

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W18
a,b,c

Prepared September 5, 2023 for September 6, 2023 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Rainey Graeven, Central Coast District Supervisor

Subject: Additional hearing materials for W18a, W18b, W18c
CDP Application Numbers: 3-18-0720, 3-20-0166, and 3-22-0440 (Pleasure Point Armoring/Access)

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.

Mark A. Massara
Attorney at Law
4285 Oak View Road
Santa Ynez, California 93460
T: 805.895.0963
markmassara@coastaladvocates.com
www.markmassara.com

RECEIVED

AUG 31 2023

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Donne Brownsey, Chair
California Coastal Commission
455 Market Street, Ste. 300
San Francisco, CA 94105
executivestaff@coastal.ca.gov
Rainey.Graeven@coastal.ca.gov

August 31, 2023

Re: **Candau CDP No. 3-18-0720 SUPPORT**
3006 Pleasure Point Drive Santa Cruz CA
APN 032-242-18
Armoring & Public Access Improvements ~ W18a

Hon. Chair & Members of the Commission,

I represent Michael Candau, owner of 3006 Pleasure Point Drive in Santa Cruz County California. We have worked with your staff over the last seven years to facilitate much needed repairs to a 1930's seawall and a new public access trail, including a CDP application in 2018 for a prior 2016 ECDP project and a subsequent ECDP project in 2021.

We support your staff recommendation that this project be approved consistent with staff's acknowledgement that, "(T)he Commission, its staff, and local public access advocates have long had a vision of improving this ocean fronting path and extending it so that there are connections from downcoast Pleasure Point Park all the way to Rockview Drive...." Staff report, <https://documents.coastal.ca.gov/reports/2023/9/W18a-W18b-W18c/W18a-W18b-W18c-9-2023-report.pdf> at page 19-20.

As staff notes, the Candau residence is one of three that are part of the 1930's Pleasure Point Subdivision and are now threatened and entitled to armoring repairs

under Coastal Act Section 30235. The public access mitigations associated with the combined projects are unprecedented and will provide amazing new California Coastal Trail segments.

Among other things, the project will dramatically improve public views of the Monterey Bay National Marine Sanctuary and public beach access, providing access for surfers as well as safe oceanfront vista and access for visitors and users of all ages and abilities, including children, elderly and the non-surfing public. The value of the combined mitigation associated with the projects is millions of dollars.

Simply put, the collaboration between the property owners and the Commission is a win-win collaboration, acknowledging the applicant's rights related to seawall repair and providing the public with new dramatically improved multimillion-dollar public benefits for oceanfront views and access to the Monterey Bay.

The benefits also underscore and highlight the Commission's 2018 Environmental Justice Policy: the new public access trail will be open to **all** members of the public, regardless of athleticism, and be free of any expense and open 24 hours per day, 7 days a week, in perpetuity, and at no taxpayer expense ever.

As such, the applicant urges the Commission to approve the project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark A. Massara', with a stylized, flowing script.

Mark A. Massara, Esq.

Mark A. Massara
Attorney at Law
4285 Oak View Road
Santa Ynez, California 93460
T: 805.895.0963
markmassara@coastaladvocates.com
www.markmassara.com

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August 31, 2023

Re: Wavefarer Partners ~Armoring & Public Access Improvements
3020 Pleasure Point Drive Santa Cruz CA
APN 032-242-17
SUPPORT CDP 3-20-0166 ~CCC Agenda Item W18b

Hon. Chair & Members of the Commission,

I represent Wavefarer Partners LLC, owner of 3020 Pleasure Point Drive (3020 PPD) in Santa Cruz County California. We have worked with your staff for over five years to facilitate much needed repairs to an existing 1930's seawall and new California Coastal Trail (CCT) public access across three adjoining properties¹, including at 3020 PPD a CDP application in 2020 and an ECDP in 2022.

We **support** your staff recommendation that this project be approved consistent with staff's acknowledgement that, "(T)he Commission, its staff, and local public access advocates have long had a vision of improving this ocean fronting path and extending it so that there are connections from downcoast Pleasure Point Park ... all the way to Rockview Drive, and ultimately all the way around the point back to Moran Lake County Park further upcoast." Staff report,

¹ The historic 7-home Pleasure Point Subdivision and original seawall date to 1934, and was developed by W.C. Thompson. The swim plunge boiler structure at 3020 PPD dates to 1914, and was part of a health spa and local attraction that operated until 1962. Geologic & Coastal Hazard Evaluation 3020 Pleasure Point Drive – APN 032-242-17 – Wavefarer Partners LLC, January 2020 by Gary B. Griggs, Consulting Coastal Geologist at p. 7-8.

<https://documents.coastal.ca.gov/reports/2023/9/W18a-W18b-W18c/W18a-W18b-W18c-9-2023-report.pdf> at page 2 & 19-20.

As your staff correctly notes, the Wavefarer residence at 3020 PPD is one of three that are threatened and entitled to armoring repairs under Coastal Act Section 30235. The pivotal legal facts associated with this applicant related your quasi-judicial analysis is that the structures and original seawall date to 1914 and 1934 respectively. Those facts are not controverted, nor is the long history of the site's use both a private residence and public swimming pool prior to construction of the current residence in 1979. Critically, this Commission approved additional armoring and rip rap along with the current home in 1979, and did so again in 1996, acknowledging the residence, like all the ocean fronting houses within the historic Pleasure Point Subdivision, require periodic maintenance and repairs to the ancient armoring and that such repairs benefit both the public and property owners.

It is important that the Commission appreciate this project in context. As staff notes, this project is part of a larger multi-decadal community wide effort to construct a continuous safe free oceanfront public access path and extension of the California Coastal Trail (CCT) from the City of Capitola to Moran Lake in Santa Cruz County.

Among the realized sections of this vision are the Santa Cruz County Pleasure Point Seawall (2009), the Jack O'Neill seawall, trail and stairs (2010), the Iceplant seawall at 3054 PPD (2015) and the Rockview seawall and park improvements (2019), all of which have been approved by this Commission.

