

CALIFORNIA COASTAL COMMISSION

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F17a

Prepared February 6, 2023 for February 10, 2023 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

**Subject: Additional hearing materials for F17a
Appeal Number A-3-STC-22-0070 (St Joseph Senior Housing Facility)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed.

Anne Segal, Ph.D.
Robert Segal, M.D.

214 Pelton Ave
Santa Cruz, CA 95060
EMAIL: ANNESEGAL@GMAIL.com
RJSEGAL@Gmail.com

February 3, 2023

California Coastal Commission
Central Coastal District Office
725 Front Street, Ste. 300
Santa Cruz, CA
VIA: Ford.Kiana@coastal.ca.gov

RE: A-3-STC-22-0070

Roger Bernstein – now St. Joseph Residential Facility

Appeal No.004-571-02,004-571-04

SUBJECT: 126 Eucalyptus Ave. Project CP20-0068

Dear Commissioners:

We strongly **disagree** with the Staff's report and recommendation that the project located at 944 West Cliff Dr., Santa Cruz, CA, in the City of Santa Cruz does not present a substantial issue and ask for a de novo review. Please consider the following facts and allegations:

The report misstates relevant facts to applicable policies:

1. Roger Bernstein, the applicant, told the Santa Cruz City Council members that he would **not** allocate more than two low-income housing units in his 90-unit high-end residential development. Housing Element Policy 3.1 directs that there be affordable and accessible senior rental housing readily accessible support services. Housing Element Policy 1.1 provides that there be support infrastructure to accommodate housing thorough land use, zoning and specific plan designs.
 - a. Similar units owned by the same management company cost between \$7,000 to \$25,000.00 a month. These are not affordable housing units. (See also violations of Housing Policy Elementary 3.7.),
 - b. The project is 25 minutes from the closest hospital. The study did not consider the lack of available medical or nursing care anywhere in the Santa Cruz area.
2. The California Coastal Commission staff did not adequately address the fact that the coastal development, which caters to a fragile population of elderly people who need either assistance with their ability to live or are in locked memory units due to this mental status, **is entirely within a tsunami risk zone**. The jurisdictional authority of the California Coastal Commission includes responsibility to make all developments that are in the coastal regions safe for the community.

- a. Staff incorrectly concluded that: The second is that both the appealable portion and the broader project have no adverse impacts on any sensitive coastal resources, and thus the project's extent, scope, and coastal resource impacts are minimal.
 - b. If locating a residential project in a tsunami zone is a minimal in extent, school and coastal resource impact, then it is fair to wonder what a substantial impact requires.
 - c. The project site developer stated, "All of Santa Cruz is in a tsunami zone," thereby reflecting her indifference to the well-being of the residents and ignorance of the coastal landscape.
3. The report states "very little of the project is located within the Commission's appeal jurisdiction and thus eligible for appellate review...". **In 1999, the California Coastal Commission, Central District, acknowledged jurisdiction over the site (See, CP20-0068) and repeatedly directed that could not be ingress or egress by the landlord, the Oblates of St. Joseph, from their property on West Cliff Drive onto Pelton Avenue due to the fragility of the nearby Monarch Butterfly preserve. The boundary of the butterfly wintering habitat is less than 100 feet from the proposed entrance of the luxury 90-unit residential project and is directly onto Pelton Avenue.**
- a. Page Nine of the Staff argues that CDPA-3-STC-01-045 authorized the development of the parking lot for the Oblates of St. Joseph, stating "that *development at the St. Joseph site would not adversely impact monarch butterfly habitat, including because of the distance between the site and monarch roosts, and that the project site did not constitute an environmentally sensitive habitat area. The study recommended a 150-foot buffer between new development and monarch habitat, which this project meets (i.e., the nearest project component is a new driveway on Pelton Avenue located some 160 feet away, and the residential structure is located some 300 feet away). In sum, there does not appear to be any discrepancy between the Commission's 2002 CDP approval and the City's 2022 approval of this project as it relates to monarch butterfly habitat.*

This comment fails to incorporate the entire finding of the previous directive by the 2000 Coastal Commission, that is that there be **NO** ingress or egress onto Pelton Avenue and all ingress and egress be onto west Cliff Drive. The Commission fails to acknowledge that the debris, dust, noise and clear-cut with deep excavation plans for a two-story construction site will decimate the butterfly habitat before the buildings are completed.

