

CALIFORNIA COASTAL COMMISSION

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

www.coastal.ca.gov

Th10



CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

May Meeting of the California Coastal Commission

MEMORANDUM

Date: May 11, 2006

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the May 11, 2006 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

EMERGENCY PERMITS

3-06-025-G Santa Cruz Port District, Attn: Brian Foss, Director (Santa Cruz, Santa Cruz County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-06-025-G Santa Cruz Port District, Attn: Brian Foss, Director	Request to extend entrance dredging through May 31, 2006, with disposal of up to 100,000 cubic yards of entrance channel sandy material through the surf line pipeline at Harbor Beach/Twin Lakes State Beach.	Harbor Entrance, Santa Cruz (Santa Cruz County)

CALIFORNIA COASTAL COMMISSIONCENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060**EMERGENCY PERMIT**

(831) 427-4863

www.coastal.ca.govBrian Foss, Director
Santa Cruz Port District
135 5th Avenue
Santa Cruz, CA 95062Date May 1, 2006
Emergency Permit 3-06-025-G**LOCATION OF EMERGENCY WORK:**

Harbor Entrance, Santa Cruz (Santa Cruz County)

WORK PROPOSED:

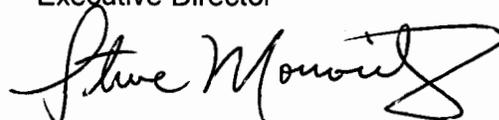
Request to extend entrance dredging through May 31, 2006, with disposal of up to 100,000 cubic yards of entrance channel sandy material through the surf line pipeline at Harbor Beach/Twin Lakes

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of unrelenting storms in March 2006 and the first half of April 2006, resulting in massive sand transport into the entrance channel and limiting dredging and disposal opportunities, requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services (14 Cal. Admin. Code Section 13009). The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive DirectorBy: STEVE MONOWITZ
District Managercc: Monterey Bay National Marine Sanctuary
Army Corps of Engineers
National Marine Fisheries Service
Monterey Unified Air Pollution Control District
CA Regional Water Quality Control Board

Enclosure: 1) Acceptance Form

CONDITIONS OF

1. The enclosed Emergency Permit Acceptance form must be signed by the DIRECTOR and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by May 31, 2006).
4. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result.
5. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (i.e. National Marine Fisheries Service, U.S. Army Corps of Engineers, CA Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary).
6. All standard and special conditions of coastal development permit 3-05-065 (except special condition #2a) remain in effect.

If you have any questions about the provisions of this emergency permit, please call the Commission's Central Coast District Office at the address and telephone number listed on the first page.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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**Memorandum****May 10, 2006**

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director, Central Coast District

Re: **Additional Information for Commission Meeting Thursday, May 11, 2006**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th13a, A-3-05-66	Ubaldi	Staff Report Addendum Correspondence (separate enclosure)	1
Th13b, A-3-06-16	SBC	49-day Waiver	2
Th13c, A-3-06-18	Foster	49-day Waiver	3
Th13d, A-3-06-23	IWF Carmel River Inv.	49-day Waiver	4
Th13.3a, A-3-00-118-A3	Khaloghli	Staff Report Addendum/ Correspondence	5 11

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



Th13a

MEMORANDUM

May 3, 2006

TO: Commissioners and Other Interested Parties
FROM: Susan Craig
RE: ***Ubaldi Appeal (A-3-SCO-05-066)***

The Commission's staff geologist's Geotechnical Review Memorandum (attached as Exhibit #9 to the staff report) contains two errors that should be corrected (deletion of existing text is shown with ~~strike through~~; additional text is shown with underline):

1. The date at the top of page one should be corrected as follows: 17 April 20046
2. The second sentence of the last paragraph on page 4 should be corrected as follows:

...The ~~appellant~~ applicant contends, and I concur, that the topographic information on reference (14) is nearly identical to that on a 2003 map prepared by the county and included in reference (6)... (remainder of paragraph is unchanged).

BOSSO WILLIAMS

A PROFESSIONAL CORPORATION

Th13a

ROBERT E. BOSSO
 LLOYD R. WILLIAMS
 CHARLENE B. ATACK
 JOHN M. GALLAGHER
 PETER L. SANFORD
 CATHERINE A. PHILIPOVITCH
 MICHELLE E. ANDERSON
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* Certified Specialist in Tension Law
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May 9, 2006

RECEIVED

MAY 09 2006

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Susan Craig
 California Coastal Commission
 Central Coast District Office
 725 Front Street, Suite 300
 Santa Cruz, CA 95060

**Re: Ubaldi – County of Santa Cruz Application No. 04-0018
 Coastal Commission Appeal No. A-3-SCO-05-066**

Dear Ms. Craig:

We represent owners Ronald and Esther Ubaldi in the above-referenced appeal. This letter is in response to Appellant's attorney's letter of May 8, 2006. In the letter, Appellants make a number of incorrect legal assertions that do not affect the validity of the County of Santa Cruz's analysis of our clients' application, nor the Coastal Staff recommendation that there is no substantial issue. In addition, Appellants have made numerous factual misstatements and have not presented any new evidence or relevant information as claimed. Below please find our response to each of the issues raised by the Appellants in their letter.

1) The Nearby Recession Does Not Affect the Validity of Slope Stability Analysis.

Appellants assert that a slope recession occurred a 1/4 mile away from the Ubaldis' project site, and that the erosion that occurred there supports their expert's opinion on the slope recession rate at the subject site, and refutes the conclusions made by John Kasunich and those in the Coastal Staff's Geotechnical Review Memorandum ("Geotechnical Memo") by Dr. Mark Johnsson. However, the slope recession cited by Appellants, which actually occurred almost 1/2 mile away from the subject development, does not affect the validity of the conclusions in the Geotechnical Memo for the following reasons.

Appellants have provided no geotechnical information supporting their allegation that the slope recession 1/2 mile away from the subject development is indicative of a higher 100-year recession rate at the Ubaldis' site or the property immediately adjacent thereto. With nothing more than a few photos of the event, it is impossible to make conclusions about the cause, size, or nature of the recession that occurred (i.e., whether it was a natural occurrence, or due to illegal grading, inadequate drainage from the house above, inadequate or illegal retaining devices, etc.). In addition, without geotechnical analysis one cannot assume that the slope where the recession occurred is at all similar to the slope at issue here. In fact, examination of the photographs show that the slopes are different in an important way that has a considerable effect on erosion: the receded slope appears to be much steeper than the slope at issue here, which would be conducive to higher erosion rates. Thus, Appellants have failed show that the slope recession 1/2 mile away from the subject development has any bearing at all on the analysis of the slope at issue here.

Notwithstanding the fact that the recession 1/2 mile away has no bearing on the slope erosion at the Ubaldis' project site, it should be noted that the calculation of the slope stability measurement of the subject site relied on in the Geotechnical Memo, in arriving at the conclusion that 100-year annual erosion rate would be three inches a year, *already took into account* heavy rain events and other increased erosion occurrences that happen sporadically. Thus, the fact that a predicted erosion event occurred has no bearing on the overall 100-year slope recession rate, as it is also predicted that in other years little to no erosion will occur, offsetting the occasional increased erosion events.

2) Appellants Have Not Presented Any New Information Affecting the Coastal Bluff.

