

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



F19h

Prepared March 8, 2021 for March 12, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

**Subject: Additional hearing materials for F19h
CDP Number A-3-STC-21-0013 (Front Street/Riverfront Project, Santa
Cruz)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

March 11, 2021

Mr. Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94150

RE: March 12, 2021 Agenda Item H: Front Street/Riverfront Project

Dear Chair Padilla and Coastal Commissioners:

I appreciate your Commission's hearing of Appeal Number A-3-STC-21-0013 for the Front Street/Riverfront Project in the City of Santa Cruz (City) and the staff recommendation of No Substantial Issue. I write to you today to again convey that the Santa Cruz City Council did approve this project on January 12, 2021 by a vote of 5 to 2.

I feel that it is important to share the City Council's majority vote support for the Front Street/Riverfront Project on your March 12, 2021 agenda. Councilmembers voting in favor of the project included recognition of the public benefits associated with the project, including the two public promenades connecting to our downtown shopping district and providing access to the San Lorenzo Riverwalk as envisioned in the San Lorenzo Urban River Plan adopted by the City and your Commission in the early 2000s. Further, the project includes a payment into the City's Affordable Housing Trust Fund in the amount of \$400,000 and a contribution to further river habitat improvements and interpretation with a contribution of \$50,000 from the project applicant. Councilmembers in the majority recognized these benefits in their verbal support of the project.

Finally, the project's outcome of 15 very-low-income and five low-income deed-restricted housing units was recognized by the City Council majority. The City, like many cities throughout California, has found building affordable units more difficult since the dissolution of redevelopment agencies in California. Our Affordable Housing Team is one of the most

Mr. Steve Padilla, Chair

March 11, 2021

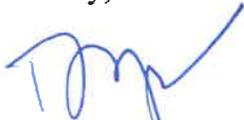
Page 2

productive in the State for a City of our size, and we continue to preserve affordable housing in Santa Cruz, as well as approve and build new affordable housing, but we are behind our goals as a City. However, the City has almost 200 units of 100% affordable housing approved within the project vicinity and an additional 120 units of permanent supportive housing north of the site and available to residents in need of housing.

Our City Council recognizes the statewide emergency regarding housing affordability for all Californians. This project adds critical housing to the City's inventory, but, most importantly, it provides homes for families along a five-mile beautiful river parkway that connects to our beach area just minutes away by foot or bike and is across the street from our main transit station and a vibrant downtown with a large employment base, medical and dental services, a weekly farmers market, a nationally recognized art museum, and retail shops. Downtown Santa Cruz is a desirable and fun place to live, and this project helps to provide that opportunity for families most in need in Santa Cruz.

Thank you for your consideration of this important project.

Sincerely,



Donna Meyers
Mayor



Sonja Brunner
Vice Mayor

cc: Commissioner Carol Groom
Senator John Laird
Assemblymember Mark Stone
County Supervisor Ryan Coonerty
Santa Cruz City Council



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street • Room 206 • Santa Cruz, CA 95060 • www.cityofsantacruz.com
Lee Butler, Director of Planning and Community Development

March 11, 2021

California Coastal Commission
Attn: Ryan Moroney
725 Front St., Suite 350
Santa Cruz, CA 95060

Re: March 12, 2021 Hearing Item 19.h, Appeal NO. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Dear Mr. Moroney,

Thank you for providing us with an opportunity to comment on the staff report prepared for appeal of the Front Street/Riverfront Mixed Use development. We would like to thank you and other Coastal Commission staff for your efforts to meet with city staff to discuss the project and for the detailed considerations that you provided in your staff report. **The city agrees with the Commission staff's determination that the project raises no substantial issue with regards to the city's Certified Local Coastal Program (LCP) conformance.** This letter is intended to provide additional clarifying information regarding the parking requirements for the project, the calculation of the city's inclusionary housing requirements and the density bonus affordable housing requirements, and how the project will implement the city's current housing goals in addition to longstanding goals for the downtown area.

Parking Requirements

The staff report notes that the project proposes a 30 percent reduction in the parking requirements which is not a "minor" deviation. This language seems to imply that the developer is requesting reduced parking as a Design Variation, which is a tool provided in the Downtown Plan that allows for minor deviations in design. The project is instead eligible for a density bonus and, as a result, a modified parking standard for residential units equal to 0.5 spaces per bedroom. The density bonus state law does not require any justification to be submitted to allow for this reduction except that the project must provide at least 11 percent of the units as available to very low income households, the project site must be within one-half mile of a major transit stop, and the project site must have unobstructed access to this transit stop. The project meets the three criteria and is eligible for the reduced parking. The project results in a requirement for 148 on-site parking spaces (104 residential parking spaces and 44 commercial parking spaces); and the plans propose to provide 142 residential and 45 commercial parking spaces on the site within a two-story, basement and ground-level garage. **There is no deficiency in the parking provided pursuant to the density bonus state law.** It should also be noted that this project is located within the Downtown Parking District.

Section 24.12.290.1 of the Zoning Ordinance, which is part of the LCP, allows on-site parking to be reduced with the excess demand being absorbed by the Parking District. While this project did not make use of these provisions, its reduced parking in this location can nevertheless be found consistent with the LCP. Similarly, it can be argued that use of the Density Bonus provisions providing for reduced parking would not have an impact on resources by virtue of the project's location within a parking district that encourages shared parking arrangements.

Inclusionary Housing Requirements

The staff report contains some indications that the approved project is not consistent with the city's inclusionary housing requirements. While the report accurately notes that the city's inclusionary requirements are not a part of the LCP, additional information to clarify the city's determination of consistency is provided herein. Specifically, the Commission's report states: "... *if the project had been approved consistent with City inclusionary housing requirements, 7 to 15 more affordable units would be needed to meet the baseline requirement under those standards.*" Additionally, the report notes that the city "chose" to rely on the 15 percent inclusionary requirement for this project, which implies that there was some discretion on behalf of the city of whether to require 15 or 20 percent inclusionary housing. The project was deemed complete prior to the adoption of the current Inclusionary Ordinance, when the zoning ordinance included a 15 percent inclusionary housing requirement. While the current inclusionary requirement is equal to 20 percent of the units, the project is only subject to the 15 percent inclusionary requirement that was in effect at the time that the project was deemed complete, as described in the following section of the zoning ordinance:

24.16.020 Basic On-Site Inclusionary Housing Requirements

2. The following residential developments are exempt from the requirements of this chapter:

b. Residential developments for which a complete application was filed with the city prior to the effective date of the ordinance codified in this chapter; provided, that such residential developments comply with any predecessor inclusionary housing requirements in effect on the date the application for the residential development was deemed complete.

The applicant has established through fully formed plans that the base density of the project is 133 units. This base number is intended to reflect the maximum number of units that can be constructed without a density bonus or associated incentives/concessions or waivers, which incidentally sets the maximum unit sizes that are allowed in any density bonus project. At this point in the process, the applicant had already established that project met the criteria for the additional height in Additional Height Zone B; therefore, the maximum number of units that could be constructed on the site included this additional height. Consistent with Section 24.16.250(5), shown below, any density bonus units for which the project is eligible are not included in the determination of inclusionary housing requirements; therefore, the city's determination that the project is required to provide 20 inclusionary units (15% of 133)

restricted to occupancy by low income households at 80% Area Median Income (AMI), is consistent with our zoning ordinance.

24.16.250 Calculation of Density Bonus for Housing Developments

5. For purposes of calculating the number of inclusionary units required by Part 1 of this chapter, any dwelling units authorized as a density bonus pursuant to this Part 3 shall not be counted as part of the housing development.

The staff report indicates that if the project were approved consistent with the city's inclusionary housing requirements, then the project would include 7 to 15 more affordable units, a range which is based on applying a 15% or 20% inclusionary requirement to the full 175 unit project. However, as shown in the code section above, such a requirement is clearly inconsistent with the zoning ordinance. **The zoning ordinance does not allow application of a 20 percent inclusionary requirement to the base project or to include the density bonus market rate units in the calculation for the inclusionary housing requirements, so the project fully conforms to the required number of inclusionary units.**

Density Bonus Affordability

The staff report raises the appellant's question as to how the city's affordable housing requirements should relate to density bonus law and, more specifically, how it is that they believe that the density bonus law requires less affordable units than the city's own inclusionary ordinance. As shown above, there is no question that the city's zoning ordinance requires the applicant to provide 20 affordable inclusionary units for the project (15%), restricted to low to moderate income households (80% AMI). This statement from the appellant could be based on a misunderstanding that the city has discretion in applying the inclusionary housing requirement to the density bonus market rate units or that the city has discretion in requiring a 20% inclusionary requirement for the project, both of which are not accurate, as described above. This statement could also be based on the notion that the city should require the applicant to provide *additional* affordable units to meet the density bonus affordability requirements rather than allow for overlap with the required inclusionary units to achieve eligibility.

As described in the Commission staff's report, the city's Planning Commission raised the question early on as to whether the density bonus law required additional affordable units to be provided on the site or if the inclusionary units could count as affordable units for the purposes of the density bonus. To answer this question, we consulted with both the City Attorney's office and the city's consulting affordable housing attorneys, Goldfarb and Lipman, as part of the review of the project. Both determined that the city cannot require the applicant to provide additional units to meet the density bonus affordability requirements on top of the units provided for the purposes of fulfilling the inclusionary requirements. In 2013, the California Court of Appeal in *Latinos Unidos del Valle De Napa y Solano v. County of Napa* held that the density bonus statute does not allow a city or county to use its inclusionary ordinance to increase the minimum number of affordable units over that called for by the statute in order to qualify a housing project for a density bonus. In doing so, the court invalidated a section of the Napa County density bonus ordinance that stated "These

density bonus units will be provided, at the request of the applicant, when that applicant provides target units in addition to the affordable units required by [Napa 20% inclusionary ordinance] Section 18.107.080.” The court held that the Napa ordinance was inconsistent with the state density bonus law and therefore invalid, reasoning that “...allowing the County to increase the number of affordable units required for a density bonus would conflict with subdivision (f) of section 65915, which bases the amount of density bonus on the percentage of affordable housing units in the project.” **In summary, according to the *Latinos Unidos* decision, required affordable inclusionary units may be used by a developer to qualify a project for a density bonus.** This decision has not been modified or overruled by any subsequent decision, and the California Legislature has not amended Section 65915 to negate the decision’s holding. It should be noted that the Goldfarb and Lipman law firm represented the County of Napa in this 2013 litigation.

The density bonus law does, however, require that the applicant provide the affordable units at a deeper level of affordability than that which is required by the City’s inclusionary ordinance. While the inclusionary ordinance requires the applicant to make 20 units available to low and moderate income households (80% of the area median income (AMI)) at an affordable ownership cost, the density bonus requires that the applicant restrict at least 11% of the 133 units (15 units) to very low income households (50% AMI). This is a significant achievement for the City in that, despite our steadfast support for affordable housing projects, we have made very little progress in the construction of very low income units. Specifically, the city has had twelve very low income units constructed over the last six years. **The project would result in the construction of 15 very low income units, which is more than double the number of very low income units that have been issued building permits for construction in our latest housing cycle.**

Finally, a point of clarification is that the developer contribution of \$400,000 to \$500,000 to the City’s Affordable Housing Trust Fund to help facilitate additional affordable housing in the city was not required by the city but was offered by the applicant as a voluntary contribution. This voluntary contribution provides a much appreciated additional public benefit. There is no requirement in the City ordinance, General Plan, or the LCP for such additional public benefit or financial contribution.

As described in the Commission staff’s report, this project has the potential to implement several longstanding goals of the city by creating connectivity between the downtown and the coast and by locating housing in a transit priority area (across the street from the metro center) which will result in an incremental contribution towards the overall reduction of greenhouse gas emissions. With active commercial and residential uses along the levee and the expanded accessible area between the levee and the buildings, the project will facilitate the ongoing enhancement of the river as a natural and recreational amenity.

This mixed use project located in the city’s downtown and across the street from the regional transportation hub for the county embodies Objective 4.5 and Policy 4.5.2 and 4.5.3 of the California Coastal Commission’s 2012-2025 Final Strategic Plan:

Objective 4.5 Facilitate Reduction of Greenhouse Gas (GHGs) in LCPs, CDPs and Other Efforts.

4.5.2 Facilitate reduction of greenhouse gas emissions by pursuing sustainable development standards and smart growth land use planning strategies in LCPs and Coastal Permits.

4.5.3 Develop policy guidance for local governments on developing new or updating LCPs to reduce greenhouse gas emissions, such as through smart growth, complete streets, public transportation, electric vehicle infrastructure, mixed used development, affordable housing, and increased housing density.

Thank you for your time and consideration of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee Butler', with a long horizontal line extending to the right.

Lee Butler, AICP

Director of Planning and Community Development



March 3, 2021

Steve Padilla
Chair, California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94150

RE: March 12 Agenda ITEM H

Dear Chair Padilla and Coastal Commissioners

I am writing on behalf of the Santa Cruz County Chamber of Commerce to convey our support for the Front Street/Riverfront project, scheduled for consideration on the Coastal Commission's March 10-12 agenda. We agree with the Commission staff's report that this project has no significant to the Coast.

The Santa Cruz County Chamber has been the voice to the Santa Cruz County business community since 1889 — promoting the economic vitality of the region while protecting the region environment. In that effort, the Chamber supported the creation of the Big Basin State Park and helped construct the road into the park in the early 1990s. During the floods of 1955, the Chamber worked with the Army Corps of Engineers and the environmental community to protect the downtown from another flood on the San Lorenzo River — the location of the proposed project. In 1989, the Chamber lead the rebuilding of downtown Santa Cruz after the Loma Prieta Earthquake. And, in 1992, the Chamber was the first business organization in the region to endorse the largest boundaries for the creation of the Monterey Bay National Marine Sanctuary.

This mixed use project is an urban infill development designed to provide 175 units, including 20 affordable units on property adjacent to the San Lorenzo River levee, utilizing provisions and incentives available under the Downtown Plan and state Housing Density Bonus legislation. The project will not only make a significant and much-needed contribution to the City's affordable housing inventory and contribute to the recovery and vitality of our downtown, but it will also provide two new public access points to the San Lorenzo Riverwalk which will improve pedestrian access to the coast. It will fulfill a long held community goal as expressed in numerous adopted plans.

We support the public benefit provided by housing located close to transit, businesses and important social services. In addition, this project will provide much needed deed restricted housing serving low income (5 units) and very low income (15 units) individuals and families. These are the two housing categories where California cities face the most challenges in meeting their Regional Housing Needs Allocation (RHNA)

goals. This housing will be a critical and necessary resource as we recover from the impact of the Cruz Lighting Complex fire and the COVID pandemic.

We believe the Front Street/Riverfront project will yield multiple benefits for downtown, our city and our coast. It is consistent with numerous plans already adopted after careful study and community input, including the City's General Plan, Downtown Plan, and Housing Blueprint, and state Housing Density Bonus legislation.

We respectfully request that you support the staff recommendation. Thank you for considering the Chamber's input on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Beyer", with a horizontal line extending to the right.

Casey Beyer
CEO,
Santa Cruz County Chamber of Commerce

Santa Cruz County Chamber of Commerce * 3121 Park Avenue, Suite C, Soquel, CA 95073
831-457-3713 Phone * 831-423-1847 Fax
The SCACoC is a 501c (6) non-profit corporation * Employer ID 94-0841660



**SANTA CRUZ COUNTY
GROUP**

Of The Ventana Chapter
P.O. Box 604, Santa Cruz, CA 95061
<https://www.sierraclub.org/ventana/santacruz>
email: sierraclubsantacruz@gmail.com

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

Re: Riverfront Project (Santa Cruz) Substantial Issue Determination
Appeal Number: A-3-STC-21-0013
Hearing Date: 3/12/2021
Position: Substantial Issue -- YES

March 4, 2021

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

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

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

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

staff report, that test has changed to be that “the burden is on the applicant to show how exceptions to such standards **do not impact** coastal resources.”¹ This clear lowering of

the standard merits discussion and review by your full Commission, along with the impacts of this project.

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

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

Also of note is the issue of what level of exception to the LCP, and the concomitant impacts, should be accepted on this type of project. Without wading into the affordable housing percentages, as the Appellant did, it is clear that this project is providing the minimum legally required amount of on-site affordable housing. With affordable housing viewed as a public benefit, it seems clear that these numerous exceptions to the LCP with regard to height and massing being offered to a minimum affordable project such as this skews the benefit analysis and will not incentivize projects with more than the minimum amount of on-site affordable units. If you give away the farm to this project, where is there room in the benefit analysis for future projects with a significantly larger affordable component? This ties back to the question of what test is used to justify the exceptions – impacts, or benefits? Again, this subject merits full review and discussion by your Commission, as could be done if you were to find a substantial issue being raised by this appeal. We strongly urge you to do so.

We appreciate your consideration in this matter.

Yours Sincerely,



¹ California Coastal Commission Staff Report for Substantial Issue Determination, 2/26/2021, Ryan Moroney –SC.

Michael Guth, Conservation Committee Chair

A handwritten signature in black ink, appearing to read "Micah Posner". The signature is written in a cursive, flowing style with some loops and flourishes.

Micah Posner, Executive Committee Chair

Fw: Please reject appeal on A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 2/26/2021 12:41 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: joel devalcourt <jadevalcourt@gmail.com>

Sent: Friday, February 26, 2021 12:36 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Please reject appeal on A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission,

Please reject the appeal on the A-3-STC-21-0013 Riverfront Mixed-Use Building. Downtown Santa Cruz is the best location for new homes that are sustainable for the broader coastal community.

Thank you,
Joel

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:38 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Barbara Lawrence <barjlawrence@gmail.com>**Sent:** Saturday, February 27, 2021 7:56 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Costal Commission,

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection.

The proposed project will be a blight on our waterfront as well as conflicting with the natural resources which the Costal Commission is charged with protecting.

Please stop this project.

Sincerely,

Barbara Lawrence
barjlawrence@gmail.com
831.251.5522

Fw: A-3-STC-21-0013 riverfront mixed-use building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: fred geiger <fredjgeiger@yahoo.com>

Sent: Saturday, February 27, 2021 9:01 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: A-3-STC-21-0013 riverfront mixed-use building

Please refuse approval for this project.

It is out of scale with its surroundings and will negatively impact the coastal zone it is located in.

Thank You.

Fred J. Geiger

Santa Cruz Ca

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building Comment

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Knitsnpaints <knitsnpaints@gmail.com>**Sent:** Saturday, February 27, 2021 9:51 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Fwd: A-3-STC-21-0013 Riverfront Mixed-Use Building Comment

Re: A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear California Coastal Commissioners,

Santa Cruz City has a Coastal Commission approved Local Coastal Program. This Project violates this Plan on many levels and should be DENIED until it complies with current mandates.

Instead of the allowed height, the Project will be 81 feet with another 5 feet of HVAC equipment on the rooftops. 86 feet in total!! Greatly increased over what's allowable!

Building such an enormous monolith is totally incompatible with the surrounding area. It will loom over the river, the riverwalk, and Front Street, negatively affecting view sheds, light, sun, etc. The River area is finally undergoing a renaissance in the community, finally being appreciated for what it is - a valuable natural resource and gentle, passive recreation asset. This project will negatively affect this whole area FOREVER.

"Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection." (Quote from the Representatives of the Appeal.)

"The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." (Quote from local Coastal Commission staff in letter to the City Council on 11/20/20)

The CCC letter to the City Council also said ..." protecting downtown/River character and aesthetics, protecting the River as a resource itself ..."

Please follow your own guidelines and mandates and deny this project as it stands. Do not allow these developers to "promise" changes that may never see the light of day.

Thank you,
Susan Martinez
Santa Cruz, CA

Fw: A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:41 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: katharine@cruzio.com <katharine@cruzio.com>
Sent: Saturday, February 27, 2021 12:57 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: A-3-STC-21-0013

Dear California Coastal Commissioners,

I support the appeal of our Santa Cruz City Council's tragic decision regarding the Riverfront Mixed-Use Building (A-3-STC-21-0013).

Please appeal the City's deciding to override the California Coastal Act and our Local Coastal Program, even discounting the critical role of local Coastal Commission staff to the Santa Cruz City Council on 11/20/2020.

The San Lorenzo River is the river running through our town; it flows directly into the Monterey Bay, an ineffable natural treasure. Everything we do along the river must protect the shorelines and waters and the wildlife dependent on them. They can't speak inside the halls of power, where some would deny them rights that should be a given. We, the people of California, passed Proposition 20 in 1972—the California Coastal Conservation Initiative—giving a part of the natural world a voice in government. Nature's voice through you. Please listen for, hear, and honor it.

Please stop this gigantic building project from being constructed on the riverfront and interfering with the complex and delicate balance of natural resources needed by local and migratory wildlife.

Thank you,

Katharine Herndon
Santa Cruz

Fw: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:42 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Janine <j9discuss@gmail.com>

Sent: Sunday, February 28, 2021 10:40 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Hello

I am writing in support of the Front Street/Riverfront project.

It has adequate affordable housing (there can always be more!), there are public benefits and it fits in an urban/developed area where there is infrastructure and services.

I urge you to accept the staff recommendation that the "Commission determine that the appeal contentions do not raise a substantial LCP (or Coastal Act access) conformance issue, and that the Commission decline to take jurisdiction over the CDP application for this project"

Thank you,
Janine Roeth
Santa Cruz

Fw: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:42 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Henry Hooker <henry.hooker@gmail.com>

Sent: Sunday, February 28, 2021 12:08 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Greetings Commissioners,

I urge that you follow staff recommendations and reject the appeal regarding the Front Street/Riverfront mixed use project in Santa Cruz. This is an important and timely project that will provide both market and dedicated low-income housing, in addition to providing public benefits of access to the riverfront and desirable commercial space.

As a general matter, I imagine the Commissioners understand the need to expand the definition of environmentalism from simple conservation to active efforts to reduce our carbon footprint. In the coastal zone, this means enabling increased densities in existing cities and encouraging robust public transit.

The City of Santa Cruz desperately needs to provide housing that allows people to live near where they work and/or close to viable public transportation. The project makes an excellent start at doing just that.

Thanks for your attention to this matter.

Henry Hooker
Santa Cruz, CA

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/1/2021 9:42 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: R R <rusellerev@gmail.com>**Sent:** Sunday, February 28, 2021 9:40 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

This project is obscene! You can't possibly approve this massive development on the San Lorenzo River! PLEASE DON'T! It's horribly oversized and doesn't even include enough affordable housing. It stands completely outside your requirements and will significantly impact the local species in a negative way (unless maybe they plant trees ALL over the outside of every wall and rooftop in the structure ;-)

Please tell me you will require this project to be downsized and reworked to include the conservation and protection of natural resources. This type of building is NOT appropriate for our community or the planet. Santa Cruz new developments should be leading the way in innovative designs that conserve resources and support its human and other inhabitants, NOT just developers!! The San Lorenzo River is a vital healthy river still and needs to be respected and treated as such, not relegated to the ditch behind the downtown area.

Please support and protect our riparian area; don't let it be developed like this!

Thank you,

Ruselle Revenaugh

Santa Cruz resident since 1981

Fw: I strongly oppose the massive development on the river downtown

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Tue 3/2/2021 9:33 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sheila Carrillo <escuelita@baymoon.com>

Sent: Monday, March 1, 2021 9:39 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: I strongly oppose the massive development on the river downtown

The City Council's approval of this project ignored various regulations for coastal development and sets a new skewed standard for out of scale and scope development downtown and along the river. Please assure our community that you will rein in this runaway giveaway of the beauty and tranquility of the riverfront.

Thanks you ,

Sheila Carrillo
Santa Cruz City resident

Fw: Riverfront multi use building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Tue 3/2/2021 11:59 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Garre Stephens <garstep@umich.edu>
Sent: Tuesday, March 2, 2021 11:39 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Riverfront multi use building

Hello,

I would absolutely not like to see all of that concrete poured on the riverside, and once these massive building projects are through there is no going back.

Please help to prevent this construction from permanently messing up this land.

Hope you're all having a great week,
Garrett Stephens

220 McMillan Dr.
Santa Cruz, CA 95060
February 24, 2021

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

RECEIVED

MAR 01 2021

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: A-3 STC 21-0013 Riverfront Mixed Use Building

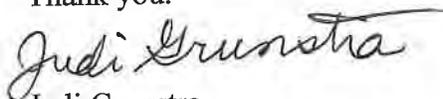
Dear Commissioners:

I write asking you to maintain a firm stance on your objections to certain aspects of this project, which the City of Santa Cruz appears to be ignoring.

I watched two presentations about this project over the past months via Zoom because, as a 30-year resident of Santa Cruz, I have concerns about the type of growth that this precious and somewhat fragile coastal community is undergoing. I am not opposed to development along the San Lorenzo River as it flows through downtown; certainly that section of Front Street could benefit from improvements. But the height and design of this building conflicts with our Local Coastal Program and the California Coastal Act.

In the recent presentation to the City Council, the rough sketches that depicted a somewhat modified step-back at the corners did not seem to be much of an improvement. If the developers would lower the height of the building, PLUS provide the number of inclusionary units required (26-35, rather than 20), that would be more acceptable. Please allow no greater height than 70'.

Thank you.


Judi Grunstra

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Tue 3/2/2021 5:09 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Erica Stanojevic <ericast@gmail.com>**Sent:** Tuesday, March 2, 2021 4:23 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Hello honorable commissioners,

Thank you for your time protecting our coasts.

Please give the Santa Cruz Riverfront Project A-3-STC-21-0013 thorough scrutiny as the San Lorenzo River is a natural resource that provides habitat for many species, including endangered steelhead and coho salmon.

This project is directly along the Pacific Flyway and thus is adjacent to habitat for a variety of migrating birds. Therefore, the proposed project height need be lowered to not imperil birds. Further, a bird safe building must be planned.

Please also note that our city's water availability is impacted by the increase in demand; and so please reduce the size of the project to reduce demands on our region's water supply.

Blessings,
Erica Stanojevic

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:03 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: neiloswald <neiloswald@protonmail.com>**Sent:** Tuesday, March 2, 2021 10:30 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

To Whom it May Concern:

Please fight this project. Please. Demand the necessary concessions in the interest of the wildlife that inhabits the San Lorenzo River, the aesthetics of Downtown Santa Cruz and the overall strain on the city resources. I was born and raised in this town, have lived the majority of my life here, buried my parents here, paid my taxes here, and have invested (both business and leisure-wise) my dollars here.

I speak as a local and I'm still relatively young (under 40). I've many years left in what I call home. I stress my age because, while I haven't the slightest issue with aging hippies (quite the contrary), I think this project's detractors - including myself - might be painted as such. In other words, "out of touch idealists on their way out". Nope, I'm a youngish tech professional that abhors the idea of an overdeveloped Santa Cruz, just like what I believe to be the vast majority of my fellow residents.

We know that developers want to develop. I don't need to speak to that point. That's their job, and they'll do what they can to make profit like the rest of us within the confines of permits and the law. I take no issue with that, per se. My issue is with what the city council has allowed up until this point.

First and foremost, there's the environmental implications:

- City of Santa Cruz highlights the river as a highly valued Natural Resources throughout the City's adopted Plans.
- The San Lorenzo River's riparian corridor received special status for the endangered and threatened steelhead coho and tidewater goby
- The river is in the path of the Pacific Migratory Flyway, protected under the Migratory Bird Treat Act and Governor Newsom's signed Executive Order N-82-20 of AB 454.

Secondly, this isn't going to help the "housing shortage":

I've lived here long enough to know two things about our housing market, both of which come down to basic supply and demand: First, as more units are built in Santa Cruz, more people will of course come. Which require, in turn, more jobs, facilities and services to support those people... which in turn means even more people need to come. This is why traffic on Highway 1 has been a permanent disaster since the mid 2000s. Second, you would need to build HUNDREDS of affordable housing units

to *maybe* stem the housing crisis, and even then the number of people that want to live in Santa Cruz far outpaces any meaningful increase in said units. The demand is there and growing - most of the new apartments that have gone up in the past few years are renting for close to \$3,000/mo. for a one bedroom with an extra \$500/mo for a pet. So any argument that we're trying to "help those locals in the margins" with more units really falls flat. Historically that *never, ever* is what happens. What happens is more congestion, more strain on city sewage, parking, plumbing and emergency services and the death of the soul of this singular town.

Thirdly, we're slowly torpedoing our own best asset: Tourism

What City Council just. doesn't. seem. to. realize. is that Santa Cruz is not meant to have 81 ft. tall high rises. That's San Jose. That's San Francisco. We're not trying to be either of those places, last I checked. In fact *being one of those places* would adversely affect our tourist economy, since people want to escape when they visit Santa Cruz, not swap one Silicon Valley for Silicon Beach. Aesthetically beautiful cities and towns have building height caps for a reason. The completed Nanda on Pacific/Cedar St. and the planned 831 Water Street don't even have any redeeming architecture. They're just generic high density mixed use buildings.

A few people (I guess? - I certainly don't meet or read any) support this project outside of the building trades and city council. But a cursory glance at Santa Cruz's (tiny) YIMBY activists shows that a) they're mostly recent transplants from out of town and b) they have lazily disguised connections to the building industry. You can literally do 5 minutes of research and see this on LinkedIn.

Lastly, taxes and budget:

Sure, more buildings means enlarging the city tax base and increasing the city revenue. But take a look at the City of Santa Cruz's track record with managing their money, and tell me if you're confident the extra cash won't disappear into government inefficiencies. They (still) can't even address the homelessness and drug issues plaguing our community after throwing *millions* of dollars at the problem.

If they want to build, fine, but it's too close to the river for something this big. For years the Coastal Commission has been a defender of one of the main reasons this place is so special. Please hold this project similarly accountable.

A Concerned Resident

Sent with [ProtonMail](#) Secure Email.

Fw: Development along the San Lorenzo River: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:05 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Grace Pariante <grace_pariante@yahoo.com>

Sent: Wednesday, March 3, 2021 9:35 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Development along the San Lorenzo River: A-3-STC-21-0013 Riverfront Mixed-Use Building

Hello,

In addition to the points made [in this newsletter](#), I have a few other reasons to oppose the proposed downtown development near the San Lorenzo river, the A-3-STC-21-0013 Riverfront Mixed-Use Building.

I acknowledge that Santa Cruz has a housing crisis, so it should be a priority to build new housing, but we need to build AFFORDABLE housing, modest one-bedroom apartments. These market-rate riverside apartments will increase the housing problem, not alleviate it. The much needed housing in Santa Cruz needs to be less luxurious and more affordable. 100% of units being built should be affordable to average-salary teachers, city workers, fire and police.

Downtown riverside apartments will attract wealthier people to Santa Cruz and push more Santa Cruz residents to Watsonville. This increases TRAFFIC along 1 to Santa Cruz and along 17 to San Jose. Further commutes increase greenhouse gas and thus climate change, not to mention creating annoyance of city street congestion for all of us.

The influx of wealthier residents into Santa Cruz changes the city CULTURE. We want to maintain our unique identity and not feel like an extension of Silicon Valley.

I have to ask why we are bending so many REGULATIONS to allow this project to be developed:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.

Last, but not least, is the impact of the development on the river itself. Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program. The west bank of the river provides essential shelter, breeding locations, and native plant food sources for hundreds of species, both local and migratory. Development at this scale will significantly impact RESOURCE PROTECTION.

3/3/2021

Mail - Moroney, Ryan@Coastal - Outlook

The height and size of construction, looming large over the riverfront, will significantly change the nature of the RECREATION experience of my regular walk along the river, depriving me of sunlight, disallowing me to feel the stress-relieving moments of being in nature. The river is the city. It is what makes Santa Cruz so lovely a town. Hundreds of us walk along the riverfront each day. Please help us preserve our unique and valuable resource. Thank you.