4. The Staff report erroneously states on page 9, paragraph 2:
- a. *In conformance with this LCP directive, the Applicant prepared a biotic report to assess the presence of sensitive species or habitats, as the closest project elements are located approximately 160 feet from a known monarch butterfly roost. Ultimately, the report found that the proposed development site does not contain monarch butterfly roosting habitat and should not have any direct or indirect monarch butterfly impacts.*
 - b. The key issue is the City of Santa Cruz Environmental Report only considered the impact of the Monarch Butterflies **on the project site** and did not consider the impact of the project on the immediately adjacent sites. The development is directly across from

the fragile wintering habitat of the Monarch butterflies and the construction and ingress and egress will directly impact the endangered species. This reasoning is akin to finding that the impact of an off shore oil rig does not affect an adjacent coastal community.

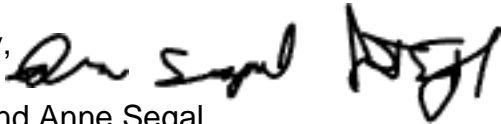
- c. Repeated findings refer to the fact that there is a 100-foot distance, not 160 or 300 feet. The boundaries have not changed in 20 years. The impact is due to traffic.
5. The staff report incorrectly cites the LCP Contentions in item 3. The Santa Cruz City Council and Santa Cruz City Council Planning Staff used a traffic study that was more than three years old. Furthermore, a simple inquiry revealed that the same traffic engineer made the same findings of traffic density in his report 20 years ago.
 - a. The allegation that the traffic impact is similar to a school is misguided. The high-end luxury facility for health-dependent 99 person population is open 24 hours a day, 7 days a week, 365 days a year with parking needs and traffic deliveries of food, medical services, emergency services and health care providers. Comparisons for parking, traffic and impact should be to similarly situated, nearby residential communities -- of which there are 17 retirement facilities that serve the 50,000 Santa Cruz population.
 6. The grounds for appeal regarding Section 30603 are incorrectly stated with respect to the conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. Due to zoning reconfiguration to deliberately defeat coastal jurisdiction, after approval, the property is no longer located between the sea and the public road. If the reconfiguration was denied, then the jurisdiction of the Coastal Commission remains intact.
 7. Housing Elementary Policy 6.4 requires assurance that wetlands, fish, and wildlife habitat areas and sensitive species are [protected from the impacts of the development].
 - a. The applicant has not conduct appropriate, compliant reviews and did not use a licensed and appropriate expert to make an environmental study.
 8. Housing Policy 5.3 directs that the development has the character and design of both infill development and remodel. Nothing in the proposed 74,000 square foot assisted living and locked memory care facility is a remodeling project. The Oppidan Investment Company was observed as scrubbing, scraping and clear-cutting land in Newport Beach for a similar residential development.
 - a. The Coastal Permit for 76 dwellings on three acres of 433 W. Cliff Drive sanctions building residential density that is more than double the authorized allowable allocation in the current coastal zoning region. As the for-profit commercial developers calculate only a bedroom unit equipped with a full kitchen is a designated dwelling, therefore there is a limited zoning adjustment. Their calculations and allocations are misleading. Each human habitat doorway-based dwelling, albeit small, uses water, utilities, public services, medical emergency services, roads, delivery services, fire equipment and coastal resources to the same degree of consumption, if not more, than single family residents. It is a fiction that the zoning reallocation is appropriate land use for the already heavily burdened region. The coastal resources are exhausted as evidenced by the recent collapse of the cliffs on West Cliff Drive.
 9. The area was recently heavily and hard-hit as a disaster zone in the West Cliff area and is extraordinarily fragile. Large caves have been discovered in the area that tunnel well into the

area under consideration. Consideration of this environmental effect and the adjacent coastline is not considered.

