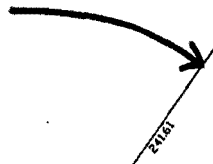
PUBLIC

Tax Area Code
82-040

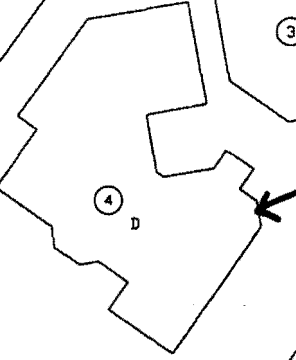
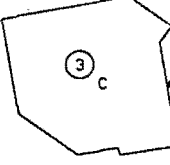
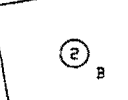
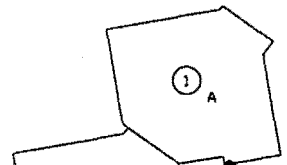
28-34

CCC Exhibit A
(page 3 of 3 pages)

APN 028-341-05
(COMMON PARCEL)



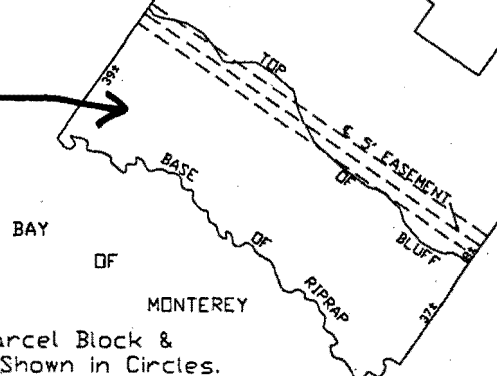
5
1
CA



APNS 028-341-01, 02, 03, & 04
(RESIDENTIAL UNITS)

KENNETH A. CERMAK, ET. UX.
CONDOMINIUMS
32PM34 4/30/79

REVTMENT AREA



Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

RECEIVED

FEB 15 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

REVISED

DATE 8-25-98
OLD MAP NO. 28-34

Assessor's Map No. 28-34
County of Santa Cruz, Calif.
August, 1998

(24)

(24)

(24)

1" = 30'

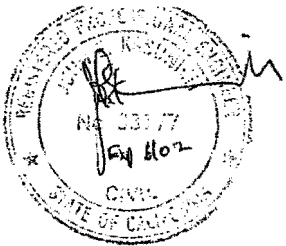
EAST CLIFF DR.

5' R/W

24' R/W

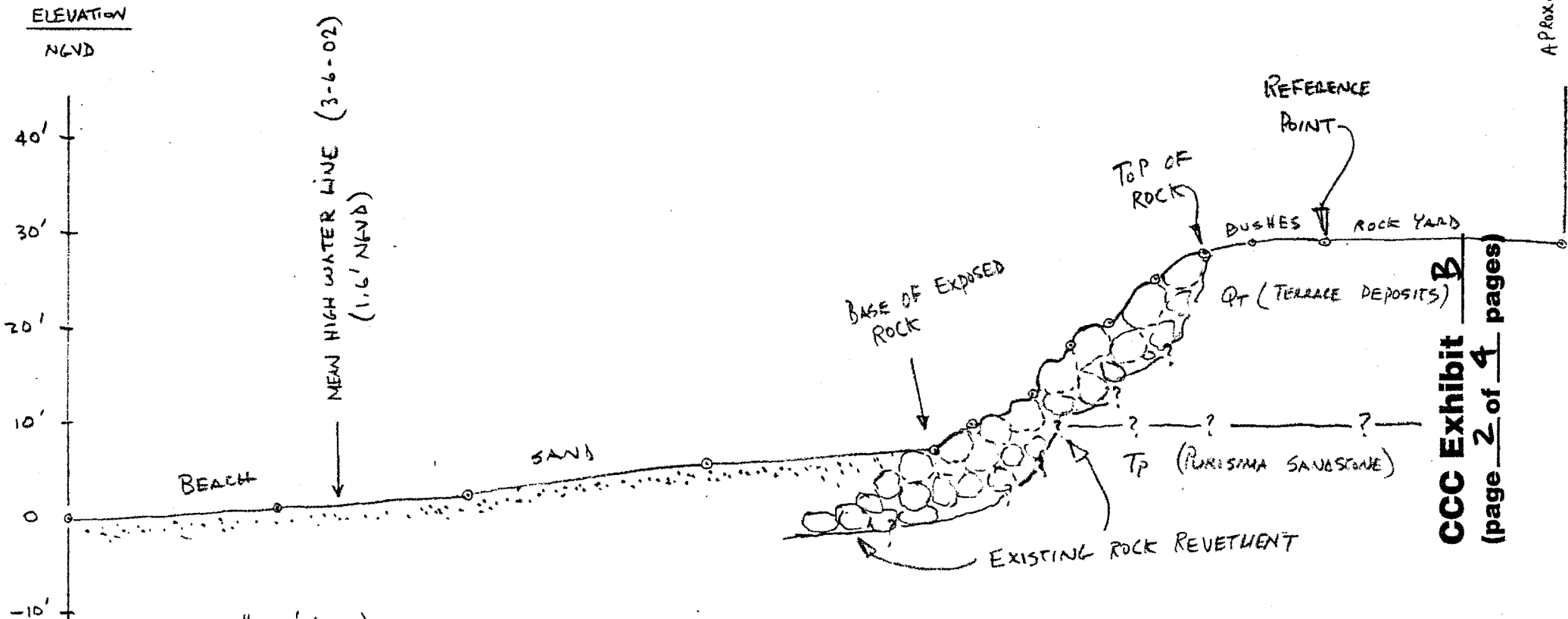
21'

Electronically Reproduced 8/25/98



EXISTING

BEACH PROFILE - CERMAK RESIDENCE



SCALE 1" = 10' (H=V)
 REF. POINT 29.8' NGVD
 FROM TBM BEACH MARK
 BLOCK WALL - BLANCHARD
 PROPERTY (APN 028-242-10)
 @ 27.7' NGVD (IFLAND ENGRS)

HARO, KASUNICH & ASSOC.
 116 E. LAKE AVE.
 WATSONVILLE, CA 95076

DAVID CERMAK RESIDENCE
 2-2790 E. CLIFF DRIVE
 APN 28-341-05
 SANTA CRUZ COUNTY

CCC Exhibit B
 (page 2 of 4 pages)

APPROX. FACE OF RESIDENCE

O'NEILL RESIDENCE



CERMAK RESIDENCE



VISTA DEL MAR HOMEOWNERS REPAIR

3.02.012

26th AVENUE BEACH

O'NEILL REPAIR

3.02.012

VIEW UP COAST

VIEW DOWN COAST

APPROXIMATE LIMITS
OF REPAIR WORK
PROPOSED*

* NOTE THAT THERE ARE TWO RELATED BUT SEPARATE CDP APPLICATIONS FOR REVENEMENT REPAIR: 3.02.012 (VISTA DEL MAR HOMEOWNERS) AND 3.02.013 (O'NEILL). THIS GRAPHIC SHOWS LIMITS OF WORK FOR BOTH.

