

CALIFORNIA COASTAL COMMISSION

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

F12a**RECORD PACKET COPY**

Appeal Filed.....4/27/2001
Hearing opened.....6/13/2001
49th day (waived)..... 6/15/2001
Substantial Issue Found.....7/12/2001
Staff.....S.Craig
Staff report.....6/20/2002
Hearing date.....7/12/2002

REVISED STAFF REPORT: APPEAL DE NOVO HEARING

Appeal numberA-3-STC-01-045; Oblates of St. Joseph Parking Lot
Applicant.....Oblates of St. Joseph Church
AppellantsSierra Club; Robert Adelman, et al.
Local Government.....City of Santa Cruz
Local Decision.....Approved with conditions (March 27, 2001)
Project Location544 West Cliff Drive, Santa Cruz (APN 004-571-02).
Project DescriptionExpansion of existing parking lot from 100 spaces to 117 spaces
File DocumentsCity of Santa Cruz Certified Local Coastal Program (LCP); City of Santa Cruz Coastal Development Permit Application File 99-109/98-152; Synopsis of Lighthouse Field Monarch Butterfly Study (as the data pertain to the Oblates property)
Staff Recommendation ..Approval with Conditions

Synopsis of the staff recommendation:

The proposed project would allow development of a new parking area and modification to the existing parking area at the Oblates of St. Joseph Church at 544 West Cliff Drive. The project will result in a net increase of 17 parking spaces. The area proposed for development is located adjacent to Lighthouse Field, which is a sensitive habitat area as defined and delineated by LCP Map EQ-9. Map EQ-9 contains a notation that states, "Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas."

At the July 12, 2001 meeting in Santa Rosa, the Commission determined that a substantial issue exists with respect to the grounds on which the appeal was filed. During that hearing, City staff noted that the City had approved a Lighthouse Field monarch butterfly study to be done during the fall and winter of 2001/2002. The *de novo* hearing was continued until the results of this study, as they pertain to use of the Oblates property by monarch butterflies, were available. Although the full Lighthouse Field report is not yet complete, the researcher has provided staff with the results of his observations that pertain to the



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 2

Oblates property. The results demonstrate that the vast majority of non-roosting butterflies restricted their activities to Lighthouse Field. Only five individual monarch butterflies were observed on the Oblates property during the study (out of an estimated maximum overwintering population of 6,000 butterflies). Of these five, only an individual monarch butterfly was seen in the area proposed for development as a parking lot. Staff's conclusion, based on the study data, is that the project site is not environmentally sensitive habitat. Therefore, staff is recommending **approval** of the project as approved by the City, with incorporation of a number of the City's conditions of approval as they pertain to coastal issues.

STAFF REPORT CONTENTS

1.0	Project Procedural History	3
2.0	Staff Recommendation on Coastal Development Permit	3
3.0	Conditions of Approval.....	4
4.0	Recommended Findings and Declarations.....	5
4.1	Project Location.....	5
4.2	Project Description	5
4.3	City Approval	6
4.4	Monarch Butterfly Background.....	6
5.0	Coastal Development Permit Determination.....	7
5.1	Environmentally Sensitive Habitat.....	7
5.12	Lighthouse Field	9
5.13	Oblates Site/Butterfly Study	10
5.2	Visual Impacts	12
5.3	Water Quality	13
5.4	Community Character	14
5.5	Traffic.....	14
6.0	California Environmental Quality Act (CEQA)	15
Exhibits		
Exhibit 1:	Location Map	
Exhibit 2:	Aerial Photo of Site	
Exhibit 3:	Photo of Project Site	
Exhibit 4:	LCP Map EQ-9	
Exhibit 5:	Project Site Plan	
Exhibit 6:	City's Conditions of Approval	
Exhibit 7:	Photo of Overwintering Monarch Butterfly Eucalyptus Grove	
Exhibits 8 & 9:	Dr. Bell's 1999 & 2001 Letters	
Exhibit 10,11,12:	Comment Letters from Dr. Sakai, Dr. Leong, and Dr. Longcore	
Exhibit 13:	Dr. Suddjian's Letter	
Exhibit 14:	Monarch Butterfly Study Data	
Exhibit 15:	LCP Map CD-3	
Exhibits 16,17:	Photos of Project Site from West Cliff Drive	



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 3

Exhibit 18: LCP Map CD-5
Exhibit 19: Traffic Study
Exhibit 20: Oblates' Representative's Letter

1.0 PROJECT PROCEDURAL HISTORY

The City Council of Santa Cruz approved the project on March 27, 2001. The Sierra Club and Robert Adelman, et al., appealed this approval to the Coastal Commission. The Applicant provided a 49-day waiver on May 14, 2001. On June 13, 2001, the Coastal Commission opened the substantial issue hearing and continued the hearing until such time as a full staff report analysis of the project would be possible. On July 12, 2001, the Commission resumed the substantial issue hearing on the project and found that the appeals raised a substantial issue in terms of the project's consistency with the City of Santa Cruz LCP. As a result, the Commission took jurisdiction over the coastal development permit (CDP) for the project.

In finding substantial issue, the Commission directed that the results of a City-funded 2001/2002 monarch butterfly overwintering study at Lighthouse Field (as these results pertain to the Oblates property) be obtained before the project was brought back for a *de novo* analysis and review. Although the complete report is not yet available, the researcher provided staff with monarch butterfly data that pertain to the Oblates site. This staff report incorporates the information and analysis up to and including the substantial issue hearing, as well as the additional *de novo* process since July 2001 in Santa Rosa.

2.0 STAFF RECOMMENDATION ON COASTAL DEVELOPMENT

PERMIT

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

MOTION: *I move that the Commission approve Coastal Development Permit No. A-3-STC-01-045 for the development as approved by the City of Santa Cruz.*

STAFF RECOMMENDATION OF ADOPTION:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE COASTAL DEVELOPMENT PERMIT:

The Commission hereby approves the coastal development permit on the ground that the development will be in conformity with the policies of the City of Santa Cruz Local Coastal Program, and is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of the California Coastal Act of 1976



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 4

(Coastal Act). Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the development on the environment.

3.0 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. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Santa Cruz pursuant to an authority other than the Coastal Act.
2. **Water Quality. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicant shall submit for the review and approval of the Executive Director, a construction plan that includes the following: a) a paving plan for the new parking area that includes materials that are semi-pervious; b) an engineered drainage plan that includes the installation of oil/grease traps; c) a maintenance plan for the drainage system.
3. **Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicant shall submit a landscaping plan that includes a combination of monarch butterfly nectar plants and native plants. The landscape plan shall state that pesticides shall not be



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing
Page 5

used on the landscaping surrounding the parking lot. Landscaping shall provide a measure of screening from West Cliff Drive and Pelton Avenue, that takes into account the safety of pedestrians.

4. **Timing of Construction.** Construction of the parking lot shall not take place during the months that monarch butterflies are overwintering at Lighthouse Field, i.e. from October through February.

4.0 RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1 Project Location

The project site is located adjacent to the Oblates of St. Joseph Church at 544 West Cliff Drive in the City of Santa Cruz (see Exhibit 1 for location map). The Oblates property is a seven-acre parcel that is currently improved with the existing Oblates of St. Joseph Church, Gateway School (a private school), a private church residence, and paved parking areas. Uses in the general vicinity of the project site consist of residential development and coastal recreation. The site of the City-approved parking lot expansion is bordered by West Cliff Drive on the east, Pelton Avenue and Lighthouse Field State Beach on the south, the church and low-density residential development on the north, and residential development on the west (see Exhibit 2). Gateway School, a private school with grades K-6, is located on the church property west of the City-approved parking lot. The area to be developed into additional parking is located adjacent to Pelton Avenue (see Exhibit 3). This area is flat and currently is covered by grass and ruderal plants.

The project site is located within a general monarch butterfly habitat area designated in the City's General Plan/Local Coastal Plan (Map EQ-9 - see Exhibit 4). Map EQ-9 contains a notation that states: "Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas." Areas contained within this circle include Lighthouse Field, West Cliff Drive, the Oblates church property, a number of side streets (including Pelton Avenue), and many single-family residences.

Lighthouse Field State Beach (Lighthouse Field) is located directly across Pelton Avenue, just south of the City-approved parking lot expansion site (see Exhibit 2). Lighthouse Field State Beach is comprised of a partially wooded 36-acre field and a coastal cliff zone, which includes a 0.75-acre city park at Lighthouse Point. In addition to ocean vistas, Lighthouse Field offers a wide variety of natural features, including groves of Monterey cypress trees and eucalyptus trees. Monarch butterflies use a eucalyptus grove on Pelton Avenue near the City-approved parking lot expansion as an overwintering site.

4.2 Project Description

The project consists of a new parking area with modification of the existing parking area (see Exhibit 5 for site plan). The City-approved project will result in a net increase of 17 spaces, increasing from 100 to 117 spaces (the City calculates that there are 92 to 94 standard spaces in the existing lot; however, the church allows some nonstandard parallel parking which increases the number of parking spaces to 100). The new parking area will be landscaped and provide walking areas to connect the parking area to the



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 6

existing church and adjacent Gateway school grounds. The parking expansion would accommodate an increase in church pews and seating within the existing building (from 34 to 68 pews), which will be achieved by removing an existing wall between the main church and an adjoining chapel. To comply with the current Santa Cruz Parking ordinance, a minimum of 117 spaces must be provided on the Oblates site for the approved church remodel.

4.3 City Approval

In 1999 the Applicant applied to expand the existing parking lot from 100 spaces to 147. (The originally proposed parking lot expansion would have occupied a larger amount of the grassy area adjacent to Pelton Avenue than what was ultimately approved by the City.) The City of Santa Cruz reviewed the proposed project and determined that the project, based on an Initial Study, would not have a significant effect on the environment. The City issued a Negative Declaration on 2/14/00. The Zoning Board directed the Applicant to modify the project to 132 total spaces (a reduction of 15 spaces) and approved a parking lot for that number on 10/26/00. This proposal included a 20-foot landscape berm between the new parking spaces and Pelton Avenue, consisting of Monterey Cypress trees and butterfly nectar sources. This proposal called for the removal of one pine tree on the church property. Access/egress from Pelton Avenue through an existing unused driveway was included in the design to create a drop-off/pickup area for the Gateway School students.

The above proposal generated intense community interest and comment, both in favor of and in opposition to the project. An appeal was filed of the Zoning Board's approval and the City Council held a hearing on the appeal on December 12, 2000. Due to the amount of public testimony, the item was continued. On February 27, 2001, the City Council indicated support for the Oblates of St. Joseph to expand their seating capacity by removing a wall between the main church and an adjacent chapel and to arrange for their parking in a different manner suitable for their purposes. Council directed City planning staff to work with the Applicant to develop various parking expansion alternatives to the project approved by the Zoning Board. In response to Council direction, the Applicants submitted three alternative plans for consideration. A modification of alternative #3 was adopted by the City Council. This alternative includes a parking lot expansion to 117 spaces, an increase of 17 spaces above what currently exists, but a reduction of 15 spaces from the Zoning Board's approval. The modified alternative #3 was adopted by the City Council. This alternative includes no access/egress from Pelton Avenue (see Exhibit 6, Condition #41) and does not require the removal of any trees.

4.4 Monarch Butterfly Background

The City-approved additional 17-space parking area is located adjacent to Pelton Avenue and currently consists of a grassy area and ruderal plants (see Exhibit 3). The northeast portion of Lighthouse Field is located directly across Pelton Avenue from the City-approved parking area. A lone eucalyptus tree is located in Lighthouse Field, across Pelton Avenue, approximately 75 to 100 feet from the City-approved parking lot. A grove of eucalyptus trees is located in Lighthouse Field, further down Pelton Avenue, approximately 300 feet from the City-approved parking lot (as measured by Commission staff - see



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 7

Exhibit 7). This grove of eucalyptus trees is used as an overwintering roosting site by monarch butterflies.

A local biologist and monarch butterfly expert, Elizabeth Bell, Ph.D., has been systematically visiting the Lighthouse Field overwintering site for 15 years as part of an ongoing countywide monitoring effort. Dr. Bell reviewed the project site and site plans and prepared a letter of review dated November 30, 1999 (see Exhibit 8). This review was based on the original project plans, which included an additional 47 parking spaces, access/egress onto Pelton Avenue, and the removal of one pine tree on the Oblates property. Dr. Bell stated that the project had potential impacts on the adjacent monarch habitat due to the removal of one pine tree and loss of midwinter nectar resources (such as wild radish and mustard) due to paving of the grassy area. Dr. Bell stated that these impacts could be mitigated to less than significant levels with the planting of two cypress trees and by the provision of some "butterfly" plants onto the landscape design for the parking lot. This information was included in the Initial Study. The City received a number of comments that questioned Dr. Bell's findings regarding impacts to the butterflies. Dr. Bell addressed the concerns in a follow-up letter dated January 17, 2001 (see Exhibit 9). The conclusion remained that the project would not significantly impact monarch butterfly habitat. Since Dr. Bell's initial review letter of November 30, 1999, the project has been reduced in size and scope to include a total of 17 additional parking spaces, with no access/egress onto Pelton Avenue and no tree removal. In addition, the Applicant is required to submit a landscaping plan to the City for review and approval prior to issuance of the building permit.

As stated above, at the July 2001 meeting the Commission found that a substantial issue existed regarding the project. At that meeting the Commissioners were informed that the City was hiring a consultant to perform a Lighthouse Field monarch butterfly study in the fall and winter of 2001/2002. The purpose was to study the Lighthouse Field monarch butterfly population and their activities. Consequently the study included a portion of the Oblates property. The Commission requested that the researcher provide data regarding the Oblates site based on his research for the City. The butterfly data from the Oblates site are presented in Section 5.13 below.

5.0 COASTAL DEVELOPMENT PERMIT DETERMINATION

5.1 Environmentally Sensitive Habitat

City of Santa Cruz LCP/General Plan Glossary definition of "Sensitive Species:" *Those species that rely on specific habitat conditions that are limited in abundance, restricted in distribution, or are particularly sensitive to development. Sensitive species in the City include the Monarch Butterfly, Black Swift and Pigeon Guillemot.*

Applicable City of Santa Cruz LCP Environmental Quality Policies are as follows:

LCP EQ Policy 4.5: *Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9)*



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing
Page 8

LCP EQ Policy 4.5.3: *Protect Monarch butterfly over-wintering sites and ensure adequate buffering of these sites.*

LCP EQ Policy 4.5.3.1: *Maintain a list and map of Monarch sites showing the boundaries of all Monarch sites within the city.*

LCP EQ Policy 4.5.3.2: *Require development in the vicinity of designated Monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria such as:*

Prohibiting the cutting, thinning, pruning or removal of any tree or shrub (especially nectar plants used by Monarchs) except as necessary for safety of homes or persons and requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when Monarchs are not present; and keeping smoke from infiltrating Monarch roosting sites.

LCP EQ Policy 4.9: *LUP resource maps shall be updated as new environmental information identifies additional natural resource areas and the updated maps submitted to the Coastal Commission for their files.*

LCP EQ Policy 4.6: *Encourage the planting and restoration of native rather than non-native vegetation throughout the City and also in areas where plants or habitats are diseased or degraded.*

Applicable LCP Zoning Ordinances are as follows:

24.14.080(2): *Precise Boundaries of Designated Areas. The precise boundary of areas identified in subsection (1) above shall be determined on a case-by-case basis by a biologist with relevant academic training and experience in instances of uncertainty.*

24.14.080(4)(d): *Wildlife Habitats and Plant Communities. Construction, grading or removal of vegetation shall be permitted within wildlife habitats and plant communities where: (1) Existing vegetation is preserved to the maximum extent possible; (2) The integrity of the area as a habitat is not compromised; (3) Landscaping is designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent feasible.*

The Commission decided at its July 2001 meeting to accept appellate jurisdiction of the City of Santa Cruz decision to issue a coastal development permit for expansion of the parking lot on the Oblates of St. Joseph's property. At that time, Commission directed staff to obtain the results of the City's Lighthouse Field monarch butterfly study, as these results pertain to the Oblates property. The results of this study were needed to determine if the project site is an environmentally sensitive habitat area. The study would also address the notation on Map EQ-9 that states, "Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas." (see Exhibit 4).



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 9

5.12 Lighthouse Field

Lighthouse Field is located directly across Pelton Avenue from the City-approved project site (see Exhibit 2). A grove of eucalyptus trees used by monarch butterflies as an overwintering site is located in Lighthouse Field, approximately 300 feet from the project site, as measured by Commission staff (see Exhibit 7). Thus Lighthouse Field can be considered a sensitive habitat area because of the presence of overwintering monarch butterflies, which the City's LCP defines as a sensitive species.

LCP EQ Policy 4.5.3.2 requires that development in the vicinity of designated monarch butterfly sites undergo environmental impact analysis. In addition, this policy calls for preparation of a management plan for development affecting such sites. As stated above, local biologist and monarch butterfly expert, Elizabeth Bell, Ph.D., reviewed the project site and site plans and prepared a letter of review dated November 30, 1999 (see Exhibit 8). Dr. Bell stated that the project had potential impacts on the adjacent monarch habitat due to the removal of one pine tree and loss of midwinter nectar resources (such as wild radish and mustard) due to paving of the grassy area, but that these impacts could be mitigated to less than significant levels by incorporating some "butterfly" plants into the landscape design of the parking lot. This information was included in the Initial Study. Since Dr. Bell's initial review letter, the project has been reduced in size and scope to include a total of 17 additional parking spaces, with no access/egress onto Pelton Avenue and no tree removal. Dr. Bell submitted a follow-up letter to the City dated January 17, 2001 that addressed public concerns regarding the proposed project in more detail (see Exhibit 9). The conclusion remained that the project would not significantly affect the monarch butterfly habitat.

LCP EQ Policy 4.5.3 calls for the adequate buffering of monarch butterfly overwintering sites. There are, however, no standard setbacks in the City's LCP for monarch butterfly habitat areas. In the mid 1990s the Commission set a specific buffer zone regarding a large residential development adjacent to overwintering eucalyptus trees (the Ellwood Shores project in Santa Barbara). In that case the Commission required that a road proposed to go through the overwintering grove be removed and rerouted through an adjoining property. In addition, the Commission required an average 100-foot buffer between the proposed residential structures and the eucalyptus trees, with a lesser buffer in some areas. As stated above, an overwintering site is located on Pelton Avenue approximately 300 feet from the project site, as measured by Commission staff. This buffer greatly exceeds that required in the Ellwood Shores case and is a substantially greater buffer than that which was determined to be adequate by Dr. Bell in the original proposal, which was approximately 150 feet from the overwintering grove. The Commission also notes that existing residential development lines Pelton Avenue less than 50 feet from this overwintering grove (see Exhibit 2). Also as stated above, the City conditioned its approval so that there will be no access/egress to the parking lot from Pelton Avenue, which would have brought church traffic closer to the overwintering grove (see Exhibit 6, Condition #41).

A single eucalyptus tree is located between 75 and 100 feet from the City-approved parking lot (see Exhibit 7). Dr. Bell, however, has only rarely seen monarch butterflies in this tree and has never seen clusters of monarch butterflies roosting in this tree. Dr. Bell believes this is because the tree is poorly protected from the wind and could not support monarch clusters except when the wind is calm (see



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing
Page 10

Exhibit 9, pg. 3). Even if this was an overwintering tree, the distance between it and the parking lot is consistent with the buffer required in the Ellwood Shores project.

