

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

W13

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

For the

July Meeting of the California Coastal Commission

MEMORANDUM

Date: July 7, 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 July 7, 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. 3-10-018-W David C. Yntema & John S. Rouse II (Pacific Grove, Monterey County)
2. 3-10-024-W Susan Skorich (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

1. 3-10-014-W Caltrans, Attn: Gary Ruggerone (Big Sur, Monterey County)

IMMATERIAL AMENDMENTS

1. 3-87-285-A3 Monterey Bay Aquarium Research Institute (MBARI) (Moss Landing, Monterey County)

TOTAL OF 4 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>
3-10-018-W David C. Yntema & John S. Rouse II	Remodel and addition to an existing historic single family residence, including 122 square foot first floor addition connecting the house and garage; 455 square foot second floor addition; 100 square foot of paving removal; replace damaged shiplap siding; new double-hung wood windows, new composition shingle roof; and bio-swale drainage infrastructure.	707 Ocean View Blvd., Pacific Grove (Monterey County)
3-10-024-W Susan Skorich	Rehabilitation of an existing historic residence and attached in-law unit including removal and replacement of existing worn siding with horizontal wood siding; new wood windows; new metal chimney flue; replace concrete masonry front and rear porch, stairs and landing using wood materials; add dormers and skylights; and install gutters and downspouts to direct rainwater into landscape beds.	222 Central Ave, Pacific Grove (Monterey 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>
3-10-014-W Caltrans, Attn: Gary Ruggerone	Follow up to emergency coastal development permit (3-09-024-G) for the installation of temporary debris flow barriers at existing culverts on the inland side of Highway 1 at two locations and the sidecasting, if need be, of up to 967 cubic yards (cy) and 1,279 cy of debris collected behind said barriers on the seaward sides of Highway 1 at these locations (post miles 1-40.33 and 1-40.50), as well as a temporary stockpiling and sorting area for the sidecast material (approximately 100,000 cy of material) at the Point Sur Naval Station.	Highway 1 (post miles 1-40.33 and 1-40.50), Big Sur (Monterey County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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<p>3-87-285-A3 Monterey Bay Aquarium Research Institute (M.B.A.R.I.)</p>	<p>Allow a 1,200-square foot expansion of the MBARI concrete pier and demolition of an adjacent 1,200-square foot deteriorated wood pier in the same area</p>	<p>7642 Sandholdt Road (Moss Landing Harbor (Elkhorn Slough area)), Moss Landing (Monterey County)</p>
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NOTICE OF PROPOSED PERMIT WAIVER

Date: June 22, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCarl*
Mike Watson, Coastal Planner *MW*
Subject: Coastal Development Permit (CDP) Waiver 3-10-018-W
Applicants: David Yntema & John Rouse II

Proposed Development

Remodel and addition to an existing historic single family residence including 122 square foot first floor addition connecting the house and garage; 455 square foot second floor addition; 100 square foot of paving removal; replace damaged shiplap siding; new double-hung wood windows, new composition shingle roof; and bio-swale drainage infrastructure located at 707 Ocean View Boulevard (APN 006-073-009) in the City of Pacific Grove.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 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 residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located, and it includes drainage BMPs to reduce storm water runoff and remove contaminants prior to conveyance off-site. The proposed renovations were reviewed and received discretionary approval by the City's Architectural Review Board and Historic Preservation Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of 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, July 7, 2010, in Santa Rosa. 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: June 22, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCarl*
Mike Watson, Coastal Planner *MW*
Subject: Coastal Development Permit (CDP) Waiver 3-10-024-W
Applicants: Susan Skorich

Proposed Development

Rehabilitation of an existing historic single family residence and attached in-law unit including removal and replacement of existing worn siding with horizontal wood siding; new wood windows; new metal chimney flue; replace concrete masonry front and rear porch, stairs and landing using wood materials; add dormers and skylights; and install gutters and downspouts to direct rainwater into landscape beds located at 222 Central Avenue (APN 006-222-005) in the City of Pacific Grove.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 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 residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located, and it includes drainage BMPs to reduce storm water runoff and remove contaminants prior to conveyance off-site. The proposed renovations were reviewed and received discretionary approval by the City's Architectural Review Board and Historic Preservation Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of 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, July 7, 2010, in Santa Rosa. 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: June 22, 2010
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Katie Morange, Coastal Planner *KM*
Subject: Coastal Development Permit (CDP) Waiver 3-10-014-W
Applicant: Caltrans District 5

Proposed Development

Follow-up to emergency CDP (3-09-024-G) for the installation of temporary debris flow barriers at existing culverts on the inland side of Highway 1 at two locations and the sidecasting, if need be, of up to 967 cubic yards (cy) and 1,279 cy of debris collected behind said barriers on the seaward sides of Highway 1 at these locations (post miles 1-40.33 and 1-40.50), as well as a temporary stockpiling and sorting area for debris flow material from the larger Big Sur area (approximately 100,000 cy) at the Point Sur Naval Station, Big Sur, Monterey County.

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 debris flow barriers were installed in anticipation of debris flows following the Basin Complex Fire in 2008. This project allows the barriers to remain in place and the sidecasting/stockpiling program operational until September 30, 2013, at which time the barriers will be removed and the program ended. The foundation elements supporting the barriers will be retained below grade for future similar use (subject to CDP processes). The project has been designed to mimic the natural process of debris movement and deposition following a large fire while allowing Highway 1 to remain unrestricted and open for public use. The project includes measures for monitoring and reporting of debris movement, protection of any identified sensitive species, erosion control, and restoration as needed at the end of the project. Similarly, the temporary Point Sur stockpiling site will be restored, if necessary, at the end of the project life. In sum, the proposed project will protect public access, habitat, and visual resources consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

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 Wednesday, July 7, 2010 in Santa Rosa. 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 Katie Morange in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: June 22, 2010

To: All Interested Parties

From: Dan Carl, Central Coast District Manager *DCM*
Katie Morange, Coastal Planner *KM*

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-87-285
Applicant: Monterey Bay Aquarium Research Institute (MBARI)

Original CDP Approval

CDP 3-87-285 was approved by the Coastal Commission on January 12, 1987, and provided for the demolition of existing docks, piers and related buildings at 7642 Sandholt Road in Moss Landing at Moss Landing Harbor in unincorporated Monterey County. Subsequent amendments (A1 and A2) allowed for the construction of a new concrete pier and facilities to support MBARI research and operations.

