

Comments

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June 19, 2006

Claudia Slater
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: Revised Draft EIS/EIR for the East Cliff Drive Protection & Parkway Project

Dear Ms. Slater:

The Coastal Property Owners Association of Santa Cruz County represents the interests of the 2,000 Santa Cruz County coastal property owners whose addresses are impacted by the erosive forces of the ocean.

We have supported a solution to save and preserve East Cliff Drive since our initial formation as the East Cliff Drive Property Owners Association of Santa Cruz County in 1967.

O1-1 | We fully support the East Cliff Drive Protection & Parkway Project which we believe will substantially benefit both Santa Cruz County residents and the visiting public. Most importantly this project will preserve and promote public access to the coast.

Sincerely,

Keith Adams
President

President: Keith Adams, Vice President/Treasurer: James Marshall, Secretary: Bill Osberg
Directors: James Beckett, Richard Berg, Gene Bernald, Dave DeBoer, Susan Rose

Responses

O1-1

Thank you for your comment.

Comments

Responses



1940 Merrill Street
Santa Cruz, CA 95062

Claudia Slater
Santa Cruz County
Planning Department
701 Ocean Street, Room 400
Santa Cruz, CA 95060

RE: Comment on the East Cliff Drive Bluff Protection and Parkway DEIS/DEIR - Planned Retreat not adequately considered.

The Surfers' Environmental Alliance SEA thanks you for the opportunity to submit written comments regarding the above.

Introduction:

The concept of planned coastal retreat in recognition of the well documented geologic pattern of coastal erosion along the Santa Cruz County coast is not adequately addressed in the draft East Cliff Drive Bluff Protection and Parkway EIS/EIR. (EIS/EIR) This comment provides general comments regarding the drafting of the EIS/EIR, and regarding California coastal development policies. This comment next reviews the legal requirements for, and comments on the following sections of the EIS/EIR: Project Description, Environmental Setting, Significant Environmental Impacts, Mitigation Measures and, most importantly, Alternatives.

It should be noted at the outset that the EIS/EIR completely fails to consider the loss of public access along the foot of the bluff over the life time of the seawall, Project alternatives 1 and 2, and that this access is a fundamental quality of the Pleasure Point environment, both cultural and recreational.

O2-1

The greatest focus of this comment is the consideration of reasonably feasible alternatives. This comment provides an outline for the reasonably feasible alternative of planned retreat from the inevitable erosion of the coastline along Pleasure Point. Briefly summarized the planned retreat alternative offered in this comment for Project 1 suggests the purchase of the 14 properties on the landward side of East Cliff Drive that extend along the length of the proposed project, removal of the

O2-2

O2-1

Retaining public access is one of the primary purposes of the proposed East Cliff Bluff Protection and Parkway Project. The issue of long-term public access to the beach and shoreline is evaluated in the Revised Final EIS/EIR (see the recreation impact analysis in Sections 4.2.1 and 4.2.2 and the discussion of beach loss in Section 6.2.1). It has been estimated that the distance between the bluff and the mean low low water line could decrease between 10 and 20 feet over the next 50 years due to project construction and sea level rise. However, the actual loss of beach width could be somewhat less than this because of the numerous factors that affect beach width, such as shoreline geometry, average wave height, and sand supply. This impact would be at least partially offset by removing rubble and riprap along the base of the bluff, which would increase the useable beach surface area in the near term. It is also important to recognize that if the bluff face is allowed to erode and recede back to private property, public access to this stretch of the shoreline could eventually be lost completely.

O2-2

The possibility of planned retreat was considered during the planning process, and the Revised Final EIS/EIR includes an expanded discussion of this alternative and the County's reasons for removing it from detailed consideration (see Section 2.4.1). While planned retreat could have fewer short-term environmental effects than the proposed project, it would ultimately have significant adverse impacts related to the relocation of facilities, provision of emergency services, traffic circulation and, possibly, public access to coastal resources. Additionally, a rough estimate of the first time cost of planned retreat, for this stretch of coastline alone, is \$28 to \$46 million. This cost would have to be borne entirely by the local community, and assumes that all of the property owners would be willing sellers. If not, the County would have to consider asserting eminent domain, which has not historically been used to take private residences. Finally, a planned retreat alternative could not reasonably be implemented for the proposed project area alone but would need to be implemented on a regional basis, in concert with other land management agencies. For these reasons, planned retreat is not a feasible alternative and was therefore eliminated from further evaluation in the Revised Final EIS/EIR.

