

# Staff Report to the Zoning Administrator

Application Number: 211023

Applicant: Jerrod Nicholls, Fuse Architects

Agenda Date: September 3, 2021

Owner: Lewis & Dianna Chew

Agenda Item #: 1

**APN:** 028-304-43

Time: After 9:00 a.m.

Site Address: 22812 East Cliff Drive, Santa Cruz

**Project Description**: Proposal to demolish an existing two-story single-family dwelling and detached garage and to construct a new two-story, 1,990 square foot single-family dwelling with a 2,191 square foot basement with a garage, located in the R-1-5-PP zone district, and remove and relocate the fugitive rocks along the beachfront and place rocks within a void in the existing revetment.

Location: Property located on the southwest side of East Cliff Drive approximately 185 feet east of South Palisades Avenue.

**Permits Required**: Requires a Coastal Development Permit; Residential Development Permit for an Exception to the Pleasure Point residential development standards; a Variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" (for basement garage spaces); an Over-Height Fence Certification, and a determination that the project is exempt from further environmental review under the California Environmental Quality Act.

Supervisorial District: District 1 (District Supervisor: Manu Koenig)

#### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 211023, based on the attached findings and conditions.

## **Project Description & Setting**

Located on the seaward side of East Cliff Drive, the subject parcel is surrounded by one- and two-story homes north, east, and west with the Monterey Bay directly south. The relatively flat lot fronts a coastal bluff to the southwest and is armored by a system of rip rap revetment rock which extends from Moran Lake Beach to a point that extends into the bay off South Palisades Avenue. The parcel is currently developed with a 2,041 square foot nonconforming two-story dwelling with a 399 square foot nonconforming detached garage. The existing dwelling is nonconforming relative to both zone district setbacks and to the Pleasure Point development standards.

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Owner: Lewis & Dianna Chew

The application includes a proposal to construct a new 1,990 square foot two-story single-family dwelling with a 2,191 square foot basement with a garage. The proposal includes a mechanical car lift located on the driveway that will lower cars to the garage in the basement and raise them to the driveway platform when leaving the garage below. When the mechanical car lift is in operation, a fence or barrier will be in place to prevent falls into the lift area. Two spaces are located in the garage in the basement, and two spaces are available for parking on the driveway, which is in conformance with the required parking.

A Coastal Development Permit is required because the property is located within the appeals jurisdiction of the coastal zone. The applicant is also requesting an exception to the Pleasure Point residential development standards, a Variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" (for basement garage spaces), and an Over-Height Fence Certification to allow a fence over 3 feet in height within the front setback.

#### **Project Background**

This proposal to construct a new, two-story single-family dwelling with a basement and garage was previously approved on January 3, 2020, under Application 191064. This required a Coastal Development Permit, Residential Development Permit, a Variance and Over-Height Fence Certification as outlined in the Zoning Administrator Staff Report dated January 3, 2020 (Exhibit I). On January 2, 2020, the California Coastal Commission staff submitted a letter raising several issues, but in particular, it questioned the permitting status of the existing riprap armoring (Exhibit E). On January 16, 2020, The Coastal Commission appealed the decision of the Zoning Administrator to approve Application 191064.

Following the appeal, the applicant and owners worked with the Coastal Commission to address concerns outlined in their letter. On February 9, 2021, Application 191064 was surrendered, and the applicant applied for a new Coastal Development Permit (211023) proposing the same project but also including the removal and relocation of the fugitive rocks along the beachfront to within an existing void in the revetment. The Coastal Commission withdrew their appeal in light of the new application addressing the fugitive riprap.

According to the Geologic Report submitted with Application 191064, the existing seawall and gunite bluff fronting this site failed in the early 1960s. In 1966, the existing seawall was repaired based on plans prepared by Bowman and Williams which included trimming back the gunite face from the top of the bluff and burying the gunite and failed seawall with rip rap. In 1978, additional documents indicate emergency work was done to supplement and restack the rip rap after damaging storms in January and February 1978. A letter by the California Coastal Commission dated June 20, 1978, indicates the previous owner complied with the emergency permit conditions outlined in permit M-78-27.

#### Analysis

The project plans for the proposed two-story home remain unchanged from Application 191064. However, the current application includes a seawall repair plan that illustrates the proposal to remove and relocate fugitive rocks. This process would be carefully inspected by County staff and Coastal Commission staff.

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As part of their application, the applicants submitted a Preliminary Geotechnical Evaluation of Rip Rap Revetment by Pacific Crest Engineering dated September 1, 2020, which stated a portion of the revetment has settled and shifted seaward during the winter of 2019 to 2020 leaving 'fugitive' rocks that lie beyond the original toe of the revetment. The engineer concluded the 'fugitive' rock is not significantly contributing to bluff protection or revetment stability for the project site; therefore, removal of the rock is recommended which will also result in more useable beach area. Additionally, the report indicates the opportunity to remove additional rock on the upper portion of the revetment that would not compromise the stability and protection of the coastal bluff and could be relocated to an existing over-steepened area of the revetment to restore the finished revetment slope. In their letter dated September 8, 2020, Zinn Geology agreed with these recommendations. In a follow up letter by R.I Engineering, Inc., dated May 14, 2021, a revised list of recommendations regarding the fugitive rock and excess rip rap on the revetment were included. These recommendations were reviewed and supported by Environmental Planning staff and are illustrated in the Seawall Repair Plan prepared by RI Engineering, dated May 2021, and is the last page of the Project Plans as (Exhibit D).

An excavator will be brought in through Moran Lake beach and will retrieve all fugitive rock that lies beyond the original toe of the revetment. A crane will also be used from the top of the bluff to assist in relocating rocks from the beach and strategically place them into the existing void within the revetment. This will occur after demolition of the existing house and during low tide. Local, State and Federal permits will be obtained prior to work on the beach.

#### Zoning & General Plan Consistency

The subject property is a 5,479 square foot lot, located in the R-1-5-PP (Single-Family Residential, Pleasure Point Combining District) zone district, a designation which allows residential uses. The proposed project is a principal permitted use within the zone district and the zoning is consistent with the site's O-R; R-UM (Parks & Recreation; Urban Medium Density) General Plan designation. The footprint and location of the proposed two-story single-family dwelling with a basement and garage will remain the same on the subject parcel as proposed in Permit 191064.

#### Coastal Bluff

According to County Code section 16.10.070(H)(1)(b), new development located on a coastal bluff is required to have a minimum 25-foot setback from the top edge of the coastal bluff or provide the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater. Additionally, County Code section 16.10.070(H)(1)(c) stipulates the minimum setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed protection measures, such as shoreline protection structures, retaining walls, or deep piers. The conclusions of the Geologic Report associated with the project indicate that, since the coastal bluff on the property has remained essentially unchanged since the armoring refurbishment in 1966 and 1978, it is anticipated that the top of the coastal bluff will remain relatively unchanged for the next 100 years. Therefore, the project geologist recommends a minimum setback of 25 feet from the top of the bluff. This setback has been incorporated into the project design.

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#### Exception to Pleasure Point Residential Development Standards

The proposed single-family dwelling has been designed to meet the R-1-5 zone district development standards; however, the parcel is located in the Pleasure Point Community Design PP Combining District which has specific requirements for building envelopes and upper floor construction. SCCC section 13.10.446(A)(1)(a) states for new two-story residential structures on lots 35 feet or wider or new first floors with walls that exceed 15 feet in height, the second story exterior side walls shall be set back from the side yard property line at least 10 feet. The intent of the increased second-story setback requirements is to reduce the visual and shading impacts for new and expanded houses on neighboring parcels and homes. The applicant is requesting exceptions to the Pleasure Point residential development standards which requires a Residential Development Permit. The table below illustrates required and proposed site and development standards that are relevant to this project.

Development Standard	Code Requirement	Proposed
Front Yard Setback	20 feet	20 feet
First Floor Side Yard Setback	5 feet (both sides)	5 feet
Second Floor Side Yard	10 feet (both sides)	7'-9 ½" (left side-north) & 5'-1/2" (wall) & 3'-1 ¾" (chimney) (right side-south)
First Floor Wall	15 feet	16 feet, 6 inches
Rear Yard Setback	25 feet	25 feet
Height	28 feet max	26'-9" (top of chimney)
Lot Coverage	40% max	38%
Floor Area Ratio (FAR)	50% max	47%
Parking Requirement	3 spaces	3 spaces

To summarize, the applicant is requesting a 7 foot, 9 and one-half inch second-story side setback for a portion of the south (left) side, a 5-foot, one-half inch second-story side setback along most of the north (right) side, and a 3 foot, one and three-quarters inch side setback for the chimney on the back north (right) side in lieu of the required 10 foot second-story side setback for both sides. In addition, the applicant is requesting an exception for a single-story wall that is higher than the allowed 15 feet (16 feet, 6 inches), located in the northwest corner where the rear deck for the second story master bedroom is located.

According to County Code section 13.10.444(A), one of the purposes of the Pleasure Point Community Design PP Combining District is to "Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses." While this can be accomplished by complying with the Pleasure Point Combining District's increased second-story side setbacks, the applicant is suggesting that the purpose of the Pleasure Point Combining District can be better achieved by stepping back the second story from the front property line and having a greater rear setback than the existing home. The applicant is proposing to increase the front setback of the second story between 25 feet and 37 feet from the front property line, reducing shadowing effects across the front of the adjacent parcel. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff.

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The applicant provided a shadow study (Sheet A10) which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. Additionally, the shadow study illustrates visual and shadowing effects to the proposed adjacent home if the applicant were to construct the home with the second story setback 20 feet from the front property line as allowed by the zone district and the Pleasure Point Combining district development standards. As the shadow study illustrates, there is less shading along the northeast corner of the adjacent parcel (22810 East Cliff Drive) when the second story is stepped back from the front property line, as proposed, than when the second story is constructed to the 20-foot front setback line. By stepping back the second-story front, the adjacent parcel will receive more daylight in the front yard area. Given these considerations, the proposed design better achieves the purpose of the Pleasure Point Combining District.

Finally, the applicant also removed one of the proposed bedrooms from the second floor to increase the second-story side setback on the left (south) side. When comparing the existing home to the proposed home, the side setbacks are almost identical. Another benefit of having the second story stepped back along the front is the reduction of the overall mass and bulk of the residence when viewed from the street. Additional findings for this exception can be found in Exhibit B.

#### Variance

This proposal includes a request for a variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" for the basement parking spaces. The proposed project includes a basement storage area, mechanical room, laundry, mud room, and parking area for two spaces which is accessed by a mechanical lift that sits just below the driveway above.

This neighborhood contains many smaller parcels that are developed with residences that maximize the available land area on each lot. The applicant is trying to maximize the available land area on their lot by proposing to include two garage spaces in the basement. The parcel is constrained by its narrow width, and location on a coastal bluff. The existing lot is narrower than most standard lots at a width of 41 feet and, because of its location on a coastal bluff, has a bluff setback of 25 feet, thus reducing the developable area on the lot. In addition, the parcel's location on a coastal bluff where the bluff area is deducted from the net site area means that the parcel's buildable area is reduced to 4,233 square feet, effectively making the parcel a substandard lot relative to the zone district's 5,000 square feet minimum parcel size. The minor request to reduce the parking space height from 7'-6" to 7'-5.5" is considered reasonable since the loss of half an inch in height is not anticipated to reduce the functionality of the parking spaces.

#### **Design Review**

The proposed single-family dwelling is subject to the County's Design Review Ordinance (County Code 13.11 and 13.20.130) because of the subject parcel's location within the coastal zone and on a coastal bluff. The existing home is a two-story, grey home with brick, stucco and wood siding. The proposed dwelling is modern in design with siding that includes stone veneer, off-white light stucco, painted black metal and terra cotta panels and louvers. Additional features will be black metal trim around the new windows and a membrane flat roof. The front

will be landscaped with drought tolerant plants with hardscape and low planters to complement the front of the home. The project is located in a developed neighborhood with one-and twostory homes with similar materials, styles and colors allowing it to blend and be compatible with houses in the surrounding neighborhood.

## **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 located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Coastal access to the nearest public beach is approximately 250 feet northwest of the site opposite Moran Lake. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

The proposed project is consistent with the visual resource protection policies of the Local Coastal Program since the proposed residence and associated site improvements will be constructed on an existing developed lot in an urbanized neighborhood (East Cliff Drive) with similar architectural styles and footprints (General Plan Policy 5.10.7 - Open Beaches and Blufftops). The overall height of the proposed structure is 25 feet, 11 inches (26 feet, 9 inches to the top of the chimney) which is well below the permitted 28-foot height limit. In addition, the structure features a design that incorporates a stepped in second story along the front, a flat roof, and soft accent materials that will minimize the visual impacts of the structure when viewed from the street.

#### 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 211023, 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: <a href="https://www.sccoplanning.com">www.sccoplanning.com</a>

Owner: Lewis & Dianna Chew

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#### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project Plans
- E. Letter by California Coastal Commission, dated January 2, 2020
- F. Parcel information
- G. Assessor's, Location, Zoning and General Plan Maps
- H. Report review letters
- I. Zoning Administrator Staff Report, dated January 3, 2020

## 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: 211023

Assessor Parcel Number: 028-304-43 Project Location: 22812 East Cliff Drive

Contact Phone Number: (831) 479-9295

Project Description: Proposal to demolish an existing two-story single-family dwelling and

detached garage and to construct a new two-story, 1,990 square foot single-family dwelling with a 2,191 square foot basement with a garage, located in the R-1-5-PP zone district, and remove and relocate the fugitive rocks along the beachfront and place rocks within a void in the existing

revetment.

Person or Agency Proposing Project: Jerrod Nicholls, Fuse Architects

А	The proposed activity is not a project under CEQA Guidelines Section 15378.
В	The proposed activity is not subject to CEQA as specified under CEQA
	Guidelines Section 15060 (c).
с	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. <u>X</u>	Categorical Exemption
Specify	type: Class 2 - Replacement or Reconstruction (Section 15302)
F. F	Reasons why the project is exempt:
Construc	ction of a replacement single-family dwelling in an area designated for residential uses.
In additi	on, none of the conditions described in Section 15300.2 apply to this project.
	Date:
Elizabet	h Cramblet, Project Planner

Owner: Lewis & Dianna Chew

## **Variance Findings**

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the special circumstances applicable to the property include its width, size and location. At 41 feet wide, the existing lot is narrower than most standard lots in the R-1-5 zone district where 50 feet of frontage is the zone district minimum. This narrow width limits the number of parking spaces that can occupy the front yard setback since the project must comply with the code limitation that paving for parking may occupy a maximum of 50% of the front yard setback. In addition, the parcel's location on a coastal bluff where the bluff area is deducted from the net site area means that the parcel's buildable area is reduced to 4,233 square feet, effectively making the parcel a substandard lot relative to the zone district's 5,000 square feet minimum parcel size. Finally, the parcel is constrained by both the 25-foot bluff setback which is ten feet greater than the zone district rear yard and by the project's partial compliance with the Pleasure Point Combining District's development standards. These regulations limit the amount of buildable area. Because of these constraints, the applicant proposes to place two parking spaces in the basement area. In order to comply with the basement and FAR standards, a variance to reduce the parking space heights by one-half inch from the code requirement of 7'6" to 7'5.5" is considered reasonable since it will have no material effect on the functionality of those parking spaces.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the variance will allow the reconstruction of a residence on a residentially zoned parcel and the structure will be in scale with, and adequately separated from, improvements on surrounding properties. The loss of one-half inch in parking height will not reduce the functionality of the parking spaces.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the neighborhood are developed with single-family dwellings with similar bulk and mass to the structure that is being proposed. The request for a reduction in the minimum parking space height does not affect the overall height of the proposed structure, nor does it affect the size of the structure. The existing lot is narrower than most standards lots with a width of 41 feet, and, the required rear setback is 25 feet from the bluff, which is ten feet greater than the standard rear setback. Granting the request allows the applicant to construct a home that is comparable in size to other homes in the neighborhood. Therefore, it would not be a grant of a special privilege for the construction of a residence on the subject property. The existing and proposed residential use is consistent with the existing pattern of development in the neighborhood.

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## **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-PP (Single-Family Residential, Pleasure Point Combining District), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's O-R; R-UM (Parks & Recreation; Urban Medium Density) General Plan designation. The footprint and location of the proposed two-story single-family dwelling with a basement and garage will remain the same on the subject parcel as proposed in Permit 191064, and no portion of the proposed home is located in the area with the O-R General Plan designation.

The project plans for the proposed two-story home remain unchanged from Application 191064. However, the current application includes a seawall repair plan that illustrates the proposal to relocate the fugitive rock along the beachfront and place rocks within a void in the existing revetment. This process would be carefully inspected by County staff and the Coastal Commission.

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 architectural style; the site is surrounded by lots developed to an urban density. The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that it is the same design approved by Coastal Development Permit 191064. The design of the proposed dwelling incorporates site and architectural design features, such as a stepped back second story in the front, varied wall and roof planes that serve to reduce the visual impact of the structure. Much of the second story will be located at the rear of the structure reducing the overall mass and bulk at the front of the house which will reduce the visual impact of the house when viewed from East Cliff Drive. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing second-story rear second-story deck is currently approximately 12 feet from the coastal bluff. Color and materials will offer varying textures and natural tones that will be complementary to the site and the surrounding neighborhood.

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.

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This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access continues to be located approximately 250 feet northwest of the site opposite Moran Lake. While the current application includes a seawall repair plan that illustrates the proposal to relocate the fugitive rock along the beachfront and place rocks within a void in the existing revetment, this will be carefully inspected by County staff and will not affect coastal access. By relocating the fugitive rocks, additional beach area will be provided, enhancing coastal access.

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-PP (Single-Family Residential, Pleasure Point Combining District) 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.

The proposed project is consistent with the visual resource protection policies of the Local Coastal Program since the proposed residence and associated site improvements will be constructed on an existing developed lot in an urbanized neighborhood (East Cliff Drive) with similar architectural styles and footprints (General Plan Policy 5.10.7 - Open Beaches and Blufftops). The overall height of the proposed structure is 25 feet, 11 inches (26 feet, 9 inches to the top of the chimney) which is well below the permitted 28-foot height limit. In addition, the structure features a design that incorporates a stepped in second story along the front, a flat roof, and soft accent materials that will minimize the visual impacts of the structure viewed from the street.

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 the project site is located between the shoreline and the first public road. Public beach access continues to be located approximately 250 northwest of the site opposite Moran Lake. Consequently, the proposed project 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.

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## **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 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 proposal includes a mechanical car lift located on the driveway that will lower cars to the garage in the basement and raise them to the driveway when leaving the garage below. When the mechanical car lift is in operation, a fence or barrier will be in place to prevent falls into the lift area. Because the fence will be taller than three feet, an Over-Height Fence Certification is included.

The Coastal Commission raised concerns regarding the permitting status of the existing rip rap armoring and the fugitive rocks that had settled beyond the wall. As part of their application, the applicants submitted a Preliminary Geotechnical Evaluation by Pacific Crest Engineering dated September 1, 2020, which stated that a portion of the revetment has settled and shifted seaward during the winter of 2019 to 2020 leaving 'fugitive' rocks that lie beyond the original toe of the revetment. The engineer concluded the 'fugitive' rock is not significantly contributing to bluff protection or revetment stability for the project site; therefore, removal of the rock is recommended which will also result in more useable and safer beach area. Additionally, the report indicates the opportunity to remove additional rock on the upper portion of the revetment that would not compromise the stability and protection of the coastal bluff and could be relocated to an existing over-steepened area of the revetment to restore the finished revetment slope. In their letter dated September 8, 2020, Zinn Geology agreed with these recommendations. In a follow up letter by R.I Engineering, Inc., dated May 14, 2021, a revised list of recommendations regarding the fugitive rock and excess rip rap on the revetment were included. These recommendations were reviewed and supported by Environmental Planning staff and are illustrated in the Seawall Repair Plan dated May 2021 (Exhibit D).

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-PP (Single-Family Residential) zone district as the primary use of the property will be one single-family dwelling.