Proposed CDP Amendment

CDP 3-87-285 would be amended to allow a 1,200-square foot expansion of the MBARI concrete pier and demolition of an adjacent 1,200-square foot deteriorated wood pier in the same area. The Commission's reference number for this proposed amendment is 3-87-285-A3.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed project will allow for improved turnaround space for MBARI research vessels and enhanced vessel loading capabilities. In addition, the project will result in improved water quality in the Harbor with the removal of the deteriorated creosote-treated wood pier. The project will help MBARI continue its ocean research efforts, efforts that will help inform better coastal management decisions in the long run. The project includes construction best management practices to protect water quality and biological resources, including materials containment during demolition, concrete containment during pile installation, and other erosion and sediment controls. In sum, the proposed amendment will be consistent with the Commission's original coastal development permit approval, as well as consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Wednesday, July 7, 2010, in Santa Rosa. If three Commissioners object to the Executive Director's determination of



NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-87-285 (MBARI piers)

Proposed Amendment 3-87-285-A3

Page 2

immateriality at that time, then the application shall be processed as a material CDP amendment.

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



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July 7, 2010

To: Commissioners and Interested Parties

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

Re: Additional Information for Commission Meeting Wednesday, July 7, 2010

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W15c, SCO-MAJ-1-09 Pt.2	Santa Cruz County	Staff Report Addendum	1
W16a-b, A-3-SCO-08-029 & A-3-SCO-08-042	Trousdale	Expertes Correspondence	5 11
W16c-d-e, A-3-SCO-09-001, A-3-SCO-09-002, & A-3-SCO-09-003	Frank	Expertes Correspondence Request to Postpone	5 11 17
W17a, 3-09-052	Neal	Exparte Staff Report Addendum	20 21

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W15c

Prepared July 2, 2010 (for July 7, 2010 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager *DCarl*
 Susan Craig, Coastal Planner *S. Craig*

Subject: **STAFF REPORT ADDENDUM for W15c**
Santa Cruz County LCP Amendment SCO-MAJ-1-09 Part 2 (Timber Harvesting in Agricultural Zones)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item to strengthen the proposed amendment language regarding Implementation Plan (IP) Section 13.10.312(b)(2) to ensure that *only* timber harvesting approved pursuant to a California Department of Forestry Timber Harvest Plan is an allowed use in the CA (Commercial Agriculture) Zoning District. Accordingly, the motion and resolution for the IP component of the amendment must be changed from approval as submitted to denial as submitted and approval if modified. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted):

A. Revise the Second Paragraph of the Summary on Page 1 of the Staff Report as follows:

The proposed amendment says that if a parcel is zoned CA and has timber on it, then timber harvesting is permissible, subject to CDF approval of a THP. This change should not have an appreciable effect on other agricultural operations or the potential for agriculture on CA zoned lands, since logging can only occur on forest land and forest land is rarely used for crops or grazing, unless it is first cleared. The proposed amendment would also constitute a streamlining measure in terms of not requiring farmers to rezone their land to Timber Production (TP) to conduct timbering operations. Such rezonings must only be consistent with the California Timberland Productivity Act of 1982, and would not be subject to Commission authority or approval. The proposed amendment is modified to clarify and ensure that only timber harvesting that is specifically approved pursuant to a California Department of Forestry Timber Harvesting Plan is an allowed use in the CA (Commercial Agriculture) Zoning District. Staff recommends approval of this component of the amendment if so modified. ~~For these reasons, staff recommends approval of this component of the amendment as submitted.~~

B. Revise the Implementation Plan Amendment Motion and Resolution on Page 3 of the Staff Report as follows:

~~2. Approval of Implementation Plan Amendment as Submitted~~

~~Staff recommends a NO vote on the motion below. Failure of this motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and the~~



California Coastal Commission

LCPA SCO-MAJ-1-09 Part 2
Timber Harvesting on Commercial Agricultural Land
Staff Report Addendum
Page 2

~~findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.~~

~~Motion (2 of 2). I move that the Commission **reject** Major Amendment Number 1-09 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.~~

~~Resolution to Certify IP Amendment. The Commission hereby certifies Major Amendment Number 1-09 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted and adopts the findings set forth below on grounds that Major Amendment Number 1-09 Part 2 as submitted is consistent with and adequate to carry out the certified Land Use Plan, and certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.~~

2. Denial of Implementation Plan Amendment as Submitted

Staff recommends a YES vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2). I move that the Commission **reject** Implementation Plan Major Amendment Number 1-09 Part 2 as submitted by Santa Cruz County.

Resolution to Deny. The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 1-09 Part 2 as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

3. Approval of Implementation Plan Amendment If Modified

Staff recommends a YES vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.