Comments

O2-2
(cont'd) 13 residences on the 14 properties and moving East Cliff Drive with underlying utilities landward. A far more significant and larger parkway could then be planned with an expected geologic life of approximately 80 years. During those 80 years funds could be developed for the purchase of the next line of adjoining properties. The Project 3 planned retreat alternative contemplates simply re-routing East Cliff Drive and 41st Avenue through the previously ill-conceived parking lot recently constructed by the County on the north side of East Cliff Drive adjacent to the project area..

General Comments:

O2-3 As interested parties and taxpayers, we are concerned that all persons and firms working as consultants and subcontractors be unbiased and without financial conflicts of interest. Many coastal geologists and engineering firms earn a living as advocates for approval of seawalls, retaining walls, and bluff-top residential construction projects on behalf of self-interested private parties. Given that the debate often comes down to whether the projects advance private property interests at the expense of the most important public resource a coastal community has, it is critical that, at the end of the day, the objectivity as well as competence and experience of the consultants and firms engaged by the Army Corps are beyond reproach. Certainly those with conflicts of financial interest due to their active involvement in advocating private projects should not be considered for retention by the Army Corps.

O2-4 Also, whether or not deserved, a common perception is that the coastal engineers have a bias in favor of “hard” solutions to shoreline erosion, such as seawalls, retaining walls, groins, offshore breakwaters, etc. Hard solutions are particularly troubling in terms of both short-term and long-term degradation of the natural sandy beach and coastal bluff resources. Also, the “law of unintended consequences” appears to apply with full force, as documented by Cornelia Dean in “Against the Tide” and her recount of the history of unforeseen problems created by well-intentioned efforts to fix perceived problems. It is particularly critical, therefore, to ensure that all alternatives are examined objectively and in detail, including alternatives that may employ only “soft” solutions combining sand replenishment with relocation or acquisition of threatened structures.

O2-5 A third general comment is that the alternatives should be analyzed in as broad a context as possible, both in terms of time and geography. A common belief is that the beaches and coastal bluffs are eroding at a faster pace now because dams, freeways, highways, railroads, sand-mining operations, harbors, and urbanization in general have stopped or slowed the movement of sediment to the coast. If those are the causes of the problems, then at least some of the solutions need to address the causes to the extent feasible. A comprehensive plan to address the problems should include an element to ensure that when development is permitted along the coast, public funds or resources will not be required to simply “save” a threatened structure. Other contributing causes of endangerment of coastal development should be identified and both short-term and long-term solutions and alternatives studied.

O2-6 As one Coastal Commissioner put it, “Bluffs don’t fail, people do.” We have made mistakes in the past by building dams, harbors, highways, etc. without fully mitigating their impacts on sediment supply (the Santa Cruz Small Craft Harbor is a prime example now severely affecting Pleasure Point). We have made mistakes in the past by permitting the construction of private and public improvements too close to the edge of a retreating shoreline, in harm’s way. If nothing else, we should be learning from those mistakes and not repeating them. If massive amounts of public funds are going to be spent addressing the problems, the local agencies with land use jurisdiction should be required as a condition to enact and apply reasonable regulations to prevent future

Responses

O2-3

The Santa Cruz County Planning Department manages the contract with the consultants who prepared the Revised Final EIS/EIR and the supporting analyses. They have no financial interest at stake in the approval of the East Cliff Drive Bluff Protection and Parkway Project. The Army Corps of Engineers is no longer associated with the project, which is now purely a County action.

O2-4

Chapter 2 of the Revised Final EIS/EIR, particularly Section 2.4, provides an extensive discussion of why the County Redevelopment Agency is proposing a “hard” solution to halt erosion of the bluff adjacent to East Cliff Drive. The four alternatives considered in the Revised Final EIS/EIR were selected following an objective evaluation of the conditions along East Cliff Drive and the feasibility of a variety of other options, including soft solutions, moving the road and utilities, planting vegetation, beach nourishment, and planned retreat. The alternatives analysis fully satisfies the California Environmental Quality Act (CEQA), which requires an evaluation of a reasonable range of alternatives that could feasibly attain at least most of the project objectives. As explained in the Revised Final EIS/EIR, “soft” approaches to halting coastal bluff erosion along East Cliff Drive would either be inadequate or infeasible. Considerable information is available about the short- and long-term impacts of coastal armoring, which is evaluated in detail in the Revised Final EIS/EIR.