The project site is located within the Pleasure Point Combining District; therefore, the combining district site standards apply to the project. The applicant is requesting an exception to the Pleasure Point residential development standards which has specific requirements for building envelopes and upper floor construction. SCCC section 13.10.446(A)(1)(a) states for new two-story residential structures or second-story additions, or any new single-story structures or new

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first floors with walls that exceed 15 feet in height, the second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, shall be set back from the side yard property line at least 10 feet with lot widths 35 feet or greater. The intent of the increased second-story setback requirements is to reduce the visual and shading impacts for new and expanded houses on neighboring parcels and homes.

The applicant is requesting setback reductions for a portion of the south (left) side, and the entire north (right) side. Exceptions to the Pleasure Point residential development standards may be granted in the project is found to be consistent with the Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444, the findings found in SCCC 18.10.230(A), and at least one of the following additional findings:

- (1) There are special existing site or improvement characteristics or circumstances, including but not limited to the absence of adjacent residential parcels that could potentially be shaded by the proposed development, that appropriately excuses the proposed development from meeting one or more of the development standards; or
- (2) The Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444, are better achieved by an alternative design; or
- (3) The granting of an exception will result in a superior residential design that is consistent with the Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444.

In this case, staff determined the Pleasure Point Community design "PP" Combining District Purposes, found in SCCC 13.10.444, are better achieved by an alternative design which is the proposed project. If the applicant had designed the project to meet the second story 10-foot side setback, more of the house would be located in the front on the first and second story. By designing the massing towards the back of the house, the square footage was reallocated to the sides of the second floor on the back two-thirds of the house. This pulls the greatest vertical massing of the structure on the ocean side where it is less visible from the street. This does not change the view of the ocean for adjacent homes since as previously mentioned, the rear setback from the coastal bluff is greater at 25 feet than the existing home which sits approximately 12 feet from the coastal bluff.

According to County Code section 13.10.444(A), one of the purposes of the Pleasure Point Community Design PP Combining District is to "Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses." While many times this is accomplished by requiring increased second-story side setbacks, the applicant is illustrating reduced visual and shading impacts by stepping back the second story from the front property line more than what is required in lieu of complying with the required second-story side setbacks. The applicant is allowed to have the second-story setback 20 feet from the front property line. The applicant is proposing to have the second-story setback between 25 feet and 37 feet from the front property line, reducing shadowing effects across the front of the adjacent parcel. The applicant submitted a shadow study which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. The shadow diagram shows the adjacent parcel will have more daylight

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during the spring and winter months with the proposed dwelling. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff.

In addition, the project is consistent with the three purposes of the Pleasure Point Community Design PP Combining District.

The first purpose is to reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses. The design of the proposed dwelling incorporates site and architectural design features to reduce the visual impact on neighboring parcels. These include a stepped back second story in the front, varied wall and roof planes, and flat roofs. Much of the second story will be located at the rear of the structure reducing the overall mass and bulk on the front of the house granting relief from the street. Additionally, the proposed dwelling will have a greater rear setback at 25 feet from the coastal bluff granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff.

The second is to encourage community interaction and orientation towards the street by providing an incentive for the creation of more front porches in Pleasure Point. The proposed project does not include a front porch; however, the entrance to the home is set back around midpoint of the building footprint leaving a large open area beyond the front setback area that would allow at some point a front porch or seating.

The third purpose is to reduce the visual impact of automobile-oriented features on residential building facades and in front yards. Since the garage is located in the basement below, the front façade does not need to include a garage door or open carport for parking, reducing automobile-oriented features on the building façade. The proposed project shows a light stucco wall where a garage door would normally be located. An Over-Height Fence Certification is required to allow a fence greater than three feet within the front yard setback. The fence will only be visible when the mechanical car lift is in operation and will not, therefore, pose a line-of-sight hazard.

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 O-R; R-UM (Parks & Recreation; Urban Medium Density) land use designation in the County General Plan.

The proposed project 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), in that the single-family dwelling will not adversely shade adjacent properties, and will remain the same as approved in Permit 191064.

The applicant provided a shadow study which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. Additionally, the shadow study illustrates visual and shadowing effects to the proposed

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adjacent home if the applicant were to choose to construct the home with the second story setback 20 feet from the front property line as allowed by the zone district and the Pleasure Point Combining district development standards. As the shadow study illustrates, there is less shading along the northeast corner of the adjacent parcel (22810 East Cliff Drive) when the second-story is stepped back from the front property line, as proposed, than when the second-story is constructed to the 20 foot front setback line. By stepping back the second-story front, the adjacent parcel will receive more daylight in the front yard area.

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 structure will comply the standards for the R-1-5 zone district, with the exception of the standards associated with the request for an exception to the Pleasure Point residential development standards, 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 developed lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit). The project will not overload utilities or adversely impact existing roads or intersections in the surrounding area.

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, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood where single-family dwellings are dominate.

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 existing single-family dwelling is a dated two-story grey home with brick, stucco and wood siding. The proposed dwelling is modern in design with siding that includes stone veneer, off-white light stucco, painted black metal and terra cotta panels and louvers. Additional features will be black metal trim around the new windows and a membrane roof.

The proposed single-family dwelling is in conformance with the County's certified Local Coastal

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Program, in that the structure is designed to be visually compatible and in scale with the character of the surrounding neighborhood. The project site is surrounded by one and two-story single-family dwellings with a variety of architectural styles.

The Over-Height Fence proposed to protect the mechanical car lift area will have a negligible visual impact since it will only be visible when the car lift is in operation.

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## **Conditions of Approval**

Exhibit D: Project plans, prepared by Fuse Architects, dated June 1, 2021.

- I. This permit authorizes the construction of a single-family dwelling as indicated on the approved Exhibit "D" for this permit subject to the revised conditions of approval contained below. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit to remove fugitive rock from the beachfront as depicted on plan sheet EX-1 prepared by RI Engineering.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
  - F. Obtain all necessary permits for work on the beach from the Monterey Bay National Marine Sanctuary, State Lands Commission, County Parks and the Coastal Commission.
  - G. The owner shall execute a WAIVER, INDEMNIFICATION, BONDING, AND INSURANCE AGREEMENT with the County and meet all requirements therein. This agreement will require the owner/applicant to maintain Comprehensive Personal Liability (or equivalent) or Owners Landlord and Tenant Liability Insurance coverage (as appropriate) of \$1,000,000.00 plus an additional \$1,000,000.00 of excess coverage per single family dwelling. Proof of Insurance shall be provided.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit a detailed construction plan following the recommendations of the project soils engineer. The plan shall include the shoring plan and phases of excavation, along with details sufficient to illustrate conformance with the requirements of the soils report, including temporary and/or permanent shoring using top-down construction sequencing in a controlled manner, and any other recommendations

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required by the soils engineer to prevent soil collapse and/or damage to adjacent properties related to grading operations. Submit an accompanying plan review letter from the project geotechnical engineer approving the plan.

- B. The two security bonds (one for 150% of the total construction cost released after completion of all slope stabilization construction, one for 50% released one year after final inspection) shall be in place prior to issuance of the building permit. Please submit proof indicating if Certificate of Deposits or letters of Credit will be used to satisfy the bonding requirement.
- C. Record a Notice of Geologic Hazards, Acceptance of Risk, Liability Release and Indemnification including but not limited to the following:
  - 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, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same, and all as potentially exacerbated by sea level rise and climate change;
  - 2. Assume Risks. To assume the risks to the Permittees and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted project and/or development.
  - 3. Waive Liability. To unconditionally waive any claim of damage or liability against the County and the Coastal Commission, their officers, agents, and employees for injury or damage due to such coastal hazards in connection with the permitted project and/or development;
  - 4. Indemnification. To indemnify and hold harmless the County and the Coastal Commission, their officers, agents, and employees with respect to the County's approval of a CDP for the project against any and all liability, claims, demands, damages, and costs (including costs and fees incurred in defense of same), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards in connection with the permitted project and/or development;
  - 5. Property Owner Responsible. That any adverse effects to property caused by the permitted project and/or development shall fully be the responsibility of the Permittees; and
  - 6. Relocation/Removal. This CDP authorizes a single-family dwelling and related development that shall be constructed and may be used consistent with the terms and conditions of this CDP for only as long as the approved residential dwelling and related development remains: (a) safe for occupancy (as assessed by a local geologist and/or civil engineer and subject to confirmation by the County Building Official) and use without the need for shoreline protection structures; and (b) located on private property. If coastal hazards result in an unsafe site, structures, or

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conditions (as assessed by a licensed geologist and/or civil engineer and subject to confirmation by the County Building Official), then portions or all of the dwelling and related development may be required to be removed and/or relocated pursuant to the process articulated in the CDP.

- D. Shoreline Protective Structures. The single-family dwelling and all related development that is authorized by this CDP is not entitled to shoreline protective structures (including seawalls, revetments, groins, deep piers/caisson foundations, and similar structures designed to respond to coastal hazard problems) at this time. Shoreline armoring may be considered in the future only if consistent with a Shoreline Management Plan adopted by the County of Santa Cruz and/or California Coastal Commission. Accordingly, by acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:
  - 1. Shoreline Protective Structures. Other than as temporarily authorized herein (see below), no shoreline protective structure shall be approved or constructed to protect the development approved pursuant to this CDP, including in the event that the development is threatened with damage or destruction from coastal hazards in the future, unless consistent with a Shoreline Management Plan adopted by the County of Santa Cruz and/or the California Coastal Commission. The Permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such armoring that may exist under all applicable laws, such that the only shoreline armoring that may be constructed in the future would be only as determined consistent with a Shoreline Management Plan approved by the County of Santa Cruz and/or the California Coastal Commission.
  - Temporary Retention of Reconfigured Shoreline Protective Structure. The existing shoreline protective structure fronting the site shall be reconfigured to ensure that the remaining rock is the minimum required to adequately protect any existing up- or downcoast existing residences and/or any public infrastructure, including via: the removal of at least 3-5 cubic yards of rock from the uppermost downcoast portion of the revetment; removal of all smaller and loose rock from the face of the revetment; and removal of all loose/errant rocks along the beach, thus opening up at least between 1,025-1,434 square feet of beach space. Any rock removal at or below the mean high tide line shall be authorized by the California Coastal Commission prior to issuance of the building permit for the CDP-approved development. At five-year intervals, the Permittees shall submit a monitoring report to the County Planning Director and the Coastal Commission's Executive Director for review and written approval that describes the condition of the shoreline protective structure and any reasonable measures as determined by a licensed geologist and/or civil engineer and subject to confirmation by the County Building Official that could be taken to reduce its impacts on coastal resources, which shall be undertaken as soon as reasonably possible following approval.

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E. Coastal Hazards Response. By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:

- 1. SFD and Related Development. The approved single-family dwelling and all related development shall be constructed and may be used consistent with the terms and conditions of this CDP for only as long as the approved residential dwelling and related development remains: (a) safe for occupancy and use without the need for shoreline protection structures; and (b) located on private property. If coastal hazards result in an unsafe site, unsafe structures, or unsafe conditions, the property owner agrees to abate or address such conditions in accordance with the LCP, Orders of the Chief Building Official, and the terms and conditions of this CDP. If all or any portion of the approved development is deemed unsafe, the Permittees agree to remove all such development and to restore the affected area, unless an alternative response is proposed by the Permittees and approved by the County Planning Director and the Coastal Commission's Executive Director.
- 2. Future Removal of Reconfigured Shoreline Protective Structure. The reconfigured shoreline protective structure (as discussed in #2 above) shall be removed and the affected area restored as soon as such removal can be accomplished without endangering critical public infrastructure or improvements and/or existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are themselves conditioned for future shoreline protective structure removal, etc.) unless there is a certified regulatory framework (i.e., adopted by the County and certified by the Coastal Commission) that dictates otherwise (e.g., that allows for such shoreline protective structures to be retained (e.g., subject to mitigation fees and public access enhancements), modified (e.g., converted from a revetment into the vertical wall or a living shoreline), or removed subject to different criteria, etc.). Upon notification that such criteria have been met, the Permittees shall submit a Removal/Relocation Plan to the County Planning Director and the Coastal Commission's Executive Director for review and written approval. Removal/Relocation Plan shall clearly describe the manner in which the remaining shoreline protective structure is to be removed/relocated and the affected area restored so as to best protect coastal resources, including adjacent sandy beach and the Pacific Ocean, and it shall be implemented as soon as reasonably possible following the approval and as directed by the Planning Director and the Executive Director.
- 3. Requirement for Geotechnical and Coastal Hazards Reports. In the event that the blufftop edge recedes to within ten feet of any structural development on the site (e.g., decks, patios, the single-family dwelling itself, etc.), the Permittees shall undertake all of the following activities to determine what type of response is appropriate and required:

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- a. Notify the County Planning Director and the Coastal Commission's Executive Director.
- b. Submit a geotechnical investigation for the review and approval of the County Planning Director and the Coastal Commission's Executive Director: that is prepared by a licensed geologist and/or civil engineer with experience in coastal processes and coastal hazard response; that addresses whether all of any portions of the residence and related development are threatened by coastal hazards; and that identifies actions to be taken to ensure safe use and occupancy without shoreline protective structure changes/augmentation in light of those hazards, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate responses.
- c. Undertake the actions specified in the approved geotechnical investigation pursuant to the direction of the County Planning Director and the Coastal Commission's Executive Director. If the Planning Director or the Executive Director determines that an amendment to this CDP, a new CDP, and/or other authorizations are necessary (e.g., grading permits, etc.) are legally required in order to authorize the approved actions, the Permittees shall as soon as immediately feasible submit the required application materials, including all necessary supporting information to ensure completeness.
- F. 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.

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- 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. Details showing compliance with fire department requirements.
- 6. The basement shall not be habitable and the height shall be less than 7 feet, 6 inches.
- 7. The applicant shall submit details of the mechanical car lift and fence barrier for review and approval by the Planning Department.
- 8. The mechanical car lift shall not contain a canopy that hangs over the driveway but shall consist only of a platform that lowers cars to the basement parking spaces below and raise parked cars to the driveway above grade.
- 9. When the mechanical car lift is in operation, a fence/barrier must be in place to prevent falls into the lift area and shall not be visible when not in use.
- 10. Contact the Santa Cruz County Parks Department and obtain an encroachment permit for the portion of the seawall located on County property, as applicable.
- G. 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. Following are added conditions of approval:
  - 1. Project is recognized as a Medium project per the County Design Criteria (CDC) based on the new and replaced impervious/semi-impervious area proposed for the new single-family dwelling (R.I. Engineering sheet C-1). Project shall adhere to Part 3 Section C of the CDC & County Code 7.79. Onsite retention shall be given first priority and the pre-development runoff patterns rates shall be maintained. Safe overflow shall be incorporated into the project design.
  - 2. Cross-section construction details shall be provided for all proposed stormwater mitigation features and surfacing types. Include final design invert elevations and grades.
  - 3. Please clarify how site improvements will retain runoff onsite. Due to the close proximity of neighboring properties, design shall clearly identify

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how surface runoff will be safely conveyed and controlled.

- 4. This project is within Flood Control District 5 as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.31 per square foot but is subject to change based on the most updated fee amount applicable at the time of permit issuance.
- 5. This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure). Otherwise County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant.
- 6. A 50% credit is given to all projects that implement semi-pervious surfaces such as pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.
- H. Meet all requirements of the County Department of Public Works, Driveway/Encroachment including the following conditions of approval:
  - 1. Please note on the plans that the proposed new driveway shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at:

    http://www.dpw.co.santa-cruz.ca,us/Portals/19/pdfs/DCDriveways.pdf
  - 2. The plans indicate trenching required in the right-of-way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved, please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410 or via email. If pedestrian, bicycle or vehicle traffic will be impacted, please include a traffic control plan.
  - 3. Please note that any improvements in the public right-of-way will need to be included in the encroachment permit application and are subject to removal should any future improvements be necessary in the area.
  - I. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit. A full sewer system design by a licensed civil or mechanical engineer will be required at the time of the building permit application.

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- J. Meet all requirements of the Environmental Planning section of the Planning Department including the following conditions of approval:
  - 1. The civil engineering sheets shall add a note stating: "grading or earthwork" outside the 100-year geologic setback line shall be of the scale typically accomplished by hand, and only that necessary to create beneficial drainage patterns or to install an allowed structure, that does not excavate into the face or base of the bluff.
  - 2. No structures are allowed within the 100-year geologic setback which require a Building Permit.
  - 3. No projects (including landscaping) that would result in the unfavorable alteration of drainage patterns are allowed within the 100-year geologic setback.
  - 4. Submit 2 copies of the Geotechnical (soils) Report for review with the building permit application.
  - 5. Submit plan review letters (form PLG300) prepared and stamped by the project Geologist and Geotechnical (Soils) Engineer.
- K. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- L. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- M. Pay the current fees for Parks and Child Care mitigation for 3 bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- N. Pay the current fees for Roadside and Transportation improvements for 3 bedrooms. Currently, these fees are, respectively, \$3,000 per unit and 1,000 per bedroom.
- O. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 2,000 square feet is \$2 per square foot.
- P. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and 7.5 feet high, and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- Q. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. Prior to and during site disturbance and construction:

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- A. Prior to any disturbance on the property the applicant shall convene a preconstruction meeting on the site with the grading contractor supervisor, construction supervisor, project engineer, Santa Cruz County grading inspector, and any other Environmental Planning staff involved in the review of the project.
- B. All land clearing, grading and/or excavation is prohibited before April 15 and After October 15. Excavation and/or grading may be required to start later than April 15 depending on site conditions, as determined by Environmental Planning staff. If grading/excavation is not started by August 1<sup>st</sup>, grading must not commence until after April 15<sup>th</sup> the following year to allow for adequate time to complete grading prior to October 15<sup>th</sup>.
- C. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained, and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
- D. All earthwork and retaining wall construction shall conform with the geotechnical report recommendations.
- E. All foundation and retaining wall excavations shall be observed and approved in writing by the project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.
- IV. 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. Days/Hours construction: Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation. No construction is allowed on holidays.
  - B. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
  - C. All site improvements shown on the final approved Building Permit plans shall be installed.
  - D. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - E. The project must comply with all recommendations of the approved geologic and geotechnical (soils) reports.

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F. 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.

## 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.
- B. Contact the Department of Public Works when preparing to utilize a crane on the subject site to obtain fugitive rocks below on the beach to inquire if an encroachment permit is required for this process.
- C. Contact Jessica deGrassi at 454-3162 to schedule inspections during the removal/relocation of the rocks.
- D. Contact the Coastal Commission at (831) 427-4890 or email at rainey.graeven@coastal@coastal.ca.net to schedule inspections during the removal/relocation of the fugitive rocks.

#### VI. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

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- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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
  - COUNTY defends the action in good faith.
- C. <u>Settlement</u>. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. <u>Successors Bound</u>. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

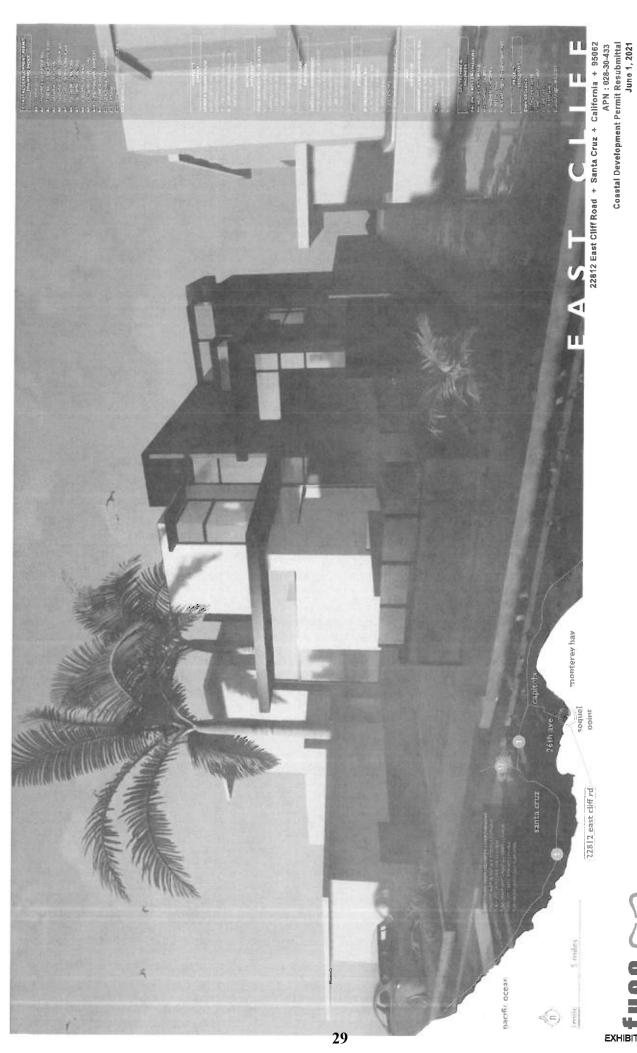
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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.

