

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

Th11

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

For the

November Meeting of the California Coastal Commission

MEMORANDUM

Date: November 18, 2010

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 November 18, 2010 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.

REGULAR WAIVERS

1. 3-10-038-W The Cannery Row Company (Monterey, Monterey County)
2. 3-10-057-W Santa Cruz Port District (Santa Cruz, Santa Cruz County)

DE MINIMIS WAIVERS

1. 3-09-031-W Santa Cruz County Sanitation District (Capitola And Aptos, Santa Cruz County)

EXTENSION - IMMATERIAL

1. A-3-SLO-07-024-E1 SLO Land Corporation, Attn: Steve Miller (Cayucos, San Luis Obispo County)
2. A-3-SCO-06-006-E1 Graham & Pamela Willmott (Live Oak, Santa Cruz County)

TOTAL OF 5 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-10-038-W The Cannery Row Company	Structural repairs to existing foundation and framing including replacement in-kind of ten 2" x 8" wooden kickers, one 10" x 12" floor girder, one 10" x 12" stringer, and one pile cap below the Fish Hopper Restaurant.	700 Cannery Row (Fish Hopper Restaurant), Monterey (Monterey County)
3-10-057-W Santa Cruz Port District	Allow entrance channel and inner harbor dredging and disposal activities to take place through March 15, 2011 pursuant to the conditions of CDP 3-05-065, as amended by CDP 3-05-065-A2. The March 15, 2011 deadline may be extended for good cause by the Commission's Executive Director.	135 5th Ave (Santa Cruz Harbor and adjacent beaches (Harbor Beach; Twin Lakes State Beach)), Santa Cruz (Santa Cruz County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-09-031-W Santa Cruz County Sanitation District	Demolish and remove an existing damaged sanitary sewer pipeline, pipeline manholes, manhole rip-rap, and sewer pump station / restroom facility along the beach at New Brighton State Beach / Potbelly Beach at the downcoast edge of the City of Capitola as part of an ongoing larger project rerouting sewage transmission to inland locations.	New Brighton State Beach, Capitola And Aptos (Santa Cruz County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-3-SLO-07-024-E1 SLO Land Corporation, Attn: Steve Miller	CDP A-3-SLO-07-024 was approved by the Coastal Commission on June 13, 2008, and provided for the construction of three two-story single family dwellings on three undeveloped lots between "E" Street and Little Cayucos Creek, San Luis Obispo County. The expiration date of CDP A-3-SLO-07-024 would be extended by one year to June 13, 2011.	E Street & Little Cayucos Creek (undeveloped roughly 31,300 square foot site consisting of three lots between), Cayucos (San Luis Obispo County)
A-3-SCO-06-006-E1 Graham & Pamela Willmott	CDP A-3-SCO-06-006 was approved by the Coastal Commission on October 15, 2008, and provided for the demolition of an existing one-story single-family residence and construction of a new two-story residence atop the bluff at Black's Point. The expiration date of CDP A-3-SCO-06-006 would be extended by one year to October 15, 2011.	Black's Point @ 100 Geoffroy Drive, Live Oak (Santa Cruz County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 9, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCarl*
Mike Watson, Coastal Planner *MW*
Subject: Coastal Development Permit (CDP) Waiver 3-10-038-W
Applicant: Cannery Row Company; Attention: Frank Donangelo

Proposed Development

Structural repairs to existing foundation and framing including replacement in-kind of ten 2"x 8" wooden kickers, one 10"x 12" floor girder, one 10"x 12" beam and one 2"x 12" stringer, and one pile cap below the Fish Hopper Restaurant, 700 Cannery Row, Monterey.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed foundation and framing repair is needed to ensure the stability of the existing building infrastructure below the Fish Hopper restaurant where it extends out over the Monterey Bay along Cannery Row in Monterey. The project is fairly minor in scope and includes appropriate construction and material containment BMPs to prevent foreign materials from entering bay waters and to protect public access during construction. As proposed with the submitted mitigation measures, the project will not have any significant adverse impacts on coastal resources, including the Monterey Bay.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, November 18, 2010, in Santa Monica. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: November 4, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Susan Craig, Coastal Planner *S. Craig*
Subject: Coastal Development Permit (CDP) Waiver 3-10-057-W
Applicant: Santa Cruz Port District

Proposed Development

Allow entrance channel and inner harbor dredging and disposal activities to take place through March 15, 2011 pursuant to the conditions of CDP 3-05-065, as amended by CDP 3-05-065-A2. The March 15, 2011 deadline may be extended for good cause by the Commission's Executive Director.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The Santa Cruz Port District's five-year dredging and disposal permit expired on October 18, 2010. The waiver will allow the Port District to continue its dredging and disposal operations until March 15, 2011, consistent with the conditions of the previous five-year dredging and disposal permit (CDP 3-05-065, as amended by CDP 3-05-065-A2). During this period the Port District will undertake an analysis of alternatives to its existing dredging and disposal operations. The results of this alternatives analysis will be used to amend the Port District's current five-year dredging and disposal CDP application to ensure that these activities are accomplished in a manner that is most protective of marine resources and public access. During this interim period, the Port District will operate under the conditions of its previous five-year permit, consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, November 18, 2010, in Santa Monica. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Susan Craig in the Central Coast District office.



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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 8, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Daniel Robinson, Coastal Planner DR
Subject: Coastal Development Permit (CDP) Waiver 3-09-031-W
Applicant: Santa Cruz County Sanitation District

Proposed Development

Demolish and remove an existing damaged sanitary sewer pipeline, pipeline manholes, manhole rip-rap, and sewer pump station/restroom facility along the beach at New Brighton State Beach/Potbelly Beach at the downcoast edge of the City of Capitola as part of an ongoing larger project rerouting sewage transmission to inland locations.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The Aptos Transmission Line, constructed in 1979, delivers sewer flows from various gravity subsystems in the Aptos area upcoast and to the East Cliff Pump Station. Portions of this line are located on the beach under beach sand near New Brighton State Beach. In the past, segments of this line have experienced structural failure, including due to impacts by winter storms, and are in serious danger currently of failing further. To solve this ongoing problem, the Sanitation District is in the process of constructing a new sewer collection and delivery system for this area that is located in inland and under-road locations. Once this inland construction is complete in the near future the beach pipeline and its related pump station will be removed to ensure that such abandoned infrastructure does not lead to beach resource problems in the future.

The project incorporates all of the construction BMPs that the Commission typically requires for work in or near the beach environment and includes additional cleansing and containment specific BMPs to guard against the potential for sewage and fuel releases, all subject to Executive Director oversight. The project has been designed to limit impacts on beach use, including through providing beach access at all times, and including providing portable toilets during construction (any future permanent restroom facilities would be facilitated by the installation of a new pump station and pipeline by the Sanitation District and subject to further coastal permitting). In summary, the proposed project is an environmental enhancement designed to remove obsolete and damaging sewage infrastructure from the beach area, has been designed to avoid and minimize coastal resource impacts, and is consistent with Chapter 3 of the Coastal Act.



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-09-031-W (Santa Cruz County Sanitation District Pipeline Removal)

Page 2

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on November 18, 2010, in Santa Monica. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.



California Coastal Commission

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: November 3, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Jonathan Bishop, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-024**
Applicants: SLO Land Corporation

Original CDP Approval

CDP A-3-SLO-07-024 was approved by the Coastal Commission on June 13, 2008, and provided for the construction of three two-story single family dwellings on three undeveloped lots between "E" Street and Little Cayucos Creek, Cayucos, San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-024 would be extended by one year to June 13, 2011. The Commission's reference number for this proposed extension is A-3-SLO-07-024-E1.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, November 18, 2010, in Santa Monica. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: November 3, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Susan Craig, Coastal Planner *SC*
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SCO-06-006
Applicants: Graham and Pamela Willmott

Original CDP Approval

CDP A-3-SCO-06-006 was approved by the Coastal Commission on October 15, 2008, and provided for the demolition of an existing one-story single-family residence and construction of a new two-story residence atop the bluff at Black's Point, at 100 Geoffroy Drive in the unincorporated Live Oak beach area of Santa Cruz County.

Proposed CDP Extension

The expiration date of CDP A-3-SCO-06-006 would be extended by one year to October 15, 2011. The Commission's reference number for this proposed extension is **A-3-SCO-06-006-E1**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified Santa Cruz County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, November 18, 2010 in Santa Monica. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact Susan Craig in the Central Coast District office.



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October 11, 2010

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Thursday, November 18, 2010

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th11, 3-10-057-W	Santa Cruz Port District	Correspondence	1
Th14a, A-3-SLO-10-028	Warren Willis Trust	Correspondence	3
Th14b, A-3-SCO-10-052	Bartfield	Correspondence	11
Th15a, 3-10-029	Johnston	Correspondence	13
Th16a, A-3-SLO-07-035	Stolo Winery	Addendum	15
Th17a, 3-09-068	Arana Gulch	Correspondence	17

Susan Craig

From: Martha Glenn [marthaglenn1@gmail.com]
Sent: Monday, November 15, 2010 9:36 AM
To: Susan Craig
Subject: COASTAL DEVELOPMENT PERMIT (CDP)WAIVER 3-10-057-W

Th11

Dear Ms Craig,

I received the notice of permit waiver last week and wish to register an objection. As a long time resident living directly across the street from the dredge operation, I am amazed every year the the coastal commission and other permitting agencies allow this to continue. People do not have access to the beach, the odors of the pollutants and toxins do not lend themselves to a nice day at the beach. The port district obstructs access to the beach with a constant flow of effuse dumped all over the beach. A tractor runs up and down the beach most days moving the sewer pipe.

