

Hi Sheila-

I'm reading the ~242 page 8 Mesa Memorandum report.

One quick thing I'd like to point out, the SBIA (Sunset Beach Improvement Association) is referred in that incorrectly as an HOA- "Homeowners Association Road Maintenance Agreement".

To clarify, the SBIA is not an HOA.

They are a voluntary-not mandatory group, they're not incorporated and they have zero enforcement abilities.

Additionally, there is no agreement. Anyone can join by simply paying the annual dues.

There is no HOA or similar ruling authority here that has any enforcement powers or agreement as suggested in the report.

They are not governed by and do not follow requirements of the Davis Sterling Act.

I just wanted to clarify.

Please stay tuned for additional comments and feel free to contact me anytime.

Thanks,

Michael Jovich Owner 51 Sunset Drive/Prop line share with 8 Mesa Way

[REDACTED]

Call/text/voicemail.

Thanks Nathan and Sheila-

FYI, I've been very preoccupied with caretaking for my late stage dementia wife, with our "Never to be left alone" Dr orders and me the sole caretaker.

I appreciate your response, and FYI Chirs sent me the bluff study and the soils studies yesterday. I wanted to review these first then provide you with any remaining concerns after. We're hoping the concerns are all addressed successfully in the reports.

Please stay tuned.
Thanks to you both again,

Michael Jovich
Owner 51 Sunset Drive
[REDACTED]

Sheila and Nathan,

The staff report shows Engineering Diagrams from both Hogan Land Services and Ruggeri-Jensen-Azar. Can you please provide any associated engineering reports from those plans?

Can you also provide documentation showing how those plans match the engineering requirements set forth in the Geotechnical report from Haro Kasunich & Associates.

Given that there are at least three different Civil Engineer firms involved, who is responsible to assure that a catastrophic failure such as the one in Miami will not occur here?

I look forward to hearing from you.

Hi Nathan-

We have some basic Qs I am hoping you could please spend a moment going over, I'm sure there are easy answers to/.

We're simply trying to make all our lives easier wrt to this, and these Qs are quick and if you have the answers, we can remove them from the list providing more time in the 8/20 meeting. There are few questions but ones I believe you can quickly answer.

As your name is on the blue mailer, I am hoping we can connect for this brief call. We're all totally busy, get that, this won't take much time.

I can be available whatever time works for you. Just let me know when.

Usually it's noon forward that works best here as previously mentioned, , but if you please provide me some good times, I am very flex can work with whatever's best for you, and will confirm one and we can quickly knock these out.

The more we can eliminate the better off we'll all be. No one wants this to have to be dragged on with land consultants, legal stuff, whatever.

I look forward to hearing from you on times, thanks, have a great weekend, stay safe!

Michael Jovich

Owner 51 Sunset Drive prop line share with 8 Mesa

[REDACTED]

Hi Sheila-

FYI, I wanted to sync on my wife's health re the 8 Mesa Project.

Linda is my 33 year wife, and a former attorney here in SC for about 20 yrs.

She has a rare type of Frontotemporal Dementia called Primary Progressive Aphasia. There is no treatment, no cure and nothing in the pipeline. Part of the disease causes disturbances in sleep, often she won't fall asleep until say 6AM the next morning after going to bed roughly ~midnight and 1 AM. The progressive part of PPA means it is extremely aggressive and fast moving. This is life and death serious.

Our Dr has stressed the importance of her getting a good night's sleep as critical.

I am concerned how the continuous vibrations and other construction sounds daily may negatively affect her.

Related Facts:

We moved here and sold our other property this Spring because it was more peaceful for her here.

For over 3 years now our Dr. orders are for her to never be left alone. As such I am the sole caretaker.

Our master bedroom is about 10-15'. from the rear corner of 8 Mesa at the corner of McBride's property, who we also share our rear prop line with.

If you need anything substantiated, just let me know.

Can you please help me understand how this project will not impact and potentially cause the end of her life?

Thank you,
Michael Jovich



Sheila,

I want to follow up on the issues of view and air that were brought up by a few neighbors at the meeting on Friday before last. As Lisa Roberts pointed out, there is no right to view in California absent an express easement (which also would have to be written and recorded). After she spoke, a neighbor raised his concern about sea breeze, and the same law applies to rights as to air. (See, e.g., *Taliaferro v. Salyer* (1958) 162 Cal.App.2d 685, 690 ["It is well settled in California that easements for light and air cannot be created by implication but only by express grant or covenant. (*Kennedy v. Burnap* (1898), 120 Cal. 488 [and other citations].)])

