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Owners Response to Appeal A-3-SCO-12-037
Claudia Mae Lawrence & Berkeley Miller

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA
115 19th Avenue

December 9, 2012
Santa Cruz, CA 95062
Parcel #028-222-05

To the Members and the Staff of the California Coastal Commission:

Re: December 6th Lively Letter and Appeal No. A-3-SCO-12-037

Mr. Phillip D. Lively's letter dated December 6, 2012 is comprised of incorrect assertions, mischaracterizations of the public record, and personal opinions. We would like to take this opportunity to set the record straight.

Mr. Lively mistakes the Staff's characterization of the location of the proposed building itself for the property line. As is clear from the survey (appeal Staff Report, Exhibit 4, page 2), the south wall of the new home is sited ten feet north of the south property line, in excess of the required setback of five feet. If, as Mr. Lively asserts, the property line is 32 feet from the bluff then 65 feet seems an entirely reasonable estimate of the distance between the bluff and the development. The coast curves to the southwest, so the distance from the building to the coast increases substantially from the front of the lot to the back of the lot.

There is indeed a single story residence seaward of our lot, which is clearly visible from 19th Avenue and can be seen in this Google map's satellite view (red arrow on the photo). This building is the Dominican Sister's dormitory.

There has been no mischaracterization (gross or otherwise) of the project location: APN 028-222-05 is the 5th lot south of East Cliff Drive on the west side of 19th Avenue (note approximate lot boundaries; blue lines). The dormitory clearly straddles the green mid-block property line between parcels 6 and 7, and parcels 9 and 10 (see also Exhibit 3, page 73).



In asserting that the development is not compatible with the existing community's

character, Mr. Lively privileges his own opinions as to the definition of "small or medium scale" over the pertinent facts. As he himself acknowledges, the lot is 4,000 square feet with an allowed floor-to-area ratio (F.A.R.) of 50% (Exhibit 3, page 92 for details). The development is 1,892 square feet, not including a 225 square foot garage, as permitted by the County of Santa Cruz (Appeal Staff Report, page 1).

Mr. Lively is entirely mistaken that the exterior decking was not included in the Staff's analysis: the County does not count covered areas (whether decks or overhangs) against F.A.R. unless they project more than 3' beyond the perimeter of the building. Finally, an elevator is included in the development in order to allow handicapped access to the 2nd floor. Dr. Miller's mother is 94 and no longer able to climb stairs, and he himself is partially handicapped due to a series of failed total knee replacement surgeries. As this is to be our retirement home, including a residential elevator is only prudent in order to allow us, our family and friends to fully enjoy and use of the second floor.

Once again, Mr. Lively's sole concern in this proceeding is quite obviously his own private view. By meeting and exceeding the required setbacks, the development *by definition* preserves public views from East Cliff Drive and 19th Avenue. The buildings that most significantly impact Mr. Lively's private view are the 1890s Chapel (green outline) and the single-story 1967 Josephine House, north of the Chapel. The new home will affect his private view only by the blue area shown in the Google maps photo below. The entire north side of the new home is approximately 1,680 square feet. We estimate Mr. Lively may see 365 square feet of this north side; nowhere near the 1,000 square foot wall as he claims. His appeals and his demands at our meeting on July 22nd (Exhibit 6 page 5) make it painfully clear that his private view is his only concern.



While we have endeavored mightily to site the development in order to minimize its impact on our neighborhoods, meeting Mr. Lively's demands would require a complete redesign and resubmission for permits. It would also dramatically reduce the square footage of the home, taking from us full enjoyment and use of the property as our retirement home. Finally and most importantly, this is an in-fill project and private views are not protected.

We have also worked very hard to be good neighbors by designing a well-sited and attractive home in keeping with the existing neighborhood's style and scale and in adherence to the County of Santa Cruz's zoning requirements, the Local Coastal Plan and CEQA. Our immediate neighbors, the County of Santa Cruz and the Coastal Commission staff all agree that we have succeeded. It is only Mr. Lively, up the street five houses and around the corner three houses, who has complained.

For these reasons and the weight of the evidence on record, we urge you to follow your staff's recommendation and find no substantial issue. We are available at your convenience to answer any questions and provide additional information.

Thank you.



