

## Michael Lam

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**From:** Jerry Busch  
**Sent:** Wednesday, October 5, 2022 7:54 AM  
**To:** Michael Lam  
**Subject:** FW: 264 15th Avenue, Santa Cruz 95062 APN: 028-155-22

More late correspondence on Item 3.

Thank you,



**Jerry Busch**

Planner IV  
831.454.3234 M,T & MSG  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060



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**From:** Joshua Tyler <217blackpoint@gmail.com>  
**Sent:** Wednesday, October 5, 2022 3:57 AM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>; Joshua Tyler <217blackpoint@gmail.com>; Joshua Tyler <joshuatyler@dorrismoulding.com>  
**Subject:** 264 15th Avenue, Santa Cruz 95062 APN: 028-155-22

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Dear Mr. Jerry Busch

I reside at 217 Blackpoint Lane and am a neighbor of Bradley Brown.

I am looking forward to having Bradley as a neighbor, but do have some concerns regarding the construction process. The construction site is in a hollow and noise from construction work will be broadcast throughout Blackpoint Lane and Twin Lakes Beach. The construction is inevitable, but we would like to see some conditions met to minimize the impact on the neighbors, neighborhood, and people utilizing Twin Lakes Beach and the Bonita Lagoon Area.

I feel it is reasonable to start construction at 7:30am even though it will impact the neighborhood. However, I want to be sure there is no noise emanating from the site before 7:30am.

I am requesting:

No workers on-site before 7:15am.

No material deliveries prior to 7:30am.

No porta potty serviced before 7:30am.

No equipment operated before 7:30am.

All construction work should terminate by 5:30 PM.

No Saturday construction activities whatsoever.

This is a residential and recreational area with a public beach, and people should be able to enjoy their evenings without construction noise.

Please call me to discuss concerns you may have.

Please reply to confirm receipt of this email.

Sincerely and thank you,

Joshua F Tyler

Property Owner

916 502 4355

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## Michael Lam

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**From:** Jerry Busch  
**Sent:** Tuesday, October 4, 2022 8:28 AM  
**To:** Michael Lam  
**Subject:** FW: Item # 3.221149

Hi, Mike –

Here is another late communication re application 221149.

Thank you,



**Jerry Busch**

Planner IV  
831.454.3234 M,T & MSG  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060



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**From:** Sheila McDaniel <[Sheila.McDaniel@santacruzcounty.us](mailto:Sheila.McDaniel@santacruzcounty.us)>  
**Sent:** Tuesday, October 4, 2022 7:46 AM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** Trevor Wilson <[trevor.wilson@vituity.com](mailto:trevor.wilson@vituity.com)>  
**Subject:** FW: Item # 3.221149

Jerry,

I think this email was meant for you as project planner.

Sincerely,

Sheila

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**From:** Trevor Wilson <[trevor.wilson@vituity.com](mailto:trevor.wilson@vituity.com)>  
**Sent:** Monday, October 3, 2022 5:03 PM  
**To:** Sheila McDaniel <[Sheila.McDaniel@santacruzcounty.us](mailto:Sheila.McDaniel@santacruzcounty.us)>  
**Subject:** Fwd: Item # 3.221149

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**Trevor C. Wilson, MD,**  
Medical Director, SJ Mobile Clinics  
Physician, Emergency Medicine,  
San Joaquin General Hospital.  
Dominican Hospital.

Cell: (970) 708-5060  
Direct: (415) 779-5061  
[www.vituity.com](http://www.vituity.com)



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Hi Shiela,

Thank you for providing the notice of the public hearing regarding Item # 3. 221149 (264 15th Ave. Santa Cruz, 95062, APN: 028-155-22).

My wife and I are residents at 215 Blackpoint Lane, directly behind the property with the zoning issues in question. We are both working clinically in our local Emergency Department on Friday, Oct 7 and are unable to attend at 9a. We kindly request an additional hearing for an opportunity to discuss.