Grace Pariante
211 Mountain View Ave

Fw: Appeal #A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:05 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: John - Linda Brown <brown1978@msn.com>**Sent:** Wednesday, March 3, 2021 10:32 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal #A-3-STC-21-0013 Riverfront Mixed-Use Building

The CCC and the LCP guidelines were created to maintain coastal values of our sea and riverfronts and to ensure proper use of this most treasured area. We are all, in a way, part of the citizenry of this state that established the CCC to keep a keen focus on balancing our coastal areas' commercial use with the enjoyment of the same space by people and wildlife.

I understand that the CCC raised concerns about this condo riverfront, but then deferred to the City's discretion. If there were violations of the LCP requirements, what are we citizens to do?

Please consider seriously the appeal at the March 12th hearing and retract your prior deferral to the City. Please tell them they are wrong in violating established guidelines. Make a stand. Be what you were meant to be!

We want to trust you: Please do not cave into the City's desire for this monstrous project on our riverfront. You admitted that it was inconsistent with the LCP requirements and recommended that it be reduced in size. Please keep the goal with which you were tasked in mind. Thank you.

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:05 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Alyssa Barnes <alyssalaurenbarnes@gmail.com>**Sent:** Wednesday, March 3, 2021 10:38 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Hello Coastal Commission,

Please assist my home town of over 30 years, Santa Cruz, by stopping the Riverfront project. Our City Council needs to hear the voice of the community, and myself, as we point out the many issues with this project.

While I would not be against a modest development in this area, the size and scale of this structure is way larger than necessary. At over 80 feet tall, this building would overwhelm the area. Let's keep developments in scale to their surroundings!

This particular location is a sensitive wildlife area. Our bird population and nature make this town special. Their habitat is as important as any other housing issues. The size and scale of this massive build would adversely affect the fauna of this environment.

Who benefits from this project? Big money developers are again pushing through projects that benefit themselves at the expense of the flavor and feel of our town.

Your help in reigning in oversize and environmentally invasive projects is very appreciated.

Sincerely,

Alyssa Barnes

Fw: San Lorenzo Riverfront Project

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:08 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: JEFFREE LEE <jeffreelee@comcast.net>

Sent: Wednesday, March 3, 2021 10:51 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: San Lorenzo Riverfront Project

Do not to approve the Front Street San Lorenzo Riverfront Project! Thank you.

JeffreeLee@comcast.net

Fw: A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:09 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Karen Card <karencard@yahoo.com>**Sent:** Wednesday, March 3, 2021 11:02 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Fwd: A-3-STC-21-0013

Sent from my iPhone

Begin forwarded message:

From: Karen Card <karencard@yahoo.com>**Date:** March 3, 2021 at 10:37:18 AM PST**To:** CentralCoast@coastal.ca.com**Subject: A-3-STC-21-0013**

Dear Commissioners,

Please vote this project down!

This project is inconsistent with and exceeds our local coastal program (LCP) in terms of size, density and height!

At 81 feet this project is 16% larger than what is allowed in the LCP approved by the Coastal Commission.

As a Santa Cruz resident I appeal to you to stop this monster which won't serve our community and ruin the beauty of our river and town.

Thank you, Karen Card

1407 Seabright Ave

Santa Cruz 95062

Sent from my iPhone

Fw: A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 3/3/2021 11:09 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Karen Card <karencard@yahoo.com>**Sent:** Wednesday, March 3, 2021 11:03 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Fwd: A-3-STC-21-0013

- >
- > Dear Commissioners,
- > I am asking you to vote against this terrible project proposed for our beautiful San Lorenzo which glows through our downtown.
- > Protection of natural resources is a key component of both the CA Coastal Commission and our LCP.
- > The West Bank of the river provides essential shelter, breeding locations and native plants that provide food sources for 100's of species, both local and migratory.
- > This oversized, inappropriate project would ruin all of those natural resources.
- > Meanwhile, it does not provide enough low income housing to even begin to make any kind of trade off worth the damage.
- > Please vote against this ill-conceived project!
- > With gratitude,
- > Karen Card
- > Sent from my iPhone

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:31 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Barbara Roe ger <bqnbarbara@gmail.com>**Sent:** Wednesday, March 3, 2021 12:39 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Commissioners,

Please OPPOSE the giant project (A-3-STC-21-0013 Riverfront Mixed-Use Building in Santa Cruz) that the City Council is trying to push through without any consideration for the environment or the aesthetics of the San Lorenzo River and the coastline. This project is not consistent with the State Coastal Act and our Local Coastal Program (LCP). The project provides less affordable housing than what is required by our local ordinance. The project sets a dangerous precedent for coastal resources protection.

-The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP.

-The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

-The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.

I urge you to oppose this project.

Sincerely,

Barbara Roettger

329 Rigg St

Santa Cruz, CA

95060

Fw: Santa Cruz... building on Front St.... all wrong

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:32 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: nancy maynard <scrippsmom@gmail.com>**Sent:** Wednesday, March 3, 2021 12:46 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Santa Cruz... building on Front St.... all wrong

The proposed building on Front St on the San Lorenzo River is wrong...scale, height, and density are wrong for this area. I live a block away... in a 4 story mixed use building... this new building will not improve the area.

I know change will happen.... but this project is greed driven.

Santa Cruz is not San Jose. The current parking structures nearby create too much shade... across whole streets as well as make the area uncomfortable to walk alone..

Please reduce the height and scale of this building.

Nancy Maynard

To; California Coastal Commission
From: John C. Aird, 303 Highland Avenue, Santa Cruz, Ca. 95060
Re. A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Commissioners:

I am a longtime resident of Santa Cruz and one who especially treasures our Santa Cruz Riverwalk along the San Lorenzo River. Therefore unfortunately, I must strongly disagree with your formal Staff Report that this mammoth proposed project does **not** in their view have substantial issues which must be addressed. To be brief, here are just three which cry out in fact to be addressed:

The project's massive size and particularly its 81 ft. height completely overwhelms the site and would have a substantial negative effect on the character and aesthetics of its setting. As such, it is hard not conclude that were it to be built, it would not rise to a substantial issue as it would substantially detract from the environmental enjoyment of the Riverwalk which even during these challenging COVID-19 time is used by hundreds of people on a daily basis. Allowing such an increase in height and setbacks is clearly in violation of the Coastal Act that mandates protection of coastal resources.

Also, the final conclusion expressed in that Staff Report is paradoxical given that the staff itself had expressed something quite differently earlier in a letter to the Santa Cruz City Council on 11/2020 when it clearly recognized this problem by saying "the proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." So given that none of this was done, how then can that inconsistency not be seen as a very substantial issue?

Finally the San Lorenzo River flowing alongside downtown Santa Cruz provides an incredible ecological and environmental break on its eastern flank, one that demands that any development done there properly enhance its recreational enjoyment and protects its views. Again, it's hard to argue that at its size and height it does either.

Given these reasons and more, I support this appeal and would urge the Commission to intervene and pull this project back where the Commission itself could conduct a de novo hearing to review these and other conflicts regarding this project as currently proposed. Your leadership is certainly needed and I hope you will exercise it.

Thank you for your serious attention to this matter.

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:37 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sco Family <imsco@cruzio.com>**Sent:** Wednesday, March 3, 2021 8:24 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

March 3, 2021

California Coastal Commission
Central District District

Re:Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Dear Coastal Commissioners:

We write in support of this appeal and urge you to require the City of Santa Cruz to reduce the Riverfront Project to the level which meets our Local Coastal Program (LCP).

We believe that the City Council's decision to approve this project at the higher 81 ft. height with its additional density and inadequate affordable units will result in significant environmental damage. The Council has clearly chosen to uphold developer financial interests over protection of our fragile natural resources for birds and other wildlife as well as preservation of aesthetics, public enjoyment of the river, and affordable housing.

This description by another correspondent says so much about what is being ignored by the City Council:

In the decades since it was summarily channelized for flood control, the San Lorenzo River has managed to slowly recover a tiny bit of its natural functioning as a living waterway . . .

Volunteer labor, efforts by Fish and Wildlife entities, and guidance from those who care even the City's annual vegetation clearing have all combined to allow . . . recovery of floral and faunal species of the riverine habitat. Just when the river has some of itself once more, we now have the proposed Riverfront Project, which will negatively impact and alter what's left of the San Lorenzo River. Just because it is an urban river doesn't mean it can't be a living river.

The sheer scale and mass of the project will overwhelm the river below. The lighting and noise from multiple 7 story buildings lining the river walk, plus nighttime human cacophony, will mean no more sleeping for animals of the riverine habitat, including roosting birds . . . A once quiet nighttime along the river will be no more. Multiple storied

buildings with their windows will be responsible for the ongoing urban death of birds. The more stories the more dead birds. (from Jean Brocklebank, February 25, 2021)

The City also plays down the impact to the aesthetics. It ignores the view from the half of the city east of the river. This was horrible at 70 ft., but the new height and mass, especially the bulk of the upper stories, is truly shocking, presenting a solid wall towering grotesquely above the levees.

The City Council has chosen to prioritize real estate development financial interests over coastal natural resources, access, aesthetics or affordable housing benefit.

We must now rely on the Coastal Commission to right this wrong and protect our vulnerable San Lorenzo natural resources for all future residents and visitors—animal, plant and human.

Thank you for your time and consideration of this important appeal.

Michael A. Scott and Isabelle B. Scott
418 Sumner Street, Santa Cruz, CA 95062

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:37 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sco Family <imsco@cruzio.com>**Sent:** Wednesday, March 3, 2021 8:24 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

March 3, 2021

California Coastal Commission
Central District District

Re:Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Dear Coastal Commissioners:

We write in support of this appeal and urge you to require the City of Santa Cruz to reduce the Riverfront Project to the level which meets our Local Coastal Program (LCP).

We believe that the City Council's decision to approve this project at the higher 81 ft. height with its additional density and inadequate affordable units will result in significant environmental damage. The Council has clearly chosen to uphold developer financial interests over protection of our fragile natural resources for birds and other wildlife as well as preservation of aesthetics, public enjoyment of the river, and affordable housing.

This description by another correspondent says so much about what is being ignored by the City Council:

In the decades since it was summarily channelized for flood control, the San Lorenzo River has managed to slowly recover a tiny bit of its natural functioning as a living waterway . . .

Volunteer labor, efforts by Fish and Wildlife entities, and guidance from those who care even the City's annual vegetation clearing have all combined to allow . . . recovery of floral and faunal species of the riverine habitat. Just when the river has some of itself once more, we now have the proposed Riverfront Project, which will negatively impact and alter what's left of the San Lorenzo River. Just because it is an urban river doesn't mean it can't be a living river.

The sheer scale and mass of the project will overwhelm the river below. The lighting and noise from multiple 7 story buildings lining the river walk, plus nighttime human cacophony, will mean no more sleeping for animals of the riverine habitat, including roosting birds . . . A once quiet nighttime along the river will be no more. Multiple storied

buildings with their windows will be responsible for the ongoing urban death of birds. The more stories the more dead birds. (from Jean Brocklebank, February 25, 2021)

The City also plays down the impact to the aesthetics. It ignores the view from the half of the city east of the river. This was horrible at 70 ft., but the new height and mass, especially the bulk of the upper stories, is truly shocking, presenting a solid wall towering grotesquely above the levees.

The City Council has chosen to prioritize real estate development financial interests over coastal natural resources, access, aesthetics or affordable housing benefit.

We must now rely on the Coastal Commission to right this wrong and protect our vulnerable San Lorenzo natural resources for all future residents and visitors—animal, plant and human.

Thank you for your time and consideration of this important appeal.

Michael A. Scott and Isabelle B. Scott
418 Sumner Street, Santa Cruz, CA 95062

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building Santa Cruz

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:37 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Trician Comings <triciansc@mindspring.com>**Sent:** Wednesday, March 3, 2021 8:30 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building Santa Cruz

Dear Coastal Commissioners,

I know you've heard all the arguments so I just want to add my opinion that this project is just so wrong for our riverfront, besides being totally out of scale!

- This project exceeds our Local Coastal Program in so many aspects. It would negatively affect our **San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.**

Thanks for listening!

Trician Comings

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:38 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Susan Monheit <smonheit74@gmail.com>**Sent:** Wednesday, March 3, 2021 10:05 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commissioners,

The building proposed and approved by the Santa Cruz City Council for the Riverfront on the San Lorenzo River is a HUGE dense monstrosity which unbalances the community distribution of our town. These massive densification projects provide small, tiny units suitable for 2nd homes of Bay Area dwellers, or double as high end student dorms for UCSC. This is not the kind of development the City of Santa Cruz needs. We need family housing (2-3 bedroom) units that will be affordable to the people who work here and provide our community services.

The scale of this project is abhorrently out of step with the nature and surrounds of our beloved community and city. I urge you, PLEASE vote NO to this project, and do not allow this oversized, inappropriate structure to be built.

Thank you,
Susan Monheit
Santa Cruz Resident

Fw: Riverfront Apartments

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:38 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Russell Brutsche <russellb@baymoon.com>

Sent: Wednesday, March 3, 2021 10:09 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Riverfront Apartments

California Coastal Commission,

I'm writing re/Appeal # A-3-STC-21-0013, Local Govt. Permit # CP18-0153.
Applicants are Riverfront LLC, Appellant is Ron Pomerantz.

The size of this project will have a very negative effect on wildlife and plant life native to the San Lorenzo River and our coastline. It sets a bad precedent for future development, and we count on the Commission to protect this natural habitat from this project and others like it.

The project violates both the Local Coastal Program and the State Density Bonus Law.

Thank you,
Russell Brutsché
44-year Santa Cruz resident

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:38 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Susan Monheit <smonheit74@gmail.com>
Sent: Wednesday, March 3, 2021 10:12 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Esteemed Costal Commissioners:

I urge you to not approve or oppose the proposed Riverfront Mixed Use Building Project along the San Lorenzo River within the Santa Cruz City limits for the following reasons:

- **The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.**
- **The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.**
- **The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.**
- **Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection.**
- **"The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." (Quote from local Coastal Commission staff in letter to the City Council on 11/20/20)**

Thank you,
Susan Monheit
Santa Cruz resident and home owner

Fw: Please help us resolve another abnormally large project

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:38 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Erica Aitken <ericaitken@me.com>**Sent:** Wednesday, March 3, 2021 11:16 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Please help us resolve another abnormally large project

Hello

I write to ask for your help with the Riverfront Housing Complex currently approved for a height of 81feet. It's huge and will dwarf everything around it. There is an appeal already and here is the information

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

The project exceeds in every way, size, height and density the guidelines of the Local Coastal Plan.

The number of affordable units is below the 15% standard in spite of concessions on height.

Please intervene to stop this monstrous building.

Thank you

Erica Aitken

Santa Cruz

831.421.0131

Sent from my iPhone

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Lira Filippini <lirafilippini@gmail.com>**Sent:** Wednesday, March 3, 2021 11:43 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

To whom it may concern at the California Coastal Commission (referred to herein as the CCC),

Firstly, I wish to express my immense gratitude that the CCC is conducting a hearing regarding the City of Santa Cruz (referred to herein as the City) approval of the Riverfront project (A-3-STC-21-0013). We rely on the environmental protection set forth by and enforced through the honorable regulations and processes of the CCC.

In an instance in which the City Council of Santa Cruz has approved a development, that includes parameters which do not conform to our Local Coastal Program (referred to herein as LCP), as stipulated in multiple letters authored by the CCC to the City Council, our citizen population expectantly relies on you to adhere to these parameters in a way that fulfills the real and physical metrics for which they were set forth, not in the syntax form in which the physical stipulations are circumvented in lieu of adding on adjacent legal structures, such as the State Density Bonus Law.

As "[a]bout one-third of the merged parcel would be in the coastal zone and appeal area[, t]he City's approved Local Coastal Program (LCP) is the standard of review for the portion of the proposed project in the coastal zone."⁽¹⁾ This fact verifies to We The People, that it is not only under CCC pervue, but also makes the CCC a liable party to nonconformity to the LCP, as well as for the parameters that, non conformity of which, have been identified as potentially causal of harm to the social and environmental health of our human, plant and wildlife communities. These include but are not limited to:

1. Inadequate inclusion of affordable housing allocated, which poses long term detrimental effects to the welfare of our community. This inadequate allocation not only will increase our AMI, by disproportionately approving market rate percentage of units, negatively affecting the parameters by which affordable housing is measured, it also makes unavailable this site location, for alternate development, of which may include a more sustainable and amenable allocation of affordable housing percentage. Hence, the inclusion of insufficient allocation of affordable housing percentage, cannot be legal grounds for exemptions of nonconformity to the LCP, which has been publicly drafted and adopted as a regulatory and protective, enforceable document. "State density bonus laws allow for some variations to local development standards to help facilitate affordable housing. But please note that such accommodation is not at the expense of the LCP, which is carrying out another State law, namely the Coastal Act."⁽²⁾ As the need for affordable housing is being repetitively used as justification for approval of such developments, it is important to note the evidenced, insufficient allocation/percentage of affordable housing units per Total number of units to be developed in this project. At a Total percentage of 11% affordable units out of the Total proposed units, the current local mandate of 15%, under Measure O, and recently increased to 20% due to the City's historical record of insufficient enforcement of such needed allocation, is far from fulfilling any locally required rates of inclusionary units. **Using such**

addendums or qualifying excuses, as density bonuses, is abusive of the very premises under which they are passed by the citizenry and/or our representatives. The trend for this type of abuse has not gone unnoticed and all parties who abuse this system of circular and inductive, excusory logic, may be held accountable by any citizen or citizenry group moving forward, for any and all associated damages that may be incurred, for which would be mitigated by LCP conformity. This "changing [of] allowable maximum heights and floors.. [due to being] swayed by the City's arguments that such a height was necessary to be able to facilitate projects within that scope that would provide greater public benefits, such as increased affordable housing opportunities", (2) can no longer be used as legal justification for nonconformity to the LCP. Our checks and balances by way of multiple agencies with varying focuses, processes, laws and powers, exists for a reason. We expect the CCC to enforce that which it is tasked with, and legally obligated to, enforce.

2. The 80+ foot height of this development does not conform to the LCP and poses a number of associated negative impacts, hence cannot be categorized as one exemption, but as a multitude of exemptions, should the CCC officially approve of such excessive increase to its recorded allowable scale for an area under LCP jurisdiction and regulation. "The project before you now exceeds those LCP established maximum heights by over 60%, and the maximum allowed upper floor dimensions by up to 40%, well in excess of what the LCP allows... As proposed, the project is inconsistent with the LCP with respect to the buildings' allowable mass and scale. Specifically, the 2018 LCP amendment authorized a maximum building height of up to 50 feet at this location where that height could be increased to 70 feet under certain circumstances, and allows up to 5 floors... [T]he proposed project includes significant variations that essentially negate the intent of the LCP." (2) 80+foot impairment of viewshed is one such variation. "[T]he proposed buildings may adversely impact visual resources if the already substantial design height and bulk allowed by the LCP are increased through the use of variances and exceptions." (1) In fact, the current proposal exceeds even the adopted 2018 amendment increase in allowable height, which was adopted in consideration of density bonus expectations due to the increased need for affordable housing. As this amendment was adopted with such parameters in full consideration, the maximum allowable height within which was set forth, is the maximum height the citizen population will thusly accept for such considerations, as "[t]hose heights were and are significant, and not without controversy and detractors due to their potential effects on public views, San Lorenzo River resources, and downtown/River aesthetics." (2)

3. Negative impacts on plant and wildlife dependent on the riparian corridor of the San Lorenzo River and associated environmental systems. The sensitive ecosystem which depends on CCC protection, will be impacted due to parameters associated with the fact that "[as proposed, the project is inconsistent with the LCP with respect to the buildings' allowable mass and scale." (2) Parameters may include but are not limited to sharp increase in population density, increased light pollution, increased noise pollution and inclusion of increased trash to riparian corridor of San Lorenzo River, among other negative environmental impacts. "[T]he more qualitative LCP policy requirements to protect coastal resources (e.g. related to protection of environmentally sensitive habitats, provision of public access, protection of public views, etc.) must still be adhered to in all cases, notwithstanding any bonus, concession, incentive, waiver, or reduction in development standards allowed under the State Density Bonus Law." (3)

The CCC's history of careful consideration and overall adherence to the stipulated regulations set forth within each area's adopted LCP, as the governing document, has been commendable. Not always do our governing agencies fulfill their fiduciary obligations with such adherence. With this in mind, the Citizens of both the City and County of Santa Cruz, are grateful for the initiation of LCP adherence in this instance; however, the noted subsequent dismissal/exemptive status of such initially stipulated nonconformity is unacceptable, should it stand.

We look forward to a return to careful adherence to the LCP "as amended," noting that the amendment in itself accounts for top allowance of height, in respect to foretold use of State Density Bonus Law.

Thank you for your consideration,
Lira Filippini
Santa Cruz Citizen and Resident
130 Belvedere Terrace,
Santa Cruz, CA 95062
(831) 226-2853

Works Cited:

1. Letter from California Coastal Commission/Central Coast District Office; Dated December 16th, 2019. Addressed to Samantha Haschert/City of Santa Cruz Planning and Community Development Department.
2. Letter from California Coastal Commission/Central Coast District Office; Dated November 10th, 2020.
3. Santa Cruz LCP, as Amended; 2018.

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Kelly Clark <pcbmkelly@gmail.com>
Sent: Thursday, March 4, 2021 1:23 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: A-3-STC-21-0013 Riverfront Mixed-Use Building

To whom it may concern;

Please put a stop to this project before a law suit is filed against the developer and the local municipality for allowing a project that is obviously not in compliance with local building ordinances and is not in line with what the local populace has approved for such projects. I am a native of Santa Cruz and am dismayed at the current level of these types of projects for so many logical reasons. Let's step back and evaluate what really needs to be done.

Best regards,

Kelly Clark

Fw: A- 3-STC-21. mixed use... No

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: nancy maynard <scrippsmom@gmail.com>**Sent:** Thursday, March 4, 2021 8:08 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A- 3-STC-21. mixed use... No

We need housing for people who actually live and work in Santa Cruz. This housing is for Silicon Valley commuters.

The design, scope and height do not fit the neighborhood.

A block away is a 4 story mixed use building that completely shades the street for most of the day.

This street will not support the traffic it will have. It is already a mess when the stadium has an event.

Nancy Maynard

Fw: A- 3-STC-21. mixed use... No...No

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:39 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: nancy maynard <scrippsmom@gmail.com>
Sent: Thursday, March 4, 2021 8:14 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: A- 3-STC-21. mixed use... No...No

We need housing for people who actually live and work in Santa Cruz. This housing if for Silicon Valley commuters. We do not need more 2nd homes here either.
The design, scope and height do not fit the neighborhood.
A block away is a 4 story mixed use building that completely shades the street for most of the day.
This street will not support the traffic it will have. It is already a mess when the stadium has an event.
Nancy Maynard

----- Forwarded message -----

From: **nancy maynard** <scrippsmom@gmail.com>
Date: Thu, Mar 4, 2021, 8:12 AM
Subject: A- 3-STC-21. mixed use... No...No
To: <CentralCoast@costal.ca.gov>, Nancy Maynard <mtnmom3@gmail.com>

----- Forwarded message -----

From: **nancy maynard** <scrippsmom@gmail.com>
Date: Thu, Mar 4, 2021, 8:08 AM
Subject: A- 3-STC-21. mixed use... No
To: <CentralCoast@coastal.ca.gov>

We need housing for people who actually live and work in Santa Cruz. This housing if for Silicon Valley commuters.
The design, scope and height do not fit the neighborhood.
A block away is a 4 story mixed use building that completely shades the street for most of the day.
This street will not support the traffic it will have. It is already a mess when the stadium has an event.
Nancy Maynard

Fw: Riverfront mixed use building in Santa Cruz A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:40 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: carolcruz59 <carolcruz59@yahoo.com>**Sent:** Thursday, March 4, 2021 8:58 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Riverfront mixed use building in Santa Cruz A-3-STC-21-0013

Good Morning

I have lived in Santa Cruz since 1972. I have watched all the cute little houses around me getting torn down and replaced with huge, ugly mega mansions. Now it looks like the few open, wild areas left are being targeted to get built up with Huge, Ugly buildings.

Please don't let this happen to our town!

We don't need more buildings and we Do need the little open space that we have left.

Thanks for your time.

Sent from my T-Mobile 4G LTE Device

Fw: I support high rise condo development in Santa Cruz

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:40 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Randall Porter <rporter200@hotmail.com>

Sent: Thursday, March 4, 2021 9:22 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: I support high rise condo development in Santa Cruz

I support the high rise condo project in Santa Cruz. Please allow it to proceed.

Randall Porter
Santa Cruz

Fw: SANTA CRUZ- A3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 9:40 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Susan Barisone <susanbarisone@gmail.com>**Sent:** Thursday, March 4, 2021 9:27 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** SANTA CRUZ- A3-STC-21-0013

Riverfront Mixed Use Building

Please do not approve the above referenced development. It is glaringly outsized at 7 stories and will permanently change negatively the character of downtown Santa Cruz and riverfront. It is not consistent with Santa Cruz's Local Coastal Plan. Santa Cruz is a unique, seaside town. We rely on out of town tourists for our economic survival. This building creates "anywhere USA" and is inconsistent with size and density envisioned by The California Coastal Act and the Local Coastal Plan which protect against short-sighted, oversized development such as this.

Thank you for your consideration.

Susan Barisone

Sent from my iPhone

To; California Coastal Commission
From: John C. Aird, 303 Highland Avenue, Santa Cruz, Ca. 95060
Re. A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Commissioners:

I am a longtime resident of Santa Cruz and one who especially treasures our Santa Cruz Riverwalk along the San Lorenzo River. Therefore unfortunately, I must strongly disagree with your formal Staff Report that this mammoth proposed project does **not** in their view have substantial issues which must be addressed. To be brief, here are just three which cry out in fact to be addressed:

The project's massive size and particularly its 81 ft. height is 11 ft. over the LCP required height of 70 ft., thereby violating the LCP, certainly a substantial deficiency. And related to that is the fact its height and scale completely overwhelms the site and would have a substantial negative effect on the character and aesthetics of its setting. As such, it is hard not conclude that were it to be built, it would not substantially detract from the environmental enjoyment of the Riverwalk which even during these challenging COVID-19 time is used by hundreds of people on a daily basis. Allowing such an increase in height and setbacks is therefore clearly in violation of the Coastal Act that mandates protection of coastal resources.

Also, the final conclusion expressed in that Staff Report is paradoxical given that the staff itself had expressed something quite differently earlier in a letter to the Santa Cruz City Council on 11/2020 when it clearly recognized this problem by saying "the proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." So given that none of this was done, how then can that inconsistency **not** be seen as a very substantial issue?

Finally the San Lorenzo River flowing alongside downtown Santa Cruz provides an incredible ecological and environmental break on its eastern flank, one that demands that any development done there properly enhance its recreational enjoyment and protects its views. Again, it's hard to argue that at its size and height this proposed development does either.

Given these reasons and more, I support this appeal and would urge the Commission to intervene and pull this project back where the Commission itself could conduct a de novo hearing to review these and other conflicts regarding this project as currently proposed. Your leadership is certainly needed and I hope you will exercise it.

Thank you for your serious attention to this matter.

Fw: SUBJECT A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 10:08 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Robert Hatcher <rhatcher246@gmail.com>**Sent:** Thursday, March 4, 2021 10:01 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** SUBJECT A-3-STC-21-0013 Riverfront Mixed-Use Building

Please stop these buildings which are not in keeping with the aesthetics of the area. How hi will towers be allowed?

Next year 10 stories?

Stop this invasion by rich developers, who move on to the next easy target.

Don't let's us , nor you be their victim.

Robert Hatcher

Santa Cruz, Ca

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:52 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Chris Zegers <chryszegers@gmail.com>**Sent:** Thursday, March 4, 2021 10:33 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commissioners,

Please do not allow for this project to proceed for at least one major issue here and that is WATER (98% of California is in an extreme drought and 44% is in a exceptional drought. Santa Cruz does not have the water! Where are we going to get the water? Secondly, the number of heritage size trees that will be destroyed is unconscionable, especially during a climate emergency, please find it in yourself to help save these beautiful trees. I am for affordable housing, however, the developer is not doing this out of kindness but of greed. Thank you for you consideration on the impact this and all the other projects the city has lined up and ask yourself "where are we going to get the water?"

Respectfully Submitted,
Chris topher Zegers

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:52 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Avril Salter <avril.salter@gmail.com>**Sent:** Thursday, March 4, 2021 10:44 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

I am most concerned about this proposed construction and ask you to halt and allow community input.

In particular the Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

My greatest pleasure is walking this riverside. I would ask that you protect our downtown/River character and aesthetics, protecting the River as a resource itself.

Kindest regards,
Avril

123 Blaine Street Apt G, Santa Cruz

Fw:

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:54 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sarah Ringler <coluyaki@gmail.com>

Sent: Thursday, March 4, 2021 12:35 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject:

Dear Coastal Commission,

In the name of our coast, the wildlife and our community, please do not approve the Riverfront Project being proposed for Santa Cruz. It's a monstrosity that is taller and larger than what was approved by your commission. . It also doesn't serve the community by providing the required inclusionary low income housing.

Sincerely, Sarah Ringler

357 Park Way

Santa Cruz, CA 95062

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

122 Bird Species Regularly Utilizing the lower San Lorenzo River Area in Santa Cruz

Compiled by Steve Gerow, 2015

This list includes species with a regular pattern of occurrence along the San Lorenzo River from Hwy 1 to the mouth (excluding rarities, and species that are very irregular or marginal to the river habitat).

Also excluded are a number of primarily ocean, bay, and beach species that occasionally go a very short distance up the river in the vicinity of the mouth (e.g. Surf Scoter, Brown Pelican, Black Turnstone, Elegant Tern, etc.).

Confirmed and Probable Breeding Species

Wood Duck- a small number breed along the river in Santa Cruz, most a short distance north of Hwy 1; broods of young regularly seen foraging downstream to San Lorenzo Park and occasionally farther; others breed nearby at Neary Lagoon and further up the San Lorenzo (nests in tree cavities, etc.); possible on the river all year, though much of the local population retreats to Neary Lagoon for a couple of months in mid-summer for eclipse molt.

Mallard (a)- common year-around resident, breeds commonly

Common Merganser- fairly common resident on the river, with broods of young utilizing the entire stretch as far as the mouth; perhaps most or all nesting is north of Hwy 1, but the families of young move quickly downstream (or perhaps a few nesting sites are south of the highway, but required cavities in trees, etc. seem sparse or non-existent in the lower stretch)

Pied-billed Grebe (a)- some present all year; more common in winter, but some breed around calm pools in the river throughout

Double-crested Cormorant- a few breed (but not every year) in the large Eucalyptus just above the trestle near the mouth; more use these trees for roosting, and they regularly forage in the river (a large colony is nearby at Schwan Lake)

Green Heron- some likely breed within the river corridor, but confirmed recent nest sites have actually been in urban trees in the adjacent downtown area (Pacific Avenue, Cedar St., etc.) But foraging (nesting adults, juveniles after fledging) takes place almost entirely within the river corridor. Some utilize the river at all seasons, though less common

Cooper's Hawk- no breeding confirmations in the immediate area, but regular presence in the breeding season in recent years suggests likely nesting in or near this area; may be found at all seasons

Red-shouldered Hawk- A common resident raptor noted at all seasons along the river, especially in areas with more trees. Some confirmed nestings toward the north end (nearer Hwy 1) in recent years

Killdeer (a)- Resident in the general area, and nests on sandbars and shores along the river at least some (perhaps most) years. Use of the river dependent on water levels.