The port district continually exhibits bad faith in their stated desire to make this situation better. The port district operates in an unsafe manner with regard to their employees as well as the public. They are well aware of the fact that they don't have their permit and they were dredging last week.

I think the time has come for the coastal commission and the other permitting and regulatory agencies actually spend some time around the harbor and experience the reality of dredging.

Sincerely,

Martha Glenn

RECEIVED

NOV 15 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Roxanna Farshchi

From: Starrie2004@aol.com
Sent: Monday, November 15, 2010 1:59 PM
To: Roxanna Farshchi
Subject: 11/18 agenda Santa Cruz Harbor Dredging

Th 11

To: California Coastal Commission
Susan Craig

Re: Santa Cruz Permit Renewal

Dear Ms. Craig,

I just spoke with a staff person in your office regarding the Santa Cruz Harbor waiver of permit. She read me what was proposed for the Commission on November 18th. I have the following comments:

1. I have walked and enjoyed the Twin Lakes Beach for nearly twenty years. Each year when the harbor does its dredging it makes it very difficult to walk with friends with the pipes and smelly mess that they make. It seems by the notice that the Coastal Commission has concerns about this obstruction to Coastal access as many of us do. It is surprising that it is still continuing in the same manner of 20 years ago.
2. The people moving the pipe around say that they are replenishing the beach. What a horrible way to do that on our beautiful beach! I notice that four or five years ago the pipes were much further out in the ocean and didn't have the mess on the beach. The sand seemed to be coming back just fine in that scenario.
3. Couldn't they make a permanent pipe out where they have an anchor and yellow buoy? Then they could get that noisy tractor off the beach. Hopefully, the Coastal Commission has had enough of this old fashioned method of dredging that totally impacts the public's right to enjoy our beach.

One last thought, it is impossible to understand how this dredging is allowed to take place on the shores of the Monterey Bay Marine Sanctuary. This tractor is constantly moving sand around and changing the natural contour of our beach and the flow of the natural tides. Isn't it time to leave our beach alone?

Sincerely,
Adrienne S. Black

RECEIVED

NOV 15 2010

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COASTAL COMMISSION
CENTRAL COAST AREA

2

11/15/2010

Jonathan Bishop

From: Clyde Warren [ctwarren@hotmail.com]
Sent: Thursday, November 11, 2010 3:20 PM
To: Jonathan Bishop
Cc: Clyde Warren
Subject: FW: AG BUFFER SETBACKS
Attachments: BLDG AREAS.pdf; 05-11-9 County Approval of Lot Line Adj..pdf

Hi Johnathan,

I will be sending you copies of support letters along with these documents. Did you ever get these previous ag buffer requirements that was approved for the existing building envelope? I talk to Dan of Triad/Holmes about what you said concerning the previous map not showing a building envelope and he said they usually do not include buffer boundary lines on maps especially since the 1.1 acre map was so small.

Please let me know what is the latest time I have to get information to the Commissioners and to you.

Thanks
Clyde

From: ctwarren@hotmail.com
To: cynthiahawley@att.net
CC: ctwarren@hotmail.com; nccat@pacbell.net; rwarren@co.slo.ca.us; blucas@lhmp.com; wr11cpa@aol.com
Subject: FW: AG BUFFER SETBACKS
Date: Thu, 11 Nov 2010 15:10:23 -0800

Cindy,

Attached is a map showing the existing building envelope along with the new location in the new lot line adjustment. I also attached the Subdivision Reveiw Boards approval of the previous building envelope.

Clyde

From: dhelt@thainc.com
To: ctwarren@hotmail.com
Subject: RE: AG BUFFER SETBACKS
Date: Thu, 11 Nov 2010 14:15:52 -0800

Hi Clyde,

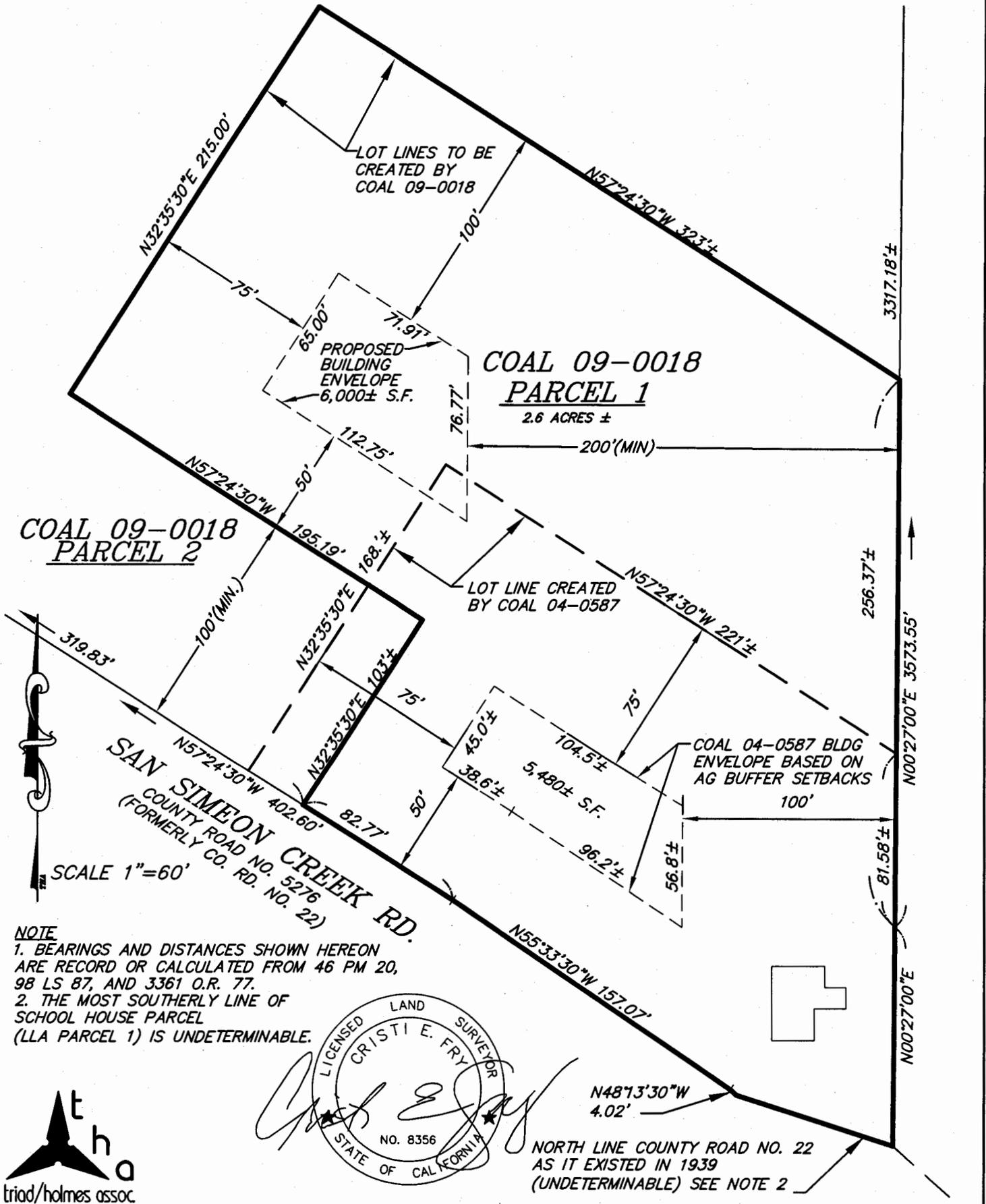
Here is a single exhibit that should cover the things we talked about on the phone earlier. Let me know if there are any changes of additional information that you need.

Thanks,

Daniel Helt, RCE
Project Engineer
Triad/Holmes Associates
Ph: 805-544-8908
Fax: 805-544-8932
dhelt@thainc.com

11/15/2010

BUILDING ENVELOPE EXHIBIT





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 9, 2005

Triad / Holmes Assoc.
555 Chorro Street, Ste. A
San Luis Obispo, CA 93405

Clyde Warren
P.O. Box 528
Murphy, OR 97533

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: November 7, 2005

SUBJECT: **WARREN - County File Number: SUB2004-00218 / COAL 04-0587**
Document No. 2005-068

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Subdivision Review Board on November 7, 2005, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, which are attached for your records. The conditions of approval must be carried out as set forth therein. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Coastal Zone Land Use Ordinance.

An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of an approved or conditionally approved lot line adjustment shall terminate all proceedings and no certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the Subdivision Review Board for a period or periods not exceeding a total of one year. (Sec 21.02.030 (f))

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$604.00. This action may also be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If you have questions regarding your project, please contact your planner at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5611.

Sincerely,



Eleanor Porter, Secretary
Subdivision Review Board

Enclosures

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: November 21, 2005

Staff Report to Coastal Commission Only
 Findings and Conditions

FINDINGS - EXHIBIT A

Environmental Determination

- A. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because it has been determined that there will not be a significant effect to the environment as a result of this project.

Lot Line Adjustment

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to conform to the minimum site area required for a residential single family residence where a well and septic system are to be located on a single lot. The proposed lot line adjustment will not increase development potential.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

Coastal Access

- E. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. **Prior to recordation of the map or certificates of compliance which effectuate the adjustment**, the applicant shall remove or bond for the removal all unpermitted uses, including but not limited to portable bathroom storage and pottery production.

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. An agricultural buffer prohibiting new residential structures, consisting of 100 feet along the entire length of the eastern property line, 75 foot buffers on the western and northern property lines, and a 50 foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

12. **At the time of application for construction permits for each parcel**, the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be completely located outside the current boundaries of the .1 acre parcel (as shown on the attached Exhibit C: Development Prohibition Area) unless the school is relocated.

