

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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W15d

MEMORANDUM

Date: November 3, 2009

To: Commissioners and Interested Parties

From: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

Subject: **Addendum to Commission Meeting for Wednesday, November 4, 2009**
North Coast District Item W15d, CDP No. A-1-CRC-08-004
(Randy Baugh DBA: DCI, Inc. Coasta Norte Condominiums Development)

STAFF NOTE

The staff is proposing to make certain changes to the staff recommendation on Coastal Development Permit Application No. A-1-CRC-08-004, revising four of the special conditions and adding two new special conditions and new related findings regarding: (1) the applicant's further amendments and clarifications to certain aspects of the project; (2) the applicant's proposal to grant public access easements; and (3) mitigation for the project's effects on visual resources. In addition, staff has received correspondence from members of the public through November 2, 2009, making various comments on the written staff recommendation. Full copies of this correspondence are attached. Staff has reviewed and considered these comments and continues to recommend that the Commission approve the project with the special conditions included in the staff recommendations of October 22, 2009 with the attached revisions to the special conditions and the inclusion of related findings.

I. REVISIONS TO STAFF RECOMMENDATION

The revisions to the staff report dated October 22, 2009, entail changes to both the text of certain project Special Conditions as well as the findings supporting conditional issuance of the subject coastal development permit. Text to be deleted text is shown in ~~bold strikethrough~~, text to be added appears in bold double-underline.

- Replace Special Condition Nos. 1 through 3 with one master public access easement recordation special condition to read as follows:

1. Vertical and Lateral Access and Support Facilities Condition

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT NO. A-1-CRC-08-004, AND CONSISTENT WITH THE APPLICANT'S REVISED PROJECT DESCRIPTION, DATED OCTOBER 30, 2009, RECEIVE STAMPED NOVEMBER 3, 2009, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, granting an easement to the City of Crescent City for public access and viewing purposes consisting of: (1) public vertical access from "A" Street through the 20-foot-width southeasterly one-third portion of the vacated West Second Street right-of-way to the existing 20-foot-wide by ±160-foot-long vertical beach easement, as recorded January 15, 2002 in Instrument No. 20020270, Records of Del Norte County; (2) public lateral access from the vertical beach accessway through a 12.5-foot-width corridor northwesterly to the view platform access support facility; and (3) public access to, and use of, an approximately 500-square-foot (20' x 25'±) view platform access support facility.**
- B. **The recorded easement document shall include a formal legal description of the entire property; and metes and bounds legal descriptions and graphic depictions, prepared by a licensed surveyor, of the vertical access area, the lateral access area; and the view platform, consistent with the access facilities layout generally described and depicted in Exhibit No. 14. The recorded document shall reflect that no development shall occur within the access easement areas except as otherwise set forth in this condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the accepting entity on behalf of the people of the State of California, binding all successors and assigns.**
- C. **The easement shall provide that the vertical and lateral access areas and viewing platform shall be open for public use from sunrise to one hour after sunset.**
- D. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-CRC-08-008, the applicant shall submit, for the review and**

approval of the Executive Director, evidence that the City of Crescent City, as holder of the access easement areas, has entered into a Management Agreement with the Executive Director of the Commission. The management plan shall contain provisions which allow the grant of easement to be transferred to an alternate accepting entity if the City is unable to carry out its responsibilities as holder of the public access easement. The easement areas shall be operated consistent with the provisions of the approved management plan.

E. No development, as defined in Section 30106 of the Coastal Act, shall occur within any of the granted easement areas as generally described and depicted in Exhibit No. 14 except for:

(1) Within the Vertical Easement Area: (a) a minimum five-foot-wide improved trail constructed of concrete, pavers, or other durable, low-maintenance systems; (b) installation of native landscaping consistent with the approved landscaping plan and view corridor visual clearance standards; and (c) drainage and polluted stormwater runoff control facilities required and approved pursuant to drainage and runoff control plans approved pursuant to Special Condition No. 10;

(2) Within the Lateral Easement Area: (a) a minimum five-foot-wide improved trail constructed of concrete, pavers, or other durable, low-maintenance systems; (b) installation of native landscaping consistent with the approved landscaping plan; and (c) drainage and polluted stormwater runoff control facilities required and approved pursuant to drainage and runoff control plans approved pursuant to Special Condition No. 10;

(3) Within the Viewing Platform Easement Area: (a) a minimum 500-square-foot ($\pm 20'$ x $\pm 25'$) on-grade, open-air, concrete viewing platform with benches; (b) installation of native landscaping consistent with the approved landscaping plan; and (c) drainage and polluted stormwater runoff control facilities required and approved pursuant to drainage and runoff control plans approved pursuant to Special Condition No. 10.

F. Repairs, maintenance, and upkeep of the vertical and lateral and viewing platform public access easements described in Section A(1), (2), and (3) of this special condition may be delegated to third parties, including but not limited to the property owner and/or any future home owners association, pursuant to agreements with the easement

holder City of Crescent City and consistent with the provisions of the management plan approved by the Executive Director.

