



## **Staff Report to the Zoning Administrator**

**Application Number: 211155**

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**Applicant:** Matson Britton Architects - Cove Britton

**Agenda Date:** May 5, 2022  
(continued)

**Owner:** Judi & Alex MacDonell

**Agenda Item #:** 1

**APN:** 028-242-25

**Time:** After 9:00 a.m.

**Site Address:** 22702 E. Cliff Drive, Santa Cruz, CA

**Project Description:** Proposal to demolish an existing 2,474 square foot single-family dwelling and construct a two-story 6,064 square foot replacement dwelling with an attached 332.5 square foot one-car garage, an attached carport, a 310 square foot covered loggia, covered decks and a 4,463 square foot basement that includes a 283 square foot habitable hallway/bathroom, an attached non-habitable accessory structure (a 1,930 square foot storage room with a half-bathroom and a 2,250 square foot garage/workshop).

**Location:** Property located on the south side of East Cliff Drive (22702 E. Cliff Drive) approximately 600 feet south southeast of the intersection with 26<sup>th</sup> Avenue in Santa Cruz, in the RM-5-PP zone district.

**Permits Required:** Coastal Development Permit, a Residential Development Permit for a Large Dwelling, a Variance to allow for a garage with a ceiling height of less than 7 feet 6 inches, a Pleasure Point Exception for a reduced second floor setback, a Site Development Permit for a basement containing a non-habitable storage room that exceeds 640 square feet in size, Design Review, and a determination that the project is exempt from the provisions of CEQA.

**Supervisory District:** 1st District (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 211155, based on the attached findings and conditions.

### **Project Description & Setting**

The parcel is located on the southwest side of East Cliff Drive approximately 500 feet northwest of the parking lot at Moran Lake and 600 feet southeast of the intersection with 26<sup>th</sup> Avenue. The project site is located in a neighborhood with one and two-story single-family homes and townhouses that are located east, west and north of the parcel, with the Monterey Bay to the south. Coastal access to the nearest public beach is approximately 500 feet southeast of the site opposite Moran Lake. 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 northwestwards along the coast to the point where the beach extends further inland at 23<sup>rd</sup> Avenue.

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The parcel is currently developed with a nonconforming 2,474 square foot two-story dwelling with an attached one-story garage. Due to a deeded view easement that exists across the entire northwestern portion of the parcel, the existing dwelling is located close to the southeastern property line and is nonconforming to development standards, in that a portion of the second floor does not comply with development standards for the Pleasure Point Combining District. This is because a small portion of the upper floor exceeds 15 feet in height within the required 10-foot second-story setback.

This application includes a proposal to demolish the existing dwelling and to construct a two-story 6,064 square foot replacement dwelling with an attached 332.5 square foot one-car garage, an attached carport, a 310 square foot covered loggia, covered decks and a 4,463 square foot basement that includes a 283 square foot habitable hallway/bathroom, a 1,930 square foot non-habitable storage room with a half-bathroom and a 2,250 square foot garage/workshop.

Because the property is located within the appeals jurisdiction of the Coastal Zone, the proposed project requires the approval of a Coastal Development Permit. In addition, because the dwelling will exceed 5,000 square feet in floor area, the project requires approval of a Residential Development Permit for a Large Dwelling. The project also requires a Variance to the standards for off-street parking spaces set out in County Code section 13.10.554(A)(3), to allow for a garage that has a vertical clearance of less than 7 feet 6 inches and a Pleasure Point Exception, which is required to allow for a reduction in the required 10-foot setback at portions of the southeast wall at the second floor to 5 feet 3¼ inches and 8 feet 3¼ inches. Furthermore, because the proposed dwelling exceeds 5,000 square feet and is located on a coastal bluff the project is subject to Design Review.

### **Project Background**

The existing dwelling was constructed on the parcel in 1960. In 1979 Planned Development Permit 79-760-PD was approved for a second-story addition which was constructed in 1980 pursuant to Building Permit #63066. In 2006 Building Permit #146318, was issued for the construction of further additions to the dwelling. This work was exempt from Coastal Development Permit requirements in that the proposed additions did not increase net floor area of the dwelling by more than 10% or by more than 250 square feet. The remodel of the dwelling was completed in 2007. A Residential Development Permit was also approved in 2007 to construct a 6-foot-high fence within the required front and street-side yard setback area.

In addition to permits for the dwelling, Grading Permit #1977 was issued in November 1983 to recognize the placement of approximately 200 tons of rip-rap. No subsequent permits have been issued by the County of Santa Cruz for any ongoing maintenance or repairs to the revetement since that time.

### **Zoning & General Plan Consistency**

The subject property, which is a 16,195.9 square foot lot with a net developable area, excluding all areas of the coastal bluff, of 15,301.8 square feet, and is located in the RM-5-PP (Multi-Family Residential - Pleasure Point Combining District) zone districts, a designation that allows residential uses. A single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium-Density Residential) General Plan

**Designation.** Although a small non-developable portion of the parcel adjacent to the coastal bluff is located within the PR-PP (Parks and Recreation - Pleasure Point Combining District) zone district, all proposed development is located within the RM-5-PP zoned portions of the parcel. Further, a small portion of the project site along the southwest property line is located inside a mapped flood hazard zone, as determined by FEMA; however, all proposed development is located outside the mapped flood zone area.

### Site and Development Standards

The proposed single-family dwelling has been designed to meet the RM-5 zone district development standards; however, the parcel is located in the Pleasure Point Community Design "PP" Combining District which provides increased setbacks for upper floor construction to protect neighboring properties. The applicant is requesting exceptions to the Pleasure Point residential development standards to allow for a reduction in the required upper floor setbacks in the PP zone district, based upon the existence of a 53.16-foot-wide view easement that runs across the northwestern portion of the property that limits the available building area of the parcel to an approximately 41-foot wide strip of land located adjacent to the southeastern property line. This reduction in the second floor setbacks would require the approval of a Pleasure Point Exception in accordance with the provisions of SCCC 13.10.477.

The table below illustrates required and proposed site and development standards that are relevant to this project.

<b>Development Standard</b>	<b>Code Requirement</b>	<b>Proposed</b>
Front Yard Setback	Min. 20 feet	22 feet 6 inches
First Floor Side Yard Setback	Min. 5 feet and 8 feet	<u>SE side</u> - 5 feet 3¼ inches <u>NW side</u> - approximately 53 feet 3 inches (limit of view easement)
Second Floor Side Yard	Min. 10 feet (both sides)	<u>SE side</u> - 5 feet 3¼ inches (rear office, wall length 20 feet 7 inches); 8 feet 3¼ inches (front two bedrooms/bathrooms, wall length 40 feet); 13 feet 11¼ inches (remainder of second story, wall length 63 feet 3½ inches) <u>NW side</u> - 53 feet 3 inches (limit of view easement)
Rear Yard Setback	15 feet	25 feet (minimum 25-foot geologic setback from the coastal bluff)
Height of Walls Within 10-foot Second Floor Side Yard	Max. 15 feet	<u>Two-story areas</u> - 25 feet approx. (varies) (total wall length 45 feet 3 ¼ inches) <u>Single-story areas</u> - 13 feet approx. (varies) (total wall length 63 feet 3½ inches)
Height	28 feet max	27 feet 10¾ inches (tallest point)
Lot Coverage	40% max	27.6%
Floor Area Ratio (FAR)	50% max	41.7%

### Pleasure Point Exception

According to County Code section 13.10.444(A), one of the main purposes of the Pleasure Point Community Design Combining District is to “Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses.” To ensure this, within the PP zone district, side-yard setbacks at the second floor of structures located on any lot exceeding 35 feet in width, are required to maintain a minimum setback of 10 feet. As shown by the preceding table, two sections of the southeastern side-yard setback at the second floor do not conform to the required 10-foot setback adjacent to the southeastern property line, in that a proposed office at the second floor, that is located at the coastal bluff setback line, would be located immediately above the lower floor, 5 feet 3¼ inches from the side property line. In addition, two bedrooms at the front of the property would be located 8 feet 3¼ inches from the side property line. The intervening portion of the second floor exceeds the required 10-foot second-floor setback in that the wall at this portion of the second floor would be set back 13 feet 11¼ inches.

The project as currently designed therefore requires the approval of a Pleasure Point Exception in accordance with County Code section 13.10.447, which sets out that Exceptions to the Pleasure Point residential development standards may be granted if the project is found to be consistent with the Pleasure Point Community Design “PP” Combining District purposes, found in County Code section 13.10.444, the findings found in County Code section 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 County Code section 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 County Code section 13.10.444.

As currently proposed, the portion of the second floor located closest to the front property line is 33 feet wide and encroaches into the 10-foot setback at the southeastern property line by 1 foot 8¾ inches. In addition, at the southernmost portion of the second floor of the dwelling, a portion of the second floor is located directly above the lower floor with a setback from the property line of only 5 feet 3¼ inches.

Staff reviewed the proposed project to determine whether the any of the above findings could be made. The site is encumbered by a view easement that restricts the available building envelope. However, the remaining portion of the site, which lies along the southeastern edge of the parcel, is just over 41-feet in width, which is wider than many other lots in the Pleasure Point area where increased a second-floor setbacks would also apply. Therefore, taking into account the required 10-foot setback requirement, which only applies to one side of the proposed building site, the building width at the second floor is restricted to just over 31 feet, which is wider than the available second floor building area available on many parcels in the surrounding Pleasure Point area. It should also be noted that the available building area outside of the view easement is of sufficient size that it still allows for an over 6,000 square foot dwelling, not including the proposed basement area.



Staff has therefore determined that the approval of an Exception would be inconsistent with the purposes of the Pleasure Point Community Design “PP” Combining District. No special existing site or improvement characteristics or circumstances exist that appropriately excuses the proposed development from meeting the development standards for the Pleasure Point Community Design “PP” Combining District. Further, no alternative design solutions or other modifications to the project have been proposed to result in a superior design solution that would reduce the potential visual and shading impacts of the proposed home. In addition, the granting of an exception for the proposed dwelling would not result in a residential design that is superior to one that is consistent with the Pleasure Point Community Design “PP” Combining District purposes. Therefore, the project has been conditioned to require that the design of the proposed second floor be modified to eliminate any encroachment into the required 10-foot second floor setback. A complete list of findings is included with this report.

### Parking

As currently designed, the proposed dwelling includes a total of eight rooms that qualify as a bedroom pursuant to County Code section 13.10.700-B. Therefore, in accordance with SCCC13.10.552(A)(1) “Off-Street Parking Space Requirements - Resident Parking”, a total of seven parking spaces are required for the proposed dwelling. As shown on the project plans, a total of eight covered parking spaces will be provided, six within a basement garage, one within an attached surface-level garage and one within an attached carport. In addition, two parking spaces are indicated within the driveway area, therefore sufficient parking will be provided for the proposed dwelling in accordance with County Code.

### Basement

The proposed single-family dwelling has been designed with a 4,463 square foot basement which includes an approximately 2,250 square foot garage, a 283 square foot heated hallway and half bathroom, and an approximately 1,930 square foot non-habitable storage room with a second half bathroom. Because the ceiling height within the basement will be less than 7 feet 6 inches in height, the floor area of these areas is not counted toward Floor Area Ratio (FAR) for the property.

As set out in County Code section 16.20.040(C), excavations below finished grade for basements and footings of a building are specifically exempted from the provisions of the County Grading Ordinance, Chapter 16.20. However, to ensure that construction activities and excavation related to the proposed basement will not cause adverse impacts to adjacent properties, prior to any site disturbance the property owner is required, as a condition of approval, to convene a preconstruction meeting attended by Environmental Planning staff, including the County Geologist and Civil Engineer, the project contractor, project geotechnical engineer and geologist, to approve the proposed shoring plan and other work related to the upcoming excavation.

### Basement storage area

The basement includes an approximately 1,930 square foot non-habitable storage room that contains a half bathroom. This storage room meets the definition of an attached non-habitable accessory structure. As set out in County Code section 13.10.611, Table 13.10.611-1, a half-bathroom is allowed in a non-habitable accessory structure; however, the size of a non-habitable accessory structure within the urban services line is restricted to a maximum of 640 square feet. Therefore, in accordance with Table 13.10.611-2, a Site Development Permit is required to allow

for the 1,930 square foot area. Because the storage room will be located entirely below grade this structure will not visually impact available open space in the surrounding area and the increased size is therefore considered to be appropriate. Further, a deed restriction will be required to be recorded on title for the parcel, acknowledging that this basement area must be maintained as a non-habitable storage room and that it may not be converted to habitable area unless specifically approved, through an amendment to this Permit, any other applicable discretionary permit and the issuance of a building permit for the conversion. A complete list of Development Permit Findings is included with this report.

### **Variance For Parking Spaces with Reduced Vertical Clearance**

The basement includes a garage that would accommodate up to six parking spaces that would be accessed by a sloped driveway located within the yard area to the west of the proposed dwelling. Because the ceiling height within the garage will be less than 7 feet 6 inches, a Variance has been requested to allow for a reduction in the allowed vertical clearance for a parking space from 7 feet 6 inches, as required by County Code section 13.10.554(A)(3), to approximately 7 feet 5.5 inches for the basement parking spaces.

This neighborhood contains many parcels developed with residences that maximize the available land area on each lot. To maximize the available building area and to minimize disturbance of the view easement that encumbers the northwestern portion of the parcel, the proposed dwelling has therefore been designed to include a basement garage. The request for a minor reduction of the vertical clearance within the proposed basement parking area from 7 feet 6 inches to 7 feet 5.5 inches is considered reasonable since the loss of half an inch in height will not reduce the functionality of the parking spaces. Further, the proposed basement parking area will comply with all current Building code standards for covered and enclosed parking areas. Findings for this Variance can be found in Exhibit B.

### **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/riprap revetment on the property has remained essentially unchanged since the armoring refurbishment in 1983, it is anticipated that the top of the coastal bluff will remain relatively unchanged for the next 100 years. *This conclusion of the Geologic Report is based upon an assumption that the existing coastal protection structure will be subject to ongoing maintenance and that the riprap revetment will continue to protect the subject property into the future.* The Geologic Report for the project has been accepted by Environmental Planning staff. Therefore, the project engineers recommend a minimum setback of 25 feet from the top of the bluff/rip rap revetment and the 25-foot setback has been incorporated into the project design. *To ensure that ongoing maintenance of the revetment can occur as has been assumed, as a condition of approval of this Permit, the applicant is required to submit proof of a valid maintenance agreement for the existing coastal protection structure, issued by the California Coastal Commission, prior to the issuance of a Building Permit for the construction of the dwelling.*

As proposed, a concrete patio and landscape wall are located within the 25-foot/100-year geologic bluff setback; however, because the proposed patio and 1.5-foot maximum height landscape wall do not specifically require a building permit, these are allowed pursuant County Code section 16.10.070(H)(2), provided they will not unfavorably alter drainage patterns (defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff). To ensure compliance with this provision, prior to the issuance of a building permit for the proposed dwelling, a letter from the project geologist is required to be submitted, confirming that the patio and landscape wall would not unfavorably alter drainage patterns relative to the adjacent bluff. Further, as a condition of approval of this application, an owner acknowledgement is required attesting that, should the patio and/or landscape wall becomes unstable due to erosion or slope instability, the threat to the patio and/or landscape wall shall not qualify the parcel for a coastal bluff retaining structure or shoreline protection structure. In addition, if the either the patio or retaining wall become a hazard they shall either be removed or relocated, rather than protected in place.

### **Local Coastal Program Consistency**

As conditioned, the proposed single-family dwelling meets the requirements of the County's certified Local Coastal Program in that, with the deletion of those portions of the second floor of the structure that are proposed within the 10-foot setback required within the "PP" Combining District, it will meet all site and development standards for the zone district. The proposed dwelling is therefore properly proportioned in relation to the net developable area of the parcel and is similar in size to the combined floor area of other single-family and multi-family structures located on the surrounding parcels. However, because the northwestern half of the subject parcel is constrained by a view easement, all development is required to be located within a strip of land adjacent to the southeastern property line. If the parcel were not subject to this constraint, it would be possible to build a similarly sized structure utilizing the entire width of the parcel and including an increased yard area adjacent to the coastal bluff, to result in a similar layout for the proposed development as currently exists on the adjacent parcel to the southeast. The proposed dwelling has therefore been designed to be in scale with and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain both single-family and multi-family dwellings. The size and architectural styles of these surrounding dwellings vary, 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 but is not identified as a priority acquisition site in the County's Local Coastal Program. Further, there is no public access to the beach or ocean across the parcel. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public beach access is available opposite the Moran Lake parking lot, located approximately 500 feet southeast of the subject property. Public beach access is also available at the end of 26<sup>th</sup> Avenue, located approximately 600 feet northeast of the project site and from other nearby streets that dead-end at the coastal bluff.

The proposed dwelling would be visible from the adjacent beach; however, because of the constrained site, that portion of the structure that would be closest to the bluff would be relatively narrow in relation to the entire width of the parcel. This results in a reduced visual impact in views from the beach, particularly in relation to a similarly sized structure oriented across the entire width of the parcel.

## Design Review

The proposed single-family dwelling meets the definition of a Large Dwelling as set out in County Code 13.10.325, in that it would have a total floor area of 11,055.1 square feet, not including covered, unenclosed areas. This total floor area includes 6,591.7 square feet that will be above grade (habitable area and a one-car garage) and 4,463.4 square feet within a subterranean basement. Therefore, the project is subject to design review.

The site of the dwelling is roughly level and, not including the basement area which extends below the footprint of the dwelling, the only significant alteration to the existing grade will be for the driveway that slopes down to access to the basement garage. This driveway will be recessed into the natural topography and will not significantly impact any scenic views across the site. Existing landscaping is limited to hedges and tree planting along the northwestern and southeastern property lines and a small tree immediately adjacent to the existing older dwelling. The remainder of the site consists of an open lawn area. The existing hedges and trees along the northwestern property line will not be affected by the development of the property; however, there is the potential that excavations for the proposed basement will jeopardize the health of the existing trees that are located on the adjacent parcel along the southeastern property line. Therefore, to ensure protection of these trees, as a condition of approval of this permit, the property owner is required to provide a tree protection plan and report, prepared by a licensed arborist, providing recommendations to ensure the ongoing health and vitality of these trees.

With the current proposal, no visually significant landscaping or tree planting is proposed that would soften or screen the proposed structure. This is because the portion of the site that will remain undeveloped is largely constrained by a view easement within which all structures and vegetation is limited to a maximum height of four feet. Therefore, the undeveloped portion of the site will largely remain as an open lawn. Although the project cannot include significant landscaping, the scale of the proposed dwelling is broken up by architectural features that will help reduce the bulk and mass of the structure. These include a varied roofline incorporating curved, flat and shed-roof elements, articulated wall planes with both vertical and horizontal elements and a palette of colors and materials incorporating a variety of natural-toned materials that include weathered wood-effect exterior tiles, stucco and stone.

As proposed, the dwelling is properly proportioned in relation to the net developable area of the parcel and is similar in size to the combined floor area of other single-family and multi-family structures located on the surrounding parcels. The proposed dwelling will have a minimal impact on public views along East Cliff Drive, in that it is set back from the public street by approximately 150 feet, beyond an existing dwelling. The house would be visible from the shoreline; however, that portion of the structure that would be closest to the bluff would be relatively narrow in relation to the entire width of the parcel such that the visual impact of the home will be reduced in public views from the beach. Moreover, the required deletion of the proposed office at the second floor closest to the bluff, where it extends into the required 10-foot second story setback required in the Pleasure Point "PP" Combining District, will result in a reduced impact of the home from the viewpoint of the beach and from neighboring homes to the south. This change, together with the deletion of all portions of the second floor to meet the increased second story setback requirement, will also reduce the size of the dwelling by close to 500 square feet and therefore reduce its potential impact overall. It should also be noted that, although existing homes along this stretch of East Cliff Drive are generally set back away from

the coastal bluff, as afforded by the generous parcel sizes, many new and replacement homes in the vicinity of the project site have been constructed subject to 25-foot geologic setback. On balance, the proposed home is consistent with development pattern in the area.

As required by County Code section 13.10.325(D)(10) the view to adjacent properties from large dwellings is required to be controlled. As currently shown on the submitted plans, the proposed dwelling includes an office space at the southern corner of the dwelling, extending back beyond the rear elevation of the existing house to the southeast. This room, which is proposed to include large windows overlooking the rear of the neighboring dwelling and its backyard area, does not comply with this requirement because of its potential impact on the privacy of the adjacent home. The proposed office also does not meet the required setbacks for the zone district, intended to protect adjacent homes from shading and other impacts; therefore, as previously discussed in this report, the office has been required, as a condition of approval of this permit, to be modified or deleted. As a result, potential impacts on the privacy of the adjacent home from this portion of the structure will be removed. As a further condition of approval, all windows at the second floor, along the southeastern elevation, are required to be located a minimum of 5 feet above the floor level in the upstairs rooms so that they will be above eye level. This revised window layout will protect the privacy of the adjacent house and will be consistent with the design of other windows currently proposed at the upper floor along the southeastern elevation. In addition, the proposed second floor balcony at the rear of the structure is required to be redesigned to be oriented away from the neighboring home or, alternatively, to include a solid screen or other design element that will ensure that the deck does not overlook the adjacent home. Therefore, as conditioned, the proposed dwelling will comply with the requirements of the County Design Review Ordinance.

### **Public Outreach/Public Comment**

Several letters have been received from neighboring property owners, expressing opposition to the proposed project.

One of the main areas of concern is with regard to the project geologic and geotechnical reports, particularly with regard to coastal erosion processes given the presence of sea caves on adjoining properties. The legality of the existing coastal armoring at the site, upon which the 25-foot coastal setback is based, has also been questioned. There are also concerns regarding the proposed basement, particularly regarding how the excavations for this portion of the proposed structure would affect the stability of the site and neighboring properties.

Additional concerns that were raised include the size and design of the proposed dwelling, loss of privacy at adjacent homes and the impact of the structure on views from the adjacent beach because the home extends closer to the ocean than existing homes along this section of East Cliff Drive and that granting a Pleasure Point Exception would be inappropriate. Comments were also made regarding the need for sufficient parking at the proposed dwelling because of the large number of bedrooms proposed.

All neighborhood correspondence received prior to the date of publishing is included as Exhibit H. of this report. Additional correspondence, if received after the date of publishing but prior to the public hearing of the project, will also be included into the public record of this project.

## **Conclusion**

Based upon the conditions of approval of this permit, which include a requirement that the design of the second floor of the proposed dwelling is modified so that the structure will comply with all required setbacks for the zone district, 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 **211155**, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.sccoplanning.com](http://www.sccoplanning.com)**

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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 and Geotechnical report review letters
- H. Other Comments & Correspondence

# 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: 211155

Assessor Parcel Number: 028-242-25

Project Location: 22702 E. Cliff Drive, Santa Cruz, CA

**Project Description: Proposal to demolish an existing 2,474 square foot single-family dwelling and to construct a two-story 6,064 square foot replacement dwelling with a 4,463 square foot basement (garage/storage).**

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

**Contact Phone Number: (831)425-0544 Email: cove@matsonbritton.com**

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

Specify type: Class 3 – New Construction or Conversion of Small Structures

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

Construction of a replacement dwelling in a residential zone district.

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

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

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

**EXHIBIT A**

## **Coastal Development Permit Findings**

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

This finding can be made, in that the property is zoned RM-5-PP/PR-PP (Multi-Family Residential, 5,000 sq.ft per unit/Parks Recreation and Open Space - Pleasure Point Community Design Combining District) zone district. The proposed dwelling is located entirely within that portion of the property that is zoned RM-5-PP, a designation that allows residential uses. The proposed single-family dwelling is a therefore a principal permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium-Density Residential) General Plan designation.

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

The proposed dwelling has been sited outside an existing deeded view easement that extends over a 53.16-foot-wide strip across the northwestern half of the parcel. Further, no other structure or any landscaping that would exceed 4 feet in height has been proposed within the easement area, consistent with the conditions contained within the recorded deed.

No other easements or restrictions are known to encumber the project site. Therefore, this finding can be made.