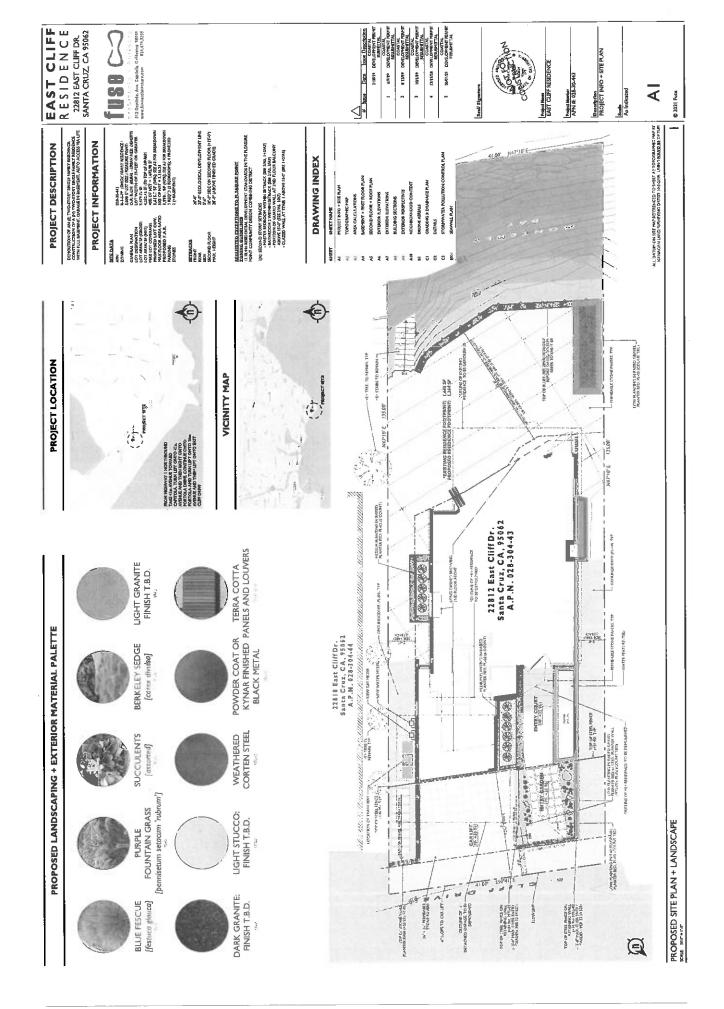
Approval Date:	
Effective Date:	
Expiration Date:	
	Jocelyn Drake Deputy Zoning Administrator

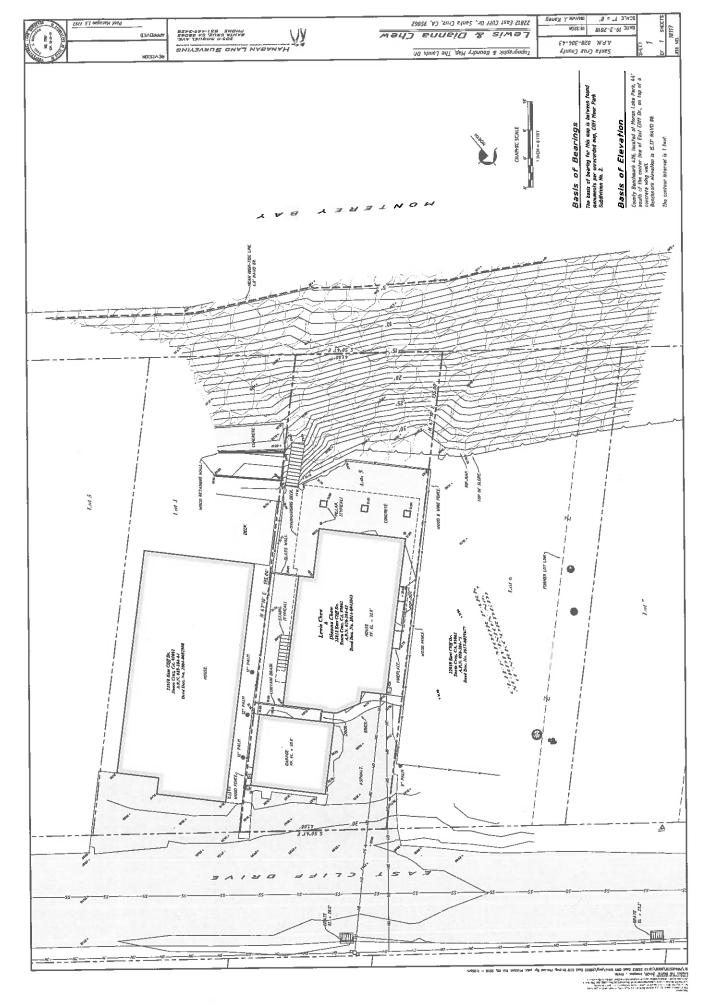
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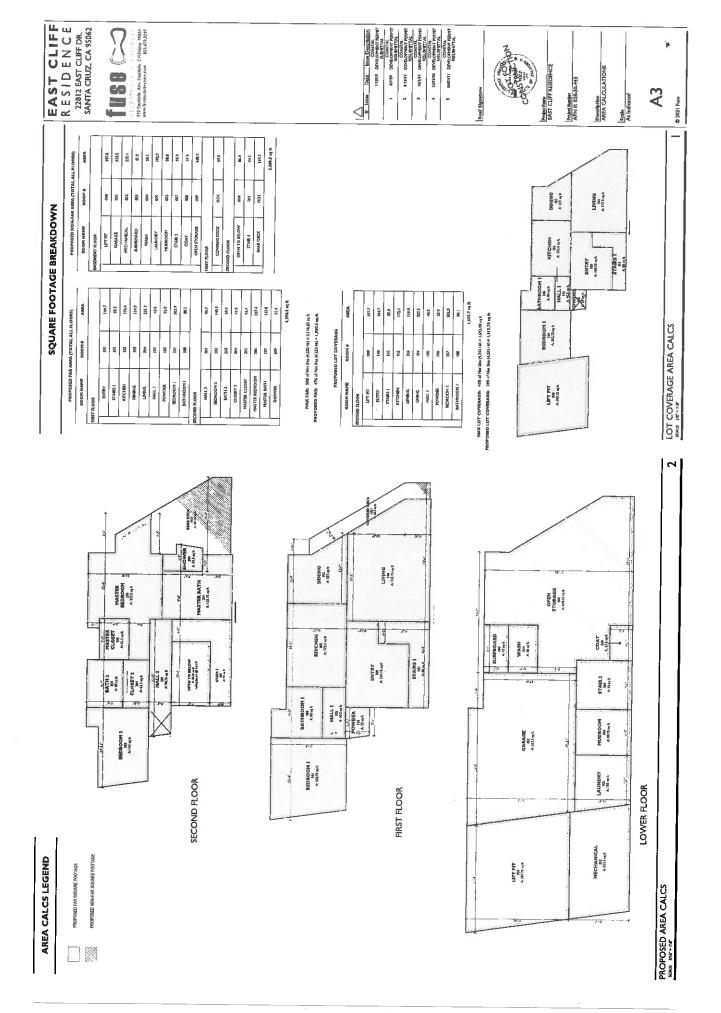
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