The City received comment letters from three other butterfly experts: Dr. Walter Sakai, Dr. Kingston Leong, and Dr. Travis Longcore (see Exhibits 10, 11, and 12). At the time these letters were received, none of these experts has recently visited Lighthouse Field or the Oblates property (Dr. Leong has since performed a Light House Field monarch butterfly study – see below for discussion). Also, their comments were based on the originally proposed larger parking lot project, which included the removal of one pine tree on the Oblates property and access/egress to the parking lot from Pelton Avenue. Since receipt of these letters the Pelton Avenue access/egress has been eliminated and the pine tree will not be removed. In addition, the parking lot has been reduced in size and now is located approximately 300 feet from the project site (as measured by Commission staff).

In his comment letter, Dr. Sakai suggests that appropriate mitigation (based on the original larger parking lot project) would include no work being done while monarch butterflies are overwintering (see Exhibit 10, pg. 5). LCP policy 4.5.3.2 requires that a management plan be prepared for development affecting monarch sites and that this plan allow for “construction only during the months when monarchs are not present.” As stated above, the City-approved project is 300 feet from the overwintering grove. Thus, the development will not directly affect the monarch butterfly habitat. Even so, the Applicant has agreed to refrain from construction activities during the months when monarch butterflies are overwintering at Lighthouse Field and to prohibit pesticide use on this landscaping (see Exhibit 20), consistent with LCP EQ Policy 4.5.3.2. Conditions 3 & 4 incorporate these restrictions.

Lighthouse Field State Beach is a State Park; however, it is maintained jointly by the City and County of Santa Cruz. At this time, the City of Santa Cruz bears most of the responsibility for maintenance of Lighthouse Field. Currently, the City is working on an update of the Lighthouse Field management plan. The results (when available) of the recently completed Lighthouse Field monarch butterfly study should be incorporated into best management practices of Lighthouse Field for the benefit of the monarch butterflies. Such best management practices might include the planting of nectar-providing trees and shrubs, informative signage on trails during the winter months regarding the sensitivity of monarch butterflies, and, if warranted, protective fencing around roosting sites. Again, the Commission strongly supports the development and implementation of such a management plan. Any updating of LUP resource maps as a result of this study should be submitted to the Coastal Commission, per LCP EQ Policy 4.9.

5.13 Oblates Site/Butterfly Study

The term “ESHA” has not been incorporated into the City’s LCP. The City’s LCP, however, includes policies that refer to habitat, sensitive species, etc., which could be construed as equivalent in meaning to “ESHA.” The project site, however, is not “ESHA.” As stated above, the City-approved parking lot would be located on a grassy area on the Oblates property (see Exhibit 3). This grassy area is composed of typical fescue-type blends found in landscaped areas. It also contains ruderal plants and non-endangered potential nectar species. The conversion of a portion of the grassy area to a parking area will



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 11

not result in direct or indirect removal of monarch butterfly habitat. In addition, the project site does not contain an overwintering monarch roosting area. The closest overwintering roosting area is a eucalyptus grove located approximately 300 feet from the project site, as measured by Commission staff (see Exhibit 7). In her letter of January 17, 2001, Dr. Bell recognizes that monarch butterflies forage in the neighborhood north of Pelton Avenue and on the Oblates property. Dr. Bell, however, also states that in comparison to the availability of on-site nectar sources at Lighthouse Field, the amount of nectar generally available in the City-approved parking area "is small and its loss can easily be compensated for by the approved landscape planting" (see Exhibit 9, pg. 2). Also, the City received a comment letter from David Suddjian, a local wildlife biologist who has worked on a number of projects involving monarch butterflies (see Exhibit 13). Dr. Suddjian has visited Lighthouse Field over many years and has also observed the Oblates property. He believes that Dr. Bell has "correctly characterized the use of the project site and vicinity by monarchs." Dr. Suddjian goes on to state that roosting butterflies do not use the trees at the Oblates' property because they do not provide the necessary shelter and required microclimate. He also feels that the proposed nectar-providing landscaping will be an improvement over the existing foraging resources found at the Oblates site.

In addition, although the Oblates property falls within a circle on Map EQ-9 designated as sensitive monarch butterfly habitat, the map notation states that, "Monarch habitat locations are depicted in very general areas..." (see Exhibit 4). Areas within this circle include parking lots, paved streets, and residential development. These areas, including the project site, do not constitute "ESHA" just because they fall within the circle on Map EQ-9.

As stated above, however, the Map EQ-9 notation also states regarding monarch butterflies, "Further study would be needed to determine more precise habitat areas." A Lighthouse Field monarch butterfly study was performed during the fall/winter of 2001/2002. Although the full report is not yet available, the researcher, Dr. Kingston Leong, provided staff with results as they pertain to the Oblates site (see Exhibit 14). Dr. Leong visited the Lighthouse Field area nine times (spaced at two-week intervals) during the butterfly overwintering season. Dr. Leong also observed the Oblates property on the lawn area bordering Pelton Avenue (a portion of which would be developed as the proposed parking lot) and from the corner of Pelton Avenue and West Cliff Drive to 50 feet north of the statue that is situated in front of the church. During each visit he recorded their activities and numbers at 8 a.m., 10 a.m., noon, and 2 p.m. (except for 10/25/01, when observations were limited to noon and 2 p.m.). During these visits Dr. Leong observed a total of five monarch butterflies on the Oblates property on three of the visit dates; two butterflies in the Gateway school garden on 10/25/01; one butterfly in the Gateway garden on 12/11/02; and two butterflies on the church lawn on 2/21/02 (see Exhibit 14, pp. 1 & 2). According to the composite map (Exhibit 14, pg. 3), only one butterfly was observed in the area of lawn proposed for development as a parking lot. The remaining four butterflies observed on the Oblates property were not located in the area proposed for parking lot development. The vast majority of non-roosting butterflies were observed in Lighthouse Field. Dr. Leong did not observe butterflies in the lone eucalyptus tree located approximately 75 to 100 feet from the edge of the proposed parking lot. Dr. Leong also states that the lawn area proposed for development as a parking lot is shaded during the morning hours in December and January by tall Cypress trees located on the northeastern portion of Lighthouse Field. In



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 12

his opinion, monarch butterflies will seldom feed in shaded areas (see Exhibit 14, pg. 5).

In summary, out of an estimated total of 6,000 overwintering butterflies at Lighthouse Field, five butterflies (less than $1/10^{\text{th}}$ of 1% of the total) were observed on the Oblates property. Of these five butterflies, only one butterfly (1 out of 6000) was observed in the area of the proposed parking lot. Commission biologists reviewed Dr. Leong's data. Given that less than $1/10^{\text{th}}$ of 1% of the total butterfly population at Lighthouse Field was observed within the proposed parking lot, it is their opinion that use of this site as a parking lot will not impose a significant impact on monarch butterflies. For all of the above-stated reasons, the proposed project site does not constitute an environmentally sensitive habitat area.

In conclusion, the City-approved project has been reduced to 17 additional parking spaces with no access/egress from Pelton Avenue and no tree removal. A local butterfly expert reviewed the project and felt that the project would cause no significant impact to monarch butterflies. A Lighthouse Field monarch butterfly overwintering study found that less than $1/10^{\text{th}}$ of 1% of the butterflies made use of the Oblates site. Also, the parking lot site is approximately 300 feet from the monarch butterfly overwintering eucalyptus grove, which is a substantial buffer. In addition, this approval is conditioned such that the Applicant will not construct the parking lot during the monarch butterfly overwintering season and will not use pesticides on any of the parking lot landscaping, consistent with LCP EQ Policy 4.5.3.2. Although the project site is not ESHA, monarch butterflies are mobile and on occasion may be found on the Oblates site, as well as in private residential yards in the area. As such, this approval is conditioned to require submission of a landscaping plan that includes native and nectar-providing plants, consistent with LCP EQ Policy 4.6 and Zoning Ordinance 24.14.080(4)(d). In light of all of the above, the project, as conditioned, is consistent with the Environmental Quality policies of the certified LCP regarding protection of monarch butterflies.

5.2 Visual Impacts

Applicable City of Santa Cruz LCP policies regarding public views are as follows:

LCP Community Design Policy 2.1.3: *Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.*

LCP Community Design 2.2: *Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.*

LCP Land Use Policy 1.6: *Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.*



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 13

LCP Community Design Map CD-3 designates West Cliff Drive as a scenic drive (Exhibit 15). The proposed parking lot is located on the landward side of West Cliff Drive, adjacent to Pelton Avenue (see Exhibit 2). The visual impacts of the project were reviewed in the Initial Study and were deemed less-than-significant. Exhibits 16 and 17 show the City-approved parking area as seen from West Cliff Drive. While there are public views from City streets throughout the vicinity, there are a number of other parking lots in the vicinity of West Cliff Drive and the addition of 17 spaces would not be visually significant in relation to these other lots. Also, the parking lot will not block any views and is located landward of West Cliff Drive. In general, tourists and residents walking or driving along West Cliff Drive direct their attention seaward. Furthermore, the City has conditioned its approval to require additional landscaping along the West Cliff Drive and Pelton Avenue frontages (Exhibit 6, Condition #10). This landscaping will provide screening of the lot as viewed from Pelton Avenue and West Cliff Drive. This condition has been incorporated into this CDP as Special Condition #3. With this condition, the project is consistent with the Environmental Quality policies of the certified LCP regarding protection of visual character and public views.

5.3 Water Quality

Applicable City of Santa Cruz LCP policies regarding water quality are as follows:

LCP Environmental Quality Policy 4.1: *Protect the natural ecosystem of the Monterey Bay National Marine Sanctuary and the shoreline.*

LCP Environmental Quality Policy 4.1.5: *Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.*

LCP Environmental Quality Policy 2.3.1: *Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible.*

LCP Environmental Quality Policy 2.3.1.5: *Ensure that all parking lots, roads, and other surface drainages that will flow directly to coastal waters have oil, grease and silt traps.*

LCP Environmental Quality Policy 2.3.1.6: *Require a maintenance program and oil, grease and silt traps for all parking lots over 10 spaces...*

Due to increased runoff, water quality can be adversely affected by an increase in paving surfaces. The proposed project is located within several hundred feet of the Monterey Bay National Marine Sanctuary. As stated above, however, the project consists of 17 new paved parking spaces. This amount of new paving is insignificant in comparison to the amount of existing paved surfaces within the developed neighborhood and along West Cliff Drive, including other parking areas (see Exhibit 2).

The project site currently consists of a grassy area with ruderal plants (Exhibit 3). This grassy area is occasionally used for overflow parking by the church and by Gateway School. The pervious nature of



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 14

the grassy area limits the amount of any polluted runoff currently. Consistent with the Environmental Quality policies listed above, the City conditioned its approval of the additional 17 parking spaces to require that the Applicant install and maintain oil/grease traps that will filter pollutants from stormwater (Exhibit 6, Condition #32). Furthermore, the City also conditioned its approval to require that the Applicant avoid paving materials that are impervious or smooth surface (Exhibit 6, Condition #15). Permeable pavements are a method of infiltrating stormwater while simultaneously providing a stable load-bearing surface. While forming a surface suitable for walking and driving, permeable pavements also contain sufficient void space to infiltrate runoff into the underlying base course and soil. In this way they can dramatically reduce impervious surface coverage without sacrificing intensity of use. The three main categories of permeable pavements include poured-in-place pervious concrete and porous asphalt, unit pavers on sand, and granular materials.

The City has required conditions on the approved project to both reduce runoff and filter storm water. These conditions are incorporated into this CDP (see Special Condition #2). With this condition, the project is consistent with the Environmental Quality policies of the certified LCP regarding protection of water quality.

5.4 Community Character

LCP Community Design Policy 3.5 states: *New or renovated development shall add to, not detract from City-identified landmarks, historic areas and buildings, and established architectural character worthy of preservation.*

The Oblates property contains an historic building, as indicated on LCP Map CD-5 (see Exhibit 18). The Oblates property is shaded on this map, which signifies that an historic building is present. The historic building in question is a residence occupied by the parish's priest. This residence also houses the church's offices. The existing church building is not an historical building. A paved parking area exists directly adjacent to the historic residence (see Exhibit 2 for an aerial view of the Oblates property). The City-approved parking site is several hundred feet from the historical residence. As seen in Exhibit 2, the historical residence is not visible from the City-approved parking site (the building in this photograph is the existing church). Given that the parking site is several hundred feet from the historic residence, that the historic residence currently has a large parking lot adjacent to it, and that the parking site is not visible from the historic residence, the City-approved project will not have an effect on the historic residence. Therefore the project is consistent with the Community Design Policies of the LCP regarding protection of historic structures and architectural character.

5.5 Traffic

LCP Land Use Policy 5.6 states: *Require land use development to integrate into the larger circulation system by introducing its system of roads, pedestrians and bike paths with existing facilities and also design access to nearby areas in a manner that minimizes the necessity for automobile travel and*



Appeal A-3-STC-01-045 Staff Report

Oblates of St. Joseph – De Novo Hearing

Page 15

potential automobile and pedestrian/bike conflicts.

LCP Circulation Policy 1.7 states: *As a condition of development, expansion or change of land use, developers or employers shall mitigate their impacts on circulation..., provide incentives to enhance the use of alternative transportation, and when necessary shall prepare transportation impact studies and phase improvements to reduce traffic impacts and ensure that circulation facilities are adequate to serve the development.*

A traffic and circulation study prepared by Higgins and Associates Traffic Engineers (see Exhibit 19) evaluated the potential traffic impacts due to the internal expansion of the Oblates of St. Joseph Church and its related parking expansion project. The level of service was analyzed at the West Cliff Drive/Pelton Avenue intersection on a Sunday, the time of greatest Church activity. Sunday traffic on West Cliff is also relatively higher than weekday traffic, especially during the summer, because of tourist and beach/surf activities along West Cliff Drive. The report states that with future added traffic from the church expansion and expanded parking lot, the intersection would operate at a satisfactory level of service (LOS) B on Sundays (LOS B = Stable Flow; Acceptable Delay). The traffic study further states that the LOS during weekday peak hours at the West Cliff Drive/Pelton Avenue intersection currently operates at a LOS A, including Gateway School traffic volumes (LOS A = Stable Flow; Very Slight or No Delay). Both these levels of service are well above the City-required threshold of level of service D (LOS D = Approaching Unstable Flow; Tolerable Delay). Only a few Church activities during the year are expected to create vehicle demand overlaps with the Gateway School drop-off and pick-up times. Therefore, in light of the above, the project conforms to the above-mentioned circulation policies of the certified LCP.

6.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report, which is incorporated into this finding in its entirety, has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. All public comments that staff has received have been responded to in the staff report. Accordingly, the project is being approved subject to conditions, which implement the mitigating actions required of the Applicant, by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.





68-36

EXHIBIT NO. 1
 APPLICATION NO.
 A-3-STC-01-045
 Pg 1 of 1
 California Coastal Commission

LIGHTHOUSE AV

AVENUE A

EUCALYPTUS AV

Gateway School

PELTON AV

WEST CLIFF DR

FLORIAN
GARDEN
GROVE

Church / Chapel

Historical
building

State

01/13/2001

1"=100'

2
45



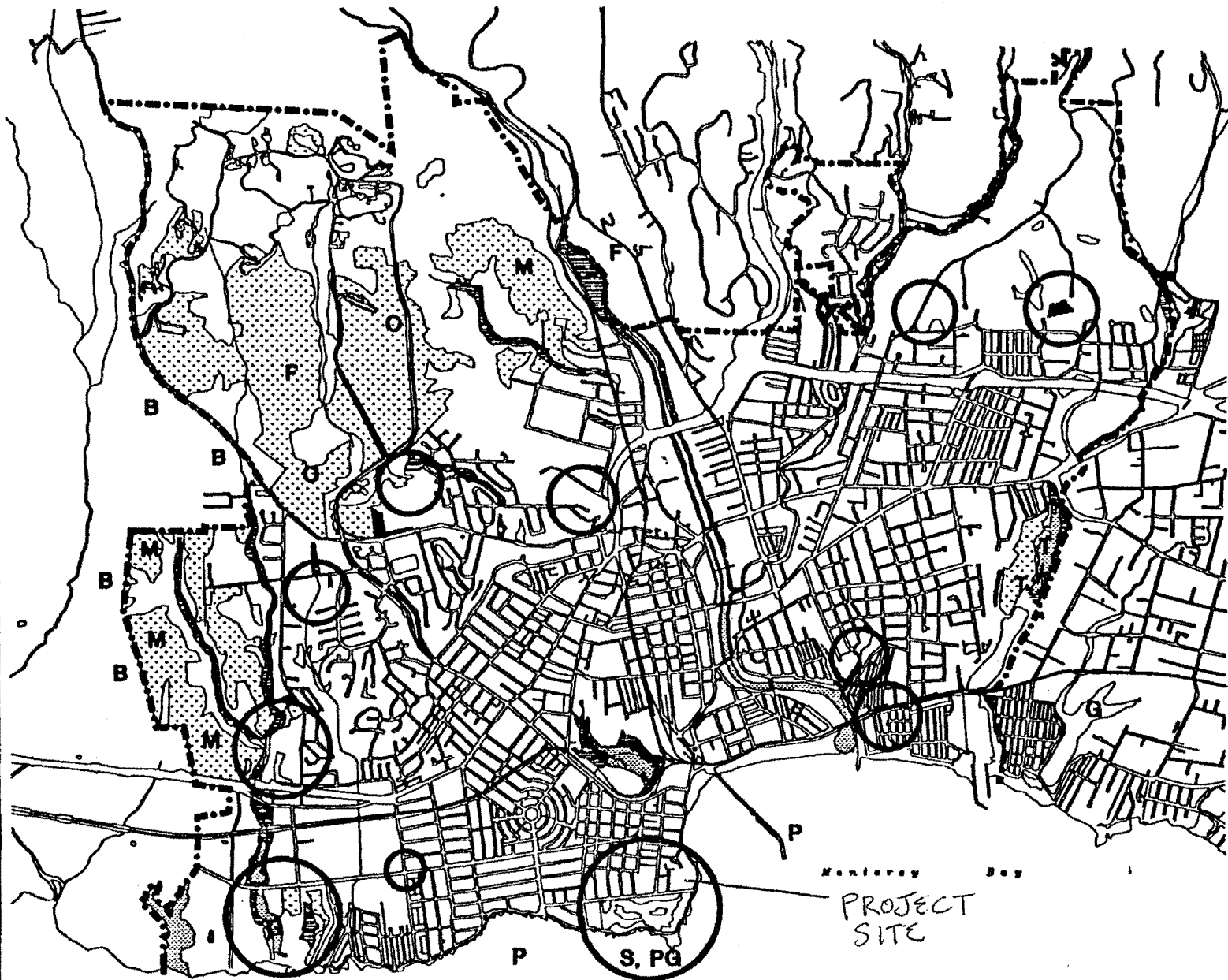
EXHIBIT NO. 3
APPLICATION NO.
A-3-STC-01-045
PP 1 of 1 California Coastal Commission



MAP EQ-9: SENSITIVE SPECIES AND HABITATS

The City of Santa Cruz, California

EXHIBIT NO. 4
APPLICATION NO.
A-3-STC-01-045
PR 1 of 1
California Coastal Commission



LEGEND

- WETLANDS
- RIPARIAN
- GRASSLANDS
- B** OHLONE TIGER BEETLE
- G** TIDEWATER GOBY
- M** MIMA MOUNDS
- O** BURROWING OWL
- P** CALIFORNIA BROWN PELICAN
- MONARCH BUTTERFLY
- PG** PIGEON GUILLIMOT
- S** BLACK SWIFT
- T** SANTA CRUZ TARPLANT
- F** AMERICAN PEREGRINE FALCON

SOURCES: California Natural Diversity Database (CNDD), ERA Associates, Monarch Project, Rogers E. Johnson & Associates, 1990

NOTE: Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas.