Motion (2 of 2). I move that the Commission **certify** Implementation Plan Major Amendment Number 1-09 Part 2 if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Implementation Plan Major Amendment Number 1-09 Part 2 to Santa Cruz County's Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

C. Add Modification 1 after the Motions and Resolutions on Page 3 of the Staff Report (and renumber the Findings and Declarations and Exhibits accordingly) as follows:

II. Suggested Modification

The Commission hereby suggests the following modification to the proposed LCP amendment, which is necessary to make the requisite Land Use Plan consistency findings. If Santa Cruz County accepts the suggested modification within six months of Commission action (i.e., by January 7, 2011), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

Modify proposed Section 13.10.312(b)(2) of the Implementation Plan as follows:

2. Only ~~T~~timber harvesting and associated operations, that are approved pursuant to a California Department of Forestry requiring approval of a Timber Harvesting Plan by the California Department of Forestry, is ~~are an~~ allowed use~~s~~d in the Commercial Agriculture (CA) zone district.

D. Revise the IP Analysis and Conclusion Section on Page 10 of the Staff Report as follows:

c. Analysis and Conclusion

As discussed above, the land use plan amendment is approved to allow timber harvesting on CA-zoned land in the coastal zone. The language of proposed Section 13.10.312(b)(2), however, is modified to clarify and ensure that only timber harvesting approved pursuant to a California Department of Forestry



Timber Harvesting Plan is an allowed use in the CA (Commercial Agriculture) Zoning District. See suggested modification 1. As such modified, this component of the amendment conforms to the amended land use plan as modified and is approved as being consistent with and adequate to carry out the certified land use plan.

E. Modify the Second Paragraph of the CEQA Finding on page 13 of the Staff Report as follows:

Santa Cruz County, acting as the lead CEQA agency in this case, adopted a Negative Declaration for the proposed LUP and IP amendments and in doing so found that the amendments would not have significant adverse environmental impacts. This staff report has discussed the relevant coastal resource issues with the proposal, and has identified an appropriate modification to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.



RECEIVED

W15c

JUL 06 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

David S. Kossack
P. O. Box 268
Davenport, CA 95017

Monday, July 05, 2010
(831) 419-8307
dkossack@cruzio.com

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

Re: Opposition to **Santa Cruz County Major LCP Amendment No. SCO-1-09 Part 2 (Timber Harvesting in Commercial Agriculture)**

Chair Neely and Commissioners:

I ask you to reject Santa Cruz County Major LCP Amendment No. SCO-1-09 Part 2 (Timber Harvesting in Commercial Agriculture) in any of its forms. The County of Santa Cruz went through an extensive process of updating its 'Timber Production Zone' designation including addressing parcel size minimums. The process involved the work of a large number of environmental groups, activists and concerned citizens, a considerable amount of compromise and an extended 'grace period' before the new TPZ rules were finally implemented. This LCP major amendment, including its LUP and IP, is simply an end run on these new TPZ rules as well as a dilution of the special consideration that the Coastal Zone deserves. If property owners of Commercial Agriculture (CA) parcels would like to log these parcels then they should make sure that their parcels meet the conditions of TPZ and then apply for a rezoning.

A few specific points:

- The argument that logging on CA zoning will reduce pressure to convert ag. land to other land-uses is a straw man; logging will actually remove values (e.g., habitat) that are important on their own, which may limit the application of other land-uses. If an owner of CA parcels is looking to make 'ends meet' then they should consider a conservation easement. The application of logging outside a commitment to TPZ is a step to conversion.
- The staff report defers its CEQA based discussion to another document, the County of Santa Cruz's negative declaration. This document is not attached and other than a 'reference' the staff report provides no insight into the County's discussion particularly in terms of Growth Inducing or Cumulative Impacts. The Commission's staff report does not provide its own discussion of either of these issues; the staff report needs to address these issues, it is the Commission's 'CEQA' document.
- What is the relation between equivalent Commercial Agriculture zoning and TPZ permitted uses, specifically logging in other counties (i.e., is logging permitted in CA zones elsewhere within the Coastal Zone)? Would this major amendment establish precedence?

W16a-b
W16c-d-e

**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.)

June 30, 2010, 1:30pm

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 Bureau Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

W16a-e. W16a-b share a combined staff report and items 16c - e
share a single combined staff report.

- a. Appeal No. A-3-SCO-08-029 (Trousdale, Santa Cruz Co.) Appeal by Fay Levinson of Santa Cruz County decision granting permit with conditions to Kelley and Cindy Trousdale to demolish single family home and construct new 4,600 sq.ft. 2-story single family home, at 660 Bayview Drive on bluff above Hidden Beach in Aptos area of unincorporated Santa Cruz County. (SC-SC)
- b. Appeal No. A-3-SCO-08-042 (Trousdale, Santa Cruz Co.) Appeal by Fay Levinson of Santa Cruz County decision granting permit with conditions to Kelley and Cindy Trousdale to demolish 1-story single family home and construct 4,251 sq.ft., 2-story single family home at 660 Bayview Drive on bluff above Hidden Beach in Aptos area of south Santa Cruz County. (SC-SC)
- c. Appeal No. A-3-SCO-09-001 (Frank, Santa Cruz Co.) Appeal by Fay Levinson and William Comfort of Santa Cruz County decision granting permit with conditions to Donald Neil Frank to construct 3,207 sq.ft., 2-story, single-family home with associated site improvements on vacant bluff-top property off of Bayview Drive and above Hidden Beach in Aptos area of south Santa Cruz County. (SC-SC)
- d. Appeal No. A-3-SCO-09-002 (Frank, Santa Cruz Co.) Appeal by Fay Levinson and William Comfort of Santa Cruz County decision granting permit with conditions to Donald Neil Frank to construct 3,721 sq.ft., 2-story, single-family home with associated site improvements on vacant bluff-top property off of Bayview Drive and above Hidden Beach in Aptos area of south Santa Cruz County. (SC-SC)
- e. Appeal No. A-3-SCO-09-003 (Frank, Santa Cruz Co.) Appeal by Fay Levinson and William Comfort of Santa Cruz County decision granting permit with conditions to Donald Neil Frank to construct 5,547 sq.ft., 2-story, single-family home with associated site improvements on vacant

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

Find substantial issue.

