

CALIFORNIA COASTAL COMMISSION

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SANTA CRUZ, CA 95060
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**Important Hearing Procedure Note:**

This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Th16a

Appeal Filed: 9/19/2012
49th Day: Waived
Staff: D. Robinson - SC
Staff Report: 11/21/2012
Hearing Date: 12/13/2012

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number: A-3-SCO-12-037 See additional correspondence submitted.

Applicants: Claudia Mae Lawrence and Berkeley Miller

Appellant: Philip D. Lively

Local Government: Santa Cruz County

Local Decision: Coastal development permit application number 121047 approved by the Santa Cruz County Zoning Administrator on May 18, 2012, and that approval upheld through appeals to both the County Planning Commission and the Board of Supervisors.

Location: 115 19th Avenue (APN 028-222-05) in the Live Oak area of Santa Cruz County.

Project Description: Demolish an existing 570 square-foot, single-story, single-family residence and accessory structures and construct a new 1,892 square-foot, two-story, single-family residence with a 295 square-foot garage.

Staff Recommendation: No Substantial Issue.

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County approved a coastal development permit (CDP) to replace an existing 570 square-foot, single-story, single-family residence and accessory structures with a new 1,892 square foot, two-story craftsman-style single-family residence with a 295 square-foot garage at

115 19th Avenue within the Live Oak area of Santa Cruz County. 19th Avenue is not a through street, and it extends from inland East Cliff Drive to the bluff edge, where it terminates. The project site is the second house inland from the bluff edge on the upcoast side of 19th Avenue, and is separated from the bluff by a separate parcel presently occupied with a single-family residence.

The Appellant contends that the approved project is inconsistent with Santa Cruz County Local Coastal Program (LCP) policies related to public views, community character, coastal bluff hazards, and landform alteration. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

Specifically, in terms of coastal bluff hazards the development is adequately setback from the bluff edge inasmuch as it is located approximately 65 feet away from the bluff edge and is inland of an existing residence, and it is consistent with the coastal bluff and hazard policies of the LCP. In terms of public views, the approved project is also LCP consistent because it does not block public views from designated scenic roads or from any other visual resource areas, nor does it significantly impact views from the beach. In terms of community character, the project constitutes infill development, is comparable to and blends in with the existing and surrounding built environment, and is consistent with the LCP's applicable site standards. Finally, as the proposed development is located inland of a coastal bluff parcel, and will require minimal grading, the project is consistent with the LCP's landform alteration policies.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Site Map
- Exhibit 2 – Project Site Images and Photographic Simulations
- Exhibit 3 – County’s Final Local Action Notice
- Exhibit 4 – Approved Project Plans
- Exhibit 5 – Appeal of Santa Cruz County’s CDP Decision
- Exhibit 6 – Applicant Correspondence
- Exhibit 7 – Applicable LCP Policies and Standards

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal Number A-3-SCO-12-037 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in a finding of no substantial issue and adoption of the following resolution and findings. If the Commission finds no substantial issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

The Commission finds that Appeal Number A-3-SCO-12-037 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project is located at 115 19th Avenue in the Live Oak area of Santa Cruz County. 19th Avenue is not a through road, and it extends from inland East Cliff Drive to the bluff edge, where it terminates. The project site is on the west (upcoast) side of 19th Avenue, and is the second residential property inland from the bluff edge. At its nearest point, the property line is approximately 50 feet from the 25-foot high coastal bluff, and the residential building envelop is approximately 65 feet from the bluff. An existing residence lies between this site and the bluff edge. The parcel is zoned R-1-4 (Single-Family Residential, 4,000 square foot minimum parcel size). The surrounding properties on 19th Avenue are all owned by the Sisters of the Sacred Names of Jesus and Mary. Directly to the north (inland) of the subject parcel, is a small chapel, to the south is a church residence, and across the street from the subject parcel is a 1.4 acre lot developed with the Sisters' retreat center complex, known as the Villa Maria del Mar Retreat Center.

Currently, the project site is developed with a 570 square-foot single-story residence (that was originally built in 1922 as a vacation cottage) and two smaller accessory structures. The County-approved project allows for the demolition these structures and the construction of a new 1,892 square-foot, two-story, single-family residence with a 295 square-foot garage.

See Exhibit 1 for a location map; see Exhibit 2 for photographs of the site and surrounding area, as well as photo-simulations of the proposed residence; and see Exhibit 4 for the approved project plans.

B. SANTA CRUZ COUNTY CDP APPROVAL

On May 18, 2012 the Santa Cruz County Zoning Administrator (ZA) approved a CDP for the proposed residential demolition and rebuild project. The ZA's decision was appealed by the current Appellant to the County Planning Commission which, after deliberation, upheld the approval and denied the appeal on July 25, 2012. The same Appellant then appealed the Planning Commission's decision to the County Board of Supervisors. The Board of Supervisors declined to take jurisdiction at a September 11, 2012 hearing, thus finalizing the ZA's original CDP decision. See Exhibit 3 for the County's Final Local Action Notice.

The County's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on Friday, September 14, 2012. The Coastal Commission's ten-working day appeal period for this action began on Monday September 17, 2012 and concluded at 5pm on Friday September 28, 2012. One valid appeal (see below) was received during the appeal period.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located between the first public road and the sea, and because it is located within 300 feet of the beach and the coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts the de novo portion of an

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a

appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following the de novo portion of the hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the County-approved project raises LCP consistency questions relating to coastal bluff hazards, protection of visual resources and community character, and alteration of natural landforms. Specifically, the Appellant contends that the approved project would violate applicable LCP policies because: 1) it is located on a coastal bluff; 2) it is visually obtrusive and out of scale with the surrounding neighborhood; 3) it fails to protect public views from nearby roads; and 4) that the project may alter existing natural landforms. The Appellant also raises historical resource contentions regarding the project's impacts on the adjacent small chapel. Please see Exhibit 5 for the appeal contentions.²

E. SUBSTANTIAL ISSUE DETERMINATION

Visual Resources

The Santa Cruz County LCP is very protective of coastal zone visual resources, particularly in regards to views from public roads, of ridgelines, and in rural scenic areas. LCP Objective 5.10a seeks to identify, protect and restore the aesthetic values of visual resources and Policy 5.10.3 and 5.10.6 require protection and preservation of public and ocean vistas, respectively. See Exhibit 7 for the LCP's applicable visual protection policies.

The Appellant contends that the approved residence raises LCP consistency questions relating to protection of visual resources because the project is located along a "highly visible coastal bluff site" and in a neighborhood "which was and largely remains made up of smaller houses, designed and arranged to preserve each other's ocean views." The Appellant also raises issues

local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

² The Appellant's contentions are contained in three separate letters (dated May 10, 2012, May 17, 2012 and August 3, 2012) that were originally submitted to Santa Cruz County for the Zoning Administrator, Planning Commission, and Board of Supervisors hearings on the project.

with the visually obtrusive nature and scale of the house and questions its neighborhood compatibility.³

As mentioned above, the project is located on the west (upcoast) side of 19th Avenue between East Cliff Drive and the Pacific Ocean. Several buildings, ranging from 1-story to 3-stories immediately surround the subject parcel to the south, north, and east. Houses of various shapes and sizes surround the subject parcel in the larger coastal neighborhood of Live Oak. 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.

In terms of visual impacts, the site is visible from public viewing areas on 19th Avenue, but not from any designated scenic roads. It is also not within an LCP-mapped visual resource area. The major public views in this area are ocean views as seen from the intersection of East Cliff Drive and 19th Avenue, beach and ocean views from 19th Avenue itself, and beach-level views below the bluff on Santa Maria Cliffs Beach. 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. The Appellant contends that ocean views from his and other houses will be adversely impacted by the County-approved project, but the LCP does not protect private views.

With respect to impacts on views from the beach, the approved residence would generally not be visible from Santa Maria Cliffs Beach below the bluffs at this location and 26th Avenue Beach further downcoast because it will be located one parcel inland from the blufftop. For those portions of the approved project that will not be completely out of view from the beach (such as a small portion of the roof or the front gable, depending on the tide and location of the viewer on the beach), the existing residential development that would form the backdrop to this view would effectively blend those portions into the existing built environment. In other words, the view from the beach below the terminus of 19th Avenue and the surrounding environs is primarily of residential development atop and along the bluff, and the County-approved residence would not be inconsistent with that existing development framework. In even more distant views from the water, the site blends into the background of the built environment that is the densely developed Live Oak area. 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.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to visual resources.

Coastal Blufftop Development/Hazards

The County LCP seeks to reduce hazards and property damage caused by landslides and other ground movements in areas of unstable geologic formations, potentially unstable slopes and

³ Community character is also a type of visual resource, but this aspect of the appeal contentions is addressed in the community character and neighborhood compatibility section below.

where there is coastal bluff retreat, including by requiring appropriate setbacks from coastal bluffs.

The Appellant contends that the approved residence is situated on a coastal bluff. Although the Appellant does not cite specific policies related to this allegation, projects located on coastal bluffs in Santa Cruz County must be consistent with the LCP's coastal hazards policies and standards, including with respect to blufftop setbacks, hazards avoidance, etc. (see Exhibit 7 for applicable policies). 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). The County's CDP decision relied on evidence showing that the proposed development meets the LCP's bluff setback requirements.⁴ Thus, this contention does not raise a substantial issue in terms of the project's conformance with the certified LCP.

Community Character and Neighborhood Compatibility

The LCP protects community character and neighborhood compatibility through a suite of policies applying certain design criteria and requiring visual compatibility with surrounding areas (for example, see IP policy 13.20.130 et seq in Exhibit 7). However, there are no bright lines defining the concept of "community character," and the LCP does not provide explicit conformance tests. Whether or not a project is compatible and consistent with the community character of an area can be assessed by answering whether or not the project (including how and where it is sited, designed and landscaped) blends appropriately into the established community aesthetic and ambiance of an area (in this case the 19th Avenue neighborhood and coastal Live Oak more broadly), and whether or not the project is visually well-suited and integrated into the make up the of surrounding neighborhood. In this sense, the most applicable LCP requirement is to ensure that the proposed development is visually compatible and integrated with the character of the neighborhood and coastal Live Oak.

The Appellant contends that the approved project is incompatible with the neighborhood, specifically because of its height, bulk, and mass, and that the project constitutes a "McMansion." The Appellant also contends that the chapel next to the subject property is a historic resource and that the County-approved project would adversely affect its status, including "looming" over it.

As identified above, the approved project consists of a two-story, 1,892 square-foot residence plus a 295 square-foot garage. The approved project complies with the LCP's site standards that apply in this case (for R-1-4 zoning) for lot coverage, height, floor area ratio (FAR) and setbacks.⁵ The project provides visual relief through the use of varied roofs and wall planes to

⁴ The LCP requires setbacks sufficient to address 100 years of erosion, and they must be at least 25 feet. In this case, the County's geologist found that the 65-foot setback from the bluff is sufficient to avoid potential erosion for the next 100 years, per LCP requirements.

⁵ The approved FAR is 50% when 50% is allowed, coverage is 33% when 40% is allowed, and yard setbacks exceed the minimums required (by 1 and 4 feet on the sides, 6 feet in the front, and 10 feet (for the second floor) in the rear). At a maximum height of 26'-10", the proposed development is also over a foot shorter than the maximum height limit allowed for this zoning district. The project does include an elevator shaft feature that

help break up the mass of the structure. The style of the approved residence is Craftsman style, composed of different finish materials (stucco on the first floor and shingles on the second), which helps to further minimize the perceived mass and bulk of the residence. See Exhibit 2 for images of the project site and photographic simulations of the proposed project.

Based on the site standards themselves, the residence is not out of scale with the surrounding neighborhood, which itself is in transition, whereby smaller homes, that were typically vacation homes, are being rebuilt into year round two-story homes.⁶ Across the street is the Sister's retreat center composed of larger two-and three-story buildings, and these institutional-style buildings establish a scale which is substantially larger than the single-family homes in the area, and certainly much greater than the proposed home (again, see site area photos in Exhibit 2). The County-approved residence is just over 4 inches below the height of the Sister's Chapel next door (thus countering the Appellant's contention that the approved project represents a "McMansion" that looms over the Sisters' Chapel). The size and scale of the approved residence (1,892 square feet plus a 295 square foot garage) is relatively modest, and meets, or is under, all of the LCP's mass and scale site standards.

In terms of community character, the larger Live Oak neighborhood is comprised of an eclectic mix of coastal residential 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. The approved two-story residence would not be atypical in that respect. The approved residence is similar to adjacent development (both a mix of smaller and medium sized homes) and other development in the surrounding area, and employs building elements designed to create an overall composition that achieves residential compatibility, including spacing between buildings, street face setbacks and finish material, and texture and color as required by IP Section 13.20.130(d).

In terms of the Appellant's contention that the Sisters' Chapel is a historic resource, and that the project would adversely affect its historical significance, appearance, and charm while obscuring its architecture, the LCP does not include the historic resource components of the County's General Plan and non-LCP zoning code.⁷ As such, the Chapel's historic resource designation and the way in which such a designation would affect consideration of the approved project are not

extends to 29' 3", but this type of feature is explicitly called out and allowed to exceed the general height limit (County Code 13.10.510(d)1(B)2 allows elevators (and a limited list of other non-habitable features) to exceed the general height limit of the zone by up to 25 feet). In this case, the elevator exceeds the general 28-foot height limit by 1 foot 4 inches.

⁶ The County indicates that 14 of the 22 homes located in the area between 18th to 20th Avenues and between East Cliff Drive and the ocean are two-story.

⁷ Despite staff's longstanding recommendation to the County to include the historic resource components of the County's general plan and non-LCP zoning code in the LCP, the County has resisted, and the applicable County historic resource policies (including those associated with designating historic resources and dictating how development associated with them is reviewed and addressed) are not part of the LCP.

applicable appeal contentions to raise in this case.⁸ Thus, the only way in which the potential historic resource value of the Chapel and its site is applicable in an LCP context to the County-approved project is strictly in terms of the project's community character impact, including inasmuch as historicity plays a role in defining and establishing the character of the area. Here, and as mentioned above, the approved project would have minimal impact on the community character of the area because it has been sited and designed to blend with, and not stand out from or tower over, the surrounding neighborhood. Further, even if the Chapel was designated a historic resource, which it is not, current County non-LCP historic codes regulate what modifications can occur to the historic structure itself as opposed to addressing development on neighboring parcels.

In summary, as sited and designed the project would blend appropriately into the established community character of this area of Live Oak. The project is sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods and areas, as required by the LCP. For all the above reasons, this contention does not raise a substantial issue of LCP conformance with respect to community character and neighborhood compatibility.

Alteration of Natural Landforms

The LCP aims to minimize disruption of landforms, minimize grading activities, and reduce vegetation removal to reduce erosion (see applicable policies in Exhibit 7).

The Appellant contends that the County-approved project "will significantly alter existing natural land forms." However, the approved project is located on a flat parcel, and includes only minimal grading associated with a typical foundation and related site development. In addition, the approved residence is sited and designed to fit the topography of the site with minimal cutting, grading, or filling for construction, and thus is consistent with Section 13.20.130(d). LUP policy 6.3.9 requires, among other things, that building envelopes avoid particularly erodible areas, and the approved project is consistent with this policy in that the development, as mentioned above, is located approximately 65 feet from the top of a coastal bluff.

As the approved project does not include any significant landform alteration, this issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

Other Contentions

The Appellant contends that the County may have inappropriately granted a CEQA Categorical Exemption for the project. However, the only appropriate grounds for an appeal to the California Coastal Commission are issues related to the project's consistency with the certified LCP and the Coastal Act's public access policies. Thus, any CEQA contentions are not appropriate grounds for this appeal. In addition, the substantive issues raised by the Appellant that might relate to CEQA questions are all issues that do not rise to the level of a substantial issue in terms of the

⁸ The Chapel is currently designated NR6, which, according to the non-LCP County Code, means that the building was evaluated and determined to be ineligible to be an historic resource (County Code 16.42.080(f)).

project's conformance with the certified LCP, as detailed above. Thus, even construing this contention broadly, this contention does not raise a substantial issue.

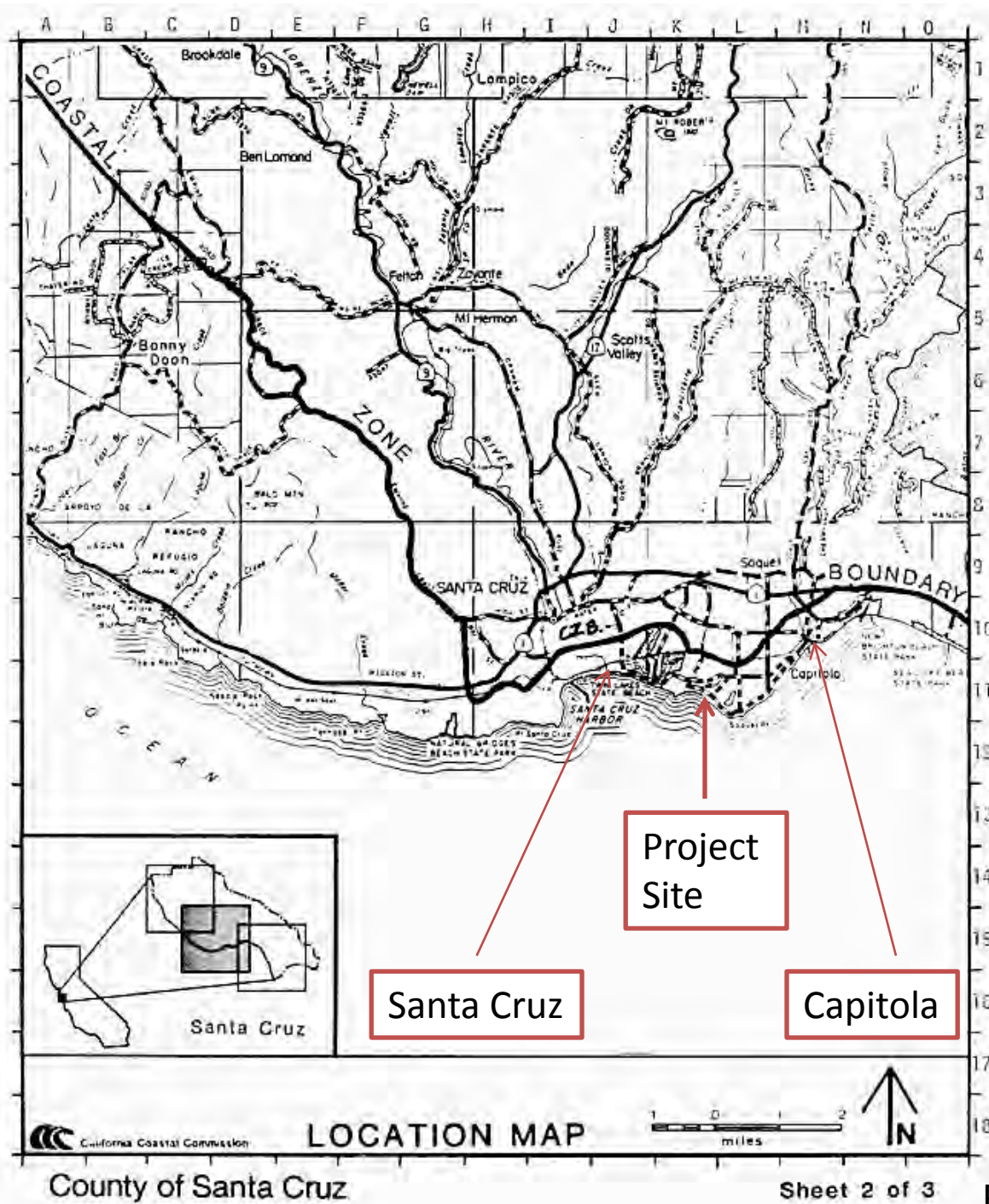
F. CONCLUSION

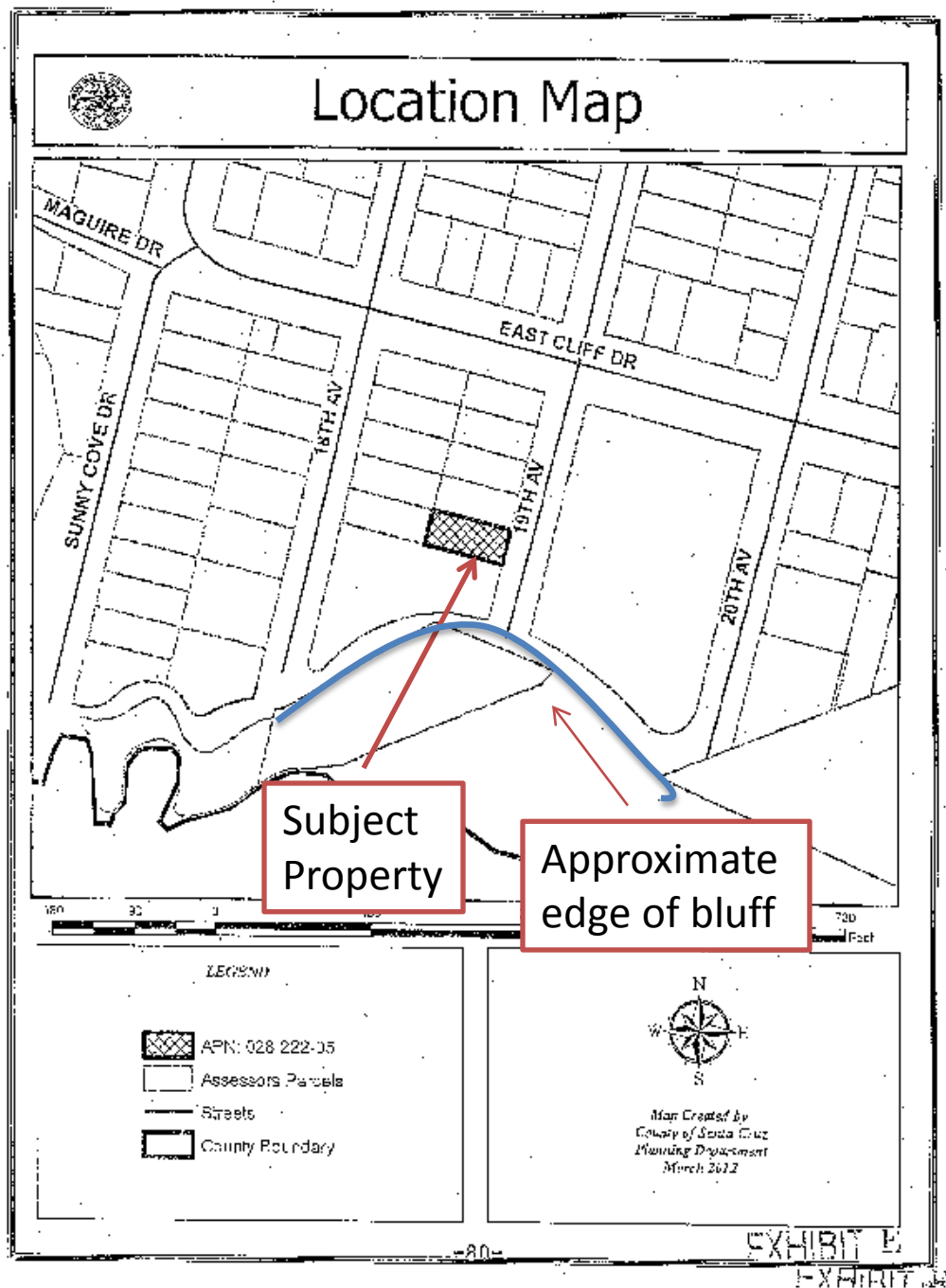
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. First, in terms of the coastal bluff contentions, the development is located approximately 65 feet away from the bluff edge and inland of a more seaward parcel and residence where it has been found by the County to be safe from over 100 years of erosion, as is required by the LCP. In terms of the Appellant's public view contention, the proposed project does not block public views from designated scenic roads or from any visual resources areas, nor does it significantly mar views from the beach. In terms of community character, the project constitutes infill development, is comparable to and blends in with the existing and surrounding built environment, and is consistent with all applicable site standards. Finally, as the approved development will require only minimal grading, the project can be found consistent with the LCP's landform alteration policies.

Thus, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP. The proposed project is a relatively modest single-family residence, and it will not adversely impact significant coastal resources. Because the project is consistent with the LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-12-037 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP and the public access policies of the Coastal Act.







NANCY HUYCK
•
ARCHITECT

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APTOS, CA 95003
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Progress
06-29-12

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no.	date	description

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE

RENDERINGS

SCALE: NA
DATE: 06-29-12
DRAWN BY:
JOB NO.: N1120
DWG. NO.: N1120-G-3

G-3



NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: September 12, 2012

Notice Sent (via certified mail) to:

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-500-12-199
APPEAL PERIOD 9/17-9/28/12

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter):

RECEIVED

SEP 14 2012

Project Information

Application No.: 121047

Project Applicant: Claudia Mae Lawrence and Berkeley Miller

Address: 403 Palmer Drive, Los Gatos, CA 95032 *800 South Monrovia St.*

Phone/E-mail: 408-373-0039 and 408-364-1031 / claudia39@gmail.com and berkeley.miller@gmail.com

Applicant's Representative: Nancy Huyck, Architect

Address: 9200 Soquel Drive, Aptos, CA 95003

Phone/E-mail: 831-685-1206 / nancy@nancyhuyckarchitect.com

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

San Jose, 95128

*for email use:
konzapacific@gmail.com*

Project Location: Property located on the west side of 19th Avenue, two parcels north of the bluff (115 19th Avenue, Santa Cruz)

Project Description: Proposal to demolish the existing dwelling and accessory structures, and construct a two-story, single-family dwelling.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- ☐ Zoning Administrator
☐ Planning Commission
☒ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	XXX	
Adopted Findings	XXX	
Adopted Conditions	XXX	
Site Plans	XXX	
Elevations	XXX	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	XXX	
Geotechnical Reports	XXX	
Biotic Reports	N/A	
Other:		
Other:		

Coastal Commission Appeal Information

This Final Action is appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:

- Applicant
- Interested parties who requested mailing of notice

MEMORANDUM

Date: September 12, 2012
To: Coastal Commission Staff
From: Annette Olson, Project Planner
Re: Application 121047

I'm including this memo to clarify the processing history of this application. It was approved by the Zoning Administrator on May 18, 2012. On May 30th, Mr. Philip Lively appealed the project to the Planning Commission. His appeal letter had two main categories of issues: an objection to the CEQA Categorical Exemption and an objection to the project's compliance with Local Coastal Program policies.

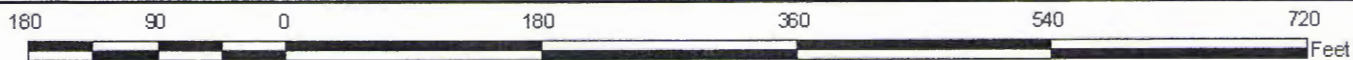
On July 25, 2012, the Planning Commission upheld the Zoning Administrator's decision, and on August 6, 2012, Mr. Lively appealed the project to the Board of Supervisors. Mr. Lively submitted two letters, one dated August 3, 2012 which is virtually identical to the Planning Commission appeal letter, and one dated September 4, 2012 which was focused on the Jurisdictional Hearing criteria.

At the September 11, 2012 Jurisdictional Hearing, the Board declined to take jurisdiction.





If you have any questions about the project or its processing, please call me: 454-3134.



Location Map



LEGEND

-  APN: 028-222-05
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
March 2012



COUNTY OF SANTA CRUZ
Planning Department

COASTAL DEVELOPMENT PERMIT

Owner: CLAUDIA MAE LAWRENCE
Address: 115 19TH AVENUE
SANTA CRUZ, CA 95062

Permit Number: 121047
Parcel Number(s): 028-222-05

PROJECT DESCRIPTION AND LOCATION

Proposal to demolish the existing dwelling and accessory structures, and construct a two-story, single-family dwelling.

Requires a Coastal Development Permit and Soils Report Review.

Property located on the west side of 19th Avenue, two parcels up from the bluff (115 19th Ave.)

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 9/11/12

Effective Date: End of Coastal Appeal Period

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp. Date: Call Coastal Com

Denial Date: _____

Denial Date: _____

____ This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

X This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Claudia M. Lawrence
Signature of Owner/Agent

9/12/2012
Date

[Signature]
Staff Planner

9/12/12
Date

Distribution: Applicant, File, Clerical, Coastal Commission

Board of Supervisors Jurisdictional Hearing



COUNTY OF SANTA CRUZ

0471

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

APPROVED AND FILED
BOARD OF SUPERVISORS

August 20, 2012

DATE: *September 11, 2012* AGENDA DATE: September 11, 2012

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
DEPUTY

HEARING TO CONSIDER WHETHER TO TAKE JURISDICTION OVER AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO APPROVE APPLICATION NO. 121047, A PROPOSAL TO DEMOLISH AN EXISTING DWELLING AND CONSTRUCT A NEW TWO-STORY SINGLE FAMILY DWELLING ON PROPERTY LOCATED AT 115 - 19TH AVENUE

Members of the Board:

On May 18, 2012, the Zoning Administrator approved Coastal Development Permit 121047 to replace an existing 570 square foot cottage and accessory structures with a new two-story, Craftsman-style single-family dwelling. The project is located on the west side of 19th Avenue on the second parcel north of the coastal bluff within the Live Oak Planning Area. The project complies with the zone district standards.

The Zoning Administrator's approval was appealed to the Planning Commission by Mr. Philip Lively, and on July 25, 2012 the Commission upheld the approval and denied the appeal. On August 6, 2012, Mr. Lively appealed the Planning Commission approval to your Board (Letter of Appeal, Attachment 1).

In deciding whether to take jurisdiction of an appeal and grant further review, your Board evaluates the information provided by an appellant to determine whether any of the criteria set forth in County Code Section 18.10.340 have been met. These criteria are:

1. There was an error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer;
2. There was a lack of a fair and impartial hearing;
3. The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made;
4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; or
5. There is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.

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Exhibit 3

Page 7 of 146

At the conclusion of this hearing, if the Board finds that one or more of these findings apply, the Board may either grant a review within 30 days limited to the record of the entire proceedings held before the Planning Commission, Zoning Administrator, or other officer; or if appropriate, remand the matter for further consideration by the Planning Commission. If the Board does not find sufficient evidence to support making the required findings, the Board should decline to take jurisdiction and the Planning Commission action will become the final County action on this application. Mr. Lively did not identify any of the required findings in his appeal letter.

Basis of Appeal/Staff Response

The appellant, in his letter of August 3, 2012 (Attachment 1), reiterated the appeal issues identified in his appeal letter to the Planning Commission. There were no new issues identified, and the issues cited by the appellant were considered and addressed by the Planning Commission at the July 25, 2012 hearing.

The appeal letter identifies two issues: an objection to the approved California Environmental Quality Act (CEQA) categorical exemption; and the project's consistency with the Local Coastal Program relative to its impacts on views, compatibility with the neighborhood, and alteration of landforms. The following summarizes those issues and staff's responses.

Categorical Exemption

The appellant states that due to the project's location, cumulative impacts, unusual circumstances, and impacts on the adjacent church, the project is not categorically exempt from CEQA and requires the preparation of a Negative Declaration or Environmental Impact Report (EIR).

Categorical exemptions are routinely granted for infill single-family dwellings requiring a coastal development permit. The categories noted below are four of the six exceptions found in the CEQA Guidelines which, if applicable, would make the project ineligible for a categorical exemption.

Location: The appellant characterizes the subject parcel as being on or near the top of the coastal bluff and, therefore, in a particularly sensitive location. The appellant states that the dwelling will be "...the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive." He points out that ocean views comprise a substantial part of home values.

This block of 19th Avenue is unique as, except for the subject parcel, both sides of 19th Avenue are owned by a religious order, the Sisters of the Sacred Names of Jesus and Mary. Across the street from the subject parcel is the Villa Maria del Mar Retreat Center which is composed of two- and three-story buildings. The retreat center occupies the entire eastern side of the block. On the western side of the block, the parcel on the coastal bluff is a Sisters' residence. North of this parcel is the subject parcel. Directly to the north of the subject parcel is a small chapel and beyond that are another Sisters' residence and two vacant parcels used for parking by chapel and retreat center attendees.

As a policy, the County does not protect private views, in large part because it is not practicable to protect views at urban development densities. Some homes in the area, such as Mr. Lively's, have better-than-expected views because of the gently sloping topography and because the Sisters have not taken advantage of the development potential of their properties.

Although the applicants were not required to mitigate view impacts, two characteristics of the home's design will lessen the impact to private views. First, the required rear yard setback is 15 feet, but the second floor of the home will be setback almost 25 feet from the rear property line. This will minimize the view impacts to residents of 18th Avenue who currently have views across the subject parcel to the Monterey Bay. In addition, the zone district's required front yard setback is 15 feet, but the new house is setback 21 feet, which is six feet more than required. If the two-story element were extended to the minimum setback, views from north of the subject parcel to the Bay would be more impacted. It is also worth noting that the building height is not "maxed out" as stated in the appellant's letter. The zone district limit is 28 feet and the proposed dwelling is 26 feet, 10 inches in height, with a five foot by five foot elevator shaft projecting to 29 feet, four inches, as allowed by County Code.

Cumulative Effects: The appellant cites the trend of property owners in the area replacing older, "low profile" homes with large, two-story homes. These "McMansions", he states, have a cumulative effect of blocking ocean views, concentrating cars onto the street, eliminating landscaping and eradicating the historical charm of the area.

The maximum allowed size of a structure is regulated by floor area ratio (FAR). Floor area ratio ensures that the size of the dwelling is proportional to the size of the parcel. The Board of Supervisors first adopted a floor area ratio standard on December 10, 1991. The ratio adopted at that time of 1: 0.5 (50%) has not been revised, and is still in effect today. The cumulative effect of the floor area ratio standard was considered at the time of ordinance adoption and was subject to the California Environmental Quality Act. The proposed dwelling complies with the FAR standard.

Mr. Lively's reference to "McMansion" implies that the proposed structure is of an extreme size. The County Code's Large Dwelling review threshold is 7,000 square feet (County Code 13.10.325). The proposed house is well below the Large Dwelling review threshold.

Unusual Circumstances: The appellant asserts that the development occupies a, "rare, unique and visually prominent site" on or near the top of a coastal bluff, "visible for miles from the beach below." Depending upon the tide, a small portion of the house may be visible from the bedrock bench and tide-dependent beach below. From a portion of 26th Avenue beach, part of the front gable may be visible, but will appear as insignificant relative to the adjacent three-story retreat center. The retreat center will block most views of the structure from the rest of 26th Avenue beach. The nearest beach to the west is Sunny Cove from which the proposed dwelling will not be visible. Given that this is a developed section of the coast, any view of the proposed dwelling will be within the context of the existing built environment.

Historical Resource: The appellant expresses concern in his letter about the proposed home looming above the adjacent chapel. He identifies the chapel as being an historic resource. The chapel was reviewed for potential inclusion in the Historic Resource Inventory in 1986 and given an NR6 designation. According to County Code, the NR6 designation means that the

building was evaluated and determined to be ineligible to be an historic resource (County Code 16.42.080(f)). The chapel was subsequently reviewed in 1994 and 2004. The 2004 review concluded that, "The property should remain [sic] status of NR6." Even if the chapel was designated as historic, County historic codes (County Code 16.42) regulate what modifications can be made to the historic structure, not development on neighboring parcels.

The subject property owners hired a surveyor to answer the question of whether or not the proposed dwelling would "loom" above the chapel. Based upon the surveyed height of the chapel and calculations made by the project architect, the ridge of the proposed dwelling will be slightly over four inches below the chapel's ridge.

Local Coastal Plan Policies

The second appeal issue is the project's conformance with Local Coastal Plan policies. The appellant states that "Approval of this development project would violate applicable Local Coastal Plan policies because it is [1] located on a coastal bluff top; [2] the development project is visually obtrusive and out of scale with the surrounding neighborhood; [3] the development fails to protect public views from nearby roads; [4] is not compatible with the established physical scale of the area; and [5] may significantly alter existing natural land forms." Each of these five issues is addressed below. Because of their similarity, items [2] and [4] are addressed together.

1. *Coastal bluff location:* The appellant's letter characterizes the subject parcel as being on the coastal bluff and, therefore, subject to coastal bluff policies. The subject parcel, however, is not located on a coastal bluff as defined by County Code. Section 16.10.040(j) defines a coastal bluff as "A bank or cliff along the coast subject to coastal erosion processes. Coastal bluff refers to the top edge, face and base of the subject bluff." Between the subject parcel and the coastal bluff is another parcel, APN 028-222-06. The top edge, face and base of the coastal bluff are located on this parcel, not the subject parcel.

2 & 4. *Visually obtrusive and out of scale with the surrounding neighborhood & not compatible with the established scale of the area:* The appellant questions the project's compatibility with the neighborhood, particularly with respect to its size. The proposed home complies with the zone district's site standards, including floor area ratio, lot coverage, setbacks, and height. No variances were requested. Staff evaluated the structure's compatibility with the neighborhood and found it to be designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. The proposed home is Craftsman in style, with varied roof and wall planes which break up the mass of the structure. Different finish materials—stucco on the first floor and shingles on the second—will further minimize the mass and bulk of the dwelling. In addition, by facing the gable towards the street, the dwelling will appear less massive and bulky than it might have had the unbroken line of the ridge faced the street.

This is a neighborhood in transition with many of the small, original vacation homes being replaced with two-story homes occupied throughout the year. Of the 22 developed residential parcels located in the area between East Cliff Drive and the coastal bluff, and from 18th to 20th Avenues, 14 of the homes are two-story. Construction dates vary, with some of these two-story homes being built many years ago and others within the last ten years.

In addition to the evolution of this neighborhood towards larger homes, across the street from the subject parcel is the Sisters' retreat center composed of two- and three-story buildings. These institutional buildings establish a scale which is substantially larger than the single-family homes, and certainly much greater than the proposed dwelling.

Based upon these neighborhood characteristics and the submitted design, the Planning Commission supported approval of this project as compatible with the neighborhood.

3. *Public Views:* The General Plan protects public views from designated Scenic Roads and in Visual Resource Areas (General Plan Policies 5.10.10 and 5.10.1). East Cliff Drive in this location is not designated as a Scenic Road, and the subject parcel is not mapped as being within a Visual Resource Area.

While County visual resource protection regulations only apply to public view sheds, coastal protection regulations require that improvements within the coastal zone are designed to be visually compatible, integrated with the area, and required to minimize site disturbance. As discussed above and in the original staff report, staff believes the proposed dwelling is visually compatible and integrated with the area. Site disturbance, as discussed below, will be minimal.

5. *Alter Landforms:* Less than 100 cubic yards of grading is proposed for the project (Attachment 5, Sheet A-3). One hundred (100) cubic yards is the threshold below which a grading permit is not required. Given this low volume of grading, the impact to the landform will be insignificant.

Conclusion and Recommendation

Staff has reviewed the appellant's issues and does not believe that any of the criteria have been met for taking jurisdiction of this project from the Planning Commission. The Planning Commission considered the issues as a part of its deliberations and made findings that were supported by the facts presented and considered at the public hearing. None of the grounds for your Board to take jurisdiction, as enumerated in Chapter 18.10.340(c), have been established by the appellant.

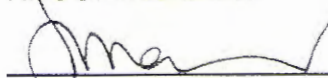
It is **RECOMMENDED** that your Board decline to take jurisdiction on the appeal of Application 121047.

Sincerely,



Kathy Molloy Previsich
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Letter of Appeal from Philip Lively to the Board of Supervisors, dated August 3, 2012
2. Property Owners' response to appeal letter, dated August, 20, 2012
3. Planning Commission Minutes from the July 25, 2012 hearing
4. Staff Report to Planning Commission, dated July 19, 2012, (on file with Clerk)
5. Location Map
6. Project Plans

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

0476

August 3, 2012

Via Personal Delivery

County of Santa Cruz
Board of Supervisors
701 Ocean Street, Rm. 500
Santa Cruz, CA 95060
Attn: Mr. John Leopold

County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Attn: Ms. Annette Olson

**Re: *Re: Appeal of Application No. 121047 Approving Two-Story Residence at 115
19th Avenue, Santa Cruz, APN 028-222-05***

To the Members of the Board of Supervisors:

The purpose of this letter is to appeal the decision of the Zoning Administrator and Planning Commission to approve the above-made application.

As a property owner in the immediate neighborhood since 1960, I request that approval of the application be reversed and be remanded to the Zoning Administrator. A check in the amount of \$1,800.00 payable to the County of Santa Cruz is submitted herewith as payment of the fees associated with the appeal to the Board of Supervisors and Planning Commission ("the County").

Approval of the application by the County failed to require preparation of a negative declaration or environmental impact because the property was not exempt from the California Environmental Quality Act. Also, approval of the development project violates applicable local coastal policies because it is located on or near a coastal bluff, is visually obtrusive, and out of scale with the surrounding neighborhood; the development also fails to protect public views from nearby roads; and is not compatible with the established physical scale of the area and may significantly alter existing natural land forms.

In addition, the County staff reports contained material inaccuracies.

A. Approval of this development project requires preparation of a Negative Declaration or Environmental Impact Report, because it is not Categorically Exempt from the California Environmental Quality Act ("CEQA").

In approving the application, the County has incorrectly found that the development project was exempt from CEQA. CEQA's categorical exemption for new construction of "small structures" (CEQA Guideline 15303) does not apply whenever one or more of the factual conditions listed in CEQA Guideline 15300.2 exist. Public Resources Code Sec. 21084, *East Peninsula Education Council v. Palos Verdes Unified School Dist.* (1989) 210 Cal App 3d 155. Here, the project's location (15300.2(a)), its cumulative impacts (15300.2(b)), its unusual

circumstances (15300.2(c)), and its impacts on the adjacent church, a historical resource (15300.2(f)), all render application of a categorical exemption factually unfounded and an abuse of discretion.

Location. This project is located at the southwestern end of 19th Avenue on or near the top of a coastal bluff overlooking the beach and the Pacific Ocean. It is the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive. The owner and her architect have gone to great lengths to disguise the visual impact of the proposed development project. Attached to this letter are four photographs which accurately reflect the sight lines and view areas which will be obliterated by the proposed development project. These photos were previously submitted to the Zoning Administrator for consideration, but no findings were made as to the obvious conflict between these photos and the misleading photos which were submitted by applicant and included in the Staff Report at Pages 5 and 6.

This location is extremely sensitive, since ocean views comprise a substantial and valuable element of home values and the lifestyles of all of the affected residents of this small neighborhood. This proposed large, two-story house sits at right angles to the views of the easterly residents, it looms above the adjacent historic church, it is "maxed out" for building height, even exceeding the applicable 28-foot maximum building height, and it is by far the largest structure in the immediate vicinity. While it might be environmentally harmless in another location, its extreme size, excessive height and right-angle orientation as proposed cause significant adverse view obstruction, incompatibility and aesthetic impacts in this location. Essentially, granting the application will allow the building of a solid twenty-eight foot high wall which will extend twenty-five linear feet beyond the footprint of the existing church. For these reasons, a categorical exemption is unwarranted.

Cumulative Effects. There are many other small, older vacation cottages in this part of the County, especially along East Cliff Drive near the ocean. Every time one of the smaller houses, built to be compatible with the neighborhood in the past century, is demolished and replaced by a large, two-story "McMansion," economic pressures build to demolish more of the smaller houses and build more tall, obtrusive larger houses. The cumulative effect of this process is to replace the original low-profile, low-intensity, sunny neighborhood with tall houses on small lots, which block ocean views, concentrate cars into on-street parking, eliminate landscaping and eradicate the historical charm of the area. These small lots were not intended to hold houses exceeding 2,000 square feet of floor area. The neighborhood was designed to contain small, sunny, unobtrusive vacation homes. Over-building like this, in an unplanned, lot by lot process, will comprise an unwanted conversion of the area into a crowded urban space disconnected from the ocean views and low-key feel that presently make it attractive. This factor renders use of a categorical exemption unwarranted.

Unusual Circumstances. This development project occupies a rare, unique and visually prominent site. It sits on or near the top of a coastal bluff, visible for miles from the beach below and from many other locations within the vicinity. While it is not unattractive as a structure, it is

simply too big for this location. It is far taller than the adjacent historic chapel, and while the church presently is visible from offsite and an historic visual amenity, this tall two story house will completely block off-site views of the church from the south and west. The appearance of the western end of 19th Avenue, when seen from the beach and elsewhere by members of the public, will change from that of a low-key religious complex dating from the 1890's, to someone's tall, blocky two-story house. This factor requires analysis of the significant adverse aesthetic impacts of the development project; analysis which is prevented by use of a categorical exemption.

Historical Resources. It is obvious from the graphics in the Staff Report that this new development will loom large above and immediately next to the historic church building to the north. This house simply dwarfs the chapel building, extending much closer to the street and casting its shadow over it during most of every day. Although shadow studies submitted by the applicant comply with the statutory minimum requirements set by the County, the studies do not accurately depict the impact on the church due to the Project's proximity to the church and the Project's orientation to the Project location solar patterns. The effect of placing an excessively tall house just a few feet away on a small lot is also to diminish and fundamentally alter the appearance of the historic chapel building, obscuring its traditional California architecture, altering and damaging its original setting, and eliminating much of the openness, historical significance, calm and peaceful charm of the chapel property. This factor requires an analysis of the architectural and historical incompatibility of the proposed new development with the adjacent historical church.

When a categorical exemption is used for CEQA compliance, the public and Santa Cruz County decision-makers are denied even a mention, let alone analysis, of the foregoing issues and environmental/historical consequences of approving this development project. An Initial Study and either a Negative Declaration or an EIR are therefore not only required by law, but also by good planning policy.

B. Approval of this development project would violate applicable Local Coastal Plan policies, because it is located on a coastal bluff top; the development project is visually obtrusive and out of scale with the surrounding neighborhood; the development fails to protect public views from nearby roads; is not compatible with the established physical scale of the area; and may significantly alter existing natural land forms.

The County found and the Staff Report erroneously recites that this project is "consistent with" applicable "design criteria and special use standards and conditions" of the Local Coastal Plan. To support this conclusion they rely upon three demonstrably false characterizations and findings.

First, they characterize this project as "consistent with the neighborhood in terms of architectural style." This may be true regarding the superficial design details, colors and trim of the building, but is certainly is not true regarding its height, bulk, location and mass. This building is nearly as big as it possibly could be, and is located in a highly visible, sensitive location, obvious for over a block to the east as an obtrusive 29.3 foot tall rectangle blocking

ocean views. As such, it is inherently incompatible with the neighborhood, which was and largely remains made up of smaller houses, designed and arranged to preserve each other's ocean views.