FILE: D:\MAPS\GPN\EQ9TE
REVISED 1947 10/19/1993

EXHIBIT "C"

MODIFIED

PARKING LOT EXPANSION

CITY COUNCIL APPROVED DESIGN - MARCH 27, 20



No Pelton Exit



Site Plan

TO BE LANDSCAPED (additional landscaping also on W. Cliff & Pelton frontages)

Oblates of St. Joseph Shrine

EXISTING PARKING 117 SPACES

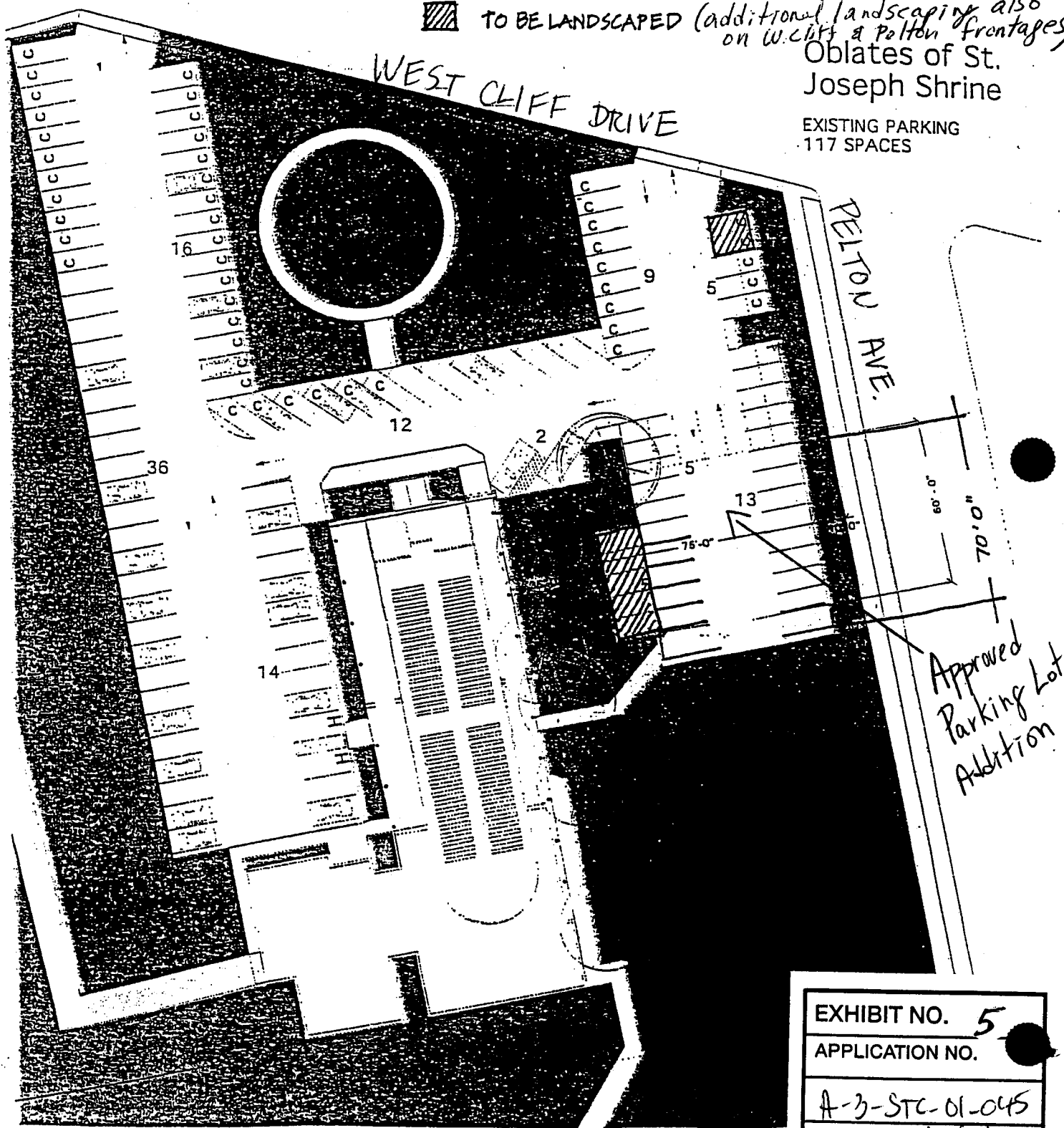


EXHIBIT NO.	5
APPLICATION NO.	
A-3-STC-01-045	
PR 1 of 1	
California Coastal Commission	

EXHIBIT "B"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

544 West Cliff Drive/126 Eucalyptus Ave. – Application # 99-109

Variance to Modify Parking Standards, Special Use, Design and Coastal Permits for the expansion of a parking lot to accommodate an increase in church seating/pews at an existing church and Modification to Permit #98-152 for a Private School to change parking and traffic monitoring program.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall be come null and void.
4. If, upon exercise of this permit, this use is at any time determined by the Zoning Board to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Zoning Board could occur.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
7. All final working drawings (with required changes) shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application.
8. The development of the site shall be in accordance with the conceptual plans prepared by IPD International Parking Design, Inc. as modified and approved by the City Council on March 27, 2001 on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Modifications to plans or exceptions to completion may be granted only by the City authority that approved the project.
9. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to final clearance.

Exhibit 6
A-3-STC-01-045
Pg. 1 of 4

EXHIBIT "B"

CONDITIONS OF APPROVAL

For 544 West Cliff Drive/ 126 Eucalyptus Avenue – 99-109/98-152

10. The development of the landscaping shall include additional landscaping along West Cliff Drive and Pelton Avenue frontages, and along the western boundary of the new parking areas, with plan submitted for review and approval prior to the issuance of a building permit. Subsequent to approval of this project and prior to submittal of the required landscaping plan, no removal or pruning of trees, or any other change to existing vegetation on the site shall be made. The existing mature pine tree shall remain on the property and be incorporated in the landscaping plan.
11. Drought-tolerant plants shall be included on approved landscape plan as approved by the Zoning Administrator.
12. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
13. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. Such maintenance shall be secured through an 18-month bond prior to occupancy.
14. A fully automated irrigation system shall be installed in all planting areas.
15. Wheel stops or similar structures shall be used to separate parking spaces from landscaped areas. New parking areas shall avoid materials that are impervious or smooth surface. Plans and details for the parking lot shall be submitted for the Planning Director's review and approval.
16. All trees shall be a minimum 15-gallon size.
17. Bike parking shall be provided in accordance with Section 24.32.060(b) of the City's Zoning Ordinance.
18. All utilities and transformer boxes shall be placed underground unless otherwise specified.
19. An engineered grading, drainage and site plan for parking lot expansion shall be submitted in conjunction with application for building permits for review by the Public Works Department.
20. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1, unless a winter grading permit is issued. All work shall include measures to prevent blowing dust as deemed necessary by the City.
21. Any tree marked for preservation which is subsequently removed shall be replaced by two (2) specimen trees of a variety and at locations specified by the Zoning Administrator. All such trees shall be replaced prior to final clearance of the permit.

Exhibit
A-3-5TC-01-045
pg. 2 of 4

CONDITIONS OF APPROVAL

For 544 West Cliff Drive/ 126 Eucalyptus Avenue – 99-109/98-152

22. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain. No earth-moving activities shall occur between December 1 and March 1.
23. Prior to site grading the perimeter of the project area and all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.
24. Handicap access shall be provided in accordance with UBC.
25. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
27. Signage shall be approved by the Zoning Administrator prior to application for building permits.
28. Plans shall include a minimum 28-foot inside turning radius. Details shall be submitted for review and approval by the Fire Department.
29. A separate irrigation meter is required for parking lot expansion. Plans and details shall be submitted to the Water Department for review and approval.
30. The permit allows church to increase number of pews/seating from 34 pews (204 seats) to 68 pews (408 seats) with 117 total parking spaces provided to accommodate this church increase and the existing private school use.
31. No parking lot lighting has been approved with this application. Any proposed future parking lot lighting shall be directed away from adjacent properties and shall be approved by the Zoning Administrator at a public hearing.
32. Oil/grease traps shall be installed for the new parking lot in accordance with the Public Works Department requirements. The traps shall be maintained by the property owner as the need warrants.
33. All plans for future construction, and any future modifications to the permit, including the future hall addition which is not covered by this review, shall require review and approval of a new Master Plan which is subject to environmental review.


Exhibit 6
A-3-5TC-01-045
Pg 3 of 4

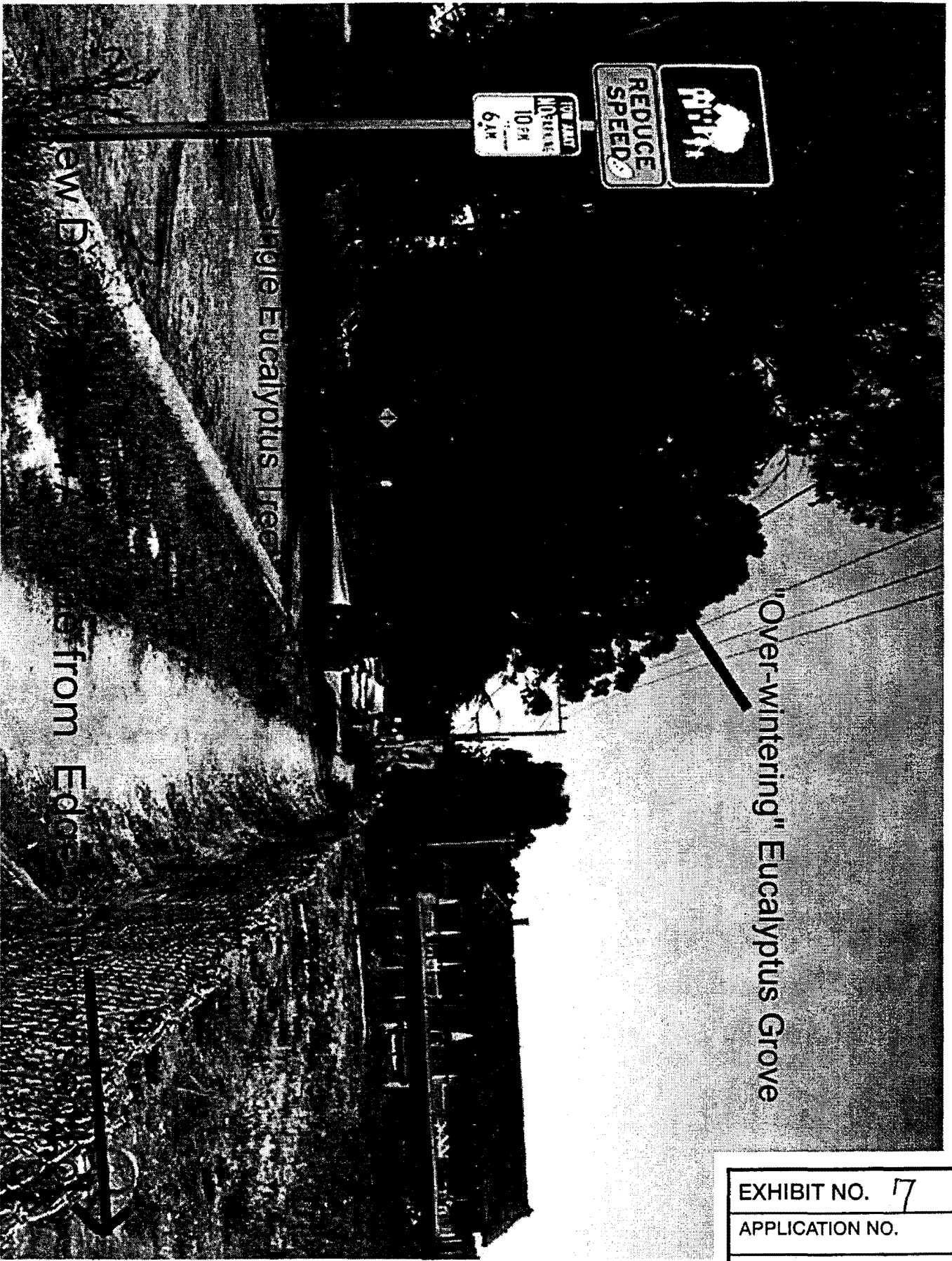
EXHIBIT "B"

CONDITIONS OF APPROVAL

For 544 West Cliff Drive/ 126 Eucalyptus Avenue – 99-109/98-152


34. Church activities shall be in the general nature as shown in the document labeled "Oblates of St. Joseph Activity Chart" submitted on 3/6/2000. The applicant shall be encouraged to consolidate evening activities to minimize impacts to the neighborhood.
35. The traffic circulation and school parking plan shall not be changed without a new modification permit being applied for and approved. Applicant shall submit for the Zoning Administrator's review and approval a copy of the lease agreement specifying the number, location and hours of use of parking spaces for the school within the Church parking lot. A minimum of 30 parking spaces shall be available for the private school. Parking for school employees shall be in the new parking area and in the parking spaces near the West Cliff Drive and Pelton Avenue corner of the subject property.
36. At least one traffic monitor shall be provided by the school during the school peak hours (8:00 a.m. – 9:00 a.m. and 2:15 – 3:20 p.m.).
37. The traffic circulation and school parking plan shall be distributed to all school parents each year as part of the enrollment or back to school process. The plan shall include a requirement that no student drop off/loading occur along Pelton Avenue by the Life Lab/driveway. Compliance with the plan shall be mandatory.
38. Best management practices during construction shall be used to control dust, including but not limited to: minimizing amount of exposed area, watering the active construction areas, and prohibiting grading during periods of high winds.
39. A public hearing by the Zoning Board shall be scheduled after the parking lot expansion has been in operation for one year to evaluate compliance with conditions for both church and school use.
40. In accordance with the goals of the City of Santa Cruz General Plan, the Oblates shall encourage alternative transportation means, such as carpools and van shuttles from other parking areas, on those occasions when the parking lot reaches capacity level.
41. There shall be no entrance or exit constructed onto Pelton Avenue from the new expanded parking area proposed in this application.
42. Parking lot shall have restricted access between the hours of 10 p.m. and 6 a.m. Limited church events may use this parking lot during these hours with approval of the Zoning Administrator.

EXHIBIT NO. 6
APPLICATION NO.
A-3-STC-01-045
 PG 4 of 4 California Coastal Commission



"Over-wintering" Eucalyptus Grove

Single Eucalyptus trees from Edge

EXHIBIT NO. 17
APPLICATION NO.
A-3-STC-01-045
 PG 1 of 1 California Coastal Commission

30 November 1999

To: Diedra Hamilton
From: Elizabeth Bell
Re: Oblates of Saint Joseph

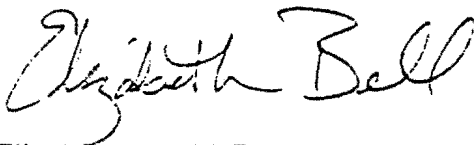
This letter evaluates the potential impacts of the proposed development at the Oblates of Saint Joseph on the nearby monarch butterfly overwintering habitat at Lighthouse Field. I visited the site on 23 November 1999 and evaluated the plans for a new parking lot.

This project has two potential impacts on the adjacent monarch habitat due to: (1) removal of one pine tree and (2) loss of midwinter nectar resources. However, both of these impacts can be mitigated to less than significant levels.

The large cypress trees on the St. Joseph's property play an important role in the monarch habitat by providing wind protection to the grove at Lighthouse Field. However, none of these trees will be removed in this project design. Based on the enclosed landscape design map and my on-site conversation with Ms. Hamilton, it is my understanding that only one tree will be removed from the project site. This pine tree is located along the edge of the existing parking lot and its removal is necessary to accommodate the entrance of the new parking lot.


Given the location of the pine tree and its relatively small stature, the loss of wind protection due to its removal is unlikely to adversely affect the quality of the monarch habitat. However, removal of the tree does contribute to long-term cumulative loss of wind protection for the habitat. Thus, I recommend replanting 2 cypress trees (*Cupressus macrocarpa*: 24 inch box) across the street in Lighthouse Field, as mitigation for loss of this tree. Location of the new trees is critical to habitat function and I can provide guidance on this once approval for the planting has been acquired.

Paving of the vacant lot will eliminate midwinter nectar resources, such as wild radish and mustard, for the butterflies on the project site. This impact may be mitigated by incorporating some "butterfly" plants into the landscape design for the parking lot; these plants will provide nectar resources for the overwintering monarchs. Planting 5-10 *Escallonia* spp. shrubs would greatly benefit the arriving monarchs in the fall, as these shrubs bloom during the fall. Access to fall nectar sources near the overwintering site may reduce the dependence of the butterflies on mid-winter nectar resources. Additional plantings of some species that flower mid-winter, such as: *Limonium californicum*, *Tagetes lemonii* and *Echium fatuosum*., would mitigate loss of wild mustard and radish on-site.



Elizabeth Bell, Ph.D.
Biologist

248A McGivern Way
Santa Cruz, CA 95060
(831) 426-1543

EXHIBIT NO. 8
APPLICATION NO.
A-3-STC-01-045
PG 1 of 1
 California Coastal Commission

RECEIVED
JAN 17 2001
CITY OF SANTA CRUZ

17 January 2001

To: The City of Santa Cruz
From: Elizabeth Bell
Re: Oblates of Saint Joseph Project

This letter provides a summary/clarification of my testimony (given at the Santa Cruz City Council meeting on 12 December 2000) concerning potential impacts of a proposed parking lot addition (at the Oblates of Saint Joseph property on West Cliff Drive and Pelton Avenue) on monarch butterfly wintering habitat at Lighthouse Field State Beach. Extensive public comments during this hearing revealed serious misconceptions regarding monarch butterfly biology, and confusion regarding potential impacts of the proposed project on the monarchs. My purpose here is to clarify issues relating to monarch butterfly wintering biology and conservation of their habitats, and to address some of the issues that were raised during the public comment period.

Background

I have been systematically visiting the Lighthouse Field monarch butterfly wintering site for over 15 years as part of an on-going county-wide monitoring effort that began in 1980. In most years, I visit each site at least three times during the wintering season. During these visits I visually estimate monarch population sizes, document roost locations, note mortality and estimate nectar (flower) availability.

Monarch occupation at the Lighthouse Field site has increased over the years, both in terms of the length of the period that monarchs are present (duration of residence) and the number of monarchs that winter there (population size). During the period of these observations, the site at Lighthouse Field has transcended, from a temporary (autumnal) roost area, into a full-term overwintering site. Currently, the Lighthouse Field roost area supports the largest population of wintering monarchs in Santa Cruz County.

