



**SANTA CRUZ COUNTY GROUP**  
Of The Ventana Chapter  
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February 2, 2014

City of Santa Cruz Zoning Administrator  
809 Center Street  
Santa Cruz, CA 95060

RE: Item No. CP13-0144; 216 Jessie Street; Hearing Date January 5, 2014, Agenda Item 1

Position: Oppose

We strongly urge that the permit application for the project proposed for the Jessie Street Marsh be denied. The proposed project is significantly non-compliant to the requirements of the Jessie Street Marsh Management Plan and the San Lorenzo Urban River Plan. The project site has an extensive management plan which had significant public input, environmental review, and approval by the City Council and the Coastal Commission. The present proposal cannot be administratively approved due to its extreme non-compliance to those Plans, and also due to the damage to habitat the present proposal will cause if implemented. We contest proposed findings 2, 3, and 7, and the proposed CEQA exemption.

#### **Eastern Perimeter Trail**

The project proposes to construct a five foot wide trail along the eastern edge of the marsh, between the marsh and the riparian woodland. This trail location is in conflict with the Jessie Street Marsh Management Plan. No trail is to be along the eastern boundary. In addition to that conflict, the trail will directly impact marsh and woodland habitat. The Biological Report prepared for the City states that the “analysis assumes that all trail development will occur outside the cattail-bulrush marsh and associated wet grassland”. This assumption is not accurate. The proposed eastern trail goes through the marsh and wetland habitats. There is no space between the wetland habitat and the riparian woodland. Site visits clearly indicate that the proposed eastern trail goes through sensitive habitat, and as the proposed trail is a dug in gravel

trail, this would be a significant impact and cannot be allowed. The pictures below show the close proximity of the marsh/grassland habitat to the riparian woodland:



The marsh/grassland species are seen up to the tree line



Marsh species

In addition, it is apparent that the City has already cut trees to allow for this trail alignment. Thus, the statements in the staff report that the project does not intend to cut down any trees cannot be accepted. Trees, and large branches, which traversed the proposed eastern alignment have already been removed within the last two years. These provided significant

habitat value and should not have been cut; they must be allowed to resprout. Some of this damage to the habitat is seen here:



The large low branches of this elder sought light across the proposed trail and were cut out



This and other box elders were removed



This willow was also cut; it is resprouting and should be maintained

In the Jessie Street Marsh Management Plan, there is no public access or trail along the eastern perimeter of the marsh. The habitat area between the marsh and the riparian woodland is well served with the large low branches of these box elders and willows, but instead the City has cut them out. This action conflicts with Jessie Street Marsh Management Plan. These removals, having just been done, must be included in the impacts reviewed, even if they have already occurred. The City has already begun this project, and has only stopped and now sought a permit because of public pressure (as we understand it). Although we have highlighted the eastern perimeter trail, all trails other than the very limited access trail as shown in the Jessie Street Marsh Management Plan are non-compliant and cannot be approved. Finding 7 states that “All trail construction will occur outside the cattail-bulrush marsh and associated wet grassland”. This proposed finding is challenged.

### **Wrought Iron Fence**

The project proposes to install a six foot tall wrought iron fence around a significant part of the area of the marsh. This fence is non-compliant to the Jessie Street Marsh Management Plan. The Public Access portion of the Jessie Street Marsh Management Plan shows a fence only on the western perimeter, and this is a split rail fence. Not only is the fence non-compliant, it presents a further problem in that the marsh has not been restored. For all the time in waiting we still have not seen any significant hydrological restorations. Water channels are to be dug,

and islands created, and the water now diverted upstream from the marsh needs to be allowed to flow into the wetland again. At that time, the western perimeter split rail fence can be put in. To put in a wrought iron fence around this area prior to its hydrological restoration will provide such an impediment to that restoration that it cannot be allowed for that reason as well.

### **Public Safety**

The priorities for this area are set in the Jessie Street Marsh Management Plan. Should differing priorities arise they must be routed through the legislative process, which will include public participation and environmental review. A policy change cannot avoid that process and be implemented administratively, while still noncompliant to the legislated Plans. Thus, the eastern perimeter trail cannot be implemented. There are references to safety and access in the staff report. The eastern trail is antithetical to planning for public safety. The proposed eastern perimeter trail runs for 250 feet, and proposes to put a trail between a cliff face and a wrought iron fence. This stretch presents a perilous gauntlet for any pedestrian who would walk through it. When the marsh rushes grow up to obscure vision into that area, the trail would become a hidden necked down area, out of sight from the western edge of the marsh. This is a potential very dangerous configuration. This trail alignment must not be allowed to be constructed.

### **Hydrological Restoration**

The proper actions for this area would be to implement the hydrological restorations as outlined in the Jessie Street Marsh Management Plan. This restoration would involve creating open water areas between Lemos and Barson Streets. The tidal gate and the bottom end of the salt water marsh should have its operation modified to restore linkage with the San Lorenzo River mouth. After that restoration, the split rail fence along the western perimeter may be installed, with the intent of keeping people out of the entire marsh and riparian woodland area.

### **Restoration Requirement**

In addition to the proposed project's non-compliance to the Jessie Street Marsh Management Plan, it must be pointed out that there is a requirement for restoration at this site, a requirement not met, and surely interfered with, by this project. Protection and restoration of this marsh was a required mitigation for the dredging of Neary Lagoon in 1996. The City has not fully complied with that requirement as the marsh in fact not been restored after its acquisition by the City. Thus, the hydrological restoration, which would then support a more robust natural habitat, should be the first priority at this site.

## Summary

We seek denial of the project application. The project is non-compliant to the Jessie Street Marsh Management Plan.

Thank you for your consideration.

Yours Sincerely,

A handwritten signature in black ink that reads "Michael Guth". The signature is written in a cursive style with a small mark above the 'i' in "Guth".

Mike Guth,  
Conservation Chair, Sierra Club Santa Cruz Group