The new seawall and public path improvements will provide for nearly 200-ft of new oceanfront CCT, and includes safe walkways, a bench, stairs to the beach, unparalleled views of the Monterey Bay National Marine Sanctuary, direct access to world class surfing and the abundant marine wildlife found within the shallow reefs located offshore of the property. Given the dangerous nature of the existing public access opportunities in the area, and the fact that the new public benefits will be maintained entirely at private expense and be open 24-hours per day 7-days a week, the project is one of the most taxpayer friendly public improvements this Commission will have the opportunity to consider.

This project, and the entire public access initiative associated with these applications are also consistent with and promote the Commission's Environmental Justice Policy.² While the current dilapidated nature of the armoring and rocky beach area is accessible only to surfers and other athletically inclined persons clad in wetsuits, it is not safe for children, elderly and users of all ages and abilities. The

² The CCC 2018 Environmental Justice statement declares: "The Commission is committed to protecting and enhancing California's coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education and effective intergovernmental coordination."

rocks are slippery, covered in moss and algae, and injuries are common, and thus the area is only accessible to a small percentage of the public.

As designed the new trail segments at 3020 PPD will be free, safe and open to the public 24-hours per day. New stairs will provide access to the beach below the path. No longer will members of the public be required to scramble over rocks while being washed by waves. Views and access to the Monterey Bay will be afforded to all, regardless of skill or affluence. Given staff's analysis of neighborhood real estate values, this is a truly momentous achievement for the public, and future generations, at no expense to the taxpayers.³

We therefore urge the Commission to support the staff recommendation and approve CDP 3-20-0166.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark A. Massara', with a stylized, elongated horizontal stroke at the end.

Mark A. Massara, Esq.

³ As set forth in the Staff Report, pages 38-41, the public benefits associated with the new CCT segments are valued in the millions of dollars.

GARY B. GRIGGS

Consulting Coastal Geologist
Registered Geologist No. 3277 – Certified Engineering Geologist No. 1282

RECEIVED

September 4, 2023

SEP -5 2023

To: Donne Brownsey, Chair-California Coastal Commission
Cc: Kate Huckelbridge, Executive Director-California Coastal Commission
Dan Carl, District Supervisor, California Coastal Commission
Rainey Graeven, District Supervisor, California Coastal Commission

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

RE: Focused response to Surfrider Foundation “Surf Impact Analysis Needed” section of September 1, 2023, letter regarding Coastal Development Permits for properties as 3000, 3006 and 3020 Pleasure Point Drive, Santa Cruz County

This letter is focused on the Surfrider Foundation letter of September 1, and specifically that section raising the issue of potential impacts on offshore surfing at Pleasure Point. For some context, I have been studying the Santa Cruz coastline for 55 years and first surfed the Pleasure Point area in 1968. I also was the coastal geologist for the East Cliff Drive shoreline protection project Environmental Impact Report nearly twenty years ago.

Surf Impact Analysis

The issue of the potential impacts on surfing of the tie-back wall proposed in 2000 by the Santa Cruz County Redevelopment Agency to protect East Cliff Drive and the underlying water and sewer lines between the end of 33rd Avenue and Jack O’Neill’s house was raised and covered in detail in the Environmental Impact Report for that project (Santa Cruz County Redevelopment Agency and Tetra Tech Consultants, 2004)

The fundamental question that was addressed in that EIR and that was raised in the September 1, 2023, Surfrider Foundation letter was would the construction of a shotcrete covering of the bluff impact offshore surfing. In other words, what are the conditions that produce breaking waves that have made the general Pleasure Point area an important surfing location for decades and would the construction of a shotcrete tied-back wall over the eroding bluff impact the offshore waves in any way. The short answer is that the tie-back wall has absolutely no impact on the waves breaking hundreds of feet offshore and the quality of surfing along the Pleasure Point-East Cliff Drive area.

Waves approaching the shoreline undergo changes as they begin to interact with the seafloor. At a water depth equal to about half the wavelength (the distance between any two wave crests), waves begins to encounter the sea floor (sometimes referred to as the waves “feeling

bottom”). This begins to reduce the forward velocity of the wave. During this shoaling process, the distance between crests is reduced and the wave height increases (Figure 1). Wave also undergo *refraction* or bending as the wave fronts bend and begin to parallel the bottom contours near the shoreline (Figure 2). This happens because the portion of the wave in shallow water is slowing down sooner than it is in deeper water. This process of *wave refraction* will tend to focus wave energy on headlands or points and disperse the energy over submarine canyons or deeper areas nearshore. It is the process of wave refraction that makes surfing possible at places like Steamer Lane/Lighthouse Point and Pleasure Point (Figure 3).

