

CITY OF ENCINITAS
505 South Vulcan Avenue
Encinitas, California 92024
(760) 633-2600

Date/Time Received

Information contained in this document is
deemed a public record

APPEAL REQUEST - \$250 FEE

ALL APPEALS MUST BE FILED AT CITY CLERK'S OFFICE

APPELLANT MUST COMPLETE THE FOLLOWING IN DETAIL

(Please type or print)

Appellant's Name Coastal Environmental Rights Foundation

Mailing Address 1140 South Coast Highway 101

Daytime Phone 760-942-8505

Appealing the decision of the:

Director Of _____ To City Council

Planning Commission To City Council

Other (Please explain) _____

Relative to the action taken on January 5 20 12 for the project known as:

Project Name: Blue Curl, LLC Seawall Case No. 09-035 MUP/CDP

Project Address: 1084 & 1086 Neptune Avenue (APN: 254-291-02 & -18)

Cross Streets: _____

Applicant(s): Blue Curl, LLC

Identify your interest in the challenging determination:

CERF is an Encinitas based environmental organization dedicated to the protection and enhancement of coastal natural resources. Local approvals of coastal armoring without consideration of project-level and cumulative impacts from passive erosion, impacts to nearshore ecosystems, and mitigation obligations will cause significant damage to the coast of Encinitas over the long term. CERF's members live and recreate on the beaches at issue in this project and will be negatively affected if the appeal is denied.

Specify exactly what is being appealed. Identify each issue which you believe was wrongly determined together with every argument and a copy of every item of evidence submitted to the subordinate entity that supports your allegations:

CERF is appealing the use of CEQA exemptions for the follow up CDP and MUP, the failure to conduct substantive CEQA review, the failure to consider cumulative impacts from passive erosion, the failure to consider a reasonable range of alternatives to permanent widening, the failure to require appropriate mitigation for long term negative impacts to beach widths in front of the project seawall.

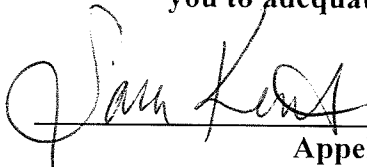
CERF is appealing the City's reliance upon a municipal code that mandates projects come forward as emergencies such that they always receive emergency approvals and substantive CEQA requirements are never addressed. CERF appeals approval of stairs absent substantial evidence that they were constructed prior to the Coastal Act cutoff. Evidence is contained in the attached comment letters, references, and attachments/documents submitted by CERF and the Surfrider Foundation.

Action you wish to be taken:

Planning Commission approvals overturned and matter remanded to staff with direction to prepare an Environmental Impact Report addressing the project level and cumulative impacts of seawall construction. Private stairs should not be allowed.

(You may attach additional documentation but all blanks on this form must be completed)

NOTE: An incomplete appeal and fee shall be returned to you and considered to be inappropriately filed. The appeal period expires 15 days after the determination and cannot be extended for you to adequately complete the appeal.


Programs Director
Coastal Environmental
Rights Foundation
Appellant's Signature

January 20, 2012

Date

Once your issue has been scheduled before the City Council, you will be notified of the date and time it will be on the agenda as indicated below.

ADMINISTRATIVE HEARING: Any person who wishes to submit a written position with arguments, documents, exhibits, letters, photos, charts, diagrams, videos, etc., addressing the challenged determination must submit these to the City Clerk by 5:00 P.M. seven (7) calendar days prior to the hearing date. NO NEW INFORMATION WILL BE CONSIDERED BY THE CITY COUNCIL AFTER THIS DEADLINE. NO OTHER MATERIALS SHALL BE RECEIVED OR CONSIDERED AT THE HEARING. Upon filing with the City Clerk, those items will be available to the public. Any questions, please contact the City Clerk at 633-2601.

Filing of an appeal must comply with Chapter 1.12 of the Municipal Code (attached). The following application must be complete or the appeal will be returned to the appellant. An appeal must be delivered to the City Clerk by 5:00 p.m. of the 15th calendar day following the determination.

Note: Pursuant to Section 66452.5 of the State Map Act, a 10 day appeal period is required for subdivisions, tentative maps and tentative parcel maps. A public hearing is required to be held within 30 days of the appeal.

PLEASE SEE ATTACHED MUNICIPAL CODE SECTION 1.12 WHICH EXPLAINS THE APPEAL PROCESS.