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# W18 a,b,c

**Prepared September 5, 2023 for September 6, 2023 Hearing**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Kevin Kahn, Central Coast District Manager  
Rainey Graeven, Central Coast District Supervisor

**Subject: STAFF REPORT ADDENDUM for W18a, W18b, and W18c  
CDP Application Numbers 3-18-0720, 3-20-0166, and 3-22-0440 (Pleasure  
Point Drive Armoring and Access Improvements)**

The addendum responds to public comments received after the staff report was distributed on August 25, 2023, and makes minor changes to the staff recommendation (primarily clean-up of conditions for consistency and clarity) in response to comments received from the Applicants for the above-referenced items (see correspondence package for these items for such comments). While some comments were in support of the staff recommendation, including comments from Santa Cruz County urging Commission approval, others were not supportive, and suggest approval per the staff recommendation is not appropriate.

Specifically, the immediately downcoast neighbors of the project site at 3030 Pleasure Point Drive raised a series of concerns through their attorney, John Flynn, including alleging that: 1) staff erred in its analysis of the term “existing structures” in Coastal Act Section 30235 as being those structures constructed prior to January 1, 1977 and not redeveloped since; 2) the proposed beach/surf access stairway fronting 3020 Pleasure Point Drive extends onto their private property; and 3) the staff report does not address whether the stairways involved would be designed to comply with the federal Americans with Disabilities Act (ADA), the Santa Cruz County building code, and the California Building Code.<sup>1,2</sup>

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<sup>1</sup> Another commentor, Cove Britton, raises similar concerns regarding the project’s ADA compliance, and asks that a decision on the project be postponed to allow additional review of the proposed accessway.

<sup>2</sup> Mr. Flynn also requested that each of the CDP applications’ Appendix B forms be made available to the public for review (Appendix B is a form that is part of the Commission’s CDP application form that identifies any local approvals that may be required for a proposed project). Staff provided Mr. Flynn the forms he requested on Monday, 9/4 (on Labor Day) in advance of the hearing, and the complete CDP applications and files for all three CDP applications have been and remain available for review in the

In addition, the Surfrider Foundation also submitted comments. While such comments generally agreed that the project would result in enhanced coastal access as compared to the status quo, they raise a series of concerns with the Coastal Act analysis undertaken to reach the recommendation of approval. More specifically, they contend: 1) that coastal access paths should not be afforded armoring under Coastal Act Section 30235 as a “coastal-dependent use”; 2) that additional conditions are needed to monitor the project’s impacts to surfing; 3) that the project’s alternatives analysis and impact mitigation was incomplete, including that the project lacks quantification and justification of coastal resource impacts; and 4) that additional mitigation should be assessed for emergency CDP (ECDP) impacts since installation.

Finally, comments were also received from Dr. Gary Griggs, a prominent coastal geologist who has been studying the Santa Cruz County coastline for 55 years, and who was the coastal geologist for the East Cliff Drive armoring project nearby. Dr. Grigg’s comments are directed specifically to Surfrider’s comments related to potential surfing impacts, where Dr. Griggs ultimately concluded that the proposed projects would not impact the offshore surf breaks, including given the location of the subject sites in relation to the location of the surf breaks several hundred feet offshore.<sup>3</sup>

Staff responds to these raised concerns herein.

### **Coastal Act Section 30235**

As discussed above, some members of the public have voiced opposition to the staff report’s characterization of Coastal Act Section 30235’s discussion of armoring being allowed for ‘coastal-dependent uses’ and ‘existing structures.’ On the former, the Surfrider Foundation suggests that public coastal accessways (like the informal accessway that exists at the site now, as well as the formalized accessway components that would be built into the proposed armoring) should not be considered coastal-dependent, and further suggests that, if they are, then armoring applicants could simply add a public access feature to their projects to be eligible for armoring under Section 30235. And on the latter, Mr. Flynn and Mr. Britton disagree with the interpretation that “existing structures” means those existing as of the enactment of the Coastal Act on January 1, 1977 and not redeveloped since—instead, they believe “existing” should be understood as being ‘extant’ as of the time of CDP application. Staff does not agree with these commentors on these points.

