



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131

April 11, 2019

Jocelyn Drake, Zoning Administrator  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Agenda Date: April 19, 2019**

**Agenda Item #1**

**Subject: Coastal Development Permit Application 181205  
4790 Opal Cliff Drive, APN 033-132-09**

Ms. Drake:

This item, a proposal to construct a two-story dwelling on a coastal bluff parcel, was first heard at the March 15th, 2019 Zoning Administrator hearing. At the hearing, the property owner, Paul Coghlan, and his attorney, Anna DiBenedetto, raised concerns about several of the conditions of approval related to coastal hazards. These concerns were also raised in a letter Ms. DiBenedetto emailed to you on March 14, 2019 (Exhibit A). Staff was unable to resolve Mr. Coghlan and Ms. DiBenedetto's concerns during the hearing. As a result, the hearing was continued to April 19, 2019 to provide enough time for staff to address the concerns.

The following addresses the conditions of approval that were the subject of the property owner's concerns and also updates the conditions of approval, consistent with the County Code. Staff proposed several changes to the conditions of approval at the March 15<sup>th</sup> hearing and those changes, along with the changes proposed below, are reflected in the attached strike-through version of the conditions of approval (see Exhibit C). The final section of this letter addresses your concern about the Floor Area Ratio (FAR) calculation.

1. "Notice of Geologic Hazards" Condition of Approval II.M.

General Plan Policy 6.2.9 (Recordation of Geologic Hazards) and County Code 16.10.070(H)(1)(f) (Permit Conditions) requires that developers of projects located on a coastal bluff record a declaration of geologic hazards with the County recorder. Condition of approval II. M. reflects this requirement. At the hearing, staff modified this condition of approval to reflect the current language of the declaration (see attached revised conditions of approval) and additional minor changes are proposed for consideration at the April 19<sup>th</sup> hearing. In her March 14, 2019 letter, Ms. DiBenedetto requested the opportunity to review the language of the notice. The notice has been prepared and is attached to provide the opportunity for review (Exhibit B).

2. "Coastal Hazards Response Alternatives" Condition of Approval IV. A.

At the March 15<sup>th</sup> hearing, staff proposed changes to this condition of approval (see Exhibit C). One of those changes includes a reference to a "shoreline management plan." Ms. DiBenedetto objected to the inclusion of this reference because no plan has yet been adopted. Upon further consideration of IV.A., staff now proposes to strike the entire last sentence which includes the reference to a shoreline management plan.

3. "Ten-Foot Trigger" Condition of Approval IV. B.

Both in her letter and at the hearing, Ms. DiBenedetto questioned the County's authority to impose condition of approval IV.B. which is referred to as the "Ten-foot Trigger." This condition requires that, in the event of substantial erosion where only ten feet of bluff remains between the face of the bluff and house, the property owner must: (1) notify the County Geologist; (2) retain qualified geotechnical and geology engineers to evaluate the condition; and (3) agree to pursue a remedy in conformance with the project conditions and County and Coastal Commission regulations.

Although the ten-foot trigger is the point at which qualified professionals are required to evaluate whether a hazard is present; it is not prescriptive of the outcome. If, for example, the property owner's engineers, with County Geologist concurrence, determine that adequate stability exists, then no further action would be required. The distance of ten feet is not arbitrary as it provides the minimum area needed to maneuver equipment to stabilize the erosion, if stabilization is needed and allowed.

The authority to impose this condition is found in County Code 16.10.070(H) which provides regulations for development on coastal bluffs and beaches. Subsection (8) allows permit conditions other than those enumerated in the code to be imposed on a project. It states, "Other permit conditions including, but not limited to, project re-design, building site elimination, delineation of building and septic system envelopes, building elevation, foundation requirements and drainage plans shall be required as deemed necessary by the Planning Director." The phrase "but not limited to" provides the authorization to impose the ten-foot trigger. The condition is also relevant to the building envelope since the 100-year stability line (in this case, about 45 feet from the bluff face) establishes the southeast side of the building envelope.


Floor Area Ratio Calculation

At the hearing, you requested that additional information be provided to ascertain whether the proposed dwelling's FAR calculation had accounted for ceilings in excess of 16 feet high. County Code 13.10.323 requires these areas to be counted twice. The project architect submitted an exhibit demonstrating that those areas had been accounted for in the FAR calculation (Exhibit D). In the course of preparing the exhibit, the architect identified that the original calculation counted the staircase twice when it is only required to be counted once. This resulted in a slight decrease in the FAR to 37% where a maximum of 50% is allowed.

Conclusion

Staff recommends that you determine that the project is exempt from further Environmental Review under the California Environmental Quality Act and approve application number 181205, based upon the findings provided in the original staff report and the revised conditions of approval.

Sincerely,



Annette Olson  
Project Planner  
Development Review

Reviewed By:



Steven Guiney, AICP  
Principal Planner  
Development Review

Exhibits:

- A. March 14, 2019 letter from Anna DiBenedetto, Esq.
- B. Notice of Geologic Hazard
- C. Proposed revised conditions of approval
- D. Floor Area Ratio Exhibit
- E. Staff report prepared for the March 15, 2019 hearing

ANNA DiBENEDETTO  
WILLIAM A. LAPCEVIC  
ALISON KELLY  
EMMETT L. SMITH

**DiBENEDETTO & LAPCEVIC, LLP**

1101 Pacific Avenue, Suite 320  
Santa Cruz, California 95060  
Telephone: 831-325-2674 | Facsimile: 831-477-7617

**MODESTO OFFICE**  
1016 12<sup>TH</sup> STREET  
MODESTO, CALIFORNIA 95354

March 14, 2019

**Via Email Only**

Jocelyn Drake  
Deputy Zoning Administrator  
Santa Cruz County Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
[jocelyn.drake@santacruzcountys.org](mailto:jocelyn.drake@santacruzcountys.org)

Re: APN: 033-132-09/Application No. 181205  
Owner: Paul Coghlan  
Property Address: 4760 Opal Cliff Dr., Santa Cruz  
Our File No. 00285

Dear Ms. Drake:

I will be attending tomorrow's hearing along with our Client Paul Coghlan and his architect Cove Britton.

We've had the opportunity to review and discuss with Mr. Coghlan the Staff Report and wanted to provide in writing before tomorrow some of the concerns regarding the County's proposed Conditions of Approval ("COA") for which the applicant is requesting clarification, removal and/or revisions.

**COA II M.**

This section provides that a Notice of Geologic and Flood Hazards, Acceptance of Risk, and Liability Release" shall be recorded against the parcel. This COA implies that the language set forth therein may not be the final language requested by the County. Please confirm the language of this section so that our client can properly evaluate and respond to same.

**COA IV A.**

Please confirm the legal source of such conditions, as the proposed language does not seem to be derived from the County's existing General Plan/LCP or existing Codes. In addition, the language seems unnecessary given that, if coastal hazards result in an unsafe site or structure, State law and County regulations would already dictate the required response from the Owner. Thus, there is no need to require that the Owner agree – through building conditions and/or recorded deed restrictions – to cooperate with the County with respect to vacating, remediating or repairing the property in the event of a coastal hazard. In addition, if the property were "red-tagged" due to a coastal hazard, it only makes sense that the Owner would have to work with the County to

Jocelyn Drake  
Deputy Zoning Administrator  
Santa Cruz County Planning Department  
March 14, 2019  
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implement the shoreline protection measures required to save the property and improvements. As our client will briefly address at tomorrow's hearing, he and his wife have spent millions of dollars to design and build their dream retirement home; thus, there is no need to impose a condition/deed restriction requiring that Owner work with the County to implement measures to save a valuable investment in the event of a coastal hazard.

#### COA IV B.

Please confirm the source of such conditions, as the proposed language does not seem to be derived from the County's existing General Plan/LCP or existing Codes. In addition, as the subject project has been found consistent with the County Geologic Hazards Ordinance and the proposed location of the replacement home on the lots meets the requirement for a stable building site for a 100-year period, this "ten-foot trigger" requirement seems unfounded, somewhat arbitrary and unnecessary as applied to this project. We'd request that this condition be removed or, at the very least, the legal basis for same be explained so that the applicant can better understand and evaluate this restriction.

#### COA IV C1.

We'd request that this language be modified to remove the owner's agreement and acknowledgment as to future protection; thus, the owner would simply be agreeing that the current project does not include any shoreline protection/armoring.

#### COA IV C2 and C3.

We are requesting that these conditions be removed. To require that our Client agree not to install any future shoreline protection unless proposed through a plan and district (GHAD) that does not yet exist is not something to which our Client should have to agree. Moreover, to require the property owner to waive any rights in the future to protest the formation of a proposed GHAD, of which the Owner knows nothing about, is unfounded and unconstitutional. It is also something that would no doubt significantly reduce the value of the property (given that comparable homes in the area do not contain the same deed restrictions), and likely present problems from a mortgage/insurance perspective – given that the Owner could do nothing to protect his property pending formation of a plan and district. In the event, the County is unwilling to remove this Condition, I'd kindly that you confirm the legal source of such conditions, as the proposed language does not seem to be derived from the County's existing General Plan/LCP or existing Codes.

#### COA IV D.

We are requesting that this condition be modified to remove the reference to the Coastal Hazards Report, such that any removal and restoration plan is created simply as ordered by an appropriate

Jocelyn Drake  
Deputy Zoning Administrator  
Santa Cruz County Planning Department  
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government agency. Again, should future shoreline protection/armoring be required, the Owner would already be obligated to work with the County concerning the appropriate removal/restoration plan required to remediate the situation.