O2-5

As required by CEQA, the Revised Final EIS/EIR includes a cumulative effects analysis, which evaluates the impacts of the proposed project within the broader context of other bluff protection and roadway, bicycle and pedestrian improvement projects (see Section 15.2). It is beyond the scope of the EIS/EIR to examine past practices and decisions regarding dams, freeways, sand mining and other land use activities. Nevertheless, the County recognizes the need to prevent further development in close proximity to coastal bluffs. Policy 6.2.12 requires all new development to be set back at least 25 feet from the top edge of a bluff, and a setback of more than 25 feet may be required based on site-specific conditions. Ordinance 16.10.070(h)3 further regulates construction of new coastal structures.

Comments

problems.

O2-7 An additional general comment is that band-aid solutions to the problems may only sow the seeds for future catastrophes. If soft or hard solutions are implemented without a long term strategy of public acquisition, more and more development will occur on coastal properties in reliance on what can only be temporary solutions and, as the sea level rises, increasingly expensive protection. Eventually, the public will object to continued funding and/or the sea will have its way, and the loss to private and public property will be worse than what would otherwise have been the case. A comprehensive and long term approach is therefore required.

Specific Environmental Review Comments:

The CEQA Guidelines set forth in some detail what must be discussed in an EIS/EIR under CEQA. One of the most fundamental elements is an adequate Project Description.

Project Description (Section 2.1). The project description must contain a statement of the objectives sought by the proposed project and should include the underlying purpose.

O2-8 In the present case, the project description must be broader than simply taking the existing policies permitting seawall construction at face value, as a project, and analyzing the potential impacts of shoreline protection structures. The project description should instead focus on the basic policy questions which must be addressed. In that regard, it is clear that the local shoreline, like that of most of the rest of California, is eroding landward. The result in the County of Santa Cruz is coastal bluff collapse. Public and privately owned structures built too close to the edge of the bluff thereby become subject to damage. The bluff top property owners, public and private, want to armor the bluffs to stop the erosion and protect the failing property. These structures, however, are often proposed to be placed on public property and will have negative impacts on the natural bluffs and beaches. The basic policy question is the extent to which public interests should be subordinated to the interests of the private property owners. Although this current project is supported as directly protecting public property, if a line of private homes did not border East Cliff Drive there would likely be no coastal armoring proposal before us. Rather, East Cliff Drive and the underlying utilities would simply be moved landward. Thus, this East Cliff Drive Bluff Protection and Parkway Project is under consideration in large part due to the policy of placing the private property owners rights above those of the general public. As currently written and implemented, the County's seawall regulations have elevated the interests of the private property owners over the public interests. Instead of treating the policies as they currently exist and as being implemented as "the project," the EIS/EIR should consider the current policies as just one alternative to the basic policy question, rather than a "fait accompli," so that consideration of the basic policy question is informed and objective rather than an "after the fact rationalization" of a decision made in prior years without adequate environmental review.

O2-9 The Santa Cruz County general plan and the Local Coastal Plan, chapter 2, "Land Use" prioritize land uses in the Pleasure Point area. The area encompassed by the EIS/ EIR is designated "Existing Parks and Recreation." Public recreation and public access are prioritized ahead of private residential uses. Thus the EIS/EIR violates the Local Coastal Plan by prioritizing residential uses (by stating without factual basis that political and economic realities make planned retreat infeasible) over public lateral access along the foot of the coastal bluff.

Responses

O2-6

See response to Comment O2-5, above, regarding the County policy and ordinance that prohibit new developments close to the edge of coastal bluffs. With respect to sediment supply, the total estimated beach sand contribution from the combined project area is 329 cubic yards per year. This represent roughly 0.1 percent of the total amount of sediment in the Santa Cruz littoral cell. This is well within yearly variations in littoral drift (see Section 6.1.9, Sand Movement [Sources and Transport]).

O2-7

As noted above in the response to Comment O2-2, the cost of purchasing coastal properties in the project area, and other factors, make planned retreat infeasible. We agree that a long-term strategy of public acquisition would require a coordinated, long-term program, but such a planning effort is beyond the scope of the EIS/EIR.

O2-8

The County Redevelopment Agency (RDA) believes that the public interest is best served by protecting the public right-of-way, road, utilities, and public access to the shoreline, which will all be damaged or lost by continued bluff failure along East Cliff Drive. If the bluff is allowed to fail, the public will have a much more difficult time gaining access to the beach and shoreline along this stretch of the coastline. The project proposal is not designed to protect the interests of private property owners but to protect the interests of the public at large. The proposal complies with current County policies and regulations. Changing County policies and regulations is at the sole discretion of the County Board of Supervisors and is outside the scope and authority of the EIS/EIR.