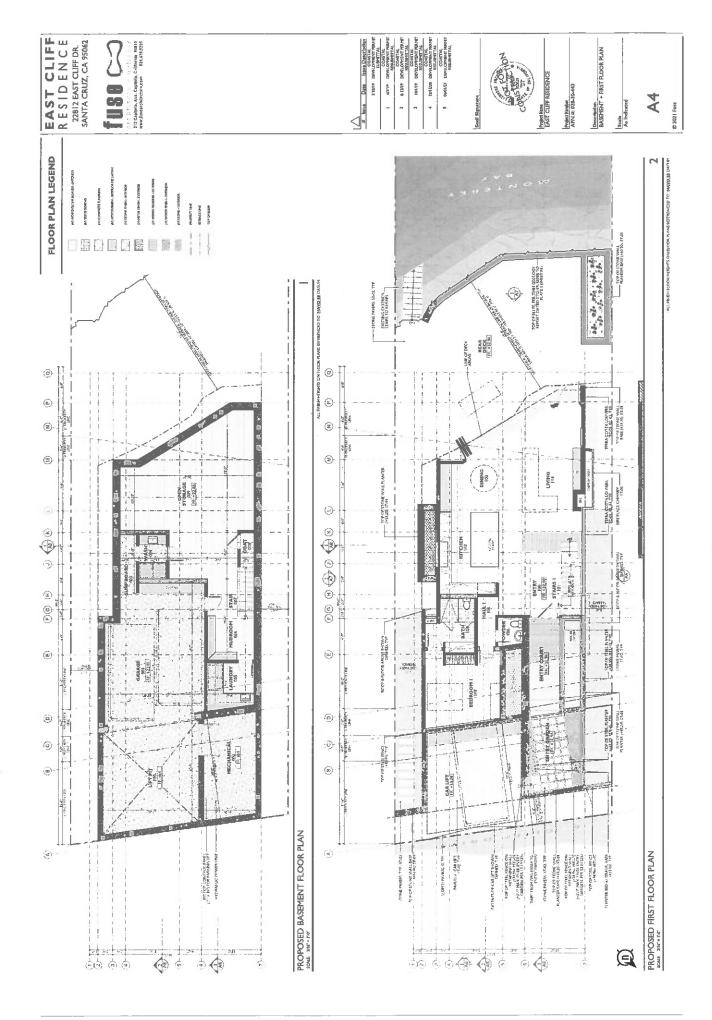


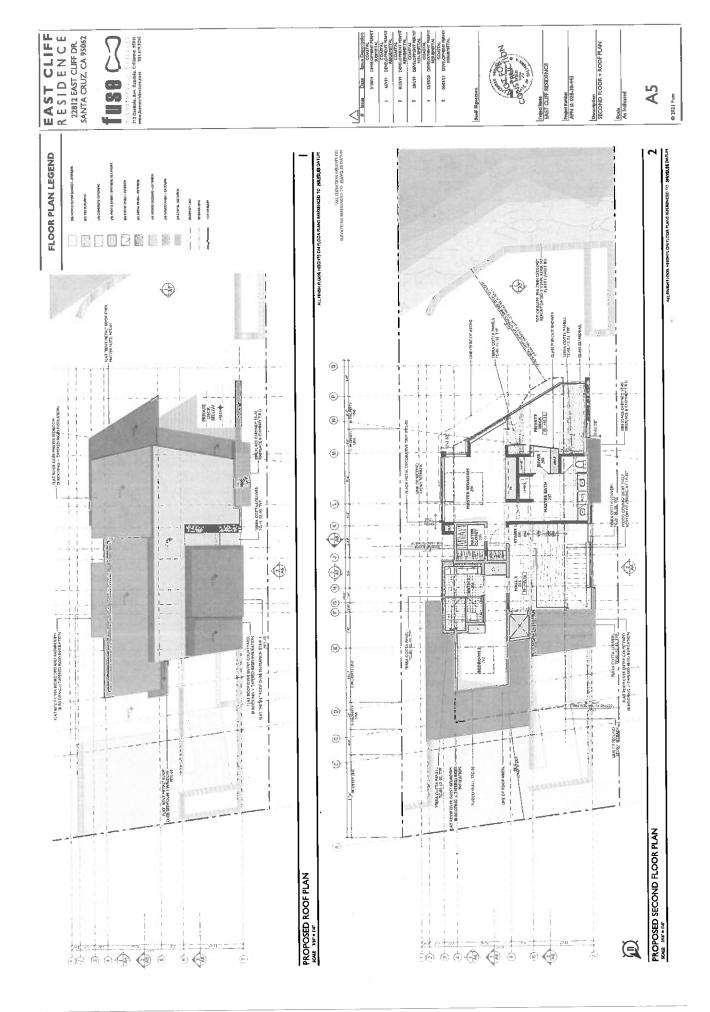


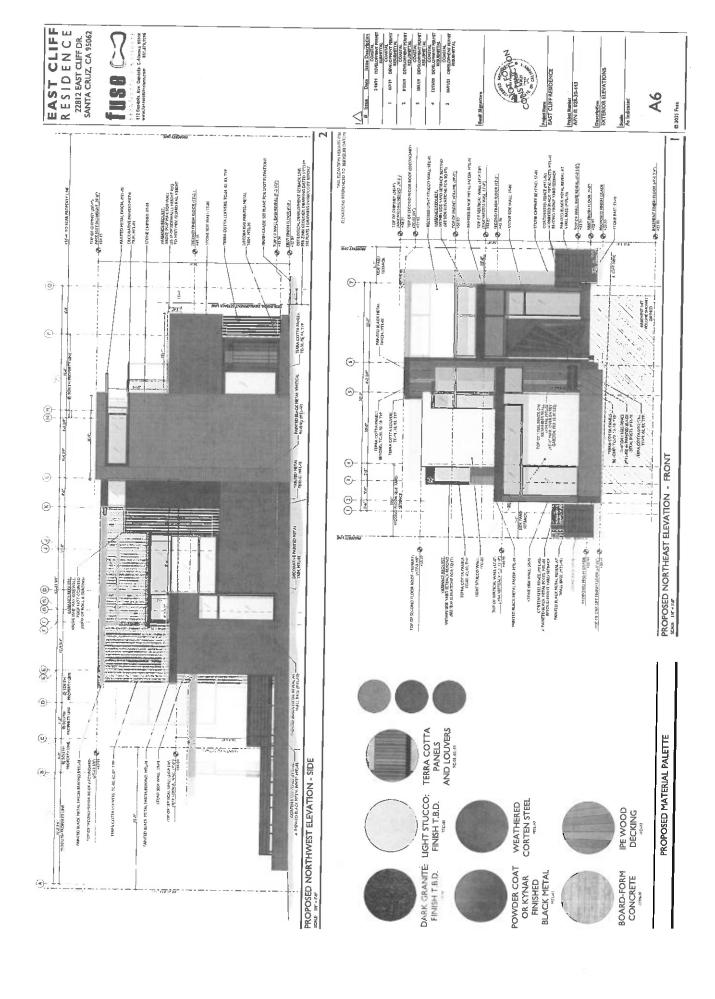


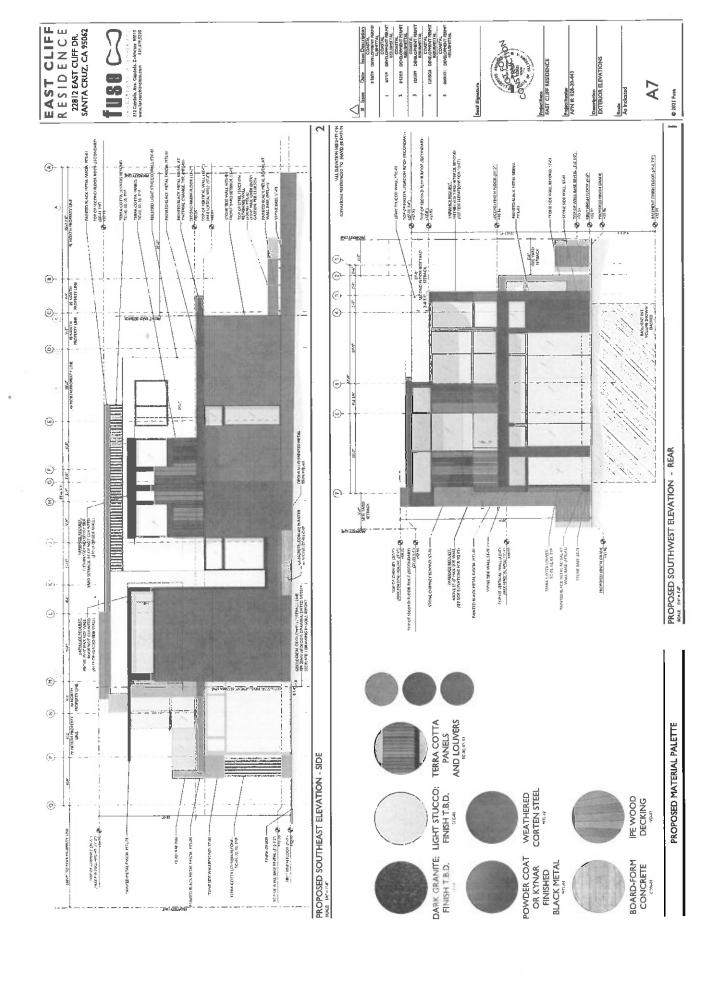


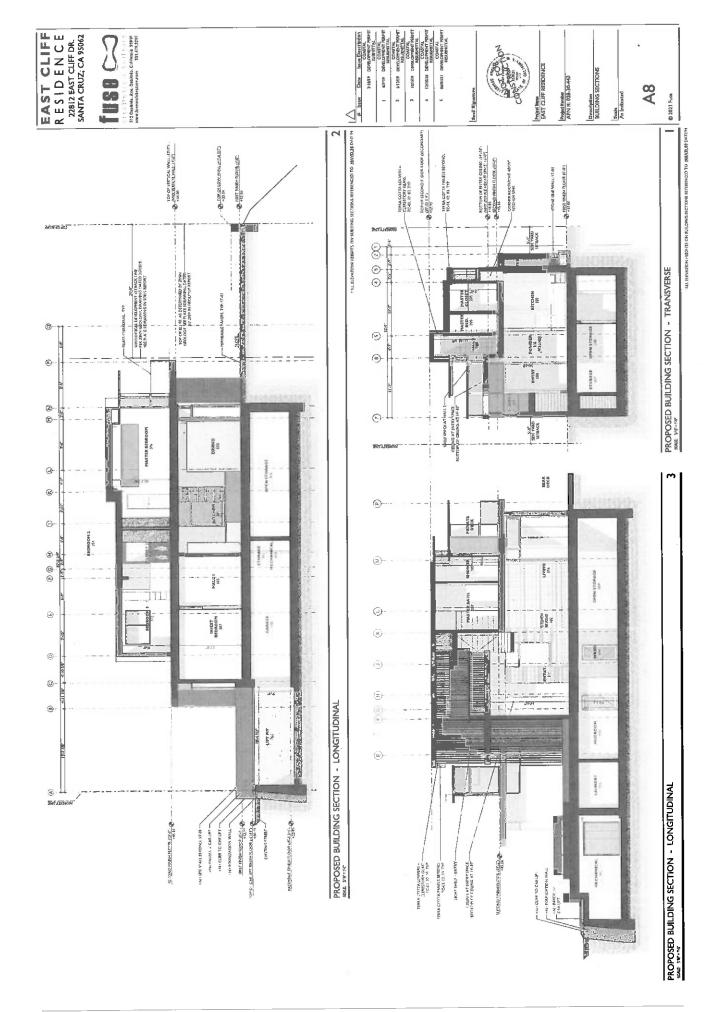


















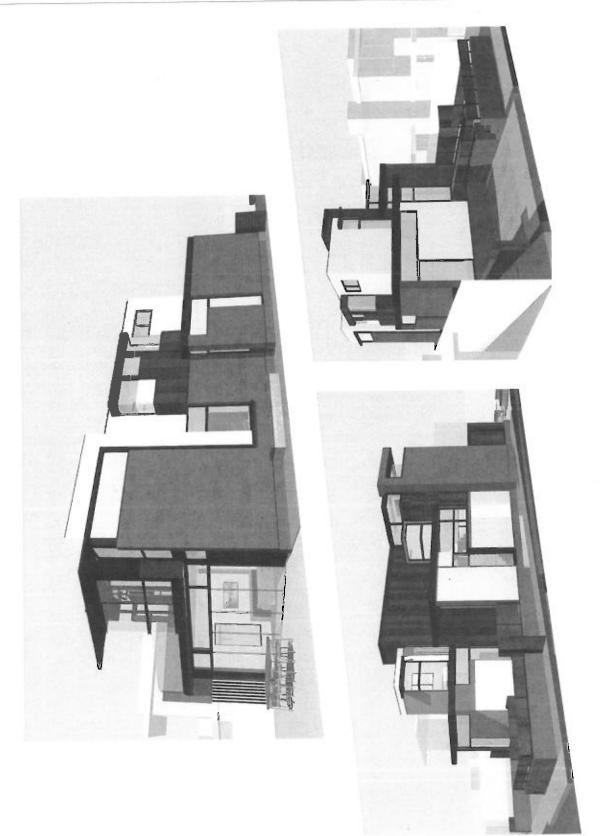


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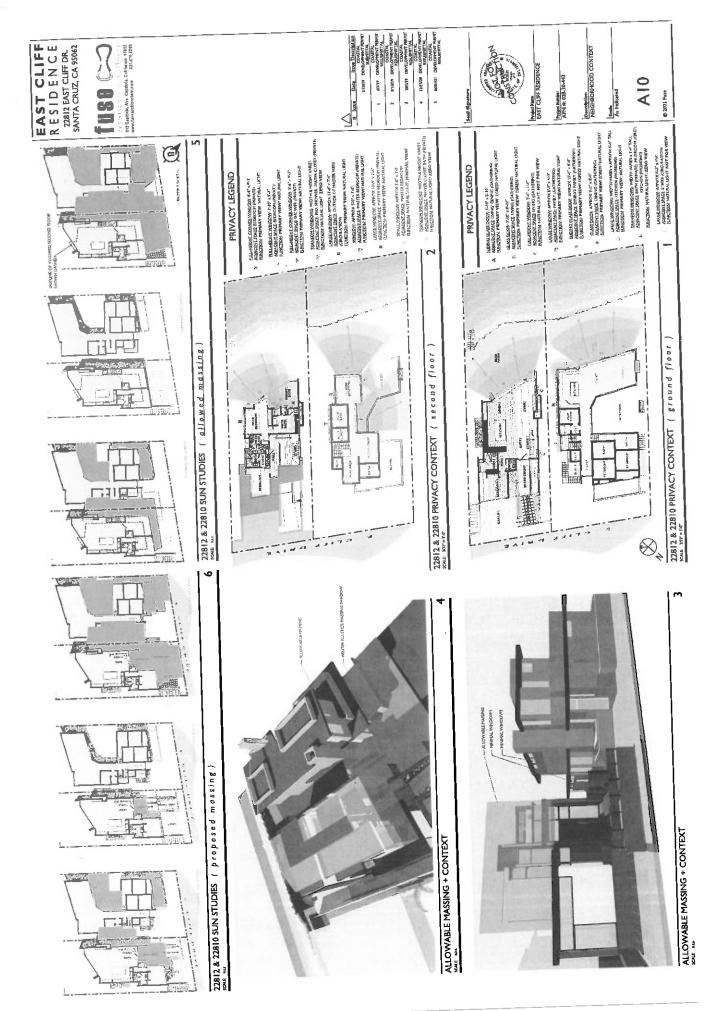




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EXTERIOR PERSPECTIVES





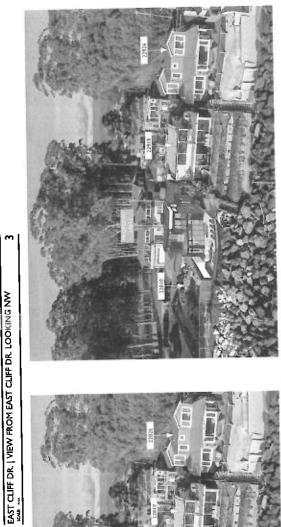
DRONE AERIALS
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Project Humber APIN 40; 028-30-443

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**8** 2021 Fam

EAST CLIFF DR. | EXPANDED NEIGHBORHOOD CONTEXT FROM BAY 4

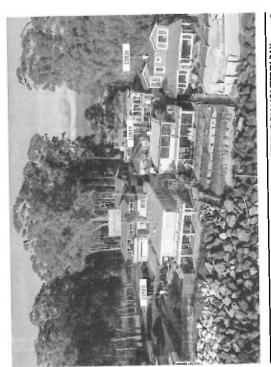


EAST CLIFF DR. | PROPOSED NEIGHBORHOOD CONTEXT FROM MONTEREY BAY

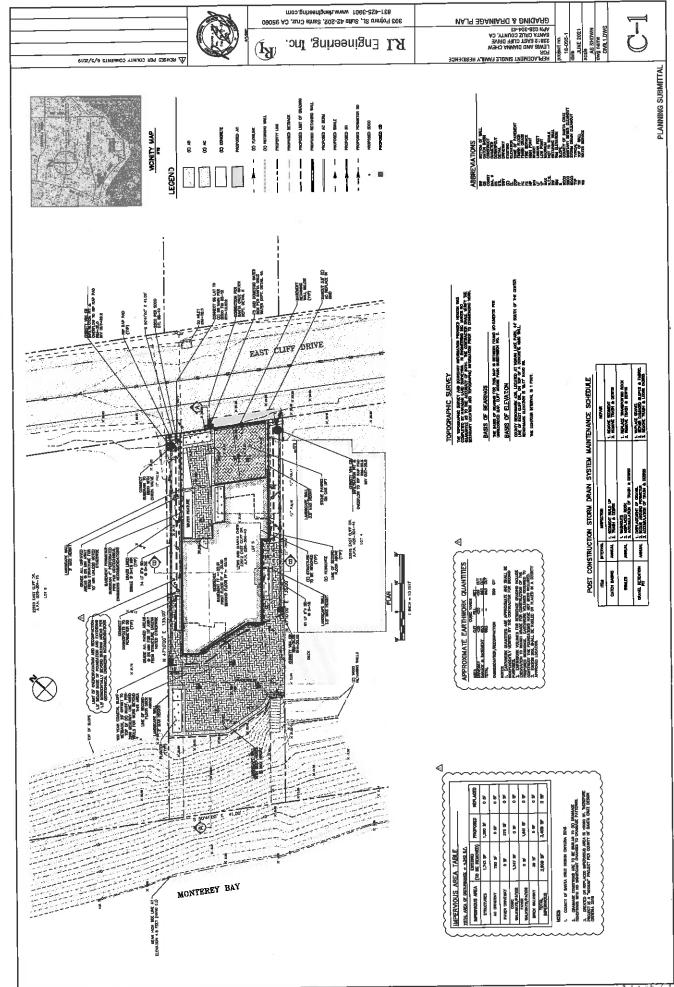


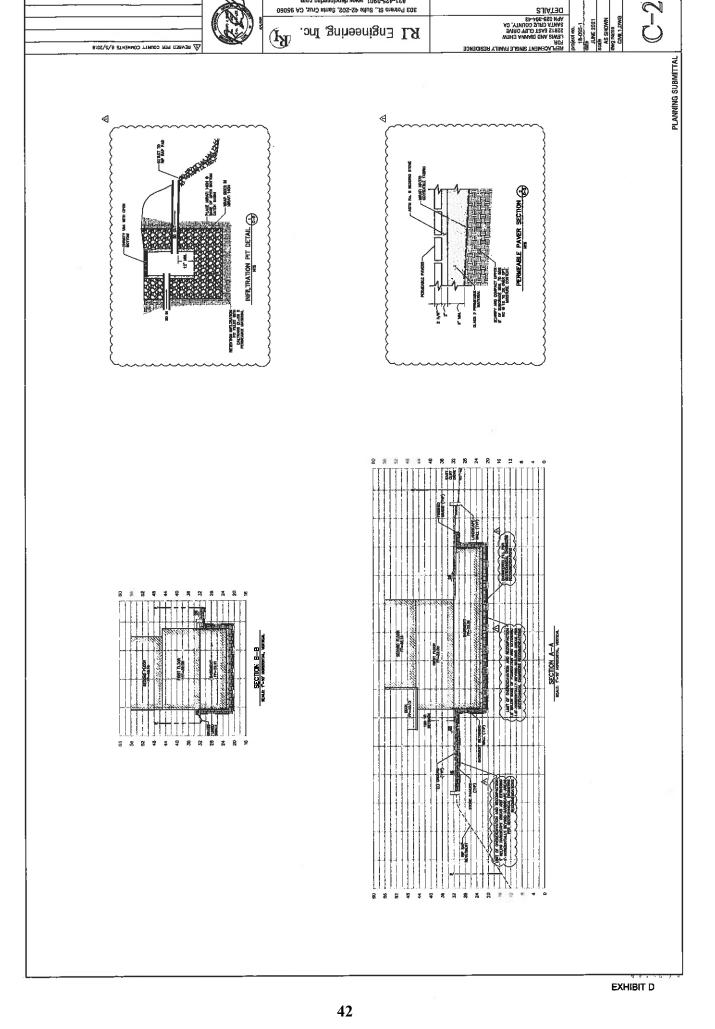
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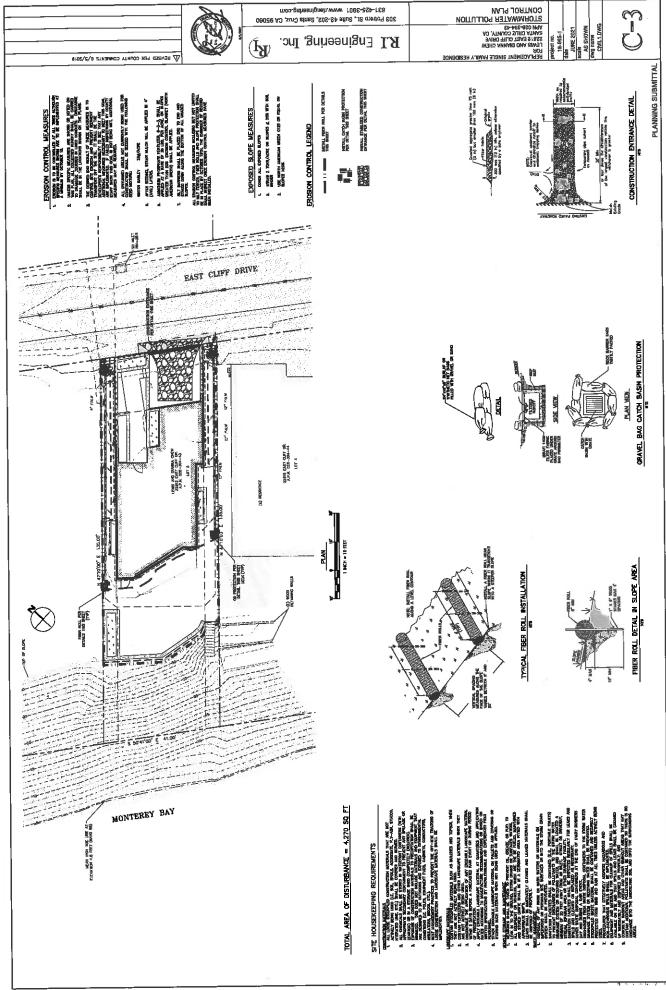
EAST CLIFF DR. | EXISTING NEIGHBORHOOD CONTEXT FROM MONTEREY BAY





309 Potrero St., Sulte 42-205, Santa Cruz, CA 95060 831-425-8901 www.rlengineering.com

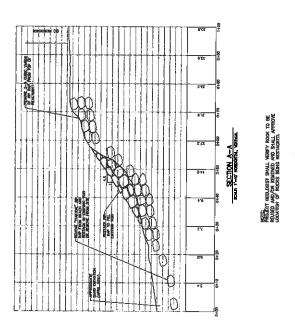
R.I Engineering, Inc.



SEAWALL PLAN

0 MONTEREY BAY





# CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE 725 FRONT STREET, SUITE 300 SANTA CRUZ, CA 95060 PHONE: (831) 427-4853 FAX: (831) 427-4877 WEB: WWW.COASTAL.CA.GOV



January 2, 2020

Jocelyn Drake, Zoning Administrator Santa Cruz County Planning Department 701 Ocean Street, 4<sup>th</sup> Floor Santa Cruz, CA 95060

Subject: January 3, 2018 Zoning Administrator Hearing for CDP Application No. 191064 (Chew Residence)

Dear Ms. Drake:

The above-referenced application is currently scheduled for a Zoning Administrator (Z.A.) hearing on January 3, 2019. We previously raised concerns about the proposed project's consistency with the LCP in terms of the need for appropriate setbacks in light of coastal hazards, and in terms of the status and ultimate disposition of the riprap armoring fronting the site (see attached emails dated April 11, 2019 and October 31, 2019). We believe that the current Z.A. staff report does not adequately identify, address, and resolve these issues, and we respectfully request that this item be continued to allow further assessment on these points prior to the project being considered by the Z.A. Please consider the following.

With respect to the riprap fronting the site, as the staff report notes, there was an existing seawall that failed in the 1960s as well as emergency work authorized by the Commission in 1978 (CDP M-78-27). However, the staff report does not note that a regular follow-up CDP was never processed to recognize the emergency work completed in 1978, and thus the legal permitting status of the armoring structure remains unclear. It is further unclear whether any of the required bi-annual maintenance and monitoring reports have been completed since CDP M-78-27 was issued, which would indicate whether the revetment is in its approved configuration or whether it has slumped, thereby occupying a larger area than originally permitted.

Even without that analysis, such armoring would only be allowed to remain if necessary to protect an *existing* structure in danger of erosion (which is not the case here as the proposed project entails a complete demolition and rebuild). Specifically, pursuant to IP Section 16.10.070(H)(1)(c), new development *cannot* rely on shoreline armoring for purposes of ensuring long-term stability. As a result, the new home being proposed must be set back far

IP Section 16.10.070(H)(1)(c) notes "The determination of the minimum setback shall be based on the existing site conditions and shall not take into consideration any proposed protection measures." While we recognize that there is existing riprap seaward of the proposed development, this policy must be read in conjunction with Coastal Act Sections 30235 and 30253, which strictly limit shoreline protection structures to protect existing structures and require that new development be sited and designed to avoid the need for shoreline armoring. In order words, because the project entails new development (which is not entitled to shoreline armoring under Section 30253), "proposed protection structures," as identified in IP Section 16.10.070(H)(1)(c), should be interpreted as the proposed retention of protection structures.

CDP Application No. 191064 (Chew Residence) January 2, 2020 Page 2

enough to meet the LCP's minimum 100-year stability test without armoring. Moreover, the proposed subterranean basement, garage, and car elevator would require major excavation into the coastal bluff as well as substantial foundation work and retaining walls. Such work would constitute armoring under the LCP, which again is limited to protect existing structures in danger of erosion. Relatedly, it is worth noting that a similar project was appealed to the Commission (see CDP A-6-ENC-16-0068<sup>2</sup>). In that case, the Applicants proposed a new house and basement on a blufftop with an existing seawall at the base of the bluff, and the Commission ultimately denied the new proposed residence consistent with staff's recommendation for the reasons described above.

And with regard the 100-year geologic setback, the setback was derived based on the assumption that the existing shoreline armoring would remain in place. However, armoring cannot be used to determine the 100-year stability setback because new development (such as the new proposed home) cannot rely on shoreline armoring. Moreover, any armoring that was placed in the past to protect existing structures (e.g., the upcoast residence as the downcoast residence was redeveloped under County Permit # 171215 for 2 2810 East Cliff Drive) would need to be removed beyond the minimum necessary to continue to protect any existing downcoast structure (provided the downcoast structure has not been redeveloped, in which case the armoring would no longer be allowable and would need to be removed entirely).

Finally, even assuming the existing armoring could remain, as we previously identified, it also appears that much of the shoreline armoring is not even located on the subject property, and thus these encroachments would need to be rectified if the project proposes to rely on such armoring (which the geological report does) to establish the geologic setback. Indeed, it is not clear whether and to what extent the riprap is located on the Applicants' property or on public property and, in fact, it would appear that a significant portion of the revetment is located below the MHTL and therefore located on land owned and controlled by the State Lands Commission. It does not appear that a formal property boundary determination has been completed and whether additional riprap may be located on County-owned right of way. It also remains unclear whether

Moreover, to the extent that an internal conflict in the LCP may exist here, (which we do not believe to be the case), the LCP provides a resolution framework for such conflicts. Specifically, where there is an internal LCP conflict, the LCP requires that it be resolved in the manner that most clearly complies with the Coastal Act. Specifically, LCP Chapter i, under the heading "Interpretation" states as follows:

In any case in which the interpretation or application of an LCP is unclear, as that policy may relate to a particular development application or project, the application or interpretation of the policy which most clearly conforms to the relevant Coastal Act policy shall be utilized.

Finally, our position is further supported by controlling appellate case law. See, McAllister v. California Coastal Commission (2008) 169 Cal. App. 4<sup>th</sup> 912, 930 (2008), which states "Although local governments are responsible for drafting the "precise content" of their local coastal programs (§ 30500, subd. (a)), those programs must, at a minimum, conform to and not conflict with the resource management standards and policies of the Act."

In sum, we believe that the geologic setback should be calculated as if no armoring existed at the site, consistent with the requirements of Section 30253 of the Coastal Act.

<sup>&</sup>lt;sup>2</sup> See https://documents.coastal.ca.gov/reports/2019/3/Th20a/Th20a-3-2019-report.pdf for the complete staff report.

CDP Application No. 191064 (Chew Residence) January 2, 2019 Page 3

the State Lands Commission and/or County Parks have been contacted regarding leases/encroachment permits.

In short, we believe that there are significant unresolved questions. Accordingly, we respectfully request that these shoreline armoring and setback questions be resolved prior to a decision on this application for a Z.A. hearing. If you have any questions or would like to further discuss these issues, please do not hesitate to contact me at (831) 427-4863. Thank you for your consideration.

Sincerely,

Rainey Graeven

Coastal Planner

Central Coast District Office

California Coastal Commission

Enclosure: April 11, 2019 and October 31, 2019 emails on CDP Application No. 191064

cc: Elizabeth Cramblet, Project Planner
Fuse Architects, Inc., Applicants' Representative

Owner: Lewis & Dianna Chew

## **Parcel Information**

Services I	Information
------------	-------------

Urban/Rural Services Line:

X Inside Outside

Water Supply:

City of Santa Cruz SCC Sanitation District

Sewage Disposal: Fire District:

Central Fire Protection District

Drainage District:

Zone 5

#### **Parcel Information**

Parcel Size:

5,479 gross; 4,232 net

Existing Land Use - Parcel:

Residential
Residential

Existing Land Use - Surrounding:

East Cliff Drive

Project Access: Planning Area:

Live Oak

Land Use Designation:

O-R; R-UM (Parks & Recreation; Urban Medium

Density)

Zone District:

R-1-5-PP (Single-Family Residential-Pleasure Point

Combining District)

Coastal Zone:

X Inside

\_\_ Outside

Appealable to Calif. Coastal

X Yes

\_\_ No

Comm.

