



**SANTA CRUZ COUNTY
GROUP**

Of The Ventana Chapter

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California Coastal Commission
Central Coast District
725 Front Street
Santa Cruz, CA 95060

Re: Riverfront Project (Santa Cruz) Substantial Issue Determination

Appeal Number: A-3-STC-21-0013

Hearing Date: 3/12/2021

Position: Substantial Issue -- YES

March 3, 2021

The Sierra Club has completed its review of the Staff Report for the Substantial Issue Determination for the Riverfront Project/Front Street Appeal and, in contrast to your Staff's recommendation, asks that you do find a substantial issue. This project is receiving exceptions to height and massing requirements without providing corresponding benefit. The Coastal staff has changed their analysis criteria and this aspect should be reviewed by your Commission in a full appeal hearing, so that your Commission can provide proper guidance to staff, jurisdictions, and to the public. We assert that this appeal presents a substantial issue using either analysis method.

Of particular concern are the numerous and significant exceptions given to LCP standards regarding height, and massing with the failure to adhere to the step-back provisions at 35 and 50 feet. The Sierra Club also raised this issue of height and massing in its comment letter on the Project Draft Environmental Impact Report.¹ The analytical test utilized by staff in the report for this appeal differs from the test postulated by this same staff to the City of Santa Cruz in December, 2020, in their comment letter² on this project. In that comment letter, Coastal Commission staff stated that "any LCP-allowed exceptions here be carefully evaluated in terms of the degree of public benefit/coastal resource **enhancement** derived from the project", emphasis added. But in the current staff report, that test has changed to be that "the burden is on the applicant to show how

¹ Sierra Club letter to Samantha Haschert, City Planning Department, June 23, 2020.

² Letter from Ryan Moroney, Central Coast District Supervisor, to Santa Cruz City Council, Dec. 30 2020, "Proposed Front Street/Riverfront Project".

exceptions to such standards **do not impact** coastal resources.”³ This clear lowering of the standard merits discussion and review by your full Commission, along with the impacts of this project. However, the project presents a substantial issue using either method to evaluate the LCP exceptions.

The present staff report reads as if it should support a finding of a substantial issue in many ways. It states that “an argument can be made” that “the LCP established the maximum amount of public view impact allowed to protect such views, and anything beyond that, as here, leads to impermissible public view impacts.” Even when trying to lead away from this view, the staff report still supports it, saying “(t)hat said, in this case the LCP exceptions accrue mostly to exceptions allowed by the Downtown Plan itself, **although the exceptions that the City applied beyond that are not minor**”, emphasis added.

The analysis then reviews impacts of these exceptions. No analysis of enhancement due to these exceptions is made and it is unlikely that any could be found, although that is the test that Coastal staff postulated in December, as mentioned above. Benefits of this project which are listed, such as linkage to the riverway paths, would be required of any project here, with or without these exceptions. All benefits analyzed are not specific to a project which has these exceptions, as they would be required of any project.

The incremental comparison and photo study of the height violations utilized by your staff is not an appropriate measure. The building heights, and the required step backs, which are set by the LCP, both of which are violated with this project, have already been reviewed and analyzed as part of the LCP formulation and approval process. The staff report states that “Although the LCP text does not actually qualify what amount of variation to the 60% standard is allowable, **arguably the variation intended by the LCP was to be minor**” emphasis added. “Thus, the buildings are considerably larger along the Front Street frontage and on the top floors than the LCP allows.” Staff Report, page 17. As your staff has noted, these violations can be fairly argued to have impermissible view impacts. An incremental approach which contrasts the maximum allowable height vs. this project’s height, as seen in Exhibit 7, presents no end point. If 81 feet can be argued to not have impact relative to the 70 foot limit (despite the presumption that any violation of the LCP height limits leads to an impermissible public view impact), then the next increment will be 91 feet against this 81 feet, and this could continue without end. The photo study illustrates just this project. As the first of many projects coming to this area, it should be expected that the entire area will seek heights at or above what is being sought here. Analyzing this project using an impacts analysis argues against this project.

Also of note is the issue of what level of exception to the LCP, and the concomitant impacts, should be accepted on this type of project. Without wading into the affordable housing percentages, as the Appellant did, it is clear that this project is

³ California Coastal Commission Staff Report for Substantial Issue Determination, 2/26/2021, Ryan Moroney –SC.

providing the minimum legally required amount of on-site affordable housing. With affordable housing viewed as a public benefit, it seems clear that these numerous exceptions to the LCP with regard to height and massing being offered to a minimum affordable project such as this skews the benefit analysis and will not incentivize projects with more than the minimum amount of on-site affordable units. How can it be justified to allow such significant violations to the LCP to a project with the minimum amount of affordable housing, and with only the required level of other public resource improvements? Where is there room in the benefit analysis for future projects with a significantly larger affordable component? Analyzing these LCP violations using a benefit analysis argues against this project.

This project presents significant issues and should be heard on appeal. The subjects raised in the staff report, and those we have commented on, merit full review and discussion by your Commission. We strongly urge you to find that a substantial issue is being raised by this appeal.

We appreciate your consideration in this matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Michael Guth".

Michael Guth, Conservation Committee Chair

A handwritten signature in black ink, appearing to read "Micah Posner".

Micah Posner, Executive Committee Chair