First, with respect to what constitutes an existing structure, this issue is thoroughly described beginning on page 27 of the staff report, including the genesis and Coastal Act rationale for why ‘existing’ is interpreted to mean ‘existing as of Coastal Act enactment.’ This is an issue well known to the Commission, including as affirmed in the Commission’s adopted Sea Level Rise Policy Guidance. Staff reiterates all of these

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Commission’s Central Coast District office in Santa Cruz. And, to be clear, it is not the Commission’s practice to include Appendix B forms as exhibits to staff reports.

<sup>3</sup> Staff also acknowledges that one commentor, Mr. Britton, noted that he was not given notice for the proposed projects. However, staff had been coordinating with Mr. Britton, and even personally identified for him when the staff report was available. In any case, the fact that he commented on the applications is evidence that he had notice of their pendency, and the project sites have been posted with the applications’ hearing notice (which includes the hearing date, how to submit comments, etc.).

points in this addendum as sufficient response to the arguments proffered by some members of the public on this issue.<sup>4</sup>

As to Surfrider's allegations, the staff report (on page 30) notes that Coastal Act Section 30001 defines a 'coastal-dependent use' as one that "requires a site on, or adjacent to, the sea to be able to function at all," and further notes that the Commission has in past armoring cases found that certain public coastal accessways may constitute a coastal-dependent use. The rationale for doing so is because in order to gain access to shoreline/ocean resources, an accessway may need to be located "on or adjacent to the sea," such as this accessway which provides and will provide direct access to the ocean, such as for surfing. In other situations, including if there is a broad sandy beach or other site topographic feature that allows for such accessways to be sited and designed sufficiently away from the ocean, then they may not qualify as coastal-dependent. Importantly, it is the Commission's discretion in CDP applications to make such distinctions. Surfrider's arguments would, instead, remove such discretion, and attempt to write the coastal-dependent prong out of Section 30235. That is inappropriate. Rather, these are case-specific evaluations both as to coastal-dependency, and then, with respect to potential armoring, whether such armoring is "required to serve coastal-dependent uses", as identified in that section. Here, staff believes that both such Section 30235 tests are met. That is based not only on the nature of the existing informal and proposed formalized trail being directly adjacent to the ocean and providing for ocean/surf access, but also because this is an area with limited beaches (other than at very low tides) with only inland (and away from the ocean, and inland of coastal homes) public access alternatives, where such ocean proximity requires extraordinary accessway support (here, armoring) for it to exist at all. In cases like this, the accessway can be understood as being coastal-dependent, and, in Section 30235 parlance, the armoring is needed 'to serve' the accessway.

And in addition to Surfrider suggestions that understanding the project in this way could lead to 'gaming' of the system, whereby a property owner could propose any form of public access with an armoring project, call it coastal-dependent, and thus qualify for armoring, staff believes that is an oversimplification of what is actually a much more nuanced evaluation. And, to be clear, there is nothing stopping property owners from making such cases now, including as Section 30235 includes coastal dependency provisions. The key is to provide for the discretionary evaluation of the questions. For example, a bench or other similar public access amenity proposed to 'game' the system can be evaluated for what it is, and the Commission can make a determination whether it is (a) truly coastal-dependent, and (b) required to be served by coastal armoring (where such evaluation includes evaluating whether it is required to be in that location or can be located further inland, etc.). Here, the accessway in question is an important component of a continuous lateral accessway that connects with an existing County-owned vertical public coastal staircase. As shown in the staff report's exhibits, the

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<sup>4</sup> Staff does note that both Mr. Flynn and Mr. Britton raise the *Casa Mira v. California Coastal Commission* decision as evidence of the courts siding against the Commission's interpretation of January 1, 1977 as constituting an 'existing structure.' However, that decision was a San Mateo County Superior Court decision that the Commission has appealed. Thus, the decision is not final until the appellate process concludes. And in any case, it is not binding on the Commission in any way as it relates to these applications.

project is located in an area where little public access currently exists, but there is a community vision to create and enhance access, including continuous and seamless connections to the downcoast Pleasure Point Parkway and upcoast sandy beaches. In other words, this project's access features should not be understood as a utility-less isolated gimmick, but rather a critical piece to a community's coastal access vision.