O2-9

The proposed project does not prioritize private residential uses ahead of public access and recreation. To the contrary, one of the primary objectives of the project is to preserve the public right-of-way and improve access to and along this stretch of coastline. This objective is consistent with the existing parks and recreation designation and would help further implement several other General Plan policies on parks, recreation, and public facilities. In particular, the project would promote implementation of Policies 7.5 (establishing a system of regional parks) and 7.7a-c (maintaining and improving coastal recreation opportunities and public access to the shoreline and beach). The improvements previously constructed at The Hook were also done in accordance with these policies.

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O2-10 **Significant Environmental Impacts:** The focus of this element of the EIS/EIR must be on changes in existing physical conditions resulting from the project. The analysis must include indirect and cumulative as well as direct changes, both short and long term. The EIS/EIR must include relevant specifics of the area, the resources involved, physical changes, alterations of ecological systems, changes induced in human use of land, health and safety problems caused by the physical changes, and impacts on scenic quality, among other impacts.

The construction and maintenance of shoreline protection devices can have serious adverse environmental impacts. In terms of shoreline processes:

“Construction of seawalls and/or other forms of shoreline protection can result in significant adverse impacts to public resources, including loss of the public sandy beach area displaced by the structure, “permanently” fixing the back of the beach, which leads to the narrowing and eventual disappearance of the beach in front of the structure, and a reduction or elimination of sand contribution to the beach from the bluff. Other impacts of seawalls include sand loss from the beach due to wave reflection and scour, accelerated erosion on adjacent unprotected properties and the adverse visual impacts associated with construction of shore/bluff protective devices on the contrasting natural bluffs.” (Coastal Commission Staff Report, Application No. 6-00-35).

“Simply placing a protective structure on the beach, depending upon its size and shape, will cover a given amount of beach . . . “A second seawall impact has been termed passive erosion. Wherever a hard structure is built along a shoreline undergoing long-term net erosion, the shoreline will eventually migrate landward beyond the structure. The effect of this migration will be the gradual loss of beach in front of the seawall or revetment as the water deepens and the shoreface moves landward. . . While private structures may be temporarily saved, the public beach is lost. This process of passive erosion appears to be a generally agreed upon result of fixing the position of the shoreline on an otherwise eroding stretch of coast, and is independent of the type of seawall constructed.” (The Protection Of California’s Coast: Past, Present and Future, Gary B. Griggs, Institute of Marine Sciences and Department of Earth Sciences, University of California, Santa Cruz).

O2-11 **An important, and often over-looked additional impact** is increased erosion of the tidal terraces formed by natural bluff retreat. The tidal terraces, carved out of the more resistant lower bluffs, are the only available lateral beach access ways when there is no overlaying sandy beach. If bluff retreat is halted by shoreline protection structures, **new tidal terrace area will not be formed and the existing tidal terrace area will continue to erode deeper and deeper until it no longer serves as even a low tide lateral public access way.** The rate of erosion of the tidal terrace will probably also increase because of wave scour caused by the seawall which has fixed the back beach line. The phenomenon of tidal terrace erosion and deepening of shoreline waters is acknowledged in the EIS/EIR. **However, the EIS/EIR makes no connection between the inevitable erosion of the tidal terrace and what would be the inevitable loss of public access** to the shoreline along the foot of the bluff and the recreational impacts of the lost public access. Therefore this very significant, adverse impact is not discussed in the EIS/EIR.

O2-12 The EIS/EIR mentions the tidal terrace erosion only as justification and rationale for excavating and placing a three feet deep toe for the seawall into the purisima tidal terrace. Erosion of the purisima tidal terrace one foot below its current level at the foot of the coastal bluff will eliminate public access along the foot of the bluff in all but extreme low tides. (Generally any tide lower than

O2-10

Chapters 3 through 15 of the Revised Final EIS/EIR analyze the short- and long-term direct and indirect impacts of the proposed project and alternatives, both within the project area and on a regional scale. Chapter 5 addresses impacts on visual resources, and Chapter 6 discusses impacts associated with loss of beach area, passive erosion, sea level rise, and sand contribution. Significant impacts are identified and mitigation measures are proposed to reduce these impacts to a less than significant level.