## **Technical Reviews:**

Geologic Hazards:

Coastal Bluff

Fire Hazard:

Not a mapped constraint

Slopes:

Flat on building site; 50% down bluff (riprap area)

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

Approximately 663 cubic yards

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource

Archeology:

Not mapped/no physical evidence on site

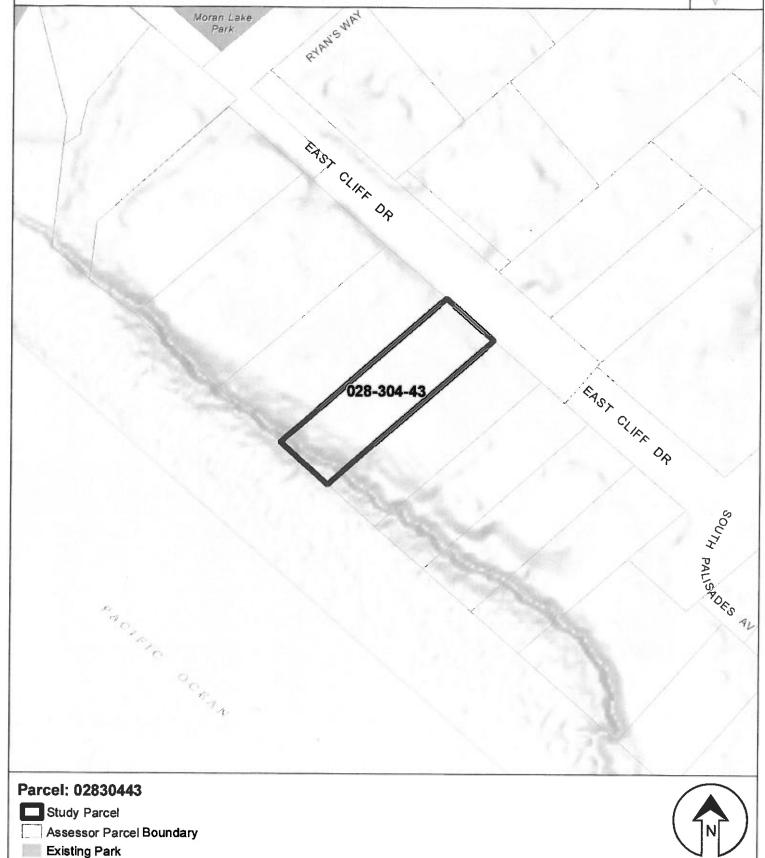


Map printed: 6 Nov. 2019

# SANTA CRUZ COUNTY PLANNING DEPARTMENT

# **Parcel Location Map**



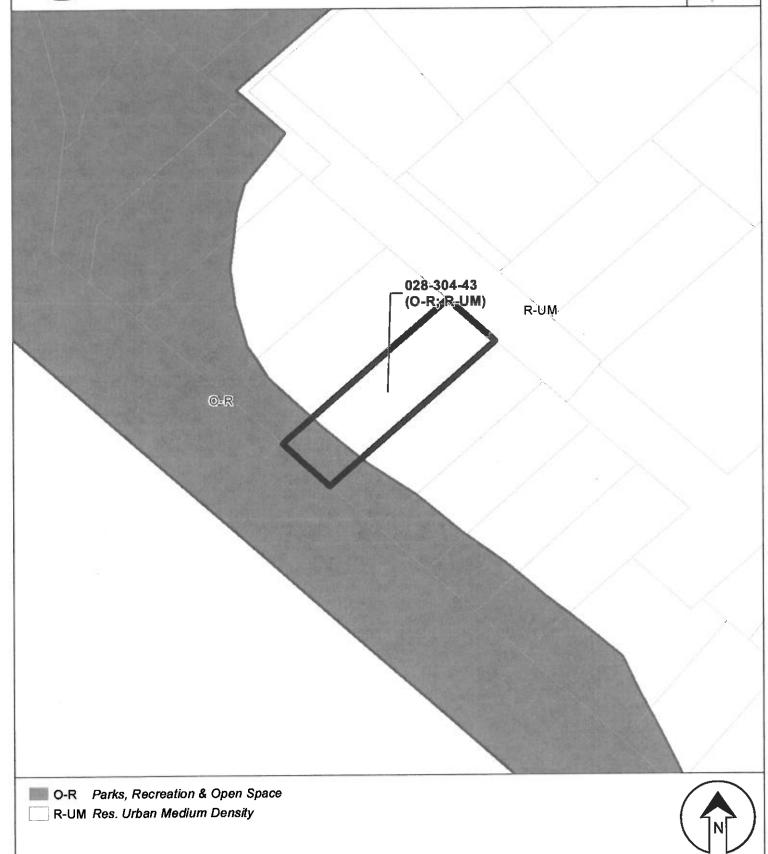




# SANTA CRUZ COUNTY PLANNING DEPARTMENT

# Parcel General Plan Map





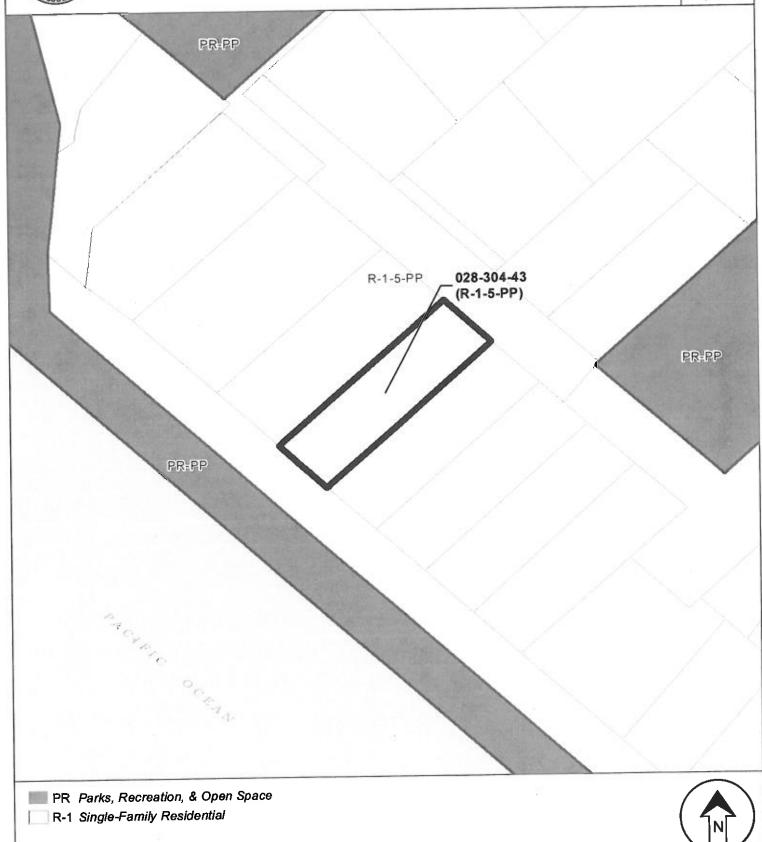
Feet

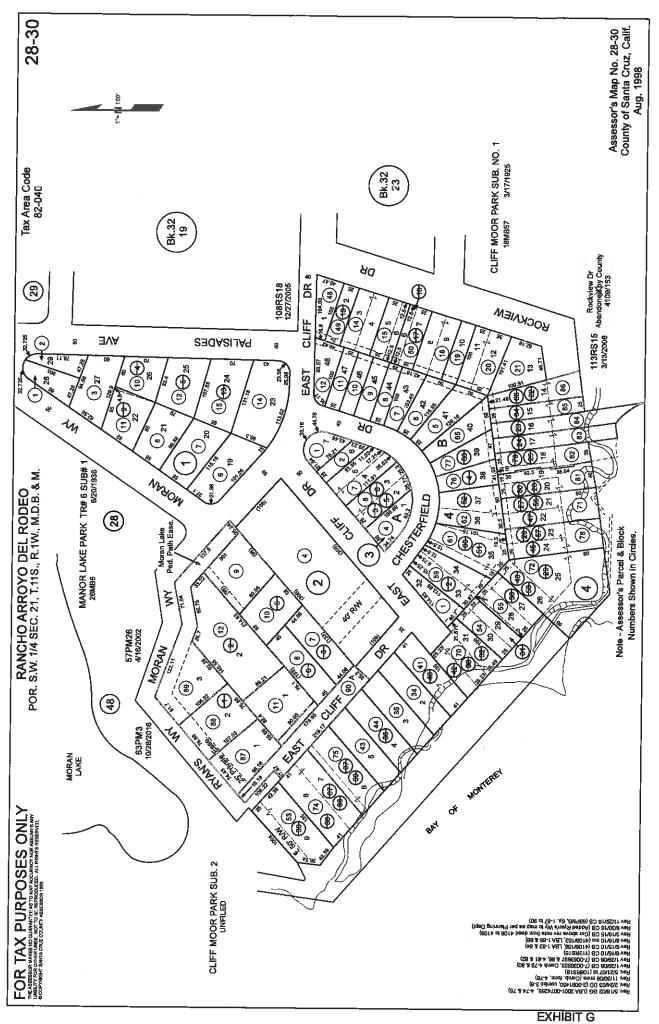


# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Mapped Area

# **Parcel Zoning Map**





# RI Engineering, Inc.



Civil Engineering

303 Ponero Street Suite 42-202 Santa Cruz, CA 95060 831-425-3901 831-425-1522 fax www.riengineering.com

May 14, 2021

Lewis and Dianna Chew 15261 Sobey Road Saratoga, CA 95070

Subject:

Evaluation of Proposed Revetment Modifications for the Chew Project, 22812 East Cliff

Drive, Santa Cruz County, CA, APN 028-304-43

Dear Lewis and Dianna,

We have prepared this letter and the attached exhibit in response to your email to us date 3/10/2021, the draft conditions of approval prepared by the California Coastal Commission for this project and our meeting last week with Erik Zinn the project geologist.

As we noted during our meeting, our firm, Zinn Geology and Pacific Crest Engineering (PCE) all identified an area of the existing revetment that is over steepened beyond the 1.5 (horizontal):1 (vertical) criteria shown original design documents and recommended by PCE in their August 31, 2020 Preliminary Geotechnical Evaluation.

In order to preserve the structural integrity of the revetment in this area, an undetermined amount of the rip rap rock removed from the beach should be placed in the over steepened area to restore it to its original design configuration. The transposed rip rap used for this repair should be identified by the Project Geologist of Record and should be placed per their direction. This may also be the case for the rip rap removed from the top of the revetment.

Based on this we propose the modified conditions for remediation:

- 1. Removal of at least 3-5 cubic yards of rock from the uppermost downcoast portion of the revetment
- 2. Removal of all smaller and loose rock from the face of the revetment as identified by the Project Geologist of Record
- 3. Removal or relocation of all-loose/errant fugitive rocks along the beach, thus opening up at least between 1,025 to 1,434 square feet of beach space.
- 4. Placement of fugitive rock (amount TBD) removed from the beach into the existing over steepened area of the revetment to restore the finished revetment slope to a maximum of 1.5 (horizontal): I (vertical) per the original design dated December 1965. Determination of the rip rap to be placed and the location of placement shall be determined by the Project Geologist of Record.



Please see the attached Exhibit 1showing the location of the over steepened revetment and the proposed repair.

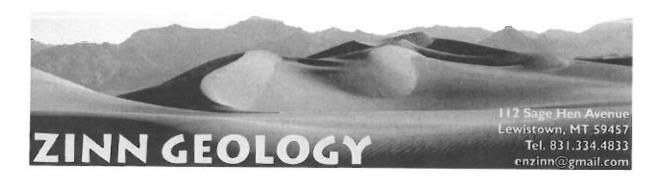
Please feel free to contact me if you have any questions or comments.

Very Truly Yours

Richard Irish, PE RI Engineering Inc.

Cc: Lewis & Dianna Chew, 15261 Sobey Road, Saratoga, CA 95070 Dan Townsend, Fuse Architects – via email Elizabeth Mitchel, Pacific Crest Engineering – via email Erik Zinn, Zinn Geology – via email

Attachment - Exhibit 1



8 September 2020

Job #2018025-G-SC

Lewis & Dianne Chew c/o Fuse Architects Attention: Dan Townsend 411 Capitola Avenue Capitola, CA 95010

Re:

Review of preliminary geotechnical evaluation letter for rip-rap revetment

22812 East Cliff Drive Santa Cruz, California

County of Santa Cruz APN 028-30-443

Dear Mr. And Mrs. Chew:

We have reviewed the preliminary geotechnical evaluation letter, dated 1 September 2020, prepared by Pacific Crest Engineering [PCE]. Prior to the issuance of the PCE letter, we worked closely with and gave geological input regarding the revetment to PCE as well as the Project Civil Engineer of Record, R.I. Engineering and Project Architect of Record, Fuse Architects.

The 1 September 2020 letter by PCE outlines a geotechnical engineering approach to maintaining the existing rip-rap revetment that is geologically feasible in our opinion.

This concludes our review letter. Please contact us at your earliest convenience if you have any questions or issues regarding this letter.

Sincerely,
ZINN GEOLOGY

Erik N. Zinn Principal Geologist

P.G. #6854, C.E.G. #2139

ERIK N. ZINN
No. 2139

ORANG OF CALIFORNIA

ERIK N. ZINN
No. 6854

Engineering Geology  $\otimes$  Coastal Geology  $\otimes$  Fault & Landslide Investigations

# GEOTECHNICAL | ENVIRONMENTAL | CHEMICAL | MATERIAL TESTING | SPECIAL INSPECTIONS

444 AIRPORT BLVD., SUITE 106 | WATSONVILLE, CA 95076 | PHONE 831-722-9446 | WWW.4PACIFIC-CREST.COM

September 1, 2020 Project No. 1897.1-SZ68-H66

Lewis and Dianna Chew

15261 Sobey Road

Saratoga, CA 95070

Subject:

**Preliminary Geotechnical Evaluation** 

**Rip Rap Revetment** 

22812 East Cliff Drive

A.P.N. 028-304-43

Santa Cruz County, California

Dear Mr. and Mrs. Chew,

As requested, our firm has performed a geotechnical assessment of the existing rip rap revetment protecting the coastal bluff on your property on East Cliff Drive in Santa Cruz County. The purpose of our assessment was to evaluate possible options for the removal of rip-rap while maintaining continued protection of the coastal bluff.

We visited the site on April 22, 2020, with Erik Zinn of Zinn Geology and Richard Irish of RI Engineering, for a visual examination of the revetment. We have also reviewed the Coastal Geologic Investigation report prepared by Zinn Geology dated March 14, 2019 in tandem with our 2018-2019 geotechnical investigation of the property for the proposed remodel of the residence.

Based on our site observations, review of project documents and discussions with the project consultants, the results of our assessment can be summarized as follows:

It is our understanding that the rip rap revetment was constructed circa 1966-1968. The revetment was designed and constructed for the face of it to stand at a 1½:1 horizontal to vertical slope gradient. The revetment was subsequently refurbished in 1978 after sustaining damage following catastrophic winter storms earlier that year. The 1978 repair consisted of placing 252 tons of 1 to 3 ton stone to restore the original section dimensions, and was performed under an emergency permit issued by the California Coastal Commission. The CCC issued final approval of the shoreline protection work in June of 1978.

A portion of the revetment appears to have settled and shifted seaward during the winter of 2019-2020, resulting in stone that lies well beyond the original toe of the revetment. In our opinion this rock can be removed from its current location on the beach since it is not significantly contributing to bluff



protection or revetment stability. It is important that in the removal process though, the functionality of the revetment be preserved and the face of the revetment not be over steepened.

Large storm waves are episodically pulling the smaller revetment stone seaward beyond the original revetment toe, leaving a significant amount of "fugitive" rock scattered on the beach below the revetment.

Based on our understanding of the revetment configuration and our site observations, one option for reducing the overall volume and footprint of revetment rock includes removal, or relocation if required, of the existing fugitive rock from the beach seaward of the revetment toe. This will significantly reduce the revetment footprint and result in more useable beach area. We do not recommend increasing the revetment gradient to facilitate the removal or relocation of revetment rock.

Conceptually, it appears that there may be other strategic locations within the revetment where rock can be removed. Selected smaller "face stone" rocks that do not appear to be contributing to the overall stability of the revetment can be slated for removal, as long as the larger stone remains properly placed to assure a stable gradient and continued absorption of wave energy.

We have also identified the upper portion of the revetment as a possible location for removal of rock without impacting revetment stability and protection of the coastal bluff. Our office should work closely with the project geologist and civil engineer to identify these areas in more detail. Any rock removed from the revetment should not result in an increase to the revetment gradient.

This evaluation was performed with a limited scope of work as requested on behalf of our client. Our findings and conclusions described above have been based upon the information provided to us and observations performed on the above mentioned dates. No representations are made as to the quality or extent of the materials not observed.

We appreciate the opportunity to be of service. Should you have any questions, we can be reached at (831) 722-9446.

Sincerely,

PACIFIC CREST ENGINEERING INC.

Elizabeth M. Mitchell, GE

**Principal Geotechnical Engineer** 

GE 2718, Expires 12/31/2020



# Staff Report to the Zoning Administrator

Application Number: 191064

Applicant: Fuse Architects Inc.

Owner: Lewis & Dianna Chew

APN: 028-304-43

Site Address: 22812 East Cliff Drive

Agenda Date: January 3, 2020

Agenda Item #: 3 Time: After 9:00 a.m.

**Project Description**: Proposal to demolish an existing two-story single-family dwelling and detached garage and to construct a new two-story, 1,990 square foot single-family dwelling with a 2,191 square foot basement with a garage, located in the R-1-5-PP zone district, and a determination that this project is exempt from further environmental review under CEQA.

Location: Property located on the southwest side of East Cliff Drive approximately 185 feet east of south Palisades Avenue.

Permits Required: Coastal Development Permit; Residential Development Permit for an Exception to the Pleasure Point residential development standards; a Variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" (for basement garage spaces); and an Over-Height Fence Certification.

Supervisorial District: District 1 (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 191064, based on the attached findings and conditions.

# **Project Description & Setting**

The parcel is located on the southwest side of East Cliff Drive approximately 185 feet east of South Palisades Avenue. The project site is located in a neighborhood with one- and two-story single-family homes located east, west and north of the parcel with the Monterey Bay directly south. Coastal access to the nearest public beach is approximately 250 feet northwest of the site opposite Moran Lake. The parcel is currently developed with a 2,041 square foot nonconforming two-story dwelling with a 399 square foot nonconforming detached garage. The existing dwelling is nonconforming relative to zone district setbacks and to the Pleasure Point development standards.

The application includes a proposal to construct a new 1,990 square foot two-story single-family dwelling with a 2,191 square foot basement with a garage. The proposal includes a mechanical

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

Owner: Lewis & Dianna Chew

car lift located on the driveway that will lower cars to the garage in the basement and raise them to the driveway platform when leaving the garage below (see Exhibit H). When the mechanical car lift is in operation, a fence or barrier will be in place to prevent falls into the lift area. Two spaces are located in the garage in the basement, and two spaces are available for parking on the driveway, which is in conformance with the required parking. The parcel is relatively flat and fronts a coastal bluff to the southwest that has been historically armored by a system of rip rap revetment rock. The revetment extends from Moran Lake Beach to a point that extends into the bay off South Palisades Avenue.

A Coastal Development Permit is required because the property is located within the appeals jurisdiction of the coastal zone. The applicant is also requesting an exception to the Pleasure Point residential development standards, a Variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" (for basement garage spaces), and an Over-Height Fence Certification to allow a fence over 3 feet in height within the front setback.

## Background

Over the years, the rip rap revetment that borders the project site has been maintained by the previous property owner. A Geologic Report, prepared by Zinn Geology, was reviewed and accepted by the County Geologist. The Geologic Report included a brief history for the area below the bluff, now occupied with rip rap. According to the report, the existing seawall and gunite bluff face failed in the early 1960s. A proposal by Bowman and Williams to trim back the gunite face from the top of the bluff and bury the gunite and seawall with rip rap was completed in 1966. A series of letters between the previous owner of the subject property, adjacent property owners, and the California Coastal Commission indicate emergency work was done to supplement and restack the rip rap after damaging storms in January and February of 1978. A letter by the Coastal Commission, dated June 20, 1978, indicates the applicant complied with the emergency permit conditions outlined in permit M-78-27 (see Exhibit G). According to the Geologic Report, the rip rap has remained unchanged since the work done in 1978.

# Zoning & General Plan Consistency

The subject property is a 5,479 square foot lot, located in the R-1-5-PP (Single-family Residential-Pleasure Point) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's O-R; R-UM (Parks & Recreation; Urban Medium Density) General Plan designation (all proposed development is located on the R-UM portion of the parcel). A portion of the project site is located inside a mapped flood hazard zone, as determined by FEMA, however all proposed development is located outside the mapped flood zone area.

#### Coastal Bluff

According to County Code section 16.10.070(H)(1)(b), new development located on a coastal bluff is required to have a minimum 25-foot setback from the top edge of the coastal bluff or provide the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater. Additionally, County Code section 16.10.070(H)(1)(c) stipulates the minimum setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed protection measures, such as shoreline protection structures, retaining

APN: 028-304-43

Owner: Lewis & Dianna Chew

walls, or deep piers. The conclusions of the Geologic Report associated with the project indicate that, since the coastal bluff on the property has remained essentially unchanged since the armoring refurbishment in 1966 and 1978, it is anticipated that the top of the coastal bluff will remain relatively unchanged for the next 100 years. Therefore, the project engineers recommend a minimum setback of 25 feet from the top of the bluff. This setback has been incorporated into the project design.