General Features of Monarch Wintering Habitats

Monarch roost trees are identified by the seasonal presence of clusters of gregariously roosting butterflies. Monarch butterfly roost areas are composed of trees that provide (1) a diversity of suitable roost limbs, with (2) seasonally appropriate sun/shade exposure, and (3) wind protection in most, if not all, directions. Although topographic (landform) features and buildings may also contribute to site suitability by contributing wind protection and/or shade, tree configuration ultimately determines site suitability.

In the context of regional monarch wintering site assessments, population size (the number of monarchs roosting at the site), stability (the degree to which the population size changes over the course of the wintering season) and duration of residence (the length of time monarchs roost in clusters on the site) are the key parameters used in determining the relative importance of a particular habitat. Changes in the habitat that result in measurable change in any of these parameters constitute significant impacts.

Population stability and duration of residence of wintering monarch populations are enhanced by: (a) freedom from disturbance (by wind, predators and people); (b) high habitat heterogeneity (the presence of a diversity of seasonally suitable roost locations in the habitat); and (c) the presence of on-site nectar and water sources. This is not to say that monarch wintering populations cannot persist in the absence of one or more of these features, but that their stability and persistence will be greater in accord with the degree to which these issues are resolved by the habitat.

Exhibit 9
A-3-STC 01-045
pg 1 of 4

The Lighthouse Field Monarch Wintering Habitat

The roost trees at Lighthouse Field are only moderately protected from strong winds by the close "circle" of trees that provide the site's primary wind protection and shade. Unlike the wintering site at Natural Bridges, which is nestled in a ravine, the wintering habitat at Lighthouse Field stands on a flat coastal terrace above the ocean. Much of the wind protection at this site is thus provided by secondary windbreak trees that surround the roost area at various distances across Lighthouse Field, and by neighborhood trees and buildings north of Pelton Avenue.

The relative value of windbreak trees diminishes with both distance and redundancy. The trees closest to the roost trees (primary windbreak trees) provide the most critical wind protection, while trees at increasing distances (secondary windbreak trees) provide progressively less effective (i.e., less important) wind protection. The value of a particular tree is also reduced by the presence of other trees in the same area that serve the same function (functional redundancy). Thus, the loss of a single tree among many that provide secondary wind protection in a given direction (i.e., a case of high functional redundancy), is unlikely to create a significant (measurable) impact because its function will still be provided by the trees that remain. In contrast, where a single tree provides the only secondary wind protection in a particular direction, its loss could constitute a significant negative impact.

Trees and buildings on the Oblates of Saint Joseph property contribute secondary wind protection for the Lighthouse Field roost area. However, under the present proposal to add additional parking on the Oblates' property, no trees will be altered or removed. Thus no impact on secondary wind protection for the Lighthouse Field monarch wintering site will result from this project as presently proposed.

The importance of nectar sources to the maintenance of population stability also diminishes with increasing distance and redundancy. Wintering monarch population sizes tend to decrease over time when individuals are forced to forage more than a few hundred feet from the roost area. This is because the further away from the roost site that a monarch forages, the greater the likelihood that it will not return to the site. Thus, nectar sources close to the site stabilize the population to a greater degree than sources at greater distances. Moreover, only a relatively small proportion of the wintering monarch population is usually compelled, by hunger (low fat reserves), to seek nectar. Although this proportion increases over time, as more individuals run low on fat reserves, the availability (and thus redundancy) of nectar sources also typically increases during the later part of the wintering period.

At the Lighthouse Field site, monarchs forage mainly on blue-gum eucalyptus blossoms among the primary and secondary windbreak trees, and on various forbs (mainly radish and Bermuda buttercup) in the open (moderately wind-protected) spaces between the primary and secondary windbreak trees. In most years, these sources provide ample on-site nectar. Monarchs, however, also forage in the neighborhood north of Pelton and on the Oblates of Saint Joseph property. In comparison to the availability of on-site nectar (i.e., the number of flowers) at Lighthouse Field, the amount of nectar typically available in the proposed parking area on the Oblates' property is small and its loss can easily be compensated for by the proposed landscape planting.

Road-Kill Mortality

Windy winter storms occasionally dislodge considerable numbers of roosting monarchs. If this occurs at night, or at temperatures below the monarch's flight threshold (55°F), dislodged butterflies glide, and are blown, throughout the roost area and onto the intersection of Pelton and Eucalyptus Avenues. Unusually strong south winds can occasionally blow monarchs to greater distances into the neighborhood north of Pelton and, in rare instances, onto the Oblates of Saint Joseph property.

Exhibit 9
A-3-STC-01045
p 8 2 of 4

Butterflies that become trapped on the street by rain or low temperature are at risk of being crushed by the first vehicle that comes their way. It only takes one. The greatest road-kill mortality will thus occur where the trapped butterflies are most concentrated, usually just north of the clusters at the intersection of Eucalyptus and Pelton. In most years, the number of monarchs killed on the street is relatively low (usually fewer than 100 in populations of tens of thousands). Although this may still seem like high mortality, "natural" mortality at many sites (e.g., predation by birds such as starlings, jays and chestnut-backed chickadees) often greatly exceeds this level.

The likelihood of many monarchs becoming trapped on the ground 150-200 feet from the roost area in the proposed Oblates of St Joseph parking lot is very low. Moreover, episodic increases in traffic on Pelton associated with functions at the Oblates facility are unlikely to measurably increase road-kill mortality, since more than enough traffic is already present on Pelton and Eucalyptus Avenues to kill all the monarchs that become trapped on the street.

In any case, road-kill mortality close to the roost area will always be far more severe than at greater distances. Thus, public concern for the safety of monarchs at Lighthouse Field would be far more effective if directed toward reducing road-kill mortality at the intersection of Eucalyptus and Pelton during severe wind storms, than by denying the Oblates proposed parking lot.

On warm sunny days, monarchs often bask and sip dew in the grassy open spaces between the roost area and the secondary windbreak trees at Lighthouse Field. During the later part of winter, individuals running low on winter fat reserves often seek nectar from flowers in these areas and in the surrounding neighborhood, including the Oblates of St Joseph property. As stated above, creating the proposed parking lot will slightly (though not significantly) reduce potential foraging area for wintering monarchs; however, the proposed landscape planting will more than compensate for this loss.

Foraging monarchs are alert and able flyers and are usually able to avoid passing cars as they cross streets. Thus adding "butterfly" nectar sources on the Oblate's property should not significantly increase road-kill mortality, even if it increases the number of monarchs that fly across Pelton to take advantage of it.

Warm weather conditions from mid-January through February often stimulate substantial mating activity in male monarchs. During the mating period, monarch pairs often end up on the ground (and street) where they are at risk of being stepped on by park visitors and/or run over by passing vehicles. As with wind disturbance, the greatest concentration of grounded monarchs will occur near the roost area; thus, the likelihood of mating monarchs being crushed in the Oblates' proposed parking lot addition is much lower than the likelihood that they will be crushed by park visitors or by vehicles at the intersection of Pelton and Eucalyptus.

Thus, although road-kill mortality (resulting from both foot traffic and vehicular traffic) is a current problem in this wintering habitat, it is unlikely to increase measurably as a result of the creation of the proposed parking addition over 150 feet away from the roost area on the Oblates of Saint Joseph property.

Other Issues

Several members of the public expressed concern at the City Council meeting that the large eucalyptus tree just south of the proposed parking area (across Pelton) might act as a monarch roost (cluster) tree, and that additional pavement of the parking area might negatively affect butterflies roosting in this tree. Although I have frequently evaluated the bloom status of this tree, I have only rarely seen monarchs in it, and I have never seen clusters (masses of gregariously roosting monarchs) in it. In any case, this tree is poorly protected from wind and could not support monarch clusters except during periods of calm winds.

Exhibit 9
A-3-STC-01-045
Pg 3 of 4

Monarchs often fly out from the roost area during calm sunny days in mid-winter to bask in the sun and to seek nectar and dew. If they are shaded by a passing cloud, or if they become too hot, they often close their wings and appear to be roosting. However, they do not typically form clusters in such situations, and usually do not roost overnight at such distances from the main roost area, if they can avoid it.

I suspect that the monarchs observed in this tree were basking/roosting butterflies that later returned to clusters in the main roost area, and that monarchs do not normally form clusters in this tree. This tree serves as a secondary windbreak tree for the main roost area adjacent to Pelton at Eucalyptus; however, without valid documentation of monarch clusters in this tree, it should not be considered as a roost tree.

Conclusions

The proposed parking addition at the Oblates of Saint Joseph does not require tree removal and thus does not alter wind protection or roost options for monarchs at Lighthouse Field.

Although the proposed project slightly reduces current potential nectar availability in the area, it compensates for this reduction by providing other sources through appropriate landscape plantings. Moreover, since foraging monarchs are alert and able flyers, it is unlikely that they will be killed while crossing Pelton Avenue to nectar at the Saint Josephs planting.

The distance between the proposed parking area and the Lighthouse Field roost area makes it highly unlikely that monarchs will be blown and stranded on the ground in the proposed parking area. Thus, it is also unlikely that monarchs will die as a result of such stranding.

The monarch wintering habitat at Lighthouse Field has evolved in the context of the present configuration of trees, roads and buildings that surround it. In spite of the occasional mortality that results from butterflies being killed by passing cars and pedestrians, Lighthouse Field continues to provide suitable habitat for the many thousands of monarchs that successfully overwinter there each year. The proposed creation of additional parking spaces on the Oblates of St Joseph property should have no significant impact on monarch butterflies wintering at Lighthouse Field State Beach.

Elizabeth Bell, Ph.D.

Elizabeth Bell, Ph.D.
Biologist

1165 Lisa Lane
Santa Cruz, CA 95062
(831) 464-0589

EXHIBIT NO.	9
APPLICATION NO.	
A-3-STC-01-045	
Pg 4 of 4	
California Coastal Commission	

(No letterhead. Emailed)

20 February 2001

Attn: Juliana Rebagliati
Planning and Community Development
The City of Santa Barbara
809 Center Street, Room 106
Santa Cruz, CA 95060

To The City of Santa Cruz:

My name is Walter H. Sakai. My CV is attached, but some highlights include the fact that I have been conducting research on monarch butterflies and monitoring monarch overwintering sites along the California coast since 1985. I have consulted on a number of projects associated with monarch overwintering sites most recently for Esalen Institute in Monterey County along the Big Sur coast. I was also Santa Barbara County's monarch biologist on the Ellwood project that has been mentioned a number of times in the materials sent to me by your staff. I also wrote the key letter to the California Coastal Commission regarding the Ellwood Shores development, in which the Coastal Commission decided to extend the monarch overwintering site buffer zone to 150 feet. I was also a member of the Significant Ecological Area Technical Advisory Committee for Los Angeles County for 10 years, and am presently a member of the Environmental Review Board for the City of Malibu. Thus, I have had extensive experience in both reviewing Environmental Impact Statements and Reports, as well as evaluating monarch overwintering sites.

I have been asked to evaluate a project near what has become a major monarch overwintering site in Santa Cruz County. The project is referred to as 544 West Cliff Drive 99-109/98-152 APN 004-571-02. Also called the Oblates of St. Joseph site, it is located 1-300 feet northeast of the Lighthouse Field State Beach monarch overwintering site (erroneously referred to as Lighthouse Field State Park), on the north side of Pelton Avenue, and west of West Cliff Drive. To summarize and to insure that I understand the scope of the project, the project entails the conversion of a weedy field into 48 new parking places.

Personal History relative to the Lighthouse Field State Beach Site

Prior to the late 1850's when eucalyptus was introduced, this marine terrace was apparently treeless or at best sparsely treed, and it is likely no monarchs roosted in this area. Numerous prior visits were made by the monarch biologist John Lane beginning in 1979 onward. John Lane's research on this site indicates that there are reports of monarchs overwintering here since the 1890's, although it is unclear if the article was talking about the huge monarch site at the west end of Lighthouse Field or the present location. The apparently large monarch overwintering site at the west end of Lighthouse Field was lost to development.

My understanding (not being a long time resident of Santa Cruz) is that there was a monarch site at the present location, which was then lost in a series of severe storms which knocked down many of the trees that formed the monarch grove. In the intervening years, scattered trees have come up, either naturally or by planting. I do not have this date. I first visited the Lighthouse Field State Beach site in 1990. In 1990, I reported this overwintering site to the California Department of Fish and Game's Natural Diversity Database. Thus, this site is listed as Occurrence #105 on the database.

My inventory protocol for California monarchs has been to visit sites in early January. Thus, since 1990, I have managed to visit this site seven January's in the last 11 seasons. In addition, I have reports from other monarch biologists over the years. My records indicate that in most years there were a few thousand monarchs at this site, but the site was abandoned by January in most years. Such sites have been referred to as "Autumnal sites." However, in the last five or so years this site has progressively become one of the larger sites in California with monarchs utilizing the site through the entire winter. Such sites are then referred to as "Permanent sites." In the last few years, it has become larger than its more famous sister site at Natural Bridges State Beach.

One of the real puzzles to Monarch biologists is that this Lighthouse Field site is atypical of most monarch overwintering sites. Most monarch sites will large numbers of monarchs resemble Natural Bridges or Moran Lake.

This is a relatively small grove of trees. Lighthouse Field lacks any sort of geographic protection (hill, drainage, etc) being on a flat marine terrace. There is no understory protection from winds. Without this understory, there is no thermal protection inside the grove. Yet this now very overwintering colony is found at this site. John Lane 15 years ago said this area would be a great monarch site if trees were appropriately planted; it appears natural tree growth has proven him correct.

Caveat

As an important caveat of this report, I must emphasize that with an exception or two, I do not have any hard scientific data to support my findings, except to say that I have seen hundreds sites in California and have visited many of them numerous times over the last 15+ years.

No site visit was made to this project. I am familiar with the Lighthouse Field State Beach Monarch overwintering site and am generally familiar with the surrounding area. I admittedly never gave the project site much more than a glance during visits to the monarchs.

I am also not commenting on topics such as piecemeal development, storm water drainage, and other non-monarch related topics. Traffic is, however, pertinent and will be discussed as it relates to monarch butterflies.

I also had an almost hour telephone conversation regarding this site and discussed points of agreement and disagreement about this site.

Discussion

In general, I believe that the findings of Dr. Elizabeth Bell, which were supported by John Dayton, are essentially correct. However, further analysis and rigor could have been incorporated into their report to support their findings. Thus, Dr. Longcore's and others have questioned of her findings

One, the actual overwintering site was never determined. What is the extent of the grove of trees? This includes both roost trees for the monarchs as well as the surrounding buffer trees described by Bell. And which trees do the monarchs actually roost in? This is important, as there has been mention of the buffer zones determined by Santa Barbara County and the Coastal

Commission. In both instances, the buffer zone begins at the dripline of the grove of trees. Bell indicated that the project was more than 100 feet from the overwintering site, but from what point. If one does not know where the trees and the grove are located, how can one determine if a project is too close to the monarchs. Granted this buffer distance is a somewhat arbitrary number, it is a defensible point. The lack of this information is also contrary to the County LCP (4.5.3.1). Further, Strelow's letter say "at least 100 feet," while Bell (17 January 2001) states "150-200 feet from the roost area." The Metro Santa Cruz, January 17-24, 2001, p9 cites "clusters fewer than 100 feet away." Thus, either the monarch grove or the parking lots seems to be floating and moving. As picky as this may seem, see point number twelve below.

In conversations with Dayton, Bell and Dayton seem very reticent to delineate this grove saying nearby buildings and trees separate and distant from the cluster of trees that the monarchs roost in serve as part of buffering to protect the monarch. Although this idea is for the most part true, most other monarch site analyses delineate the grove (i.e. an outline of the grove of trees on a map). Without this delineation, one can not make statements above of how far the site is from the project. If in fact, the nearby buildings and trees separate and distant from the cluster of trees that the monarchs roost in for the monarch overwintering site, one can argue that the project is directly adjacent to or even within the monarch overwintering site. This would require then a full Environmental Impact Report.

Two, in Bell's letter date 30 November 1999 I agree with the analysis of the potential impacts on the loss of midwinter nectar resources. I can not comment on the loss of one pine tree, as I was not provided with an information on its location. My concern is that the location of this tree was never sited, and no explanation was ever given as to why this tree was unimportant while (presumably) nearby Monterey cypresses were important.

In a phone conversation with Juliana Rebagliati on 12 February 2001 and further reading, I learned that this tree would not be removed.

Three, monarch butterflies do not use the surrounding fields *only* as a midwinter nectar source. They utilize the moisture (dew) on the plants in the fields as a source of moisture. This point was never addressed by Bell. Although this is probably an issue only in the drier months of October (and November), the issue was not addressed.

Exhibit 10

A-3-STC 01-045
pg 2 of 5

Four, the low profile (height) of the project is in its favor in terms of impacting the monarch site, and the fact that the project is on the lee side of the prevailing northwesterly winds is favorable to the project. Yet, on windy days when monarchs are blown from the grove, they will be pushed toward the future parking lot. If the monarchs are blown out of the trees and into the street and parking to the northeast or leeward side of the grove, they could end up as roadkills.

Five, it is stated that the increase in traffic due to doubling the number of seats in the church and increasing parking is insignificant compared to the existing traffic in this area. My gut instinct tell me that this is incorrect. I ask if this analysis included traffic above and beyond the traditional Sunday service? I do not claim to be a traffic engineer or an expert on the goings on at churches, but most churches have more than a Sunday service. Some have a children's service (where parents drop off their kids) early followed by one or more adult service (when parents return) and even an evening service. There are weekly Bible studies, youth group meetings, prayer groups, confessional, funerals, and such. Certainly, three of the days with the largest attendance to churches (Thanksgiving, Christmas, and New Years) occur when monarchs are present. I recently spoke at a Boy Scout group that met at a local church. Thus, the weekly church traffic will be may 10-20X that of Sunday service alone. Have these been taken into account? (This also refers to Item 17 on "Response to Comments, p2-101, p5). I suspect that the heavy traffic along West Cliff Drive swamps the Church traffic, but the key aspect is the traffic that turns into and out of the church area, and see below.

Six, at present, traffic on Pelton is likely to be just residential traffic, but since there will now be an entry way into the parking lot from Pelton, how much increase in traffic will there be from the church on Pelton toward Pelton x Eucalyptus, where Bell notes where there will be a tendency of greater numbers of downed monarchs? This may be especially important as the butterflies blown out of the grove will be greater on Pelton, which passes right next to the grove and within 10-20 feet (?) of the grove. Note: the absence of Point One prevents an accurate assessment of distance here. (This also refers to Item 17 on "Response to Comments, p23-101, p5)

Cars going north on West Cliff Drive will have a harder time turning left into the Church parking lot. Thus, many will turn left at Pelton, where there is a stop sign (?) and enter the parking lot from Pelton. This again will increase traffic close to the monarchs. The traffic engineer's opinion that the present entry configuration will ease traffic flow in the area is probably correct, but this configuration will put the butterflies at greater risk from car related mortality. (See Number Eight below)

In the response to comments, page 23-101, p5, item #16, there is reference to "an one way in and out system," but this is not marked on any of the maps or photos I was provided, which may affect my interpretation above.