Contrary to Appellant's assertions, there is no "new information" on recession on the property adjacent to the Ubaldis' project site. Appellants err in stating that Exhibit 4 is adjacent to the Ubaldis' site. In fact, the photo appears to be of a site over almost a 1/2 mile away which does not in any manner threaten the Ubaldis' site. Appellants are also in error in stating that Exhibit 5 shows recent sliding threatening the Ubaldis' house. The photo does not show any new erosion or recent landslides whatsoever. The evidence is of landsliding which occurred on the adjacent property from the 1989 earthquake. This sliding was noted by John Kasunich in his reports (citing a 1996 report by Hans Nielson CEG) and was taken into account in his bluff recession calculations for the Ubaldis' site. Appellant's statement that Exhibit 6 shows bluff material accumulating against the Ubaldis' house is also without basis in that Exhibit 6 shows the back side yard of the

Ubaldis' house *entirely on the other side* of the bluff at issue, and there is no evidence that there has been bluff erosion occurring in this area.

It should also be noted that Appellants misquote Dr. Johnsson by stating that Dr. Johnsson agrees that upcoast rates of erosion are higher. Dr. Johnsson in fact states, "Given the grading, and the demonstrated lack of appreciable erosion since 1967, I think it likely, however the rate at the Ubaldis' site is greatly overstated [by Appellant] *even if* the rates genuinely have been much higher over the same time period just up coast" (emphasis added).

3) The Lack of a 10-Foot Buffer Does Not Affect the Validity of the Setbacks Established for the Project.

Appellants erroneously assert that "consistency and legality" require the addition of a 10-foot buffer to the current setbacks, and rely a paper by Mark J. Johnsson as the support for their assertion. To the contrary, an additional 10-foot buffer is not required in establishing adequate setbacks, nor does Mr. Johnsson state the same in his paper. Rather, Mr. Johnsson, in pages 14-16 of his paper, *suggests* that a 10-foot buffer be used as a method for addressing uncertainties in calculation of setbacks. Mr. Johnsson does not assert that other methods for addressing uncertainties are foreclosed, and in fact states on page 14 of his paper that "[o]ne approach, commonly used by geologists working in northern California, is to multiply the long-term bluff retreat rate by a factor of safety." In fact, the calculation prepared by our clients' geologist and relied upon in the Geotechnical Memo included the "factors of safety" as required by the County of Santa Cruz. Thus, the setback measurement deemed valid in the Geotechnical Memo addressed the uncertainty mentioned by Mr. Johnsson by employing a "commonly used" methodology to reach an appropriate setback measurement.

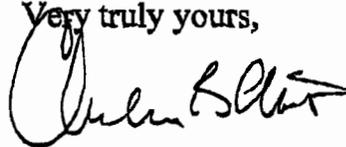
Appellants also appear to make a legally unsupported claim that the application should not have been approved because it is not compliant with coastal hazards policies. Appellants quote portions of a staff overview of coastal hazards policies, apparently in an effort to paint our clients' development as running afoul of the policies. However, Appellants fail to recognize that those policies are taken into account in the County Ordinances regulating coastal development, and those same County Ordinances provide for differing setbacks depending on the size and scale of the proposed development. Our clients are in compliance with all applicable setback requirements.

Conclusion

Coastal Staff Geologist Mark Johnsson states that "the additions, set back more than 25 feet, will not be threatened by coastal erosion over the next 100 years." He finds that the Appellant's analysis is flawed in that "the subject site was misidentification of the natural bluff edge in the 1994 photo" and that the rate stated by John Kasunich is "justified for evaluating stability over the next 100 years".

It is respectfully requested that you follow the Coastal Staff recommendation and the Coastal Staff Geologist's conclusions and find that there is no substantial issue. Further, is requested that equal time be given for Applicant to respond to the assertions made by Appellant.

Very truly yours,



CHARLENE B. ATTACK

CBA/rm

cc: client

Jonathan Wittwer

Th 13a

Jonathan Wittwer
William P. Parkin
Shandra D. Handley
Brett W. Bennett

WITTWER & PARKIN, LLP

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PARALEGAL
Miriam Celia Gordon

RECEIVED

May 8, 2006

MAY 08 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
c/o Central Coast District Office
725 Front St., Suite 300
Santa Cruz, CA 95060

**Re: Ubaldi -Coastal Commission Appeal No. A-3-SCO-05-066
County of Santa Cruz Application No. 04-0018**

Dear Commissioners:

This office represents the Appellants in the Appeal referenced above. This letter will provide newly discovered information and address a critical issue not responded to in the Staff Report, including the Geotechnical Review Memorandum ("Geotech Memo") prepared by Mark Johnson, Coastal Commission Staff Geologist for this Appeal. The issues raised in this appeal have been identified as important and substantial in previous writings by Coastal Staff and the Coastal Geologist. For that reason, additional time (at least 10 minutes) is requested by Appellant to present to the Commission.

Even the Coastal Commission Geotech Memo concludes that "the three inch per year erosion rate cited by [Applicant's Geotechnical Engineer] is not well supported." The burden of proof of compliance with setback requirements is on the Applicant and it has not been met. In order for Coastal Zone regulations protective of the health and safety to be applied consistently and legally, this appeal is entitled to a full hearing and should not be dismissed as raising no substantial issue.

(1) New Information re Recent Major Recession Very Nearby

Exhibits 1 - 4 are color photos showing a major recession apparently resulting from this year's rain saturation of an area about ¼ mile down coast from the subject development. Exhibit 1 shows the before condition with substantial concrete piers supporting a white fence in front of the dark colored house along the coastal blufftop. Exhibits 2 - 4 show the piers and fencing having fallen to near the bottom of the bluff and major recession having occurred. This supports Dr. Griggs opinion. It also supports the Coastal Staff Geotech Memo being correct in describing Dr. Griggs FEMA Study as the "current 'state of the art,'" but not correct in concluding that the justified recession rate is "closer to three inches per year than [Dr. Griggs'] 10 inches per year."

(2) New Information re Direct Impact on Ubaldi Property from Recession on Immediately Adjoining Upcoast Coastal Bluff

Exhibits 4 -5 are color photos showing the vulnerability of the Ubaldi rental house to recession from the immediately adjoining upcoast coastal bluff. Exhibit 5 shows the immediately adjoining coastal bluff having slid downward several feet, the relationship of that coastal bluff to the Ubaldi property and the ineffective wooden retaining wall above the Ubaldi house. Exhibit 6 shows the bluff material migrating down slope and accumulating against the Ubaldi house. The Coastal Staff Geotech Memo agrees that rates of recession "genuinely have been much higher ... just upcoast [of the Ubaldi house]." Dr. Griggs has given his opinion that this adjoining Coastal Bluff will recede at the rate of 10 inches per year (83 feet over 100 years). This would obviously undermine the Ubaldi house including additions proposed by the application before you. This issue was raised at page 3 of Appellants 3-8-06 letter attached to the Staff Report, but has not been addressed in either the Staff Report or the Geotech Memo. Instead, all focus has been on the bluff in front of the Ubaldi house.

