

CALIFORNIA COASTAL COMMISSION

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Th17a



Prepared November 3, 2010 (for November 18, 2010 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Request to Waive the Six-Month Waiting Period to Reapply for the Arana Gulch Master Plan (3-09-068)

Summary

On October 14, 2010, the Coastal Commission voted to deny (on a 5-5 vote) the City of Santa Cruz's coastal development permit (CDP) application to implement the Arana Gulch Master Plan for the 67.7-acre City-owned greenbelt property and to construct improved connecting trail segments outside of the greenbelt area (CDP Application Number 3-09-068). Pursuant to California Code of Regulations (CCR) Section 13056.1, an applicant must wait six-months to reapply for a CDP for substantially the same development as was denied; in this case until April 14, 2011. Also pursuant to CCR Section 13056.1, the Commission can waive the six-month reapplication waiting period for good cause. On the day following the denial of the CDP application (i.e., October 15, 2010), the Commission asked staff to agendize for the next Commission hearing (i.e., November 2010) the question of whether to grant a waiver of the six-month waiting period. The City has formally requested that it be allowed to reapply before the waiting period is complete (see Exhibit 1).

Motion and Resolution

If the Commission, after public hearing, wishes to approve the City's request to waive the CCR Section 13056.1 six-month waiting period for CDP reapplication, the Commission would need to pass the following motion:

Motion. I move that the Commission **approve** a waiver of the six-month waiting period for the City of Santa Cruz to reapply for a CDP for the Arana Gulch Master Plan pursuant to California Code of Regulations Section 13056.1.

Approval. Approval of this motion requires a **YES** vote. Passage of this motion will result in a waiver of the six-month waiting period for the City of Santa Cruz to reapply for a CDP for the Arana Gulch Master Plan. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution. The Commission hereby waives the six-month waiting period identified in CCR Section 13056.1 as it applies to the City of Santa Cruz's application for a CDP to implement the Arana Gulch Master Plan project, thus allowing the City to reapply for such a CDP at any time.

Exhibit 1: City of Santa Cruz's November 2, 2010 Letter

Exhibit 2: Correspondence



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street • Room 206 • Santa Cruz, CA 95060 • www.cityofsantacruz.com
Juliana Rebagliati, Director

November 2, 2010

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

Re: Arana Gulch Master Plan, Application Number (CDP File) 3-09-068

Dear Coastal Commissioners,

Thank you for the opportunity, presented by consensus of the Commission at your meeting on October 15, 2010, to consider a waiver of the 6 month period of time required to reconsider the Arana Gulch Master Plan Coastal Development Permit. By this letter we are formally requesting the Commission grant such a waiver. The City hopes to use this opportunity to respond to comments and suggestions made by Commissioners during the hearing the previous day, and consider additional measures that may be taken to address them with the project.

We appreciate your consideration, and look forward to eventual approval of the very best plan for our Arana Gulch open space.

Sincerely,

A handwritten signature in cursive script that reads "Juliana Rebagliati".

Juliana Rebagliati
Director of Planning and Community Development

Cc: City Council members
Martín Bernal, City Manager
Dannettee Shoemaker, Director of Parks and Recreation
Mark Dettle, Director of Public Works
Mike Ferry, Project Planner

CCC Exhibit 1
(page 1 **of** 1 **pages)**

Susan Craig

From: Jean Brocklebank [jeanbean@baymoon.com]
Sent: Wednesday, October 20, 2010 12:50 PM
To: Dan Carl
Cc: Susan Craig
Subject: waiver

Hello Dan and Susan ~

We write to express our opposition to the agenda item on the November 2010 hearing, granting the City of Santa Cruz a waiver on its application for a project identified as the Arana Gulch Master Plan, as long as it contains the controversial "Broadway-Brommer segmented trails connections" component.

Our reasons for opposition are:

1. We wonder why the City should be given special treatment and not be required to wait the 6 months that is ordinarily required for developers of projects, especially projects that will create "significant and unavoidable impacts" (dEIR) in an ESHA.
2. The City has been before the Commission twice already, in the last seven months, at two hearings.
3. The tie vote at this month's hearing proves how very controversial the bike project component of their application remains.
4. The Commission has raised many good questions and made several suggestions, again, that the City could put to good use to develop a meaningful response to said suggestions, if it is not rushing to get back on an upcoming agenda.
5. Tarplant management is ongoing and is not jeopardized, whatsoever, by a six month wait for re-application. We can send you digital pictures that show the extensive management applications performed last month, in preparation for winter rains. And the Spring treatments are already planned by the Santa Cruz Tarplant Management Program botanist. Just as important, small-scale, experimental grazing (cow, goat, sheep) could be applied after the first of the year.
6. The extremely eroded trail above the entrance from the harbor can, and should be stabilized, anytime, without a permit, without a waiver, without a hearing!
7. Steve Hammack, the City's Parks & Recreation (P&R) assistant director has just given two week's notice to the City and will be gone even before the November hearing. To remind you, Hammack has been deeply involved with the City's application up to this point. The City must have time to replace Hammack, one way or another, and to bring his replacement up to speed as well using said replacement as a much needed resource.

In sum, we feel there is no justification for granting the waiver for the City of Santa Cruz.

Sincerely,
Jean Brocklebank
Michael Lewis
on behalf of Friends of Arana Gulch

CCC Exhibit 2
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