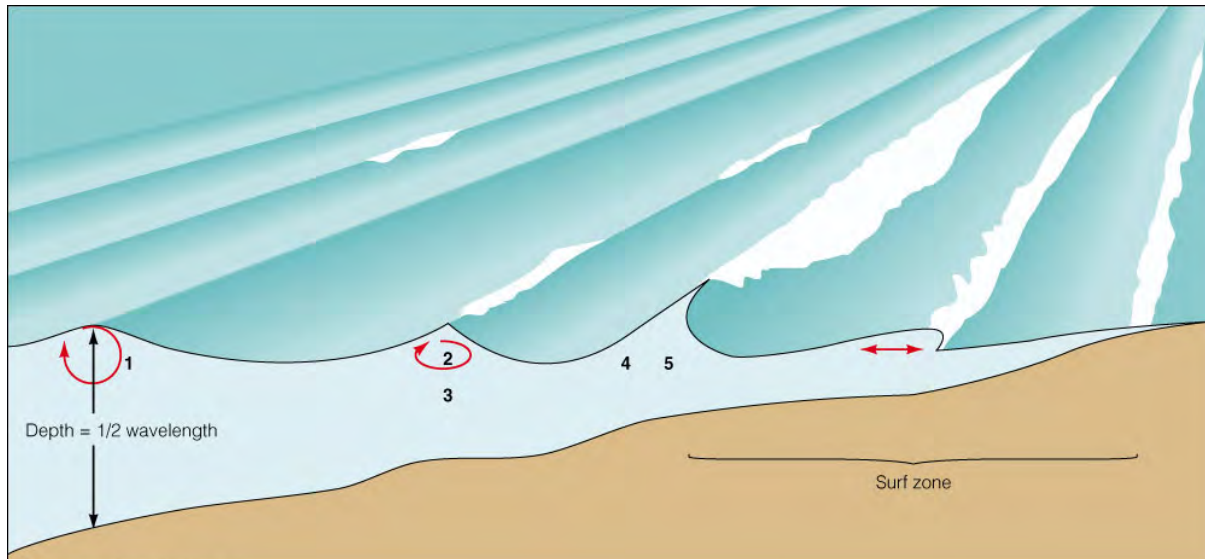


Figure 1. As waves approach the shoreline they begin to “feel” the bottom at a depth of approximately one-half the wavelength. Waves begin to slow down, the distance between crests is reduced and the height increases. At a ratio of wave height to water depth of about 3:4 the wave will begin to break.



Figure 2. Wave refraction or the bending of the wave fronts at Rincon, an iconic surf break in Ventura County



Figure 3. Wave refraction is what makes surfing optimal at Pleasure Point. The angle at which the waves approach the shoreline changes by about 90° as the waves bend around Soquel and Pleasure Points. Note where the surfers are concentrated compared to the locations of the properties on Pleasure Point Drive (arrow).

Waves will break when the ratio of wave height to water depth is about 3:4; a three-foot wave, therefore, will break in 4 feet of water, a 6 ft wave will break in about 8 feet of water, etc. What produces an ideal surf break is the combination of seafloor topography and the angle of wave approach such that wave refraction produces a long rideable wave.

In the Pleasure Point area, the dominant waves from the northwest are bent or refracted as they approach Pleasure Point, creating rideable waves between the point and O'Neill's (Figures 3 and 4). Much of the seafloor in this area is rocky rather than sandy. This is clear from the distribution of kelp, which needs rock to attach to (Figure 5). Where the waves break on any particular day is directly related to the bathymetry and seafloor outcrops and also the wave climate on that day (the direction of wave approach, the wavelength and height of the waves). The bottom conditions don't change significantly over time but the wave climate clearly does as different swells arrive at the coast. Larger waves will break farther offshore than smaller waves, for example.

In order to get a clear picture of the location of the surf break at Pleasure Point relative to the coastal bluff, eighteen different Google Earth images were evaluated extending over 16 years from December 2007 to July 2023. Images were chosen when there was no fog or cloud cover and when surfers were



Figure 4. The area between Pleasure Point and O'Neills (September 26, 2020) showing surfers 400-450 feet offshore. Bluff stabilization from the Pleasure Point Park to O'Neills has not affected the waves or the quality of surfing conditions.

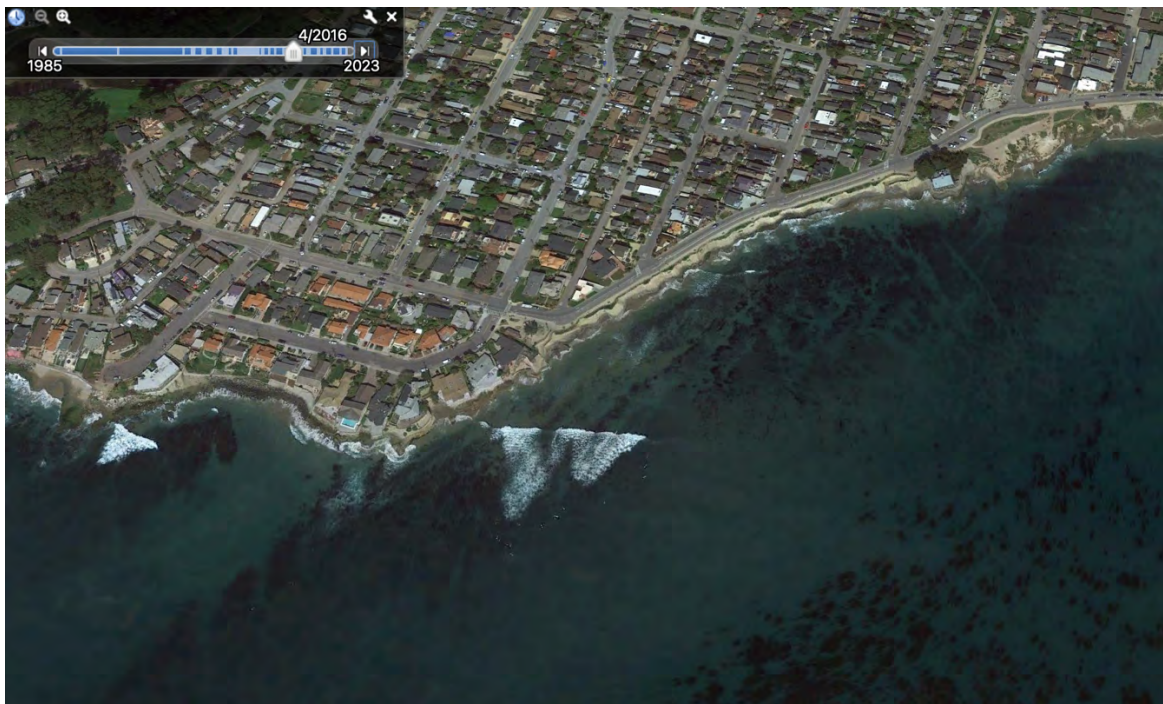


Figure 5. Image from April 5, 2016, with darker areas offshore which are either kelp or seafloor bedrock.

in the water. Surfboards are relatively easy to recognize on these images. On these 18 images, surfers were generally spread out on good days from about 200 feet east of Pleasure Point to east of the O'Neill house (Figure 4). The distance offshore from the now-armored East Cliff bluffs to the surfers ranged from 300 to over 500 feet and averaged about 400 feet over this 16-year period. This is where the waves are peaking and surfers are taking off. These distances are very similar to the values reported in the Pleasure Point tie-back wall EIR (400-600 feet) based on vertical aerial photographs spanning the 73-year period from 1928 to 1982. On 11 of the Google Earth aerial images there were a few surfers directly offshore of Pleasure Point (Figure 6). The waves routinely break further offshore here, ranging from 420 to 720 feet, averaging about 500 feet from the shoreline.