Rock Pigeon- Abundant resident. Nest sites are often on bridges or building in the area.

Eurasian Collared-Dove- Common and increasing resident; nesting confirmations have been in larger trees near the river.

Mourning Dove- Common resident breeder, utilizing a variety of nest sites along and near the river.

Anna's Hummingbird (a)- Common resident and nesting species in various habitats.

Downy Woodpecker- Breeds mostly from the San Lorenzo Park area up; some present all year

American Kestrel- One pair nested near the river up until recently, but there have been no successful nestings reported in recent years. Perhaps no longer breeds, though individuals are occasionally seen in or near the river corridor.

Black Phoebe- Common resident. They regularly build their mud nests on bridges and other structures near the river.

Steller's Jay- Uncommon resident in spots near the river with larger/thicker groves of trees, with a few possibly breeding as far down as Broadway. Becomes very common upstream of Hwy 1.

Western Scrub-Jay- Fairly common resident, some breed in areas with trees

American Crow- Common and increasing resident. Some nest in larger trees in the vicinity of the river.

Common Raven-regularly noted along the river corridor, and nests not too far from the area. A few may breed adjacent to the river corridor (on buildings or large trees?), but not confirmed for the immediate area

Northern Rough-winged Swallow- rather common nesting species along most of the lower river, utilizing primarily openings in the bridges as nesting cavities. Present mostly early March to August.

Violet-green Swallow- common breeding species, in this area utilizing various openings in buildings as nesting cavities (vents, under roof tiles, etc.). Elsewhere nearby (including just north of Hwy. 1) makes much use of woodpecker holes and other cavities in trees, and perhaps nests in this sort of situation locally south of Hwy. 1. Nesters are present mostly very early March to the end of July, but some migrants occur later.

Cliff Swallow- Common nester along the river, building mud nests on the bridges and on nearby buildings. Arrives mostly in mid-March, but nesting on the river may not start immediately. Usually most leave by the end of August.

Chestnut-backed Chickadee- common resident (mostly north of Broadway), nesting where there are moderate-sized to larger trees.

Oak Titmouse- fairly common resident, nesting in moderate to large trees near the river. This species appears to be increasing in the urban/suburban Santa Cruz area in recent years.

Bushtit (a)- common resident, breeds in various trees and shrubs along and near the river

American Robin- localized breeder in areas with larger trees, more common (sometimes abundant) in winter

Northern Mockingbird- rather common resident, with some nesting near the river.

European Starling- abundant and ubiquitous resident throughout downtown Santa Cruz

Common Yellowthroat (a)- a few pairs probably breed in marshy habitat along the river (based on apparently territorial singing males, etc.); somewhat more common in winter

California Towhee (a)- Rather common breeding resident throughout

Song Sparrow (a)- Year-round resident, common breeder, and one of the most characteristic species of the river channel habitats. Nests in weeds, willows, marsh vegetation, etc. Less numerous closer to the mouth.

Dark-eyed Junco- breeds in localized spots with larger trees near the river, more common from San Lorenzo Park upstream; all-year resident; breeding presence and range in urban/suburban areas of Santa Cruz has increased in recent years

Red-winged Blackbird (a)- breeds in weeds, marsh, and willows in the river channel, possibly increasing in recent years; present all year

Brewer's Blackbird- resident throughout downtown Santa Cruz, nesting in parking lot trees, city parks, etc.; regularly forage along the levees

Brown-headed Cowbird- Rather common in the nesting season, irregularly present the rest of the year. A nest parasite that lays its eggs in the nests of other species (Song Sparrow and California Towhee are fairly regular hosts, but many species may be parasitized.)

Hooded Oriole- fairly common nester near the river, mostly in palms and other ornamental trees, post-breeders commonly forage in willows, etc. within the river corridor; present mostly mid-March to early September

House Finch (a)- Very common year-round resident, many breed.

Lesser Goldfinch (a)- Breeding not confirmed, but a few likely breed here and there in shrubby and weedy habitat; some present all year

House Sparrow- Common resident. Nests in cavities in buildings, bridges, old Cliff Swallow nests, etc.

(a)= confirmed or probable nest locations inside of the levees, either in river bottom vegetation or on river banks and islands

Do Not Breed in the immediate Lower San Lorenzo area, but present with some regularity in the breeding season

Canada Goose-possible all year, a few breed in the nearby area

Great Blue Heron- some present all year, some breed near the Santa Cruz Harbor

Great Egret- some present all year

Snowy Egret- some present all year, sometimes numerous in fall and winter

Black-crowned Night-Heron- some present all year

Osprey- occasionally noted along the river channel at any season; perhaps most common in migration

Red-tailed Hawk- resident in the area and breeds nearby, but apparently not in the immediate river area; regularly forages along the river channel, especially in winter

American Coot- often abundant in winter, just a few remain through the summer, with no evidence of breeding (a few nest elsewhere in the Santa Cruz area)

California Gull-often abundant in winter; non-breeders (mostly immatures) are fairly common in summer

Caspian Tern- regular visitor March to August, sometimes common

Band-tailed Pigeon- irregularly forages near the river, most probably traveling from nearby forests

Belted Kingfisher- fishes along the river at any season, but sparse from March to June; breeds further upstream along the San Lorenzo and elsewhere in the general area, but no evidence of breeding in the "in town" portion of the river

Peregrine Falcon- rather regular visitor, mostly in the non-breeding season (few records March-June); more frequent along the lower stretch of the river, especially when ducks, coots, gulls, etc. are numerous

Tree Swallow- rather sparse migrant and dispersant along the river corridor; a very local breeder in the immediate Santa Cruz area, and breeding season records are probably mostly wanderers from the small colonies at Neary Lagoon, Schwan Lake, etc.

Barn Swallow-apparently none breed in the immediate area of the river, but a regular nester elsewhere in the Santa Cruz area; present mostly March to early October

Breed in habitats adjacent to the Lower San Lorenzo area (especially in the somewhat more natural riparian north of Hwy 1), and occasionally disperse within the breeding season (many of these are regular at other times of year as non-breeding visitors).

Many of these could breed in the lower river area if there were somewhat more natural habitat conditions

Allen's Hummingbird

Nuttall's Woodpecker

Hairy Woodpecker

Western Wood-Pewee

Pacific-slope Flycatcher- common nester (March-September) nearby, and migrant along the lower river; nesting in some spots from San Lorenzo Park up not impossible, but no strong evidence

Hutton's Vireo- regular on the lower river in the non-breeding season, to around Broadway

Warbling Vireo- rather common as a migrant and post-breeding dispersant on the lower river

Pygmy Nuthatch-some may nest in the San Lorenzo Park area, also in vicinity of Ocean View Park

Brown Creeper- possibly may nest in the San Lorenzo Park area; a few nest at Ocean View Park and vicinity

Bewick's Wren- numerous resident nearby, occasional wanderer to the lower river corridor

Swainson's Thrush

Yellow Warbler- declining as a breeder in Central California; probably the closest current nesting is in the Felton area; rather common on the lower river as a migrant

Wilson's Warbler- common as a migrant on the lower river

Spotted Towhee- numerous resident nearby, regular on the lower river in winter

Black-headed Grosbeak- rather common migrant and dispersant along at least the upper stretch of the lower river

Purple Finch

Migrants, Winter Residents, and other non-breeders present only or primarily at certain times of the year

Greater White-fronted Goose- uncommon but regular migrant, and sometimes in winter; September to April

Cackling Goose- uncommon but regular migrant, and sometimes in winter, October to April

Green-winged Teal- uncommon, mostly a fall migrant September to April, but possible in winter and spring; the most regular migrant dabbling duck on the lower river, but other species occur irregularly

Ring-necked Duck- October to April; occasionally on the river itself, but more regular on the San Lorenzo Park pond; numbers usually small

Greater Scaup-uncommon in winter, mostly October to February

Lesser Scaup- uncommon in winter, mostly October to February

Bufflehead-common to almost abundant in winter, mostly October to April

Common Goldeneye- fairly common in winter, mostly November to late March

Hooded Merganser- uncommon migrant and winter visitor, possible mostly October to March

Ruddy Duck- uncommon migrant and winter visitor, possible mostly October to March

Red-throated Loon- occasionally fishes on the lower river, mostly October to April, but a few late or summering records

Pacific Loon- rather rare on the lower river, mostly September-May

Common Loon- October to May, uncommonly noted on the lower river

Horned Grebe- mostly from Soquel Ave. downstream, mostly October to March

Eared Grebe- regular mostly from September to March

Western Grebe- mostly downstream of Broadway, October-March

Clark's Grebe- mostly downstream of Broadway, October-March

Pelagic Cormorant- resident along the coast, but occasionally individuals will go upstream as far as Soquel Ave. or beyond

Turkey Vulture- uncommon and irregular, possible at any season, but mostly in migration

Sharp-shinned Hawk- uncommon, mostly September to May, but occasionally in other months

Spotted Sandpiper- regular August to early May, on muddy or grassy edges and along the rocky bluff near the mouth; some nesting records on the San Lorenzo, but none recent

Greater Yellowlegs- fairly common migrant, and uncommon in winter- mostly October to May, but fall migrants possible as early as July

Least Sandpiper- mostly a migrant, rare in winter; July to May

Western Sandpiper- uncommon spring and fall migrant

Short-billed Dowitcher- uncommon spring and fall migrant

Long-billed Dowitcher- uncommon spring and fall migrant

Wilson's Snipe- rather uncommon but regular in winter, mostly upstream of Soquel, along vegetated banks and islands; most recent records October-February, but migrants are possible earlier and later

Bonaparte's Gull- mostly a migrant (April and May, and less common November-early December), but possible in winter and rarely in summer; less common than formerly

Heerman's Gull- mostly a beach species (where often abundant), but a few irregularly go up-river to about Soquel Ave; mostly June to February (nests mostly in Mexico), but possible all year

Mew Gull- common, mostly October to April; can be quite numerous around Soquel Avenue and San Lorenzo Park

Ring-billed Gull-fairly common, mostly staying close to the mouth/beach area; mostly October to April, but occasional summering non-breeders

Herring Gull- fairly common, mostly October to early May

Thayer's Gull- uncommon but regular in "gull spots" along the river, mostly late-October to late April

Glaucous-winged Gull- fairly common, mostly October to May, but a few non-breeders have summered.

Vaux's Swift- Sometimes seen foraging with swallows along the river, mostly April-September; migrant and visitor from nearby nesting areas. This species seems to be declining in the area.

Northern Flicker- mostly a rather uncommon winter visitor from October to March, but possible outside of this time span. Some nest locally in hills nearby.

House Wren- uncommon to fairly common migrant and winter visitor, mostly August to February, with a few later migrants

Marsh Wren- winter resident in marsh habitat along the river, mostly September to March; while there is possible nesting habitat along this stretch of the river, and some nest nearby, there is no evidence of any nesting or even breeding season presence in this area

Ruby-crowned Kinglet- common winter resident, mostly late September-April

Hermit Thrush-uncommon to rather common winter resident (numbers vary), mostly in trees and shrubs, mostly early October to early April

American Pipit-most common as a fall migrant, but a few winter, present September to December, and occasionally noted later

Cedar Waxwing- possible early-September to the first few days of June, but usually most numerous in April and May, when the species can be abundant

Orange-crowned Warbler- uncommon winter, rather common migrant, and also possible as a post-breeding dispersant (nests commonly in nearby hills)

Yellow-rumped Warbler- common winter resident (September-April); both the "Audubon's" and the "Myrtle" forms are regular

Townsend's Warbler- winter resident, most in areas with larger or thicker trees, fairly common, but becoming more common upstream of Hwy 1

Savannah Sparrow- mostly a migrant (especially September) in open grassy areas, more common along the lower part of the river; usually uncommon

Lincoln's Sparrow- rather common winter resident, mostly mid-September-April

White-crowned Sparrow-abundant winter resident, mostly late-September-April

Golden-crowned Warbler-common winter resident, mostly late-September-April

Western Tanager- mostly a migrant (uncommon to fairly common) in various trees near the river, most common in May and August/September but possible at other times

Pine Siskin- a wandering and irruptive species, irregularly present, and common some years, but rare or absent others, using deciduous and coniferous tree seeds and sometimes weeds (or feeders) along or near the river, mostly October to March, but possible in other months

American Goldfinch- though this species nests nearby (west Santa Cruz coast, etc.), there is no evidence of breeding or even regular presence in the breeding season. But non-breeders (probably many of them migrants from the north) are common in the weeds and willows along the river much of the year, mostly September to late April.

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

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:54 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov> 1 attachments (27 KB)

Steve's Bird List.docx;

From: Barbara Riverwoman <river@cruzio.com>**Sent:** Thursday, March 4, 2021 12:31 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal Number: A-3-STC-21-0013

Dear Members of the Coastal Commission,

Thank you for your outstanding stewardship of our coastal resources. When I host out-of-town visitors, I always point out, with great pride, the amazing work our state has done to protect this beautiful and highly valuable wildlife habitat and natural resource.

I am the co-editor of a blog that reports on the wildlife of the downtown Santa Cruz stretch of the San Lorenzo River, sanlorenzoriverblog.com the exact stretch where the proposed building will be constructed. I and Jane Mio have posted weekly wildlife reports for the last five years, hoping to inform our community about the wildlife value of what many see as simply a potential recreational waterway with no natural value.

I am also attaching a list compiled by a recognized local birding expert of our area, Steve Gerow (now deceased) regarding the 122 species that **regularly** frequent this urban stretch of the river - either year-round residents, summer breeding migrants, over-wintering migrants, or regular visitors from surrounding local areas. The number 122 does **not** include rarities.

I hope you will all take the opportunity to look at both our blog and this list compiled by Steve Gerow, also a former long-time president of the Santa Cruz Bird Club.

There is clearly no way that increased urbanization along this biologically diverse riparian habitat will not affect the wildlife value of this sensitive wetland. I believe that the Commission should enforce the current laws protecting this already threatened area.

Thank you for your careful consideration.

Barbara Riverwoman
831-454-0252

Fw: No to the Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:55 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Keresha Durham <the.earth.needs.small.families@gmail.com>

Sent: Thursday, March 4, 2021 1:06 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: No to the Riverfront Mixed-Use Building

Dear Esteemed Coastal Commission,

Having analyzed development project plans for over 15 years for environmental organizations, I urge you to oppose the Riverfront Mixed-Use Building. Please confirm receipt of my attached letter.

Thank you for all you do to preserve our coastal areas and our quality of life!

--

Keresha Durham ~ educator, environmentalist
"care-sha"

~≈0
- \< / -
() / ()

For a quality future for all living things, the earth needs small families

Balance population with finite natural resources

RE: Proposed Front St./Riverfront Apartments

Dear Coastal Commission:

The environmental group, For Our Future, has reviewed the Draft Environmental Impact Report, (DEIR) and we recommend that the City require the developer of the proposed Front St./Riverfront Apartments to incorporate measures that support our climate, following our City's General Plan guidelines on sustainable development in these 7 areas:

- 1) require a water demand offset program
- 2) install solar energy systems for heating, water and electricity
- 3) do not cut 20 to 26 trees
- 4) design for bike and pedestrian transit
- 5) follow all parts of the City's bird safe building design
- 6) keep the building height at the maximum limit of 50 feet
- 7) provide 50% or more affordable housing for downtown workers (so they may help the climate by walking to work.)

Each of the above recommendations are described in detail below.

Santa Cruz's General Plan's chapter on Land Use (p 35) has guiding principles for development and preservation:

"Sustainability, Environmental quality, land uses, and development are inexorably linked. By providing for the city's continued economic growth and high quality of life without compromising the needs of future generations, sustainable land uses respond to environmental values widely held in the community. **At the heart of this Plan is sustainable development.**"

The City's "Urban River Plan articulates a community vision a wildlife area as well as a **public amenity for recreation, [human-powered] transportation, and open space.** It contains recommendations for habitat enhancement, public access and trail improvements." (2008, p. H-1)

The Urban River Plan goals are to:

"Improve the scenic and recreational value of the Riverfront;

•**Improve public access and pedestrian/bicycle movement to and along the San Lorenzo River.**

•**Improve the urban and neighborhood interface with the San Lorenzo River.**" (2008, p.H-2)

CEQA CONSIDERATIONS & WATER-NEUTRAL GROWTH

In the DEIR 5-CEQA Considerations, there are contradictions as to whether the new water demand will have significant impacts. The General Plan and our environmental organization disagrees. We are convinced that 175 to 525 or more residents' water usage is a significant impact during the climate crisis in an area that is known for droughts:

“The proposed Project would result in a net increase in water demand of approximately 4.5 MGY, which is within the estimated 29 MGY demand projected for development in the downtown area. This is not considered substantial in relation to the estimated future demand in the City’s water service area of approximately 3,200 MGY. **The proposed Project would contribute to significant cumulative impacts related to water supply.**”

But in the next paragraph it reverses direction and does not explain why: “The proposed Project would not result in new or substantially more severe significant impacts related to water supply.”

“The opening principle of the Plan states that the City“...will highlight and protect...the sustainable use of our precious natural resources.”,(p.72) Water being central to this goal.

“General Plan GOAL of Civic and Community Facilities, CC 3 [calls for] A safe, reliable, and adequate water supply [which emphasizes water conservation]:

CC3.1.1 Implement the City’s Long-Term Water Conservation Plan to reduce average daily water demand and maximize the use of existing water resources. “ (p.76)

The City of Santa Cruz’s water management plan states that “Santa Cruz has long faced challenges with the reliability of its water supply and with droughts.” Development with its additional water demand increases our risk of drought and not having enough water for all residents. The Climate Crisis is also increasing extremely dry weather so the City must act responsibly. Water-neutral policies will allow reasonable growth to continue without eroding our water security. The City Water Department report, " Adequacy of Municipal Water Supplies to Support Future Development" , (2004) stated:

“Continuing to provide water to new customers upon request, (as is the current practice), may do harm to existing customers by making the potential water shortage situation worse than it would otherwise be.”

This report describes how growth worsens the impact of droughts: “It is important to note that, even in normal water conditions, three of the four major sources [North Coast streams, San Lorenzo River, Live Oak wells, and Loch Lomond] are presently being utilized at maximum capacity for a significant portion of the year... What this means operationally is that any future increase in seasonal or annual demand for water will be felt through greater and greater withdrawals from Loch Lomond reservoir.” We are pushing our current water system to reach the limits of its capacity with the additional strain from new development.

We can grow without using more water by implementing water-neutral growth which allows new development without increasing the total water demand on the system. Water-neutral growth is achieved by implementing a water demand offset program, where developers fund conservation retrofits elsewhere in the system to offset the new demand for water created by the development. A water-demand offset program for new development encourages developers to build new buildings that are highly efficient. Developers can reduce their offset fees when they demonstrate that a building would use less water than current code requirements would otherwise indicate.

This water policy is already working nearby with East Bay Municipal Utilities and San Luis Obispo County and Soquel Creek Water District which has operated a water demand offset program since 2003. Similarly, Santa Cruz faces a choice between allocating conservation measures to reduce water demand by existing customers or devote those conservation measures to neutralizing growth.

The Soquel Creek Water District has found this water neutral development to be an effective tool to accommodate growth while reducing the impact of growth on the water security of existing customers. For over seventeen years the Soquel Creek District has administered the program at a low cost.

Recommendation:

Especially during our Climate Emergency, the City must adopt a water-neutral policy for new development.

ENERGY CONSERVATION & SOLAR ENERGY

From the DEIR 4.4-11 section on Energy Conservation,: “The operational phase would require electricity for multiple purposes including building heating and cooling, lighting, appliances, electronics, and for water and wastewater conveyance.”

From 4.4-12 “The Project is estimated to have a total net increase in electrical demand of 1,325,705 kWh per year (or 1.33 million kWh per year) for facility usage and water/wastewater conveyance. Therefore, due to the limited amount of electricity use for the Project compared to Santa Cruz County consumption

and the increase in efficiency of new buildings constructed under current building code regulations, the amount of energy the Project is projected to use would not be considered wasteful.”

From 4.4-16 “Impact ENER-2: The Project would **not conflict with or obstruct a state or local plan for renewable energy or energy efficiency**. This is considered is a less-than-significant impact.”

The above DEIR statements conflict with our local General Plan and State Legislation for dramatically reducing energy consumption and moving away from fossil fuel, climate disrupting energy sources.

As part of our state’s ongoing battle against climate change, the California Building Standards Commission and the California Energy Commission approved a 2020 mandate requiring all newly-built homes to be equipped with a solar power system. With our current climate emergency, we urge you to require this project to follow these solar guidelines, even though the plan may be exempt. The California solar mandate is part of an initiative by the California Energy Commission to have at least 50% of the state’s energy produced from clean energy sources by 2030. Now the state has set the goal of drawing 100 percent of its electricity from renewable energy sources in order to sharply reduce greenhouse gas emissions. With this in mind, we urge you to also require solar to heat water which is the most energy, cost and climate-effective way to heat water, not using natural gas at all.

According to Drew Bohan, executive director of the California Energy Commission, "With extreme weather events becoming more frequent, there is even greater need for buildings that are efficient," Bohan said, "[these solar building standards] will continue to keep costs down, better withstand the impacts of climate change, and reduce greenhouse gas emissions."

Recommendation:

Follow the General plan Natural Resources and Conservation chapter (p.125) regarding energy use and new construction:

NRC7.4.2 Require that new construction and major remodeling projects in City facilities use high-efficiency or zero-waste [energy, garbage creation and water] fixtures.

NRC7.1.4 Require new development to provide for passive and natural heating and cooling opportunities, including beneficial site orientation and dedication of solar easements.

Require no natural gas heating or water heating appliances in this project, following the California Energy Commission (Dec. 2019) allowing local

governments to ban natural gas in new construction as a climate cure to decrease carbon emissions.

Require the developer to utilize renewable solar power for electricity and very cost-effective solar water heating and

Require the higher LEED standards for the building's heating and cooling, lighting, appliances, electronics, and for water and wastewater conveyance."

NATURAL RESOURCES, CONSERVATION & URBAN FORESTS

In the DEIR, the arborist reports that from "17 to 26 of the total 33 trees within and near the project may be removed." Large groups of trees are key to supporting the climate via carbon sequestration and as habitat for birds and other wildlife. **One mature tree can capture from 40 to 60 pounds of carbon each year.**

We disagree that there will be no significant impacts as from removing 8 heritage trees and 20 full-grown trees as stated in DEIR Biological Resources, 4.1-20 "The proposed Project would result in removal of 20 trees on the Project site and levee fill area and five street trees. **Five of the on-site trees and three of the street trees to be removed are heritage trees**".

In the General Plan in the Natural Resources and Conservation chapter, they speak about the importance of the Urban Forest (p.120) : "The tree is metaphor for sustainability. The urban forest is more than trees; it is the sum total of all vegetation growing in the urban area, a critical element of a livable urban environment, and a part of the urban ecosystem. Urban forestry manages trees, forests, and natural systems in and around urban areas for the health and well being of communities. "

"Urban forests—and trees in particular—provide significant community benefits. Urban sprawl has contributed to the decline of urban forests and the development of additional problems associated with urban heat islands and storm water runoff. To deal with these problems, communities have spent considerably to install, expand, and repair their "gray" infrastructures (sewers, utilities ,buildings ,roads, etc).More communities are recognizing that vegetation, especially trees, can make up a green infrastructure with the potential to ameliorate heat buildup and reduce storm water runoff in a more cost effective manner than the "gray" infrastructure of streets and utilities."

Protecting these 26 trees and the vegetation would allow our urban to store over 1040 pounds to 2000 pounds (or 1 ton) of carbon each year. We surveyed the area and found old Magnolia, Buckeye and Maple trees, some that had trunks of

6 to 8 feet diameter and over 40 feet high along the river path and at the corner of Soquel and Front Streets. (see photos below)

Recommendation:

Require that the developer to protect our urban forest and not cut or damage the trees along perimeter, which includes trees and vegetation on the river path.

Require the developer to build around our heritage trees.

Require the developer to not cut or harm the heritage grove of tall trees on the corner of Front and Soquel.

BIKE AND PEDESTRIAN DESIGN / ADA ACCESSIBILITY

The “Mobility chapter of General Plan 2030 looks at ways to facilitate transportation alternatives, keep transportation and road systems safe and efficient, and systematically interconnect bicycle and pedestrian ways. The [mobility] proposals below **aim to encourage greater use of alternative transportation modes and reduce automobile travel.**” (p.51)

M1.1 Reduce automobile dependence by encouraging appropriate neighborhood and activity center development. Cf. ED5.1, LU4.2; and M1.5.1, M2.4.2, 3.1.2, and 4.3.

M1.1.1 Create walkable, transit-oriented activity centers throughout the city. Cf. ED5.1, LU4.2; and M2.4.2, 3.1.2, and 4.3

M1.1.2 Connect activity centers with pedestrian and bicycle paths. Cf. M4.3.

M1.1.3 Implement pedestrian and bicycle improvements that support transit ridership.

M1.1.4 Amend the Zoning Ordinance to create an activity-center-oriented urban form.

From the General Plan chapter on Land use “Future growth and change will be focused in the Downtown and along corridors **where transit, bicycling, and walking can be strengthened as primary modes of travel.**” (p.37)

Goals from the General Plan (p.32) encourage pedestrian-friendly design and increase people moving about by foot downtown:

“Community Design CD5.2:

Require new development to include elements that relate to the pedestrian scale.

Cf. CD4.3.1, M1.3.

CD5.2.1 Encourage buildings to be oriented towards side-walks, public plazas, walkways, or rivers and to include features such as public benches and natural seating areas.

CD5.2.2 Encourage the incorporation of public benches and natural seating areas along public walkways and in public plazas and parks. Cf. LU1.1.3, M1.6, M1.6.3, and ED5.4.

CD5.2.3 Design parking strategies at a district or neighbor-hood-wide level to foster a pedestrian-oriented environment. Cf. LU1.1.3, M1.5, M1.5.3, and ED5.4.

CD5.2.4 Ensure that new and revised design guidelines encourage the use of pedestrian-scaled fenestration, awnings, entrances, landscaping, and other amenities.”

The Urban River Plan goals are to

”improve the scenic and recreational value of the Riverfront;

•Improve public access and pedestrian/bicycle movement to and along the San Lorenzo River; (2008, p.H-2)

On page 26 of the General Plan, the authors describe the downtown with "The San Lorenzo River—an important defining feature—flows through the center of Santa Cruz" and "pedestrian and bicycle paths along the levees provide views of the river" The Plan also reminds us that "At a community design workshop held in 2006, participants' highest-ranked goal was to create a “River Walk” district in Santa Cruz,with shops and restaurants along the river."

From the City General Plan's Community Design section CD1.5.2 (p.28) "Provide incentives for new development adjacent to the San Lorenzo River that includes patios overlooking the river, enhanced connections to the levee trails, and other design features that connect the built environment to the river".

Transportation is the largest contributor to climate change; Senate Bill (SB) 743 (2013), creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the CEQA Guidelines to provide an alternative for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” (Public Resources Code Section 21099(b)(1).) Measurements of transportation impacts may include “vehicle miles

traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.” Transportation impacts related to air quality, noise and safety must still be analyzed under CEQA where appropriate. SB 743 also amended congestion management law.

On page 4.5-14, In the Standard for the section of Public Connections to the River, the Project "includes two pedestrian passageways that will provide publicly accessible connections at required widths." Bicycle access is not mentioned here and it will be negatively impacted, since the developer plans to eliminate the bike ramp (from the parking lot just south of the end of Cathcart Street to the levee.) The nearest remaining levee connection to the north will be off of Soquel Avenue and to the south will be through the parking lot south of Sherwin-Williams.

The project plan forces cyclists traveling between Cathcart and the levee to dismount, take an elevator or walk their bikes up the steps on a “bike rail” incline. This means that bicycling would be interrupted and pushing a bike up stairs and a hill is not possible for all people and will discourage bike commuting altogether.

The draft EIR is not consistent with The *City of Santa Cruz Downtown Plan*, the *Santa Cruz City Active Transportation Plan* and *San Lorenzo Urban River Plan* which all emphasize bicycle access to the River levee. Although the *Downtown Plan* says, "bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street," no bike ramp at this location is shown in the proposed plans either. A ramp would also be usable by those in wheelchairs or those who have trouble walking up or down stairs.

With increased motor vehicle traffic along Front Street, this plan will have an adverse effect on cycling and pedestrian safety since cars must cross the bike lane to enter or exit the parking garage. Also, in this design, cyclists are prevented from riding in a straight line, which is the safest, most predictable way to ride.

Additionally, the vehicle moving into and out of the on-street parking spaces with the car passengers entering and exiting the vehicles are a danger to bicyclists within the adjacent, narrow, curving bike lane. Furthermore, vehicles often park over the space markings and into the bike lane, especially large ones.

This project will be walking distance to Downtown shopping and the Transit Center, a perfect place for residents to not have a car. It is possible to reward tenants that do not have a car or use a parking space by lowering their rent or giving them free bus passes. National Sierra Club Transportation policy calls for

- eliminating parking subsidies and minimum requirements to encourage shifts to biking, walking, scooting, carpooling and transit;
- to greatly reduce or eliminate parking in areas served well by public transit.

This agrees with the General Plan:

M 1.5 Reduce the need for parking and promote parking efficiency. Cf. CD5.2.3, ED5.4 and PR1.6.3.

M1.5.1 Increase land use efficiency and the walkability of activity centers. Cf. LU4.2, M1.1, M3.1.2, M4.3. (p.54)

Recommendations:

In order to reduce motor vehicles automobile travel, follow the General Plan's goals for Livable Street design. To lure people out of the car, make the building area extremely safe, easy and appealing through urban design that increases traffic calming and attractive bike-ped infrastructure,

As in the General Plan, require that "New development adjacent to the San Lorenzo River should include enhanced connections to the levee trails, and other design features that connect the built environment to the river, with " bike paths "and patios overlooking the river."

Create the "River Walk District" that citizens ranked the highest priority, increasing walkability and emphasizing nature and walkability along the river.

Require a path that cyclists and those in wheel chairs can continually ride; on the ample 60-foot passageway, to accommodate a bike path.

Require that all on-street parking on Front Street be removed so the bike lane is safe, free of the danger of obstacles, i.e. car doors and pedestrians.

Require that the Front Street bike lane be wider and straight (not meandering).

Require incentives to reduce cars and car parking for the tenants

Require the developer to design safe, attractive, tree-lined ADA accessible, pedestrian walkways , with local public art and native trees and vegetation leading from the project into the transit center and into downtown.

TREES & SANTA CRUZ BIRD-SAFE DESIGN STANDARDS

MITIGATION 4.3-3: “Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between March and late July to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the MBTA are found, **construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use.**”

Bird nests do not follow a construction time line so please do not offer a choice-require the wildlife biologist’s survey and direction regarding bird nesting and breeding activity and construction.

The City recently adopted Bird-safe building design standards that “apply to any portions of buildings or structures that are located adjacent to or within 300 feet of and could reflect areas with a General Plan land use designation of CR, PR, NA, or AG, any open waterway mapped in the City-wide Creeks and Wetlands Management Plan, or any area deemed by the Zoning Administrator to need consideration for bird-safe design due to proximity to natural features” [such as this tall project on San Lorenzo River bird sanctuary].