- 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, with the deletion of those portions of the second floor of the structure that are proposed within the 10-foot setback required within the "PP" Combining District, as required by the conditions of approval of this permit, the proposed dwelling will meet all site and development standards for the zone district. The structure is therefore consistent with the design criteria in that it is properly proportioned in relation to the net developable area of the parcel. Furthermore, the proposed structure is similar in size to the combined floor area of other single-family and multi-family structures located on the surrounding parcels. Because the northwestern half of the subject parcel is constrained by a view easement, all development is required to be located within a strip of land adjacent to the southeastern property line. As such, if the parcel were not subject to this constraint, it would be possible to build a similarly sized structure utilizing the entire width of the parcel and including an increased yard area adjacent to the coastal bluff, to result in a similar layout for the proposed development as currently exists on adjacent parcels that are unencumbered by a view easement. The proposed dwelling has therefore been designed to be in scale with and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain both single-family and multi-family dwellings. The size and architectural styles of these surrounding dwellings vary, and the design submitted is consistent with the existing range of styles within the surrounding neighborhood



The proposed development site is located on a low coastal bluff adjacent to the beach; however, that portion of the structure that would be closest to the bluff would be relatively narrow in relation to the entire width of the parcel such that the visual impact of the home will be reduced in public views from the beach. Moreover, deletion of a portion of the second floor closest to the bluff to bring the structure into conformance with all required setbacks, which is required as a condition of approval of this permit, will result in a reduced impact of the home from this viewpoint. Furthermore, the colors and materials for the proposed dwelling, which include exterior tiles with a weathered wood appearance, stone and stucco, will be natural in appearance and complementary to the site.

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

The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. Further, there is no public access to the beach or ocean across the parcel. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public beach access is available opposite the Moran Lake parking lot, located approximately 500 feet southeast of the subject property. Public beach access is also available at the end of 26<sup>th</sup> Avenue, located approximately 600 feet northeast of the project site and from other nearby streets that dead-end at the coastal bluff.

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

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 to provide the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater. The minimum setback required is based on the existing site conditions not taking 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/rip rap revetement on the property has remained essentially unchanged since the armoring refurbishment in 1983, it is anticipated that the top of the coastal bluff will remain relatively unchanged for the next 100 years. The Geologic Report for the project has been accepted by Environmental Planning staff. Therefore, the project engineers recommend a minimum setback of 25 feet from the top of the bluff/rip rap revetement, and this setback has been incorporated into the project design.

As conditioned, the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Residential uses are allowed uses in the RM-5-PP (Multi-Family Residential - Pleasure Point Community Design Combining District) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain both single-family and multi-family dwellings. Size and architectural styles vary in the area, and many new and replacement homes in the vicinity of the project site have been constructed subject to 25-foot geologic setback. Therefore, the design submitted is consistent with the pattern of development within the surrounding neighborhood.

Therefore, this finding can be made.

- 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.**

The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. Further, there is no public access to the beach or ocean across the parcel. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public beach access is available opposite the Moran Lake parking lot, located approximately 500 feet southeast of the subject property. Public beach access is also available at the end of 26<sup>th</sup> Avenue, located approximately 600 feet northeast of the project site and from other nearby streets that dead-end at the coastal bluff.

## **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.

To ensure that construction activities and excavation related to the proposed basement will not cause adverse impacts to adjacent properties, prior to any site disturbance the property owner is required, as a condition of approval, to convene a preconstruction meeting attended by Environmental Planning staff, the project contractor, geotechnical engineer and geologist, to approve the proposed shoring plan and other work related to the upcoming excavation.

- 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.**

The property is zoned RM-5-PP/PR-PP (Multi-Family Residential, 5,000 sq.ft per unit/Parks Recreation and Open Space - Pleasure Point Community Design Combining District) zone district. The proposed dwelling is located entirely within that portion of the property that is zoned RM-5-PP, a designation that allows residential uses, including non-habitable storage rooms that have a half-bathroom.

Subject to the deletion of those portions of the second floor of the structure that are proposed within the 10-foot setback required within the "PP" Combining District, as required by the conditions of approval of this permit, the primary use of the property will be one single-family dwelling that meets all current site and development standards for the zone district, including setbacks, height, floor area ratio and lot coverage. In addition, with the approval of a Residential Development Permit for a Large Dwelling and for a non-habitable accessory storage room that exceeds 640 square feet, a Variance to allow for a garage with a ceiling height of less than 7 feet 6 inches, and Design Review, the proposed design and 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 purposes of zone district. This finding can therefore be made.

- 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.**

The subject property is designated R-UM (Urban Medium Density Residential) in the Santa Cruz County General Plan, a designation that requires that new residential development is within the density range of 7.3 to 10.8 units per acre (4,000 square feet to 6,000 square feet per unit). For the subject parcel, which is approximately 16,110 square feet (0.37 acre), this would mean that a

minimum of two dwelling units would be required to be constructed to comply with the lowest end of the allowed density range. However, for the project site, due to the lack of adequate access to support the construction of additional units and because over half of the project site is encumbered by a view easement, within which no structures of over 4 feet in height may be constructed, the construction of more than one single-family dwelling is not feasible. Therefore, the proposed residential use has been determined to be consistent with the use and density requirements specified for the R-UM land use designation.

The proposed single-family dwelling with an attached non-habitable storage room with a half-bathroom located within the basement, will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. This is because, as conditioned, the proposed dwelling will meet all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). Therefore, the single-family dwelling and basement storage room will not adversely shade adjacent properties and will meet all current site and development standards for the zone district.

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 subject to the deletion of those portions of the second floor of the structure that are proposed within the 10-foot setback required within the "PP" Combining District, as required by the conditions of approval of this permit, the proposed dwelling will meet all site and development standards for the RM-5-PP 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. The proposed basement storage room will not increase the visual bulk and mass of the structure in that it will be located entirely below the existing grade.

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 (one morning and one evening peak trip per dwelling unit), such an increase will not adversely impact existing roads or intersections in the surrounding area. The basement storage room will not overload utilities or generate any additional traffic.

**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.**

The proposed dwelling is similar in size to the combined floor area of other single-family and multi-family structures located on the surrounding parcels and has therefore been designed to be in scale with and integrated with the character of the surrounding neighborhood. Because the basement storage room will be located below grade, it will not be visible and will not increase the bulk and mass of the dwelling. The proposed structure is located in a mixed neighborhood containing a variety of architectural styles and the proposed single-family dwelling with a basement storage room is consistent with the land use intensity and density of the neighborhood.

**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.**

The proposed single-family dwelling meets the definition of a Large Dwelling as set out in County Code 13.10.325, in that it would have a total floor area of 11,055.1 square feet, not including covered, unenclosed areas. This total floor area includes 6,591.7 square feet that will be above grade (habitable area and a one-car garage) and 4,463.4 square feet within a subterranean basement. Therefore, the project is subject to design review.

As proposed, the proposed dwelling is properly proportioned in relation to the net developable area of the parcel and is similar in size to the combined floor area of other single-family and multi-family structures located on the surrounding parcels. Because the proposed dwelling is set back from the public street by approximately 150 feet, beyond an existing dwelling it will have a minimal impact on public views along East Cliff Drive; however, the proposed dwelling would be visible from the shoreline. That portion of the structure that would be closest to the bluff would be relatively narrow in relation to the entire width of the parcel such that the visual impact of the home will be reduced in public views from the beach. Moreover, the required deletion of a portion of the second floor closest to the bluff, where this extends into the required 10-foot second story setback required in the Pleasure Point "PP" Combining District, will result in a reduced impact of the home from this viewpoint and from neighboring homes to the south. This change, together with the deletion of all portions of the second floor that do not comply with the increased second story setback requirement, will also reduce the size of the dwelling by close to 500 square feet and therefore reduce its potential impact overall. Many new and replacement homes in the vicinity of the project site have been constructed to within 25 feet of the coastal bluff; therefore, the proposed home is consistent with development patterns in the surrounding neighborhood when taken as a whole.

The scale of the proposed dwelling is broken up by architectural features that will help reduce the bulk and mass of the structure. These include a varied roofline incorporating curved, flat and shed-roof elements, articulated wall planes with both vertical and horizontal elements and a palette of colors and materials incorporating a variety of natural-toned materials that include weathered wood-effect exterior tiles, stucco and stone. Because the proposed basement will be located entirely below the existing natural grade and is within the footprint of the proposed dwelling, this portion of the proposed structure, which includes a storage room that exceeds the 640 square foot size limit for a non-habitable accessory structure, will not have any impact on scenic views across the site. The sloped driveway that accesses the basement garage within the adjacent yard area also does not impact any public vista.

To control the potential loss of privacy of adjacent homes, the project has been conditioned to required deletion of all portions of the proposed structure that lie within the required setbacks for the zone district. As a result, potential impacts on the neighboring home to the southeast will be significantly reduced. As a further condition of approval, all windows at the second floor, along the southeastern elevation, are required to be located a minimum of 5 feet above the floor level in the upstairs rooms so that they will be above eye level. In addition, the proposed second floor balcony at the rear of the structure is required to be redesigned to be oriented away from the neighboring home or to include a solid screen or other design element that will ensure the ongoing privacy of the adjacent home.

Application #: 211155  
APN: 028-242-25  
Owner: Judi & Alex MacDonell

Therefore, as conditioned, the proposed single-family dwelling and the non-habitable basement storage room will be of an appropriate scale and type of design that will blend with the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

This finding can therefore be made.

## **Pleasure Point Exception Findings**

Exceptions to the Pleasure Point residential development standards may be granted only if the project is found to be consistent with the Pleasure Point Community Design “PP” Combining District purposes, found in County Code section 13.10.444, the findings found in County Code section 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**

The site is encumbered by a view easement that restricts the available building envelope. However, the remaining portion of the site, which lies along the southeastern edge of the parcel, is just over 41-feet in width, which is wider than many other lots in the Pleasure Point area where increased second-floor setbacks would also apply. Taking into account the required 10-foot setback, which only applies to one side of the proposed building site along the southeastern, property line, the building width at the second floor is restricted to just over 31 feet, which is wider than the second-floor building area available on many parcels in the surrounding Pleasure Point area. Therefore, no special existing site or improvement characteristics or circumstances exist that appropriately excuses the proposed development from meeting the development standards for the Pleasure Point Community Design “PP” Combining District and this finding cannot be made.

- 2. The Pleasure Point Community Design “PP” Combining District purposes, found in County Code section 13.10.444, are better achieved by an alternative design; or**

There are modifications that can be made to the design that will eliminate the encroachment into the second story side yard setback, and which would eliminate the need for an exception. This particular design, with the encroachment, does not produce better achievement of the Pleasure Point design purposes than any alternative. Therefore, this finding cannot be made.

- 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 County Code section 13.10.444.**

This finding cannot be made, in that the granting of an exception for the proposed dwelling would not result in a superior residential design that is consistent with the Pleasure Point Community Design “PP” Combining District purposes.

## 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.**

To maximize the available building area and to comply with an existing view easement, the proposed dwelling has been designed to include a basement garage. This finding can therefore be made, in that the view easement is a circumstance particular to this lot. The neighborhood contains many parcels developed with residences that maximize the available land area on each lot. The request for a minor reduction of the vertical clearance within the proposed basement parking area from 7 feet 6 inches to 7 feet 5.5 inches is considered reasonable in that half an inch in height will not reduce the functionality of the parking spaces. Further, the proposed basement parking area will comply with all current Building Code standards for covered and enclosed parking areas.

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.**

The variance will allow the construction of a replacement dwelling on a residentially zoned parcel that is constrained by a view easement that limits development to half of the available site area. The loss of one-half inch in parking height will not reduce the functionality of the parking spaces. The proposed basement garage will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity in that, prior to any site disturbance, the property owner is required, as a condition of approval, to convene a preconstruction meeting attended by Environmental Planning staff including the County geologist or geotechnical engineer, the project contractor, project geotechnical engineer and geologist, to approve the proposed shoring plan and other work related to the upcoming excavation. Therefore, this finding can be made.

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.**

Other properties in the surrounding neighborhood are developed with single-family and multi-family dwellings that have a similar bulk and mass to the structure that is being proposed. Further, other dwellings in the vicinity of the project site have been constructed to include a basement garage, including garages that do not meet the required vertical clearance. 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 above ground portion of the structure. The developable area of the lot is constrained by a view easement that prohibits the placement of structures with a height greater than four feet. Granting the request allows the applicant to construct a home that is comparable in size to other structures in the neighborhood and to provide sufficient parking in a manner that does not impact the view easement. For these reasons, it would not be a grant of a special privilege for the construction of a basement garage on the subject property. The proposed residential use is consistent with the existing pattern of development in the neighborhood; therefore, this finding can be made.



## Conditions of Approval

- Exhibit D: Project plans 15 sheets: 10 sheets prepared by Matson Britton Architects, dated 7/2/2021 (9 revised 10/25/2021 and 1 revised 0/10/2021); 2 sheets prepared by Michael F. Beautz, Surveyor, dated December 2020, and 3 sheets prepared by R. I. Engineering, dated March 2021. Additional information includes a colors and materials sheet and visual simulation views of the proposed development.
- I. This permit authorizes the construction of a replacement single-family dwelling as indicated on the approved Exhibit "D" for this permit, as modified by these conditions of approval. 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 from the Santa Cruz County Building Official for all grading operations (not including for the basement or footings) that exceed 100 cubic yards of material.
  - E. Obtain an Encroachment Permit from the Department of Public Works for any off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department, as modified by the following. Any other 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. The second floor shall be modified to eliminate all portions of the dwelling located within the required 10-foot upper floor setback for the Pleasure Point "PP" Community Design Combining District.
3. All upper floor windows at the southeast elevation of the dwelling shall be located a minimum of 5 feet above the floor level at the rooms in which they are located.
4. The proposed second-floor deck at the rear of the dwelling, adjacent to the coastal bluff, shall be redesigned to be oriented away from the neighboring home to the southeast. Alternatively, the deck may be revised to include a solid screen or other design element that will ensure that the deck does not overlook the adjacent home.
5. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. In addition to showing the materials and colors on the elevation, the applicant shall include the approved colors and materials sheet with the submitted plans.
6. Grading, drainage, and erosion control plans.
7. Details showing compliance with Fire Department requirements.
8. Provide a report and a tree preservation plan, prepared by a licensed Arborist, providing recommendations regarding tree protection measures to ensure the health and ongoing vitality of all existing trees along the southeastern boundary of the property on the neighboring parcel. The report shall take into consideration all potential impacts arising from excavations for the proposed basement. The Arborist report shall be approved by the Environmental Planning section prior to permit issuance.
9. A detailed Landscape Plan to show all proposed landscaping/planting within yard areas on the parcel. Unless confined within planters or pots, all planting shall be non-invasive, drought tolerant or native species. Proposed landscaping should require the use of only drip or micro spray irrigation systems.
  - a. All fencing, walls and other barriers within the 25-foot setback from the coastal bluff shall be limited to a maximum height of 3-feet and shall be see-through in design so as to not impede coastal views along the shoreline.
  - b. No structures that require the issuance of a building permit shall be constructed within the 100-year geologic bluff setback from the coastal bluff. In addition, no landscaping within the bluff setback area shall unfavorably alter drainage patterns (defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff.)

- B. Meet all requirements of the County Department of Public Works, Stormwater Management as follows:
1. Revise the plans to show how impervious area coverage is being limited and how alternative semi-impervious surfaces are being incorporated into the project design.
  2. The civil plans show a sump pump will be used to direct runoff from the driveway to a retention system. Pumps are not recommended. If a pump will be used, the least amount of runoff possible should be directed to the pump. Show how on-site runoff from the existing driveway can be captured/separated and provide a watershed area map that shows areas that drain to the pump and mitigation areas and label the square footage of each.
  3. Only surface water shall be directed to the mitigation. Please show retaining wall subdrain systems and their discharge locations.
  4. Provide a separate watershed area map showing the overflow path that will apply if the proposed pump fails, to demonstrate that overflow will not adversely impact neighboring properties.
  5. Figure SWM-24 Runoff Retention by the Storage Percolation Method contains minimum requirements for mitigating the 2-year, 2-hour storm. If an alternative spreadsheet will be used, please ensure that the calculations meet the minimum requirement. The submitted spreadsheet shows a 75% effectiveness value. Please update the analysis to include a 70% effectiveness value or provide justification and operation/maintenance/replacement procedures to support this justification. The effective surface area shall be used to calculate the soil infiltration rate.
  6. Zone 5 fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at building permit issuance. Reduced fees (50%) are assessed for semi-impervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.
- C. Meet all requirements of the Santa Cruz County Sanitation District.
- D. Meet all requirements of the Environmental Planning section of the Planning Department as follows:
1. The project requires excavation and off-haul of a significant amount of soil. To prevent creation of a nuisance or hazard to public or private property, the following conditions of approval are provided:

- a. Prior to building permit issuance, submit a haul route and construction schedule stating the date ranges for earthwork off-haul activities. Include a traffic control plan for construction traffic entering and exiting East Cliff Drive. These submittals may be made with the encroachment permit application for the project, or as a notification directly to Public Works Encroachment staff if an encroachment permit application is not otherwise required for improvements within the County Road right-of-way.
  - b. The property owner is responsible for ensuring that construction activities do not cause adverse impacts to adjacent properties. After building permit issuance and prior to the start of construction, the property owner shall convene a preconstruction meeting attended by Environmental Planning staff, including the County Geologist and Civil Engineer, the contractor, project geotechnical engineer and geologist.
2. The proposed concrete patio and landscape wall are located within the 100-year geologic bluff setback. County Code section 16.10.070(H)(1) states that all development, including that which is cantilevered, and for non-habitable structures, a minimum setback shall be established at least 25 feet from the top edge of the coastal bluff, or alternatively, the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater. Per SCCC 16.10.070(H)(2) the proposed patio and 1.5-foot maximum height landscape wall do not specifically require a building permit and therefore may be considered exempt from the development setback provided they do not unfavorably alter drainage patterns (defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff.)
  - a. Provide a letter from the geologist of record that confirms, based on site inspection and review of the proposed plans, that the patio and landscape wall as configured does not unfavorably alter drainage patterns relative to the adjacent bluff; absent this confirmation, the patio and landscape wall cannot be approved as proposed.
  - b. Unless the patio and wall are determined to not be exempt from the provisions of SCCC 16.10.070(H)(1), provide owner acknowledgement of the following: Per SCCC 16.10.070(H)(2)(b) if the patio and/or landscape wall unstable due to erosion or slope instability, the threat to the patio and/or landscape wall shall not qualify the parcel for a coastal bluff retaining structure or shoreline protection structure. In addition, if the either the patio or retaining wall become a hazard, they shall either be removed or relocated, rather than protected in place.

3. *Prior to building permit issuance, the applicant shall submit a geologic plan review form (PLG-300) certifying that the project design, including proposed grading and drainage measures, conform to the recommendations of the project geologic report. After submission of the PLG-300 and per Santa Cruz County Code Section 16.10.070.H.1.g, the County Geologist will review the drainage and landscape plans for approval; if substantive changes to the plans are required to satisfy the County Geologist, the applicant agrees to obtain a Coastal Development Permit amendment as necessary prior to building permit issuance.*
  4. *Prior to the issuance of a Building Permit for the construction of the dwelling, submit proof of a valid maintenance agreement for the existing coastal protection structure, issued by the California Coastal Commission.*
- E. Coastal Hazards Response Alternatives. By acceptance of this permit, the applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:
1. Requirement for Geotechnical and Coastal Hazards Reports: Ten-foot Trigger. In the event that in the future the blufftop edge recedes to within ten feet of the single-family dwelling, the property owner shall undertake the following:
    - a. Notify the Santa Cruz County Geologist, and
    - b. Retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geologic and/or geotechnical assessment 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.
    - c. Agree to undertake activities to pursue an appropriate response to address safety issues, 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 geologic and/or geotechnical assessment shall be submitted to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County.
- F. "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:

1. Coastal Hazards. The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, wave impacts, storm surge, tsunamis, tidal scour, coastal flooding and inundation, earthquakes, landslides, and the interaction of same;
  2. Assume Risks. To assume and accept the risks to the Applicant and the properties that are the subject of this Coastal Development Permit of injury and damage from such coastal hazards in connection with the permitted development;
  3. Waive Liability. To unconditionally waive any claim of damage or liability against the County of Santa Cruz, its officers, agents, and employees for injury or damage from such coastal hazards in connection with this permitted development;
  4. Indemnification. To indemnify and hold harmless the County of Santa Cruz, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs, including costs and fees incurred in defense of such claims, expenses, and amounts paid in settlement arising from any injury or damage in connection with the permitted development;
  5. Property Owner Responsible. That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner. That cost of abatement and/or future removal of structures shall be the responsibility of the property owner.
- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- H. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- I. Submit 3 copies of plan review letters prepared and stamped by the project Geologist.
- J. Pay the current fees for Parks mitigation. Currently, these fees are \$4.51 per square foot for single family dwellings.
- K. Pay the current fees Child Care mitigation. Currently, these fees are \$109 per bedroom for single family dwellings. The definition of a bedroom shall be that contained in County Code 13.10.700-B – Bedroom Definition.
- L. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling of over 4,001 square feet is \$15 per habitable square foot.

- M. All fees for Roadside and Transportation improvements shall be also paid if required as a condition of approval of the subsequent building permit.
  - N. 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.
  - O. Provide required off-street parking for seven (7) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - P. Complete and record a Declaration of Restriction to construct a 1,930 square foot non-habitable storage room with a half-bathroom within the basement of the dwelling. This document will be provided to you following the first review of the building permit application. **You may not alter the wording of this declaration.**
- 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 and geologic reports.
    - 1. Prior to the completion of the building permit, a Monitoring and Maintenance Agreement for the shoreline protection structure shall be recorded by the property owners. The Monitoring and Maintenance Agreement for the riprap revetment will be developed by Environmental Planning staff.
  - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
- A. If, as a result of the construction of the project, trees located on the neighboring parcel along the southeastern property line subsequently die, these shall be

replaced at a ratio of 1:1 at the expense of the owner of APN 028-242-25. Replacement trees shall be a minimum 24-inch box size and shall be the same species as the original tree or an alternative species agreed by both property owners.

- B. 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.

#### V. 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.

- 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
  - 2. COUNTY defends the action in good faith.
- C. Settlement. 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. Successors Bound. 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

\_\_\_\_\_  
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.

[illegible]

Map of the Opal Coast area showing the location of the proposed development. The map includes labels for 'Opal Coast', 'Pleasure Point', 'The River Market', 'River Market Community Park', and '22703 East Cliff Drive'. A red dot marks the 'Proposed Development' site. A north arrow is in the top right corner.

1. THESE PLANS SHALL COMPLY WITH 2019 CALIFORNIA BUILDING CODE AND 2019 CALIFORNIA FIRE CODE TECHNICAL AMENDMENTS.
2. OCCUPANCY R-3 & U, TYPE V-B, FULLY SPRINKLED. APPROVED AUTOMATIC SYSTEM COMPLYING WITH THE EDITION OF NFPA 130 PRESENTLY ADOPTED IN CHAPTER 35 OF THE CALIFORNIA BUILDING CODE.
3. ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED AS SHOWN ON THE SITE PLAN. NUMBERS SHALL BE A MINIMUM OF 4" HIGH AND 4" WIDE AND OF A COLOR CONTRASTING TO THEIR BACKGROUND.
4. ROOF COVERINGS SHALL BE NO LESS THAN CLASS "B" RATED.
5. ALL CHIMNEYS SHALL BE APPROVED WITH AN APPROVED SPARK ARRESTOR ON THE TOP OF THE CHIMNEY. WIRE MESH NOT TO EXCEED 1/2" IS ACCEPTABLE.
6. THE JOB COPIES OF THE BUILDING PLANS AND PERMITS MUST REMAIN ON-SITE DURING INSPECTIONS.
7. PUBLIC FIRE ALARMING REQUIRED WITHIN 400 FT. OF ANY PORTION OF THE BUILDING WITH A FIRE ALARM. FIRE FLOW: 1500 GPM, AVAILABLE FIRE HYDRANT APPROXIMATELY 400' FROM BUILDING.

THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24 AND THE  
FOLLOWING CODES:

- 2019 CALIFORNIA RESIDENTIAL CODE (CRC)
- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA ENERGY CODE (CEC)
- COUNTY OF SANTA CRUZ ORDINANCES

**ARCHITECT:**  
MATSON BRITTON ARCHITECTS  
728 N. BRANCIFORTE  
SANTA CRUZ, CA 95062  
PHONE: 831/425-0344

**CIVIL ENGINEER:**  
R.I. ENGINEERING, INC.  
303 POTRERO STREET, STE. 422  
SANTA CRUZ, CA 95060  
PHONE: 831/425-5901

**SURVEYOR:**  
MICHAEL BEAUTZ  
565 RISSO CT  
SANTA CRUZ, CA 95062  
(831) 475-9146

**GEOLOGIST:**  
ZINN GEOLOGY  
112 SAGE HEN AVENUE  
ERMSWORTH, WI 59457  
PHONE: 831/354-4653

**GEOTECHNICAL:**  
PACIFIC CRIST ENGINEERING, INC.  
444 AIRPORT BLVD., SUITE 108  
WILSON, CA 95706  
PHONE: 831/279-4444

<b>TOTAL AREA:</b>	4,213.3 S.F.
<b>BASEMENT LEVEL (INCL. ELEV. GARGES, STORAGE)</b>	3,206.5 S.F.
<b>FIRST FLOOR</b>	3,052.7 S.F.
<b>SECOND FLOOR</b>	10,472.5 S.F.
<b>TOTAL AREA:</b>	

OWNER:	ALEX AND JUDI MACDONNE 22702 E. CLIFF DRIVE SANTA CRUZ, CA 95062
A. P. N.:	028-242-25
ZONING:	PR-PP; RM-5-PP
OCCUPANCY GROUP:	R-3 & U (PER 2019 CMC)
CONSTRUCTION TYPE:	V-3 (SPRINKLERED)
PROJECT DESCRIPTION:	NEW CONSTRUCTION OF 2 STORY, 4 BEDROOM, 8.5 BATHROOM RESIDENCE WITH (1) 1-CAR GARAGE AND BASEMENT LEVEL

## ARCHITECTURAL DRAWINGS

P1	TITLE SHEET
P1.1	PROJECT AREAS
P2	SITE PLAN
P3	PROPOSED BASEMENT FLOOR PLAN
P4	PROPOSED SECOND FLOOR PLAN
P5	PROPOSED SECOND FLOOR PLAN
P6	EXTERIOR ELEVATIONS
P7	

C1	GRADING & DRAINAGE PLAN	SU-1	SURVEY
C2	DETAILS	SU-2	SURVEY
C3	STORMWATER POLLUTION CONTROL PLAN	SU-3	SURVEY

**GROSS LOT SIZE:** 16,195.9 SQ. FT.  
**NET LOT SIZE:** 15,301.8 S.F. (SEE PL.1)  
**MAX LOT COVERAGE (45% OF NET LOT SIZE):** 6,885.18 S.F.

FIRST FLOOR	3,204.5 S.F.
SECOND FLOOR	3,052.7 S.F.
BASEMENT (HT. LESS THAN 7'-6")	283.0 S.F.
TOTAL CONDITIONED AREA	6,542.2 S.F.
<u>PROPOSED UNCONDITIONED AREAS:</u>	
BASEMENT (HT. LESS THAN 7'-6")	4,180.4 S.F.
<u>EXTERIOR AREAS:</u>	
LOGGIA	310.7 S.F.
FIRST FLOOR PATIO	2564.1 S.F.
1ST FLOOR OVERHANG	207.4 S.F.
2ND FLOOR DECK	93.2 S.F.
<u>PROPOSED TOTAL COVERAGE:</u>	
4271.1 V.I.S. 300.8 S.Q. FT.	27.2%

PROPOSED F.A.R.	283.0 S.F.
BASEMENT INHABITABLE AREA	
1ST FLR COND. + COVERED AREAS* + GARAGE**	3,332.4 S.F.
3,206.5+18.4+107.5=	
2ND FLR COND. + COVERED AREAS***	3,052.7 S.F.
3,052.7 + 0	
TOTAL F.A.R.:	13,332.4 + 3,052.7 / 1.5 = 201.8

ANSWERS:

1 COVERED/9 UNCOVERED : 10 TOTAL      $\Delta$

F.A.R. CALCULATIONS:

\*\*COVERED LOG(176.7 - 140 SF) = 36.7/2 = 18.4 SF

\*\*COVERED AREA AT DRIVEWAY PAST 3-0":

149.5 - 140 CREDIT X 2 (TWO SIDES) = 0 SF.

\*\*\*GARAGE: 332.5-225 CREDIT = 107.5 SF.

\*\*\*COVERED DECK PAST 3-0": 25.4/2 = 12.7 = 140 = 0 SF.

<h2 style="text-align: center;">SITE LEGEND</h2>		PROPERTY LINE		RESERVE TO REDEEM
		SERVICE LINE		NEW RESIDENCE
		BOUNDARY		NEW AMERICAN CORNER DEFINING A NEW LANDMARK
		RESERVE TO REDEEM		LINE OF NO FURTHER WORK
		LINE OF NO FURTHER WORK		LINE OF NO FURTHER WORK

**SITE LEGEND**

PROPERTY LINE  
SETBACK LINE  
USE OF EXISTING DRIVE TO REMAIN  
FENCE BY EXISTENCE  
USE OF DRIVE ABOVE  
USE OF DRIVE BELOW

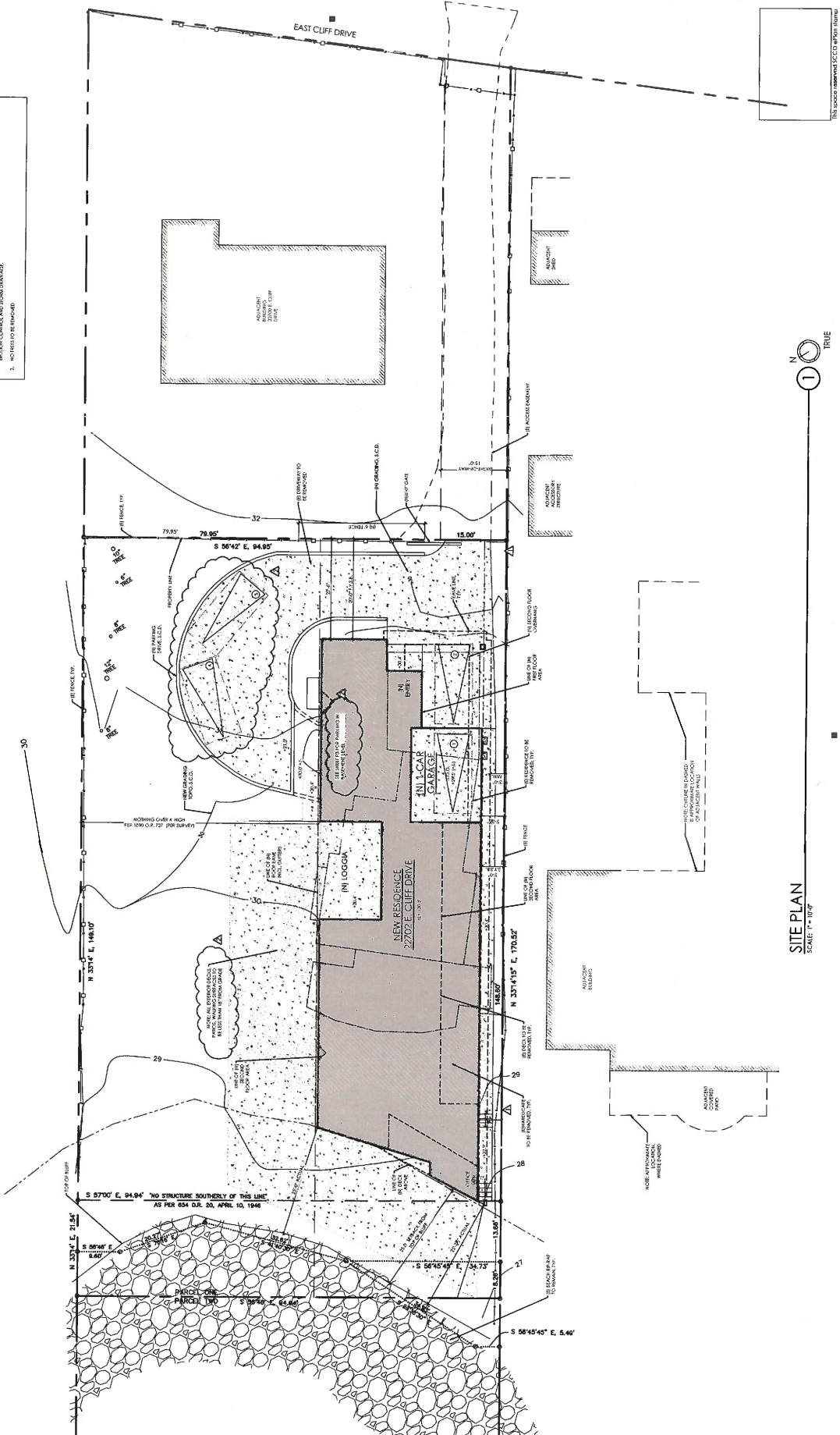
**IN BLDG**

NEW RESIDENCE  
NEW GARAGE  
NEW CARPORT

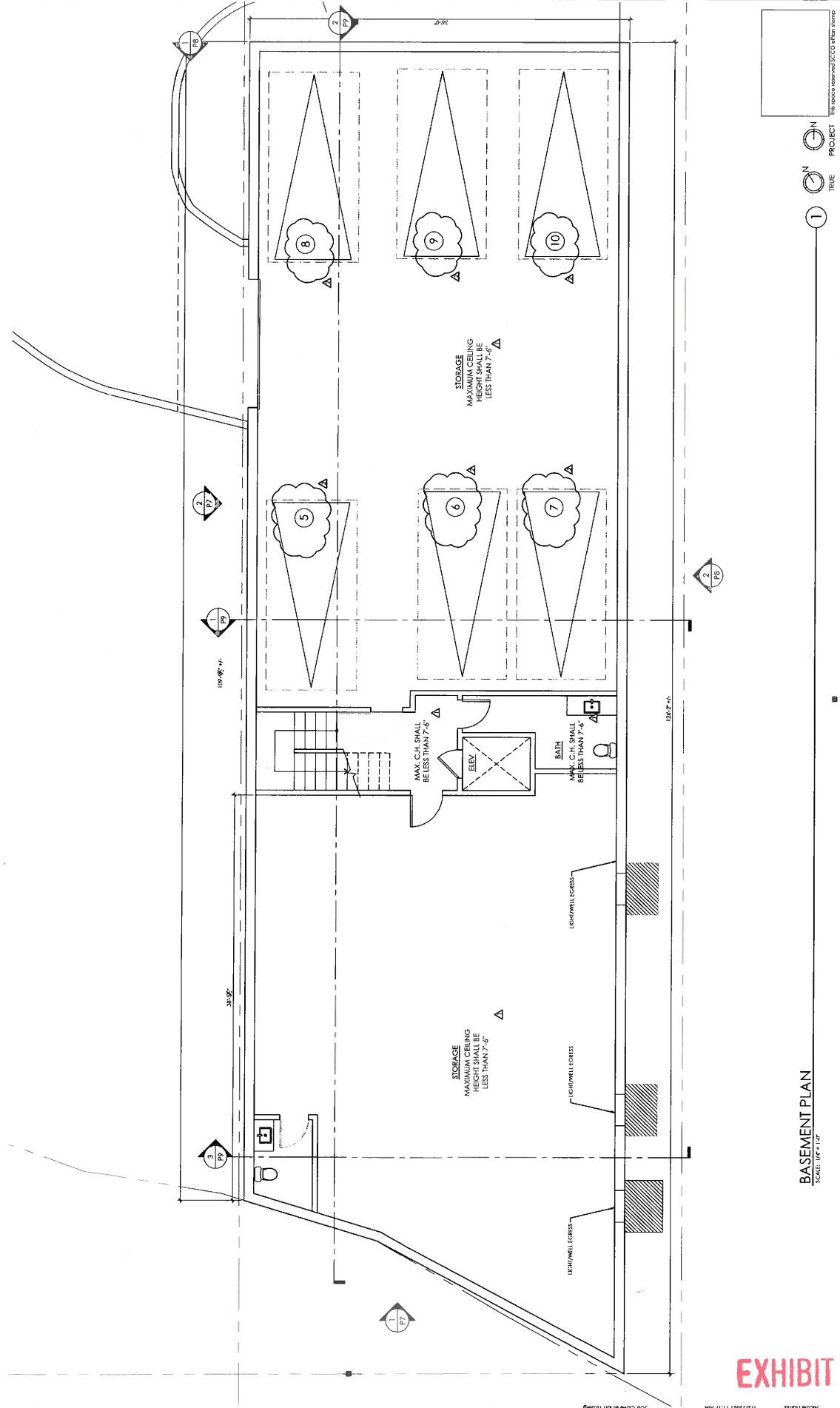
**SITE PLAN NOTES**

1. SEE CADD DRAWINGS FOR INFORMATION REGARDING ALL EXISTING UTILITIES, SETBACKS, EASEMENTS, AND EROSION CONTROL.

2. NO FLOOD ZONING.



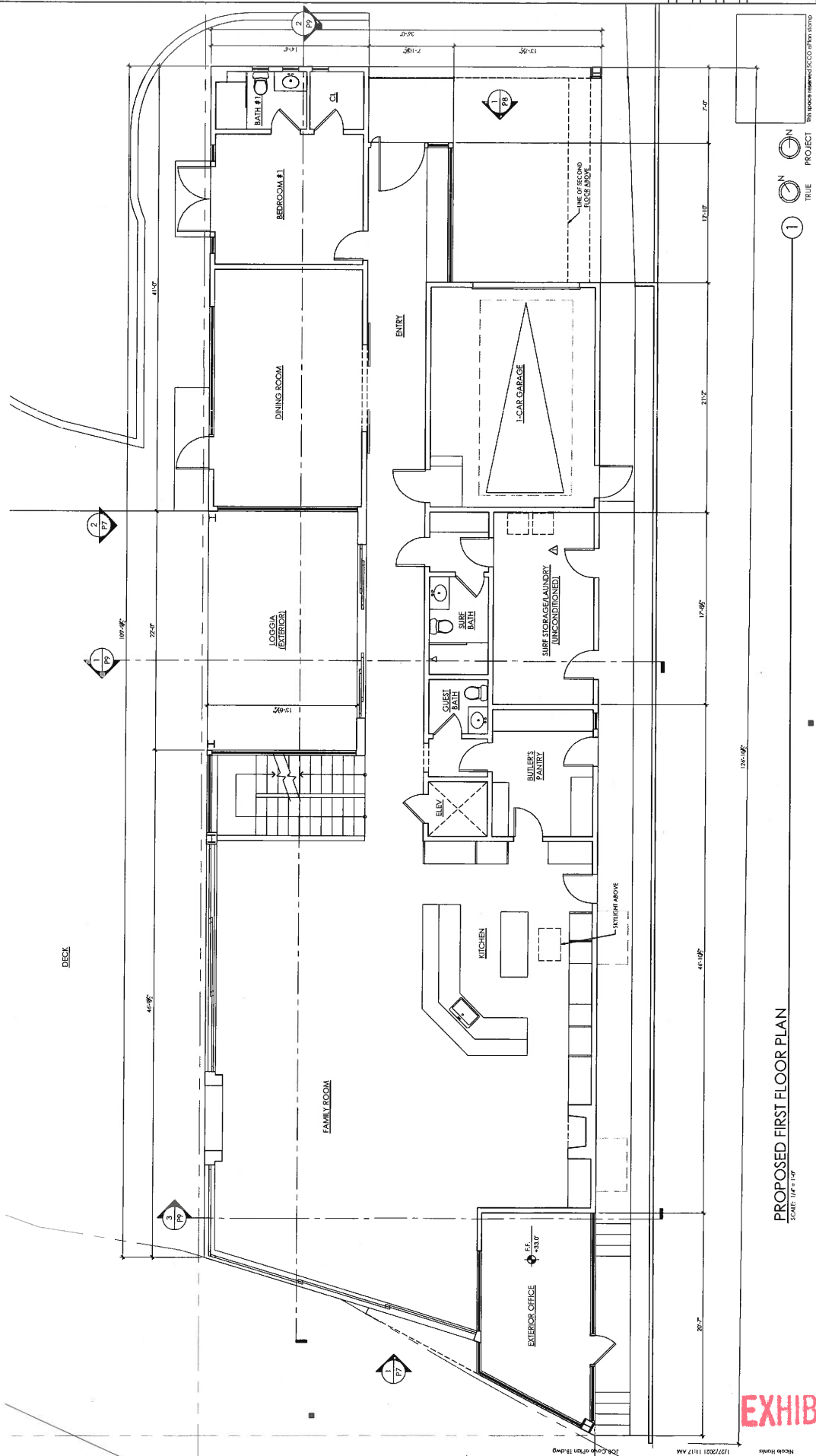
**SITE PLAN**  
SCALE: 1" = 10'



**BASEMENT PLAN**  
 SCALE: 1/8" = 1'-0"

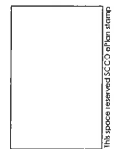
1 TRUE  
 2 PROJECT

**EXHIBIT D**



PROPOSED FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

EXHIBIT D



## PROPOSED SECOND FLOOR PLAN

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

**EXHIBIT D**





724 N. BRANDENBURY  
SANTA CLARA  
SANTA CLARA, CA 95050  
TEL: 408.255.0000  
FAX: 408.255.0001  
WWW.MATSON.COM

PERMISSIONS  
NO. 2020-001  
NO. 2020-001

MACDONELL RESIDENCE  
22202 EAST CUFF DRIVE  
SANTA CLARA, CA 95052  
APN: 028-342-25

UPPER ROOF PLAN



DATE: 07/20/2021  
DRAWN BY: J. MACDONELL  
CHECKED BY: J. MACDONELL  
PROJECT: MACDONELL RESIDENCE

P6

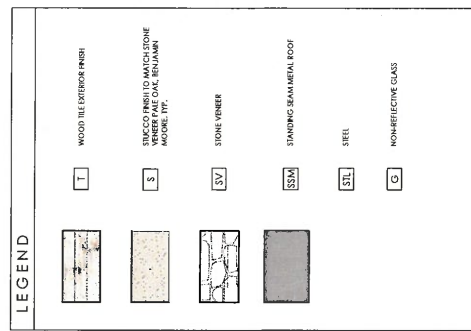


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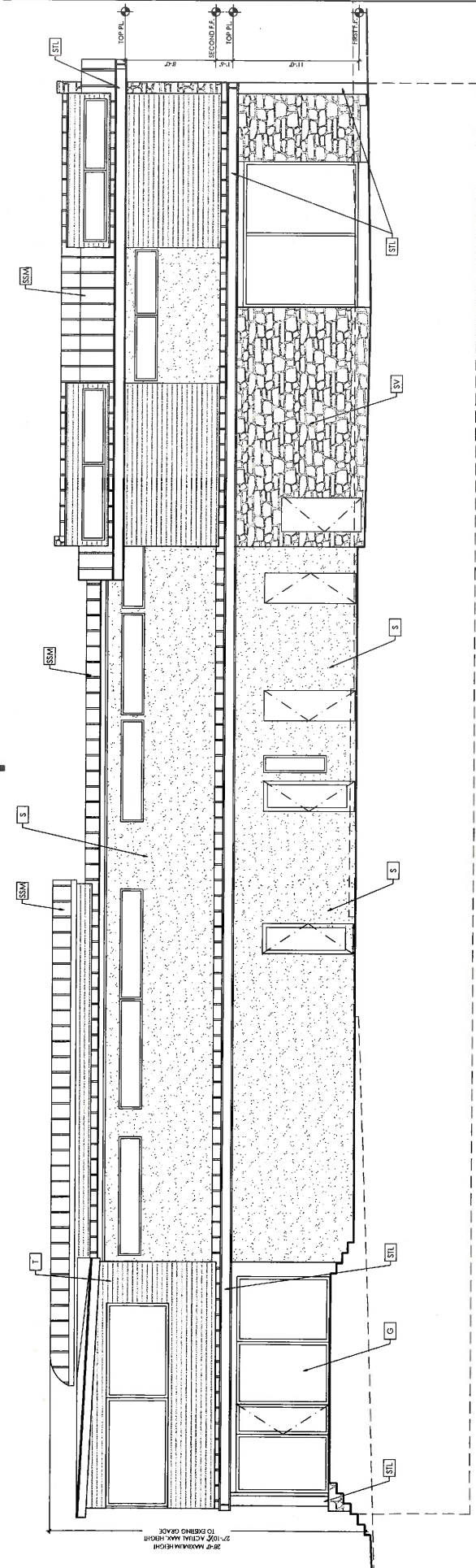
UPPER ROOF PLAN  
SCALE: 1/4" = 1'-0"

EXHIBIT D

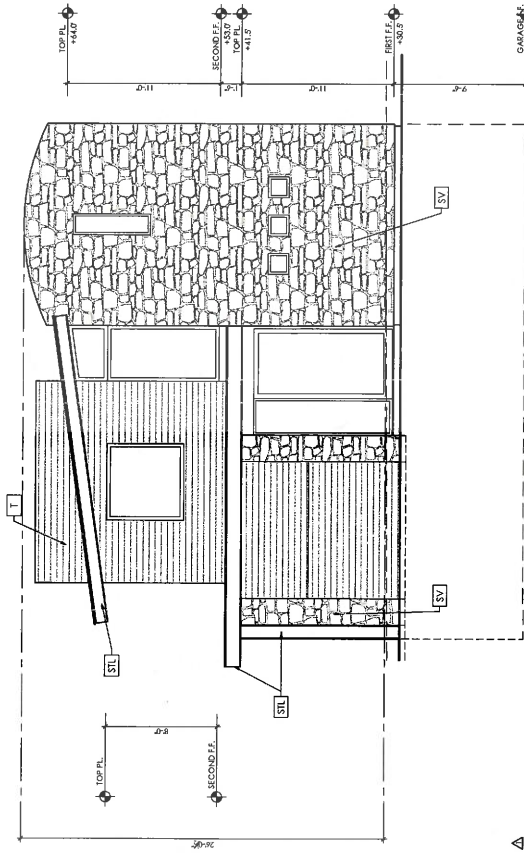




**SOUTH ELEVATION**  
**SCALE: 1/4" = 1'-0"**

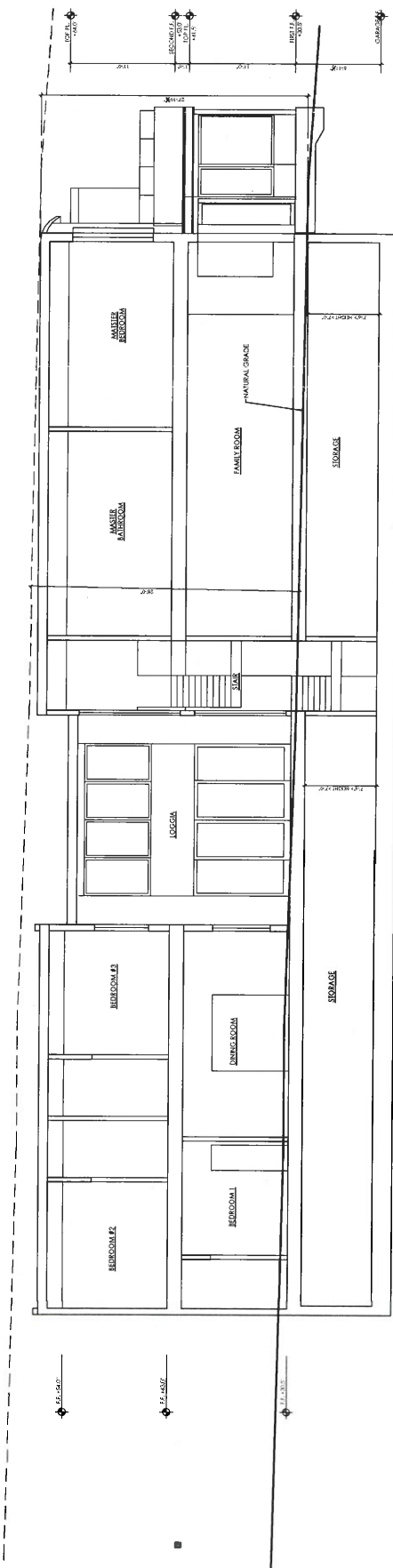


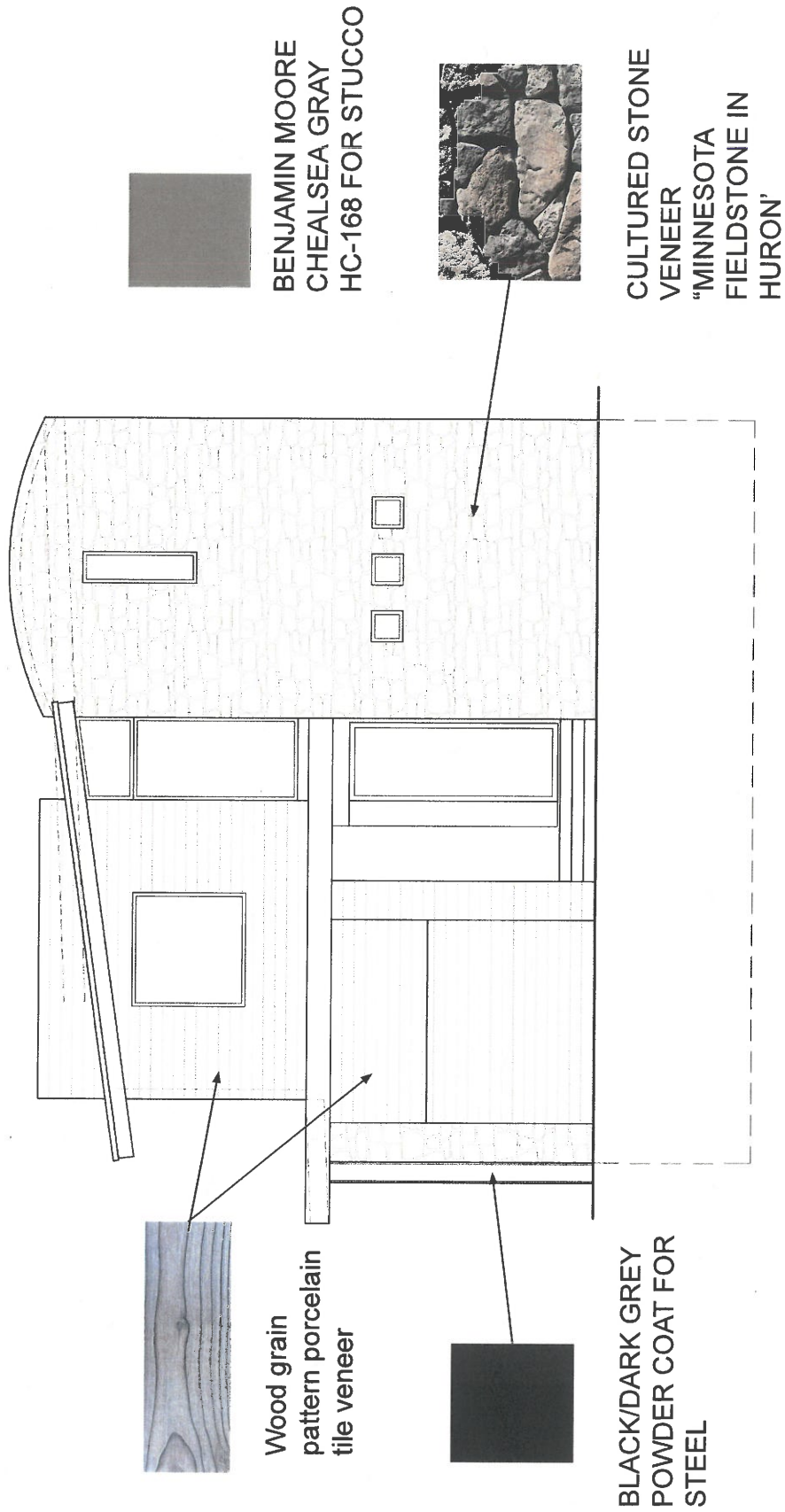
**EAST ELEVATION**  
**SCALE: 1/4" = 1'-0"**