The areas where waves break here have not changed significantly for nearly a century. The waves themselves and how they break, and therefore surfing conditions, do change from day to day, from season to season, depending upon the offshore wave climate and the angle of approach, whether an El Niño year, and the stage of the tide, for example. But the offshore area where they break has not changed significantly. The rocky bottom conditions have remained much the same for this entire time period.



Figure 6. September 2020 image showing a few surfers offshore of Pleasure Point (in rectangle). The great majority are farther downcoast to the east. The surfers on the left in this image are over 400 feet from the base of the bluff.

The properties at 3000, 3006 and 3020 Pleasure Point Drive were first developed in 1934 along with a continuous concrete seawall at the base of the bluff (Figures 7 & 8). Other than the deterioration of



Figure 7. Pleasure Point area in 1947 showing a continuous concrete seawall along the base of the bluff (blue arrow) extending along Pleasure Point Drive.

these old seawalls, the nature of the shoreline hasn't changed significantly in the subsequent nearly 90 years. What is important to understand is that the waves in the area break 300 to 700 feet offshore as a result of the offshore bathymetry and rock outcrops and the nature of the waves on any particular day. After breaking, the larger waves will wash shoreward as white water and at high tide will extend to the base of the bluff, whether in front of 3000, 3006 and 3020 Pleasure Point Drive, or along the stretch of East Cliff Drive to the east that was protected with the tie-back wall. Whether the steep bluff consists of the sedimentary rocks of the Purisima Formation, concrete or gunite, has absolutely no effect on the waves and where and how they break 300-700 feet offshore. The waves do not differentiate between bedrock, gunite or concrete; any remaining wave energy will be reflected back offshore by the steep bluff, regardless of whether it is rock or concrete. Repairing and reconstructing the old concrete seawalls protecting these three properties will not change the conditions of the bluff face significantly from its condition in 1934, nor the nature of the waves breaking at Pleasure Point.

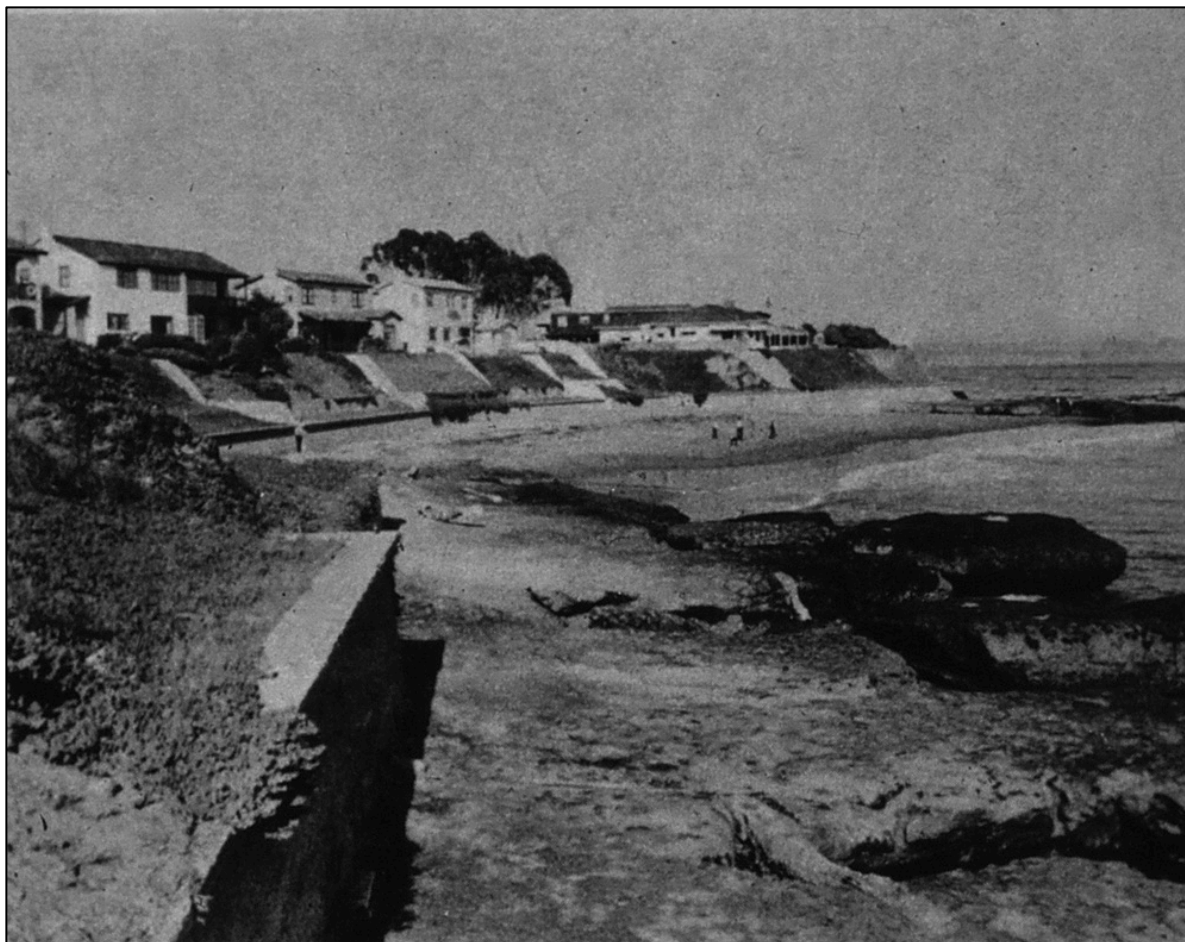


Figure 8. Continuous concrete seawall constructed in 1934 extends from Soquel Point to Pleasure Point (1954 photo by US Army Corps of Engineers).