- G. **Upon the securing of a coastal development permit for the construction of a coastal trail within the adjoining Wendell Street right-of-way with connections provided between the existing Wendell Street improved street cross-section through to either the Redwood Oceanfront Resort (Hampton Inns and Suites) beach vertical accessway and/or the Coasta Norte vertical accessway, the applicant may request an amendment to Coastal Development Permit No. A-1-CRC-08-004 to extinguish some or all of the lateral access easement described in Section A(2) of this special condition and replace the easement with a substitute lateral access easement providing equivalent access to the viewing platform described in Section A(3) of this special condition. Such amendment request shall be supported with evidence that: (1) the substitute access will be equivalent in time, place, and manner; and (2) the landowner of the substitute access area has given permission for the access area to be utilized in such equivalent manner.**

REASON FOR CHANGES: (1) To match the condition to the clarification the applicant has made to the locations, widths; and limitations on hours of use of the facilities; (2) to consolidate requirements for recordation of three separate dedication instruments into one document; (3) to identify development allowed in the easement areas; and (4) to identify management responsibilities.

- Revise the wording of Special Condition No. 4 (to be renumbered as Special Condition No. 2) to read as follows:

4. 2. Revised Design and Construction Plans

- A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-CRC-08-004, the applicant shall submit to the Executive Director for review and approval: (1) final design and construction plans which are consistent with the approved preliminary plans prepared by Ian Birchall and Associates and Murray Duncan, Architects, attached as Exhibit No. 5, including site plans, floor plans, building elevations, roofing plans, foundation plans, structural plans, final material specifications, signage, drainage facilities, and lighting plans, consistent with Special Condition Nos. 5, ~~6 4~~, ~~12 10~~, and ~~15 13~~; (2) final design and construction plans for the onsite improvements to be undertaken within the dedicated vertical and lateral easements, and the viewing platform, as generally described and depicted in Exhibit**

No. 14; and ~~(2)~~ (3) a revised parking plan demonstrating conformity with Coastal Zone Zoning Regulations Chapter 17.76, including but not limited to the minimum number of spaces, minimum stall width and depth dimensions, minimum aisle widths, minimum wall-to-wall dimensions; and development, operation, and management parameters, consistent with the Commission's action on Coastal Development Permit No. A-1-CRC-08-004.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

REASON FOR CHANGES: To require the preparation, submittal and approval of a separate set of final plans for the construction of the proposed accessway and support facilities.

- Insert a new Special Condition No. 3 to read as follows:

3. Securement of Property Rights

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-CRC-08-004, the applicant shall secure from the grantee City of Crescent City all rights and releases necessary to allow for the construction of the portions of the trail improvements generally described and depicted in Exhibit No. 14 located within the existing 20'x 107' vertical beach access easement, as recorded January 15, 2002 in Instrument No. 20020270, Records of Del Norte County, situated within the southwestern corner of the project parcel currently held by the City.

REASON FOR CHANGES: To establish a separate special condition for the portions of the proposed project for which the applicant does not currently possess full property rights.

- Append a new Exhibit No. 14 to the staff recommendation (Attachment 1).

REASON FOR CHANGES: To include within the project record a copy of the narrative description and graphic layout of the various proffered public access facilities referenced in revised Special Condition Nos. 1 and 2 (see above).

- Insert a new Special Condition No. 4 to read as follows:

4. Timing for Completion of Coastal Access Improvements

PRIOR TO OCCUPANCY OF THE CONDOMINIUMS FOR RESIDENTIAL USE, the permittee shall complete construction of all onsite coastal access improvements as generally described and depicted in Exhibit No. 14.

REASON FOR CHANGES: To ensure timely completion of coastal access and support facilities prior to the occupancy of new residential uses in the project area such that the related increased demands for access are offset.

- Revise Special Condition No. 14, sub-section a.(5) on page 18 of the staff recommendation report to read as follows:

(5) The stakes shall be inserted angle-cut end down a minimum of one foot deep into the ~~streambank~~ **ground**, with three to six inches of the cutting exposed above the ground surface to allow for leaf sprouting.

REASON FOR CHANGES: To correct an erroneous reference to a streambank restoration plan performance standard that is not applicable to the subject restoration proposal.

II. REVISIONS TO THE PROJECT FINDINGS

- Revise Project Description Findings Section IV.B.2 on page 25 of the staff recommendation report to read as follows:

The proposed development, as amended for purposes of the Commission's *de novo* review, consists of a ~~37-unit~~ residential condominium complex, **comprised of up to 41 residential dwelling units**, that would entail the construction of approximately 35,306 square-feet of building floor area and outdoor yard improvements, together with associated off-street parking, walkways, landscaping, and other related amenities. In addition to the main residential building, other site improvements would include the construction of ~~paved and flagstone~~ vertical and lateral accessways **with minimum five-foot-wide improved trail walkways (concrete, paver blocks, or other similar low-maintenance surfacing)**, an approximately ~~800~~ **500**-square-foot ~~gazebo-covered at-grade, concrete surfaced~~ coastal viewing platform, ~~deck, and patio~~, the installation of a biofiltration-based stormwater drainage collection, conveyance, and pre-treatment system, and the planting of approximately 1,000 square-feet of

marine riparian Hooker willow shrubs at a 2:1 replacement ration to compensate for the area cleared to construct the proposed viewing platform amenities (see Exhibit No. 5).