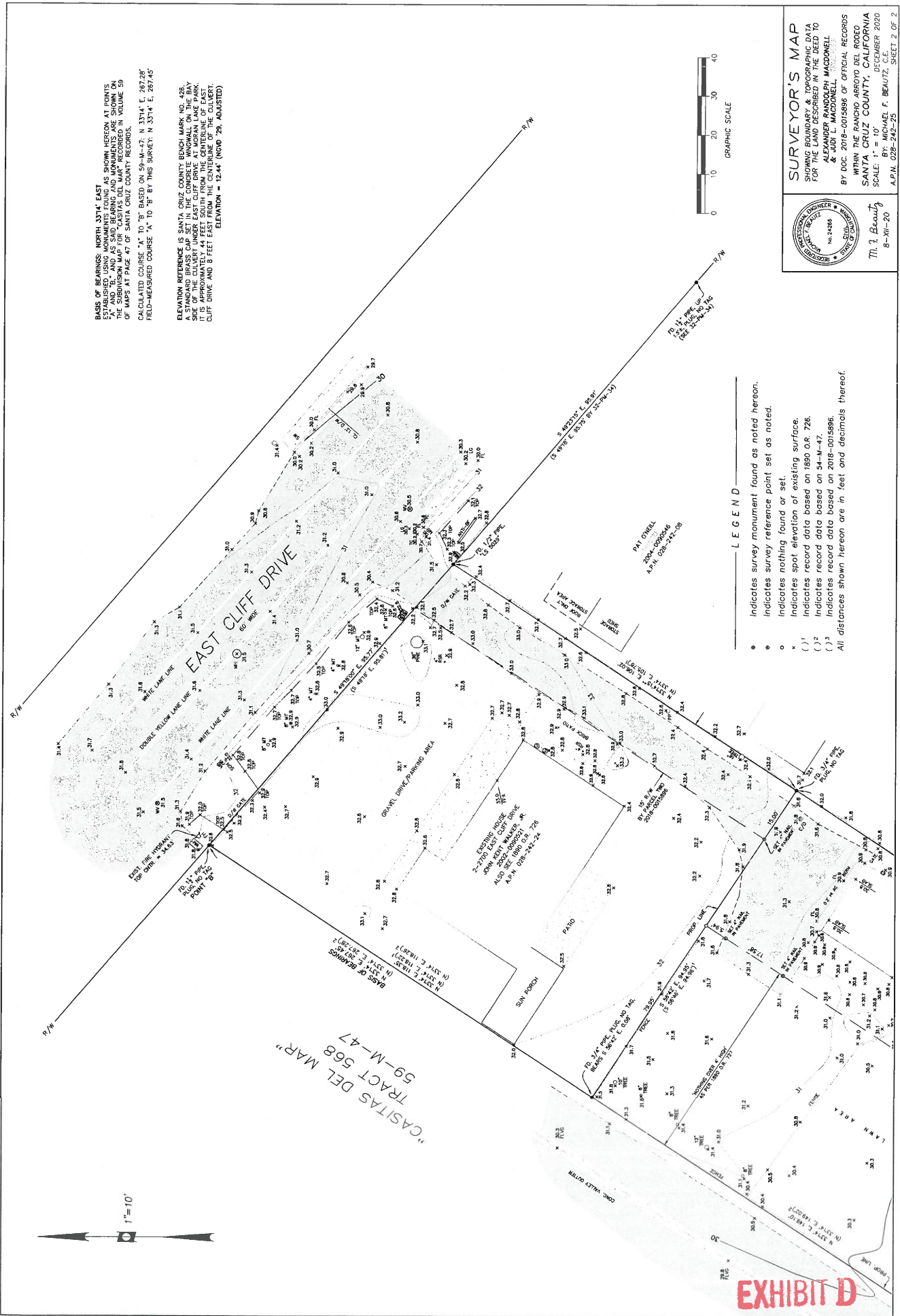


**NORTH ELEVATION**  
**SCALE: 1/4" = 1'-0"**

This space reserved SCSO n°101 stamp







**SURVEYOR'S MAP**  
 SHOWING BOUNDARY & TOPOGRAPHIC DATA  
 FOR THE LAND DESCRIBED IN THE DEED TO  
 VOLUME 59 OF MAPS AT PAGE 47 OF  
 SANTA CRUZ COUNTY RECORDS.  
 BY DOC. 2018-0015896 OF OFFICIAL RECORDS  
 WITHIN THE RANCHO AGROYO DEL ROJO,  
 SANTA CRUZ COUNTY, CALIFORNIA  
 SCALE: 1" = 10'  
 DECEMBER 2020  
 BY: MICHAEL F. BEAUTZ, C.E.  
 A.P.N. 028-242-25

**Michael F. Beautz**  
 8-XI-20

**Professional Engineer**  
 No. 14286  
 State of California



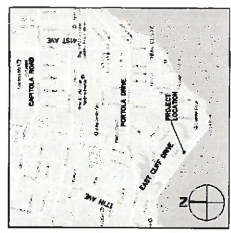


C-1

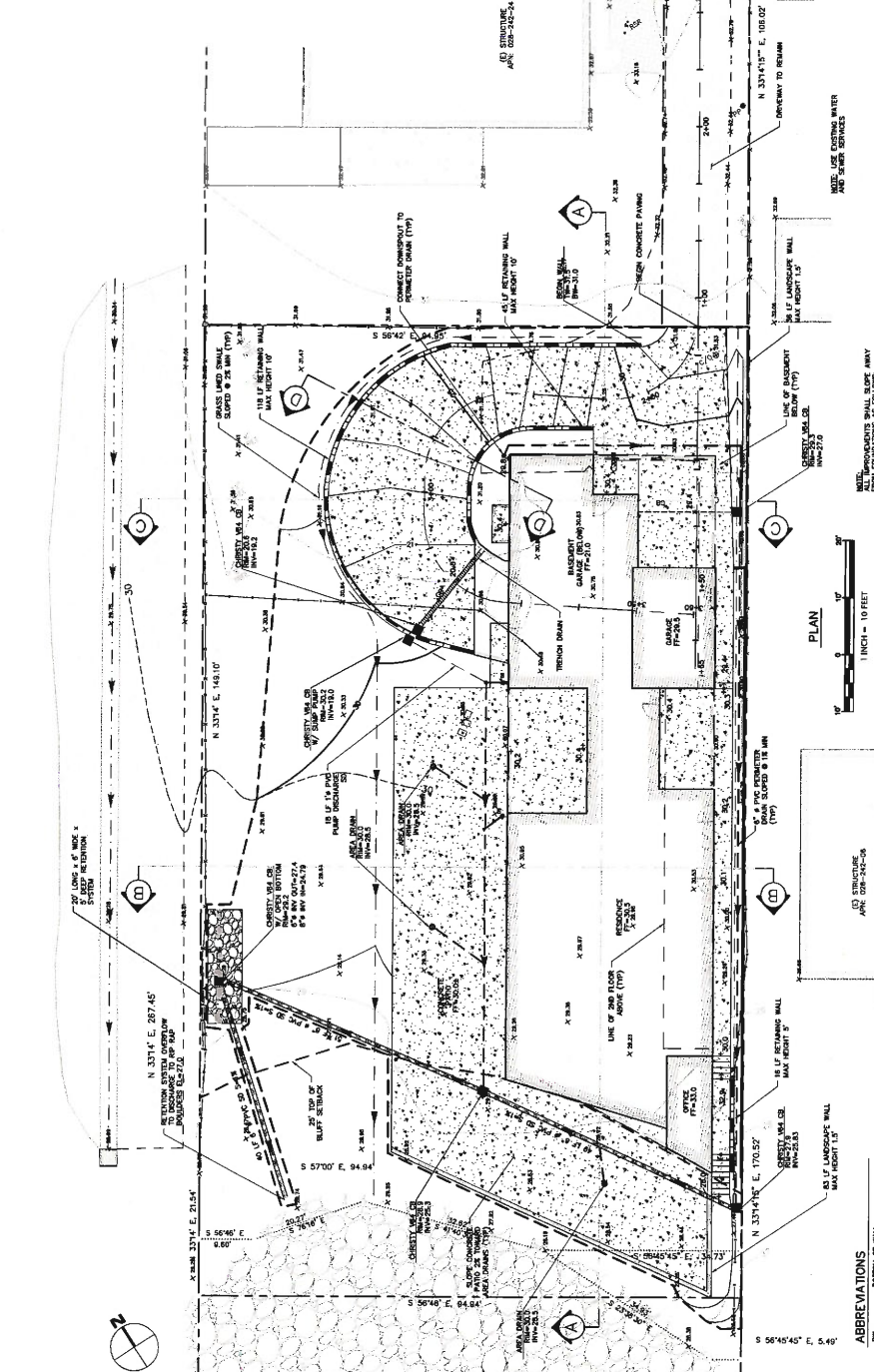
PLANNING SUBMITTAL

PROPOSED SINGLE FAMILY RESIDENCE  
FOR  
ALX AND JUDI MACDONELL  
22702 EAST CLIFF DRIVE  
SANTA CRUZ COUNTY, CA  
APN # 028-242-25  
PRELIMINARY  
GRADING & DRAINAGE PLAN

RI Engineering, Inc.  
303 Peters St., Suite 42-202, Santa Cruz, CA 95060  
831-425-3901 www.riengineering.com



- LEGEND**
- (1) AS
  - (2) AC
  - (3) CONCRETE
  - PROPOSED CONCRETE
  - (4) FUTURE
  - PROPOSED RETAINING WALL
  - PROPOSED LAND OF GRADING
  - PROPOSED RETAINING WALL
  - PROPOSED AC SEW
  - PROPOSED SHALE
  - PROPOSED PERIMETER SD
  - PROPOSED SDOO
  - PROPOSED CR



**TOPOGRAPHIC SURVEY**  
THE TOPOGRAPHIC SURVEY AND BOUNDARY INFORMATION PROVIDED HEREON WAS CONDUCTED BY THE SURVEYOR IN ACCORDANCE WITH THE SURVEYING ACT AND THE SURVEYING REGULATION. THE SURVEYOR HAS REVIEWED THE SURVEY DATA AND HAS DETERMINED THAT THE SURVEY DATA IS ACCURATE AND RELIABLE. THE SURVEYOR HAS REVIEWED THE SURVEY DATA AND HAS DETERMINED THAT THE SURVEY DATA IS ACCURATE AND RELIABLE.

**BASIS OF BEARINGS**  
THE SURVEY BEARINGS WERE OBTAINED FROM THE SANTA CRUZ COUNTY SURVEY MAP, BOOK 1, PAGE 1, AND THE SURVEY BEARINGS WERE OBTAINED FROM THE SANTA CRUZ COUNTY SURVEY MAP, BOOK 1, PAGE 1.

**BASIS OF ELEVATION**  
THE SURVEY ELEVATIONS WERE OBTAINED FROM THE SANTA CRUZ COUNTY SURVEY MAP, BOOK 1, PAGE 1, AND THE SURVEY ELEVATIONS WERE OBTAINED FROM THE SANTA CRUZ COUNTY SURVEY MAP, BOOK 1, PAGE 1.

**SECTION D-D**  
SECTION D-D



**ABBREVIATIONS**

- RETAINING WALL
- CONCRETE
- AC
- SEW
- SD
- DOO
- CR

**APPROXIMATE EARTHWORK QUANTITIES**

ITEM	UNIT	QUANTITY
RETAINING WALL	LF	17.119
CONCRETE	CU YD	3.750
AC	CU YD	3.750
SEW	LF	5.642
SD	LF	5.642
DOO	LF	5.642
CR	LF	5.642

**PROJECT INFORMATION**

22702 East Cliff Drive  
Santa Cruz, CA 95060  
APN # 028-242-25  
PROJECT OWNER: ALX AND JUDI MACDONELL  
DESIGNED BY: RI Engineering, Inc.  
DATE: 03/20/2021

**UNITS**

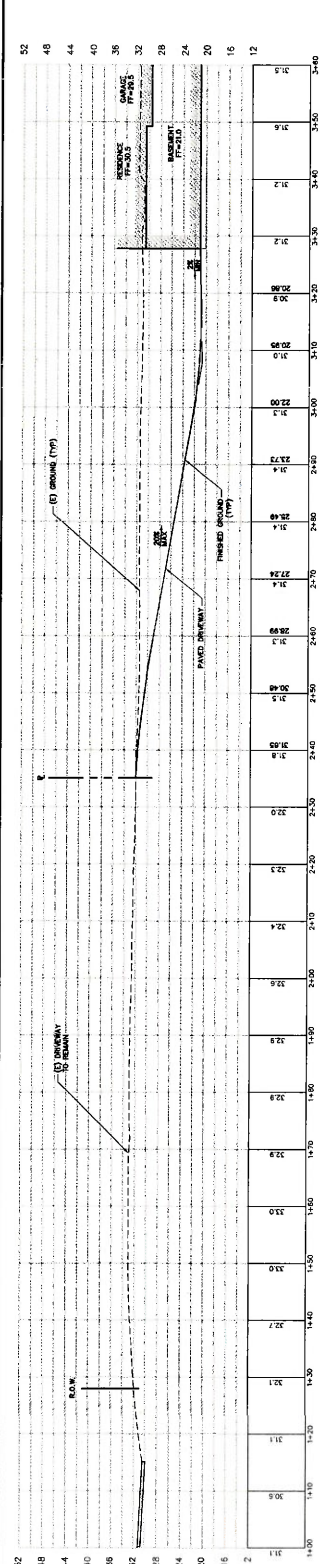
ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.

**NOTES**

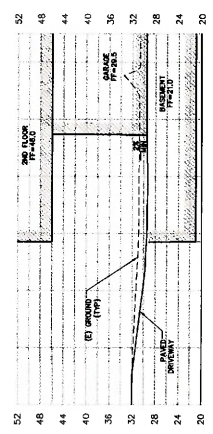
1. THE SURVEY DATA IS ACCURATE AND RELIABLE.
2. THE SURVEY DATA IS ACCURATE AND RELIABLE.
3. THE SURVEY DATA IS ACCURATE AND RELIABLE.
4. THE SURVEY DATA IS ACCURATE AND RELIABLE.
5. THE SURVEY DATA IS ACCURATE AND RELIABLE.
6. THE SURVEY DATA IS ACCURATE AND RELIABLE.
7. THE SURVEY DATA IS ACCURATE AND RELIABLE.
8. THE SURVEY DATA IS ACCURATE AND RELIABLE.
9. THE SURVEY DATA IS ACCURATE AND RELIABLE.
10. THE SURVEY DATA IS ACCURATE AND RELIABLE.

**CONTRACTOR'S RESPONSIBILITIES**

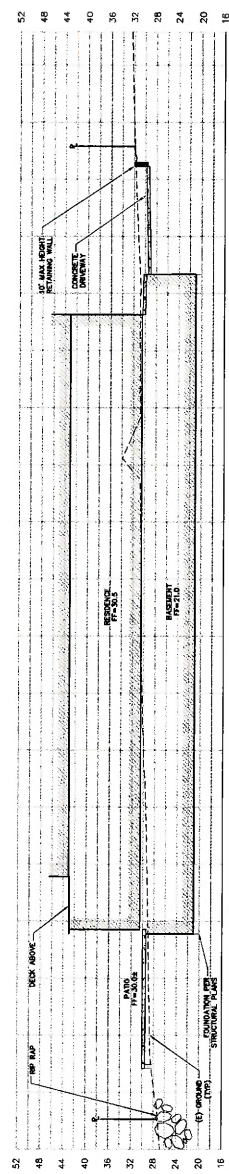
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT IN ACCORDANCE WITH THE SPECIFICATIONS AND THE SURVEY DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT IN ACCORDANCE WITH THE SPECIFICATIONS AND THE SURVEY DATA.



SECTION A-A  
SCALE: 1"=10' HORIZONTAL, VERTICAL



SECTION B-B  
SCALE: 1"=10' HORIZONTAL, VERTICAL



SECTION C-C  
SCALE: 1"=10' HORIZONTAL, VERTICAL



SECTION C-C  
SCALE: 1"=10' HORIZONTAL, VERTICAL

EXHIBIT D



**RJ Engineering, Inc.**  
303 Potrero St., Suite 42-202, Santa Cruz, CA 95060  
831-425-3901 www.rjengineering.com

**PROFILES AND SECTIONS**  
PROJECT NO. 22702 EAST CLIFF DRIVE  
SANTA CRUZ COUNTY, CA  
APR # 028-242-25  
FOR ALX AND JONI MACDONELL  
PROPOSED SINGLE FAMILY RESIDENCE  
DATE: MARCH 2021  
AS SHOWN  
DWG NO. 2-1012-1  
SHEET 2 OF 2

**C-2**

PLANNING SUBMITTAL





FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

RANCHO ARROYO DEL RODEO

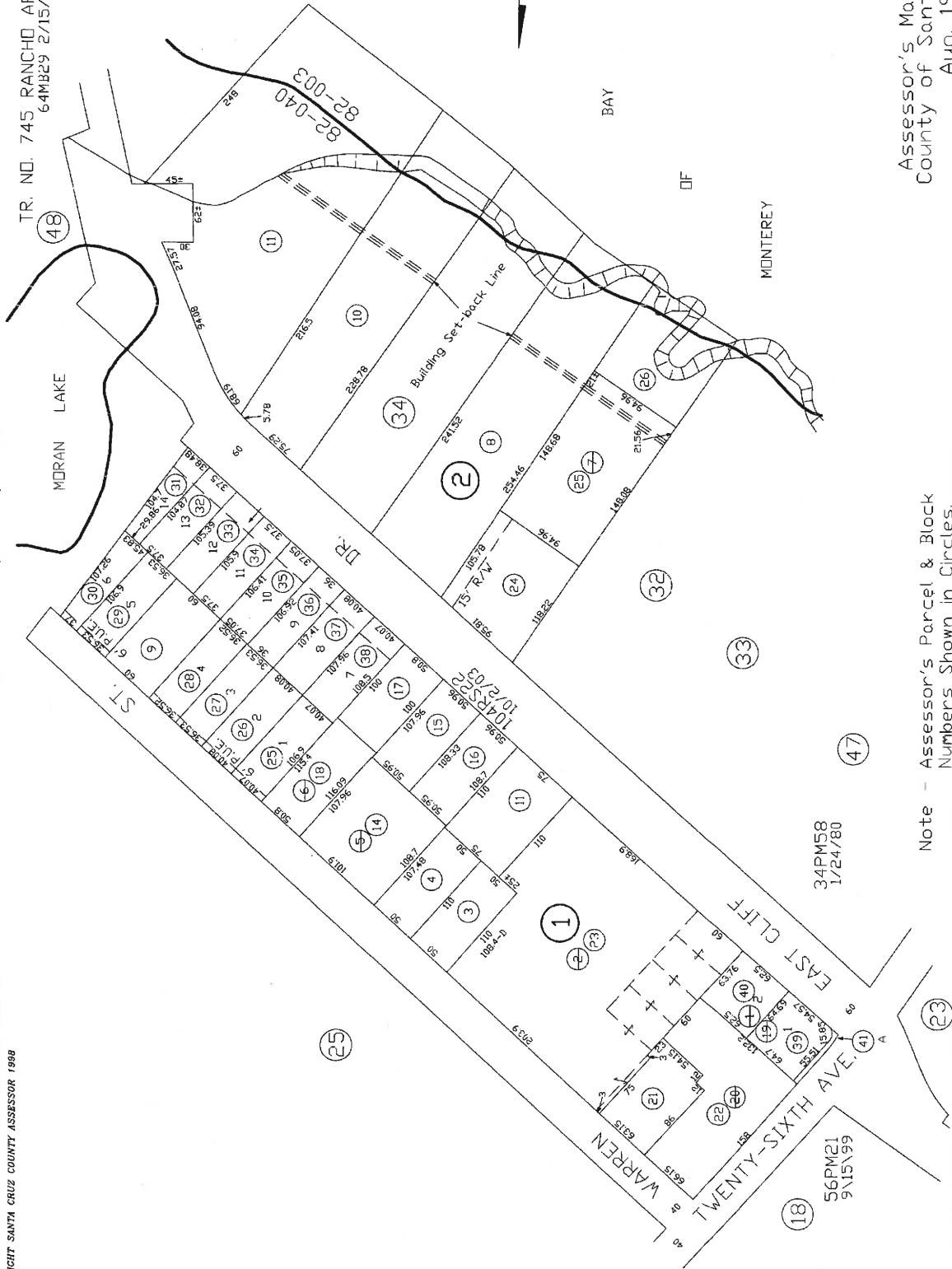
POR. S.W. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code

82-003 82-040

28-24

TR. NO. 745 RANCHO ARROYO VILLA  
64MB29 2/15/77



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

Assessor's Map No. 28-24  
County of Santa Cruz, Calif.  
Aug. 1998

Electronically Redrawn 8/28/98 rw  
Rev. 8/28/98 (From 5/28/97) rw  
Rev. 12/13/95 (From 5/28/94) rw  
Rev. 10/21/03 (From 10/4/02) rw