R. Berkeley Miller



Claudia Mae Lawrence

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CALIFORNIA
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PHILIP D. LIVELY
24 Hawthorn Drive
Atherton, CA 94062
(650) 328-7660

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

OPPOSITION TO PROJECT

December 6, 2012

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

VIA HAND-DELIVERY

Re: Appeal No. A-3-SCO-12-037
Project Location: 115 - 19th Avenue, Live Oak Area of Santa Cruz County
Hearing Date: Thursday, December 13, 2012
Item No.: TH16a

Members of the Coastal Commission:

The purpose of this letter is to request that the Commission grant a de novo review under Section 30603. The proposed motion and resolution to find that there is no substantial issue with respect to the grounds of the appeal are erroneous and the proposed motion and resolution should be denied.

The Staff in reaching the recommendation to deny the appeal has made a number of factual statements and findings which are simply untrue.

As to **visual resources**, Staff has made the following statements:

The approved development is approximately 65 feet away from the bluff edge and another parcel, which is developed with a single-story residence, is located between the approved project site and the bluff edge. (pg. 7)

In terms of views towards the ocean, the approved project will not have any impact on these public views as these site lines would remain unimpeded from these vantage points. (pg. 7)

Thus, even though the proposed project will incrementally add to the amount of development within the beach viewshed, in this case, such increment is minor in relation to the nature of the existing built environment in this urban location, and the effect that it will have on the public view from the beach. (pg. 7)

The Staff factual findings with respect to visual resources are simply incorrect: First, the property line is actually only 32 feet from the bluff edge and not 65 feet as stated in the Staff report. Further, there is no other single-story residence between the proposed project site and the

bluff edge. The misconception is probably a result of the gross mischaracterization of the property location. (See Exhibit 1, pg. 2 of 2.¹) Moreover, there are no buildings on Parcel 9 which lie between the Proposed Development and the coastal cliff. (See Exhibit 2, pg. 1 of 4, and Exhibit 3, pg. 73 of 146.) Moreover, Parcel 9 is probably unbuildable given the current state of erosion and the fact that it is only 24 feet wide. Finally, the residence to which the Staff makes reference is actually located on 18th Avenue on Parcels 7 and 8, and not on 19th Avenue. (Exhibit 2, pg. 1 and Exhibit 5, pg. 17.)

The Staff statements regarding views toward the ocean not being impacted is also categorically incorrect. The Proposed Structure will extend 35 feet past the existing footprint of the church on 19th Avenue. Since the roofline of the house is approximately 28 feet tall, the net effect of the completion of construction will be to create a 1000 square foot solid wall extending beyond the church chapel footprint which will virtually obliterate the existing view. In this respect, please see Exhibit 3, pg. 116 of 146, which accurately reflects the existing viewscape from 19th Avenue. The Proposed Structure contravenes SCCC § 13.11.072(B)(2)(a) and (b), and LUP Policy 5.10.6.

The Staff's observation regarding lack of impact on beach viewsapes is similarly misguided. This structure will be highly visible and will greatly alter the existing viewscape. Presently, the viewscape in this area is relatively unimpacted, as is reflected in the attached series of photographs depicting the bluff area between 18th and 20th Avenues. Essentially, this structure will stick out like a sore thumb. The attached photographs also make it clear that this is an area of rapidly eroding coastal bluffs as is reflected in the constant efforts to reinforce the bluff with granite boulders and concrete.

As to **coastal bluff development/hazards**, Staff made the following statement:

In this case, the subject site is the second house inland from the bluff, and thus is actually located one house inland from the coastal bluff edge (see Exhibit 2). The approved residence would be located approximately 65 feet from the bluff edge (and would be separated from it by the adjacent residential parcel and residence).
(pg. 8)

Once again, this factual finding is simply not true. There is no residence on the adjacent residential parcel between the coastal bluff edge and the Proposed Development. (See Exhibit 2 and Exhibit 5, pgs. 15, 16 and 17 of 22.)

As to **community character and neighborhood compatibility**, Staff correctly notes:

¹ All Exhibit references are directed to Exhibits 1-7 of the Staff Report.