From the Surfrider Foundation Letter:

The Coastal Commission's analysis and conclusion do not sufficiently address the potential long-term damage to the character of surf breaks in the Pleasure Point surf area due to armoring of the bluffs. Staff relied on a United States Geological Survey (USGS) study from 2007, which forms a cornerstone of the evaluation of the proposed project's impact on coastal character and surf breaks at Pleasure Point. This study from 16 years ago lacks recent data and does not account for recent coastal dynamics. It was not designed to assess how shoreline armoring affects surf breaks. Its primary goal was to provide a baseline for understanding wave transformation at Pleasure Point. Since the study's publication, factors such as sea level rise and climate change have intensified, potentially altering coastal dynamics and surf break behavior.

There is no evidence that bottom conditions that determine where and how the waves break have changed substantially since 2007. Shoreline armoring at this location does not affect surf breaks 300-700 feet offshore as explained above. The construction of the East Cliff tie-back wall in 2004, nearly 20 years ago, has had no impact on the surfing offshore (Figure 9).



Figure 9. Construction of the tied-back wall east of Pleasure Point in 2004 (California Coastal Records Project).

As stated above, the waves and therefore surfing conditions themselves will change over hours, days, years and decades, which will be a result of the storm climate and winds over the Pacific Ocean. 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).

Climate change has continued to take place slowly, and sea level has continued to rise slowly. There is no northern Monterey Bay tide gauge and the closest tide gauge that can be used for the Santa Cruz area is at Monterey (NOAA Gauge 9413450: <https://tidesandcurrents.noaa.gov/map/?id=9413450>). This station has now recorded 49 years of data (1973-2022). The average rate of local sea-level rise at this station over this time period is 1.62 +/- 0.70 mm/yr., which is equivalent to 6.3 inches/100 years (Figure 10). Sea-level rise has not “intensified” here. This is a very low rate of rise which has negligible effect on breaking waves and surfing conditions at Pleasure Point.

It is the storm climate in the Pacific Ocean combined with the offshore bathymetry and seafloor bedrock outcrops that determine when, where and how the waves in the Pleasure Point-East Cliff Drive area will break, and the resulting surfing conditions. The condition of the coastal bluff in front of the properties included in this CDP have not changed significantly since 1934. Whether the shoreline or coastal bluff in this area consists of Purisima Formation bedrock,

concrete, gunite or rip rap, it will have absolutely no effect on the offshore breaking waves and surfing conditions (Figure 11).

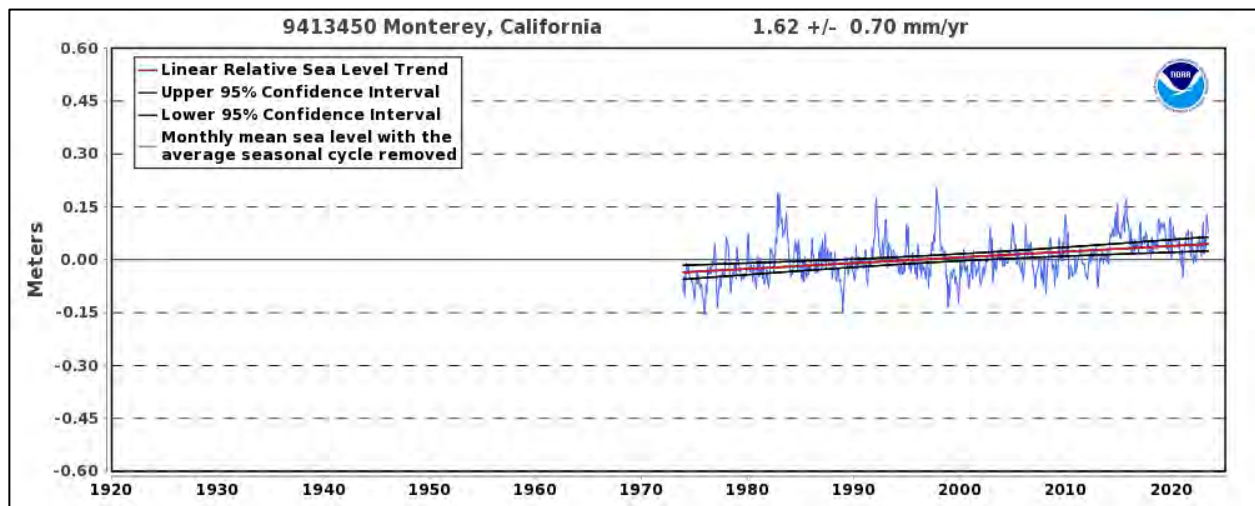


Figure 10. Sea-level record from the NOAA Monterey tide gauge.



Figure 11. September 2005 photo of shoreline between Pleasure Point and the O'Neill house, prior to the tie-back wall construction, showing waves and surfers far offshore, with surf conditions totally unrelated to the composition or nature of the shoreline and coastal bluff.

REFERENCES

Bromirski, P. D. (2023). Climate-Induced Decadal Ocean Wave Height Variability From Microseisms: 1931–2021. *Journal of Geophysical Research: Oceans*, 128(8), e2023JC019722. <https://doi.org/10.1029/2023JC019722>

Reguero, B.G., Losada, I.J. & Méndez, F.J. (2019). A recent increase in global wave power as a consequence of oceanic warming. *Nat. Commun.*, 10, 205.

Respectfully submitted,



Gary Griggs

Registered Geologist and Certified Engineering Geologist





JEFF GAFFNEY
DIRECTOR

County of Santa Cruz

DEPARTMENT OF PARKS, OPEN SPACE & CULTURAL SERVICES

979 17TH AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TTY: 711

MEMORANDUM

RECEIVED

TO: California Coastal Commission
FROM: Rebecca Hurley, Deputy Director
DATE: September 1, 2023
SUBJECT: Support for W18a,b,c at September 6, 2023 Hearing

SEP - 1 2023

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commissioners,

The purpose of this letter is to express Santa Cruz County Parks' support for the three coastal development permit (CDP) applications (3-18-0720, 3-20-0166, and 3-22-0440) that are scheduled for review at the subject hearing for 3000, 3006, and 3020 Pleasure Point Drive in Santa Cruz County. County Parks manages public coastal access spots in the unincorporated areas of the County, and Coastal Commission staff have worked closely with County Parks staff to maximize public benefit and improve public access to the coast as part of the conditions of approval for the CDPs. Further, Coastal Commission staff and the property owners have ensured that the design of the public accessway is coordinated with the existing Sewer Peak stairway (30th Ave stairs), and the conditions of approval include funding repairs to the stairs. The addition of another public stairway providing direct access to the ocean at this existing, and heavily utilized location will provide the Santa Cruz County community and visitors with enhanced coastal access. County Parks supports the Staff Recommendation.