Staff report prepared by Martha Nader and reviewed by Kami Griffin

Th 14b

November 9, 2010

650 Hidden Beach Way

Aptos, Ca. 95003

California Coastal Commission

725 Front Street, Ste. 300

Santa Cruz, Ca. 95060

RE: Appeal No. A-3 SCO-10-052, Bartfield

I am writing in support of the Rio Sands Motel changes as supported by Coastal Commission staff. The Rio Sands owner, Louis Bartfield, has been a strong supporter of community activities and projects, and has offered the use of the motel facilities for community meetings and events for many years. As a Board Member of the Rio Del Mar Improvement Association, I encourage your support of his application to remodel and improve the facilities at the Rio Del Mar Esplanade area.

The area has been compromised by continuing projects by Public Works for some time. The improvement of the Rio Sands Motel facilities will enhance the area greatly and bring new life and energy to the Esplanade area. This is an area which is greatly used by the neighboring community, as well as visitors to the area.

I am attaching a copy of a letter sent to the Zoning Administrator of Santa Cruz County, written by Bill Comfort, President of the Rio Del Mar Improvement Association. Mr. Comfort is currently traveling and I am writing on behalf of the Board in his absence.

Thank you for your support of the Rio Sands Motel project.

Sincerely,



Fay Levinson

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NOV 10 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th14b

Rio del Mar Improvement Association, Inc.

P.O. Box 274, Rio del Mar, California 95003-0274

Zoning Administrator c/o
Larry Kasparowitz, Project Planner
Santa Cruz County Planning Department
EMAIL:

September 15, 2010

SUBJECT: Rio Sands Motel changes: Continued item 10-109 of the September 17 Agenda

Dear Zoning Administrator,

On behalf of Rio del Mar Improvement Association (), I am writing to strongly support the proposed changes to the Rio Sands Motel. The appearance of the building will be significantly enhanced! This will augment the desirability of the surrounding Esplanade area, benefit the Esplanade businesses, and improve local property values.

While the Public Works sewer project was necessary and worthwhile, it has caused significant degradation of the Esplanade parking lot and the appearance and accessibility of the area. The Rio Sands improvements will appreciably assist in the recovery of the Esplanade.

Mr. Bartfield has been a staunch and generous supporter of the community and community activities. For example, he has provided (free of charge) the use of the Rio Sands conference room for public events such as: "meet the candidates night" and the August 11 Public Works meeting informing the community about the sewer project.

We strongly encourage this project be approved without further delay.

Sincerely,


Bill Comfort
President, Rio del Mar Improvement Association

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 9, 2010

Item # Th 15a

Application # 3-10-029

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

Don & Bev Redgwick
IN FAVOR

Applicants: Andrew and Lesley Johnston

Project location: 1400 Pico Avenue (Asilomar Dunes) Pacific
Grove (Monterey County) (APN(s) 007-071-02)

Our property is contiguous (north side) to the applicants.
We supported approval of our neighbors modest plan
application to Pacific Grove and are requesting approval by
the Coastal Commission.

The project will be an enhancement of their property, a
benefit to the environment and an economic value to Pacific
Grove, Monterey County and to the State of California. No
project is too small to ignore its economic benefits in these
tough times.

Thank you for your consideration,



Donald A. Redgwick
1398 Pico Avenue
Pacific Grove, CA
93950

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NOV 15 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION

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



Prepared November 15, 2010 (for November 18, 2010 hearing)

To: Commissioners and Interested Persons
From: Dan Carl, District Manager *DCARL*
Jonathan Bishop, Coastal Planner *JB*
Subject: **STAFF REPORT ADDENDUM for Th16a**
Revised Findings for CDP Application A-3-SLO-07-035 (Stolo Winery)

The purpose of this addendum is to correct a typographical error in the staff report for the above-referenced item. Specifically, the list of Commissioners from the prevailing side who are eligible to vote on the above-referenced revised findings was inadvertently omitted from the staff report (on staff report page 2). Thus, the staff report is modified in two locations on page 2 (in the first paragraph and in the staff recommendation section) as shown below (text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted):

...Commissioners who are eligible to vote on the revised findings are those from the prevailing side who were present at the April 14, 2010 hearing. In this case, Commissioners ~~xxx, xxx, xxx, and xxx~~ Achadjian, Blank, Bloom, Secord, Kruer, Mirkarimi, Sanchez, Stone, and Shallenberger are eligible to vote on these revised findings. ...



California Coastal Commission

A-3-SLO-07-035 (Stolo Winery) stfrpt addendum 11.18.2010 hrg.doc

Nov. 10, 2010 ✓

Th17a

Directed to Susan Craig
Calif. Coastal Commission's Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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NOV 15 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Reapplication waiver for the
Master Plan (former application 3-09-068)

Dear Ms. Craig:

Please distribute this comment material to the Coastal Commission before the 11/18/10 hearing. Thank you.

Comment to Calif. Coastal Commission:

The overwhelming number of reasons why this public project should move along as quickly as possible, after numerous disappointing delays, have been addressed over and over again by many concerned community members including myself.

The few remaining objectors on the Coastal Commission might keep in mind that the Arana Gulch Master Plan is a carefully drafted educational plan that promises to restore what's been lost due to many years of human and canine activity and preserve its beauty for all to enjoy. For the present look

~~Loss~~ of delicate flora and soil erosion problems will be corrected and stabilized with the addition of soil preserving paths (on paths currently in use). Also, it seems that informational visuals would help keep park users from straying off-path into delicate flora areas.

The A.G. Master Plan is such a wonderful project that guarantees the mitigation and repair of the present problems while making the park more accessible to the entire community to whom it legally belongs.

It just seems like such a win-win for all; so let's not miss this important opportunity to get it rolling forward.

Thank you!

Sincerely, Wandis Wilson
1860 Via Pacifica
Apt. 1201
Aptos, CA, 95003
(former Santa Cruz resident
for many years)

P.S. Sorry for this handwritten job; for my printer is broken.

Nov. 8, 2010

Th17a

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT ST. SUITE 300
SANTA CRUZ, CA 95060

RE: REAPPLICATION WAIVER FOR THE ARANA GULCH MASTER PLAN.

DEAR COMMISSIONERS,

PLEASE TAKE THE STEPS NECESSARY TO APPROVE THE SANTA CRUZ CITY MASTER PLAN FOR ARANA GULCH. THIS IS A COMPLETELY REASONABLE AND POSITIVE PLAN WITH THE GREATEST BENEFIT FOR THE ENVIRONMENT AND FOR THE HUMAN POPULATION. PLEASE DO NOT BE MANIPULATED BY THE NAY-SAYERS AND THOSE WHO WANT TO DISPARAGE THIS PLAN MOSTLY BECAUSE OF THEIR OWN SELFISHNESS, THE CITY AND MANY OTHERS HAVE PUT A TREMENDOUS AMOUNT OF WORK AND RESOURCES INTO CRAFTING THIS PLAN. IT IS A SINCERE AND CONSTRUCTIVE EFFORT WHICH NEEDS TO BE AFFIRMED. IT IS FAR EASIER TO TEAR DOWN AND STAND IN OPPOSITION TO SOMETHING THAN TO PUT THE GOOD-FAITH EFFORT INTO THE IMPLEMENTATION OF A BENEFICIAL PLAN. THANK YOU.

SINCERELY,

John R. Behrens

JOHN BEHRENS
P.O. BOX 8106
SANTA CRUZ, CA 95061

PHONE: 831-428-5247

EMAIL: johnbehrens95060@yahoo.com

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NOV 15 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th17a

To: Dan Carl and Susan Craig
From: Sharon Saldavia, Santa Cruz, CA
Re: Reapplication Waiver for Arana Gulch Master Plan
Date: November 15, 2010

Dear Dan and Susan,

I would like to express my opposition to the City of Santa Cruz's request to waive the six-month filing period to reapply to the Coastal Commission for approval of the Arana Gulch Master Plan.

The City has already appeared before the Coastal Commission twice in the last seven or eight months. The City has not presented any emergency circumstances that require an immediate re-vote. It appears that the City is simply trying to ram this ill-conceived project down the throats of the citizens of Santa Cruz. The city of Santa Cruz should not be given special treatment simply because it is a municipality.

Management of the tarplant is ongoing and will not be jeopardized by the Commission following its usual procedures. The City has simply not articulated a reasonable justification for granting the waiver and pushing for an immediate re-vote on this controversial project.

Thank you for attention to this matter. -- Sharon Saldavia

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NOV 15 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TH17a

November 10, 2010

Dan Carl, District Director
California Coastal Commission
725 Front Street,
Suite 300
Santa Cruz, CA 95060

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NOV 12 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**Dear Staff and Commissioners:**

RE: Reapplication Waiver for the Arana Gulch Master Plan (former application 3-09-068)
Item #: TH17a on 18 NOV 2010

During the California Coastal Commission (CCC) hearing on 14 OCT 2010 the Commissioners voted to reject the City of Santa Cruz's revised Arana Gulch Master Plan. The California Native Plant Society (CNPS) had urged this no vote because the project ignores the best practices of a science-based reserve design resulting in "significant and unavoidable impacts" (DEIR, FEB 2006) to the federally and state listed Santa Cruz Tarplant (*Holocarpha macradenia*). One month later the City is now asking for a waiver of the 6-month waiting period for a coastal development reapplication permit. CNPS urges you to DENY the City's request for a waiver. The City's waiver request is based on their suggestion that something needs to be done immediately to insure the survival of the Arana Gulch tarplant population and its seed bank.