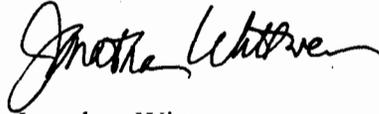
(3) New Information re Requirement for 10-foot Buffer Not Included in Geotech Memo

Exhibit 7 is composed of excerpts from a scientific paper by Mark J. Johnson, Ph.D, CEG, CHG and Geologist for the California Coastal Commission. At page 3, the paper states that "the type of analysis outlined here represents the current analytical process carried out by the Coastal Commission staff in evaluating proposals for new development on the California coast, and in recommending action upon those proposals to the Commission." At page 16, the paper states that after adding the expected bluff retreat to the slope stability setback, "**a buffer, generally a minimum of 10 feet, should be added to address uncertainty in analysis**, to allow for any future increase in long term bluff retreat rate, to assure that the foundation elements aren't actually undermined at the end of the design life, and to allow access for remedial measures." (emphasis added). **No 10-foot buffer or safety factor** (an alternative to the buffer - see p 14) **has been provided for this proposal.** Consistency and legality require such a buffer.

Furthermore, as shown in Exhibit 8 (composed of excerpts from "An Overview of California's Coastal Hazards Policy" by a member of Coastal Staff), *redevelopment* is now the common experience and a challenge as to existing structures which are nonconforming like the Ubaldi house (already not setback sufficiently and which will be undermined in any event). See p. 148. "Financial incentives to maintain private development in hazardous areas must be minimized" and the increase in value of coastal properties located in hazardous areas should be limited. "Minimal redevelopment of shoreline structures should be allowed absent full conformance with setback and strict engineering requirements." See p. 160. Here there will not be full compliance with setback requirements (10 - 13 feet of the structure is coastward of the 25 - 28 foot front bluff setback and much of the additions are vulnerable to the upcoast bluff recession as well.

California Coastal Commission
Appeal No. A-3-SCO-05-066 (Ubaldi)
May 8, 2006
Page 3 of 3

Sincerely,
WITTWER & PARKIN, LLP



Jonathan Wittwer

Encl. Exhibits as stated

cc: Charlene Atack, Esq. – Attorney for Applicants
Clients

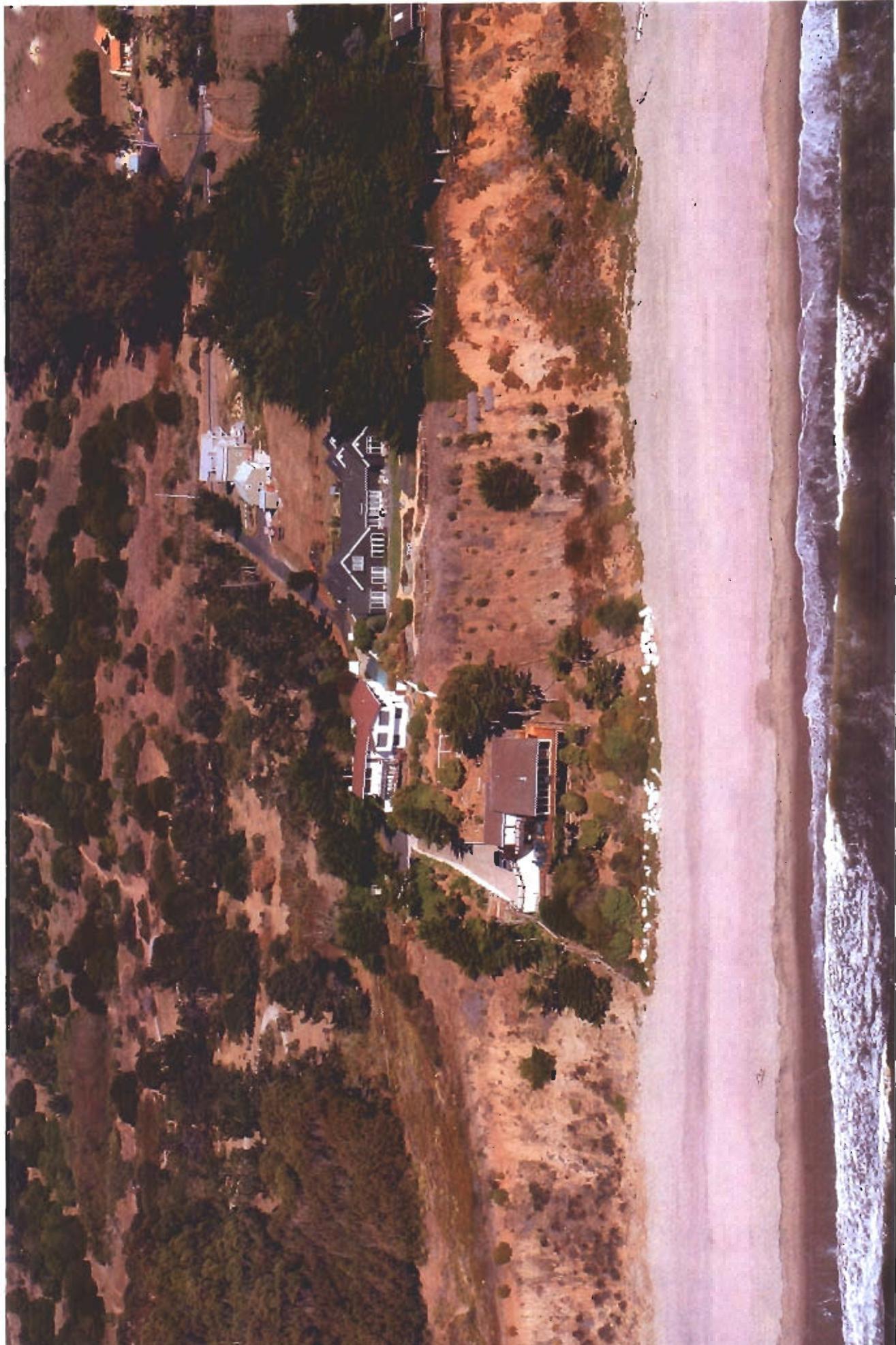










EXHIBIT 5



Establishing Development Setbacks from Coastal Bluffs

Mark J. Johnsson¹

Abstract

Responsible development, and California law, requires that coastal development be sited a sufficient distance landward of coastal bluffs that it will neither be endangered by erosion nor lead to the construction of protective coastal armoring. In order to assure that this is the case, a development setback line must be established that places the proposed structures a sufficient distance from unstable or marginally stable bluffs to assure their safety, and that takes into account bluff retreat over the life of the structures, thus assuring the stability of the structures over their design life. The goal is to assure that by the time the bluff retreats sufficiently to threaten the development, the structures themselves are obsolete. Replacement development can then be appropriately sited behind a new setback line. Uncertainty in the analysis should be considered, as should potential changes in the rate of bluff retreat and in slope stability. The deterministic approach presented here is based on established geologic and engineering principals, and similar approaches have been used to establish development setbacks from slope edges throughout the world for some time. Alternative approaches based on probabilistic methods may allow, however, for better quantification of uncertainties in the analysis. Although probabilistic coastal hazard assessment is in its infancy and data needs are large, the approach shows great promise. Developing probabilistic methods for establishing development setbacks should be a goal for future coastal zone management in California.