Sincerely,

DocuSigned by:

3B135FD4593546C
Rebecca Hurley
Deputy Director



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SEP -5 2023

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

September 1, 2023

To: Donne Brownsey, Chair, California Coastal Commission
Cc: Kate Huckelbridge, Executive Director, California Coastal Commission
Dan Carl, District Supervisor, California Coastal Commission
Rainey Graven, District Supervisor, California Coastal Commission

Re: Coastal Development Permits for Properties at 3000, 3006, and 3020 Pleasure Point Drive in Santa Cruz

Dear Chair Brownsey and Commissioners,

On behalf of the Surfrider Foundation, we wish to express our concerns and objections regarding the proposed Coastal Development Permits (CDPs) for the properties located at 3000, 3006, and 3020 Pleasure Point Drive. The joint staff recommendation includes 993 square feet of shoreline armoring, approximately 184 feet long with vertical pilings, soil nails and a 4-6 foot wide walkway and stairway to the beach for mitigation to public resources. It also includes prior sea cave fill from expired emergency permits in 2017.

We understand that the Coastal Commission staff has recommended approving all three CDPs based on the premise that the project's benefit of increasing access to the beach and the Pleasure Point surf area outweighs the potential negative impacts such as increased erosion and alterations to the surf break's character. While we appreciate the sentiment behind this recommendation, we strongly believe that the findings for approval are flawed and fail to adequately address crucial concerns.

Coastal-Dependent Use Designation is Fundamentally Flawed

We would like to bring to the Commission's attention a concerning aspect of the staff report. The staff report justifies the approval of the permits by designating the walkway as a coastal-dependent use. We respectfully argue that this rationale is fundamentally flawed.

This appears to be a work around for the fact that the house at 3020 Pleasure Point Drive does not qualify for shoreline armoring as it was constructed in 1979, after the Coastal Act was implemented and is therefore not considered an "existing structure" entitled to shoreline armoring. Approval of shoreline armoring for this house would otherwise be inconsistent with the Commission's own Sea Level Rise Guidance.

To assert that the project is approvable because the proposed mitigation (the coastal access walkway) can be found consistent with the Coastal Act is simply incorrect. The approvability of

mitigation for a project should not provide the basis for the approval of the underlying project itself.

If the shoreline protection measures proposed for 3020 Pleasure Point Drive were exclusively intended to safeguard the access pathway, then perhaps a "coastal dependency" rationale could be more appropriate. However, we contend that this project primarily serves as a means for a private applicant to protect private residential development, with the coastal access pathway seemingly added as a mitigation measure.

Our concern lies in the analysis that appears to be focused on the consistency with Chapter 3 of the Coastal Act for shoreline protective devices designed to protect residential development. Even if we assume that the coastal trail is mitigation for the impacts of the shoreline protective device, neither the trail nor its presumed coastal dependent status should provide a basis for the approval of the shoreline protective devices pursuant to Coastal Act Section 30235.

If this permit is approved, it would send the wrong message to eager developers and private property owners across the state that all they need is a sidewalk on top of their seawall to make it approvable. Coastal Commission staff have indicated that they believe the circumstances here are unique due to the history of informal access across the existing riprap. This reasoning is flawed because it could be broadly applicable to any proposed shoreline armoring where lateral access exists. A shoreline protective structure, paired with an access path, should not automatically be deemed approvable because it provides coastal access and is thus considered coastal-dependent. The staff report appears to favor this approach, but this is a very dangerous precedent for the future of the California coast and looming sea level rise impacts.

It is evident that the staff report is determined to reach a particular outcome and has seemingly gone to great lengths to justify it. However, it is essential to maintain consistency and adhere to the Coastal Act's provisions rather than bending them to achieve a desired result. Approving shoreline armoring primarily intended to protect private development, while justifying it with the inclusion of a coastal access pathway, sets a troubling example for the future.

We urge the Commission to carefully consider the ramifications of such decisions on the overall coastal preservation strategy in Santa Cruz and beyond. The focus should remain on preserving the integrity and health of our coastlines, not just accommodating individual projects.

We suggest that the Commission continue this item and direct staff to determine whether an alternative justification for shoreline armoring, particularly at 3020 Pleasure Point Drive exists. The historic plunge pool structure or end around effects from neighboring shoreline armoring may make it necessary. Otherwise, Surfrider does not support shoreline armoring at the 3020 property and suggests a partial denial.

Surf Impact Analysis Needed

The Coastal Commission's analysis and conclusion do not sufficiently address the potential long-term damage to the character of surf breaks in the Pleasure Point surf area due to armoring of the bluffs. Staff relied on a [United States Geological Survey \(USGS\) study from 2007](#), which forms a cornerstone of the evaluation of the proposed project's impact on coastal character and surf breaks at Pleasure Point. This study from 16 years ago lacks recent data and does not account for recent coastal dynamics. It was not designed to assess how shoreline armoring affects surf breaks. Its primary goal was to provide a baseline for understanding wave transformation at Pleasure Point. Since the study's publication, factors such as sea level rise and climate change have intensified, potentially altering coastal dynamics and surf break behavior. **We recommend requiring the applicant to conduct additional engineering studies that consider current conditions, climate change projections, and the specific impacts of the proposed project on the iconic surf breaks at Pleasure Point.**

This is a short-term solution that fails to address maintaining the permanent character of the surf breaks of Pleasure Point (mainly “Sewer Peak” and “First Peak”). Indeed, the 2005 Photo and 2019 Photo, shown below, illustrate the rapid rate of erosion over a 14-year period. Clearly, considering the risk to the surf break within a 20-year period is inadequate in light of the iconic nature of this surf area. Additional engineering studies should be conducted based on today's armoring conditions to determine the potential effects on this surf area prior to approving these CDPs.