10. The area is undergoing huge commercial development projects at 301 Beach Street Hotel, at 111 Errett Circles, 130 Center Street, 524 Center/Cedar Streets, and recently suffered complex environmental losses due to rain storms and erosion. The pounding and development in this fragile area should be delayed until there is further, fresh review.

Given the financial acumen of equity development companies involved in this project, requiring them to invest into the well-being and interests of our coastal environment is a balanced trade-off. Under the current approval, The St. Joseph's Oblates get a very lucrative financial return on their investment with a tremendous resulting impact on fragile ecosystems. The Applicant Roger Bernstein should contribute directly to the well-being of the Santa Cruz community and not to just their investors. The Church/Landlord should shoulder some of the hardship that increased traffic, construction noise and denser population will bring as a result of the rental of their land and their clear financial gain.

Sincerely,

Handwritten signature of Robert and Anne Segal in black ink.

Robert and Anne Segal

From: [Dennis Hagen](#)
To: CentralCoast@Coastal
Subject: Appeal number A-3-STC-22-0070, item F17a on the 2/10/23 hearing agenda
Date: Thursday, January 26, 2023 12:19:34 PM

RE: Appeal number A-3-STC-22-0070, item F17a on the 2/10/23 hearing agenda

Dear Coastal Commission:

I am writing to fully support the Commission's staff recommendation that *No Substantial Issue Exists* with the appeal of the senior housing project at 126 Eucalyptus Ave and 136 Pelton Ave in the City of Santa Cruz.

My wife and I live at 322 Pelton Avenue, near the proposed project. Our home faces Lighthouse Field State Beach.

Pelton Avenue is a busy street supporting visitors to Lighthouse Field as well as surfers and swimmers that enjoy the beaches and the famed surfing attraction of Steamer Lane. Vehicles come and go throughout the day and park throughout the neighborhood. This will not change with this project.

Unlike the appellants, who are new to Santa Cruz and are only part-time residents in the neighborhood, we have lived in the neighborhood for a number of years, including when Gateway School was in operation at the proposed site of the new senior residences. The traffic and parking generated by the school was much more than will be generated by this project, and even that level did not substantially disrupt the neighborhood or have an impact on the monarch butterflies.

The monarch butterfly grove continues to exist despite all of the current activities in the area and the studies cited in the staff recommendation support the fact that the new facility will not disrupt the monarch grove. (Interestingly, the very busy cafe (Steamer Lane Supply), located in Lighthouse Field, is probably as close to the monarch grove as most of the proposed buildings. It has not disrupted the monarchs.)

In summary, the Coastal Commission Staff Report, dated 1/20/2023, is a detailed, thoughtful response to the appellant. Clearly, *No Substantial Issue Exists* with this project. Please vote **YES** to the resolution in order to keep this valuable project moving forward.

Respectfully,
Dennis Hagen
322 Pelton Ave
Santa Cruz CA 95060
hagensipkin@gmail.com
916-261-0396

From: anne.green
To: CentralCoast@Coastal
Subject: Public Comment on February 2023 Agenda Item Friday 17a - Appeal No. A-3-STC-22-0070 (St. Joseph Senior Housing Facility, Santa Cruz)
Date: Thursday, January 26, 2023 11:08:49 AM

Hello - I believe this project has been fully vetted and should be allowed to be built. The appeal should be declined. The prior use of this property had been a popular elementary private school that had parents dropping off and picking up children all throughout the day. This new project would provide much needed senior housing and also bring less amounts of traffic to the site on a daily basis. Please decline this appeal and allow this project to be approved.