O2-11

Section 6.2.1 of the Revised Final EIS/EIR provides an extensive discussion of the impact of the proposed project on the shoreline, including the effects of sea level rise and bedrock erosion. As noted in the response to Comment O2-1 above, the width of the shoreline is subject to change because it is dependent on a number of dynamic factors, such as weather, wave height, sand supply, and grain size. Because of the natural variability in the width of the beach, and the fact that the beach along this part of the shoreline is generally used for walking and surfing access, the limited loss in beach width over the project period would not constitute a significant impact on recreational uses of the shoreline.

O2-12

The Revised Final EIS/EIR discusses erosion of the tidal terrace in detail in Section 6.2.1. Calculations by the Army Corps of Engineers indicate that the tidal terrace is eroding at a rate of 0.15 millimeter/year, which would total approximately 0.3 inch at the end of 50 years. Compared to the estimated net rate of sea level rise, which is 2.8 inches in 50 years, this would not be a substantial factor in beach or shoreline loss. The County Planning Department has not seen any evidence that the tidal terrace would erode 12 inches over the next 50 years. Available information does not support the assertion that the proposed project could entirely eliminate public access to this stretch of coastline. Indeed, one of the primary purposes of the proposed project is to protect public use of this important resource.

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O2-12
(cont'd) 1.5 feet above mean sea level.) Erosion of the purisima tidal terrace three feet below its current level at the foot of the coastal bluff will put the terrace well below sea level at even the most extreme low tides; forever eliminating public use of the shoreline along Pleasure Point and The Hook. In fact the loss of public access at The Hook, (Project 3) will be even more immediate and pronounced than that in the Project 1 area.

These shoreline process impacts have the obvious potential of entirely eliminating public access and enjoyment of the most important public resource a coastal community offers -- its recreational beach. The loss of public access along the foot of the coastal bluff directly violates Santa Cruz General Plan recreation policies 7.1a, 7.7a 7.7b, 7.7c, 7.7.4, 7.7.10, 7.7.15, 7.7.18.

O2-13 The impacts of shoreline protection structures on the scenic quality of the shoreline are also significant. The shoreline will continue to erode, including both the lower and upper bluffs, unless stopped by bluff armoring. If the policy is to protect public or private property from erosion at any cost, all of the bluffs must eventually be protected by armoring. The naturally sculpted coastal bluffs will thereby be replaced with structures of varying types and appearances.

O2-14 Personal safety is also compromised by the construction and maintenance of seawalls. A number of construction workers have already been seriously injured in Encinitas by accidents occurring during the construction and repair of shoreline protection structures. Also, seawalls narrow sandy beaches and lateral public access, thereby forcing members of the public closer to the bluffs than would otherwise be the case. Seawalls also give the public on the beach a false sense of security. Lower bluff armoring does not assure upper bluff stability, and, as witnessed recently in Ocean Beach, shoreline protection structures themselves can fail catastrophically and endanger life.

O2-15 These significant environmental impacts cannot be avoided through mitigation measures. Disneyland concrete does not substitute for naturally sculpted landforms. The CEQA Guidelines require that, if significant environmental impacts cannot be alleviated without implementation of alternatives, their implication and the reasons why the project is proposed notwithstanding the significant effects must be explained. Thus, to continue a policy decision to sacrifice **the public's beach** and sculpted coastal bluffs to protect public structures or privately owned structures built too close to the bluff edge, the reasons for doing so must be explained in the EIS/EIR.

O2-16 The CEQA Guidelines also require the EIS/EIR to identify the project's significant irretrievable commitment of resources. **In this case, continuation of the current policies would irretrievably commit the natural coastline to eventual elimination.** Continuation of the policy would also irretrievably commit future generations to continued shoreline protection structures. If the policy is to protect public or private structures, property owners will expect approval to protect existing as well as future structures, and public agencies will be hard pressed to change policy in the future.

O2-17 **Mitigation Measures.** The EIS/EIR must discuss, for each significant environmental impact, the mitigation measures proposed by project proponents as well as others proposed by other agencies or persons which could reasonably be expected to reduce the adverse impacts. The formulation of mitigation measures cannot be deferred to some future time. The mitigation measures must be fully enforceable by law.

Various conditions have been imposed on projects in the past as supposed "mitigation

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O2-13

Section 5.2 of the Revised Final EIS/EIR identifies specific thresholds of significance that were used in evaluating impacts on visual resources. While some significant impacts are anticipated, mitigation measures have been identified that would reduce these impacts to a less than significant level. With respect to future bluff armoring, it is important to note that new developments in Santa Cruz County must be set back from coastal bluffs (General Plan Policy 6.2.12). This should limit the need for bluff protection structures. Most future armoring will likely be for maintaining existing structures or will be in urbanized areas where development already occurs in close proximity to coastal cliffs.