“The architectural features that require glazing treatment are 90 percent of all glazing within 40 feet above grade. Staff will work with developers to decide on best design measures. Glazing treatment shall follow the 2” x 4” rule: spaces of untreated glazing must have a maximum height of two inches and a maximum width of four inches. Birds cannot see untreated glazing and may attempt to fly through “openings” greater than these dimensions. 2” x 2” spacing is highly encouraged. Pattern elements should be at least 1/8” thick. Glazing treatment shall include at least one of the following: Bird safe glass approved for use by the American Bird Conservancy; Fritted windows; Patterned windows; UV pattern film (not appropriate for all locations); Window nets; Window screens ;Any American Bird Conservancy approved product: <https://abcbirds.org/get-involved/bird-smart-glass/>;Other design measures that have been identified by qualified professionals as providing adequate bird protections”

Lighting standards: Exterior lighting shall be downward cast only. Horizontal or upward cast lighting can attract or disorient birds and cause them to fly into windows.

Recommendation:

Require no construction or tree removal is delayed until after the wildlife biologist has determined bird nests are no longer in use.

Require stands of tall trees, which are preferred bird habitat not to be removed.

COMMUNITY DESIGN & RIVER/OPEN SPACE PRESERVATION

In the DEIR Land Use 4.5-12: (page 31) According to "the Downtown Plan, building heights shall not exceed 50 in the Front Street/Riverfront Corridor." However, it states " the applicant is requesting approval of 11 feet in height beyond the 70 foot height allowance ([to] 81 feet maximum)."

The City's "Urban River Plan **articulates a community vision a wildlife area as well as a public amenity for recreation, [human powered] transportation, and open space.** It contains recommendations for **habitat enhancement, public access and trail improvements.**"

In the General Plan, the Community Design chapter speaks to retaining the City's character and preserving the community and tourist values of our unique, smaller town appearance. Here are a relevant General Plan community design goals:

Goal CD1 A built environment in harmony with its natural setting: CD1.1 Preserve natural features that visually define areas within the city. [such as the river].

CD1.5 Ensure that new development adjacent to the San Lorenzo River relates to the river in its design.

CD1.5.1 Enhance the prominence of the San Lorenzo River as a natural feature that provides structure, orientation, and recreational enjoyment by including it in surrounding area and management plans.

CD1.1.4 Identify and emphasize distinguishing natural features that strengthen Santa Cruz's visual image (i.e., open space, San Lorenzo River).

CD1.2 Ensure that the scale, bulk, and setbacks of new development preserve important public scenic views and vistas.

CD1.2.1 Develop complimentary siting, scale, landscaping, and other design guidelines to protect important public views and ensure that development is compatible with the character of the area.

CD1.2.2 Develop minimum standards and guidelines for residential, commercial, and industrial development that reflect the character and needs of the districts.

In the DEIR 4.5-27, figure 4.5-1, the photos of the development on the river demonstrate how this very tall structure towers over the gentle hills of the river valley and does not blend with the surrounding downtown buildings.

With the surrounding height of the downtown's buildings at 50 feet, this building will leap 31 feet over all other buildings. Breaking out the building skyline in the 81 feet of height conflicts with the language in the General Plan regarding Community Design of buildings, it will be the tallest building on the river and in this downtown area, this design does not "relate to the river" nor "enhance the prominence of the river".

An 81 foot large structure will dominate and overwhelm the river, rather than "emphasize the distinguishing natural features that strengthen Santa Cruz's visual image" and downtown. This size and scale will not "ensure that the scale of this new development preserve important public scenic views.", instead it will obstruct the view on the river. An oversized 81 feet will not be part of the General Plan's goals to "develop complimentary scale" that "ensure development is compatible with the character of the area". Neither will it "reflect the character of the downtown district" which maintains heights of 50 feet or less.

A big reason our community loved the Riverwalk (which was rated the highest priority in a survey) is for the wide sky and sunset views from the river. This open view will be blocked by a 81 foot tall building.

Recommendations: Require the project to protect the open space-lower the height of the building to 50 feet, which matches with the surrounding area and preserve our special open river valley views and quaint downtown character.

Preserve the views of the sunset from the other side of the river by a lower ridge line. Taller buildings will block the sky and the sunset along the river.

Provide 50% or more affordable housing for those who work downtown so they can walk to work! Transportation is one of the largest contributors to climate change. 11% is not enough, with 89% expensive market-rate units for the wealthy or which invites UCSC students to pack one unit with several students to create an affordable rental.

Please contact us if you have any questions about our recommendations.

Keresha J. Durham

For Our Future
ForOurFutureSantaCruz@gmail.com
831-222-0280

Fw: Riverfront development

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 1:55 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Suzanne Wilde <suzannewilde@gmail.com>**Sent:** Thursday, March 4, 2021 1:46 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Riverfront development

Hello!

I'm writing to Express my opinion about this development. Although I believe we need more housing in Santa Cruz... I find this development far exceeds reasonable building practices for the area. I believe that we should stick to the lower building height and density for the street. The impacts of this development or simply too high for the infrastructure that exist. I think it will be a blowout on the landscape and possibly cause serious damage. Furthermore, I do not believe the serves the public interest of providing more affordable housing as the so-called affordable housing offered will be only 11% not even the minimum of 15% which is required by regulation. If you made it 100% affordable I might consider it however I think that this clearly indicates that this is a building for profit for the developer at the expense of the landscape, the community and the ecosystem.

Stop the development.

Suzanne wilde

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 2:58 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: brucet@ieee.org <brucet@cruzio.com>**Sent:** Thursday, March 4, 2021 2:02 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission,

I am a resident of the city of Santa Cruz who has grave concerns about the 7 story building slated for construction along the San Lorenzo River in downtown Santa Cruz. This building is of such a huge scale it will have a damaging impact on the natural resources and well-being of the Riverfront area - affecting native animals and the local environment. For this reason I ask the Coastal Commission to carefully review the proposed development.

My chief concerns are:

1. The proposed building is too large, too tall.
2. The proposed building does not provide enough affordable housing.

The current project plans are inconsistent with and exceed our Local Coast Program (LCP) in terms of size, density and height. The LCP allows 70 feet at this site, yet the current project is slated to be 81 feet high (not including 5' of HVAC equipment). The excess size and height of the proposed project will have a significantly negative impact on the San Lorenzo River which is a valuable community and ecological resource that feeds directly into coastal waters!

The current project plans also skirt inclusionary housing requirements with only 11% of the units being affordable. A project of this magnitude and location should provide at least 15%, preferably 20%, affordable units in order to meaningfully address the housing crisis that is present in Santa Cruz as in so many coastal California communities.

I ask the Coastal Commission to carefully review the proposed Front/Riverfront project with an eye toward addressing the Ecological and Environmental impact the project will have on the local environs.

Sincerely,

--Bruce Thomas

City of Santa Cruz Resident

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 2:59 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Brooke Ma eson <bma eson@me.com>**Sent:** Thursday, March 4, 2021 2:26 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

This is completely obnoxious.

Where is your soul Santa Cruz City Council?

Aren't you supposed to "protect downtown/River character and aesthetics, protecting the River as a resource itself ..."????

More housing is a good thing but this is TRULY ugly, disgusting scale.

- The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

- The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.

- The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.

- Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection.

- "The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced

to meet the requirements of the LCP." (Quote from local Coastal Commission staff in letter to the City Council on 11/20/20)

B Matteson

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jane Mio <jmio@earthlink.net>

Thu 3/4/2021 3:00 PM

To: Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

 1 attachments (74 KB)

Coastal Commissioner Effie Turnbull-Sanders 3421.pdf;

Dear Commissioner Turnbull-Sanders,

Thank you for your much appreciated attention for the included letter.

Best regards,

Jane Mio

March 4, 2021

Dear Commissioner Turnbull-Sanders,

On behalf of Santa Cruz Tomorrow, I am reaching out to you for your support on our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) with a motion to request a future De Novo hearing at your Coastal Commission meeting March 12th. We strongly believe that our outreach to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

A De Novo hearing will allow the Coastal Commission a second look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and the facts we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

Current LCP allows **70 feet** at this site.

The Riverfront Project is 81 feet* (not including 5' mechanical equipment) thus 16% higher than what is allowed in the LCP that was approved by the Coastal Commission.

Coastal Commission staff has noted in their report, these violations can be fairly argued to have impermissible and irreversible view impacts.

We are concerned that exceeding the LCP permitted height will set a precedent for the City to permit similarly sized proposed projects along this same local coastal corridor of the San Lorenzo River.

A De Novo hearing will assure that LCP policies are respectfully evaluated in order to achieve an approach that balances coastal resources with site appropriate development.

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act and under AB 2797 “coastal resources and coastal access”. This project achieves neither since it will have increase impact on the river. The Riverfront Project includes a substantial habitat modification without any mitigations by filling approximately 15,000 square feet of the project site next to the river levee.

A De Novo hearing will assure that the coastal resources will be properly addressed according to the LCP policies and the Executive Order N-82-20 (recognizes California’s biodiversity crisis).

We believe that our appeal has raised substantial issues that deserve to be considered by the Coastal Commission. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections.

A De Novo hearing will avoid setting a worrying precedent for how our local government interprets our LCP in the future. We believe that our concerns raised broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Thank you for your thoughtful consideration in regard to the Santa Cruz **Riverfront Project** (Appeal Number A-3-STC-21-0013; agenda item #19h).

Sincerely,

Jane Mio

215 Mtn. View Ave.

Santa Cruz CA 95062

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov,
CentralCoast@coastal.ca.gov.

* please note: the project height of 81 feet is the height reported to the City Council by city staff at 1/12/2021 Public Hearing).

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jane Mio <jmio@earthlink.net>

Thu 3/4/2021 3:00 PM

To: Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

 1 attachments (74 KB)

Coastal Commissioner Uranga 3421.pdf;

Dear Commissioner Uranga,

Thank you for your much appreciated attention for the included letter.

Best regards,

Jane Mio

March 4, 2021

Dear Commissioner Uranga,

On behalf of Santa Cruz Tomorrow, I am reaching out to you for your support on our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) with a motion to request a future De Novo hearing at your Coastal Commission meeting March 12th. We strongly believe that our outreach to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

A De Novo hearing will allow the Coastal Commission a second look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and the facts we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

Current LCP allows **70 feet** at this site.

The Riverfront Project is 81 feet* (not including 5' mechanical equipment) thus 16% higher than what is allowed in the LCP that was approved by the Coastal Commission.

Coastal Commission staff has noted in their report, these violations can be fairly argued to have impermissible and irreversible view impacts.

We are concerned that exceeding the LCP permitted height will set a precedent for the City to permit similarly sized proposed projects along this same local coastal corridor of the San Lorenzo River.

A De Novo hearing will assure that LCP policies are respectfully evaluated in order to achieve an approach that balances coastal resources with site appropriate development.

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act and under AB 2797 “coastal resources and coastal access”. This project achieves neither since it will have increase impact on the river. The Riverfront Project includes a substantial habitat modification without any mitigations by filling approximately 15,000 square feet of the project site next to the river levee.

A De Novo hearing will assure that the coastal resources will be properly addressed according to the LCP policies and the Executive Order N-82-20 (recognizes California’s biodiversity crisis).

We believe that our appeal has raised substantial issues that deserve to be considered by the Coastal Commission. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections.

A De Novo hearing will avoid setting a worrying precedent for how our local government interprets our LCP in the future. We believe that our concerns raised broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Thank you for your thoughtful consideration in regard to the Santa Cruz **Riverfront Project** (Appeal Number A-3-STC-21-0013; agenda item #19h).

Sincerely,

Jane Mio

215 Mtn. View Ave.

Santa Cruz CA 95062

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov,
CentralCoast@coastal.ca.gov.

* please note: the project height of 81 feet is the height reported to the City Council by city staff at 1/12/2021 Public Hearing).

Fw: A-3-STC-21-0013 Riverfront Mixed Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 3:01 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Pete Kennedy <pete@brightgreenstrategies.com>**Sent:** Thursday, March 4, 2021 2:45 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed Use Building

Please deny the appeal.

I am in full support of this project. If we don't build some apartments in this town, only rich white people will be able to live here. That is not the Santa Cruz I love.

The community was involved in years of planning for this project, the process was robust and deliberate, with many diverse opinions aired, heard, and incorporated into the Downtown Plan.

Contrary to the claims of the appellants, I believe this project will actually increase access to the coast. It is a five minute bike ride from this building to the world class surf break at Cowell beach.

Please ignore the (few) people that always appeal every project and help us get this built. There is a silent majority that needs housing that is not being heard from.

Thanks.

Pete Kennedy

Senior Project Manager

Bright Green Strategies, Inc.

I'm not in the office on Mondays and Fridays

Fw: Riverfront Mixed Use, A-3 STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 3:02 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Shelley Hatch <scghia@gmail.com>**Sent:** Thursday, March 4, 2021 2:49 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Fwd: Riverfront Mixed Use, A-3 STC-21-0013

California Coastal Commissioners,

The city of Santa Cruz' actions have verified that they feel entitled to powers and rights to exceed, ignore, or rewrite rules or laws as they feel the need. In October 2018 they chose to support developers by rescinding the vote of residents who passed Measure O in 1979, a measure that established our inclusionary ordinance at 15%. The city ignored enforcement of it when they chose to, but the decision to lower the rate to 10% was made in order to satisfy developer's pleas that their projects wouldn't " pencil out " at 15%. The city responded with the questionable decision to change several policies , including overturning the voter mandated Measure O. Why would the city believe that Mr. Lawlor's two downtown projects would not pencil out, especially if either was located in a tax benefited Opportunity Zone ? And why was he granted special consideration to not be required to disclose his pro forma financial information , even our elected council members were not allowed to see it. Requiring the 15% would not have diminished profits , especially in an Opportunity Zone . But it was evidently seen by the city as a simple way to diminish the requirements of Measure O , in order to monetarily support the developers. Opportunity Zones are intended to spur growth in low income areas, but when the outcome is fewer low income units ,how is the spirit of Measure O or of Opportunity Zones being honored ?

I have included a link to an article about the lawsuit that required the city to return the inclusionary percentage to the 15% that our forward looking residents mandated in 1979 , a measure that can legally only be changed by a vote of the people , not by city staff decree. The fact that this change was invoked after the mayoral Listening Tour about housing woes in Santa Cruz shows it was actually a puff piece listening tour to show false concern by the city, before they enacted the changes they had planned to do anyway. Lowering the percentage for our most needed category of housing after supposedly listening to the community was a hard to accept response to the needs that the city and community both were well aware of. This was done to gut Measure O, certainly not to honor it , done with the full knowledge that we are not deficient in market rate housing, but that we were deficient in

lower income units. It was gutted and delivered as an illegal gift from the city to help developers of market rate housing avoid our 15% law. It had to be challenged.

<https://www.santacruzsentinel.com/2019/01/14/pending-santa-cruz-housing-projects-draw-citizen-land-use-lawsuits/>

The city of Santa Cruz has exhibited their belief that they can change, exceed, ignore or rewrite our own laws or the guidelines of our LCP and the Coastal Act and Commission in order to serve overreaching and non conforming developments. The November letter from commission staff that was introduced at a council meeting clearly enumerates concerns both of the staff and our community about the city's overreach regarding our LCP in too many areas of this project. The hostile statements made in response to that communication are described in this commentary in the Sentinel

. <https://www.santacruzsentinel.com/2020/11/28/guest-commentary-council-should-heed-coastal-commission-on-river-front-project/>

Thank you for your careful consideration of all information submitted that you will be weighing when making your decisions about this project.

Shelley Hatch and family

Fw: SUBJECT A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 3:17 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Aldo Giacchino <agsantacruz@sbcglobal.net>**Sent:** Thursday, March 4, 2021 3:15 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** SUBJECT A-3-STC-21-0013 Riverfront Mixed-Use Building

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Due to its location along the western edge of the San Lorenzo River, the proposed project is characterized by excessive height and excessive density that will create several adverse effects:

It will cast long shadows on the river habitat.

It will adversely impact viewsheds of the natural habitat.

It will remove multiple heritage trees.

It grossly violates the LCP, as detailed by the Commission's staff.

It will set precedent for other coastal communities that height limits in the LCP can be ignored.

It makes unique use of a density bonus that will generate a lower affordable housing percentage than normally required, thereby reducing the social utility of the project.

I strongly urge you to reject this project in its present form. The project's location has prime coastal significance and it deserves a project that is more consonant with the coastal values enumerated in the LCP.

Thank you for your consideration.

Aldo Giacchino

1005 Pelton Avenue

Santa Cruz, CA 95060

Fw: Front/Riverfront Project

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 3:57 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Michael Urban <urban47@ucsc.edu>

Sent: Thursday, March 4, 2021 3:44 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Front/Riverfront Project

Dear Coastal Commission,

The projected development (A-3-STC-21-0013 Riverfront Mixed-Use Bldg) represents a grotesque violation of the modest and human-friendly character of Santa Cruz architecture. Please do not allow this abomination to go forward. Thank you.

Michael Urban
119 Magnolia St.
Santa Cruz, CA 95062

Riverfront Project Appeal # A-3-STC-21-0013

Ron Pomerantz <hectic@cruzio.com>

Thu 3/4/2021 4:02 PM

To: Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Good Day Commissioner Chair Padilla,

Thank you for accepting Ex-Parte communications even though staff told me this letter is not considered one.

I am writing to you on behalf of Santa Cruz Tomorrow, to ask you to consider supporting our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) to support a motion to request a future De Novo hearing at your Commission meeting on March 12th. We believe our request to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

We believe a De Novo hearing will allow the Coastal Commission an important look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and information we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet* this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this

project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 “coastal resources and coastal access” are to be protected. This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.

We believe that our appeal has raised substantial issues that should be considered by the Coastal Commission in a future De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a worrying precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

I am copying the Staff to assure our communication with you is publicly noted.

We look forward to working with you in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting.

Thank you for your time and thoughtful consideration.

Ron Pomerantz, Chair, Santa Cruz Tomorrow

Ps. The Santa Cruz Group Sierra Club link to their letter to the Coastal Commission: <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

* please note: the project height of 81 feet is the height reported to the City Council by city staff at 1/12/2021 Public Hearing).

Riverfront Project Appeal # A-3-STC-21-0013

Ron Pomerantz <hectic@cruzio.com>

Thu 3/4/2021 4:05 PM

To: Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Good day Commissioner Hart,

I am writing to you on behalf of Santa Cruz Tomorrow, to ask you to consider supporting our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) to support a motion to request a future De Novo hearing at your Commission meeting on March 12th. We believe our request to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

We believe a De Novo hearing will allow the Coastal Commission an important look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and information we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

The current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet* this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same

dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 “coastal resources and coastal access” are to be protected. This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.

We believe that our appeal has raised substantial issues that should be considered by the Coastal Commission in a future De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a worrying precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

We are copying the Staff to assure our communication with you is publicly noted.

We look forward to working with you in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12 hearing.

Thank you for your time and thoughtful consideration.

Ron Pomerantz, Chair, Santa Cruz tomorrow

Ps. The Santa Cruz Group Sierra Club link to their letter to the Coastal Commission: <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Riverfront Project Appeal # A-3-STC-21-0013

Ron Pomerantz <hectic@cruzio.com>

Thu 3/4/2021 4:06 PM

To: Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Good day Commissioner Wilson,

Thank you for accepting Ex-Parte communications even though staff told me this letter is not considered one.

I am writing to you on behalf of Santa Cruz Tomorrow, to ask you to consider supporting our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) to support a motion to request a future De Novo hearing at your Commission meeting on March 12th. We believe our request to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

We believe a De Novo hearing will allow the Coastal Commission an important look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and information we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

The current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet* this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this

project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 “coastal resources and coastal access” are to be protected. This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.

We believe that our appeal has raised substantial issues that should be considered by the Coastal Commission in a future De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a worrying precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

I am copying the Staff to assure our communication with you is publicly noted.

We look forward to working with you in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting.

Thank you for your time and thoughtful consideration.

Ron Pomerantz, Chair, Santa Cruz Tomorrow

Ps. The Santa Cruz Group Sierra Club link to their letter to the Coastal Commission: <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Riverfront Project Appeal # A-3-STC-21-0013 on March 12

Ron Pomerantz <hectic@cruzio.com>

Thu 3/4/2021 4:11 PM

To: Rice, Katie@Coastal <katie.rice@coastal.ca.gov>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Dear Commissioner Rice,

Thank you for accepting Ex-Parte communications even though staff told me this letter is not considered one.

I am writing to you on behalf of Santa Cruz Tomorrow, to ask you to consider supporting our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) to support a motion to request a future De Novo hearing at your Commission meeting on March 12th. We believe our request to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

We believe a De Novo hearing will allow the Coastal Commission an important look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and information we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

The current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet* this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this

project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 “coastal resources and coastal access” are to be protected. This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.

We believe that our appeal has raised substantial issues that should be considered by the Coastal Commission in a future De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a worrying precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

I am copying the Staff to assure our communication with you is publicly noted.

We look forward to working with you in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting.

Thank you for your time and thoughtful consideration.

Ron Pomerantz, Chair, Santa Cruz Tomorrow

Ps. The Santa Cruz Group Sierra Club link to their letter to the Coastal Commission: <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: Problems with the Riverfront LLC project in Santa Cruz, local permit CP18-0153; Appeal A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 3/4/2021 4:25 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Lee Brokaw <lee45_94306@yahoo.com>

Sent: Thursday, March 4, 2021 4:19 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Problems with the Riverfront LLC project in Santa Cruz, local permit CP18-0153; Appeal A-3-STC-21-0013

Regarding:

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

Dear Commission
Members,

03/04/21

As a resident of Santa Cruz, I object to this proposed construction on aesthetic, environmental and structural grounds.

As a General Contractor, CSL. 524663, (in the trades for 40 years, with a license, 33 years) it is my job to see that the structural integrity of any structure I build is sound. Not only do I follow the plans, but I question my engineers. As a result, I have learned a lot beyond just the drawings. I have learned the 'whys' for these rules. The engineer I have worked with the most, will tell you I often improve the engineering. [Jim Robinson, PE, Robinson Structures, Menlo Park; 650-704-5246]

As a Masters degreed physical organic chemist, UC Berkeley, I know physics and math beyond the average contractor.

As a Captain in the Army, stationed in Germany, I ran an environmental health lab serving all of US forces in Europe. We analyzed drinking water, river pollution, industrial pollution, sewage treatment plant monitoring, and fish kills. Therefore I feel qualified to continue with my comments, from a science perspective, not emotion.

(Emotionally, this project is only being built to make some people rich, but I digress...)

I chose to address the structural issues and good practices.

Undermining the levee by digging the foundation so close to the levee, in the engineering prohibited zone, should not be allowed. If the levee were a structural foundation, it would not be wise or a good practice, to undermine the edge of the base. It would be prohibited.

I know from experience that both architects & engineers will tell their clients what they want to hear. They are paid to say 'yes', not 'no'. It is often the job of the contractor, to say this will not work.

The dewatering (pumping of water from multiple wells around the proposed foundation to keep the excavation dry for construction) will be a massive undertaking. The proposed basement and slab floor are to be constructed well below the level of water in the river at low tide and the surrounding water table. The hydraulic pressure, against the levee, at high tide and wet winter flooding, will force even more intrusion in to the dewatering system and the finished building. The pumps will run incessant during construction pumping the river water back into the river, as long as we have electricity. With a power outage, diesel generators will take over, 24/7, fouling our air. The builder may even chose to use diesel pumps for the duration of construction. It would be his choice. Physics 101, water will not drain up hill.

After construction, 24/7/365, the pumps will pump river water seeping through the levee, picked up by the foundation drain, back into the river. I do not see how that 'drain water' can be free of silt and pollutants, seeping into the foundation drain from the surrounding landscape. I would expect the foundation drain water, pumped back into the river, to add silt and landscape fertilizer pollutants, increasing the solids in the river, depriving fish of oxygen they need to survive.

All of this could be mitigated by complex filters and technology but it will have to perform until the end of time. Ultimately the river will win and breech the levee.

How unnecessary and naive to think we can master the river for the end of time.

It's time that we co-exist with the river, not try to master it,

Respectfully submitted,

M. Lee Brokaw,
General Contractor, Inc.
426 Pacheco, SC.
SCL 524663

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jean Brocklebank <jeanbean@baymoon.com>

Fri 3/5/2021 10:40 AM

To: Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Dear Commissioner Brownsey ~

I write to ask you to positively acknowledge our **appeal** of the Riverfront Project, when the appeal initially comes before you on March 12th, by making or supporting a motion **to provide a full review** and discussion by your Commission with a **future De Novo hearing**.

As one of the list of **interested persons** in the appeal (A-3-STC-21-0013; agenda item #19h), I have followed this proposed project for many months, previously submitting comments on the DEIR concerning natural resource impacts.

Our appeal has raised legitimate and significant substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling **to balance** needs for affordable housing and **coastal resource protection** while providing fair incentives for potential project developers.

Briefly:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.
- The project's height and mass will negatively impact the recreational use of the Riverwalk, taking away sunlight and replacing it with a massive structure, and creating not a river walk but a river as an afterthought, for all Californians, not just Santa Cruzans.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will **significantly impact resource protection**.

Quoting from Coastal Commission staff in its letter to the city Council (11/20/20) -- "**The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP.**"

Also quoting from staff's letter to the City Council, please note "... **protecting downtown/River character and aesthetics, protecting the River as a resource itself** ..." was highlighted.

A De Novo hearing will allow the Coastal Commission a vital and authoritative determination of whether a project that 1) is **not** consistent with the State Coastal Act, 2) is **not** consistent with our

Local Coastal Program, and 3) provides less affordable housing than what is required by local ordinance is suitable for our community. A better review of this project will also allow Commissioners to thoroughly decide how approval of permits for this project could set an untenable precedent up and down the coast.

Below is a longer summary of our substantial issues and information raised in our appeal:

- **The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.**

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

- **The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.**

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

- **The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.**

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. ***This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.***

In sum, we are convinced that our appeal has raised substantial issues that should be considered by the Coastal Commission in a De Novo hearing. Our appeal has documented how the Riverfront project

will significantly affect coastal resources, access, and protections. It will set a troublesome precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Appellants look forward to working with you, Ms. Brownsey, in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting. Please note that I am copying the Staff to assure our communication with you is publicly noted.

Sincerely,

Jean Brocklebank (California resident since 1945)

Cc Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:48 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Martha Keeler <mskeeler@yahoo.com>**Sent:** Thursday, March 4, 2021 4:36 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission -

I want to give my opposition to the Riverfront building as it now is planned. I have 2 objections: First - the height is inappropriate for the location. This is our beautiful river bench lands area which I walk several times a week. To have a building that tall, taller than anything on Pacific Ave, by way, is in conflict with location.

And it should be! Whatever development takes place should be smaller and less impactful. And it includes demolishing historic building that have intrinsic as well as architectural value. the city planning commission has actually admitted that their decisions are made "with no larger vision related to preserving the city's historic downtown character". Second - The builders have not been required to adhere to the required 15% affordable housing unit requirement. This is unacceptable. Reductions in affordable units seems to always be handed out to these large developers as an incentive, leaving no affordable housing in the county for our county residents.

So please add my voice to those asking you to help us reduce the size of this project and adhere to the affordable housing policy.

Thank you,
Martha Keeler

Fw: Appeal no. A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:49 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Alice Levine <alevineharroun@gmail.com>**Sent:** Thursday, March 4, 2021 4:46 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal no. A-3-STC-21-0013 Riverfront Mixed-Use Building

•

The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

The project is likely to have adverse environmental impacts, most especially on the birds in the area.

Finally, the size of the project is inconsistent with the community of Santa Cruz, the scale of downtown development, and it contributes insufficiently to the goal of more affordable housing.

Sincerely,

Alice Levine
124 Buena Vista Ave., Santa Cruz, CA 95062
(916) 529-6293

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:50 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Pauline Seales <paulineseales120@gmail.com>**Sent:** Thursday, March 4, 2021 7:19 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

The seven story, 80 foot Riverfront Project is too large, would overwhelm downtown, and is in violation of the Local Coastal Plan.

The project has only 11% affordable units - below the 15% REQUIREMENT at a time when affordable housing is desperately needed.

This area will be subject to a combination of sea-level rise, storm surge and increased river flow as Climate Change proceeds. A natural absorption zone would be best, but any building approved should take the future risks into consideration. At an earlier public hearing the design team was asked about this, but seemed to think that was something they could ignore.

Please do not approve this design.

Thanks for your attention to the matter.

Pauline Seales
Santa Cruz Climate Action Network

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:50 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Marilyn Sandow <sandow770@gmail.com>**Sent:** Thursday, March 4, 2021 9:20 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

It's come to my attention the the council is considering this project and as a long time Santa Cruz resident I want to add my voice to stop this project.

- **The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.**
- **The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.**
- **The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.**
- **Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection. And the San Lorenzo River does flood when there is significant rainfall.**

- **"The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP."(Quote from local Coastal Commission staff in letter to the City Council on 11/20/20)**

Please do not approve this project!

Thank you,

Marilyn Sandow

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:51 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Stephen Buchter <stephenbuchter@gmail.com>**Sent:** Thursday, March 4, 2021 9:42 PM**To:** Alison Buchter <alistephen1@yahoo.com>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Stephen Buchter <stephenbuchter@gmail.com>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

My father was a coastal commission director and he was an amazing man. He past his values onto his children.

I learned quite a bit from him.

He was a land attorney and delt with land law and access to the coast around the Santa Barbara.

One of the things he did teach me was to to really respect the land and public parks and their resources.

What I'm seeing now with Santa Cruz county is a blind attraction to the building of housing whether it is market based or low income housing.

We have a constraint in having everyone that wants to live in Santa Cruz country being able to live here.

It's the WATER!!!!!!

We have a limited supply of water and in wet or normal years everyone forgets about the constraint but in dry years we fight over the last drop out of the tap.

Please don't over develop Santa Cruz to try and make housing available to the detriment of those that live in and love Santa Cruz County.

We don't want desalination in our county nor our ocean waters to make up for the loss of water during the lean years.

Please make our county sustainable water wise for the future.

Thank You for time ,

Stephen

--

Stephen

Fw: Letter in support of Appeal Number: A-3-STC-21-0013 (Riverfront Project)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:51 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Alison Russell <alisruss@gmail.com>**Sent:** Thursday, March 4, 2021 11:33 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Letter in support of Appeal Number: A-3-STC-21-0013 (Riverfront Project)

Dear Coastal Commission members,

I am writing in support of Appeal Number: A-3-STC-21-0013, the Riverfront Project, Appellant Ron Pomerantz. Applicants are Riverfront LLC, and the local government permit is #CP18-0153.

The proposed project is too tall and too massive, not only for Santa Cruz in general, but especially for a site so close to the San Lorenzo River and its ecosystems. It is, simply, overwhelming. At a whopping 81 feet, it will block views of the river. Because it is significantly taller than what the current Local Coastal Program (LCP) allows, it will also set a dangerous precedent for ignoring LCP height limits. I am concerned that future developments will similarly crowd and overwhelm the riverfront, wiping out what for Santa Cruz is an historic and scenic viewshed.

When the project was first submitted, a 15% inclusionary housing rate was required, which would have resulted in 26 affordable units. Instead, the project now has only 20 affordable units. The project should be required to include at least 26 affordable units. Our community needs affordable housing, not more market rate or luxury units. In my view, the project should be able to achieve a 15% inclusionary rate as well as lower its height, reduce its mass, and reduce its impact.