Date: June 30, 2010


Bonnie Neely, Commissioner

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

W16 a-b
W16 c, d, e

pg 1 of 2

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: W16 a-e Appeals No. A-3-SCO-88-029 & 042 (Trosdale, Santa Cruz Co.) and A-3-SCO-09-001, 002 & 003 (Frank, Santa Cruz Co.)

Date and time of receipt of communication: 6/28/10, 9:54 am

Location of communication: Board of Supervisor's Offices, Santa Cruz, California

Type of communication: e-mail received

Person(s) initiating communication: Faye Levinson

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

See attached e-mail

Date: 6/28/10 Signature of Commissioner: Mark Stone

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 within 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 proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

pg 2 of 2

Mark Stone

From: fayjoe1@comcast.net
Sent: Monday, June 28, 2010 9:54 AM
To: Mark Stone
Subject: Coastal Commission Meeting July 7, 2010

Good Morning. Last year you met with me and my husband, Joe Vela, regarding a hearing that was then postponed, concerning a development of 5 mega homes on a bluff in Aptos, at 660 Bayview Dr. Now the actual hearing will be held in Santa Rosa on July 7. The staff report supports the appellants (myself, Fay Levinson, and Bill Comfort) in our appeal of the building of these five homes. We hope you will also support their findings and those of the Coastal Commission geologist as well. The process of the appeal and fact finding has been an educational one for us. Thank you again for meeting with us last year in Santa Cruz.
Fay Levinson

6/28/2010

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

Name or description of the project: Agenda Item W.16.a and b

a. Appeal No. A-3-SCO-08-029 (Trosdale, Santa Cruz Co.)

b. Appeal No. A-3-SCO-08-042 (Trosdale, Santa Cruz Co.)

Time/Date of communication: Thursday, July 1, 2010, 9:30 am

Location of communication: 7727 Herschel Ave, La Jolla

Person(s) initiating communication: Dave Grubb, ^{NPK} Gabriel Solmer for Sierra Club Santa Cruz Group.

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

We support the staff recommendation to find substantial issue and deny the permits at a De Novo hearing.

The proposed houses cannot be sited with enough setback from the bluff edge, and should not be allowed.

Date: July 1, 2010



Patrick Kruer

W16a-b
W16c,d,e

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: W16a&b Appeals No. A-3-SCO-08-029 & 042 (Trousdale, Santa Cruz Co.) and W16c-e Appeals No. A-3-SCO-09-001, 002 & 003 (Frank, Santa Cruz County)

Date and time of receipt of communication: 6/29/10, 3:30 pm

Location of communication: Board of Supervisor's Offices, Santa Cruz, California

Type of communication: in person meeting

Person(s) initiating communication: Sarah Damron
Grant Weseman

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Grant and Sarah from ORCA said that they are in agreement with the staff's recommendations. The issues are geologic stability and public views. The proposed developments cannot meet setback requirements (except the one house) and with sea level rise and the migration of the bluffs, these houses should not be built. Also the houses to the eastern end will block public viewsheds which the LCP protects in this area. There also is a question whether the proposed developments will impact existing access from the neighborhood. To be consistent with the neighborhood and to protect viewsheds, the two story houses should be denied.

Date: 6/29/10 Signature of 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 within 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,

W16c-d-e

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

Name or description of the project: Agenda Item W.16.c, d, and e

c. Appeal No. A-3-SCO-09-001 (Frank, Santa Cruz Co.)

d. Appeal No. A-3-SCO-09-002 (Frank, Santa Cruz Co.)

e. Appeal No. A-3-SCO-09-003 (Frank, Santa Cruz Co.)

Time/Date of communication: Thursday, July 1, 2010, 9:30 am

Location of communication: 7727 Herschel Ave, La Jolla

Person(s) initiating communication: Dave Grubb, ^{njpk} ~~Gabriel Solmer~~ for Sierra Club Santa Cruz Group.

Person(s) receiving communication: Patrick Krueger

Type of communication: Meeting

Staff recommends that the Commission find that the appeals raise a substantial issue and that one of the residences be approved with special conditions and that two of the residences be denied.

We support the staff recommendation.

Two of the proposed houses cannot be sited with enough setback from the bluff edge, and should not be allowed.

Date: July 1, 2010



Patrick Krueger

W16a-b
W16c-d-e

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JUN 29 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

B. Jeffrey Katz
12192 Marilla Drive
Saratoga, CA 95070

tel (408) 255-7423

June 28, 2010

Ms. Susan Craig
California Coastal Commission Staff

RE Appeals of the following applications numbers, at July 7 Commission hearing in Santa Rosa:
A 3 SCO 08-029, (Trousdale); APN 043-161-58) and
A 3 SCO 08-042, (Trousdale), APN 043-1161-57 Items No. W16a and W16b
A 3 SCO 09-001, (Frank), A 3 SCO 09-002, (Frank), and A 3 SCO 09-003, Items W16c, d, & e

Ms, Craig,

Please include these written comments in the materials reviewed at the July 7 Commission meeting relevant to items 16 a-e on the meeting's agenda.

As the owners and residents of a nearby bluff property at 602 Bay View Dr. we have some concerns about the proposed developments of five large residential dwellings on the bluff near 660 Bay View Dr. These concerns are as follows:

- The bluff is composed primarily of sand, and is generally unstable even when left undisturbed. Construction as in the proposed applications can only exacerbate this instability, increasing the risk of landslide to both the subject properties and the popular Hidden Beach area below.
- The nature and appearance of the arroyo and beach areas of Hidden Beach would be unacceptably altered by the addition of five large residential structures, eliminating much of the wild, un-spoiled feel and look of the area. and detracting from the enjoyment of Hidden Beach by the local residents and regular visitors. We understand that this area is mapped as a scenic resource area, whose view shed cannot be altered by the addition of new permanent structures.