Second, the Staff inexplicably states and the County found that this new development is "not located on a coastal bluff top"; a statement rebutted in the Staff Report itself and its accompanying drawings.

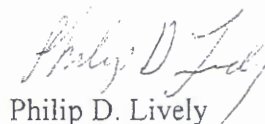
Third, Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles, and an obvious intensification of development, visual impact and land use. This excessively tall, large new house is plainly not "visually compatible or in scale with the surrounding neighborhood", even though it (just barely) fits within the applicable maximum zoning limits on height, mass, lot coverage, etc. The views from the existing public streets and public beaches of the existing natural land forms will be permanently degraded and altered.

As noted above, this development project maxes out the building envelope on a small, 4,000 square foot parcel intended in the 1920's to contain a vacation cottage roughly ¼ its size. Even if other parcels in the area also have become overbuilt, that is not a rationale for overbuilding this sensitive, highly visible coastal bluff site. Doing so will contravene both the letter and spirit of applicable Coastal Plan policies, and is clearly not compatible with the established physical scale of the area.

Finally, the arguments mentioned in Section A above regarding the need for an environmental impact report or a negative declaration, as to the property's location, cumulative effects, unusual circumstances, and historical resources are equally apropos to the development project's violation of applicable local coastal plan policies, the development failing to protect public views from nearby roads, lack of compatibility with established physical scale, and alteration of the existing natural land forms.

For all of those reasons, I respectfully request that approval of this development project 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 County 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. Lastly, 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.

Sincerely,

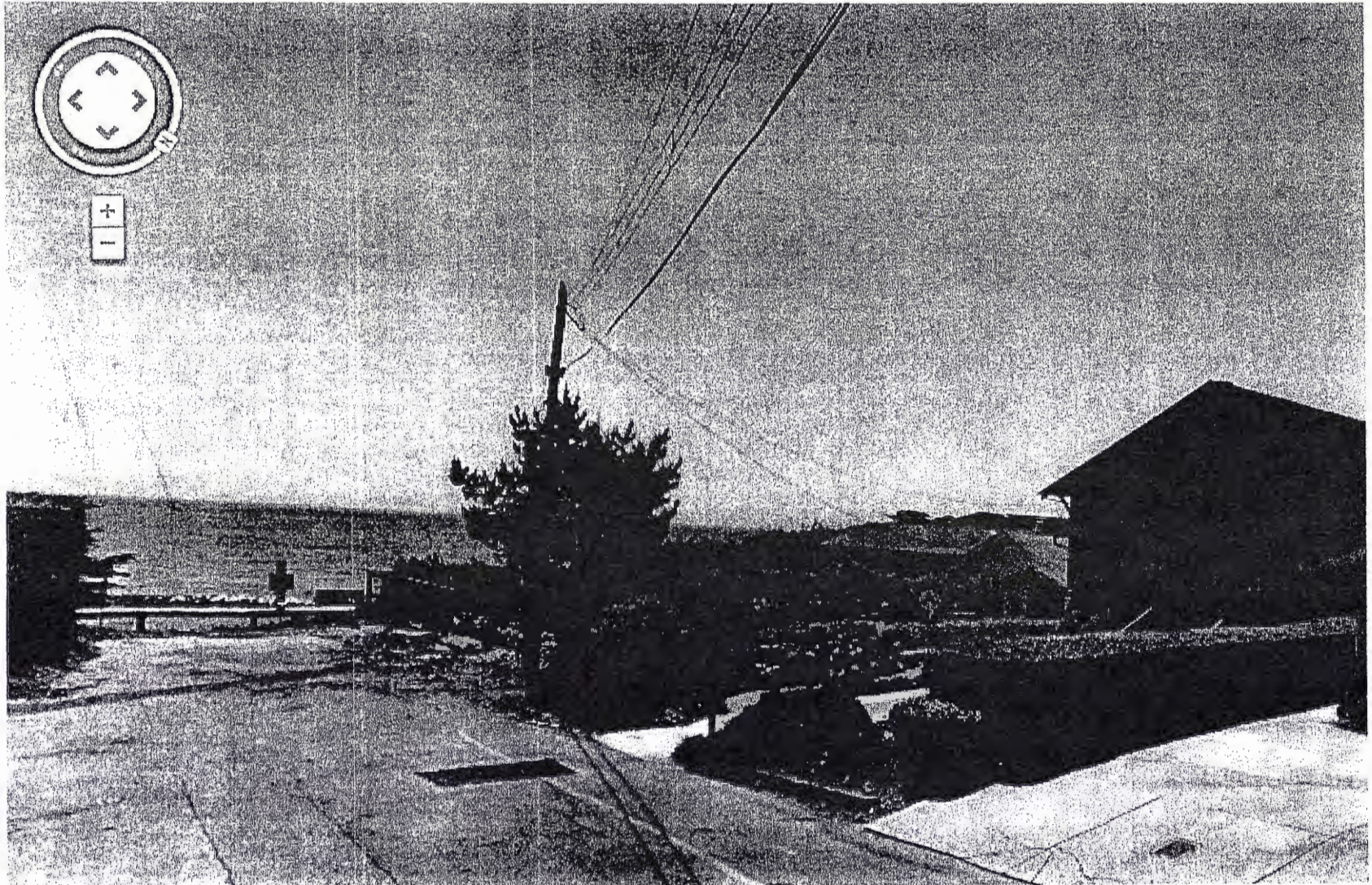


Philip D. Lively

Enclosures

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



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5/16/2012

Exhibit 3

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Exhibit 3

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5/16/2012

Exhibit 3

Page 19 of 146

0483

August 20, 2012

Claudia Mae Lawrence & Berkeley Miller

Response to appeal of Development Permit Application 121047

Parcel #028-222-05

To the Members of the Board of Supervisors:

In response to your August 14th notice advising us that you have scheduled a Jurisdictional Hearing on our Application, we submit this letter asking that the Board decline to take jurisdiction in this matter. We have carefully reviewed each appeal and continue to believe that we have indeed met or exceeded the County's building and design requirements for our home at 115 19th Avenue. Therefore, as you would expect, we are in complete agreement with the County's decision.

As you are aware, this latest appeal from Mr. Lively restates his laundry list of reasons why the Zoning Administrator was wrong to approve our plans. However, as Ms. Olson's report to the Planning Commission makes abundantly clear, a review of the pertinent statutes and the case law reveals each and every one of Mr. Lively's objections to be factually incorrect, unfounded and inapplicable. As such, it seems unnecessary for us to respond again in detail to each of the claims in his August 3rd letter.

I would however, like to point out that Mr. Lively's laundry list is a ruse. As revealed when we met with him and in the course of his public comments, his real concern is that our new home, which is around the corner and a block away, will change the view from his front porch – his private view.

Ms. Olson's June 19th report to the Planning Commission notes the Mr. Lively "has a better-than-expected view of the ocean" (page 1). Looking directly South, Mr. Lively sees the conference center's dirt parking lot surrounded by eucalyptus trees and the North side of Josephine House. When built, he will also see the front section of our 2nd floor over the roof of Josephine House. However, Mr. Lively's "view of the ocean," which is South and East down 19th Avenue, will not be changed in any way.

While we understand that private views are not protected, we have also been very conscious of this most sensitive issue. The design and the placement of our house on the lot attest to that. We moved the home in three feet beyond the County requirement at the East property line and we begin the 2nd floor 25 feet from the West property line. Both set-backs minimize our possible impact on views and resulted in the Saiers, our neighbors on 18th Avenue, writing in support of our project.

As a family, a huge amount of time, effort and careful thought were devoted to adhering to the County's zoning regulations; not one variance of any kind has been requested. And, a substantial amount of time and effort was spent walking the neighborhood and sitting on "the bench" as we assessed our potential impact on "our" neighborhood.

The property and existing cabin was a family gift to my parents and some of our fondest childhood memories are of Santa Cruz and the beach. My husband and I, in turn, brought our own children to "The Cabin." Now, after years of dreaming and planning, we find ourselves in a position to build our retirement home. Four generations of our family have used and loved "The Cabin" built in 1921, but the time has come to replace it. We want only to build a home that will last for the next four generations.

As you can imagine, we are excited to finally be able to build this home and we ask that you decline to take jurisdiction and affirm the County's approval of our plans.

Respectfully yours,


Claudia Mae Lawrence
Berkeley Miller



**County of Santa Cruz
Planning Commission Minutes**

Planning Department, 701 Ocean Street, Suite 400, Santa Cruz, CA
95060

Meeting Date : Wednesday, July 25, 2012 9:00 AM

Location : Board of Supervisors Chambers, Room 525
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

VOTING KEY

Commissioners: Chair: Perlin, ViceChair: Garcia, Shepherd, Aramburu, Dann
Alternate Commissioners: Britton, Holbert, Lazenby

REGULAR AGENDA ITEMS

1. Roll Call
2. Planning Director's Report
3. County Counsel Report
4. Additions and Corrections to Agenda
5. Report on Upcoming Meeting Dates and Agendas
6. Oral Communications
7. Declaration of Ex Parte Communication

CONSENT ITEMS

8. **Approval of Minutes**

To approve the minutes of the July 11, 2012 Planning Commission meeting as submitted by the Planning Department.

ACTION: TO APPROVE THE PLANNING COMMISSION MINUTES OF JULY 11, 2012 AS SUBMITTED BY THE PLANNING DEPARTMENT.

MOTION/SECOND: GARCIA/HOLBERT

AYES: PERLIN, GARCIA, & ARAMBURU

NOES: NONE

ABSTAIN: HOLBERT

ABSENT: SHEPHERD

APPEAL INFORMATION

Denial or approval of any permit by the Planning Commission is appealable to the Board of Supervisors. The appeal must be filed with the required appeal fee within 14 calendar days of action by the Planning Commission. To file an appeal you must write a letter to the Board of Supervisors and include the appeal fee. For more information on appeals, please see the "Planning Appeals" brochure located in the Planning Department lobby, or contact the project planner.

APPEALS OF COASTAL PROJECTS

(*) This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

(**) This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Denial or approval of the Coastal Zone Permit is appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

Note regarding Public hearing items: If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Agenda documents may be reviewed at the Planning Department, Room 420, County Government Center, 701 Ocean Street, Santa Cruz.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors chambers is located in an accessible facility. As a courtesy to those persons affected, please attend the meeting smoke and scent free. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the ADA Coordinator at 454-3137 (TTD number is 454-2123 or 763-8123 from Watsonville area phones) at least 72 hours in advance of the meeting to make arrangements. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

CONTINUED ITEMS

9. **111195 2261 7TH AVENUE, SANTA CRUZ APN(S): 026-051-17**

An appeal of the Zoning Administrator's approval of application #111195, an Amendment to Permit 107-U to allow for the operation of a Day Laborer Center in Live Oak. This item was continued from the June 13th Planning Commission public hearing. Property located on the west side of 7th Ave., north of Rodriguez Street in Live Oak (2261 7th Ave.).

SUPERVISORIAL DIST: 1

PROJECT PLANNER: SAMANTHA HASCHERT, 454-3214

EMAIL: pln145@co.santa-cruz.ca.us

ACTION: APPROVE APPLICATION 111195 WITH REVISED FINDINGS AND CONDITIONS.

MOTION/SECOND: GARCIA/HOLBERT

AYES: PERLIN, GARCIA, ARAMBURU, & HOLBERT

NOES: NONE

ABSTAIN: NONE

ABSENT: SHEPHERD

SCHEDULED ITEMS

10. **121047(**) 115 19TH AVENUE, SANTA CRUZ APN(S): 028-222-05**

A public hearing to consider an Appeal of the Zoning Administrator's decision to approve application 121047; a proposal to demolish the existing dwelling and accessory structures, and construct a two-story, single-family dwelling. Requires a Coastal Development Permit and Soils Report Review.

Property located on the west side of 19th Avenue, two parcels north of the bluff (115 19th Ave.)

SUPERVISORIAL DIST: 1

PROJECT PLANNER: ANNETTE OLSON, 454-3134

EMAIL: pln143@co.santa-cruz.ca.us

ACTION: UPHOLD ZA APPROVAL OF APPLICATION 121047 AND DENY APPEAL.

MOTION/SECOND: ARAMBURU/HOLBERT

AYES: PERLIN, GARCIA, ARAMBURU, & HOLBERT

NOES: NONE

ABSTAIN: NONE

ABSENT: SHEPHERD

Note:

*This page was accidentally
omitted in the Board packet.*



Location Map

0487



LEGEND

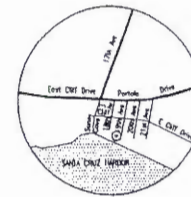
-  APN: 028-222-05
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
March 2012

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MILLER RESIDENCE NEW HOUSE 115 19th Avenue Santa Cruz, CA 95062



VICINITY MAP
NO SCALE



PROJECT DATA and GENERAL NOTES

OWNER: Canabo Lawrence Miller
OWNER'S AGENT: Nancy Huyck
ASSESSOR PARCEL NUMBER: 028-222-05
PARCEL AREA: 4,000 sf
ZONED: R-1-4

SETBACKS: Front (east) 21'-0"; Rear (west) 15'-0";
Side (north) 6'-0"; Side (south) 10'-0";
(Side/Back Allowed) Front/Back 15'-0"; Sides 5'-0"

LOT COVERAGE: 33% (40% allowed)
FLOOR AREA RATIO (FAR): 50% (50% allowed)
BUILDING HEIGHT: 26'-10" +/- (28'-0" allowed)
BUILDING OCCUPANCY CLASSIFICATION: R-3 Residential
TYPE OF CONSTRUCTION: SB (wood framed)
FIRE PROTECTION: Automatic Fire Sprinkler System Throughout
PARKING REQUIREMENT: 3 Off-Street Parking Spaces Required
RIGHT OF WAY: 50'-0"
SEWER: Sewer System - No Septic

GENERAL NOTE #1: These drawings are to be used in conjunction with Design Review Booklet dated 02-17-12 and Additional Information supplied to the Santa Cruz County Planning Department at the time of Submission.

GENERAL NOTE #2: Owner has not yet hired Hazardous Material Testing Consultant for existing on-site construction to be demolished. This will be accomplished prior to future permit applications.

GENERAL NOTE #3: Heating system proposed Radiant Floor + Solar

SCHEDULE OF DRAWINGS:

GENERAL	G-1	GENERAL INFORMATION
	G-2	RENDERINGS
	G-3	RENDERINGS
	G-4	SHADOW PLANS
SURVEY	T-1	TOPOGRAPHIC SURVEY
CIVIL	C-1	GRADING and DRAINAGE PLAN
	C-2	EROSION CONTROL PLAN
ARCHITECTURAL	A-1	DEMOLITION PLAN
	A-2	SITE PLAN and ADJACENCIES
	A-3	SITE PLAN
	A-4	FLOOR PLANS
	A-5	ROOF PLAN
	A-6	EXTERIOR ELEVATIONS
	A-7	BUILDING SECTIONS
LANDSCAPE	L-1	LANDSCAPE PLAN

Design Resubmission
County of Santa Cruz
Progress Prints 06-29-12

NANCY HUYCK
ARCHITECT
9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

no.	date	description
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REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APH: 028-222-05

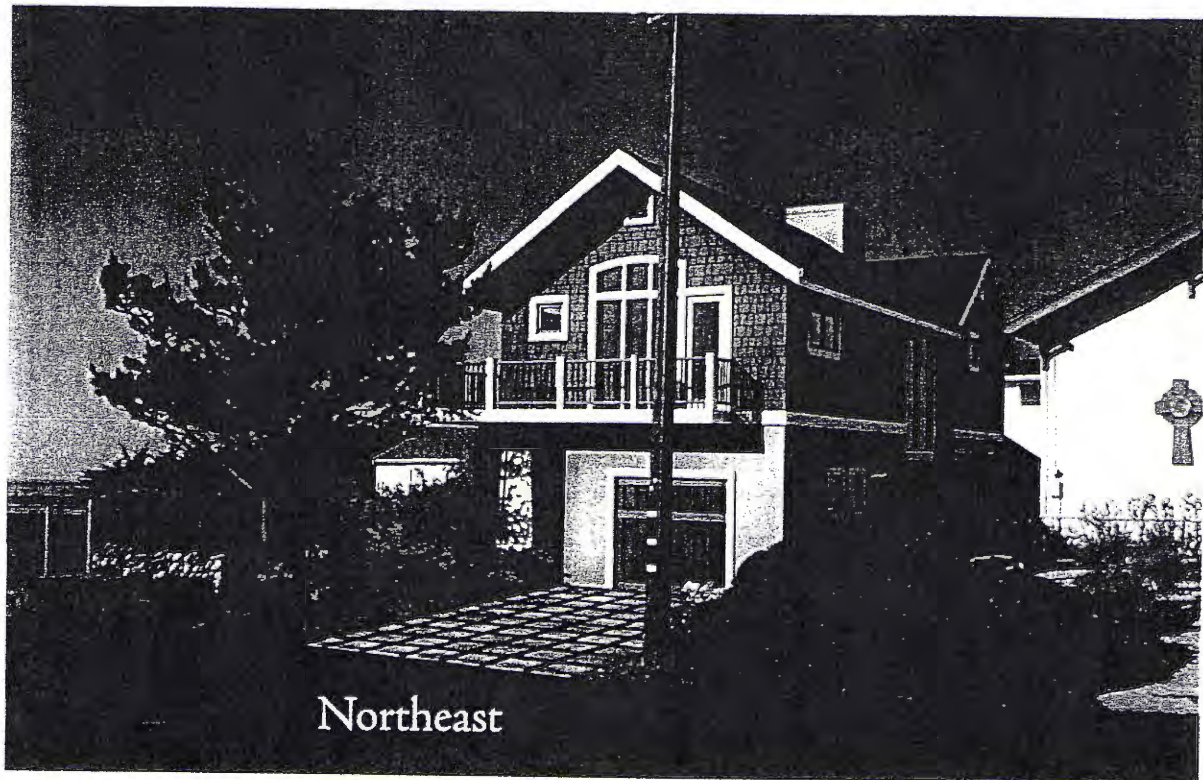
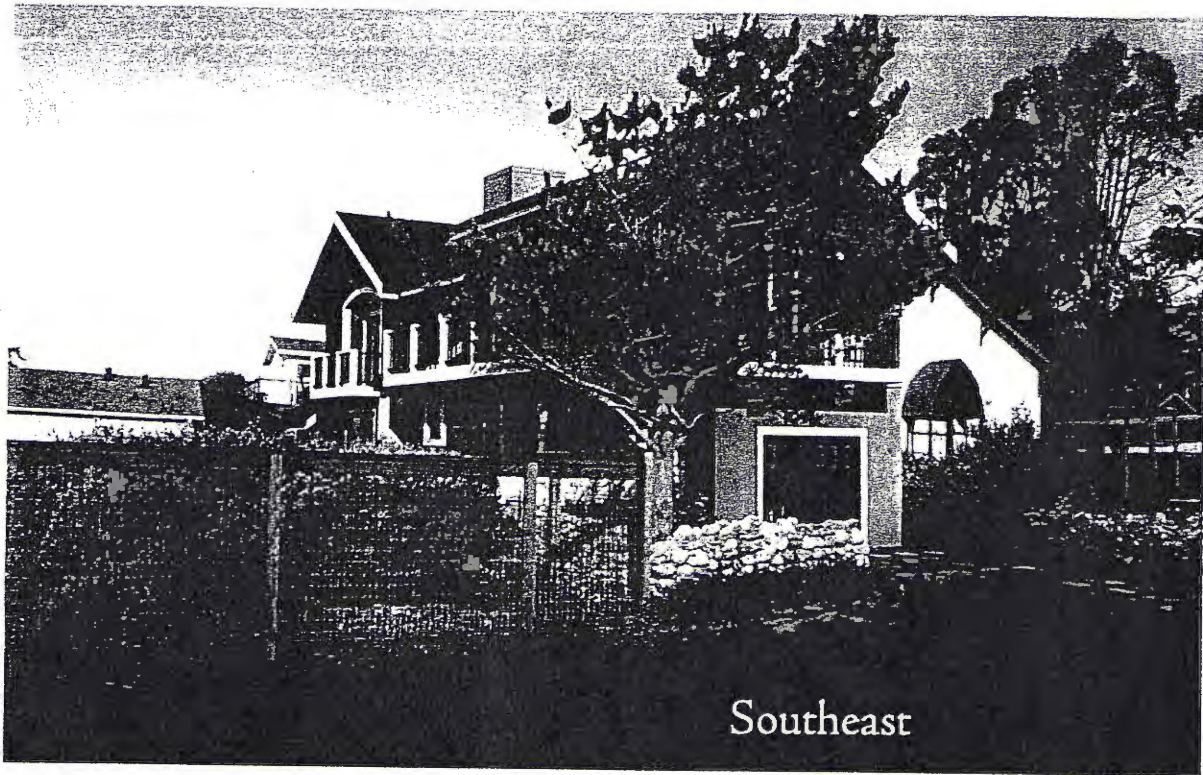
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SCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: MLH
JOB NO.: N1120
DWG. NO.: N1120-G-1

G-1

sheet of sheets

0488



Progress
06-29-12

9200 SUGAR DRIVE
APTOS, CA 95003
PHONE (831) 685-1206
FAX (831) 688-3205

ARCHITECT

NANCY HUYNH

50

Exhibit 3

SCALE: N/A

DATE: 06-29-12

DRAWN BY: N/A

JOB NO.: 11140

DWG. NO.: 11140-C-7

SHEET TITLE
RENDERINGS

PROJECT TITLE
VILLA CAPRICORN
UNASSISTED
SENIOR HOUSING
1575 3RD AVENUE
SANTA CRUZ, CA
APN 034-181-17

REVISIONS

NO. DATE DESCRIPTION

1 06-29-12

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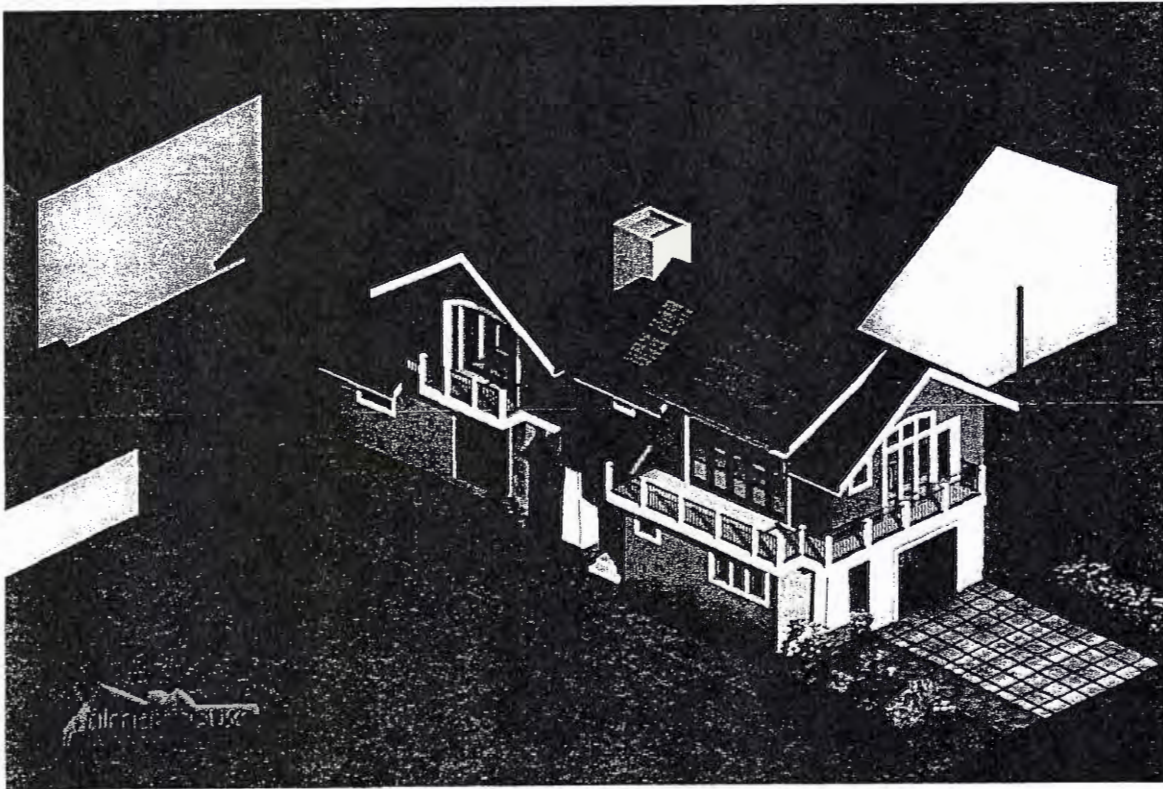
1 06-29-12

1 06-29-12

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1 06-29-12

1 06-29-12



NANCY HUI
ARCHITECT

9200 SOUTHERN BLVD.
SANTA ANA, CA 92703
PHONE: (949) 485-1206
FAX: (949) 485-5205

Progress
06-29-12

no.	date	description
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PROJECT NAME
VILLA CAPTIVA
UNASSISTED
SENIOR HOUSING
1975 3RD AVENUE
SANTA CRUZ, CA
APN 034-161-17

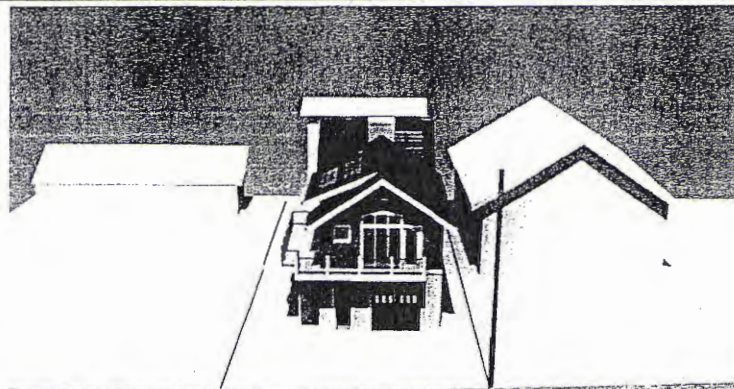
SHEET TITLE
RENDERINGS

SCALE: 1/4"
DATE: 06-29-12
DRAWN BY: N.A.
JOB NO: 11140
DWG NO: 11140-C-3

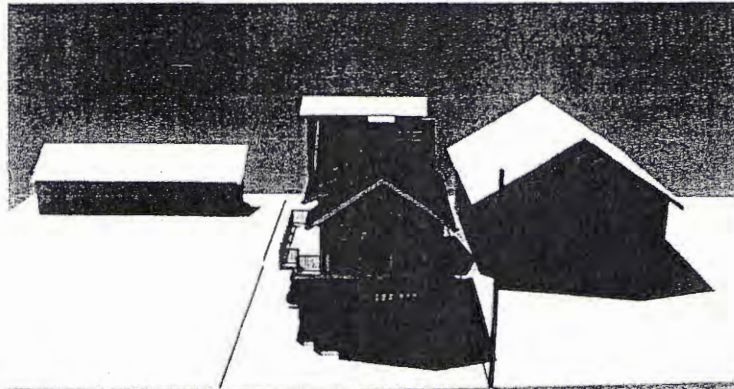
C-3

Sheet of sheets

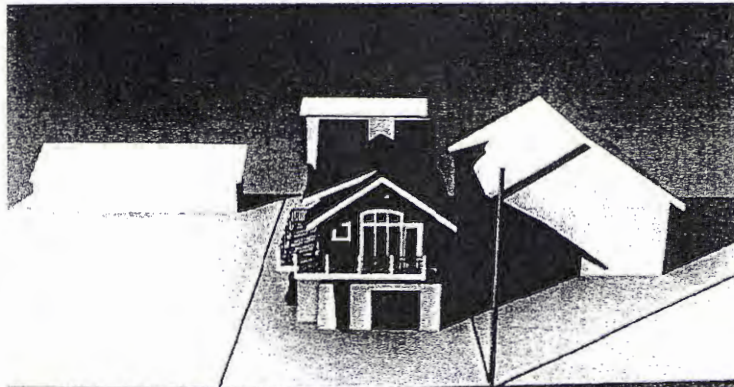
0491



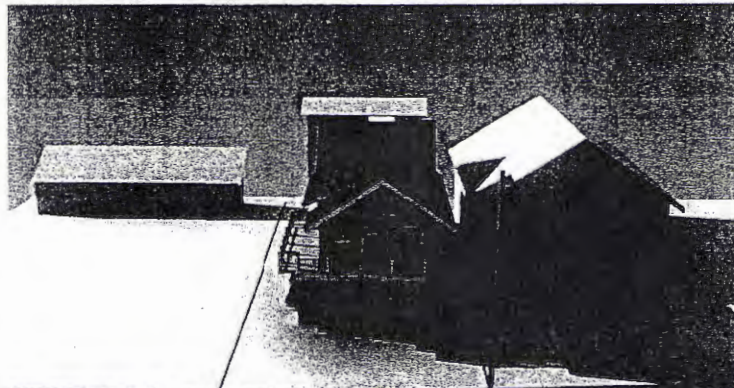
June 21 10 am



June 21 2 pm



December 21 10 am



December 21 2 pm



NANCY H.
ARCHITECT

9230 500th Ave
APRIL, CA 92003
PHONE (619) 485-1200
FAX (619) 485-1205

Progress
06-26-12

50

Exhibit 3

Page 29 of 146

NO.	DATE	DESCRIPTION
1	06-26-12	REVISED

REVISIONS

PROJECT NAME

VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 30th AVENUE
SAN DIEGO, CA
APR. 024-181-17

SHEET TITLE

SHADOW PLANS

SCALE: 1/4"

DRAWN: 06-26-12

DATE: 06-26-12

BY: 06-26-12

NO. 06-26-12

C-4

SHEET 29 OF 146

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON MONUMENTS FOUND ALONG THE SOUTHERN LINE OF EAST CLIFF DRIVE AT THE NW CORNER OF LOT 1 AND THE NE CORNER OF LOT 15 OF BLOCK 2, 45 SAID MONUMENTS AND BEARING ARE SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 59 OF MAPS, PAGE 32 SANTA CRUZ COUNTY RECORDS.






NORTH 77°15' WEST

BASIS OF ELEVATIONS

THE BASIS OF ELEVATIONS SHOWN ON THIS MAP IS
COUNTY OF SANTA CRUZ BENCHMARK # 7A, BEING A
BRASS CAP IN THE MEDIAN 25' W OF THE CL OF 17TH
AVE. & 40' S. OF THE CL OF E. CLIFF DRIVE.
ELEV=44.15' (NGVD 29)

FU BRASS TAG IN
CONCRETE DRIVEWAY
LS 5029
BEARS N42°23'W
0.25' DISTANT

LEGEND

- | | |
|-----------------------------------------------------------------------------------|---------------------------------|
|  | INDICATES RECORD BOUNDARY LINE |
|  | INDICATES BUILDING LINE |
|  | INDICATES EXISTING FENCE LINE |
|  | INDICATES EXISTING CONTOUR LINE |
|  | INDICATES EXISTING ROCK WALL |

- o INDICATES SET 8" SPIKE & TAG, LS 5418 ON SIDELINE EXTENDED TO MIDLINE OF RIGHT OF WAY.
- Δ INDICATES RANDOM TRAVERSE POINT
- + 340 V INDICATES SPOT ELEVATION
- ✓ INDICATES JOINT SERVICES POLE
- GA INDICATES GUY ANCHOR
- ISCO INDICATES SANITARY SEWER CLEANOUT
- ISMA+ INDICATES SANITARY SEWER MANHOLE
- GP INDICATES GUY POLE
- LI INDICATES ELEVATION
- FF INDICATES FINISH FLOOR
- HO INDICATES HOSE BIB
- OH INDICATES OVERHEAD
- EX INDICATES ELECTRIC METER
- UG INDICATES UNDERGROUND
- WM INDICATES WATER METER

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN FEET
AND DECIMALS THEREOF.

BOUNDARY LINES DELINEATED ON THIS MAP ARE IN RED AND ARE BASED ON THE SURVEYOR'S OPINION UTILIZING FOUND PHYSICAL EVIDENCE AND RECORD DATA.

NOTE

THIS TOPOGRAPHIC MAP REPRESENTS THE CONDITIONS OF THE SITE AT THE TIME THE SURVEY WORK WAS COMPLETED AND SHOWS SURFACE OBJECTS ONLY. SUBSURFACE STRUCTURES, IF ANY, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, PILING, UNDERGROUND TANKS AND UNDERGROUND UTILITY LINES MAY NOT BE SHOWN.

ATTENTION

THE DELIVERY OF THIS MAP IN AN ELECTRONIC FILE
DOES NOT CONSTITUTE THE DELIVERY OF MY PROFESSIONAL
WORK PRODUCT. THE SIGNED PAPER PRINT IS PROVIDED
TO THE CLIENT AS AN INSTRUMENT OF SERVICE. IN EVENT
THE ELECTRONIC FILE IS ALTERED, THE SAID PAPER PRINT
MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT
SURVEY INFORMATION. I SHALL NOT BE RESPONSIBLE FOR ANY
MODIFICATIONS MADE, BY OTHERS, TO THE ELECTRONIC FILE,
OR ANY PRODUCTS DERIVED FROM THE ELECTRONIC FILE.

PROPERTY DESCRIPTION

BEING LOT 11, IN BLOCK 2, AS THE SAME IS SHOWN UPON THAT CERTAIN MAP ENTITLED "SANTA MARIA DEL MAR", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY ON DECEMBER 14, 1891 IN MAP BOOK 12 AT PAGE 1, SANTA CRUZ COUNTY RECORDS.

SCALE 1"=1'

A horizontal scale bar with alternating black and white segments. Below the bar, the number '0' is at the left end and '10' is at the right end, indicating a length of 10 feet.

FD-1/2-10
OPEN ENCE

0.1725e

19th AVE. (50'')

TECHNICAL INFORMATION

ASSESSOR'S PARCEL NUMBER: 028-222-05

ADDRESS OF PROJECT:
115 19TH AVE.
SANTA CRUZ, CA

OWNER'S NAME:
CLAUDIA MAE LAWRENCE

DEED DOCUMENT # 2011-0017863

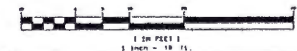
SIZE OF LOT: 4000 SQ FT +/-

REFERENCES

- (A) 12-M-1
- (B) 59-M-32



GRAPHIC SCALE



ROBERT J. CRAIG
LICENSED LAND SURVEYOR

965 ELSIE MAE DRIVE
BOULDER CREEK, CA 95006
(931) 339-1750 OR (408) 804-3791
RobertJamesCraig@aol.com

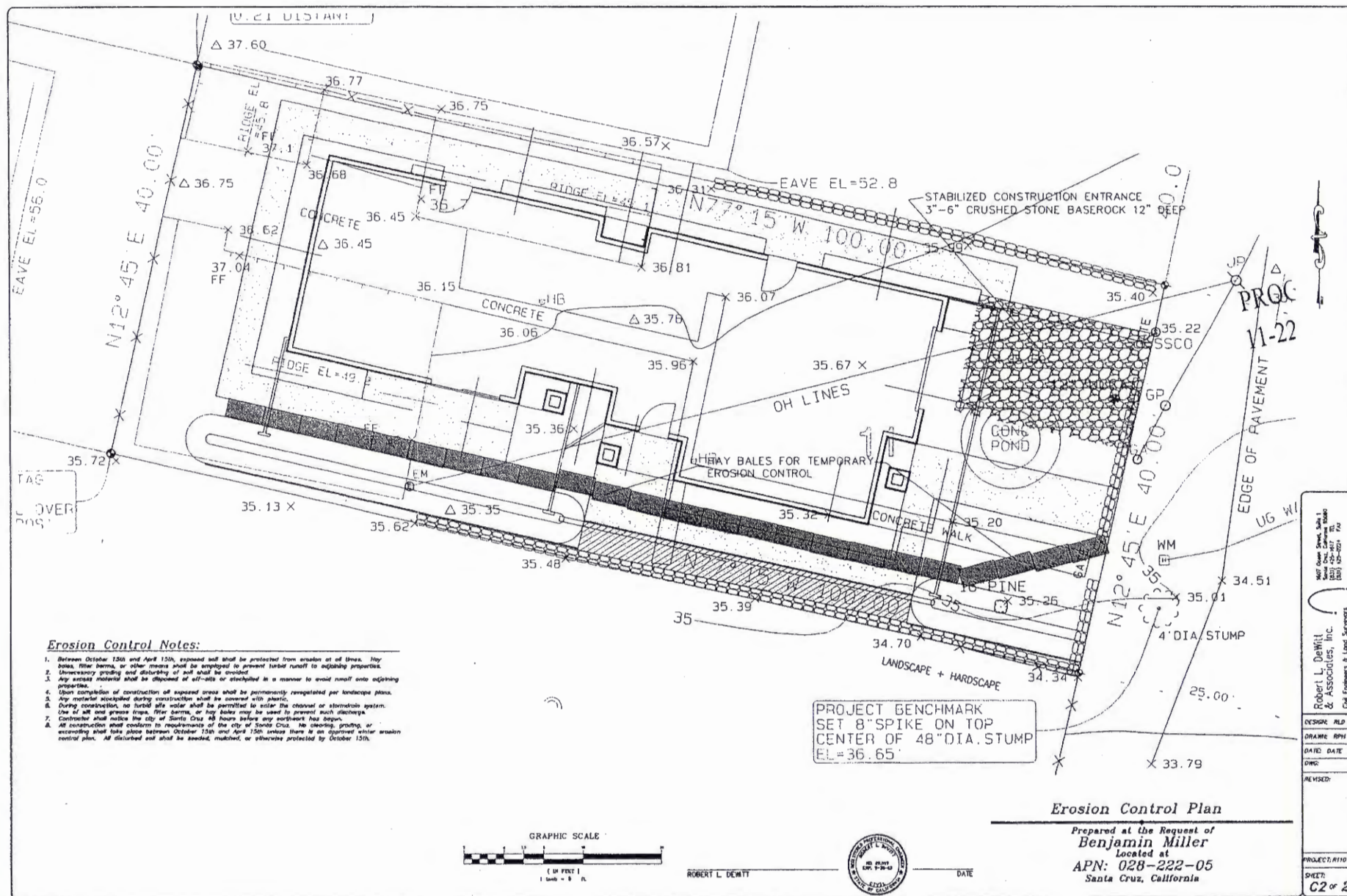
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DATE: OCTOBER 10, 2011	APR 028-222
FIELDWORK: RJC	FB# 193

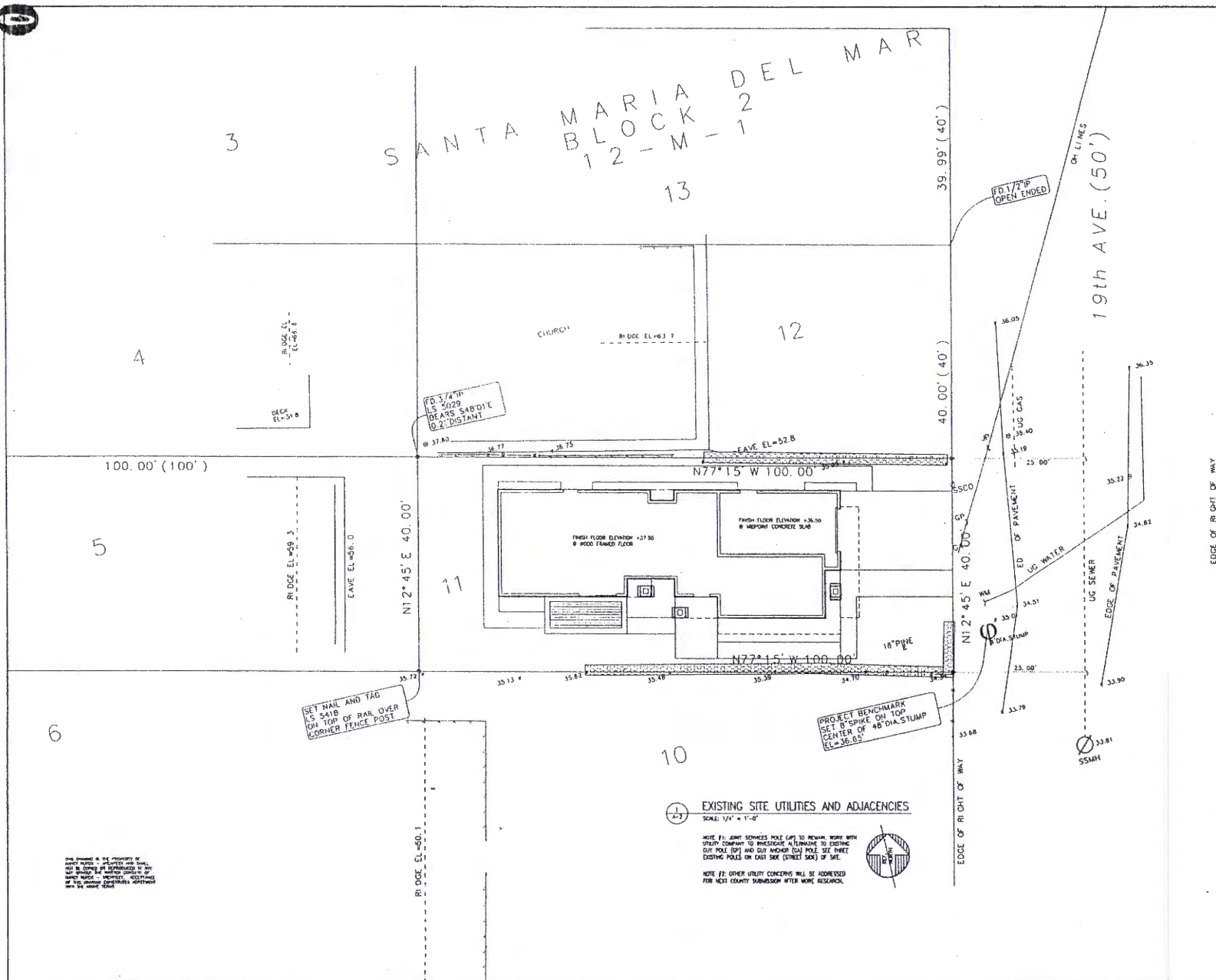
TOPOGRAPHIC MAP
BEING THE LAND OF LAWRENCE
AS RECORDED IN DOC. # 2011-001763
OFFICIAL RECORD OF SANTA CLARA COUNTY

Situate in
Unincorporated Area of
County of Santa Cruz,
State of California

	JOB NO. C-11071	SHEET
-05	INDIAN SANTA CRUZ CO.	ONE
		OF ONE

FIELD WORK COMPLETED 10/7/11





NANCY HUYCK
ARCHITECT
9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

no.	date	description
1	06-29-12	001

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APH: 028-222-05

SHEET TITLE
SITE UTILITIES
and
ADJACENCIES

SCALE: 1/8" = 1'-0"

DATE: 06-28-12

DRAWN BY: NLH

JOB NO.: N1120

DWG. NO.: N1120-A-2

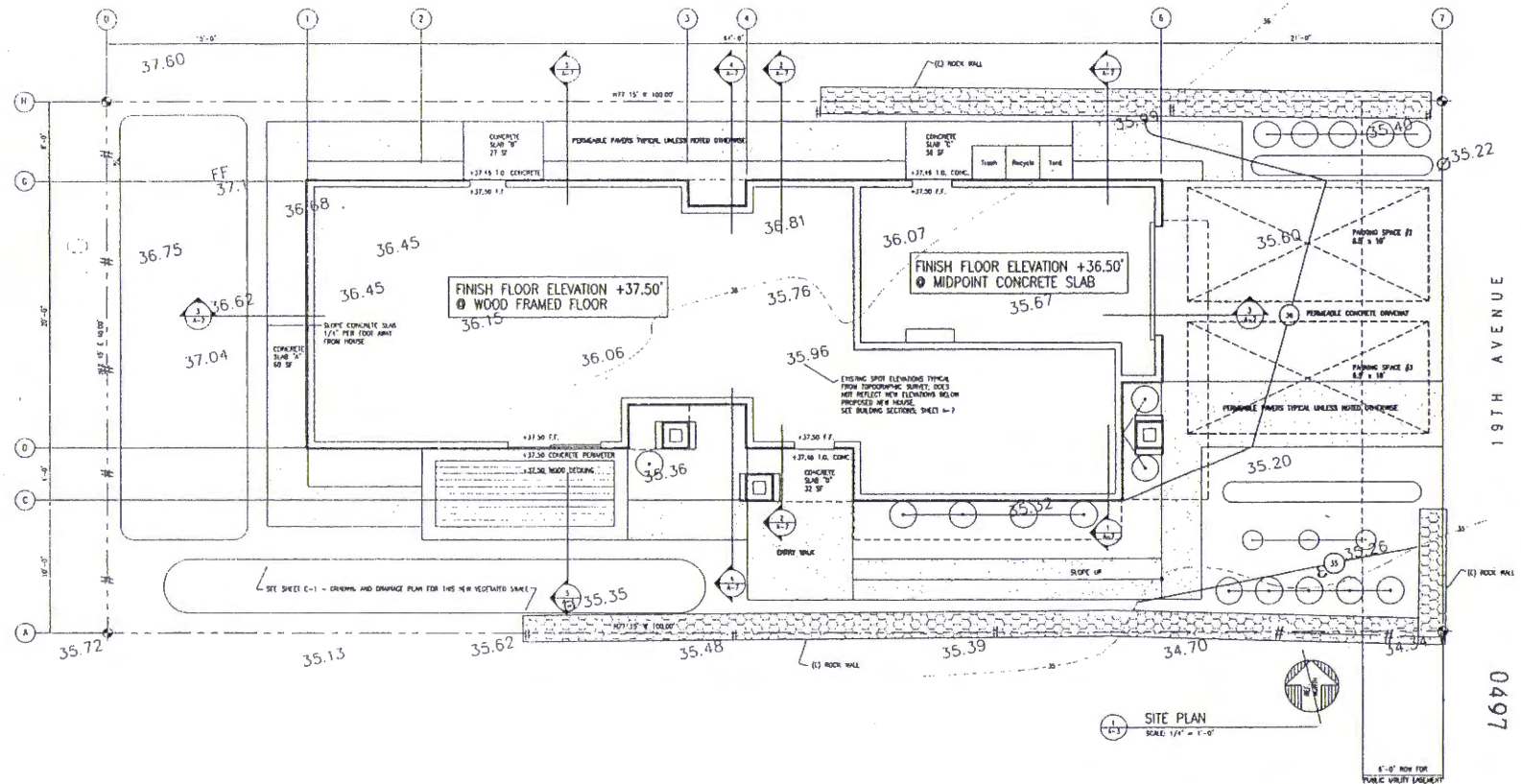
A-2

sheet of sheets

0496

NANCY HUYCK
 ARCHITECT
 9200 SOQUEL DRIVE
 APTOS, CA 95003
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 FAX (831)688-3205