In terms of community character, the larger Live Oak neighborhood is comprised of an eclectic mix of coastal residual design themes and one and two-story homes together with small businesses, community centers, and churches, etc. It is really this type of close-knit, densely developed small to medium scale housing stock and related beach aesthetic and ambiance that best defines this area's personality, and perhaps best defines what the community's character is and should be in an LCP sense. (pg. 9)

The Proposed Development, however, is neither small to medium scale or in accordance with the ambience which defines the area's personality. The Proposed Development is absolutely as large as is allowed. The lot is only 4000 square feet (Exhibit 4, pg. 1). The FAR is 50% (Exhibit 4, pg. 1). The Proposed Structure also contains an additional 250 square feet of exterior decking which has not been included in the Staff's analysis. The Proposed Structure is also the only one in the area which has found the need for the luxury of a commercial grade elevator (Exhibit 4, pg. 8). Finally, the Proposed Structure has a maximum height of 29'4" (Exhibit 4, pg. 12) because of the superfluous elevator. The Proposed Structure, therefore, does not comply with the applicable SCCC requests (See Exhibit 7, pg. 3 of 4 (Views).)

In sum, the Proposed Development is not compatible and integrated with the closely knit, small to medium scale housing stock and related beach aesthetic and ambiance which best defines the character of the neighborhood and coastal Live Oak area. As noted by the Staff, this is the most applicable LCP requirement.

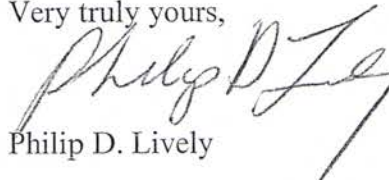
CONCLUSION

There are substantial issues of LCP conformity such that the Commission should assert jurisdiction over a de novo CDP for the Proposed Development.

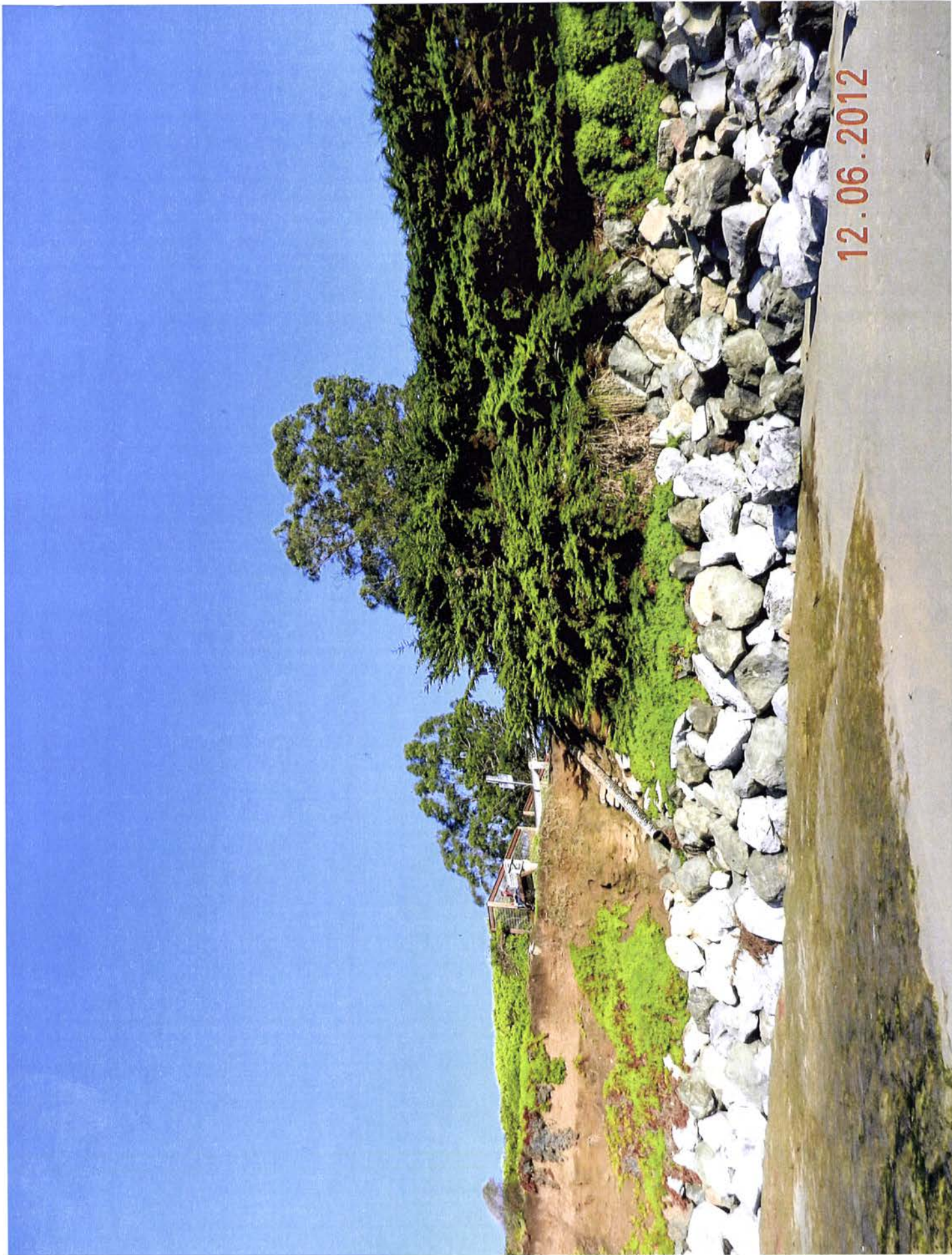
The Proposed Development is located virtually on the bluff edge, will block public views from visual resource areas, and will significantly impact the views from the beach. The proposed development is also inconsistent with community character and neighborhood compatibility.