Because of these concerns, we strongly support the appeals to the above-cited county coastal development permits, and we strongly agree with the Commission Staff recommendations to uphold the appeals and deny the permits

Respectfully,



B. Jeffrey and Ruth J. Katz
Owners and residents of the property at 602 Bay View Dr., Aptos - Rio Del Mar.



**SIERRA
CLUB**
FOUNDED 1892

W16a-b, W16c, d, e

SANTA CRUZ COUNTY GROUP

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

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JUL 01 2010

June 30, 2010

California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: July 7, 2010 Agenda; Items 16, a through e
Appeals No. A-3-SCO-08-029; 08-042; and 09-001, 09-002, 09-003

Dear Commission Members:

The Sierra Club-Santa Cruz County Group is strongly opposed to the construction of five major structures, as proposed in these applications, for a number of important reasons, as outlined below.

The structures would be located within a mapped scenic resource area that is a significant environmental asset of this region. The locally adopted LCP clearly prohibits this kind of development in areas such as this.

The proposed structures, because of their size and mass, would be prominent features in the foreground of views out to the ocean. The affected viewsheds includes significant public use areas at Hidden Beach County Park, at the main beach/ocean overlook and the beach access trail, as well as at Hidden Beach itself.

Under the County's LCP, visual resources (including views from beaches and parks) are to be protected for the public benefit. Additional specific protections are identified in the LCP's visual resource policies to insure that areas having natural beauty of regional importance are not degraded by the placement of new structures that would be visible from a public beach.

In addition, the project sites are located on top of an actively eroding bluff and cannot meet setback requirements that would assure the public of long term geological safety for the structures and for the public area below the bluff. Thus, the proposed developments would be significantly out of conformance with the LCP's natural hazards policies.

We concur with the Commission's staff conclusion that the projects before you raise a substantial issue under the Coastal Act and would degrade the natural environment surrounding the properties to the great detriment of the public. We support the recommendation that the Commission deny all the applications as presently submitted.

Thank you for your consideration of our comments.

Sincerely,

Aldo Giacchino

Aldo Giacchino, Chair
Executive Committee
Sierra Club-Santa Cruz County Group

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

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JUL 01 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAAgenda Nos. W16a and W16b
Appl.# A-3-SCO 09-029 (Trousdale), APN 043-161-58
Appl.# A-3-SCO 08-042 (Trousdale) APN 043-161-57Ellen Mellon
OPPOSED**Commissioners:**

I am asking you to DENY permission for the proposed development on BayView Dr., Aptos, APN 043-161-58 and APN 043-161-57. I am OPPOSED to this project because of the threat it poses to the coastal bluffs as well as the damage to the viewshed from the beach below. Part of the California Public Resources Code was created to specifically protect coastal viewshed and bluffs, #30251 and #30253.

Building a large structure as the one proposed on this site would be a threat to the bluff stability. This particular parcel has already suffered a landslide midway down the bluff a few years ago. The fragility of these coastal bluffs is increasing as we see the effects of global warming and the changes brought (as well as those anticipated) in the form of more severe winter storms, rising ocean levels etc. that literally eat away the sandstone coastal bluffs. It is happening up and down the California coast. A good example is the deterioration of the coastal bluffs in northern San Diego County that has undermined a bluff-top house, leaving part of it hanging over open space.

On the aesthetic side (viewshed), our coastal bluffs in their natural state are disappearing, giving way to very large homes looming on top as well as unnatural, obtrusive retaining walls being built to support such monstrous structures. If left unchecked we will no longer be able to walk the beach and enjoy the natural beauty of coastal bluffs. There won't be anything "natural" left to see! Just a string of gigantic buildings with retaining walls running the length of our bluffs.

This damage to the scenic beauty of the California coast has to STOP. And that power rests with you, our Coastal Commission. You are entrusted with the protection of our coastal environment. Building on the bluff top can take place in such a way as to not damage the physical and aesthetic environment. Smaller, one-story homes set farther back from the bluff edge would allow property owners their right to build and still protect the bluffs and viewshed from the beaches below.

Please DENY permission for this particular project as currently designed.

Sincerely,



Ellen Mellon
7617 Hazard Center Dr.
San Diego, CA. 92108
(former Aptos resident for 18 years)

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JUL 01 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda Nos. W16c, W16d, and W16e

Appl.# A-3-SCO 09-001 (Frank)

A-3-SCO 09-002 (Frank)

A-3-SCO 09-003 (Frank)

Ellen Mellon

OPPOSED

Commissioners:

I am asking you to DENY permission for the proposed development on BayView Dr., Aptos, #A-3-SCO 09-001, 002, and 003 (Frank). I am OPPOSED to this project because of the threat it poses to the coastal bluffs as well as damage to the viewshed from the beach below. Protecting coastal viewshed and bluffs is part of the California Public Resources Code, #30251 and #30253.

The proposal to build very large structures on these sites would both threaten the bluff stability and do major harm to the view from the beach below. Our coastal bluffs are becoming more fragile as the weather changes, bringing stronger winter storms along with a rise in sea level. This ongoing threat to the coastal bluffs will only be compounded by allowing mega-houses to be built on the bluff tops. The incident in northern San Diego County of a house undermined by the eroding bluff on which it sits (or once sat) exemplifies this danger.