Also, I want to let you know about a text that I received from Dan Halem, the neighbor behind us raising the most vigorous objection to the view impact. He sent it to me during Friday's hearing immediately after Lisa spoke to the view issue. In it, Mr. Halem stated as follows:

"Hey. To be clear I'm aware of the case law on views. That however is not the only way to delay this project.

It will save us all time and headaches if you change the plans now. "

(A copy of the text is attached.) I consider the text to be threatening, and I believe that it was intended to be so. I also believe it reveals Mr. Halem's intent to use any means to obstruct this project, lawful or unlawful.

It is very disappointing to me that I have to send this information to you, since, as you know, Jill and I have taken rather extraordinary measures to accommodate the neighbors' concerns, without any obligation to do so, and most particularly with respect to views, and after considerable outreach. Also, it is disappointing in the light of the support that we have received from other neighbors. I do, however, think it is important for you to know about this communication.

I would appreciate your forwarding this information and/or including it in the upcoming Staff Report as you deem appropriate.

Thank you, again, for all your dedicated work and support of our project and the neighborhood.

Chris Vanni

From: RICK MC BRIDE <rickmcbride@comcast.net>
Sent: Thursday, August 19, 2021 1:22 PM
To: Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>
Subject: 8 Mesa Way planned construction

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Is a preconstruction survey of surrounding improvements still in the plans?

Thank you, R.L. McBride

From: Chris Vanni <chris@vanniprop.com>
Sent: Wednesday, August 18, 2021 8:59 PM
To: keys2525@gmail.com
Cc: Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>
Subject: RE: left a VM to follow up from last week-Chris

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Mick,

Thank you for the e-mail and conversation tonight, I am hopeful our discussion addressed your concerns

Chris

From: keys2525@gmail.com <keys2525@gmail.com>
Sent: Wednesday, August 18, 2021 6:31 PM
To: Chris Vanni <chris@vanniprop.com>
Cc: Sheila.McDaniel@santacruzcounty.us
Subject: Re: left a VM to follow up from last week-Chris

Hey Chris-

Thanks for reaching out. Hope all is well for you guys. I understand the difficulties the processes must be for you.

We had a new major setback here with Lin last week so I've been slammed on that as a result , as I know you are as well, and appreciate the time you have made for us.

Re 8 Mesa/37 Sunset- as opposed to some neighbors here, we being a prop line sharing neighbors are most majorly impacted and with maximum exposure, I believe we need to consider different levels of cautions and concerns.

Reiterating, we want the project to replace the red barn, but we also imperatively want to ensure it's done safely and correctly, as we have major concerns, including serious potential safety issues. I see these quite reasonable given the information we've been provided re the project.

I know you and County are sharing info-which was actually surprising, but maybe standard protocol-I have no experience in this. Had I been aware they'd show up in public documents I would have put more time into spell and grammar checking (And over all polished up cleaned up :).

As such, I'm ccing Shiels here as a courtesy to save time.

Can you please send me a full copy of the deed now?

Here're a few Qs off the top:

Is there any chance the project can be toned down a little?

Maybe not with any excavating? Miami definitely doesn't help here. The probable cracking and sliding are worse for concern-as in major, as we discussed.

The late Bob Elliot's (Across from us 53 Sunset Drive) house slipped down the ravine in a storm I believe it was early 90s, maybe late 80s.

The History of Sunset Beach Book discusses many structures and parts that have failed from the storms and erosion.

The Book also IDs erosion as the #1 issue here.

I can send excerpts later.

Across the proposed site 37 Sunset Drive, Beachgate Way is on the bluff and has nothing to shore up the sand hill. All other properties on that bluff up and down there do. But not Beachgate Way. This is an area of potential catastrophic potential damage. There's the narrow one lane road with no turnout Sunset Drive a couple feet of dirt shoulder then straight down Beachgate way sharply the the public beach. This is very concerning for the bluff, hill, and road, as well as the homes affected by it. The narrowness of the road from Mesa/Sunset along Sunset where the Vanni's will travel to their garage is another concern, there are no turnouts and very poor visibility. I'm not sure how that is safe.