Finally, the project disregards entirely the complex river watershed and ecosystems that it will very likely harm. I am concerned that its proposed site will be too close to the river, and that it will significantly disrupt the habitat, including native plant food sources and breeding sites, for many species.

Santa Cruzans treasure our river and its flora and fauna. The project as currently designed is likely to harm the local environment and negatively impact valued community resources. The project does not appear to be consistent with our LCP or with the Coastal Act. It should not be allowed to go forward.

Thank you for the opportunity to comment.

Sincerely,

Alison M. Russell
548 Sumner Street
Santa Cruz, CA 95062

Fw: Objection to:: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:52 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Rosemary Bryan <romarin1@icloud.com>**Sent:** Thursday, March 4, 2021 11:42 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Objection to:: A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Esteemed California Coastal Commissioners,

As a native Santa Cruz-an, I urge you to consider the following...

The City of Santa Cruz overreached its authority in approving this project. It conflicts with the San Lorenzo Urban River Plan and with the Downtown Plan, both of which are adopted into our Local Coastal Program (LCP).

The mass (seven stories) and height (80+ feet) overwhelm the scale of downtown Santa Cruz as well as San Lorenzo River resources.

This project is not consistent with the State Coastal Act and our Local Coastal Program (LCP). The project provides less affordable housing than what is required by our local ordinance. The project sets a dangerous precedent for coastal resources protection.

I urge you to carefully consider the negative impact of this project, and come to the conclusion that it be disallowed from going forward.

Sincerely,

Daniel Bryan

Fw: RiverFront Project in Santa Cruz

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:52 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Susan Cavalieri <susanwcavalieri@gmail.com>**Sent:** Friday, March 5, 2021 7:03 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** RiverFront Project in Santa Cruz

To whom it may concern,

I'm writing to oppose the RiverFront apartment project in Santa Cruz. This proposed project does not comply with the City's Local Coastal Program and it negatively impacts the biodiversity of native and migratory species. These species depend on the undisturbed river bank for shelter, breeding sites and food sources which are protected by the Coastal Act.

As we face climate catastrophe with drought, excessive heat and sea level rise it is imperative that a wide river bank be preserved to absorb rising sea water and carbon dioxide. Any building at the site must protect and preserve this sensitive land.

City planners and the Coastal Commission need to plan for the climate we face with its negative impacts on people, birds, animals, insects and plant species. We are all interdependent and we must save ecologically important land and biodiversity.

Thank you,

Susan Cavalieri
190 Walnut Ave., Unit 101
Santa Cruz

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

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

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:52 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Barbara Riverwoman <river@cruzio.com>

Sent: Friday, March 5, 2021 7:06 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

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

Dear Commissioners,

I appeal to your reason as to how this building might be reduced to a size not suggestive of Godzilla so all of us who visit the riverfront might walk in light rather than the shadow of this monstrosity. Let's appeal to what might be less obtrusive and blend in with our mellow city that harbors so much diversity.

Thank you,
Carol Brendsel
Felton

Fw: Riverfront Mixed-Use Building: Don't let Santa Cruz become Silicon Valley

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:52 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sabrina Fielder <sabrinasfielder@gmail.com>**Sent:** Friday, March 5, 2021 8:15 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Riverfront Mixed-Use Building: Don't let Santa Cruz become Silicon Valley

Esteemed Members of the Coastal Commission,

I am writing to you today in **strong opposition** to the proposed development, A-3-STC-21-0013 Riverfront Mixed-Use Building, on River St in Santa Cruz.

This proposed project sits right next to the San Lorenzo river, which drains straight to our coastline. The SLR has already been dangerously encroached upon by human activity and development, and would indubitably suffer from increased density.

Further, residents fear that approving projects such as this one will allow Santa Cruz to slowly turn into an extended Silicon Valley-- a place that used to be lush and full of life, but was paved over. We live in Santa Cruz intentionally: for the beauty and scenes that you can't find in the neighboring cities. Santa Cruz is not Silicon Valley, and Santa Cruz is not San Jose. Santa Cruzians do not want it to become either of these places.

Please do not enable developers to drastically alter our natural resources and change Santa Cruz forever.

"When all the trees have been cut down, when all the animals have been hunted, when all the waters are polluted, when all the air is unsafe to breathe, only then will you discover you cannot eat money."

I implore you to **not approve this project** and carry out your duty to protect California's natural resources and beauty. Future generations will thank you.

Thank you for your time.

Sabrina Fielder
818.429.6039

Fw: A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:53 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: s parker <sparker740@yahoo.com>**Sent:** Friday, March 5, 2021 8:25 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013

I am emailing out of concern for the proposed building project in Santa Cruz along the San Lorenzo River.

This riverfront mixed use building is not consistent with the local natural beauty of the river/neighborhood. Both the size and height is offensive.

I also worry about the environmental impact on the natural habitat.

Please consider postponing any final approval for more input from the residents of Santa Cruz. I realize building is a natural progression of our town, but we must do it properly to maintain what integrity is left of our seaside coastal town.

Thank you for your consideration.

Susan Parker
123 4th Ave
Santa Cruz, CA

Sent from my iPhone

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jean Brocklebank <jeanbean@baymoon.com>

Fri 3/5/2021 10:53 AM

To: Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Dear Commissioner Escalante ~

I write to ask you to positively acknowledge our **appeal** of the Riverfront Project, when the appeal initially comes before you on March 12th, by making or supporting a motion **to provide a full review** and discussion by your Commission with a **future De Novo hearing**.

As one of the list of **interested persons** in the appeal (A-3-STC-21-0013; agenda item #19h), I have followed this proposed project for many months, previously submitting comments on the DEIR concerning natural resource impacts.

Our appeal has raised legitimate and significant substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling **to balance** needs for affordable housing and **coastal resource protection** while providing fair incentives for potential project developers.

Briefly:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.
- The project's height and mass will negatively impact the recreational use of the Riverwalk, taking away sunlight and replacing it with a massive structure, and creating not a river walk but a river as an afterthought, for all Californians, not just Santa Cruzans.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will **significantly impact resource protection**.

Quoting from Coastal Commission staff in its letter to the city Council (11/20/20) -- "**The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP.**"

Also quoting from staff's letter to the City Council, please note "... **protecting downtown/River character and aesthetics, protecting the River as a resource itself ...**" was highlighted.

A De Novo hearing will allow the Coastal Commission a vital and authoritative determination of whether a project that 1) is **not** consistent with the State Coastal Act, 2) is **not** consistent with our

Local Coastal Program, and 3) provides less affordable housing than what is required by local ordinance is suitable for our community. A better review of this project will also allow Commissioners to thoroughly decide how approval of permits for this project could set an untenable precedent up and down the coast.

Below is a longer summary of our substantial issues and information raised in our appeal:

- **The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.**

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

- **The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.**

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

- **The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.**

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. ***This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.***

In sum, we are convinced that our appeal has raised substantial issues that should be considered by the Coastal Commission in a De Novo hearing. Our appeal has documented how the Riverfront project

will significantly affect coastal resources, access, and protections. It will set a troublesome precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Appellants look forward to working with you, Ms. Escalante, in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting. Please note that I am copying the Staff to assure our communication with you is publicly noted.

Sincerely,

Jean Brocklebank (California resident since 1945)

Cc Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:54 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: JANETTE M CAVECCHÉ <cavecche@me.com>

Sent: Friday, March 5, 2021 9:11 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: A-3-STC-21-0013 Riverfront Mixed-Use Building

I am supporting Santa Cruz Tomorrow's appeal to the California Coastal Commission, asking them NOT to approve the Front/Riverfront Project adjacent to the San Lorenzo River. This is too large of a housing project to go into our downtown.

Jan Cavecche

Fw: Riverfront mixed use building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:54 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Daniel Frisch <dfrisch@ucsc.edu>**Sent:** Friday, March 5, 2021 9:25 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Riverfront mixed use building

Hello,

I am writing in regards to the appeal # A-3-STC-21-003 Riverfront mixed use building.

My main concern is the impact this project will have on the wildlife and aesthetics of this important coastal ecosystem.

Many migratory birds use this stretch of the river as part of their flyway and an 80 foot building (and the construction thereof) near the waters edge may pose a disruption to migratory patterns.

Resident species also use this portion for the river as their home.

Sight lines will be greatly impacted by the size of the structure. Shading, lighting and window glare are of concern as well.

Santa Cruz resources are already stretched thin with more projects of this magnitude on the docket. The estuary has already been stressed by development and the lack of mitigation for habitat and the species that rely on the river for their survival.

I understand housing is of concern in our county, but I feel that developments such as these do not adequately address the needs of our current residents.

I would urge pause on these projects and place equal importance on the natural resources that make Santa Cruz unique to the number of species, including humans, that call Sant Cruz home.

Thank you,

Dan Frisch

dfrisch@ucsc.edu

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jean Brocklebank <jeanbean@baymoon.com>

Fri 3/5/2021 10:54 AM

To: Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Dear Commissioner Aminzadeh ~

I write to ask you to positively acknowledge our **appeal** of the Riverfront Project, when the appeal initially comes before you on March 12th, by making or supporting a motion **to provide a full review** and discussion by your Commission with a **future De Novo hearing**.

As one of the list of **interested persons** in the appeal (A-3-STC-21-0013; agenda item #19h), I have followed this proposed project for many months, previously submitting comments on the DEIR concerning natural resource impacts.

Our appeal has raised legitimate and significant substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling **to balance** needs for affordable housing and **coastal resource protection** while providing fair incentives for potential project developers.

Briefly:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.
- The project's height and mass will negatively impact the recreational use of the Riverwalk, taking away sunlight and replacing it with a massive structure, and creating not a river walk but a river as an afterthought, for all Californians, not just Santa Cruzans.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will **significantly impact resource protection**.

Quoting from Coastal Commission staff in its letter to the city Council (11/20/20) -- "**The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP.**"

Also quoting from staff's letter to the City Council, please note "... **protecting downtown/River character and aesthetics, protecting the River as a resource itself ...**" was highlighted.

A De Novo hearing will allow the Coastal Commission a vital and authoritative determination of whether a project that 1) is **not** consistent with the State Coastal Act, 2) is **not** consistent with our

Local Coastal Program, and 3) provides less affordable housing than what is required by local ordinance is suitable for our community. A better review of this project will also allow Commissioners to thoroughly decide how approval of permits for this project could set an untenable precedent up and down the coast.

Below is a longer summary of our substantial issues and information raised in our appeal:

- **The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.**

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

- **The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.**

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

- **The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.**

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. ***This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.***

In sum, we are convinced that our appeal has raised substantial issues that should be considered by the Coastal Commission in a De Novo hearing. Our appeal has documented how the Riverfront project

will significantly affect coastal resources, access, and protections. It will set a troublesome precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Appellants look forward to working with you, Ms. Aminzadeh, in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting. Please note that I am copying the Staff to assure our communication with you is publicly noted.

Sincerely,

Jean Brocklebank (California resident since 1945)

Cc Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:55 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Megan Ha ar <meganha ar@icloud.com>**Sent:** Friday, March 5, 2021 9:35 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building**Hello,**

My name is Megan and I am a UCSC alumni. The time that I have had on the land up on campus has given me the understanding of how sacred the land is here in Santa Cruz when it is preserved. What makes it so special is the preservation of it. If the porter meadows were overtaken by more student housing like planned for back in 2014, and if students didn't protest their love for this land the sacredness would no longer exist.

I am making a call to action that you build no taller than one story and reconsider where you would like to develop. I personally take this bike path home and am always in awe of my home when I look at the pogonip skyline that connect to UCSC. "The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. "

"The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning. "

"The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a

valuable community and ecological resource as well as a valued view and recreation corridor. "

"Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection. "

These are all such valid point that I wish you to let sink in and reconsider your development. Santa Cruz is a cozy beach town and draws people in who enjoy the magic of nature. It would be a shame to develop further into a metropolitan city.

From my dear heart and the love of this land to yours,

Megan Hattar

A-3-STC-21-0013 Riverfront Mixed-Use Building

Jean Brocklebank <jeanbean@baymoon.com>

Fri 3/5/2021 10:55 AM

To: Danya.Bochco@coastal.ca.gov <Danya.Bochco@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Dear Commissioner Bochco ~

I write to ask you to positively acknowledge our **appeal** of the Riverfront Project, when the appeal initially comes before you on March 12th, by making or supporting a motion **to provide a full review** and discussion by your Commission with a **future De Novo hearing**.

As one of the list of **interested persons** in the appeal (A-3-STC-21-0013; agenda item #19h), I have followed this proposed project for many months, previously submitting comments on the DEIR concerning natural resource impacts.

Our appeal has raised legitimate and significant substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling **to balance** needs for affordable housing and **coastal resource protection** while providing fair incentives for potential project developers.

Briefly:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.
- The project's height and mass will negatively impact the recreational use of the Riverwalk, taking away sunlight and replacing it with a massive structure, and creating not a river walk but a river as an afterthought, for all Californians, not just Santa Cruzans.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will **significantly impact resource protection**.

Quoting from Coastal Commission staff in its letter to the city Council (11/20/20) -- "**The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP.**"

Also quoting from staff's letter to the City Council, please note "... **protecting downtown/River character and aesthetics, protecting the River as a resource itself ...**" was highlighted.

A De Novo hearing will allow the Coastal Commission a vital and authoritative determination of whether a project that 1) is **not** consistent with the State Coastal Act, 2) is **not** consistent with our

Local Coastal Program, and 3) provides less affordable housing than what is required by local ordinance is suitable for our community. A better review of this project will also allow Commissioners to thoroughly decide how approval of permits for this project could set an untenable precedent up and down the coast.

Below is a longer summary of our substantial issues and information raised in our appeal:

- **The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.**

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

- **The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.**

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

- **The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.**

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. ***This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.***

In sum, we are convinced that our appeal has raised substantial issues that should be considered by the Coastal Commission in a De Novo hearing. Our appeal has documented how the Riverfront project

will significantly affect coastal resources, access, and protections. It will set a troublesome precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Appellants look forward to working with you, Ms. Bochco, in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting. Please note that I am copying the Staff to assure our communication with you is publicly noted.

Sincerely,

Jean Brocklebank (California resident since 1945)

Cc Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:55 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Ajay Shenoy <ajay.m.shenoy@gmail.com>**Sent:** Friday, March 5, 2021 9:36 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission,

I'm writing to strongly urge you to allow this development to proceed. The arguments against it seem largely based on aesthetics, and I don't think the Coastal Commission should veto housing developments unless they pose an actual threat to endangered species or serious damage to the natural environment.

California is being bled by a lack of affordable housing. The Coastal Commission has no business overruling locally approved projects on spurious grounds.

Ajay Shenoy

--

Ajay Shenoy
Assistant Professor, Economics
University of California, Santa Cruz
<http://people.ucsc.edu/~azshenoy/>

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 10:57 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Joan Gilbert Martin <joangilbertmartin@gmail.com>**Sent:** Friday, March 5, 2021 10:32 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission Members,

This Front/River Front project is way too tall for its setting. At 81 feet plus 5 feet of HVAC equipment, it is 16% larger than is allowed by the Coastal Commission. The San Lorenzo River has a history of serious flooding. Setting such a monstrously large habitation on its banks is asking for trouble.

Furthermore, it has too many market-rate units in comparison with affordable units. Only 11% affordable as opposed to the 15% of affordable units (26-35) specified when City Planning approved this project.

And finally, it is devastating to the natural resources of the riverbank: shelter, breeding locations, and native plant food sources for local and migratory species. We need to protect this essential downtown river as a resource in itself.

Thank you for considering my concerns

Joan Gilbert Martin
158 Belvedere Terrace
Santa Cruz, CA 95062
831 426-6974

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:08 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Rachel McKay <rachelm17@gmail.com>**Sent:** Friday, March 5, 2021 10:35 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; citycouncil@cityofsantacruz.com
<citycouncil@cityofsantacruz.com>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Coastal Commission,

It is good to know that you are reviewing the proposed 7 story building on the Riverfront. I write as a bird and native plant lover and someone who cares about preserving diversity of all creatures including humans like me. It is out of scale for the location and exceeds density limits and does not provide enough much needed low income housing.

Without a healthy earth, we are not healthy. Birds and plants need homes too and this project will disrupt local and migratory breeding areas and eliminate native plants that feed the insects that feed the birds that add to our overall health, not to mention delighting us. Plus, they were here before we were here.

As for human beings, this project, while providing homes for many people, falls woefully short of providing homes for those who truly need them, very low and low income people. There is no provision for section 8 or very very low income folks. Who will serve those living in this big building? Who will cook their food, clean homes, fight fires, and teach their children, if they cannot afford to live here?

The project is in the floodplain and will likely be impacted by sea level rise. Is it wise to build such a large structure on the Riverfront?

I know that we need more housing and that this will require increased density. I think it is wiser to spread out that density more equitably and to remember that we share this town with many creatures who cannot write to you. May my voice be multiplied by thiers, egrets, willows, herons, yarrow, sparrows, California fuschia, bees, mugwort, butterflies, alders, flies, coast live oaks, and moths to name a few.

Rachel McKay
158 Belvedere Terrace
Santa Cruz, CA 95062

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:08 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Rachel McKay <rachelm17@gmail.com>**Sent:** Friday, March 5, 2021 10:49 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; citycouncil@cityofsantacruz.com
<citycouncil@cityofsantacruz.com>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Hello All,

Here is my Letter again, this time with my phone number included.

Dear Coastal Commission,

It is good to know that you are reviewing the proposed 7 story building on the Riverfront. I write as a bird and native plant lover and someone who cares about preserving diversity of all creatures including humans like me. It is out of scale for the location and exceeds density limits and does not provide enough much needed low income housing.

Without a healthy earth, we are not healthy. Birds and plants need homes too and this project will disrupt local and migratory breeding areas and eliminate native plants that feed the insects that feed the birds that add to our overall health, not to mention delighting us. Plus, they were here before we were here.

As for human beings, this project, while providing homes for many people, falls woefully short of providing homes for those who truly need them, very low and low income people. There is no provision for section 8 or very very low income folks. Who will serve those living in this big building? Who will cook their food, clean homes, fight fires, and teach their children, if they cannot afford to live here?

The project is in the floodplain and will likely be impacted by sea level rise. Is it wise to build such a large structure on the Riverfront?

I know that we need more housing and that this will require increased density. I think it is wiser to spread out that density more equitably and to remember that we share this town with many creatures who cannot write to you. May my voice be multiplied by thiers, egrets, willows, herons, yarrow, sparrows, California fuschia, bees, mugwort, butterflies, alders, flies, coast live oaks, and moths to name a few.

Rachel McKay
158 Belvedere Terrace
Santa Cruz, CA 95062
(707) 347-6157

Fw: Appeal Number: A-3-STC-21-0013, RiverFront LLC

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:09 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Chris Krohn <ckrohn@cruzio.com>**Sent:** Friday, March 5, 2021 10:53 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal Number: A-3-STC-21-0013, RiverFront LLC

To: California Coastal Commission

From: Chris Krohn

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz, Katherine Beiers, and Jane Mio

Dear Coastal Commissioners,

I find this RiverFront LLC project incompatible and inconsistent with the State Coastal Act and our Santa Cruz Local Coastal Program (LCP) and urge you to uphold the appeal (A-3-STC-21-0013). I state the following reasons in my support of the appeal:

Affordable Housing and Coastal Access

1) This project contains only 20 affordable units (11%) rather than the 26 affordable it should have if it stuck with the 15% inclusionary housing required when the project was submitted to City Planning. I would argue that AB 2797 requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the California Coastal Act. Affordable Housing is one way people of lesser means access the coast.

View Impacts, Size

2) The current LCP allows 70 feet at this site. This project will come in at more than 81 feet (when including 5' mechanical equipment). At 81 feet, this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

It is for these reasons I find this RiverFront LLC project incompatible and inconsistent with the State Coastal Act and our Santa Cruz Local Coastal Program (LCP) and urge you to uphold this appeal (A-3-STC-21-0013).

Kind regards,

Chris Krohn
123 Green Street
Santa Cruz, Ca. 95060
ckrohn@cruzio.com

Fw: Opposed to Santa Cruz massive building projects

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:14 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sioux Donatelli <sjdonatelli@gmail.com>**Sent:** Friday, March 5, 2021 11:07 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Opposed to Santa Cruz massive building projects

To Santa Cruz city council;

I have tried to figure out your rationale with your decisions regarding high rise buildings. I cannot come up with any sense to it. Unless the city council is being bought off by the developers?

These projects are destructive to our community . Destructive to our wildlife. Even when they say a percentage is affordable housing, that is untrue. They aren't really inexpensive.

I am totally against these high rises. It increases the traffic which is already a mess. They say people will use mass transit, well the majority do not. They don't want to give up their freedom.

The Coastal commission should not OK this . You are supposed to be the overseers. Please reconsider and do the right thing for the people of Santa Cruz.

Susan J Donatelli

Fw: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:21 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

 2 attachments (135 KB)

Downtown Forward.pdf; Front Street Riverfront Project CC 03052021.docx - Google Docs.pdf;

From: Ma. Farrell <mattfarrell922@gmail.com>**Sent:** Friday, March 5, 2021 11:16 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Chair Padilla and Commissioners,

Downtown Forward is a community coalition which supports a holistic vision for the future of Downtown Santa Cruz. We urge the Commission to support Commission staff's recommendation to adopt a motion finding that this project appeal raises no substantial issue. The attached letter details the reasons for our support of this project. I have included some background information on Downtown Forward.

Thanks for you time and consideration,

Matt Farrell
for the Downtown Forward Steering Committee



DOWNTOWN FORWARD is a community movement that advocates for the strength and resilience of downtown Santa Cruz through forward-looking principles of environmental sustainability, equity, and economic opportunity. We support a **holistic vision for the future of our downtown** that includes additional housing, diversified local business, lively civic and cultural facilities, multiple transportation options, and inviting public spaces; a vision that benefits residents, workers and visitors, and strengthens our sense of community.

We were formed in 2019 specifically to support the proposed mixed use project incorporating a 21st century library, affordable housing, parking and transportation features, and commitment to a permanent nearby home for the Farmers' Market. After several years of study and public engagement, the City Council approved the library mixed use concept in the summer of 2020, and the next stages of planning are now underway.

As we continue our advocacy for that project, we also take an active interest in additional mixed-use and public projects downtown, including components of housing, commercial activity, transportation and public spaces. Recovery from the COVID pandemic, the changing nature of retail, the urgency of our local housing crisis, and the reality of climate change all dictate a forward-looking approach to the future of our downtown.

Steering Committee members

Matt Farrell
Vivian Rogers
Cynthia Mathews
Rena Dubin
Donna Murphy
Casey Meyers
Andrew Goldenkranz
Robert Singleton
Martin Gomez
Tim Willoughby
Casey Beyer
Zach Davis
Mark Mesiti-Miller

DOWNTOWN FORWARD Endorsing Organizations

Carpenters Union Local 505
Democratic Women's Club of Santa Cruz Co.
Dientes Community Dental Care
Downtown Library Advisory Committee
Downtown Management Corporation
Eden Housing
First Community Housing
First 5 of Santa Cruz County
Friends of the Santa Cruz Public Libraries
Library Advisory Commission
Monterey Bay Economic Partnership (MBEP)
Museum of Art & History
Pacific Union Partners
Palo Alto Medical Foundation (PAMF)
Santa Cruz County Democratic Party
Santa Cruz Community Health Centers
SC County Chamber of Commerce
SC County Business Council

For additional information, including full list of community supporters, background and additional resources:

downtownforward.org

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:23 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: John Hall <jhall5@ucsc.edu>**Sent:** Friday, February 26, 2021 9:24 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

To the Coastal Commissioners:

Please affirm the appeal, A-3-STC-21-0013, of the Riverfront Mixed-Use Project in Santa Cruz. The Coastal Commission has jurisdiction and it has the legal basis to require that this project not proceed in its present form.

The project exceeds height limits of the Local Coastal Program, and its height has consequences for the San Lorenzo River, which feeds directly into Monterey Bay. The project will radically change conditions of natural light on the river, affecting the habitat of fish and other wildlife, as well as the plant life that sustains them.

The Local Coastal Commission staff already have informed the city that the project as proposed is not consistent with the Local Coastal Program requirements concerning height number of floors, and top floor setback.

The task of the Coastal Commission now is to hold the City of Santa Cruz and the project developer to the rule of law. Quite frankly, it is an abysmal situation in the city when we cannot depend on its government to require that projects fulfill legal requirements. So we count on you.

Sincerely,

John Hall

[John R. Hall](#)Research Professor of Sociology
University of California - Santa Cruz and Davis[Essay: "Time, culture, and Covid-19"](#)<https://sociology.ucsc.edu/about/directory-emeriti.php?uid=jhall5><https://ucdavis.academia.edu/JohnHall>

Downtown Commons Advocates

Website: <https://downtowncommonsadvocates.weebly.com/>Facebook: <http://fb.me/SantaCruzDCA>

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 11:24 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Joan Timpany <dj_timpany@hotmail.com>**Sent:** Wednesday, March 3, 2021 4:03 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

To California Coastal Commission,

As a long-time Santa Cruz resident I find it unthinkable that the above-mentioned building would even be considered a possibility here.

I grew up in the previously named Valley of Hearts Delight (aka) Santa Clara Valley. It became nationally known as a place where other communities could visit to see what NOT TO DO re: development. Why is a similar path being followed here?

The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act

by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor. There are numerous organizations pushing to increase appreciation for an appropriate use of river resources. This proposed pillar of over-blown ugliness and inappropriateness simply does not belong in its present configuration and size.

Please help us keep Santa Cruz a treasure for residents, visitors and wildlife with whom we share the planet.

Sincerely,
Joan DJ Timpany
203 Pennsylvania Avenue
Santa Cruz, CA 95062

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:08 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Joan Gilbert Martin <joan@baymoon.com>**Sent:** Friday, March 5, 2021 11:34 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

>> Dear Coastal Commission Members,

>>

>> This Front/River Front project is way too tall for its setting. At 81 feet plus 5 feet of HVAC equipment, it is 16% larger than is allowed by the Coastal Commission. The San Lorenzo River has a history of serious flooding. Setting such a monstrously large habitation on its banks is asking for trouble.

>>

>> Furthermore, it has too many market-rate units in comparison with affordable units. Only 11% affordable as opposed to the 15% of affordable units (26-35) specified when City Planning approved this project.

>>

>> And finally, it is devastating to the natural resources of the riverbank: shelter, breeding locations, and native plant food sources for local and migratory species. We need to protect this essential downtown river as a resource in itself.

>>

>> Thank you for considering my concerns

>>

>> Joan Gilbert Martin

>> 158 Belvedere Terrace

>> Santa Cruz, CA 95062

>> 831 426-6974

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:08 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Bob von Elgg <bobvonelgg@gmail.com>**Sent:** Friday, March 5, 2021 11:37 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

Honorable Commissioners:

I am writing to voice my strong opposition to the Riverfront Project in the City of Santa Cruz. I know many others are writing and voicing the same opposition. I've read through much of the information about this project, both the pros and the cons, all of which I am sure you are well aware of by now. So I will keep this letter of opposition short:

This development's height and mass is shocking for downtown Santa Cruz, and especially along the banks of the San Lorenzo River. As a lifelong Santa Cruz resident since 1958, I am hoping that sensibility and sensitivity to the opinions of those opposed will be heard loud and clear. Please listen, please understand the real-life impacts, and please help find a more reasonable and less massive and towering solution to this remarkable property along the river. Of all the types of developments and opportunities this important property offers, this proposed development does nothing for the betterment of the City and the well-being of its residents.

Sincere regards,

Robert Werdmuller von Elgg

Bob von Elgg
Bigfish Smallpond Design
112 Brookside Ave
Santa Cruz CA 95060
831-316-7183 mobile
bobvonelgg@gmail.com
bfsp.net

Fw: Appeal Number: A-3-STC-21-0013 Local Govt. Permit #: CP18-0153

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:08 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Carol Long <cjlong3@sbcglobal.net>

Sent: Friday, March 5, 2021 12:54 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Appeal Number: A-3-STC-21-0013 Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height, in clear violation of the Local Coastal Plan (LCP).

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet, 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As your staff has noted, these violations can be fairly argued to have impermissible view impact. Similarly sized projects are in the City's plans along this same local coastal corridor and if allowed, our LCP height limit has no meaning and opens us to far larger projects in this area, setting a precedent in LCP's of other coastal communities can be flouted.

This project violates the State Coastal Act and our LCP, substituting for it the State Density Bonus Law to require fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%), not the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – an environmental and community resource and view corridor. By infringing on the west bank of the river, it threatens essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of are supposedly specifically protected by the Coastal Act.

Further, under AB 2797 "coastal resources and coastal access" are to be protected. This project, outrageously, does neither: it will be built much closer to the river and will commit substantial habitat modification, filling approximately 15,000 square feet of project site next to the river levee.

Do not approve this project.

Carol Long

Re: Riverfront Project Appeal # A-3-STC-21-0013

Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>

Thu 3/4/2021 5:11 PM

To: Ron Pomerantz <hectic@cruzio.com>

Cc: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>

Ron,

I only usually have exparte communication for the North Coast region. Thank you for including this in general communication.

M

Mike Wilson P.E.
Commissioner

Sent from my iPad

On Mar 4, 2021, at 4:06 PM, Ron Pomerantz <hectic@cruzio.com> wrote:

Good day Commissioner Wilson,

Thank you for accepting Ex-Parte communications even though staff told me this letter is not considered one.

I am writing to you on behalf of Santa Cruz Tomorrow, to ask you to consider supporting our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) to support a motion to request a future De Novo hearing at your Commission meeting on March 12th. We believe our request to you is necessary and appropriate since our appeal has raised significant, substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling to balance needs for affordable housing and coastal resource protection while providing fair incentives for potential project developers.

We believe a De Novo hearing will allow the Coastal Commission an important look at whether a project that is not consistent with the State Coastal Act, nor our Local Coastal Program, and provides less affordable housing than what is required by local ordinance is suitable for our community or instead sets an untenable precedent.

Below is a brief summary of our substantial issues and information we have raised in our appeal:

The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.

The current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet* this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets *six fewer* affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. This project achieves neither since it will have increased impact on the river, including a substantial habitat modification filling approximately 15,000 square feet of the project site next to the river levee.

We believe that our appeal has raised substantial issues that should be considered by the Coastal Commission in a future De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a worrying precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

I am copying the Staff to assure our communication with you is publicly noted.

We look forward to working with you in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting.

Thank you for your time and thoughtful consideration.

Ron Pomerantz, Chair, Santa Cruz Tomorrow

Ps. The Santa Cruz Group Sierra Club link to their letter to the Coastal Commission: <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

Cc. Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:42 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org>**Sent:** Friday, March 5, 2021 1:38 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

David S. Kossack, Ph. D. March 4, 2021

San Andreas Land Conservancy dkossack@san-andreas-land-conservancy

P. O. Box 268 831.419.8307

Davenport, CA 95017

California Coastal Commission

Central Coast District

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

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

Chair Padilla and Commissioners:

Thank you for this opportunity to comment on the City of Santa Cruz's Front Street/ RiverFront Condos project, A-3-STC-21-0013. We support the appeal of Applicant Ronald Pomerantz and we incorporate the substantial issues raised in his updated appeal of February 25, 2021 by reference. In addition to the issues raised in Mr. Pomerantz's appeal we have additional concerns of our own, as follows;

This project is gargantuan, and it is driven by the cumulative impacts of variance after variance. While the City appears to have abandoned its Urban Core (read *canyon*) planning model in its brief life span a number of projects approved, and built, that have had a singular impact on the height and density of development the City of Santa Cruz. These projects are sprinkled from one end of the City to the other to the point that excessive height and density is simply a matter of in-fill. We believe that the RiverFront project is the sprinkle in the Coastal Zone.