We very much appreciate your consideration regarding the foregoing and look forward to meeting with you tomorrow.

Respectfully,

ANNA DIEMEDDETTO

AKD/akw

cc: Annette Olson *via email only* [annette.olson@santacruzcounty.us](mailto:annette.olson@santacruzcounty.us)  
Client *via email only*  
Cove Britton, *via email only*

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor

Attention: Annette Olson  
Application #: 181205

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**Notice of Geologic Hazards, Acceptance of Risk, Liability Release, and  
Indemnification**

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)

**Return recorded form to:**

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor

Attention: Annette Olson  
Application #: 181205

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**Notice of Geologic Hazards, Acceptance of Risk, and Liability Release Regarding the  
Issuance of a Coastal Development Permit  
in an Area Subject to Geologic Hazards**

The undersigned Paul Coghlan does hereby certify to be the owner of the real property located in the County of Santa Cruz, State of California, commonly known as 4760 Opal Cliff Drive, Santa Cruz; legally described in that certain deed recorded in 2007-0020812 of the official records of Santa Cruz County Recorder on 4/16/2007; Assessor's Parcel Number: 033-132-09

And I do hereby acknowledge that records and reports filed with the Santa Cruz County Planning Department, indicates that the above described property is located within an area that is subject to geologic hazards, to wit:

The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, wave impacts, storm surge, tsunامي, tidal scour, coastal flooding and inundation, earthquakes, landslides, and the interaction of same;

Greg Easton of Easton Geology, Inc. (July 6, 2018) "Geologic Investigation," Coghlan Property, 4760 Opal Cliff Drive, Santa Cruz, California, Santa Cruz County APN 033-132-09.

Yvette M. Wilson of Rock Solid Engineering, Inc. (July 6, 2018) "Geotechnical Investigation-Design Phase," Proposed Single Family Residence 4760 Opal Cliff Drive, Santa Cruz, California APN 033-132-09.

And I do hereby acknowledge and agree, on behalf of themselves and all successors and assigns:

(c) To assume and accept the risks to the Applicant and the properties that are the subject of this Coastal Development Permit of injury and damage from such coastal hazards in connection with the permitted development;

(d) to unconditionally waive any claim of damage or liability against the County of Santa Cruz, its officers, agents, and employees for injury or damage from such coastal hazards in connection with this permitted development;

(e) to indemnify and hold harmless the County of Santa Cruz, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs, including costs and fees incurred in defense of such claims, expenses, and amounts paid in settlement arising from any injury or damage in connection with the permitted development; and

(f) that any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner. That cost of abatement and/or future removal of structures shall be the responsibility of the property owner.

And, having full understanding of said hazards, I elect to pursue development activities in an area subject to geologic hazards.

This Declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. This document should be disclosed to the foregoing individuals. This Declaration may not be altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

Executed on \_\_\_\_\_, 20\_\_.

Owner: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner: \_\_\_\_\_

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL  
BE ATTACHED.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_  
(Notary Public in and for said County and State)

This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: \_\_\_\_\_

COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Planning Department Staff

### **Revised Conditions of Approval**

*The following revised conditions of approval include edits proposed by staff at the original March 15, 2019 hearing, one change made by the Zoning Administrator, as well as new changes to be considered at the April 19, 2019 hearing.*

- Exhibit D: Architectural plans, six sheets (P1-P6) prepared by Matson Britton, dated 7/9/18.  
Civil Engineering plans, three sheets (C1-C3) prepared by RI Engineering Inc., dated June 2018.  
Map Depicting Preliminary 100-year Setback, one sheet dated 4/16/18, by Easton Geology, Inc. on a basemap by Ifland Engineers, 1998 (revised 2006).
- I. This permit authorizes the demolition of the existing dwelling and construction of a single-family dwelling as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structures or existing uses on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional

information:

1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
  2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
  3. Grading, drainage, and erosion control plans.
  4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
  5. *The landscape plan shall either show the hedge on the western property line retained or new plantings proposed along the western property line to provide screening to the adjacent neighbor (Added by Zoning Administrator at the March 15 2019 hearing).*
- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. In addition, comply with the following:
1. This project is proposing diversion. Please provide a drainage report with supporting calculations to show how much water will be retained on site (Section I of the CDC contains the minimum retention requirements). The report must demonstrate safe conveyance offsite for the 25-year return period for runoff that is not retained. The downstream analysis must include the entire tributary drainage area for the drainage system on Opal Cliff Drive. In addition, the downstream analysis shall show the conveyance route to the outfall and demonstrate that there is adequate capacity for the diverted runoff. If it cannot be shown that there is safe conveyance for the 25-year flood overflow, then diversion will not be allowed and runoff from the entire 25-year storm must be retained on site.
- C. Meet all requirements of the City of Santa Cruz Water District.

D. Meet all requirements of the Santa Cruz County Sanitation District, including the following:

1. Existing sewer main and lateral, plotted on the site plan,
2. Proposed sewer lateral, showing the following: length of pipe, pipe material, cleanouts located maximum of 100-feet apart, ground and invert elevations, and slope of each line segment (2% minimum), and the connection to the existing public sewer.
3. Locate and label the existing sewer lateral "To be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure."
4. District's "General Notes" on plans. Contact staff for electronic copy.
5. Inspect and video record all on-site sewer laterals and private collector lines from the point of exit from the building(s) to the point of connection with the publicly maintained sewer main in the street or easement, identify any root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, and older pipe materials that are known to be inadequate (e.g. orangeburg or aging asbestos cement pipe).
6. Submit to the District, for its review, color video results (on DVD) of a sufficient quality to observe interior pipe condition, joints, sags, etc., along with the District certification form completed. The District shall review results within 10 working days of submittal to the District and contact the applicant/owner/agent with the determination of required repairs.
7. Repairs, as required by the District, shall be made within 90 working days of receipt of the District's review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of the pipe trench or structure. (As an alternative, and dependent on the nature and extent of required repairs, and if additional underground work in the street for other utilities is required, required repairs to the sewer lateral may be incorporated as part of the building permit. This can be determined by the District Engineer after the video results are reviewed. For a determination, enquire directly with the District at that time.

Design and Construction Standards: The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria (CDC) Part 4, Sanitary Sewer Design, February 2017 edition. Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DESIGNCRITERIA.pdf>

E. Meet all requirements of the Environmental Planning section of the Planning Department.

- F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- G. Submit three copies of plan review letters prepared and stamped by the project Geotechnical Engineer and Geologist.
- H. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for one bedroom. Currently, these fees are, respectively, \$1,000 and \$1,000 per new bedroom.
- J. Pay the current Affordable Housing Impact Fee, if required.
- K. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- M. "Notice of Geologic and Flood Hazards, Acceptance of Risk, and Liability Release, and Indemnification" shall be recorded on the parcel with the format and content of that document to be reviewed and accepted by the County of Santa Cruz prior to recordation. The Notice will provide for property owner (and all successors and assigns) agreement to an acknowledgement of coastal and geologic hazards, an acceptance of and assumption of risk, a waiver of liability against the County, and an indemnification of the County; the final language of such provisions will be consistent with the following: *(Change proposed for consideration at the April 19, 2019 hearing).*
  - 1. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;
  - 2. Assume Risks. To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
  - 3. Waive Liability. To unconditionally waive any claim of damage or liability against the County, its officers, agents, and employees for injury or damage

from such coastal hazards<sup>1</sup> in connection with the permitted development  
(Change proposed at March 15, 2019 hearing);

4. Indemnification. To indemnify and hold harmless the County, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards<sup>2</sup> *in connection with the permitted development*; and (Change proposed at the March 15, 2019 hearing).

5. Property Owner Responsible. That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

A. All site improvements shown on the final approved Building Permit plans shall be installed.

B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

C. The project must comply with all recommendations of the approved soils reports.

D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Coastal Hazards Response Alternatives. By acceptance of this permit, the applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:

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<sup>1</sup> The phrase "from such coastal hazards" was proposed to be eliminated at the March 15, 2019 hearing. However, staff is now proposing to retain the phrase.

<sup>2</sup> The phrase "due to such coastal hazards" was proposed to be eliminated at the March 15, 2019 hearing. However, staff is now proposing to retain the phrase.

- A. The approved single-family home replacement project will be constructed and may be used consistent with the terms and conditions of this permit for only as long as the approved development remains safe for occupancy and use. If coastal hazards result in an unsafe site or unsafe structure, the property owner agrees to abate or address dangerous conditions in accordance with County regulations and/or Orders of the Chief Building Official and these Conditions of Project Approval. If all or any portion of improvements are deemed uninhabitable, the property owner agrees to remove the improvements and restore the affected area, unless an alternative response involving a shoreline protection structure is proposed by the property owner and approved by the County of Santa Cruz, and also by the California Coastal Commission if the project location is within the Coastal Commission's primary jurisdiction (*Change proposed at hearing March 15, 2019*). ~~Alternative responses to coastal hazards may include (1) pursuit of an Emergency Coastal Development Permit consistent with County Code regulations in Chapter 13.20 (Coastal Zone Regulations) and Chapter 16.10 (Geologic Hazards); and/or (2) pursuit of an urbanized area beach and bluff management strategy pursuant to Condition IV.C below~~ (*Note that changes were proposed to the preceding sentence at the March 15, 2019 hearing, including a reference to a shoreline management plan, but given that staff now proposes to delete this sentence, those changes are no longer relevant*).
- B. Requirement for Geotechnical and Coastal Hazards Reports: Ten-foot Trigger. In the event that in the future the blufftop edge recedes to within ten feet of the single-family dwelling, the property owner shall undertake the following activities to determine whether selection and pursuit of a Coastal Hazards Response Alternative is required:
1. Notify the Santa Cruz County Geologist, and
  2. Retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate response(s).
  3. Agree to undertake activities to pursue an appropriate Coastal Hazards Response consistent with these Conditions of Approval and in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan (see Condition IV.D

below).