Progress
 06-29-12



SITE PLAN
 SCALE: 1/4" = 1'-0"

GRADING VOLUME:
 GRADING VOLUME IS LESS THAN
 100 CUBIC YARDS

DPW Requirement:
 30-FOOT RIGHT-OF-WAY DEDICATION FOR
 A PUBLIC UTILITY EASEMENT, OWNED OR RENTED
 AN EJECT OF DISCRETION FROM DISCRETIONARY
 AND APPROVED SHALL MEET COUNTY CODE

EXISTING PINE TREE:
 CONCENTRICALLY PLANTED AROUND THE PINE TREE
 STOP LINE WILL PERFORMS COMPROMISE THE TREE
 OWNER IS AWARE OF THIS

115 19TH AVENUE
 0497

PROJECT TITLE
 MILLER RESIDENCE
 NEW HOUSE

115 19TH AVENUE
 SANTA CRUZ, CA
 APN: 028-222-05

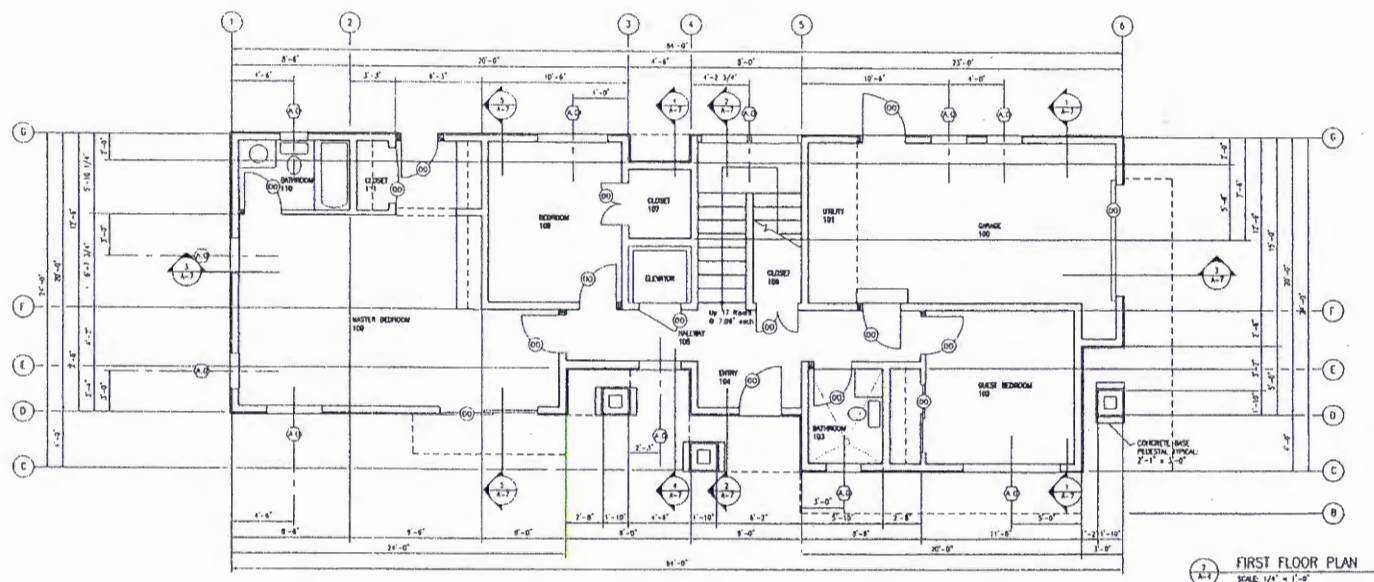
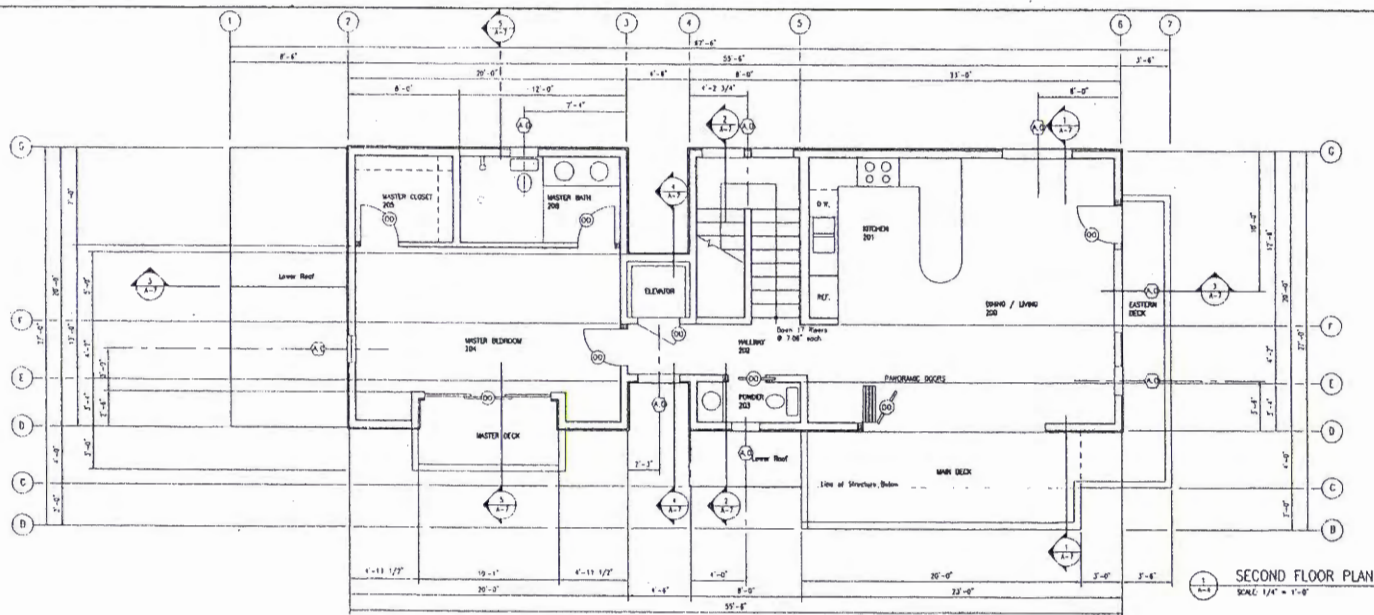
SHEET TITLE
 SITE
 PLAN

SCALE: 1/4" = 1'-0"
 DATE: 06-29-12
 DRAWN BY: NLH
 JOB NO: N1120
 DWG. NO: N1120-A-3

A-3

sheet of sheets

50



NANCY HUYCK
ARCHITECT
9200 SOQUEL DRIVE
APTOS, CA 95003
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FAX (831)688-3205

Progress
06-29-12

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE
115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE
FIRST + SECOND
FLOOR PLANS

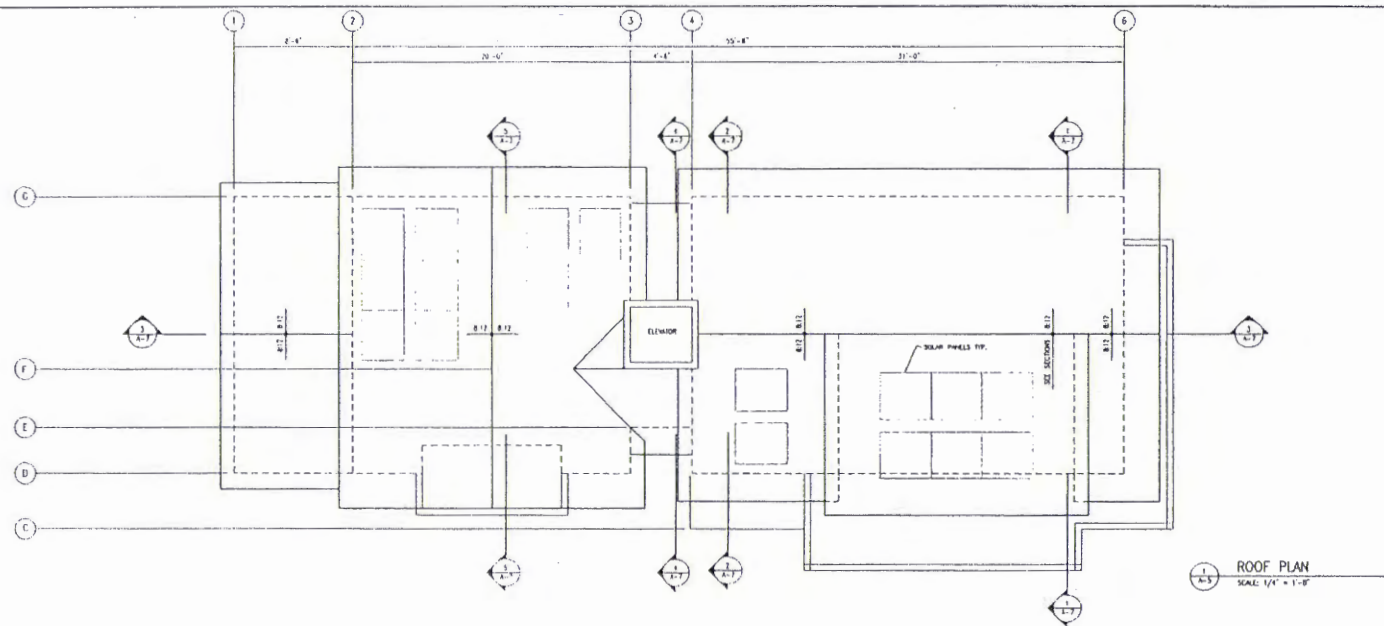
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JOB NO.: N1120
DWG. NO.: N1120-A-4

A-4

sheet of sheets

0498

THIS DOCUMENT IS THE PROPERTY OF
NANCY HUYCK ARCHITECT. IT IS TO BE
USED ONLY FOR THE PROJECT AND SITE
SPECIFICALLY IDENTIFIED HEREON. IT IS
NOT TO BE REPRODUCED, COPIED, OR
DISTRIBUTED IN ANY MANNER WITHOUT
THE WRITTEN PERMISSION OF NANCY HUYCK
ARCHITECT.



NANCY HUYCK

ARCHITECT


9200 SOQUEL DRIVE

APTOS, CA 95003

PHONE (831) 685-1201

FAX (831)688-3205

Progress
06-29-12

	EE-22-71	732
no.	date	description

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APH: 028-222-05

SHEET TITLE
ROOF PLAN

SCALE: 1/4" = 1'-0"

DATE: 06-29-12

DRAWN BY: NLM

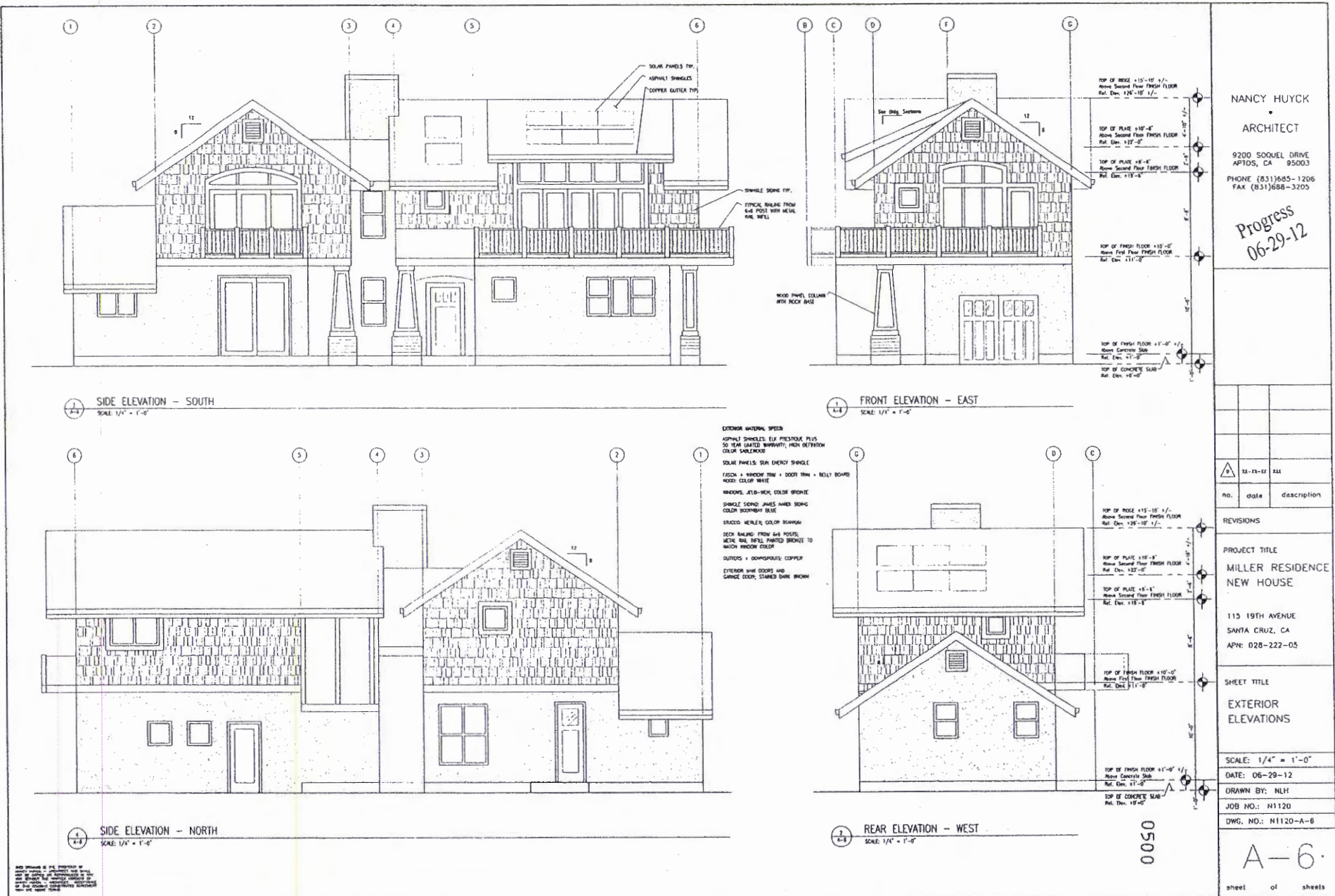
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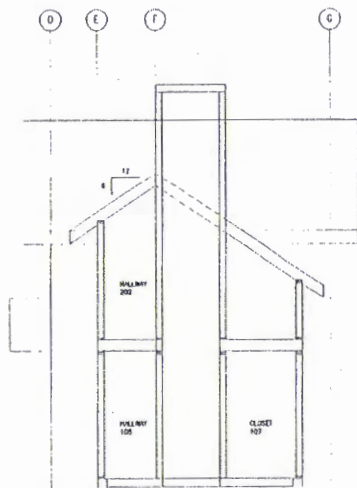
DWG. NO.: N1120-A-5

A-5

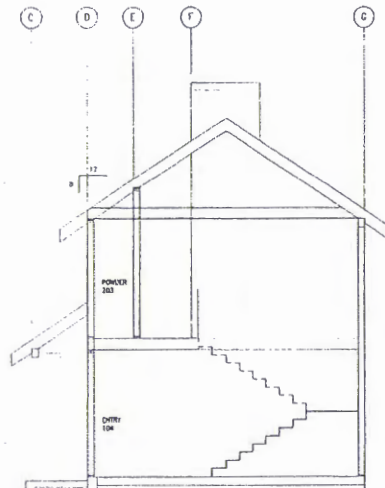
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0499

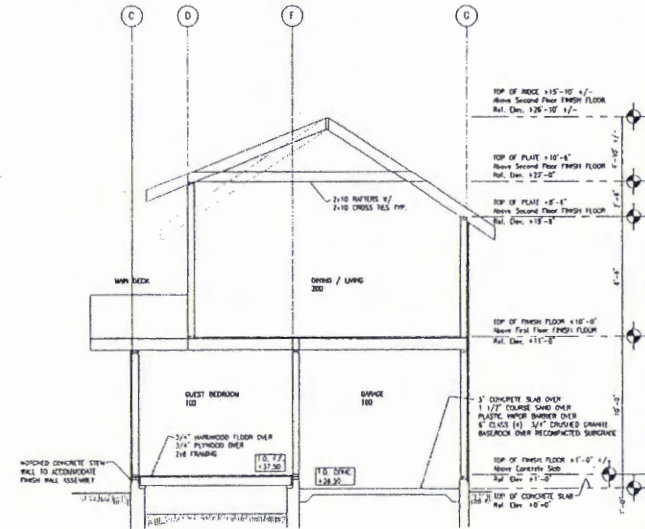




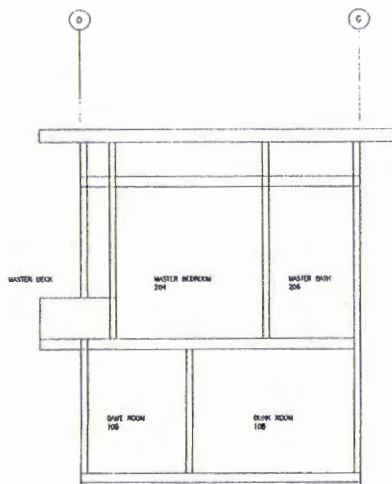
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SCALE: 1/4" = 1'-0"



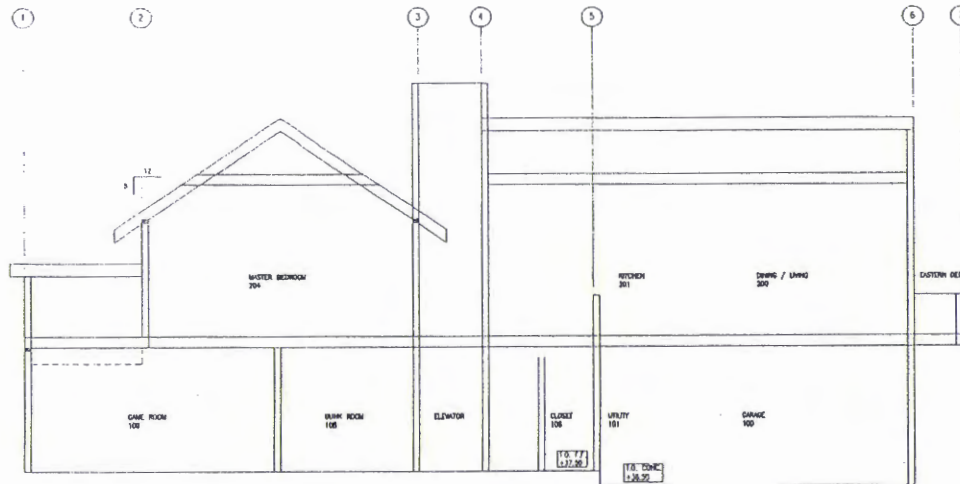
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SCALE: 1/4" = 1'-0"



1 BUILDING SECTION #1
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION #5
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION #3
SCALE: 1/4" = 1'-0"

NOTE #1:
NO EXISTING GRADE BELOW THIS HOUSE
IS LESS THAN ELEVATION +35.30. THEREFORE
THIS HOUSE IS IN COMPLIANCE WITH THE
28'-0" MAXIMUM HEIGHT LIMIT SET FORTH BY
THE SANTA CRUZ COUNTY PLANNING DEPARTMENT.

NOTE #2:
THE MECKENBROCK CHURCH RIDGE IS CLEARLY
NOTED ON THE SURVEYOR'S MAP AS
+63.70. THE PROPOSED MILLER RIDGE IS +63.33
(SLIGHTLY OVER FOUR INCHES BELOW THE
CHURCH RIDGE).

NANCY HUYCK

ARCHITECT

9200 SOQUEL DRIVE

APTOS, CA 95003

PHONE (831)685-1206

FAX (831)685-3205

Progress
06-29-12

no.	date	description
1	06-29-12	112

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 026-222-05

SHEET TITLE

BUILDING
SECTIONS

SCALE: 1/4" = 1'-0"

DATE: 06-29-12

DRAWN BY: NLH

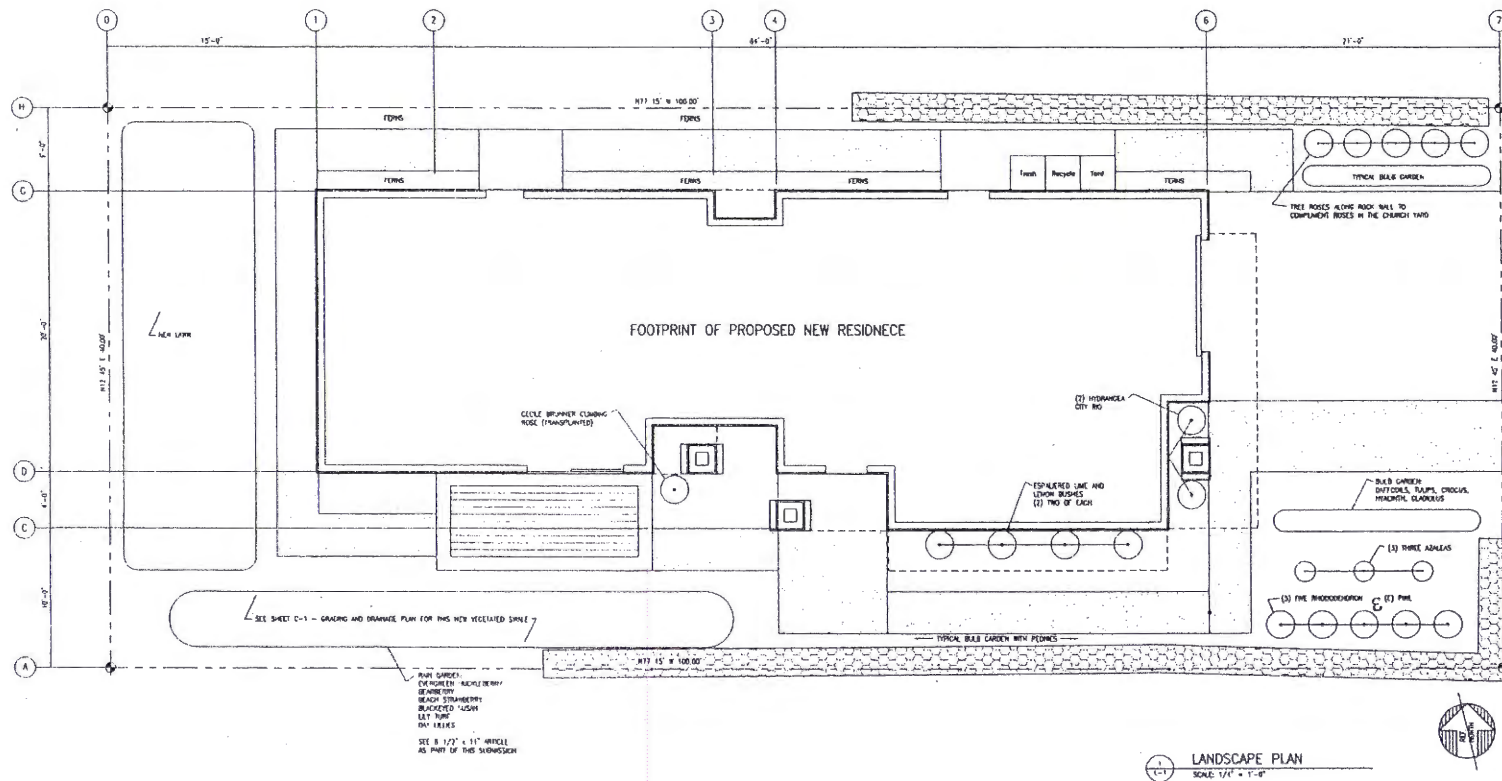
JOB NO.: N1120

DWG. NO.: N1120-A-7

A-7

sheet of sheets

50




NANCY HUYCK
•
ARCHITECT

9200 SQUEL DRIVE
APTOS, CA 95003

PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

NINTH AVENUE

	EX-EX - EX	EX
no.	date	description

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE

LANDSCAPE
PLAN

SCALE: 1/4" = 1'-0"

DATE: 06-29-12

DRAWN BY: NLH

JOB NO.: N1120

DWG. NO.: N1120-L-1

L-1

sheet of sheets

0502

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

September 4, 2012

Tess E. Fitzgerald, Chief Deputy Clerk
Santa Cruz County Board of Supervisors
701 Ocean Street, Suite 500
Santa Cruz, CA 95060

***Re: Appeal of Application No. 121047 Approving Two-Story Residence at
115 - 19th Avenue, Santa Cruz, APN 028-222-05***

To the Members of the Board of Supervisors:

The Board of Supervisors should take jurisdiction of the pending appeal because the planning commission and zoning administrator have made errors in the process; there has been a lack of a fair and impartial hearing before the planning commission; and the planning commission and zoning administrator have ignored significant evidence of the impact that the proposed development will have on the adjoining property and public beach areas.

It is requested that the board carefully review my August 3, 2012 letter and attached photographs. The zoning administrator and planning commission ignored the facts that:

The property line of the proposed development is less than 30 feet from the edge of the cliff on 19th Street.

The proposed development will extend 35 feet beyond the existing Chapel and be 28 feet high. This is the equivalent of building a 28' x 35' tall wall. Attached to the August 3 letter are photos which show the areas which will be most impacted by the development. The applicant, however, has purposely avoided submitting any models or mockups which show the impact of the development from the angle submitted with my letter.

The shadow studies submitted by the applicants, while being strictly code compliant, do not accurately show the impact that the settlement will have on the Chapel. In fact, the Chapel will be virtually shadowed 6 to 8 months a year. A proper analysis of the shadow impacts for the timeframe from September through June should be performed.

The planning commission completely ignored any of these items, and conducted only a 5- to 10-minute hearing on the issues.

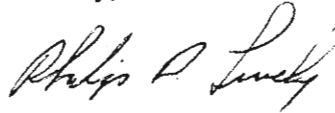
Each of these errors and omissions are sufficient to bring the proposed appeal within the jurisdictional requirements of County Ordinance 18.10 .340(c).

All of the factual issues summarized here and in my August 3, 2012 letter would have been detailed for the benefit of the neighborhood, the public at large and the County's decision-makers, if a CEQA Initial Study had been performed. Instead, the County has completely ignored the environmental impacts summarized in this appeal, and erroneously has granted a total "exemption" from any CEQA analysis.

As is further summarized in my August 3, 2012 letter, this development project is not legally entitled to an "exemption" from CEQA analysis. Approval of this development project in violation of CEQA requirements would subject the County and the Applicant to all available legal remedies.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip D. Lively".

Philip D. Lively

Board of Supervisors Late Correspondence



There are three simple facts that succinctly and clearly demonstrate that Mr. Lively's appeal is unfounded and a mean-spirited personal attack against people he barely even knows. Let me explain:

1. Without a single request for a variance of any type, we have designed a home that meets or exceeds all of the County's rules, ordinances and regulations. This is a statement of fact that the County has affirmed three times over.
2. The above Google photo and overlay shows the small portion of our new home that Mr. Lively could see over the existing roof of Josephine House. The fact here is that in the last decade, he has failed to appeal the two other projects that he sees from his front porch. Specifically, he did not appeal the house at 150 18th Avenue that blocks his Northwest view with its 50x28 wall. Nor did he appeal his next door neighbor's house at 2-1811 West Cliff Drive which blocks his Western view with its 60x28 foot wall.
3. And finally, Mr. Lively needs to take solice in the fact that the Sisters of the Holy Names and the Catholic Church have yet to build on the vacant lots directly across the street from him. Any project on these lots would obliterate Mr. Lively's better-than-expected private view Southeast across East Cliff Avenue and down 19th Avenue.

With these facts in evidence and the County findings in evidence, and with all due respect, I ask the Board of Supervisors to not take jurisdiction in this appeal and I ask Mr. Lively, also with all due respect, to cease and desist.

September 11, 2012

Claudia Lawrence & Berkeley Miller

Response to appeal of Development Permit Application 121047

Parcel #028-222-05

To the Members of the Board of Supervisors

We write today to ask for your support of our filing for development permits to rebuild at 115 19th Avenue. As you are well-aware, the Zoning Administrator and the Planning Commission have agreed with the Planning Department and Annette's Olson's reports recommending approval of the project. However, Mr. Lively has appealed at each step.

In his latest appeal dated August 3rd, Mr. Lively restates his list of reasons why the Zoning Administrator was wrong to approve our development plans. These reasons include his opinion that the proposed house should not be exempt from the California Environmental Quality Act, the structure is too big for the lot and neighborhood, the new building will negatively impact the Catholic chapel, and obstruct ocean views for residents of East Cliff and 19th avenues. Ms. Annette Olson's report to the Planning Commission persuasively rebutted Mr. Lively's claims, and the commission voted unanimously to approve the project.

As an experienced attorney, Mr. Lively has advanced a number of reasons why the Planning Commission improperly approved the project. But in a meeting with Mr. Lively and his son on July 22nd, the only issue raised was the impact of our proposed building on his private views. Ms. Olson's report of June 19th to the Planning Commission notes the Mr. Lively "has a better-than-expected view of the ocean" (page 1). Looking directly South, Mr. Lively sees the conference center's dirt parking lot surrounded by eucalyptus trees and the North side of Josephine House. When built, he will also see the front section of our 2nd floor over the roof of Josephine House. Mr. Lively's view of the ocean," which looks South and West down 19th Avenue will not be changed. Most tellingly, Mr. Lively said he'd drop his appeal if we moved the house back 10 feet on the lot (into the rear setback), or reduced the size of the house by 25%. So his concern for the "small, older vacation cottages" would be dropped so long as his private view is protected.

While we understand that private views are not protected, we have been very conscious of this most sensitive issue. The design and the placement of our house on the lot attest to that. We moved the home in three feet beyond the County requirement at the East property line and we begin the 2nd floor 25 feet from the West property line. Both set-backs substantially reduce any impact on the ocean views of back-fence neighbors. As a result the Saiers, our neighbors on 18th Avenue, have written in support of our project.

As a family, a substantial amount of time, thought and careful effort have been devoted to adhering to the County's zoning regulations. We have met all planning requirements and have

not requested any variances. Because we have played by the rules, we believe the Zoning Administrator and Planning Commission properly approved the project. We urge the Board of Supervisors to do the same.

The property and existing cabin have been in the extended family since the early 1920s. A number of generations have enjoyed the property and the beach, but the current building is falling apart. The proposed building will become our retirement home and a place for the family to gather for generations to come.

Respectfully yours,

Claudia Mae Lawrence

Berkeley Miller

Good morning. I am Claudia Lawrence. My husband, Berkeley Miller, and I own the property at 115 19th Avenue.

Thank you for your time today. And thank you to Annette Olson for the job she does. We have been most pleased to work with her. Her reports are thoroughly researched and very well-written. In particular, this most recent report is both thoughtful and sensitive to all of the issues Mr. Lively raises in his appeal. Thank you, Annette.

As you may recall from our statement, this property has been in our family since the early 1920s. Over these many decades, 5 generations of family has added to, and continued our traditions. From 4th of July to New Years, from going away dinners to homecoming celebrations, from first birthdays to first kisses; all are part of our beach house history. We grew up spending our summers here and my husband and I are most fortunate and very excited to be the first generation to retire to the beach.

Towards that end, we have spent more than a year working with the family, our architect and the County to design a home that will accommodate us throughout the remainder of our lives. Of course, we hope that it will also continue as a gathering place for many more generations of our family. Like our neighbors, we want to see our grandchildren playing on the same beach we played on as children.

From the beginning of the project, we have been committed to designing a home that meets all County and coastal requirements – without exception and without variance. We thought carefully about the design and about how the house sits on the lot. We increased the front set-back to lessen our impact on the neighborhood's public views and we begin the 2nd story 25 feet from the back lot line to lessen our impact on the private views of our 18th Avenue neighbors, the O'Neils and the Saiers. Among other things, we will use permeable pavers and of course, incorporate energy efficient windows and building materials. In May, the Planning Department recommended approval and the Zoning Administrator agreed. So we were more than taken aback by the Lively's comments, letters, and this appeal.

At Phil Lively's request, and to assure ourselves that we understood his concerns, my husband and I met with him and his son, David last Sunday. We believe we do understand the Lively's concerns. Over the decades, we too have watched as Live Oak evolves from a beach community into a more full-time community with many 2-story homes. We also all know how quickly those new homes have become part of the neighborhood.

Again, it is our dream to build our retirement home on 19th Avenue and to be full-time members of the community that we have been part of our entire lives. We have worked very hard upfront to meet all of the requirements and design a home that is compatible with the neighborhood, and will improve the housing stock and increase the tax base. Therefore, on behalf of our family, I respectfully ask that you reaffirm the Zoning Administrator's decision to approve our project. Thank you.

Additions to the Staff Report for the Planning Commission

Item 10: 121047

Late Correspondence

121047

PHILIP D. LIVELY
24 HAWTHORN DRIVE
ATHERTON, CA. 94027

JULY 22, 2012

COUNTY of SANTA CRUZ
PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR
SANTA CRUZ, CA. 95060
ATTN: ANNETTE OLSEN

RE: APPLICATION #121047(**)

I received the Packet for the public hearing on my appeal of the Zoning Administrators decision at my home on July 20, 2012.

I have read the responses to my appeal letter and in the few days left, five, before the Hearing on July 25, cannot possibly adequately, in detail reply to these responses.

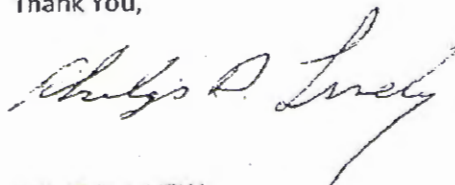
My appeal dated May 30, has been studied for over 45 days. I should be allowed adequate time to rebut these comments.

In addition, the packet of data I received seems to be incomplete. Exhibits 1 and 2 and exhibit G,, revised plan set were not included.

We met with the Applicant this afternoon to discuss possible mitigation measures.

Even with the short review period allowed me, and the incomplete Packet, I will attend the Planning Commission hearing on Wednesday July 25.

Thank You,



PHILIP D. LIVELY

FAX # 831-454-2131, July 23, 2012

Zoning Administrator Record



Staff Report to the Zoning Administrator

Application Number: **121047**

Applicant: Nancy Huyck
Owner: Lawrence
APN: 028-222-05

Agenda Date: May 18, 2012
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to demolish the existing dwelling and accessory structures, and construct a two-story, single-family dwelling.

Location: Property located on the west side of 19th Avenue, two parcels north of the coastal bluff (115 19th Ave.)

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Coastal Development Permit
Technical Reviews: Soils Report

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121047, based on the attached findings and conditions.

Exhibits

- | | |
|--------------------------------------------------|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| D. Categorical Exemption
(CEQA determination) | |

Parcel Information

Parcel Size:	4,000 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential, Institutional (church and retreat center)
Project Access:	19th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-4 (Single-family residential, 4,000 square foot minimum parcel size)

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Coastal Zone: X Inside Outside
Appealable to Calif. Coastal X Yes No
Comm.

Environmental Information

Geologic Hazards: Coastal bluff is about 65 feet from subject parcel
Soils: Soils report submitted and accepted
Fire Hazard: Not a mapped constraint
Slopes: 0-2%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Less than 100 cubic yards
Tree Removal: No trees proposed for removal
Scenic: Not a mapped resource
Drainage: Preliminary plan reviewed and accepted by DPW, additional review
at building permit stage
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: City of Santa Cruz
Sewage Disposal: County of Santa Cruz Sanitation
Fire District: Central Fire Protection District
Drainage District: Zone 1

History

Assessor's records estimate that the existing dwelling was constructed in 1922. This dwelling was constructed as a vacation cottage and is 570 square feet in size. In addition, there are two accessory structures located along the northern property line. All three structures are nonconforming with respect to setbacks. Planning records indicate that only minor repair permits have been issued since the County began issuing building permits in 1956.

The current application is to demolish the existing nonconforming structures and construct a two-story, four-bedroom single-family dwelling. The proposed house conforms to the zone district's site standards, including setbacks, height, lot coverage, floor area ratio, and parking requirement.

Project Setting

The subject parcel is located on the west side of 19th Avenue, one parcel north of the coastal bluff. The surrounding properties on 19th Avenue are all owned by the Sisters of the Holy Names. Directly north of the subject parcel is a small church, to the south is a church residence, and across 19th Avenue is a 1.4 acre retreat center.

As noted above, the subject parcel is developed with a small dwelling and two out-buildings. An old stone wall surrounds a portion of the property. The only significant vegetation on the parcel

is a Yucca plant and a 16-inch diameter pine tree.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 4,000 square feet, located in the R-1-4 (Single-family residential, 4,000 square foot minimum parcel size) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation. The proposed dwelling is consistent with the site standards of the zone district, including height, floor area ratio, lot coverage and setbacks. The height limit for the zone district is 28 feet. The proposed elevator shaft is 29.3 feet in height which is 1.33 feet over the zone district maximum height of 28 feet, but this height exception is allowed by County Code 13.10.510(d)(2). As required by County Code for a four-bedroom dwelling, three parking spaces are proposed.

Local Coastal Program Consistency

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings and institutional structures such as the church next door to the north and the three-story retreat center located across the street. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles. The proposed dwelling will be Craftsman in style and will have a varied roof and wall planes which break up the dwelling's mass and bulk. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that it will incorporate site and architectural design features to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

The proposed dwelling is Craftsman in style. The gable of the front portion of the dwelling faces the street. The roof pitch of this gable echoes the roof pitch of the church next door. By facing the gable towards the street, the proposed dwelling will appear less massive and bulky than it might have had the unbroken plane of the ridge faced the street. Large windows on the eastern and southern side of the structure further break up the wall planes. A shed dormer on the south side of the structure allows for additional light and volume within the proposed kitchen/dining/family room area which is to be located on the second floor.

For the rear portion of the structure, the two-story ridge runs north/south with the gables facing south towards Monterey Bay and north towards the church. Because the western (rear) portion of the dwelling decreases to one story, the second story is setback almost 25 feet from the rear property line which will lessen the impact of the dwelling on neighbors located west of the subject parcel. Second story decks face east and south. These decks further break up the mass and bulk of the structure as they provide a visual break between the first and second floors. Between the front and rear portions of the dwelling is the elevator shaft. The elevator shaft will

appear as a chimney from surrounding properties and the street.

The shading of the project will primarily affect the church located to the north (see sheet G-3 of Exhibit A). Because the church is an institutional building and not a residence, the shading impacts will have a limited effect on attendees.

The proposed side and front yard setbacks are greater than those required by the zone district, with a front setback of 21 feet, where 15 feet is the minimum, and side yard setbacks of six and 10 feet, where five feet is the minimum. The effect of increasing the side yards is to make the house appear less bulky since it does not "fill up" the parcel as much as it would if the minimum setbacks were adhered to.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

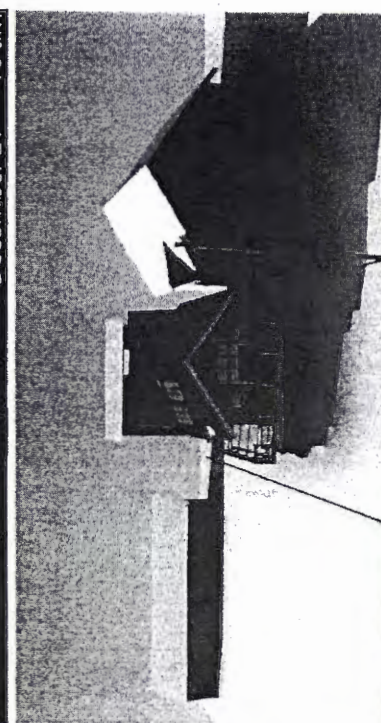
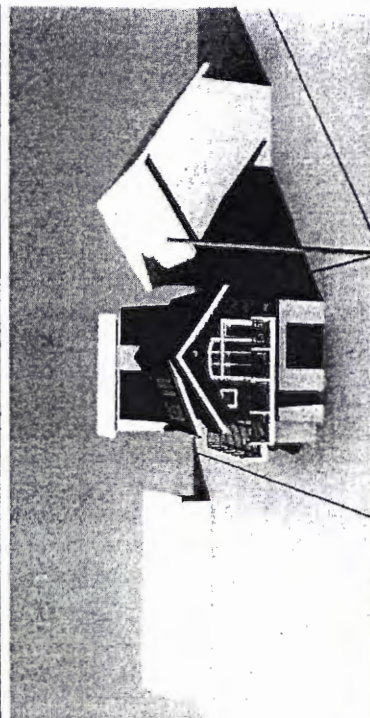
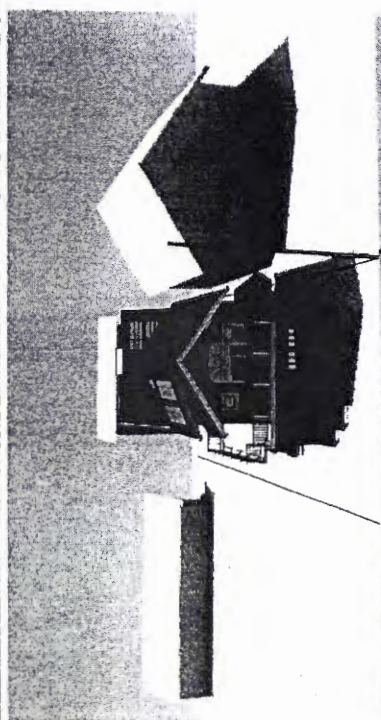
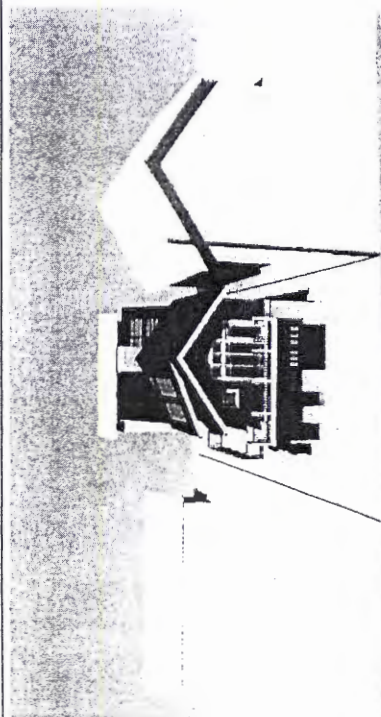
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 121047, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Annette Olson
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3134
E-mail: annette.olson@co.santa-cruz.ca.us



NANCY HUYCK
•
ARCHITECT

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APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
02-20-12

	XX-XX-XA	X02
no.	date	description

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE
SHADOW PLANS

SCALE: NA

DATE: 02-20-12

DRAWN BY:

JOB NO.: N1120

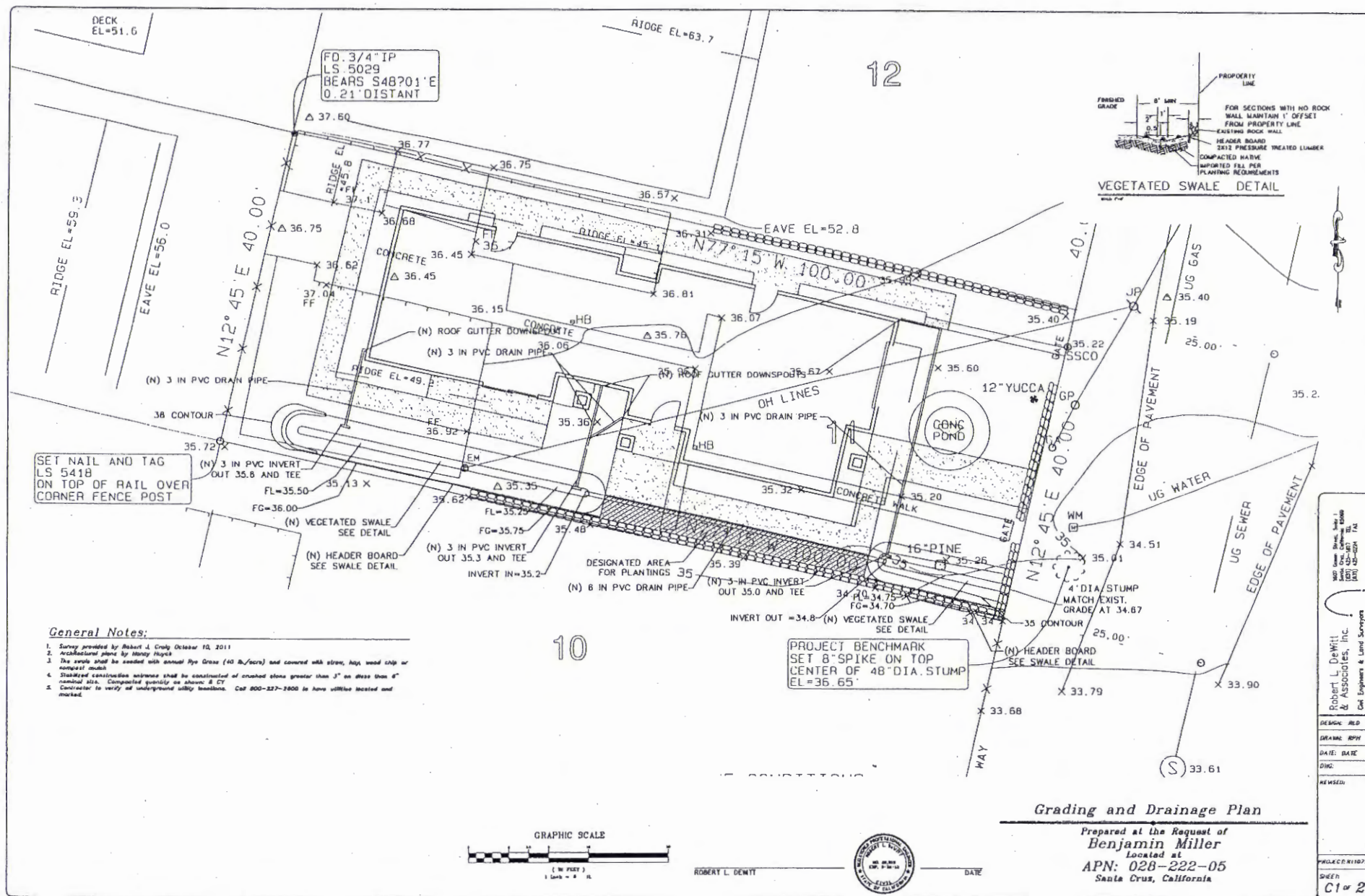
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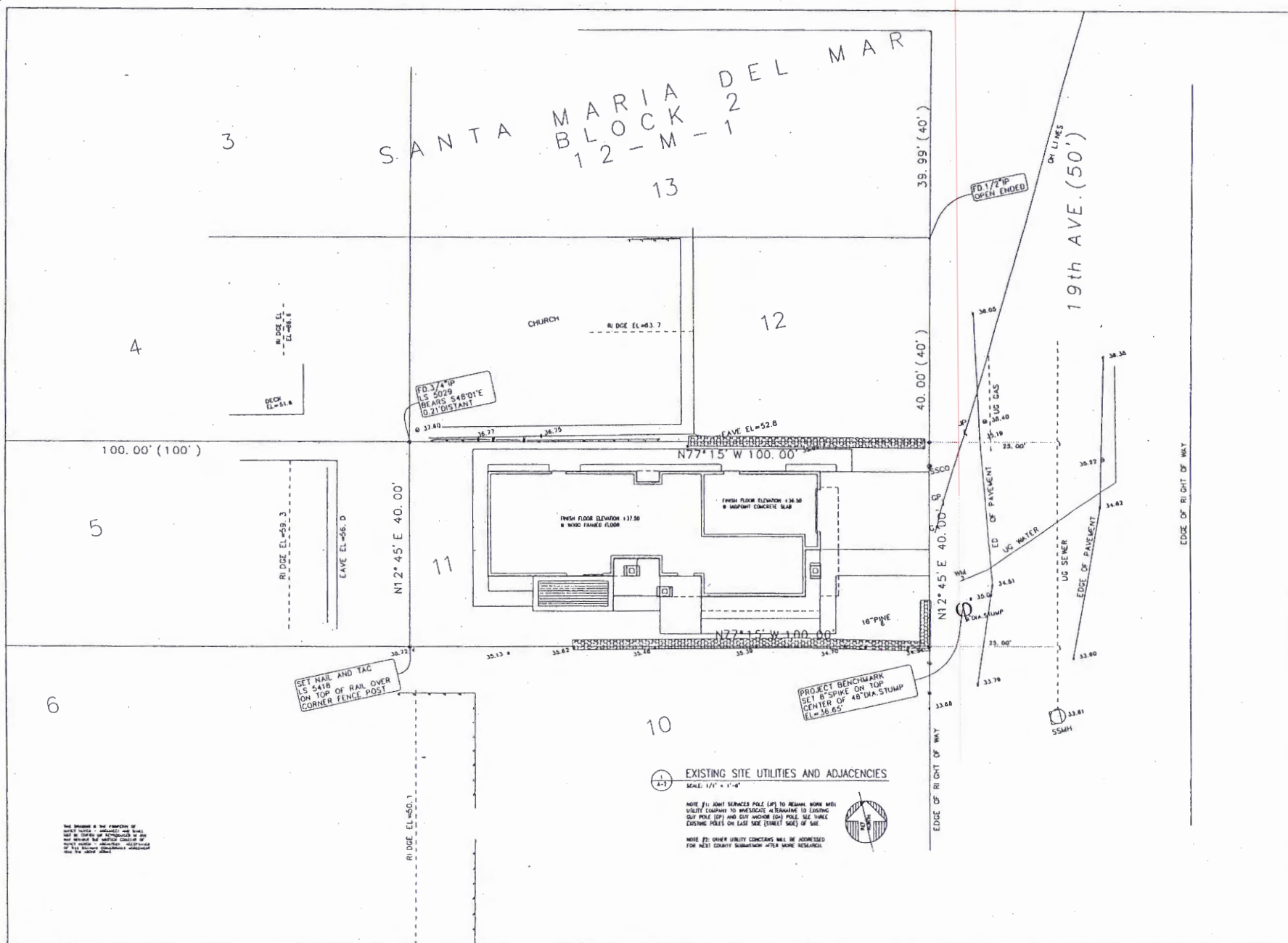
G-3