# Exception to Pleasure Point Residential Development Standards

The proposed single-family dwelling has been designed to meet the R-1-5 zone district development standards; however, the parcel is located in the Pleasure Point Community Design PP Combining District which has specific requirements for building envelopes and upper floor construction. SCCC section 13.10.446(A)(1)(a) states for new two-story residential structures on lots 35 feet or wider or new first floors with walls that exceed 15 feet in height, the second story exterior side walls shall be set back from the side yard property line at least 10 feet. The intent of the increased second-story setback requirements is to reduce the visual and shading impacts for new and expanded houses on neighboring parcels and homes. The applicant is requesting exceptions to the Pleasure Point residential development standards which requires a Residential Development Permit. The table below illustrates required and proposed site and development standards that are relevant to this project.

Development Standard	Code Requirement	Proposed
Front Yard Setback	20 feet	20 feet
First Floor Side Yard Setback	5 feet (both sides)	5 feet
Second Floor Side Yard	10 feet (both sides)	7'-9 ½" (left side-north) & 5'-1/2" (wall) & 3'-1 ¾" (chimney) (right side-south)
First Floor Wall	15 feet	16 feet, 6 inches
Rear Yard Setback	25 feet	25 feet
Height	28 feet max	26'-9" (top of chimney)
Lot Coverage	40% max	38%
Floor Area Ratio (FAR)	50% max	47%
Parking Requirement	3 spaces	3 spaces

To summarize, the applicant is requesting a 7 foot, 9 and one-half inch second-story side setback for a portion of the south (left) side, a 5 foot, one-half inch second-story side setback along most of the north (right) side, and a 3 foot, one and three-quarters inch side setback for the chimney on the back north (right) side in lieu of the required 10 foot second-story side setback for both sides. In addition, the applicant is requesting an exception for a single-story wall that is higher than the allowed 15 feet (16 feet, 6 inches), located in the northwest corner where the rear deck for the second story master bedroom is located.

According to County Code section 13.10.444(A), one of the purposes of the Pleasure Point Community Design PP Combining District is to "Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses." While this can be accomplished by complying with the Pleasure Point Combining District's increased second-story side setbacks, the applicant is suggesting that the purpose of the Pleasure Point Combining District can be better achieved by stepping back the second-story from the front property line and having a greater rear

Owner: Lewis & Dianna Chew

setback than the existing home. The applicant is proposing to increase the front setback of the second story between 25 feet and 37 feet from the front property line, reducing shadowing effects across the front of the adjacent parcel. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff.

The applicant provided a shadow study (Sheet A10) which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. Additionally, the shadow study illustrates visual and shadowing effects to the proposed adjacent home if the applicant were to construct the home with the second story setback 20 feet from the front property line as allowed by the zone district and the Pleasure Point Combining district development standards. As the shadow study illustrates, there is less shading along the northeast corner of the adjacent parcel (22810 East Cliff Drive) when the second-story is stepped back from the front property line, as proposed, than when the second-story is constructed to the 20 foot front setback line. By stepping back the second-story front, the adjacent parcel will receive more daylight in the front yard area. Given these considerations, the proposed design better achieves the purpose of the Pleasure Point Combining District.

Finally, the applicant also removed one of the proposed bedrooms from the second floor to increase the second-story side setback on the left (south) side. When comparing the existing home to the proposed home, the side setbacks are almost identical. Another benefit of having the second story stepped back along the front is the reduction of the overall mass and bulk of the residence when viewed from the street. Additional findings for this exception can be found in Exhibit B.

#### Variance

This proposal includes a request for a variance to reduce the minimum parking space height from 7'-6" to 7'-5.5" for the basement parking spaces. The proposed project includes a basement storage area, mechanical room, laundry, mud room, and parking area for two spaces which is accessed by a mechanical lift that sits just below the driveway above.

This neighborhood contains many smaller parcels that are developed with residences that maximize the available land area on each lot. The applicant is trying to maximize the available land area on their lot by proposing to include two garage spaces in the basement. The parcel is constrained by its narrow width, and location on a coastal bluff. The existing lot is narrower than most standard lots at a width of 41 feet and, because of its location on a coastal bluff, has a bluff setback of 25 feet, thus reducing the developable area on the lot. In addition, the parcel's location on a coastal bluff where the bluff area is deducted from the net site area means that the parcel's buildable area is reduced to 4,233 square feet, effectively making the parcel a substandard lot relative to the zone district's 5,000 square feet minimum parcel size. The minor request to reduce the parking space height from 7'-6" to 7'-5.5" is considered reasonable since the loss of half an inch in height is not anticipated to reduce the functionality of the parking spaces.

## **Design Review**

The proposed single-family dwelling is subject to the County's Design Review Ordinance (County

Owner: Lewis & Dianna Chew

Code 13.11 and 13.20.130) because of the subject parcel's location within the coastal zone and on a coastal bluff. The existing home is a two-story, grey home with brick, stucco and wood siding. The proposed dwelling is modern in design with siding that includes stone veneer, off-white light stucco, painted black metal and terra cotta panels and louvers. Additional features will be black metal trim around the new windows and a membrane flat roof. The front will be landscaped with drought tolerant plants with hardscape and low planters to complement the front of the home. The project is located in a developed neighborhood with one-and two-story homes with similar materials, styles and colors allowing it to blend and be compatible with houses in the surrounding neighborhood.

## 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 located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Coastal access to the nearest public beach is approximately 250 feet northwest of the site opposite Moran Lake. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

The proposed project is consistent with the visual resource protection policies of the Local Coastal Program since the proposed residence and associated site improvements will be constructed on an existing developed lot in an urbanized neighborhood (East Cliff Drive) with similar architectural styles and footprints (General Plan Policy 5.10.7 - Open Beaches and Blufftops). The overall height of the proposed structure is 25 feet, 11 inches (26 feet, 9 inches to the top of the chimney) which is well below the permitted 28-foot height limit. In addition, the structure features a design that incorporates a stepped in second story along the front, a flat roof, and soft accent materials that will minimize the visual impacts of the structure viewed from the street.

#### 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 191064, 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.

Owner: Lewis & Dianna Chew

The County Code and General Plan, as well as hearing agendas and additional information are available online at: <a href="https://www.sccoplanning.com">www.sccoplanning.com</a>

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#### **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. Geologic Report Review letter (April 8, 2019)
- H. Photo of mechanical car lift

# 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.

	Tumber: 191064
	el Number: 028-304-43 on: 22812 East Cliff Drive
Project Desci	ription: Proposal to demolish an existing two-story single-family dwelling and construct a new two-story, 1,990 square foot single-family dwelling with a 2,191 square foot basement with a garage, located in the R-1-5-PP zone district
Person or Ag	ency Proposing Project: Fuse Architects
Contact Phon	ne Number: (831) 479-9295
A B	The proposed activity is not a project under CEQA Guidelines Section 15378.  The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (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. <u>X</u>	Categorical Exemption
Specify type:	Class 2 – Replacement or Reconstruction (Section 15302)
F. Reaso	ns why the project is exempt:
Construction	of a replacement single-family dwelling in an area designated for residential uses.
In addition, n	one of the conditions described in Section 15300.2 apply to this project.
	Date:
Elizabeth Cra	mblet, Project Planner

**EXHIBIT A** 

Owners: Lewis & Dianna Chew

# Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the special circumstances applicable to the property include its width, size and location. At 41 feet wide, the existing lot is narrower than most standard lots in the R-1-5 zone district where 50 feet of frontage is the zone district minimum. This narrow width limits the number of parking spaces that can occupy the front yard setback since the project must comply with the code limitation that paving for parking may occupy a maximum of 50% of the front yard setback. In addition, the parcel's location on a coastal bluff where the bluff area is deducted from the net site area means that the parcel's buildable area is reduced to 4,233 square feet, effectively making the parcel a substandard lot relative to the zone district's 5,000 square feet minimum parcel size. Finally, the parcel is constrained by both the 25-foot bluff setback which is ten feet greater than the zone district rear yard and by the project's partial compliance with the Pleasure Point Combining District's development standards. Both of these limit the amount of buildable area. Because of these constraints, the applicant proposes to place two parking spaces in the basement area. In order to comply with the basement and FAR standards, a variance to reduce the parking space heights by one-half inch from the code requirement of 7'6" to 7'5.5" is considered reasonable since it will have no material effect on the functionality of those parking spaces.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the variance will allow the reconstruction of a residence on a residentially zoned parcel and the structure will be in scale with, and adequately separated from, improvements on surrounding properties. The loss of one-half inch in parking height will not reduce the functionality of the parking spaces.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the neighborhood are developed with single-family dwellings with similar bulk and mass to the structure that is being proposed. The request for a reduction in the minimum parking space height does not affect the overall height of the proposed structure, nor does it affect the size of the structure. The existing lot is narrower than most standards lots with a width of 41 feet, and, the required rear setback is 25 feet from the bluff, which is ten feet greater than the standard rear setback. Granting the request allows the applicant to construct a home that is comparable in size to other homes in the neighborhood. Therefore, it would not be a grant of a special privilege for the construction of a residence on the subject property. The existing and proposed residential use is consistent with the existing pattern of development in the neighborhood.

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# **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-PP (Single-family Residential, Pleasure Point Combining District), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's O-R; R-UM (Parks & Recreation; Urban Medium Density) General Plan designation. No portion of the proposed project is located in the area with the O-R General Plan designation.

 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.

 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 architectural style; the site is surrounded by similarly sized parcels developed to an urban density, including one-and two-story residences constructed along the shoreline, abutting the rip rap revetment. The design of the proposed dwelling incorporates site and architectural design features, such as a stepped back second story in the front, varied wall and roof planes that serve to reduce the visual impact of the structure. Much of the second story will be located at the rear of the structure reducing the overall mass and bulk at the front of the house which will reduce the visual impact of the house when viewed from East Cliff Drive. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing second-story rear second-story deck is currently approximately 12 feet from the coastal bluff. Color and materials will offer varying textures and natural tones that will be complementary to the site and the surrounding neighborhood.

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 and public beach access is located approximately 250 feet northwest of the site opposite Moran Lake.

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-PP (Single-family Residential-Pleasure Point Combining) zone district,

EXHIBIT B

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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.

The proposed project is consistent with General Plan Policy 5.10.7 (Open Beaches and Blufftops) in that the proposed residence and associated site improvements will be constructed on an existing developed lot in an urbanized neighborhood (East Cliff Drive) with similar styles and footprints. The overall height of the proposed structure is 25 feet, 11 inches (26 feet, 9 inches to the top of the chimney) which is well below the permitted 28-foot height limit. In addition, the structure features a design that incorporates a stepped in second story along the front, and soft, accent materials that will minimize the visual impacts of the structure when viewed from the street.

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 the project site is located between the shoreline and the first public road. Public beach access is located approximately 250 feet northwest of the site opposite Moran Lake. Consequently, the proposed 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.

Owners: Lewis & Dianna Chew

# **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 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 proposal includes a mechanical car lift located on the driveway that will lower cars to the garage in the basement and raise them to the driveway when leaving the garage below. When the mechanical car lift is in operation, a fence or barrier will be in place to prevent falls into the lift area. Because the fence will be taller than three feet, an Over-Height Fence Certification is included.

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-PP (Single-family Residential-Pleasure Point Combining) 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.

The project site is located within the Pleasure Point Combining District; therefore, the combining district site standards apply to the project. The applicant is requesting an exception to the Pleasure Point residential development standards which has specific requirements for building envelopes and upper floor construction. SCCC section 13.10.446(A)(1)(a) states for new two-story residential structures or second-story additions, or any new single-story structures or new first floors with walls that exceed 15 feet in height, the second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, shall be set back from the side yard property line at least 10 feet with lot widths 35 feet or greater. The intent of the increased second-story setback requirements is to reduce the visual and shading impacts for new and expanded houses on neighboring parcels and homes.

The applicant is requesting setback reductions for a portion of the south (left) side, and the entire north (right) side. Exceptions to the Pleasure Point residential development standards may be granted in the project is found to be consistent with the Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444, the findings found in SCCC 18.10.230(A), and at least one of the following additional findings:

(1) There are special existing site or improvement characteristics or circumstances, including but not limited to the absence of adjacent residential parcels that could potentially be shaded by the proposed development, that appropriately excuses the proposed development from meeting one or more of the development standards; or

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- (2) The Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444, are better achieved by an alternative design; or
- (3) The granting of an exception will result in a superior residential design that is consistent with the Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444.

In this case, staff determined the Pleasure Point Community design "PP" Combining District Purposes, found in SCCC 13.10.444, are better achieved by an alternative design which is the proposed project. If the applicant had designed the project to meet the second story 10-foot side setback, more of the house would be located in the front on the first and second story. By designing the massing towards the back of the house, the square footage was reallocated to the sides of the second floor on the back two-thirds of the house. This pulls the greatest vertical massing of the structure on the ocean side where it is less visible from the street. This does not change the view of the ocean for adjacent homes since as previously mentioned, the rear setback from the coastal bluff is greater at 25 feet than the existing home which sits approximately 12 feet from the coastal bluff.

According to County Code section 13.10.444(A), one of the purposes of the Pleasure Point Community Design PP Combining District is to "Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses." While many times this is accomplished by requiring increased second-story side setbacks, the applicant is illustrating reduced visual and shading impacts by stepping back the second story from the front property line more than what is required in lieu of complying with the required second-story side setbacks. The applicant is allowed to have the second-story setback 20 feet from the front property line. The applicant is proposing to have the second-story setback between 25 feet and 37 feet from the front property line, reducing shadowing effects across the front of the adjacent parcel. The applicant submitted a shadow study which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. The shadow diagram shows the adjacent parcel will have more daylight during the spring and winter months with the proposed dwelling. Additionally, the proposed home will have a greater rear setback (25 feet from the coastal bluff) than the existing dwelling, granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff,

In addition, the project is consistent with the three purposes of the Pleasure Point Community Design PP Combining District.

The first purpose is to reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses. The design of the proposed dwelling incorporates site and architectural design features to reduce the visual impact on neighboring parcels. These include a stepped back second story in the front, varied wall and roof planes, and flat roofs. Much of the second story will be located at the rear of the structure reducing the overall mass and bulk on the front of the house granting relief from the street. Additionally, the proposed dwelling will have a greater rear setback at 25 feet from the coastal bluff granting neighboring properties better views as the existing rear second-story deck is currently approximately 12 feet from the coastal bluff.

The second is to encourage community interaction and orientation towards the street by providing

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an incentive for the creation of more front porches in Pleasure Point. The proposed project does not include a front porch; however, the entrance to the home is set back around midpoint of the building footprint leaving a large open area beyond the front setback area that would allow at some point a front porch or seating.

The third purpose is to reduce the visual impact of automobile-oriented features on residential building facades and in front yards. Since the garage is located in the basement below, the front façade does not need to include a garage door or open carport for parking, reducing automobile-oriented features on the building façade. The proposed project shows a light stucco wall where a garage door would normally be located. An Over-Height Fence Certification is required to allow a fence greater than three feet within the front yard setback. The fence will only be visible when the mechanical car lift is in operation and will not, therefore, pose a line of sight hazard.

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 single-family dwelling use is consistent with the use and density requirements specified for the O-R; R-UM (Parks & Recreation; Urban Medium Density) 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), in that the single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The applicant provided a shadow study which illustrates shadowing effects from the proposed project on the proposed single-family dwelling on the adjacent parcel to the north (22810 East Cliff Drive) at designated times of the day and year that would have the greatest shadowing effect. Additionally, the shadow study illustrates visual and shadowing effects to the proposed adjacent home if the applicant were to choose to construct the home with the second story setback 20 feet from the front property line as allowed by the zone district and the Pleasure Point Combining district development standards. As the shadow study illustrates, there is less shading along the northeast corner of the adjacent parcel (22810 East Cliff Drive) when the second-story is stepped back from the front property line, as proposed, than when the second-story is constructed to the 20 foot front setback line. By stepping back the second-story front, the adjacent parcel will receive more daylight in the front yard area.

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

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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 developed lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit). The project will not overload utilities or adversely impact existing roads or intersections in the surrounding area.

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, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood where single-family dwellings are dominate.

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 existing single-family dwelling is a dated two-story grey home with brick, stucco and wood siding. The proposed dwelling is modern in design with siding that includes stone veneer, off-white light stucco, painted black metal and terra cotta panels and louvers. Additional features will be black metal trim around the new windows and a membrane roof.

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is designed to be visually compatible and in scale with the character of the surrounding neighborhood. The project site is surrounded by one and two-story single-family dwellings with a variety of architectural styles.

The Over-Height Fence proposed to protect the mechanical car lift area will have a negligible visual impact since it will only be visible when the car lift is in operation.

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# **Conditions of Approval**

Exhibit D: Project plans, prepared by Fuse Architects, Inc, dated 10/1/2019.

- I. This permit authorizes the 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 structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    - 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.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. "Notice of Geologic Hazards, Acceptance of Risk, 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:
    - 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, storm surges, tsunami, tidal scour, coastal flooding, liquefaction and the interaction of same;
    - 2. <u>Assume Risks</u>. 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 to the

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permitted development, occupants of the site, or the general public in connection with the permitted development as related to geologic/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 to the extent arising from any injury or damage in connection with the permitted development and geologic/coastal hazards; and
- 5. Property Owner Responsible. That any adverse effects to property caused by the permitted development, as related to geologic/coastal hazards potential or actual effects, shall be fully the responsibility of the property owner. That costs of monitoring, maintenance, repair, abatement and/or future removal of structures shall be fully the responsibility of the property owner.
- B. 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:
  - A copy of the text of these conditions of approval incorporated into the fullsize 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. Details showing compliance with fire department requirements.

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- 6. The basement shall not be habitable and the height shall be less than 7 feet, 6 inches.
- 7. The applicant shall submit details of the mechanical car lift and fence barrier for review and approval by the Planning Department.
- 8. The mechanical car lift shall not contain a canopy that hangs over the driveway but shall consist only of a platform that lowers cars to the basement parking spaces below and raise parked cars to the driveway above grade.
- 9. When the mechanical car lift is in operation, a fence/barrier must be in place to prevent falls into the lift area and shall not be visible when not in use.
- C. 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. Following are added conditions of approval:
  - 1. Project is recognized as a Medium project per the County Design Criteria (CDC) based on the new and replaced impervious/semi-impervious area proposed for the new single-family dwelling (R.I. Engineering sheet C-1). Project shall adhere to Part 3 Section C of the CDC & County Code 7.79. Onsite retention shall be given first priority and the pre-development runoff patterns rates shall be maintained. Safe overflow shall be incorporated into the project design.
  - Cross-section construction details shall be provided for all proposed stormwater mitigation features and surfacing types. Include final design invert elevations and grades.
  - Please clarify how site improvements will retain runoff onsite. Due to the close proximity of neighboring properties, design shall clearly identify how surface runoff will be safely conveyed and controlled.
  - 4. This project is within Flood Control District 5 as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.31 per square foot but is subject to change based on the most updated fee amount applicable at the time of permit issuance.
  - 5. This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure). Otherwise County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant.

Owners: Lewis & Dianna Chew

- 6. A 50% credit is given to all projects that implement semi-pervious surfaces such as pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.
- D. Meet all requirements of the County Department of Public Works, Driveway/Encroachment including the following conditions of approval:
  - 1. Please note on the plans that the proposed new driveway shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at:

    http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DCDriveways.pdf
  - 2. The plans indicate trenching required in the right-of-way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved, please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410 or via email. If pedestrian, bicycle or vehicle traffic will be impacted, please include a traffic control plan.
  - 3. Please note that any improvements in the public right-of-way will need to be included in the encroachment permit application and are subject to removal should any future improvements be necessary in the area.
- E. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit. A full sewer system design by a licensed civil or mechanical engineer will be required at the time of the building permit application.
- F. Meet all requirements of the Environmental Planning section of the Planning Department including the following conditions of approval:
  - 1. The civil engineering sheets shall add a note stating: "grading or earthwork" outside the 100-year geologic setback line shall be of the scale typically accomplished by hand, and only that necessary to create beneficial drainage patterns or to install an allowed structure, that does not excavate into the face or base of the bluff.
  - 2. No structures are allowed within the 100-year geologic setback which require a Building Permit.
  - 3. No projects (including landscaping) that would result in the unfavorable alteration of drainage patterns are allowed within the 100-year geologic setback.
  - 4. Submit 2 copies of the Geotechnical (soils) Report for review with the

**EXHIBIT I** 

building permit application.