REASON FOR CHANGES: To have the project description findings match that of the amendments made by the applicant for purposes of the Commission's hearing *de novo*.

- Revise the discussion of applicable Coastal Act policies comprising sub-section 1.a. of Public Access Findings Section IV.C. on pages 25-26 to read as follows:

Projects located within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, ~~and 30212,~~ **and 30252** require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected. **Section 30252 directs that the location and amount of new development should maintain and enhance public access to the coast by, among other methods: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.**

- Revise the first full paragraph in the discussion of the proposed grants of easements of sub-section 2. of Public Access Findings Section IV.C. on page 30 to read as follows:

The proposed offers of dedication meet the design and location, and sanctioned public use standards set forth in Public Access Policy No. 4. ~~With respect to the connection and proportionality of the offers in terms of being a require of permit issuance, the~~ In addition, with respect to compliance with the six public access sub-policies within Section 30252, the Commission notes that: (1) the proposed project site is located along “A/Inyo/Washington – “Route 2” of the Redwood Coast Transit’s Crescent City transit system with hourly service provided six days per week, excepting certain holidays; (2) the project site is located immediately adjacent to two Commercial Waterfront zoning districts situated to the south and east; (3) the project incorporates non-vehicular circulation into the development in the form of perimeter sidewalks and coastal access pathways; (4) the project as proposed provides for off-street parking facilities at of exceeding the number of spaces required under the City’s coastal development regulations; and (5) a city transit stop is located at a convenient one-block distance from the development site, consistent with the first five design and location criteria enumerated within Section 30252 of the Coastal Act. With respect to assuring that the recreational needs of new residents will not overload nearby coastal recreation areas, as required by Section 30252(6), the Commission notes that the proposed development will create significant demand for public access to the shoreline adjacent to the site. The proposed development would result in the creation of ~~37~~ up to 41 new 1-, 2-, and 3-bedroom condominium units which would attract new residents to this area of the Crescent City oceanfront. Based on the average household and average family sizes in Crescent City of 2.40 and 3.12 persons per domicile, respectively the development would accommodate approximately 98 to 130 new residents. As occupancy rates within the timeshare portions of the complex would vary, depending upon the time of year, the amount of occupants would similarly fluctuate, likely peaking during the summer and fall tourist season with a lull during the winter-spring off-season. Regardless of these annual variations in occupancy patterns, the development would significantly increase access activity at the project site and at the adjoining access facilities compared to that currently generated by the shuttered former medical clinic.

- Revise the last paragraph to sub-section 2 of Public Access Coastal Act/LCP Consistency Findings Section IV.C. on page 31 to read as follows:

Consistent with the provisions of LUP Chapter 1 Policy No.3 and Section 30252(6) of the Coastal Act, the applicant has included the dedication of public access within the proposed project description. The Commission attaches Special Condition ~~Nos. No. 1 through 3~~. Special Condition ~~Nos. No. 1 through 3~~ requiring requires the applicant to execute and record offers of dedication of the easements consistent with the applicant’s revised project description, prior to

issuance of the coastal development permit in conformance with LUP Chapter 1 Policy No. 3 **and Section 30252(6) of the Coastal Act**. The Commission further finds that the proposed dedicated accessways conforms to the design and location criteria enumerated within LUP Chapter 1 Policy No. 3 **and Section 30252(6) of the Coastal Act**.

- Revise the last sentence of the “Determinations Regarding the ‘Scenic and Visual Qualities of Coastal Areas’” sub-section of the Visual Resources LCP Consistency Discussion Findings Section IV.G.2.c. on page 57 of the staff recommendation report to read as follows:

While this vantage is both laterally and horizontally limited, it serves to ~~bear~~ **break** up the bulk between the building edifices of the adjoining hotel and that of the former clinic site.

- Revise the first full paragraph of the “Siting to Protecting Coastal Views and Providing a ‘Substantial View Corridor’” sub-section of the Visual Resources LCP Consistency Discussion Findings Section IV.G.2.c. on page 58 of the staff recommendation report to read as follows:

Despite the view corridor, the facility would not fully maintain the full scope of coastal views currently afforded at the project site. **As proposed, the project as amended for purposes of the Commission’s de novo hearing would, at-grade, encroach an additional 40 feet into the currently open vacated street right-of-way/parking lot area.** The Commission notes that although alternative layouts of the site improvements would provide for increased visibility of this area from the public street frontage, the benefits of such increased views would be limited to vehicles traveling along the “A” Street from the Battery Point Lighthouse area or seaward along Third Street. In addition, although views directly to the ocean through the opening between the buildings from Front Street would continue to be blocked by the up-sloping of the bluff edge, the open area between the hotel and proposed condominium buildings would nonetheless provide offshore sky views and announce the presence of the ocean just behind the residential complex to persons traveling down “A” or Second Streets toward the site. Moreover, by co-locating the proposed lateral blufftop trail entry point in this location and with the inclusion of the proposed view platform amenity, coastal visitors would be readily afforded a coastal accessway leading to a vista point that would provide a fuller panorama of views to and along the coast **than that currently afforded from the publicly accessible vantages along the project site’s street frontages, notwithstanding the 60-foot-wide width of the current open parking lot.** ~~This improvement~~ **Therefore, the proposed view corridor and viewing platform access support facility improvements** would further offset the loss of views from along the project’s street frontage.