And finally, an existing informal accessway at the site has existed at this location in a variety of forms for many decades, since well before the Coastal Act, and can also be considered an existing Section 30235 structure in that sense. The issue, as identified in the staff report, is that the portion of it that fronts 3020 Pleasure Point Drive (i.e., the one house in these applications that is not considered existing pursuant to Section 30235) is currently in some disarray, having been partially collapsed by ocean action and erosion. For that section of the existing accessway, staff did not think it was as clear that the accessway constituted an existing structure due to its current condition, and it is for that section of the accessway that the coastal-dependent argument is important. In other words, there are multiple Section 30235 reasons supporting the proposed project, and the issues raised by Surfrider essentially accrue to only a portion of the project.

In sum, staff understands and even agrees with many of the points made by Surfrider in terms of the potential abuse of incorporating a public access feature into a proposed armoring device and calling it coastal-dependent. However, staff does not believe that to be the case in this project. This project's particular features, including a significantly constrained site where there are no other alternative locations to provide for vertical and lateral public coastal access without some type of shoreline armoring, and its important context of being part of a continuous envisioned public lateral accessway network seaward of private homes to provide for surfing and other physical access in a location where little currently exists, are all important differentiating factors. Should other projects across the state meet similar factors/tests, then staff feels comfortable employing a similar Coastal Act analysis and outcome. And other projects that do not have the same factors may not fall in the same bin as this one. Staff believes that this project meets the Coastal Act armoring tests and that a case-by-case analysis of other projects' particular factors will guard against any type of dangerous precedent. In fact, staff believes that this project will help provide some clarity regarding the parameters for when certain public accessways/armoring devices may be approvable.

### **3020 Pleasure Point Drive Stairway Encroachment**

With respect to Mr. Flynn's allegation that the proposed stairway design at 3020 Pleasure Point Drive will encroach onto his clients' property at 3030 Pleasure Point Drive, staff does not believe this to be the case. In fact, the Applicants hired a professional surveyor (Alpha Land Surveyor, Inc.) to survey the properties to establish legal property boundaries, and submitted that survey along with the CDP application. That survey shows that the stairway is located on Santa Cruz County and State Lands Commission property, and not on 3030 Pleasure Point Drive property.

### **ADA Compliance**

Regarding comments from Mr. Flynn and Mr. Britton with respect to the project's compliance with the federal ADA and applicable buildings codes, it should be noted that

Commission staff consulted County staff throughout the project's review, and the County has indicated support for its siting and design. And regarding the ADA, this is a challenging site to accommodate those with limited mobility given its constrained nature, which necessitates a staircase down the coastal bluff in between dense residential development, and a lateral access system in between the bluff and the ocean. Such situation isn't dissimilar in this regard to many coastal access staircases and pathways that lead down coastal bluffs and to/along the ocean across the state. The Commission will always try to provide access options to as many users as possible, recognizing that some geographic contexts are more conducive than others to this goal.

### **Alternatives Analysis**

The Surfrider Foundation argues that the staff report didn't undertake a thorough enough analysis of non-armoring alternatives for the three residences. They note that the upcoast neighbor at 2970 submitted a letter and a corresponding plan sheet that recommended a row of pilings parallel to the County's Sewer Peak stairway; that this design could potentially be less environmentally damaging than a more typical seawall design (presumably as proposed at 3006 and 3020 Pleasure Point Drive; however, the letter does not specify which properties); and that a more complete alternatives analysis should be completed (again, specific properties were not identified). Staff respectfully disagrees with Surfrider's contentions that the projects did not undergo a thorough alternatives analysis. The staff report beginning on page 32 walks through the Commission's typical analysis when shoreline armoring is proposed, including identifying the efficacy of the no project alternative, 'soft' solutions such as beach nourishment or landscaping/erosion control, and structural relocation out of harm's way. Staff provides some more context below in terms of the potential pilings alternative offered by Surfrider.