In addition to the stability threat presented by these overly large structures on bluff tops is the threat to the viewshed from the beach below. Hidden Beach in Aptos is a beautiful, cove-like beach environment where existing houses (mostly all one-story) tend to 'disappear' into the surrounding foliage. These proposed mega-houses will definitely stand out like a sore thumb, thus destroying the idyllic environment that currently exists.

This damage to the scenic beauty of our coast has to STOP. Decisions for the betterment to the public good must take precedent over those for the individual. Owners of bluff-top properties have, in the past, built homes that do not destroy viewshed from the beaches below and present little danger to the stability of the bluffs. Single story houses with deep setbacks would allow the owner his right to build while still protecting the rights of the public to a beautiful coastal environment. With this in mind, I am asking you to DENY the currently proposed projects for BayView Dr. Send them back to the drawing board for something that will meet the criteria of our California Public Resources Codes #30251 and #30253.

Sincerely,



Ellen Mellon

7617 Hazard Center Dr.

San Diego, CA 92108

(former Aptos resident for 18 years)

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Name: Sylvia Previtali

Position: In Favor of Appeals by Fay Levinson and William J. Comfort

Agenda Items No. W16a and W16b: A-3-SCO 08-029, Trousdale, APN 043-161-58) and A-3-SCO 08-042 (Trousdale) APN 043-1161-57.

Agenda Items No. W16c, W16d, and W16e: A-3-SCO 09001 (Frank), A-3-SCO 09-002 (Frank), and A-3-SCO 09-003.

July 2, 2010 (For Meeting July 7, 2010, Santa Rosa)

Honorable California Coastal Commissioners:

As a home owner on Cliff Drive for twenty-six years I found it shocking to learn recently that five homes were planned for construction atop the bluffs above the Hidden Beach Park and access paths to the Hidden Beach.

I write in favor of the Appeals of Fay Levinson and William J. Comfort.

I believe the area is unsuitable and dangerous for any construction. As seen in the photo I've enclosed storms have brought water down from the arroyo that has carved out a significant channel at the foot of the bluffs. Shown also is the "rounded" shape of the top of the bluff that has allowed water from storms to deeply erode the cliff sides of the bluff. Note there is little vegetation on the sides of the bluff. Boulders have been placed on the ocean side of the bluffs, indicating that at times the ocean reaches the bluffs or storms have brought water down the arroyo and need to have piles of boulders to guide water away from the bluffs.

Are the boulders still there today? Hidden Beach seems to "swallow" things like boulders--also huge incinerators. Years ago Hidden Beach contained very large incinerators on Hidden Beach next to the bluffs. Community trash was burned there and buried in the sand. Have geological studies been made about the effect on the stability of the bluffs from the burning of huge amounts of trash over the years? Massive amounts of burned trash are buried there and settlement of the burned trash could have caused caverns beneath the sand that still may give way.

I wonder if you have done studies on the impact the sewage pumping station at the foot of the Hidden Beach bluffs area would be on such construction? Just below the view area of Hidden Beach off the access path is what appears to be a small concrete bunker. It's a very large sewage pumping station deeply set into the ground, several stories deep. One of the county consultants working on the replacement sewers currently going in at the nearby Rio Del Mar Esplanade told me that the "ancient" sewer lines "under the beach" are in pieces and have been leaking badly for years and will be replaced. I understand the pumping station also needs to be replaced.

Those of us who live here too often see the bluffs giving way after major storms and the often futile efforts to shore them up. I hope that if any construction is allowed atop the Hidden Beach bluffs it is minimal and safe.

The beautiful park and paths to the beach that reveal wonderful views for visitors are treasures to be protected.

Also to be protected is the environment for the Monarch Butterflies that annually visit the trees along the access park to Hidden Beach.

Sincerely,

Sylvia Previtali
611 Cliff Dr.
Aptos CA 95003-5311
Tel 831-662-3598



W16a-b
W16c-d-e



STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4883
FAX: (831) 427-4877

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JUL 06 2010



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COASTAL COMMISSION
CENTRAL COAST AREA

POSTPONEMENT REQUEST

By signature below, I (as the applicant or the applicant's designated representative) am making the following postponement request (check only one):

- I am exercising the applicant's one right to postpone the Coastal Commission hearing on this application pursuant to California Code of Regulations (CCR) Section 13073(a). I acknowledge that the applicant has only one such right and that use of it here will extinguish that right in regard to future hearings regarding this application.
- The applicant's one right of postponement pursuant to CCR 13073(a) has already been exercised, and I am requesting that the hearing on this application be postponed pursuant to CCR 13073(b). I understand that this request may or may not be granted by the Executive Director or the Commission, at their discretion, pursuant to CCR 13073(b).

In making this request, the applicant hereby waives any and all applicable time limits for Coastal Commission action on this application (as required by CCR 13073(c)). If the request is granted, then the applicant agrees to submit additional stamped and addressed envelopes for future noticing as detailed in CCR 13054 (as required by CCR 13073(c)).

A35C0 08 029
A35C0 08 042

Application Number: 07-0325

Date: 7/2/10

Signature of Applicant or Applicant's Designated Representative (identify which one)

CINDY TRUSDALE

COVE BRITTON

Cindy Trusdale 7/2/2010

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4669
 FAX: (831) 427-4677

**POSTPONEMENT REQUEST**

By signature below, I (as the applicant or the applicant's designated representative) am making the following postponement request (check only one):

- I am exercising the applicant's one right to postpone the Coastal Commission hearing on this application pursuant to California Code of Regulations (CCR) Section 13073(a). I acknowledge that the applicant has only one such right and that use of it here will extinguish that right in regard to future hearings regarding this application.
- The applicant's one right of postponement pursuant to CCR 13073(a) has already been exercised, and I am requesting that the hearing on this application be postponed pursuant to CCR 13073(b). I understand that this request may or may not be granted by the Executive Director or the Commission, at their discretion, pursuant to CCR 13073(b).