## Parcel Location Map



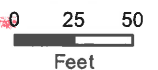
**Parcel: 02824225**

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 21 Mar. 2022



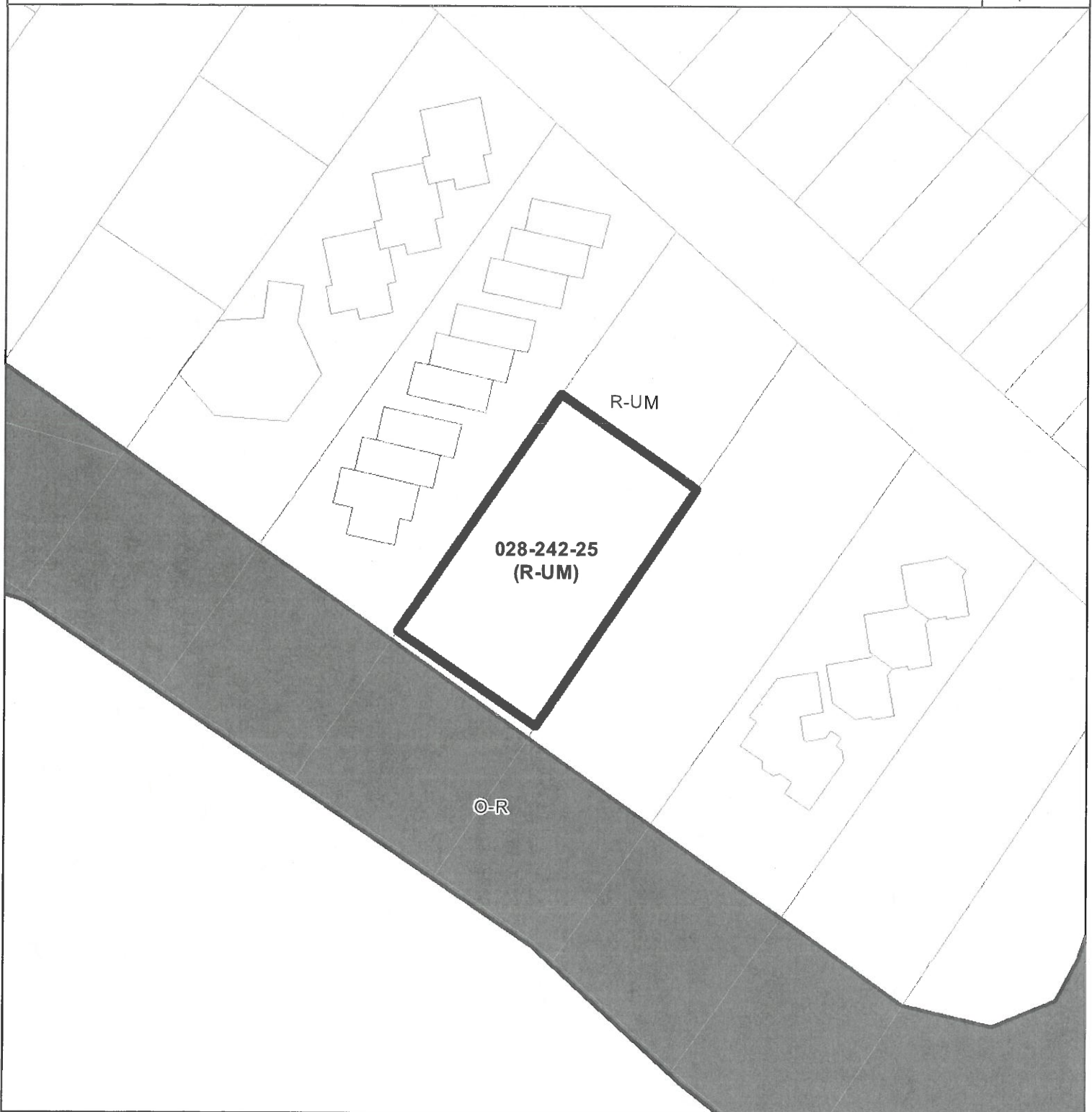
**EXHIBIT E**





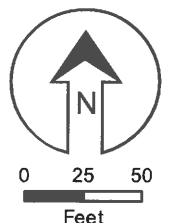




# Parcel General Plan Map



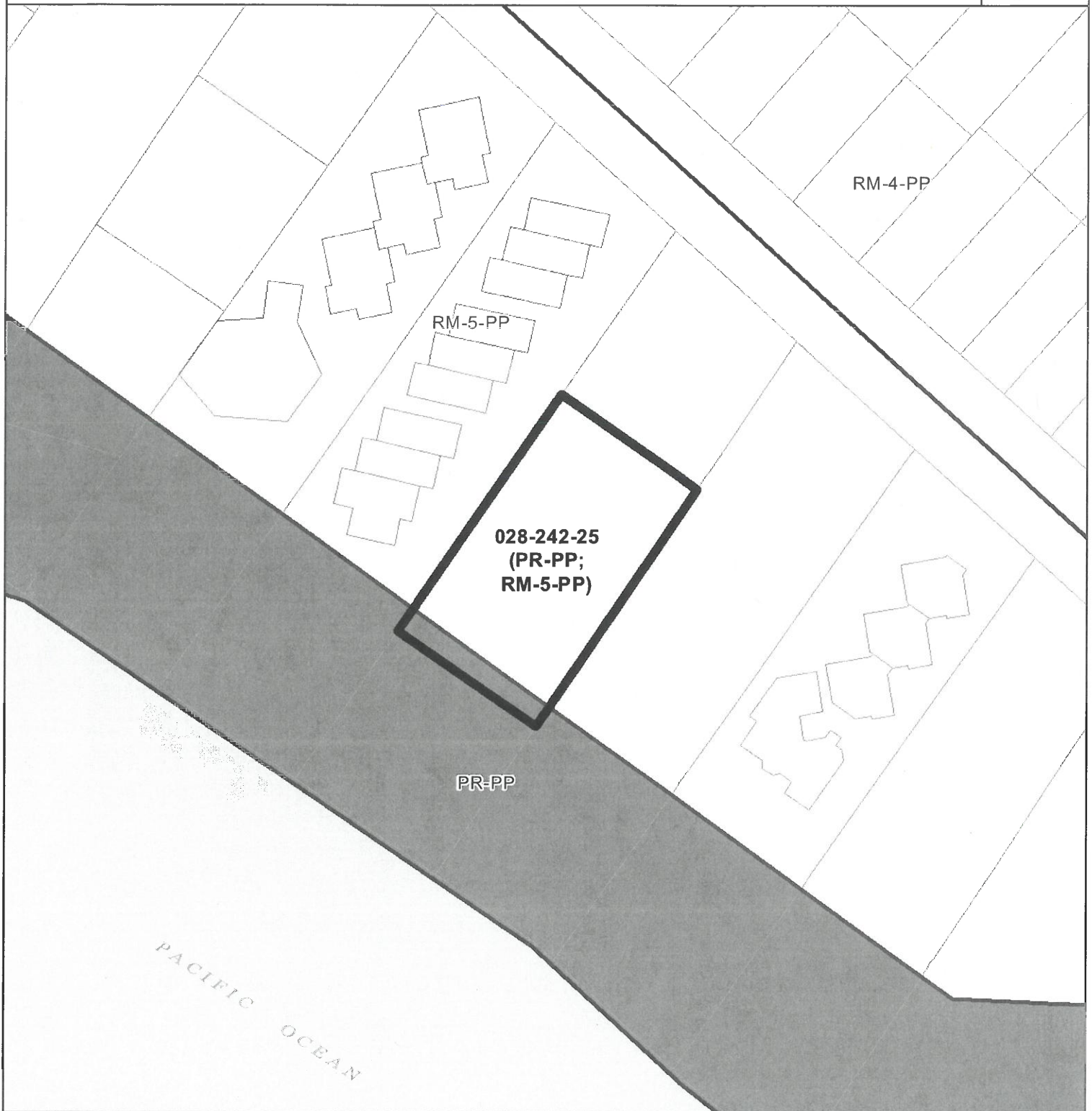
-  O-R *Parks, Recreation & Open Space*
-  R-UM *Res. Urban Medium Density*



**EXHIBIT E**



# Parcel Zoning Map



- PR Parks, Recreation, & Open Space
- RM Residential Multi-Family



**EXHIBIT E**

0 25 50  
Feet

## Parcel Information

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: Santa Cruz Water Department  
Sewage Disposal: Santa Cruz Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Flood Control Zone 5

### Parcel Information

Parcel Size: 16,195.9 square feet  
Existing Land Use - Parcel: Single-Family Dwelling  
Existing Land Use - Surrounding: Multi-Family Residential (includes several single-family dwellings). The Monterey Bay lies to the southwest of the parcel.  
Project Access: East Cliff Drive  
Planning Area: Live Oak  
Land Use Designation: R-UM (Urban Medium-Density Residential)  
Zone District: RM-5-PP/PR-PP (Multi-Family Residential, 5,000 sq.ft/unit/Parks Recreation and Open Space - Pleasure Point Community Design Combining District)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

**Technical Reviews:** Combined Geologic and Soils Report Review, REV211347

### Environmental Information

Geologic Hazards: Property is located on a coastal bluff  
Fire Hazard: Not a mapped constraint  
Slopes: Roughly level/gently sloped toward the coastal bluff  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Earthwork for the proposed basement and footings is exempted.  
Tree Removal: No significant trees proposed to be removed  
Scenic: Not a mapped resource, property located on a coastal bluff and visible from the adjacent beach.  
Archeology: Not mapped/no physical evidence on site



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

12 August 2021

Judi and Alex MacDonell <alexmacdonell5@gmail.com>  
22702 East Cliff Drive  
Santa Cruz, CA 95062-5360

Subject: Review of Geologic investigation for the MacDonnell Residence at 22702 East Cliff Drive/APN 028-242-25, County of Santa Cruz by Zinn Geology dated 21 April 2021  
Job. No. 2020020-G-SC.

Review of Geotechnical Investigation for Proposed New Residence at 22702 East Cliff Drive/APN 028-242-25, Santa Cruz County, California by Pacific Crest Engineering, Inc. dated 9 April 2021 - Project No. 2078-SZ68-H68.

Project Site: 22702 East Cliff Drive  
APN 028-242-25  
Application No. REV211347

Dear Applicant:

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

1. All project design and construction shall comply with the recommendations of the reports.
2. Final plans shall reference the subject reports by titles, authors, and dates. Final Plans should also include a statement that the project shall conform to the reports' recommendations.
3. After plans are prepared that are acceptable to all reviewing agencies, please request both your project geologist and geotechnical engineer submit a completed Consultant Plan Review Form (PLG300) to Environmental Planning. The authors of the geology and geotechnical reports shall sign and stamp their completed forms. Please note that the plan review forms must reference the final plan set by last revision date.
4. Both the subject geology and geotechnical reports state the design life of the proposed new blufftop residence is dependent upon the repair and maintenance of the existing riprap revetment. Prior to the completion of the Building Permit, a Monitoring and Maintenance Agreement for the project site shoreline protection structure shall be recorded by the owners.

The Monitoring and Maintenance Agreement for the riprap revetment will be developed by Environmental Planning Staff. Please contact Rick Parks at (831) 454-3168 or [Rick.Parks@santacruzcounty.us](mailto:Rick.Parks@santacruzcounty.us) regarding the Monitoring and Maintenance Agreement.

5. The subject geotechnical report cover letter lists the project site as 22812 East Cliff Drive. Please provide a corrected geotechnical report for County archives.

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

Electronic copies of all forms required to be completed by the Geotechnical Engineer may be found on our website: [www.sccoplanning.com](http://www.sccoplanning.com), under "Environmental", "Geology & Soils", and "Assistance & Forms".

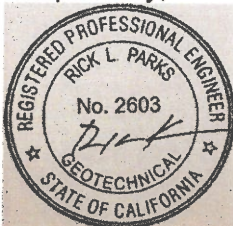
After building permit issuance the geotechnical engineer and engineering geologist *must remain involved with the project* during construction. Please review the Notice to Permits Holders (attached).

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

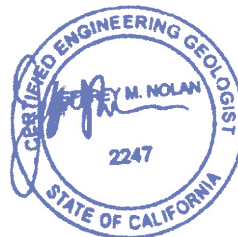
Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: [http://www.sccoplanning.com/html/devrev/plnappeal\\_bldg.htm](http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm)

Please contact Rick Parks at (831) 454-3168/email: [Rick.Parks@santacruzcounty.us](mailto:Rick.Parks@santacruzcounty.us) or Jeff Nolan at (831) 454-3175/[Jeffrey.Nolan@santacruzcounty.us](mailto:Jeffrey.Nolan@santacruzcounty.us) if we can be of any further assistance.

Respectfully,



Rick Parks, GE 2603  
Civil Engineer – Environmental Planning  
County of Santa Cruz Planning Department



Jeffrey Nolan, CEG 2247  
County Geologist– Environmental Planning  
County of Santa Cruz Planning Department

Cc: Environmental Planning, Attn: Jessica deGrassi  
Elizabeth Mitchell, Pacific Crest Engineering  
Erik Zinn, Zinn Geology  
Cove Britton, Matson-Britton Architects

Attachments: Notice to Permit Holders

EXHIBIT G



**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.

Dear Lezanne,

We are writing to express our opposition to Application #211155 the demolition of the current structure and proposed development.

The applicant was well aware of the view easements, coastal bluff setbacks, LCP, and the Pleasure Point Combining Zone District when he purchased the property a few years ago. His purchase price reflected the encumbrances of the view easements, coastal restrictions, and setbacks in place. His purchase price would have been substantially higher if the restrictions were lifted and the proposed development with required exemptions were approved for the parcel. If the proposed development was to be approved as is with the exceptions, it would therefore create a substantial and detrimental negative economic impact on the neighborhood properties.

We're asking that you uphold the current policy we have in place. That we honor and acknowledge staying true to the rules and regulations set forth and not allow the unjustified exemptions to be granted. There are many properties the applicant can purchase to meet his desires of excessive dwelling units as he so desires but his current parcel is not one that supports his proposed development plans. The applicant's proposed project to demolish his existing 2474 sq foot residence and replace it with approximately 6260 sq foot two story house with an additional approximately 4463 sq foot basement is not consistent with the Santa Cruz County's LCP in its current form nor consistent with the Pleasure Point Combining Zone District.

To allow the applicant exemptions because he doesn't like the view easement and other restrictions, he purchased will set a precedence that the Pleasure Point Community Plan and LCP policy means nothing when you purchase property within the boundaries and ask for exemptions. It would pave the pathway for the very thing Santa Cruz County and Pleasure Point Code put in place to stop and prevent for future development and purchasing. Allowing the Pleasure Point Exception to reduce the 10-foot second floor setback to be 5 feet would have an overwhelming negative impact to my property on the eastern side. The dramatic monolithic structure of the second story would then be within 5 feet from my property instead of the required 10-foot setback. The proposed Walmart warehouse style structure at the second story height and within 5 feet of my property would only give the applicant complete viewshed into my property where my courtyard and pool are located and I'm raising my kids. He is proposing an exception to encroach within 5 feet, towering over the privacy of my yard. In addition, the design to have windows all along the upper second floor and decks on the eastern side only gives the applicant 5 feet of closer proximity and direct view into my property when he has the entire bluff side and western side with unobstructed views of the ocean and bluffs to have the window views and decks located. It is perplexing and deeply concerning that he wants windows and bedrooms on a massive upper second story eastern side within 5 feet of my property to give himself an additional 5 feet distance to my family and direct views only of which will be my pool and private courtyard.

In current state all the properties from 26<sup>th</sup> Ave to Moran Lake have structures setback that create unobstructed coastal bluff views and are not substantially visible from the beach. The applicant is proposing to become nonconforming being the only property to build a large dwelling structure out to his fabricated 25-foot setback obstructing everyone's bluff and coastal view from 26<sup>th</sup> Ave to Moran Lake. This raises LCP consistency issues including with respect to LUP Policies 5.10.2 "Development within Visual Resource Areas", 5.10.4 "Preserving Natural Buffers", and 5.10.7 "Open Beaches and Blufftops". LUP Policy 5.10.2 acknowledges the importance of visual resources and requires that projects

be evaluated against their unique environment (i.e., the surrounding projects and natural context), and LUP Policy 5.10.7 prohibits the placement of new permanent structures that would be visible from the public beach except where allowed on existing parcels of record and "where compatible with the pattern of existing development." These visual resource provisions are further codified in the requisite coastal permit findings (see IP Section 13.20.110(E)). The proposed 6,000+ square foot residence set back only 25 feet from the coastal bluff would not be compatible with surrounding residential development and would represent a significant intrusion into the public viewshed. His proposed development would stand out and obstruct all neighboring properties views as well. He would be the only parcel to have development not only obstructing neighboring property views but also in the public's view on the beach between Moran Lake and 26<sup>th</sup> Ave. This does not reflect the policies of the large dwelling unit permit, LCP Policy, and Pleasure Point Plan. Any proposed residence over 5,000 square feet in size must also meet the required large dwelling permit findings including that the proposed structure is compatible with the surroundings/location/environmental context; that the project meets the coastal permit findings of 13.20 including that it is consistent with all other LCP provisions including those identified above; and that the project includes mitigations such as re-siting/FAR reduction to meet the large dwelling permit findings. Given the significant LCP compliance issues and that the resident directly overlooks the beach, it does not appear that the findings necessary to approve a residence over 5,000 square feet in size can be made, and thus the project should be reduced below 5,000 square feet in addition to relocated landward. Furthermore, the determination Zin and Pacific found there would be "nil" erosion and then Cove stating HKA will keep the revetment in perfect condition when they are both well aware that Coastal Commission doesn't allow you to use an existing seawall to measure erosion for a new house shows a level of either deeply concerning incompetency or blatantly designing a development that is impossible to build as designed. It is astonishing that a long time experienced coastal geologist and coastal architect would come to the determination that a new development 25 foot setback is determined as if there was coastal armoring and as if there would be maintenance allowed to a non-existing armoring. Please reference The LCP which requires that a coastal bluff building site be stable for a minimum of 100 years in its pre-development application condition, and that any development be set back an adequate distance to provide stability for the development's lifetime, and at least 100 years. The minimum 100 years of stability must be established through the use of appropriate setbacks and siting, and shall "not [be] dependent on shoreline or coastal bluff protection structures" (see LUP Policy 6.2.15). Relatedly, LUP Policy 6.2.15 specifies that shoreline protection structures shall be limited to "protect existing structures from a significant threat" (LUP Policy 6.2.16). Thus, the LCP has a two-part minimum 100-year stability requirement: first, there must be a portion of the site in question that itself will be stable for at least 100 years in a pre-development (i.e., no project) scenario without reliance on structural development; and second, any development then introduced onto the site must also be stable for its lifetime measured for at least 100 years without reliance on engineering measures. In this case, the geologic setback line is predicated on the armoring (in this case a riprap revetment) being both maintained and remaining in place for the lifetime of the development.

In addition, the proposed basement, almost the size of my entire house creates another deep concern to not only my property but the neighboring properties as well. The basement would be a substantial landform alteration of a coastal bluff and the LCP Policy 6.3.9 requires site design to minimize grading. In addition, basements have the potential to impact the natural erosion process of coastal bluffs and with the current sea caves present on both sides of adjacent properties of the applicant and near the property line shared with the applicant (my property and the other neighboring property Casitas Del

Mar) the bluff stability is already dangerously impacted. Furthermore, the unresolved issues of Casitas Del Mar may lead to the resolution of removal of all armoring fronting the property combined with the fact that the proposed project would render the applicant's residence a redeveloped structure revoking its existing structure status leading to possible removal of all armoring as well. If the loss of the armoring for both neighboring properties occurs this would cause a catastrophic disaster for my property and all the properties downward creating a potential massive bluff collapse. Please reference LCP Policy 6.2.15 and 6.2.16.



Sincerely,

Pat O'Neill and Amber Jones

Michael A. Guth  
Attorney at Law  
2-2905 East Cliff Dr., Santa Cruz, CA 95062  
(831) 462-8270 email: [mguth@guthpatents.com](mailto:mguth@guthpatents.com)  
California Bar 219295 USPTO Reg. No. 45,983

Lezanne Jeffs  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

January 31, 2022

Re: Application No. 211155  
APN: 028-242-25

Dear Ms. Jeffs,

I am writing to express my strong opposition to extending an exception to the building envelope limits of the Pleasure Point Community Design Combining District to this proposed development. In addition, the proposed design does not conform to the County's site design requirements. The proposed project is also non-compliant to the County's LCP with regard to visual resource protection. Lastly, the amount of excavation proposed in support of a large basement is not compliant to the County LCP.

**Pleasure Point Community Design Development Standards**

The Pleasure Point Community Design residential development standards, at 13.10.446, require that second story side walls "shall be set back at least 10 feet from the side yard property line." An exception requires that the project be found consistent with the Pleasure Point Community Design Combining District Purposes, as seen in 13.10.447. The first purpose is to reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses. As a person who was involved with the creation of these standards at all steps back to their inception, I can state without hesitation that this proposed project is far, far outside the circumstances for which the exception clause was included in the code. For example, in some portions of Pleasure Point, a side yard may adjoin an alleyway internal to the block, which is a common occurrence. It is to address these types of circumstances that the exception was envisioned to be applied, certainly not to allow for reduced offset along a side yard to side yard situation for a design where the applicant is seeking a 6000+ square foot house design approval.

The exception further requires that 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." There can only be one circumstance under consideration to meet this requirement, and it must be discarded. The only special circumstance is that this parcel is burdened by a view easement. This is a voluntary



circumstance that the owner willingly subjected themselves to in a free market transaction. The owner spent less money buying a lot that was encumbered. The owner now seeks to export this cost, which they themselves were not willing to shoulder, onto the neighbors and onto the community. The idea of finding a special circumstance because an owner willingly bought an encumbered lot that would still allow for a very large home (approx. 4500 sq. ft.) turns the equities on their head. The remaining building envelope is still very large by any measure. Finding a special circumstance imposes upon the neighbors, and in turn upon the community by a weakening of the Pleasure Point Community Design Combining District standards, a burden resulting only from the applicant's willing purchase of an encumbered lot. The existing home is 2474 sq. ft., and the applicant could double the size of this home without seeking an exception. This exception should not be granted.

### **Compatible Site Design**

13.11.072 requires that new development be visually compatible and integrated with the character of the surrounding area. The proposed project pushes out onto the bluff in a way that conflicts with the surrounding properties. A photo across the site of the proposed project illustrates the existing character:



The existing developments do not crowd the bluff in the manner that is proposed in the present application. The project should be further back from the bluff edge than is seen in the present design. Further, this may be required by the applicant having used an improper standard for the geologic setback line. The California Coastal Commission comment letter on this project, dated 11/22/2021, claims that the geology report for this project has taken the existing armoring into account when calculating the geologic setback line. This may then also lead to withdrawing the proposed project

further from the top of bluff. It must be noted that the proposed development is extremely large – a 253% increase over the existing home, and that scaling the project size back would still provide both a large home and represent a significant increase relative to the existing square footage.

#### **Visual Resource Protection**

As seen in the photo in the section above, the proposed design would encroach out into an area of the bluff not similarly intruded upon by the neighboring developments. This bluffward intrusion will be visible from the beaches and public view areas. The County's LCP LUP Policy 5.10.7 prohibits such structures if not compatible with the pattern of existing development. The extension of this development, especially along its eastern boundary, is not compatible with the pattern of existing development.

#### **Basement**

The bluffs in this area between Moran and Corcoran lagoons have areas of significant erosion well inland into the bluffs, which has been an issue for nearby and even adjacent parcels. The amount of excavation required in the bluff for a 4463 sq. ft. basement is a risky endeavor in this location. The County's LCP requires site design to minimize grading. A one hundred and twenty four foot long subterranean basement down into a coastal bluff can certainly be made smaller, and pushed further back from the bluff, in this proposal.

#### **Summary**

The Pleasure Point Community Plan was created in order preserve the character of Pleasure Point, and to ensure that the scale of new developments and improvements is complementary to adjacent buildings, stressing the importance of context sensitive design. The Pleasure Point Community Design Combining District codified site standards and was enacted to implement this vision. A focus of the District standards was a slightly reduced building envelope, especially with regard to side yard setbacks. Exceptions were to be allowed for circumstances sometimes seen in Pleasure Point, but no such circumstance is seen on the site of the proposed development.

The proposed development does not merit exception to the Pleasure Point Community Design Combining District development standards.