The Commission's Staff Engineer, Jeremy Smith, reviewed the comments/submittal by the upcoast neighbor at 2970 (which recommended a row of pilings parallel to the County stairway, which were framed to provide additional protection to the existing County "Sewer Peak" stairway (and would also presumably provide additional protection to the 2970 residence)), and ultimately concluded that there was no evidence to suggest that a row of pilings at this or other locations is necessary or would offer a less intensive form of protection. In addition, the proposed armoring at 3000 Pleasure Point Drive also includes both an upper bluff soil nail wall as well as a proposed pin-pile wall, and thus the proposed design at this location already makes use of said pin-pile wall design. And regarding the alternatives analyses for 3006 and 3020, the Applicants each analyzed 10 and 13 different alternatives, respectively. The Commission's Staff Geologist, Dr. Joe Street, and Staff Engineer, Mr. Smith, reviewed the alternatives and ultimately concluded that the proposed projects are the least environmentally damaging feasible alternatives at this location. Accordingly, it's not readily clear to staff that the Surfrider's proposed piling alternative would be any less environmentally damaging, nor that any additional alternatives analysis is needed or warranted.

### **Impact Analysis**

The Surfrider Foundation letter also alleges the staff report did not undertake a thorough impact analysis, including a lack of the typical real estate method to quantify the value of lost beach space. However, this is incorrect, with the impact analysis beginning on

staff report page 34, which includes a real estate impact methodology (calculating a total of 4,442 square feet of beach loss over 20 years at a value of \$2.56 million). And to mitigate such impacts, the project includes the construction and upkeep of the new coastal access path, as well as financial contributions to the maintenance of the County's Sewer Peak staircase.

As noted in the staff report, as with all armoring impact mitigations, some of the impacts and mitigations are difficult to quantify, including the value of beach space and the value of a public access easement. Here, however, the site-specific context is critically important; the proposed project would create a new formalized trail and surf/ocean accessway extending some 200 feet, and include a new beach/surf access stairway, all of which would directly connect into existing informal and formalized access path segments, and in so doing would further the vision of a continuous coastal access path from Rockview all the way through to 41<sup>st</sup> Avenue (i.e., fronting all of Pleasure Point) where the inland alternative is both without a view of the ocean, and at times, without a sidewalk or any kind of separated pedestrian path. The meaningfulness of these improvements as a "missing link" in a larger coastal trail network with consideration to this unique armored context where there is substantial decaying armoring that poses public access impacts and little to no beach also carry significant value that is difficult to quantify. Finally, staff considered assessing the \$2.67 million dollar impact fee here, but ultimately concluded that the proposed improvements addressed a very real need and would be constructed in the very near term thus directly and meaningfully mitigating for impacts at the place of impacts and as they are accruing.

### **Surf Impact Analysis**

The Commission received two pieces of correspondence related to potential surfing impacts. The Surfrider Foundation letter makes a number of assertions/allegations/recommendations including: 1) asserting that the staff report does not adequately address the potential long-term damage to the Pleasure Point surf breaks that could result from the proposed projects; 2) recommending that the Applicants conduct additional engineering studies that consider current conditions, climate change projects, and the specific impacts of the proposed project on the Pleasure Point surf breaks; and 3) asserting that 2005 and 2019 aerial Coastal Records Project photos show that there was rapid erosion and changed conditions in the 14-year period between 2005 and 2019. The second piece of correspondence was submitted by Dr. Gary Griggs, a distinguished UCSC earth science/Institute of Marine Sciences professor who specializes in coastal processes and hazards, coastal engineering, and impacts and adaptation to sea level rise, and was intended to respond to the Surfrider letter and provide additional site specific context and offer his perspective that the proposed projects would not result in impacts to the Pleasure Point surf breaks.

Regarding the comments made by the Surfrider Foundation, the staff report includes nearly three pages of surfing analysis discussion (see pages 46-49), and ultimately concludes that "the project site is not an unarmored bluff that would [...] erode naturally in the absence of the proposed project, rather it is already armored, with some of these impacts already present, to whatever degree they are occurring, without this project." The staff report also concludes that the proposed project includes a surfing benefit, by virtue of providing a safe means of access to and from the surf via the proposed new

stairway. The staff report analysis goes into more detail, but staff arrived at these conclusions in part because sea level rise will affect the waves regardless of whether the subject sites are armored or not; the surf breaks are several hundred feet offshore (and southeast from the subject sites, and not immediately offshore); and the bluffs are already extensively armored here, and such armoring and any potential existing impacts would continue to exist absent the proposed projects.