In making this request, the applicant hereby waives any and all applicable time limits for Coastal Commission action on this application (as required by CCR 13073(c)). If the request is granted, then the applicant agrees to submit additional stamped and addressed envelopes for future noticing as detailed in CCR 13054 (as required by CCR 13073(c)).

Application Number: A-3-SC0-09-001 Date: July 5, 2010

Donald Neil Frank (applicant)
 Signature of Applicant or Applicant's Designated Representative (identify which one)

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JUL 06 2010

 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Form - postponement request 12.2003

W16d

CALIFORNIA COASTAL COMMISSION

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



POSTPONEMENT REQUEST

By signature below, I (as the applicant or the applicant's designated representative) am making the following postponement request (check only one):

- I am exercising the applicant's one right to postpone the Coastal Commission hearing on this application pursuant to California Code of Regulations (CCR) Section 13073(a). I acknowledge that the applicant has only one such right and that use of it here will extinguish that right in regard to future hearings regarding this application.
- The applicant's one right of postponement pursuant to CCR 13073(a) has already been exercised, and I am requesting that the hearing on this application be postponed pursuant to CCR 13073(b). I understand that this request may or may not be granted by the Executive Director or the Commission, at their discretion, pursuant to CCR 13073(b).

In making this request, the applicant hereby waives any and all applicable time limits for Coastal Commission action on this application (as required by CCR 13073(c)). If the request is granted, then the applicant agrees to submit additional stamped and addressed envelopes for future noticing as detailed in CCR 13054 (as required by CCR 13073(c)).

Application Number: A-3-SC0-09-002 Date: July 5, 2010

Donald Neil Frank (applicant)
Signature of Applicant or Applicant's Designated Representative (identify which one)

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 800
SANTA CRUZ, CA 95060
PHONE: (831) 427-4853
FAX: (831) 427-4877

**POSTPONEMENT REQUEST**

By signature below, I (as the applicant or the applicant's designated representative) am making the following postponement request (check only one):

- I am exercising the applicant's one right to postpone the Coastal Commission hearing on this application pursuant to California Code of Regulations (CCR) Section 13073(a). I acknowledge that the applicant has only one such right and that use of it here will extinguish that right in regard to future hearings regarding this application.
- The applicant's one right of postponement pursuant to CCR 13073(a) has already been exercised, and I am requesting that the hearing on this application be postponed pursuant to CCR 13073(b). I understand that this request may or may not be granted by the Executive Director or the Commission, at their discretion, pursuant to CCR 13073(b).

In making this request, the applicant hereby waives any and all applicable time limits for Coastal Commission action on this application (as required by CCR 13073(c)). If the request is granted, then the applicant agrees to submit additional stamped and addressed envelopes for future noticing as detailed in CCR 13054 (as required by CCR 13073(c)).

Application Number: A-3-SCD-09-003

Date: July 5, 2010

Donald Neil Frank (applicant)

Signature of Applicant or Applicant's Designated Representative (identify which one)

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W17a

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: W17a Application No. 3-09-052
(Neal, Pismo Beach)

Date and time of receipt of communication: 6/29/10, 3:30 pm

Location of communication: Board of Supervisor's Offices, Santa Cruz, California

Type of communication: in person meeting

Person(s) initiating communication: Sarah Damron
Grant Weseman

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Surfrider agrees that an existing structure is supposed to be protected under the Coastal Act, but what happens when that structure is no longer economically viable? Can the Commission add a condition that would require the removal of the sea wall when the structure no longer exists? What happens if it is remodeled or replaced? How can the Commission acknowledge the planned retreat of the bluff here and not be forced to have a permanent sea wall even once the structure is gone or no longer viable?

Date: 6/29/10 Signature of Commissioner: Mark Stone

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 within 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 proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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

W17a

Prepared July 6, 2010 (for July 7, 2010 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager *DC*
Mike Watson, Coastal Planner *MW*

Subject: STAFF REPORT ADDENDUM for W17a
CDP Application Number 3-09-052 (Neal Sea Cave)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, in the time since the staff report was distributed, the Applicants' engineer has raised issues with respect to constructability and feasibility of the staff recommended sea cave plug and fill. In particular, the Applicants' engineer contends that it is unnecessary and inappropriate to remove all existing upper bluff armoring materials (cemented sand bags, etc.), the remnant concrete slab and walls seaward of the home, and the rock fronting the sea cave per the staff recommendation.

With respect to the upper bluff materials, the Applicants' engineer concurs that any loose exterior material should be removed to ensure the long-term stability of the sea cave plug/fill, but that competent cemented materials would better be incorporated into the plug/fill than removed. The Applicants indicate that these remaining materials could be faced with the same plug/fill concrete and re-formed in a manner that mimics the surrounding native bluff material in form, color, and texture.

In terms of staff's recommendation that the existing remnant concrete pad and walls seaward of the residence be removed, the Applicants' engineer indicates that such removal could further destabilize the upper bluff area in the vicinity of the residence foundation and potentially cause a structural failure because elements of this concrete feature currently act as a retaining device providing what little support is left in this area of the upper bluff. In addition, the Applicants indicate that removal and disposal of this concrete feature would add a significant economic burden to the Applicants, causing the cost of the proposed repair to more than double. As an alternative to immediate removal, the Applicants propose to monitor these concrete elements, and to remove and dispose of any concrete that fails and/or that extends over the retreating bluff top edge over time.

Lastly, the Applicants propose to leave in place the existing rock seaward of the cave opening that appears to have migrated onto the intertidal zone in order to avoid disturbing any sea life that may be in existence at this location. The Applicants indicate that much of this material has migrated off-site and off-property, that there is no easy access to this location for removal, that the site is under water at all but the lowest tides of the year, and that removal may end up doing more harm than good.