The bluff study considers natural erosion, not construction impacts or vibrations from excavating. I'm still working on it , there is more on this report, this will be a separate doc. There is more.

The vibrations from excavating are scary for all of us on this hill.

I had my home repaired from the minor quakes we had this year. I still have some cracks I'm working on and can provide pictures. It's very fragile

We are very concerned since the soils report has serious alarms for adjacent properties problems such as slippage and shifting. I can also get into that separately.

We're all built on the same fragile dune and I'm not convinced it makes sense to excavate it at all and potentially jeopardize it. The risks are far too great

No one has done that, maybe for a reason?

Re the overhang: Do we really need a 6' front (Sunset Dr) overhang? After the structure already protrudes 10' more than the current towards the ocean?

That's mostly all we'll see looking that way is the structure and overhang. It's a claustropic feeling.

I don't see any houses here that have even close that long of an overhang. That seems excessive, unnecessary and out of sync with the neighborhood?

And won't that have lights on it that will shine down but also into our Master bedroom correct? ? And our lower bedroom, correct?

And the proposed structure completely walls off our lower bedroom on the ocean side and our side and backyard property where we are planning to build something or things as I mentioned, is all we'll see if the proposed structure.

And i still don't understand the retaining wall and fence on this side, it may be even worse for walling us off as mentioned.

We're considering solar. If I were to put solar there I do not see it as getting enough light from the structure. It does now though.

Also, believe the drawings #2 plans show a 5' rear setback from the rear/McBride's property, last week you mentioned that area was a 10', can you help me understand why it's not 15' there as it's rear SB? And the drawing #2 I have shows 2 "Fronts" and one with a 20' setback (Sunset side) and one with a 15' setback on Mesa. Can you explain this?

And regarding the roof, what is the real height the roof will be after putting on the metal ribbed roof that the wind will blow all dirt, leaves, etc towards the back and our properties, and when adding the solar panels, and if anything else.

Ultimately what we have is a Mesa sliver and over the fragile dune hill a Sunset homesite. Using the Sunset side, the Sunset home size is what we see and is something like ~70% FAR. And I believe that is counting the ROWS on 37 Sunset. This is far excessive. Can't it be toned down to fit?

I still have several Qs into the county that have yet to be answered regarding the Sliver as it is not in the Subdivision Survey Map it refers to, which in the report the map excerpt (Exhibit A) is posted and which refers to Surveyors map 25M05, not the assessors map used in the report and apparently by the Memorandum report surveyors which clearly states is "For tax purposes only and not guarantee of any accuracy". This is common. Survey Maps are used for Deeds.

And there is no record of any lot split or combos for that or any adjacent properties. There may be such documentation, but I was unable to find any.

The two maps are also inconsistent and not the same as no surprise- one is not for official purposes and the other for tax purposes with no guarantee of accuracy- the assessors map, but that's inconsistent with the REAL map and deed's Exhibit Q which refers to the 1929 SURVEY map called the Subdivision Map. These 2 maps are not consistent.

Particularly re 8 Mesa and surrounding properties. The coordinates in the cut/pasted deed exhibit A do not align with either Map.

I was hoping there was a quick answer but the county has yet to provide one from 2 weeks ago. There still may be, that would be nice.

Where is the documentation showing the lot split adjustment for the sliver on 8 Mesa is the question. It's not on the map the Exhibit A from the Deed refers to "The subdivision Map from 1929. The assessor's map is from 2000.

This deed cut is posted from the 242 page memorandum here for convenience

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Santa Cruz, State of California, and is described as follows:
Being Lot 68 and part of Lots 67, 69 and 72 as same are shown upon the map entitled, "Map of Sunset Beach Subdivision, Being a part of San Andreas Rancho, Santa Cruz County, California," filed for record July 26, 1929 in Book 25 of Maps at Page 5, Santa Cruz County Records and

Also as part of those questions, why are we using FAR? The lot density max of 40% is greatly exceeded in any calculation.

Can someone please confirm if the FAR calculations include the public and private ROWs or not? Also does FAR include non buildable land for setbacks?

And many of the points in the 242 pager refer to lots 6K sq ft and above-which this is not is there a quick answer to this?

I'm sure there are quick answers to all these but the county has yet to provide these.

And per the County document on FAR, have the public and private ROWs been excluded in these surveys for 8 Mesa?