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ART A





NANCY HUYCK
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FAX (831)688-3205

Progress
02-20-12

no.	date	description
1	02-20-12	XXX

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 026-222-05

SHEET TITLE

SITE UTILITIES
and
ADJACENCIES

SCALE: 1/8" = 1'-0"

DATE: 02-20-12

DRAWN BY: MLH

JOB NO.: N1120

DWG. NO.: N1120-A-2

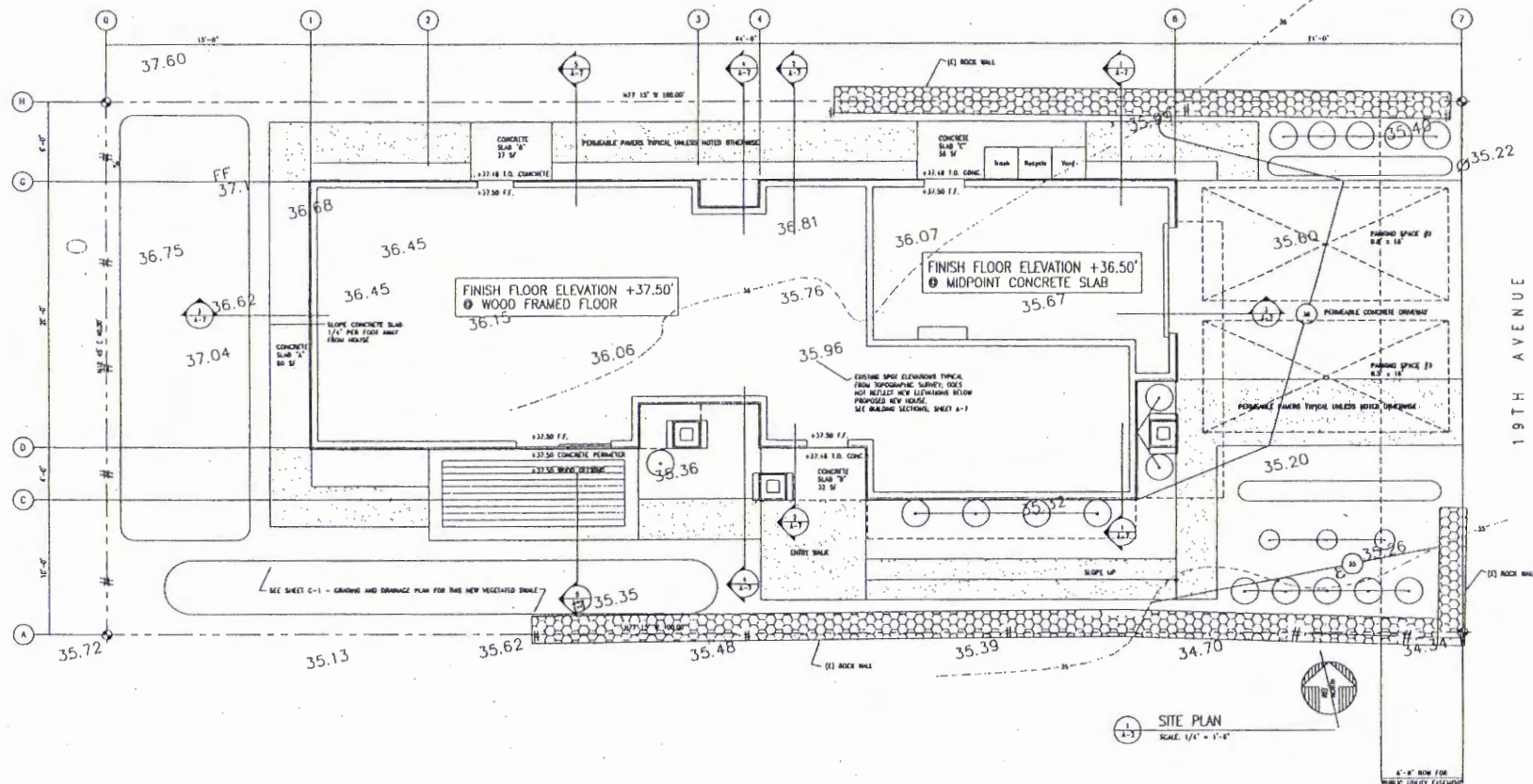
A-2

sheet of sheets

NANCY HUYCK
ARCHITECT

9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831)885-1206
FAX (831)888-3205

Progress
04-02-12



19TH AVENUE

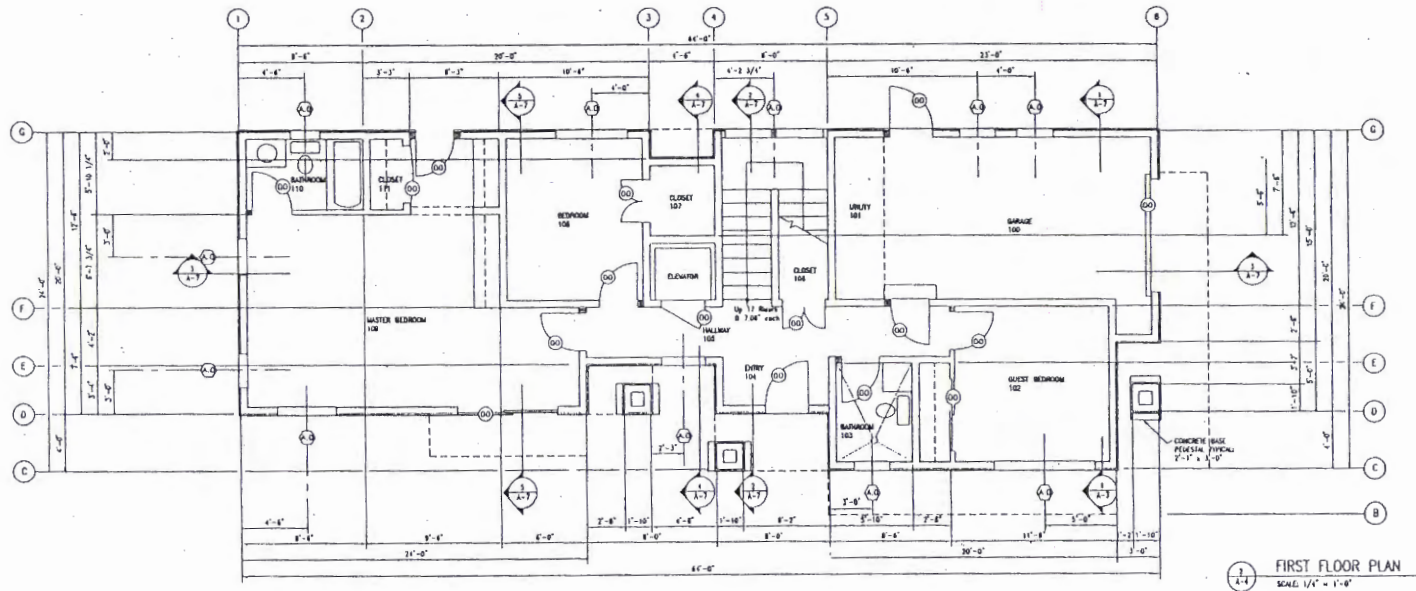
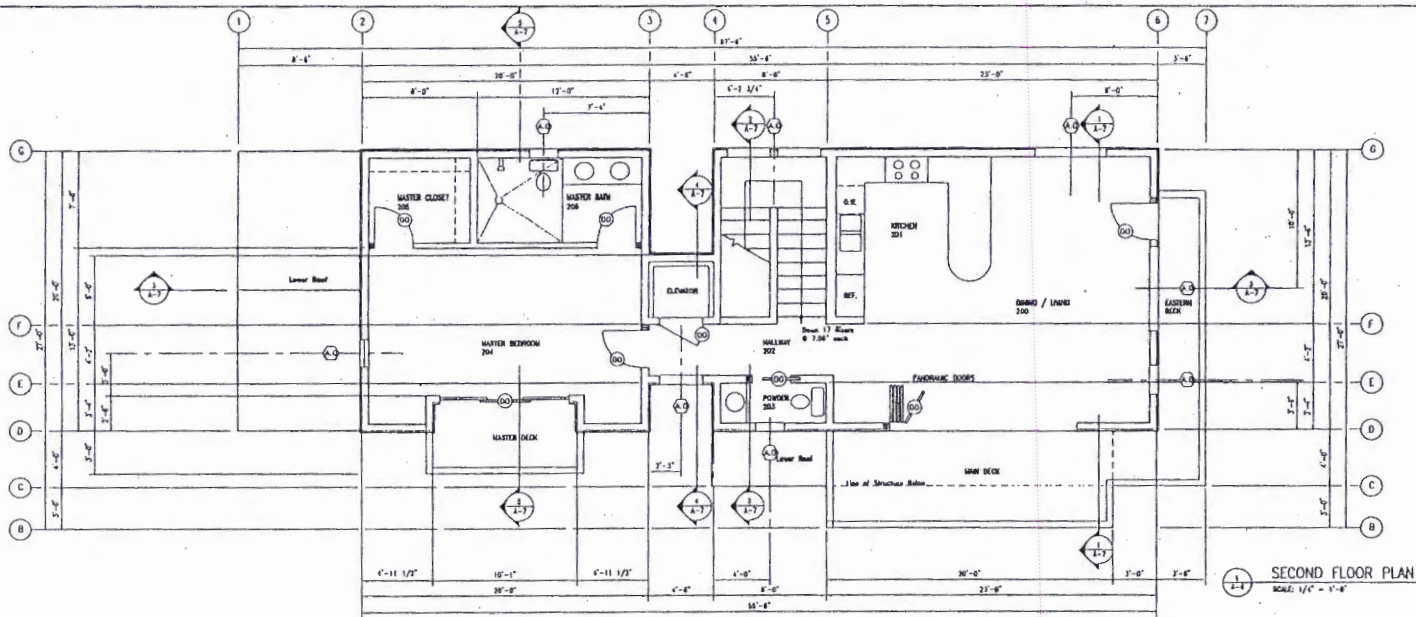
SITE PLAN
SCALE: 1/4" = 1'-0"

DPW Requirement:
SHOWN MIN-UP-SET BACKLASH FOR
A PUBLIC UTILITY EASEMENT. OTHER CHAINS
AN OFFER OF DECISION FOR THE DRIVEWAY
AND APPROACH SHALL MEET COUNTY CODE

EXISTING PINE TREE:
CONCENTRIC BUNKY AROUND THE PINE TREE
DAP LINE WILL PERFORM COARPHASE DE GRILL
DAP LINE OF 100'

REVISIONS		
no.	date	description
1	04-02-12	AKK
PROJECT TITLE		
MILLER RESIDENCE NEW HOUSE		
115 19TH AVENUE SANTA CRUZ, CA APN: 028-222-05		
SHEET TITLE		
SITE PLAN		
SCALE: 1/4" = 1'-0"		
DATE: 04-02-12		
DRAWN BY: HLH		
JOB NO.: N1120		
DWG. NO.: N1120-A-3		
A-3		
sheet of sheets		

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NANCY HUYCK

ARCHITECT

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APTOS, CA 95003

PHONE (831)685-1208

FAX (831)688-3205

Progress
04-02-12

10-02-12

REVISIONS

PROJECT TITLE

MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE

SANTA CRUZ, CA

APN: 028-222-05

SHEET TITLE

FIRST + SECOND
FLOOR PLANS

SCALE: 1/4" = 1'-0"

DATE: 04-02-12

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DWG. NO.: N1120-A-4

A-4

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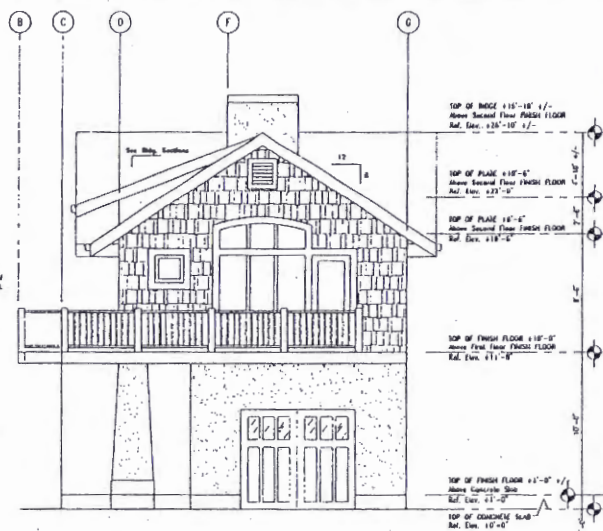
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TO THE FULL EXTENT OF THE LAW.



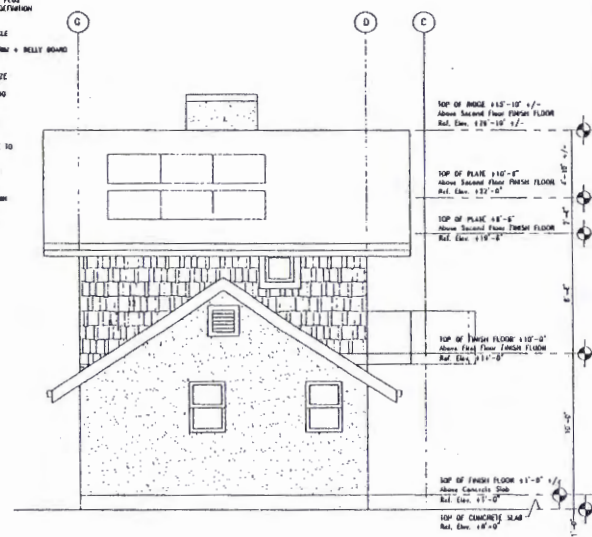
Progress
02-20-12


ROOF PLAN
 SCALE: 1/4" = 1'-0"

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FRONT ELEVATION - EAST
SCALE: 1/4" = 1'-0"



REAR ELEVATION - WEST
SCALE: 1/4" = 1'-0"

EXTERIOR MATERIAL SPECIES:

ASPHALT SHINGLES: ELK PRINCESTON PLUS
30 YEAR LIMITED WARRANTY; NICKEL GLASS
COLOR SAGEWOOD

SOLAR PANELS: SUN ENERGY SERVICE

FASCH: • WINDOW TRIM • DOOR TRIM • BELLY BOARD
WOOD: COLOR WHITE

WINDOWS: JELD-NEU, COLOR BRONZE

SHINGLE SIDING: JAMES HANES SIDING
COLOR BOUTHAIR BLUE

SHUCCO: MOLEX; COLOR USABRAY

DECK RAILING: FRAM 1-60 POSTS;
METAL RAIL, PANTED BRONZE TO
MATCH WINDOW COLOR

CUTLIPS: 1 DOWNPOUTS: COPPER

EXTERIOR SUN DOORS AND
SHUTTERS: WHITE, PAINTED BRONZE

sheet	of	sheets
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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-4 (Single-family residential, 4,000 square foot minimum parcel size), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be complementary to the site; and the development site is not located on a coastal bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that no change to public access is proposed as no public easements, except for the proposed public utility easement at the front of the parcel, exist on the parcel. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed in the R-1-4 (Single-family residential, 4,000 square foot minimum parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the

existing range of styles. The proposed structure is craftsman in style with the first floor proposed to be finished in gray stucco and the second floor proposed to be finished in a blue shingle material. Varied roof and wall planes break up the mass and bulk of the structure. In addition, the eastern and southern second floor decks provide a visual break between the first and second floors which further reduces the mass and bulk.

Conditions of Approval

Exhibit A: G-1 Title Sheet; G-2 Renderings by Nimatehouse, no date; G-3 Shadow Plans by Nimatehouse, no date; Sheet One Topographic Map by Robert J. Craig, dated 10/10/11; C1 Grading and Drainage Plan by Robert L. Dewitt, no date; C-2 Erosion Control by Robert L. Dewitt, no date; A-1 Demolition Plan by Nancy Huyck, Architect, dated 2/20/12; A-2 Site Utilities and Adjacencies by Nancy Huyck, Architect, dated 2/20/12; A-3 Site Plan Nancy Huyck, Architect, dated 4/2/12; A-4 First + Second Floor Plans by Nancy Huyck, Architect, dated 4/2/12; A-5 Roof Plan by Nancy Huyck, Architect, dated 2/20/12; A-6 Exterior Elevations by Nancy Huyck, Architect, dated 2/20/12; A-7 Building Sections by Nancy Huyck, Architect, dated 2/20/12; L-1 Landscape Plan by Nancy Huyck, Architect, dated 2/20/12.

- I. This permit authorizes the construction of a four bedroom, single-family dwelling to replace the existing dwelling. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out

and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of Environmental Planning, including the following:
1. The project plans shall reference the soils report and provide contact information for the soils engineer.
 2. Final plans submitted for the building permit application shall reference the soils report and conform with all the recommendations provided by the project soils engineer.
 3. A plan review letter from the soils engineer shall be submitted prior to building permit approval.
 4. The project shall be completed in conformance with all recommendations provided by the soils engineer.
 5. Prior to building permit final inspection, a final letter from the soils engineer shall be provided to the Resource Planner confirming that the project was completed in conformance with the soils report recommendations.
 6. Prior to building permit final inspection, a final letter from the civil engineer shall be provide to the Resource Planner confirming that the project was completed in conformance with the grading and drainage plan.
- D. Meet all requirements of DPW, Road Engineering, including the following:
1. The driveway must meet County of Santa Cruz Design Criteria standards. Refer to the correct figure: (Ref: Fig DW-1 to DW-7).
 2. The driveway shall have an asphalt approach from the edge of the pavement along 19th Avenue to the right-of-way property line. The asphalt approach shall consist of a minimum of two inches of asphalt concrete over six inches of Class II base compacted to 95%.

E. Meet all requirements of DPW, Driveway Encroachment, including the following:

1. Indicate the drainage pattern along the subject parcel's frontage to the inlet located at the end of 19th Avenue.
2. The driveway must meet County of Santa Cruz Standards in the Design Criteria, please refer to the correct figure and provide detail (Ref: Fig DW-1 to DW-7).
3. The driveway shall have an asphalt approach from the edge of the pavement along 19th Avenue to the property line. No concrete or pavers are allowed within the County right-of-way; they are required to terminate at the property line.
4. If installation of utility services are required within the County's right-of-way, an Encroachment Permit will be required to be submitted at the time of the building application. You must submit your Encroachment Permit request directly to the DPW Encroachment section. Please contact DPW Encroachment section for the documentation which is required to be submitted.

F. Meet all requirements of and pay Zone 1 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. At the building permit stage, address the following:

1. Show all existing and proposed drainage features on the plan.
2. If the project receives runoff from upslope properties, demonstrate how the project will continue to accept this runoff without causing adverse impacts.
3. Please clarify how the proposed vegetative swale will drain through the existing rock wall. Provide construction details to facilitate proper construction.
4. If feasible, it is recommended that the downspout on the north side of the house be allowed to discharge onto the pervious concrete driveway.
5. Minimize impervious surfacing. This project proposes an extensive amount of concrete surfacing. The requirement to minimize impervious paving can be achieved by the use of porous pavement where feasible.
6. For fee calculations, please tabulate the new impervious and semi-pervious areas resulting from the proposed project. Indicate these areas clearly on the plan by shading or hatching their limits. To receive credit for existing impervious surfaces to be removed, submit documentation such as Assessor's records, survey records, aerial photos or other official records that will help establish the dates they were built. Note that a drainage fee will be assessed on the net increase in impervious area.

Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

7. Site plans shall specify maintenance requirements such as: what needs to be maintained and how frequently, what to look for indicating maintenance is required and what the maintenance procedures are for each specific drainage improvement.
 - a. A recorded maintenance agreement is required for the proposed vegetated swale and pervious concrete driveway. Contact DPW for the maintenance agreement.
 8. Upon approval of the building permit, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans. Contact DPW, Stormwater Management for directions to clear the hold or read the comments included as Attachment F to this document.
- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- H. Pay the current fees for Parks and Child Care mitigation for three bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for one new unit. Currently, these fees are, respectively, \$3,000 and \$3,000.
- J. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- K. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. Construction Hours: During construction, workers may assemble on-site as early as 7:30 AM, but no noise-generating activities may begin earlier than 8:00 AM. Noise-generating activities must cease by 6 PM. Workdays are limited to Monday through Friday. Should a circumstance arise in which a delivery can only be made on a weekend day, call Planning Staff for approval at least 24 hours in advance of the delivery.
 - B. All site improvements shown on the final approved Building Permit plans shall be installed.

- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- D. The project must comply with all recommendations of the approved soils reports.
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. For purposes of the Vacation Rental Ordinance, this house shall be considered to be a four bedroom house.
- C. *All security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from other properties.
Added at hearing 5/18/12.*

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Annette Olson
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 121047

Assessor Parcel Number: 028-222-05

Project Location: 115 19th Ave.

Project Description: Replacement single-family dwelling.

Person or Agency Proposing Project: Nancy Huyck

Contact Phone Number: (831) 685-1206

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

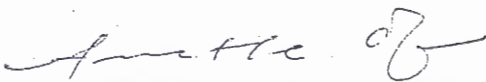
E. ☒ Categorical Exemption

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. **Reasons why the project is exempt:**

New single family dwelling in a developed area zoned for single-family residences.

In addition, none of the conditions described in Section 15300.2 apply to this project.



Annette Olson, Project Planner

Date: May 17, 2012

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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PDR. OF N.E. 1/4 SEC. 20,
T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-003 82-040

28-22

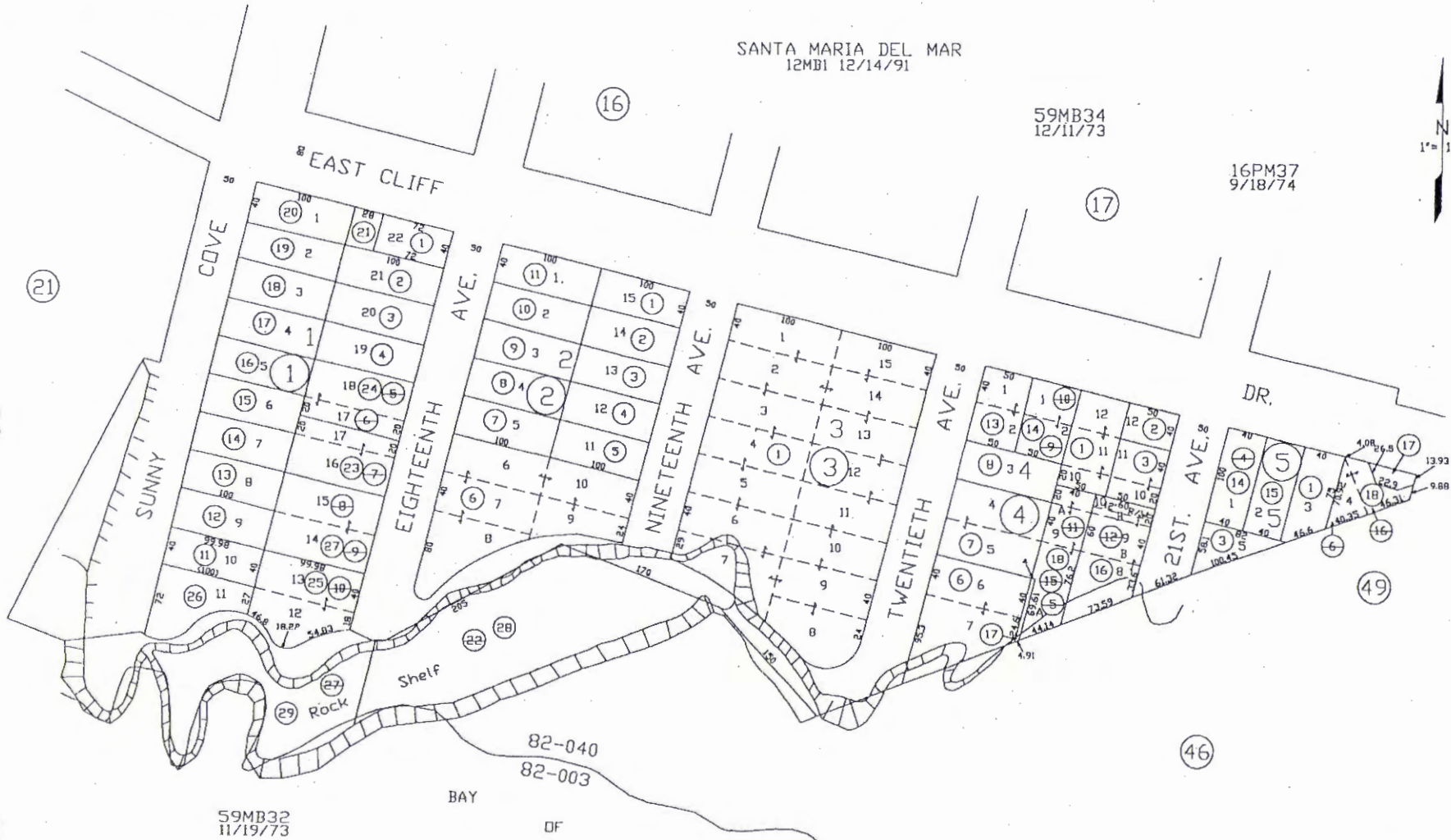
SANTA MARIA DEL MAR
12MB1 12/14/91

59MB34
12/11/73

16PM37
9/18/74



-79-



82-040
82-003

BAY

OF
MONTEREY

Note - Assessor's Parcel Block &
Lot Numbers Shown in Circles.

Assessor's Map No. 28-22
County of Santa Cruz, Calif.
August, 1998

EXHIBIT E

Exhibit 3

Page 73 of 146



Location Map



LEGEND

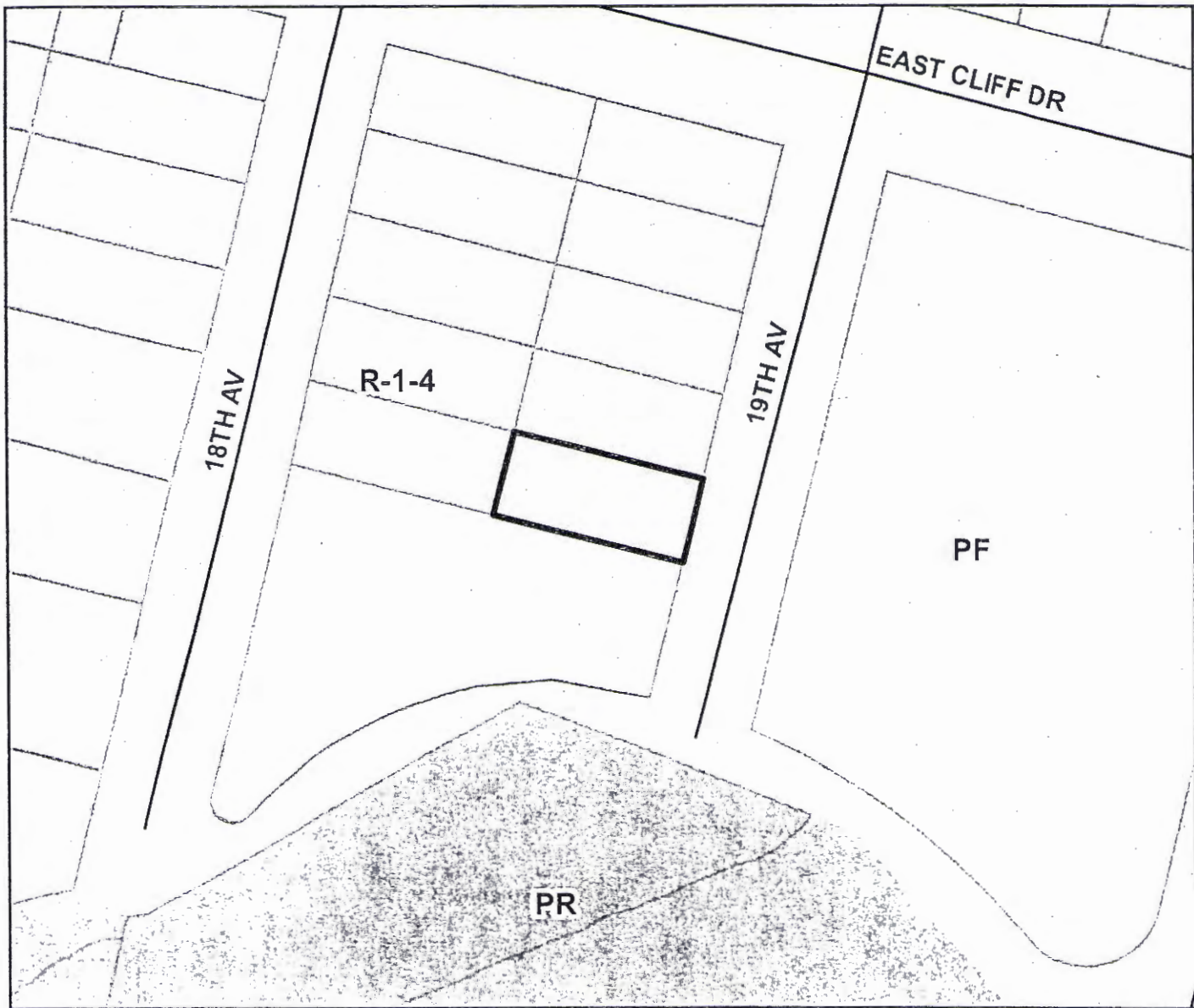
-  APN: 028-222-05
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
March 2012



Zoning Map



100 50 0 100 200 300 400 Feet

LEGEND



APN: 028-222-05



Assessors Parcels



Streets

RESIDENTIAL-SINGLE FAMILY

PUBLIC FACILITY

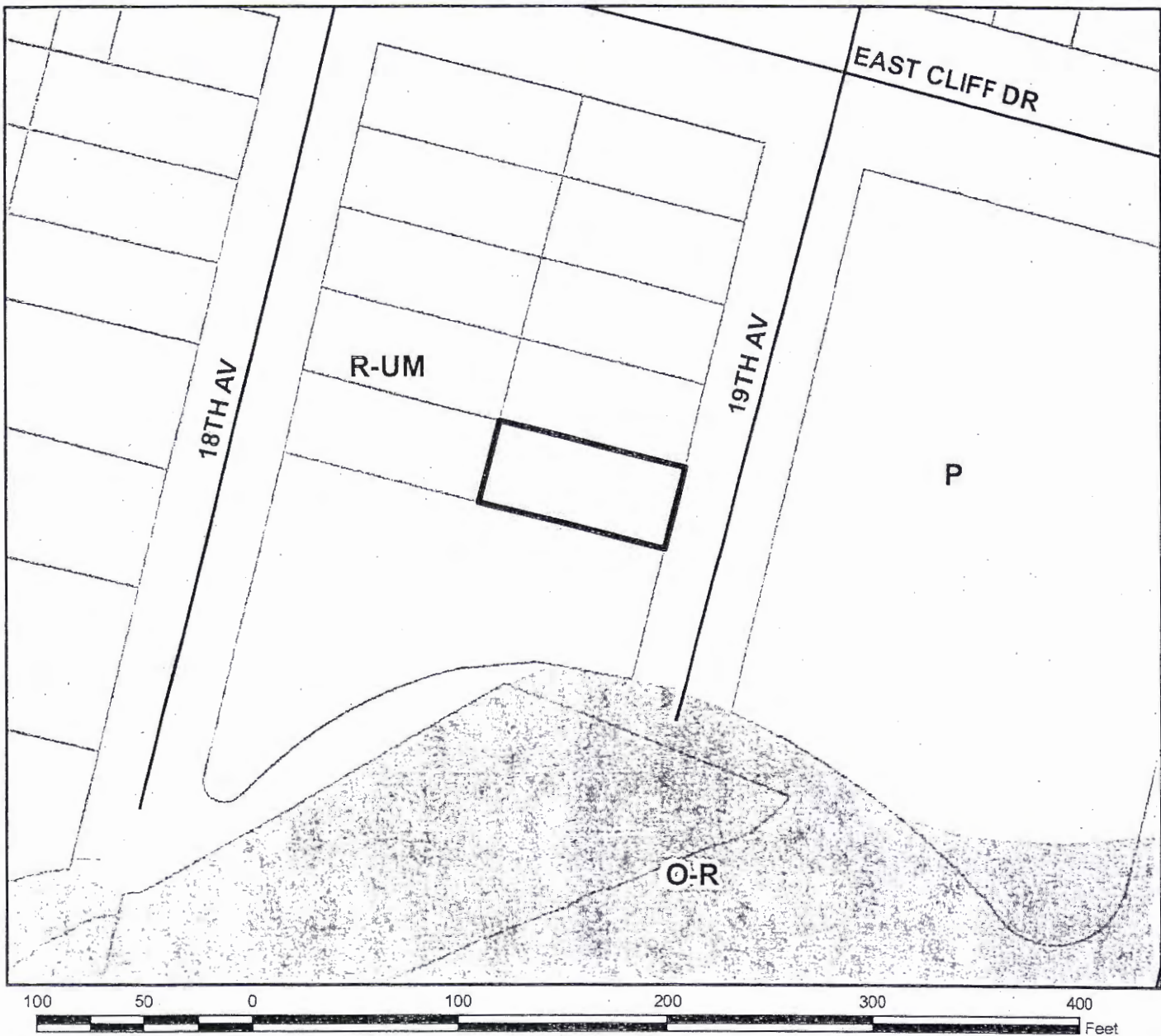
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Map Created by
County of Santa Cruz
Planning Department
March 2012



General Plan Designation Map



LEGEND



APN: 028-222-05



Assessors Parcels



Streets

Residential - Urban Medium Density

Public Facilities



Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
March 2012.



Coastal Commission Review

Routing No: 1 | Review Date: 03/21/2012

ANNETTE OLSON (AOLSON) : No Response

Drainage Review

Routing No: 1 | Review Date: 03/20/2012

TRAVIS RIEBER (TRIEBER) : Complete

Completeness Comments:

Application Complete? ☒ Yes ☐ No

The plans dated 2/20/2012 have been received and are approved for the planning application stage. Please see the permit conditions below for additional information to be provided at the building application stage.

Policy Considerations and Compliance Issues:

Permit Conditions and Additional Information:

1. Does this site currently receive any runoff from adjacent/upslope property? If so, please demonstrate how the project will continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties. Show all existing and proposed drainage features on the plans.
2. Please make clear on the plans how the proposed vegetated swale will drain through the existing rock wall. Provide construction details to facilitate proper construction.
3. Please provide a cross section construction detail of the proposed pervious concrete driveway to facilitate proper construction by the contractor.
4. If feasible it is recommended that the downspout on the north side of the house be allowed to discharge onto the pervious concrete driveway.
5. Projects are required to minimize impervious surfacing. This project is proposing an extensive amount of concrete surfacing. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement (paver blocks, turf blocks, base rock, gravel, pervious concrete, ect.) where feasible.
6. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel,



Drainage Review

Routing No: 1 | Review Date: 03/20/2012

TRAVIS RIEBER (TRIEBER) : Complete

base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

7. Site plans shall specify maintenance requirements such as; what needs to be maintained, how often each drainage improvement needs to be maintained, what to look for indicating maintenance is required, and what the maintenance procedures are for each specific drainage improvement. A recorded maintenance agreement is required for the proposed vegetated swale and pervious concrete driveway. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at:

http://www.dpw.co.santa-cruz.ca.us/Storm_Water/FigureSWM25A.pdf

Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans. In order to clear the Hold, one of these options has to be exercised:

1. The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.
2. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
3. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone #. The civil engineer will review



Drainage Review

Routing No: 1 | Review Date: 03/20/2012

TRAVIS RIEBER (TRIEBER) : Complete

the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage Hold if the submittal is satisfactory.

The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

Driveway/Encroachment Review

Routing No: 1 | Review Date: 03/21/2012

DEBRA LOCATELLI (DLOCATELLI) : Complete

Site inspection completed, the pavement for this portion of 19th Avenue is in poor condition. Located within the r/w is a tree stump, eliminating a permit parking space. Apparently this tree trunk is noted as providing the project benchmark which has a 8" spike on top center of 48" diameter of stump; therefore, this trunk can not be removed, unless it is resurveyed to relocate the spike. At this time, it is not a requirement of the Encroachment Section.

The following will be required at the time of the building permit application.

1. Indicate drainage pattern along frontage of parcel to inlet, located at end of road.
2. The driveway must meet County of Santa Cruz Standards in the Design Criteria, please refer to the correct figure and provide detail. (Ref: Fig DW-1 to DW-7)
3. The driveway shall have an Asphalt approach from the edge of pavement along 19th Ave to property line. No concrete or pavers are allowed within the county right-of-way, required to terminate at property line.
4. If installation of utility services are required within the county's right-of-way, an Encroachment Permit will be required for trenching for the portion within the county's right-of-way. This permit shall be required to be submitted at the time of the building application; to be submitted directly to the DPW, Encroachment Section. Please contact DPW Encroachment Section for details for required documentation to be submitted at that time.

Environmental Planning

Routing No: 1 | Review Date: 03/20/2012

ANTONELLA GENTILE (AGENTILE) : Complete



Environmental Planning

ANTONELLA GENTILE (AGENTILE) : Complete
Completeness Comments

Plans are complete per the requirements of Resource Planning.

Miscellaneous Comments

1. The soils report is still under review by Joe Hanna, County Geologist. The results of that review will be sent under separate cover.
2. The pine tree on the southeast corner of the property is shown to remain on the grading plan and landscape plan. However, the health of the tree may be compromised if grading takes place and concentrated runoff is released within the dripline of the tree, as is shown on the grading and drainage plan. Revising the plans to remove grading and the release of concentrated runoff within the dripline is recommended. Alternately, the applicant should obtain tree protection measures from a certified arborist.

Conditions of Approval

1. The project plans shall reference the soils report and provide contact information for the soils engineer.
2. Final plans submitted for the building permit application shall be drawn in conformance with all recommendations provided by the soils engineer.
3. A plan review letter from the soils engineer shall be submitted prior to building permit approval.
4. The project shall be completed in conformance with all recommendations provided by the soils engineer.
5. Prior to building permit final inspection, a final letter from the soils engineer shall be provided to the Resource Planner confirming that the project was completed in conformance with the soils report recommendations.
6. Prior to building permit final inspection, a final letter from the civil engineer shall be provided to the Resource Planner confirming that the project was completed in conformance with the grading and drainage plan.

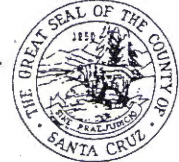
Fire Review

Routing No: 1 | Review Date: 03/20/2012

KAREN MILLER (KMILLER) : Complete

Date: March 16, 2012
To: Doris Lawrence
Applicant: Nancy Huyck
From: Tom Wiley
Subject: 121047
Address 115 19th Ave.
APN: 028-222-05
OCC: 2822205
Permit: 20120031

We have reviewed plans for the above subject project.



Fire Review

Routing No: 1 | Review Date: 03/20/2012

KAREN MILLER (KMILLER) : Complete

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2010) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and SPRINKLERED as determined by the building official and outlined in the 2010 California Building Code (e.g., R-3, Type V-B, Sprinklered).

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building if the building is equipped with an automatic fire sprinkler system, or 400 feet if the building is not equipped with an automatic fire sprinkler system.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to construction.

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

NOTE on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

Show the location of the CO detector outside each sleeping room and on each level at a minimum of the residence

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½ inch.



Fire Review

Routing No: 1 | Review Date: 03/20/2012

KAREN MILLER (KMILLER) : Complete

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 Late Fee may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831) 479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
2822205-031612

Project Review

Routing No: 1 | Review Date: 03/21/2012

ANNETTE OLSON (AOLSON) : Incomplete

See "incomplete" letter in file.

Routing No: 2 | Review Date:

0:

Road Engineering Review

Routing No: 1 | Review Date: 03/16/2012

ANWARBEG MIRZA (AMIRZA) : Incomplete

Completeness Comments: Application Complete? ____ Yes __X__ No

A six-foot right of way dedication is required for Public Utility Easement. Please contact the Department of Public Works to obtain an offer of dedication form. The Building Permit application will then be approved with a hold on the application requiring the completion of the 6-foot dedication.

Policy Considerations and Compliance Issues:

Permit Conditions and Additional Information:



Road Engineering Review

Routing No: 1 | Review Date: 03/16/2012

ANWARBEG MIRZA (AMIRZA) : Incomplete

1. The driveway must meet County of Santa Cruz Standards in the Design Criteria and please refer the correct figure and show in plan view. (Ref: Fig DW-1 to DW-7)
2. The driveway shall have an Asphalt approach from the edge of pavement along 19th Ave to the Right of Way property line. Asphalt approach shall consist of a minimum of 2" asphalt concrete over 6" class II base compacted to 95%.

Routing No: 2 | Review Date: 04/16/2012

ANWARBEG MIRZA (AMIRZA) : Complete

CONDITIONS AND ADDITIONAL COMMENTS:

NOTE ON SHEET A-3:

DPW REQ OF DEDICATION OF UTILITY EASEMENT AND STD DWY WHILE AT
BUILDING APPLICATION



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 21, 2012

Nancy Huyck
9200 Soquel Drive
Aptos, CA 95003

Subject: Review of Geotechnical Engineering by Dees and Associates
Dated December 2011: Project: SCR-0538
APN 028-222-05, Application #: REV121015

Dear Nancy Huyck,

The purpose of this letter is to inform you that the Planning Department has accepted the subject report. The proposed development is approximately 50 feet from the coastal bluff, and the coastal bluff is currently protected by a rock type seawall, which has reduced the amount of coastal erosion. Based upon past coastal erosion patterns, past changes in sea level, and hypothesized future changes, the 50 feet setback between provides a significant separation between the bluff and the proposed home. As part of this report acceptance, the following items shall be required:

1. All construction shall comply with the recommendations of the report.
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Prior to building permit issuance a *plan review letter* shall be submitted to Environmental Planning. After plans are prepared that are acceptable to all reviewing agencies, please submit a geotechnical plan review letter that states the project plans conform to the recommendations of the geotechnical report. *Please note that the plan review letter must reference the final plan set by last revision date.* The author of the report shall write the *plan review letter*.
4. Please submit an electronic copy of the soils report in .pdf format via compact disk or email to: PLN829@co.santa-cruz.ca.us. Please note that the report must be generated and/or sent directly from the soils engineer of record.

After building permit issuance the soils engineer *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

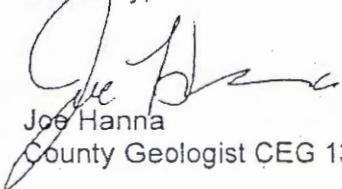
Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

(over)

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm

Please call the undersigned at (831) 454-3175 if we can be of any further assistance.