The City's EIR claims that the project's scale will not have an affect on the health of the river or surrounding riparian habitat (13.65). They cite their "shade diagram" as authority and an undefined biological survey. Unfortunately we were not able to find the referenced "shade diagram(s)" in either the Staff Report or in the EIR. Given the abused nature of the San Lorenzo River inclusive (e.g., river and riparian) and the special status of Environmentally Sensitive Habitat Areas, potential riparian growth, restoration of the riparian zone, needs to be considered. Solar shading affects the efficiency of the natural world's solar panels: photosynthesis, just like photovoltaic solar panels. The solar shading is

cumulative impact and as such will create a precedence for future development deeper into the Coastal Zone. With a toe-hold on RiverFront, extreme height limit it will simply be a 'march to the sea'. This is an issue raised by Commission's staff in your letter of December 16, 2020 (pg 2, Visual Resources in the Coastal Zone) This concern needs to be extended to impacts to the riparian zone.

The funds that the City required of the developer as part of their approval are inadequate. Nothing is presented in either the EIR or staff's Report to ensure that the applicant's 'up to \$50,000' contribution towards San Lorenzo River enhancements will provide any ecological benefit to the San Lorenzo River including restoration of fish, frog or riparian habitats. This sets a bad precedent for future developments in the Coastal Zone. Further, we did not find any information on the project's cost (e.g., \$10, \$20 million) or assessment of fiscal viability. Regardless we feel that the \$400,000 that the City has asked for is a very small amount, certainly insignificant in terms of replacing the present loss of any low and very low dwelling units from the project let alone making any contribution towards solving the City's Affordable Housing crisis.

The Coastal Zone is ripped sawed between continued development of massive scale projects demanding more and more water from diversion points and the growth inducing impacts of water related infrastructure projects fostering the mirage of an endless supply of water. The City of Santa Cruz has filed petitions for change and time extension for water right Permits 16123 and 16601 (Applications 22318 and 23710) and petitions for change for Licenses 1553, 7200 and 9847 (Applications 4017, 5215, and 17913) for water diverted from the San Lorenzo River and other locations in Santa Cruz County (https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2021/a004017_petition_notice.pdf). This is a major storage and replumbing project for the City's water works and it is part of an increase in the rate of diversion from the San Lorenzo River. The City has also requested for an extension for the Time to Complete Beneficial Use from the Existing date of 2006 to December 31, 2043, more than 22 years from now, over the horizon. There is no feed-back loop, there will be no turning back. While the diversion demands and proposed expansion of uses of this water project, and others, continue to increase the amount of water coming into the system (i.e., rain) is not increasing, there is a real possibility that it is actually decreasing. To think that water could be acquired from someplace else is irresponsible. These are growth inducing and cumulative impacts that are not addressed in either the EIR or the present Staff Report.

Thank you

David Kossack

On behalf of

San Andreas Land Conservancy

Fw: Comment on A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:43 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Charlie Vaske <charlie@seavaske.com>

Sent: Friday, March 5, 2021 1:41 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Comment on A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear California Coastal Commissioners,

I am writing to urge speedy approval of the Riverfront mixed-use building. This particular proposed development is perfectly in line with the character of the site, as it is in the central business district of Santa Cruz, and fulfills the aims of the Coastal Act to preserve our coastal regions. The environmental impact of this development will greatly decrease VMT, with many benefits for the coastal area and river. For example, the greatest source of microplastics in the ocean is from car tires [1], and chemicals in car tires have very recently been shown to be a prime destroyer of our salmon populations [2]. And perhaps the greatest threat to our coast is rising sea level from climate change. As noted environmentalist Bill McKibben recently wrote [3], "In California, the reluctance of too many otherwise committed environmentalists to allow denser cities, which would decrease the use of cars, is a hypocrisy of the highest order." This sort of project, with affordable housing included, is precisely the type of development that the Sierra Club heavily promotes, writing that "Studies make clear that urban infill is good for climate, but researchers increasingly note that affordable housing must be part of any densification project so that all types of people with a range of carbon footprints can take advantage of mass transit, energy-efficient housing, and other "green" amenities." [4].

Denying the Riverfront project on any sort of density or environmental ground would be an affront to all the research on the environmental benefits of urban density over the past few decades, but this project is also in line with the CCC's environmental justice policies: "The Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act." [5]. However, by subjecting only affordable housing projects to such discretionary reviews, the CCC puts time-based funding for affordable housing in jeopardy. Meanwhile, unaffordable single family homes, tear-downs, and mansions building in the same coastal zone faces no such review. Placing such a differential burden on affordable housing would be directly counter to the aims of the CCC's EJ policies.

For that reason, it's essential that the CCC adopt future policies that clearly specify, ahead of time, which sorts of developments are allowed, so that affordable housing can be designed without many costly redesigns to meet uncertain and arbitrary specifications. Such approvals must be on strict and short timelines, in order to allow affordable housing funding sources to be available. Anything less than clear guidelines will result in outcomes that further the extreme racial and economic segregation of the coastal zone.

Kind regards,
-Charles Vaske
Santa Cruz

- [1] <https://www.latimes.com/environment/story/2019-10-02/california-microplastics-ocean-study>
- [2] <https://www.theguardian.com/environment/2020/dec/03/coho-salmon-pollution-car-tires-die-off>
- [3] <https://www.newyorker.com/news/annals-of-a-warming-planet/the-shift-to-renewable-energy-can-give-more-power-to-the-people>
- [4] <https://www.sierraclub.org/sierra/city-plans-for-urban-density-should-address-affordable-housing>
- [5] https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:58 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Kimberley Richardson <kimberleymaerichardson@gmail.com>**Sent:** Friday, March 5, 2021 1:49 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

I strongly object to the proposed high rise development on the banks of the San Lorenzo river.

This development is an absolute disaster for river wildlife and the environment.

They say that the developers will look for nesting birds during the development phase. Does anybody seriously believe that contractors will do this honestly?

If this development goes ahead as planned, it will become a precedent for future developments and there goes our river and wildlife. Forever.

I also believe that the developers have misled the city with their artist renderings.

Thank you

Fw: Appeal Number: A-3-STC-21-0013, RiverFront LLC Date: March 5, 2021 at 13:45:00 PMPST

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:58 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Marv Lewis <marvlewis@hotmail.com>

Sent: Friday, March 5, 2021 1:50 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Appeal Number: A-3-STC-21-0013, RiverFront LLC Date: March 5, 2021 at 13:45:00 PMPST

To: California Coastal Commission

From: Marvin Lewis

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz, Katherine Beiers, and Jane Mio

Dear Coastal Commissioners,

I find the RiverFront LLC project incompatible and inconsistent with the State Coastal Act and our Santa Cruz Local Coastal Program (LCP) and urge you to uphold the appeal (A-3-STC-21-0013). I state the following reason in my support of the appeal:

The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.

This project adjacent my residence is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act under AB 2797 explicitly stating that “coastal resources and coastal access” are to be protected.

This project achieves neither since it will substantially impact the river by way of a substantial habitat modification impacting approximately 15,000 square feet of project site next to the river levee.

It is for this reason that I find the RiverFront LLC project incompatible and inconsistent with the State Coastal Act and our Santa Cruz Local Coastal Program (LCP) and urge you to uphold this appeal (A-3-STC-21-0013).

Kind regards,

3/8/2021

Mail - Moroney, Ryan@Coastal - Outlook

Marv Lewis
209 1/2 Laurel St.
Santa Cruz, Ca. 95060

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

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 1:59 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Tim Brattan <mbrattan@gmail.com>

Sent: Friday, March 5, 2021 1:55 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

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

Dear Sir/Madam,

We urge you to NOT allow this development that is out of place for Santa Cruz, exceeds permitted height limits, and will degrade our coastal environment.

applicants: Riverfront LLC

Appellants: Ron Pomerantz

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

Local Govt. Permit #: CP18-0153

Sincerely,

Tim Brattan

Suzi Mahler

Residents of the city of Santa Cruz

FW: Fw:F19h - correspondence A-3-STC-21-0013 Riverfront Mixed-Use Building

Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>

Fri 3/5/2021 3:45 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Cc: Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>

FYI.

From: Staben, Jeff@Coastal <Jeff.Staben@coastal.ca.gov>

Sent: Friday, March 5, 2021 3:40 PM

To: Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>; Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>

Cc: Hardison, Laurie@Coastal <Laurie.Hardison@coastal.ca.gov>; Moore, Elizabeth@Coastal <elizabeth.moore@coastal.ca.gov>

Subject: Fw:F19h - correspondence A-3-STC-21-0013 Riverfront Mixed-Use Building

pl. make sure this is part of your record and posted as correspondence.

From: Jean Brocklebank <jeanbean@baymoon.com>

Sent: Friday, March 5, 2021 10:40 AM

To: Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Subject: A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Commissioner Brownsey ~

I write to ask you to positively acknowledge our **appeal** of the Riverfront Project, when the appeal initially comes before you on March 12th, by making or supporting a motion **to provide a full review** and discussion by your Commission with a **future De Novo hearing**.

As one of the list of **interested persons** in the appeal (A-3-STC-21-0013; agenda item #19h), I have followed this proposed project for many months, previously submitting comments on the DEIR concerning natural resource impacts.

Our appeal has raised legitimate and significant substantial issues that not only set a dangerous local precedent for our community but have far-reaching implications for other coastal communities struggling **to balance** needs for affordable housing and **coastal resource protection** while providing fair incentives for potential project developers.

Briefly:

- The project exceeds our Local Coastal Program (LCP) in terms of size, density and height.
- It is inconsistent with LCP's requirements on the number of floors, top floor proportional relationship, and required setbacks.
- It has only 20 affordable units (11%) rather than the 26 - 35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.
- The project's height and mass will negatively impact the recreational use of the Riverwalk, taking away sunlight and replacing it with a massive structure, and creating not a river walk but a river as an afterthought, for all Californians, not just Santa Cruzans.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will **significantly impact resource protection**.

Quoting from Coastal Commission staff in its letter to the city Council (11/20/20) -- "**The proposed project is inconsistent with the LCP's requirements on maximum height,**

number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP."

Also quoting from staff's letter to the City Council, please note "... **protecting downtown/River character and aesthetics, protecting the River as a resource itself ...**" was highlighted.

A De Novo hearing will allow the Coastal Commission a vital and authoritative determination of whether a project that 1) is **not** consistent with the State Coastal Act, 2) is **not** consistent with our Local Coastal Program, and 3) provides less affordable housing than what is required by local ordinance is suitable for our community. A better review of this project will also allow Commissioners to thoroughly decide how approval of permits for this project could set an untenable precedent up and down the coast.

Below is a longer summary of our substantial issues and information raised in our appeal:

- **The Riverfront Project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density, and height.**

Current LCP allows 70 feet at this site. This project will have a significantly greater height of 81 feet (not including 5' mechanical equipment). At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. As Coastal Commission staff has noted in their report, these violations can be argued to have impermissible view impacts. Moreover, other similarly sized projects are in the City's plans along this same coastal corridor of the San Lorenzo River are moving forward. If allowed, this will mean that our LCP height limit has no meaning. It will open the door for far larger projects in this area and will set a precedent for other coastal communities that height limits in your LCP can and will be ignored. Additionally, the cumulative impacts were never evaluated nor discussed during the approval process for Riverfront. (See Exhibit 5, page 68)

- **The Riverfront Project disregards the State Coastal Act and our Local Coastal Program (LCP) and uses the State Density Bonus Law instead to obtain fewer affordable housing and more market rate housing units in the development.**

This project has only 20 affordable units (11%) rather than the 26 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was submitted to City Planning. Recent state law (AB 2797) requires the density bonus to be administered in the Coastal Zone in a manner that is "consistent and harmonized" with the Coastal Act. If this project goes forward as currently configured it is neither consistent nor in harmony with the stated goals of the Coastal Act or our LCP. Our community instead gets **six fewer** affordable housing units along with more massive buildings. Other coastal communities will face the same dilemma that their LCP and the Coastal Act are now subordinate to the State Density Bonus Law.

- **The approved increased size and height of the Riverfront Project conflicts with the State Coastal Act and our Local Coastal Program (LCP) by significantly negatively impacting coastal resources.**

This project is located next to the San Lorenzo River – a valued community and environmental resource and view corridor. The west bank of the river provides essential shelter, breeding locations and native plant food sources to hundreds of species (local and migratory). All of which is to be specifically protected by the Coastal Act. Further, under AB 2797 "coastal resources and coastal access" are to be protected. ***This project achieves neither since it will have increased impact on the river, including a substantial habitat modification on filling approximately 15,000 square feet of the project site next to the river levee.***

In sum, we are convinced that our appeal has raised substantial issues that should be considered by the Coastal Commission in a De Novo hearing. Our appeal has documented how the Riverfront project will significantly affect coastal resources, access, and protections. It will set a troublesome precedent for how our local government will interpret our LCP in the future. And it has raised concerns that have broad regional and statewide significance for achieving the goals of the Coastal Act and how harmonizing the Act with the State Density Bonus Law should be approached.

Appellants look forward to working with you, Ms. Brownsey, in whatever way is suitable and productive to move forward with our request for a De Novo motion at your March 12th meeting. Please note that I am copying the Staff to assure our communication with you is publicly noted.

Sincerely,

Jean Brocklebank (California resident since 1945)

3/8/2021

Mail - Moroney, Ryan@Coastal - Outlook

Cc Ryan Moroney ryan.moroney@coastal.ca.gov, CentralCoast@coastal.ca.gov

Fw: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 3:55 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Gillian Greensite <gilliangreensite@gmail.com>

Sent: Friday, March 5, 2021 3:00 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Public Comment on March 2021 Agenda Item Friday 19h - Appeal No. A-3-STC-21-0013 (Front Street/Riverfront Project, Santa Cruz)

Dear CA Coastal Commissioners,

You have a full March agenda with this Appeal scheduled for Friday. This is to beg you to vote to allow the appellant, Ron Pomerantz his 3 minutes to present to you the main points in the Appeal. He is representing many residents of the city of Santa Cruz. Hours of work have gone into researching the issues, drafting this Appeal and getting ready to present our case to you for your evaluation on Friday. The new procedure of requiring a vote of 3 commissioners to be allowed the 3 minutes to speak is discouraging. Hopefully you will agree and vote accordingly.

We feel a good case can be made for a substantial issue ruling. Details are in the text of our Appeal and in the submitted letter from the Sierra Club.

With thanks for your service and your consideration of the points made here.

Respectfully,

**Gillian Greensite
Santa Cruz
831 427-2174**

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 3/5/2021 3:55 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Jane Weed-Pomerantz <jweedpomerantz@gmail.com>**Sent:** Friday, March 5, 2021 3:16 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

March 5, 2021

Dear Members of the Coastal Commission,

I write today as a 47-year resident and former Mayor of the City of Santa Cruz. I am deeply concerned about the planned Front/ Riverfront project and am in support of the Appeal before you designated as A-3-STC-21-0013 Riverfront Mixed-Use Building.

As a former elected public servant that knows the importance of clarity and consistency in planning documents and process, I am wary of the Council's decision using the current Local Coastal Plan. Over the years there have been changes and amendments that allow for cherry picking aspects to give approval. This seeming disarray has created what I consider "convenient confusion". The size and height must be examined for the larger implications for our city.

This project in its magnitude will forever change the downtown as the heart of the city. If it is meant to fill a need and be a benefit to the community, then any large developments that include housing must adhere to local law requiring at a minimum 15% affordable units (Measure O, 1979). Better yet, it makes sense for future developments to comply with current law passed by council for 20% affordability! It seems twisted that the State's Density Bonus law allows the developer to reduce the number of affordable units to only 11% for this project. That's just wrong.

Lastly, I fear that in the rush to develop, we will miss the opportunity to enhance our natural wonder, the habitats of the San Lorenzo River for the good of the whole community. Much effort over the decades has been to make the river the focal point, for greater connection to the community and for visitors to appreciate the beautiful natural environment and charm of a small city by the bay. If this moves forward as it is planned, paradise will be paved over and much of the access and opportunities to experience and appreciate the natural flow and riparian corridor of the river will be lost. With such a massive and tall structure, the perception will be that of a walled off river. While representatives of San Antonio, TX have come to consult and encourage Santa Cruz development of the river similar to theirs, they first had to come back from having created a drainage ditch. Let's plan ahead and make it a community asset as we develop appropriately.

I thank you for your time and commitment to the preservation, access and sustainability of our coast.

In community,

Jane Weed

215 Gharkey St.

Santa Cruz, CA 95060

jweedpomerantz@gmail.com

To:
Porter

California Coastal Commission From: Ed

% Central Coast District
105 Lighthouse Avenue
725 Front Street, #300
Santa Cruz, CA 95060
Santa Cruz, CA 95060(831) 427-0836

email: epor95@gmail.com

Dear Coastal Commissioners,

March 5, 2021

I write in support of Appeal Number: A-3-STC-21-0013: (Riverfront Project)

The Coastal Commission, relatively recently (March 8, 2018.), considered the most recent Santa Cruz LCP Amendment to allow building heights to be increased from 45 feet to 70 feet. That matter was heard and the revised LCP was approved by the Commission.

This was with specific development proposals in mind including the RiverFront Project now subject of this appeal. City staff had been working with this developer and their height proposal for several years. The developer's attorney concedes this point.

The very first development proposal using the revised 70 foot LCP limit seeks to go well beyond that limit to a number in excess of 80 feet!

A height limit is a term easily understood by all. If it has been adopted at 70 feet, that is what the limit should be.

Height limits in Local Coastal Plans should be taken seriously. It was a MAJOR reach for many people of Santa Cruz to accept a 70 foot height limit when 45 feet had been the previous limit for years.

Now, with barely 2 years passed, an increased building height is proposed in this application in excess of 80 feet! So, after the LCP was approved without change, now, another increase is proposed for the very same development by the very same developer! Now it's an EXCEPTION even HIGHER than the LCP height limit!

If such height increases are simply approved pro-forma, then it would seem to negate the importance of having public hearings about them AT ALL!

Santa Cruz does not want the San Lorenzo River to be walled off from the rest of our City by an 80+ foot wall of buildings! But, Santa Cruz has several more, even LARGER projects in the early application stages. All of them will seek to use the precedent set by this case.

Failure to make a firm stand on the legal height limit will set a precedent not only for Santa Cruz but also for the entire Coastal zone of California. Shall we forget about height limits and allow all urban areas to have their coastal zones lined with 80 foot+ walls of buildings? I surely hope not!

Please uphold the Appeal and set it for a full hearing.

Sincerely,

Ed Porter

Riverfront Project Appeal # A-3-STC-21-0013

Ron Pomerantz <hectic@cruzio.com>

Sat 3/6/2021 7:33 PM

To: Groom, Carole@Coastal <carole.groom@coastal.ca.gov>

Cc: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Good day Commissioner Groom.

I recently sent you an email requesting your support of our appeal of the Riverfront Project (Appeal Number A-3-STC-21-0013; agenda item #19h) and to approve a motion to request a de novo hearing at your Commission meeting on March 12th.

As an environmentalist I wanted to make sure you are able to review the recently submitted Santa Cruz Group Sierra Club letter to the Commission in support of our appeal.

<https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14072/2021-03-04%20Riverfront%20Project-%20FEIR%20letter%20Final%20Revised.pdf>

If possible we would very much appreciate an Ex-Parte meeting with you.

I am copying the Staff to assure our communication with you is publicly noted.

Thank you again for your time and thoughtful consideration.

Ron Pomerantz

Cc. CentralCoast@coastal.ca.gov. ryan.moroney@coastal.ca.gov

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

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:02 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Bill Malone <billmalone@pacbell.net>**Sent:** Friday, March 5, 2021 4:14 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal Number: A-3-STC-21-0013

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

Local Govt. Permit #: CP18-0153

Applicants: Riverfront LLC

Appellants: Ron Pomerantz

This Riverfront Project is much bigger than any building in Santa Cruz. Why do developers consistently demand exemptions so they can build projects larger and more massive than the laws allow? They often say they need it a little bigger than requirements to make their project "Pencil out". That is code saying they want their larger profit.

This project will greatly alter our town's ambience. From a charming town to a massive eyesore. It is especially too big to be right along the riverfront.

Why can't they blend in with existing buildings? Their answer: "It doesn't pencil out." That is not Our (Citizens) problem.

It is simple: If they want to build here then abide by the City's rules. Or build somewhere else. Your choice.

City Councils too easily give in to developers' demands. That is wrong. The developers should be held to the City's demands.

Everywhere I have lived it seems like developers always want to build "just a little bigger" than the last big building. And it seems like they get it. When will this stop? City's seem too weak to stop them. We citizens look to the Coastal Commission to make the developers abide by the rules.

You know the next developer will demand a bigger and more massive building than the Riverfront Project.

Who will stop them? If not the Coastal Commission, Who?

Suggestion to developers: You don't always have to be so greedy. Stop violating all the rules so you can get a larger profit. Make your building less obnoxious. We citizens of Santa Cruz have to live every day with your eyesore.

Stop being so greedy: build within the rules. Make the building two stories shorter. With the full affordable housing requirement. You can probably get along with a little less profit. Try being good citizens.

Lack of affordable housing is a problem in probably every city everywhere. So why do developers always get away with saying they can't meet the City's affordable housing requirement? Answer: Because they can get away with it. (It cuts into their profit.) They should be told "Meet the City's affordable housing requirement or go build somewhere else." The Coastal Commission should demand all developers always meet (or exceed. Ha-Ha!) every City's affordable housing requirement. Actually, the Coastal Commission's mission IS to keep California desirable for all. It is NOT to make sure developers get their desired profit.

3/8/2021

Mail - Moroney, Ryan@Coastal - Outlook

I urge the Coastal Commission to help us save and enjoy our beautiful state.

Bill Malone

519 Walnut Avenue

Santa Cruz CA 95060

Fw: Opposing A-3-STC-21-0013 Riverfront Mixed-Use Building project

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:02 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sam Baron <misterbaron@gmail.com>**Sent:** Friday, March 5, 2021 4:31 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Opposing A-3-STC-21-0013 Riverfront Mixed-Use Building project

Dear Commissioners,

I am writing to **oppose** approval of the A-3-STC-21-0013 Riverfront Mixed-Use Building project.

- The project is inconsistent with the Local Coastal Program requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks.
- The structures are too large and out of keeping with the Santa Cruz downtown character and aesthetics. The unique and valuable character and aesthetics of the downtown area are one of the city's major assets and should be preserved by new downtown development.
- The justification for large downtown buildings has been to improve the affordability of Santa Cruz housing. Note, however, that the project's extra height allowance from 70 to 81+ feet was based on a density bonus for providing 20% affordable units. This plan provides only 11% affordable units, thus failing to deliver on the basic justification for such a large project.
- Given the project's proximity to the river, I am concerned about its impact on the river habitat.
- The project would destroy two historic buildings, further diminishing the downtown's historical assets.

Thank you for your consideration and for all you do to preserve the character and quality of life of our city, especially in the face of overwhelming economic pressures. Santa Cruz can grow and change with smart projects that preserve its unique character. This project as currently designed is not one of them.

Best Regards,

Sam Baron

712 King St.

Santa Cruz, CA

95060

831.421.1336

California Coastal Commission (CCC),

We thank you for conducting a hearing regarding the City of Santa Cruz approval of the Riverfront project (A-3-STC-21-0013). We rely on your oversight of environmental protection and your regulations and processes.

SC City Council approved the Riverfront project (A-3-STC-21-0013 even though it does not conform to Local Coastal Programs as you the CCC stipulated in multiple letters to City Council.

We rely on CCC to see that protection of earth and health-based parameters ARE met. We trust CCC will not become a liable party in the nonconformity of this LCP—potentially causing harm to the social and environmental health of our human, plant and wildlife communities.

1. Inadequate inclusion of affordable housing allocated.

2. The 80+ foot height of this development does not conform to the LCP and poses a number of associated negative impacts.

The 2018 LCP amendment authorized a maximum building height of up to 50 feet at this location .

The current proposal exceeds even the adopted 2018 amendment increase in allowable height, which was adopted in consideration of density bonus expectations *due to the increased need for affordable housing—which is not being met in this project.*

Heights are significant, and impact and would

denigrate public views, river resources, and downtown aesthetics."

3. Negative impacts on plant and wildlife dependent on the riparian corridor of the San Lorenzo River and associated environmental systems. This ecosystem depends on CCC protection, :population density, increased light pollution, increased noise pollution and inclusion of increased trash to riparian corridor of the river, AND other negative environmental impacts.

We sincerely hope your efforts will lead to the prevention of this project.

Thank you,
Robin Atwood
Kira Maritano
Grant Wilson

Fw: LTR CCC re A-3-STC-21-0013

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:02 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov> 1 attachments (5 KB)

LTR CCC re A-3-STC-21-0013.rtf;

From: robin <compass.compassion@gmail.com>**Sent:** Friday, March 5, 2021 4:39 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** LTR CCC re A-3-STC-21-0013

California Coastal Commission (CCC),

We thank you for conducting a hearing regarding the City of Santa Cruz approval of the Riverfront project (A-3-STC-21-0013). We rely on your oversight of environmental protection and your regulations and processes.

SC City Council approved the Riverfront project (A-3-STC-21-0013 even though it does not conform to Local Coastal Programs as you the CCC stipulated in multiple letters to City Council.

We rely on CCC to see that protection of earth and health-based parameters ARE met. We trust CCC will not become a liable party in the nonconformity of this LCP—potentially causing harm to the social and environmental health of our human, plant and wildlife communities.

1. Inadequate inclusion of affordable housing allocated.

2. The 80+ foot height of this development does not conform to the LCP and poses a number of associated negative impacts.

The 2018 LCP amendment authorized a maximum building height of up to 50 feet at this location .

The current proposal exceeds even the adopted 2018 amendment increase in allowable height, which was adopted in consideration of density bonus expectations *due to the increased need for affordable housing—which is not being met in this project.*

Heights are significant, and impact and would denigrate public views, river resources, and downtown aesthetics."

3. Negative impacts on plant and wildlife dependent on the riparian corridor of the San Lorenzo River and associated environmental systems. This ecosystem

depends on CCC protection, :population density, increased light pollution, increased noise pollution and inclusion of increased trash to riparian corridor of the river, AND other negative environmental impacts.

We sincerely hope your efforts will lead to the prevention of this project.

Thank you,
Robin Atwood
Kira Maritano
Grant Wilson

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:03 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Andy Kreyche <akreyche@gmail.com>**Sent:** Friday, March 5, 2021 4:54 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

I am writing to express my great concern about the proposed Riverfront development. As a resident of Santa Cruz for 45 year, I know change is inevitable but please consider how, where, why and what we should do to change our city for the better.

As a member of the International Dark Sky Association Santa Cruz Chapter, I have met with city staff and council members about city installed street lights on bridges that cross the San Lorenzo River at and near downtown. Placing these street lights there was a choice, and a bad one, as they illuminate the river unnecessarily. The harmful effects of light at night on juvenile salmonids and other species is well documented, yet we make harmful choices, not out of malice, but misinformation. And as a selfish species, we tend to think of the river (and the planet) as "ours," not something that is shared with other living things.

This development, likewise, is a short-sighted project in terms of how I want to live in harmony with my environment. There is little land left to build upon in Santa Cruz, and I know that is a difficult issue. But still, why would we choose to build on and near a diverse and environmentally sensitive area? Let us help this river and the species (including humans) that depend upon it. recover, not make it so much harder.

Please reconsider this development!

~Andy Kreyche
438 Roxas Street
Santa Cruz, CA 95062
831 239-1865

Fw: Addendum Re: Appeal Number: A-3-STC-21-0013 -- SUBSTANTIAL ISSUE

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:03 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Rachel O'Malley <rachelomalley123@gmail.com>
Sent: Friday, March 5, 2021 4:57 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Addendum Re: Appeal Number: A-3-STC-21-0013 -- SUBSTANTIAL ISSUE

Postscript to earlier comment

Dear Coastal Commissioners,

The project proponent's argument regarding public benefit has just crossed my desk. I wish to take the opportunity to encourage you to consider real costs of habitat protection and worker housing.

The applicant's offer to "conditionally" provide \$50,000 toward preparation of another "San Lorenzo River management, maintenance and enhancement plan" does not directly reduce the impacts of the project, and it represents a tiny fraction of the costs of reversing the habitat degradation the project will cause to the river ecosystem. Similarly, \$400,000 toward the "affordable housing fund" will not provide even 1.5 additional studio apartments under the best of circumstances. The worker housing balance remains unfavorable for a project with the impacts this one will have on the community.

Additionally, while I do not have time now to go into extensive detail, as a biologist with over 30 years experience studying the San Lorenzo River and its watershed, I find it astounding and fallacious that the applicant contends that this project will have no biological impacts on coastal resources because the building is located on the external side of the levee from the San Lorenzo River. All projects are located on the external side of river levees. Do none have impacts?

I believe that Commissioners can judge the accuracy of the applicant's rebuttal for yourselves, but I hope you will have the confidence to assess the trade-offs before you critically, and allow appellants to present fuller argument at a public hearing on this oversized project.

Warm regards,

Rachel O'Malley, Professor of Environmental Studies, San Jose State University.

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:04 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Kaye Beth <kbeekaye@gmail.com>**Sent:** Friday, March 5, 2021 5:00 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear CA Coastal Commission,

As a resident and home owner in Santa Cruz for 23 years,
I implore you to NOT approve this Front/Riverfront Project.
It's too close and too tall to the San Lorenzo River
-which has **over-flowed** its banks in historically wet years -
with flooding reaching 5 blocks to where I live now.
The high water level was painted on the garage door-visual proof.

Now if there is a repeat of the non-stop rainfall that happened in the 1800's, and there WILL be - this building will allow more toxic chemicals to enter the river environment that flows to the Bay. And puts more people in harms' way.

More reason's

1. The City of Santa Cruz overreached its authority in approving this project.
2. It conflicts with the San Lorenzo Urban River Plan and with the Downtown Plan, both of which are adopted into our Local Coastal Program (LCP).
3. The mass (seven stories) and height (80+ feet) overwhelm the scale of downtown Santa Cruz as well as San Lorenzo River resources.
4. This project is not consistent with the State Coastal Act and our Local Coastal Program (LCP). The project provides less affordable housing than what is required by our local ordinance. The project sets a dangerous precedent for coastal resources protection.

Thank you for your consideration,

Kaye Beth
113 Shelter Lagoon Dr.
Santa Cruz, CA 95060

831-588-5293

Fw: Appeal - A-3-STC-21-0013: Front Street/Riverfront Project

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Mon 3/8/2021 9:04 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov> 1 attachments (51 KB)

Appeal - A-3-STC-21-0013 Front Street_Riverfront Project.pdf;

From: Ben Libbey <ben@yesinmybackyard.org>**Sent:** Friday, March 5, 2021 5:50 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** Appeal - A-3-STC-21-0013: Front Street/Riverfront Project

YIMBY Law

1260 Mission St

San Francisco, CA 94103

hello@yimbylaw.org

3/5/2021

California Coastal Commission

Central Coast District

725 Front Street

Santa Cruz, CA 95060

CentralCoast@coastal.ca.gov

Via Email

Re: Appeal - A-3-STC-21-0013: Front Street/Riverfront Project

Dear Coastal Commission,

YIMBY Law submits this letter to concur with staff on their assessment that the appeal of Santa Cruz's approval of the Front Street/Riverfront project does not have the necessary grounding to warrant approval by the commission. The project in question properly complies with the Local Coastal Program and therefore the appeal should be denied.