REASON FOR CHANGES: To correct a topographical error and to highlight the mitigating aspect of the proposed viewing platform.

III. RESPONSES TO COMMENTS RECEIVED

Staff has also received a correspondence from the appellants (Attachment No. 1) raising concerns regarding: (a) potential off site instability associated with groundwater flows; (b) the uncertainty of the geotechnical investigations conclusions; (c) private views; (d) potential hazards from tsunami debris; (e) public access non-compliance at the adjacent hotel project site; and (f) the City-Harbor Bicycle Path, and offers the appellants' opinion as to why the development should be denied based upon perceived inconsistencies with the City of Crescent City LCP. In response to the various points made in the correspondence, staff offers the following responses:

Kirk Roberts and Natalie Fahning's October 26, 2009 Letter (Attachment No. 2):

Issue No.1: *We believe a more comprehensive review of the subterranean water conditions is warranted to determine its true effect on the proposed construction as well as on the upstream property owners, many of whom have sump pumps as noted in the report. Is the water flow 8,000 or 800,000 gallons (pg. 30) hourly, daily? Where does it come from and where does it go? The existing building is a slab-built one story structure, not requiring pilings or excavation. It is indicated that this is a former stream or river and given the generally high water table at the site and throughout Crescent City, this is probably a major drainage channel which must be handled properly.*

Response: Based on groundwater monitoring data collected over a seven week period and utilizing established hydrologic modeling protocols, the applicant's consulting geotechnical engineer calculated that, during wet-season, high-groundwater periods, a sub-surface flow of between 8,000 and 800,000 gallons per day (i.e., .0125 to 1.25 cubic-feet/second (cfs)) could flow through the cross-sectional area of permeable sediments beneath the 1.24-acre site. By comparison, the estimated range of streamflows through the Marhoffer Creek culvert undercrossing of Pebble Beach Drive, located approximately two miles north of the site, is estimated at between 1.0 and 43.1 cfs during the various salmonid migration periods. Accordingly, the volume of groundwater flow through the site is relatively small, corresponding to that which would be expected for the geographically constrained catchment area spanning between the Elk Creek drainage ½-mile to the southeast, and the unnamed gully which drains northwesterly from the County Fairgrounds area toward Lake Earl, approximately ¾-mile to the northeast, in which the project site is located. The Commission notes that these calculations were performed to assess hydrostatic pressures that

the preceding underground parking facility would need to be designed to withstand had that building configuration been advanced. However, the current development proposes an at-grade parking structure with the foundation for the overhead two-story condominium structure to be borne on piles set into the dense sandstone bedrock materials below the permeable strata. Thus, given the relatively low volume of groundwater passing sub-surface through the site, the inclusion of Special Condition No. 5 requiring that the development be constructed consistent with the recommendations within the geotechnical investigation, the Commission finds that the groundwater flows through the site would be not pose a significant risk to site stability or expose persons or property to geologic instability, inconsistent with LUP Chapter 5 – *Diking, Dredging, Filling and Shoreline Structures*, Policy No. 3.

Issue No. 2: *The Busch Report raises multiple red flags and the disclaimers as to outcome should be of interest to the California Coastal Commission as well as the city. Site excavations and soil removal will not change the upstream conditions for the better. The final disclaimer as to accepting liability (pg. 63) should be a formal part of this approval and extend without limitation to problems caused upstream by their plans and/or recommendations.*

Response: The commenters offer no factual evidence that grading at the project site will adversely impact properties “upstream” of the development. Moreover, the Commission addresses the inherent uncertainty associated with geological and other technical evaluations, through the imposition of Special Condition No. 7 which requires that that the permittee: (i) formally acknowledge that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) assume the risks of injury and damage from such hazards in connection with this permitted development; (iii) unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

Issue No. 3: *Why is there no consideration of the visual impact of the structure itself by neighbors and passer-by? Two monolithic structures next to each other are a visual impact on a predominantly single-family neighborhood to the NW, N, NE, and East.*

Response: The visual resource policies of the City's LCP are limited to addressing the effects of development on publicly accessible views and do not extend to the protection of views from private properties. The effects on views afforded to passers-by from public-accessible vantage points and the cumulative impacts of the obstruction of views is addressed on pages 55 through 60 of the staff recommendation report.

Issue No. 4: *Five tanks (unused) were removed several years ago. Five active gasoline tanks remain 2 blocks away at Front Street and D Street. Were a new tsunami to follow the 1964 path, these tanks would move towards the project site.*

Response: The applicant proposes to incorporate building design criteria developed by the City of Honolulu, including structural resiliency standards for withstanding strikes by inundation and back-scour propelled missiles and debris, without a resulting catastrophic structure failure resulting.

Issue No. 5: *While there may be 6 dedicated parking spaces at the Hampton Inn, no signage to that effect has ever been placed by whoever is responsible. Only signage on property states Hampton Inn Customer Parking only, others will be towed at owners expense. With the projected closure of the A Street lot, sign placement should be required.*

Response: The adjoining hotel/restaurant Redwood Oceanfront Resort (Hampton Inns and Suites) development project proposed that six (6) parking spaces (including 1 handicapped accessible space) would be dedicated to the City of Crescent City for the vertical beach access. These parking spaces appear on the approved project site plans as such. The report of alleged non-compliance has been referred to the Commission's Statewide Enforcement Unit for investigation. Noncompliance of an adjacent development project, if substantiated, bears no effect upon the LCP and/or Coastal Act consistency of the subject development.