The same Metro Santa Cruz paper cited above notes that the Gateway School parking and access will be moved to the Pelton parking lot. If true, this too will increase traffic along Pelton and impact the butterflies.

In conversation with J. Rebagliati on 20 February 2001, it was suggested that the Pelton access to the parking lot be made an exit only and a left turn only. This would certain help monarchs.

Seven, I am not familiar with the wind patterns in Santa Cruz and specifically the area of Lighthouse Field, but I suspect that the prevailing Westerlies means northwesterly winds. Since the project is on the lee side, its impact is minimal. Its low profile means low impact. I am not sure exactly sure but normally pre-storm winds come from the east and storm winds come from the south. Yet Westerlies which are often quite strong after storms will blow monarchs out of the trees onto Pelton and toward the parking lot.

Eight, road-kill mortality is another issue. I have some unpublished data on this subject, which indicates that mortality can be quite high. My findings indicate that fairly substantial number of monarchs are killed by vehicular traffic when flying across roads, although in my study sites, speeds were much higher. What should be of concern is that the distances from the colony to the road in my study sites ranged from 0 to 1500 feet. Even at this farther distance there was mortality from cars. And these were NOT mating monarchs that were on the ground. At another site where clusters often form directly over the road, most mortality occurred during mating.

Anecdotal reports describe literally hundreds of monarchs were blown out of the trees during severe storms, of which several typically occur each year in the Santa Cruz region. In general, these butterflies survive if they are not stepped on, run over by cars, and do not fall in puddles of water. Apparently, people walk up and down Pelton during and after these storms rescuing downed and water logged monarchs. I suspect that if you would interview some of the docents at Natural Bridges State Beach, you might get a better picture of this, and maybe

Exhibit 10
A-3-STC-01-045
Pg 3 of 5

some photo-documentation.

Bell compares the degree of avian predation with roadkills, saying the latter "*often* greatly exceeds this level." The spin on this is that then the opposite is also true.

Based on my experience, I feel that this is a significant concern especially since traffic should increase on Pelton with the added traffic..

Nine, in most analyses I have ever conducted or read, there is usually some assessment of the total resource regionally. Is this the only monarch overwintering site in the county or in the area? That "area" is determined under the guidance of County. Generally, I look at all sites within a five mile radius. How does this overwintering site fit in with the big picture for the area? Even if it is not the only site, is it the largest site? Or is it a small autumnal site?

E.g. Ellwood Main in Santa Barbara is one of a dozen plus sites within five miles radius, but it is the largest site, the most important site, the best known site, and the most visited site. It is the "keystone" site in the area.

Although a map of the area is presented showing the monarch overwintering sites, the map is over 10 years old, and the monarch biologist did not address the sorts of concerns I have mentioned above.

In addition, by looking at historical sites (sites that no longer exist, such as the site that used to exist at the west end of Lighthouse Field), one can address incremental loss of monarch overwintering sites over the years.

Dayton in our telephone conversation indicated that Moran Lake, Natural Bridges and Lighthouse Field are the only active sites left in Santa Cruz and so Lighthouse Field is now one of the major sites in the Central coast. If so, a more critical look at this site is warranted.

Ten, there has been comment that monarchs may roost in other nearby trees. I agree with Bell that I have never seen and would not expect monarchs to roost in these other trees. But there is a (CA DFG NDDDB occurrence #106) site reported at St. Joseph's Shrine. John Lane reported 20-30,000 monarchs there in 1983. It is unclear how long the butterflies stayed, yet no one has seen monarchs there since (except flyers). Monarchs have also roosted in other nearby locations (See CA DFG NDDDB), but most have not been used in recent years.

Eleven, in regards to Mr. Suddjian's letter, I agree that monarchs do not roost on the proponents property, but that is not the major concern. Rather it is the loss of butterflies by pedestrian and car traffic that is of concern.

Twelve, in the "Response to Comments" p23-98 or p2, the statement that there is "no City or Coastal Commission standard regarding a specific setback distance between development and Monarch butterfly habitat areas" is correct, but there have been precedents set. Although there is no Santa Cruz City regulation, there has been a very recent high profile decision in Santa Barbara at the Ellwood Main site, where a specific setback was recommended by Coastal. There is also a Santa Barbara County regulation regarding setback and the 1987 recommendation by Nagano and Sakai

Thirteen, I wonder if City has a copy of the Xerces Society/Monarch Projects two publications, The Monarch Habitat Handbook, A California Landowner's Guide to Managing Monarch Butterfly Overwintering Habitat, and Conservation and Management Guidelines. Elizabeth Bell and John Dayton are both co-authors of these publications and should have copies; otherwise, copies can be obtained from the Xerces Society.

Fourteen, the concern about automobile emission is likely to be insignificant. The prevailing winds will blow exhaust away from the monarchs.

Conclusions:

I agree with Bell that the project will have little impact on the monarchs in terms wind, nectar, exhaust, and distance between the project and the monarchs. I think the basic problem was that there was not a thorough report done by both Bell and the City of Santa Cruz. The two page report requested by the project consultant on monarchs did a disservice to the proponent and the monarchs.

I would disagree with Bell in regards to the impact of roadkills. During occasional severe winter storms and during mating season (which should be starting soon), there is definitely a greater risk of butterfly mortality.

Further Study:

About the only researcher that I am aware of that has the equipment to conduct a full monitoring program collecting meteorological data to evaluate the site would be Dr. Kingston Leong at Cal Poly SLO. This effort would have to be done beginning before the monarchs arrive until after they leave. Normally researcher leave equipment

to collect continuous data, but there is no way to leave equipment at this site even overnight. Thus, regular trips must be made to the site in order to conduct monitoring. This would be an expensive and lengthy process.

A more observational study conducted by local monarch experts like Bell and Dayton, where roost trees can be determined, regular surveys can be made to determine mortality especially during and after big storms, and such (basic environmental data). This would be less expensive but just as lengthy.

Both of these options would take at least a year to complete. I would think a more reasonable solution could be found without a long term study, or while a long term study is ongoing. But I suspect the political climate may not allow for that.

Mitigation:

No work will be done while monarchs are overwintering.

The proponent will plant additional vegetation in and around the Lighthouse Field grove to provide additional buffer, in numbers determined by City staff and at locations determined by a monarch biologist. My logic for this is that this may begin to ameliorate the winds that blow the monarchs out of the trees during severe winter storms. Possibly the above roadkill problem can solve this problem by providing better wind protection.

As mentioned above, the Pelton access to the parking lot will be an exit only, and left turn only.

A statement incorporated, where the applicant will provide further mitigation of some dollar amount if the long-term study indicates significant impact to the monarchs.

Also note that my experience is that the term "will" be used rather than "should."

If there are further questions, you can contact me at Santa Monica College, 1900 Pico Blvd, Santa Monica, CA 90405-1628. My phone is 310.434.4702, and my email is sakai_walter@smc.edu.

Walter H. Sakai
Professor of Biology
Santa Monica College

Literature cited:

Bell, E., L.P.Brower, W.H. Calvert, J. Dayton, D. Frey, K. Leong, D. Murphy, R.M.Pyle, W. Sakai, K. Snow, and S. Weiss. 1993. The Monarch Project's Conservation and Management Guidelines. The Xerces Society. Portland, OR. 43pp.

Brower, L.P., M. Monroe, & K. Snow. Undated. The Monarch Habitat Handbook. A California Landowner's Guide To Managing Monarch Butterfly Overwintering Habitat. The Xerces Society. Portland, OR. 16pp.

Nagano, C.D. and W.H. Sakai. 1987. The Monarch butterfly [*Danaus plexippus* (L.)] wintering colonies in the Ellwood area of Santa Barbara County, California, U.S.A. A report and management recommendation to the California Coastal Conservancy and the Santa Barbara County Department of Resource Management, 17pp.

EXHIBIT NO. 10
APPLICATION NO.
A-3-3TC-01-045
PP 5 of 5 California Coastal Commission

CAL POLY

CALIFORNIA POLYTECHNIC STATE UNIVERSITY
SAN LUIS OBISPO, CA 95107

BIOLOGICAL SCIENCES DEPARTMENT
(805) 756-2788 FAX (805) 756-1419

12 February 2001

Ms. Juliana Rebagliati
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95010

Dear Juliana,

Thank you for sending me the City Council Report of the Project Description, Title 14 Zoning Ordinance, and the correspondences of Beth Bell, Stephanie Strelow, David Suddjian, and Travis Longcore. The information contained in these documents has provided me with a better understanding of the controversies. I believe the controversies can be resolved if valued judgements were based on scientific data, rather than on opinions or on personal experiences without the data to support one's observations. I believe Dr. Bell's testimonies, however, present a picture closer to my experiences and field research findings on the biology and behavior of overwintering butterflies in California. Her rendition of the importance of windbreak trees in the creation and the maintenance of a wintering habitat was depicted remarkably well. She also presents a good account on the effects of winter storms to roosting butterflies of that habitat and on mortality caused by vehicular traffic on Felton and Eucalyptus Avenues. Perhaps, Dr. Bell's arguments could be strengthened if she has actual data on the butterflies' "sphere of biological activities" i.e., areas used for roosting, sunning, feeding, and mating. If the sphere of biological activities is clearly defined for this wintering site, then impact of a proposed parking lot to neighboring overwintering butterflies could be better evaluated.

Dr. Longcore presents good arguments for the need to delineate habitat used by the overwintering butterflies such as feeding and mating and to better define the buffer zone for this overwintering habitat. A buffer zone, however, is often a nebulous value unless it is based on data that define the monarch's "sphere of biological activities" and the forested areas that helped create the microclimatic conditions conducive for winter aggregation.

Since the proposed parking lot on Oblates' property will not involve removal or alteration of trees, the main concerns are focus on the monarch's winter activities such as sunning, feeding, mating, and roosting. My field investigations have shown that overwintering butterflies occur in groves that offer specific microclimatic conditions conducive for winter aggregations (Leong 1990, Leong et al. 1991). Within a winter grove, the roosting

butterflies are not randomly dispersed throughout the winter grove, but are found only on trees that shelter them from strong gusty winds and provide optimum exposures to filtered winter sunlight (Leong 1990, Leong et al. 1991). Roosting butterflies will move to different trees within a defined area or "bubble of suitable conditions" depending on the direction and strength of the winds (Leong et al. 1991; Leong 1998). Winds greater than 2 m/sec are very disruptive to overwintering butterflies. At this velocity or greater, butterflies are blown from their roost or are dislodged from the foliage by vigorous branch movements. If ambient temperatures are 55° C (flight threshold) or greater, the expunged butterflies would fly to other trees within the grove that offer better wind protection. If ambient temperatures are below 55°C, the butterflies are dislodged from their roost due to high winds and are blown to the ground. The butterflies will remain on the ground until ambient temperatures reach flight threshold. If storm winds (≥ 2 m/sec) enter the roosting area, the overwintering butterflies will temporarily or permanently abandon a winter grove for the season (Leong 1998).

During warm winter days, the butterflies would leave their roost to sun, to feed on nectar, morning dew or water from neighboring ponds or streams. My field investigations on winter foraging activities of monarch butterflies at Pismo North Beach wintering site, San Luis Obispo County, have shown that they actively feed between the hours of 9 am to 1 pm (information presented at ESA meeting in November 1997). After 1 pm, most butterflies stop foraging and return to their roosting trees to reform winter aggregations. The foraging butterflies, at least in San Luis Obispo County, did not venture far from the grove to seek nectar or water. They were seldom observed more than a kilometer from the grove, even if sources of winter flowering plants or water were abundantly available at this distance from the grove (Leong, 1997 unpublished data). Similarly, the butterflies were observed sunning mainly on foliage of trees in sunlit southern areas of the grove.

Prior to their spring migration, the butterflies begin to mate in earnest by mid February (Leong et al 1995, Frey, et al. 1992). The male monarch butterflies would "capture" females in flight or while they sun on foliage (Leong 1995). Of the two mating strategies observed in the field, males capturing females on foliage were the most common method of securing a mate at Pismo wintering site. Once coupled, the male would carry the female to foliage located high on the tree.

The arena of mating and sunning activities was centered mainly in the southern regions of the winter grove proper. The numbers of mating pairs counted on the ground were more numerous beneath grove trees in sunlit areas (Leong et al. 1995 and Frey, et al. 1998) than areas (100 ft) further away from these trees.

The "sphere of biological activities" just described was for overwintering butterflies of San Luis Obispo County. I have observed similar activities for Natural Bridges (Leong and Frey 1991) and for Pacific Grove (Leong 1994) wintering sites. The boundaries of the monarch's winter activity areas and the forested areas comprising the habitat are essential parameters needed to: (1) effectively evaluate the impact of any habitat modifications (i.e., parking lot on Oblates' property); (2) determine the size of buffer

Exhibit 18

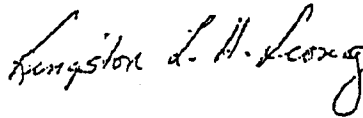
A-3-STC-01-045

pg 2 of 3

zones for the habitat; and (3) implement long term management polices of wintering sites.

My proposed project will identify the boundaries of the sphere of biological activities for the overwintering butterflies at this wintering site for one complete season (November to March). The habitat and surrounding areas will be divided into 20 to 30, 30-meter grids to determine the environmental conditions of the habitat and the aggregation areas within the grove. At each intersection of the grid, the temperatures (wet and dry bulb), solar radiant energy, light intensity, wind velocity (highest), and wind direction will be recorded. The environmental conditions will be monitored twice monthly along with their feeding, sunning and mating activities associated with the surrounding grove areas during the hours of 8 am to 2 pm. The data gathered would be used to define the sphere of biological activities for the overwintering butterflies at this site as well as the forested areas that created the microclimatic conditions conducive for winter aggregations.

Sincerely,



Kingston L. H. Leong, Ph.D.
Entomologist
Biological Sciences Department
California Polytechnic State University
San Luis Obispo, CA 93407
Telephone: 805-756-2373
Fax: 805-756-1419

EXHIBIT NO.	15
APPLICATION NO.	
A-3-STC-01-045	
PX 3 of 3	
California Coastal Commission	



Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020
Telephone: (310) 276-2306

RECEIVED

DEC 11 2000

COUNCIL AND
CITY MANAGER

December 10, 2000

Mayor Tim Fitzmaurice and City Council
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

Re: 544 West Cliff Drive - 99-109/98-152 - APN 004-571-02

Dear Mayor Fitzmaurice and Councilmembers:

A proposal to construct a parking lot immediately adjacent to the Lighthouse Field Monarch butterfly overwintering site has been brought to my attention by local residents, who have asked for an expert analysis of the project and its potential impacts to the butterfly. I hold a Ph.D. in biogeography from UCLA, where my research centered on the response of arthropods to ecological restoration projects. I have completed research on the assessment and management of several endangered butterfly species, and serve as a member of the Quino checkerspot butterfly Recovery Team for the U.S. Fish and Wildlife Service. I also serve as an appointed member of the Environmental Review Board for the County of Los Angeles, which is composed of resource experts who review development proposals for consistency with the local Land Use Plan and the California Coastal Act. In addition, I have provided expert testimony to the California Coastal Commission on the impacts of proposed development on numerous occasions, including on issues of Monarch butterfly overwintering habitat and its protection at the Ellwood site north of Santa Barbara. In that instance, the Commission increased the buffer area and eliminated a road to protect a Monarch overwintering site. This letter therefore serves to analyze the impacts of the proposed parking lot expansion on Monarch habitat at Lighthouse Field and the consistency of the project with the Coastal Act and the California Environmental Quality Act.

The first difficulty in analyzing the impacts of the proposed development is that the City has not provided a definitive account of the extent of the environmentally sensitive habitat area (ESHSA) associated with the Monarch butterfly overwintering grove. The City indicates that Monarch butterflies are found in the Lighthouse Field area of the City (Map EQ-9) but indicates that "Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas." This intention is echoed by the City's ESHA determination for Arana Gulch, which states that "ESHSA boundaries within the City of Santa Cruz shall be based on surveys and analyses conducted by qualified biologists and botanists. This will include recent and historic survey data." This determination further indicates that the City's policy is to "[c]ontinue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process." However, nothing in the documentation for the proposed parking lot expansion indicates that the City has delimited the ESHA associated with the Monarch butterfly. This is curious, because the

study was done by E Bell

12/12
cc3
PK
Re: clt 23

EXHIBIT NO. 12
APPLICATION NO.
A-3-STC-D1-045
PP 1 of 5
California Coastal Commission

City of Santa Cruz
December 10, 2000
Page 2

City is responsible under the Coastal Act to protect such areas from significant disruption of habitat values (Section 30240(a)) and from degradation by development in adjacent areas (Section 30240(b)). Without a delineation and description of the habitat values that constitute the Monarch overwintering site, it is impossible for the City to evaluate the impacts on that ESHA, either from direct disruption or indirect degradation, and make a determination that the proposed project is consistent with the City's own policies or Section 30240 of the Coastal Act.

Absent an adequate description of the ESHA, the material in the environmental documentation for the project offers sufficient information to draw some preliminary conclusions about its extent. As indicated in the City's response to comments on the Negative Declaration, the eucalyptus grove approximately 100 feet from the proposed parking lot supports overwintering Monarch butterflies. In addition, local residents indicate the single eucalyptus directly across the street (approximately 25 feet) from the project supports monarchs during some years. This is consistent with the year-to-year variation in Monarch habitat use in other areas, and the full extent of Monarch usage should be recognized as ESHA, especially in light of the City's own policy to consider historic surveys in the designation of ESHAs. However the overwintering habitat of the butterfly extends beyond the trees themselves and includes adjacent open areas that are used for nectaring and basking.¹

Drinking water is also essential for successful winter survival and is provided by dew Flowering plants growing in and near the colonies supply nectar to supplement internal fat reserves. At the California site nectar is supplied by gum trees, mule fat (*Baccharis*), wild mustard (*Brassica*), and numerous other native and cultivated species.²

Monarch expert and biology professor Walter Sakai elaborated on this habitat function in a letter to the California Coastal Commission, stating that "Monarchs also need to drink water every few days to once a week depending upon the humidity" and also noting that open spaces are necessary for the butterflies to sun themselves in the morning when they become active.³

Based on these facts of Monarch biology, the description of the project site, and photographs of the area, it is clear that the proposed project site is part of the Monarch overwintering habitat at Lighthouse Field. It is for this reason that Monarch overwintering habitat in the coastal zone is typically identified as a grove of trees with a buffer surrounding it to protect the sunning and nectaring areas. Sakai and Nagano argue that this buffer should be 300 feet in their 1987 report. At the Ellwood grove north of Santa Barbara, the California Coastal Commission required a 150 foot buffer from the outermost eucalyptus tree in a Monarch grove. Construction of a project with no buffer around overwintering trees would almost certainly violate Section 30240 of the Coastal Act.