The first of the appeal's three arguments revolves around the contention that the project does not provide enough affordable housing to comply with the LCP and that the project has improperly calculated the number of affordable units under Santa Cruz's Inclusionary program. The nuance of how Santa Cruz combines fees with on site affordable units and implements the state density bonus law is not justiciable in this setting. Considering only how well the project complies with the LCP, a

subject well within the jurisdiction of the Coastal Commission, there is no specific provision that the project violates. For this reason the first argument of the appeal is invalid, in this setting.

The second of the appeal's arguments contends that the project does not comply with the Downtown plan contained within the LCP. Though the LCP contains specific height, mass, and design requirements that this project does not meet, the plan also allows for exceptions to all of these standards in the case of projects utilizing the state density bonus law as long as the exceptions are consistent with coastal resource protection. The project exceeds the standards in the LCP but in every case it is allowed to do so and the exception would not negatively impact coastal resources. This second argument of the appeal is therefore not valid.

The third contention of the appeal is that the project would lead to adverse impacts on coastal resources. However, the evidence provided for this point is minimal and ultimately hinges on subject judgements of the project's impact on public views of the waterfront. Based on the location of the project in Downtown Santa Cruz we do not believe that the project will have an appreciable negative impact on public views. The issue is subjective and unclear enough that we believe that it should not serve as a justification for the appeal before the Coastal Commission.

We encourage you to hear the appeal and ultimately deny it. This project would provide much needed housing, including affordable units and funds, to the city of Santa Cruz. The project is large but it will fit well in Downtown Santa Cruz and does not run afoul of the LCP.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the name.

Sonja Trauss
Executive Director
YIMBY Law



YIMBY LAW

YIMBY Law
1260 Mission St
San Francisco, CA 94103
hello@yimbylaw.org

3/5/2021

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

CentralCoast@coastal.ca.gov
Via Email

Re: Appeal - A-3-STC-21-0013: Front Street/Riverfront Project

Dear Coastal Commission,

YIMBY Law submits this letter to concur with staff on their assessment that the appeal of Santa Cruz's approval of the Front Street/Riverfront project does not have the necessary grounding to warrant approval by the commission. The project in question properly complies with the Local Coastal Program and therefore the appeal should be denied.

The first of the appeal's three arguments revolves around the contention that the project does not provide enough affordable housing to comply with the LCP and that the project has improperly calculated the number of affordable units under Santa Cruz's Inclusionary program. The nuance of how Santa Cruz combines fees with on site affordable units and implements the state density bonus law is not justiciable in this setting. Considering only how well the project complies with the LCP, a subject well within the jurisdiction of the Coastal Commission, there is no specific provision that the project violates. For this reason the first argument of the appeal is invalid, in this setting.

The second of the appeal's arguments contends that the project does not comply with the Downtown plan contained within the LCP. Though the LCP contains specific height, mass, and design requirements that this project does not meet, the plan also allows for exceptions to all of these standards in the case of projects utilizing the state density bonus law as long as the exceptions are consistent with coastal resource protection. The project exceeds the standards in the LCP but in every case it is allowed to do so and the exception would not negatively impact coastal resources. This second argument of the appeal is therefore not valid.

YIMBY Law, 1260 Mission St, San Francisco, CA 94103



YIMBY LAW

The third contention of the appeal is that the project would lead to adverse impacts on coastal resources. However, the evidence provided for this point is minimal and ultimately hinges on subject judgements of the project's impact on public views of the waterfront. Based on the location of the project in Downtown Santa Cruz we do not believe that the project will have an appreciable negative impact on public views. The issue is subjective and unclear enough that we believe that it should not serve as a justification for the appeal before the Coastal Commission.

We encourage you to hear the appeal and ultimately deny it. This project would provide much needed housing, including affordable units and funds, to the city of Santa Cruz. The project is large but it will fit well in Downtown Santa Cruz and does not run afoul of the LCP.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

Sincerely,

Sonja Trauss
Executive Director
YIMBY Law

To:
Porter

California Coastal Commission From: Ed

% Central Coast District
105 Lighthouse Avenue
725 Front Street, #300
Santa Cruz, CA 95060
Santa Cruz, CA 95060(831) 427-0836

email: epor95@gmail.com

Dear Coastal Commissioners,

March 5, 2021

I write in support of Appeal Number: A-3-STC-21-0013: (Riverfront Project)

The Coastal Commission, relatively recently (March 8, 2018.), considered the most recent Santa Cruz LCP Amendment to allow building heights to be increased from 45 feet to 70 feet. That matter was heard and the revised LCP was approved by the Commission.

This was with specific development proposals in mind including the RiverFront Project now subject of this appeal. City staff had been working with this developer and their height proposal for several years. The developer's attorney concedes this point.

The very first development proposal using the revised 70 foot LCP limit seeks to go well beyond that limit to a number in excess of 80 feet!

A height limit is a term easily understood by all. If it has been adopted at 70 feet, that is what the limit should be.

Height limits in Local Coastal Plans should be taken seriously. It was a MAJOR reach for many people of Santa Cruz to accept a 70 foot height limit when 45 feet had been the previous limit for years.

Now, with barely 2 years passed, an increased building height is proposed in this application in excess of 80 feet! So, after the LCP was approved without change, now, another increase is proposed for the very same development by the very same developer! Now it's an EXCEPTION even HIGHER than the LCP height limit!

If such height increases are simply approved pro-forma, then it would seem to negate the importance of having public hearings about them AT ALL!

Santa Cruz does not want the San Lorenzo River to be walled off from the rest of our City by an 80+ foot wall of buildings! But, Santa Cruz has several more, even LARGER projects in the early application stages. All of them will seek to use the precedent set by this case.

Failure to make a firm stand on the legal height limit will set a precedent not only for Santa Cruz but also for the entire Coastal zone of California. Shall we forget about height limits and allow all urban areas to have their coastal zones lined with 80 foot+ walls of buildings? I surely hope not!

Please uphold the Appeal and set it for a full hearing.

Sincerely,

Ed Porter

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



F19h

A-3-STC-21-0013 (FRONT STREET/RIVERFRONT CONDOS)

MARCH 12, 2021 HEARING

CORRESPONDENCE

Updating February 2, 2021 Grounds of Appeal for case #A-3-STC-21-0013

Ron Pomerantz <hectic@cruzio.com>

Thu 2/25/2021 10:54 AM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Cc: Jane Mio <jmio@earthlink.net>; Katherine Beiers/H <kbeiers135@gmail.com>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

 1 attachments (31 KB)

2-25 update Grounds of Appeal to Coastal Commission re. Riverfront #A-3-STC-21-0013.docx;

Good morning Kelsey! We wanted to clarify and add some information regarding our substantial issues hopefully in time to be considered before your staff report is completed. Changes from our original submission are in yellow.

Thank you for your help.

Ron Pomerantz

February 2, 2020. (updated February 25, 2021)

I, with the support of many other members of our Santa Cruz local community, respectfully submit this appeal to you, the Coastal Commission. There are substantial issues raised by the City Council's project approval of the Front Street/Riverfront 418, 428, 440, 504, 508 Front Street, Santa Cruz CA, that are inconsistent with our Local Coastal Plan and Coastal Act.

The proposed project violates the City of Santa Cruz's approved Local Coastal Program and the Coastal Act. There are four substantial issues for your consideration for this appeal:

1. The City of Santa Cruz, as the discretionary/decision-making body, significantly overreached its authority in approving this project that conflicts with the San Lorenzo Urban River Plan and with the Downtown Plan, both of which are adopted into our Local Coastal Program (LCP).
2. Provisions of California's Density Bonus Law do not supersede requirements of the City of Santa Cruz's LCP and the Coastal Act. To conform to the LCP and the Coastal Act, at a minimum, additional affordable units must be added to the proposed project.
3. The proposed project conflicts with LCP and Coastal Act provisions ensuring coastal access.
4. The proposed project conflicts with LCP and Coastal Act provisions ensuring coastal resource protection, in that it will significantly and negatively impact coastal resources.

Discretionary Overreach by the Decision-Making Body

With the current project approval, the City has essentially allowed California's Density Bonus Law to supersede the Coastal Act and its requirements. Allowing the City to proceed with this decision would set a dangerous precedent for the City of Santa Cruz. Furthermore, this approval could set an unacceptable precedent for other communities as they weigh the socio-economic and environmental impacts of developments in areas under the jurisdiction of the Coastal Act.

The Coastal Commission staff appeared reluctant not to oppose the height increase of structures in the proposed development from 45' to 70' during the process to revise the Downtown Plan (11-14-17 Council approved) and LCP (3-8-18 CCC approved). Their reason for doing so was to accommodate coastal accessibility as represented by more affordable housing units. The 70' height in the LCP was accepted by the Coastal Commission staff identified "*the base maximum size and scale requirements, and base building articulation/variation requirements, for the reason to set the maximum parameters within which a project can be accomplished without significant adverse coastal resource impacts.*" Through "decision-making discretion," the City has disregarded the established and sensible LCP guidelines previously requested by the Coastal Commission staff. The height of the structures in the Front Street/Riverfront project were approved by Council to be roughly 78'-81' (not including 5' of mechanical equipment), in excess of the 70' maximum. As such, there appears to be minimal constraint on developers who will almost certainly choose to exceed LCP requirements under the guise of "decision-making body discretion." Similarly, other jurisdictions could use the precedent to approve reduced size and scale LCP changes to gain community support, expecting that they, too, could use "decision-making body discretion" to exceed adopted height, density, and articulation. For the city of Santa Cruz to go beyond the already generous height increase from 45' to 70' with its concomitant viewshed and environmental impacts is inconsistent with the intent of Coastal Commission

approval of the City's amendment to their LCP and should not be approved. Policy guideline clarification is requested through our appeal.

As recently as December 30, 2020, the Coastal Commission staff wrote to the Santa Cruz City Council and stated that they *“continue to advocate that any LCP-allowed exceptions here be carefully evaluated in terms of the degree of public benefit/coastal resource enhancement derived from the project, and would posit that the discretion you are afforded by the LCP is based on that premise... To us, the Downtown Plan LCP amendments were premised on this core principle first, followed by the need to ensure that any resultant projects were visually sensitive not only to that river context, but in terms of public views more generally. From our perspective, it is simply not clear that the proposed exceptions are necessary in this case to achieve those benefits, and they undoubtedly have the effect of increasing coastal resource impacts related to public views and riverfront aesthetics.”*

In light of the above, the City of Santa Cruz should be working in tandem with the Coastal Commission and not allow such significant and environmentally negative interpretations of the LCP and the Coastal Act. It would be sensible and beneficial to reject the construction of taller, more massive buildings that also reduce local affordable housing requirements.

The Density Bonus Law

Allowing the State Density Bonus Law to trump or wrongly influence the LCP sets an unacceptable precedent that enables our local jurisdiction to broadly and recklessly interpret and/or disregard the LCP and the Coastal Act.

The Coastal Commission staff has asserted that the Front Street/Riverfront Project is inconsistent with the LCP by exceeding the LCP's base size and scale for this site. As previously stated, a reasonable balance was struck insofar as the 2018 amendments in the City of Santa Cruz LCP that allowed for a change of height from 45' to 70' but only with the clear understanding that this would provide increased coastal access and greater public benefit by providing more affordable housing units while minimizing the impacts on coastal resources. The Front Street/Riverfront project approved by the City Council achieves none of those goals as it reduces affordable units, reduces coastal access, and allows greater impacts on coastal resources. Furthermore, the City of Santa Cruz has other projects in the pipeline that most likely will further undermine the good faith effort of the Coastal Commission and its staff to balance the needs of more affordable housing with the needs of increased public benefit and coastal resource enhancement, affordable housing and coastal access, and resource protections.

It is essential that when the Coastal Commission review this project for public benefits and do so with the understanding this project is an area designated by the City as an Opportunity Zone. This means the project will reap millions of dollars in tax benefits to its developers and investors. Opportunity Zones were created by the revamped 2017 Federal Tax Law to provide wealthy investors a means to shelter recent and future capital gain. As currently proposed, this project has only 20 affordable units. Given the tax savings this project will offer investors, we would ask the Coastal Commission to increase the project's public benefits and Coastal access by requiring an increase in the number of affordable units, especially since the project's Council approval was at least **11+ 16%** taller than allowed by the current LCP. For our community, an **11+ 16%**

increase in height without at least 6 more affordable housing units is unacceptable when coupled with an Opportunity Zone tax benefit worth millions. The bottom line is that this project does not have enough public benefit however you look at or define it, let alone the violations of the LCP and the Coastal Act.

We feel it is important to point out that the Commission needs to understand the significant burden that has been placed on city residents by not having access to a completely current and easily referenced LCP. The last time the LCP document was updated was in 2005 -- meaning that 15 years of amendments, some minor and many major, are not and were not easily made accessible to the public. The public's ability to participate in the decision-making of this project was severely disadvantaged by not having a current LCP. With such complications, how is our community supposed to know what guidelines the City is using, or going to use, when evaluating a development project of this size and scale, and how will the community know what guidelines the Coastal Commission staff will use when evaluating this appeal?

In addition, the proposed project conflicts with the City's own policy adopted at a City Council meeting on November 14, 2017 that modified the LCP as related to the San Lorenzo Urban River Plan. The Front Street/Riverfront project has only one public plaza that can connect to the river. The other so-called walkways will be locked up at night and do not constitute coastal or even public access. This means that the City and its modification to the LCP to "*support the resource enhancement and river engagement*" to the San Lorenzo River are negligible and do not support the intent of the Coastal Act (Article 2, 3, 4, & 5) nor the LCP (as amended in 2017).

The City adopted document goes onto say that "*taller downtown buildings are outside of Coastal Zone; the Riverwalk path creates the view corridor.*" This project instead "*creates a development wall between the downtown and the River*" (as stated in the LCP before it was amended). Again, it undermines public engagement and compromises coastal resources instead of valuing and protecting them.

It is undisputed*¹ that both the Coastal Act and the LCP trump the Density Bonus Law. This fact is well understood and recognized by the Coastal Commission, especially as demonstrated in 2019 when the City's LCP was amended to recognize the changes that could be made within the Coastal Zone consistent with the Density Bonus Law "to encourage the development of affordable housing." Reducing the affordable housing requirement to 11+%, which is well below the Measure O requirement of 15% (and certainly of 20%, approved in-ordinance by SC City Council) does not at all encourage affordable housing. With respect to the Front Street/Riverfront project, the developer submitted the application back in July 2018, and the version of LCP of that time should thus prevail. The Riverfront project is significantly within the Coastal Zone, and its development must thus conform to and comply with the Coastal Act. One of the Act's "basic goals" is to maximize public access "to the coast." While the Coastal Commission may not have legal authority over affordable housing requirements, it is not in any way bound by the Density Bonus Law and is instead committed to encouraging equitable access. We strongly encourage the commission to take a more active role in developing policy changes to accommodate affordability in the coastal zone.

Affordable Housing

The Density Bonus Law in fact reduces the number of affordable housing units thus undermining the Coastal Commission's duty to provide improved Coastal access. The Coastal Commission staff's compromise to allow increased height to accommodate affordable housing appeared reasonable to achieve the Coastal Commission guiding principle of coastal access. The Front Street/Riverfront project developer took advantage of California's Density Bonus Law and not only gained an extra story of height and reduced setback requirements, but reduced the number of affordable units. As already mentioned, the Front Street/Riverfront project violates both the letter and spirit of Density Bonus Law and LCP. As it turns out, the approval of this development is also in violation of the City of Santa Cruz's Measure O. Under Santa Cruz's Measure O, passed in 1979, new developments must provide a minimum of 15% affordable units. Therefore, not only did the developer get 40 more units in this project, they are getting away with offering 6 fewer affordable housing units required to meet the mandated 15% threshold. As a side note, in December 2019, about a year and a half after Front Street/Riverfront project was submitted to the Planning Department, the Council approved an increase of inclusionary units from 15% to 20%, which would have mandated 35 affordable units, compared to the paltry 20 (or 11%) this project will currently provide.

In letters to the City of Santa Cruz (November 10, 2020 and December 30, 2020) Coastal Commission staff stated that the 2018 adopted "*baseline standards were established for good LCP reason*" and that staff hadn't "*necessarily agreed with the exceptions [that] are warranted in this case.*" As of now, this project, as approved by the City of Santa Cruz, by its own calculation is ~~11%~~ 16% taller than what would be allowed by the modified LCP in 2018.

The Coastal Commission staff goes on to say in their December 30, 2020 letter to the City Council, "*In addition, we very much recognize the need for affordable housing in Santa Cruz, and strongly support affordable housing in the coastal zone and in Santa Cruz's downtown. In fact, the Coastal Act directs that development, including affordable housing units, be provided in places where there are adequate facilities to serve such development, especially where such units can contribute to walkable, vibrant, and sustainable communities. The Coastal Act and LCP clearly encourage the provision of affordable housing, which we also know to be a City goal, and believe that the degree of affordable units provided is also an appropriate LCP metric to consider for any exceptions.... Ultimately, we are supportive of a project at this location that can maximize enhancement of public spaces and utility along the river and that can maximize affordable housing, but continue to have concerns about the discretionary exceptions proposed, including because it is not clear to us that the proposed exceptions are in fact necessary nor supportable under the LCP in this case.*" Clearly, we concur with your Staff's analysis and commentary, and in this light, the Front Street/Riverfront development does not meet the standard of being given approval for the additional height, mass, and other benefiting variations without providing improved coastal access and coastal resource protections.

The same is true in considering whether people can live near their place of work. Far too many people must undergo an absurd commute to and from their place of employment in Santa Cruz. The Santa Cruz County daily commute is now between 30-60 minutes. It is because of this kind of problem that Santa Cruz Inclusionary ordinances written, and it's why all housing developments must provide opportunity for all. This issue has significance throughout the entire

State of California where this kind of debate is on the front burner. The housing crisis in Santa Cruz City and County is real, as well as other parts of California, and our leaders have the tools to properly address it, and it's our collective duty to do so.

Coastal Resources

The Front Street/Riverfront project does not conform with the policies and requirements of Chapter 3 of the Coastal Act Section 30001.5 to achieve the following basic goals for a coastal zone:

- a) Protect, maintain and, where feasible enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

The City of Santa Cruz is mandated to maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionality protected rights of private property owners.

We acknowledge the developer's funding for the San Lorenzo River management (\$50K) and for the City's Affordable Housing Fund (\$400K). These were offered to the city at the last minute during the project's hearing before the City Council. However, this offering does not come close to offsetting the projects impacts on coastal resources nor on its shorting of affordable housing.

Moreover, issues concerning viewshed, coastal access, and coastal resource protection and enhancement still exist with the development of a 78'-81', plus 5' of mechanical equipment structure, along the San Lorenzo River and have not been mitigated by the City of Santa Cruz in its conditions of approval. As has been noted in other public letters to the Commission (e.g. the Sierra Club letter dated March 2, 2018) and by Commission staff, this project is located right next to the riparian corridor which itself is an important scenic and visual corridor. The increased height further impacts the many benefits the river brings to the community and its environment, including interconnective flora and fauna and the migratory path of the Pacific Flyway. The Coastal Act (Section 30251) requires protection of these scenic and visual qualities in coastal areas by the Coastal Commission.

The proposed project has a substantial adverse effect, either directly or through habitat modification on any species identified as a candidate, sensitive or special status species in local or regional plans or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. For example, habitat modification will occur and subsequent habitat loss when the area near the levee is filled to cover approximately 15,000 square feet of the project site (Article 6 of the Coastal Act "new development shall be designed and sited to protect views; maintain and enhance public access; minimize risks...flood...; Article 4 "marine environment...dikes, filling shall be limited to new or expand ports, energy" (residential development not cited). This area, the west bank, is also part of the natural resource riparian corridor of the San Lorenzo River which provides essential shelter, breeding locations, and native plant food sources to many species. Reports on the rich biodiversity of the San Lorenzo River can be found at <https://ebird.org/hotspots> and on the website <https://www.inaturalist.org> (55067 Birds of San Lorenzo River, 55060 Lower San Lorenzo River, San Lorenzo River Urban Corridor and lower San Lorenzo River).

Conclusion

We strongly support the Coastal Commission's mission to provide improved Coastal access and protection of Coastal resources and vehemently reject the "manipulation" of California's Density Bonus Law which in effect reduces the number of achievable affordable housing units while creating greater adverse environmental impacts. The domino effect of the rulings cannot be overstated and is a major consideration underlying our appeal, along with minimal checks on decision-making discretion, as well as impacts on coastal access and resources.

Thank you for your time and thoughtful consideration of our appeal.

*¹ AB 2797 attempted to "harmonize" this issue, attempting to strike a balance between the goals of promoting housing and protecting the coast.

CHAPTER 904

SECTION 1. "It is the intent of the Legislature in amending subdivision (m) of Section 65915 of the Government Code to address the holding and dicta in *Kalnel Gardens, LLC v. City of Los Angeles* (2016) 3 Cal.App.5th 927 regarding the relationship between Section 65915 and the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). **The Legislature's intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.**" [bold lettering added for emphasis]

This project does neither! More affordable housing units would be built under Measure O with less impact on Coastal resources and view shed by reducing the height to the LCP required 70', as well as reducing the mass, and set-backs.

Frank Petrilli
D (415) 268-0503
fpetrilli@coblentzlaw.com

February 25, 2021

California Coastal Commission
Central Coast District
725 Front Street #300
Santa Cruz, CA 95060
Attn: Ryan Moroney

Re: Front Street / Riverfront Project - – Applicant's Response to Appeal No. A-3-STC-21-0013

Dear Mr. Moroney:

We represent the applicant for the Front Street / Riverfront Project. In advance of the publication of the staff report in connection with the pending appeal filed by Ron Pomerantz, we wanted to provide you with a preliminary response to the key contentions raised in the appeal, as well as an explanation as to why we believe that the appeal does not raise a substantial issue with respect to the grounds upon which the appeal was filed.

The Project is the result of several decades of planning efforts by the City of Santa Cruz to reactivate the Riverwalk area in Downtown Santa Cruz, including the approval of the Downtown Plan in 2017. The City Council approved the Project after an entitlement process that took more than three years to complete, involving extensive environmental review and community outreach, as well as an extremely thorough review by City staff, third-party consultants, and the City Attorney and outside special counsel. As you know, the Project will provide 175 units of much-needed market rate and affordable housing – including units that will be deed restricted for “Very-Low Income” households with deeper levels of subsidy than required by the City’s inclusionary ordinance – as well as extensive public benefits. It will finally help realize the City’s vision of reactivating the Riverwalk area by providing two significant pedestrian passageways and additional public open space, ground floor retail, and space for food and beverage uses, among other amenities – all of which further the goals of activating the Riverwalk and enhancing public access, consistent with both the Downtown Plan’s goals as well as the policy objectives of both the LCP and the Coastal Act.

In addition to those amenities and benefits, the applicant voluntarily agreed to conditionally provide a pro-rata contribution of \$50,000 towards the City’s upcoming preparation of a San Lorenzo River management, maintenance and enhancement plan, and a \$400,000 contribution to the City’s Affordable Housing Trust Fund. An additional funding contribution to the Affordable Housing Trust Fund may also be available depending on whether funding offsets can be identified for a separate signal improvement adjacent to the Project for which the applicant is responsible.

California Coastal Commission
Central Coast District
February 25, 2021
Page 2

Of course, as you are also aware those voluntary contributions are incorporated into the approved Local Coastal Permit, and therefore if the Coastal Commission finds that the appeal raises a “substantial issue,” the approved Coastal Permit would be vacated and the conditions reflecting those contributions would become null and void. Given the extremely high construction costs for housing projects together with the fact that schedule delays result in cost increases that can make it economically infeasible to construct new housing, please be mindful that if a “substantial issue” is found, the Project is unlikely to be able to afford to provide these voluntary contributions and remain economically viable.

The City of Santa Cruz has already provided lengthy and thorough responses to the concerns raised by Coastal staff (and largely repeated by the appellant) prior to the City Council’s approval in your correspondence dated November 10, 2020, and December 30, 2020; this letter will not endeavor to repeat that analysis here. Nor will we repeat the contents of a letter submitted on behalf of the applicant dated January 11, 2020, which both outlines the reasons why the Project would not create any adverse impacts on coastal resources, and hopefully provides some clarity as to why the City’s actions were fully supported by the evidence in the record and consistent with the certified LCP.¹ Instead, we only hope to highlight some of the reasons why we believe the appeal does not raise a “substantial issue.”

I. **The degree of factual and legal support for the local government’s decision**

First, as noted above, the City conducted an extensive and thorough analysis of the project’s consistency with the certified LCP, which was informed by many public meetings and hearings over the course of several years, in addition to an in depth environmental impact analysis pursuant to the California Environmental Quality Act (“CEQA”). The Environmental Impact Report prepared for the Project concluded that the Project would not create any significant adverse on the environment (including coastal resources), except for one impact to historical resources (i.e., demolition of two historic buildings). All of the evidence in the record supports the City’s decision to approve the project.

Second, and despite the appellant’s conclusory assertions, there is no evidence that the Project would adversely affect scenic and visual resources. The Project is located within an urban area subject to the goals and policies of the Downtown Plan and Additional Height Zone B, which allow for buildings up to a maximum height of 70 feet and six stories subject to specific criteria which are satisfied in this case. The project exceeds the height limit by 7 feet 9 inches in order to accommodate the additional density bonus units, including the required affordable units – all as authorized pursuant to the State Density Bonus Law, the City’s Density Bonus ordinance, and the

¹ A copy of that letter is attached for ease of reference, which appears on Arent Fox’s letterhead. As of February 22, 2021, I joined the law firm of Coblentz Patch Duffy & Bass LLP as a partner, and Coblentz now represents the applicant.

California Coastal Commission
Central Coast District
February 25, 2021
Page 3

certified LCP. The site is located significantly inland of the ocean and the City correctly noted that the project site is not designated as a scenic coastal resource area and no views of the ocean would be affected from publicly accessible areas.

The City's analysis of visual resource impacts is consistent with prior findings by the Commission in connection with the LCP amendments for the Downtown Plan, where the potential impacts resulting from the increase in height to 70 feet were deemed to be "negligible." At that time, the Coastal Commission did not express concerns about impacts resulting from additional height granted pursuant to a density bonus when it approved the LCP amendment in 2019. And there is no evidence of any material changes in the existing conditions that would lead to a different conclusion now.

Third, the City did not "overreach" in exercising its discretion to approve the Project, and the notion that approving a housing project consistent with the City's zoning, Downtown Plan, the LCP, and State law somehow sets "dangerous precedent" is absurd. Based on the advice of its City Attorney, as well as special counsel Goldfarb & Lipman, the City properly applied the State Density Bonus Law and the City's Density Bonus Ordinance in a manner that is fully consistent with the LCP which on its face authorizes modifications to height standards under the State Density Bonus Law in exchange for providing more deeply subsidized affordable housing units on-site (i.e., fifteen units available for Very-Low Income households, which satisfies the criteria for a density bonus, in addition to five Low Income units which are required in order to fulfill the applicable requirement in the City's inclusionary ordinance).

As you are aware, Section 24.16.262 of the LCP provides, in part, that:

"All applicable requirements of the certified Santa Cruz local coastal program shall be met (including but not limited to sensitive habitat, agriculture, public viewshed, public recreational access, and open space) with the exception of the numeric standards changed through State Density Bonus provisions."

As the staff report prepared in connection with the LCP amendment that incorporated this section further explains, this means that quantitative LCP standards (e.g., height, density, and parking) may be changed for a particular project to the extent necessary to physically accommodate the additional density authorized by the State Density Bonus Law (and the LCP). That additional density is an incentive for projects that provide a certain amount of more deeply subsidized affordable housing, such as the Project. Under the City's ordinance – which again, is part of the LCP – and State law, those additional bonus units are not subject to the City's inclusionary ordinance. Indeed, that is precisely how the State Density Bonus is intended to work. Additional "bonus" units are allowed as-of right in order to help subsidize the cost of providing units that are more deeply affordable. The appellant's position, by contrast, would undermine the statute's rationale.

California Coastal Commission
Central Coast District
February 25, 2021
Page 4

Here, the Project qualified for a density bonus and was therefore permitted to exceed the height limit through the use of a waiver (i.e., this is the LCP-authorized change to “numeric standards” referenced above). In general, in order to obtain a waiver from the requirement to comply with a particular development standard, the applicant must demonstrate that standard will have the effect of precluding the physical construction of the project. As stated in City’s staff reports, the applicant demonstrated that compliance with the 70 foot height limit (and required setbacks above 50 feet) would physically preclude development of a project with 175 units (i.e., the “base project” of 133 units, in addition to the 42 “bonus” units to which the Project was entitled under the State Density Bonus Law, the City’s ordinance, and the LCP).²

There is no evidence that the City improperly applied the State Density Bonus Law. And as a policy matter, the Coastal Commission should encourage the type of development like this one where there are adequate existing facilities to serve the development in order to contribute to a more livable and sustainable community, and where additional housing affordability can be provided with no meaningful impact on coastal resources.

Ultimately, the objections and complaints raised in the appeal would be more appropriately targeted at the State Legislature or at the City Council for future legislative action. But frustration with how the law works or the wish for the State Legislature to have made different decisions historically is not a reasonable or legitimate basis to question the City Council’s decision here. It is up to the Legislature to determine the appropriate balance between incentives and the need for more deeply subsidized affordable housing; not the appellant. The City’s decision was appropriately based on the rules that currently apply, including the certified LCP.

II. The extent and scope of the development as approved or denied by the local government

The Project consists of an approximately 78 foot tall, seven-story building with ground-floor commercial uses and 175 residential units on five parcels within the City’s downtown area. It is precisely the type of development envisioned in the Downtown Plan at that location, as reflected in the City’s determination that the Project is consistent with (1) the goals and policies in the Downtown Plan and the General Plan for the redevelopment of Front Street, (2) the goal of providing an enhanced connection between the Pacific Avenue commercial core and the Riverwalk, and (3) the revitalization of the San Lorenzo River as a natural and community amenity.

The Project’s height exceeds the 70 foot height limit by 7 feet 9 inches, yet, as discussed above, it would not affect scenic and visual resources. And the density bonus would result in the creation of fifteen residential units at deeper levels of affordability than would otherwise be provided with

² Technically, the Density Bonus Law would have authorized five more bonus units, but the sponsor elected not to seek additional waivers to accommodate those units.

California Coastal Commission
Central Coast District
February 25, 2021
Page 5

the City's inclusionary ordinance, which are much-needed in the coastal zone, without concomitant impacts to coastal resources.

The Project also facilitates and furthers public access by providing two high-quality pedestrian passageways between Front Street and the Riverwalk, publicly accessible open space adjacent to the Riverwalk, and ground-floor commercial space. These features are responsive to the City's goal of reactivating the Riverwalk area and better connecting the downtown to the river. Accordingly, the extent and scope of the project is consistent with the applicable rules and regulations for the site and satisfies LCP and Coastal Act objectives of ensuring public access to the coast and enhancing recreational and visitor-serving opportunities.

III. The significance of the coastal resources affected by the decision

The Project is located on an existing developed site within a urban area west of the Riverwalk path, more than half of a mile inland from the ocean in Downtown Santa Cruz. The site is currently occupied by three old commercial buildings and surface parking, which will all be demolished and replaced with residential and commercial uses that will help activate the Riverwalk area. The site is adjacent to the San Lorenzo River, but as the City correctly found during its environmental review of the Project, there are no biotic or riparian resources present on the site and none will be disturbed by the Project. Only the outer side of the levee will be disturbed, with no impacts to the riparian habitat inside the river channel; therefore, no biological resources will be affected.