~~C. Urbanized Area Shoreline Protective Structure Alternative.~~

- ~~1. The property owner agrees and acknowledges that the current project does not and will not include a coastal shoreline protection/armoring structure as described California Coastal Act Section 30235 except as described in IV.C.2 below. (Change proposed at March 15, 2019 hearing).~~
- ~~2. The property owner and /or any future heirs or assigns further acknowledge and agree that any future shoreline protection/armoring structure (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) will only be considered for approval if proposed as part of a comprehensive and unified Urbanized Area Beach and Bluff Management Strategy, such as a unified project design that is implemented through a Geologic Hazard Abatement District (GHAD) to address Opal Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area. Such strategy may allow for phased implementation. The Strategy would be required to address potential loss of beach areas, potential opportunities to improve public access to the coast, protection of visual resources, and protection of public infrastructure in response to sea level rise. (Change proposed at March 15, 2019 hearing).~~
- ~~3. The property owner and / or any future heirs or assigns, by accepting this permit, agree not to protest the formation of any Geologic Hazard Abatement District (GHAD) that is proposed, either by the County or other private entity, to address East Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area. (Change proposed at March 15, 2019 hearing).~~

- D. Removal and Restoration. If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards Report, it is determined that any portion of the approved development will be proposed for removal due to coastal hazards, the Applicant shall, prior to removal, submit two copies of a Removal and Restoration Plan to the County of Santa Cruz Planning Director for review and approval. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. If the Director determines that an amendment to this permit or separate grading and coastal development permits are legally required in order to authorize the activities, the Applicant shall as soon as immediately feasible submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the permit application, if necessary.

V. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date: \_\_\_\_\_

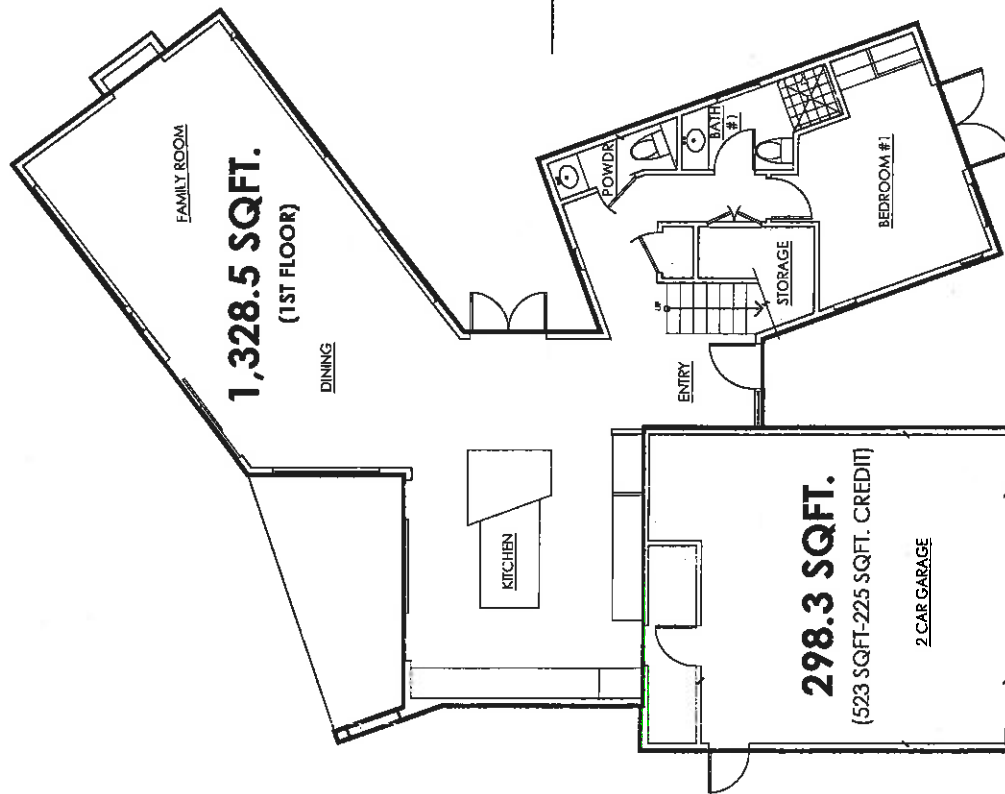
Effective Date: \_\_\_\_\_

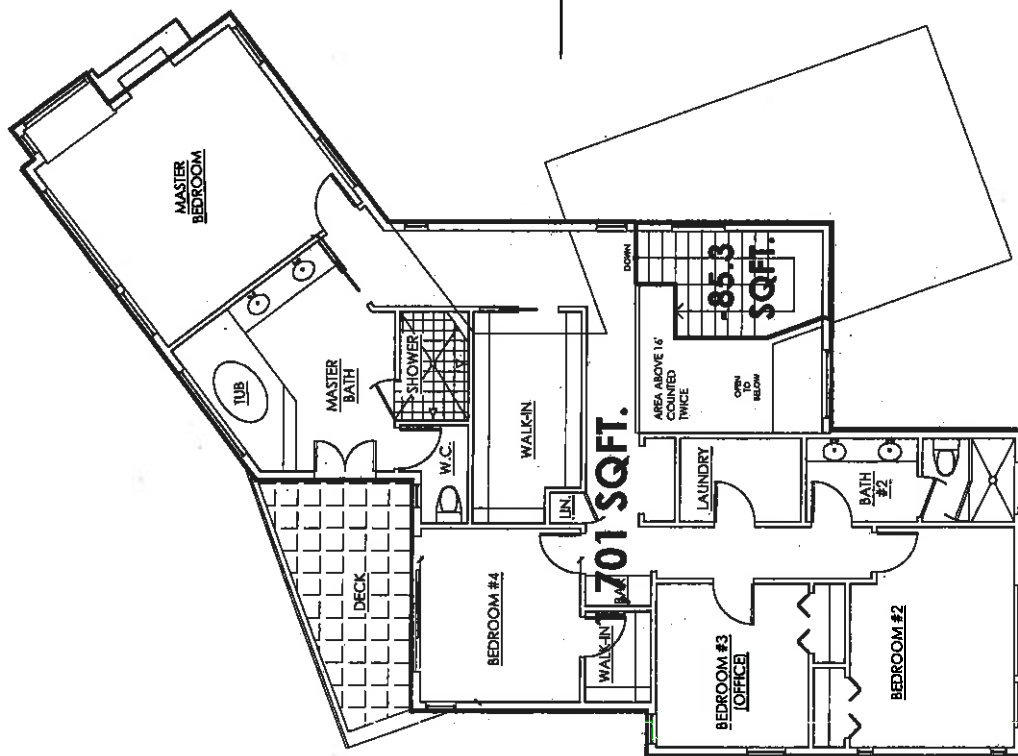
Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

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





**1,328.5 SQFT.**

(1ST FLOOR)

+

**298.3 SQFT.**

(523 SQFT-225 SQFT. CREDIT)

+

**1,615.7 SQFT.**

(2ND FLOOR w/ +16' SPACE COUNTED TWICE)

(1,701 SQFT. - 85.3 SQFT. = 1,615.7 SQFT.)

**3,243.5 SQFT.**

TOTAL HOUSE SQFT.

**3,243.5 SQFT. / 8,777 SQFT =**

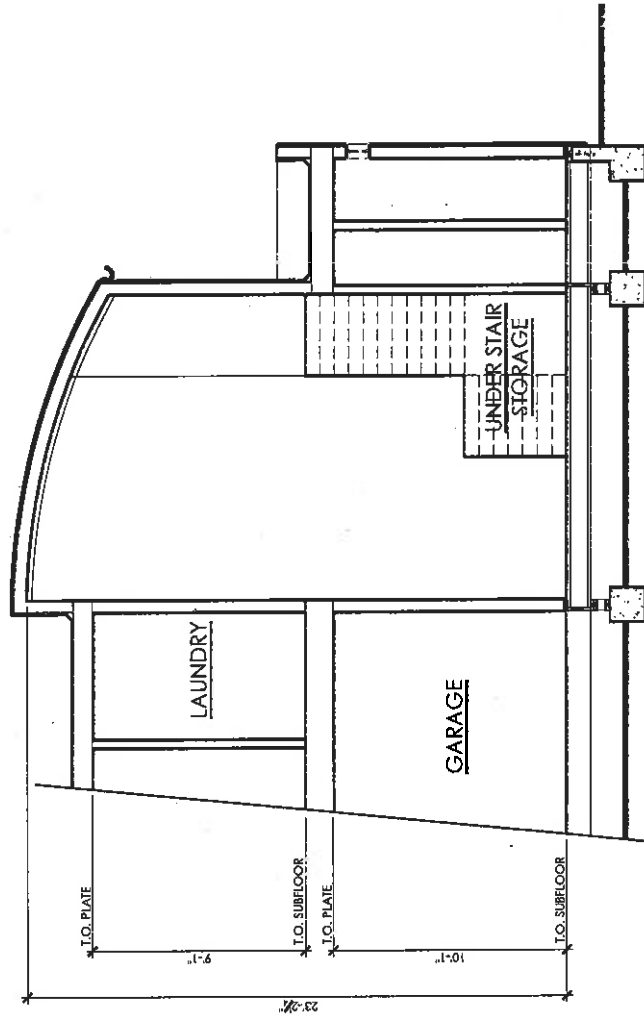
(TOTAL HOUSE F.A.R.)