Regarding the 2005/2019 aerial photograph comparison, staff would note that the 2002 photo is nearly identical to the 2019 photo in terms of sandy beach area/width. This area is prone to significant littoral drift, which transports large quantities of sand downcoast. This photo was likely taken during a period of unusually high beach sand elevation, which occurs periodically and is typically fleeting. And while it is true that the “beach” area seaward of the subject homes was more accessible and discernible in the earlier Coastal Records Project photos, the high-water line in the 1972 reaches the base of the armoring. In other words, there was limited to no beach area here even some 50 years ago. Additionally, and as noted in the staff report (see footnote 2 on page 19), the construction of the Santa Cruz Harbor led to downcoast littoral sand transport deprivation, which reduced beach widths throughout coastal Live Oak and Capitola.

Dr. Griggs’ response concludes that the proposed project will not impact the surf breaks here due to the nature of the offshore bathymetry; essentially that wave refraction from concrete is no different from wave refraction from an unprotected bluff face. Dr. Grigg also notes that the nearby East Cliff Drive seawall permitted by the Commission in 2007 has had no discernible impact on the offshore surfing at Pleasure Point since its installation over 10 years ago. Commission staff here would add that the Pleasure Point armoring/Parkway project has made Pleasure Point much more popular for surfing, including because it improved access via new stairways to the beach and removed significant errant armoring and rebar. Prior to its installation, users had to scramble down an eroding bluff face and over dangerous and protruding concrete/rebar, which significantly reduced the number of users and the type of user willing to traverse such tricky and dangerous conditions to access the surf.

Dr. Griggs also cites to recent studies and notes that “there is not yet any agreement or consensus that the wave climate is changing significantly as the planet warms, although there are some indications that the waves are gradually getting larger (Reguero, 2019; Bromirski, 2023). Dr. Griggs also notes that the nearby NOAA tide gauge has measured only 6.3 inches of sea level rise in the last 100 years, which to date has had a negligible effect on the waves/surfing at Pleasure Point. Finally, staff notes that the LCP Grant Application for Santa Cruz County (Item #W6e) seeks to analyze potential sub-regional approaches/adaptation pathways including the impacts from armoring discrete sections of the coast, and may be a better vehicle for analyzing/assessing potential surfing impacts from armoring, and also better engaging with the surfing communities and organizations.

### **Additional ECDP Mitigation**

The Surfrider letter notes that armoring at the subject site pursuant to ECDPs has been present longer than 20 years, and that the staff recommendation does not account for

this. This is simply incorrect. As indicated in the staff report, both sites with ECDPs were analyzed for impacts from the time of the ECDPs, and not as of today. In other words, all of the ECDP impacts were quantified and included in the analysis (see staff report pages 36 and 37).

### **Modifications to the Staff Recommendation**

This addendum also makes certain minor changes to the recommended conditions of approval in response to comments made by the Applicants. These changes are relatively minor, and are intended to improve clarity/expectations related to special condition requirements. Overall, these changes do not modify the basic staff recommendation, which is still approval with conditions. 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):