Thank you,
Anne Green

Sent from my iPad

From: [Gillian Greensite](#)
To: CentralCoast@Coastal
Subject: Public Comment on February 2023 Agenda Item Friday 17a - Appeal No. A-3-STC-22-0070 (St. Joseph Senior Housing Facility, Santa Cruz)
Date: Friday, February 3, 2023 11:30:24 AM

Dear Commissioners,

I hope you find this appeal raises substantive issues and questions that need further study before a Coastal Permit can be granted for the project. I will limit my comments to the Monarch Butterfly overwintering site that will be significantly impacted if this project proceeds as currently presented.

I attended the zoom meeting and read the city's staff report on the issue of the Monarch overwintering site. The impact on the butterflies is not captured accurately. The road coming from the project, Eucalyptus Avenue, butts into the mid point of the grove as it joins Pelton Avenue. Thus the headlights of cars and trucks will shine directly into the grove(which includes owls) not, away from the grove as is stated in the city's agenda report. Yes, once cars enter Pelton Avenue they will be heading away from the grove but before that their lights for a considerable time will shine directly into the grove.

It was stated in the city's report that the project will generate less cars than the former school. That may be accurate, however, the traffic associated with the former school was daytime traffic, not night time traffic so headlights were not an issue. Now they are an issue and have not been adequately or accurately studied and mitigated. The traffic could be directed to enter and exit the project via the Oblates property onto West Cliff Drive and thus avoid this impact on a sensitive species. The butterflies are present in the shortest days of the year (October to March) when it gets dark early thus making the impact more significant than during summer months.

One mitigation offered in the city's report is to provide a fountain for the monarchs to drink from. This entry shows a lack of awareness of the species. They do not and cannot drink from fountains.

One would expect that a significant monarch overwintering site that attracts scores of visitors to this area of the coast would generate the need for proper environmental review.

Hopefully you as CA Coastal Commissioners will view the impact of the project on this protected species as a substantial issue warranting further review, study and mitigation.

Respectfully submitted,
Gillian Greensite

Sent from my iPad

From: [Pierluigi Oliverio](#)
To: CentralCoast@Coastal
Subject: Public Comment on February 2023 Agenda Item Friday 17a - Appeal No. A-3-STC-22-0070 (St. Joseph Senior Housing Facility, Santa Cruz)
Date: Sunday, February 5, 2023 6:08:52 PM

Dear California Coastal Commission.

Please deny the appeal.

Complete waste of time.

Unfortunately, for the broader community who is in need of senior assisted living, the applicant reduced the density dramatically to appease Anne and Robert Segal by reducing the building from three stories to two stories. (The existing building is two stories).

Those opposed to the project made comments during the public process stating that “visitors would generate traffic”. As someone familiar with these facilities, I certainly hope the residents do receive visitors however sadly such seniors do not receive visits with any regularity.

As noted in the Santa Cruz General Plan, there is a shortage of senior assisted living units for the existing population and even further scarcity for growing population of seniors. Let me be clear, this project would help alleviate the shortage of senior assisted living.

Alternatively, the applicant could have proposed a residential project with significant higher densities, increased height, and reduced parking by utilizing state density bonus. Another church site in Santa Cruz surrounded by single family houses has a current application for a high density building consisting of FOUR stories. This senior assisted living project is better for the neighbors than the alternative.

The delay and uncertainty due to this appeal make it more difficult for the applicant to obtain a construction loan to start the project.

Please consider allocating your time instead to the West Cliff Drive Adaptation and Management Plan.

Thank you

Regards,
Pierluigi
Sent from my iPhone

From: [Henry Niles](#)
To: CentralCoast@Coastal
Subject: Public Comment on February 2023 Agenda Item Friday 17a - Appeal No. A-3-STC-22-0070 (St. Joseph Senior Housing Facility, Santa Cruz)
Date: Wednesday, January 25, 2023 7:48:48 PM

We strongly support the St. Joseph Senior Housing Facility proposal and as noted by staff this is a much needed addition to affordable senior housing within our community. The appeal is not meritorious and should be denied.