(NET LOT SIZE)

**37% F.A.R**

**2ND FLOOR**

$\frac{1}{8}" = 1'-0"$



## SECTION

1" = 1'-0"



## Staff Report to the Zoning Administrator

Application Number: **181205**

**Applicant:** Matson Britton Architects  
**Owner:** Paul Coghlan  
**APN:** 033-132-09  
**Site Address:** 4760 Opal Cliff Dr.

**Agenda Date:** March 15, 2019  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to demolish the existing one-story single-family dwelling and construct a two-story single-family dwelling with an attached garage.

**Location:** Property located on the south side of Opal Cliff Drive about 400 feet west of its intersection with Portola Drive (4780 Opal Cliff Drive).

**Permits Required:** Coastal Development Permit

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

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181205, based on the attached findings and conditions.

### Project Description & Setting

The subject parcel is located on the south side of Opal Cliff Drive on a coastal bluff overlooking the Monterey Bay. The parcel is within a single-family zone district that stretches from the commercial area located along 41<sup>st</sup> avenue east to the Capitola city limits. The original homes in the area were single-story and, generally, ranch style, but many have been replaced with two-story homes in a broad range of architectural styles.

The applicant proposes to replace the existing single-family dwelling, which is a single-story ranch style home constructed in 1955, with a two-story, modern home. Because of the parcel's location within the Coastal Zone, the proposal requires a Coastal Development Permit.

### Zoning & General Plan Consistency

The subject property is an 8,777 square foot lot, located in the R-1-5 (Single Family Residential - 5,000 square foot minimum) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the

project is consistent with the site's R-UM (Urban Medium Density Residential) General Plan designation. The project complies with the site standards of the zone district, including setbacks, lot coverage, floor area ratio, and height.

### **Design Review**

The proposed single-family dwelling is subject to the County's Design Review ordinance (County Code 13.11) because of its location on a coastal bluff which is considered a "sensitive site." The proposed dwelling is modern in design and is proposed to be finished in a combination of gray hard trowel stucco, natural-colored horizontal wood siding, and stone veneer. The project complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. The site plan locates the replacement house about 12 feet further away from the street than is the existing dwelling. This will soften the visual impact of the house on views from Opal Cliff Drive. The project continues the existing access and pattern of development along Opal Cliff Drive. In addition, the architect's design breaks up the mass and bulk of the structure by using varied wall planes and materials.

### **Local Coastal Program Consistency**

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles.

The project site is not identified as a priority acquisition site in the County's Local Coastal Program, and the project will not interfere with public access to the beach, ocean, or other nearby body of water. Existing public access to the beach and shoreline exists approximately 1,100 feet to the west at Privates Beach as well as 1,500 feet to the east within the City of Capitola. As indicated in the attached findings, the project has been reviewed by the County Geologist and found to be consistent with the County's Geologic Hazards Ordinance. The proposed location of the replacement home on the lot meets the requirement for a stable building site for a 100-year period. There is no existing shoreline protection structure at the site, and the application does not propose to construct a shoreline protection structure.

### **Conclusion**

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

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

- **APPROVAL** of Application Number 181205, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Annette Olson  
Santa Cruz County Planning Department  
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Phone Number: (831) 454-3134  
E-mail: [annette.olson@santacruzcounty.us](mailto:annette.olson@santacruzcounty.us)

#### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Report review letters
- H. Comments & Correspondence: None received as of 3/6/2019

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 181205

Assessor Parcel Number: 033-132-09

Project Location: 4760 Opal Cliff Dr.

**Project Description:** Demolish the existing house and built a new, two-story, single-family house

**Person or Agency Proposing Project:** Matson Britton Architects

**Contact Phone Number:** 831-425-0544

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

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

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

A class 3 categorical exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. An example of this exemption includes, but is not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

In addition, none of the conditions described in Section 15300.2 apply to this project. A geologic study has demonstrated compliance with the requirement for a stable site for a minimum of 100 years for the replacement single family residence, and no shoreline protection structure is proposed or required to provide for this 100-year setback.

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

\_\_\_\_\_  
Annette Olson, Project Planner

Date: \_\_\_\_\_

**EXHIBIT A**

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned R-1-5 (Single Family Residential - 5,000 square foot minimum), a designation which allows residential uses. With a Coastal Development Permit, the proposed single-family dwelling is an allowed use within the zone district, and the zoning is consistent with the site's R-UM (Urban Medium Density Residential) General Plan designation.

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

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of its architectural design where there is a range of architectural styles; the site is surrounded by lots developed to an urban density; and the colors will be dark gray and a warm wood color and will be complementary to the site.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program. Existing public access to the beach and shoreline exists approximately 1,100 feet to the west at Privates Beach as well as 1,500 feet to the east within the City of Capitola.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5 (Single Family Residential - 5,000 square foot minimum) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood. Although there is a small, tide-dependent beach below the house, the proposed dwelling, when visible, will read as a part of the existing built environment. The coastal bluffs in this location are lined with dwellings and the proposed dwelling is compatible with the existing range of architectural styles. Due to the steepness of the coastal bluff, when viewed from the beach below, the proposed dwelling will be visually subordinate to the bluff itself.

Application #: 181205  
APN: 033-132-09  
Owner: Paul Coghlan

A Geotechnical Report prepared by Rock Solid Engineering dated July 6, 2018 and Geology Report dated prepared by Easton Geology dated July 6, 2018, were submitted to the County for review. The County Geologist and Civil Engineer reviewed and accepted the reports on August 29, 2018. It was determined that the location of all development was consistent with the County's Geologic Hazards Ordinance with respect to geologic setback to the coastal bluff. The analyses demonstrated that the site would be stable for a minimum of 100 years, and the location of the replacement single family dwelling will comply with the geologic setback requirement. No shoreline protection structure is proposed. Additional information and a copy of these reports are on file with the Planning Department (REV181115). The project has been conditioned to ensure compliance with the recommendations of the project Geotechnical Engineer and Geologist.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that although the project site is located between the shoreline and the first public road, no public access easements exist on the subject parcel. In addition, because of the steepness of the coastal bluff, access from the subject parcel to the Bay below is not physically possible. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

The project site is not identified as a priority acquisition site in the County's Local Coastal Program, and the project will not interfere with public access to the beach, ocean, or other nearby body of water. Existing public access to the beach and shoreline exists approximately 1,100 feet to the west at Privates Beach as well as 1,500 feet to the east within the City of Capitola. As indicated in the attached findings, the project has been reviewed by the County Geologist and found to be consistent with the County's Geologic Hazards Ordinance. The proposed location of the replacement home on the lot meets the requirement for a stable building site for a 100-year period. There is no existing shoreline protection structure at the site, and the application does not propose to construct a shoreline protection structure.

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with the submitted technical reports, prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The proposed residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to these amenities.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single Family Residential - 5,000 square foot minimum) zone district as the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan.

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The proposed single-family dwelling will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling will comply with the site standards for the R-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single-family dwelling is to be constructed on an existing lot where there is currently a house. The expected level of traffic generated by the proposed project is anticipated to be the same as the existing house, i.e., one peak trip per day. Therefore, no adverse traffic impacts are anticipated to result from the project. Similarly, the existing house is served by utilities and the new house is anticipated to use a similar amount of utilities. Given this, the proposed use will not overload utilities.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles. The coastal bluff in this location is lined with single-family dwellings and the proposed project is compatible with this pattern of development. The proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood where the primary use is single-family residential.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The site plan locates the replacement house about 12 feet further away from the street than is the existing dwelling. This will soften the visual impact of the house on views from Opal Cliff Drive. The project continues the existing access and pattern of development along Opal Cliff Drive. In addition, the architect's design breaks up the mass and bulk of the structure by using varied wall planes and materials which will reduce the apparent mass and bulk of the project. Depending on the viewer's location, the house will be visible from the beach below. It will, however, visually read as a part of the existing built environment where dwellings line the coastal bluff.

## Conditions of Approval

Exhibit D: Architectural plans, six sheets (P1-P6) prepared by Matson Britton, dated 7/9/18.  
Civil Engineering plans, three sheets (C1-C3) prepared by RI Engineering Inc.,  
dated June 2018, revised to February 11, 2019  
Map Depicting Preliminary 100-year Setback, one sheet dated 4/16/18, by Easton  
Geology, Inc. on a basemap by Ifland Engineers, 1998 (revised 2006)

I. This permit authorizes the demolition of the existing dwelling and construction of a single-family dwelling as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structures or existing uses on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
- C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- D. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
- E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
  - 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.

EXHIBIT C

EXHIBIT E

2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
  3. Grading, drainage, and erosion control plans.
  4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. In addition, comply with the following:
1. This project is proposing diversion. Please provide a drainage report with supporting calculations to show how much water will be retained on site (Section I of the CDC contains the minimum retention requirements). The report must demonstrate safe conveyance offsite for the 25-year return period for runoff that is not retained. The downstream analysis must include the entire tributary drainage area for the drainage system on Opal Cliff Drive. In addition, the downstream analysis shall show the conveyance route to the outfall and demonstrate that there is adequate capacity for the diverted runoff. If it cannot be shown that there is safe conveyance for the 25-year flood overflow, then diversion will not be allowed and runoff from the entire 25-year storm must be retained on site.
- C. Meet all requirements of the City of Santa Cruz Water District.
- D. Meet all requirements of the Santa Cruz County Sanitation District, including the following:
1. Existing sewer main and lateral, plotted on the site plan,
  2. Proposed sewer lateral, showing the following: length of pipe, pipe material, cleanouts located maximum of 100-feet apart, ground and invert elevations, and slope of each line segment (2% minimum), and the connection to the existing public sewer.