This study should include analysis of the degree to which the shoreline armoring starves the break of sandy materials to help create sandbars and other wave tripping features and the degree to which the armoring in tandem with sea level rise leads to the break being flooded out because it cannot migrate inland.

Over the long term, the project will be expected to influence the bathymetry at Pleasure Point by preventing the natural process of erosion from occurring. Under natural conditions, the bluff would be eroded by waves and would move landward over time. **Under natural shoreline retreat conditions, the position of ocean/bluff interaction would move inland over time. When combined with an armored shoreline, this increase in water depth can have an adverse long-term impact on surfing conditions.** The seawall will prevent the surf break from adapting to increased sea levels, because in the absence of the landward migration of the bluff, areas of shallow water will continuously decrease. Under this situation, breaking waves would occur closer to shore, and eventually, **over the very long-term, become unsurfable.** However, with an **unarmored bluff**, other wavetripping features inland of the current break, such as rocky ledges of higher elevation or sandbars, **will continue to result in breaking waves over the shallow waters that form as the bluff naturally erodes.**

Alternatives Analysis Incomplete

Given the iconic nature of this surf area, we believe that the Commission should thoroughly evaluate all possible alternatives to armoring and consider the long-term impacts on the character of the waves.

One of the neighboring properties relevant to this permit is 2970 Pleasure Point Drive, which is situated immediately upcoast of 3000 Pleasure Point Drive, one of the properties under consideration for shoreline protection.

The owner of 2970 Pleasure Point Drive, Geoff Flavell, has put forth a proposal involving the use of pilings to mitigate erosion risks. This proposal suggests the installation of pilings at depth along the downcoast side of the public stairs and landing in the vicinity of the Sewer Peak pathway. The primary objective of this proposal is to impede erosion.

An engineering study commissioned by Mr. Flavell supports the feasibility and effectiveness of this approach. The study contends that adding pilings, particularly in areas with suitable bedrock formations beneath a layer of gunite, could be a cost-effective means of erosion control. This proposal seeks to address the erosion risks faced by the properties in the vicinity while minimizing the potential adverse impacts associated with traditional armoring methods.

In essence, the proposal involving pilings aims to provide an alternative solution to shoreline protection that focuses on reducing the rate of erosion in a manner that is less environmentally intrusive compared to conventional seawall construction.

This neighboring property and its proposal with pilings could potentially be modeled to provide a potentially less impactful alternative. This underscores the need for a comprehensive analysis of alternative solutions

Mitigation Analysis Incomplete

Installation of the armoring will result in “coastal squeeze” of the shoreline in front of the armoring and cause loss of beach and recreational shoreline as a direct result of the armoring, estimated to total in 4,442 square feet of beach loss over twenty years. In recent precedent, the Commission has required a real estate valuation method to determine the cost of mitigation and to ensure the mitigation proposed by the applicant is sufficient. The staff report lacks any such justification or quantification of impacts. The cost of the proposed mitigation and access easements should be quantified in the staff report.

Emergency Armoring Mitigation Needed

We would be remiss not to point out that this is yet another example of an emergency permit for shoreline armoring that was improperly dealt with. The follow up CDP moving forward six years later. This history of non-compliance should be taken into account when evaluating the current proposal and the potential need for additional mitigation measures should be quantified.

In conclusion, as an organization dedicated to increasing equitable public access to the coast, we understand the desire to approve this project. It must not come at the expense of upholding Coastal Act policy 30253, the integrity of surf breaks, or the long-term sustainability of the coast. We request that the Coastal Commission continue this item to a future hearing to allow for more

time to address the above stated concerns. We believe that a more comprehensive evaluation of the project's alignment with the Coastal Act is necessary. We appreciate the Commission's dedication to enhancing coastal access, but it must be done within the framework of the law and with a holistic view of the long-term impacts on our cherished coastal areas.

Thank you for considering our objections and for your commitment to preserving the California coast. We look forward to the opportunity to work together in safeguarding this iconic surf area.

Sincerely,

Mandy Sackett
California Policy Coordinator
Surfrider Foundation



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

John J. Flynn III
D 949.477.7634
jflynn@nossaman.com

Refer To File # 504411-0001

VIA EMAIL

August 31, 2023

Donne Brownsey, Chair
Honorable Coastal Commissioners
California Coastal Commission
Central Coast District
720 Front Street, Suite 300
Santa Cruz, CA 95060
Attention: CentralCoast@coastal.ca.gov;
Donne.Brownsey@coastal.ca.gov

RECEIVED
SEP 01 2023
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Application Nos. 3-18-0720, 3-20-0166 and 3-22-0440

Dear Chair Brownsey and Honorable Commissioners:

This law firm represents William and Susan Porter, the owners of the property located at 3030 Pleasure Point Drive in Santa Cruz, next door to one of the three properties encompassed by this apparently consolidated permit action, scheduled to be heard by the Commission on September 6.

Our read of the staff report and related exhibits appears to show a beach access stairway that is to be situated on the Porters' property. While we are supportive in principle of the requested approval, we have some questions and concerns. First, does Condition 1.k refer to the Porters' property? It would seem so, as one of the beach access stairways appears to be situated on the Porters' property, above the mean high tide line. Condition 1.k seems phrased so as to minimize the importance of the Condition. As you might imagine, however, this is, from our clients' point of view, no minor matter, nor should it seem so to the applicants.

Second, nothing in the staff report indicates whether **any** of the contemplated stairways will be designed so as to comply with the federal Americans With Disabilities Act, and with governing provisions of the County code and the California Building Code.