1. Nagano, C.D., and W.H. Sakai. 1987. The Monarch butterfly [*Danaus plexippus* (L.)] wintering colonies in the Ellwood area of Santa Barbara County, California, U.S.A. A report and management recommendation to the California Coastal Conservancy and the Santa Barbara County Department of Resource Management. 17 pp. Nagano, C.D., and W.H. Sakai. 1989. The Monarch Butterfly. *Audubon Wildlife Report* 1989/90: 367-385. Sakai, W.H., and W.H. Calvert. 1991. Statewide Monarch Butterfly Management Plan for the State of California Department of Parks and Recreation. Report to California Department of Parks and Recreation. Interagency Agreement No. 88-11-050. 209 pp. Wells, H. and P. H. Wells. 1991. The Monarch Butterfly: A Review. *Bulletin of the Southern California Academy of Sciences* 91(1):1-25.

2. Nagano and Sakai 1989 at 371.

3. Sakai, W.H. 1998. Letter to California Coastal Commission. April 8.

EXHIBIT NO. 12
APPLICATION NO.
A-9-STC-01-045
PP 2 of 5 California Coastal Commission

City of Santa Cruz
 December 10, 2000
 Page 3

The fact that structures are preexisting next to several Monarch sites in California, and indeed adjacent to the Lighthouse Field site, does not minimize the City's obligation to evaluate the incremental impacts of the project itself. The project would remove roughly a half acre of grassy habitat, characterized by plant species that are known to be nectar sources for Monarchs. The site is made more valuable because of past residential development near the grove that has resulted in relatively little open space on the north side of the grove. In addition, the project site constitutes a significant portion of the open space in the lee of the grove. The prevailing winds at this particular locality are from the southwest, as is common along the California coast and evident from the windtopped form of the trees in the area.

While the loss of habitat is the primary direct impact of the proposed project, a second and equally important impact is the increased mortality that will result from cars. This is a twofold impact. First, the project turns a current butterfly habitat into a parking lot where butterflies will be crushed to death, changing the area from a habitat resource to a site of mortality. Second, the project will increase traffic on Pelton Avenue, increasing mortality on this street. Roadkill is an important source of mortality for overwintering monarchs. Sakai found between 1 and 4 percent roadkill at three overwintering sites near roads in California.⁴ This percentage is equivalent to the rate of death from predation by birds. Other studies of roadkill of butterflies report 7% mortality per season in species with behavioral characteristics similar to Monarchs.⁵

Two aspects of Monarch biology result in roadkill deaths. As discussed above, Monarchs leave the overwintering groves periodically to obtain water, crossing roads when they are present. Second, Sakai notes that "beginning in late January, monarchs in the colonies begin to mate preceding spring remigration [citations omitted] [when] literally hundreds of coupled monarchs fall out of the sky onto the ground."⁶ During mating, the males must carry the females, and often the result is a pair of mated monarchs on the ground. As the percentage of paved surface and traffic increases surrounding the Lighthouse Field, more individuals will be killed by cars. Similarly, as the amount of traffic close to the overwintering monarchs is increased, the likelihood increases that more butterflies will be killed.

The Negative Declaration does not sufficiently consider the increased risk for death of overwintering Monarchs from increased paved surfaces and increased vehicular traffic near the grove. There is no evidence that a thorough consideration of this impact was made by the City. While to the non-scientist an annual loss of between one and seven percent of a population may not seem important, it can have significant long-term effects. A population that decreases seven percent each year will be halved in eleven years.

The Lighthouse Field overwintering site seems to be increasing in importance in recent years, with 35,000 butterflies estimated in 2000, more than the 20,000 estimated for Natural Bridges State Beach.⁷ Historically, Natural Bridges was a more important site; in 1990, Sakai and Calvert reported 5,000 butterflies at Lighthouse Field and 70,000 at Natural Bridges.⁸ The reason for this increase seems to

4. Sakai, W.H. 1998. Monarch Butterflies. A New Item at the Roadkill Café. Unpublished manuscript.
5. Munguira, M.J., and J.A. Thomas. 1992. Use of road verges by butterfly and bumble populations, and the effect of roads on adult dispersal and mortality. *Journal of Applied Ecology* 29:316-329.
6. Sakai 1998 at 4.
7. Musitelli, Robin. 2000. Zen and the art of counting Monarchs. *Santa Cruz Sentinel*, December 3.
8. Sakai and Calvert 1991 at 62-63.

EXHIBIT NO. 12
APPLICATION NO.
A-3-STC 01-045
18 3 of 5 California Coastal Commission

be decreased habitat values at Natural Bridges, which makes the Lighthouse Field more important to the species in a regional perspective.

In short, the City has erred in preparing a Negative Declaration for the proposed project, because the project may indeed result in a significant adverse impact on the environment. Even the City's own Monarch expert indicates that the loss of nectaring habitat must be mitigated to a level of less than significant through special landscaping.⁹ This concedes that a significant impact would occur absent mitigation, in which case the City must prepare at a minimum a Mitigated Negative Declaration.¹⁰ However, other aspects of the project would require further review, likely an Environmental Impact Report. For example, considerable discussion is evident in the Negative Declaration and the letters from the public regarding the meeting hall planned for the site by the project proponents. This discussion is predominantly considered in terms of "cumulative impacts" and "piecemealing." My consideration of the project plans indicate that the proposed project may indeed have significant environmental impacts, triggering the need for more than a Negative Declaration, wherein a discussion of the incremental impact of other "reasonably anticipated future projects producing related or cumulative impacts" is merited.¹¹ The future meeting hall is reasonably foreseeable inasmuch as its footprint is provided on project diagrams. A lack of detail in the proposal is no excuse for failure to consider its cumulative impacts.¹² Furthermore, because the proposed parking lot would also provide parking to the future hall, the project proponents cannot avoid studying the cumulative impacts simply by deferring initiation of environmental review for the hall. In review of cases on the issue of improper division of projects, courts have ordered that lead agencies include impacts of related projects, even those that could be "anticipated beyond the near future."¹³

Alternatively, if the City accepts the applicant's argument that the future hall is not yet a project deserving of cumulative impact analysis, the parking lot itself should be analyzed for its growth-inducing impacts. In this respect, lead agencies must "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively."¹⁴ Clearly, construction of the parking lot would "encourage and facilitate" the construction of a meeting hall on the site. Indeed, the lot is immediately adjacent to the future building site, and the Preliminary Landscape Design supplied in the Negative Declaration shows a walkway connecting the parking lot to the proposed structure. Because the new lot would provide parking, at least in substantial part, for the new structure, it must be interpreted to encourage or facilitate its ultimate construction.¹⁵ The City should therefore recognize this growth-inducing impact of the parking lot itself and incorporate an analysis of the loss of this additional open space and potential additional traffic in the evaluation of the parking lot at this time.

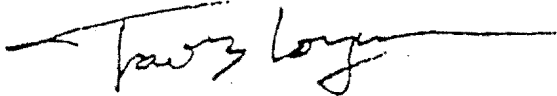
9. Bell, Elizabeth. 2000. Memo to Dierdra [sic] Hamilton.
10. Ironically, the Preliminary Landscape Plan for the project includes *none* of the nectar sources recommended by Dr. Bell as mitigation for the project. In fact, the proposed landscaping contains only a negligible native element, and largely contains plants with dubious value as nectar sources.
11. CEQA Guidelines, § 15130, subd. (b).
12. *Terminal Plaza Corp. v. City and County of San Francisco* (1st Dist. 1986) 177 Cal.App.3d 892 at 904-905.
13. *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (4th Dist. 1985) 172 Cal.App.3d at 168-169.
14. CEQA Guidelines, § 15126, subd. (g).
15. Even if the meeting hall is never constructed, the City is still obligated to assess its impacts. All that matters is that the project is reasonably foreseeable at the time of EIR preparation. *City of Antioch v. City Council* (1st Dist. 1986) 287 Cal.App.3d at 1337.

EXHIBIT NO. 12
APPLICATION NO.
A-3-STC-01-045
Pg 4 of 5
California Coastal Commission

City of Santa Cruz
December 10, 2000
Page 5

In the context of environmental review of this project, it is evident that the project proponent has no vested right to intensified use for the property in question. Development has already occurred and no taking would occur were the parking lot to be denied by the City. Such denial would be consistent with a reasonable interpretation of the resource protection provisions of the Coastal Act as applied to the Monarch butterfly overwintering habitat at and adjacent to Lighthouse Field.

Sincerely,



Travis Longcore, Ph.D.

EXHIBIT NO. 12
APPLICATION NO.
A-3-STC-01-045
185 of 5 California Coastal Commission

David L. Suddjian
Biological Consulting Services

801 Monterey Avenue, Capitola, CA 95010
dsuddjian@aol.com, 831-476-9602, 831-479-9603

RECEIVED
DEC 27 2000
CITY PLANNING DEPT

December 26, 2000

City of Santa Cruz
Planning Department
Attn: Juliana Rebagliati
809 Center Street
Santa Cruz, CA 95010

RE: Proposed parking lot at the Shrine of St. Joseph Guardian of the Redeemer,
544 West Cliff Drive, Santa Cruz, CA.

Dear Ms. Rebagliati,

I am writing to provide input on two biological issues that have been raised with regard to the proposed parking lot expansion at the Shrine of St. Joseph at 544 West Cliff Drive in Santa Cruz. Please forward these comments to the attention of the City Council. I have been tracking the project through the local newspapers and in conversations with interested parties. I did not attend the December 12 City Council meeting which entertained comments on the project, but I have since read an article in the Santa Cruz Sentinel about the meeting and spoken with several people who were present.

I am a wildlife biologist, with special expertise in the birds of Santa Cruz County. I maintain the bird records for the county for the Santa Cruz Bird Club and have been intensively involved with bird studies throughout the county for over 15 years. I have worked as an independent consultant in the county for over 12 years. During that period I have worked on a number of projects involving the monarch butterfly. I have observed birds and butterflies at the Oblates' property and surrounding area many times since 1986.

I believe the status of the peregrine falcon and monarch butterfly at the project site have been misrepresented by some persons who have spoken in opposition to the proposed project. I offer the following comments neither in opposition or support of the project, but simply to provide correct information which may be used to help the City of Santa Cruz make a responsible decision.

EXHIBIT NO. 13
APPLICATION NO.
A-3-STC-01-045
PY 1 of 3 California Coastal Commission

Peregrine Falcon

The peregrine falcon does not and is not known to have ever *nested* at the project site or anywhere in the near vicinity. The site and vicinity do not provide suitable nesting habitat, which is normally high cliffs away from disturbance. Individuals might occasionally use trees near the shrine as a *temporary perch*, but they have never been recorded to *roost* there (i.e., spend extended periods perching, especially overnight, over multiple dates). A photo or report of a bird perched in the trees there does not mean the spot is important for peregrine falcons. The species also probably only rarely if ever actually forages on the shrine property.

The peregrine falcon occurs at the City of Santa Cruz primarily during the non-breeding season from September to March, but occasionally also in the spring and summer months. The population of nesting pairs in the Santa Cruz Mountains region is growing, but at present none of these pairs nests close to Santa Cruz and peregrines rarely visit there in the breeding season. Other individuals pass through the Santa Cruz area during migration, while others remain locally for part or all of the winter season. These migrant and wintering individuals are very wide ranging, covering large areas and visiting many spots while foraging on any given day. They are not closely linked to any small parcel, such as the Oblates' property. The only regular roost site that is known in the nearby area is in a eucalyptus tree near the RR trestle at the mouth of the San Lorenzo River. One to two falcons have roosted there daily during the non-breeding season for several years.

While a peregrine might occasionally perch in the trees at or near the Oblates' property, or a foraging bird might occasionally be active in the area, the project site is clearly not important or significant for the welfare of the local peregrines. It is not good foraging habitat, and is in no way noteworthy as a regularly-used perching site. Indeed, I suspect falcons only very occasionally perch there, and I have personally never seen one there. There is, however, no shortage of suitable perch sites nearby, especially at the uplands of Lighthouse Field State Beach.

Thus, if the project were to occur as proposed, there would be no impact to any roost or nest site, and really no impact on foraging area. Most local peregrines cover several square miles or more daily in their foraging rounds, visiting many types of habitats including downtown Santa Cruz. Most foraging activity in the West Cliff Drive area involves peregrines hunting for birds along the shoreline, the San Lorenzo River and over the near shore ocean waters. As it stands, peregrines regularly forage along West Cliff Drive and coexist just fine with the already high level of human use and numerous parking areas. Indeed, use of the coastline along West Cliff Drive by falcons has even increased

Monarch Butterfly

I believe that Elizabeth Bell has correctly characterized the use of the project site and vicinity by monarchs. In my experience as a biological consultant in the Santa Cruz area,

Exhibit 13
A-3-STC-01-045
pg 2 of 3

Ms. Bell is generally recognized as an expert on the species' local status and habitat needs.

It has been my observation that, having visited the site off and on for some 14 years. the trees at the Oblates' property are not regularly used by roosting butterflies. They do not provide the shelter and micro-climatic features that are found at sites used by roosting butterflies. It is not at all surprising that butterflies would be seen on the site during the day, as they occur throughout the area, especially given the increased utilization of trees at Lighthouse Field. However, it is wrong to characterize the Oblate's property as an important or significant roost for monarchs. Additionally, I think the proposed landscaping would be an improvement over the impoverished foraging resources that the site currently offers this butterfly.

Thank you for the opportunity to provide these comments, and your consideration of them. Please feel free to contact me directly on this matter.

Sincerely,



David L. Suddjian
Wildlife Biologist

EXHIBIT NO. 13
APPLICATION NO.
A-3-STC-01-045
P8 3 of 3 California Coastal Commission

CAL POLY

California Polytechnic State University
San Luis Obispo, CA 93407

Biological Sciences Department
(805) 756-2788 • Fax (805) 756-1419

RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 4, 2002

Ms. Susan Craig
Coastal Planner
California Coastal Commission
725 Front Street, Ste. 300
Santa Cruz, CA 95060

Dear Susan,

Pursuant to our telephone conversation and your request, I am sending a synopsis of the study as it relates to the Oblates property (Gateway school and Church property). The sphere of biological activity of the monarch butterflies at Lighthouse Field during this past winter season is based on 9 visitations, spaced at two-week intervals. During each visitation, I recorded their activities during 4 time periods (8 am, 10 am, 12 pm and 2 pm) and at 30 m and 60 m radii distances from their aggregation area. At 90m distance, observations of the butterflies' activities were confined to Lighthouse field. For the first 4 visitations, I collected data on the number of butterfly's imbibing on nectar or morning dew, sunning and mating. The remaining 5 visitations, I included the number of butterflies flying or soaring.

I have observed butterflies on Oblates property 3 of the 9 visitations and field notes on these visitations are presented below.

October 25, 2001. This visitation involved the establishment of the 33 sample sites within Lighthouse field and therefore, the 8 am and 10 pm observations were not taken. On this day, observations on the monarch's activities were limited to the 12 pm and 2 pm. At the 12 pm period, I observed 2 butterflies in Gateway school garden; one ovipositing and another feeding on the flower of the golden rod milkweed. Twenty-five butterflies were observed sunning on eucalyptus trees of residential yards bordering Pelton Avenue (northwest of aggregation area). Three butterflies were observed in a residential yard feeding on flowers at the junction of Pelton and Phelan. The majority of the butterfly (211 individuals) were within Lighthouse field where I observed them sunning on foliage and feeding on flowers of Blue gum eucalyptus. At the 2 p.m. period, conditions changed due to an incoming storm. Temperatures drop to 54°C, winds began to increase in their intensities, some winds (Northwest) were >2 m/sec. During this period, all butterflies had returned to their clusters.

December 11, 2001. Only one butterfly was observed in Gateway garden feeding on a daisy flower during the 12 pm observational period.

February 21, 2001. At 12 pm, two butterflies were observed on the Church lawn imbibing on morning dew.

Exhibit 14
A-3-STC-01-045
pg 1 of 9

CAL POLY

California Polytechnic State University
San Luis Obispo, CA 93407

Biological Sciences Department
(805) 756-2788 • Fax (805) 756-1419

RECEIVED

JUN 10 2002

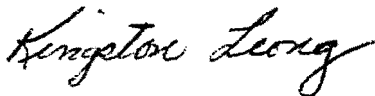
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

	Number of Butterflies			Percent	
	Oblates	resident	Lighthouse	12 pm	total observed
October 25	2	28	211	0.8% (2 of 238)	0.8% (2 of 238)
December 11	1	0	147	0.7% (1 of 147)	0.2% (1 of 463)
February 21	2	0	116	1.7% (2 of 116)	0.2% (2 of 871)


In summary, majority of the non-roosting butterflies restricted their activities to Lighthouse field wintering site and less than 2% were found on Oblates property. To present a more visual picture of their winter activities, I have constructed a composite map of their biological activities at Lighthouse field (Figure 1).

I hope the information contained in this letter gives you a better understanding of the butterflies overwintering at Lighthouse field and has answered some of your concerns of Oblates property that borders the wintering site.

Sincerely,



Kingston L. H. Leong, Ph.D.
Entomologist
Biological Sciences
California Polytechnic State University
San Luis Obispo, CA 93407

EXHIBIT NO. 14
APPLICATION NO. A-2-STC-01-045
pg 2 of 7
 California Coastal Commission

RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

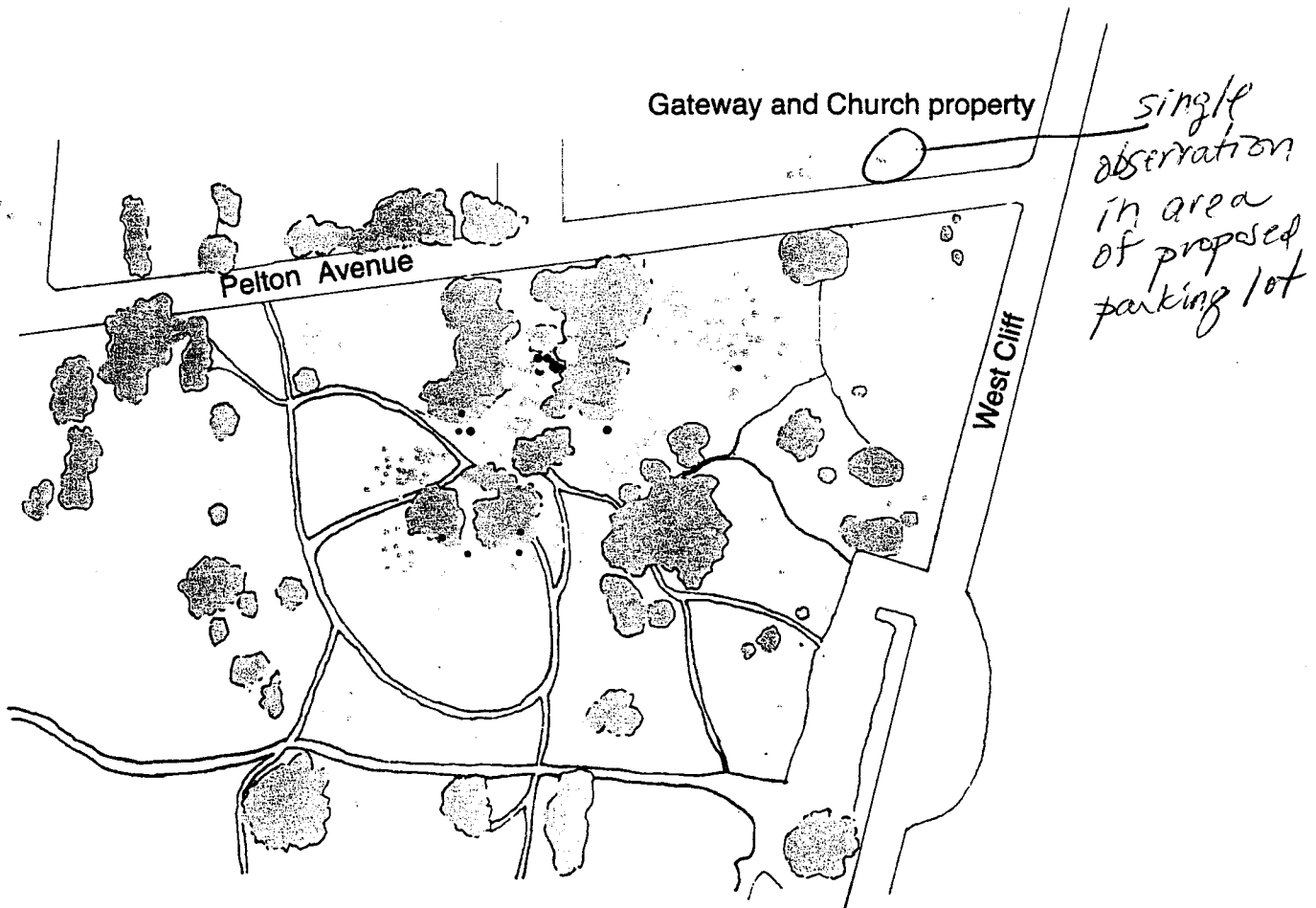


Figure 1. A composite map showing Lighthouse field wintering site and areas north of Pelton Avenue which were utilized by the monarch butterflies for sunning, feeding, mating and soaring during the wintering season (October 2001 to February 2002). The circles represent butterflies observed in a given area, the shaded areas on the trees represent butterflies either sunning or imbibing on nectar while red represent areas where mating activity or mated pairs were observed.