3. Locate and label the existing sewer lateral "To be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure."
4. District's "General Notes" on plans. Contact staff for electronic copy.
5. Inspect and video record all on-site sewer laterals and private collector lines from the point of exit from the building(s) to the point of connection with the publicly maintained sewer main in the street or easement, identify any root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, and older pipe materials that are known to be inadequate (e.g. orangeburg or aging asbestos cement pipe).
6. Submit to the District, for its review, color video results (on DVD) of a sufficient quality to observe interior pipe condition, joints, sags, etc., along with the District certification form completed. The District shall review results within 10 working days of submittal to the District and contact the applicant/owner/agent with the determination of required repairs.
7. Repairs, as required by the District, shall be made within 90 working days of receipt of the District's review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of the pipe trench or structure. (As an alternative, and dependent on the nature and extent of required repairs, and if additional underground work in the street for other utilities is required, required repairs to the sewer lateral may be incorporated as part of the building permit. This can be determined by the District Engineer after the video results are reviewed. For a determination, enquire directly with the District at that time.

Design and Construction Standards: The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria (CDC) Part 4, Sanitary Sewer Design, February 2017 edition. Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DESIGNCRITERIA.pdf>

- E. Meet all requirements of the Environmental Planning section of the Planning Department.
- F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- G. Submit three copies of plan review letters prepared and stamped by the project Geotechnical Engineer and Geologist.
- H. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.

**EXHIBIT C**

**EXHIBIT E**

- I. Pay the current fees for Roadside and Transportation improvements for one bedroom. Currently, these fees are, respectively, \$1,000 and \$1,000 per new bedroom.
- J. Pay the current Affordable Housing Impact Fee, if required.
- K. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- M. A "Notice of Geologic and Flood Hazards, Acceptance of Risk, and Liability Release" shall be recorded on the parcel with the format and content of that document to be reviewed and accepted by the County of Santa Cruz prior to recordation. The Notice will provide for property owner (and all successors and assigns) agreement to an acknowledgement of coastal and geologic hazards, an acceptance of and assumption of risk, a waiver of liability against the County, and an indemnification of the County; the final language of such provisions will be consistent with the following:
  - 1. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, liquefaction and the interaction of same;
  - 2. Assume Risks. To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
  - 3. Waive Liability. To unconditionally waive any claim of damage or liability against the County, its officers, agents, and employees for injury or damage from such coastal hazards;
  - 4. Indemnification. To indemnify and hold harmless the County, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
  - 5. Property Owner Responsible. That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Coastal Hazards Response Alternatives. By acceptance of this permit, the applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:
- A. The approved single-family home replacement project will be constructed and may be used consistent with the terms and conditions of this permit for only as long as the approved development remains safe for occupancy and use. If coastal hazards result in an unsafe site or unsafe structure, the property owner agrees to abate or address dangerous conditions in accordance with County regulations and/or Orders of the Chief Building Official and these Conditions of Project Approval. If all or any portion of improvements are deemed uninhabitable, the property owner agrees to remove the improvements and restore the affected area, unless an alternative response involving a shoreline protection structure is proposed by the property owner and approved by the County of Santa Cruz, and also by the California Coastal Commission if the project location is within the Coastal Commission's primary jurisdiction. Alternative responses to coastal hazards may include (1) pursuit of an Emergency Coastal Development Permit consistent with County Code regulations in Chapter 13.20 (Coastal Zone Regulations) and Chapter 16.10 (Geologic Hazards); and/or (2) pursuit of an urbanized area beach and bluff management strategy pursuant to Condition IV.C below.
  - B. Requirement for Geotechnical and Coastal Hazards Reports: Ten-foot Trigger. In the event that in the future the blufftop edge recedes to within ten feet of the single-family dwelling, the property owner shall undertake the following activities to determine whether selection and pursuit of a Coastal Hazards Response Alternative is required:

1. Notify the Santa Cruz County Geologist, and
  2. Retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate response(s).
  3. Agree to undertake activities to pursue an appropriate Coastal Hazards Response consistent with these Conditions of Approval and in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan (see Condition IV.D below).
- C. Urbanized Area Shoreline Protective Structure Alternative.
1. The property owner agrees and acknowledges that the current project does not and will not include a coastal shoreline protection/armoring structure as described California Coastal Act Section 30235 except as described in IV.C.2 below.
  2. The property owner and /or any future heirs or assigns further acknowledge and agree that any future shoreline protection/armoring structure (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) will only be considered for approval if proposed as part of a comprehensive and unified Urbanized Area Beach and Bluff Management Strategy, such as a unified project design that is implemented through a Geologic Hazard Abatement District (GHAD) to address Opal Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area. Such strategy may allow for phased implementation. The Strategy would be required to address potential loss of beach areas, potential opportunities to improve public access to the coast, protection of visual resources, and protection of public infrastructure in response to sea level rise.
  3. The property owner and / or any future heirs or assigns, by accepting this permit, agree not to protest the formation of any Geologic Hazard Abatement District (GHAD) that is proposed, either by the County or other private entity, to address East Cliff Drive (or related unit thereof) coastal bluff properties and coastal resources that exist in this urbanized area.
- D. Removal and Restoration. If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards

Report, it is determined that any portion of the approved development will be proposed for removal due to coastal hazards, the Applicant shall, prior to removal, submit two copies of a Removal and Restoration Plan to the County of Santa Cruz Planning Director for review and approval. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. If the Director determines that an amendment to this permit or separate grading and coastal development permits are legally required in order to authorize the activities, the Applicant shall as soon as immediately feasible submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the permit application, if necessary.

V. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.

Application #: 181205  
APN: 033-132-09  
Owner: Paul Coghian

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

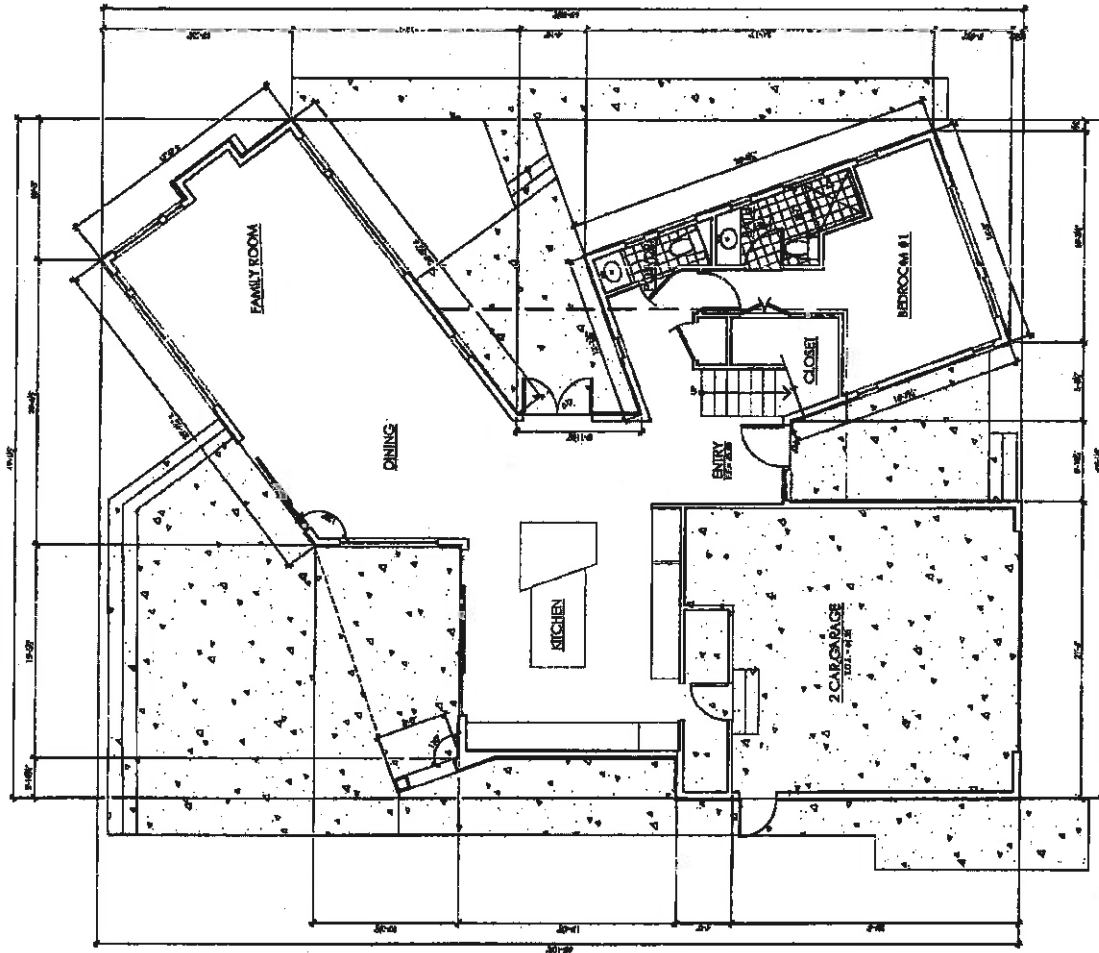
\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