Thank you for your consideration of these comments.

Michael A. Guth



Attn: Santa Cruz County Planning Office  
Re: Application 211155

To Whom it May Concern:

February 3, 2022

As part of the community on East Cliff Drive, we are writing to express our opposition to Application #211155, the demolition and building of a structure at 22702 East Cliff Drive. While we support the ability of homeowners to protect and remodel their coastal homes, the proposed development raises safety, environmental, and aesthetic concerns that should completely disqualify the application from approval.

We do not believe that the proposed development is consistent with our neighborhood in style or substance. In size alone, the plans would outstrip any other house visible from the 26th Street Beach. There is no attempt to fit into "a compatible community aesthetic," as required by the Santa Cruz County code. This is instead an attempt by the Applicant to maximize the size of the house in every dimension, with significant exemptions that are not justified. Indeed, it will be a major structural intrusion on bluffs where most current properties blend into the coastline. It also raises concerns about visual impacts and sightline for residents and the public alike, given the dramatic increase in height and attempt to build up to the Applicant's property lines.

The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. This project would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on both adjacent parcels. The proposed development would create a substantial loss of bluff stability for not only its parcel but the neighboring parcels as well. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, a concern notably and alarmingly raised in the Coastal Commission's written comments to your office.

The Applicant has not shown that he is entitled to a setback exemption or that his home is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. While not required under County guidelines, we would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community in which the home is to be located. We again urge you to reconsider this project, and deny Application #211155.

Sincerely,

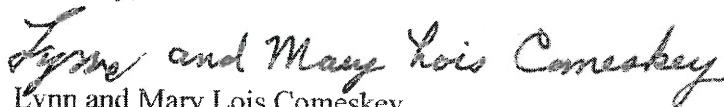
  
Lynn and Mary Lois Comeskey  
22838 East Ckiff Drive

EXHIBIT H



February 24, 2022

Attn: Santa Cruz County Planning Officer  
Re: Application 211155

Dear Lezanne,

I'm writing to follow up on my letter of January 3, 2022, regarding Application 211155 for a project at 22702 East Cliff Drive. Upon reviewing the documentation regarding the project, including communications between the Applicant's architect and the Planning Office, significant further concerns have arisen, especially with regards to the geotechnical report and grading issues.

First, we would like to express our support for your determination that certain rooms in the Application are "bedrooms." Your determination is supported by SCCC 13.10.700-B. A "bedroom" under 13.10.700-B is "any space in the conditioned (heated) area of a dwelling unit which is 70 square feet and greater in size and which is an exterior room . . . unless" it is one of the enumerated rooms listed in this section.<sup>1</sup> Therefore, the "office," "piano room," and other rooms in the application not labeled "bedrooms" are indeed bedrooms, and must be counted as such for the purpose of allotting parking spaces pursuant to SCCC 13.10.552. Moreover, contrary to the Applicant's architect's assertion to the Planning Officer that she has no justification for her determination, section 13.10.700-B explicitly provides that "[s]ewing rooms, dens, offices, studios, lofts, game rooms, and any other exterior room 70 square feet and greater in size shall be counted as bedrooms regardless of whether they are entered through a door, unless the room is otherwise exempted." The office is a "bedroom"—and the area in the basement with two bathrooms is a "bedroom" as well. Thus, pursuant to SCCC 13.10.552, additional parking spaces are required, or the project should be reduced.<sup>2</sup>

It also appears, based on records gathered from the California Coastal Commission, that Applicant is in violation of his Coastal Development Permit (CDP) regarding riprap. Applicant's predecessor-in-interest, Chuck Dimmick, received CDP 3-02-013. This CDP requires a maintenance and monitoring report every 5 years. Mr. Dimmick also received an emergency CDP for repairs in 2013 (3-13-004G), which he was working on translating into a regular CDP as required (application no. 3-16-0019). He received an exception allowing him to repair the riprap under the 3-02-013 CDP. But the Applicant did not submit his maintenance and monitoring report until 2019, putting him in violation of the conditions of his permit (which required the report at least before 2018). Nevertheless, as the Coastal Commission staff noted,

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<sup>1</sup> This list includes "hall, bathroom, kitchen, living room (maximum of one per dwelling unit), dining room (opening off of the kitchen or living room, maximum one per dwelling unit), family room (opening off of the kitchen or living room, maximum one per dwelling unit), breakfast nook (opening off of the kitchen, maximum of one per dwelling unit), pantry (maximum of one per dwelling unit), laundry room, [and] closet/dressing room opening off of a bedroom." Applicant has already received all of these exemptions he is entitled to.

<sup>2</sup> The increase of bedrooms through this development constitutes an "intensification of use" under SCCC 13.10.700-I and under SCCC 13.20.040—and certainly a new coastal development permit given that it constitutes a demolition of the existing structure, as noted by the California Coastal Commission's comments on the project.

this project may require removal of all armoring fronting the project because the project entails redeveloping the residence.

Moreover, significant issues with sea caves and permit compliance with the CDPs on either side of the property<sup>3</sup> leave the property's riprap status up in the air, and cast *significant doubt* on the Applicant's geologist's determinations that "the hazard potential is low for erosion" and "the proposed residence will be subject to an ordinary risk . . . ." (Zinn Geology report page 15). Under SCCC 16.10.070(H)(1)(c), "[t]he determination of 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." This analysis does not take into account the sea caves or increasing erosion on either side of the structure. The 100-year lifetime setback requirement will likely be significantly more than 25 feet suggested by the applicant's geologist.

The applicant's request for an exception to the large dwelling size restrictions of SCCC 13.10.323(E)(3) is also inappropriate. Under SCCC 13.10.325, a large dwelling permit is appropriate if it is compatible with its surroundings, and "will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access." The project cannot meet these standards and the findings required in section 13.10.325(B). As discussed in my previous letter, this structure may be the largest on East Cliff Drive, and is not compatible with its surroundings. It will have *significant* implications to the privacy of its neighbors, and given the request for a setback exemption, will by no means be "adequately screened from public view"—it will be easily viewable by any individual on the 26<sup>th</sup> St Beach. Therefore, a large-dwelling permit should be denied.

Furthermore, the proposed structure does not meet the additional conditions regarding design for large-dwelling design guidelines (SCCC 13.10.325(D)). The "building height appearance" is not minimized, and there is scarcely any variation in the height of the roof elements, let alone appropriate setting back of those elements. The project is noncompliant with design standard 8, which requires architectural features to break up massing, and further confirms the building's lack of "compatibility" with the neighborhood. (SCCC 13.10.325(D)(8)). The lack of setback will interfere with public views from the beach under design standard 11 (SCCC 13.10.325(D)(11))—*and* under the blufftop development requirements of 13.20.130(D)(1).

Most significantly, the view to adjacent properties is not only "not controlled" under design standard 10 (SCCC 13.10.325(D)(10)), but proposes *enormous* "second-story windows facing close neighboring properties." The application, in other words, proposes a building that would flout all the relevant criteria for approval of a dwelling of this kind. Under SCCC 13.10.321(A)(5), part of the purpose of the residential zoning code is to "[t]o ensure adequate light, air, privacy, solar access, and open space for each dwelling unit." As submissions from other neighbors have indicated, the proposed development would infringe on the light and privacy of its neighbors, contrary to that purpose. The Application also violates SCCC

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<sup>3</sup> See Coastal Commission comments of November 22, 2021.

13.10.323(E)(1), preventing encroachments of “second story rooftop decks and landings” that pose the same privacy issues.

Finally, while Applicant’s architect contends the planning office cannot take into account basements in grading, that “exemption” (SCCC 16.20.050) does not exempt the project from County environmental review regulations (Ch 16.01), erosion control ordinance (Ch 16.22), geological hazard ordinance (Ch 16.10), or the sensitive habitat protection ordinance (Ch 16.32). For instance, SCCC 16.10.070 requires any development take place away from “potentially unstable areas as identified through the geologic hazards assessment, full geologic report, soils report or other environmental or technical assessment” and under SCCC 16.22.060, erosion control plans are required. Moreover, SCCC 16.20.050 presents no exemption for garages and the significant driveway slope the Applicant proposes—both of which should be taken into account in grading. We believe the excavation and grading for the project presents significant erosion issues and could be subject to geologic hazards, given the sea caves on either side. The county geologists should carefully review this issue further—and the Planning Director request further “information including, but not limited to, geologic reports, engineered plans, beach sand profiles and structural profiles” under SCCC 16.20.115.

Thank you for consideration of these comments.

Best,

--Quinn Walker

Re: Proposed Development at 22702 East Cliff Drive

To the Planning Commission:

My name is Quinn Walker. My family owns the house at 22700 East Cliff Drive, and I lived there for seven months last year, from June 2020 to January 2021. My grandparents John and Isabel Walker bought the property in 1968, and our family has been going to the house since then. It has a special place in our hearts. During this time, four different families have lived at 22702 East Cliff Drive, and we have had a good relationship with all of them.

Pat O'Neill, our neighbor at 22720 East Cliff, informed us a few days ago that the Applicant had put up a sign in front of Pat's property indicating he was seeking permits for a significant development on 22702 East Cliff. This came as a complete surprise to us. During my time living there (during which I often had conversations with the Applicant and his wife), they gave no indication that they were contemplating any remodel, let alone a total tear-down. Pat similarly had no knowledge of a potential development. My aunt additionally communicates with the Applicant often, and heard nothing about construction plans. Further, we did not receive any mailed notification of the proposed project from the county or from the applicant or his architect.

Since receiving a copy of the plans on December 29<sup>th</sup>, we have done an initial review and it appears that: 1) the surveyor has incorrectly mapped the easement of way across our property, 2) multiple structures proposed by the Applicant would interfere with our easement of view, and 3) the project, which includes an extensive basement, has significant implications for the landform. Moreover, the Applicant did not submit information regarding the easements in the proposed plan, as required by Santa Cruz County Code (SCCC) 13.20.110(B).

We additionally believe that the proposal may violate Public Resources Code 30235, which states that "... cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses **or to protect existing structures** . . ." (emphasis added). The plan entails *entirely demolishing* the existing structure at 22702 East Cliff—at which point there would no longer be an "existing structure" justifying a cliff retaining wall. Finally, under PRC 30253(b), the basement structure (of over four thousand square feet) in primarily sandstone bluff may "contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area."

The plans also appear to be contrary to the "strongly suggested guidelines" of the Pleasure Point community plan implemented by the SCCC, which requires setbacks and strongly discourages massive, bulky structures. The proposed plan certainly does not comport with "a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs" under SCCC 13.20.130(B)(1), or "scenic character" under (B)(7). It may also implicate the provisions of SCCC 13.20.130(D) raising concerns about "a visually intrusive structure seen from the beach."

We appreciate your consideration of our concerns. As this is our first impression of the Applicant's plans, we look forward to following up.



Quinn Walker

**Lezanne Jeffs**

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**From:** Quinn Walker <quinn.walker@gmail.com>  
**Sent:** Tuesday, March 8, 2022 1:26 PM  
**To:** Lezanne Jeffs  
**Subject:** Application #211155  
**Attachments:** Neighbor Letter Signed 8.3.docx

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

Good afternoon Lezanne,

Several neighbors have asked me to pass along the attached letter, which they have signed regarding the proposed development at #211155. There may be additional signatories, but I wanted to get it in so you had it.

I'd also like to ask whether the applicant has submitted updated plans/drawings/schematics since the communications we obtained from the planning office on January 24th (I think that was the date, but didn't seem like any new renderings had been submitted in January, so really at any point there). We noted some conflicts between the 3D rendering and blueprints and wanted to see if those had been trued up.

Many thanks,  
--Quinn



Attn: Santa Cruz County Planning Office/Lezanne Jeffs  
Re: Application 211155

We are writing to express our opposition to Application #211155, the demolition and building of a structure at 22702 East Cliff Drive. While we support the ability of homeowners to remodel their coastal homes, the proposed development raises safety, environmental, and aesthetic concerns that should disqualify the application from approval.

We do not believe that the proposed development is consistent with our neighborhood in style or substance. In size alone, the plans would outstrip any other house visible from the 26th Street Beach. There is no attempt to fit into "a compatible community aesthetic," as required by the Santa Cruz County code. The Application seeks to maximize the size of the house in every dimension, with significant code exemptions unsupported by any rationale. It also raises concerns about visual impacts and sightline for residents and the public alike, given the dramatic increase in height and plans to build up to the Applicant's property lines.

The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. The Coastal Commission has already indicated the proposed demolition could result in the loss of a CDP, and the removal of the adjoining riprap. This would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on the adjacent parcels. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, an issue also raised by the Coastal Commission.

The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signed,

Steve Forer; 22752 E Cliff Dr  
Heidi McCarty-Forer; 22752 E Cliff Dr  
Fred Ruegg; 22756 E Cliff Drive  
Dominique Ruegg; 22756 E Cliff Drive  
Mary Blanchard; 22780 E. Cliff Drive  
Harry Blanchard; 22780 E. Cliff Drive  
Frank Alberti; 22754 East Cliff Drive  
Linda Alberti; 22754 East Cliff Drive

Please sign and return in the attached envelope.  
Or sign online at <https://forms.gle/LoSdaayTyeV6zRoi9>

To: Lezanne Jeffs / Santa Cruz County Planning Office  
Re: Application 211155

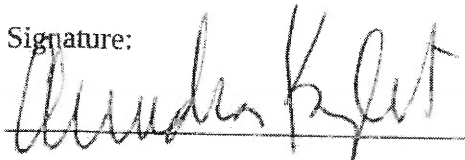
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The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signature:



Printed Name:

Alexandra Knight

Address:

22705 E Cliff Dr, Santa Cruz CA 95062



Ilon Joseph

EXHIBIT H

Please sign and return in the attached envelope.

Or sign online at <https://forms.gle/LoSdaayTyeV6zRoi9>

To: Lezanne Jeffs / Santa Cruz County Planning Office

Re: Application 211155

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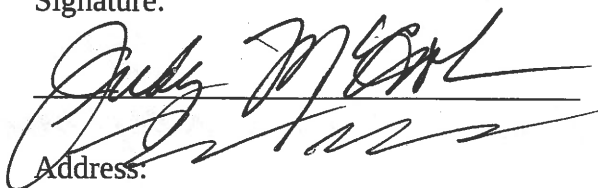
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The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. The Coastal Commission has already indicated the proposed demolition could result in the loss of a CDP, and the removal of the adjoining riprap. This would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on the adjacent parcels. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, an issue also raised by the Coastal Commission.

The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signature:

Printed Name:

  
Address:

Judy McCool  
John McCool

22719 East Cliff Drive, Santa Cruz

Thank you for alerting us to this destructive proposal -  
we've suffered through Pat O'neil's rebuild & lost our view of the  
ocean. When we went to file a complaint they told us he pretty much





Down Santa Cruz, so good luck. It become about  
big tax money and the differences between the houses  
& have nots. No regard to the environmental impact  
or social rights of the neighbors. Thank you again  
for your very informative letter. Please keep me  
posted.

EXHIBIT H

Please sign and return in the attached envelope.  
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To: Lezanne Jeffs / Santa Cruz County Planning Office  
Re: Application 211155

We are writing to express our opposition to Application #211155, the demolition and building of a structure at 22702 East Cliff Drive. While we support the ability of homeowners to remodel their coastal homes, the proposed development raises safety, environmental, and aesthetic concerns that should disqualify the application from approval.

We do not believe that the proposed development is consistent with our neighborhood in style or substance. In size alone, the plans would outstrip any other house visible from the 26th Street Beach. There is no attempt to fit into "a compatible community aesthetic," as required by the Santa Cruz County code. The Application seeks to maximize the size of the house in every dimension, with significant code exemptions unsupported by any rationale. It also raises concerns about visual impacts and sightline for residents and the public alike, given the dramatic increase in height and plans to build up to the Applicant's property lines.

The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. The Coastal Commission has already indicated the proposed demolition could result in the loss of a CDP, and the removal of the adjoining riprap. This would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on the adjacent parcels. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, an issue also raised by the Coastal Commission.

The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signature:

Printed Name:

Robert Galvin

Address:

22680 East Cliff Drive, #6 Santa Cruz, CA 95062

EXHIBIT H

To: Lezanne Jeffs / Santa Cruz County Planning Office  
Re: Application 211155

I am writing to express my opposition to Application #211155, the demolition and building of a structure at 22702 East Cliff Drive. While I do support the ability of homeowners to remodel their coastal homes or construct new homes consistent with local standards, the proposed development raises safety, environmental, and aesthetic concerns that should disqualify the application from approval.

The proposed development is inconsistent with our neighborhood in both style and substance. In size alone, the plans outstrip any other house visible from the 26th Street Beach. There has not been any attempt to fit into "a compatible community aesthetic," as required by Santa Cruz County code. The Application seeks to maximize the size of the house in every dimension, with significant code exemptions unsupported by any rationale. It also raises concerns about visual impacts and sightline for residents and the public alike, given the dramatic increase in height and plans to build up to the Applicant's property lines. No attempt has been made to contact potential neighbors and owners to understand their perception of the impact such a large structure will have. At the very least, any construction must be compliant with all current standards and without any code exemptions.

The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. The Coastal Commission has already indicated the proposed demolition could result in the loss of a CDP, and the removal of the adjoining riprap. This would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on the adjacent parcels. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, an issue also raised by the Coastal Commission. Any construction must not negatively effect cliff erosion but must improve it.

The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a member of the local community, I had no knowledge of this project during the many months it must have been under development. I would have expected that the applicant and the architect involved would have considered the feelings and wishes of the community. I urge you to take a second look at this project and deny Application #211155 in its present form.

Signature:



Printed Name:

Dane Elliot

Address:

22660 East Cliff Drive Santa Cruz, CA 95062-5358

**EXHIBIT H**

*Please sign and return in the attached envelope.*

*Or sign online at <https://forms.gle/LoSdaavTyeV6zRoi9>*

To: Lezanne Jeffs / Santa Cruz County Planning Office

Re: Application 211155

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Signature:

Ray R. Bold

Printed Name:

RAY R BOLD

Address:

2736 WARREN ST.

**EXHIBIT H**



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The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signature:

Printed Name:

Leanne Ryan

LEANNE RYAN

Address:

2750 Warren Street Santa Cruz, CA 95062

**EXHIBIT H**

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To: Lezanne Jeffs / Santa Cruz County Planning Office  
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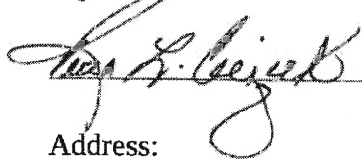
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Signature



Printed Name:

LEAH L. CUZICK

Address:

2230 WARREN ST, SANTA CRUZ, CA 95062

EXHIBIT H



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To: Lezanne Jeffs / Santa Cruz County Planning Office  
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Signature:

Frank Alberti

Printed Name:

Frank Alberti

Address:

22754 East Cliff Drive, Santa Cruz, Ca  
95062

**EXHIBIT H**

## Lezanne Jeffs

---

**From:** JOANNA PHILLIPS <jpjoanna@aol.com>  
**Sent:** Friday, March 4, 2022 7:02 PM  
**To:** Lezanne Jeffs  
**Subject:** Re: Alex macdonnell property

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

Thank u so much....I will be there

Sent from my iPad

> On Mar 4, 2022, at 5:37 PM, Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us> wrote:

>

> Dear Joanna,

>

> Thank you for your email, this will be included into the public record for the project.

>

> With regard to noticing for the upcoming hearing, these have not been sent out yet and will be mailed to surrounding properties ten days before the scheduled hearing date. At this time the hearing is expected to be held on April 1, 2022.

>

> Lezanne

> Lezanne Jeffs

> Principal Planner, Development Review

> Tel: (831) 454 2480; Cell (831) 345 7839

> Email: lezanne.jeffs@santacruzcounty.us

>

>

>

> The Department's Zoning, Building, and Environmental Planning counters

> are open BY APPOINTMENT, Monday through Thursday from 8:00 to 11:30

> AM Either in-person or telephone.

> Self-schedule your appointment here.

>

> -----Original Message-----

> From: JOANNA PHILLIPS <jpjoanna@aol.com>

> Sent: Friday, March 4, 2022 4:20 PM

> To: Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>

> Subject: Alex macdonnell property

>

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

>

> I live next door to this property and have never received any notice

> from the county about a hearing for the rebuild.....these people don't

> follow rules anytime.....they cross over our lot to go down our stairs

> Never ask.....why do you think he will be different now....the drawings

- > don't go with the neighbor hood.....way too large.....I don't trust them
- > at all.....why didn't we get a notice for a hearing? You end up with a
- > NO From all the neighbors....thank you Sent from my iPad

## Lezanne Jeffs

---

**From:** Cove Britton <cove@matsonbritton.com>  
**Sent:** Monday, March 7, 2022 4:56 PM  
**To:** Lezanne Jeffs  
**Cc:** Callie Walker; John Erskine; Paia Levine; Daniel Zazueta; Derric G. Oliver; Jamie Sehorn; Erik Zinn; Richard J. Irish; Elizabeth Mitchell; Melodye Serino  
**Subject:** Re: 22702 East Cliff - Request for Delay

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

Hi Callie-

Please do not hesitate contacting me or having your architect do so.

It should be noted:

1. The adjacent home (Pat O'Neill's) is similar in size (when the basement is not counted) from what we can determine (the assessor's records for Pat's house are unclear as it notes two buildings but only notes the square footage of one...and I just haven't gotten to the bottom of it.
2. Under current County code and State legislation, the use of the MacDonell's property can be far denser than proposed.
3. The exceptions being requested are consistent with County code and also reduce the amount of *existing* second floor area that does not comply with the 10 foot second floor setback.
4. Ultimately it is **not** improbable that someone could develop this property with two story condo units within 5 feet of the property line adjacent to your condos. That is not the situation *now*....but not at all out of the question in the future. Doing this project now makes it far less probable.
5. Technical issues regarding bluff protection make all coastal owners natural allies. The MacDonell property has a recognized and legal bluff protection. It is helpful to them for your property to continue to protect your homes. I have no doubt that is consistent with the Coastal Act and State and Federal laws.

I will say it is not my role to discuss personal issues regarding neighbors nor will I.

I have also cc'd your association's attorney Derek Oliver (or at least past one), and the County Supervisor's office for this district and the technical experts for this project. I believe having very transparent communication is helpful.

On one of my projects a few years ago there was a planner, Alice Dailey, who told the neighbors there would never be two homes on a property if they rejected the proposed single one. Now there are two homes and the neighbors were deeply unhappy with her. I have every *hope* that Lezanne will not make that same error.

That experience, amongst many others, have led me to make things *very* transparent and to rely on doing things that do not involve hyperbole and are done correctly and without animus and bias.

That can be confirmed with various neighbors including Mr. and Mrs. Steve Laub, Mr. and Mrs. Bob Zollars, Mrs. Tucker, Mr. Gallivan, Mr. and Mrs. Colligan, Mr. and Mrs. Porter, Mr. and Mrs. Gallivan, Mr. and Mrs. Swinton, Mr. and Mrs. Foy, Mr. and Mrs. Cote, Mr. and Mrs. Coghlin, Mr. and Mrs. Salvador, Mr. and Mrs. Reilley, Bridgette O'Neill, and I can go on. Even my wife and I lived on East Cliff at one point as did my father.

So as said, I am available to discuss the project with your architect and of course with your HOA. In fact I request it!

Cheers!

On Mon, Mar 7, 2022 at 12:45 PM Lezanne Jeffs <[Lezanne.Jeffs@santacruzcounty.us](mailto:Lezanne.Jeffs@santacruzcounty.us)> wrote:

Hi Callie,

Sorry I didn't get back to you sooner.

As I explained to you the other day, the projected hearing date for this project is currently April 1, 2022, and any materials that are received prior to the date that the staff report is published (March 24, 2022) will be included into the staff report package. If the additional information that you are pursuing from an architect and geologist is not received by March 24, 2022, this can still be submitted at any time before the hearing, or at the hearing itself, and it will still be entered into the public record and will be available to the Zoning Administrator to guide their decision.

If, however, you are unable to provide the materials before or at the hearing, you would still be able to request that the Zoning Administrator continue the application to allow you additional time to provide the additional information. Please note that the ZA may choose to accept this request if it is felt that the additional information is pertinent to the decision being made but that they not required to do so.