Introduction

In an era of sea-level rise such as has persisted on Earth for the past ~20,000 years (Curry 1965; Emery and Garrison 1967; Milliman and Emery 1968), the landward recession of coastal bluffs is an inevitable natural process wherever tectonic or isostatic uplift rates are lower than the rate of sea-level rise. New structures should be sited a sufficient distance landward of coastal bluffs that they will neither be endangered by erosion nor require the construction of coastal armoring to protect them from erosion over their design life. Because coastal bluffs are dynamic, evolving landforms, establishing responsible development setbacks from coastal bluffs is far more challenging than it is for manufactured or natural slopes not subject to erosion at the base of slope. Although internationally agreed-upon methods for establishing setbacks from static slopes have been developed, and codified in the International Building Code, no such consensus has emerged with respect to setbacks from dynamic slopes such as coastal bluffs. This paper presents a methodology for establishing such setbacks given the types of data generally available through relatively inexpensive geologic studies.

Relatively little work has been undertaken towards developing rational methodologies for establishing development setbacks from bluffs and cliffs. Coastal development setbacks have generally focused primarily on beach erosion, rather than on coastal bluff recession (e.g., Healy 2002). Generally, the approach has been to simply

¹ Staff Geologist, California Coastal Commission, 45 Fremont Street, Suite 2000, San Francisco, CA 94105. Email: mjohnsson@coastal.ca.gov. The opinions expressed herein are those of the author and do not reflect a formal position of the California Coastal Commission.

some cases—"grains" may consist of relatively large blocks of rock or shallow slumps, for example. Nevertheless, in establishing structural setbacks it is important to evaluate the susceptibility of the bluff to both catastrophic collapse and to more gradual erosion and retreat.

For both slope stability and long-term bluff retreat by "grain-by-grain" erosion, the setback must be adequate to assure safety over the design life of the development. For this reason, it is necessary to specify the design life of the structure. Many Local Coastal Programs (the implementation of the California Coastal Act at the local government level) specify a particular value, although the Coastal Act itself does not. The most commonly assumed design lives for new development range from 50 to 100 years; the most common value is 75 years. The reasoning behind establishing a setback based on the design life is that by the time the bluff retreats sufficiently to threaten the structure, the structure is obsolete and is ready to be demolished for reasons other than encroaching erosion. Replacement development can then be appropriately sited at a new setback, appropriate for conditions at the time of its construction. This process may be thwarted by limitations imposed by parcel size, and Constitutional takings issues may complicate land use decisions. Nevertheless, the only alternative to an armored coast—with all of its attendant impacts—is to continually site, and reposition, development in harmony with coastal erosion as it inevitably moves the shoreline landward.

What follows is the methodology employed by the staff of the California Coastal Commission in evaluating setbacks for bluff top development. I would suggest that this methodology is useful on other coasts with coastal bluffs, as well. This methodology does not represent a formal policy or position of the Coastal Commission. In fact, there may be other appropriate methodologies to establish development setbacks, and the Commission has the discretion to base a decision on any method that it finds technically and legally valid. Any such alternative methods should, however, be at least as protective of coastal zone resources as those outlined here. Further, as new techniques and information become available, these methodologies may change. Nevertheless, the type of analysis outlined here represents the current analytical process carried out by Coastal Commission staff in evaluating proposals for new development on the California coast, and in recommending action upon those proposals to the Commission. The Commission then makes its decisions on a case-by-case basis, based upon the site-specific evidence related to the particular development proposal.

Definition of "Bluff Edge"

Development setbacks normally are measured from the upper edge of the bluff top. Accordingly, a great deal of effort often is focused on defining that "bluff edge." The bluff edge is simply the line of intersection between the steeply sloping bluff face and the flat or more gently sloping bluff top. Defining this line can be complicated, however, by the presence of irregularities in the bluff edge, a rounded or

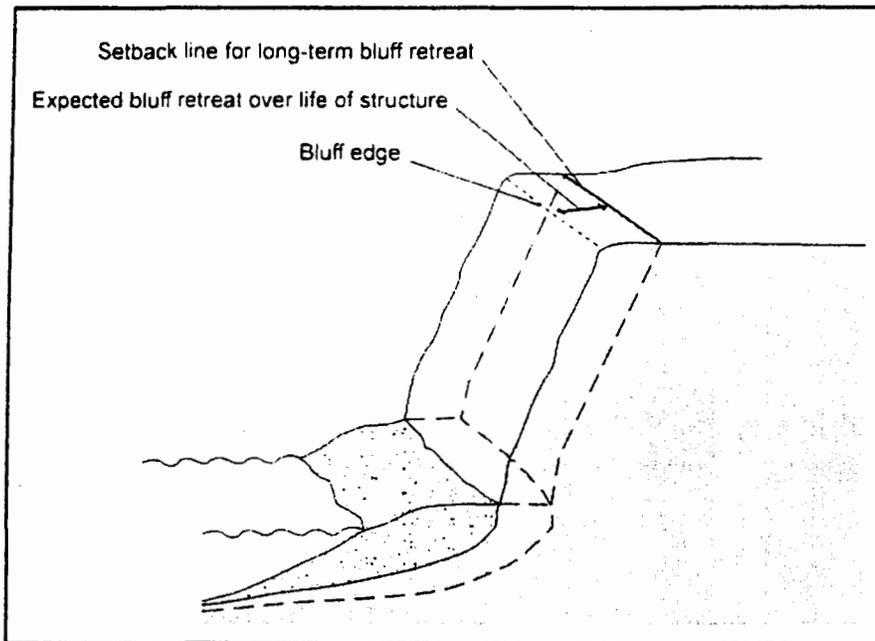


Figure 5. Establishing a development setback for long term bluff retreat. The expected bluff position at the end of the development's useful life is found by multiplying the average annual bluff retreat rate by the design life of the development; this line is taken to represent the minimum setback for long-term bluff retreat.

Uncertainty

There is a great deal of uncertainty in many parts of the analysis discussed above. The deterministic approach outlined here does not deal well with such uncertainty. Various methods have been used to build in some margin for error in establishing safe building setbacks. One approach, commonly used by geologists working in northern California, is to multiply the long-term bluff retreat rate by a factor of safety (used in a different sense than for slope stability), generally ranging from 1.5 to 4.0. More commonly, a simple "buffer" is added to the setback generated by multiplying the long-term bluff retreat rate by the design life of the structure. This buffer, generally on the order of ten feet, serves several functions: 1) it allows for uncertainty in all aspects of the analysis; 2) it allows for any future increase in bluff retreat rate due, for example, to an increase in the rate of sea level rise (Bray and Hooke 1997; Watson 2002); 3) it assures that at the end of the design life of the structure the foundations are not actually being undermined (if that were to be the case the structure would actually be imperiled well before the end of its design life); and 4) it allows access so that remedial measures, such as relocation of the structure, can be taken as erosion approaches the foundations. If a slope stability setback is required (*i.e.*, if the bluff does not meet minimum slope stability standards), that setback can do double duty as this buffer.

of the overhang or sea cave on the bluff top. If the plane does not intersect the bluff top (*i.e.*, intersects the inclined bluff face seaward of the bluff edge), then no setback for this type of collapse is necessary.

The next step is to determine the expected bluff retreat over the design life of the structure, as described above. This setback is added to the slope stability setback, if any.

Finally, a buffer, generally a minimum of 10 feet, should be added to address uncertainty in the analysis, to allow for any future increase in the long-term bluff retreat rate, to assure that the foundation elements aren't actually undermined at the end of the design life of the development, and to allow access for remedial measures. A buffer is not necessary if the slope stability setback equals or exceeds about ten feet, as it can do "double duty" as both a setback to assure slope stability and a buffer for the purposes listed above.