Sincerely,  
Trevor

**Trevor C. Wilson, MD,**  
Physician, Emergency Medicine,  
Dominican Hospital.  
Direct: (415) 779-5061  
[www.vituity.com](http://www.vituity.com)



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## Swift Consulting Services

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Santa Cruz County Planning Department  
701 Ocean Street, Rm. 420  
Santa Cruz, CA 95060  
Attn. Jerry Busch

### **Subject: Parking Requirement for Application 221149**

Dear Jerry:

The purpose of this letter is to dispute the requirement for creation of an on-street parking place as a Condition of Approval for application 221149, as stated in your Completeness letter, dated July 14, 2022:

- F. A proposed parallel parking space adjacent and north of the new driveway on 15<sup>th</sup> Avenue along the property frontage. The width shall be approximately seven feet and the length 18 feet or lesser requirement as approved by the Department of public Works after engineering analysis. This requirement would be waived if a geologic report and/or retaining wall would be necessary to implement this street standard.*

This requirement is unneeded and inappropriate for the following reasons:

#### No Nexus to a Project-related Impact

As you are aware, exactions and development conditions must have a rational connection (nexus) to a burden that a regulatory agency seeks to avoid. The concept of nexus in the land-use regulatory environment is well established and is supported by case law. While there has not been a stated reason for the proposed requirement for an on-street parking space, I have to assume that it is intended to reduce perceived impacts by the project on street parking due to the establishment of a new driveway on 15<sup>th</sup> Avenue.

These photos, taken in front of the subject property, illustrate the existing condition: there is no street parking available in this location, due to the approximately four-foot-wide road shoulder. Clearly, the establishment of the proposed driveway will not eliminate any on-street parking.



The project, therefore, has no impact on the existing parking conditions on 15<sup>th</sup> Avenue. As a result, no nexus exists for the imposition of this requirement.

### No Beach Access

Public Works staff have indicated that, because this property is located in a coastal location, parking for beach access is an important consideration to be addressed. To be clear, there is no beach access available to the public from 15<sup>th</sup> Avenue. In fact, the Department of Public Works has posted a “No Beach Access” sign near the intersection of 15<sup>th</sup> Avenue and Portola Drive. No physical access to the beach exists, as 15<sup>th</sup> Avenue dead ends into a gate on private property:



### No Parking Shortage

Finally, there is no shortage of parking along 15<sup>th</sup> Avenue as this series of photos illustrates:



Sunday July 24, 1:21 pm

Friday August 12, 3:12 pm

500 Chestnut Street, Suite 100 Santa Cruz, CA 95060

(831) 459-9992

Fax (831) 459-9998

[www.swiftconsultingservice.com](http://www.swiftconsultingservice.com)





As these photos show, there is no apparent problem with parking along 15<sup>th</sup> Avenue, either for local residents, or for the public in general.

Sunday August 14, 11:30 am

Vegetation Removal Necessary for Creation of Parking Space



Creation of a parking space would require the removal of two large Pittosporum trees, with diameters of approximately 12 and 14 inches. These trees would provide screening of the house and would soften views from 15<sup>th</sup> Avenue.

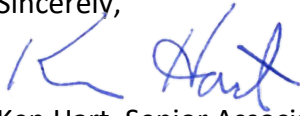
Authority for the Requirement

Finally, I could find no authority in the County Code for requiring the creation of an on-street parking space such as that being imposed here.



For the foregoing reasons, I request that the requirement to establish an on-street parking space associated with application 221149 be stricken from the Conditions of Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Hart", is written over a faint, larger blue outline of the same signature.

Ken Hart, Senior Associate  
Swift Consulting Services

## Michael Lam

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**From:** Jerry Busch  
**Sent:** Thursday, October 6, 2022 12:07 PM  
**To:** Steve Guiney  
**Cc:** Michael Lam; Ken Hart  
**Subject:** Comment from Applicant on Item 3 - 221149

Hi, Steve –

Please find below a communication from the applicant regarding construction noise and opposition to a continuance.

Mike: could you please add to the public record?