Sincerely,



Joe Hanna
County Geologist CEG 1313

Cc: Antonella Gentile, Environmental Planning
Dees and Associates
owner (if different from applicant)

NOTICE TO PERMIT HOLDERS WHEN A SOILS REPORT HAS BEEN PREPARED,
REVIEWED AND ACCEPTED FOR THE PROJECT

After issuance of the building permit, the County requires your soils engineer to be involved during construction. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. **When a project has engineered fills and / or grading,** a letter from your soils engineer must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. **Prior to placing concrete for foundations,** a letter from the soils engineer must be submitted to the building inspector and to Environmental Planning stating that the soils engineer has observed the foundation excavation and that it meets the recommendations of the soils report.
3. **At the completion of construction,** a *final letter* from your soils engineer is required to be submitted to Environmental Planning that summarizes the observations and the tests the soils engineer has made during construction. The final letter must also state the following: "Based upon our observations and tests, the project has been completed in conformance with our geotechnical recommendations."

If the *final soils letter* identifies any items of work remaining to be completed or that any portions of the project were not observed by the soils engineer, you will be required to complete the remaining items of work and may be required to perform destructive testing in order for your permit to obtain a final inspection.



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: March 16, 2012
To: Doris Lawrence
Applicant: **Nancy Huyck**
From: Tom Wiley
Subject: **121047**
Address **115 19th Ave.**
APN: 028-222-05
OCC: 2822205
Permit: 20120031

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2010) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and SPRINKLERED as determined by the building official and outlined in the 2010 California Building Code (e.g., R-3, Type V-B, Sprinklered).

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building if the building is equipped with an automatic fire sprinkler system, or 400 feet if the building is not equipped with an automatic fire sprinkler system.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to construction.

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

NOTE on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area ~~usage~~.
- There must be a minimum of one smoke detector in every basement area.

Show the location of the CO detector outside each sleeping room and on each level at a minimum of the residence

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed 1/2 inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
2822205-031612

Annette Olson

From: Joseph Hanna
Sent: Friday, May 04, 2012 10:47 AM
To: Annette Olson
Subject: RE: 121047 APN 028-222-05

Annette:

Yes, the reason that I did not require a geology report is that the development will be setback sufficiently to avoid what I perceive will be the potential erosion for the next 100 years.

Joe Hanna
County Geologist
CEG 1313

From: Annette Olson
Sent: Friday, May 04, 2012 10:35 AM
To: Joseph Hanna
Subject: 121047 APN 028-222-05

Hi Joe.

I have a project going to hearing on 19th Avenue and a neighbor is inquiring about why they weren't required to do a geology report. The parcel is located one parcel up from the bluff. Nancy Huyck submitted an email from you in which you wrote, "The lot in question is far enough back from the bluff that analysis of coastal erosion is unnecessary." What is the distance threshold for bluff analysis....50 feet?

Thanks,
Annette

Annette Olson
Development Review Planner
County of Santa Cruz
(831) 454-3134
Work Schedule: M - F
8:30 AM to 12:30 PM

Planning Commission Record



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

June 19, 2012

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: July 25, 2012

Agenda Item: 10

Time: After 9:00 a.m.

Subject: A public hearing to consider an APPEAL of the Zoning Administrator's decision to approve application 121047; a proposal to demolish the existing dwelling and accessory structures, and construct a two-story, single-family dwelling.

Members of the Commission:

This application to construct a coastal replacement home was considered by the Zoning Administrator on May 18, 2012 at a noticed public hearing. Prior to the May 18th hearing, Philip Lively, the appellant, reviewed the project plans and submitted a letter objecting to the proposed dwelling. At the time, his objections were the impact of the proposed dwelling on the views from his home on East Cliff Drive and on the adjacent chapel. Mr. Lively's son, David Lively, subsequently submitted a letter to the Zoning Administrator which is substantially the same as the appeal letter included here as Exhibit B. At the May 18th hearing, the Zoning Administrator reviewed the issues identified in David Lively's letter, and ultimately approved the project. On May 30, 2012, Philip Lively formally appealed the Zoning Administrator's decision and the application is now before your Commission.

Background

The subject parcel is located on the west side of 19th Avenue on the second parcel north of the coastal bluff. This block of 19th Avenue is somewhat unique as, except for the subject parcel, both sides of 19th Avenue are owned by a religious order, the Sisters of the Sacred Names of Jesus and Mary. Across the street from the subject parcel is the Villa Maria del Mar Retreat Center which is composed of two- and three-story buildings. The retreat center occupies the entire east side of the block. On the west side of the block, the parcel on the coastal bluff is a Sisters' residence. North of this parcel is the subject parcel. Directly to the north of the subject parcel is a small chapel and beyond that are another Sisters' residence and two vacant parcels used for overflow parking by the retreat center attendees.

The appellant's home is located on the north side of E. Cliff Drive between 18th and 19th Avenues. The Lively's residence has a better-than-expected view of the ocean for a home located over a block away from the bluff. This is largely because of the gently rising topography and the fact that Sisters have not taken advantage of the development potential of their properties. The

Lively's view is across the two vacant parcels, above the roof of the one-story residence, and in front of and over the chapel which is setback 46.5 feet from the front property line.

Summary of Project

This proposal is to demolish the existing 570 square foot cottage and accessory structures and construct a two-story dwelling. The subject parcel is 4,000 square feet, and the proposed dwelling complies with the site standards of the zone district (Single-family, 4,000 square foot minimum parcel size). No variances are required to construct the proposed dwelling.

	R-1-4 standard	Proposed Dwelling
Floor Area Ratio	1:1.5 (50%), for a 4,000 s.f. parcel, maximum allowed is 2,000 s.f.	1: .5 (50%), 2,000 s.f.
Lot Coverage	40%	33%
Height	28 feet	26 feet, 10 inches
Elevator shaft projection (5' x 5')	53 feet*	29 feet, 4 inches
Front yard setback	15 feet	21 feet
Rear yard setback	15 feet	1 st floor: 15 feet, 2 nd floor: 25 feet
Side yard setbacks	5 & 5 feet	6 and 10 feet
Parking for four bedrooms	3 spaces	3 spaces

*County Code 13.10.510(d)1(B)2 allows elevators (and a limited list of other non-habitable features) to exceed the height limit of the zone district by 25 feet.

Appeal Issues

The appeal letter (Exhibit B) identifies two main issues: an objection to the approved categorical exemption from the California Environmental Protection Act (CEQA); and the project's consistency with the Local Coastal Program relative to the project's impact to views, compatibility with the neighborhood, and alteration of landforms. Each issue is addressed separately below.

Categorical Exemption

The appellant states that due to the project's location, cumulative impacts, unusual circumstances, and impacts on the adjacent church, the project is not categorically exempt from CEQA and requires the preparation of a Negative Declaration or Environmental Impact Report (EIR). Each of these issues is addressed below.

As a general comment, categorical exemptions are routinely granted for infill single-family dwellings requiring a coastal development permit. The categories below are four of the six exceptions found in the CEQA Guidelines which, if any are applicable, makes the project ineligible for a categorical exemption.

Location The appellant's letter characterizes the subject parcel as being on the coastal bluff and, therefore, in a particularly sensitive location. The subject parcel, however, is not located on a coastal bluff as defined by County Code. County Code 16.10.040(j) defines a coastal bluff as "A bank or cliff along the coast subject to coastal erosion processes. Coastal bluff refers to the top edge, face and base of the subject bluff." Between the subject parcel and the coastal bluff is APN 028-222-06. The top edge, face and base of the coastal bluff are located on this parcel, not the subject parcel.

Mr. Lively goes on to describe the anticipated impacts of the proposed dwelling on views from the houses along 19th Avenue, both west and east of East Cliff Drive, noting that ocean views are a substantial part of home values. As a policy, the County does not protect private views, in large part because it is not practicable to protect views at urban densities.

Although the subject property owner was not required to mitigate view impacts, two characteristics of the home's design will lessen the impact to private views. First, the required rear yard setback is 15 feet, but the second floor of the home will be setback almost 25 feet from the rear property line. This will minimize the view impacts to residents of 18th Avenue who currently have views across the subject parcel to the Monterey Bay. In addition, the zone district's required front yard setback is 15 feet, but the new house is setback 21 feet, a difference of 6 feet. If the two-story element were extended to the minimum setback, views from north of the subject parcel to the Bay would be more impacted. It is also worth noting that the building height is not "maxed out" as stated in the appellant's letter. The zone district limit is 28 feet and the proposed dwelling is 26 feet, 10 inches in height, with a 5 feet by 5 feet elevator shaft projecting to 29 feet, four inches, as allowed by County Code.

Cumulative Effects Mr. Lively cites the trend of property owners replacing the older, "low profile" homes in the area with large, two-story homes. These "McMansions", he says, have a cumulative effect of blocking ocean views, concentrating cars onto the street, eliminating landscaping and eradicating the historical charm of the area.

The maximum allowed size of a structure is regulated by floor area ratio. Floor area ratio ensures that the size of the dwelling is proportional to the size of the parcel. The Board of Supervisors first adopted a floor area ratio standard on December 10, 1991. The ratio adopted at that time of 1: .5 (50%) has not been revised, and is still in effect today. The cumulative effect of the floor area ratio standard would have been considered at the time of its adoption as the ordinance was subject to the California Environmental Quality Act and granted a categorical exemption.

Mr. Lively's reference to "McMansion" implies that the proposed structure is of an extreme size. It is worth noting that the County Code's large dwelling review threshold is 7,000 square feet (County Code 13.10.325). According to floor area ratio calculations, the proposed home is 2,000 square feet, which is well below this threshold.

Unusual Circumstances The appellant asserts that the development occupies a, "rare, unique and visually prominent site" on the top of a coastal bluff, "visible for miles from the beach below." As discussed above, the subject parcel is not located on a coastal bluff. Depending upon the tide, a small portion of the house may be visible from the bedrock bench below (which is not a beach). From a portion of 26th Avenue beach, the front gable may be just visible, but will appear as insignificant relative to the adjacent three-story retreat center. The retreat center will block most

views of the structure from the rest of 26th Avenue beach and from further west. The nearest beach to the north is Sunny Cove from which the proposed dwelling will not be visible. Given that this is a developed section of the coast, any view of the proposed dwelling will be within the context of the existing built environment.

Historical Resource Mr. Lively expresses concern in his letter about the proposed home looming above the adjacent chapel. He identifies the chapel as being an historic resource. The chapel was reviewed for potential inclusion in the Historic Resource Inventory in 1986 and given an NR6 designation. According to County Code, the NR6 designation means that the building was evaluated and determined to be ineligible for designation as a historic resource (County Code 16.42.080(f)). The chapel was subsequently reviewed in 1994 and 2004. The 2004 review concluded that, "The property should remain [sic] status of NR6."

Even if the chapel was designated as historic, County historic codes (County Code 16.42) regulate what modifications can be made to the historic structure, not development on neighboring parcels.

The subject property owners hired a surveyor to analyze the height of the chapel relative to the proposed new home to answer the question of whether or not the house will project above the chapel's ridgeline. The surveyor concluded that the ridge of the proposed home will be slightly over four inches below the ridge of the chapel (see Exhibit A, Sheet A-7). As such, Mr. Lively's statement that the "new development will loom large above" the chapel is incorrect.

Local Coastal Plan Policies

The appellant states that, "Approval of this development project would violate applicable Local Coastal Plan policies because it is [1] located on a coastal bluff top; [2] the development project is visually obtrusive and out of scale with the surrounding neighborhood; [3] the development fails to protect public view from nearby roads; [4] is not compatible with the established physical scale of the area; and [5] may significantly alter existing natural land forms." Each of these five issues is addressed below. Because of their similarity, items [2] and [4] are addressed together.

1. *Coastal bluff location* As discussed above, the subject parcel is not located on a coastal bluff as defined by County Code 16.10.040(j). Local Coastal Plan policies relating to coastal bluffs do not apply to this project.

2 & 4. *Visually obtrusive and out of scale with the surrounding neighborhood & not compatible with the established scale of the area* The appellant questions the project's compatibility with the neighborhood, particularly with respect to its size. The proposed home complies with the zone district's site standards, including floor area ratio, lot coverage, setbacks, and height. No variances are requested. Staff evaluated the structure's compatibility with the neighborhood and found it to be designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. The proposed home is Craftsman in style, with varied roof and wall planes which break up the mass of the structure. Different finish materials—stucco on the first floor and shingles on the second—will further minimize the mass and bulk of the dwelling. In addition, by facing the gable towards the street, the dwelling will appear less massive and bulky than it might have had the unbroken line of the ridge faced the street.

This is a neighborhood in transition with the small, original vacation homes being replaced with two-story homes occupied throughout the year. Of the 22 developed residential parcels located in the area between East Cliff Drive and the coastal buff, and from 18th to 20th Avenues, 14 of the homes are two-story. Construction dates vary, with some of these two-story homes being built many years ago and others in the last ten years.

In addition to the evolution of this neighborhood towards larger homes, across the street from the subject parcel is the Sisters' retreat center composed of two- and three-story buildings. These institutional buildings establish a scale which is substantially larger than the single-family homes surrounding it, and certainly much greater than the proposed dwelling.

Based upon these neighborhood characteristics and the submitted design, staff continues to support this project as being compatible with the neighborhood.

3. *Public Views* The General Plan protects public views from designated Scenic Roads and in Visual Resource Areas (General Plan Policies 5.10.10 and 5.10.1). East Cliff Drive in this location is not designated as a Scenic Road, and the subject parcel is not mapped as being within a Visual Resource Area.

While County visual resource protection regulations only apply to public view sheds, coastal protection regulations require that improvements within the coastal zone are designed to be visually compatible and integrated with the area, and required to minimize site disturbance. As discussed above and in the original staff report, staff believes the proposed dwelling is visually compatible and integrated with the area. Site disturbance, as discussed below, will be minimal.

5. *Alter Landforms* Less than 100 cubic yards of grading is proposed for the project (Exhibit A, Sheet A-3). 100 cubic yards is the threshold below which no grading permit is required. Given this low volume of grading, the impact to the landform will be insignificant.

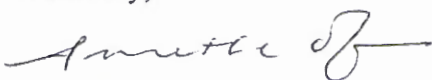
Summary

The appellant raises a number of issues in his letter, ranging from the appropriateness of the categorical exemption from further environmental review under CEQA, to the project's compatibility with the neighborhood. Staff has evaluated each of the appellant's concerns and continues to recommend that this project be approved.

Recommendation

Planning Department staff recommends that your Commission **UPHOLD** the Zoning Administrator's decision to **APPROVE** Application Number 121047.

Sincerely,



Annette Olson
Project Planner
Development Review

Reviewed By: _____



Ken Hart
Principal Planner
County of Santa Cruz Planning Department

Progress
06-29-12

sheet of sheals



Southeast



Northeast

NANCY HUYCK
ARCHITECT
9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

REVISIONS

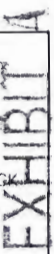
PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
RENDERINGS

SCALE: N.A.
DATE: 06-29-12
DRAWN BY: N.A.
JOB NO.: N1140
DWG. NO.: N1140-G-2

G-2
sheet of sheets

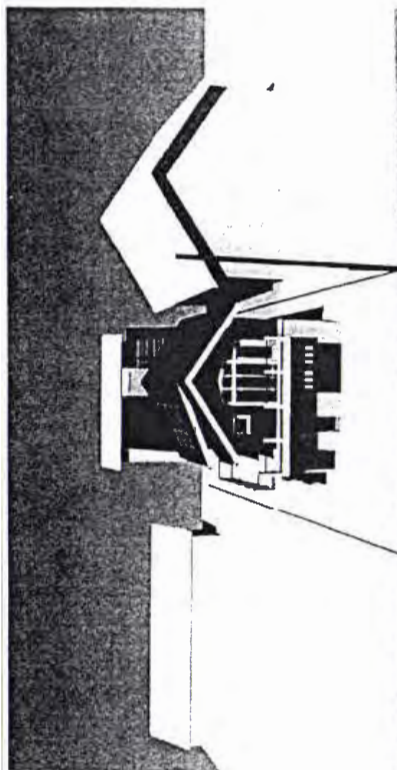
EXHIBIT A



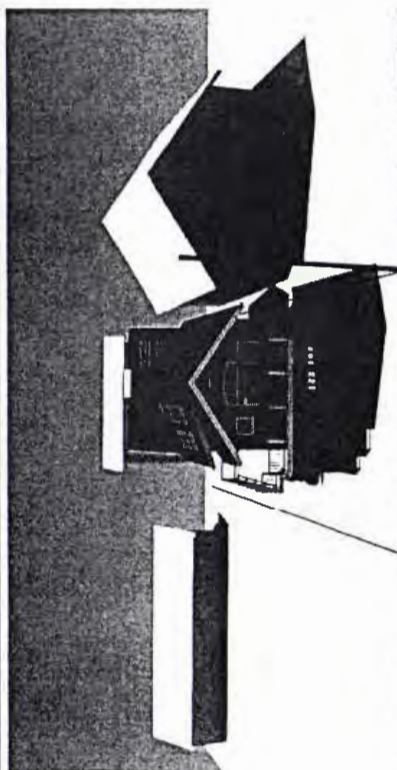
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

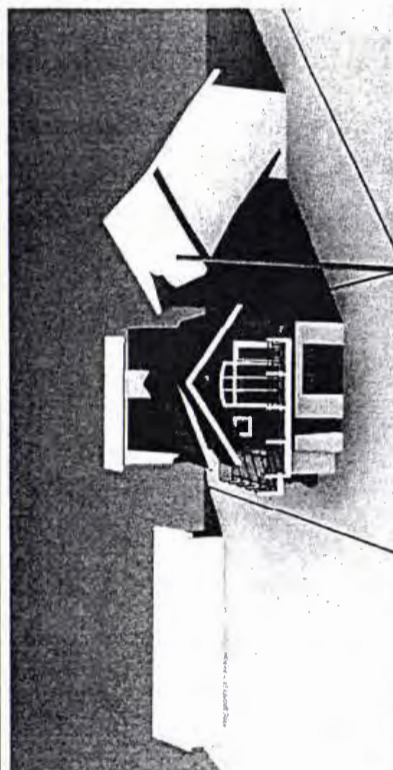
G-3
sheet of sheets



June 21 10 am



June 21 2 pm



December 21 10 am



December 21 2 pm



NANCY HUYCK
ARCHITECT
9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

1	2	3	4	5	6	7	8	9	10

no. date description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
SHADOW PLANS

SCALE: N.A.
DATE: 06-29-12
DRAWN BY: N.A.
JOB NO.: N1140
DWG. NO.: N1140-G-4

G-4
sheet of sheets

EXHIBIT A

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON MONUMENTS FOUND ALONG THE SOUTHERN LINE OF EAST CLIFF DRIVE AT THE NW CORNER OF LOT 1 AND THE NE CORNER OF LOT 15 OF BLOCK 2, AS SAID MONUMENTS AND BEARING ARE SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 59 OF MAPS, PAGE 32 SANTA CRUZ COUNTY RECORDS.

NORTH 77°15' WEST

BASIS OF ELEVATIONS

THE BASIS OF ELEVATIONS SHOWN ON THIS MAP IS COUNTY OF SANTA CRUZ BENCHMARK # 7A, BEING A BRASS CAP IN THE MEDIAN 25' W OF THE CL OF 17TH AVE. & 40' S. OF THE CL OF E. CLIFF DRIVE. ELEV=44.15' (NGVD 29)

SCALE 1"=10'

SANTA MARIA DEL MAR BLOCK 2 12-M-1

18th AVE. (50')

19th AVE. (50')

LEGEND

- INDICATES RECORD BOUNDARY LINE
- INDICATES BUILDING LINE
- INDICATES EXISTING FENCE LINE
- INDICATES EXISTING CONTOUR LINE
- INDICATES EXISTING ROCK WALL
- INDICATES SET 8" SPIKE & TAG, LS 5418 ON SIDELINE EXTENDED TO MIDDLE OF RIGHT OF WAY
- INDICATES RANDOM TRAVERSE POINT
- INDICATES SPOT ELEVATION
- INDICATES JOINT SERVICES POLE
- INDICATES GUY ANCHOR
- INDICATES SANITARY SEWER CLEANOUT
- INDICATES SANITARY SEWER MANHOLE
- INDICATES GUY POLE
- INDICATES ELEVATION
- INDICATES FINISH FLOOR
- INDICATES HOSE BIB
- INDICATES OVERHEAD
- INDICATES ELECTRIC METER
- INDICATES UNDERGROUND
- INDICATES WATER METER

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

BOUNDARY LINES DELINEATED ON THIS MAP ARE IN RED AND ARE BASED ON THE SURVEYOR'S OPINION UTILIZING FOUND PHYSICAL EVIDENCE AND RECORD DATA.

NOTE

THIS TOPOGRAPHIC MAP REPRESENTS THE CONDITIONS OF THE SITE AT THE TIME THE SURVEY WORK WAS COMPLETED AND SHOWS SURFACE OBJECTS ONLY. SUBSURFACE STRUCTURES, IF ANY, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, PILING, UNDERGROUND TANKS AND UNDERGROUND UTILITY LINES MAY NOT BE SHOWN.

ATTENTION

THE DELIVERY OF THIS MAP IN AN ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF MY PROFESSIONAL WORK PRODUCT. THE SIGNED PAPER PRINT IS PROVIDED TO THE CLIENT AS AN INSTRUMENT OF SERVICE. IN EVENT THE ELECTRONIC FILE IS ALTERED, THE SAID PAPER PRINT MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. I SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATIONS MADE, BY OTHERS, TO THE ELECTRONIC FILE, OR ANY PRODUCTS DERIVED FROM THE ELECTRONIC FILE.

PROPERTY DESCRIPTION

BEING LOT 11, IN BLOCK 2, AS THE SAME IS SHOWN UPON THAT CERTAIN MAP ENTITLED "SANTA MARIA DEL MAR", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY ON DECEMBER 14, 1891 IN MAP BOOK 12 AT PAGE 1, SANTA CRUZ COUNTY RECORDS.

TECHNICAL INFORMATION

ASSESSOR'S PARCEL NUMBER: 028-222-05

ADDRESS OF PROJECT:
115 19TH AVE.
SANTA CRUZ, CA

OWNER'S NAME:
CLAUDIA MAE LAWRENCE

DEED DOCUMENT # 2011-0017863

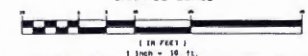
SIZE OF LOT: 4000 SQ FT +/-

REFERENCES

- (A) 12-M-1
- (B) 59-M-32



GRAPHIC SCALE

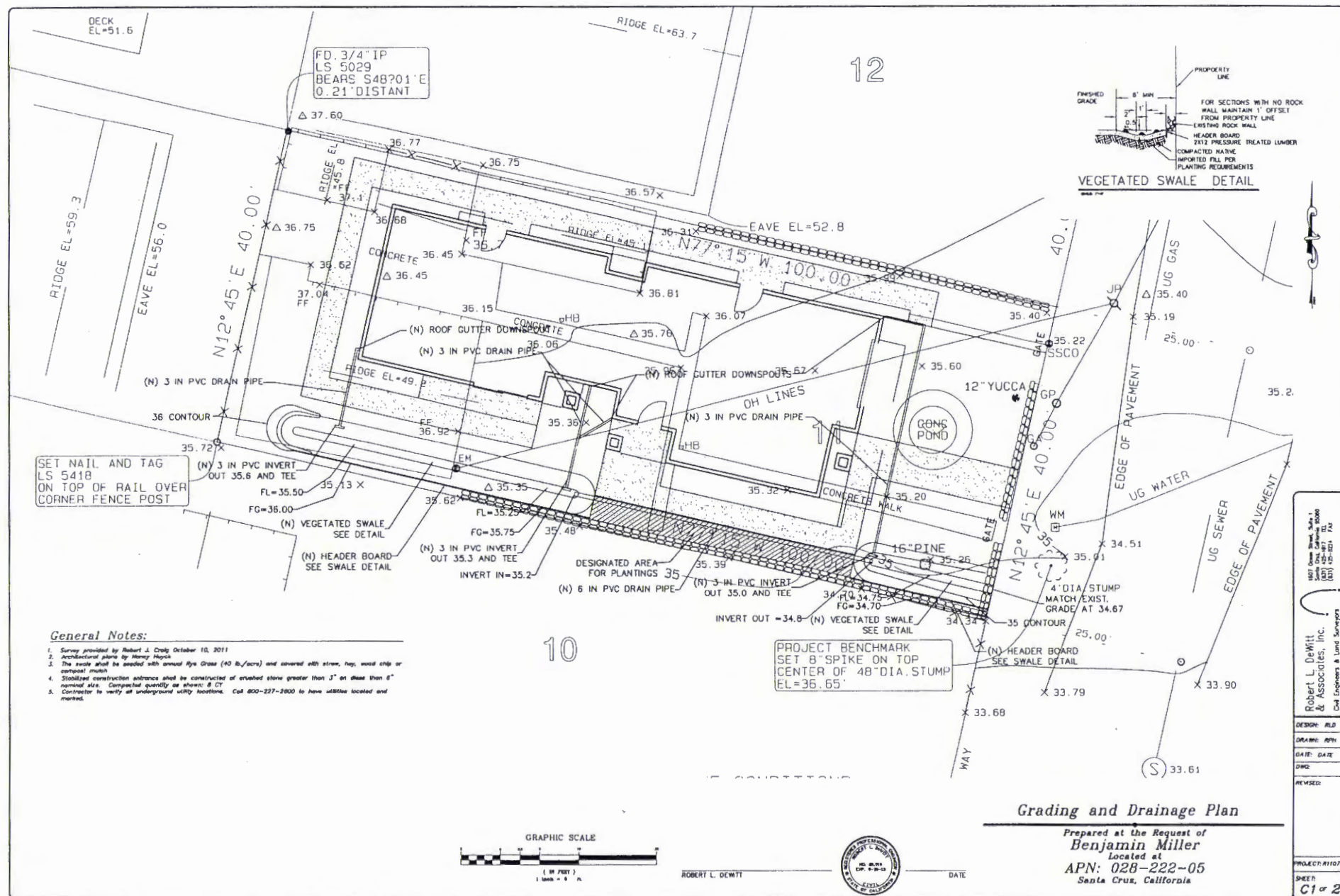
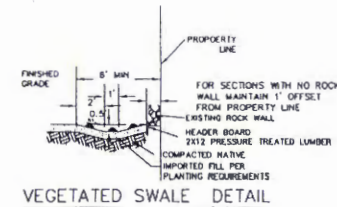


ROBERT J. CRAIG LICENSED LAND SURVEYOR 606 E. ELIE HALL DRIVE SAN JOSE, CALIF. CA 95128 (408) 259-1750 OR (408) 884-3793 Robert.J.Craig@csd1.com		TOPOGRAPHIC MAP AS PREPARED BY ROBERT J. CRAIG, LICENSED LAND SURVEYOR, STATE OF CALIFORNIA Situate in Unincorporated Area of County of Santa Cruz, State of California	
SCALE: 1" = 10' DATE: OCTOBER 10, 2011 FIELDWORK: AUC	JOB NO: C-11073 SHEET: 1 OF 1 INDEX: SANTA CRUZ CO.	DATE: OCTOBER 10, 2011 APM: 028-222-05 FIELDWORK: AUC	JOB NO: C-11073 SHEET: 1 OF 1 INDEX: SANTA CRUZ CO.

FIELD WORK COMPLETED 10/7/11

C:\USOB OFFICE\BVS\SAUC\2011\ENC-11071-Lawrence-M-111\ENC-11071-TOPO.dwg

12



1607 Ocean Street, Suite 1
Santa Cruz, California 95060
(831) 425-1817 TEL
(831) 425-1818 FAX

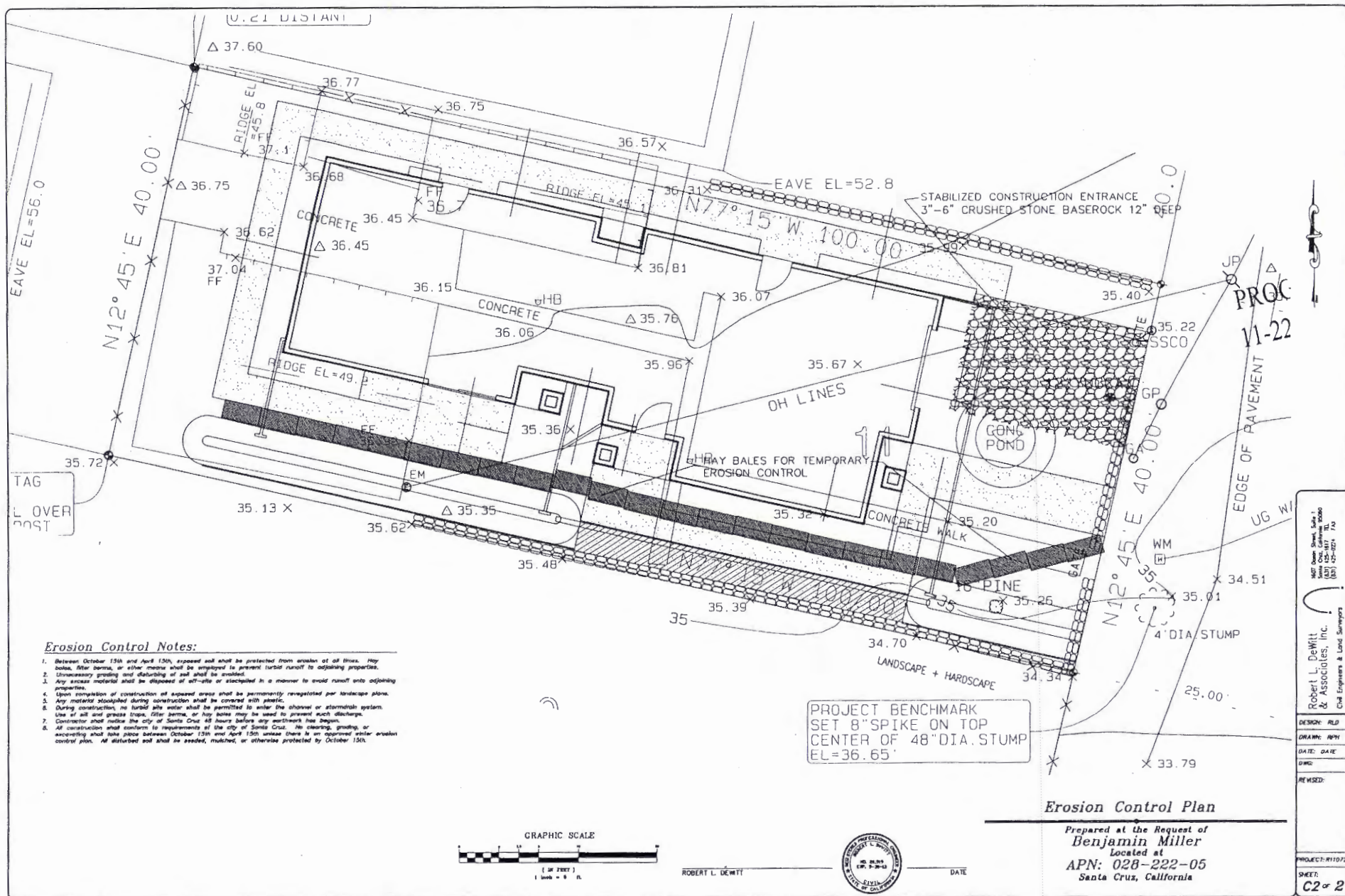
Robert L. DeWitt
Associates, Inc.

DESIGN: RL
DRAWN: RS
DATE: DATE
DWG:
REVISED:

PROJECT: A11072
SHEET:
C1 of 2


Grading and Drainage Plan

Prepared at the Request of
Benjamin Miller
Located at
APN: 028-222-05
Santa Cruz, California





Progress
06-29-12

	XX-XX-XX	XXX
no.	date	description

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE

DEMOLITION
PLAN

SCALE: $1/4" = 1'-0"$

DATE: 06-29-12

DRAWN BY: NUH


JOB NO.: N1120

DWG. NO.: N1120

FORM NO. 11120-A-1

A _____

sheet of sheets

	XX - XX - XX	XXX
no.	date	description

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE

SITE UTILITIES and ADJACENCIES

SCALE: 1/8" = 1'-0"

DATE: 06-29-12

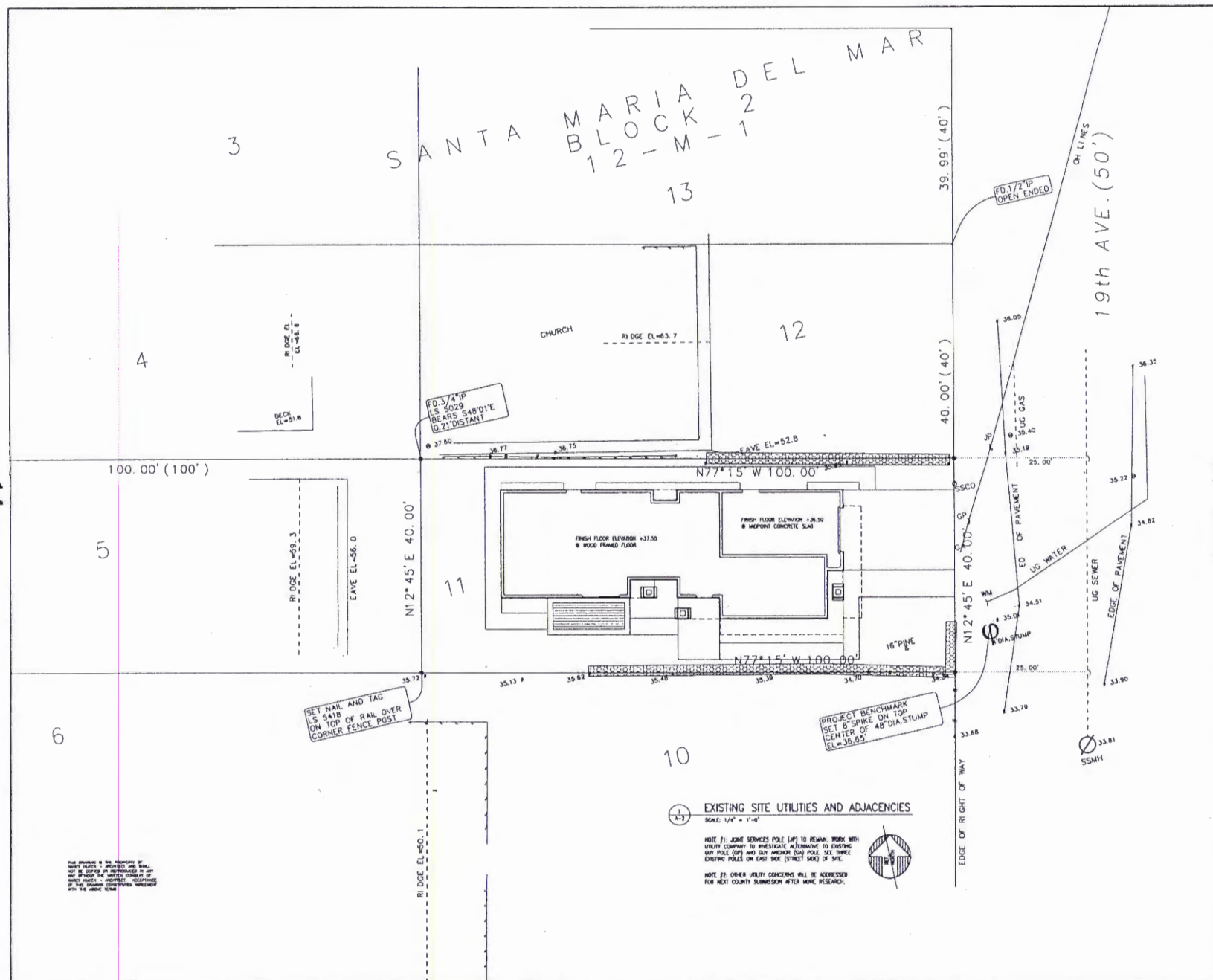
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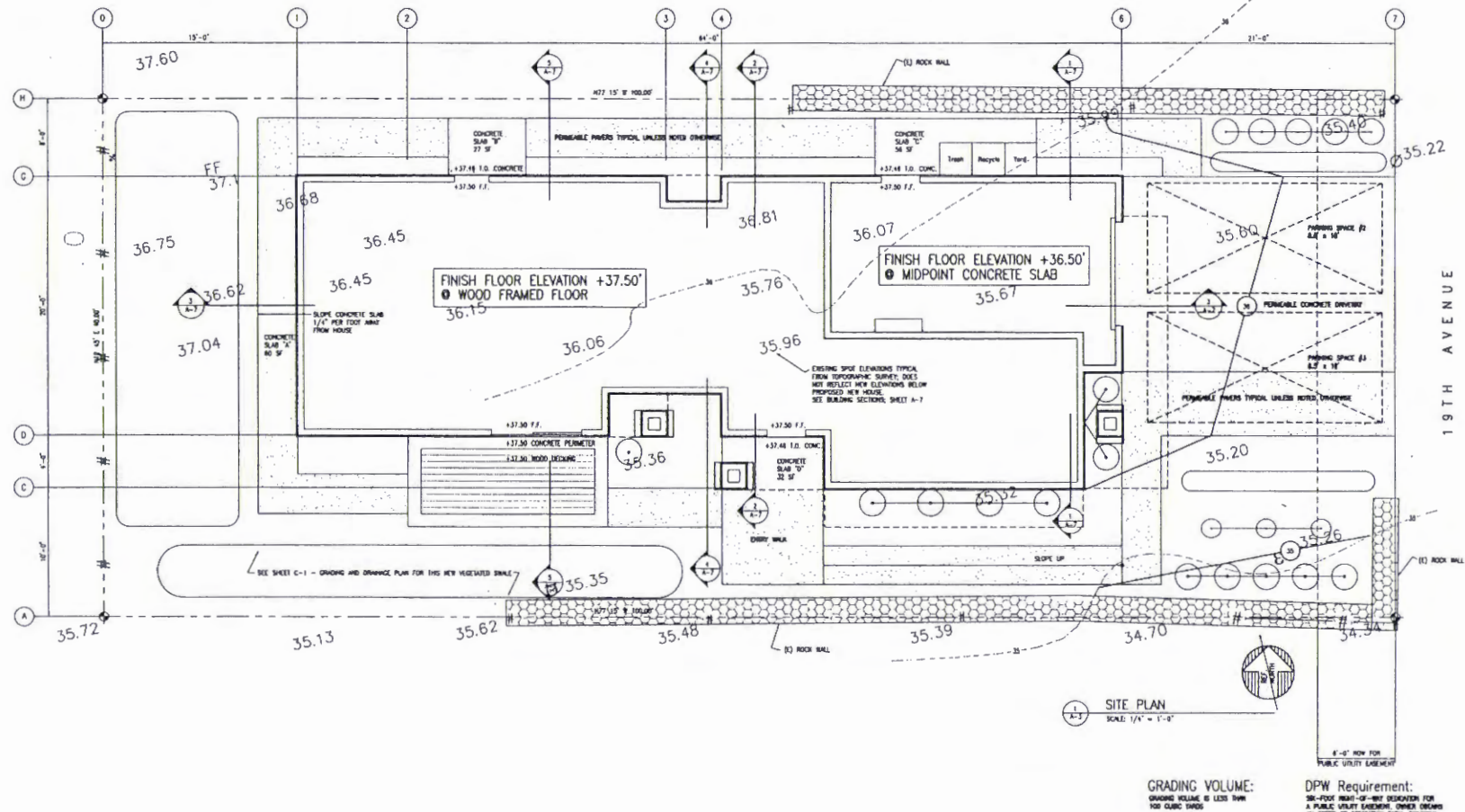
JOB NO.: N1120

DWC, NO.: N1120-A-2

A-2

sheet of sheets





Not shown is the location of
the existing and proposed
water, sewer, and gas lines.
The owner is responsible for
the location of these lines.
The owner is responsible for
the location of these lines.

NANCY HUYCK
ARCHITECT

9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1208
FAX (831)688-3205

Progress
06-29-12

no.	date	description
1	06-29-12	ADD

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE
SITE
PLAN

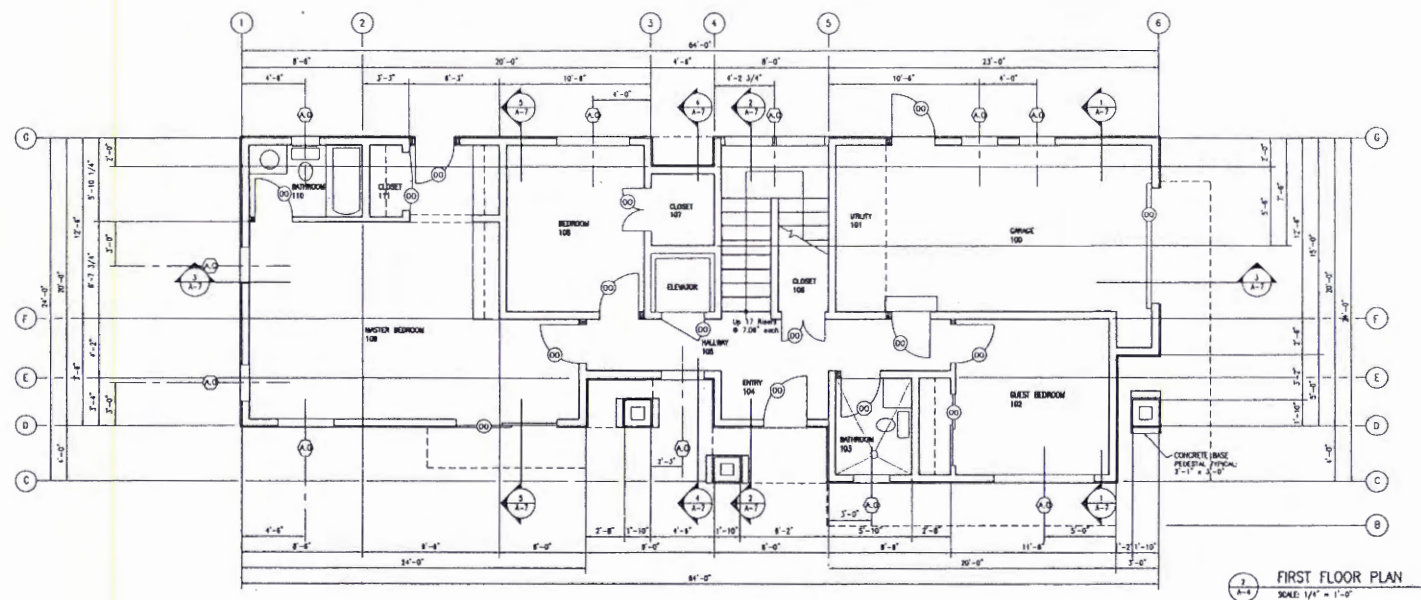
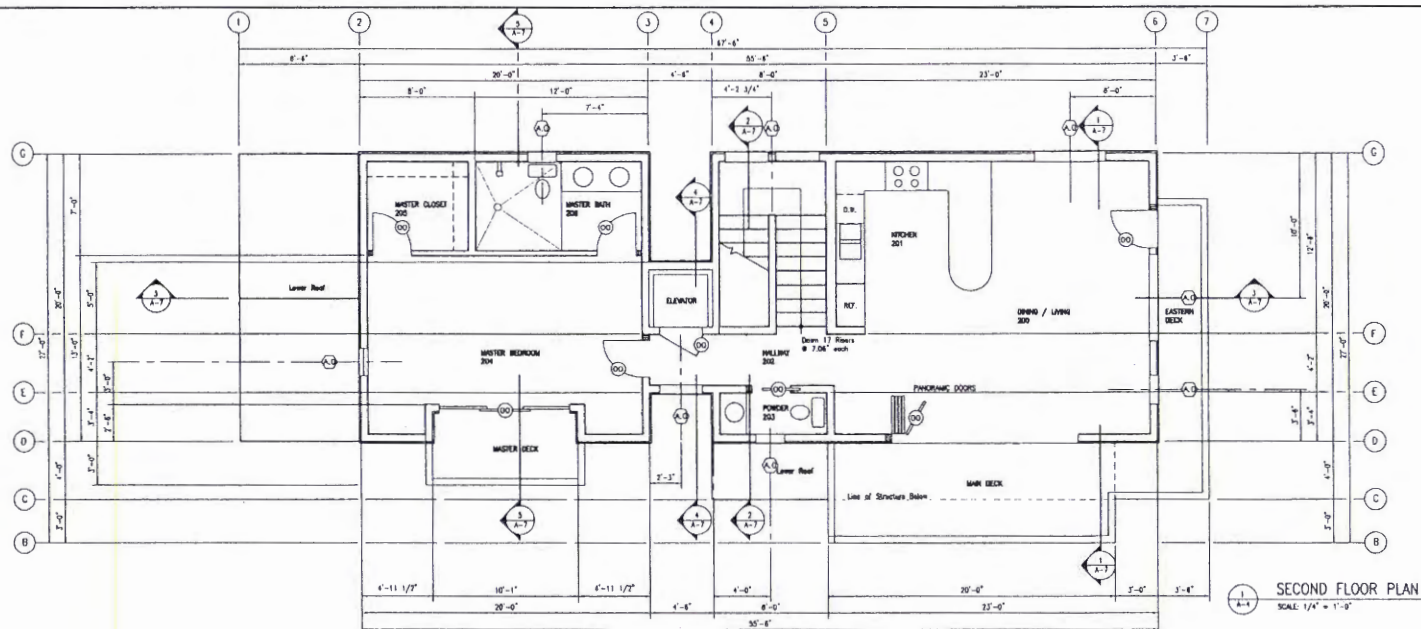
SCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: MLH
JOB NO.: N1120
DWG. NO.: N1120-A-3

A-3

sheet of sheets

GRADING VOLUME:
GRADING VOLUME IS LESS THAN
100 CUBIC YARDS

DPW Requirement:
30'-FOOT RIGHT-OF-WAY DEDICATION FOR
A PUBLIC UTILITY EASEMENT. OWNER OBTAINS
AN ORDER OF DEDICATION FROM DPW AND
APPROACH SHALL MEET COUNTY CODE.
EXISTING PINE TREE:
CONCENTRATED RUMKUT PINE TREE
PINE TREE SHALL REMAIN. COMPROMISE THE TREE
OWNER IS AWARE OF THIS.