The total setback is meant to assure that minimum slope stability standards are maintained for the design life of the development. Inherent in this analysis is the assumption that factors affecting slope stability (steepness and shape of the slope, ground water conditions, geometry of rock types exposed in the bluff) will remain constant through the design life of the development, that the future bluff-retreat rate will be linear and of comparable magnitude to the historic rate, and that the nature of erosion processes at the site will remain unchanged. All of these assumptions are potentially flawed, but in the absence of convincing evidence to the contrary, are a means of establishing reasonable development setbacks.

Towards Probabilistic Coastal Erosion Hazard Assessment

The deterministic approach presented above is based on established geologic and engineering principals, and similar approaches have been used to establish development setbacks from slope edges throughout the world for some time. However, the approach suffers from its limited ability to consider uncertainties in the analysis. Probabilistic approaches, on the other hand, inherently consider analytical uncertainties, and allow for a better definition of risk. This type of risk assessment has been routine for decades in the field of hydrology, where design basis and land use priorities are based on the magnitude of the "100-year flood," for example. Probabilistic coastal hazard assessment similarly can be used to quantify the likelihood that the bluff edge will erode to any particular point on a bluff top in a given time. Then, by establishing an acceptable level of risk (for example, a probability of <5% that the bluff edge will reach a certain point over the design life of the development) a setback line can be established that inherently includes uncertainties in the analysis. Just as the seismological community has moved away from deterministic methods towards probabilistic ones, such an approach allows for better consideration of the uncertainties in estimating future coastal erosion.

CHAPTER EIGHT

**AN OVERVIEW OF CALIFORNIA'S
COASTAL HAZARDS POLICY**

CHARLES F. LESTER

INTRODUCTION

The California Coastal Act is California's primary coastal hazards law. This law establishes two key policies for shoreline development. First, it requires that *new* development avoid coastal hazards if possible. Second, it specifically allows shoreline protection structures, such as seawalls and rock revetments, to be built for *existing* development that is threatened by coastal erosion, but only if there is no other reasonable way to protect the development. These policies reflect a basic objective to minimize the construction of shoreline protection structures because of their negative impacts on the coastal environment, which include blocking public access to the beach, loss of beach area, degrading scenic views, and preventing the erosion of sediments from the bluffs or cliffs that helps to maintain California's beaches.

Although the Coastal Act is straightforward in concept, applying its policies to development proposals has been challenging. Difficulties range from technical issues, such as methods for quantifying erosion rates and risks, to more basic human challenges, such as rational planning and regulation in a policy area characterized by emergency response. The private property along California's coast is also some of the most valuable in the world, which heightens the potential for political conflict when new shoreline developments are being considered. Coastal hazards policy involves high stakes, and nothing will provoke a clash between public and private perspectives like a proposal to build a new seawall.

in existence as of the date that the Coastal Act became law, it is argued, should be considered "existing development;" whereas development approved and constructed after this date would necessarily have had to have been found consistent with section 30253, and thus should not have been premised on the need for a future shoreline protective device. The commission generally has not implemented the Coastal Act in this way, however, and in some cases has approved shoreline protection for development that was approved after 1976, under the theory that it was "existing" development at that time and thus is protected under section 30235. This weaker interpretation of the Coastal Act has worked against the policy objective of limiting the approval of new shoreline structures.

THE ECONOMIC LIFE OF STRUCTURES AND "PLANNED RETREAT"

Most LCPs rely on minimum cliff- or bluff-top setbacks to ensure that new development is located in a "safe" place. The typical approach is to estimate the erosion or "retreat" rate at the development site and then calculate the distance that would guarantee the safety of the structure for a given period of time. This time is usually set somewhere between 50 and 100 years, which represents the likely economic life of the project. In theory, this ensures that no new shoreline structures will be built at the location of the new development for the life of the project. And once the project reaches the end of its economic life (and is presumably removed), a new project would also have to be set back safely and not be allowed to have a shoreline structure. Overall, this approach should support a system of "rolling" setbacks or "planned retreat" from California's eroding coastlines, at least in those locations that were undeveloped when the Coastal Act was adopted.

In practice, planned retreat has proven very difficult to implement. In addition to the already discussed difficulty of accurately projecting cliff or bluff retreat rates, which may lead to inadequate initial setbacks, a more fundamental problem with this approach is the assumption that structures have an economic life in the first place. The Coastal Commission has only been in existence since the 1970s, so it does not have any experience with whether structures approved under the "set back for economic life" approach will actually be required to be removed at the end of the originally assumed economic life. The commission does have experience, however, with redevelopment trends in the coastal zone, which suggest that aging structures do not really die so much as metamorphose into "new and improved" structures in the same place. Thus, an increasing challenge along the coastline is how to regulate the *redevelopment* of buildings that, under

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

Th 136



Waiver of 49 Day Rule for an Appeal of a Local Government Coastal Development Permit Decision

Local Government Application Number: DRC 2004-000690; DRC 2005-00041

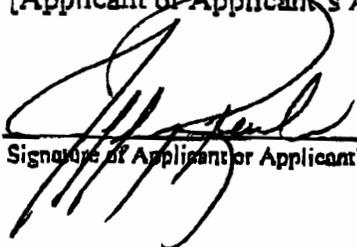
Coastal Commission Appeal Number: A-3-560-06-016

Applicant Name: SBC, Attn: David Wagner

Appeal Filing Date: 3/27/06

I hereby waive my right to a hearing of the above-referenced appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30621 and 30625(a). I understand that the local decision approving my coastal development permit application has been stayed and that I have no authorized permit to proceed with my project until the California Coastal Commission takes a final action on the project or the appeal is withdrawn. I also understand that the first Coastal Commission hearing on my item may only be a determination as to whether the appeal raises a "substantial issue." If substantial issue is found, the de novo hearing on the merits of the project may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced appealed project be scheduled for late July 2006

[Applicant or Applicant's Authorized Representative must sign and date below.]



Signature of Applicant or Applicant's Authorized Representative

19 APR 06
Date

Th 13c

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
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Waiver of 49 Day Rule for an Appeal of a Local Government Coastal Development Permit Decision

Local Government Application Number: PLN040569

Coastal Commission Appeal Number: A-3-MCO-06-018

Applicant Name: Steven Foster, Trustee of the Foster Family Trust dated April 5, 1988

Appeal Filing Date: March 29, 2006

I hereby waive my right to a hearing of the above-referenced appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30621 and 30625(a). I understand that the local decision approving my coastal development permit application has been stayed and that I have no authorized permit to proceed with my project until the California Coastal Commission takes a final action on the project or the appeal is withdrawn. I also understand that the first Coastal Commission hearing on my item may only be a determination as to whether the appeal raises a "substantial issue." If substantial issue is found, the de novo hearing on the merits of the project may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced appealed project be scheduled for JULY 12-14, 2006

[Applicant or Applicant's Authorized Representative must sign and date below.]