Staff's recommended removal conditions were designed to ensure long-term stability and function of the proposed sea cave plug/fill, including by ensuring that these remnant materials did not harm the proposed fix over the long term, and to ensure that the erodable plug/fill functions as intended (to match



California Coastal Commission

3-09-052 (Neal Sea Cave plug) stfrpt addendum 07.07.2010 hrg.doc

the erosion of the surrounding bluff materials). Staff, including the Commission's coastal engineer, has considered the Applicants' observations and believes that their proposed modifications will not affect the long-term stability of the project, including in terms of ensuring the erodability of the plug/fill project over time. Accordingly, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted):

1. Revise the following findings on page 13 of the staff report as follows:

- *Erodible Sea Cave Plug and Fill. The sea cave plug must be constructed of erodible concrete designed to match the surrounding bluff landform in slope, integral color and undulation, and compressive strength; must be keyed into competent bedrock at the base and sides of the sea cave so as to avoid any undercutting or scour of the cave entrance; must be constructed on the same vertical plane as the surrounding bluff and must extend from the bottom to the top of the natural bluff feature; and must include drainage to prevent buildup of water behind the plug. The fill behind the sea cave plug must be made up of a concrete sand slurry mix designed to simulate the surrounding bluffs in terms of integral color and compressive strength, and must include a soil cap to ensure long term bluff stability and effectiveness.*
- *Existing Rock and Armoring Materials. ~~The~~ Any existing loose armoring materials (including the existing concrete bags, rock, and cobbles cemented in place near the top of the sea cave entrance) must be removed in order to ensure both construction period and long term project stability and effectiveness integration into the sea cave plug/fill, including in terms of matching the surrounding bluff's look, color, texture, and erosion pattern. Existing armor rock and remnant armoring materials at the base of the bluff shall be removed as feasible at the time of construction. All such removed materials must be properly disposed of.*
- ~~*Concrete Removal. The old concrete pad and vertical concrete elements seaward of the residence must be removed in order to ensure both construction period and long term project stability and effectiveness, including in terms of matching the surrounding bluff's erosion pattern. All concrete materials shall be properly disposed of.*~~

2. Delete the following finding on page 20 as follows:

~~In this respect the existing concrete elements seaward of the residence present problems with respect to constructability and long term stability of the bluff area with the sea cave plug/fill, including as the site erodes over the 100 year design life of the project. The same applies to the existing armoring present in the bluff area. These concrete remnants and existing armoring would serve to exacerbate bluff stability issues with the approvable plug/fill project and need to be removed as part of this project to ensure long term project stability consistent with Section 30253 (see special condition 1b).~~



3. Revise the following finding on page 23 and 24 as follows:

The proposed sea cave plug would be designed to mimic natural bluff forms in the vicinity. If successful in this respect, the approved project would ~~eliminate~~ integrate the existing combination of rock and sand bag debris and replace it with a more natural looking landform and bluff appearance. The orientation of the sea cave fill relative to the trail views is such that the sea cave fill should be only minimally visible from public vantages. The sea cave fill can be colored to ensure its visible components effectively blend in with the natural bluff color. To further offset the visual impacts of the approvable alternative, Special Condition 1 requires that erodible concrete used to fill the sea cave, as well as any concrete facing on the sea cave plug, be colored to mimic the natural bluff face and its surface roughly undulated to match adjacent natural bluff undulation/texture as much as possible.¹ In addition, the existing remnant armoring (i.e., rocks, cemented concrete filled sand bags, etc.) need to be ~~removed as opposed to being~~ incorporated into the approved project to ensure that they don't daylight over time and the resultant sea wall monitored to ensure ~~reduce~~ the effectiveness of the erodible concrete at mimicking surrounding bluff forms as much as possible, including over the 100 year design life of the project (see special condition 1 ~~(b)~~ (e)). As conditioned, the project will minimize visual impacts along this bluff area and will not significantly alter scenic public views. Thus, the project, as revised, is consistent with Sections 30251 and 30240(b) of the Coastal Act.

4. Revise Special Condition 1(b) as follows:

Removal of Existing Armoring and Concrete. ~~All existing bluff armoring (including but not limited to all imported rock, concrete, and sandbags located generally in the upper bluff area above the entrance to the sea cave and on the shoreline surrounding the cave opening) and all remnant concrete elements in the bluff seaward of the residence shall be removed. Existing loose armoring in the upper bluff area above the entrance to the sea cave and (including but not limited to all any imported rock, concrete, and sandbags) shall be removed. Existing armor rock and remnant armoring materials at the base of the bluff shall be removed as feasible at the time of construction. All such material removed shall be appropriately disposed of, and all disposal locations shall be noted. If any disposal location is located in the coastal zone, a separate coastal development permit may be required.~~

5. Add Special Condition 1(e) as follows:

Retention of Upper Bluff Materials. ~~All structurally unsound or loose upper bluff materials including any imported rock, concrete, and sandbags, shall be removed and disposed at an approved location. Any remaining upper bluff rock and materials shall be incorporated into the sea cave plug/fill to match the surrounding bluff landform in slope, integral color and undulation, and compressive strength.~~

¹ [footnote unaltered]



6. Add Special Condition 7(i) as follows:

Future Debris Removal. The Permittee shall immediately remove all concrete materials and/or debris that may fall from the upper bluff and blufftop area inland of the blufftop edge and/or the plug/fill onto the shoreline below, and shall remove any concrete that protrudes seaward of the blufftop edge and re-contour the seaward edge of the remaining concrete in such a way to mimic the surrounding bluff landform and the edge of the plug/fill.