Can we please have any accounting of how the calculations were made? Going by the assessors map-as stated in the report is not accurate. The real survey map the added cut applies to is, the 1929 survey map not the 2000 FOR TAX PURPOSES ONLY assessors map from 2000. And can you please confirm the FAR includes or precludes setbacks?

Can you please explain why the 8 Mesa survey teams use the non accurate for tax purpose only map for their surveys and not the official deeded subdivision map the deed refers to?

And can you please confirm overhangs are OK to protrude into setbacks?

I recall that used to not be the case, otherwise for example our MBDRM deck would protrude to the prop line. I'd love to do this. I'd love to hang things into setbacks here.

Can we do this now legally?

FYI- This is my first County round on this, I am rather clueless but learning, my LT wife and partner Linda did all this as an attorney, but unfortunately is too sick to help with this rare form of FTD dementia-for which Drs say no cure, no treatment, nothing in the works, good luck stuff. As said I'm not sure who to send this to, I will cc Sheila to save time. PS- I can assure the fight for bringing her back is well entrenched :)

The blue mailer changed the permits as well as the contact this time too. I really need to understand these retaining walls, and the fences. We're already walled off as mentioned without these.

FYI

Usually I do these in OO or Word documents, I don't trust the spell checking in this.....:) Even after spell checking, I manually found a couple ones missed here. Please excuse any typos, etc. I think it changes and needs to be rest after updates, IDK. Maybe I need to check a setting, they often revert back after upgrades.

I do prefer these documents be done as attachments. We have more control in them.

I have a few others please stay tuned.

Please feel free to contact me anytime for anything anytime

MJMichael Jovich



From: Daniel Halem <dan@halem.com>
Sent: Wednesday, August 18, 2021 12:13 PM
To: Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>
Subject: 8 Mesa FAR Calculation

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

Hi Sheila,

The calculation claims an 11 sq ft deduction for "F.P. & Chute Credit". Can you point me to the relevant section in this document for this deduction:

<https://www.sccoplanning.com/Portals/2/County/Planning/policy/interpretations/FAR-%20Admin%20%20Guidelines%2011-3-15.pdf>

I was unable to find any reference to a chute credit in that document.

I appreciate your timely answer to this question as it directly affects the FAR calculation and the requirement for a variance.

Annette,

I am a long time Opal Cliffs neighborhood resident and a daily user of the Opal Cliffs Recreation District park at the Privates beach stairs.

One question: Will the sunrise to sunset hours be enforced? How? Will the new gate be locked during those hours? I support any reasonable measures to limit after hours access. We learned from the Sheriff during numerous hearings that this is effective in discouraging crime, vandalism, trash and noise.

Thanks for any clarification you can offer.

Alan Harriman

4330 Bain Ave.

Sheila,

Thanks for the CC. I find it odd that Daniel's wife Lily is making comments about size and height when her own home (2,013 square feet) is .63 FAR on a much smaller lot (3,018 square feet) than ours and their height far exceeds 16 feet as they are two stories on grade. Everything else has been addressed in the many reports, staff report, etc. Let me know if there is anything I need to do.

And yes we did meet with her however unfortunately it was an all or nothing conversation, they wanted nothing more than what was there and were not appreciative of the significant effort we took to build down as opposed up to minimize view impacts, with no requirement by law that we do so.

Chris Vanni

Ms. McDaniel and Mr. MacBeth,

I am a long time resident of the Sunset Beach community and live a few doors down from the subject project. I, along with many of the other residents of this community who I have spoken to, support this project. I believe the modern style of the new home will be a nice addition to the community. The owners of the project have been very considerate of the neighbors.

I am very familiar with the building process in this community as I have built two new homes and remodeled another here, all with coastal permits. I am also very familiar with the community roads and other improvements.

I feel I should point out that there is no "HOA" as referenced in your report. There is a voluntary road maintenance association (Sunset Beach Improvement Association or SBIA) that most of the residents have joined. However, SBIA has no authority over any of the homeowners so notice to SBIA has no legal effect. The county should follow its normal noticing requirements for neighboring properties. The only land use restrictions, like design review, are whatever is in County and State law. Also, while I am sure the Vannis will join the SBIA, I don't think the county can make that a condition of planning approval.

Thank you for helping Jill and Chris get their project going. To be clear, I am in favor of approving their project.

Richard van't Rood
59 Sunset Drive
Watsonville, CA 95076



rvantrood@mindspring.com