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

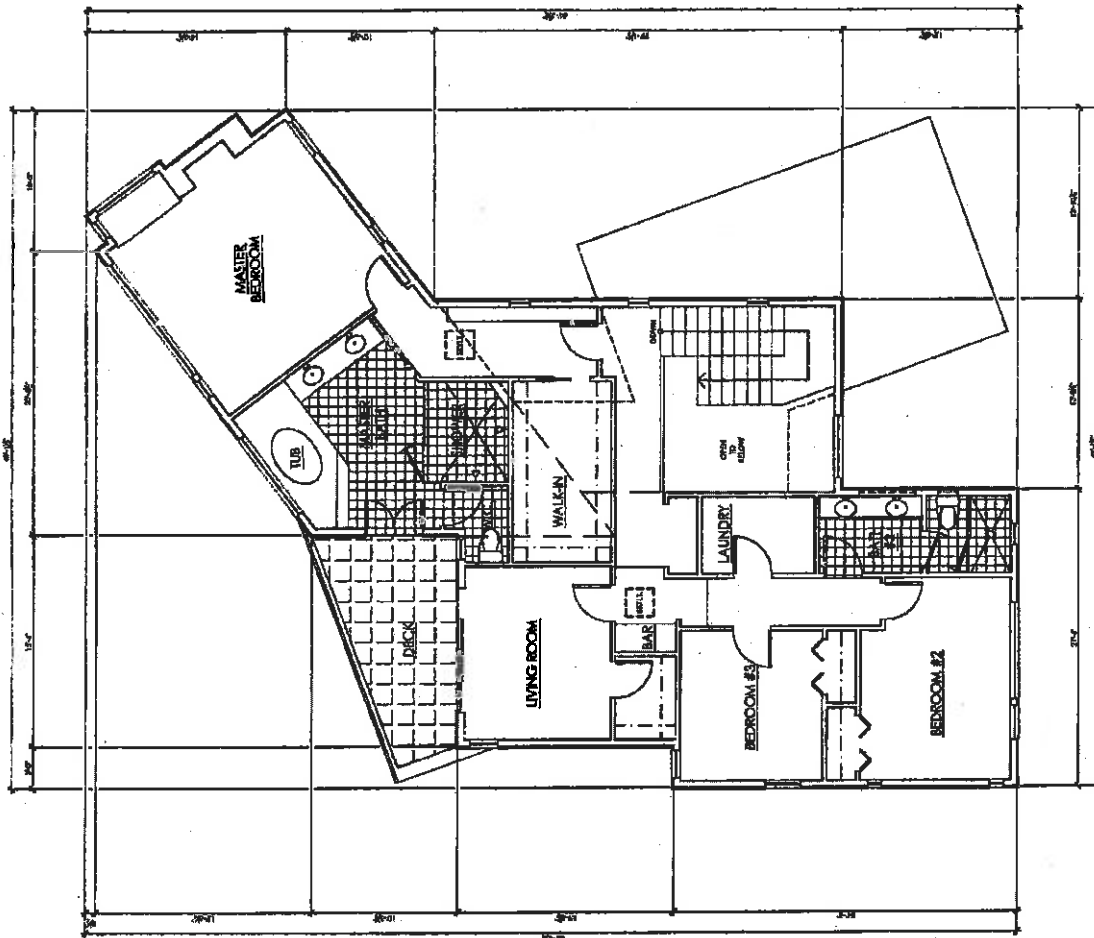
EXHIBIT E






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

1 Q

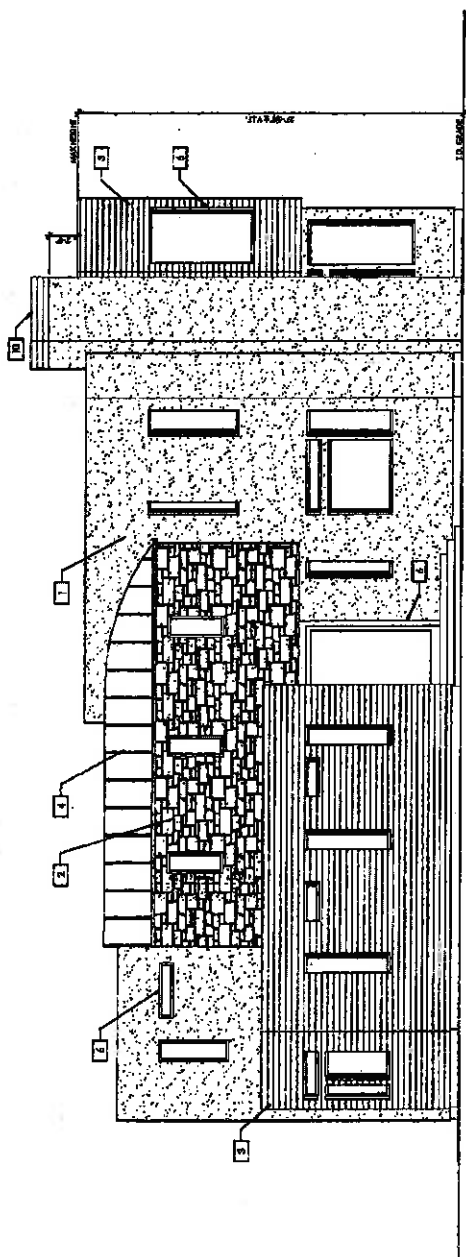


PROPOSED SECOND FLOOR PLAN  
 SCALE 1/4" = 1'-0"

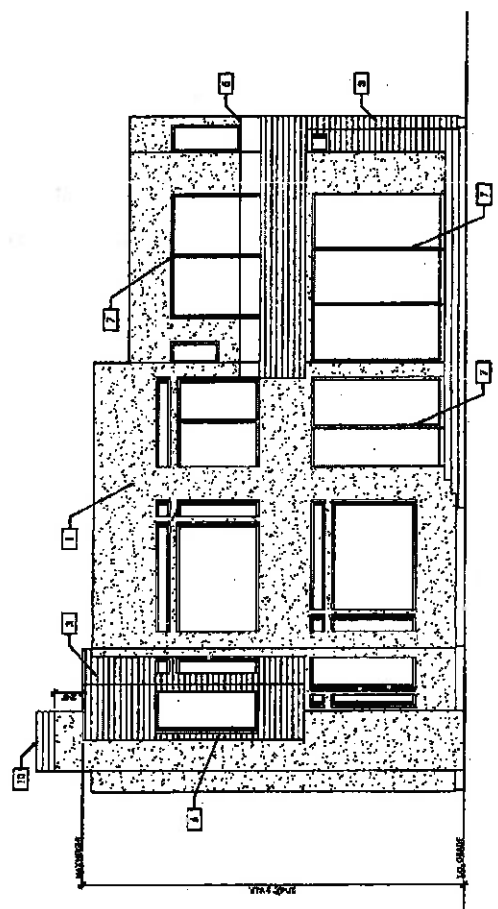
P5		COGHLAN		LC		OFF / IN / M				EXTERIOR ELEVATIONS 6		COGHLAN 1000 OVAL CITY DRIVE SERRA CAY, CA 95042 APR. 03-1-83-07	
PROJECTED 1/2" = 1'-0" 1/4" = 1'-0" 1/8" = 1'-0" 1/16" = 1'-0" 1/32" = 1'-0" 1/64" = 1'-0" 1/128" = 1'-0" 1/256" = 1'-0" 1/512" = 1'-0" 1/1024" = 1'-0" 1/2048" = 1'-0" 1/4096" = 1'-0" 1/8192" = 1'-0" 1/16384" = 1'-0" 1/32768" = 1'-0" 1/65536" = 1'-0" 1/131072" = 1'-0" 1/262144" = 1'-0" 1/524288" = 1'-0" 1/1048576" = 1'-0" 1/2097152" = 1'-0" 1/4194304" = 1'-0" 1/8388608" = 1'-0" 1/16777216" = 1'-0" 1/33554432" = 1'-0" 1/67108864" = 1'-0" 1/134217728" = 1'-0" 1/268435456" = 1'-0" 1/536870912" = 1'-0" 1/1073741824" = 1'-0" 1/2147483648" = 1'-0" 1/4294967296" = 1'-0" 1/8589934592" = 1'-0" 1/17179869184" = 1'-0" 1/34359738368" = 1'-0" 1/70368744177664" = 1'-0" 1/140737488355328" = 1'-0" 1/281474976710656" = 1'-0" 1/562949953421312" = 1'-0" 1/1125899906842624" = 1'-0" 1/2251799813685248" = 1'-0" 1/4503599627370496" = 1'-0" 1/9007199254740992" = 1'-0" 1/18014398509481984" = 1'-0" 1/36028797018963968" = 1'-0" 1/72057594037927936" = 1'-0" 1/144115188075855872" = 1'-0" 1/288230376151711744" = 1'-0" 1/576460752303423488" = 1'-0" 1/1152921504606846976" = 1'-0" 1/2305843009213693952" = 1'-0" 1/4611686018427387904" = 1'-0" 1/9223372036854775808" = 1'-0" 1/18446744073709551616" = 1'-0" 1/36893488147419103232" = 1'-0" 1/73786976294838206464" = 1'-0" 1/147573952589676412928" = 1'-0" 1/295147905179352825856" = 1'-0" 1/590295810358705651712" = 1'-0" 1/1180591620717411303424" = 1'-0" 1/2361183241434822606848" = 1'-0" 1/4722366482869645213696" = 1'-0" 1/9444732965739290427392" = 1'-0" 1/18889465931478580854784" = 1'-0" 1/37778931862957161709568" = 1'-0" 1/75557863725914323419136" = 1'-0" 1/151115727451828646838272" = 1'-0" 1/302231454903657293676544" = 1'-0" 1/604462909807314587353088" = 1'-0" 1/1208925819614629174706176" = 1'-0" 1/2417851639229258349412352" = 1'-0" 1/4835703278458516698824704" = 1'-0" 1/9671406556917033397649408" = 1'-0" 1/19342813113834066795298816" = 1'-0" 1/38685626227668133590597632" = 1'-0" 1/77371252455336267181195264" = 1'-0" 1/154742504910672534362390528" = 1'-0" 1/309485009821345068724781056" = 1'-0" 1/618970019642690137449562112" = 1'-0" 1/1237940039285380274899124224" = 1'-0" 1/2475880078570760549798248448" = 1'-0" 1/4951760157141521099596496896" = 1'-0" 1/9903520314283042199192993792" = 1'-0" 1/19807040628566084398385987584" = 1'-0" 1/39614081257132168796771975168" = 1'-0" 1/79228162514264337593543950336" = 1'-0" 1/158456325028528675187087900672" = 1'-0" 1/316912650057057350374175801344" = 1'-0" 1/633825300114114700748351602688" = 1'-0" 1/1267650600228229401496703205376" = 1'-0" 1/2535301200456458802993406410752" = 1'-0" 1/5070602400912917605986812821504" = 1'-0" 1/10141204801825835211973625643008" = 1'-0" 1/20282409603651670423947251286016" = 1'-0" 1/40564819207303340847894502572032" = 1'-0" 1/81129638414606681695789005144064" = 1'-0" 1/162259276829213363391778010288128" = 1'-0" 1/324518553658426726783556020576256" = 1'-0" 1/649037107316853453567112041152512" = 1'-0" 1/1298074214633706907134224082305024" = 1'-0" 1/2596148429267413814268448164610048" = 1'-0" 1/5192296858534827628536896329220096" = 1'-0" 1/10384593717069655257073792658440192" = 1'-0" 1/20769187434139310514147585316880384" = 1'-0" 1/41538374868278621028295170633760768" = 1'-0" 1/83076749736557242056590341267521536" = 1'-0" 1/166153499473114484113180682535043072" = 1'-0" 1/332306998946228968226361365070086144" = 1'-0" 1/664613997892457936452722730140													