Thank you,



**Jerry Busch**

Planner IV  
831.454.3234 M,T & MSG  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060



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**From:** Ken Hart <ken@swiftconsultingservice.com>  
**Sent:** Thursday, October 6, 2022 10:28 AM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** Conditions of Approval for Application 221149

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I spoke with Bradley about the items you and I discussed on the phone yesterday morning. First and foremost, we want to hold the hearing on Friday and would not agree to a continuance. Toward that end, I want to report that Bradley spent an hour talking with the couple who are both ER docs and work nights (he also spoke to the owner of the apartment complex where they reside). They talked through the potential for disturbance to their lifestyle as a result of the project. He has also reached out to a couple of other neighbors and I have received emails (likely the same ones you've received) outlining concerns about construction-related noise and requesting that construction hours be limited to 7:30 to 5:30 on weekdays, with no Saturday work.

Following my conversation with you, we would agree to agree to a Condition of Approval limiting hours of construction to 8 am – 5 pm Monday through Friday. In addition a Condition requiring notification of neighbors 30 days in advance of demolition work, with that work to be completed within 30 days of the start date is agreeable. However, creation of an

onsite sound barrier system for noise generating activities during the hours of authorized, daytime construction is not feasible and, therefore we cannot agree to any Condition of Approval related to this issue.

Please let me know if you have any questions or wish to discuss other project-related issues prior to Friday's hearing.

Regards,

Ken Hart

[ken@swiftconsultingservice.com](mailto:ken@swiftconsultingservice.com)

**Swift Consulting Services, Inc.**

500 Chestnut Street, Suite 100

Santa Cruz, CA 95060

(831) 459-9992 extension 102

(831) 459-9998 fax

## Michael Lam

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**From:** Jerry Busch  
**Sent:** Thursday, October 6, 2022 12:15 PM  
**To:** Michael Lam  
**Subject:** FW: Public Notice Re: #3.221149 264 15 th Ave., Santa Cruz, CA 95062

Hi, Michael –

Can you add this to the public record, please?

Jer

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**From:** James Ritchey <jcritchey@gmail.com>  
**Sent:** Wednesday, October 5, 2022 9:45 PM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** Public Notice Re: #3.221149 264 15 th Ave., Santa Cruz, CA 95062

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

Regarding:  
Hearing Date 10/7/2022  
264 15th Avenue, Santa Cruz 95062 APN: 028-155-22

Dear Mr. Busch,

My wife Myra and I live at 209 Blackpoint Lane and are neighbors of Bradley Brown.

We both are unable to attend the hearing set for 9am this Friday due to work obligations as teachers and medical providers in the community.

We are looking forward to having Bradley as a neighbor, but do have some concerns regarding the construction process. The construction site is in a hollow and noise from construction work will be broadcast throughout Blackpoint Lane and Twin Lakes Beach. The construction is inevitable, but we would like to see some conditions met to minimize the impact on the neighbors, neighborhood, and people utilizing Twin Lakes Beach and the Bonita Lagoon Area.

We request you consider adopting the following conditions as part of the permit:

1. Construction hours limited to 8 am-5 pm Monday through Friday.
2. No construction on Saturday or Sunday.
3. No workers on site before 7:45 am.
4. No material deliveries prior to 8 am or after 5 pm weekdays.
5. No porta potty servicing before 8 am or after 5 pm.

Please call me to discuss concerns you may have.

Sincerely and thank you for your time and consideration,

James and Myra Ritchey

Contact Phone: 831-818-6382

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James Ritchey

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## Michael Lam

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**From:** Jerry Busch  
**Sent:** Thursday, October 6, 2022 3:48 PM  
**To:** Steve Guiney  
**Cc:** Michael Lam; Lezanne Jeffs; trevor.wilson@vituity.com  
**Subject:** FW: APN: 028-155-22

Hi, Steve –

Please find below a comment from the contiguous neighbors to the east of the subject site of application 221149.

Michael – could you add to the public record?

Thank you,



**Jerry Busch**

Planner IV  
831.454.3234 M,T & MSG  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060



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**From:** Trevor Wilson <trevor.wilson@vituity.com>  
**Sent:** Thursday, October 6, 2022 3:23 PM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** APN: 028-155-22

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Dear Jerry,

Please find the information below in regards to the Public Hearing on 10/7 at 9a for APN: 028-155-22.