- A Notice of Geologic Hazards declaration shall be signed, notarized and recorded prior to approval of the Building Permit application.
- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- H. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- I. Pay the current fees for Parks and Child Care mitigation for 3 bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- J. Pay the current fees for Roadside and Transportation improvements for 3 bedrooms. Currently, these fees are, respectively, \$3,000 per unit and 1,000 per bedroom.
- K. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 2,000 square feet is \$2 per square foot.
- L. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and 7.5 feet high, and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- M. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
  - A. 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.

- E. The applicant shall submit a Construction Program as it relates to development activities that include the following:
  - A site plan showing areas where grading and construction will take place, soils will be stockpiled, laydown areas for building materials, parking for construction workers, and temporary facilities such as portable toilets, construction signs, temporary areas for secure storage and construction trailers will be located.
  - 2. Include how development will occur without affecting traffic traveling on East Cliff Drive. No equipment shall be located on East Cliff Drive that will affect the flow of traffic in either direction.

#### IV. Operational Conditions

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

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

- B. 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 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.
- C. Requirement for Geotechnical and Coastal Hazards Reports: Fifteen-foot Trigger. In the event that in the future the blufftop edge recedes to within fifteen feet of the single-family dwelling or to any other point where the site or structure is deemed unsafe by County regulations and/or the County geologist, Civil Engineer, or Chief Building Official, the property owner shall undertake the following activities to determine whether selection and pursuit of a Coastal Hazards Response Alternative is required:

Owners: Lewis & Dianna Chew

- 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).
- 2. 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).
- Removal and Restoration. If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards D. Report, it is determined that any portion of the approved development must be removed 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. 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, it 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

Application #: 191064 APN: 028-304-43 Owners: Lewis & Dianna Chew

> 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

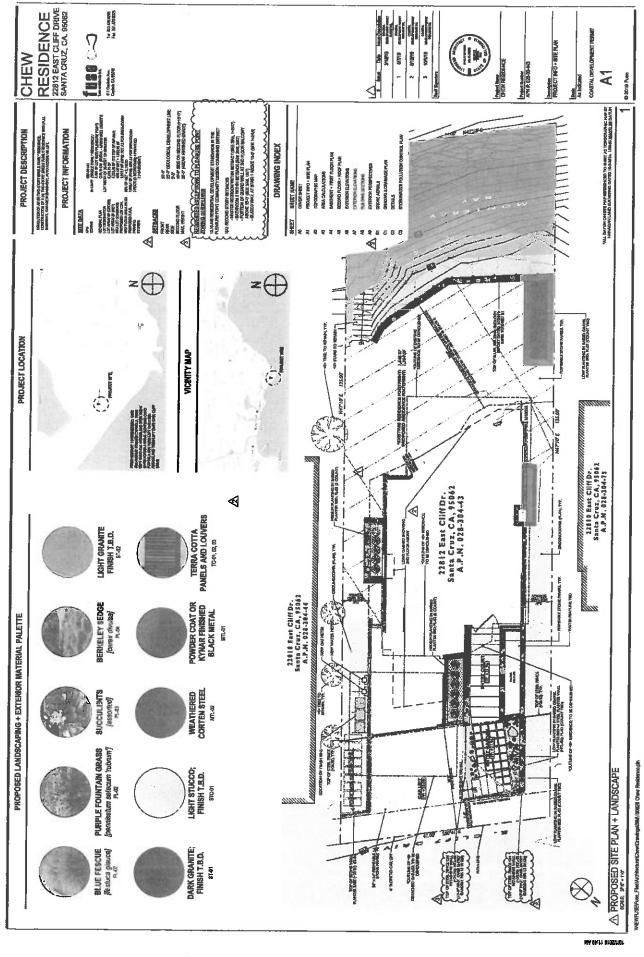
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

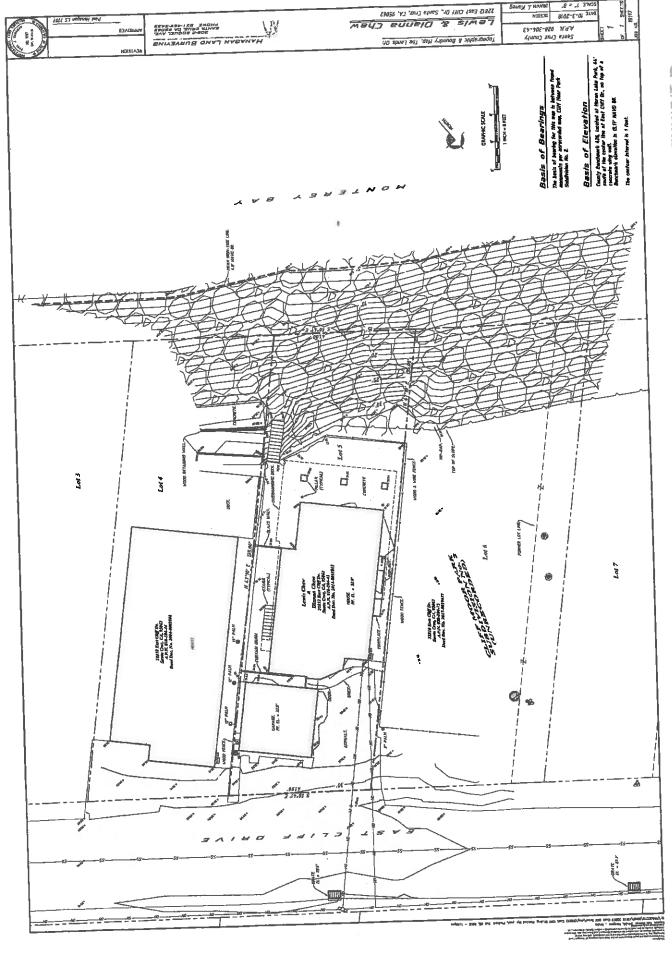
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures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

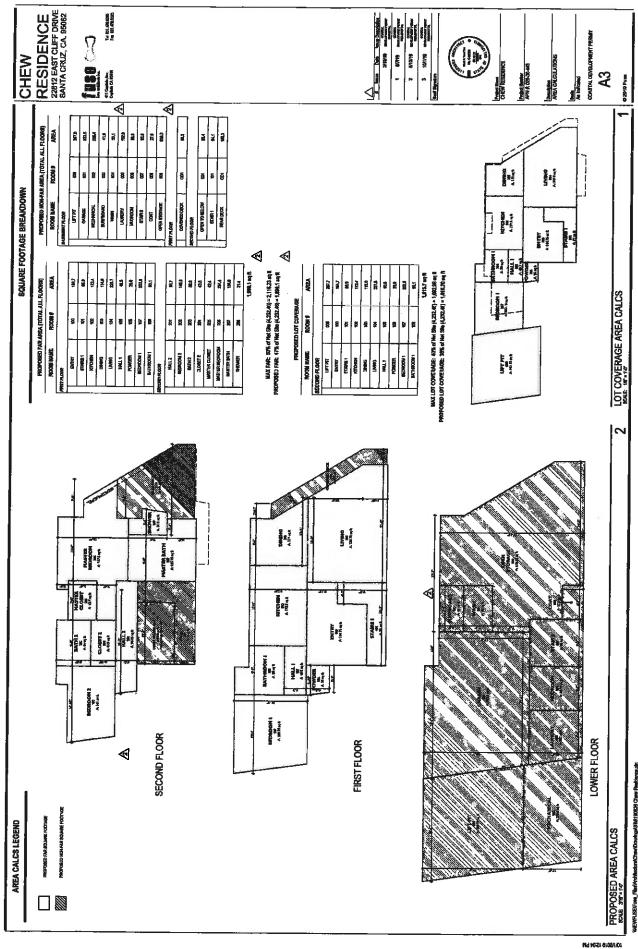
Approval Date:	
Effective Date:	
Expiration Date:	
	Localism Dunker
	Jocelyn Drake Deputy Zoning Administrator

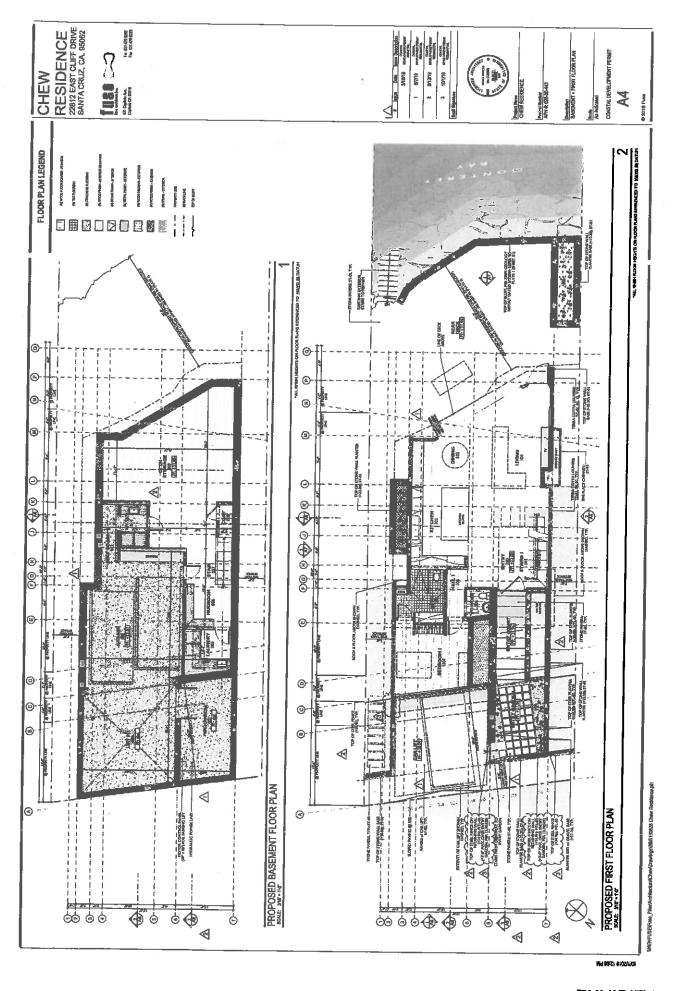
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