As outlined above and by City staff in its analysis, no scenic or visual resources will be affected by the Project. The site is not designated as a coastal scenic resource area and is located significantly inland from the beach. The City analyzed the project's aesthetics and found no impacts to views towards the river from downtown or towards the coast from the river. While the City noted that distant mountain views to the northwest may be impacted, those views are not protected in the LCP. Further, visual simulations demonstrate that there is only a slight difference between a 70 foot tall building explicitly authorized in Height Zone B and one that is only just over seven feet taller. There is no evidence that scenic and visual resources would be impacted by the incrementally taller building given its location.

The Project also incorporates a number of features to improve public access – a primary goal of the Coastal Act – to the river, including two pedestrian connections between Front Street and the river, and would expand and enhance the edge along the Riverwalk by incorporating design features, flexible active spaces, seating elements, and outdoor dining opportunities to activate the area. The Project would therefore achieve the LCP's goals of enhancing public access while minimizing impacts to coastal resources.

California Coastal Commission
Central Coast District
February 25, 2021
Page 6

IV. The precedential value of the local government's decision for future interpretations of its LCP

The Project is located more than half of a mile inland from the ocean in Downtown Santa Cruz, which is a built-out urban environment with numerous other buildings that are comparable in height and bulk to the Project. The Project is consistent with the Downtown Plan and the LCP; again, no evidence suggests otherwise. As indicated above, the Project would not affect scenic or visual resources, which is to be expected given the project is located in an existing urban area that is far from the beach.

The impacts of any future development would similarly be reviewed on a case-by-case basis and could, in theory, exceed the height limit with a density bonus, which would be entirely consistent with the LCP and State law. That said, those projects would remain subject to review for consistency with the LCP to ensure they do not adversely impact coastal resources.

Here, given the project's downtown location and distance from the coast, the record supports a determination that impacts on coastal resources would be "negligible." As a consequence, precedent should not be a concern.

V. Whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In accordance with AB 2797, which requires that the Coastal Act and State Density Bonus Law be "harmonized" to achieve the goals of increasing affordable housing in the coastal zone and effectuate the purpose of the Density Bonus Law while protecting coastal resources, even if certain numeric standards can be exceeded, the project must still adhere to the qualitative LCP policy requirements that protect coastal resources.

In this case, as established above, the City properly applied the LCP and harmonized the State Density Bonus Law and Coastal Act such that the additional density and height would not adversely affect coastal resources. The Project provides affordable units at much deeper levels of affordability than would otherwise be required, specifically fifteen units for very-low income families, as well as five units for low-income families in accordance with applicable City requirements. It meets all of the criteria in the LCP for a density bonus and a waiver from the height (and setback) standards to accommodate the bonus units.

The Project also enhances public access to the Riverfront area by providing two pedestrian passageways, significant publicly accessible open space, and activated frontage, with no discernible adverse impacts on coastal resources.

In conclusion, this is not a project that affects pristine coastal bluffs, impacts views of the coastline, or contains any of the usual indicia of coastal resources that are truly significant for all

California Coastal Commission
Central Coast District
February 25, 2021
Page 7

Californians. It is instead a housing project located near transit in a built-out downtown urban environment far from the coastline. It will enhance public access, provide much-needed affordable housing, and all without any demonstrable adverse impacts on coastal resources or otherwise.

Thank you for your consideration of this letter, and please do not hesitate to call me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Frank Petrilli'. The signature is stylized with a large loop and a long horizontal stroke.

Frank Petrilli

FRP:csc

January 11, 2021

Mayor Meyers and City Councilmembers
809 Center Street, Room 10
Santa Cruz, CA 95060

Frank R. Petrilli

Partner
415.805.7970 DIRECT
415.757.5501 FAX
frank.petrilli@arentfox.com

Re: 418 – 508 Front Street / Riverfront Project

Dear Mayor Meyers and Honorable Councilmembers:

We represent the applicant for the 418-508 Front Street Project. Our client is excited about the opportunity to revitalize the riverfront area and help the City achieve its vision in the Downtown Plan by providing 175 units of much-needed market rate and affordable housing. As you know, the Project was originally scheduled for a hearing on November 10, 2020, which was continued due to a last-minute letter from Coastal Commission staff. The Project will be before you again tomorrow, and on behalf of the development team, we would like to thank you for the opportunity to present the Project and to thank City staff for its assistance throughout the development review process. While we certainly wish that you had been able to take a final action on November 10th, we are no less excited about reaching this important milestone.

The Project is before you at a critical time in the City's history. The City desperately needs to add affordable and market rate units to its housing stock. Well before the onset of the pandemic, the City – along with much of the rest of the State – was already in the throes of a historic housing crisis that was decades in the making. And while we look forward to better days to come, the pandemic has laid bare and exacerbated the structural issues underpinning the housing crisis, making it even more difficult for families across the income spectrum to find housing that is affordable due to the lack of a sufficient supply.

Over the past few years, our client and City staff have worked productively through an extensive and thorough development review process to refine the Project and ensure that it complies with all of the applicable laws and design standards. The end result is that the Project has widespread community support, and promises to greatly improve public access to the riverfront area via two new pedestrian passageways while helping the City meet its Regional Housing Needs Assessment goals for very-low income families.

Notwithstanding the concerns expressed by Coastal Commission staff about the Project's massing as expressed in their November 10th and December 30th letters, we remain confident that there are no outstanding legal issues to resolve. While admittedly we wish that Coastal Commission staff's efforts to engage with the City had occurred much earlier in the process, we nonetheless believe that the City Council now has all of the information it needs to make a fully informed decision.

Given the outstanding job by City staff in responding to each of the arguments raised in Coastal Commission staff's letters, we will not repeat the entirety of their analysis here. The purpose of this letter is instead to reinforce a few key points and to provide some additional context which we hope you will find useful during your deliberations.

1. The Project does not adversely impact coastal resources related to public views and riverfront aesthetics despite exceeding the 70 foot height limit under the LCP.

The Project exceeds the 70 foot maximum height permitted in this location under the provisions for Additional Height Zone B by 7 feet 9 inches. As discussed in the staff report and below, the additional height is permitted pursuant to the State Density Bonus Law, the City's Density Bonus ordinance, and by extension the LCP because it incorporates by reference the City's Density Bonus ordinance. Notwithstanding City staff's thorough review, Coastal Commission staff has expressed concerns about the Project's massing and suggested that the additional height would result in unspecified impacts on visual resources. That position starkly departs from Coastal Commission staff's prior analysis and representations in connection with the LCP amendment for the Downtown Plan when the height limits in the downtown area were increased to make redevelopment more attractive and feasible.

When recommending approval of the LCP Amendment for the Downtown Plan several years ago, Coastal Commission staff found that "while these changes [i.e., increasing the allowable height to 70'] will impact views within and between the downtown and other areas, the impacts of the proposed changes are likely to be *negligible*" (emphasis added) given the existing downtown environment and the fact that the area is located significantly inland of the ocean. Further, when the Coastal Commission approved the LCP amendment regarding the density bonus in 2019, and as recognized in the Coastal Commission's staff report, there was no indication of any concerns that additional height granted pursuant to a density bonus would negatively impact coastal resources. The visual simulations previously provided to the City by our client, which are attached to this letter for ease of reference together with a short chronology, further demonstrate that the difference between 70 feet and 77 feet 9 inches is almost imperceptible. If a 70 foot project at this location would have a "negligible" impact on coastal resources, as Coastal Commission staff

AFDOCS/23554439.1

represented to the Coastal Commission a few years ago, then it is impossible to discern how the conclusion could be any different for the slightly higher density bonus project.

- 2. The LCP permits exceptions to the Skyline Architectural Variation and Design Variation requirements if certain conditions are satisfied and does not mandate that those exceptions be evaluated in terms of the degree of “public benefit” or “coastal resource enhancements” provided. Similarly, there is no requirement under the State Density Bonus Law to provide a public benefit, beyond the specified number of affordable units at deeper levels of affordability, to obtain a waiver of the height limit or stepback requirements.**

First, the Downtown Plan, and thus the LCP, allows modifications of the skyline architectural variation standard for projects that include a pedestrian passage to the Riverwalk. By providing passageways to the Riverwalk, the Project meets the standard and the variation is therefore allowed. There is no requirement or even a suggestion that the decision to grant an exception must be measured against a different standard or whether other “public benefits” are provided. Unlike a development agreement, in which an applicant provides negotiated public benefits in exchange for vested rights, there is no analogous requirement to provide any public benefits other than the requisite public access set forth in the Downtown Plan and the LCP. It is that simple.

Second, the State Density Bonus Law, the City’s Density Bonus Ordinance, and the LCP, as amended, authorize waivers for the Project with respect to height above 70 feet and modification of upper level stepback requirements. Under those rules, in order to obtain a waiver, the applicant must demonstrate that the development standard at issue will have the effect of precluding the physical construction of the project (i.e., that the waiver is necessary to provide a sufficient building envelope to physically accommodate the bonus units). In this case, the applicant is proposing to set aside 15 units for very-low income families and is therefore entitled to a 35% density bonus, which equates to 47 bonus units (although the applicant is actually seeking only 42 bonus units). Under the State Density Bonus Law, these bonus units are intended to help offset the much greater level of subsidy required to provide the very-low income units. Because those units cannot be physically accommodated without a modest waiver of the height and upper stepback standards, a waiver of those standards is appropriate. That is how the density bonus concept works, consistent with the State Legislature’s intent to incentivize deeper levels of affordability as well as increase housing supply at all income levels. No additional “public benefit” beyond the affordable units required to qualify for a density bonus is required.

Of course, we recognize that projects must still adhere to the qualitative LCP policy requirements that protect coastal resources, consistent with AB 2797 which requires that the Coastal Act and State Density Bonus Law be “harmonized” to achieve the goals of increasing affordable housing

in the coastal zone and effectuate the purpose of the Density Bonus Law, while protecting coastal resources.

The Project increases the supply of affordable units within the coastal zone at much deeper levels of affordability than would otherwise be required by providing fifteen units for very-low income families, and five units for low-income families. It therefore meets all of the criteria in the LCP for a density bonus and a waiver from the height and setback standards to accommodate the bonus units, which, again, are authorized in order to help offset the costs of providing the much deeper level of subsidy required for the very-low income units. The Project also enhances public access to the Riverfront area by providing two pedestrian passageways, significant publicly accessible open space, and activated frontage, with no discernible adverse impacts on coastal resources as demonstrated by the record and the visual resource analysis submitted by our client. These are the facts, which we do not believe can reasonably be disputed, and facts matter.

For these reasons, we respectfully disagree with the position taken by Coastal Commission staff that any increase in height equates to a “violation” of the LCP because it would automatically result in adverse impacts on coastal resources. That interpretation renders the State Density Bonus Law and the corresponding LCP density bonus amendment meaningless, which is exactly the opposite of what the State Legislature intended when it adopted AB 2797.

3. Conclusion

The State Legislature has made clear in recent years just how critical it is for the development review process to be predictable and fair. That point is critical because, for better or worse, it takes years to go through all of the steps required in order to build new housing, with developers privately shouldering the economic risk as a result – all in the service of helping to improve the built environment and make it more sustainable, and provide much-needed housing for current and future generations. As both a policy matter and a practical matter, the rules need to be applied fairly and with common sense, and they need to provide a degree of certainty or else new housing will not be built. And those rules should not change mid-stream.

The Project before you is the culmination of years of analysis by City staff, informed by countless community meetings, input from the public, and the expertise of various consultants. Great care and attention has been paid to abiding by the City’s prescriptive standards to ensure that the City is receiving the type of product that it envisioned when it amended the Downtown Recovery Plan while respecting and enhancing coastal resources.

As detailed in the staff recommendation, the Project is consistent with both the spirit and letter of the LCP, and we believe it will go a long way towards helping the City achieve its objective of revitalizing the downtown area.

For all of these reasons, and those set forth in the agenda report, we encourage you to evaluate the Project based on a fair and objective assessment of the standards that apply, and request your support. Again, we very much appreciate the City's efforts throughout this process, and we hope this letter will help you with your decision.

Sincerely,



Frank Petrilli

Attachments:

SC Riverfront History and Visual Resources Analysis

February 20, 2021



Director Carl, Manager Craig, and Supervisor Moroney ,

I am writing on behalf of Downtown Forward to convey our coalition's support for the Front Street/Riverfront project, scheduled for consideration on the Coastal Commission's March 10-12 agenda. This mixed use project is an urban infill development designed to provide 175 units, including 20 affordable units on property adjacent to the San Lorenzo River levee, utilizing provisions and incentives available under the Downtown Plan and state Housing Density Bonus legislation. The project will not only make a significant and much-needed contribution to the City's affordable housing inventory and contribute to the recovery and vitality of our downtown, but it will also provide two new public access points to the San Lorenzo Riverwalk which will improve pedestrian access to the coast. It will fulfill a long held community goal as expressed in numerous adopted plans.

We support the public benefit provided by housing located close to transit, businesses and important social services. In addition, this project will provide much needed deed restricted housing serving low income (5 units) and very low income (15 units) individuals and families. These are the two housing categories where California cities face the most challenges in meeting their Regional Housing Needs Allocation (RHNA) goals. This housing will be a critical and necessary resource as we recover from the impact of the Cruz Lighting Complex fire and the COVID pandemic.

Downtown Forward is a community coalition that collaborates with 17 organizations and over 450 individuals. We advocate for the strength and resilience of downtown Santa Cruz through forward-looking principles of environmental sustainability, equity, and economic opportunity. We take an active interest in mixed-use and public projects reflecting these principles related to issues and opportunities affecting the future of our downtown. Most specifically, we believe that denser, infill housing in the central urban

core offers a direction that is both responsive to the housing crisis in our community and state, and an environmentally sound choice.

Our members have met with the developers' representative on several occasions to learn about this project and provide input. We appreciate the developers' efforts to engage with a broad range of neighborhood and community stakeholders prior to bringing the project forward.

With that background, we believe the Front Street/Riverfront project will yield multiple benefits for downtown, our city and our coast. It is consistent with numerous plans already adopted after careful study and community input, including the City's General Plan, Downtown Plan, and Housing Blueprint, and state Housing Density Bonus legislation.

By bringing added residential density to our downtown, close to services, jobs and transportation, the project is directly responsive to two of the most urgent needs facing our city: the housing crisis, specifically affordable housing, and economic recovery, specifically our downtown. We feel the Front Street/Riverfront project helps meet critical goals for our community, while in no way compromising coastal resources. We urge you to support the project as proposed, and urge you to recommend a finding of No Significant Impact to the Commission.

Sincerely,

Matt Farrell
Steering Committee member

Downtown Forward Steering Committee:

Casey Beyer, Santa Cruz County Chamber of Commerce
Zach Davis, Penny Ice Creamery and Snap
Martin Gomez, Executive Director, Friends of Santa Cruz Public Libraries
Andrew Goldenkranz, COPA
Kyle Kelley, Santa Cruz YIMBY
Cynthia Mathews, former Santa Cruz City Councilmember
Mark Mesiti-Miller, Housing Advocate
Donna Murphy, Housing Advocate
Vivian Rogers, Former Director, Friends of Santa Cruz Public Libraries
Robert Singleton, Santa Cruz Business Council
Tim Willoughby, Affordable Housing Now



Board of Directors Officers

Eduardo M. Ochoa, Board Chair
President, CSU Monterey Bay

Matt Huffaker, Board Vice-Chair
City Manager, Watsonville

David Heald, Board Treasurer
CEO, Santa Cruz County Bank

Carrie L. Birkhofer, Board Secretary
President & CEO,
Bay Federal Credit Union

Board Members

Bud Colligan
Founder & CEO, South Swell Ventures

Larry D. deGhetaldi, M.D.
President, Palo Alto Medical Foundation,
Santa Cruz

Alfred Diaz-Infante
President & CEO, Community Housing
Improvement Systems and Planning
Association, Inc. (CHISPA)

Sandi Eason
Regional Senior Vice President,
Wells Fargo Commercial Banking Group

Rosa Vivian Fernández
President & CEO,
San Benito Health Foundation

Tom Habashi
CEO, Monterey Bay Community Power

Cynthia Larive
Chancellor, UC Santa Cruz

Charles McKee
County Administrative Officer,
Monterey County

Nanette Mickiewicz
President, Dominican Hospital

Tom Moran
President & CEO, Goodwill Central Coast

George Ow, Jr.
Chairman & CEO, Ow Family Properties

Miles Reiter
CEO, Driscoll's

Steve Snodgrass
CFO, Graniterock

Bruce Taylor
Chairman & CEO, Taylor Farms

Susan True
CEO, Community Foundation Santa Cruz
County

Matt Wetstein
Superintendent/President, Cabrillo College

Staff: Kate Roberts, President & CEO

February 22, 2021

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

Subject: Riverfront LGCDP Appeal

Dear Mr. Moroney and Central Coast District Staff,

The Monterey Bay Economic Partnership (MBEP) was founded in 2015 and consists of over 80 public, private and civic entities located throughout Monterey, San Benito and Santa Cruz counties with a mission to improve the economic health and quality of life in the Monterey Bay region. Our Housing initiative consists of a broad coalition of community members, local employers, and organizations to advocate for and catalyze an increase in housing of all types and income levels in the region.

In July 2019, MBEP received an endorsement request for the Front St./ Riverfront mixed-use development located in Downtown Santa Cruz. After working through our internal endorsement process, which includes gathering input from a variety of local housing leaders, we concluded that Riverfront met our Housing Initiative goals. The MBEP Housing Initiative seeks to identify and support an increase in our regional housing stock, across all types and income levels. Additionally, MBEP seeks to support higher-density infill developments, near existing transportation, jobs and services, in order to prevent urban sprawl. These goals intersect with our Climate Initiative goals, which the Riverfront development meets.

The proposed Riverfront mixed-use project answers a critical need for housing in a community that has been profoundly impacted by the state housing shortage and increasing unaffordability. Of the total 175 units included in the project, 20 will be designated as affordable homes (15 designated to households earning 50% of the Area Median Income (AMI) and 5 to households earning 80% of the AMI). The Santa Cruz City Council already voted to approve the project on January 12th, after having worked through the discretionary approval process which included a Historic Preservation Commission, Planning Commission hearing, City Council and 3 community meetings.

The Downtown Plan which formed the primary basis of the project's application is included in the LCP adopted by the Coastal Commission. The developer has made concessions including a \$400k contribution to the City's affordable housing fund, and deepening affordability from 80% of AMI to 50% AMI. Additional concerns outlined in the appeal have already been addressed by city staff.

This development represents an opportunity to improve the housing opportunities available to Santa Cruz residents. We strongly recommend that you disregard the appeal and recommend that the Coastal Commission approve this project in March.



Monterey Bay
ECONOMIC PARTNERSHIP

Thank you for your consideration.

Sincerely

Kate Roberts
President & CEO

3180 Imjin Road, Suite 102
Marina, CA 93933 831.915.2806

Santa Cruz . San Benito . Monterey

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Tue 2/23/2021 4:44 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Sandie Swanson <sandie.swan@gmail.com>**Sent:** Tuesday, February 23, 2021 12:48 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

i am a resident of santa cruz and live on the upper west side. i am opposed to the 81' planned structure to be located on the riverfront. please keep our river wild, and free of structures that would interfere with the wildlife and plants. i walk along the levy and it is a big part of my enjoyment of nature in santa cruz. thank you for your consideration.

sandie swanson, 1125 escalona Dr, Santa Cruz, CA 95060

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 2/24/2021 10:34 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: David Fairchild <fairch@cruzers.com>**Sent:** Wednesday, February 24, 2021 6:56 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Cc:** dyaneja@gmail.com <dyaneja@gmail.com>; Alice Tarail <alicet@cruzio.com>; Grita Baron <gritabaron@yahoo.com>; Lydia Parker <lydiaparker3@yahoo.com>; Margy Baron <mcpbaron@gmail.com>; Charles Haug <clhaug@hotmail.com>; Clea Kore <cleakore@cruzers.com>; Laurie Corn <laurie.corn@gmail.com>; Steve Baron latest <slbaron207@gmail.com>; Robert Sward <robert@robertsward.com>; Candace Calsoyas <calsoyas@ucsc.edu>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Regarding comments due on this project by March 5th by 5PM, I have the following comments:

To the CCC:

As a long term resident of Santa Cruz county and frequent visitor to the City of Santa Cruz and the San Lorenzo River, and a former planner with AMBAG and the Monterey Bay Air District, I beg you to require the City Council of Santa Cruz's to follow your recommendations regarding the height and other attributes of this project.

Unless you do so, the environmental impact on the San Lorenzo river mouth and its precious coastal birdlife habitat will be significant and very damaging. In addition, the view shed of this extremely vital portion of the California coast will be drastically altered from one of low intensity estuarine and riverine pedestrian walkways to a big city urban streetscape. The project will contain a row of 80 feet tall structures lining the river, both shading and blocking it. Those buildings will dramatically reduce the river's ability to demonstrate a natural environment to city residents and visitors.

The precedent set by your having approved this project would be horrific.

thank you,

--

David Fairchild, M.C.P. Berkeley, 1970.
831/763-3709

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 2/24/2021 10:35 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: will cassilly <willcassilly1@comcast.net>**Sent:** Wednesday, February 24, 2021 7:07 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

A-3-STC-21-0013 Riverfront Mixed-Use Building

I am writing to protest this building in downtown Santa Cruz. The building is much too high for the area and number of stories should be lowered. There should also be more affordable housing included. Please do not approve this project. Tell the developers to go back to the drawing board a design a smaller and more aesthetically appealing building.

Thank you, Will Cassilly 1000 Pau Hana Dr Soquel, CA 95073

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 2/24/2021 12:02 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Karsten Mueller <k.mueller@yahoo.com>**Sent:** Wednesday, February 24, 2021 11:53 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Cc:** Erica Stanojevic <ericast@gmail.com>; Ellen Farmer <ellen.farmer@yahoo.com>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building**Dear Coastal Commission,**

Please consider requesting that this project be modified as described below.

The Front/ Riverfront project is inconsistent with and exceeds our Local Coastal Program (LCP) in terms of size, density and height. Currently the LCP allows **70** feet at this site. This project would have a significantly **greater height at 81** feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission.

The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The end result is that this project has only 20 affordable units (11%) rather than the **26-35** affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.

The increased size and height of this project conflicts with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection.

"The proposed project is inconsistent with the LCP's requirements on maximum height, number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." (Quote from local Coastal Commission staff in letter to the City Council on 11/20/20)

Also quoting from the CCC letter to the City Council..." protecting downtown/River character and aesthetics, protecting the River as a resource itself ..."

Thank you for considering this important matter.

Sincerely,

Karsten Mueller MS, PhD

Fw:

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 2/24/2021 12:03 PM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Mary <mhaber4@hotmail.com>

Sent: Wednesday, February 24, 2021 12:01 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject:

Members of the Coastal Commission,

I am a third-generation Santa Cruzan who has recently moved to Scotts Valley because I could no longer abide what has become of my town. The 7-story buildings planned for downtown, along with the coming loss of the sunny, tree-shaded Farmers Market (Lot 4)/community space will be a regrettable move away from a people-friendly downtown.

To place another 7-story building along the San Lorenzo River will only spread the disaster. Buildings of this size are completely out-of-character for Santa Cruz. In case this project is planning underground parking, you will recall that the Front Street businesses have flooded basements during the rainy months.

I have given up on sharing my views with the City Council, as they consistently ignore public opinion. My hope is that the Coastal Commission will take a long-range look at this project, as well as the lunacy of an "Event Pavilion" at the end of our wharf.

Thank you.

Mary McGranahan

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 2/25/2021 11:28 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Laura Lee <lcl9@hotmail.com>**Sent:** Thursday, February 25, 2021 10:19 AM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

The Front/ Riverfront project is inconsistent with and exceeds our LocalCoastal Program (LCP) in terms of size, density, and height. Currently the LCP allows 70 feet at this site. This project will have a significantly greater height at 81 feet (not including 5' of HVAC equipment) At 81 feet this project is 16% larger than what is allowed in the LCP that was approved by the Coastal Commission. .

The Riverfront project uses the State Density Bonus Law to obtain fewer affordable housing and more market rate housing units in the development. The result is that this project has only 20 affordable units (11%) rather than the 26 -35 affordable it would have had if it adhered to the 15% inclusionary housing required when the project was proposed to City Planning.

☒ The increased size and height of this project conflict with our Local Coastal Program (LCP) and the CA Coastal Act by significantly negatively impacting coastal resources. This project is located next to the San Lorenzo River – a valuable community and ecological resource as well as a valued view and recreation corridor.

☒ Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations, and native plant-food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection.

☒ "The proposed project is inconsistent with the LCP's requirements on maximum height, the number of floors, top floor proportional relationship, and required setbacks and we recommend that it be reduced to meet the requirements of the LCP." (Quote from local Coastal Commission staff in a letter to the city council on 11/20/20)

Thank you for your consideration.

Laura and Jeffrey Lee
Downtown residents

Sent from [Mail](#) for Windows 10

Fw: River front development Santa Cruz

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Thu 2/25/2021 11:29 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: eduardo izquierdo <chateauedo@cruzio.com>

Sent: Wednesday, February 24, 2021 2:52 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: River front development Santa Cruz

Coastal Commission members, As local resident of the city of Santa Cruz for 46years I am asking that you not approve the city's plan to allow the development project at 418-508 River Street. Way too big and out of scale with the rest of the city's buildings.

Eduardo Izquierdo 326 Van Ness Ave Sata Cruz

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 2/26/2021 8:41 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: marye eriksen <m42eriksen@gmail.com>**Sent:** Thursday, February 25, 2021 12:03 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

To whom it may concern

I am appealing the decision by the Santa Cruz City Council, who overstepped their authority, asking please do not approve this Front/Riverfront Project adjacent to the San Lorenzo River. It conflicts with the San Lorenzo Urban River Plan and with the Downtown Plan, both of which are adopted into our Local Coastal Program (LCP).

It does not even follow your own guidelines in size(already too big it is now even taller!) and percentage of affordable housing(down from the REQUIRED %15 to %11)!

Protection of natural resources is a key component of the CA Coastal Act and our Local Coastal Program (LCP). The west bank of the river provides essential shelter, breeding locations and native plant food sources for hundreds of species (local and migratory). Development at this scale will significantly impact resource protection

Your own letter to the City Council on this project said:

" protecting downtown/River character and aesthetics, protecting the River as a resource itself .

The San Lorenzo river is a treasure and MUST be treated as such. The fauna, flora and both water and land birds REQUIRES our protection. So,If you are going to approve projects located near this treasure please MAKE SURE they enhance and preserve this delicate and forever endangered landscape.

Thank you very much for considering this plea

Mary Eriksen

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 2/26/2021 8:42 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Jean Brocklebank <jeanbean@baymoon.com>**Sent:** Thursday, February 25, 2021 12:33 PM**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>**Subject:** A-3-STC-21-0013 Riverfront Mixed-Use Building

Dear Central Coastal Commission staff ~

We contend that the City's LCP and General Plan is quite clear about development being **consistent with resource protection**.

We ask you to seriously consider the appeal before you and require the changes (mass, height and scale) that were first presented by you in your excellent November 20, 2020 letter to the City Council.

In doing so we begin by quoting from the City's LCP (our bolding for emphasis) --

(Page 1) **The Coastal Act's basic goals for conservation and development in the coastal zone are:**

(1) ***protect, enhance, and restore the natural resources of the coast;***

(2) protect, enhance and restore the built resources of the coast — the special communities and neighborhoods that have unique cultural, historic, and aesthetic qualities;

(3) give priority to coastal-dependent development — uses of land and water that by their very nature require coastal sites — over other development on the coast;

(4) maximize access to the coast for people of all income ranges consistent with the protection of coastal resources; and

(5) encourage orderly, balanced development that avoids wasteful sprawl by concentrating new growth in already developed areas with adequate public services or in other areas near major employment centers ***consistent with resource protection policies***.

In the decades since it was summarily channelized for flood control, the San Lorenzo River has managed to slowly recover a tiny bit of its natural functioning as a living waterway. The river has found a way to meander somewhat, although constrained within the levee boundaries, creating diversity a tiny, little bit at a time.

Volunteer labor, efforts by Fish and Wildlife entities, and guidance from those who care even the City's annual vegetation clearing have all combined to allow baby steps

for recovery of floral and faunal species of the riverine habitat.

Just when the river has some of itself once more, we now have the proposed Riverfront Project, which will negatively impact and alter what's left of the San Lorenzo River. Just because it is an urban river doesn't mean it can't be a living river.

The sheer scale and mass of the project will overwhelm the river below. The lighting and noise from multiple 7 story buildings lining the river walk, plus nighttime human cacophony, will mean no more sleeping for animals of the riverine habitat, including roosting birds. Circadian rhythms will be jeopardized. A once quiet nighttime along the river will be no more. Multiple storied buildings with their windows will be responsible for the ongoing urban death of birds. The more stories the more dead birds.

What about Coastal Act policies in this regard? Here is the City's LCP again:

(Page 2) The following is a description of Coastal Act policies and issue areas **relevant to coastal planning and the issuance of coastal permits within the City.**

3. Coastal habitat areas and sensitive species issues focus on the preservation and ***protection of environmentally sensitive coastal habitat areas*** (coastal/rocky strand, estuarine, wetland and riparian areas) ***and species*** by:

identifying and acquiring environmentally sensitive coastal habitat areas;

developing, where appropriate, restoration or management plans to preserve coastal habitat areas;

develop appropriate public-use criteria for coastal habitat areas which will ensure their preservation;

designating areas adjacent to these coastal habitat areas for compatible land uses;

designating conservation areas and conservation buffers where necessary to protect riparian and other coastal habitat areas and sensitive species.

Lastly, see Page 20 of the LCP: One of the 11 Guiding Principles adopted for the General Plan 2030 states the ***community's concern for and commitment to natural resources.***

General Plan: Page 117

Urban River Plan. The San Lorenzo River originates in the Santa Cruz Mountains, traverses the center of the city, and forms a major physical feature of the region. The San Lorenzo Urban River Plan — a 20-year comprehensive plan for the areas of the San Lorenzo River, Branciforte Creek, and Jessie Street Marsh within city limits — **promotes conserving the river as a wildlife area and enhancing it with complementary river-oriented development.**

For these reasons, we ask you to seriously consider the appeal before you and require the changes (mass, height and scale) that were first presented to the City Council in your excellent letter of November 20, 2020.

Sincerely,

Jean Brocklebank

Michael Lewis

1190 7th Ave. #5

Santa Cruz, CA. 95062

Fw: A-3-STC-21-0013 Riverfront Mixed-Use Building

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Fri 2/26/2021 8:42 AM

To: Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

From: Pierluigi Oliverio <pierluigi.oliverio@gmail.com>
Sent: Thursday, February 25, 2021 1:34 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: A-3-STC-21-0013 Riverfront Mixed-Use Building

DO NOT ACCEPT the appeal of a housing project which utilizes state density bonus law, passed the Democratic legislature, to achieve deep affordability.

Those who are appealing will do anything to not allow more housing to be built even where it has been planned. This development matches both the city of Santa Cruz general plan and Downtown Specific plan. This type of housing development has been envisioned for 30 years.

When it comes to coastal commission concerns about the environment the current situation of hypodermic needles, litter, and human waste are the real concern.

Thank you

Regards,
Pierluigi
Sent from my iPhone