Exhibit 14
A-3-STC-01-045
P8 3 of 7

Susan Craig


From: Susan Craig
Sent: Monday, June 10, 2002 10:06 AM
To: Leong (E-mail)
Subject: Oblates

Dr. Leong,

Thank you so much for sending me the report pertaining to the Oblates property. I do have a question, however. Given that you recorded the butterflies activities at 30 m and 60 m radii distances from their aggregation area (with all 90 m radii distance observations confined to Lighthouse Field), did you make observations in the area of the proposed parking lot? My measurements showed the closest edge of the proposed parking lot to be approximately 300 feet (approximately 92 meters) from the cluster of eucalyptus trees.

Thanks so much for your assistance. I look forward to your response.

Susan Craig
Coastal Planner
California Coastal Commission
(831) 427-4891

EXHIBIT NO. 14
APPLICATION NO.
A-3-STC-01-045
pg 4 of 7
 California Coastal Commission

12 June 2002

Susan,

The data concerning the Oblates property included butterflies feeding on morning dew or sunning on the lawn area bordering Pelton Avenue and on the lawn areas, from the corner of Pelton and West Cliff Drive to 50 ft north of the statue. Although it was not one of the primary objectives of my study, data on the presence of monarch butterflies in these areas were recorded because of the past controversy. The results should be taken in context that they represent just one season's data and with a maximum overwintering population of 6,000 butterflies at Lighthouse field.

It should also be noted that the tall Cypress trees located on the northeastern section of Lighthouse field shade the Church's lawn area along Pelton Avenue during two morning observational periods (8 am and 10 am) for the months of December and January. Monarch butterflies will seldom feed on flowers or morning dew on grasses that were situated in shade areas (unpublished data).

I hope the above statements help clarify my letter concerning monarch butterflies on Oblates property.

Kingston

EXHIBIT NO. 74
APPLICATION NO.
A-3-STC-01-045
pg 5 of 7 California Coastal Commission

Susan Craig

From: Susan Craig
Sent: Friday, June 14, 2002 2:07 PM
To: Leong (E-mail)
Subject: Oblates

Dr. Leong,

Another quick question regarding the Oblates data (I also left you a phone message about this question). Butterflies were seen on the Oblates property on October 25, December 11, and February 21. My understanding is that there were six other visitations during which no butterflies were observed on the Oblates property (i.e., you observed the Oblates property during each of your nine visits but butterflies were only observed on the Oblates property during three of those visits). Thus out of a total of an estimated total of 6,000 butterflies overwintering site, only 5 butterflies were actually seen on the Oblates property. Would it then be accurate to say that the percentage of butterflies seen on the Oblates property during the course of the entire study equaled $5/6000$ or .08%?

Please let me know if this analysis is correct. Thanks so much.

EXHIBIT NO. 14
APPLICATION NO.
A-3-STC-01-045
PP 6 of 7 California Coastal Commission

Susan Craig

From: Kingston L. Leong [kleong@calpoly.edu]
Sent: Friday, June 14, 2002 2:16 PM
To: scraig@coastal.ca.gov
Subject: Re: Oblates

Importance: High

Susan,

Yes, your analyses of the data are correct. Based on the nine visitations and butterflies observed within and outside of Lighthouse field, the total number of butterflies observed on just Oblates property is less than 1%.

Kingston.

scraig@coastal.ca.gov wrote:


>
> Name: Oblates
> Oblates Type: Plain Text (text/plain)
> Encoding: quoted-printable

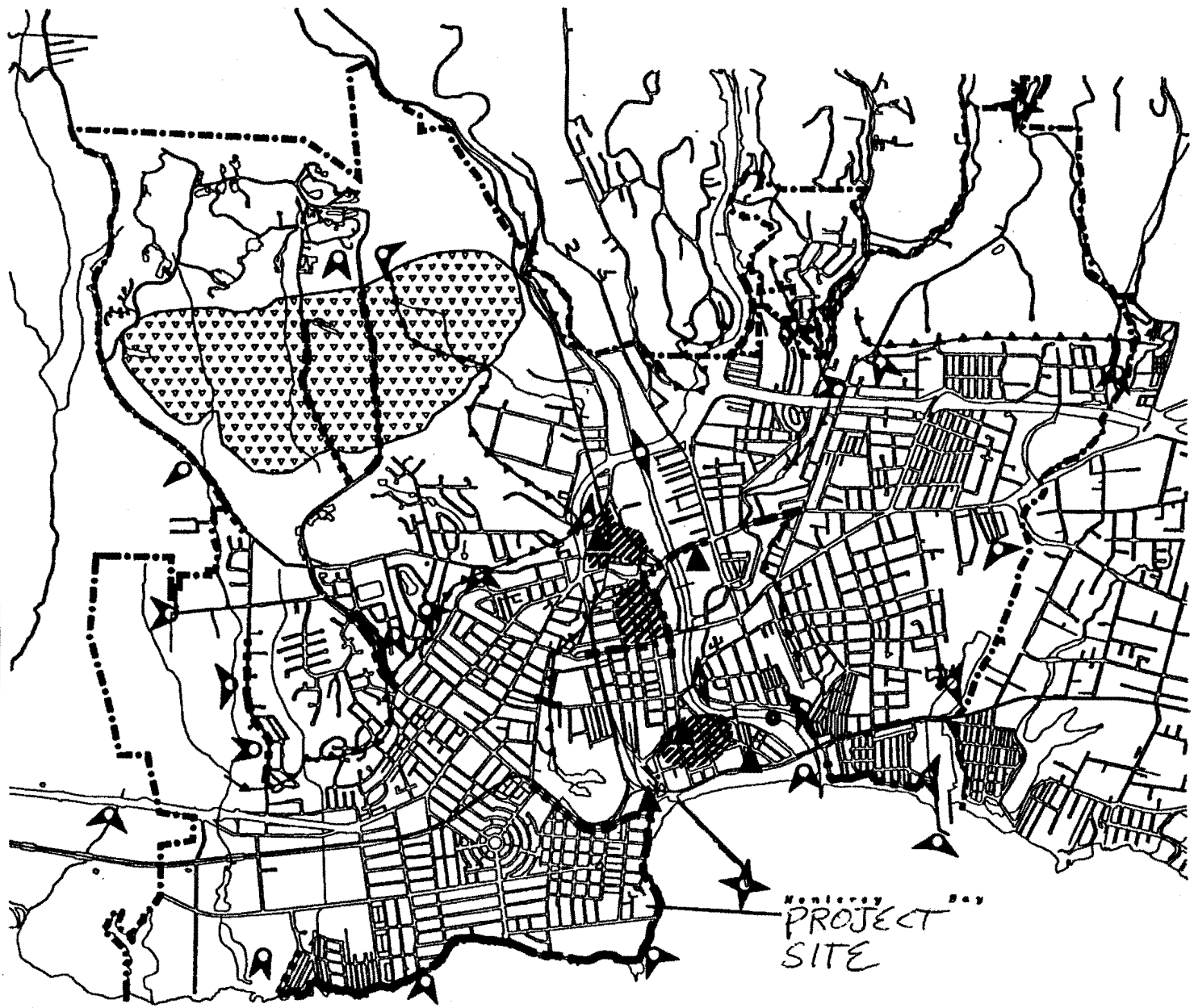
--

Kingston L. H, Leong
Biological Sciences
California Polytechnic State University
San Luis Obispo, CA 93407
e-mail kleong@calpoly.edu
telephone (805)-756-2373
fax (805)-756-1419

EXHIBIT NO. 14
APPLICATION NO.
A-3-STC-01-095
PR 17057 California Coastal Commission







MAP CD-3: SCENIC VIEWS
The City of Santa Cruz, California

EXHIBIT NO. 15
APPLICATION NO.
A-3-STC-01-045
 California Coastal Commission



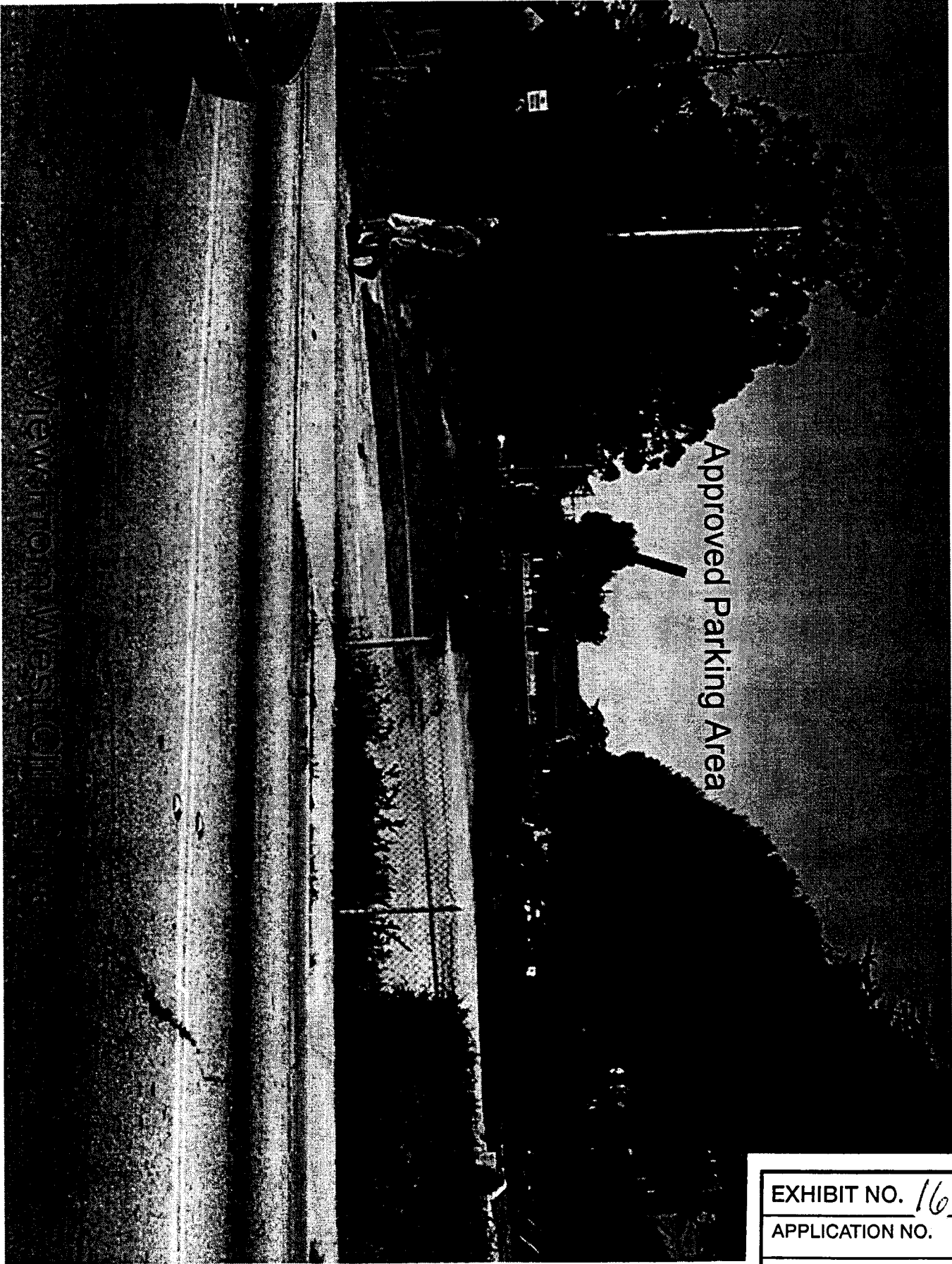
LEGEND

SCENIC VALUES:

-  VIEWPOINTS AND PANORAMAS
-  VISUALLY DISTINCTIVE STRUCTURES
-  SCENIC DRIVES
-  URBAN SKYLINE
-  RIDGE SKYLINE
-  FOOTHILL SKYLINE


SOURCE: City of Santa Cruz
Planning Department, 1992





View of North West Hill

Approved Parking Area

EXHIBIT NO. 16
APPLICATION NO.
A-3-STC-01-045
 pg 1051 California Coastal Commission

View from West Cliff Drive
(approved parking areas
located on other streets)

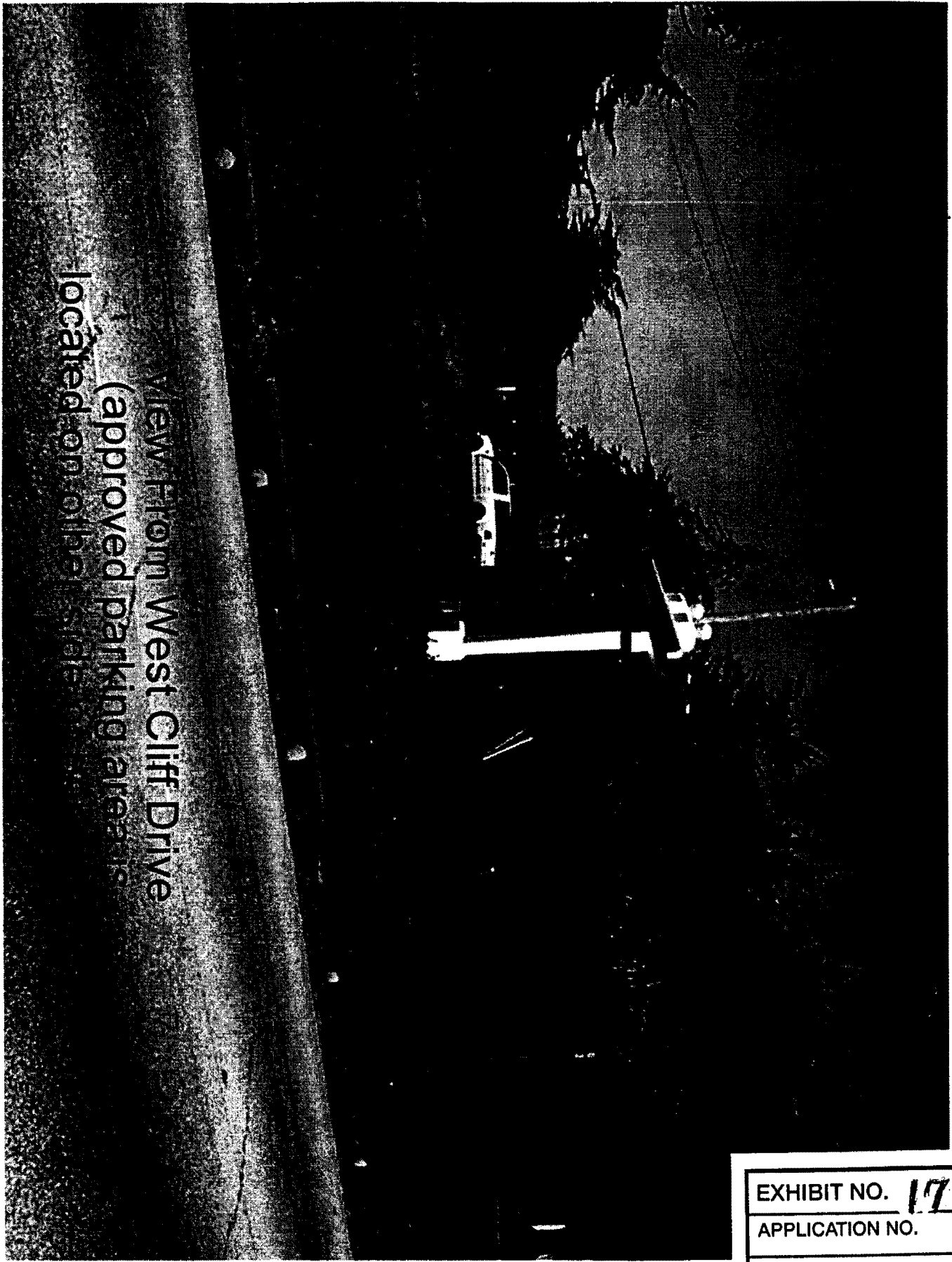

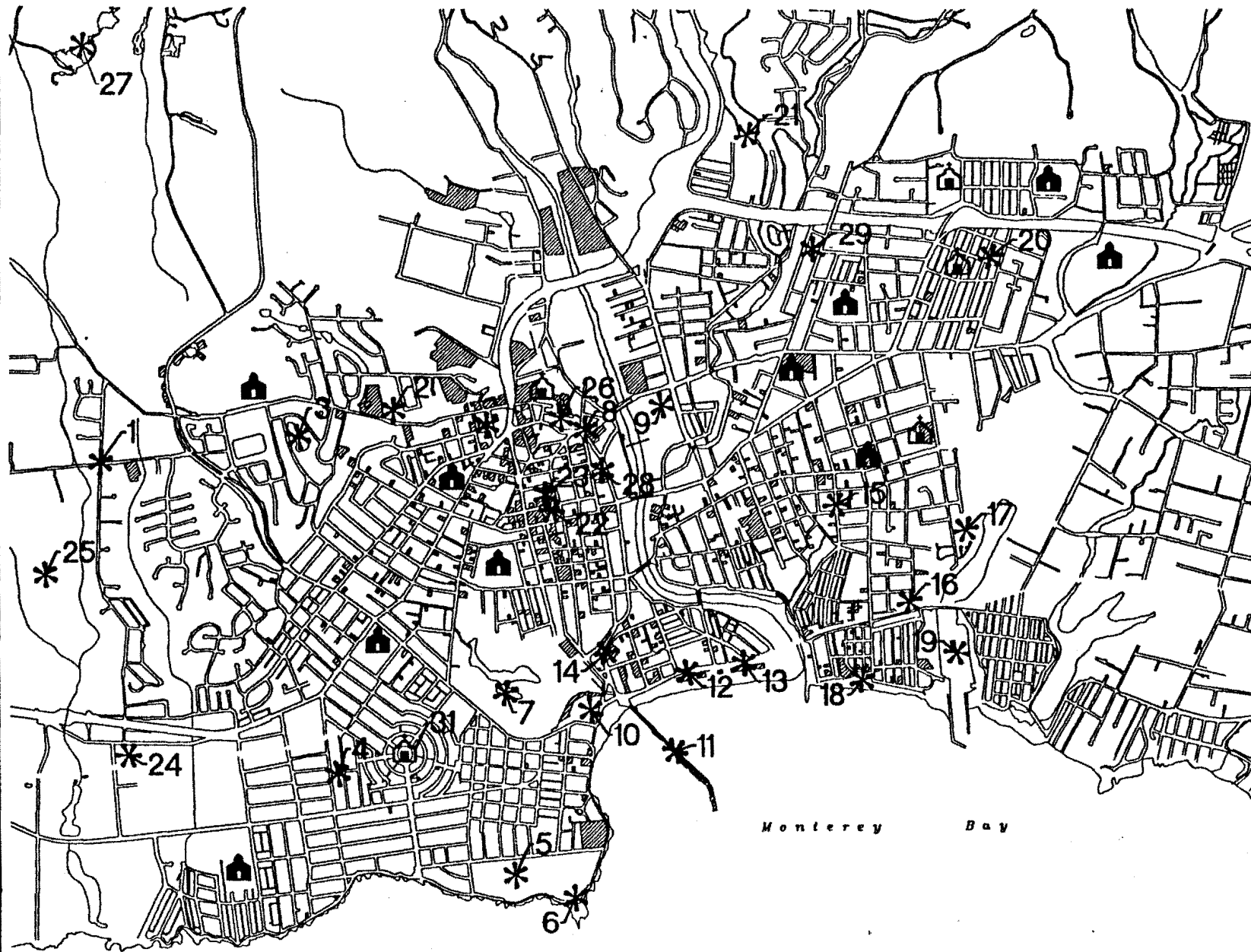


EXHIBIT NO. 17
APPLICATION NO.
A-3-STC-01-045
pg 1 of 1
 California Coastal Commission