Henry Niles
Santa Cruz, CA

From: [Al Ramadan](#)
To: CentralCoast@Coastal
Subject: Re Appeal A-3-STC-22-0070
Date: Friday, February 3, 2023 3:26:34 PM

Dear California Coastal Commission,

We live very close to the proposed development.

We are in favor of the development at 126 Eucalyptus Ave / 136 Pelton Ave in the City of Santa Cruz.

We believe the community will benefit from the 76-unit senior housing development and related development at the former Gateway School adjacent to the Shrine of St. Joseph. Our community needs more of these facilities and this is an entirely appropriate location and scale of development.

Thank you,
Al, Christine and Laurina Ramadan
506 W Cliff Dr
Santa Cruz, CA 95060

From: [Nancy Niles](#)
To: CentralCoast@Coastal
Subject: St. Joseph's Senior Housing project
Date: Wednesday, January 25, 2023 6:20:13 PM

Hello from Santa Cruz,

As long time residents of Santa Cruz, we heartily approve of the senior housing project proposed for the lot on Pton Ave., formerly housing Gateway School. We think it would be a win for the residents of our community.

Thank you, Nancy Niles

511 Mello Ln
Santa Cruz, CA 95062

From: [Timothy Wise](#)
To: CentralCoast@Coastal
Subject: Written Comments: A-3-STC-22-0070, Feb 10,2023 Hearing
Date: Friday, February 3, 2023 4:20:15 PM

As a working-aged citizen, community and neighborhood member concerned with the well-being of community and our environment, I agree with the motion and resolution—namely that there is no substantial issues with respect to the grounds on which the appeal was filed.

Our community needs housing, inclusive of affordable housing and inclusive of spaces for aging community members.

As a resident in the neighborhood, experienced with traffic associated with the school (when operational), I believe it's reasonable to assume that housed seniors and their visitors + supporting staff will be far less than a fully operational K-8 school.

With regard to the development process, teams have welcomed and responded to community input, considered ecological impact, engaged needed experts and designed a much needed housing solution that takes a now-boarded up building and transforms it into a much needed community resource.

Before moving to Santa Cruz, my neighborhood in Chicago went through a similar change—some fought against the building of a senior living facility on our block. Once it was finally completed and filled with life, the newest (and oldest) members of our community brought a welcomed layer of diversity to our community. Everyone needs a place to live—this project helps with this enduring need. This project is additive to our community. Lastly, this project has been developed using a transparent, thorough and thoughtful and collaborative process.

Again I support the project's forward movement.

Thank you for your consideration of my experience and perspective.

Tim Wise
Phelan Court Resident
Santa Cruz CA

From: [Katie Van Sluys](#)
To: CentralCoast@Coastal
Subject: Written Comments: A-3-STC-22-0070, Feb 10,2023 Hearing
Date: Thursday, February 2, 2023 6:39:05 PM

As a working-aged citizen, community and neighborhood member concerned with the well-being of community and our environment, I agree with the motion and resolution—namely that there is no substantial issues with respect to the grounds on which the appeal was filed.

Our community needs housing, inclusive of affordable housing and inclusive of spaces for aging community members.

As a resident in the neighborhood, experienced with traffic associated with the school (when operational), I believe it's reasonable to assume that housed seniors and their visitors + supporting staff will be far less than a fully operational K-8 school.

With regard to the development process, teams have welcomed and responded to community input, considered ecological impact, engaged needed experts and designed a much needed housing solution that takes a now-boarded up building and transforms it into a much needed community resource.

Before moving to Santa Cruz, my neighborhood in Chicago went through a similar change—some fought against the building of a senior living facility on our block. Once it was finally completed and filled with life, the newest (and oldest) members of our community brought a welcomed layer of diversity to our community. Everyone needs a place to live—this project helps with this enduring need. This project is additive to our community. Lastly, this project has been developed using a transparent, thorough and thoughtful and collaborative process.

Again I support the project's forward movement.

Thank you for your consideration of my experience and perspective.

Best,
Katie Van Sluys
Phelan Court Resident
Santa Cruz, CA