For these reasons, the Commission should find that the project presents a substantial issue with regarding the grounds for which the appeal has been filed under Section 30603 of the Coastal Act, and that it is inconsistent with the certified LCP and the public access policies of the Coastal Act.

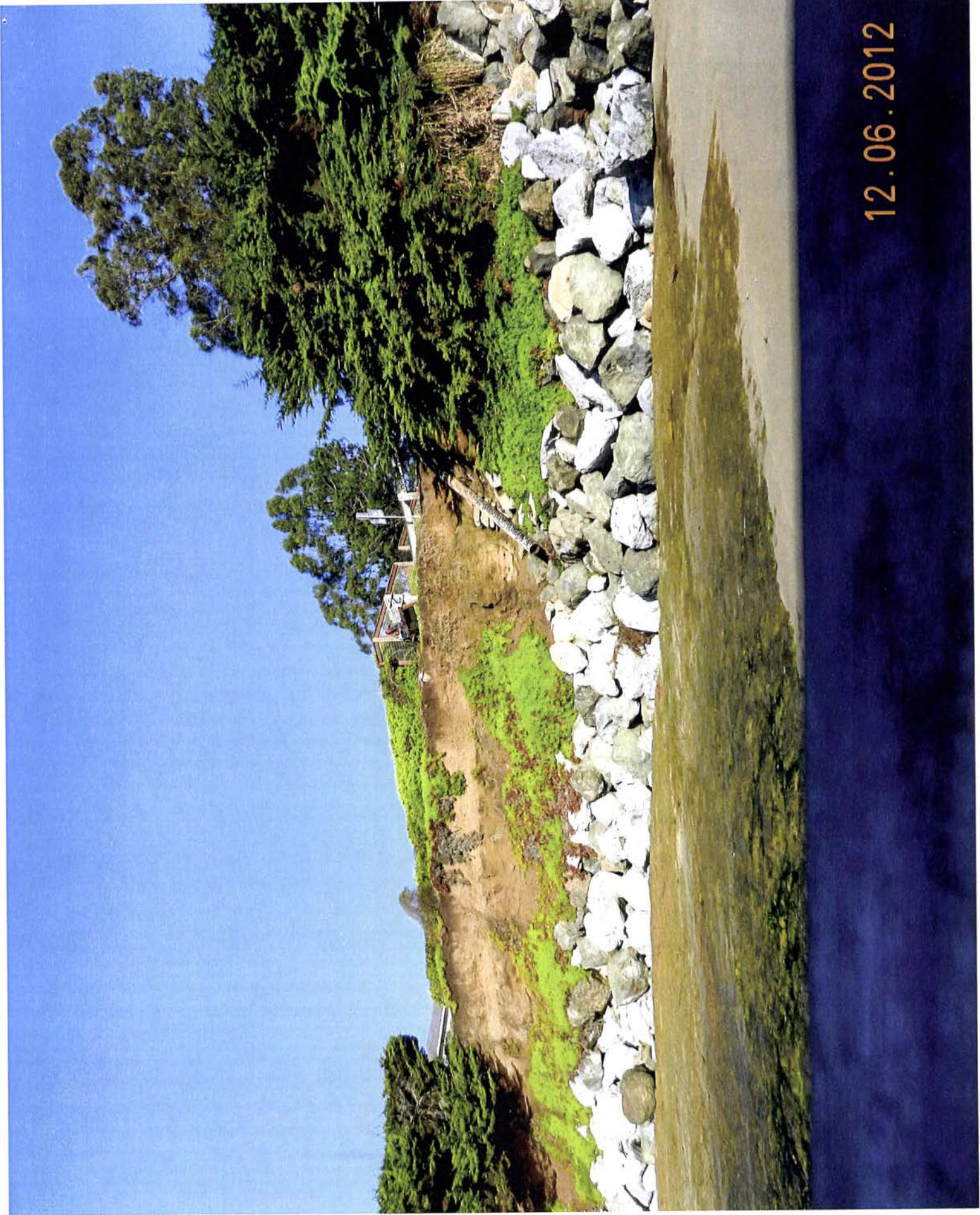