#### **1. Modify Special Condition 1 on staff report pages 6 through 9 as follows:**

**Final Plans.** *PRIOR TO ISSUANCE OF THE CDPs, the Permittees shall each submit two full size sets of Final Plans for the portion of the approved project associated with their site (i.e., for 3000, 3006, and 3020 Pleasure Point Drive, where one combined set of plans for the overall project may be submitted if the Permittees so desire) to the Executive Director for review and written approval. The Plans shall: be prepared by a licensed professional or professionals (i.e., geotechnical engineer, surveyor, etc.); be based on current professionally surveyed and certified topographic elevations for the project area; include a graphic scale; and demonstrate continuity/contiguity with adjacent site plans (as applicable). The Plans shall be substantially in conformance with the proposed plans (titled (1) “Repairs to Coastal Bluff: Secant Pile Tieback Wall with Cantilever Walkway”, prepared by Soil Engineering Construction, dated May 5, 2022, and dated received in the Central Coast District Office on May 27, 2022 (see Exhibit 4); ~~and~~ (2) “Public Access Improvement and Coastal Protection Plans”, prepared by Haro, Kasunich & Associates, Inc., dated September 16, 2019, and dated received in the Central Coast District Office on September 24, 2019; and (3) “Public Access & Coastal Protection Improvement Plans”, prepared by Haro, Kasunich & Associates, Inc., dated August 21, 2023 and dated received in the Central Coast District Office August 22, 2023 (see Exhibit 4)) except that they shall be modified to meet the following requirements:*

- a. **Accessway.** *The lateral access path shall be at least 4 feet wide (~~and 6-8 at least~~ 6-5 feet wide fronting portions of 3020 Pleasure Point Drive) as measured from the seaward-most extent of the concrete surfacing of vertical seawall elements through to the landward most extent of the curb/railing (as applicable), and shall be as wide as possible while otherwise meeting the terms and conditions of these CDPs. Such access path shall incorporate drainage features to ensure that standing water from rain/surf does not pool on the accessway. ...*
  
- g. **Sewer Peak Stairway.** *The downcoast concrete wall associated with Santa Cruz County’s Sewer Peak accessway/stairway shall be reduced in height to the maximum extent feasible. ~~The stairway was required to be refurbished under CDP Waiver 3-14-0210-W. If, after the CDP 3-14-0210-W Permittee has met all of their obligations in that regard, additional measures remain necessary to meet County~~*



~~Building Department requirements and County Parks Department requirements for public coastal stairways. In addition, the Permittees for the 3000 and 3006 Pleasure Point Drive sites shall each contribute \$15,000 to Santa Cruz County for improvements to the stairs (e.g., adding railings, modifying/resurfacing steps and walls, applying anti-graffiti coatings, adding coastal access/wayfaring signage, etc.); then Permittees for 3000 and 3006 Pleasure Point Drive sites shall be responsible to complete such measures, and shall also be responsible to provide adequate funding to the County for Sewer Peak accessway/stairway maintenance (e.g., as-needed repairs, at least annual accessway/stairway cleaning, graffiti abatement and anti-graffiti re-application, replacement coastal access/wayfaring signage, etc.) through at least September 6, 2043. ...~~

1. **Future Public Accessway Connections.** Should upcoast and/or downcoast path or other connections to the approved development be pursued, the Permittees at 3000 and 3020 Pleasure Point Drive shall coordinate with adjacent upcoast (at 3000) and/or downcoast (at 3020) property owners as applicable, and shall facilitate any necessary changes to the final approved development designed to seamlessly connect the approved development to upgraded/improved path/accessway features up and/or downcoast, subject to Executive Director (or Coastal Commission, if required) approval. ...

**2. Modify Special Condition 4 on staff report page 13 as follows:**

**Public Recreational Access Easement.** WITHIN ONE YEAR OF COMMENCEMENT OF CONSTRUCTION, the Permittees shall each execute and record a document for the portion of the approved project associated with their site (i.e., for 3000, 3006, and 3020 Pleasure Point Drive), in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private entity, approved by the Executive Director, a public recreational access easement for public recreational access use in perpetuity, as described below. ...

- b. Allowed Development.** No development, as defined in Coastal Act Section 30106, shall occur within the easement area except for the following: (1) construction of the approved development and removal of debris, all as identified in the approved Final Plans; and (2) repair, maintenance, debris removal, and improvements associated with the approved development, consistent with the terms and conditions of these CDPs. The Permittees and their successors and assigns shall ~~each~~ be ~~jointly and individually~~ responsible for the installation, repair, maintenance and accessibility of the public recreational access areas associated with their CDP, and for improvements and amenities for public recreational uses and enjoyment consistent with the terms and conditions of these CDPs. The document shall provide that the offer of dedication shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use which may exist on the properties, and shall also provide that public access consistent with the terms and conditions of these CDPs shall be uninterrupted at all times. ...