MAP CD-5: COMMUNITY LANDMARKS AND HISTORIC BUILDINGS

The City of Santa Cruz, California

Exhibit 18
 A-3-STC-01-04
 Pg 1 of 1



LEGEND

-  SCHOOLS
 -  CHURCHES
 -  LANDMARKS
 -  HISTORIC BUILDINGS
- 1 CROSS ROADS
 - 2 ESTATE
 - 3 LAKE
 - 4 PARK
 - 5 LIGHT HOUSE FIELD
 - 6 LIGHTHOUSE POINT
 - 7 NEARY LAGOON
 - 8 TOWN CLOCK
 - 9 GOVERNMENT CENTER
 - 10 DREAM INN
 - 11 WHARF
 - 12 BOARDWALK
 - 13 ROLLER COASTER
 - 14 SUNSHINE VILLA
 - 15 WIDE STREET
 - 16 CANNERY
 - 17 FREDRICK ST. PARK
 - 18 BEACH ACCESS
 - 19 HARBOR
 - 20 JOHN FRANKS PARK
 - 21 HEALTH FACILITY
 - 22 CIVIC CENTER
 - 23 CITY HALL
 - 24 WRIGGLYS
 - 25 CANYON
 - 26 ADOBE
 - 27 U.C.S.C.
 - 28 OCTAGON MUSEUM
 - 29 BRANCIFORTE ADOBE
 - 30 HOLLY CROSS CHURCH
 - 31 THE CIRCLES

Source: City Santa Cruz Planning Department, 1992

0 1000 FEET
 FILE: LATER...MAPS\GPA\CD\GPCDM-LM
 REVISED: 7/29/1992

HIGGINS ASSOCIATES
CIVIL & TRAFFIC ENGINEERS

1335 First Street, Suite A, Gilroy, CA 95020 • 408 848-3122 • fax 408 848-2202 • e-mail info@kbhiggins.com

June 21, 2000

Father Philip Massetti
Oblates of St. Joseph
544 West Cliff Drive
Santa Cruz, CA 95060

Re: Oblates of St. Joseph Parking Lot Expansion Cumulative Analysis, Santa Cruz, California

Dear Father Massetti,

This letter documents an analysis of the potential traffic and parking related impacts due to the internal expansion of the Oblates of St. Joseph Church and its related parking expansion project with regards to the Gateway School activities. The project is located at 544 West Cliff Drive, north of Pelton Avenue in Santa Cruz, California. The project involves the expansion of the parking lot to accommodate future extra demand as documented in our July 29, 1999 report, included as Appendix A. The number of parking stalls on the site would increase from 93 existing spaces to 147 total spaces. The project site is shown in relation to the local road network on Exhibit 1. Exhibit 2 presents the proposed parking lot expansion and configuration.

Existing Traffic Level of Service

In the July 29, 1999 report, level of service was analyzed at the West Cliff/Pelton intersection for a Sunday, the time of greatest Church activity. Sunday traffic on West Cliff Drive is also relatively higher compared to weekday traffic, as the tourist and surf/beach activities are major regional attractions. With future added traffic, the intersection would operate at a very satisfactory level of service (LOS) B on Sundays.

The LOS during weekday peak hours are not significantly different on West Cliff Drive. During the AM peak hour, the only vehicle activity on site is the drop-off of Gateway School students, which generates approximately 132 trips during the peak hour between 8 and 9 AM (see attached February 10, 2000 letter to Gateway School documenting existing traffic conditions, included as Appendix B). Afternoon school activities generate approximately 100 trips at the church parking lot. An additional count of morning traffic at the West Cliff/Pelton Eucalyptus/Pelton and Lighthouse/Pelton intersections was performed on Tuesday, April 25, 2000. The level of service at these two intersections is presently LOS A, as summarized on Exhibit 3. City of Santa Cruz counts on Pelton dating back to 1991 show hourly volumes in the order of 120 vehicles an hour during the 9 AM to 10 AM peak hour between West Cliff and Eucalyptus. These volumes did not include Gateway School traffic and are comparable to the 8:00 to 9:00 volumes collected on April 25, 2000 (151 vehicles an hour) which do include the school traffic.

EXHIBIT NO. 19
APPLICATION NO.
A-3-STC-01-045
PR 183 California Coastal Commission

Parking Demand

Exhibit 4 presents a count of the number of parked vehicles on site during various hours of a weekday. Exhibit 5 presents the various on-site activities held at the church. The only regular weekday activity would be the Holy Mass, which is celebrated from 11:00 AM to 12:00 PM. All other weekday activities occur on a punctual basis, either weekly, monthly or even less often. On a typical day, with only Holy Mass service, the number of vehicles parked on site peaks at approximately 57 cars. Of these, approximately half are parked cars from the Gateway School staff. The vehicle demand for the Holy Mass may then be estimated to be approximately 30 vehicles. When correlated to an average number of 45 attendees (40 to 50 attendees according to the Church), the parking generation rate may be estimated to 0.67 cars per attendee. A count of parking attendance on March 8, 2000, Ash Wednesday, showed that the parking lot was full. Accounts of attendees parking off-site reflects the limit in present supply of parking spaces. Ash Wednesday would qualify as a Religious Feast Day, with an average attendance of 75 persons. The 60 vehicles generated on Ash Wednesday would yield a parking rate of 0.8 vehicles per attendee. Given that regular Mass attendees would also be present, and that an unknown amount of vehicles were parked off-site, the rate of 0.67 cars per attendee seems to also be valid for special occasions.

The enclosed July 29, 1999 letter discusses the week-end parking demand situation. In summary, the extra pews would create an extra demand for parking, which would worsen the existing parking deficiency for Sunday service. The extra parking spaces will have two added advantages to non-Church related activities:

- 1 Relief of on street parking along Pelton, Eucalyptus and Lighthouse. Given that churchgoers will not have to park along Pelton Avenue or even as far as Eucalyptus when the existing parking lot is full, these on-street spaces will be used by the Sunday surf or tourist crowd, and therefore will not intrude as far into the neighborhood from West Cliff Drive as if there were no extra Church parking spaces.
- 2 Gateway School drop-off/pickup of kindergarten to grade 3, which occurs along Eucalyptus, could also occur at the parking lot extension, as the distance to the school will be reduced and this drop-off/pickup zone might become more attractive to some parents. This would also reduce the traffic intrusion into the neighborhood from West Cliff Drive.

Only a few Church activities create vehicle demand overlaps with the school drop-off and pick-up. The rare AM conflict would result from Pilgrimage or Days of Retreat activities and occasional PM overlap would occur for Art Museum/Bookstore and/or Processions which would last into the middle afternoon. Ash Wednesday celebrations did not start until after 10:00 AM and were over by 1:00 PM, thus did not interfere with the school's traffic, which clearly defines the peak hours of traffic off of Pelton Avenue.

Exhibit 19
A-3-STC-01-045
ps. 11. PG 2 of 3

Future Traffic Level of Service

The street PM peak hour would not be more congested than the AM peak hour, or even the afternoon peak school hour. This is because of the two major traffic generators, local residents commuting to work and the Gateway school traffic, the AM peak hour is the only time the two are on the road at the same time.

Church activities consist of two different uses, masses and celebrations in the main sanctuary, and other special or scheduled used in the multi-purpose hall. Sanctuary uses are non existent before 9:00 AM, while multi-purpose hall uses are very infrequent. During the mid-afternoon and PM peak hour, sanctuary uses are minimal (funerals, baptisms, weddings, etc.), whereas multi-purpose hall uses are occasional. The increase in pews for sanctuary purposes will not preclude the use of the multi-purpose hall as the new seating will be removable and temporary, until another multi-purpose hall is built, which could then allow permanent new seating in the sanctuary.

When the Church activities are super-imposed on the peak hours, the sanctuary does not usually coincide with either of the three peak hours (AM, mid-afternoon or PM), see Exhibit 7, whereas the multi-purpose hall activities could have some overlap with afternoon traffic. Furthermore, most of the Church traffic is oriented to and from West Cliff Drive, especially during special events when patrons who do not know the area very well will tend to stay on the main streets. As a worst case scenario, activities "conflicting" with the AM peak hour, which would use the multi-purpose hall, were analyzed and would generate approximately 50 trips. This use would consist of special retreat or conference events and the mostly out-of town patrons would be arriving in the area from West Cliff Drive, and would not even reach the West Cliff/Pelton intersection. As a worst case scenario, it was assumed 10 of these vehicles could get lost and drive through the residential area to arrive via Lighthouse and Pelton. Exhibit 3 presents the existing plus School traffic exiting on Pelton, with the extra Church traffic at the Lighthouse and Eucalyptus intersections.

Intersection levels of service will not change with the Church activities in the morning, as all intersections in the vicinity of the Church have ample capacity, as illustrated on Exhibit 3.

Parking Lot Options

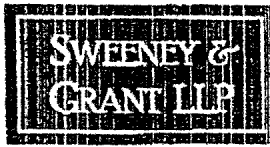
Future demand for parking will be increased as the number of pews will be doubled (as documented in the July 29 letter, and repeated in the next paragraph) while other occasional activities will also increase. As much as 200 cars would necessitate parking for extraordinary events such as barbecues/mass/processions.

The extra spaces will also allow the Gateway School vehicles that are parking and/or dropping off/picking up students in the church lot to be closer to the school, consequently further from the

Exhibit 19
A-3-STC-01
12-045
P8 3 of 3

JAMES F. SWEENEY
sweeney@sweeney-grant.com

ERIC GRANT
grant@sweeney-grant.com



ATTORNEYS AT LAW
CALIFORNIA • DISTRICT OF COLUMBIA

WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 900
SACRAMENTO, CALIFORNIA 95814

(916) 341-0321
FACSIMILE (916) 444-1933
www.sweeney-grant.com

June 18, 2001

BY FACSIMILE TRANSMISSION

Ms. Susan Craig
Coastal Planner
CALIFORNIA COASTAL COMMISSION
725 Front Street Suite 300
Santa Cruz, California 95060

Re: Coastal Commission Appeal regarding Oblates of St. Joseph Property
Appeal No. A-3-STC-01-045

Dear Ms. Craig:

This letter follows up your telephone call of earlier today.

You requested a clarification from the Oblates of St. Joseph regarding their plan to move forward with the construction of the parking lot expansion at the Shrine of St. Joseph on West Cliff Drive in Santa Cruz should the instant appeal be denied. In this regard, you indicated that LCP EQ Policy 4.5.3.2, included in the local coastal program for the City of Santa Cruz, allows construction only during months when monarch butterflies are not present and prohibits pesticide use in developments in the vicinity of designated monarch butterfly sites. You noted that these conditions appear to have been inadvertently omitted from the permit approved by the Santa Cruz City Council on March 27, 2001 authorizing the parking lot expansion.

By way of clarification, the Oblates of St. Joseph would certainly agree, as part of their management plan, to undertake construction of the Shrine parking lot expansion only during months when monarch butterflies are not present and to refrain from the use of pesticides in the parking lot area to be constructed. If necessary, my clients would stipulate to amending the permit granted on March 27, 2001 to include these additional conditions.

Of course, the Oblates' willingness to voluntarily agree to such conditions, and to so stipulate, is offered to the Commission wholly without prejudice to any matter at issue in the instant appeal and should not be construed, either explicitly or implicitly, as a concession or waiver as to any issue pertaining the Oblates' application for a permit to expand the Shrine parking lot on the West Cliff Drive property. As I have noted previously, we believe the "issues" raised by the appellants are purely pretextual, wholly

Exhibit 20
A-3-STC-01-045
Pg 1 of 4

BY FACSIMILE TRANSMISSION

Ms. Susan Craig

June 18, 2001

Page 2 of 2

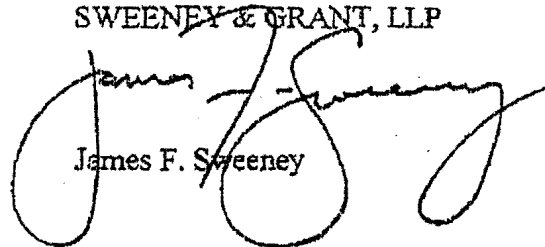
unsupported by the record, and intentionally calculated to delay the project and deliberately obstruct the religious mission and ministry of the Oblate community. We sincerely believe, as our filing before the Commission will indicate, that this matter does not present a "substantial issue."

Moreover, the Oblates' willingness to voluntarily comply with LCP EQ Policy 4.5.3.2 of the local coastal program is not intended to be, nor should it be construed as, an admission that the West Cliff property lies within an environmentally sensitive habitat area ("ESHA"). Indeed, the Oblates contend that the West Cliff property does not lie within an ESHA. However, in order to comply with the provisions of the local coastal program and in the interests of civic responsibility, the Oblates will voluntarily agree to be bound by the aforementioned conditions without prejudice to litigating such issues in any future proceedings concerning this project.

Please feel free to call me if you have any questions. I appreciate your courtesy in contacting us and look forward to being of further assistance to you if you have a need.

Very truly yours,

SWEENEY & GRANT, LLP



James F. Sweeney

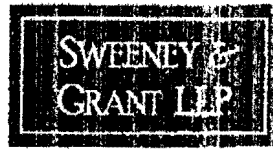
Cc: Very Rev. Philip Massetti, O.S.J.
Provincial, Oblates of St. Joseph

JFS:slc

EXHIBIT NO. 20
APPLICATION NO.
A-3-STC-010
pg 2 of 4 California Coastal Commission

JAMES F. SWEENEY
jsweeney@sweeney-grant.com

ERIC GRANT
grant@sweeney-grant.com



ATTORNEYS AT LAW
CALIFORNIA • DISTRICT OF COLUMBIA

WELLS FARGO CENTER
400 CAPITOL Mall, Suite 900
SACRAMENTO, CALIFORNIA 95833
(916) 341-0301
FACSIMILE (916) 444-6852
WWW.SWEENEY-GRANT.COM

June 18, 2002

VIA FACSIMILE & FIRST-CLASS MAIL

Ms. Susan Craig
Coastal Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

RECEIVED

JUN 18 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Appeal No. A-3-STC-01-045
Oblates of St. Joseph Parking Lot

Dear Ms. Craig:

This firm represents the California Province of the Oblates of St. Joseph, the applicant in the above-captioned proceeding. We submit the following comments for inclusion in the staff report being prepared with respect to this proceeding.

In preparation for the Commission's meeting of July 12, 2001 (nearly a year ago), the staff prepared a report recommending that "the Commission determine that Appeal No. A-3-STC-01-045 raises NO substantial issue with respect to the grounds on which the appeal has been filed," such that the action of the City of Santa Cruz granting the Oblates a coastal development permit for a 17-space parking lot expansion would "become final and effective." Appeal Staff Report at 4, 5. In pertinent part, the staff report concluded that the project "raises no substantial issue in regard to conformity of the approved development with the Environmental Quality policies of the certified City of Santa Cruz LCP regarding protection of Monarch butterflies." *Id.* at 12. In a letter head, the Oblates concurred with the staff: "[T]he City correctly concluded that the project complies with the provisions of the City's certified LCP that govern the monarch butterfly. The Oblates respectfully urge that this Commission do the same." Submission of Applicant at 10 (July 5, 2001).

Nevertheless, at its meeting of July 12, 2001, the Commission refused to find no substantial issue. According to the comments of certain Commissioners, this refusal was based on an alleged "uncertainty" as to whether the project site constitutes "habitat" for monarch butterflies, an uncertainty that might be resolved by a lengthy study of butterfly "overwintering" patterns at Lighthouse Field State Beach adjacent to the project site. Subsequently, the City of Santa Cruz commissioned Dr. Kingston L.H. Leong, one of the very individuals whose comments contributed to the alleged uncertainty, to conduct such a study.

Exhibit 20
A-3-STC-01-045
pg 3 of 4

Ms. Susan Craig
June 18, 2002
Page 2 of 2

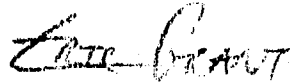
Dr. Leong's study is now complete. Not surprisingly, it confirms the conclusions of every other biologist (including the Commission's own biologist) who had previously visited the project site, namely, that the site does not constitute or contain habitat for the monarch butterfly. The fact that a mere 5 out of 6,000 butterflies observed in the study—less than one-tenth of one percentage point—were observed on the Oblates' property in general, and the fact that no more than 2 butterflies were observed on the project site in particular should dispel any uncertainty that might conceivably have existed.

In these circumstances, we again urge the Commission to uphold the City's conclusion—supported by all the biological data—that the Oblates' project complies with the City's LCP with respect to the monarch butterfly. The appeal should be rejected, and the Oblates should receive the coastal development permit to which they are justly entitled.

Thank you for your consideration.

Cordially,

SWEENEY & GRANT LLP



Eric Grant

Exhibit 20
A-3-STC-01-045
pg 4 of 4