

Evan Ditmars

From: Michael Guth <mguth@guthpatents.com>
Sent: Thursday, June 5, 2025 2:22 PM
To: Evan Ditmars
Subject: Re: Opal Cliffs project

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Thank you for the reply.

I would like to add the following comments for the record: I appreciate that the Staff Report has recommended denial of the project as submitted. The recommendation that the project only be approved if scaled down to below the threshold for "development" is proper and illustrates proper compliance, in that any development above that threshold would result in this project no longer being an existing structure, would require that any development be sited rearward of the 100 year erosion line calculated without taking into account any shoreline armoring.

The project as proposed should not be approved. The staff report guidance to reduce the project to below the development threshold is appropriate. I believe that a much sterner approach to reviewing this project could still be taken, and that the staff recommendation of approval by reducing the project as directed/suggested should be viewed as very generous.

The front yard variance of 3 feet into the offset to allow for an ADU in the front yard seems reasonable, although a preferred solution would be to not have that variance if the ADU can be reduced in size.

Thank you again,

Mike Guth

On 6/5/2025 2:00 PM, Evan Ditmars wrote:

Michael,

Their geologic report and corresponding geologic setback does not rely on a shoreline protection structure (text from report is copied below). You may have seen that Sheet P2, page 19 of the project plans, includes a reference to "concrete armorment". I've also attached a letter from the Coastal Commission to the previous property owners, dated April 2023, which acknowledges the resolution of a violation for displaced sections of seawalls and debris. My evaluation is that this project would not pose the same questions or issues as the example you referenced. I'm happy to follow up if you'd like.

I am including this email as Late Correspondence for the hearing tomorrow. Please let me know if this is an issue.

From 241408 Geologic Investigation by Pacific Crest Engineering:

The bluff is unretained and ostensibly unprotected. Our calculated long term bluff retreat (our analysis of historical stereopair aerial photographs, is just slightly under a foot per year (feet per year). The highest resolution photo which was centered over the property was 1960 photo and the bluff appears to have retreated about 87 feet since that time.

Although the exposed bedrock in the bluff did not appear to fail catastrophically in 1989 to the 1989 Loma Prieta Earthquake, it is our opinion that the exposed rock face will gradually erode and fail within the next 100 years, probably in response to a future earthquake on one of the active faults. The marine terrace deposits that cap the bedrock are subject to terrestrial erosion (as opposed to wave attack) and shallow landsliding in response to long duration storms and earthquakes. We have taken all the retreat processes into account and constructed a hypothetical 100-year bluff retreat setback line (see Plate 1). We recommend that the habitable structure project be located within our designated envelope on Plate 1, landward of our 100-year bluff retreat setback line as depicted on Plate 1.



Evan Ditmars

Development Review Planner
Community Development & Infrastructure

Phone: 831-454-3227
701 Ocean Street, Room 400



From: Michael Guth <mguth@guthpatents.com>
Sent: Tuesday, June 3, 2025 4:20 PM
To: Evan Ditmars <Evan.Ditmars@santacruzcountyca.gov>
Subject: Opal Cliffs project

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan,

241408 4570 Opal Cliff Dr, Santa Cruz CA, 95062 APN: 033-151-25**

At a recent hearing for the ZA on east cliff there was a project that was below the threshold for new development, but was dependent on an existing shoreline protection structure - no setback study was provided. The shoreline protection structure had been permitted in 2008 (or something like that) with a requirement for a maintenance report every five years, which had not been done. So the project could not really then rely on that shoreline

protection structure, and the 25 foot offset was not an appropriate default. At that hearing I questioned why this hadn't all been reviewed as part of the new CDP project review. There was no good answer.

With that in background, I am asking you to please let me know whether or not you have, as part of the review of this proposal, reviewed and confirmed that any shoreline protection structure on this lot is properly permitted and that all permit conditions for such a shoreline protection structure have been met and are current. Review of the status of and compliance to permit conditions of any shoreline protection structure on the parcel needs to be part of the review for any further CDP on the parcel.

If there is a shoreline protection structure on this parcel and it has not been confirmed that all permit conditions on that shoreline protection structure have been followed and are current, or if the shoreline protection structure on this parcel does not have a CDP, or if it is known that the shoreline protection structure is not in compliance, please then consider this a letter of formal opposition to approval of this project.

I do see a 100 year setback line in some of the drawings but I do not see the geo report.

I look forward to hearing back from you on this.

Thank you!

Mike

--

Yours Sincerely,
Michael A. Guth
Attorney at Law

This email and any relevant attachments may include confidential and/or proprietary information. Any distribution or use by anyone other than the intended recipient(s) or other than for the intended purpose(s) is prohibited. If you are not the intended recipient of this message, please notify the sender by replying to this message and then delete it from your system.

--

Yours Sincerely,
Michael A. Guth
Attorney at Law
(831) 462-8270