Issue No. 6: *Specific reference and a condition should be required to notify all parties, current and future, that southbound A Street, between 2nd and 3rd Streets, is a dedicated bicycle lane, no parking allowed and red curbs painted.*

Response: The City-Harbor Bicycle Path is a Class III facility, wherein bicyclists share the travelway of the street with other vehicles, as contrasted with having an adjacent dedicated (Class II) or physically separated (Class I) bike path where such message signage or limitations on parking might be required. The LCP contains no provisions regarding signing or restricting on-street parking along the City-Harbor Bicycle Path.

Ted Scott's October 31, 2009 Letter (Attachment No. 3):

Mr. Scott raises a variety of concerns regarding: (1) the likelihood that condominium occupants may potentially pursue future nuisance complaints about smoke from his woodstove; (2) shading of his home by the proposed condominium structure; (3) related loss of privacy; (4) noise impacts from condominium occupants and guests; and (5) loss of personal views from his property to and along the ocean and scenic areas.

Response: The Crescent City municipal code's nuisance provisions and the rules of the North Coast Unified Air Quality Management District do not prohibit or set thresholds regarding the standard use of residential woodstoves, provided that waste matter or rubbish which would cause or create a dense or offensive smoke are burned. The City's LCP contains no provisions to protect properties adjoining development sites in a manner that would require the subject development to design or site its improvements to avoid shading, or direct line-of-site views into yards and windows. The LCP contains no provisions regarding the protection of coastal views from private properties.

III. ATTACHMENTS

1. New Exhibit No. 14 (Applicant's Supplemental Project Narrative).
2. Letter from Kirk Roberts and Natalie Fahning, Appellants, dated October 26, 2009, received October 29, 2009.
3. Letter from Ted Scott, neighboring property owner, dated October 31, 2009, received November 2, 2009.

October 30, 2009

James R. Baskin, Coastal Planner
California Coastal Commission
P.O. Box 4908
Eureka, CA 95502

RECEIVED

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CALIFORNIA
COASTAL COMMISSION



D.C.I.

Re: Supplemental Project Narrative Coasta Norte: CDP 07-06, UP07-02, & V07-08

Dear Jim:

Units and Parking:

Coasta Norte is currently designed with thirty seven (37) units. Given the potential of a reduction in unit size, the project may total up to forty one (41) units. This would be accomplished without modification to the existing footprint, exterior design or elevations, and would be subject to meeting the minimum parking requirements of 1.5 parking stall per unit, along with meeting special condition No 4. which requires the applicant to provide a set of revised final plans including a revised parking plan consistent with all off-street parking facility standards to be submitted for review and approval of the Executive Director.

Access Easement:

As a clarification of the previously provided information on the public access for the project, this supplement supersedes and replaces the previous offer of dedication for public access and provides that the public access portion will be comprised of three primary components as outlined below and depicted in the attached exhibit:

1. A twenty foot wide vertical access easement on the southern twenty feet of the property running from A Street to, the existing 20' x 107' easement that extends to the top of the beach.
2. A twelve and one half foot wide lateral easement connecting the vertical easement and / off site connector points across the property allowing access to the viewing platform
3. An easement for access and use of an approximately 500 square foot (20' x 25' +/-) viewing platform.

The easements will be granted to the City of Crescent City, as a supplement to the existing 20' x 107' vertical access easement on the Southwest corner of the property.

DEVELOPMENT CONSULTANTS INC.

3941 Park Drive, Ste. 20-338 • El Dorado Hills, CA 95762
916-933-4752 • FAX 916-934-0107

ATTACHMENT 1

Jim Baskin
October 30, 2009
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Vertical easement # 1 will be maintained per special conditions that require the applicant to submit for approval of the Executive Director; prior to permit issuance a landscape plan detailing the use of native, locally obtained plant stocks, setting performance and maintenance criteria, and prohibiting the use of exotic /invasive species or the use of bio-accumulating rodenticides, and requiring the applicant to maintain the West Second Street view corridor free of obstructions. While it is initially planned that access from A Street will be via the existing Hampton Inn path (easement granted to the city of Crescent City), to connector points to lateral easement #2, the project proponent is amenable to working with the City and Hampton Inn to relocate a single vertical access path more centrally located in the middle of the 25' easement area (20' Coasta Norte easement, 5' Hampton Inn easement) to provide for a more meandering path and soften the "Urban" look of the concrete path abutting the Hampton Inn.

Lateral Easement #2 is design as an improved access trail that will connect at the South to the existing Hampton Inn Trail, along with two points on the West to the offsite, informal beach access points, and to the viewing platform. While this Lateral Easement is planned on site, there have been discussions with the city of Crescent City regarding the construction of a more substantial lateral trail that will connect the existing Hampton Inn trail, across the Southwest portion of the subject property and thence proceed northward along the Wendall Street right of way to 3rd street. In the event that "Wendall Trail" is approved and constructed prior to, or concurrently with the Coasta Norte project the Lateral Easement #2 will be reduced to provide connector points (easements) to Wendall Trail from the View Platform, Vertical Easement #1, Hampton Inn trail, and beach access points as needed.