There is no scientific support for the notion that a 6 month delay (into Spring, 2011) would alter the survival probabilities of the tarplant at the Arana Gulch site. Rather, the population needs to be managed with a long-term plan, which would involve well-designed management strategies for at least the next ten years. The Santa Cruz tarplant has a long-lived seed bank. Past research (Satterthwaite et al. 2007)¹ suggests that poorly designed management treatment designed to stimulate germination from the seed bank can actually put the population in jeopardy by exhausting the seed bank reserves. This project needs to be carefully designed to support a healthy population with minimal edge and fragmentation impacts. The City's waiver request would result in a hastily constructed plan with minimal expert input.

Furthermore, current City management of the Arana Gulch tarplant is ongoing and is not jeopardized by a six month wait for reapplication. Fall 2010 treatments have been completed and Spring 2011 treatments are already planned by the City's Santa Cruz Tarplant Management Program botanist.

Thank you for your time and consideration.
Sincerely,



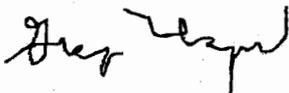
Brett Hall, President of the CNPS Board of Directors
UCSC Arboretum Director



Adelia Barber, PhD, Candidate, UC Santa Cruz
Department of Ecology and Evolutionary Biology



Karen Holl, PhD
Professor of Environmental Studies
University of California, Santa Cruz



Grey Hayes, PhD
Conservation Biologist
Davenport, California

¹ Satterthwaite, W. H., K. D. Holl, G. F. Hayes, and A. L. Barber. 2007. Seed banks in plant conservation: Case study of Santa Cruz tarplant restoration. *Biological Conservation* 135:57-66.



Th17a



SIERRA CLUB
FOUNDED 1892

SANTA CRUZ COUNTY GROUP
-----Of The Ventana Chapter-----
P.O. Box 604, Santa Cruz, CA 95061 phone (831) 426-4453
www.ventana.org e-mail: scscrg@cruzio.com

November 11, 2010

California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

RE: Agenda Item - Th17a - Waiver for City of Santa Cruz, Application No. 3-09-068

Dear Commissioners and Staff:

This agenda item is a request from the city for a waiver which, if granted, would allow the city to bring back Application No. 3-09-068 for a 3rd time in less than the standard 6-month period. The Commission has heard this application to implement a proposed Arana Gulch Master Plan two times already in 2010 (March and October); it was continued in March and denied in October. Under § 13056.1(a), the development must NOT be "substantially the same" in order to qualify for a waiver.

Our examination of the facts indicates that the City has not presented any "good cause" for such a waiver. The project has remained essentially unchanged and, therefore, does not meet the requirements for a waiver. Granting a waiver just to please the applicant would set a precedent destructive to the Coastal Act, to the staff and the Commissioners. Every applicant henceforth could demand a waiver, unnecessarily multiplying the Commission's work load.

The Commission denied approval of the proposed Master Plan in October because it contains a transportation project (multi-use bicycle/pedestrian paved pathway) through ESHA and is not resource-dependent as required by Coastal Act section 30240. The city made no substantive changes in the 7 months between the first continuance and the second submittal, where the project was denied. Commissioners raised many good questions and made several suggestions at the October meeting that the City could use to develop a proposal that is consistent with the Coastal Act. Rushing to get back on the Coastal Commission agenda in less than six months would waste this opportunity to improve the City's project and develop an adequate, science-based management plan for the genetically distinct population of Santa Cruz tarplant growing only on the Arana Gulch site.

We find there is no procedural or administrative condition that rises to the level of "good cause" to justify the granting of a waiver to the City and urge you to deny the waiver.

Thank you for your consideration of our request.

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NOV 12 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sincerely,

Aldo Giacchino, Chair
Sierra Club-Santa Cruz County Group

"...to explore, enjoy and protect the wild places of the earth."

Printed on Recycled Paper

Th17a

Lee Taiz
328 Oxford Way
Santa Cruz, Ca 95060
leetaiz@cruzio.com
November 6, 2010

Dan Carl, District Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Reapplication waiver for the Arana Gulch Master Plan (former application 3-09-068)

Dear Commissioner and Staff,

The City of Santa Cruz has twice failed to make a convincing case for its Arana Gulch Master Plan, and for good reason. It is simply a warmed-over transportation project that flies in the face of our legal obligation to protect an endangered species and its habitat. Moreover, this transportation project is not needed. It is redundant.

The Coastal Commission must never approve any plan that bisects and degrades the habitat of the state and federally listed endangered Santa Cruz tarplant.

There is no reason to further squander our taxpayers money on another reapplication hearing, especially one that would occur before the usual six months between hearings has elapsed.

Sincerely,



Lee Taiz

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NOV 09 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



November 8, 2010

Mr. Dan Carl, District Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: REVISED ARANA GULCH MASTER PLAN
PERMIT NUMBER 3-09-068
AGENDA ITEM NUMBER 17A

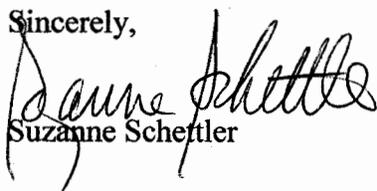
Dear Staff and Commissioners,

I urge your Commission to deny the request by the City of Santa Cruz for a waiver of the normal 6-month waiting period before a proposal that has been denied may be re-heard.

Such a waiver can only be granted for cause. If the City requests a waiver because time is running out for the Santa Cruz Tarplant (*Holocarpha macradenia*), the request is based on poor information. Like many Sunflowers, the Tarplant has two kinds of seeds, the ray seeds that are formed in the showy floral parts around the edge of the flower head and the more numerous disk seeds in the center. It has been known since the 1980s that the ray seeds have a long life in the seed bank although the disk seeds do not. In recent years the City has been mowing the Arana Gulch grassland to partially simulate the beneficial effect of grazing on the Tarplant. This has bought the Tarplant time, and a normal six month waiting period will not cause it any harm.

Please deny the waiver.

Sincerely,


Suzanne Schettler

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NOV 09 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th17a

Dan Carl, District Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Reapplication waiver for the Arana Gulch Master Plan (former application 3-09-068)
November 6, 2010

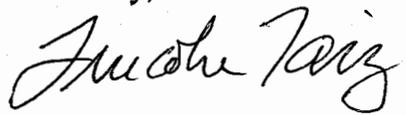
Dear Commissioner and Staff,

The Arana Gulch Master Plan advocated by the city of Santa Cruz disregards the need to protect the state-and-federally listed Santa Cruz tarplant and its coastal prairie habitat. This project is obviously designed as a transportation project and not a tarplant management project.

The Coastal Commission has twice rejected this Plan for the excellent reason that it has a legal obligation not to approve a plan that unnecessarily threatens the existence of a listed endangered species and habitat. This particular transportation project is entirely unnecessary because of the existence of other easily accessible routes.

There is no reason to further squander our limited taxpayer's resources on another reapplication hearing, especially one that would occur before the usual six months between hearings has elapsed.

Sincerely,



Lincoln Taiz
Professor Emeritus
Department of Molecular, Cell and Developmental Biology
Sinsheimer Labs,
University of California, Santa Cruz
Santa Cruz, CA 95064
Taiz@biology.ucsc.edu

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NOV 09 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th17a

RE: Reapplication Waiver

November 5, 2010

City of Santa Cruz Arana Gulch Master Plan, #17 - Thursday, 11-18-2010

Dear Commissioners,

Please deny the City of Santa Cruz's request for a waiver of the 6-month waiting period for their reapplication for the Arana Gulch Master Plan.

Under § 13056.1(a), the development must NOT be "substantially the same" in order to qualify for a waiver of the 6-month waiting period. In the City request, Planning Director Juliana Rebagliati writes that the City "will use the time to *consider* [emphasis added] additional measures to respond to comments and suggestions made by Commissioners during the hearing."

No changes to the project are noted in the waiver request.

§ 13056.1(e) notes that "The commission or the executive director may waive the six-month waiting period . . . **for good cause.**" [emphasis added]

No cause at all is stated in the City's request for waiver letter.

This development project has already come before the Commission two times in 2010. It is a non-resource-dependent transportation project which is an inappropriate use for an Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act. The transportation element, the Broadway-Brommer Bikeway is funded with transportation monies, and its construction would result in "significant disruption of habitat values."

The City has not altered the project plans, but is only "considering" changes. They have not cited a good cause for being allowed to return to the Commission yet a third time with the same project this year.

Please deny the City's request for a waiver.

Sincerely yours,



Debbie Bulger
1603 King Street
Santa Cruz, CA 95060

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

October 8, 2010, 10:15am

Location of communication:
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Commissioner Neely's Eureka Office

Person(s) initiating communication:
Person(s) receiving communication:

Maggy Herbelin, Local ORCA Liaison
Commissioner Bonnie Neely

Name or description of project:

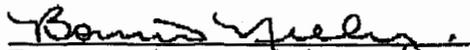
Th8a. Application No. 3-09-068 (City of Santa Cruz, Santa Cruz Co.) Application of City of Santa Cruz to implement Arana Gulch Master Plan for 67.7-ac. City-owned greenbelt property and to construct connecting trail segments outside of greenbelt area. Project includes management and restoration of habitat areas; improvements to existing trail system, including paved multi-use path (some over existing trails, some new); construction of new bridge over Hagemann Gulch; interpretive displays and trail signage; installation of fencing, including to allow limited cattle grazing, at Arana Gulch just inland of the Santa Cruz Harbor in Santa Cruz County. (SC-8C)

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

Our colleagues in ORCA on behalf of the Friends of Arana Gulch are asking the Commission DENIES the Staff Report Recommendation and votes AGAINST approval of the Master Plan; it contains transportation elements and intensification of use through rare ESHA in violation of Sec. 30240. We recommend the Commission encourages the City to return with a Master Plan that does not violate the Coastal Act, harm endangered species and contains effective environmental management of this greenbelt property.