Very truly yours,



Philip D. Lively

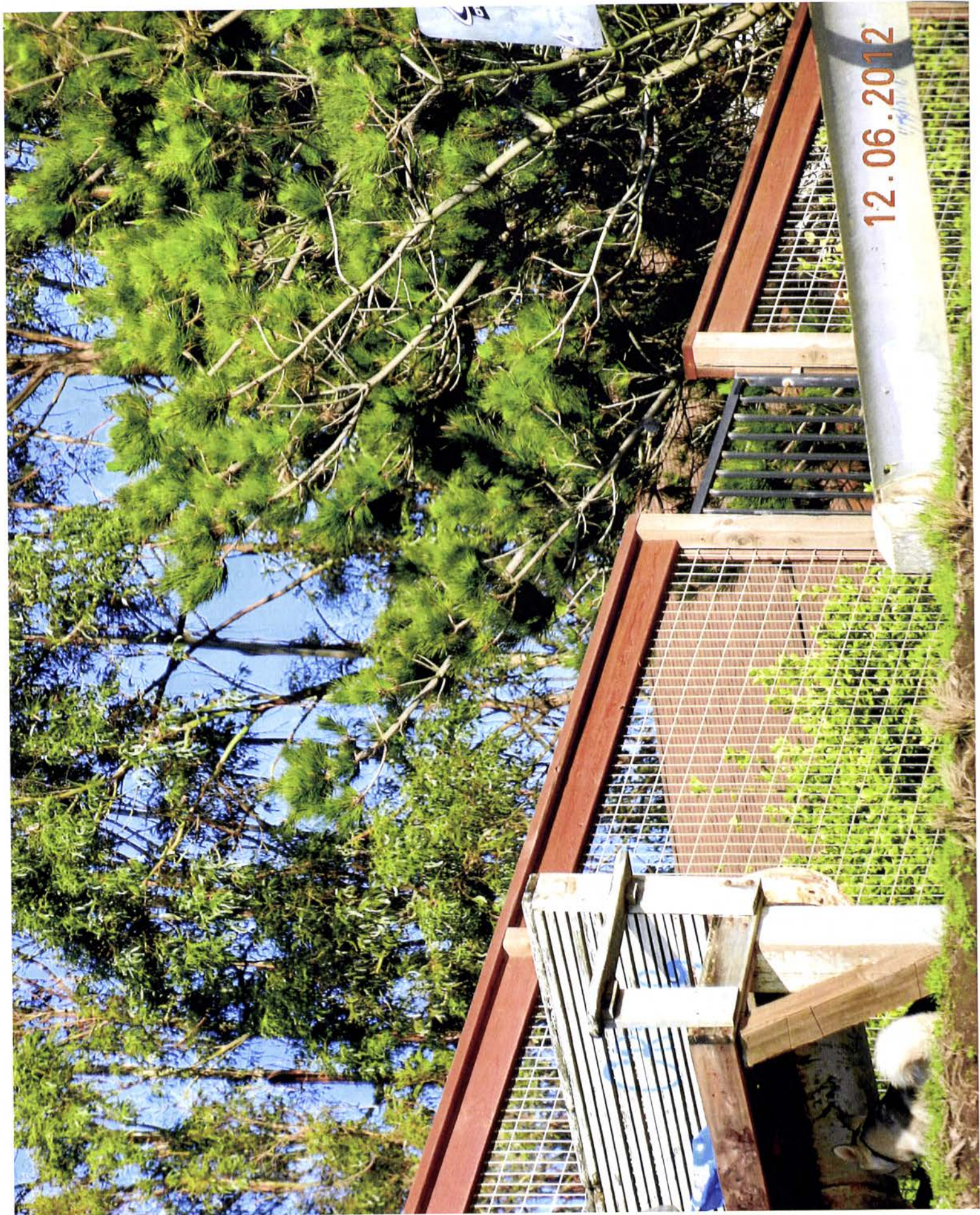


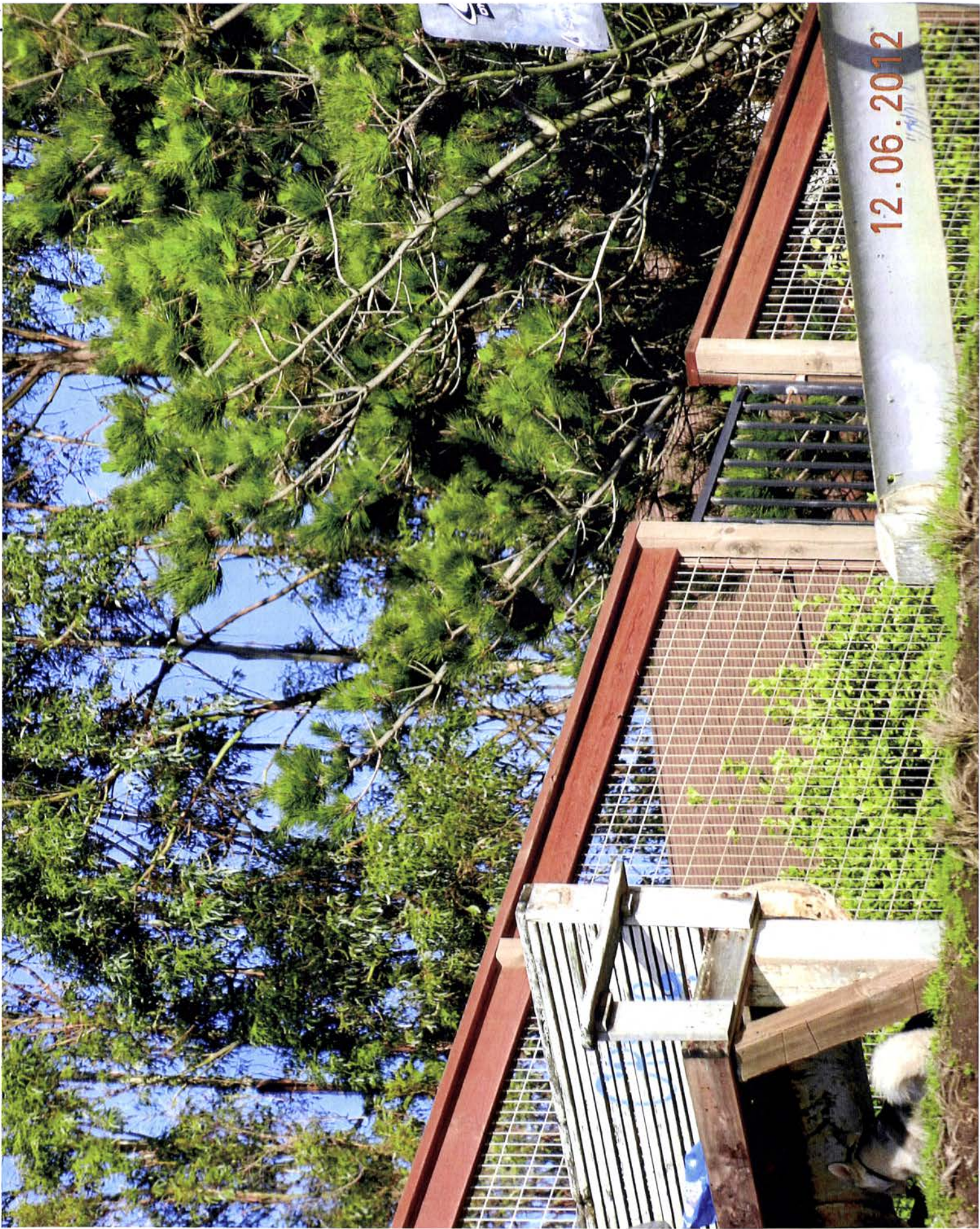
12.06.2012



12.06.2012







12.06.2012



12.06.2012

Th 16a

PHILIP & GAYLE RUIZ
21829 EAST CLIFF DRIVE
SANTA CRUZ, CA 95062
831-476-7753

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Opposition to 115 19th Avenue, Santa Cruz
Appeal Number A-3-SCO-12-037
Agenda Item Th 16 a

To the Members of the California Coastal Commission

The purpose of this letter is to appeal the decision of the Zoning Administrator, Planning Commission and Board of Supervisors regarding the proposed two-story building adjacent to the Chapel at 115 19th Avenue.