ELEVATION LEGEND	
1	BRICK - 1/2" x 8" x 16" - 1/2" x 8" x 16" - 1/2" x 8" x 16"
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10	BRICK - 1/2" x 8" x 16" - 1/2" x 8" x 16" - 1/2" x 8" x 16"
11	BRICK - 1/2" x 8" x 16" - 1/2" x 8" x 16" - 1/2" x 8" x 16"



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



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

# COGHLAN RESIDENCE



**SHADOW STUDY  
DECEMBER 21st  
10:00 AM**

# COGHLAN RESIDENCE



**SHADOW STUDY  
DECEMBER 21st  
2:00 PM**

# COGHLAN RESIDENCE



**SHADOW STUDY**  
**JUNE 21st**  
**10:00 AM**

# COGHLAN RESIDENCE



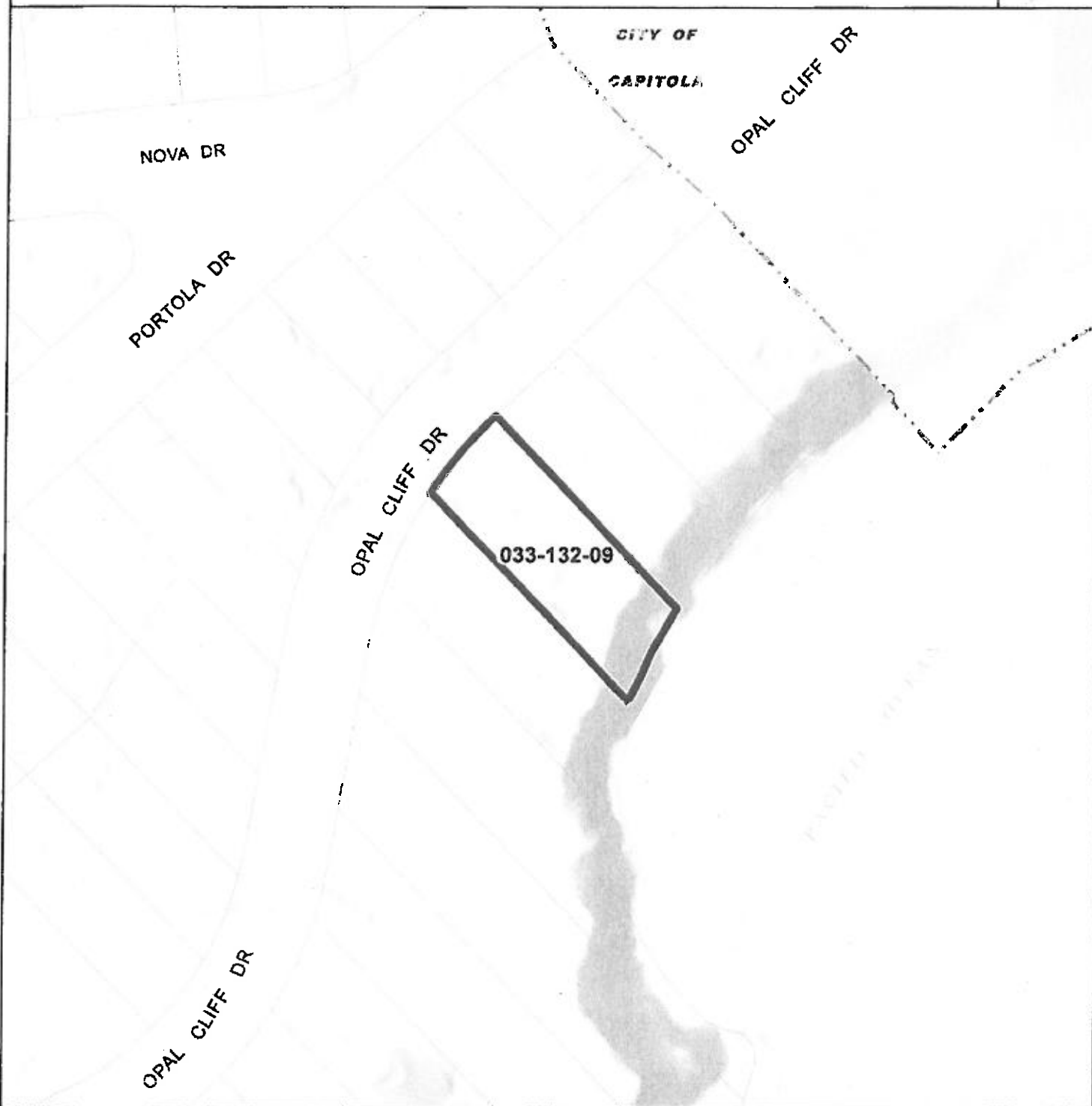
**SHADOW STUDY**  
**JUNE 21st**  
**2:00 PM**



# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Parcel Location Map

Mapped Area



Parcel: 03313209

- Study Parcel
- Assessor Parcel Boundary
- City Limits

Map printed: 13 Feb. 2019





SANTA CRUZ COUNTY PLANNING DEPARTMENT  
**Parcel General Plan Map**

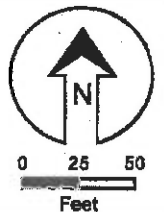
Mapped  
Area

CITY OF  
CAPITOLA

R-UM

033-132-09  
(R-UM)

 R-UM Res. Urban Medium Density





# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Parcel Zoning Map

Mapped  
Area

CITY OF  
CAPITOLA

033-132-09  
(R-1-5)

R-1-5

PR

- PR Parks, Recreation, & Open Space
- R-1 Single-Family Residential



Application #: 181205  
APN: 033-132-09  
Owner: Paul Coghlan

## Parcel Information

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: City of Santa Cruz  
Sewage Disposal: County of Santa Cruz  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### Parcel Information

Parcel Size: 8,777 square feet  
Existing Land Use - Parcel: Residential  
Existing Land Use - Surrounding: Residential  
Project Access: Opal Cliff Drive  
Planning Area: Live Oak  
Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: R-1-5 (Single Family Residential - 5,000 square foot minimum)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal ☒ Yes ☐ No  
Comm.

Technical Reviews: Geology and Geotechnical Reports

### Environmental Information

Geologic Hazards: Coastal bluff  
Fire Hazard: Not a mapped constraint  
Slopes: Level in area of development  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Less than 100 cubic yards  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Archeology: Not mapped/no physical evidence on site



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

August 29, 2018

Matson Britton Architects  
728 N. Branciforte  
Santa Cruz, CA 95062

Subject: Review of the Geotechnical Investigation – Design Phase for a Proposed Single Family Residence at 4760 Opal Cliff Drive/APN 033-132-09 dated 6 July 2018, Project No: 18014 by Rock Solid Engineering, Inc; and

Review of the Geologic Investigation for Coghlan Property at 4760 Opal Cliff Drive/APN 033-132-09 dated 6 July 2018; and Response to County Comments dated 27 August 2018, Job No. C18002 by Easton Geology

Project Site: 4760 Opal Cliff Drive  
APN 033-132-09  
Application No. REV181115

Dear Applicant,

The purpose of this letter is to inform you that the Planning Department has *accepted* the subject reports and the following items shall be required:

1. All construction shall comply with the recommendations of the reports.
2. Final plans shall reference the reports and include a statement that the project shall conform to the report's recommendations.
3. Prior to building permit issuance *plan review forms* shall be submitted to Environmental Planning. After plans are prepared that are acceptable to all reviewing agencies, please submit a plan review form that states the project plans conform to the recommendations of the geotechnical and geologic report. *Please note that the plan review forms must reference the final plan set by last revision date.* The author of the report shall complete the *plan review form*.

