

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# Th14b

**Prepared June 10, 2019 for June 13, 2019 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Program Analyst

**Subject: Additional hearing materials for Th14b  
CDP Appeal Number A-3-STC-19-0025 (Kumar, Santa Cruz)**

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- Staff report addendum
- Additional correspondence received since the staff report was distributed
- Additional ex parte disclosures received since the staff report was distributed
- Other

Michael Brodsky  
201 Esplanade, Uppr  
Capitola, CA 95010  
831-469-3514  
michael@brodskylaw.net

Coastal Commission Meeting 6/13/2019  
Agenda Item TH14b  
Application No. CP18-0149  
Michael Brodsky  
Position: Requesting Project revisions

June 7, 2019

California Coastal Commission  
720 Front Street  
Suite 300  
Santa Cruz, CA 95060

Re: Appeal No. A-3-STC-19-0025  
City of Santa Cruz permit application No. CP18-0149  
1720 West Cliff Drive

Dear Commission Members:

I am writing to provide additional information regarding my appeal of the above-referenced coastal permit and to explain further why it constitutes a substantial issue over which the Commission should take jurisdiction.

In approving this development, the City of Santa Cruz violated two important provisions of the local coastal program and stated on the record that its policy is to not give any effect to these provisions when considering coastal development applications. As such, this presents a substantial issue. There is a substantial issue because the City may not ignore adopted provisions of its coastal program. It must either apply the provisions or amend its program to repeal them if it does not intend to enforce them.

The first provision is Zoning Code section 24.08.440(3), which provides that "New structures shall be consistent with the scale of existing structures on adjacent lots and generally be compatible with existing surrounding structures."

Section 24.08.440(3) has two distinct requirements: (i) that new structures shall be consistent with the scale of structures on adjacent lots; and (ii) that new structures shall generally be compatible with existing surrounding structures. The City did not consider requirement (i), entirely ignoring the presence of my small home next door to the development site. For example, the City's finding for section 24.08.440(3) for the original approval of the project by the zoning administrator reads in its entirety as follows:

**34. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.**

The proposed house will be compatible with the varied style of other homes in the area. Most of the immediate homes in the area are two stories.

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(Finding 34, p. 12, Agenda Report ZA Meeting of November 7, 2018.) There is no mention *at all* of my very modest one-story home, which is the *only* structure on a lot adjacent to the proposed development.<sup>1</sup>

The below depiction below clearly shows that it is beyond reasonable dispute that the proposed development is *not* consistent with the scale of the structure on the adjacent lot (my home).



Mr. Kumar's rendering of his proposed development is scaled next to a photograph of my small cottage home. Mr. Kumar's plans show that the top of his first floor windows are 11-2" above grade. The measured height of the eve of my roof is 9'.

Multiple large windows in the proposed development look down on my home and onto my front yard.

The space between the proposed development and my home is only eight feet. Standard spacing between homes on the side yard is ten feet. I have made the modest request that the side yard setback be increased by 2.5 feet to give me some breathing room and to allow more light. There is room to make this adjustment.

As Sarah Carville<sup>2</sup> stated in her staff report, the neighborhood is a mix of two-story and one-story homes. However, I have seen no instance of a home as large as Mr. Kumar's proposed development next to and as close to a home as small as mine.

<sup>1</sup> My home is a 1361 square foot cottage built in 1935. There is a rear guest cottage of 770 square feet. I have never rented any portion of the property and have never operated it as a duplex.

<sup>2</sup> I wish to thank Ms. Carville for her kind and very professional assistance in helping me process this appeal.

Michael Brodsky  
201 Esplanade, Uppr  
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Even Mr. Kumar's proposed garage dwarfs my home and is set only 6-1-1/2" from my home. I have made the request that Mr. Kumar move the garage several feet further away, which would be allowed by Santa Cruz's development standards. Moving the garage a few feet would also allow several of the heritage trees (discussed below) to escape clear cutting.



Mr. Kumar's proposed garage is 14' tall and set only 6-1-1/2 inches from my home.

The heritage trees that sit on the border between my property and the proposed development are to be removed so Mr. Kumar can have an extra-wide driveway and his garage can be set very close to the property line. Adjusting the driveway and garage would save the trees. I will submit an arborist report to show that the trees are not in any way hazardous.

The second provision of the coastal program ignored by the City in approving this development is the requirement that "spacing of buildings and overall placement of structures shall maximize the potential for solar access to each lot." The City has taken the position that this requirement is always satisfied where minimum set backs are provided. I disagree with this interpretation.

I have requested an additional 2.5 feet of setback on the side yard and several more feet for the garage. This would substantially increase solar access.

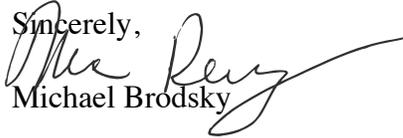
Michael Brodsky  
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Finally, I will submit an arborist report at the hearing that will show the heritage trees that Mr. Kumar wants to clear cut can be saved, are not hazardous and are not in as poor condition as he claims.