We strongly object to the proposed development. The focus of our objection relates to the property's location near a coastal bluff, the fact that it is 28 feet high and extend 35 feet beyond the footprint of the chapel. This is equivalent of building a 1,000 square foot wall between the chapel and the coastal view. In addition, it will be visually obtrusive, will be visible from public views on nearby roads and/or from the beach which is accessible from 20th Avenue.

For all of the above stated reasons, we respectfully request that approval of this development be reversed. Approval in the absence of an Initial Study and either a Negative Declaration or EIR will violate CEQA and its guidelines. The public and the CCC officials deserve an objective, fact-based analysis of the environmental and historical significance issues noted herein. In addition, required findings of consistency with applicable Coastal Zone development policies cannot be supported. The project fails to protect public views from nearby roadways and is not compatible with the established physical scale of the area and will significantly alter existing natural land forms.

Thank you for your consideration.

Sincerely,


Philip & Gayle Ruiz

Th 16a

December 6, 2012

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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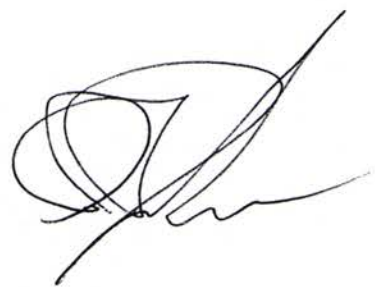
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Thank you for your consideration.

Sincerely,

William Garcia
260 19th Ave.
Santa Cruz, CA
95062



PHONE #:

Th 16a

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Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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Sincerely,



Robert and Theodosia Mazzuca
270 30th Avenue
Santa Cruz, Ca
95062

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Thank you for your consideration.

Sincerely,

Shirley McIntyre
Shirley McIntyre
2-2021 East Cliff Dr
Santa Cruz, CA 95062

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California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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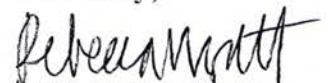
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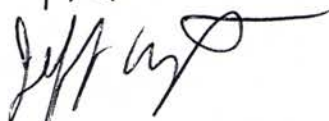
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Thank you for your consideration.

Sincerely,


REBECCA WYATT
JEFF VOGT
248 19TH AVE
95062



831-475-0904

Th 16a

December 6, 2012

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DEC 07 2012

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Opposition to 115 19th Avenue, Santa Cruz
Appeal Number A-3-SCO-12-037
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Thank you for your consideration.

Sincerely,

Thomas J Barrett
221 19th Ave
Santa Cruz, CA 95060

Thomas Barrett

PHONE #: 650-637-1844

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COASTAL COMMISSION
CENTRAL COAST AREA

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Thank you for your consideration.

Sincerely,

Craig Gray
Craig Gray
2192 E. Cliff Dr.
Santa Cruz, CA 95062
PHONE #:

December 6, 2012

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725 Front Street, Suite 300
Santa Cruz, CA 95060

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Thank you for your consideration.

Sincerely,

ZACHERY ADAM

230 19TH AVE.

(831) 238 4882

PHONE # :

December 6, 2012

California Coastal Commission
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725 Front Street, Suite 300
Santa Cruz, CA 95060

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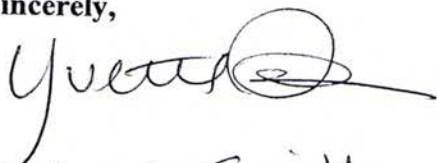
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Thank you for your consideration.

Sincerely,



Yvette Smith
240 19th Ave.
Santa Cruz, CA 95062

PHONE #: 831-295-2190

Th 16a

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Sincerely,

Heleen Lau

 2 1911 EAST CLIFF DR
SC, CA 95062
831-239-6370