Easement #3 is a portion of the lateral easement as required to encompass the planned viewing platform at the Western portion of the property. The viewing platform will be an on grade concrete open air structure with benches providing stunning vistas to Battery Point Lighthouse, Open Ocean and the coastline to the West and South.

As outlined above Vertical Easement #1 and Lateral Easement #2 will include an improved trail system (if satisfactory improved trails and access do not exist on the Hampton Inn Vertical easement and the proposed Wendall Trail). Any trail system on the project will be comprised of an improved trail constructed of concrete, pavers, or other durable, low maintenance systems, as installed during the project's construction. The trails shall be a minimum of five feet in width, and maintained by the project ownership entity pursuant to agreements with the easement holder, the City.

Jim Baskin
October 30, 2009
Page 3

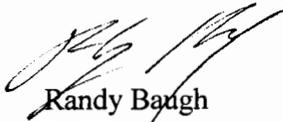
Use of the vertical, lateral easements and the view platform on site will be available for public use from sunrise to one hour after sunset. Given the proximity to residential and vacation rental units and the abundance of nearby viewpoint that provide both sunrise and Western views for public use, access earlier than sunrise would not be in keeping with the residential nature of the area. Access and use of the Wendall Trail would be subject to City discretion. Onsite easements will be maintained, and administered by the project and subject to the rules and regulation of the Ownership association pursuant to agreements with the easement holder, the City. Any rules or regulations that may adversely affect public use and enjoyment of the easements shall be first submitted for review and approval of the Executive Director.

The above access ways are proposed to be dedicated to the; city of Crescent City in a manner consistent with the standards as follows:

- The provision of the legal descriptions of both the entire project site and the area of the dedication shall be provided at the time of recordation:
- The dedications shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed:
- The dedications shall require that any future development other than the initial construction and development of the property, that is proposed to be located either in whole or in part within the are described in the recorded dedication shall require a Commission amendment, approved pursuant to the provisions of 14 CCR Sec 13166: and
- The dedications shall be submitted for the review and approval of the Executive Director.

The Proposed Wendall Trail is not a part of this submission, merely a representation of the potential for a future trail and its general area that may be submitted in the future by the City of Crescent City.

Sincerely,



Randy Baugh
D.C.I.

W15d

A-1-CRC-08-004

October 26, 2009

Commissioners
California Coastal Commission
c/o James Baskin
710 East Street, Suite 200
Eureka, CA 95501

RECEIVED

OCT 29 2009

CALIFORNIA
COASTAL COMMISSION

To the Commissioners,

We hope that you have read the Busch Geotechnical Report dated April 30, 2008 in its entirety. My copy is missing pages 13-28, plus attachments. After multiple requests by me (Kirk Roberts), it is clear that the Crescent City Planning Department and Director of Public Works have not seen this report in its 18 month existence although it is a condition of the local approval.

We believe a more comprehensive review of the subterranean water conditions is warranted to determine its true effect on the proposed construction as well as on the upstream property owners, many of whom have sump pumps as noted in the report. Is the water flow 8,000 or 800,000 gallons (pg. 30) hourly, daily? Where does it come from and where does it go? The existing building is a slab-built one story structure, not requiring pilings or excavation. It is indicated that this is a former stream or river and given the generally high water table at the site and throughout Crescent City, this is probably a major drainage channel which must be handled properly.

The Busch Report raises multiple red flags and the disclaimers as to outcome should be of interest to the California Coastal Commission as well as the city. Site excavations and soil removal will not change the upstream conditions for the better. The final disclaimer as to accepting liability (pg. 63) should be a formal part of this approval and extend without limitation to problems caused upstream by their plans and/or recommendations.

Visual Impacts and Transition:

Why is there no consideration of the visual impact of the structure itself by neighbors and passer-by? Two monolithic structures next to each other are a visual impact on a predominantly single-family neighborhood to the NW, N, NE, and East.

CRC Report Pg. 56, Section B, Paragraph 3:

Five tanks (unused) were removed several years ago. Five active gasoline tanks remain 2 blocks away at Front Street and D Street. Were a new tsunami to follow the 1964 path, these tanks would move towards the project site.

ATTACHMENT 2

Dedicated Parking:

While there may be 6 dedicated parking spaces at the Hampton Inn, no signage to that effect has ever been placed by whoever is responsible. Only signage on property states Hampton Inn Customer Parking only, others will be towed at owners expense. With the projected closure of the A Street lot, sign placement should be required.

Bicycle lane on A Street:

Specific reference and a condition should be required to notify all parties, current and future, that southbound A Street, between 2nd and 3rd Streets, is a dedicated bicycle lane, no parking allowed and red curbs painted.

Sincerely,

Signature on File

Kirk Robert
Appellant

Signature on File

Natalie Fahning
Appellant

RECEIVED

NOV 02 2009

CALIFORNIA
COASTAL COMMISSION

A-1-CRC-08-004
OPPOSITION

OCT 31-2009

DEAR COASTAL STUFF

MY NAME IS Ted Scott, I live in the small Red house Next to old (A) street Doctors office here in Crescent City CA.