Mark Brun
 Signature of Applicant or Applicant's Authorized Representative

4-20-06
 Date

Th 13d

Apr-25-2006 11:39am From-

T-944 P.002/004 F-797

STATE OF CALIFORNIA PUBLIC RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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CENTRAL COAST DISTRICT OFFICE
720 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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FAX: (831) 427-4877

APR 25 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



Waiver of 49 Day Rule for an Appeal of a Local Government Coastal Development Permit Decision

Local Government Application Number: PLN 030646

Coastal Commission Appeal Number: A-3-mco-06-023

Applicant Name: Carmel River Investors

Appeal Filing Date: April 25, 2006

I hereby waive my right to a hearing of the above-referenced appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30621 and 30625(a). I understand that the local decision approving my coastal development permit application has been stayed and that I have no authorized permit to proceed with my project until the California Coastal Commission takes a final action on the project or the appeal is withdrawn. I also understand that the first Coastal Commission hearing on my item may only be a determination as to whether the appeal raises a "substantial issue." If substantial issue is found, the de novo hearing on the merits of the project may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced appealed project be scheduled for _____

[Applicant or Applicant's Authorized Representative must sign and date below.]


Signature of Applicant or Applicant's Authorized Representative

4/25/06
Date

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
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Th13.3a

**Staff Report Addendum**

Date: May 8, 2006
 To: Commissioners and Interested Parties
 From: Charles Lester, Deputy Director *C.L.L. 5/9/06*
 Steve Monowitz, District Manager
 Subject: Addendum to 4/26/06 Staff Report Prepared for the 5/11/06 De Novo Hearing (Agenda Item Th13.3a) Regarding the Application for a Third Amendment to Coastal Development Permit No. A-3-SLO-00-018 (KK Ranch, Cambria)

Following the release of the above referenced staff report, Commission staff completed additional research regarding the potential invasiveness of the 38 palm trees planted by the applicant and proposed for retention by the amendment application. Staff has found that the two species of palm trees planted on the site have the potential to invade surrounding native habitat areas based on their listing within the February 2006 California Invasive Plant Inventory. In addition, staff has spoken to a local land manager, who identified that a palm tree has become established on one of their properties within the nearby Santa Rosa creek riparian corridor. In light of the risk that these non-native trees may invade adjacent habitat areas, staff has revised its recommendation in a manner that requires the applicant to remove the palm trees. The revisions to the staff report needed to implement this change are detailed below (additions to staff report shown with underlines, deletions with ~~strikethroughs~~).

I. Revisions to Summary Table, pages 3-4 of the staff report:

LCP Issue	Project Consistency	Revised Conditions
Scenic Coastal Views	The 36 palm trees surrounding the residence are not consistent with the visual character of the area. However, <u>Although</u> they are mostly screened from public view <u>by other plantings, they have the potential to spread on the site and to other adjacent properties, in a manner that would detract from the aesthetic character of the native pine forest and grassland habitats surrounding the site. and will become less visible as native landscape materials mature.</u> The two palms planted at the property entrance are a small variety, and are not visually obtrusive or out of character with the area. The	Non-native ornamental landscaping (other than the two palms at the entrance) and the manufactured home shall be hidden from public view using native landscaping in accordance with Special Conditions 3 and 4 of the existing permit. The palm trees planted on the site are required to be removed by Special Condition 3. The modular home shall be painted and maintained in an earth-tone green color until it is completely screened from public view by native landscaping. <u>If ornamental plantings or the modular home are is not</u>

Staff Report Addendum

5/11/06 Agenda Item Th13.3a

A-3-SLO-00-118-A3 (KK Ranch Palm Trees, Modular Home and Wells)

Page 2

	<p>manufactured mobile home is visible at a distance for a brief instant to northbound motorists on Highway One. The visibility of this structure will be minimized by the applicant's proposal to paint it an earth-tone green, as well as by the growth of required native landscaping.</p>	<p>completely hidden from public view within three years, they <u>it shall</u> be removed from the site.</p>
<p>Monterey Pine Forest</p>	<p>The proposed palm trees are not <u>native to the area</u> invasive, and will not diminish <u>have the potential to spread in a manner that could disrupt the biological productivity of the surrounding forest, grassland, and riparian habitats.</u> Substitution of the yet to be built 2,400 barn with the existing manufactured home will prevent additional construction activities and thereby avoid impacts to the forest.</p>	<p>Limit non native ornamental landscape plants to non-invasive species approved by the Executive Director and, other than the two palms at the property entrance, to areas within 100 feet of the approved structures that are not vegetated with native species. <u>The palm trees planted on the site are required to be removed by Special Condition 3.</u></p>
<p>Riparian and Wetland Habitats</p>	<p>The two wells are well over 100 feet away from Leffingwell creek and its associated riparian and wetland habitats, and are outside the Santa Rosa and San Simeon watersheds. A report by the project geologist states that operation of the wells is not expected to impact riparian and wetland areas.</p>	<p>Restrict use of the well to supplying water to the modular home. Prohibit future connection of the modular home to a municipal water supply system unless approved through an amendment to this permit.</p>
<p>Water Supply</p>	<p>The two wells will not draw upon the Santa Rosa or San Simeon watersheds, and therefore will not impact Cambria water supplies. Since the property is outside of the LCP's urban services line, on-site wells rather than municipal water supplies, are the appropriate source of water for new development, provided that the wells will not adversely impact coastal resources or priority uses such as agriculture, as is the case here.</p>	<p>Restrict use of the well to supplying water to the modular home. Prohibit future connection of the modular home to a municipal water supply system unless approved through an amendment to this permit. Require evidence of well approval by San Luis Obispo County Environmental Health Department prior to issuance of the amended permit.</p>

II. New Special Condition 3

Special Condition 3 contained in the April 26, 2006 staff report is deleted, and replaced with the following condition:

3. Palm Tree Removal. PRIOR TO ISSUANCE OF AMENDED PERMIT NO. A-3-SLO-00-118-A3, the permittee shall submit, for Executive Director review and approval, written and photographic evidence that the palm trees planted on the site have been removed.

III. Revised Findings and Declarations

- A. Revised Visual Resource Findings. Staff has revised the recommended findings on page 9 of the staff report by revising the second paragraph as follows:

~~The 36 palm trees surrounding the residence are mostly screened from public view, and will become less visible as native landscape materials mature. However, as discussed in the findings regarding sensitive habitat below, these palm trees, as well as the two palm trees planted by the front gate, have the potential to spread on the site and to other adjacent properties. In addition to disrupting surrounding sensitive habitats, the potential spread of exotic palm trees will detract from the aesthetic character of the native pine forest and grassland habitats surrounding the site, in conflict with the visual resource protection requirements of the LCP. The two palms planted at the property entrance are a small variety, and are not visually obtrusive or out of character with the area. Therefore, in order to ensure consistency with applicable LCP standards such as Visual Resource Policies 1 and 4, the project has been conditioned to require removal of the palm trees. Removal of the palm trees must occur prior to issuance of the amended permit, which means that the applicant cannot occupy the new residence until the palm tree removal has been completed. that non-native ornamental landscaping (other than the two palms at the entrance) be hidden from public view using native landscaping in accordance with Special Conditions 3 and 4 of the existing permit. In addition, the conditions of amendment approval restrict ornamental landscaping, other than the two palms at the property entrance, to areas not vegetated with native plants within 100 feet of the approved structures. Furthermore, if ornamental plantings are not completely hidden from public view within three years from the date on which the amendment is approved, the conditions of approval require that they be removed from the site.~~