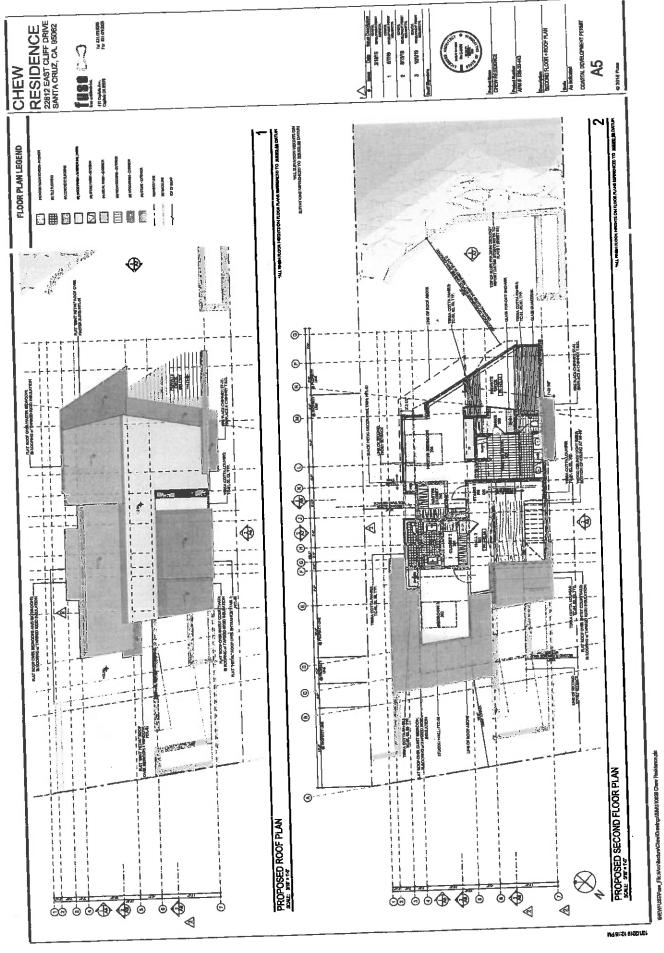
Recd 10-3-19

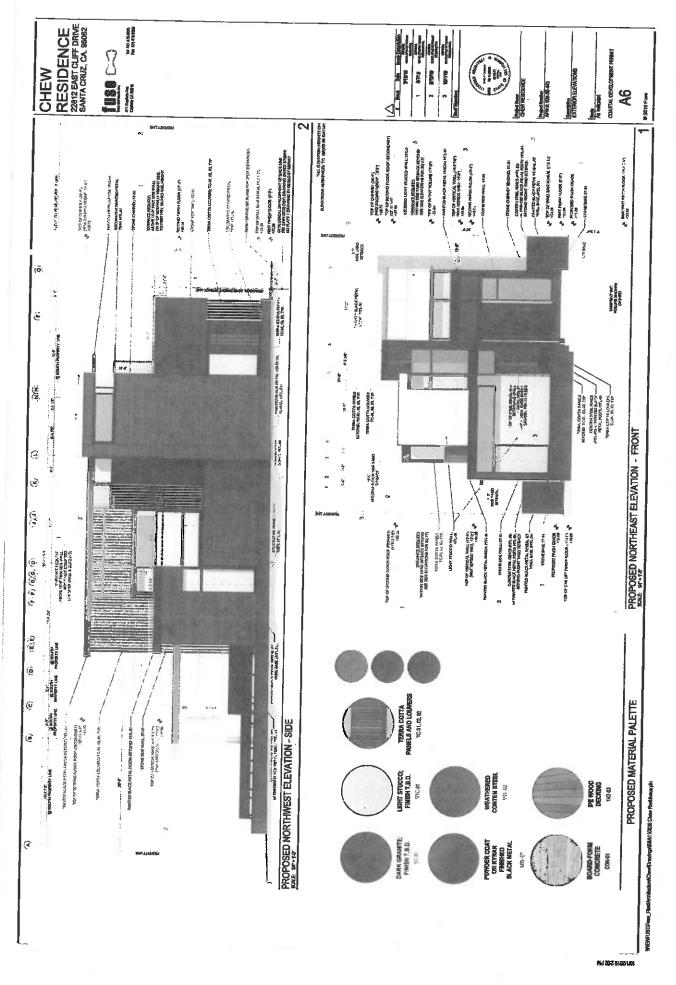




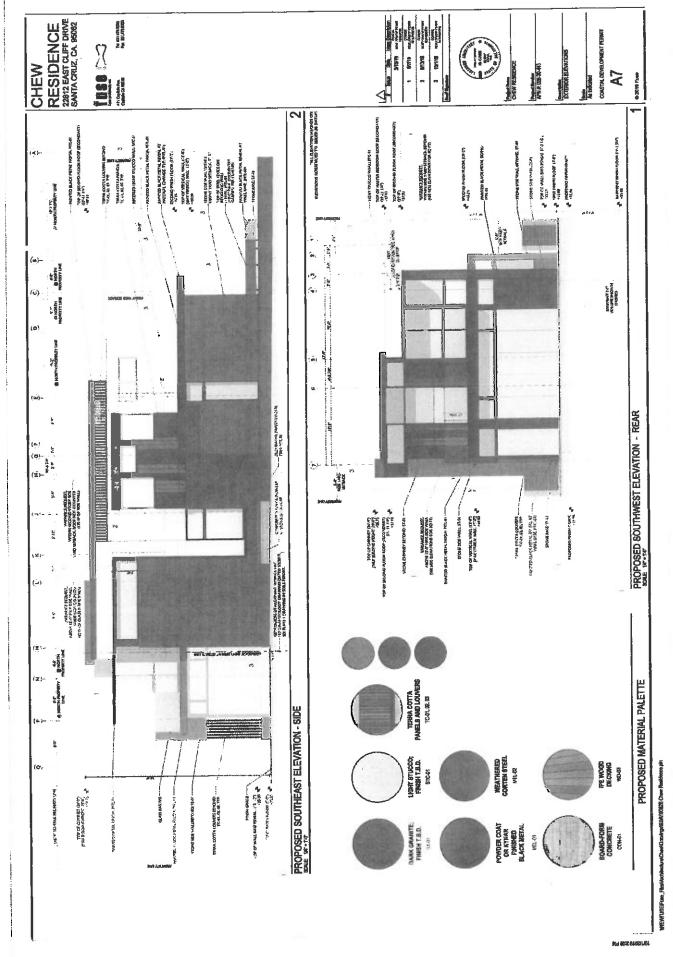




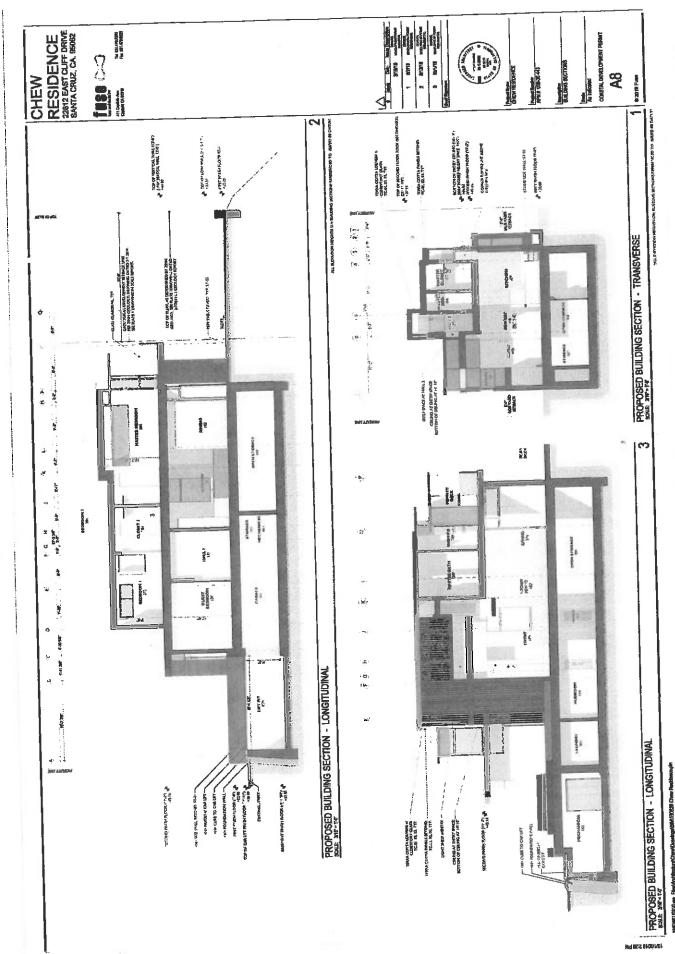




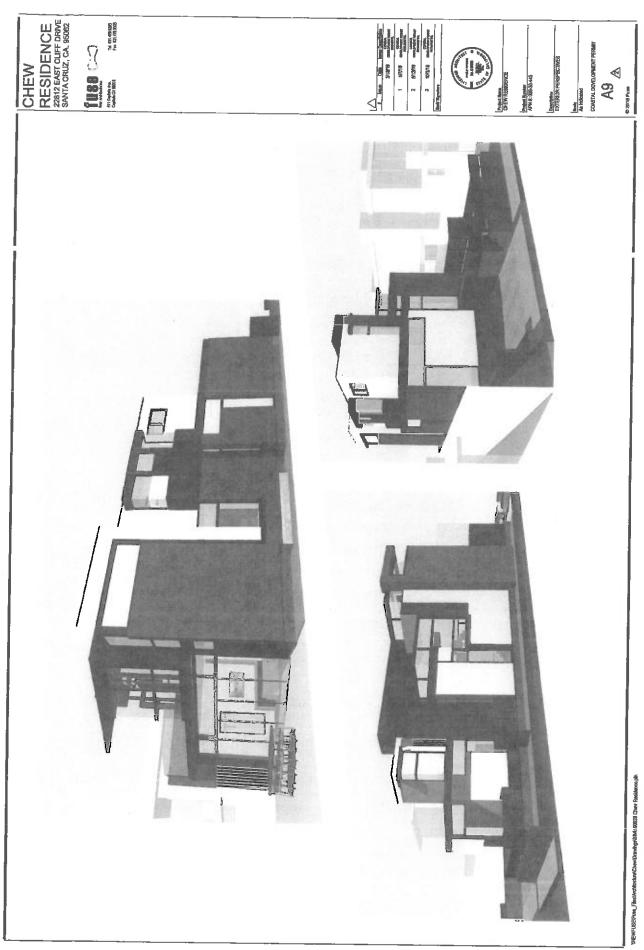
**EXHIBIT I** 



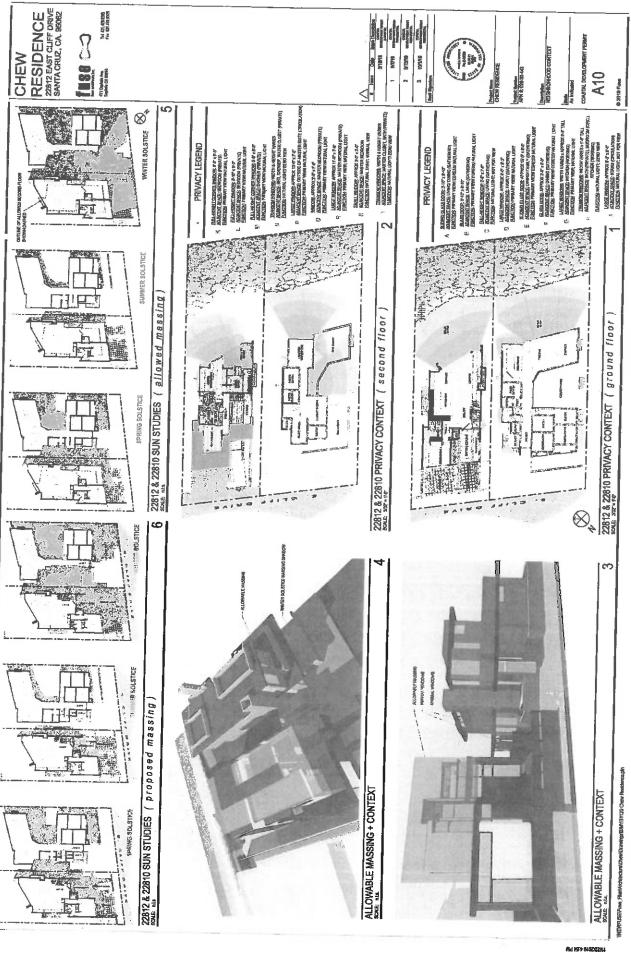
**EXHIBIT I** 

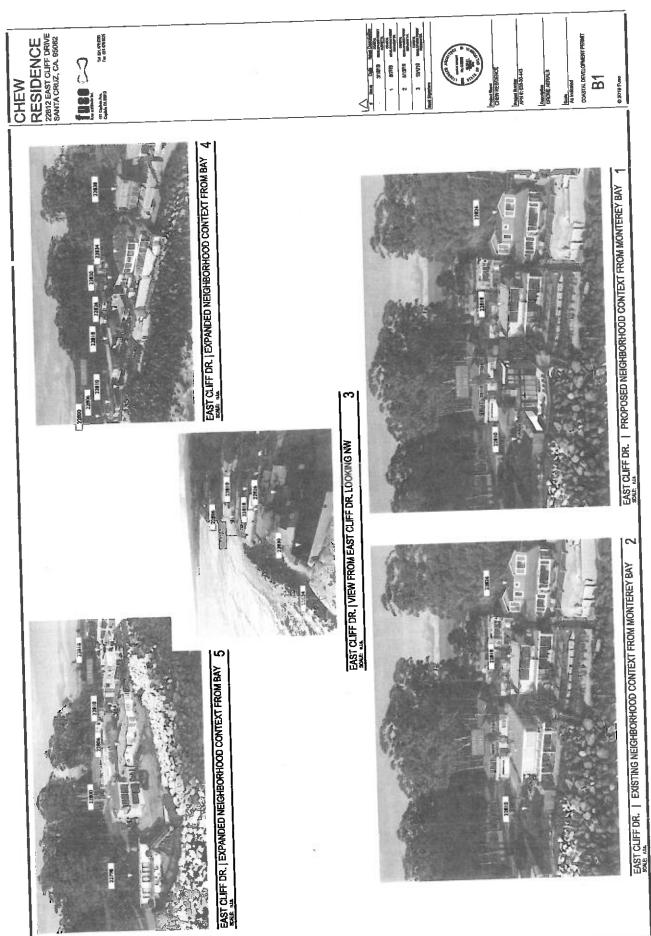


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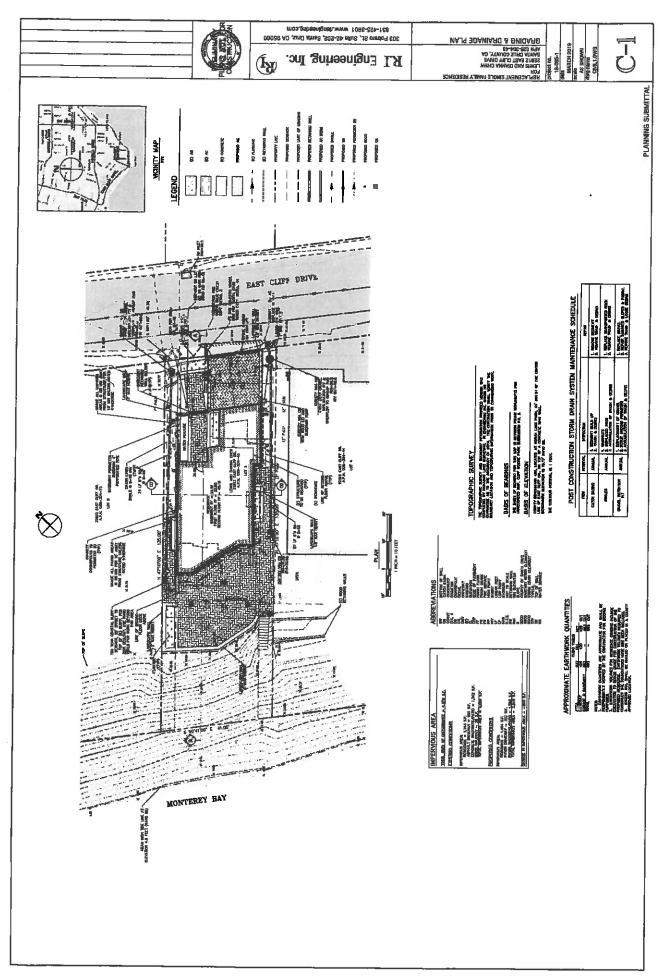


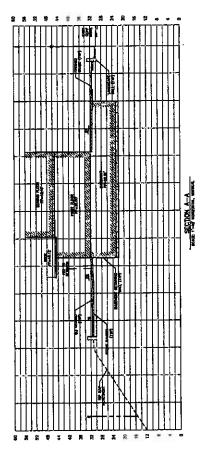
10H/2019 3A2 PM

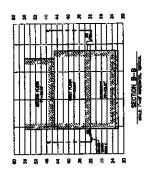


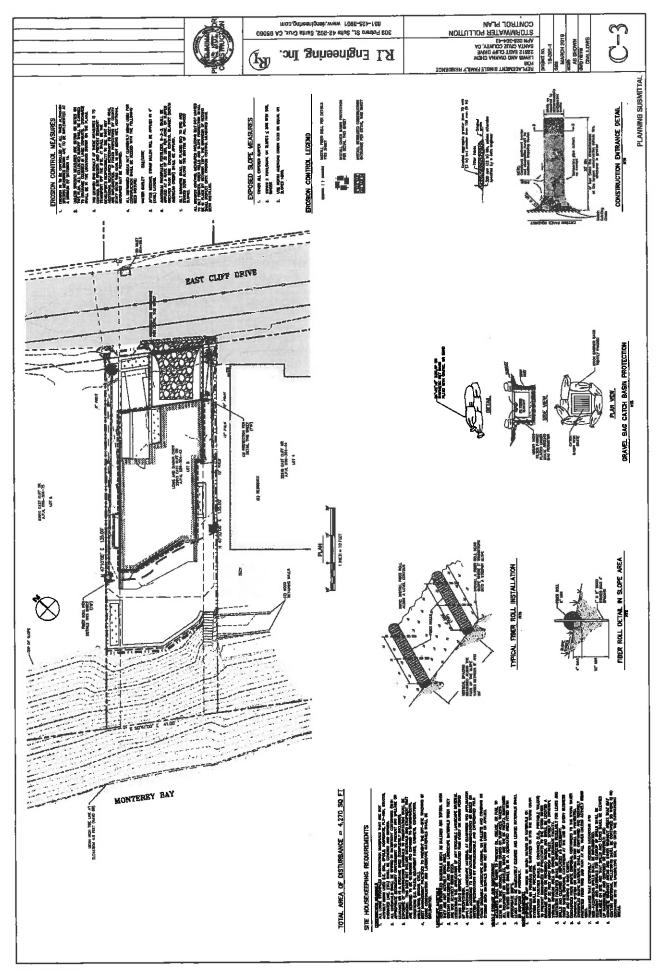


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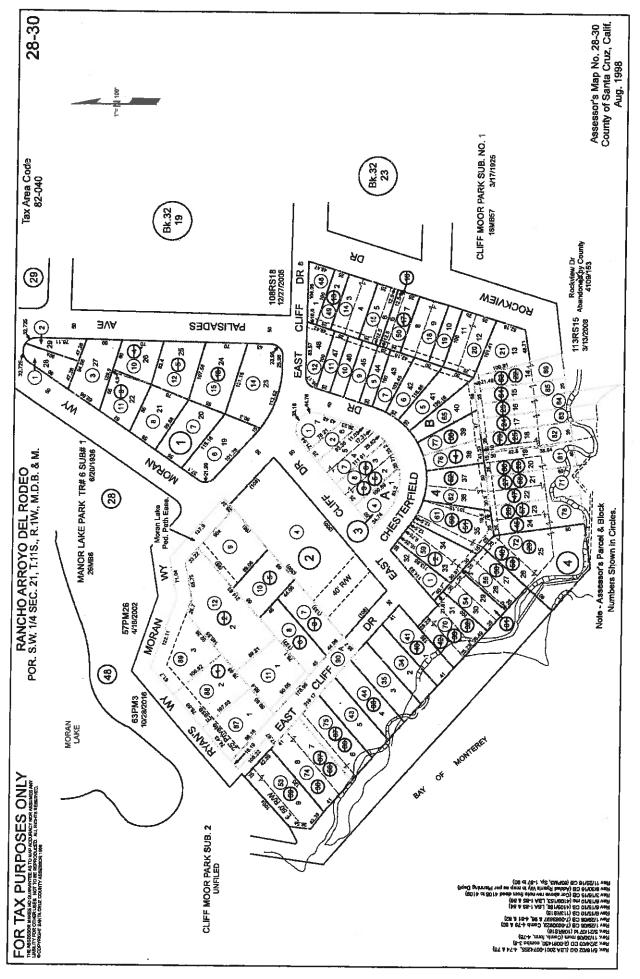












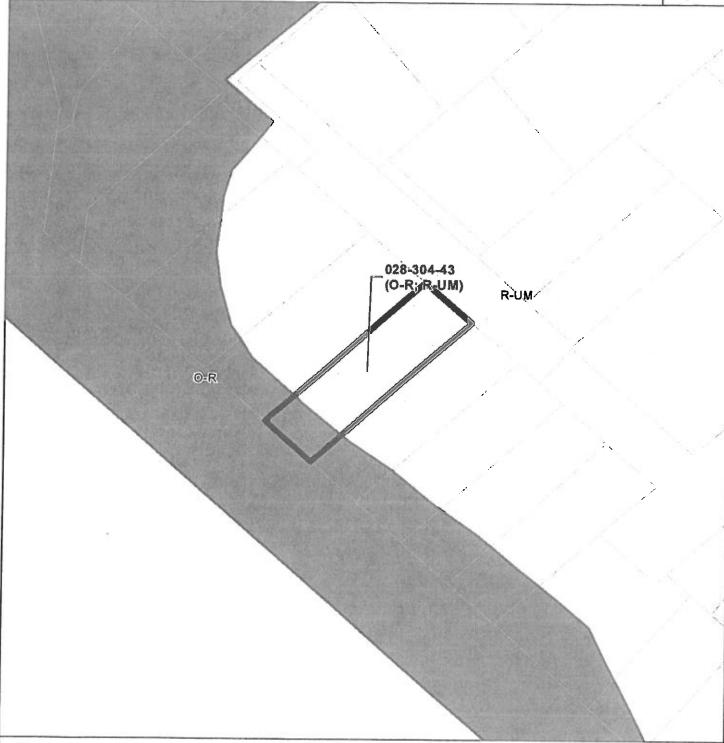
Projection Location Map (028-304-43)



### SANTA CRUZ COUNTY PLANNING DEPARTMENT

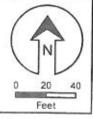
### Parcel General Plan Map

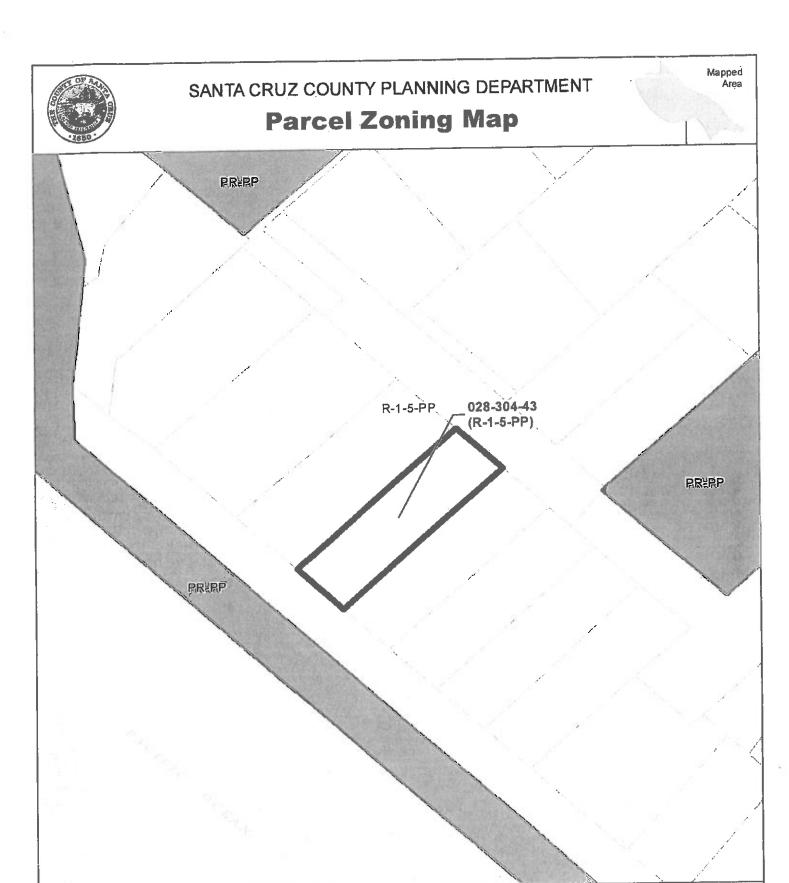
Mapped



O-R Parks, Recreation & Open Space
R-UM Res. Urban Medium Density

EXHIBIT E





PR Parks, Recreation, & Open Space

R-1 Single-Family Residential

EXHIBIT E



Owners: Lewis & Dianna Chew

#### **Parcel Information**

#### **Services Information**

Urban/Rural Services Line:

X Inside Outside

Water Supply:

City of Santa Cruz

Sewage Disposal: Fire District:

SC County Sanitation District Central Fire Protection District

Drainage District:

Zone 5

#### **Parcel Information**

Parcel Size:

4,232.46

Existing Land Use - Parcel:

Residential

Existing Land Use - Surrounding:

Residential

Project Access:

East Cliff Drive

Planning Area:

Live Oak

Land Use Designation:

O-R; R-UM (Parks & Recreation; Urban Medium

Density)

Zone District:

R-1-5-PP (Single-family Residential-Pleasure Point

Combining District)

Coastal Zone:

X Inside

\_\_ Outside

Appealable to Calif. Coastal

X Yes

\_\_ No

Comm.

Technical Reviews: Geologic Report Review (REV191026)

Geologic Hazards:

Coastal Bluff

Fire Hazard:

Not a mapped constraint

Slopes:

Scenic:

Flat on building site; 50% down bluff (rip rap area)

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

Approximately 663 cubic yards No trees proposed to be removed

Tree Removal:

Not a mapped resource

Archeology:

Not mapped/no physical evidence on site



## COUNTY OF SANTA CRUZ

#### PLANNING DEPARTMENT

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

April 8, 2019

Fuse Architects Inc. Attn: Jerrod Nicholls 411 Capitola Ave. Capitola, CA 95010

Subject: Review of: Coastal Geologic Investigation, Chew Residence, 22812 East Cliff Drive,

Santa Cruz, California dated 14 March 2019 by Zinn Geology, Project No. 2018025-G-

SC

Project Site: 2-2812 East Cliff Drive

APN 028-304-43

Application No. REV191026

#### Dear Applicant:

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

- All project design and construction shall comply with the recommendations of the report. 1.
- Final plans shall reference the report by title, author, and date. Final Plans should also 2. include a statement that the project shall conform to the report's recommendations.
- After plans are prepared that are acceptable to all reviewing agencies, please submit a 3. completed Geologist Plan Review Form to Environmental Planning. The author of the geology report shall sign and stamp the completed form. Please note that the plan review form must reference the final plan set by last revision date.

The geologic report makes a cogent argument in support of allowing cantilevered portions of the structure to extend seaward of the coastal bluff setback line. However, such cantilever is prohibited by existing County code, sec. 16.10.070 (H) (1) (b). Acceptance of the geologic report is not meant to imply that County code is not applicable in this case.

Any updates to report recommendations necessary to address conflicts between the reports and plans must be provided via a separate addendum to the geology report.

Electronic copies of all forms required to be completed by the Geologist may be found on our website: www.sccoplanning.com, under "Environmental", "Geology & Soils", and "Assistance & Forms".

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

Review of: Coastal Geologic Investigation, Chew Residence, 22812 East Cliff Drive, Santa Cruz, California dated 14 March 2019 by Zinn Geology, Project No. 2018025-G-SC

APN 028-304-43 April 8, 2019 Page 2 of 3

Our acceptance of the reports 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

Please contact Jeff Nolan at (831) 454-3175/<u>Jeff.Nolan@santacruzcountv.us</u> if we can be of any further assistance.

Sincerely,

Jeff Nolan CEG 2247

County Geologist - Environmental Planning County of Santa Cruz Planning Department

Cc: Zinn Geology, Attn: Eric Zinn, CEG

Attachments: Notice to Permit Holders

Review of: Coastal Geologic Investigation, Chew Residence, 22812 East Cliff Drive, Santa Cruz, California dated 14 March 2019 by Zinn Geology, Project No. 2018025-G-SC

APN 028-304-43 April 8, 2019 Page 3 of 3

# NOTICE TO PERMIT HOLDERS WHEN SOILS AND GEOLOGY REPORTS HAVE BEEN PREPARED. REVIEWED AND ACCEPTED FOR THE PROJECT

After issuance of the building permit, the County requires your soils engineer and engineering geologist to be involved during construction.

1. At the completion of construction, a Soils (Geotechnical) Engineer Final Inspection Form and a Geologist Final Inspection Form are required to be submitted to Environmental Planning that includes copies of all observations made during construction and is stamped and signed, certifying that the project was constructed in conformance with the recommendations of the soils and geology reports.

If the Final Inspection Form identifies any portions of the project that were not observed by the soils engineer and/or geologist, you may be required to perform destructive testing in order for your permit to obtain a final inspection. The soils engineer and/or geologist then must complete and initial an Exceptions Addendum Form that certifies that the features not observed will not pose a life safety risk to occupants.