My wife, Dara, and I live at 215 BLACKPOINT LN, the home immediately adjacent lot to the proposed construction site. We are unable to attend the meeting on 10/7 as we are both working as the only two physicians staffing the Dominican Hospital Emergency Department at that time. We ask that our comments be formally noted and taken into consideration during this public hearing.

First, we support our neighbors' reasonable requests to mitigate the degree of disruption of the proposed project to our neighborhood (e.g. limiting hours of construction to M-F 8a-5p).

Unfortunately, these limitations will not be a solution for us. The nature of our work as emergency medicine physicians requires a schedule where we work day and night shifts. After painful discussions this week, my wife and I have come to recognize that the demolition of the existing home and construction of this proposed new structure will displace us from our home. Remaining in our home during the demolition and then construction would clearly prevent us from being able to sleep in between night shifts. This prevents us from safely providing emergency medical care for our community. From discussion with local contractors, we have been informed that the magnitude of this project is unlikely to be able to be completed in a reliable timeframe where we could temporarily relocate with a timed planned return to our home. We therefore have come to the conclusion that Mr Brown's project, if permitted, would displace us from our home.

Our specific requests to Mr Brown are:

1) We request the construction be postponed until September, if possible. My wife and I are expecting our first child in April, the same month that Mr Brown has expressed intention to demolish the home immediately adjacent. We were informed of these plans this week. We have established prenatal care and birth plan at our local hospital. We think it reasonable to request consideration of the impact of this project on our family and ask not to be forced to move in the time immediately before and after the birth.

2) We be kept apprised of schedule for initiation of construction in order to allow us the best chance to find a new home. We recognize that the construction is unfortunately likely inevitable and therefore feel that with reasonable notice, we would be able to find a safe home so that we can continue our work in our local hospital and grow our family safely.

Sincerely,

Trevor Wilson, MD

Dara Mendelsohn Wilson, MD

Trevor C. Wilson, MD,  
Physician, Emergency Medicine,  
Dominican Hospital.  
Direct: (415) 779-5061  
[www.vituity.com](http://www.vituity.com)



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Jack and Barbara Ritchey  
201 Blackpoint Lane  
Santa Cruz, CA 95062-4960  
(831) 818-2378  
Jlr3law@gmail.com

Re: Zoning Administrator Hearing  
Hearing Date October 7, 2022  
Item #3.221149  
264 15<sup>th</sup> Ave., Santa Cruz, CA 95062

Jerry Busch  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Mr. Busch,

My wife Barbara and I live at 201 Blackpoint Lane which is one house away from the proposed construction site.

Our concern with the project is the impact the noise and construction activities will have on the Bonita Lagoon neighborhood which is a state beach recreation area and neighborhood.

The construction site is located at the head of Bonita Lagoon and sits in a gully or small valley facing out toward the lagoon and Twin Lakes Beach Area.

Noise from the construction site will echo out towards the lagoon, beach area, and surrounding residences.

Permits were recently issued for other residential construction in the area and reasonable conditions were adopted to minimize noise impacts.

1. 180 14<sup>th</sup> Ave. APN 028-143-19
2. 63 Geoffrey Dr. APN 028-143-47
3. 255 and 261 15<sup>th</sup> Ave. APN 028-154-45 and 46 (project not completed)

The above permits and several others for the area adopted reasonable limited hours of operation for construction and related activities.

We request you consider adopting the following conditions as part of the permit:

1. Construction be limited to 8 am-5 pm Monday through Friday.
2. No construction on Saturday or Sunday.
3. No workers on site before 7:45 am.
4. No material deliveries prior to 8 am or after 5 pm weekdays.
5. No porta potty servicing before 8 am or after 5 pm.

We do not feel restricting the hours of construction activities will unreasonably restrict the project and the conditions will allow the neighbors and public beach users to reasonably enjoy their morning, evening, and weekends without construction noise.

Thank you for your consideration of our concerns.

Jack and Barbara Ritchey