Third, we must vigorously take issue with the Commission's continued position that the protections afforded to property owners by section 30235 of the Coastal Act (Public Resources Code) apply only to structures built prior to enactment of the Coastal Act. That interpretation of section 30235 simply cannot be reconciled with the plain language of that section, nor with past positions taken by the Commission itself in litigation, and, more recently, with the statement of decision rendered by the Superior Court in *Casa Mira v California Coastal Commission*. Further, the Commission's reliance on section 30253 is misplaced, for at least two reasons: (1) section

30253 does not appear to be a governing standard set forth in the County of Santa Cruz Local Coastal Program (LCP); and (2) section 30253 applies only to **new** development, and not to existing structures.

Fourth, the Commission requires applicants to submit with their application Appendix B, which is required to demonstrate local agency approval of the project. It is possible that we missed it in our review of the agenda package, but we do not see Appendix B for any of the subject applications now before the Commission. If Appendix B is not required, then of course the lack of Appendix B in this case is no cause for concern. On the other hand, if Appendix B is required, we ask that it be provided to the public. And, of course, if Appendix B is not required, the public should likewise be advised of that fact.

As stated, while we support in principle the approval of the three applications, our support is conditioned upon satisfactory answers to the questions posed herein, since they relate directly to the successful and lawful development of the contemplated projects.

Very truly yours,

John J. Flynn III
Nossaman LLP

JJF:art

cc: Kate Huckelbridge, Executive Director (Kate.Huckelbridge@coastal.ca.gov)
Louise Warren, Chief Counsel (Louise.Warren@coastal.ca.gov)
Dan Carl, District Director (Dan.Carl@coastal.ca.gov)
Kevin Kahn, Central Coast District Director (Kevin.Kahn@coastal.ca.gov)
Rainey Graeven, District Supervisor (Rainey.Graeven@coastal.ca.gov)

**Iceplant LLC
3054 Pleasure Pt. Drive
Santa Cruz CA**

Donne Brownsey, Chair
Honorable Coastal Commissioners
California Coastal Commission
Central Coast District
720 Front St., Ste. 300
Santa Cruz, CA 95060

September 4, 2023

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SEP -5 2023

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

**RE: CDP Applications No. 3-18-0720, 3-20-0166 & 3-22-0440
W18a-c**

Dear Chair Brownsey and Honorable Commissioners:

I own the property at 3054 Pleasure Point Drive in Santa Cruz CA (aka Iceplant LLC), pictured below:

Iceplant LLC in 2014



Prior to 2015 the beach access conditions fronting my property and the Pleasure Point surfing area were highly dangerous, with surfers and beachgoers unable to safely enter, exit and view

the surf and Monterey Bay National Marine Sanctuary from seaward areas of my property. Rocks were slippery, people fell, injuries resulted.

After your Commission approved my project in November 2015 my seawall was reconstructed to create a safe public vista, walkway and stairs to the beach. Since then hundreds of thousands of members of the public have enjoyed the improvements, and thousands use the path and stairs every month. Access is free, available to anyone and the improvements are entirely financed by the adjacent private property.

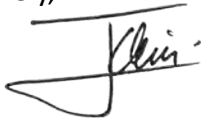


Iceplant Today (Visual Rendering)

It is my hope, and the hope of residents, visitors and Pleasure Point surfers that your Commission will continue to support these much-needed seawall repair and public access improvement projects. They are desperately needed; without substantive repairs the historic seawalls fail to protect the houses, create dangerous public access conditions and inevitably require emergency response that lacks public access improvements.

This project involving the three properties at 3000, 3006 & 3020 Pleasure Point Drive has been in the works since before my project was completed in 2016. I urge you to support your staff and approve this project to advance our vision and facilitate additional improvements for public access. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Olivan", with a stylized flourish at the end.

Javier Olivan

cc: Kate Huckelbridge, Executive Director-California Coastal Commission
Dan Carl, District Supervisor, California Coastal Commission
Rainey Graeven, District Supervisor, California Coastal Commission

Dover, Joanna@Coastal

From: Cove Britton <cove@matsonbritton.com>
Sent: Thursday, August 31, 2023 5:12 PM
To: Justin Cummings; Manu Koenig
Cc: Jamie Sehorn; Andy Schriffin; Carl, Dan@Coastal; Graeven, Rainey@Coastal; Kahn, Kevin@Coastal; Clark, Nolan@Coastal
Subject: September 6th public walkway

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SEP 1 2023

Dear Supervisor Cummings and Supervisor Keonig:

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

On September 6th the Coastal Commission is holding a hearing regarding a proposed permit for a public walkway located adjacent to the mean high tide line at the base of several seawalls/revetments located along Pleasure Point Drive.

To date I am unaware of any local public outreach on this matter.

I completely support the repairs to the existing seawalls/revetments which are consistent with the Coastal Act and part of this application. However please note that CCC staff report staff are erroneous, as recently supported in Court, that the term "existing" is defined by when the Coastal Act was adopted. As recently determined in court, the term existing is exactly what it is defined as, existing at this time. I also want to note that the County of Santa Cruz consistently has disagreed with the current CCC interpretation of the Coastal Act regarding this matter.

Regardless, a public walkway is being proposed and as should be reviewed by the public (with public outreach), must meet the requirements of the ADA, and the hearing should be held locally.

As my representative, Supervisor Cummings, and Supervisor Keonig, for the district that this permit is being proposed in, I request that the County of Santa Cruz request that the CCC provide the appropriate public outreach regarding this public walkway but also how it meets the requirements of the ADA.

As the County of Santa Cruz is ultimately responsible for these public walkways, including ADA compliance, I suggest it is highly inappropriate for the CCC to proceed with a hearing regarding the matter until the actions I note above occur.

I should note that I did not receive notice of this hearing taking place on this matter, despite my request to be informed of when the staff report was available etc. (Please see below).

Thank you for your consideration.

From: "Graeven, Rainey@Coastal" <Rainey.Graeven@coastal.ca.gov>

Date: June 6, 2023 at 5:02:09 PM PDT

Subject: [External] RE: Pleasure point seawalls



Hi Cove,

I'll be sure to send you a copy of the staff report once it's published. At this point, we do not yet have a conf hearing date, but I anticipate bringing it to hearing in the coming months.

Rainey


Cove Britton
Matson Britton Architects

O. (831) 425-0544