

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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Prepared July 30, 2021 (for August 12, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for August 2021

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on August 12, 2021. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from staff at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on August 12th during the virtual online hearing.

With respect to the August 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on August 12, 2021 (see attached)

CDP Waivers

- None

CDP Amendments

- 3-18-0650-A1, Harbaugh SFD (Carmel Highlands area of Monterey County)

CDP Extensions

- A-3-SCO-09-001-E5, Frank SFD (Aptos area of south Santa Cruz County)
- A-3-SCO-09-002-E5, Frank SFD (Aptos area of south Santa Cruz County)

Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: July 29, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-18-0650
Applicant: Darla Harbaugh

Original CDP Approval

CDP 3-18-0650 authorizes the redevelopment of an existing three-story single-family dwelling located on the bluff above Yankee Point Beach in the Carmel Highlands area of Monterey County. The Coastal Commission initially approved the CDP on April 10, 2019, and adopted revised findings for that action on June 13, 2019. The Applicant subsequently sued the Commission over its CDP action, claiming, among other things, that the Commission lacked a nexus to require public access. Ultimately, the Commission agreed to settle the litigation via a remand to consider alternative public access language, and the Commission approved the final version of the CDP on November 6, 2020.

Proposed CDP Amendment

CDP 3-18-0650 would be amended to authorize a 3rd story 621-square-foot addition to of the main home, and to reduce the size of other portions of the home as well as the approved accessory building (by eliminating the gym component). Other minor revisions include removal of a wing wall in the master bedroom, addition of a powder room and closet, an extension of the entryway porch, as well as minor changes to the siding, window trim and grids. The Commission's reference number for this proposed amendment is **3-18-0650-A1**.

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 modifications are fairly minor in nature. Although the proposed redesign would increase the height of the proposed main house by an additional story (for a total height of approximately 28 feet), the overall lot coverage will be reduced by building the main house taller and more compact including by reducing other portions of the main house and the accessory building. The changes should not lead to significant public view impacts, and should benefit water quality and drainage on the site by reducing lot coverage. Staff therefore believes that the proposed amendment is consistent with the

intent of the Commission's original CDP approval, as well as with the Coastal Act (and the certified Monterey County Local Coastal Program, which acts as guidance at this location).

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 August 12, 2021 at the Coastal Commission's virtual online meeting. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Ryan Moroney in the Central Coast District office at Ryan.Moroney@coastal.ca.gov

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15302 (for replacement or reconstruction of an existing facility), and thus the County did not identify any significant adverse environmental effects from the proposed project. The proposed changes to the main house and accessory structure would not appear to change that finding.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: July 29, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor

Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SCO-09-001**

Applicant: Neil Frank

Original CDP Approval

CDP A-3-SCO-09-001 was approved by the Coastal Commission on June 12, 2015 and provided for the construction of a two-story single-family residence and associated improvements. The project is located on an undeveloped vacant blufftop above Hidden Beach where it slopes down toward a coastal arroyo adjacent to Hidden Beach County Park just downcoast from Bayview Drive in the unincorporated Aptos area of south Santa Cruz County.

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on June 12, 2015 and included a two-year term with an expiration date of June 12, 2017. The Applicant previously filed for four extensions to extend this deadline (ultimately to June 12, 2021), which were granted by the Commission (A-3-SCO-09-001-E1, A-3-SCO-09-001-E2, and A-3-SCO-09-001-E3, and A-3-SCO-09-001-E4). Thus, under this proposed extension, the expiration date of CDP A-3-SCO-09-001 would be extended one additional year until June 12, 2022. The Commission's reference number for this proposed extension is **A-3-SCO-09-001-E5**.

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 August 12, 2021, at the Commission's virtual hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be

scheduled pursuant to the Commission's regulations.

If you have any questions about the proposal or wish to register an objection, please contact Ryan Moroney in the Central Coast District office at Ryan.Moroney@coastal.ca.gov.

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Date: July 29, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor

Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SCO-09-002**

Applicant: Neil Frank

Original CDP Approval

CDP A-3-SCO-09-002 was approved by the Coastal Commission on June 12, 2015 and provided for the construction of a two-story single-family residence and associated improvements. The project is located on an undeveloped vacant blufftop above Hidden Beach where it slopes down toward a coastal arroyo adjacent to Hidden Beach County Park just downcoast from Bayview Drive in the unincorporated Aptos area of south Santa Cruz County.

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on June 12, 2015 and included a two-year term with an expiration date of June 12, 2017. The Applicant previously filed for four extensions to extend this deadline (ultimately to June 12, 2021), which were granted by the Commission (A-3-SCO-09-002-E1, A-3-SCO-09-002-E2, and A-3-SCO-09-002-E3, and A-3-SCO-09-002-E4). Thus, under this proposed extension, the expiration date of CDP A-3-SCO-09-002 would be extended one additional year until June 12, 2022. The Commission's reference number for this proposed extension is **A-3-SCO-09-002-E5**.

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 August 12, 2021, at the Commission's virtual hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be

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