O2-14

The health and safety of construction workers would be addressed through the construction contractor's development of a health and safety plan, in coordination with RDA. While the soil nail wall would add approximately one foot to the face of the bluff, given the variation in shoreline width over the course of the year or even a tidal cycle, there would be no perceptible difference in the size of the beach to the public. Additionally, removal of rubble and rock riprap along the base of the bluff would increase the area between the bluff and the water, thus providing greater public access rather than less. While it is true that armoring the Purisima layer would not entirely prevent the terrace deposits from failure, the Preferred Alternative would armor the entire bluff face from the bedrock to the top of the bluff, thus preventing failure of the terrace deposits. The soil nail wall proposed by RDA is both reliable and easy to maintain, thus reducing the risk of catastrophic failure.

O2-15

The Revised Final EIS/EIR identifies all of the significant impacts that would result from the proposed project and alternatives and proposes mitigation measures for those impacts, in compliance with CEQA. As noted above, the public beach and coastal bluff would not be sacrificed as a result of the proposed project.

O2-16

CEQA does not require identification of an irretrievable commitment of resources, but it does require identification of any significant irreversible environmental changes (see CEQA Guidelines Section 15126.2[c]). The proposed bluff protection structure would not be irreversible, and it could be removed at a future date should the County choose to do so.

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O2-17
(cont'd)

measures.” These include proper maintenance of shoreline protection structures. The EIS/EIR should address the efficacy of these conditions in light of the numerous structures currently on the public beach which have not been properly maintained. The EIS/EIR should identify whether the mitigation measures are inadequate or legally unenforceable, or whether public agencies have simply lacked the will to take legally enforceable actions to enforce the conditions. If the mitigation measures are inadequate, or if the agencies do not have the will or the legal ability to enforce the conditions as mitigation measures, they do not mitigate the significant impacts. If the agencies do not have the will to enforce the conditions, the EIS/EIR should discuss other options such as providing fines and express private rights of enforcement by interested private parties.

Because the EIS/EIR fails to acknowledge the loss of public access along the foot of the coastal bluff, the EIS/EIR utterly and completely fails to discuss measures to mitigate this most important significant impact.

Alternatives. As indicated above, the EIS/EIR should describe the project as a basic policy question. CEQA requires discussion of a range of reasonable alternatives for the project that would feasibly attain most of the basic objectives, even if more costly, and evaluate their comparative merits.

O2-18

In the present case, one alternative is the cessation of coastal bluff armoring. While this alternative does not necessarily preclude sand replenishment projects which would slow down the current rate of erosion, eventually the coastal bluffs would erode and the bluff top structures would not be protected.

The current policies, and their continued implementation to protect public or private property at the expense of the public beach, is at the other end of the spectrum of alternatives.

An alternative that would strike a balance between public and private rights is a “planned” or “managed” retreat alternative which should be discussed in detail in the EIS/EIR. Following is a description of the general outlines of one version of this alternative:

Background:

The long term goal is restoration and maintenance of the natural sandy beach or tidal purisima terrace, near shore environment, and coastal bluffs. This acknowledges the inevitability of bluff erosion in a geologic era marked by naturally caused shoreline retreat and rising sea level. Natural bluff retreat due to erosion is environmentally beneficial as a natural phenomenon of our coastal environment, because it contributes sand to the beach, results in maintaining beach width, and sculpts the bluffs into visually attractive natural landforms. Natural bluff retreat is economically beneficial because, among other reasons, it enhances the recreational value of the coastline and reduces dependence on costly shoreline protection measures.

The Planned Retreat Approach:

The basic approach is to develop and implement policies and programs to ensure that present and future coastal development is consistent with the long term restoration and maintenance of the natural conditions, including restoration of natural sand flow to and along the coast, and the reasonable economic expectations of private property owners.

O2-17

An evaluation of maintenance and enforcement actions related to other bluff protection structures is beyond the scope of this EIS/EIR. However, RDA and the County Department of Public Works are aware that an inspection and maintenance program will be necessary, and County operational funds will be used for that purpose. Mitigation Measure 6.1b has been revised to clarify that such an inspection and maintenance program would apply to the entire bluff protection structure, rather than just the ends. Additionally, as discussed in the responses to Comments O2-1, O2-11, and O2-12, adverse impacts on public access would be less than significant and access would actually be improved in some ways because of the removal of rubble and riprap from the foot of the bluff and development of the parkway along the top of the bluff. Therefore, no further mitigation measures are required.