NO I'm Not Real happy with Randy so called Condo's Next to my house. It's WAY MORE than that.

I'm told the Condo's will be About 5 Feet from (Prop-line) THAT'S A 32 Foot WALL Around my home.

You Now HAVE 2 Storys, You could look in my windows and BACK YARD All the time.

Randy will Yell at me if I Put wood in my wood heater, the smoke would blow in the upper Door ways And open windows so Now I'm looking at buying something to heat my home.

Did Anyone stop and think that Randy's Condo's will BLOCK my (AM) Sun light All Day long if he 5 Feet Away.

This may Keep my house DAMP & BACK YARD Wet All Day long.

The bottom line is two homes were on that land in the 1960's NO ONE wanted that Doctors office, my life will be turned up side down, 24/7 Doors shutting - TALKING on there Decks, PARTYING - cars coming And going All Day & night I think You very well know where I'm coming from

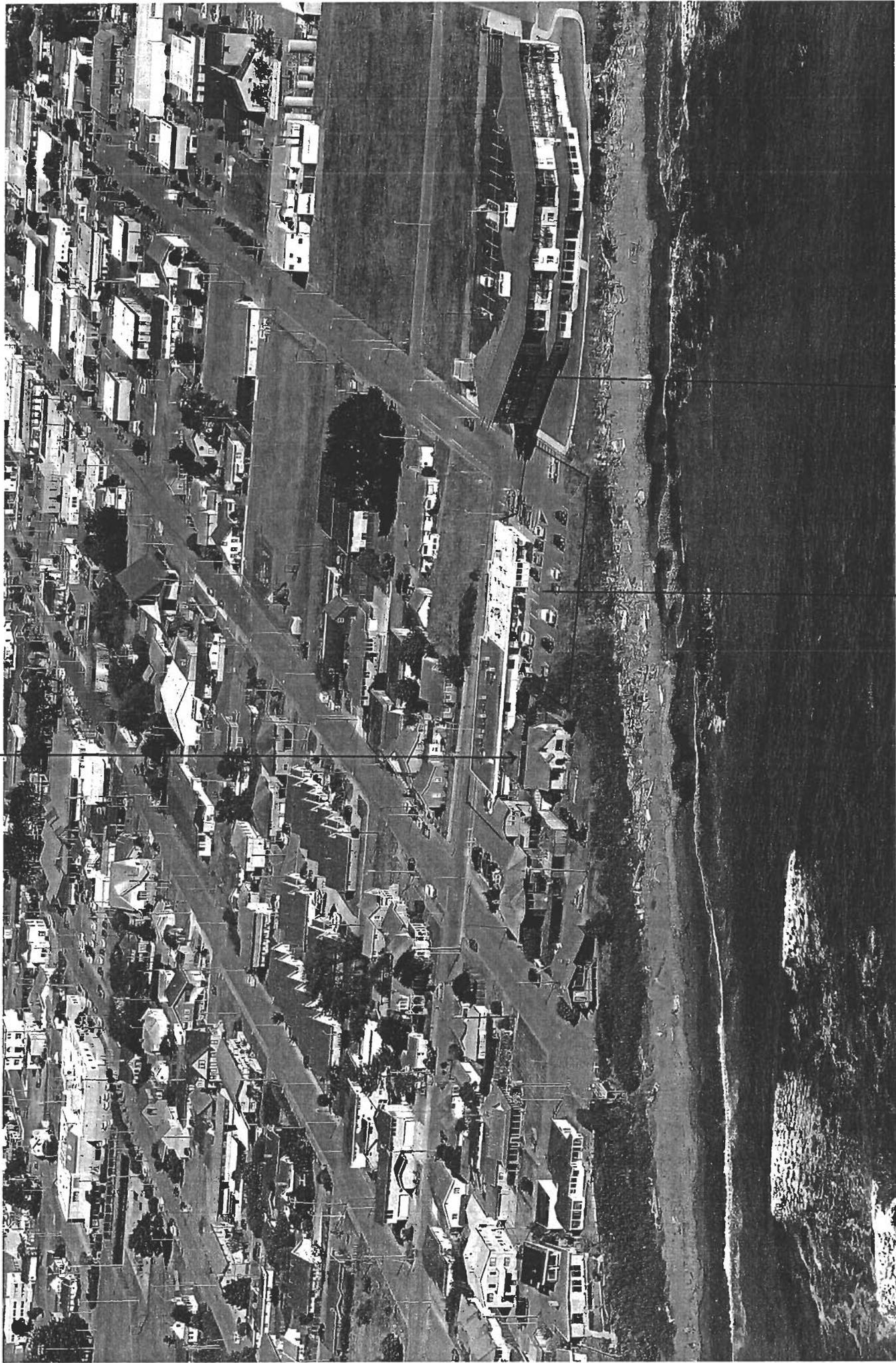
ATTACHMENT 3

The Scott's have been ~~in~~ this old house
since 1962.