Date: October 8, 2010


Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

17a.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

November 12, 2010, 10:45am

Location of communication:
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Commissioner Neely's Eureka Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

Th 17a. City of Santa Cruz Arana Gulch Master Plan.
Consideration of a waiver of the six month waiting period for permit reapplication for the Arana Gulch Master Plan in the City of Santa Cruz, pursuant to Commission Code of Regulations Section 13056.1 (SC-SC)

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Our colleagues in ORCA on behalf of the Sierra Club oppose the waiver. There is no basis for a waiver.


Bonnie Neely, Commissioner

Date: November 12, 2010

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item Th.17.a.

City of Santa Cruz Arana Gulch Master Plan.

Time/Date of communication: Friday, November 12, 2010

Location of communication: 7727 Herschel Avenue, La Jolla, CA

Person(s) initiating communication: David Grubb, for the Sierra Club

Person(s) receiving communication: Patrick Kruer

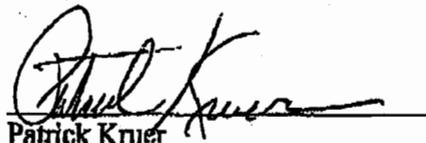
Type of communication: Meeting

We support the staff recommendation to find substantial issue

Reasons to deny a waiver to the City of Santa Cruz:

1. The City, in its letter to Commission staff dated Nov. 2, 2010, did not cite any conditions or hardships which could be interpreted as "good cause" for the granting of this waiver. (per section 13056.1(c) CCR)
2. This project has been before the Commission twice in 2010. (Continued in March; Denied in October) No "substantial changes" were made to the project in the seven (7) months between the first and second hearings. As a result, the project has been denied. The waiver request, if granted, would not allow time for substantial changes, resulting in the same project returning to the Commission for a third time.
3. Commissioners raised many good questions and made several suggestions at the October meeting that the City could use to develop a proposal that is consistent with the Coastal Act. Rushing to get back on an agenda in less than six (6) months would waste this opportunity to improve the City's project.
4. We find there is no procedural or administrative condition here that rises to the level of "good cause" to justify the granting of a waiver to the City of Santa Cruz.

Date: 11/12/10


Patrick Kruer

Clyde Warren
Willis C. Warren Trust
P.O. Box 528
Murphy, OR 97533
541-862-2034

November 13, 2010

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

RE: Appeal number A-3-SLO-10-028, Warren LLA

Dear Commissioners:

I represent the Willis C. Warren Trust in the above proposed lot line adjustment. I have read and responded to the first staff report of June 24, 2010 when this LLA was considered a substantial issue. I provided several corrections, clarifications and solutions to their report and they are ignored it in this latest report. See my letter in Exhibit 4, pages 1-6.

I will address the agriculture portion the staff's report and our attorney has addressed the visual portion of it in her letter.

In reviewing the staffs report, there seems to be two main issues they have repeated over and over. Making a really long report.

- 1) Agriculture viability. This includes setback protection and an equal to or better than configuration.
- 2) Visual impact of a residential structure.

I addressed these issues before and it didn't seem to matter. I would hope that you as Commissioners would recognize that I have addressed these issues and they are satisfactory to you. So rather than repeating what I submitted before and taking up a lot of your time, I will simplify the agriculture part of staff's concerns.

- 1) First, we are talking about non-prime grazing land on both Parcel 1 and Parcel 2 in terms of the amount of grass a cow (1 animal unit) can eat per year. **Can we agree on this part?**
- 2) The "equal to" test is to show that a cow will have the same amount of feed on either parcel after the lot line is complete. I receive the staff's June 24, 2010 report and discovered that the SLO County Agriculture staff wasn't even close to the equal to test.
- 3) The first thing you need to know when calculating the "equal to" test is how many acres of rangeland will support one cow per year. This rangeland requires 7.9 acres¹ to support 1 cow.

¹ These numbers are from Karl Stribly of the USDA/NRCS office in Templeton, CA. See CCC Exhibit 4, pg. 21

- 4) The second thing we need to know is irrigated pasture. One acre of irrigated pasture will support one cow.²
- 5) Now we know what it takes to satisfy the “equal to” requirement for the land exchange so we can calculate it.
- 6) Since the time of the first Lot Line Adjustment³, I settled a 22-year water rights battle with the Cambria Community Services District. I now have 20 acre-feet of potable water that can only be used for irrigating the first 100’ from San Simeon Creek Road. The rest of Parcel 2 is irrigated with 185 acre-feet of non-potable water. That is enough non-potable water for about 60 acres of avocados and Parcel 2 has around 160 acre available to choose from so it doesn’t need to irrigate near Parcel 1. Parcel 1 only gets 1.5 acre-feet per year from the CCSD no matter what size it is. ***This settlement changes the agriculture buffers.***
- 7) After completing percolation tests for the septic system and realizing that the required secondary leach field area would not fit because of multiple restrictions, I pursued to have it corrected. We need to move the building envelope up hill.
- 8) The first thing we have to comply with is the increased agricultural buffers because of the water now available for irrigation on Parcel 2 and our neighbor Jon Pedotti’s property. The buffer from Mr. Pedotti property increased from 100’ to 200’. See letter from Mr. Pedotti. He prefers this larger buffer from his property.
- 9) In the photos, see Attachment 1, shows all of the buffers required by the SLO County Agricultural Department. This is the minimum we can comply with and it took up 1.5 acres of rangeland pasture from Parcel 2.
- 10) To comply with the “equal to” requirement, the irrigated pasture (See Exhibit 2) that is 100’ wide in Parcel 2 needed to be extended into Parcel 1 83’ to equal the 1.5 acres of rangeland going to Parcel 1⁴. ***This is an equal exchange of agriculture property that the staff has refused to acknowledge throughout their report.***
- 11) On page 5 of the staff’s report, the staff quotes the “**LCP Agriculture Policy 2: Divisions of Land.** *Land divisions in agricultural areas shall not limit existing or potential agricultural capabilities*”. It further says, “*Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that any existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished.*” ***This exchange does that.***

This report includes, **LCP Agriculture Policy 3: Non-Agriculture Uses:** *In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use.*

² This number is from Karl Stribly of the USDA/NRCS office in Templeton, CA. See CCC Exhibit 4, pg 21

³ Noted in page 5, paragraph 3 of the staff report. “As part of the previous lot-line adjustment, agricultural buffers and development restrictions were required to be applied to Lot 1 (Parcel 1) to minimize the potential for incompatibilities between residential development on the parcel and adjoining agricultural lands.

⁴ See Exhibit 4, page 19

I believe this policy does not apply. This building envelope is not a supplement use. We are only asking the Commission to allow us to relocate the existing building envelope while complying with the existing regulations.

The staff cites the LCP Agriculture Policy 4: *Siting of Structures*. *A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agriculture soils and shall incorporate whatever mitigation measures are necessary to reduce impacts on adjacent agriculture uses.*

We have done that with the agricultural buffers.

The staff cites the LCP Agriculture Policy 6: *Lot Consolidation*.

This policy does not apply. The parcels are not under the same ownership.

I also need to comment on the staff's report starting on page 17, #4 Project Impacts on Agricultural Land and continuing with pages 18, 19 and 20. All through this section the staff has unfairly disallowed the evidence I provided with the backing from the NRCS about meeting the "equal to or better than" outcome of the land exchange. They also forget to mention that relocating the existing building envelope to another spot returns that area back to rangeland.

At this point I would like to read our attorneys letter about other issues with this report.

With all of the focus being placed on the visual impacts, we can't help but feel single out on this issue when our neighbor is building his house right on top of the ridge in plain view of not only San Simeon Creek Road and Van Gordon Creek Road but Hwy 1 as well. See Attachment 3.

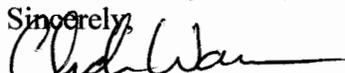
To sum up what I would like the Commission to consider are these points.