Time constraints do not allow further elaboration here. I will submit additional materials and make further explanation at the hearing.

Thank you for your consideration.

Sincerely,  
  
Michael Brodsky

## Hardison, Laurie@Coastal

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**From:** June C <junechristman@comcast.net>  
**Sent:** Friday, May 24, 2019 12:43 PM  
**To:** CentralCoast@Coastal  
**Subject:** Public Comment on June 2019 Agenda Item Thursday 14b - Appeal No. A-3-STC-19-0025 (Kumar, Santa Cruz)

Re: Jack Kumar's building project at 1720 West Cliff Drive, Santa Cruz. I would like to see the Commission deny Michael Brodsky's appeal. Jack Kumar has met all the requirements to build his project. This harassment has gone on for many months and is costly to the City of Santa Cruz and the Coastal Commission and to the builder. I live in the neighborhood and would like to see the home built. June Christman, 127 Fair Avenue, Santa Cruz, CA 95060

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# Th14b

**A-3-STC-19-0025 (KUMAR SFD)**

**JUNE 13, 2019 HEARING**

**CORRESPONDENCE**

From the Desk of **Jagdish Kumar**

**RECEIVED**

4/28/2019

APR 29 2019

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**RE: 1720 W. Cliff Drive, Santa Cruz, CA**

To whom it may concern,

In my quest to build a home consistent with City of Santa Cruz direction and guideline, Uniform Building Code as well as the desire of neighboring homeowners I have spent over \$2,000,000 for the subject property and north of \$150,000 for studies, consultants, architects, permits, planning in an effort to satisfy all interested parties.

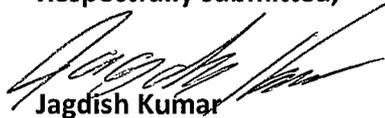
Every party, with the exception of Michael Brodsky have come back with glowing review of my proposed project including but not limited to the local California Coastal Commission. Every month that passes causes greater monetary damages.

Please kindly consider the great lengths I've taken to ensure not just compliance with all involved government agencies, but also the will of neighboring homeowners. Everybody has given me their hand of blessing.

I would ask you to deny the appeal of Michael Brodsky on the basis that his claim is frivolous, groundless and without merit.

Thank you for your kind consideration.

**Respectfully submitted,**

  
Jagdish Kumar

**June C**

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**From:** June C <junechristman@comcast.net>  
**Sent:** Thursday, April 25, 2019 10:23 AM  
**To:** 'SaraCarvill@coastal.ca.gov'  
**Subject:** 1720 West Cliff Drive, Santa Cruz, CA

Sara Carvill: re: Jack Kumar's project at 1720 West Cliff Drive, Santa Cruz, CA. I have talked to you on the phone regarding this upcoming project. Jack Kumar has met all the requirements for building a two story home. It seems very unfair and costly to the City of Santa Cruz, Coastal Commission and the owner/builder that one man next door can cause so much delay. Michael Brodsky has been denied appeal twice. I would like to see the harassment stopped and the project allowed to go forward. Time is so important in getting started so the building can be enclosed before Winter. June Christman 127 Fair Avenue, Santa Cruz, CA 95060

**RECEIVED**  
**APR 29 2019**  
CALIFORNIA  
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CENTRAL COAST AREA

RECEIVED

APR 29 2019

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June C

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**From:** June C <junechristman@comcast.net>  
**Sent:** Thursday, April 25, 2019 11:31 AM  
**To:** 'CentralCoast@coastal.ca.gov'  
**Subject:** re: 1720 West Cliff Drive, Santa Cruz, CA 95060

Re: 1720 West Cliff Drive, Santa Cruz, CA 95060 I understand that there is a possibility of Michael Brodsky bringing an appeal against Jack Kumar regarding his project at 1720 West Cliff Drive, Santa Cruz, Ca 95060 at the June 12-14, 2019, Coastal Commission meeting in San Diego, CA. If this goes forward to the agenda I would like his appeal to be denied. Jack Kumar has met all the requirements to build a two story home since November 2018. Michael Brodsky has had two appeals denied that he brought against the project. The delays are very costly for the owner/builder and also for the City of Santa Cruz, and the Coastal Commission. Michael Brodsky is the only person objecting. The nearby neighbors would like to see the home built. I ask again for you to either dismiss this appeal before it gets on the agenda or to deny it when it appears before you. Thank you, June Christman, 127 Fair Avenue, Santa Cruz, CA 95060

**Carvill, Sarah@Coastal**

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**From:** diana castillo <diana\_95112@yahoo.com>  
**Sent:** Monday, May 06, 2019 5:35 PM  
**To:** Carvill, Sarah@Coastal  
**Subject:** 1720 West Cliff Drive, Santa Cruz, CA

Dear Central Coastal Commission,

I am a neighbor on West Cliff Dr. in Santa Cruz, Ca. I went to the three public hearings regarding the house that is to be built on 1720 West Cliff Dr. in Santa Cruz. I am so disappointed that this house is not being built yet. I think that Michael Brodsky argument has no foundation and it is ridiculous!