NANCY HUYCK

ARCHITECT

9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
06-29-12

no.	date	description
1	06-29-12	ISS

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE
FIRST + SECOND
FLOOR PLANS

SCALE: 1/4" = 1'-0"

DATE: 06-29-12

DRAWN BY: NLH

JOB NO.: N1120

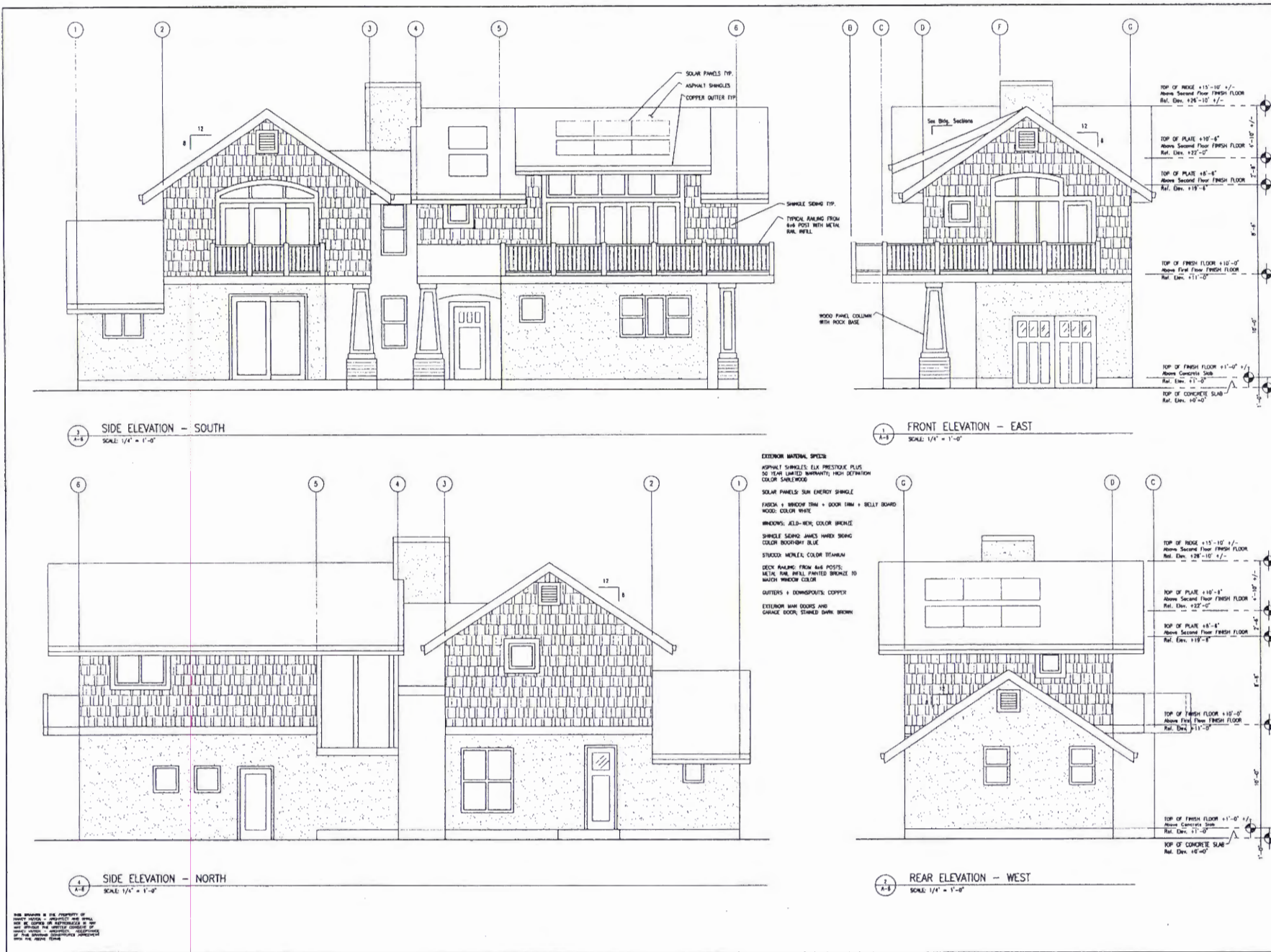
DWG. NO.: N1120-A-4

A-4

sheet of sheets



sheet	of	sheets
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NANCY HUYCK
ARCHITECT
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APTOS, CA 95003
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FAX (831)688-3205

Progress
06-29-12

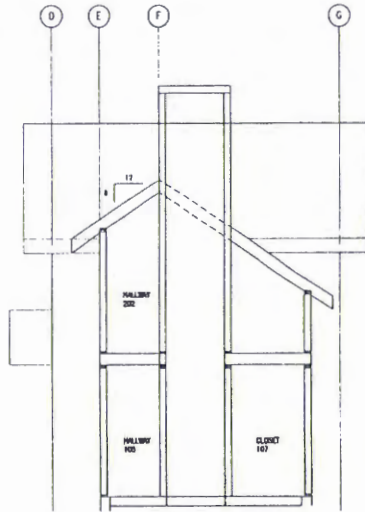
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6	06-29-12	REVISED
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100	06-29-12	REVISED

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE
115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

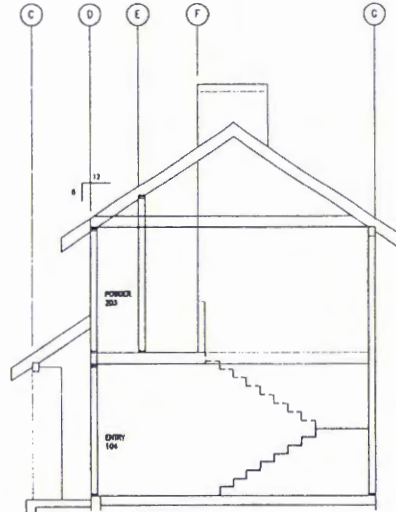
SHEET TITLE
EXTERIOR
ELEVATIONS

SCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: NLH
JOB NO.: N1120
DWG. NO.: N1120-A-6

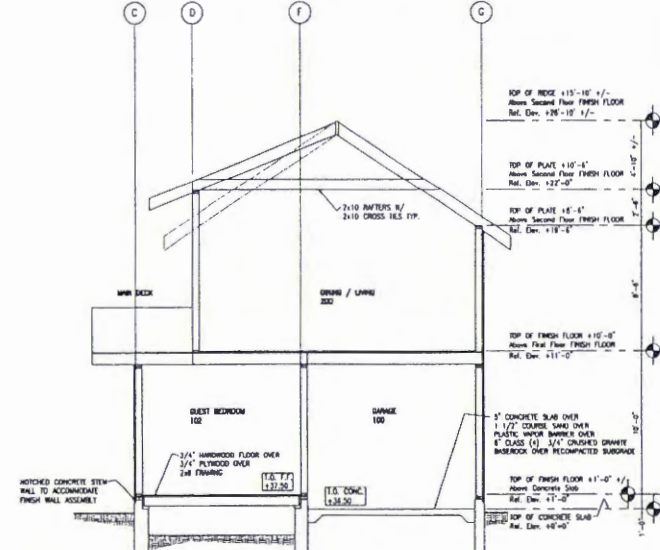
A-6
sheet of sheets



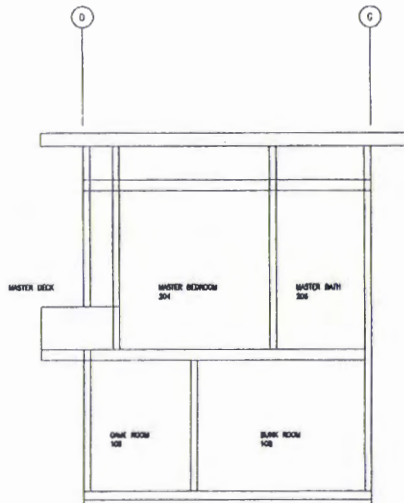
1 BUILDING SECTION #4
SCALE: 1/4" = 1'-0"



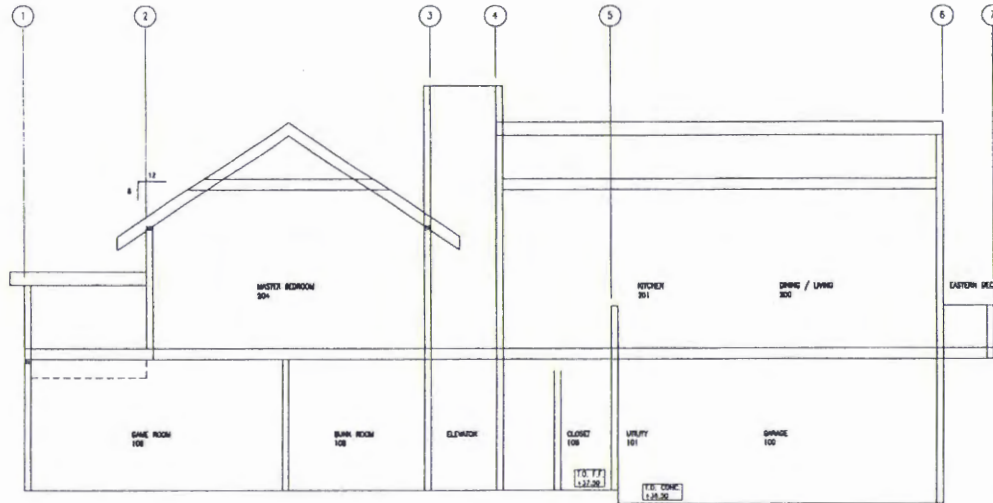
2 BUILDING SECTION #2
SCALE: 1/4" = 1'-0"



1 BUILDING SECTION #1
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION #5
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION #3
SCALE: 1/4" = 1'-0"

NOTE #1:
NO EXISTING GRADE BELOW THIS HOUSE IS LESS THAN ELEVATION +35.30. THEREFORE THIS HOUSE IS IN COMPLIANCE WITH THE 28'-0" MAXIMUM HEIGHT LIMIT SET FORTH BY THE SANTA CRUZ COUNTY PLANNING DEPARTMENT.

NOTE #2:
THE NEIGHBORING CHURCH RIDGE IS CLEARLY NOTED ON THE SURVEYOR'S MAP AS +63.70. THE PROPOSED MILLER RIDGE IS +63.33 (SLIGHTLY OVER FOUR INCHES BELOW THE CHURCH RIDGE).

NANCY HUYCK
ARCHITECT
9200 SOQUEL DRIVE
APTOS, CA 95003
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FAX (831)688-3205

Progress
06-29-12

no.	date	description
1	06-29-12	REV

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

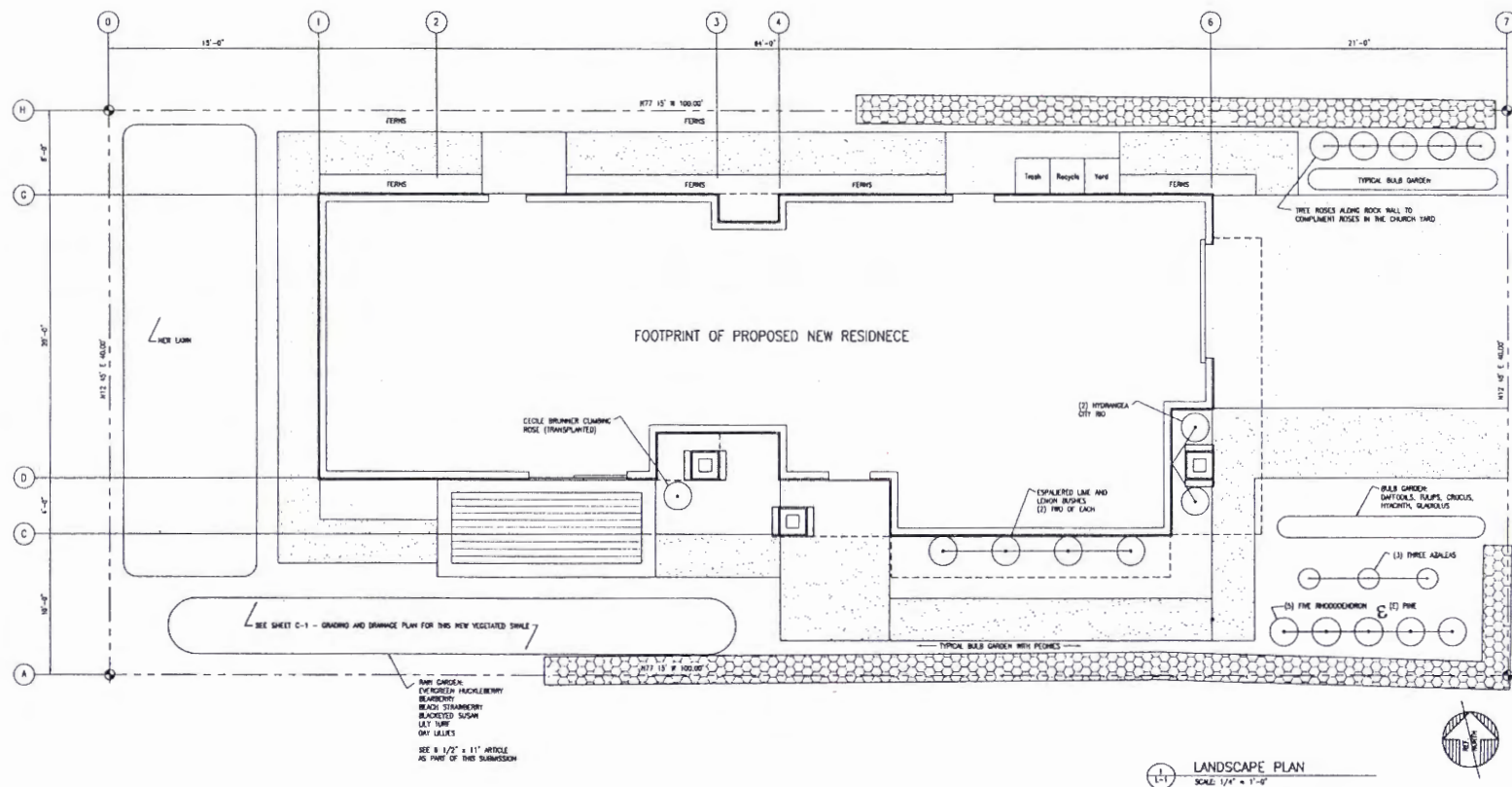
115 19TH AVENUE
SANTA CRUZ, CA
APH: 026-222-05

SHEET TITLE
BUILDING
SECTIONS

SCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: NLH
JOB NO.: N1120
DWG. NO.: N1120-A-7

A-7
sheet of sheets

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NANCY HUYCK
ARCHITECT
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Progress
06-29-12

19TH AVENUE

no.	date	description
1	06-29-12	ISS

REVISIONS

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APN: 028-222-05

SHEET TITLE
LANDSCAPE
PLAN

SCALE: 1/4" = 1'-0"

DATE: 06-29-12

DRAWN BY: NLH

JOB NO.: N1120

DWG. NO.: N1120-L-1

L-1

sheet of sheets

LANDSCAPE PLAN
SCALE: 1/4" = 1'-0"

NOTE: ALL NEW TREES SHALL BE MINIMUM 12 GALLON.
ALL NEW SHRUBS SHALL BE MINIMUM 3 GALLON. APPLICATION
SHALL BE AUTO-TIMED WITH SPRAY AND DRIP COMPONENTS.
LANDSCAPE LIGHTING SHALL BE ADDRESSED IN FUTURE SUBMISSIONS.

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NANCY HUYCK ARCHITECT AND SHALL
NOT BE REPRODUCED OR COPIED
WITHOUT THE WRITTEN CONSENT OF
NANCY HUYCK ARCHITECT. ANY
REPRODUCTION OR COPIING OF
THIS DRAWING WITHOUT THE WRITTEN
CONSENT OF NANCY HUYCK ARCHITECT
IS A VIOLATION OF THE COPYRIGHT
LAWS OF THE UNITED STATES OF AMERICA.

Exhibits:

- A. Revised project plans¹
- B. Appeal letter, prepared by Philip Lively, dated May 30, 2012
- C. Response letter, prepared by Claudia Lawrence and Berkeley Miller, dated June 15, 2012
- D. Letter of support from Dr. Fulton Saier of 150 18th Avenue
- E. Correspondence received for May 18, 2012 Zoning Administrator hearing
- F. Staff report to the Zoning Administrator, May 18, 2012 public hearing

¹ The revisions include: enhancement of the renderings; the addition of a note on Sheet A-7 describing the ridge of the chapel relative to the proposed dwellings; and a note on Sheet A-3 documenting that the grading is less than 100 cubic yards;

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

2012 MAY 30 AM 11 09

May 30, 2012

Via Personal Delivery

County of Santa Cruz
Planning Commission
701 Ocean Street, 4th Floor
Santa Cruz, CA
Attn: Ms. Annette Olson
Development Review Planner

**Re: *Re: Appeal of Application No. 121047 Approving Two-Story Residence at 115
19th Avenue, Santa Cruz, APN 028-222-05***

To the Members of the Planning Commission:

The purpose of this letter is to appeal the decision of the Zoning Administrator to approve the above-made application. As a property owner in the immediate neighborhood since 1960, I request that approval of the application be reversed and be remanded to the Zoning Administrator. A check in the amount of \$1,400.00 payable to the County of Santa Cruz is submitted herewith as payment of the fees associated with the appeal of the Zoning Administrator to the Planning Commission.

Approval of the application by the Zoning Administrator failed to require preparation of a negative declaration or environmental impact because the property was not exempt from the California Environmental Quality Act. Also, approval of the development project violates applicable local coastal policies because it is located on a coastal bluff, is visually obtrusive, and out of scale with the surrounding neighborhood; the development also fails to protect public views from nearby roads; and is not compatible with the established physical scale of the area and may significantly alter existing natural land forms.

A. Approval of this development project requires preparation of a Negative Declaration or Environmental Impact Report, because it is not Categorically Exempt from the California Environmental Quality Act ("CEQA").

In approving the application, the Zoning Administrator and staff incorrectly found that the development project was exempt from CEQA. CEQA's categorical exemption for new construction of "small structures" (CEQA Guideline 15303) does not apply whenever one or more of the factual conditions listed in CEQA Guideline 15300.2 exist. Public Resources Code Sec. 21084, *East Peninsula Education Council v. Palos Verdes Unified School Dist.* (1989) 210

Cal App 3d 155. Here, the project's location (15300.2(a)), its cumulative impacts (15300.2(b)), its unusual circumstances (15300.2(c)), and its impacts on the adjacent church, a historical resource (15300.2(f)), all render application of a categorical exemption factually unfounded and an abuse of discretion.

Location. This project is located at the southwestern end of 19th Avenue, at the top of a coastal bluff overlooking the beach and the Pacific Ocean. It is the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive. The owner and her architect have gone to great lengths to disguise the visual impact of the proposed development project. Attached to this letter are four photographs which accurately reflect the sight lines and view areas which will be obliterated by the proposed development project. These photos were previously submitted to the Zoning Administrator for consideration, but no findings were made as to the obvious conflict between these photos and the misleading photos which were submitted by applicant and included in the Staff Report at Pages 5 and 6.

This location is extremely sensitive, since ocean views comprise a substantial and valuable element of home values and the lifestyles of all of the affected residents of this small neighborhood. This proposed large, two-story house sits at right angles to the views of the easterly residents, it looms above the adjacent historic church, it is "maxed out" for building height, even exceeding the applicable 28-foot maximum building height, and it is by far the largest structure in the immediate vicinity. While it might be environmentally harmless in another location, its extreme size, excessive height and right-angle orientation as proposed cause significant adverse view obstruction, incompatibility and aesthetic impacts in this location. Essentially, granting the application will allow the building of a solid twenty-eight foot high wall which will extend twenty-five linear feet beyond the footprint of the existing church. For these reasons, a categorical exemption is unwarranted.

Cumulative Effects. There are many other small, older vacation cottages in this part of the County, especially along East Cliff Drive near the ocean. Every time one of the smaller houses, built to be compatible with the neighborhood in the past century, is demolished and replaced by a large, two-story "McMansion," economic pressures build to demolish more of the smaller houses and build more tall, obtrusive larger houses. The cumulative effect of this process is to replace the original low-profile, low-intensity, sunny neighborhood with tall houses on small lots, which block ocean views, concentrate cars into on-street parking, eliminate landscaping and eradicate the historical charm of the area. These small lots were not intended to hold houses exceeding 2,000 square feet of floor area. The neighborhood was designed to contain small, sunny, unobtrusive vacation homes. Over-building like this, in an unplanned, lot by lot process, will comprise an unwanted conversion of the area into a crowded urban space disconnected from the ocean views and low-key feel that presently make it attractive. This factor renders use of a categorical exemption unwarranted.

Unusual Circumstances. This development project occupies a rare, unique and visually prominent site. It sits at the top of a coastal bluff, visible for miles from the beach below and

from many other locations within the vicinity. While it is not unattractive as a structure, it is simply too big for this location. It is far taller than the adjacent historic chapel, and while the church presently is visible from offsite and an historic visual amenity, this tall two story house will completely block off-site views of the church from the south and west. The appearance of the western end of 19th Avenue, when seen from the beach and elsewhere by members of the public, will change from that of a low-key religious complex dating from the 1890's, to someone's tall, blocky two-story house. This factor requires analysis of the significant adverse aesthetic impacts of the development project; analysis which is prevented by use of a categorical exemption.

Historical Resources. It is obvious from the graphics in the Staff Report that this new development will loom large above and immediately next to the historic church building to the north. This house simply dwarfs the chapel building, extending much closer to the street and casting its shadow over it during most of every day. The effect of placing an excessively tall house just a few feet away on a small lot is to diminish and fundamentally alter the appearance of the historic chapel building, obscuring its traditional California architecture, altering and damaging its original setting, and eliminating much of the openness, historical significance, calm and peaceful charm of the chapel property. This factor requires an analysis of the architectural and historical incompatibility of the proposed new development with the adjacent historical church.

When a categorical exemption is used for CEQA compliance, the public and Santa Cruz County decision-makers are denied even a mention, let alone analysis, of the foregoing issues and environmental/historical consequences of approving this development project. An Initial Study and either a Negative Declaration or an EIR are therefore not only required by law, but also by good planning policy.

B. Approval of this development project would violate applicable Local Coastal Plan policies, because it is located on a coastal bluff top; the development project is visually obtrusive and out of scale with the surrounding neighborhood; the development fails to protect public views from nearby roads; is not compatible with the established physical scale of the area; and may significantly alter existing natural land forms.

The Zoning Administrator found and the Staff Report erroneously recites that this project is "consistent with" applicable "design criteria and special use standards and conditions" of the Local Coastal Plan. To support this conclusion they rely upon three demonstrably false characterizations and findings.

First, they characterize this project as "consistent with the neighborhood in terms of architectural style." This may be true regarding the superficial design details, colors and trim of the building, but is certainly is not true regarding its height, bulk, location and mass. This building is nearly as big as it possibly could be, and is located in a highly visible, sensitive location, obvious for over a block to the east as an obtrusive 29.3 foot tall rectangle blocking ocean views. As such, it is inherently incompatible with the neighborhood, which was and

largely remains made up of smaller houses, designed and arranged to preserve each other's ocean views.

Second, the Staff inexplicably states and the Zoning Administrator found that this new development is "not located on a coastal bluff top"; a statement rebutted in the Staff Report itself and its accompanying drawings.

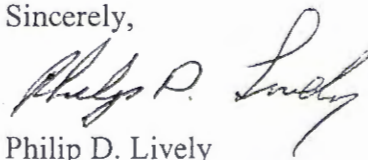
Third, Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles, and an obvious intensification of development, visual impact and land use. This excessively tall, large new house is plainly not "visually compatible or in scale with the surrounding neighborhood", even though it (just barely) fits within the applicable maximum zoning limits on height, mass, lot coverage, etc. The views from the existing public streets and public beaches of the existing natural land forms will be permanently degraded and altered.

As noted above, this development project maxes out the building envelope on a small, 4,000 square foot parcel intended in the 1920's to contain a vacation cottage roughly ¼ its size. Even if other parcels in the area also have become overbuilt, that is not a rationale for overbuilding this sensitive, highly visible coastal bluff site. Doing so will contravene both the letter and spirit of applicable Coastal Plan policies, and is clearly not compatible with the established physical scale of the area.

Finally, the arguments mentioned in Section A above regarding the need for an environmental impact report or a negative declaration, as to the property's location, cumulative effects, unusual circumstances, and historical resources are equally apropos to the development project's violation of applicable local coastal plan policies, the development failing to protect public views from nearby roads, lack of compatibility with established physical scale, and alteration of the existing natural land forms.

For all of those reasons, I respectfully request that approval of this development project 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 County 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. Lastly, 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.

Sincerely,



Philip D. Lively

Enclosures

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



EXHIBIT B

-26-

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



-27-

EXHIBIT B

EXHIBIT B

-28-

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

EXHIBIT B

-29-



Exhibit 3

Page 119 of 146

June 15, 2012

Claudia Lawrence & Berkeley Miller

Response to appeal of Development Permit Application 121047

Parcel #028-222-05

To the Members of the Planning Commission:

First, thank you in advance for your time and consideration.

As the owners of the property at 115 19th Avenue, and applicants to the County for approval to build a new home on the lot, we submit this response to the appeal filed by Philip Lively on May 30, 2012.

In addition to this document, updated plans have been submitted to the Planning Department by our Architect, Nancy Huyck, for your reference. We all will, of course, make ourselves available to answer any questions or provide additional data and facts regarding the proposed project. We will also attend the July 25th Planning Commission meeting with our architect.

Mr. Lively owns the home at 2-1821 East Cliff Drive. His house sits on the North of side East Cliff Drive between 18th and 19th Avenues. It is the middle house of five homes on that block. Across the street from Mr. Lively's porch, are four vacant lots bordered on the East by a row of eucalyptus trees. The vacant lots provide parking for the Villa Maria del Mar Retreat Center and the chapel on 19th Avenue.

Like Mr. Lively we are long-time neighborhood property owners as the property has been in our family since the 1920s. Our home shares the block with the Villa Maria del Mar Retreat Center, the chapel and the Dominican Sisters' dormitory.

Our response that follows, addresses Mr. Lively's claims in the same order as they are presented in the appeal.

Section A. CEQA Exemption.

Location. Mr. Lively begins his appeal claiming that the proposed home is the last significant structure blocking the ocean view for all of the houses along 19th Avenue.

Five structures sit along the westernmost block of 19th Avenue. Walking South from East Cliff Drive on your right, the West side of the street, are 2 vacant lots, then Josephine House, followed by the chapel, the project property, and the Dominican Sisters dormitory with its 20-foot high juniper hedge along the bluff-top. On your left, the East side of the street, is the 2-story dormitory and 3-story Villa Maria del Mar Retreat Center.

It is the 3-story Retreat Center and our proposed 2-story home that are the westernmost structures on the block. Neither of these buildings does, nor ever will, block the ocean view looking South along 19th Avenue.

Mr. Lively next claims that "the owner and her architect have gone to great lengths to disguise the visual impact of the project" (PLively letter, page 2, 5/30/2012). The renderings of the new home on pages 5 and 6 of the County Planning Office Report were done as part of the required submissions to the Santa Cruz Planning Department. Page 5 shows two views of the proposed new home looking West into the property from 19th Avenue. The shadow renderings on page 6 are based on the Latitude and Longitude noted on Robert Craig's October 2011, survey done by Robert Craig of the property in October of 2011 and on file in Volume 118, Page 28 of the County Records and page 4 of the Development Plans. The shadows are drawn according to the summer and winter solstice as required by the County.

The facts presented by the County Report and our Plans do not support Mr. Lively's claim. Indeed, we and our architect have gone to great lengths to design a home that is in keeping with the ever evolving neighborhood and that meets the County requirements without exemptions or variances.

In light of this appeal, we have submitted updated renderings (Plans page G-2) that provide a more realistic picture of the proposed project on the lot when finished. The updated rendering shows the existing 20-foot pine tree and shingle and stucco colors that better match the manufacturers' materials. It also shows the garden planted as we envision it and as shown on our submitted landscape plan.

Further along on page 2, Mr. Lively claims that our home will sit at "right angles to the views of the easterly residents." This statement is not true. Of the five buildings on this block, only one sits perpendicular to East Cliff Drive; the Retreat Center's dormitory. All of the other buildings, including our home, sit parallel to East Cliff Drive. This same parallel orientation will be maintained for our proposed home.

Mr. Lively next claims that our new home will "loom above the adjacent historic church." He also states that the home "is by far the largest structure in the immediate vicinity." The chapel and the proposed project have 28-foot ridge lines (see Robert Craig survey; Plans page 4). The elevations noted on the survey provide the irrefutable evidence that proves the proposed home will sit about a foot lower than the chapel. In addition, our backyard neighbors at 144 and 150 18th Avenue; are both 28-foot tall, 2-story homes. Finally, as noted above, the project property sits on the West side of 19th Avenue across from the 3-story Villa Maria Del Retreat and its 2-story dormitory.

Mr. Lively's claims are not true; they are not based on the facts.

Cumulative Effects¹. As noted by the Zoning Administration at the May 18th hearing, Live Oak is an evolving neighborhood that is moving from beach cottage to full-time residences. The historical record also points out the long-standing evolution of the neighborhood:

At its height, just prior to the World War II, Del Mar could boast of sixteen motels/auto camps, two train stops, three "mom and pop" grocery markets, three gas stations and one restaurant. Add to this three large florists concerns, the Farmer's Cooperative Exchange, and you get a view of what the district was like eighty years ago. It is surprising to note the large number of buildings that still exist from this era, even though a few of them have been highly modified. Even more surprising is the number of these businesses that continue to operate to this very day. (The Museum of Art and History at the McPherson Center:
<http://researchforum.santacruzmah.org/viewtopic.php?t=98>)

The owners' family has been part of this neighborhood since 1921 and we have gone to great lengths to be good neighbors, perhaps most evident in a small way by the bench. Sometime around 1945, the owner's dad built the first bench that overlooks the 19th Avenue beach. Since then, we and our neighbors have sustained and maintained what is affectionally referred to by everyone as "the bench."

¹ **The proposed project does not meet all of the requirements necessary to trigger a cumulative effects exemption (Guidelines 15300.2(b)).** As summarized in *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002), this exception requires (1) successive projects (2) of the same type (3) in the same place (4) over time. However, "[t]he critical question is whether there [is] substantial evidence of any environmental impact by [any one project], let alone of significant impact caused by the cumulative effect of [the proposed project] when combined with the various existing and future [projects]." A list (even a long list) of similar projects is not sufficient in and of itself.

Furthermore, the proposed project meets all County zoning requirements with regard to height, floor-to-area ratio, front, back and side setbacks, etc. It is not overbuilt and certainly not a McMansion. Regardless of what the intention for this lot may once have been, it is currently zoned to allow *exactly* the sort of building proposed.

Unusual Circumstances². Mr. Lively claims the site is visible for miles from the beach below. Included in Exhibit 1 of this response, are photos taken by the owners from the beach below. From the beach you can see "the bench," the top of the pine tree and the juniper hedges. You cannot see the chapel or the Retreat. From the beach, the house will be less visible than those at the West ends of 14th Avenue, 18th Avenue and 23rd Avenue. The westernmost homes on those three streets do indeed sit directly atop their respective coastal bluff. The proposed project at 115 19th Avenue is approximately 65 feet inland from the cliff behind a 20-foot high juniper hedge. It does not sit on a coastal bluff top and it is not visible for miles (Exhibit 2; County Geologist).

Historical Resources³. The chapel, built around 1896, was reviewed by the County in the mid 1980s for its historical significance and was not added to the historical resource list. The Retreat's website calls it a "quaint chapel" <http://www.villamariadelmar.org/accommodations.htm>). We appreciate the significance of its age and go to great lengths to respect the property, the Retreat residents and visitors and the parishioners. We work with the Sisters to maintain the landscape along our stone fences. We also "cease and desist" our activities during Saturday afternoon mass.

² **The issues raised to support an application of the unusual circumstances exemption (Guidelines 15300.2(b)) are factually incorrect, greatly overstated and/or do not meet the exemption's requirements.** The proposed project is not on a coastal bluff because no part of the lot is expected to be subject to erosion within 100 years (Exhibit 2, Santa Cruz County Geologist Email). It is merely *very close* to a coastal bluff. As noted above, it adheres to County zoning requirements and is therefore not too big for the location. The roofline of the proposed project is not higher than the adjacent chapel. Views of the chapel from the south are already greatly limited by the nearby coastal bluff. West of the adjacent chapel there is an existing 2-story single family dwelling and a tall cedar hedge, effectively blocking all view of the chapel. The proposed project will not be visible from the beach below (see attached photos, Exhibit 2). The neighboring religious orders were made aware of the proposed project from the outset and support its construction.

Finally, "[b]y finding this project came within the categorical exemption, the [County] by necessary implication found inapplicable exceptions for location, cumulative impact and significant effect on the environment due to unusual circumstances." *Association for Protection etc. Values v. City of Ukiah* (1991). See also *Centinela Hospital Assn. v. City of Inglewood* (1990) and *Lewis v. Seventeenth Dist. Agricultural Assn.* (1985). There has been no prevention of an analysis of the aesthetic concerns raised by the proposed project. The County considered the evidence and implicitly found there to be no exemption to the categorical exception for single family dwellings.

³ **The historical resources exception (15300.2(f)) does not apply because the adjacent chapel is not a historical resource.** The chapel is not recorded on Santa Cruz County, State of California or National Historical Registers. That it is old does not make it historical.

Section B. Local Coastal Plan Policies.

Mr. Lively opens this section with the claim that the County's Report finding that the project is consistent with the Local Coastal Plan are based on false characterizations and findings.

First, he claims the home will be 29.3 feet tall. That is the height of **only** the 5x5 elevator shaft in the center of the building which will appear as a chimney. The survey (Plans page 4) and the elevation drawings (Plans A-6) prove that the true height of the home will be 28 feet. Mr. Lively's claim is false.

Second, he claims the home sits on a bluff top. It does not. The surveyor's report filed in Volume 118, Page 28 of the County records and the County parcel maps both show the lot approximately 65 feet inland from the coastal bluff. This can also be readily seen by locating the neighborhood and the property on any internet or paper map. (see also Exhibit 2).

Third, Mr. Lively, no doubt with derogatory intent, calls the home a McMansion that will be visible for miles. Exhibit 1 provides internet photos from Google Maps that document the project property and its adjacent neighbors as well as neighborhood home styles, street views and views from the beach. The proposed home will not be visible from the beach. And it will not be visible for miles as it is a 2-story home surrounded on three sides by 20-foot juniper hedges and two, 2-story buildings, and on the fourth side by the 3-story Retreat that occupies the entire block from East Cliff Drive to the ocean. The sheer size of the adjacent and surrounding structures provides additional proof that we are not permanently degrading or altering the views as Mr. Lively claims.

In addition, the landscape plan for the property has been designed to maintain the natural land forms that consists of the 20-foot pine tree in the Southeast corner and the (almost natural) 3-foot stone fences built in the 1920s with beach stones and river rock. This is a flat lot. The elevation varies less than 3 feet from the Northeast corner to the Southwest corner. We are not altering any existing natural land forms.

Mr. Lively then goes on to claim that the neighborhood is made up of smaller homes designed to preserve each other's ocean views. As noted above, the property at 115 19th Avenue is surrounded on the West, North and East sides by 2-story buildings and a 3-story building and 20-foot high juniper hedges.

Taking a more expansive tour of the immediate neighborhood through the six-blocks bordered by Sunny Cove, Portola Avenue, 20th Avenue and the Coastline, over a dozen new and remodeled homes have been approved by the County in the past six years (see Exhibit 1). These six blocks encompass the neighborhood closest to both the proposed project at 115 19th Avenue and Mr. Lively's home at 2-1821 East Cliff Drive. These projects all sit on lots of similar size with homes of similar scale as the proposed project that you are reviewing. The most recent of these projects includes:

- 150 Sunny Cove (plans approved 2011)
- 215 18th Avenue (a 2-story stucco and wood trim home with a pine tree built 2010)
- 225 18th Avenue (a 2-story stucco and wood trim home built 2010)

- 2-1811 East Cliff Drive (a 2-story stucco and wood trim home next door, West of Mr. Lively)
- 215 20th Avenue (County decision pending; variances requested)
- 220 20th Avenue (a 2-story stucco and wood trim home completed 2012)

At this point, it is significant to note that the County records show Mr. Lively did not file appeals against any of these projects.

We have spent the past year working diligently and closely with our family and our architect to design a home for our retirement and as important, a home that will continue to be a family retreat and gathering place for the generations to come. We are also very cognizant and respect our responsibility and role as good neighbors. We have made the time over the last year to meet with our neighbors to discuss the progress of our plans. We met several times with our "next door" neighbors, the Sisters of the Holy Names at the Villa Maria del Mar and the Dominican Sisters on 18th Avenue. We also met and discussed the project with the Saiers and the O'Neils who are our "backyard" neighbors at 144 & 150 18th Avenue respectively. Collectively everyone has expressed their pleasure with the proposed project and the prospect of having year-round neighbors and a new house in the neighborhood.

This is a project that has been carefully considered and thought out by three generations of our family. Our plans have come about after years of walking the beach and the neighborhood, observing the remodels and the new construction; talking with owners and contractors; and all the while drafting and drawing with the County requirements guiding our plans.

All of us are quite simply completely taken aback by the appeal and by Mr. Lively's speculative and unsubstantiated statements that are contrary to the County's findings and contrary to the facts.

EXHIBIT 1

The Property & its adjacent properties

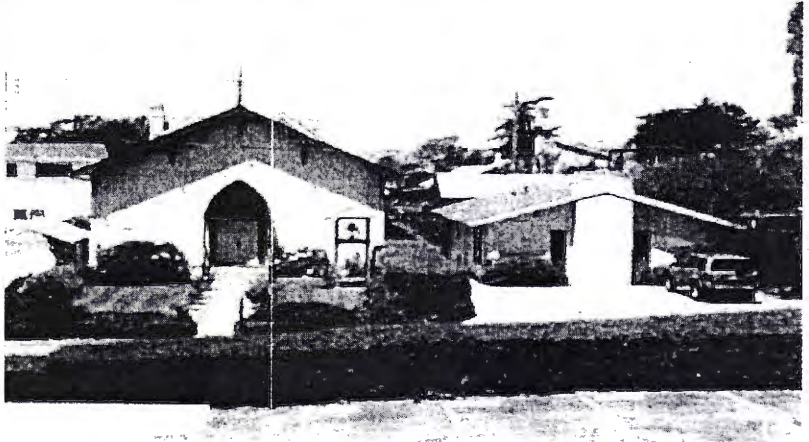
Picture source is Google maps (maps.google.com) located by street address.

The property

115 19th Avenue



The Chapel & Josephine House retreat
Next door to our **North**



The Dominican Sisters 19th Avenue lot
& dormitory
Next door to our **South**
As seen from the Property



The Property & its adjacent properties

Picture source is Google maps (maps.google.com) located by street address.

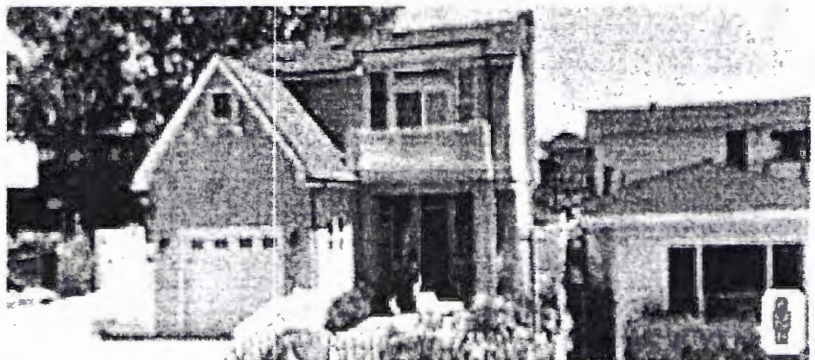
Villa Maria del Mar
21918 East Cliff Drive
East, directly across 19th Avenue from
the property


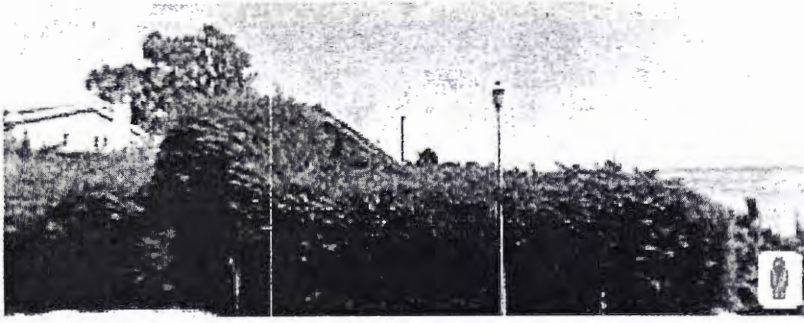

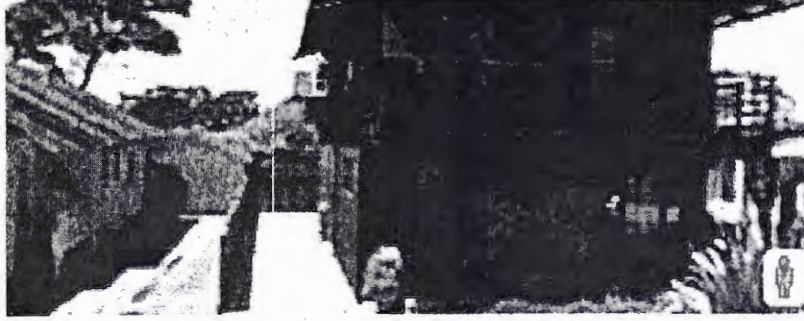


140 18th Avenue
West, directly behind the Property
Our backyard neighbors



150 18th Avenue
West, directly behind the Chapel
Kitty-corner behind the Property
Our backyard neighbors



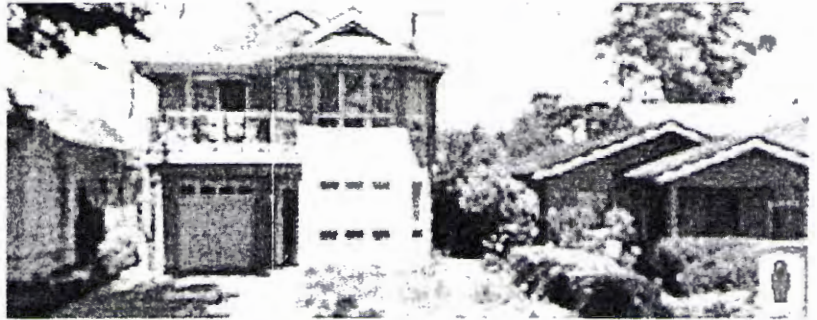
18 th Avenue homes	
101 18 th Avenue	
Dominican Sisters Retirement Retreat 120 18 th Avenue	
115 18 th Avenue	
145 and 155 18 th Avenue	

East Cliff Drive homes between 18th and 20th Avenues

21825 and 21829 East Cliff Drive



21811 and
21821 East Cliff Avenue (the Lively's)

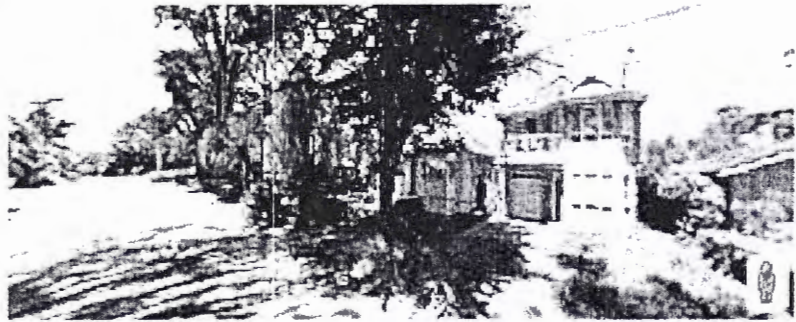


210 19th Avenue
On the South-East corner of East Cliff
and 19th



Street views along East Cliff Drive

East Cliff between 18th & 19th Avenues



East Cliff between 20th & 21st Avenues



New homes in the immediate neighborhood

220 20th Avenue
New home built 2011-2012



215 18th Avenue
New home built 2010

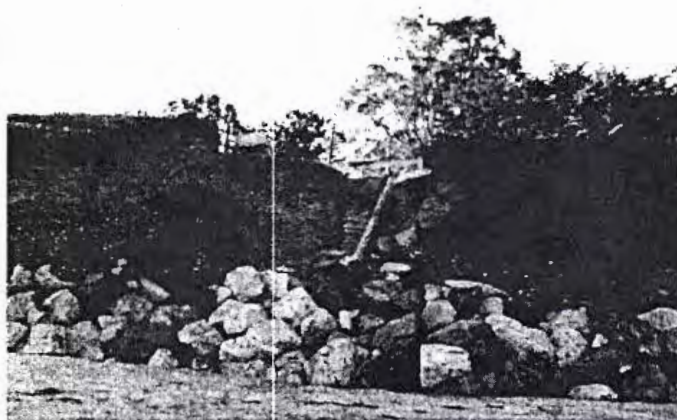


219 18th Avenue
New home built 2010



Beach views

Looking up at 19th Avenue from the tide pools on the 19th Avenue beach (owner's photo taken 5/28/2012)



Looking back towards 19th Avenue from the 20th Avenue County Park (owner's photo taken 5/28/2012)



Looking Southeast from the 20th Avenue beach across Corcoran Lagoon outlet to 23rd Avenue (owner's photo taken 5/28/2012)



EXHIBIT 2

Email From: Joseph Hanna <PLN829@co.santa-cruz.ca.us>

Date: Mon, 24 Oct 2011 09:11:13 -0700

To: 'Benjamin Miller' <benjamin.l.miller@gmail.com>

Subject: RE: Geologic Report Required for New SFD @ 115 19th Avenue?

Benjamin:

No you do not need an engineering geology report. The lot in question is far enough back from the bluff that analysis of coastal erosion is unnecessary. You will likely need a geotechnical engineering report (for foundation design)⁴.

Joe

From: Benjamin Miller [mailto:benjamin.l.miller@gmail.com]

Sent: Wednesday, October 19, 2011 3:54 PM

To: Joseph Hanna

Subject: Geologic Report Required for New SFD @ 115 19th Avenue?

Joe-

I would like your official judgement on whether or not I will be required to submit a geologic report as part of my application for development permits for a new single family dwelling located at 115 19th Avenue, Santa Cruz (parcel #028-222-05). The lot is relatively flat and level (see attached survey) and at least 50' from the bluff at the nearest point.

If you need any additional information in order to make a judgement, please don't hesitate to call or email.

Thank you.

Benjamin Miller

103 Palmer Drive

Los Gatos, CA 95032

⁴ The Geotechnical Report was prepared by Dees and Associates and submitted to the County on February 28, 2012, as part of the Development Plan Permit.

June 16, 2012

HARD COPY BEING SENT USPS

Annette Olson
Planning Department, 4th Floor
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

REGARDING the approval of Application No. 121047 for a residence at 115 19th Avenue, Santa Cruz, APN 028-222-05.

Dear Annette,

We are owners of the home at 150 18th Avenue (APN # 028-222-08) in Santa Cruz, located directly behind the Catholic Church. Our family has owned property in the Santa Maria Del Mar village of Santa Cruz since 1902 and our present lot since 1943.