**3. Modify Special Condition 5 on staff report page 14 as follows:**

**Monitoring and Reporting.** The Permittees shall ensure that the location, condition,

*and performance of their respective approved development is regularly monitored and maintained, where combined such monitoring and maintenance applied to the overall approved development is preferred. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain the approved development in a structurally sound manner and in its approved and/or required state. Monitoring shall at a minimum include: ...*

**c. Reporting.** *Monitoring reports covering the above-described evaluations shall be submitted to the Executive Director for review and written approval at five-year intervals by May 1st of each fifth year following completion of construction (with the first report due May 1, 203028, and subsequent reports due May 1, 203533, May 1, 204038, and so on, for example, if construction concludes in 2025) for as long as any portion of the approved development exists at this location. ...*

**4. Modify Special Condition 6 on staff report page 15 as follows:**

**Future Maintenance.** *These CDPs authorize future maintenance as described in this special condition. The Permittees acknowledge and agree on behalf of themselves and all successors and assign that it is the Permittees' responsibility to: (a) maintain the approved development in a structurally sound manner, visually compatible with the shoreline surroundings, and in its approved and required state, including with respect to all camouflaging/surfacing; (b) retrieve any failing portions of the approved development or related improvements that might otherwise substantially impair the use, aesthetic qualities, or environmental integrity of the approved development's public recreational access areas and features, as well as the beach, shoreline, and/or ocean; and (c) ~~annually or more often~~ regularly inspect all approved development components for signs of failure and/or structural issues. Any such maintenance-oriented development associated with the approved development shall be subject to the following: ...*

**5. Modify text on staff report pages 40-41 as follows:**

*Here, the Applicants have proposed in-lieu mitigation via formalizing and enhancing lateral (pathway) and vertical (beach/surf stairway) access, along with providing associated amenities (e.g., benches, landscaping, overlook areas, signage, etc.). In addition, the 3000 and 3006 Applicants will each contribute \$15,000 to Santa Cruz County Parks for improvements to the stairs. ~~have committed to helping to improve the County's Sewer Peak accessway/stairway, including in terms of maintenance costs over the initial mitigation time frame.~~*

**6. Modify footnote 57 on staff report page 41 as follows:**

*~~The Commission notes that the stairway was required to be refurbished under GDP Waiver 3-14-0210-W (Flavell). If after the GDP Waiver Permittee has met all of their obligations in that regard, and if additional measures remain necessary to meet County Building Department requirements for public stairways (e.g., adding railings, modifying/resurfacing steps and walls, applying anti-graffiti coatings, adding coastal access/wayfaring signage, etc.), then as conditioned, the Applicants will complete such~~*

~~measures, as well as provide funding to the County for accessway/stairway maintenance (e.g., as-needed repairs, at least annual accessway/stairway cleaning, graffiti abatement and anti-graffiti re-application, replacement coastal access/wayfaring signage, etc.) through the initial 20-year mitigation time frame (i.e., through September 6, 2043). Given that the Applicant for 3020 Pleasure Point Drive is responsible for the installation of the new beach/surf access stairway at that site, only the Applicants at 3000 and 3006 Pleasure Point Drive are required to contribute in this way as it relates to the Sewer Peak stairway.~~

**7. Modify text on staff report page 50 as follows:**

~~But the project will also provide significant public recreational access benefit, include: 1) formalizing a minimum 4-foot-wide to 6.5-foot-wide public pathway across these properties; 2) adding a new beach/surf access stairway; 3) adding public access amenities along the newly formalized accessway (e.g., benches, landscaping, etc.); 4) contributing \$30,000 to improvements to and maintenance for the County's Sewer Peak accessway/stairway; ...~~

**8. Modify text on staff report page 52 as follows:**

~~The 3000 and 3006 permittees will also contribute \$15,000 each (for a total of \$30,000) to improve the Sewer Peak stairway would also be improved, and the downcoast stairway wall associated with it will be reduced in scale, which would also help to improve shoreline aesthetics.~~