

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Th12a

Prepared May 8, 2023 for May 11, 2023 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Nolan Clark, Coastal Planner

**Subject: Additional hearing materials for Th12a
CDP Number A-3-SCO-20-0027 (Sisney, Santa Cruz Co.)**

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

From: CentralCoast@Coastal
To: Clark_Nolan@Coastal
Subject: Fw: Public Comment on May 2023 Agenda Item Thursday 12a - Application No. A-3-SCO-20-0027 (Sisney, Santa Cruz Co.)
Date: Wednesday, May 3, 2023 3:35:04 PM

From: Hugh Forrest <huforco@pacbell.net>
Sent: Wednesday, May 3, 2023 3:14 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on May 2023 Agenda Item Thursday 12a - Application No. A-3-SCO-20-0027 (Sisney, Santa Cruz Co.)

Coastal Commissioners:

I am writing to express my views on the above-referenced application.

I support staff's recommendation to deny the application.

In addition to staff's appropriate response to the lack of (and refusal to provide) a proper - unarmored- 100 year setback evaluation, I do not believe the commission should approve *any* application while the unresolved violations remain at the property. To do so will only encourage these, and other property owners in a similar situation to ignore the commission when it suits them to do so.

Also, the scope of the project is wildly inconsistent with the size of the homes in the rest of the neighborhood, and significantly larger than the very large house that already exists on the property. At 8200sf the proposed development is approximately 44% bigger than the next biggest (5700sf), which itself is significantly bigger than the 3rd largest one (4300sf). I believe it is too big for this location.

Thanks for your consideration,

Hugh Forrest



California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

May 4, 2023

RE: Agenda Item #12a, Application No.: A-3-SCO-20-0027 (Sisney, Santa Cruz Co.)

Position: Support Staff Recommendation

Dear Chair Brownsey and Commissioners,

The Sierra Club supports the staff recommendation of **denial of** the above-referenced application. The proposed development does not comply with the Santa Cruz County Local Coastal Plan. The proposed new development seeks to rely on existing armoring in its siting setback determination analysis and the proposed development does not resolve existing open Coastal Act violations in the project area.

With regard to the development site setback analysis, this project again raises the issue of a minor ambiguity in the Santa Cruz County Code, and seeks to exploit that ambiguity to allow this large development to use the minimum setback from the bluff edge, and not a setback which will provide a stable building site over a 100-year lifetime of the structure. As the staff report cogently points out, proper interpretation of the Santa Cruz County Code, including deference to the LCP in the case of a (purported) ambiguity, demonstrates that reliance on the existing armoring in siting analysis for new development is contrary to that code. It should be noted that this large lot would likely allow for a very large new structure even when the proper siting analysis is performed.

In addition, the open Coastal Act violations are not proposed to be resolved in this project. The eroding sea caves at the foot of the bluff were filled without permit, and this circumstance must be addressed.

This is the second project in front of the Commission this year in which Santa Cruz County has granted a Coastal Development Permit to a parcel with open Coastal Act violations, despite a Santa Cruz County code requirement that such violations be addressed prior to a new CDP issuance. At the County level hearing for the other project with that circumstance, a Santa Cruz County code enforcement representative testified that CCC level violations (as opposed to violations within the County system) were not viewed by the County as County responsibility to resolve.

The Sierra Club requests that your Commission address this issue in the context of this application. The Coastal Commission staff have properly, and early in the review process, notified the County in writing of the open violations issue.

The Santa Cruz County Geologic Hazards ordinances do allow for exceptions, but the large land area of this project site provides ample room to properly site a new development, and none of the exception types could be found to apply here. It is worth noting that the project site consists of four joined co-owned parcels which would allow for a compliant development, should the open Coastal Act violations be properly addressed.

In sum, the Sierra Club urges your Commission to support the staff recommendation and deny this project application.

Sincerely,

Nancy Okada
Chair
Sierra Club CA Coastal Subcommittee

Charming Evelyn
Chair
Sierra Club CA Water Committee



May 5, 2023

To: Donne Brownsey, Chair, California Coastal Commission
Cc: Kate Huckelbridge, Executive Director, California Coastal Commission
Nolan Clark, Permit Analyst, California Coastal Commission

Re: Item Th12a, Opal Cliffs Sisney Appeal No. A-3-SCO-20-0027

Dear Chair Brownsey and Commissioners,

The Surfrider Foundation strongly supports Coastal Commission staff's recommendation to deny the permit appeal for development at 4660 Opal Cliff Drive in Santa Cruz County. The proposed demolition and rebuild of a new 8,200 square foot house at Opal Cliffs is in direct conflict with fundamental Coastal Act and local coastal program policies that prohibit new development from relying on shoreline armoring. In addition, there are open Coastal Act violations on this site where eroding sea caves at the foot of the bluff were filled without a permit – this circumstance should be addressed at the County level before any future coastal development proposal moves forward.

The Coastal Act requires protecting and prioritizing the public's interests and public trust rights over those of private property owners when it comes to shoreline armoring and sea level rise. Prohibiting new development from relying on armoring is integral to protecting public resources and adapting to rising seas. Shoreline armoring, also known as seawalls, make erosion worse and fix the back of the beach and will eventually drown the beach and coast as seas rise. The staff report states in no uncertain terms that the new development would rely on the existing shoreline armoring – in direct conflict with state law. The 8,200 square foot proposed development is not designed or sited to allow for a sufficient bluff edge setback despite the large land area of the project site. Any future development at this property should be sited landward of the 100 year setback as required in the County's local coastal program, violations resolved and seawall removed before new construction can begin.

The proposed development and adjacent seawall are just seaward of a popular surf break known as Trees and nearby several popular waves along Opal Cliffs Drive. This area is also extremely popular for tide pooling, fishing, paddleboarding and beach walks and is of great value to the Santa Cruz community as well as visitors.

Seawalls along Opal Cliffs Drive threaten to destroy the coast and recreational opportunities for private benefit, especially as sea levels rise. We must alter our pattern of development away from the immediate bluff edge and shoreline and give the coast space to migrate landward if our beaches and coast are to exist over the coming decades. A new home in this location would only extend the life of the seawall for another 75-100 years, leaving no hope for the coast.



Denial of this permit is consistent with the Commission's October 2022 rejection of Santa Cruz County's proposed 'shoreline protection exception area' and land use plan update that would have carved out an exception to state law by allowing new development and redevelopment to rely on shoreline armoring.

Bluff armoring is problematic and the existing armoring adjacent to the 4660 Opal Cliff Drive property vividly demonstrates one of the harms. In the image below from 2019, the armored outcrop sticks out due to lack of natural erosion. The lack of erosion makes the beach impassible on all but the lowest of tides, an issue that will get worse as seas rise.



Image: California Coastal Records Project, 2019

The Coastal Act grandfathered in 'existing' pre-Coastal Act development built before 1977 as a matter of statutory practice that comes with a major shift in policy. Californians knew then that if we did not alter our pattern of development away from the eroding coast, there would eventually be no coast left to visit in many places – only seawalls and luxury homes with views for those who could afford it. This reality is playing out at Opal Cliffs. As the homes and development built in the construction boom of the '60s and '70s ages, we have the opportunity to stand by the vision of the Coastal Act – healthy



coasts, accessible to all. By denying the Opal Cliffs permit, you stand by the mission and vision of the Coastal Act and send a strong message that public resources and public trust lands will be protected according to the law.

Sincerely,

Mandy Sackett
Senior California Policy Coordinator
Surfrider Foundation