We presently have a delightful view of Monterey Bay and the beach out the back side of our home. If the present one-story home to the south of the church is raised to the maximum height of a two-story home on the present footprint, our view will be eliminated and the value of our home diminished.

Fortunately, the home plans submitted to the County (Application No. 121047) reveal that the owners and architect of the proposed new structure are abiding by the County setback and height requirements. The owners are also being sensitive to preserving our view and those of our neighbors as much as possible, while preserving their right to enjoy the waterfront view from their property.

By moving the structure 15 feet in from the back property line as required, and starting the second story 10 feet further in from that, our view and the view of homes surrounding us will be partially preserved.

We believe the plans for the new home are attractive and blend in with the constantly developing architecture of the Santa Maria Del Mar village. We appreciate the sensitivity of the owners to the impact their home will have upon the community and the views of their neighbors inland from their property.

Sincerely,



Fulton L. Saier, M.D.

For the Saier-Johnson family home located at 150 18th Avenue, Santa Cruz, CA, 95062

Email: fsaier@yahoo.com

Santa Cruz Home Phone: 465-8689

Cell Phone: 1-503-310-0208

May 18, 2012 Zoning Administrator
Hearing & Related Correspondence

Annette Olson

From: Fulton Saier [fsaier@yahoo.com]
Sent: Wednesday, May 09, 2012 11:59 PM
To: Annette Olson
Subject: Thank you

Dear Annette,

Thank you for talking with us this morning regarding the 19th Avenue, Santa Cruz new home project of Claudia Lawrence.

With your help we were able to download information on this project from the County website. Also, we were able to talk directly with Claudia regarding the project for their new home.

As specified in the diagrams for this project as submitted to the County and posted to the County website, we feel the architect has done a good job in providing for maximal utilization of the 19th Avenue property's view while, at the same time, allowing for retention of ocean views of homes immediately inland from the Lawrence property. It is our hope that these plans will be approved and that the home can be constructed as diagrammed.

We are happy to support this project.

We appreciate your speaking with us, directing us toward the website design diagrams for this new home, and arranging for us to speak directly with Claudia Lawrence.

Sincerely,

Fulton L. Saier, MD

for the Saier Johnson family home located at 150 18th Avenue, Santa Cruz

Email: fsaier@yahoo.com

Phone: 503-310-0208

Home Address: 4383 NW Tam-O-Shanter Way, Portland, Oregon 97229-8738

From Fulton Saier at: FSAIER@YAHOO.COM

PHILIP D. LIVELY
24 HAWTHORN DRIVE
ATHERTON, CA. 94027

May 10, 2012
RE: 115 19TH AVE, SANTA CRUZ

COUNTY of SANTA CRUZ
PLANNING DEPARTMENT
701 OCEAN ST. 4TH FLOOR, SANTA CRUZ, CA.
Ms. Annette Olson,
Development Review Planner

Ms. Olson,

Thank you for the time you spent with me yesterday in reviewing the proposed Development of the property at 115 19th Ave. As a result of the review I have the following comments, concerns and suggestions. These are my early thoughts and I will be present at the hearing on Friday, May 18, 2012 to amplify my concerns.

I remain concerned about the height of the new structure and the restriction of views from properties to the North, up 19th Ave and along East Cliff Drive. Also the front set back at 15 feet and the two story height effectively walls-off the sight lines for these properties.

The 15 foot setback also means that the property owner may obviously park a vehicle in the set-back area and further obstruct views of the coastal area.

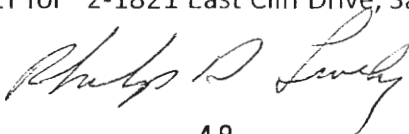
After review of the proposed construction and the "shadow coverage" related to the existing historic church, my main concern is the disastrous effect on this church. This church has been there from 1950, that I am aware of, and so it is at the very least, 62 years old, which qualifies it as an Historic Structure. The proposed construction overwhelms this church. Some action must be taken to mitigate the danger to the church and the effect on the congregation.

Changes to the proposed development could include 1) single story only back to the Front building line of the church. 2) Front set-back moved back to the front building line of the church owned conference building adjacent to the church to the North. 3) Roof peak height should not be greater than the existing church roof peak. These changes might result in a slightly smaller residence, but certainly would continue to allow the church to provide services to its congregation without being overshadowed by a dominating single family residence.

As we discussed, I would like to suggest addition of the following condition "All exterior lighting be shielded or down-lit to prevent the source of light from being visible on adjacent properties"

I will continue to give thought on this neighborhood issue and may submit further mitigation proposals at the hearing, thank you again for your assistance.

PHILIP D. LIVELY for 2-1821 East Cliff Drive, Santa Cruz, Ca.



DAVID W. LIVELY
15500 Kavin Lane
Monte Sereno, CA 95030
(408) 313-3500

2012 MAY 17 AM 10 58

May 17, 2012

Via Personal Delivery

County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA
Attn: Ms. Annette Olson
Development Review Planner

Re: Re: Application No. 121047; Two-Story Residence at 115 19th Avenue, Santa Cruz, APN 028-222-05

To the Zoning Administrator:

The purpose of this letter is to join in and add to the objection of Philip D. Lively which was filed on May 10, 2012. As property owners in the immediate neighborhood since 1960, we object to the development project. I also wish to point out two fundamental errors in these proceedings.

A. Approval of this development project requires preparation of a Negative Declaration or Environmental Impact Report, because it is not Categorically Exempt from the California Environmental Quality Act ("CEQA").

CEQA's categorical exemption for new construction of "small structures" (CEQA Guideline 15303) does not apply whenever one or more of the factual conditions listed in CEQA Guideline 15300.2 exist. Public Resources Code Sec. 21084, *East Peninsula Education Council v. Palos Verdes Unified School Dist.* (1989) 210 Cal App 3d 155. Here, the project's location (15300.2(a)), its cumulative impacts (15300.2(b)), its unusual circumstances (15300.2(c)), and its impacts on the adjacent church, a historical resource (15300.2(f)), all render application of a categorical exemption factually unfounded and an abuse of discretion.

Location. This project is located at the southwestern end of 19th Avenue, at the top of a coastal bluff overlooking the beach and the Pacific Ocean. It is the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive. The owner and her architect have gone to great lengths to disguise the visual impact of the proposed development project. The photos submitted by the applicant and which are included in the staff report at pages 5 and 6 are misleading. Attached to this letter

are four photographs which accurately reflect the sight lines and view areas which will be obliterated by the proposed development project.

This location is extremely sensitive, since ocean views comprise a substantial and valuable element of home values and the lifestyles of all of the affected residents of this small neighborhood. This proposed large, two-story house sits at right angles to the views of the easterly residents, it looms above the adjacent historic church, it is "maxed out" for building height, even exceeding the applicable 28-foot maximum building height, and it is by far the largest structure in the immediate vicinity. While it might be environmentally harmless in another location, its extreme size, excessive height and right-angle orientation as proposed cause significant adverse view obstruction, incompatibility and aesthetic impacts in this location. Essentially, granting the application will allow the building of a solid twenty-eight foot high wall which will extend twenty-five linear feet beyond the footprint of the existing church. For these reasons, a categorical exemption is unwarranted.

Cumulative Effects. There are many other small, older vacation cottages in this part of the County, especially along East Cliff Drive near the ocean. Every time one of the smaller houses, built to be compatible with the neighborhood in the past century, is demolished and replaced by a large, two-story "McMansion," economic pressures build to demolish more of the smaller houses and build more tall, obtrusive larger houses. The cumulative effect of this process is to replace the original low-profile, low-intensity, sunny neighborhood with tall houses on small lots, which block ocean views, concentrate cars into on-street parking, eliminate landscaping and eradicate the historical charm of the area. These small lots were not intended to hold houses exceeding 2,000 square feet of floor area. The neighborhood was designed to contain small, sunny, unobtrusive vacation homes. Over-building like this, in an unplanned, lot by lot process, will comprise an unwanted conversion of the area into a crowded urban space disconnected from the ocean views and low-key feel that presently make it attractive. This factor renders use of a categorical exemption unwarranted.

Unusual Circumstances. This development project occupies a rare, unique and visually prominent site. It sits at the top of a coastal bluff, visible for miles from the beach below and from many other locations within the vicinity. While it is not unattractive as a structure, it is simply too big for this location. It is far taller than the adjacent historic chapel, and while the church presently is visible from offsite and an historic visual amenity, this tall two story house will completely block off-site views of the church from the south and west. The appearance of the western end of 19th Avenue, when seen from the beach and elsewhere by members of the public, will change from that of a low-key religious complex dating from the 1890's, to someone's tall, blocky two-story house. This factor requires analysis of the significant adverse aesthetic impacts of the development project; analysis which is prevented by use of a categorical exemption.

Historical Resources. It is obvious from the graphics in the Staff Report that this new development will loom large above and immediately next to the historic church building to the north. This house simply dwarfs the chapel building, extending much closer to the street and

casting its shadow over it during most of every day. The effect of placing an excessively tall house just a few feet away on a small lot is to diminish and fundamentally alter the appearance of the historic chapel building, obscuring its traditional California architecture, altering and damaging its original setting, and eliminating much of the openness, historical significance, calm and peaceful charm of the chapel property. This factor requires an analysis of the architectural and historical incompatibility of the proposed new development with the adjacent historical church.

When a categorical exemption is used for CEQA compliance, the public and Santa Cruz County decision-makers are denied even a mention, let alone analysis, of the foregoing issues and environmental/historical consequences of approving this development project. An Initial Study and either a Negative Declaration or an EIR are therefore not only required by law, but also by good planning policy.

B. Approval of this development project would violate applicable Local Coastal Plan policies, because it is located on a coastal bluff top, and it is visually obtrusive and out of scale with the surrounding neighborhood.

The Staff Report erroneously recites that this project is "consistent with" applicable "design criteria and special use standards and conditions" of the Local Coastal Plan. To support this conclusion it relies upon three demonstrably false characterizations.

First, it characterizes this project as "consistent with the neighborhood in terms of architectural style." This may be true regarding the superficial design details, colors and trim of the building, but is certainly is not true regarding its height, bulk, location and mass. This building is nearly as big as it possibly could be, and is located in a highly visible, sensitive location, obvious for over a block to the east as an obtrusive 29.3 foot tall rectangle blocking ocean views. As such, it is inherently incompatible with the neighborhood, which was and largely remains made up of smaller houses, designed and arranged to preserve each other's ocean views.

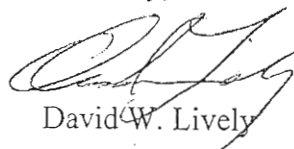
Second, it inexplicably states that this new development is "not located on a coastal bluff top"; a statement rebutted in the Staff Report itself and its accompanying drawings.

Third, Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles, and an obvious intensification of development, visual impact and land use. This excessively tall, large new house is plainly not "visually compatible or in scale with the surrounding neighborhood", even though it (just barely) fits within the applicable maximum zoning limits on height, mass, lot coverage, etc. As noted above, this development project maxes out the building envelope on a small, 4,000 square foot parcel intended in the 1920's to contain a vacation cottage roughly 1/4 its size. Even if other parcels in the area also have become overbuilt, that is not a rationale for overbuilding this sensitive, highly visible coastal bluff site. Doing so will contravene both the letter and spirit of applicable Coastal Plan policies.

County of Santa Cruz
May 17, 2012
Page 4

For all of the foregoing reasons, we respectfully object to approval of this development project. Approval in the absence of an Initial Study and either a Negative Declaration or EIR will violate CEQA and its Guidelines. The public and County 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. If approved by the County as proposed, this project can be appealed to the California Coastal Commission and modified so that it does conform to Coastal Zone land use regulations.

Sincerely,



David W. Lively

DWL

Enclosures

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

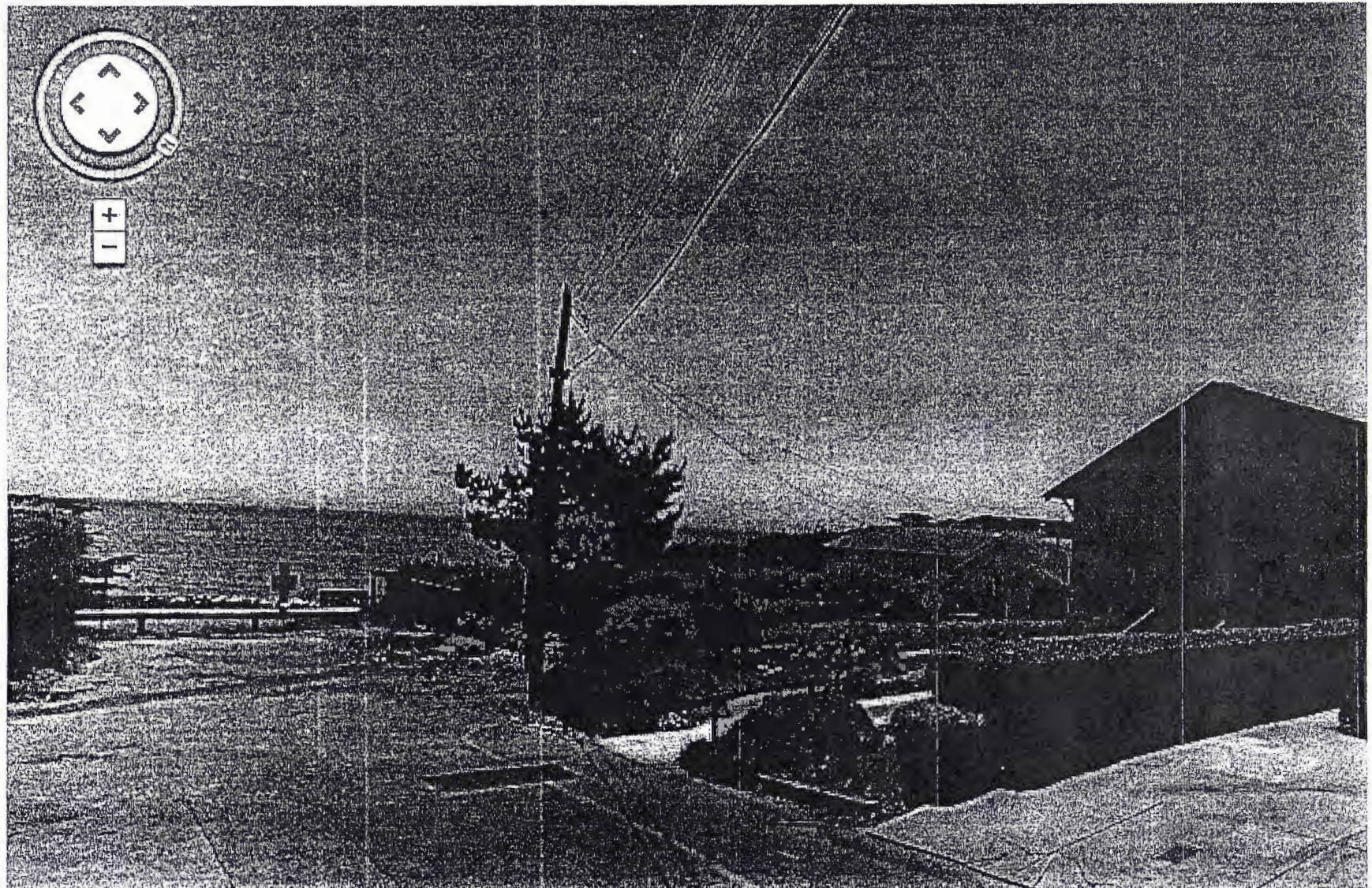


EXHIBIT E

-53-

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



EXHIBIT E

-54-

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

EXHIBIT E

-55-



Google

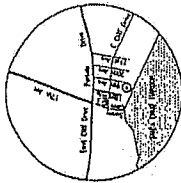
To see all the details that are visible on the screen, use the "Print" link next to the map.



-56-

EXHIBIT E

**MILLER RESIDENCE
NEW HOUSE**
115 19th Avenue
Santa Cruz, CA 95062



VICINITY MAP
- 1/4" = 1' - 0"

PROJECT DATA and GENERAL NOTES

OWNER: Cassia Lawrence Meier
OWNER'S AGENT: Nancy Huynh
ASSOCIATED FIRM: MILLER RESIDENCE 028-222-05
PARCEL AREA: 4,000 sq ft
ZONING: R-1-1-4
SUBDIVISION: Parcel (containing) 115-05 (containing) 15-05;
Site (containing) 15-05; Site (containing) 15-05;
Parish's Avenue, Front/Back 15-05; Sites 2-07
(OF CONVEYANCE) LOTS (400 sq ft)
FLOOR AREA: 1,000 sq ft (100 sq ft above)
LOADING HEIGHT: 15'-0" +/- (15'-0" above)
BUILDING OCCUPANCY CLASSIFICATION: R-3 Residential
TYPE OF CONSTRUCTION: 3B (wood frame)
FIRE PROTECTION: Automatic Fire Sprinkler System Throughout
PARKING REQUIREMENT: 3 Off-Street Parking Spaces Required
HEIGHT OF ROOF: 50'-0"
FLOORING: Solid System - No Stairs
GENERAL NOTE (1): These drawings are to be used in conjunction with
the Miller Residence 028-222-05 and additional information
contained in the Miller Residence 028-222-05 and additional information
contained in the Miller Residence 028-222-05.
GENERAL NOTE (2): Owner has not yet had formal initial testing
conducted for existing on-site conditions to be demolished. This will
be accomplished prior to future permit applications.
GENERAL NOTE (3): Existing system proposed Redwood Floor & Siding

SCHEDULE OF DRAWINGS:

GENERAL
G-1 GENERAL INFORMATION
G-2 EXISTING
G-3 EXISTING
G-4 EXISTING
SURVEY
S-1 METEOROLOGICAL SURVEY
C-1 EXISTING AND DEMOLITION PLAN
C-2 EXISTING CONTROL PLAN
ARCHITECTURAL
A-1 EXISTING PLAN
A-2 SITE PLAN and ADJACENCIES
A-3 SITE PLAN
A-4 FLOOR PLANS
A-5 ROOF PLAN
A-6 EXISTING ELEVATIONS
A-7 BUILDING SECTIONS
LANDSCAPE
L-1 LANDSCAPE PLAN

0488

Design Resubmission
County of Santa Cruz
Progress Prints 06-29-12

NANCY HUYNH
ARCHITECT
2750 SERRA DRIVE
SANTA CRUZ, CA 95062
PHONE (831) 455-1906
FAX (831) 455-1905

06-29-12
0488
0488

no.	date	description
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REVISIONS

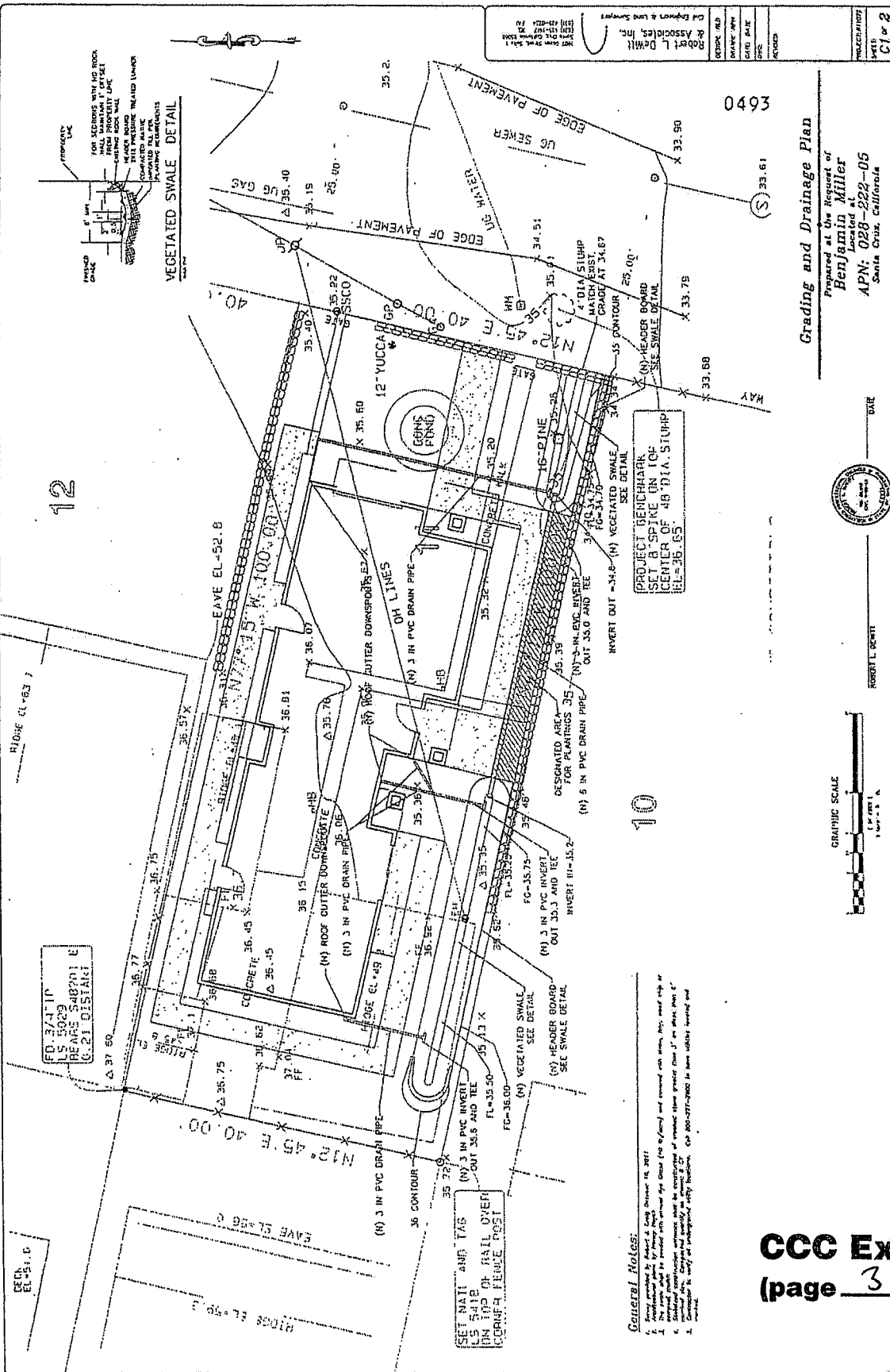
PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 19TH AVENUE
SANTA CRUZ, CA
APR 028-222-05

SHEET TITLE
GENERAL
INFORMATION

SCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: NHH
JOB NO.: H1120
DWG. NO.: H1120-G-1

G-1
Sheet of sheets

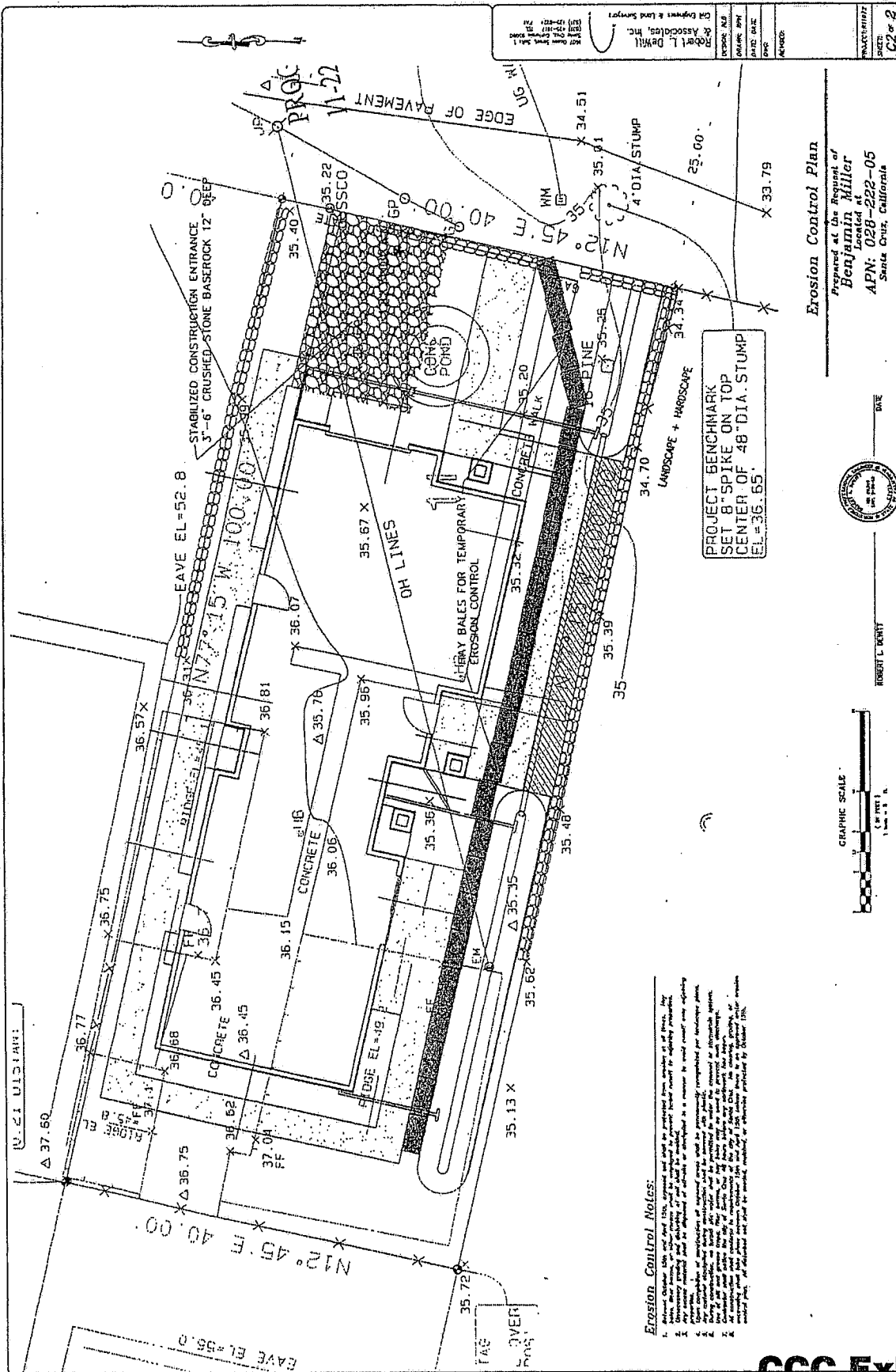


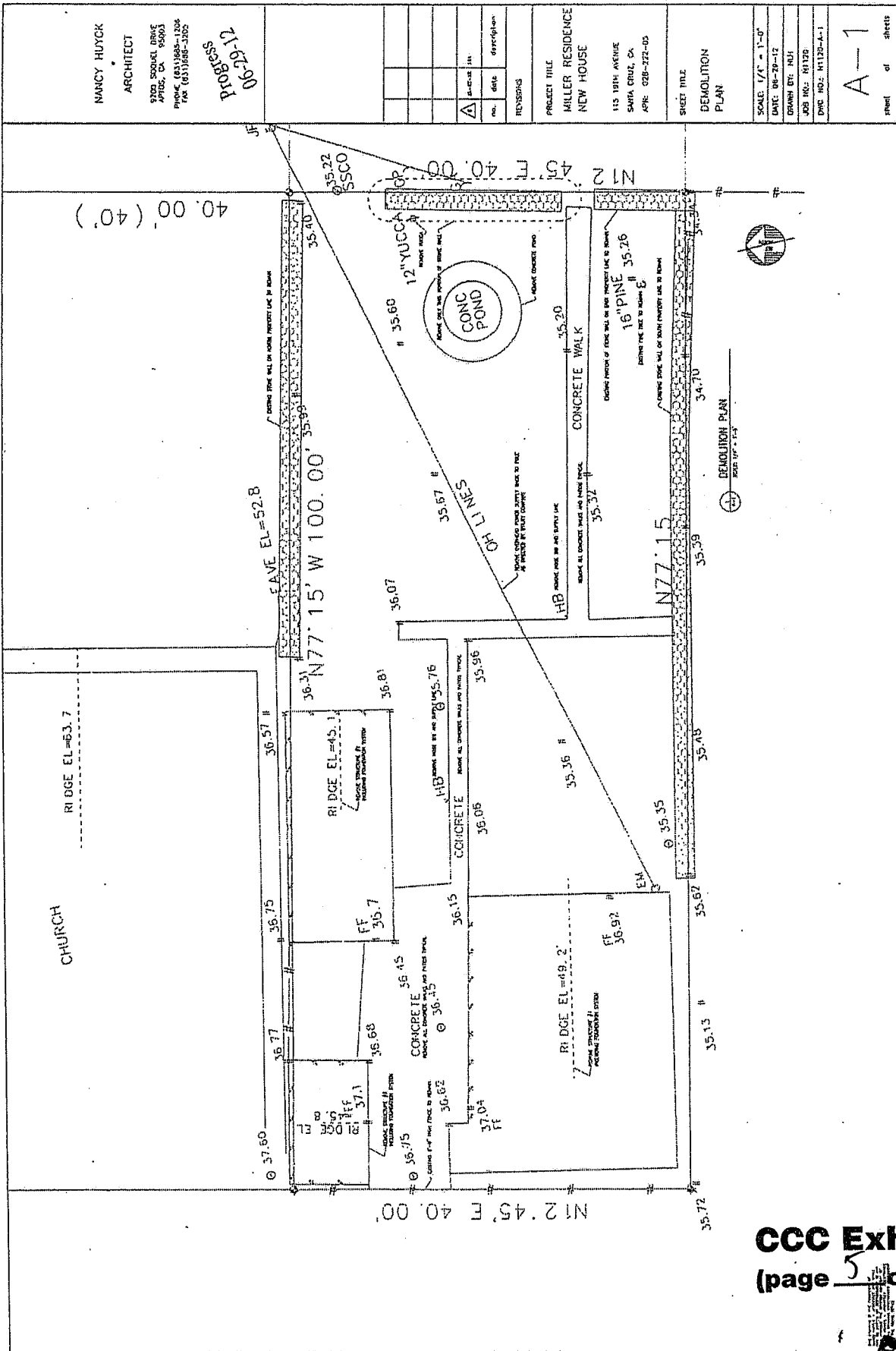
Grading and Drainage Plan

Prepared at the Request of
Benjamin Miller
 APN: 028-222-05
 Santa Cruz, California



50





NANCY HUYCK
ARCHITECT
9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831) 685-1204
FAX (831) 685-3305

12-16-2000
PROJECTS

REV.	DATE	DESCRIPTION
A	12-16-2000	DEMOLITION

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE
115 15TH AVENUE
SANTA CRUZ, CA
APR 020-272-005

SHEET NO. 2
DEMOLITION
PLAN

SCALE: 1/4\" = 1'-0\"
DATE: 08-29-12
DRAWN BY: NSU
JOB NO.: H1120
DWG NO.: H1120-A-1

A-1
SHEET OF SHEETS

CCC Exhibit 4
(page 5 of 12 page)

60-67-17 Progress

60-67-17 Progress

[illegible]

PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE

115 15TH AVENUE
SANTA CRUZ, CA
APN: 028-722-05

SUBJECT TITLE

**SITE UTILITIES
and
ADJACENCIES**

SCALE: 1/8" = 1'-0"

DATE: 06-29-12

DRAWN BY: NCH

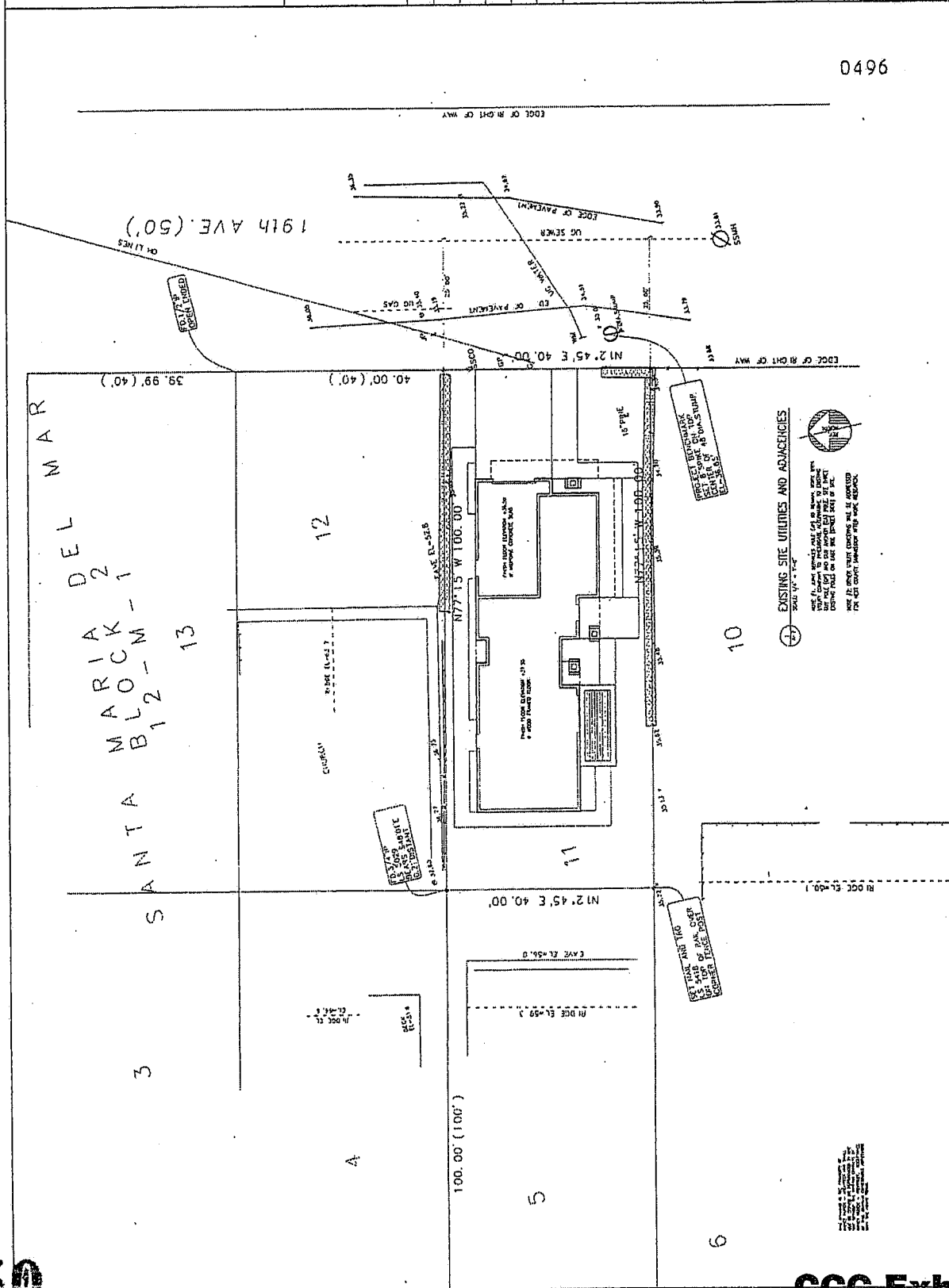
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0496



(page 6 of 12)

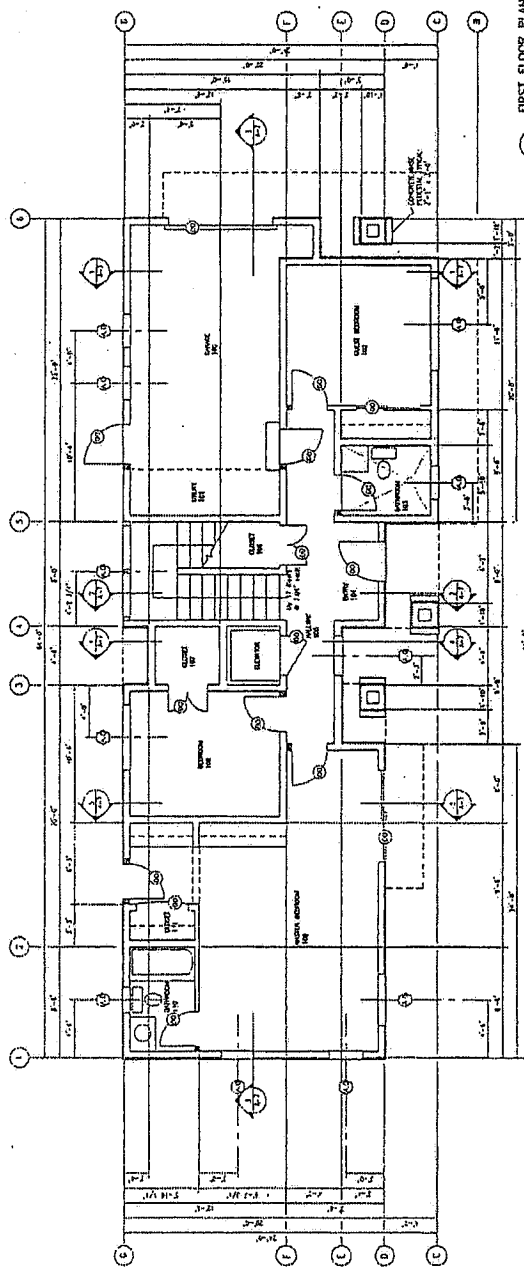
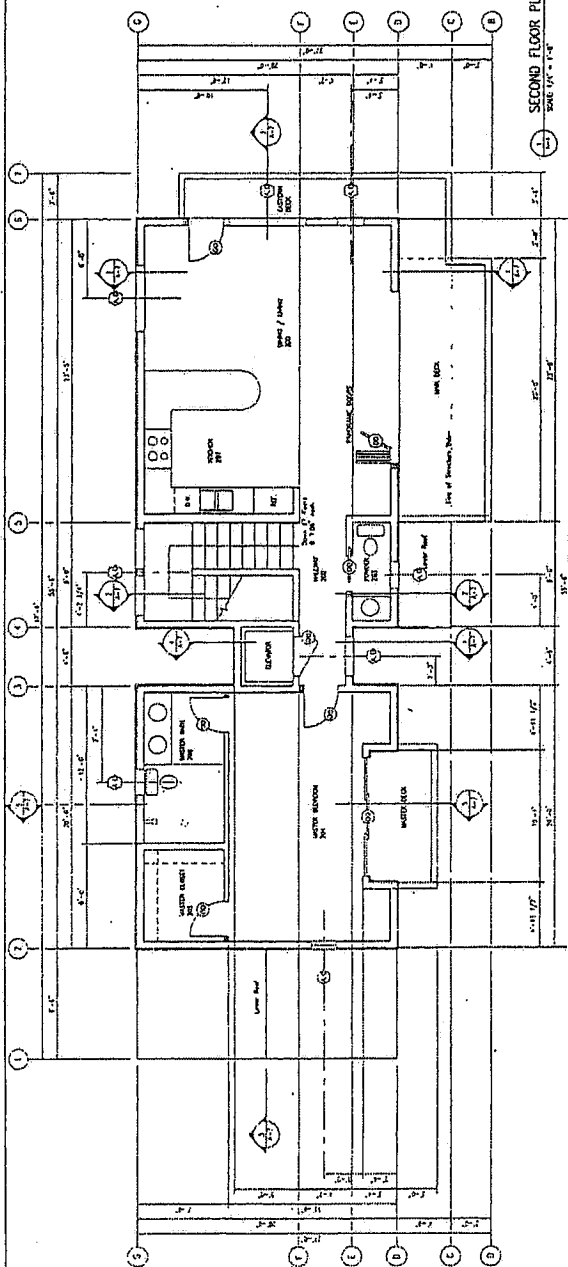
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NANCY HUTCH
ARCHITECT
9200 SORREL DRIVE
ATLANTA, GA 30303
PHONE: (404) 882-1206
FAX: (404) 882-1205

121675-90
10/23/08

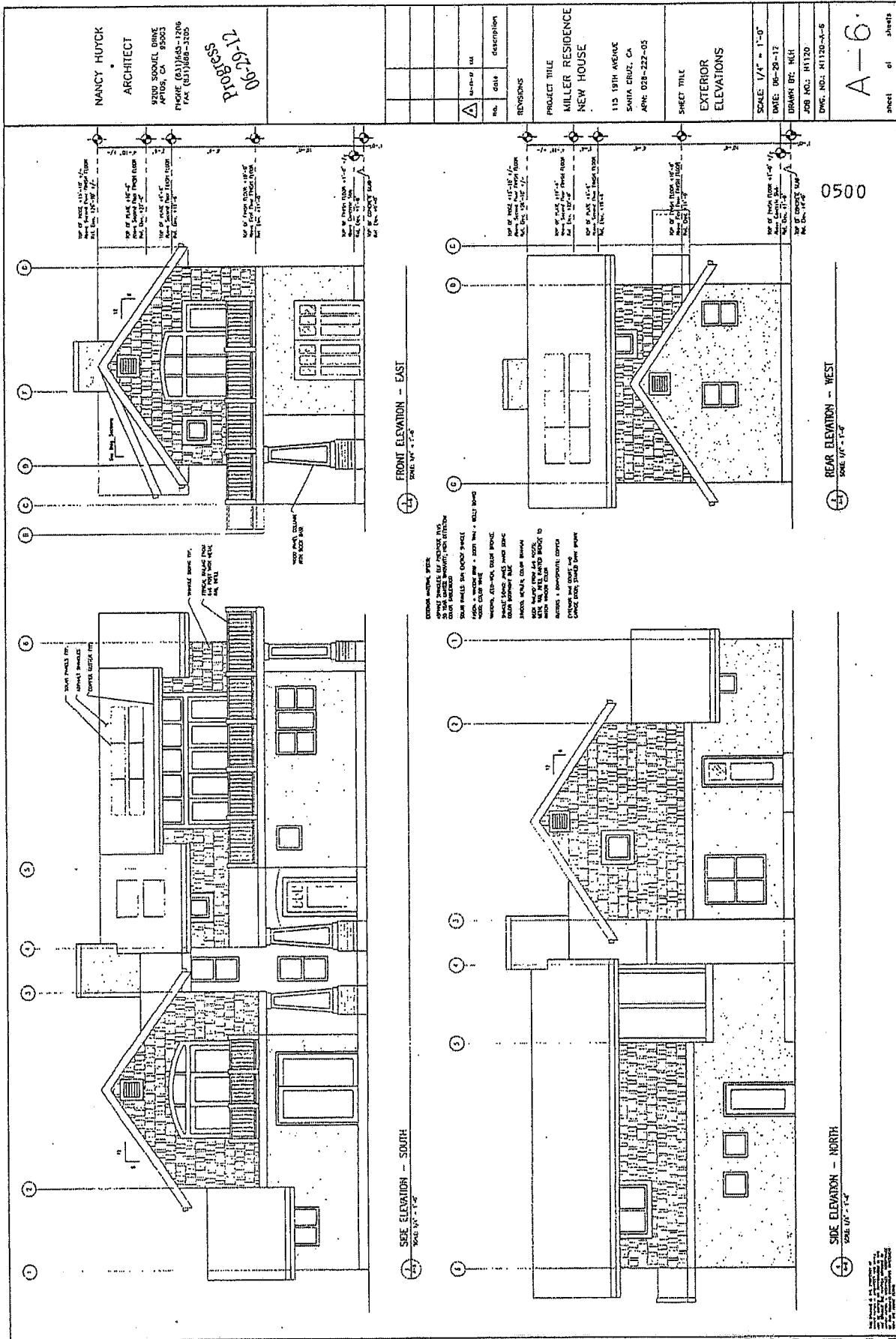


SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

0498



06-29-12
Progress

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PROJECT FILE
MILLER RESIDENCE
NEW HOUSE

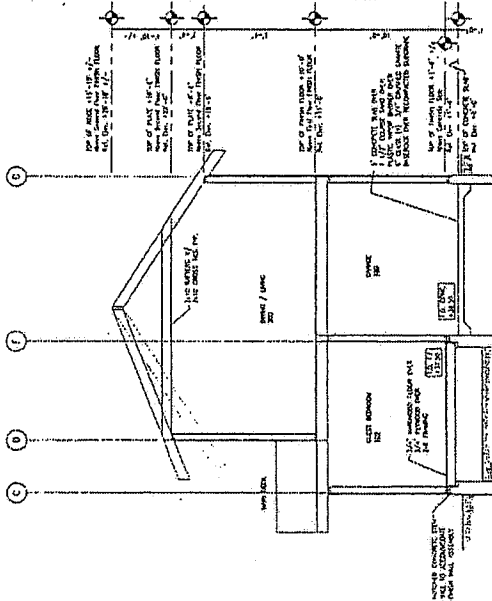
115 19TH AVENUE
SANTA CRUZ, CA
APH: 076-222-05

SHEET TITLE
BUILDING
SECTIONS

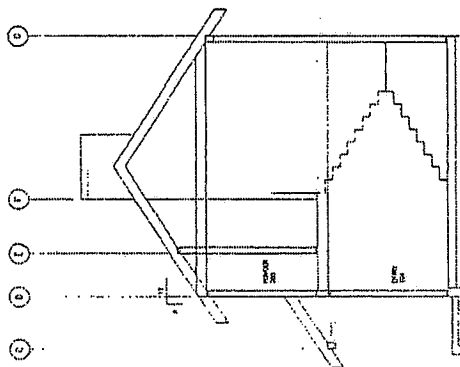
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DATE: 06-29-12
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DWG. NO.: H1120-A-7

7-A

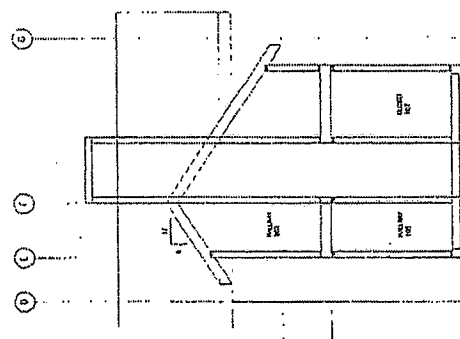
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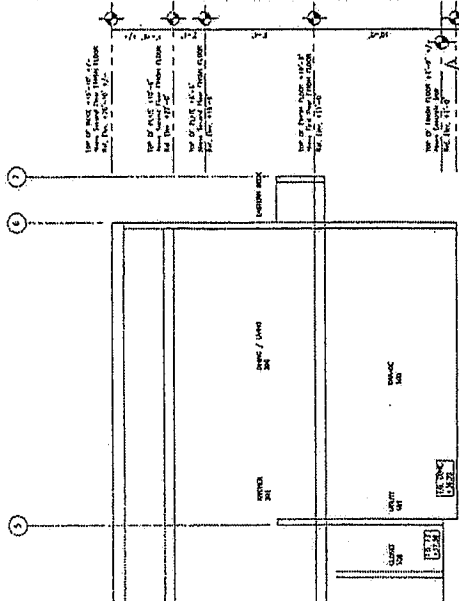
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BUILDING SECTION 11
SHEET 10 - 11



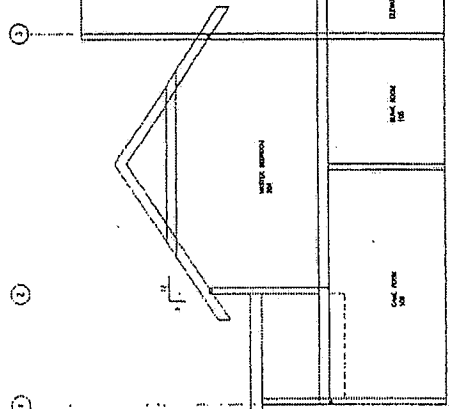
BUILDING SECTION #2



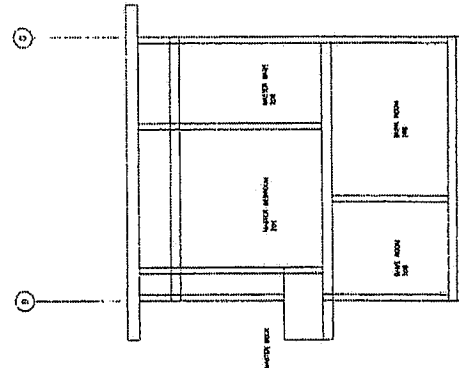
BUILDING SECTION 14



3 BUILDING SECTION 13



5 BUILDING SECTION 15



NOTE #2:
THE MOOREBORG EASEMENT IS CLEARLY
NOTED ON THE SURVEYOR'S MAP AS
+62.72. THE PROPOSED MILLER ROGE IS +63.33
(EASILY OVER FOUR FEET BELOW THE
MOOREBORG ROGE).