O2-18

See responses to Comments O2-4 and O2-5.

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Implementation:

O2-18
(cont'd)

Staged public acquisition of property. Acquire the properties seaward of the planned retreat line through purchase and/or eminent domain. As the planned retreat line moves landward, acquire additional properties. Acquire the future ownership right to the properties on a discounted present value basis. The future ownership right would be 50 years off for properties located between the planned retreat and no new development setback lines. The future ownership right would be the remaining useful economic life of the existing structure for properties located seaward of the no new development line, but no more than 50 years.

Bluff top development regulatory policies. Adequate setbacks are required to ensure that new approved development will not require shoreline protection within the useful economic life of the structure. History shows that structures have been built too close to the bluff edge. Therefore, an effective planned retreat alternative would establish setback lines including a "no new development" line which would be set no further seaward than the estimated bluff retreat line in 50 years, plus a margin of error. A second "planned retreat" setback line should be set no further seaward than the estimated bluff retreat in 100 years, plus a margin of error. The setback lines should be revised periodically. No new development (defined as any development which increases the useful economic life of the existing structure) should be allowed seaward of the "no new development" setback line. Independent expert reports should be required to establish that a greater setback is not required for new development landward of the "no new development" setback. All new development should be conditioned on an enforceable waiver of any right to build shoreline protection structures. Impose other conditions as required to ensure that new development does not increase rate of bluff erosion, including drainage and landscaping conditions.

Application of planned retreat policy to the East Cliff Drive Bluff Protection and Parkway Project.

O2-19

Although the EIS/EIR addressed planned retreat, the EIS/EIR dismisses this viable alternative as politically and economically infeasible, without factual justification. The EIS/EIR expresses the political infeasibility of exercising eminent domain and announces that exercising this power on 14 parcels would not meet state law requirements for meeting the greatest public benefit with the least private impact. **Again, the EIS/EIR completely fails to consider the loss of public access along the foot of the bluff over the life time of the seawall, and that this access is a fundamental quality of the Pleasure Point environment, both cultural and recreational.**

O2-20

Project 1: Estimates for the cost of Project 1 alone, as recommended in the draft EIS/EIR, are approximately \$7 million. The initial outlay of \$7 million does not include future maintenance and does not include removal costs of the structure at its end-of-life. The initial project cost could be as high as \$10 million.

There are 14 properties adjacent to East Cliff Drive on the landward or northern border of East Cliff drive from 33rd Avenue to the property on the northeast corner of 36th Avenue and East Cliff Drive. Thirteen of these properties are developed. Exercising eminent domain for the protection of, and relocation of East Cliff Drive, these properties could be purchased for an average of \$2.5 million, representing market value. The total purchase price of the 14 properties would then be \$35 million. For an estimated additional \$10 million the structures could be removed and East Cliff Drive with the underlying utilities re-routed landward approximately 60 feet.

O2-19

As noted in the responses to Comments O2-8, O2-11, and O2-12, there would not be a significant loss of public access to the shoreline as a result of the proposed project, and public access would actually be improved.

O2-20

As mentioned in the response to Comment O2-2, the County has not historically used eminent domain to take private residences. Moreover, even if the properties were acquired, it is questionable whether considerable public funds would be spent on developing a parkway that would essentially be temporary and subject to damage by continued coastal bluff erosion.

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O2-20
(cont'd)

Re-routing the road landward 60 feet would provide a pedestrian parkway, and additional parking areas if desired by the community, of approximately 30 feet. The greatly enhanced parkway would be a huge asset to the neighborhood, increasing property values and attracting tourism dollars in a manner completion of Project 1 as preferred in the draft EIS/EIR could not hope to duplicate. Providing a parkway of the dimensions this planned retreat proposal would allow will greatly increase the commercial value of near-by Portola Drive businesses, thus also increasing the tax revenues from the area.

A recent study by California State University Monterey Bay fixed an economic value of the income surfing and the surfing industry brings to the Pleasure Point area at \$8 million annually. We can not, in the scope of this comment, project the possible increase in economic value from this proposed feasible alternative, but must assume that a parkway that actually provides a significant area for relaxation in a garden setting on a coastal bluff while watching one of the most enthralling and dynamic sports known to man will greatly increase the economic value to the community of surfing at Pleasure Point.