- B. Revised Environmentally Sensitive Habitat Areas (ESHA) Findings. Staff has revised the recommended findings on pages 10 – 11 by deleting the paragraph beginning on the bottom of page 10 and ending on the top of page 11, and replacing the deleted language with the following new text:

Two species of palm trees have been planted on the site in violation of the terms of the original permit. 36 Mexican fan palms (*Washingtonia robusta*) have been planted around the residence, and 2 Canary Island date palms (*Phoenix canariensis*) have been planted at the entry gate. The February 2006 California Invasive Plant Inventory, published by the California Invasive Plant Council and known as the Cal-IPC list, ranks the Mexican fan palm as having moderate negative ecological impacts in California. This ranking is used to describe species that "have substantial and apparent - but generally not severe - ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance. Ecological amplitude and distribution may range from limited to widespread." The Inventory identifies an "alert level" for this species, because the combination of scores "indicate a significant potential for invading new ecosystems ... so that land managers may watch for range expansions". Although the spread of Mexican fan palms has mainly occurred in southern California, this alert provides appropriate justification to be cautious about planting such palms in the similarly mild climate of California's central coast.

With regard to the Canary Island date palm, the California Invasive Plant Inventory ranks this species as having "limited" negative ecological impacts in California. This ranking is assigned to species that "are invasive but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic." The inventory identifies the central coast as an area where the Canary Island Date Palm has the potential to invade native habitats.

In response to the information presented by the Cal-IPC and Commission staff's concerns regarding the potential for the palm trees to invade native habitat areas, the applicant has submitted correspondence (included in the May 2006 Central Coast District Director's report) asserting that the spread of the palm trees is unlikely at the subject site. Specifically, the letters indicate that the climate of the area, with its cool temperatures and lack of summer rainfall, is not conducive to the spread of the palm trees. In addition, the letters assert that, given the way in which drainage is controlled on the site, the seeds will not be transported to any sensitive areas where they could grow. Finally, the applicant has indicated his willingness to take action to prevent the potential spread of the trees, by promptly removing any new trees that become established on the site, and by cutting off the fruits of the tree before they produce seeds, as part of annual frond pruning.

While the potential for the Mexican fan palm and the Canary Island date palm to spread in the area may indeed be low, it is nevertheless represents a potential threat to the biological productivity of the surrounding sensitive habitat areas. Of particular concern is the riparian and wetland habitats associated with Leffingwell creek, as these wet areas have the greatest potential to facilitate germination, and receive runoff from the project site. Seeds may be transported to these and other wet coastal areas (e.g., San Simeon Creek to the north) by runoff and by birds. According to the Director of a local land trust organization, a palm tree has established itself in the riparian corridor of Santa Rosa creek.

Thus, although the Central Coast of California may be cooler and more arid than the native regions in which these trees naturally exist, the potential for the spread of these species must be acknowledged and addressed. Indeed, the spread of exotic plant species into California's native habitats can have devastating effects. Adverse impacts associated with such colonization include, but are not limited to, a reduction in the area where native species can grow, a reduction in sources of food for native wildlife, and the potential attraction of other wildlife species that have adapted to the non-native plant habitats and may out-compete or otherwise threaten native wildlife species.

The applicant's proposal to control the spread of the palms by removing any new trees on the site that may become established, and through annual trimming of the trees' fruiting structures, does not provide adequate assurances that the potential spread of these non-native species will be avoided. First, while the applicant may be able to remove any trees that become established on his property, he does not have the ability to effectively monitor or legally remove any trees that may become established on adjacent properties. Second, the need to annually remove fruiting structures from 38 palm trees is an intensive maintenance effort. The possibility that current or future property owners will not undertake, complete, or properly cleanup such maintenance activities cannot be avoided. Accordingly, Special Condition 3 of this amendment requires removal of the palm trees.

Th 13.3a

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CENTRAL COAST AREA

Caspian Properties Inc.
1400 Quail St. Suite 275
Newport Beach, California 92660
(949) 250-0628, (949) 250-0620 Fax

May 3, 2006

Mr. Steve Monowitz
California Coastal Commission
State of California
725 Front Street, Suite 300
Santa Cruz, CA 95060

831-427-4896-Phone
831-427-4877 Fax

Re: 7292 Exotic Gardens, Cambria, California
Permit No. 3-00-018-A3
(KK Ranch Palm Trees, Modular Home, and Well
Amendment)

Dear Mr. Monowitz:

This letter is to address the issue on the potential invasiveness of the Canary Island Palm planted on my property.

Attached is a letter from Chris Stier, Horticulturist, who specializes in this field that address this issue directly.

I would also like to call your attention to the Lone Palm Road within a 1/2 mile from my property that have been planted with the palm trees for many, many years ago. Over this long period of time, long enough to observe the invasiveness nature of the palm in the habitat, I have observed that there has not been any sign of the palms spreading to any other surrounding areas.

I also like to communicate an opinion provided by Patricia Cullinan, a Landscape Designer located at 13505 Old Morro Road, Atascadero, California 93422. She is familiar with my property and her statement is as follows:

“There are many reasons that Phoenix Canariensis on Khaloghli site are not a potential threat to the natural habitat on or near the property. Phoenix Canariensis Palm is native to the warm oasis of the Canary Islands. They have been planted in California since the first European settlers and although they have become naturalized in a few isolated wetter areas of warmer Southern California, their invasive potential is extremely unlikely at the site, because of the climatic condition of the area, and the proposed cultural conditions.”

The ranch is not providing an environment in which they can spread, *Phoenix canariensis* has a native habitat of sun with generous water. Although they can survive with low water with the combination of naturally occurring rain, abundant water and sun does not exist on the property, therefore diminishing their reproductive potential at the site. The seeds of *Phoenix canariensis* could possibly be spread by run-off from winter rain but the site has very controlled drainage, because of the location on the house, and does not drain into a potential habitat.

The San Luis Obispo County Weed Management Area does not list *Phoenix canariensis* as an invasive weed in San Luis Obispo County.

The University of Florida IFAS (Institute of Food and Agriculture- ST439 adapted from Fact Sheet ENH-598, Gilman and Watson) has rated *Phoenix canariensis* as having little invasive potential in Florida which has a climatic environment more like their native habitat.

For example, Monterey Cypress has a higher invasive rating (medium: these species have substantial and apparent- but generally not severe ecological impact on ecosystems, plant and animal communities, and vegetational structure....). The species is native only on the coast of Monterey County and not native in this county, although they have been widely planted.

She also adds, as to our question on the rate of growth of the trees at the site that "Since it is our intention to create a low water use garden, we will not be creating a habitat for the palms to grow rapidly in, the coolness of the site and the low natural rainfall will limit the growth of the trees to inches per year."

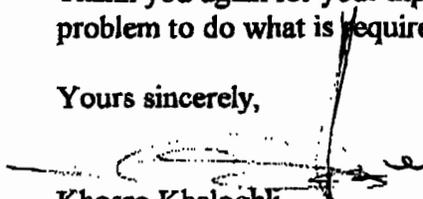
The Monterey Cypress and Monterey Pine planted to block any view of the house from the road will also block any view of the palm trees. The Cypress and Pines that are planted are growing at the rate that will soon shield the house and surrounding landscaping from view.

Patricia Cullinan offers the forgoing information as an experienced landscape professional. We believe her view is helpful as she is in the field.