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

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

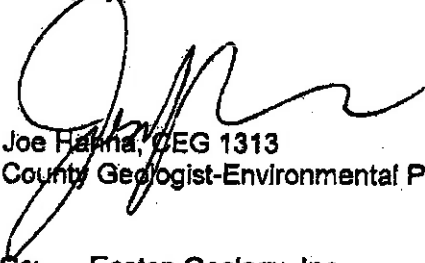
Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: [http://www.sccoplanning.com/html/devrev/plnappeal\\_bldg.htm](http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm)

Review of the Geotechnical Investigation – Design Phase for a Proposed Single Family Residence at 4760 Opal Cliff Drive/APN 033-132-09 dated 6 July 2018, Project No: 18014 by Rock Solid Engineering, Inc; and

Review of the Geologic Investigation for Coghlan Property at 4760 Opal Cliff Drive/APN 033-132-09 dated 6 July 2018; and Response to County Comments dated 27 August 2018, Job No. C18002 by Easton Geology  
Page 2 of 3

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

Sincerely,



Joe Hanna, CEG 1313  
County Geologist-Environmental Planning



Rick Parks, GE 2603  
Civil Engineer-Environmental Planning

Cc: Easton Geology, Inc.  
Rock Solid Engineering, Inc.  
Annette Olson, County of Santa Cruz project planner

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

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

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

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



## **Easton Geology, Inc.**

P.O. Box 3533, Santa Cruz, CA 95063  
831.247.4317 info@eastongeology.com

27 February 2019

Paul and Tina Coghlan  
686 Bicknell Road  
Los Gatos, California 95030

**Job No. C18002**

**Re: Plan Review for Discretionary Permit Application**  
4760 Opal Cliff Drive  
Santa Cruz County APN 033-132-09  
Application No. REV181205

Dear Mr. and Mrs. Coghlan:

We have completed our review of the civil engineering plans for the proposed residential development on the above-referenced parcel. The plans reviewed by our firm were prepared by RI Engineering. We specifically reviewed sheets: C-1 (Grading & Drainage Plan) and C-2 (Details) for conformance with the recommendations in our Geologic Investigation (Easton Geology, 2018).

The plan depicts the proposed residence behind the 100-year geologic setback stipulated by our firm.

Runoff from the roof and side yard of the new residence will be collected and conveyed to a retention trench alongside Opal Cliff Drive, with overflow to the street. A series of area drains which exist in the rear yard area of the property will be sealed and abandoned in place. Hand-compacted fill will be placed to infill low spots around the area drains. Minimal grading in the rear yard area will be done to help prevent ponding, promote sheetflow, and prohibit concentrated runoff from flowing toward the bluff edge.

The civil plan is geologically acceptable to our firm provided the drainage improvements are properly constructed and maintained. The bluff-edge should be periodically inspected for signs of erosion resulting from uncontrolled drainage, especially after heavy rains. If any adverse conditions are observed, our firm should be notified immediately, and any necessary corrective actions taken.

We must verify in the field that the staked footprint for the new residence is behind the 100-year setback prior to excavation or drilling of any foundation elements. We must be notified a minimum of four days prior to the anticipated inspection date.

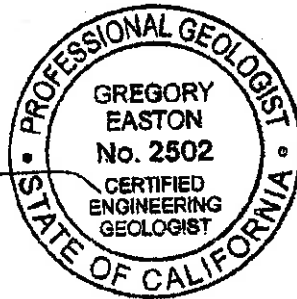
It has been a pleasure working with you on this project. Please contact us if you have any questions regarding this letter or other aspect of this project.

Sincerely,

**EASTON GEOLOGY, INC.**

*Gregory Easton*

Gregory Easton  
Principal Geologist  
C.E.G. No. 2502



**Copies:** addressee (1)  
Matson Britton Architects, attn: Martha Matson (pdf)  
RI Engineering, attn: Richard Irish (2 and pdf)  
Rock Solid Engineering, attn: Yvette Wilson (pdf)

**References:**

Easton Geology, 2018, Geologic Investigation, Coghlan Property, 4760 Opal Cliff Drive, Santa Cruz, California, Santa Cruz County APN 033-132-09, Job No. C18002, prepared 6 July 2018, 36p., 2 plates.

RI Engineering, 2019, Grading & Drainage Plan, Project No. 18-045-1, 3 sheets dated 2/11/19 (2<sup>nd</sup> revision).



Soil Reports • Site Assessments • Manufactured Home Foundations • Expert Witness • Real Estate Inspections

Project No. 18014

February 27, 2019

Paul Coghlan  
686 Bicknell Road  
Los Gatos, California 95030

**SUBJECT:**           **GEOTECHNICAL PLAN REVIEW - Discretionary Permit Application**  
Proposed Single Family Residence  
4760 Opal Cliff Drive, Santa Cruz, California  
APN: 033-132-09

**REFERENCE:**       Rock Solid Engineering, Inc., Geotechnical Investigation-Design Phase,  
Proposed Single Family Residence, 4760 Opal Cliff Drive, Santa Cruz,  
California, APN: 033-132-09, Project No. 18014, Dated July 6, 2018.

Dear Mr. Coghlan:

1.     INTRODUCTION

- a.     Per your request, we have reviewed the following project plans for the subject property:
  - i.     R.I. Engineering, Inc., Single Family Residence, For Paul and Tina Coghlan, 4760 Opal Cliff Drive, Santa Cruz, CA, APN 033-132-09, Project No. 18-045-1, Sheets C-1, C-2, and C-3, Revised 2/11/19.
- b.     The purpose of our review was to ensure the conformance of the geotechnical aspects of the plans with the geotechnical conditions present on the site and with the recommendations provided in the referenced reports.

2.     CONCLUSIONS AND RECOMMENDATIONS

- a.     It is our opinion that the plans reviewed are in general conformance with the geotechnical conditions present and with the recommendations presented in the referenced report. The proposed project is considered feasible from the geotechnical standpoint provided the site is graded in conformance with the County of Santa Cruz Grading Code and the recommendations of our report are incorporated in to the construction.
- b.     The recommendations presented herein and in the referenced report should not be considered to preclude more restrictive criteria by the governing agencies or by structural considerations.

- c. Concentrated runoff from the roof, side yard and front yard will be collected and conveyed to a retention trench near the front of the property and will have an overflow to the street. The existing area drains in the rear yard area will capped and abandoned in place. Less than 1 foot of fill will be placed to fill around the area drains and to fill in low spots to help prevent ponding, promote sheetflow, and limit concentrated runoff from flowing toward the bluff edge. The drainage is therefore acceptable from the geotechnical standpoint provided the drainage improvements are properly constructed and maintained. The bluff top should be periodically inspected for signs of erosion resulting from uncontrolled drainage, especially after heavy rains. Any signs of concentrated runoff should be mitigated immediately and our firm should be notified.
- d. In the event that changes are made to the plans, the revised plans should be forwarded to the Geotechnical Consultant to review for conformance with the previous recommendations.
- e. Observation and testing services should be provided by Rock Solid Engineering, Inc. during construction of the subject project. All earthwork must be observed and approved by the Geotechnical Consultant. Any earthwork performed without the full knowledge and observation of Rock Solid Engineering, Inc. will render the recommendations of this review invalid. During grading, all excavation, fill placement and compaction operations should be observed and field density testing should be performed to evaluate the suitability of the fill, and to determine that the applicable recommendations are incorporated during construction.

### 3. LIMITATIONS

- a. Our review was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this review.
- b. As in most projects, conditions revealed during construction may be at variance with preliminary findings. Should this occur, the changed conditions must be evaluated by the Geotechnical Consultant and revised recommendations provided as required.
- c. This report is issued with the understanding that it is the responsibility of the Owner, or his Representative, to ensure that the information and recommendations presented herein are brought to the attention of the Architect and Engineers for the project and incorporated into the plans, and that the Contractor and Subcontractors implement such recommendations in the field.
- d. This firm does not practice or consult in the field of safety engineering. We do not direct the Contractor's operations, and we are not responsible for other than our own personnel on the site; therefore, the safety of others is the responsibility of the Contractor. The Contractor should notify the Owner if he considers any of the recommended actions presented herein to be unsafe.

- e. The findings of this review are considered valid as of the present date. However, changes in the conditions of a site can occur with the passage of time, whether due to natural events or human activity on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur as a result of legislation or a broadening of knowledge. Accordingly, this review may become invalidated, wholly or partially, by changes outside our control. Therefore, this report is subject to review and revision as changed conditions are identified.
- f. Our review addresses the geotechnical aspects of the plans only. Our firm makes no warranty, expressed or implied, as to the suitability or adequacy of any other aspect of the plans. All other aspects of the plans are specifically excluded from the scope of this review.

It is a pleasure being associated with you on this project. If you have any questions or if we may be of further assistance please do not hesitate to contact our office.

Sincerely,

**ROCK SOLID ENGINEERING, INC.**



Signed: 02-27-2019

Yvette M. Wilson, P.E.  
Principal Engineer  
R.C.E. 60245

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