

California Coastal Commission 455 Market Street, Suite 300 San Francisco, CA 94105 December 4, 2023

RE: Agenda Item Th9.1-9.5, Cease and Desist Orders and Administrative Penalty Actions – Guarav Singh and Sonal Puri, and Rio Del Mar Beach Island Homeowners Association (Beach Drive, Aptos, Santa Cruz Co.)

## Hearing Date: December 14, 2023 Position: <u>Support Staff Recommendation</u>

Dear Chair Hart and Commissioners,

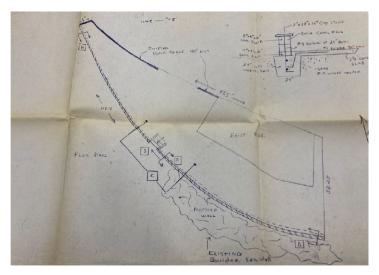
The Sierra Club represents over 500,000 members in the state of California who are concerned about the coast. <u>The Sierra Club supports the staff recommendation of issuing Cease and Desist Orders to the Rio</u> <u>Del Mar Beach Island Homeowners Association</u>, and the other named parties, which will return to the public, the use of the 12-foot-wide area of public walkway on the ocean side of the affected properties and, which would include removal of all barriers and fencing. The Sierra Club also supports the staff recommendation for permanent removal of all unpermitted development in this public walkway area. Additionally, Sierra Club supports the removal of the ongoing blockages of the public sidewalk just inland of the affected properties. Finally, Sierra Club supports the restoral of native dune plants over and forward of the revetment, as was explicitly required as a condition of the earlier Coastal Development Permit (CDP).

The two photographs below speak volumes about the situation at the site. An incredible level of disdain for public access is demonstrated. First, the public walkway seaward of the buildings has been blocked with barriers and fencing (left), and then the public sidewalk inland of the buildings is blocked by refuse bins associated with these buildings (right).





The record is clear that no barriers to public access along the seaward walkway were authorized or permitted in the CDP. The CDP plans are shown at page 919 of Exhibit 1, for example, and clearly show the walkway and also show no blockages at the ends, and no development extensions into the walkway area.



As noted in the staff report, this area was open to the public originally but then blocked afterwards, in conflict with the CDP. All of the unpermitted development along the walkway must be removed, and public access must be restored.

The area seaward of the walkway contains a low seawall/revetment which was authorized with the previous CDP. A condition of this CDP was that the area be restored to native dune habitat. This has not been done, now going on forty years. Sierra Club strenuously supports the order to have this area restored in compliance with the earlier CDP condition. The area is seen here:



With over 800 feet of length, this area represents a significant amount of native dune habitat that has not been provided, as required. The condition requirement is seen in the staff report at page 78 of Exhibits1, Condition 9, as seen here, from an earlier CDP:

9. Within 30 days after completion of the seawall construction, the covered seawall shall be vegetated (with plant species native to the dunes of Monterey Bay where feasible) and maintained in good condition thereafter. Final vegetation plans shall be submitted to the Executive Director for review and approval.

In sum, Sierra Club strongly supports the staff recommendation. The importance of public access in these areas cannot be overstated, and the contempt of the owners and association for these values is self-evident. Sierra Club also supports, to the point of demanding, that the dune habitat which was required to be restored and maintained, finally be restored.

Thank you for your consideration of these comments.

Sincerely,

Nancy Okada Chair, Coastal Subcommittee Sierra Club California

Charming Evelyn & William Martin Chairs, Water Committee Sierra Club California