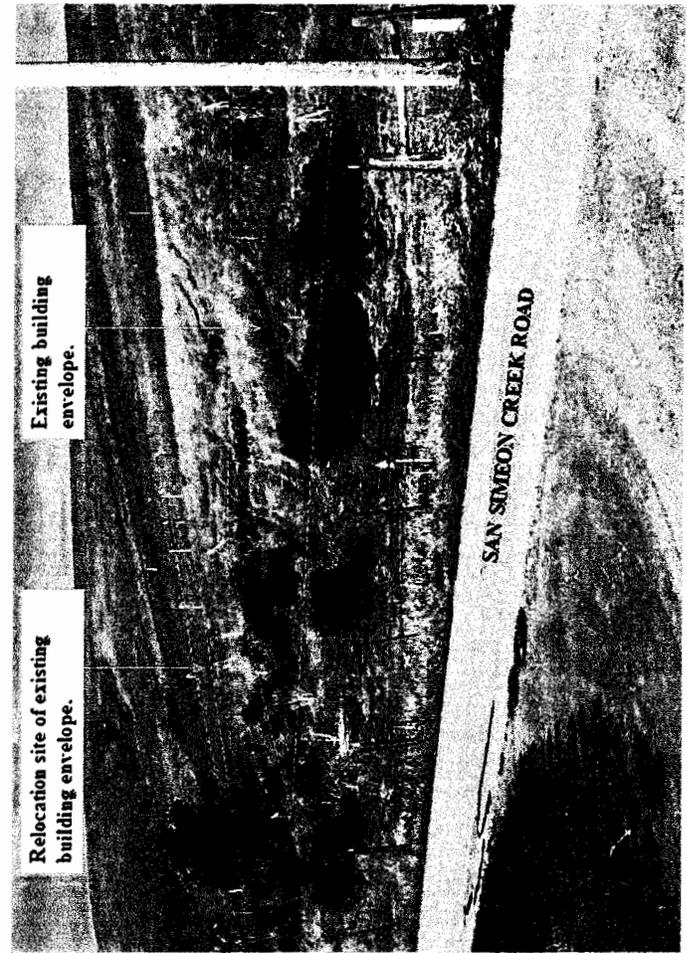
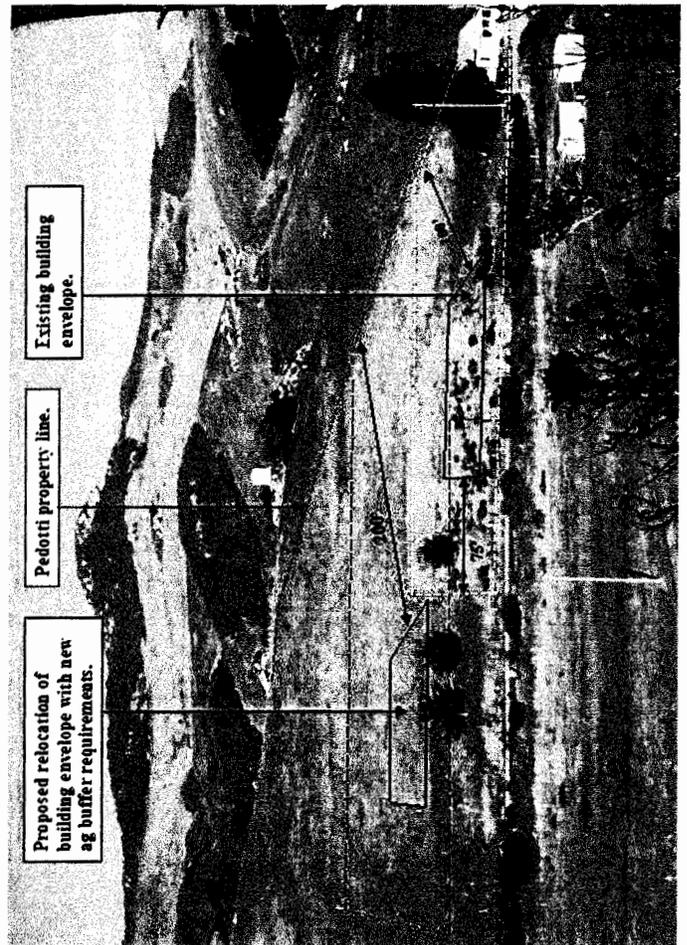
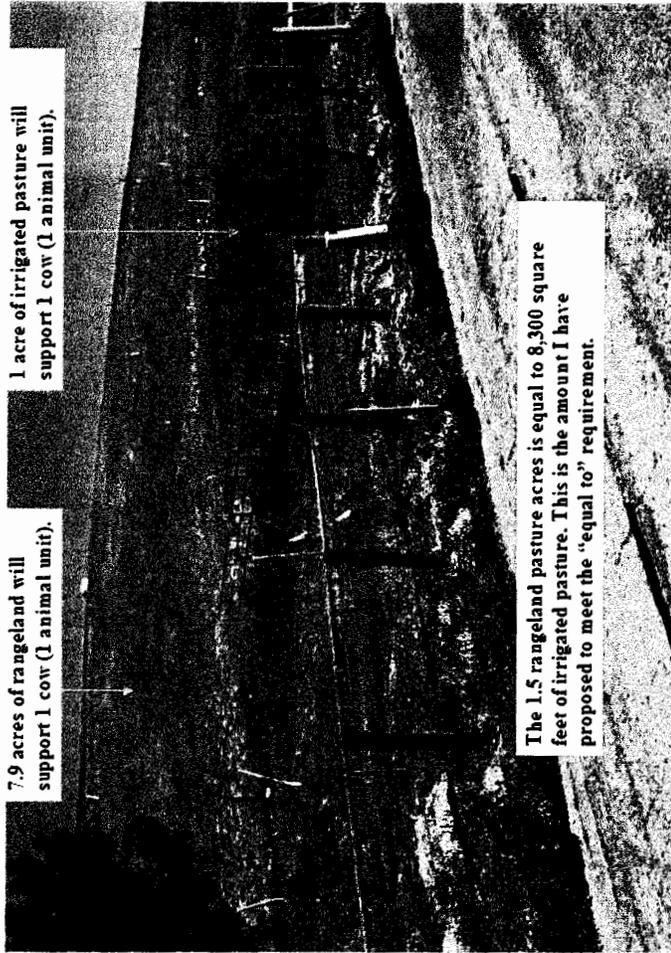
- 1) The exchange of agriculture grazing land is equal between Parcel 1 and Parcel 2 and therefore meets the LCP requirements.
- 2) The existing building envelope only needs to be relocated enough to comply with the septic leach field and agricultural setbacks requirements.

All we are asking for is to have Parcel 1 be in compliance with all of the regulations we now faced with and to keep it as small as possible. There is only one residence allowed on the parcel and the water agreement with the CCSD is only for one residence as is stated at the top of CCC Exhibit 4, page 43.

I appreciate your attention to these matters. Based on the information you now have I respectfully request that you approve our lot line adjustment. I would be glad to answer any questions you may have.

Sincerely,


Clyde Warren



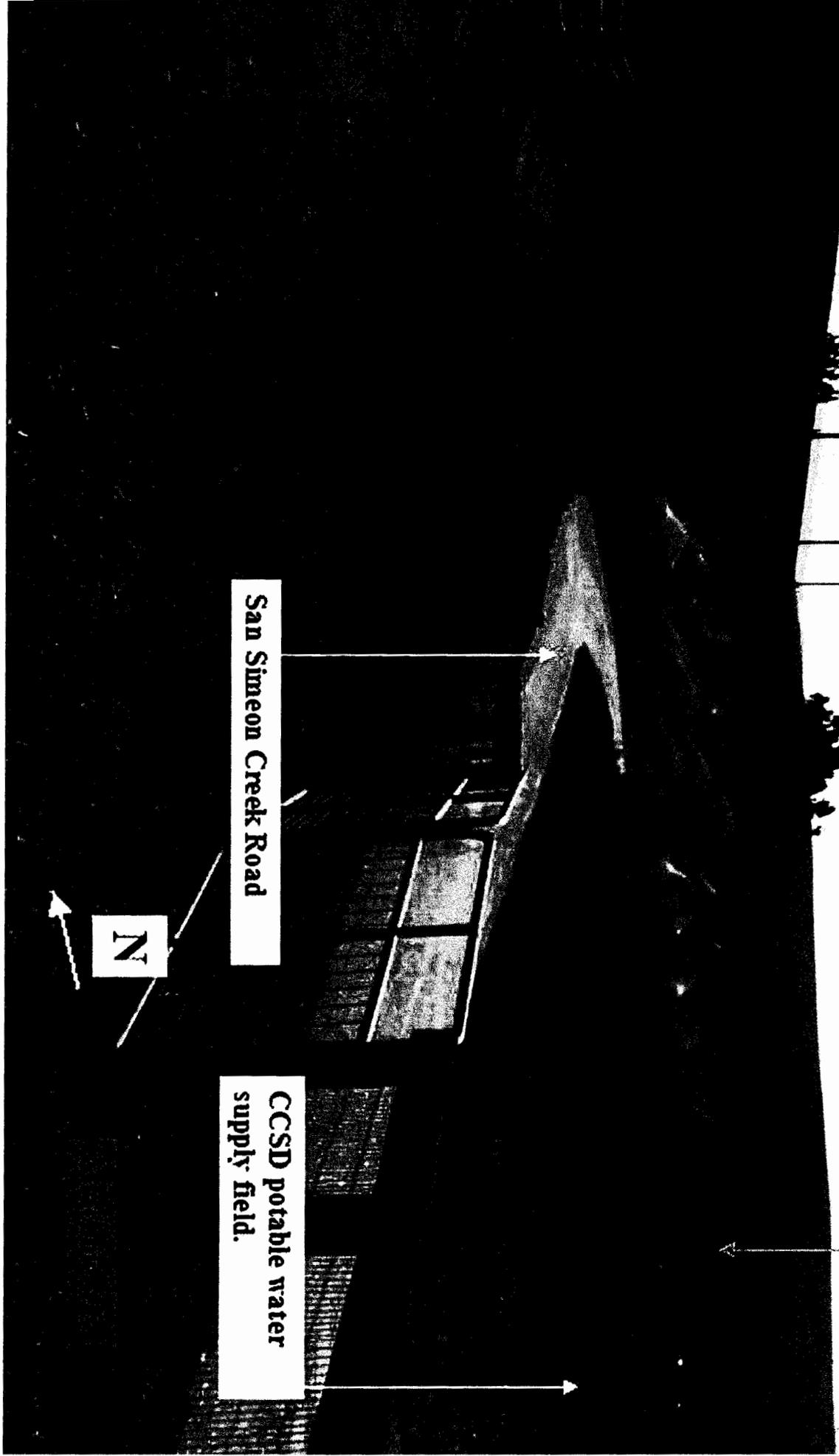
Irrigated pasture within the 100' CCSD buffer requirement.