According to the planning department the house that Mr. Kumar's wants to built is 100 percent in compliance. I would like you to ask Mr. Brodsky if his house fallows all of the regulations? As far as I know his property on West Cliff has been Red Tagged and he has an illegal unit. Mr. Brodsky should worry about his property instead of wasting the City Council and Planning Department time when they have better things to take care of.

I am requesting to the Central Coastal Commission office to please deny Mr. Brodsky's appeal. This case has no valid reason to be in the agenda. I would like to thank you for your time, and please consider my concern regarding this matter.

Sincerely,

Diana Johnson

## Carvill, Sarah@Coastal

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**From:** David P. and Ann E. Rauen <gr8rodan@yahoo.com>  
**Sent:** Thursday, May 09, 2019 1:50 PM  
**To:** Carvill, Sarah@Coastal  
**Subject:** Re:1720 West Cliff Dr., Santa Cruz, CA (corrected document)

Ms. Carvill and other Coastal Commission members and staff:

I am writing to comment on the proposed single family home in the planning stages for 1720 West Cliff Drive in Santa Cruz, California. I have been following the efforts of the property owner, Mr. Jack Kumar, to work through the process of getting his project approved and begin construction of his new home.

I understand that after having met all City of Santa Cruz Planning Department requirements his project has been appealed by the neighbor to the East of the Kumar property; a Mr Michael Brodsky. The appeal process has resulted in denials by the City of Santa Cruz Planning Commission and the Santa Cruz City Council, and now Mr. Brodsky makes yet another appeal to the Coastal Commission alleging that the City has not followed it's own planning rules and regulations; including the Local Coastal Plan for Santa Cruz City as filed with the Coastal Commission. The City of Santa Cruz Planning Department and City Arborist have approved this project including the related tree work which is now ready for Santa Cruz City Building Department plan check and comments, if any, and issuance of a building permit.

I have lived in the west-side neighborhood for over fifty (50) years and have seen the infill of the area during my time. I know the permit applicant Mr. Kumar personally. Mr. Kumar built a beautiful home two parcels from my property as well as another on the 100 block of Fair Avenue. Additionally; Mr. Kumar built a home and accessory dwelling unit (ADU) on Brommer Street near El Dorado Avenue in the county jurisdiction. These three projects have been completed within the last decade. Mr. Kumar has exhibited great design and construction abilities as evidenced by these finished projects.

I have reviewed the City of Santa Cruz staff file on this matter as well as the submitted construction plans and find it an absolute waste of tax payer resources to be dealing with this appeal. This new home will be a beautiful addition to West Cliff Drive and adjacent neighborhood. Based on the history I find it a gross waste of City Staff, Planning Commission, City of Santa Cruz Council and Coastal Commission time to have this matter under appeal yet again. As the history of this project and the City Staff Report show this appeal is without merit.

I urge The Coastal Commission to deny this appeal in it's entirety so Mr. Kumar can move forward with construction of his new home. This year is nearly half over while the project has been held up with appeals by one individual. There has been enough delay already.

Thank you for you attention to this matter.

David P Rauen: West side resident  
228 Oxford Way

## Carvill, Sarah@Coastal

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**From:** diana castillo <diana\_95112@yahoo.com>  
**Sent:** Sunday, May 12, 2019 2:43 PM  
**To:** Carvill, Sarah@Coastal  
**Subject:** Re: 1720 West Cliff Drive, Santa Cruz, CA  
**Attachments:** 20190512\_134901.jpg; 20190512\_134855.jpg

Dear Miss Carvill,

Since today we are having a beautiful day in Santa Cruz. I took my son to the beach and we were playing with his beach ball.

Upon returning walking distance from Mr. Kumar's property, the beach ball went into Mr. Kumar's land.

Unfortunately the ball landed near some branches and trees on Mr. Kumar's property. When I went to get the beach ball some bushes injured my leg. I would really like to request that those bushes get removed as soon as possible since they are dangerous to the public.

I would really appreciate if you go by Mr. Kumar's address and look at the bushes leaning towards his property.

I am hoping that these bushes get removed as soon as possible before someone else gets hurt. I am sending you pictures of my injuries.

With great appreciation for your time,

Diana Johnson

Ho Tuesday, May 7, 2019, 11:39:59 AM PDT, Carvill, Sarah@Coastal <[sarah.carvill@coastal.ca.gov](mailto:sarah.carvill@coastal.ca.gov)> wrote:

Dear Ms. Johnson,

I just wanted to let you know that I received your message and will include it with the correspondence that will be transmitted to the Commission in advance of the hearing on this appeal. If you have any questions about the appeal process or the hearing, feel free to give me a call and we can discuss.

Best,

Sarah