Regards,

*Lezanne*

**Lezanne Jeffs**

Principal Planner, Development Review

Tel: (831) 454 2480; Cell (831) 345 7839

Email: [lezanne.jeffs@santacruzcounty.us](mailto:lezanne.jeffs@santacruzcounty.us)



The Department's Zoning, Building, and Environmental Planning counters are open

**BY APPOINTMENT, Monday through Thursday from 8:00 to 11:30 AM**

Either in-person or telephone.

Self-schedule your appointment [here](#).

---

**From:** Callie Walker <[walker.callie@gmail.com](mailto:walker.callie@gmail.com)>  
**Sent:** Wednesday, March 2, 2022 11:06 PM  
**To:** Lezanne Jeffs <[Lezanne.Jeffs@santacruzcounty.us](mailto:Lezanne.Jeffs@santacruzcounty.us)>  
**Subject:** 22702 East Cliff - Request for Delay

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

Hi Lezanne,

Thanks for taking the time to talk with me regarding the application for 22702 East Cliff Drive -- my family and a few neighbors would like to request extra time before the staff report is submitted.

We recently hired an architect to review the plans and are awaiting that report. We are also in the process of getting a geological report. We plan to submit both reports to the county, preferably before the hearing.

Multiple neighbors (in the Casitas del Mar condos) have informed us that they are currently writing letters to the Planning Department -- they hadn't been informed of the project until we contacted them, which explains the delayed timeline.



I know this is a lot of work for you and we appreciate the time and thoughtfulness you are giving to this application as it affects so many neighbors and has a significant on the environment and the beach.

Best,

Callie

--

Cove Britton  
Matson Britton Architects

O. (831) 425-0544

To: Lezanne Jeffs / Santa Cruz County Planning Office  
Re: Application 211155

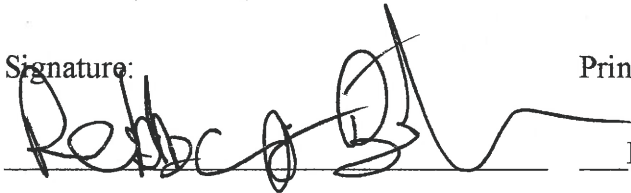
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We do not believe that the proposed development is consistent with our neighborhood in style or substance. In size alone, the plans would outstrip any other house visible from the 26th Street Beach. There is no attempt to fit into "a compatible community aesthetic," as required by the Santa Cruz County code. The Application seeks to maximize the size of the house in every dimension, with significant code exemptions unsupported by any rationale. It also raises concerns about visual impacts and sightline for residents and the public alike, given the dramatic increase in height and plans to build up to the Applicant's property lines.

The demolition of the house at 22702 East Cliff may also have significant implications for the Coastal Development Permits of its neighbors. The Coastal Commission has already indicated the proposed demolition could result in the loss of a CDP, and the removal of the adjoining riprap. This would adversely impact the structure of the bluff, upon which many of our homes rely—especially given the sea caves on the adjacent parcels. We also have significant concerns about the implications of the proposed basement, which may impact the structure, stability, and safety of the East Cliff bluff and the 26th Street Beach, an issue also raised by the Coastal Commission.

The Applicant has not shown that the project justifies a setback exemption or that the plan is consistent with the structure of the homes around it. As a community, we had no knowledge of this project for the many months it has been under development. We would have expected that the Applicant and the architect involved would have considered the feelings and wishes of the community. We urge you to take a second look at this project and deny Application #211155.

Signature:



Printed Name:

Rebecca DiManto

Address:

222727 East Cliff Drive  
Santa Cruz, Ca. 33706

## Lezanne Jeffs

---

**From:** Carolyn Burke  
**Sent:** Wednesday, March 30, 2022 4:24 PM  
**To:** Cove Britton  
**Cc:** Jocelyn Drake; Paia Levine; Matt Machado; Lezanne Jeffs; jflynn@nossaman.com  
**Subject:** RE: FW: 028-242-25

Hi Cove,

Thanks for your email – we will continue the hearing to 5/20/22.

Due to timing, we will take public comment at the hearing on 4/1/22 but you are not required to have a representative present.

I appreciate your note on the missing 10-day notice – staff will print a replacement and re-post this afternoon.

Paia is back in the office next week, and I'll coordinate with her to schedule an in-person meeting the week of 4/11 – 4/14 (prioritizing 4/11); we will send available meeting times to you and the owner's counsel when available.

Best, CB

**Carolyn Burke**  
**Assistant Director – Permit Center**  
Santa Cruz County Community Development & Infrastructure  
Office: (831) 454-5121

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**From:** Cove Britton <cove@matsonbritton.com>  
**Sent:** Wednesday, March 30, 2022 3:05 PM  
**To:** Carolyn Burke <Carolyn.Burke@santacruzcounty.us>  
**Cc:** Jocelyn Drake <Jocelyn.Drake@santacruzcounty.us>; Paia Levine <Paia.Levine@santacruzcounty.us>; Matt Machado <Matt.Machado@santacruzcounty.us>; Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>; jflynn@nossaman.com  
**Subject:** Re: FW: 028-242-25

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Hi Carolyn-

Thank you for the continuance. I am suggesting it be continued 5/20/22.

Assuming this is acceptable, no representative for the MacDonell's intend to attend the hearing on 4/1/22.

Please note that someone appears (not our office or the owner) to have removed the yellow 10 day notice (Logan from my office drove by and noticed that). We are happy to put another one up but need to be sent the replacement which is unlikely to occur prior to Friday morning?

Next week is fairly packed but it appears that 4/11/22 to 4/14/22 is fairly open. May we (attorneys John Flynn and/or John Erskine and I) schedule for 4/11/22? We would like this to be in person if possible....I always find that more productive.

Regards-

On Tue, Mar 29, 2022 at 5:33 PM Carolyn Burke <[Carolyn.Burke@santacruzcounty.us](mailto:Carolyn.Burke@santacruzcounty.us)> wrote:

Hi Cove,

Yes, we can continue the Zoning Administrator hearing for Application 211155 from the original hearing date of 4/1/22 to 5/6/22 or 5/20/22 – please confirm your preferred date.

Paia and I are available to meet in person as early as next week – please let us know what times work for your schedule and we'll send an invitation.

As a reminder, any revised plans or other information in support of the project should be uploaded with the staff report for consideration by the Zoning Administrator. Please submit these materials to staff two weeks prior to the continued hearing date.

Sincerely,

**Carolyn Burke**

**Assistant Director – Permit Center**

Santa Cruz County Community Development & Infrastructure

Office: (831) 454-5121

---

**From:** Cove Britton <[cove@matsonbritton.com](mailto:cove@matsonbritton.com)>

**Sent:** Monday, March 28, 2022 3:09 PM

**To:** Jocelyn Drake <[Jocelyn.Drake@santacruzcounty.us](mailto:Jocelyn.Drake@santacruzcounty.us)>; Paia Levine <[Paia.Levine@santacruzcounty.us](mailto:Paia.Levine@santacruzcounty.us)>

**Cc:** Matt Machado <[Matt.Machado@santacruzcounty.us](mailto:Matt.Machado@santacruzcounty.us)>; Lezanne Jeffs <[Lezanne.Jeffs@santacruzcounty.us](mailto:Lezanne.Jeffs@santacruzcounty.us)>; Flynn,

John J. <jflynn@nossaman.com>  
Subject: 028-242-25

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Hi Paia and Jocelyn-

I am requesting a 1 month continuance for this application (211155) currently scheduled to be heard on April 1, 2022.

In addition I am requesting an in person meeting with Paia and Annette Olsen to discuss the staff report for this project. I realize Annette's role at the County has shifted but I believe her prior experience as a Zoning Administrator would be helpful.

I am concerned that there appears to be several issues with the staff report for this project. For example there are two compliance issues noted in the staff report that were not noted in any prior communications from Lezanne. As you are aware, typically such issues are discussed prior to the staff report and are noted in the completeness comments as compliance issues.

The short notice (my office just received the staff report) of the compliance issues, and other concerns with the staff report that I have, makes it impossible to adequately prepare for the hearing on Friday.

Thank you for your consideration.

--

Cove Britton

Matson Britton Architects

O. (831) 425-0544

--

Cove Britton  
Matson Britton Architects

O. (831) 425-0544



**CALIFORNIA COASTAL COMMISSION**

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

**03/30/2022**

Jocelyn Drake, Zoning Administrator  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
Subject: **Application 211155 (APN 028-242-25)**

Dear Ms. Drake:

We are aware that Coastal Development Permit application 211155 (APN 028-242-25) is scheduled for hearing April 1 with the Zoning Administrator. I am writing to reiterate comments we provided throughout the application process for this project that have gone unaddressed. Below please find our routing comments, which were provided for each routing on this application without response. In short, this project presents a number of inconsistencies with the County's Local Coastal Program. A Coastal Development Permit should either not be approved or should, at minimum, contain conditions alleviating each of the issues enumerated in our comments, below.

**Comments:**

- 1. Geologic Setback.** The LCP requires that a coastal bluff building site be stable for a minimum of 100 years in its pre-development application condition, and that any development be set back an adequate distance to provide stability for the development's lifetime, and at least 100 years. The minimum 100 years of stability must be established through the use of appropriate setbacks and siting, and shall "not [be] dependent on shoreline or coastal bluff protection structures" (see LUP Policy 6.2.15). Relatedly, LUP Policy 6.2.15 specifies that shoreline protection structures shall be limited to "protect existing structures from a significant threat" (LUP Policy 6.2.16). Thus, the LCP has a two-part minimum 100-year stability requirement: first, there must be a portion of the site in question that itself will be stable for at least 100 years in a pre-development (i.e., no project) scenario without reliance on structural development; and second, any development then introduced onto the site must also be stable for its lifetime measured for at least 100 years without reliance on engineering measures.

In this case, the geologic setback line is predicated on the armoring (in this case a riprap revetment) being both maintained and remaining in place for the lifetime

**EXHIBIT H**

of the development. Specifically, the geology report notes, “it is safe to assume that the bluff retreat in the future will be nil, provided the existing armoring system is adequately maintained.” However, the neighboring upcoast property, Casitas Del Mar, has open and unresolved violations (in addition to seacaves on either side of the natural headland including one near to the property line shared with the subject site that are due, in part, to work that was completed without the requisite geotechnical evaluation or coastal permit authorization. Because shoreline armoring may only protect *existing structures* in danger of erosion; and Casitas Del Mar is not “in danger of erosion,” resolution of the violations at the Casitas Del Mar property may entail removal of all armoring fronting the property, particularly in light of the fact that the proposed project would render the MacDonell residence a redeveloped structure (i.e., revoking its “existing structure” status). Accordingly, the LCP’s required 100-year geologic setback line should be determined without consideration to any armoring (i.e., without consideration to any armoring fronting both the Casitas Del Mar property and the MacDonell property). In other words, the geologic setback line should provide for 100 years of stability assuming the removal of the riprap revetment immediately upcoast and fronting the subject site.

2. **Basement.** The “basement” component of the project should be eliminated from the proposed project including because the basement would represent substantial landform alteration of a coastal bluff, and the LCP requires site design to minimize grading (see LUP Policy 6.3.9). Moreover, in the event the basement becomes threatened (due to sea level rise, storm surge, tidal inundation, etc.), its removal would also result in damaging landform alteration. Furthermore, basements have the potential to impact the natural erosional processes of coastal bluffs and in some instances function as de facto upper bluff shoreline armoring. Finally, basements have consistently been denied by the Commission for the reasons stated above (see especially A-6-ENC-16-0060 [Martin SFD] and A-6-ENC-16-0068 [Hurst SFD]), and thus it is reasonable to assume that any future basements proposed to be excavated and constructed into a coastal bluff would also be denied by the Commission.
3. **Visual Resource Protection.** The proposed project would be substantially visible from the beach, which raises LCP consistency issues including with respect to LUP Policies 5.10.2 “Development within Visual Resource Areas”, 5.10.4 “Preserving Natural Buffers”, and 5.10.7 “Open Beaches and Blufftops”. LUP Policy 5.10.2 acknowledges the importance of visual resources and requires that projects be evaluated against their unique environment (i.e., the surrounding projects and natural context), and LUP Policy 5.10.7 prohibits the placement of new permanent structures that would be visible from the public beach except where allowed on existing parcels of record and “where compatible with the pattern of existing development.” These visual resource provisions are further codified in the requisite coastal permit findings (see IP Section 13.20.110(E)). The proposed 6,000+ square foot residence set back only 25 feet from the coastal bluff would not be compatible with surrounding

**Application 211155 (APN 028-242-25)**

residential development and would represent a significant intrusion into the public viewshed. However, reducing the size of the residence and setting the house back landward of the 100-year setback line without reliance on shoreline armoring (including to meet other LCP consistency issues—see Items #4 and #1, respectively) would, however, help address inconsistencies with the LCP's visual resource protection standards.

- 4. Large Dwelling Permit Findings.** Finally, any proposed residence over 5,000 square feet in size must also meet the required large dwelling permit findings including that the proposed structure is compatible with the surroundings/location/environmental context; that the project meets the coastal permit findings of 13.20 including that it is consistent with all other LCP provisions including those identified above; and that the project include mitigations such as re-siting/FAR reduction to meet the large dwelling permit findings. Given the significant LCP compliance issues discussed in more detail above and that the resident directly overlooks the beach, it does not appear that the findings necessary to approve a residence over 5,000 square feet in size can be made, and thus the project should be reduced below 5,000 square feet in addition to relocated landward as is discussed in more detail above.

Please contact me at [Robert.Moore@coastal.ca.gov](mailto:Robert.Moore@coastal.ca.gov) if you have any questions or would like to discuss these issues further.

Sincerely,



Robert Moore  
Coastal Planner  
Central Coast District Office  
California Coastal Commission

cc: Cove Britton (Matson Britton Architects)

## Lezanne Jeffs

**From:** Steve Forer <s4aqom@pacbell.net>  
**Sent:** Monday, April 4, 2022 12:02 PM  
**To:** Lezanne Jeffs  
**Cc:** Quinn Walker; amberl825@yahoo.com; First District  
**Subject:** Re: 22702 East Cliff Update  
**Attachments:** Signed letter to oppose redevelopment at 22702 E Cliff - Forer.pdf

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

Lezanne:

Attached, please find our letter opposing the redevelopment project at 22702 East Cliff Dr. We will not be able to attend the rescheduled Public Hearing on 5/20/22. So please include our letter with the documents prepared for the hearing on 5/20/22.

Thank you.

Steve & Heidi Forer  
22752 East Cliff Dr.

On Friday, April 1, 2022, 08:52:14 AM PDT, Quinn Walker <quinn.walker@gmail.com> wrote:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZGZiZThlNWetMGM3Mi00MWJhLWE2NjltY2ExYjYwNzQ1NGVj%40thread.v2/0?context=%7b%22Ti d%22%3a%2252044d34-04cb-41a4-a0cd-54ae6eeffb9f%22%2c%22Oid%22%3a%22a7712f0c-9859-4a53-ae12-754785b14df8%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZGZiZThlNWetMGM3Mi00MWJhLWE2NjltY2ExYjYwNzQ1NGVj%40thread.v2/0?context=%7b%22Ti d%22%3a%2252044d34-04cb-41a4-a0cd-54ae6eeffb9f%22%2c%22Oid%22%3a%22a7712f0c-9859-4a53-ae12-754785b14df8%22%7d)

Here's the link to the hearing! It's scheduled to start at 9, and there are two items before 22702, but they should announce whether it's postponed up front. Thanks.

On Thu, Mar 31, 2022 at 10:00 AM Quinn Walker <quinn.walker@gmail.com> wrote:  
Good morning!

We have found out that Cove Britton, the architect for the property, has requested a continuance of one month for the hearing. It's unclear why, he might be trying to respond to the lack of exemptions granted. Unfortunately, we don't know if this postponement will be granted until the start of the meeting itself--and it's possible that he is trying to pull a bait-and-switch to get people not to show up. What we would recommend is people **attend the meeting** and **if the continuance is granted, save our comments for the hearing in a month**. That way Cove has less time to prepare a response and we can focus our energy there.

In case the continuance is not granted or Cove decides not to pursue it, I wanted to send out several points we think would be helpful to raise from the neighborhood perspective, in case they are useful in preparing remarks

- Visual impact from the beach not reduced, will be significantly increased from current status, where it is already visible.
- The Staff Report does not address bulk & mass at all under the design review
- "Varied roofline" cited by planner not visible to any parties--instead the public sees only the huge front and back
- All the variation is in the middle of the home and irrelevant

- Not consistent with the character of the neighborhood
  - Cannot find a single basement with the size this proposes
  - Several recently approved along E Cliff are under 500ft--this is over 4000ft.
- Significant concerns about coastal stability, totally ignoring the Coastal Commission's comments and implications for neighbors/cliff stability

Please let me know if you have any questions about the process or these points.

Best,  
--Quinn

On Mon, Mar 28, 2022 at 8:03 PM Quinn Walker <[quinn.walker@gmail.com](mailto:quinn.walker@gmail.com)> wrote:  
Hi all--

The staff report is out (attached). To summarize, the planning officer involved has essentially recommended approval of the entire application--she recommended changes to one second floor setback and the windows on one side, but otherwise, it's basically the same.

We thought this might happen, because she had indicated she was looking to approve. You'll see from the report, she didn't consider many of the points raised, and failed to analyze others. In some ways, that's beneficial: there's a lot of room to raise these points again and point out the flaws in the report at the public hearing. It's an opportunity for us to cast doubt on all of her conclusions.

I'm working on some talking points that we think would be helpful to raise at the hearing, and will send them out on Wednesday if anyone wants to use them! Also happy to discuss the report and our thoughts at any point--just let me know if it would be useful.

I also wanted to let everyone know that they've announced the video link for the hearing in the link below:

<https://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=4/1/2022&MeetingType=2>  
You can call in or access online, and there's no need to sign up or anything ahead of time.

All the best,  
--Quinn



Steve & Heidi Forer  
22752 East Cliff Dr.  
Santa Cruz, CA 95062

April 4, 2022

Applicant #: 21155  
APN: 028-242-25  
22702 East Cliff Dr.

Lezanne Jeffs  
Santa Cruz Planning Dept  
701 Ocean Ave., 4<sup>th</sup> floor  
Santa Cruz, CA 95060

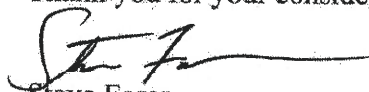
Dear Lezanne:

We are writing to you in opposition to the proposed Redevelopment Project at 22702 East Cliff Dr., (Applicant #21155, APN 028-242-25). We attended the Public Hearing held on Friday, April 1, 2022, but understand the item has been postponed until May 20, 2022. Unfortunately, we will be unavailable to attend the hearing at that time, so we are submitting our written comments in advance. The current redevelopment proposal as we understand it, is to demolish and existing 2,474 square foot single family dwelling along the coastal bluff at 22702 East cliff Dr. and to construct a two-story 6,064 square foot two story structure, with a 4,463 square foot subterranean basement. The developer and property owners have requested variances to several building codes and LCP requirements for Coastal Beach and Bluffs. We understand the project may be modified before the hearing on 5/20/22. Here are our concerns and reasons why we oppose this redevelopment project.

- Contrary to the Geological Hazards Assessment Report submitted with this application, the coastal bluff at 22702 East Cliff Dr. is **NOT STABLE**.
- The bluff is surrounded by sea caves, two to the West and one to the East of this parcel. Each sea cave is at least 20 feet deep. Emergency Repair Permits have been approved.
- We have had to repair and restack some of our revetment rocks twice in the last 3 years due to coastal erosion at 22750 East Cliff Dr., just two doors East of the proposed redevelopment project.
- To dig a 4,463 square foot subterranean basement within 25 feet of the coastal bluff is reckless and could cause the entire bluff to collapse.
- The Coastal Commission in their letter of 11/22/21, opposes this project with a 4,463 subterranean basement within 25 feet of the bluffs edge.
- The Coastal Commission and LCP requirements for the minimum set-back from the bluff's edge is 25 feet or projected 100 year point of coastal erosion, which ever is greater and calculated **WITHOUT** the benefit of any coastal armoring.
- If the County were to approve this redevelopment project as proposed with the requested variances, it may jeopardize the CCC's approval of the pending LCP Amendments submitted by the County.

Please include our comment letter with the documents prepared for the Public Hearing on 5/20/22.

Thank you for your consideration.

  
Steve Forer  
22752 East Cliff Dr.

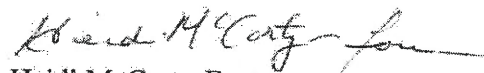
  
Heidi McCarty-Forer  
22752 East Cliff Dr.

EXHIBIT H



## Lezanne Jeffs

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**From:** Moore, Robert@Coastal <robert.moore@coastal.ca.gov>  
**Sent:** Wednesday, May 4, 2022 2:08 PM  
**To:** Carolyn Burke  
**Cc:** Graeven, Rainey@Coastal; Jessica deGrassi  
**Subject:** Maintenance Agreement Status - CDP 3-02-013-A2 (22702 East Cliff Drive)  
**Attachments:** 3-02-013-A2.pdf

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

Hello Carolyn,

In answer to your question about the status of the maintenance agreement for the riprap fronting 22702 East Cliff Drive, please see the attached CDP amendment, which established the maintenance agreement. Special condition 13(h), on page 11 of the PDF, indicates that the maintenance agreement 1) was in effect until 2009, and 2) could be extended with permission from the Coastal Commission's executive director. We did not receive a request for extension, and the maintenance agreement therefore expired in 2009.

Please let me know if you have any further questions.

Best,

**Rob Moore**  
Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
(831) 427-4865 (office)



## CALIFORNIA COASTAL COMMISSION

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

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

DATE: April 16, 2004

Permit No: 3-02-013-A2

issued to: Mr. Patrick O'Neill; Ms. Isabel Walker

for CDP issued to Patrick O'Neill and Isabel Walker to repair and maintain an existing revetment (fill gaps and voids - no seaward encroachment) on the bluffs seaward of 2-2700 and 2-2720 East Cliff Drive along 26th Avenue Beach in the Live Oak beach area of unincorporated Santa Cruz County. (DC-SC)

at 2-2720 East Cliff Drive (along 26th Avenue Beach), San Andreas (Santa Cruz County)

has been amended to include the following changes:

**Amend original conditions of approval to allow maintenance on a five-year basis, and to modify construction, monitoring, maintenance, and mitigation parameters to more effectively protect coastal resources in the long-term.**

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13166 (b)(2)).

This amendment will become effective upon return of a signed copy of this form to the Central Coast District office. Please note that the original permit conditions are still in effect.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: STEVE MONOWITZ  
Permit Supervisor

**ACKNOWLEDGMENT:**

I have read and understand the above amendment and agree to be bound by its conditions and the remaining conditions of Permit No: 3-02-013-A2. Refer to attached special conditions.

Date: 6-12-04Signature: **RECEIVED**

JUN 18 2004

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

ADOPTED

**B. Special Conditions**

1. **Approved Repair Plans.** This approval allows for the repair of the revetment present on the bluff seaward of 2-2700 and 2-2720 East Cliff Drive (APNs 028-242-26 and 028-242-08) to a 1.5:1 slope as measured inland from the existing toe of the subject revetment in conformance with the plans submitted to the Coastal Commission (by Haro, Kasunich and Associates ("Repair Plans"), shown in exhibit B of adopted Coastal Development Permit staff report for 3-02-013). Placement of rock seaward of the existing toe of the revetment or seaward of the 1.5:1 slope profile at any point on the revetment is prohibited. All private stairways, railings, and associated structures present in the revetment shall be removed in their entirety.

All requirements of this condition above shall be enforceable components of this coastal development permit and shall apply for the lifetime of the approved development.