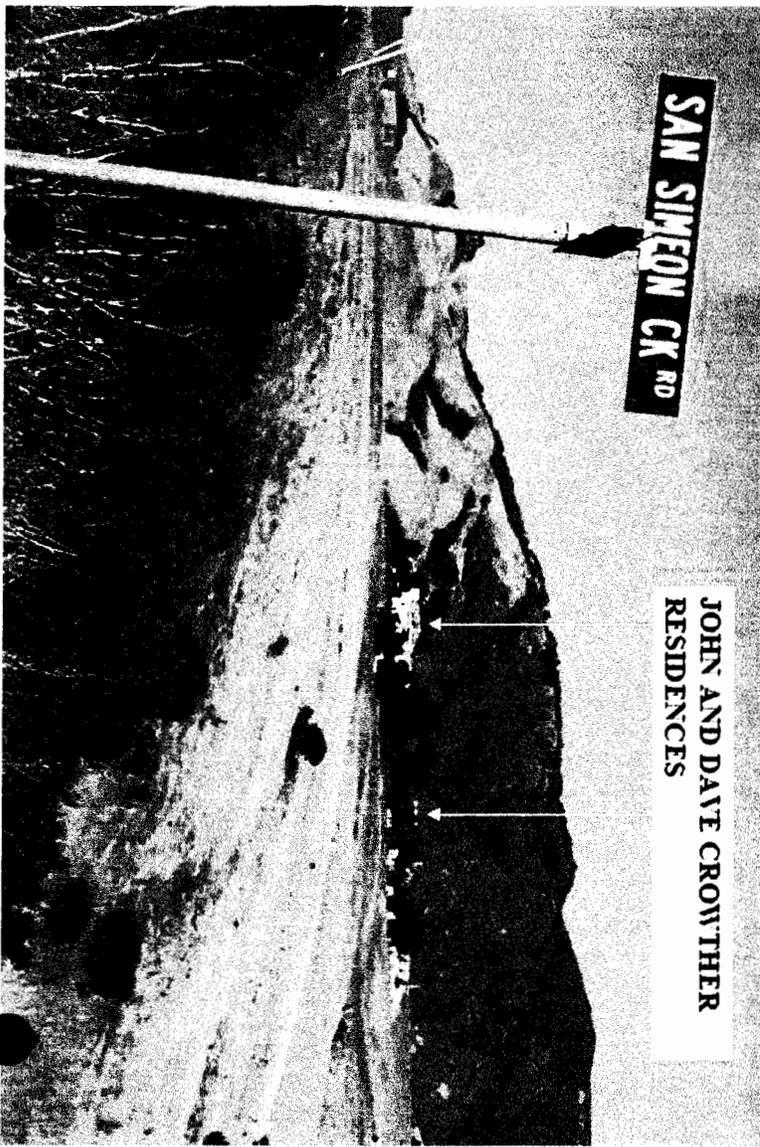
NW corner of existing school house parcel.

School House

San Simeon Creek Road

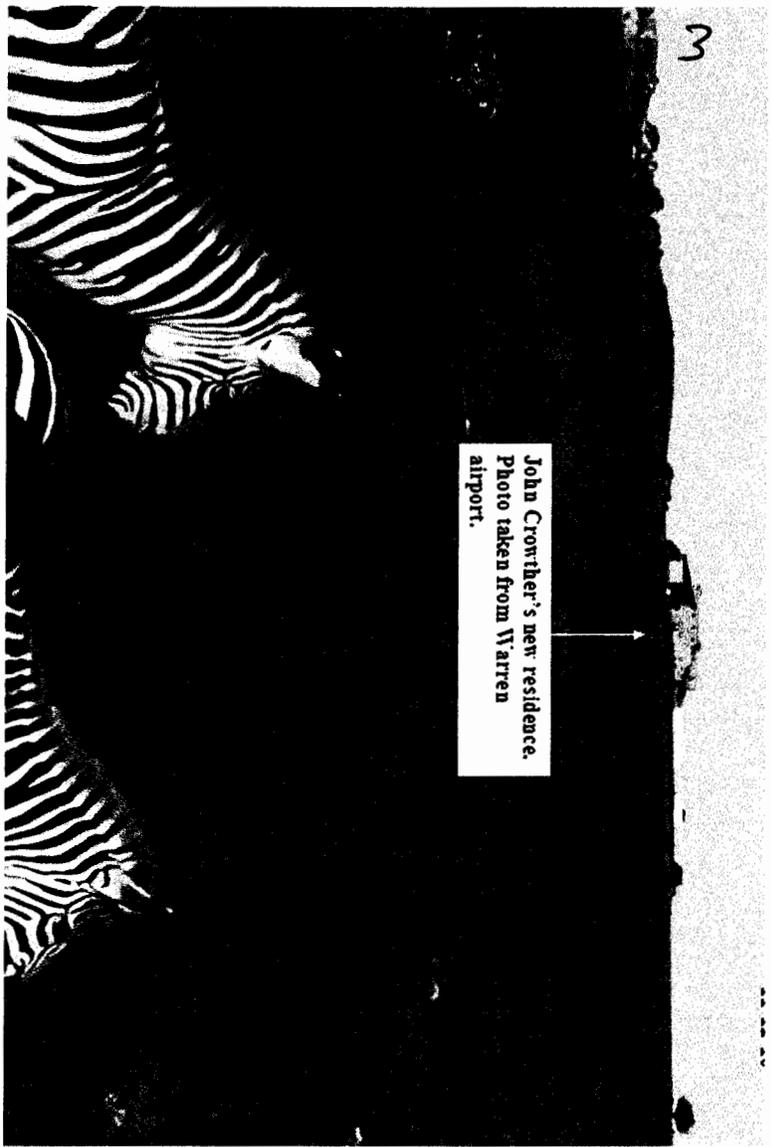
CCSD potable water supply field.





SAN SIMEON CK RD

JOHN AND DAVE CROWTHER RESIDENCES



John Crowther's new residence. Photo taken from Warren airport.

3



John and Dave Crowther's Two Residences

SAN SIMEON STATE PARK 1/2 MILE

HIGHWAY 1

CYNTHIA HAWLEY
ATTORNEY AT LAW

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

November 12, 2010

RE: Appeal number A-3-SLO-10-028, Warren LLA

Dear Commissioners:

I represent the applicant in the above proposed lot line adjustment on San Simeon Creek Road. After reading the Commission's staff report, I offer the following information, considerations and clarifications about the project which, as you will see, varies significantly different from the project described in your staff report. All of the below information shows that the LLA will not cause the impacts as described in your staff report. Based on this new information, my client asks that you approve the LLA as submitted.

The Lot Line Adjustment does not establish an additional, new residential building envelope.

Pages 24 and 25 of your staff report indicate that the proposed lot line adjustment establishes "...an additional new residential building envelope..." and would at least double the development intensity. This is not accurate.

The Coastal Commission is not being asked to create a new building envelope.

The proposed lot line adjustment simply moves the current development envelope to a location that accommodates setback buffers established by the Subdivision Review Board's approval of this LLA. Please see the November 10, 2010 letter to you from adjacent rancher Jon Pedotti requesting that the new buffers be applied.

The existing development envelope is required to be moved to provide buffers for protection of agricultural uses and for wastewater system setbacks.

The purpose of the lot line adjustment is to provide space on the parcel to move the current development envelope into newly established and required setbacks. Page 2 of the May 3, 2010 Subdivision Review Board's staff report makes it clear that the LLA is required to accommodate proper buffer setbacks for protection of agricultural uses and for wastewater systems on the site. Again, please note the November 10, 2010 letter from Jon Pedotti regarding the buffer setbacks.

The LLA does not double the intensity of residential development.

On page 25 your staff report states that the proposed lot line adjustment would add new residential development in addition to existing residential development (the school house)

and would at least double the development intensity and thus, cause impacts to visual and scenic resources.

This is not correct. First, as discussed above, no new development potential is added by the LLA. The lot line adjustment simply moves the existing development envelope to accommodate increases in setback requirements. Second, condition of approval 13 requires that the school house must not be used as a residence and that the school house must be vacant before the new residence can be occupied or before final inspection. Approval of this LLA will not double the intensity of residential development on the property.

Please see letters written by Bertrando & Bertrando Research Consultants which confirm that the school house is not a residence but a historic school house that must be maintained for its historic value and must be vacant as a condition of building a residence in the building envelope within the LLA.

The 12 foot difference in elevation between the previously approved development envelope and the currently required envelope is minimal, and impacts should be remedied by structural and design restrictions.

The building envelope required by the County to accommodate buffering setbacks (84 ft. elevation) is only 12 feet higher than the currently permitted building envelope (72 ft. elevation).

There is no information about, or analysis of, the actual visual impacts this increase in elevation might cause. Nonetheless, the recommended denial is based on the unsupported conclusion that the changed building envelope "...will result in greater impacts to visual and scenic resources than would occur under the existing parcel configuration." (p. 24)

The applicant asks the Commission to consider that difference in the "long view" between the existing building site and the 12 foot elevation of the proposed envelope could be accommodated by limits to the height and design of the structure.

The statement that "the residential building site is in the corner of the parcel on flatter terrain, at a much lower elevation" is an error.

On page 23, the staff report describes the site where the historic school house sits next to San Simeon Creek Road as "the residential building site". This is incorrect. As discussed above, the previously approved building envelope is to the west and slightly north of the school house site. The school house does not sit on developable land do to setback requirements. Please see the attached Building Envelope Exhibit.

The staff report proposes to protect scenic resources by limiting development to a site where development is not allowed.

Page 23 of your staff report also recommends that protection of visual and scenic resources requires limiting development in the area to the "residential building site" in the corner of the parcel where the school house now stands. This site, according to the report, requires no cutting

and filling, less landform alterations, and less visual intrusion into the viewshed than the building envelope allowed in the LLA.

However, this recommendation is irrelevant and not feasible because, as noted above, the site where the schoolhouse stands is not developable. It is entirely outside of the previously approved building envelope and cannot be developed due to set back requirements. Please see the attached Building Envelope Exhibit.

The LLP requires preservation of the visual resource of the historic school house.

In order to preserve the visual resource that the historic school house provides, the structure must be maintained. And while the school house may be moved to another site, removing it would not facilitate development on that portion of the parcel since, as mentioned above, the land where the schoolhouse now sits is outside both the previously approved and requested development envelopes. Again, development is not allowed where the school house now stands due to setback requirements.