I am also willing to agree to additional condition that the number of approved palm trees on the property will always remain the same and it is property owner's responsibility to control it to the existing number.

Thank you again for your input and issues that need to be considered in depth. I have no problem to do what is required to fully address the concerns.

Yours sincerely,



Khosro Khaloghli

Th 13.3a

TM Environmental Services, Inc.
2891 Industrial Parkway
Santa Maria, CA 93455

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MAY 03 2006

May 2, 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

KK Ranch,

You have asked me to evaluate two types of palm trees as to their potential to become invasive at 7292 Exotic Garden Drive, otherwise known as KK Ranch, in Cambria.

Phoenix canariensis – Canary Island Palm. This palm does best in warm to hot climates (70s-90F). Female palms can produce viable seed that may germinate under warm and moist conditions. The coastal conditions of Cambria are generally too cool to encourage germination. Moisture is not in abundance during the warmest time of the year in Cambria. The 2005 CA-IPC (Invasive Plant Council) indicated that Canary Island Palm has been invasive only in Southern California and where moisture is available. It specifically mentioned creeks, ditches and moist/wet areas. Furthermore, the IPC indicated that this palm has a low invasive index even under ideal (moist and warm) conditions.

While some germination has occurred in San Luis Obispo County it has occurred away from the coast along ditches and wet areas influenced by irrigation runoff.

Should invasiveness be an issue beyond the low index, female palms can have their flower/fruitlet stalks pruned, thus eliminating any seed altogether. In fact some arborists will trim these stalks annually when they prune the dead fronds.

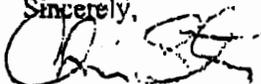
Washingtonia robusta – Mexican Fan Palm. This tree really would like moist, hot conditions (80s-100s°F) to propagate. These trees prefer more inland, arid climates. Invasive conditions mentioned by the CA-IPC have occurred in Southern California but only near areas of water such as creeks and ponds (wet lands) in semi-arid areas. KK ranch is far too cool and there are no "wet land" areas near the trees.

There is no record of *Washingtonia robusta* being invasive in the coastal zones of San Luis Obispo County. In reality this palm is not invasive in Cambria.

As with the Canary Island Palm, the fruiting structures can be cut off during annual frond pruning.

Both palms are popular landscape plants throughout San Luis Obispo County. While both trees can propagate from seed, the climate on KK ranch is not ideal and should not lead to invasive conditions.

Sincerely,



Chris Stier
Horticulturist
805-541-2410

Th 13.3a

Caspian Properties Inc.
1400 Quail St. Suite 275
Newport Beach, California 92660
(949) 250-0628, (949) 250-0620 Fax

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May 2, 2006

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CALIFORNIA
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Mr. Steve Monowitz
California Coastal Commission
State of California
725 Front Street, Suite 300
Santa Cruz, CA 95060

831-427-4896-Phone
831-427-4877 Fax

Re: 7292 Exotic Gardens, Cambria, California
Permit No. 3-00-018-A3
(KK Ranch Palm Trees, Modular Home, and Well
Amendment)

Dear Mr. Monowitz:

Please place the Coastal Development Permit Amendment Application referenced above on the consent calendar agenda for May 11, 2006 Meeting in Costa Mesa. I accept the conditions stipulated in the staff report TH13.3a.

In addition to the above, I am also agreeable to put restriction that the number of palm trees planted not to exceed 36 palm trees around the house and two at the drive way entrance at all times. It will be the property owner's responsibility to control additional palm tree growth, if any.

Yours sincerely,


Khosro Khaloghli

Th 13.3a
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MAY 08 2006

CALIFORNIA
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CENTRAL COAST AREA



Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

May 3, 2006

RE: Khosro Khaloghli A-3-SLO-00-118-A3

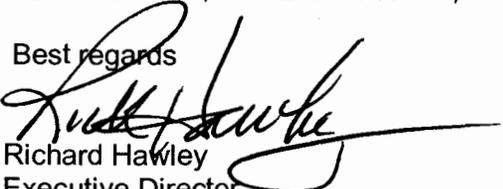
Dear Commissioners and Staff;

This project has a number of disturbing aspects that clearly are not consistent with the Local Coastal Plan and with the larger Coastal Act. The project is not consistent with the Cambria Community Services District Ordinance which prohibits wells for domestic use without the Districts consent.

Regarding the non-native vegetation: the conditions of the original permit specifically state that native plant material shall be used as screening and be used in landscaping and Mr. Khaloghli has flagrantly violated these conditions showing complete contempt of the law.

Further, it appears that the two wells have been drilled within the coastal zone without permits and the applicant now is requesting 'after-the-fact' permission to be allowed to use these wells within the CCSD URL for domestic use when the CCSD has specific ordinances that prohibit private wells within their URL. It is my belief that the applicant has full knowledge of these ordinances, has never contacted the CCSD as to his intent, and is attempting to do an "end-run" through the Commission to circumvent local ordinances.

The applicant has requested and received permission from the Commission to increase the size of his original residence (and water use) after the Commission approved a smaller version. I think the Commission has been extremely tolerant to accommodate this project but the fact remains that the applicant's apparent disregard for the law is difficult to deny. This project has turned into a piecemeal development and the applicant has proven that his version of compliance with the law is not consistent with the intent of the Local Coastal Plan, the Coastal Act, CCSD ordinances, and what he agreed to do with his original permit.

Best regards

Richard Hawley
Executive Director

CC: Cambria Community Service District

RICHARD HAWLEY
EXECUTIVE DIRECTOR



P.O. Box 1505
Cambria, CA 93428
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San Simeon Pines

SEASIDE RESORT
BUSINESS OFFICE
P.O. BOX 10
SAN SIMEON, CA 93452

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MAY 04 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Item #TH-13.3a
Permit #A-3-00-118-A3
San Simeon Pines
Opposition to revise permit

May 2, 2006

California Coastal Commission
Central Coast District Office
Steve Monowitz, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: Permit # A-3-00-118-A3
Applicant: Khosro Khaloghli

Dear Mr. Monowitz,

San Simeon Pines Corporation is opposed to any changes from the original permit granted to Mr. Khaloghli. San Luis Obispo County made the removal of the modular home and other temporary buildings a condition of the issuance of his permit. We feel that this condition should be adhered to.

We also feel that the non-native trees planted by Mr. Khaloghli without prior approval and in defiance of the permitting process should be removed due to their negative visual impact along this portion of Scenic Highway 1.

It appears by the Public Hearing Notice received by us that water wells that he drilled were not permitted as well. There was much discussion about any wells having an affect on the Leffingwell Creek area and were removed from the original permit. Why should these be allowed as an "after the fact" authorization?

It seems that all too often people in this area have gone out of their way to defy the conditions of the permits issued by the California Coastal Commission and the County of San Luis Obispo. It also appears to the general public that all too often these people get a "pass" on these conditions, rather than making them adhere to the regulations and restrictions that are in place for everyone else.

Mr. Khaloghli, from the beginning, has not wanted to comply with any building conditions he did not agree with. You should not let any applicant defy the permit processes and then be rewarded.

Sincerely,

A handwritten signature in black ink that reads "William W. Bonser". The signature is written in a cursive, flowing style.

William W. Bonser
President, CEO San Simeon Pines Corp.