Increased tax revenues should then be designated for a special fund to purchase a future interest at discounted value in the next line of adjacent properties north or landward of the proposed project.

Public access down the bluff face should be maintained with wooden stairs at Pleasure Point Park and 36th Avenue designed in a manner that allows for inexpensive removal as the stairs periodically wash out or need removal as the bluff erodes.

The resulting parkway would be a truly remarkable model for all California jurisdictions and a trophy of public coastal planning. The parkway could, at a future date be combined with the bluff-top lands east of the property currently owned by Jack O'Neill and commonly referred to as "the O'Neill house," creating an even more substantial, attractive jewel on what was once a blighted coastline.

Additional regulatory measures should be implemented to minimize bluff erosion from above. Needed measures include the regulation of landscape irrigation on both public and private properties adjoining the project areas to prevent erosion from runoff water and unnecessary saturation of the soil. Also needed is a weight limitation that eliminates all vehicles that comprise a risk of increasing the rate of erosion due to weight and vibration.

Planned retreat should also include two measures which are included in Alternatives 1, 2 and 3 in this EIS/EIR: routing of drainage pathways away from the bluff top, and removal of the rubble/rip rap inappropriately placed by the County at the foot of the bluff many years ago.

Project 3: The policy arguments in favor of planned retreat alternative in the Project 3 area are essentially the same, as the arguments stated above for the Project 1 planned retreat alternative and are incorporated herein.

The Project 3 planned retreat alternative simply proposes re-routing East Cliff Drive through the southern portion of the parking area immediately north of and adjacent to East Cliff Drive.

This Project 3 planned retreat alternative proposal provides a greatly simplified opportunity for planned retreat because the lands needed on to which the planned retreat must be accomplished

Comments

O2-20
(cont'd)

are public lands owned by the County. The property adjacent to and north, or landward, of East Cliff Drive in this project area is occupied by a parking lot and bathroom structure. The parking area was recently re-designed and paved by the County (against the wisdom of many of those commenting on the project) in 1998. The bathroom structure was added to the property.

Although re-routing of East Cliff Drive through the southern portion of the parking area would result in the loss of approximately six parking spaces and possibly the bathroom structure, such a loss must be considered an environmentally preferable alternative to building a seawall against the bluff. This planned retreat alternative would cost significantly less than the proposed project in the draft EIS/EIR. The savings from this proposed planned retreat alternative could be used to offset the higher costs of our proposed planned retreat alternative for Project 1.

The County has already set a precedent for reducing parking in the Project 3 area by designing and building the currently paved parking lot in the Project 3 area. Frequent users of this parking area, who used the parking area prior to development, when it was a "dirt lot" estimate 20 parking spaces were lost by the County's design.

O2-21

Cumulative Impacts (Section 15.2.1). The EIS/EIR must, of course, analyze and discuss the significance of combining the impacts from individual projects. The impacts of past, present, and probable future related projects must be considered. The EIS/EIR must discuss the option of ordinances or regulations, rather than the imposition of conditions on a project-by-project basis, if that is the only feasible mitigation for cumulative impacts.

In the present case, the EIS/EIR identifies and discusses the numerous existing coastal armoring projects, and projects pending, but does not consider probable future projects. The current policies and their implementation guarantee that the probable future projects will result in the armoring of the County's entire shoreline. The eventual cumulative impacts of the current policies and their implementation include the destruction of the County's beach and coastal bluffs from coastal bluff armoring as a result. Which in turn will destroy the economy of the Live Oak and Pleasure Point communities, leading to the social problems that accompany depressed economies. The only feasible way to mitigate or avoid this destruction is through a change of policy.

Thank you again for the opportunity to submit these comments. Of course, the above is not an exhaustive discussion of the issues we believe must be discussed in the EIS/EIR, and we look forward to the further opportunity to comment.

Respectfully submitted,
Surfers' Environmental Alliance SEA



Douglas Ardley
Surfers' Environmental Alliance SEA

Responses

O2-21

Consistent with CEQA requirements, the cumulative impacts discussion in the Revised Final EIS/EIR addresses reasonably foreseeable future armoring projects, as well as roadway, bicycle, and pedestrian improvement proposals. Significant project impacts can be adequately mitigated within the current regulatory framework, and changes to existing ordinances are not necessary. As noted in Section 2.4.1, County policy requires that new developments be set back from coastal bluffs, and limits the situations in which bluff protection structures can be built to protect existing structures. Consequently, current policies will not result in the eventual armoring of the County's entire shoreline.