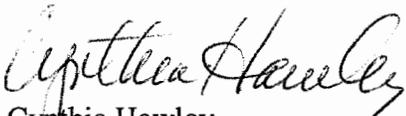
Basing a finding of inconsistency with scenic and visual standards on the suggestion that development on the site may be larger than a typical farmhouse is unsupported and unfair.

The staff report concludes that the LLA is inconsistent with the LCP policies for protection of visual and scenic resources because a "... 6,000 square foot development envelope suggests that the proposed residence would be larger in mass and scale than a typical farmhouse and larger than the existing roughly 950 square-foot residence..." First, as noted above, there is no existing residence on the site. Only the historic school house which must not be used as a residence. Second, a finding of inconsistency with the LCP cannot be made based on the suggestion that a residence – that has yet to be designed or conditioned – will be out of scale and character with the surrounding area.

On behalf of my client, I appreciate your attention to these matters. Based on the above clarifications and considerations, I respectfully request that you approve this lot line adjustment as proposed.

Please feel free to contact me if you have any questions.

Best regards,


Cynthia Hawley

SAN SIMEON CREEK RANCH

Jon Pedotti • (805) 927-4337

November 10, 2010

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca. 95060

Dear Commissioners,

I own San Simeon Creek Ranch which is 1561 acres of dry land grazing and irrigated crop land, entirely under Williamson Act Contract. My ranch borders the subject Warren property (A-3-SLO-10-028 Warren LLA) immediately to the east. If your commission approves Mr. Warren's application for a CDP, I request that you adopt the buffer criteria suggested by San Luis Obispo County. Thank you for considering this request.

Respectfully,



BERTRANDO & BERTRANDO RESEARCH CONSULTANTS

Betsy Bertrando
267 E. Foothill Boulevard
San Luis Obispo, CA 93405
(805) 543-7831, FAX 543-7877
betsyb@charter.net

November 10, 2010

To: **California Coastal Commission**

A letter dated August 4, 2010, sent from my office, called to your attention an error in the above named Appeal that needed correction. The error has been repeated on page 5 of the October 2010 Staff Report. Please make the corrections to your document that incorrectly states the Home School is an historic residence. The designated public building known as the Home School is not a residence. It represents the third generation of the Home School District buildings that were the first schools to be constructed for educational purposes in the County of San Luis Obispo. The historic residence previously on the property had deteriorated and was demolished over 50 years ago.

Sincerely,

Betsy Bertrando

267 E. Foothill Boulevard
San Luis Obispo, CA 93405
(805) 543-7831, FAX 543-7877
betsyb@charter.net

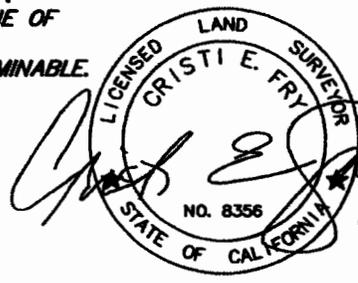
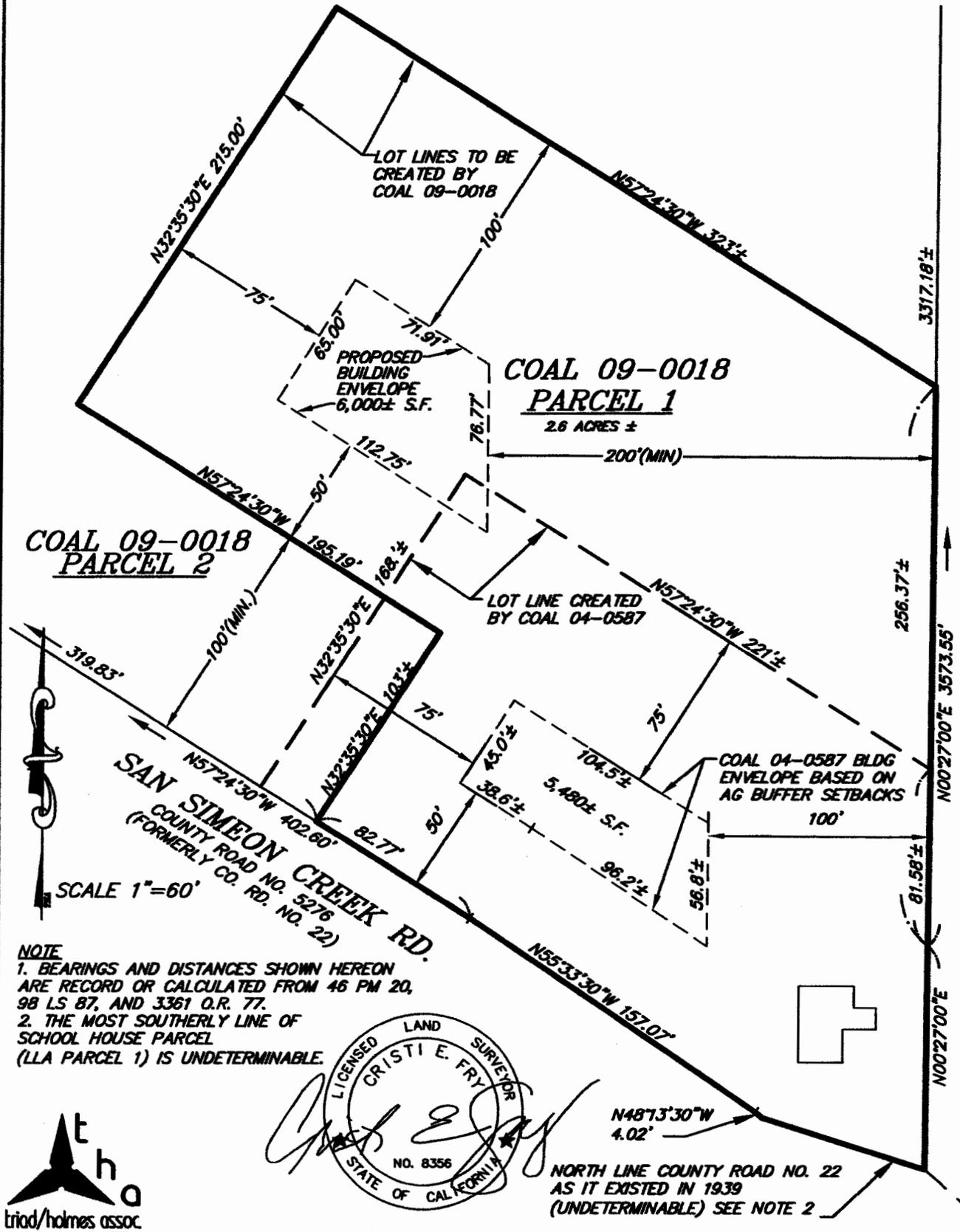
August 4, 2010

To: California Coastal Commission

This is to call to your attention an error in the above named Appeal that needs to be corrected. The definition of the existing structure on Parcel 1, as presented and repeated within the footnote on page 4 of the document, is inaccurate as well as deceiving. As stated in the document: AAt that time, as is the case now, Parcel 1 is developed with a single-family residence.@ However, the 1903 Home School has not been converted to residential use. The one-room schoolhouse had a caretaker on the premises to prevent vandalism of the historic structure when it was evaluated by Bertrando & Bertrando Research Consultants in 2005.

Under Conditions - Exhibit B, that was prepared by the County of San Luis Obispo, item number 14 as written is the accurate recommendation. The ongoing preservation of the Old School House is required. There has been no attempt to convert the historic Home School to a residence. The contribution of the Home School to the history of San Simeon Creek area development is unquestioned. It represents the third generation of the Home School that was the first school district in the county outside of the City of San Luis Obispo.

BUILDING ENVELOPE EXHIBIT





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 9, 2005

Triad / Holmes Assoc.
555 Chorro Street, Ste. A
San Luis Obispo, CA 93405

Clyde Warren
P.O. Box 528
Murphy, OR 97533

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: November 7, 2005

SUBJECT: **WARREN - County File Number: SUB2004-00218 / COAL 04-0587**
Document No. 2005-068

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Subdivision Review Board on November 7, 2005, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, which are attached for your records. The conditions of approval must be carried out as set forth therein. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Coastal Zone Land Use Ordinance.

An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of an approved or conditionally approved lot line adjustment shall terminate all proceedings and no certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the Subdivision Review Board for a period or periods not exceeding a total of one year. (Sec 21.02.030 (f))

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$604.00. This action may also be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If you have questions regarding your project, please contact your planner at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5611.

Sincerely,



Eleanor Porter, Secretary
Subdivision Review Board

Enclosures

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: November 21, 2005

Staff Report to Coastal Commission Only
 Findings and Conditions

FINDINGS - EXHIBIT A

Environmental Determination

- A. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because it has been determined that there will not be a significant effect to the environment as a result of this project.

Lot Line Adjustment

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to conform to the minimum site area required for a residential single family residence where a well and septic system are to be located on a single lot. The proposed lot line adjustment will not increase development potential.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

Coastal Access

- E. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
10. Prior to recordation of the map or certificates of compliance which effectuate the adjustment, the applicant shall remove or bond for the removal all unpermitted uses, including but not limited to portable bathroom storage and pottery production.

Subdivision Review Board
COAL04-0587/Warren

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:**
 - a. **An agricultural buffer prohibiting new residential structures, consisting of 100 feet along the entire length of the eastern property line, 75 foot buffers on the western and northern property lines, and a 50 foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.**
 - b. **Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.**

12. **At the time of application for construction permits for each parcel, the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be completely located outside the current boundaries of the .1 acre parcel (as shown on the attached Exhibit C: Development Prohibition Area) unless the school is relocated.**

Staff report prepared by Martha Neder and reviewed by Kami Griffin