NOTE #1:
NO EXISTING CHACK BELOW THIS HOUSE
2000 SQ. FT. HOUSE
IS LESS THAN ELEVATION 415.50. THEREFORE
THIS HOUSE IS IN CONFORMANCE WITH THE
28'-6" MAINTAIN HEIGHT LIMIT SET FORTH BY
THE SANTA CRUZ COUNTY PLANNING DEPARTMENT.

3 BUILDING SECTION 13

5 BUILDING SECTION 15

NANCY HUYCK

ARCHITECT

9200 SMOCK DRIVE
APTOS, CA 95003
PHONE (831) 365-1206
FAX (831) 365-207511-26-90
11-26-90
11-26-90

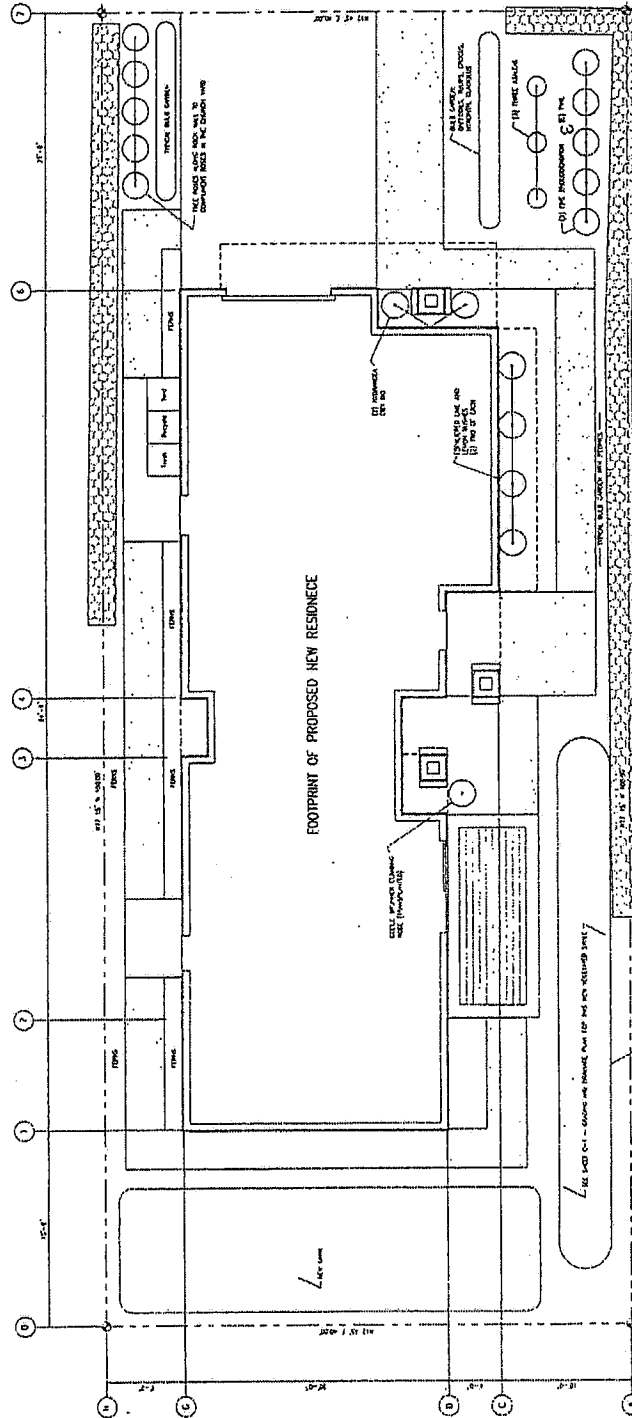
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PROJECT TITLE
MILLER RESIDENCE
NEW HOUSE115 19TH AVENUE
SANTA CRUZ, CA
APR 028-222-05

SHEET TITLE

LANDSCAPE
PLANSCALE: 1/4" = 1'-0"
DATE: 06-29-12
DRAWN BY: PMH
JOB NO.: H120
DWG. NO.: H120-L-11-1
Sheet of sheets

19TH AVENUE



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
155 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: September 20, 2012

TO: Kathy M. Previsich, Planning Director
County of Santa Cruz, Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

FROM: Madeline Cavalieri, District Manager

RE: **Commission Appeal No. A-3-SCO-12-037**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: 121047
Applicant(s): Claudia Mae Lawrence & Berkeley Miller
Description: Proposal to demolish the existing dwelling & accessory structures, and construct a two-story SFD.
Location: 115 19th Avenue, Live Oak (Santa Cruz County) (APN(s) 028-222-05)
Local Decision: Approved w/ Conditions
Appellant(s): Philip D. Lively
Date Appeal Filed: 9/19/2012

The Commission appeal number assigned to this appeal is A-3-SCO-12-037. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Santa Cruz's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Daniel Robinson at the Central Coast District office.

cc: Claudia Mae Lawrence & Berkeley Miller
Nancy Huyck, Architect

CALIFORNIA COASTAL COMMISSION

SEP 19 2012

SEP 19 2012

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREACALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Philip D. Lively

Mailing Address: 24 Hawthorn Drive

City: Atherton, CA

Zip Code: 94027

Phone: (650) 328-7660

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Cruz

2. Brief description of development being appealed:

Construction of a large (4000 sq. ft.) new two-story residence on a coastal bluff, replacing a 570 sq. ft. cottage at that location, in a neighborhood of small vacation cottages.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

115 19th Avenue (west side of 19th); APN 028-222-05

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-3-SCC-12-037

DATE FILED:

9/19/12

DISTRICT:

CENTRAL

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: July 25, 2012

7. Local government's file number (if any): 121047

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Claudia Lawrence and Berkeley Miller (Owner)
~~103 Palmer Avenue~~
Los Gatos, CA 95032

*807 South Monroe St.
SAN JOSE, CA 95128*

Nancy Huyck
9200 Soquel Avenue
Aptos, CA 95003
(831) 685-1206

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mr. David W. Lively P.O. Box 1469, San Jose, CA 95109-1469, (408) 313-3500

(2) Mr. and Mrs. Philip Ruiz 2-1829 East Cliff Drive, Santa Cruz, CA

(3) Mr. and Mrs. James Schlievert 2544 West San Ramon, Fresno, CA

(4) Mrs. Jan Wagner c/o Mr. David Wagner, 2-1825 East Cliff Drive, Santa Cruz, CA

(5) Mr. Dick Parker 2-1724 East Cliff Drive, Santa Cruz, CA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

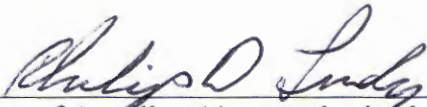
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached letter from David W. Lively dated May 17, 2012, and letters dated May 10, 2012 and August 3, 2012 from Philip D. Lively.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



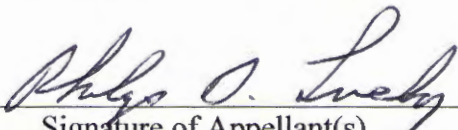
Signature of Appellant(s) or Authorized Agent

Date: September 17, 2012

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize David W. Lively
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date: September 17, 2012

DAVID W. LIVELY
15500 Kavin Lane
Monte Sereno, CA 95030
(408) 313-3500

May 17, 2012

Via Personal Delivery

County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA
Attn: Ms. Annette Olson
Development Review Planner

Re: Re: Application No. 121047; Two-Story Residence at 115 19th Avenue, Santa Cruz, APN 028-222-05

To the Zoning Administrator:

The purpose of this letter is to join in and add to the objection of Philip D. Lively which was filed on May 10, 2012. As property owners in the immediate neighborhood since 1960, we object to the development project. I also wish to point out two fundamental errors in these proceedings.

A. Approval of this development project requires preparation of a Negative Declaration or Environmental Impact Report, because it is not Categorically Exempt from the California Environmental Quality Act ("CEQA").

CEQA's categorical exemption for new construction of "small structures" (CEQA Guideline 15303) does not apply whenever one or more of the factual conditions listed in CEQA Guideline 15300.2 exist. Public Resources Code Sec. 21084, *East Peninsula Education Council v. Palos Verdes Unified School Dist.* (1989) 210 Cal App 3d 155. Here, the project's location (15300.2(a)), its cumulative impacts (15300.2(b)), its unusual circumstances (15300.2(c)), and its impacts on the adjacent church, a historical resource (15300.2(f)), all render application of a categorical exemption factually unfounded and an abuse of discretion.

Location. This project is located at the southwestern end of 19th Avenue, at the top of a coastal bluff overlooking the beach and the Pacific Ocean. It is the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive. The owner and her architect have gone to great lengths to disguise the visual impact of the proposed development project. The photos submitted by the applicant and which are included in the staff report at pages 5 and 6 are misleading. Attached to this letter

are four photographs which accurately reflect the sight lines and view areas which will be obliterated by the proposed development project.

This location is extremely sensitive, since ocean views comprise a substantial and valuable element of home values and the lifestyles of all of the affected residents of this small neighborhood. This proposed large, two-story house sits at right angles to the views of the easterly residents, it looms above the adjacent historic church, it is "maxed out" for building height, even exceeding the applicable 28-foot maximum building height, and it is by far the largest structure in the immediate vicinity. While it might be environmentally harmless in another location, its extreme size, excessive height and right-angle orientation as proposed cause significant adverse view obstruction, incompatibility and aesthetic impacts in this location. Essentially, granting the application will allow the building of a solid twenty-eight foot high wall which will extend twenty-five linear feet beyond the footprint of the existing church. For these reasons, a categorical exemption is unwarranted.

Cumulative Effects. There are many other small, older vacation cottages in this part of the County, especially along East Cliff Drive near the ocean. Every time one of the smaller houses, built to be compatible with the neighborhood in the past century, is demolished and replaced by a large, two-story "McMansion," economic pressures build to demolish more of the smaller houses and build more tall, obtrusive larger houses. The cumulative effect of this process is to replace the original low-profile, low-intensity, sunny neighborhood with tall houses on small lots, which block ocean views, concentrate cars into on-street parking, eliminate landscaping and eradicate the historical charm of the area. These small lots were not intended to hold houses exceeding 2,000 square feet of floor area. The neighborhood was designed to contain small, sunny, unobtrusive vacation homes. Over-building like this, in an unplanned, lot by lot process, will comprise an unwanted conversion of the area into a crowded urban space disconnected from the ocean views and low-key feel that presently make it attractive. This factor renders use of a categorical exemption unwarranted.

Unusual Circumstances. This development project occupies a rare, unique and visually prominent site. It sits at the top of a coastal bluff, visible for miles from the beach below and from many other locations within the vicinity. While it is not unattractive as a structure, it is simply too big for this location. It is far taller than the adjacent historic chapel, and while the church presently is visible from offsite and an historic visual amenity, this tall two story house will completely block off-site views of the church from the south and west. The appearance of the western end of 19th Avenue, when seen from the beach and elsewhere by members of the public, will change from that of a low-key religious complex dating from the 1890's, to someone's tall, blocky two-story house. This factor requires analysis of the significant adverse aesthetic impacts of the development project; analysis which is prevented by use of a categorical exemption.

Historical Resources. It is obvious from the graphics in the Staff Report that this new development will loom large above and immediately next to the historic church building to the north. This house simply dwarfs the chapel building, extending much closer to the street and

casting its shadow over it during most of every day. The effect of placing an excessively tall house just a few feet away on a small lot is to diminish and fundamentally alter the appearance of the historic chapel building, obscuring its traditional California architecture, altering and damaging its original setting, and eliminating much of the openness, historical significance, calm and peaceful charm of the chapel property. This factor requires an analysis of the architectural and historical incompatibility of the proposed new development with the adjacent historical church.

When a categorical exemption is used for CEQA compliance, the public and Santa Cruz County decision-makers are denied even a mention, let alone analysis, of the foregoing issues and environmental/historical consequences of approving this development project. An Initial Study and either a Negative Declaration or an EIR are therefore not only required by law, but also by good planning policy.

B. Approval of this development project would violate applicable Local Coastal Plan policies, because it is located on a coastal bluff top, and it is visually obtrusive and out of scale with the surrounding neighborhood.

The Staff Report erroneously recites that this project is “consistent with” applicable “design criteria and special use standards and conditions” of the Local Coastal Plan. To support this conclusion it relies upon three demonstrably false characterizations.

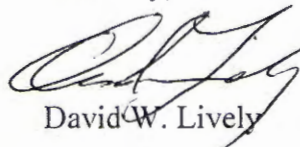
First, it characterizes this project as “consistent with the neighborhood in terms of architectural style.” This may be true regarding the superficial design details, colors and trim of the building, but is certainly is not true regarding its height, bulk, location and mass. This building is nearly as big as it possibly could be, and is located in a highly visible, sensitive location, obvious for over a block to the east as an obtrusive 29.3 foot tall rectangle blocking ocean views. As such, it is inherently incompatible with the neighborhood, which was and largely remains made up of smaller houses, designed and arranged to preserve each other’s ocean views.

Second, it inexplicably states that this new development is “not located on a coastal bluff top”; a statement rebutted in the Staff Report itself and its accompanying drawings.

Third, Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles, and an obvious intensification of development, visual impact and land use. This excessively tall, large new house is plainly not “visually compatible or in scale with the surrounding neighborhood”, even though it (just barely) fits within the applicable maximum zoning limits on height, mass, lot coverage, etc. As noted above, this development project maxes out the building envelope on a small, 4,000 square foot parcel intended in the 1920’s to contain a vacation cottage roughly ¼ its size. Even if other parcels in the area also have become overbuilt, that is not a rationale for overbuilding this sensitive, highly visible coastal bluff site. Doing so will contravene both the letter and spirit of applicable Coastal Plan policies.

For all of the foregoing reasons, we respectfully object to approval of this development project. Approval in the absence of an Initial Study and either a Negative Declaration or EIR will violate CEQA and its Guidelines. The public and County 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. If approved by the County as proposed, this project can be appealed to the California Coastal Commission and modified so that it does conform to Coastal Zone land use regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Lively", is written over the printed name.

David W. Lively

DWL

Enclosures

RECEIVED

SEP 26 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PHILIP D. LIVELY

**24 Hawthorn Dr.
Atherton, CA 94062
(650) 328-7660**



August 3, 2012

Via Personal Delivery

County of Santa Cruz
Board of Supervisors
701 Ocean Street, Rm. 500
Santa Cruz, CA 95060
Attn: Mr. John Leopold

County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Attn: Ms. Annette Olson

**Re: Re: Appeal of Application No. 121047 Approving Two-Story Residence at 115
19th Avenue, Santa Cruz, APN 028-222-05**

To the Members of the Board of Supervisors:

The purpose of this letter is to appeal the decision of the Zoning Administrator and Planning Commission to approve the above-made application.

As a property owner in the immediate neighborhood since 1960, I request that approval of the application be reversed and be remanded to the Zoning Administrator. A check in the amount of \$1,800.00 payable to the County of Santa Cruz is submitted herewith as payment of the fees associated with the appeal to the Board of Supervisors and Planning Commission ("the County").

Approval of the application by the County failed to require preparation of a negative declaration or environmental impact because the property was not exempt from the California Environmental Quality Act. Also, approval of the development project violates applicable local coastal policies because it is located on or near a coastal bluff, is visually obtrusive, and out of scale with the surrounding neighborhood; the development also fails to protect public views from nearby roads; and is not compatible with the established physical scale of the area and may significantly alter existing natural land forms.

In addition, the County staff reports contained material inaccuracies.

A. Approval of this development project requires preparation of a Negative Declaration or Environmental Impact Report, because it is not Categorically Exempt from the California Environmental Quality Act ("CEQA").

In approving the application, the County has incorrectly found that the development project was exempt from CEQA. CEQA's categorical exemption for new construction of "small structures" (CEQA Guideline 15303) does not apply whenever one or more of the factual conditions listed in CEQA Guideline 15300.2 exist. Public Resources Code Sec. 21084, *East Peninsula Education Council v. Palos Verdes Unified School Dist.* (1989) 210 Cal App 3d 155. Here, the project's location (15300.2(a)), its cumulative impacts (15300.2(b)), its unusual

circumstances (15300.2(c)), and its impacts on the adjacent church, a historical resource (15300.2(f)), all render application of a categorical exemption factually unfounded and an abuse of discretion.

Location. This project is located at the southwestern end of 19th Avenue on or near the top of a coastal bluff overlooking the beach and the Pacific Ocean. It is the last, westernmost significant structure blocking the westerly (ocean) view of all of the houses along 19th Avenue, both west and east of East Cliff Drive. The owner and her architect have gone to great lengths to disguise the visual impact of the proposed development project. Attached to this letter are four photographs which accurately reflect the sight lines and view areas which will be obliterated by the proposed development project. These photos were previously submitted to the Zoning Administrator for consideration, but no findings were made as to the obvious conflict between these photos and the misleading photos which were submitted by applicant and included in the Staff Report at Pages 5 and 6.

This location is extremely sensitive, since ocean views comprise a substantial and valuable element of home values and the lifestyles of all of the affected residents of this small neighborhood. This proposed large, two-story house sits at right angles to the views of the easterly residents, it looms above the adjacent historic church, it is "maxed out" for building height, even exceeding the applicable 28-foot maximum building height, and it is by far the largest structure in the immediate vicinity. While it might be environmentally harmless in another location, its extreme size, excessive height and right-angle orientation as proposed cause significant adverse view obstruction, incompatibility and aesthetic impacts in this location. Essentially, granting the application will allow the building of a solid twenty-eight foot high wall which will extend twenty-five linear feet beyond the footprint of the existing church. For these reasons, a categorical exemption is unwarranted.

Cumulative Effects. There are many other small, older vacation cottages in this part of the County, especially along East Cliff Drive near the ocean. Every time one of the smaller houses, built to be compatible with the neighborhood in the past century, is demolished and replaced by a large, two-story "McMansion," economic pressures build to demolish more of the smaller houses and build more tall, obtrusive larger houses. The cumulative effect of this process is to replace the original low-profile, low-intensity, sunny neighborhood with tall houses on small lots, which block ocean views, concentrate cars into on-street parking, eliminate landscaping and eradicate the historical charm of the area. These small lots were not intended to hold houses exceeding 2,000 square feet of floor area. The neighborhood was designed to contain small, sunny, unobtrusive vacation homes. Over-building like this, in an unplanned, lot by lot process, will comprise an unwanted conversion of the area into a crowded urban space disconnected from the ocean views and low-key feel that presently make it attractive. This factor renders use of a categorical exemption unwarranted.

Unusual Circumstances. This development project occupies a rare, unique and visually prominent site. It sits on or near the top of a coastal bluff, visible for miles from the beach below and from many other locations within the vicinity. While it is not unattractive as a structure, it is

simply too big for this location. It is far taller than the adjacent historic chapel, and while the church presently is visible from offsite and an historic visual amenity, this tall two story house will completely block off-site views of the church from the south and west. The appearance of the western end of 19th Avenue, when seen from the beach and elsewhere by members of the public, will change from that of a low-key religious complex dating from the 1890's, to someone's tall, blocky two-story house. This factor requires analysis of the significant adverse aesthetic impacts of the development project; analysis which is prevented by use of a categorical exemption.

Historical Resources. It is obvious from the graphics in the Staff Report that this new development will loom large above and immediately next to the historic church building to the north. This house simply dwarfs the chapel building, extending much closer to the street and casting its shadow over it during most of every day. Although shadow studies submitted by the applicant comply with the statutory minimum requirements set by the County, the studies do not accurately depict the impact on the church due to the Project's proximity to the church and the Project's orientation to the Project location solar patterns. The effect of placing an excessively tall house just a few feet away on a small lot is also to diminish and fundamentally alter the appearance of the historic chapel building, obscuring its traditional California architecture, altering and damaging its original setting, and eliminating much of the openness, historical significance, calm and peaceful charm of the chapel property. This factor requires an analysis of the architectural and historical incompatibility of the proposed new development with the adjacent historical church.

When a categorical exemption is used for CEQA compliance, the public and Santa Cruz County decision-makers are denied even a mention, let alone analysis, of the foregoing issues and environmental/historical consequences of approving this development project. An Initial Study and either a Negative Declaration or an EIR are therefore not only required by law, but also by good planning policy.

B. Approval of this development project would violate applicable Local Coastal Plan policies, because it is located on a coastal bluff top; the development project is visually obtrusive and out of scale with the surrounding neighborhood; the development fails to protect public views from nearby roads; is not compatible with the established physical scale of the area; and may significantly alter existing natural land forms.

The County found and the Staff Report erroneously recites that this project is "consistent with" applicable "design criteria and special use standards and conditions" of the Local Coastal Plan. To support this conclusion they rely upon three demonstrably false characterizations and findings.

First, they characterize this project as "consistent with the neighborhood in terms of architectural style." This may be true regarding the superficial design details, colors and trim of the building, but is certainly is not true regarding its height, bulk, location and mass. This building is nearly as big as it possibly could be, and is located in a highly visible, sensitive location, obvious for over a block to the east as an obtrusive 29.3 foot tall rectangle blocking

ocean views. As such, it is inherently incompatible with the neighborhood, which was and largely remains made up of smaller houses, designed and arranged to preserve each other's ocean views.

Second, the Staff inexplicably states and the County found that this new development is "not located on a coastal bluff top"; a statement rebutted in the Staff Report itself and its accompanying drawings.

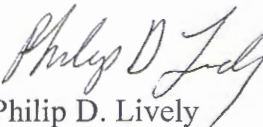
Third, Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles, and an obvious intensification of development, visual impact and land use. This excessively tall, large new house is plainly not "visually compatible or in scale with the surrounding neighborhood", even though it (just barely) fits within the applicable maximum zoning limits on height, mass, lot coverage, etc. The views from the existing public streets and public beaches of the existing natural land forms will be permanently degraded and altered.

As noted above, this development project maxes out the building envelope on a small, 4,000 square foot parcel intended in the 1920's to contain a vacation cottage roughly ¼ its size. Even if other parcels in the area also have become overbuilt, that is not a rationale for overbuilding this sensitive, highly visible coastal bluff site. Doing so will contravene both the letter and spirit of applicable Coastal Plan policies, and is clearly not compatible with the established physical scale of the area.

Finally, the arguments mentioned in Section A above regarding the need for an environmental impact report or a negative declaration, as to the property's location, cumulative effects, unusual circumstances, and historical resources are equally apropos to the development project's violation of applicable local coastal plan policies, the development failing to protect public views from nearby roads, lack of compatibility with established physical scale, and alteration of the existing natural land forms.

For all of those reasons, I respectfully request that approval of this development project 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 County 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. Lastly, 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.

Sincerely,


Philip D. Lively

Enclosures

Google

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Exhibit 5

Page 14 of 22



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Exhibit 5

Page 16 of 22

9/16/2012



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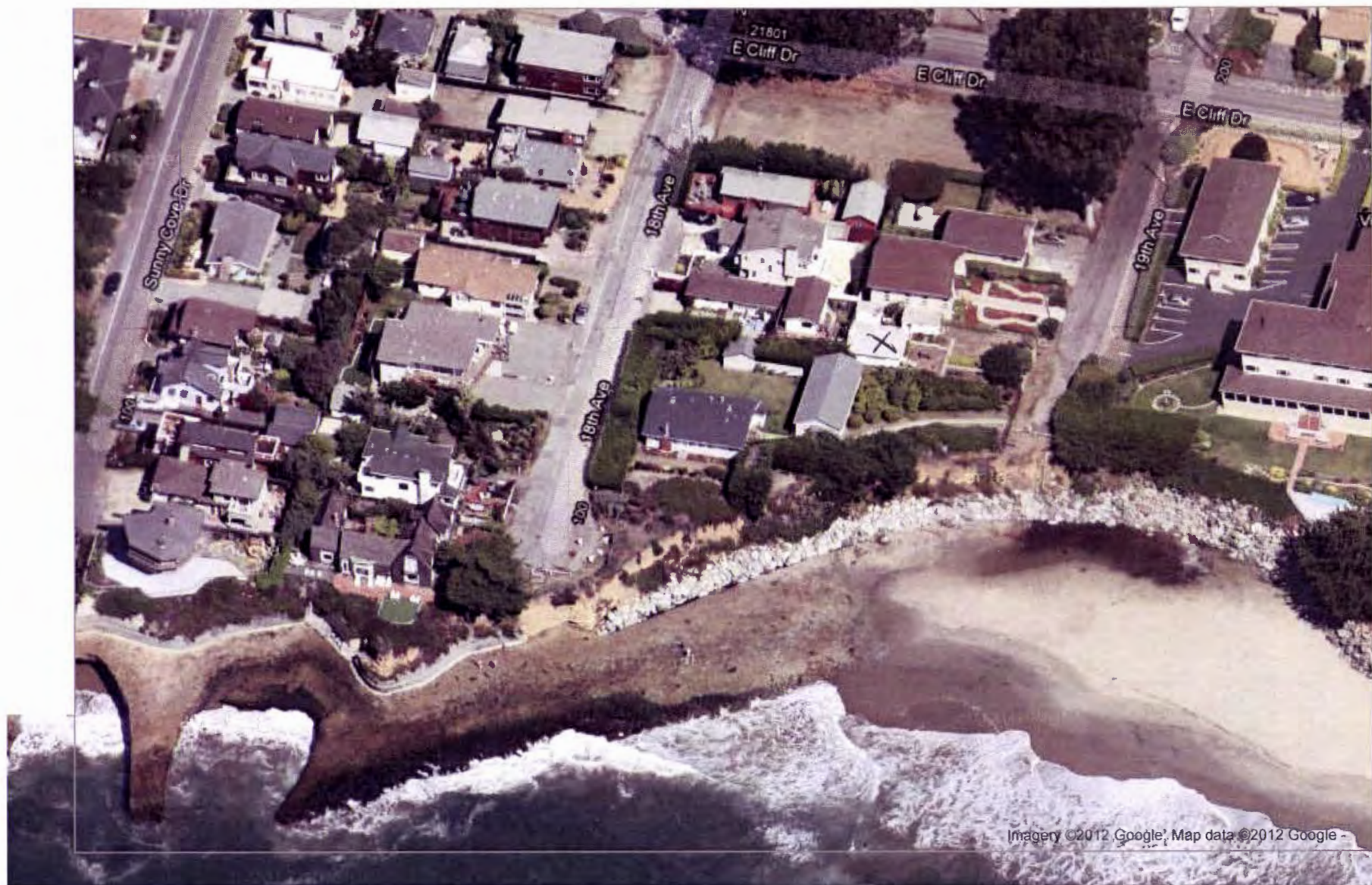


Exhibit 5

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Exhibit 5

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Exhibit 5

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Exhibit 5

Page 21 of 22

PHILIP D. LIVELY
24 HAWTHORN DRIVE
ATHERTON, CA. 94027

May 10, 2012
RE: 115 19TH AVE, SANTA CRUZ

COUNTY of SANTA CRUZ
PLANNING DEPARTMENT
701 OCEAN ST. 4TH FLOOR, SANTA CRUZ, CA.
Ms. Annette Olson,
Development Review Planner

Ms. Olson,

Thank you for the time you spent with me yesterday in reviewing the proposed Development of the property at 115 19th Ave. As a result of the review I have the following comments, concerns and suggestions. These are my early thoughts and I will be present at the hearing on Friday, May 18, 2012 to amplify my concerns.

I remain concerned about the height of the new structure and the restriction of views from properties to the North, up 19th Ave and along East Cliff Drive. Also the front set back at 15 feet and the two story height effectively walls-off the sight lines for these properties.

The 15 foot setback also means that the property owner may obviously park a vehicle in the set-back area and further obstruct views of the coastal area.

After review of the proposed construction and the "shadow coverage" related to the existing historic church, my main concern is the disastrous effect on this church. This church has been there from 1950, that I am aware of, and so it is at the very least, 62 years old, which qualifies it as an Historic Structure. The proposed construction overwhelms this church. Some action must be taken to mitigate the danger to the church and the effect on the congregation.

Changes to the proposed development could include 1) single story only back to the Front building line of the church. 2) Front set-back moved back to the front building line of the church owned conference building adjacent to the church to the North. 3) Roof peak height should not be greater than the existing church roof peak. These changes might result in a slightly smaller residence, but certainly would continue to allow the church to provide services to its congregation without being overshadowed by a dominating single family residence.

As we discussed, I would like to suggest addition of the following condition "All exterior lighting be shielded or down-lit to prevent the source of light from being visible on adjacent properties"

I will continue to give thought on this neighborhood issue and may submit further mitigation proposals at the hearing, thank you again for your assistance.

PHILIP D. LIVELY for 2-1821 East Cliff Drive, Santa Cruz, Ca. (650-328-7660)



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

As the owners of the property at 115 19th Avenue, Santa Cruz, 95062, we submit this response to appeal A-30-SCO-12-037 filed by Mr. Philip Lively on September 19, 2012.

I. INTRODUCTION & OVERVIEW OF THE APPEAL

The existing structure is a cabin (right) that shares the block with the Sisters of the Holy Names' Villa Maria del Mar Retreat Center, the Chapel and the Dominican Sisters' dormitory. Like Mr. Lively we are long-time members of the community as the property has been in our family since the 1920s.

The plans for our proposed retirement home came about after years of walking the neighborhood and the beach, observing the remodels and new construction; talking with family, talking to owners and contractors and architects; all the while being mindful of the California Environmental Quality Act (CEQA), Santa Cruz County codes and restrictions and the Local Coastal Policy (LCP). This is a thoughtful, carefully planned project. Not one variance of any kind has been requested.



The County of Santa Cruz rejected Mr. Lively's appeals at every level and approved this project without dissent. The proposed home does not block public views; the house is not on a coastal bluff and the house is located on the lot so that it exceeds set-back, mass and size restrictions. The County has repeatedly deemed Mr. Lively's claims to be misleading, mistaken and irrelevant.

II. SETTING THE RECORD STRAIGHT: LIVELY DESCRIPTION OF THE PROJECT TO THE COASTAL COMMISSION

Describing the project in Section II, item 2 of the Commission's appeal form, Mr. Lively states that the project is, "Construction of a large (4000 sq ft) new two-story residence on a coastal bluff, replacing a 570 sq ft. cottage at that location, in a neighborhood of small vacation cottages." This is wrong on three counts:

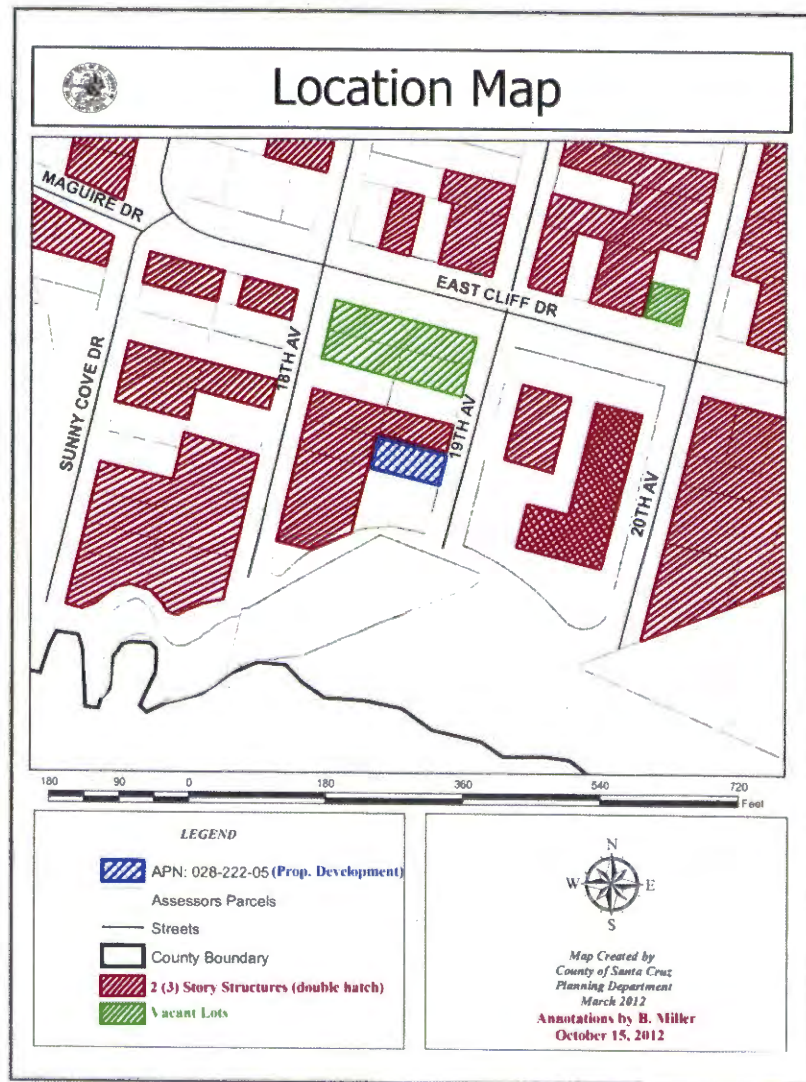
1. It has never been our intention to construct a 4,000 square foot home. We submitted, and the County approved, plans for a 2,000 square foot, 2-story, single-family residence; our retirement home.
2. The lot is not on the coastal bluff. The County Geologist states that the "proposed development is approximately 50 feet from the coastal bluff, and the bluff is currently protected by a rock type seawall." (Report to the Planning Commission, 7/18/2012¹).

¹ Santa Cruz County Planning Office submitted all documents referenced in this report to the California Coastal Commission, Central Coast District by Santa Cruz County on September 13, 2012. Some, including the Planning Commission Report, are also online at: <http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/PLNSupMaterial/PC/Minutes/2012/20120725/010.pdf>.

3. Live Oak is no longer a neighborhood of small vacation cottages. 4 of the 5 lots surrounding our property already contain 2-story structures; the neighborhood at large is already filled with 2-story homes (red hatched lots on Exhibit 1, the Location Map below). The entire last block of 19th Avenue South of East Cliff Drive is occupied by the Villa Maria del Mar with its 2-story dormitory and 3-story retreat center and dormitory². This year three new 2-story homes have received County approval; our proposed home at 115 19th Avenue, a home at 150 Sunny Cove, and a home at 215 20th Avenue (their renderings are Exhibit 2, following page).

EXHIBIT 1

LOCATION MAP



² County of Santa Cruz Planning Department Report dated June 19, 2012; page 5.

In addition to the evolution of this neighborhood towards larger homes, across the street from the subject parcel is the Sisters' retreat center composed of two- and three-story buildings. These institutional buildings establish a scale which is substantially larger than the single-family homes surrounding it, and certainly much greater than the proposed dwelling. (<http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/PLNSupMaterial/PC/Minutes/2012/20120725/010.pdf>)

EXHIBIT 2

ARCHITECTURAL RENDERINGS OF PROPOSED NEW HOMES IN THE NEIGHBORHOOD



115 19th Avenue



215 20th Avenue



150 Sunny Cove (17th Avenue)

III. CONFORMING WITH THE LOCAL COASTAL PLAN

Mr. Lively's May 17, 2012 letter contains additional misleading and inaccurate claims in alleging that the project violates the LCP. He writes that "Coastal Zone design policies plainly discourage (if not outright prohibit) new McMansions situated on coastal bluffs where they will be visible for miles". First of all (and as Mr. Lively himself notes a few lines later), the proposed development "fits within the applicable maximum zoning limits on height, mass, lot coverage, etc." How can a project that meets the LCP's zoning requirements be prohibited by that same document? In fact, by meeting those requirements, the proposed development is precisely the sort of structure envisioned by the LCP.

Second, the proposed development (except for the 29.3' elevator shaft), is only 26'-10" tall; *shorter* than the church to the north and of a similar scale as the homes to the west and northwest. Therefore, it cannot possibly be more visible than the existing structures. This home will not loom large from the beach or from the adjacent bluffs. Rather, it is entirely in character with an already developed

neighborhood. It will be surrounded by buildings of similar or much larger size and mass, so its impact on views will be extremely limited (see Exhibit 3).

EXHIBIT 3

AERIAL VIEW OF 18TH AND 19TH AVENUES (SOURCE: <http://www.californiacoastline.org/> TAKEN 9/2010)



The approximate extent of the proposed home (green outline).

Nor will our home be visible from nearby beaches. As seen in our photos below, the view looking up from the 19th Avenue beach starts with the rock seawall, continues to the storm drain pipe, follows up to "the bench," the juniper hedges, on to the the pine tree, and finally to the eucalyptus trees that line the street. You cannot see the Chapel or the Retreat in either photo so it is reasonable to conclude that you will not see our new home from the beach.

EXHIBIT 4

VIEWS FROM THE BEACH



From the beach looking up at 19th Avenue
(the Monterey Pine at the SE corner of our lot is
just visible above and to the left of the drainpipe)



West towards 19th Avenue from the
21st Avenue County Park beach

Finally, we do not propose to alter any existing natural land forms. The landscape plan for the property has been designed to maintain the natural land forms including the 25-foot pine tree in the Southeast corner of the property and the 3-foot stone fences built in the 1920s with beach stones and river rock. This is a flat lot. The elevation varies less than 3 feet from the Northeast corner to the Southwest corner.

IV. THE ELEPHANT IN THE ROOM: PRIVATE VIEWS

Mr. Lively's initial correspondence in response to the proposed development reveals his true objection: the effect on his private views. From his May 10th letter to Annette Olson, the Country Planner: "I remain concerned about the height of the new structure and the restriction of views **from properties** to the North, up 19th Ave and along East Cliff Drive". He elaborates: "the two story height effectively walls-off the sight lines **for these properties**" (emphasis added). In his May 17th letter in support of Mr. Lively's objection, David W. Lively (the appellant's son) notes that "ocean views comprise a substantial and valuable element of home values" and complains of the proposed structure's "significant adverse view obstruction".

At Mr. Lively's request, and to assure ourselves that we understood his concerns, we met with him and his son, David, on July 22nd. The claims made in the appeals were not even mentioned. Their only concern was their own private view. The appellant even offered to drop his appeal and help defray the costs of re-applying for development permits if we were to move the home 15' to the west (behind the chapel, thereby preserving his current private view).

The record on private views is quite clear: they are not protected. Nonetheless, we have done our utmost to be good neighbors on this point. The proposed development exceeds the front setback requirement and is massed to preserve our immediate neighbors' private views to the greatest extent possible. As Dr. Saier concludes in his June 16th letter in support of our project: "[w]e appreciate the sensitivity of the owners to the impact their home will have on the community and their neighbors inland from their property." Moving our home 15' to the west would either destroy the Saiers' and O'Neil's (our "backyard" neighbors at 144 & 150 18th Avenue, respectively) views or dramatically reduce the area of the home. It would also entail significant delays and additional costs to redesign the home and resubmit for permits.

EXHIBIT 5

THE APPELLANT'S CURRENT PRIVATE VIEW



The proposed development will be lower than the existing chapel and end about where the pine tree peaks above the existing single-story Josephine House.

We have tried our best to be cognizant of this most sensitive issue. In fact, we have largely succeeded in maintaining existing views, both public and private. Despite that he too knows private views are not protected, protecting his private view seems to be the appellant's sole motive.

V. IN CONCLUSION

We have spent the year working diligently with our family and our architect to design a home for our retirement; a home that will continue to be a family retreat and gathering place for generations to come. We are also highly aware of our responsibility to be good neighbors. We have made the time over the last year to meet several times with our 19th Avenue neighbors; the Sisters of the Holy Names at the Villa Maria del Mar and the Dominican Sisters. We also met and discussed the project with the our backyard neighbors, the Saiers and the O'Neils. Everyone (except the appellant) has expressed their pleasure with the proposed project and the prospect of having year-round neighbors and a new house in the neighborhood.

We look forward to spending our retirement years in the Live Oak neighborhood. We have carefully planned a proposed home that is fully compliant with all Country zoning requirements as well as the LCP. We have requested no variances. *None*. Ours is exactly the type of project envisioned for this community.

In light of the County's findings and the facts detailed above, and with all due respect, we request that you, the California Coastal Commission members, find no substantive issue and allow the County decision to stand as final.

We are available by email or by phone to provide any additional information you may need and to answer any questions you may have. Thank you for your time and consideration.



Claudia Mae Lawrence
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R. Berkeley Miller
408.364.1031
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APPLICABLE AND CITED COUNTY OF SANTA CRUZ COASTAL PROGRAM POLICIES AND ZONING ORDINANCE SECTIONS

Objective 5.10.a Protection of Visual Resources. To identify, protect, and restore the aesthetic values of visual resources.

LUP Policy 5.10.3 Protection of Public Vistas. Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas.

LUP Policy 5.10.6 Preserving Ocean Vistas. Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

LUP Policy 5.10.7 Open Beaches and Bluff Tops. Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access...

LUP Policy 5.10.10 Designation of Scenic Roads. East Cliff Drive – from 33rd Avenue to 41st Avenue...

LUP Section 6.2.10 Site Development to Minimize Hazards. Require all developments to be sited and designed to avoid or minimize hazards as determined by the geologic hazards assessment or geologic and engineering investigations.

LUP Section 6.2.12 Setbacks from Coastal Bluffs. All development activities, including those which are cantilevered, and non-habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff. A setback of greater than 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100-year lifetime of the structure, as determined through geologic and/or soil engineering reports. The determination of the minimum 100 year setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures.

LUP Section 8.6.6 Protecting Ridgetops and Natural Landforms. Protect ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings, and other significant natural landforms from development.

LUP Section 6.3.9 Site Design to Minimize Grading. Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines: (a) structures should be clustered; (c) foundation designs should minimize

excavation or fill; (d) building and access envelopes should be designated on the basis of site inspection to avoid particularly erodible areas...

IP Section 13.20.130 Design criteria for coastal zone developments... (b) Entire Coastal Zone. The following Design Criteria shall apply to projects sited anywhere in the coastal zone: **1. Visual Compatibility.** All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. **2. Minimum Site Disturbance.** Grading, earth moving, and removal of major vegetation shall be minimized. Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained...

IP Section 13.20.130(b)(1) Entire Coastal Zone, Visual Compatibility. The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

IP Section 13.20.130(d) Beach Viewsheds. The following design criteria shall apply to all projects located on blufftops and visible from beaches: **1. Blufftop Development.** Blufftop development and landscaping (e.g. decks, patios, structures, trees, shrubs, etc.)... in urban areas of the viewshed, site development shall conform to (c) 2 and 3 below:

(2) **Site Planning.** Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities). Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed.

(3) **Building Design.** Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched rather than flat roofs, which are surfaced with nonreflective materials except for solar energy devices shall be encouraged. Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster.

IP Section 13.11.072 Site Design (in relevant part)

(A) It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.

(1) Compatible Site Design. (a) The primary elements of site design which must be balanced and evaluated in relation to the proposed project site and surrounding development in order to create compatible development include: (i) Location and type of access to the site. (ii) Building siting in terms of its location and orientation. (iii) Building bulk, massing and scale. (iv) Parking location and layout. (v) Relationship to natural site features and environmental influences. (vi) Landscaping. (vii) Streetscape relationship. (viii) Street design and transit facilities. (ix) Relationship to existing structures. (b) Consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character.

(B) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.

(1) Natural Site Amenities and Features. (a) The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate. (b) Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be retained or enhanced and incorporated into the site design and landscaping, where appropriate. (c) Buildings shall be sited and oriented in such a way as to take advantage of, or make connection to, the site amenities and features, where appropriate. (d) Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, and other structures. Ridgeline protection shall be ensured by restricting the height and placement of buildings and providing landscape screening in order to prevent any projection above the ridgeline. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to ensure that the proposed structure is low profile and visually screened.

(2) Views. (a) Development shall protect the public viewshed, where possible. (b) Development should minimize the impact on private views from adjacent parcels, wherever practicable.

(H) It shall be an objective of an open space design, whether landscape or hardscape, to relate to building and site design.

IP Section 13.20.130(d) Beach Viewsheds. *(A) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.*

(B) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design. (a) Building design shall relate to adjacent development and the surrounding area. (b) Compatible relationships between adjacent buildings can

be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:

- (i) Massing of building form. (ii) Building silhouette. (iii) Spacing between buildings. (iv) Street face setbacks. (v) Character of architecture. (vi) Building scale. (vii) Proportion and composition of projections and recesses, doors and windows, and other features. (viii) Location and treatment of entryways. (ix) Finish material, texture and color.*
- (2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.*

(C) It shall be an objective of building design to address scale on the appropriate levels (“scale” is defined in SCCC 13.11.030).

(D) It shall be an objective of building design to use design elements to create a sense of human scale, and pedestrian interest.

(1) Building Articulation. (a) Variation in wall plane, roof line, detailing, materials and siting are techniques which can be used to create interest in buildings, where appropriate. Roof and wall plane variations including building projections, bay windows, and balconies are recommended to reduce scale and bulk. (b) All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. The provision of projections and recesses, windows, doors and entries, color and texture, are methods of articulating facades.

IP Section 16.10.040 (10) *“Coastal bluff” means a bank or cliff along the coast subject to coastal erosion processes. “Coastal bluff” refers to the top edge, face, and base of the subject bluff.*