The Permittee shall undertake development in accordance with the approved Repair Plans. Any proposed changes to the approved Repair Plans shall be reported to the Executive Director. No changes to the approved Repair Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. **Construction Plan.** PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Construction Plan (in both full-size and 11" x 17" formats with a graphic scale; two sets of each) to the Executive Director for review and approval. The Construction Plan shall include, at a minimum, the following:

- (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction sites and staging areas), and all public pedestrian access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on both the beach and beach access point opposite the parking lot at Moran Lake County Park, and to have the least impact on public access.
- (b) **Construction Methods and Timing.** The Construction Plan shall specify all construction methods to be used, including all methods to be used to keep the construction areas separated from beach and blufftop recreational use areas (including using the blufftop space available on the Permittee's property inland of the revetment for staging, storage, and construction activities to the maximum extent feasible) and shall include a final construction schedule. All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
- (c) **Property Owner Consent.** The Construction Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to the use of their properties in these manners.
- (d) **Construction Coordinator.** The Construction Plan shall designate a construction coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies), and shall include their contact information (i.e.,

address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction. The Construction Plan shall require that the construction coordinator record the name, phone number, and nature of all complaints received regarding the construction, and that the construction coordinator investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

**(e) Construction Criteria.** The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:

- All work shall take place during daylight hours and lighting of the beach area is prohibited unless, due to extenuating circumstances, the Executive Director authorizes non-daylight work and/or beach area lighting.
- Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited with one exception as follows: existing rock that has migrated seaward of the revetment, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- Any construction materials and equipment that cannot be delivered to the site from the blufftop above, shall be delivered to the beach area by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls (e.g., a silt fence at the base of the revetment) as necessary to contain rock and/or sediments at the revetment site, where such controls are placed as close to the toe of the revetment as possible, and are minimized in their extent.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur on the beach during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances, the Executive Director authorizes such work.
- Equipment washing, refueling, and/or servicing shall not take place on the beach.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of



**Amended Special Conditions for CDP 3-02-013**

**Page 3 of 10**

all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements of this condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 3. Construction Site Documents.** DURING ALL CONSTRUCTION, copies of each of the following shall be maintained in a conspicuous location at the construction job site at all times (where such copies shall be available for public review) and all persons involved with the construction shall be briefed on the content and meaning of each prior to commencement of construction: (a) the signed coastal development permit; (b) the approved repair plans (see special condition 1); and (c) the approved construction plan (see special condition 2). In addition, the designated construction coordinator's contact information (including their address and 24-hour phone number at a minimum) shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies).
- 4. Beach Restoration.** WITHIN THREE (3) DAYS OF COMPLETION OF CONSTRUCTION, the Permittee shall restore all beach areas and all beach access points impacted by construction activities to their pre-construction condition or better. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. The beach access ramp, providing pedestrian access from the crosswalk on East Cliff Drive to the sandy beach opposite Moran Lake, shall be reestablished. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office upon completion of beach-area restoration activities to arrange for a site visit to verify that all beach-area restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately. The beach and beach access points shall be considered restored, and this condition satisfied, upon written indication of same from planning staff of the Coastal Commission's Central Coast District Office.
- 5. Beach Access Easement.** PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall execute and record a document, in a form and content acceptable to the Executive Director, granting or irrevocably offering to dedicate to a political subdivision, public agency or private association approved by the Executive Director either fee title or an easement for public beach access (Beach Dedication). The Beach Dedication shall

apply to that portion of the Permittees' property (APNs 028-242-26 and 028-242-08) located seaward of the intersection of the revetment with beach sand or, when beach sand has been stripped, with Purisima Formation sandstone. The Beach Dedication shall state that future rip-rap removal shall require an amendment to the Beach Dedication to extend the dedication area inland to the seaward extent of: (1) permitted shoreline armoring immediately installed to replace the rip-rap (e.g., to the seaward face of the base of a seawall); or (2) the base of the coastal bluff, where the inland extent of the dedication area is required to extend inland to the sand-bluff intersection as the beach sands vacillates and as the bluff erodes. The recorded document shall include a legal description and a site plan of the easement area and APNs 028-242-26 and 028-242-08.

6. **Upper Bluff Plan.** WITHIN ONE (1) MONTH OF COMPLETION OF REVETMENT CONSTRUCTION, the Permittee shall submit an Upper Bluff Plan to the Executive Director for review and approval. The Upper Bluff Plan shall have three related and overlapping elements: a revegetation plan, an irrigation plan, and a drainage plan. These are more specifically described as follows:

(a) **Revegetation Plan.** The revegetation plan shall provide for the removal of all the non-native invasive iceplant currently present on the upper bluff area above the revetment, and the planting of native species along the full linear extent of the bluff area above the revetment in a manner designed to provide for a dense cascading screen of vegetation to completely cover the upper one-third (roughly 10 vertical feet) of the revetment. Soils, soil composites (e.g., a mixture of sandy loam soil and cement), and support for same (such as filter fabric or equivalent), may be placed in and/or on top of the upper portion of the revetment to provide adequate planting pockets as necessary to ensure effective and successful screening. The revegetation plan shall clearly identify in site plan view the type, size, extent and location of all native plant materials to be used as chosen from the following native planting palette (substitutions of appropriate native bluff edge plants to complement this planting palette may be allowed upon written consent from the Executive Director):

- *Achillea millefolium* – yarrow
- *Artemisia californica* – California sagebrush
- *Baccharis pilularis* – prostrate greasewood
- *Bromus carinatus* var. *maritimus* – seaside brome
- *Ceanothus griseus* var. *horizontalis* – “Carmel creeper”
- *Ceanothus griseus* var. *horizontalis* – “Yankee Point”
- *Dudleya caespitosa* – live forever
- *Dudleya farinosa* – live forever
- *Elymus glaucus* – blue wild rye
- *Erigeron glaucus* – seaside daisy
- *Eriogonum latifolium* – buckwheat
- *Eriogonum parvifolium* – dune buckwheat
- *Eriophyllum staechadifolium* – lizard tail



- *Fragaria chiloensis* – beach strawberry
- *Grindelia stricta* – gumweed
- *Leymus pacificus* – beach wild rye
- *Mimulus aurantiacus* – sticky monkey flower
- *Myrica californica* – wax myrtie
- *Poa douglasii* – maritime bluegrass
- *Rhamnus californica* – coffeeberry

The revegetation plan shall include maintenance and monitoring parameters, and shall require that all plants are replaced as necessary to maintain the dense cascading screen of vegetation to completely cover the upper one-third (roughly 10 vertical feet) of the revetment over the life of the revetment.

**(b) Irrigation Plan.** The irrigation plan shall provide for irrigation (e.g., drip emitters) as necessary to ensure that the revegetation plan is successful. All irrigation elements necessary for planting success shall be clearly identified in site plan view. All other irrigation elements present in the blufftop area shall be identified.

**(c) Drainage Plan.** The drainage plan shall clearly identify all permanent measures to be taken to collect and direct blufftop area drainage. Such drainage may be used for landscape irrigation, including for the native planting revegetation, provided such irrigation use does not contribute to bluff instability in any way. Any drainage not used for on-site irrigation purposes shall be collected and directed inland to East Cliff Drive. Drainage shall not be allowed: to pond at the bluff edge; sheet flow over the bluff seaward; or otherwise be directed seaward. Drainage pipes are prohibited in, under, over, or through the revetment.

✓ The Upper Bluff Plan shall be developed with input from a landscape professional experienced in iceplant eradication and native bluff planting efforts, and shall be submitted with evidence of the review and approval of an licensed engineering geologist or licensed geotechnical engineer to ensure that the Plan is consistent with promoting bluff stability.

The Upper Bluff Plan shall be implemented immediately upon its approval by the Executive Director. WITHIN ONE (1) MONTH OF APPROVAL OF THE UPPER BLUFF PLAN BY THE EXECUTIVE DIRECTOR, all native species identified in the Plan shall be planted and all drainage and irrigation facilities shall be installed and shall be in working order.

The Permittee shall undertake development in accordance with the approved Upper Bluff Plan. Any proposed changes to the approved Upper Bluff Plan shall be reported to the Executive Director. No changes to the approved Upper Bluff Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office when all native species identified in the Plan have been planted and all drainage and irrigation facilities have been installed and are in working order consistent with the approved Plan. Initial implementation of the Upper Bluff Plan shall be considered complete, and this condition satisfied,

upon written indication of same from planning staff of the Coastal Commission's Central Coast District Office.

- 7. As-Built Revetment Plans.** WITHIN TWO (2) MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval As-Built Plans of the deck and revetment structures in 11" x 17" format with a graphic scale that includes one or more permanent surveyed benchmarks inland of the revetment for use in future monitoring efforts. The As-Built Plans shall at a minimum identify in site plan and cross-section views: the full extent of the revetment; the bluff and the blufftop edge, and all principal residential structures immediately inland of the revetment. All property and parcel lines, and any other structures, shall be identified in site plan view. Photographs of the as-built revetment, with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan, shall be included. The benchmark elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall indicate vertical and horizontal reference distances from the surveyed benchmark(s) to survey points along the inland-most top and seaward-most toe of the revetment (located at those points in site plan view where the delineation of the revetment's edge changes direction) and for use in future monitoring efforts; there shall be at least 3 such survey points along the inland top edge of the revetment (one at each parcel line and one in between), and at least 3 such survey points along the seaward toe of the revetment (one at each parcel line and one in between). The survey points shall be identified through permanent markers, benchmarks, survey position, written description, et cetera to allow measurements to be taken at the same location in order to compare information between years.

The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the shoreline structure has been constructed in conformance with the approved repair plans described by special condition 1 above.

- 8. Monitoring.** The Permittee shall ensure that the condition and performance of the as-built revetment is regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural damage requiring repair to maintain the as-built revetment profile. At a minimum, the Permittee shall submit to the Executive Director for review and approval a monitoring report at five year intervals by May 1st of each fifth year (with the first report due May 1, 2007, and subsequent reports due May 1, 2012, May 1, 2017, and so on) for as long as the revetment exists at this site. Each such report shall be prepared by a licensed civil engineer with experience in coastal structures and processes and shall cover the monitoring evaluation described in this condition above. All monitoring reports shall also include a section on the effectiveness of the vegetation screen. Photographs of the as-built structures for representative viewpoints (including, at a minimum, from vantage points upcoast, downcoast, and directly seaward of the revetment), with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan, shall be included. Each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the as-built revetment and upper bluff elements (i.e., the vegetation screening, drainage, or irrigation system specified in Special Condition 6 above).

- 9. Shoreline Development Stipulations.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that:



- (a) **No Further Seaward Encroachment.** Any future development, as defined in Section 30106 ("Development") of the Coastal Act, including but not limited to modifications to the revetment, shall be constructed inland of, and shall be prohibited seaward of, the seaward plane of the revetment with the following development excepted from this prohibition: (1) appropriately permitted construction activities associated with construction, maintenance, or repair of the revetment and related structures approved by coastal development permit 3-02-013; and (2) standard beach maintenance activities (e.g., those undertaken by the grantee of the fee or easement or of the offer of dedication thereof recorded pursuant to special condition 5). The seaward plane of the revetment and deck is defined by the approved (per coastal development permit 3-02-013) revetment footprint and profile as shown on: (1) the approved repair plans; and (2) the approved as-built plans.
- (b) **Revetment Screening.** The upper one-third (roughly 10 vertical feet) of the revetment located at the seaward edge of APNs 028-242-26 and 028-242-08 shall be completely screened from view (as seen from the beach) by a dense cascading screen of native vegetation. To allow for initial growth, the required screening shall be initially achieved by at least May 1, 2006, with an interim standard that at least the top 5 vertical feet of the revetment shall be screened by May 1, 2005. After May 1, 2006, the 10 vertical feet of revetment screening shall be maintained for the life of the revetment. An Upper Bluff Plan has been approved pursuant to coastal development permit 3-02-013 that specifies the allowed native planting palette and the required vegetation maintenance parameters. All native plantings shall be maintained in good growing conditions and shall be replaced as necessary to maintain the dense cascading screen of vegetation to completely cover the upper one-third (roughly 10 vertical feet) of the revetment over the life of the revetment.
- (c) **Maintenance.** It is the Permittee's responsibility to maintain the revetment and vegetative screening in a structurally sound manner and their approved state (per coastal development permit 3-02-013) as shown on: (1) the approved repair plans; and (2) the approved as-built plans. Future maintenance of the revetment as specified in Special Condition 13 is authorized pursuant to the parameters of coastal development permit 3-02-013, but this does not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.
- (d) **Rock Retrieval.** Any rocks that move seaward of the as-built revetment shall be retrieved as soon as is feasible and either: (1) restacked within the approved as-built revetment footprint and profile; or (2) removed off the beach to a suitable inland disposal location (subject to any permits and/or approvals that may be required to place the rocks at the chosen disposal location). Final repair plans and as-built plans have been approved pursuant to coastal development permit 3-02-013 that define the profile and footprint of the approved revetment. Any rock retrieval episode shall be pursuant to the maintenance parameters of coastal development permit 3-02-013. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- (e) **Debris Removal.** The Permittee shall immediately remove all debris that may fall from the area seaward of the residence onto the revetment or the beach below.
- (f) **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion; (ii) to assume

the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

**(g) Future Shoreline Planning.** The Permittee agrees, on behalf of itself and all successors and assigns, to participate in future shoreline armoring planning efforts that involve the revetment approved pursuant to coastal development permit 3-02-013. Such planning efforts may involve consideration of a shoreline armoring management entity meant to cover the larger shoreline that includes the revetment here, and may involve consideration of potential modifications and/or programs designed to reduce public viewshed and beach access impacts due to shoreline armoring. Agreeing to participate in no way binds the Permittee (nor any successors and assigns) to any particular outcome of such planning efforts, and in no way limits the ability of the Permittee (nor any successors and assigns) to express his/her viewpoint during the course of such planning efforts.

✓ **10. Other Agency Review.** PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the project as approved by coastal development permit 3-02-013 have been granted by: (1) Santa Cruz County; and (2) the Monterey Bay National Marine Sanctuary. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

**11. Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this permit as evidence of a waiver of any public rights which may exist on the property.

**12. Rodent Removal.** If, at any time, evidence indicates that rodents are living in the voids within the revetment, then the Permittee shall take reasonable action to eliminate such rodent colonization consistent with generally accepted professional pest control methods that also ensure the health and safety of the public.

**13. Future Maintenance.** Coastal development permit 3-02-013 authorizes future maintenance as described in this special condition. The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that: (a) it is the Permittee's responsibility to maintain the approved revetment, the vegetative screening, and all irrigation and drainage structures in a structurally sound manner and their approved state; (b) to retrieve rocks that move seaward of the revetment and either restack them (within the approved revetment footprint and profile) or dispose of them at a suitable inland disposal location as soon as is feasible after discovery of the rock movement; and (c) to remove all debris that may fall from the area seaward of the residence onto the revetment or the beach below. Any such development, or any other maintenance development associated with the



revetment, the vegetative screening, and all irrigation and drainage structures, shall be subject to the following:

- (a) Maintenance.** "Maintenance," as it is understood in this condition, means development that would otherwise require a coastal development permit whose purpose is: (1) to reestablish or place rock within the permitted footprint and/or profile of the approved revetment structure; (2) to reestablish the permitted drainage, vegetation, and/or irrigation elements of the approved upper bluff plan; and/or (3) to retrieve any rocks that move seaward of the approved revetment footprint and/or profile.
- (b) Maintenance Parameters.** Maintenance shall only be allowed subject to the approved construction plan required by special condition 2. All beach areas shall be restored subject to the beach restoration parameters of special condition 4 above. Any proposed modifications to the approved construction plan and/or beach restoration requirements associated with any maintenance event shall be reported to planning staff of the Coastal Commission's Central Coast District Office with the maintenance notification (described below), and such changes shall require a coastal development permit amendment unless the Executive Director deems the proposed modifications to be minor in nature (i.e., the modifications would not result in additional coastal resource impacts).
- (c) Other Agency Approvals.** The Permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.
- (d) Maintenance Notification.** At least two weeks prior to commencing any maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission's Central Coast District Office. The notification shall include a detailed description of the maintenance event proposed, and shall include any plans, engineering and/or geology reports, proposed changes to the maintenance parameters, other agency authorizations, and other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission's Central Coast District Office that the maintenance event complies with this coastal development permit.
- (e) Maintenance Coordination.** Maintenance events shall, to the degree feasible, be coordinated with other maintenance events proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach area and beach access points. As such, the Permittee shall make reasonable efforts to coordinate the Permittee's maintenance events with other events (such as those of Santa Cruz County and nearby landowners), including adjusting maintenance event scheduling as directed by planning staff of the Coastal Commission's Central Coast District Office.
- (f) Non-compliance Proviso.** If the Permittee is not in compliance with the conditions of this permit at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed by this condition.
- (g) Emergency.** Nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and

Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

- (h) Duration of Covered Maintenance.** Future maintenance under this coastal development permit is allowed subject to the above terms for five (5) years from the date of amendment approval (i.e., until April 15, 2009). Maintenance can be carried out beyond the 5-year period if the Executive Director extends the maintenance term in writing. The intent of the permit is to regularly allow for 5-year extensions of the maintenance term unless there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act and thus warrant a re-review of the permit.

- 14. Deed Restriction.** PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



## Lezanne Jeffs

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**From:** Jocelyn Drake  
**Sent:** Monday, May 9, 2022 2:20 PM  
**To:** Lezanne Jeffs; Carolyn Burke  
**Subject:** FW: Comments on Behalf of Applicants Judi and Alex MacDonell – May 20 Zoning Administrator Hearing re Application No. 211155  
**Attachments:** Comments on Behalf of Applicants Judi and Alex MacDonell – May 20 Zoning Administrator Hearing re Application No. 211155.pdf

fyi

Jocelyn Drake  
Principal Planner  
County of Santa Cruz – Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
(831)454-3127  
Jocelyn.drake@santacruzcounty.us

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**From:** Taylor, Amy R. <ataylor@nossaman.com>  
**Sent:** Monday, May 9, 2022 2:15 PM  
**To:** Jocelyn Drake <Jocelyn.Drake@santacruzcounty.us>  
**Cc:** Matt Machado <Matt.Machado@santacruzcounty.us>; Carolyn Burke <Carolyn.Burke@santacruzcounty.us>; Flynn, John J. <jflynn@nossaman.com>; Erskine, John <jerskine@nossaman.com>  
**Subject:** Comments on Behalf of Applicants Judi and Alex MacDonell – May 20 Zoning Administrator Hearing re Application No. 211155

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

Good Afternoon,

Per Mr. Flynn's instruction, the attached is submitted regarding Application No. 211155. Please contact me should you have any difficulty opening the attachment.

Thank you,

**Amy R. Taylor**  
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Refer To File # 504356-0001

**VIA EMAIL ONLY**

May 9, 2022

Jocelyn Drake, Zoning Administrator  
Santa Cruz County Planning Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, CA 95060  
[Jocelyn.Drake@santacruzcounty.us](mailto:Jocelyn.Drake@santacruzcounty.us)

**Re: Nossaman LLP Comments on Behalf of Applicants Judi and Alex  
MacDonell – May 20 Zoning Administrator Hearing re Application No. 211155  
(22702 E. Cliff Dr., Santa Cruz, CA)**

Dear Ms. Drake:

This law firm represents Judi and Alex MacDonell, the owners of 22702 E. Cliff Drive regarding Application No. 211155 for a Coastal Development Permit for a new single family dwelling to replace an older, existing single family dwelling. The matter is scheduled for a hearing on May 20.

Our clients appreciate the recommendation of approval, but were disappointed to see staff's recommended denial of the Pleasure Point side setback exception for the second floor. In particular, Conditions 3 and 4 appear to be based on a misunderstanding of the new home's site orientation, configuration and project setting. Our primary objective in providing you this comment letter is to set the record straight about the MacDonells' plans and the Project impacts, and we respectfully request approval of their application, including the Pleasure Point setback exception, deletion of Conditions 3 and 4, and of course appropriate revisions to the recommended findings.

**(1) The Project Qualifies for the Pleasure Point Setback Exception.**

As a threshold matter, the Project should qualify for the exception allowed by section 13.10.447 of the County's code because the site is encumbered by an easement that severely restricts the available building envelope, a fact acknowledged in the Staff Report. The impact of that easement alone should be sufficient to qualify as a "special existing site" circumstance. Aside from that special and rather unique circumstance, the Project should qualify as well because the design, configuration and orientation of the home were carefully planned so as to avoid shading effects on nearby structures (as evidenced by the already-submitted shade and shadow study), and any intrusions on the privacy of the neighbors, as should be evident from the plans and drawings you have before you.

**(2) We Request Deletion of Conditions 3 and 4.**

Conditions 3 and 4 were unexpected by the applicant or architect, especially given the fact that there was no factual evidence set forth in the Staff Report that would have laid the groundwork for these conditions. As stated above, these conditions also appear to be based on misunderstandings about the Project and the Project setting, and building orientation. The windows at issue face an area unlikely ever to be developed, and the deck overlooks **only** the MacDonells' yard and the ocean. Accordingly, there appears to be no need for either of the conditions, and we ask that they be deleted.

**(3) The Bluff Setback Complies With the County's LCP.**

A couple of the commenters, including a Commission staff member in his March 30 letter, have mistakenly invoked Land Use Plan ("LUP") policies 6.2.15 and 6.2.16, arguing that these policies require a 100-year coastal bluff setback, without reliance on structural development or engineering measures.

The argument, however, simply ignores policy 6.2.12, which reads, in pertinent part:

"The determination of the minimum 100-year setback shall be based on the **existing** site conditions and shall not take into consideration the effect of any **proposed** shoreline or coastal bluff protection measures." (Emphasis added.)

**The shoreline protection for the MacDonells' property is already in existence; it is not proposed.**

Moreover, the County's LCP consists not only of the LUP, but also of the implementing regulations ("IP"). These regulations have been ignored by the commenters. The Staff Report, by contrast, gets it right:

"According to County Code section 16.10.07(II)(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 15.10.070(H)(1)(c) stipulates the minimum setback shall be based on the **existing** site conditions and shall not take in 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/riprap revetment on the property has remained essentially unchanged since the armoring refurbishment in 1983, it is anticipated that the top of the coastal bluff will remain relatively unchanged for the next 100 years." (Emphasis added.)

**(4) Approval of the Basement Is Amply Justified by the Only Substantial Evidence in the Record.**

As for comments on the basement, the related excavations, as noted in the Staff Report, are exempted by section 16.20.040(C) of the County's code. But, in addition to the referenced exemption, we have provided the necessary geologic engineering reports, which provide the only technically competent evidence before you on the effects of the basement construction. As also observed in the Staff Report, any geologic effects from the construction of the basement will be further addressed via a preconstruction meeting between the City's and the MacDonells' geologists and engineers. Any comments to the contrary by unlicensed persons cannot possibly constitute substantial evidence, and are therefore rightly disregarded.

In addition, and very significantly, both the County and the Coastal Commission have approved nearby basements: Laub, at 2866 S. Palisades Ave.; Zollars, at 22810 East Cliff Dr.; and the Porters, at 3030 Pleasure Point, the latter approved by the Coastal Commission.

**(5) As Acknowledged in the Staff Report, the Project Is Compatible With Surrounding Development.**

The public comments on the visual effects of the Project rely on nothing more than unsupported conclusions about the compatibility of the Project with surrounding residential development, conclusions that contradict the on-the-ground realities correctly acknowledged in the Staff Report.

As for the issue of "large dwellings," again, the only evidence before you is that which is set forth in the Staff Report and the architectural plans and drawings submitted in support of the MacDonells' application. To reiterate, we take exception to the Staff observations relating to intrusions on privacy, erroneously assumed to result from the design of the home, and a failure to understand the careful site planning that went into the project.

**(6) Comments by Coastal Commission Staff Member.**

For all the same reasons stated above, including misapplication of the County LCP and the lack of substantial evidence, the March 30, 2022 letter provided by Coastal Commission staff member Robert Moore provides no basis for questioning the consistency of the MacDonells' application with the County LCP.

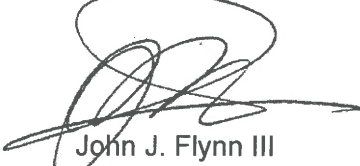
In the latter connection, apparently prompted by Mr. Moore, Ms. Carolyn Burke has, at the eleventh hour, questioned the implications of an "expired" revetment maintenance agreement, a matter that has nothing whatsoever to do with approval of the MacDonells' CDP application. The revetment exists now by virtue of a vested right, and the MacDonells have a vested right to maintain it.

It is our hope that, upon further review of the evidence before you, and applicable provisions of the County's LCP and pertinent code sections, you will approve the Project application, with the Pleasure Point exception for the second-floor setback, delete Conditions 3 and 4, and appropriately revise the pertinent findings.

Ms. Jocelyn Drake  
May 9, 2022  
Page 4

Thank you very much for your consideration of our letter, which we submit without waiving the right to present any supplemental letters or additional evidence, whether before or at the hearing of the matter, which is currently scheduled for May 20, 2022.

Very truly yours,



John J. Flynn III  
Nossaman LLP

JJF:art

cc: Matt Machado, PE, LS  
Deputy County Administrative Officer  
Director of Community Development and Infrastructure  
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