I will no longer have a view of the
light house, I can't go to beach out my
back yard gate, I'm sad this is all
going to be taking away from me
As I said at the Crescent City Meeting
The hell with Ted Scott who CARE'S
WE Got A New GAME in Town Randy Bausk
Don't get me wrong I like Randy, This
is just about who has the Gold, and he
Rules, so the best thing I can do
is sale out if you ARE going to let
the Condo's happen, I just don't think
you all understand how big Randy's Condo's
ARE and what it's going to do to us.
lost sun light - 32 Feet high wall Around Ted Home
- Partys - Noise - CAR Doors slamming - Ted's Wood
heater smoke - looking in window & BACK YARD
Randy has played this all down, why
cause he paid \$1,350,000 For that land
with out doing his home work.
Anyway thank you for putting up
with me. I just had to put my
2 cents in.

Signature on File f
148 West 3rd st
Crescent City CA
95531

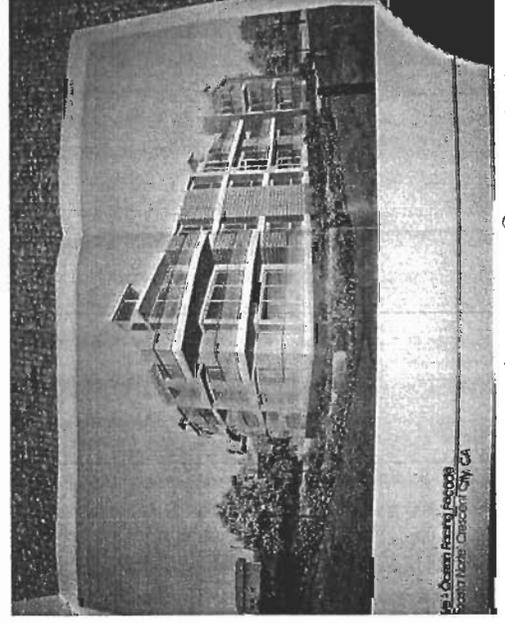
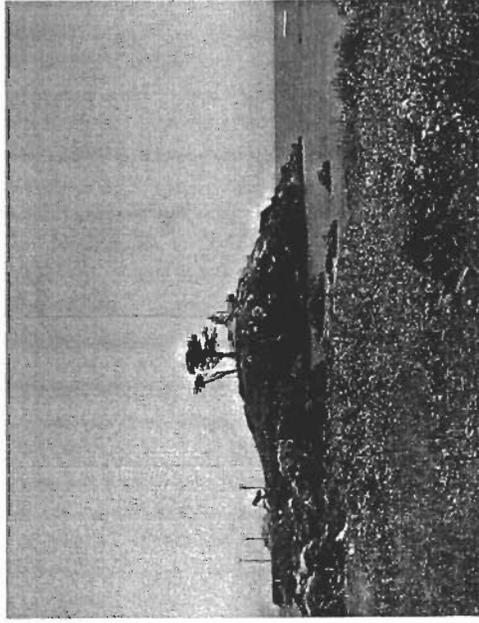
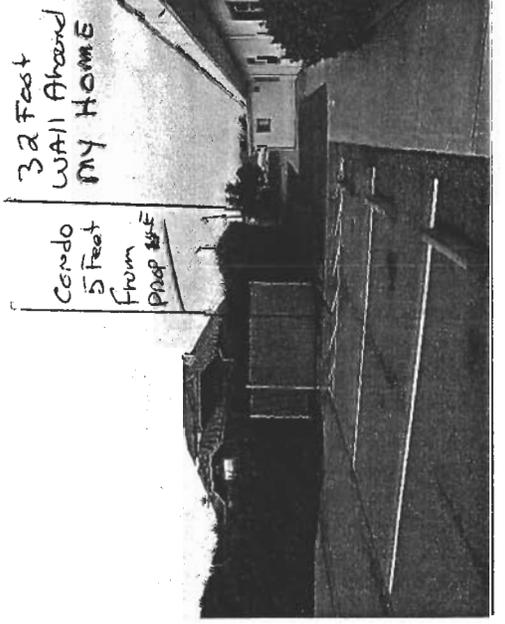
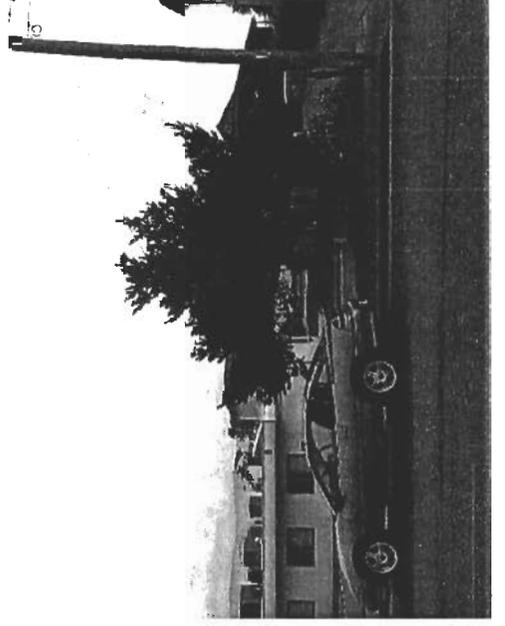
Scotts
HOPE



HAMILTON INW 22 ROOMS
LOST VIEW.

Randy's
Cenobos

3Rc
Steer
Vice
Teel
Red
Harris



11 Ocean Beach
San Diego, CA

This was Old Pinos Randy had