

CALIFORNIA COASTAL COMMISSION

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Th14b

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

JUNE 13, 2019 HEARING

EXHIBITS

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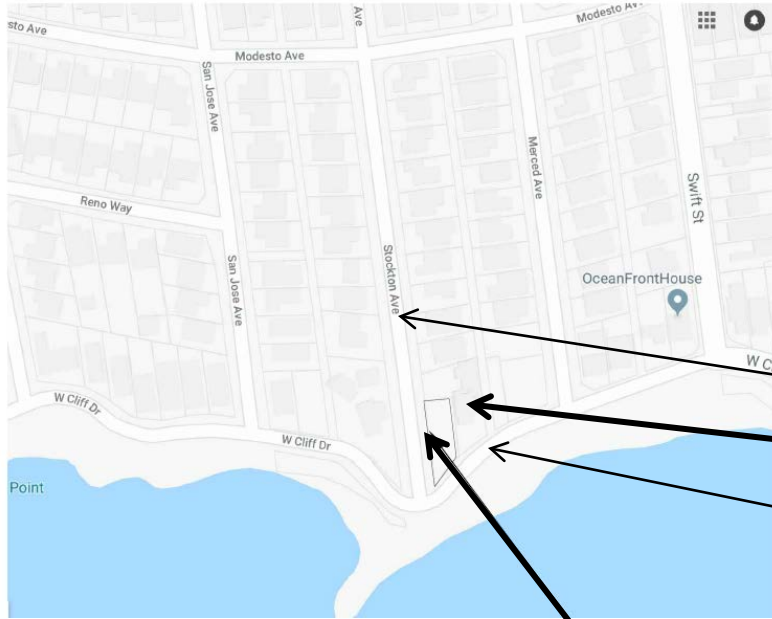


Exhibit 1: Project Location Map

The City-approved project is located on the west side of Santa Cruz in the residential neighborhood inland of West Cliff Drive.

Stockton Ave

Appellant's Property

West Cliff Drive

Project Site

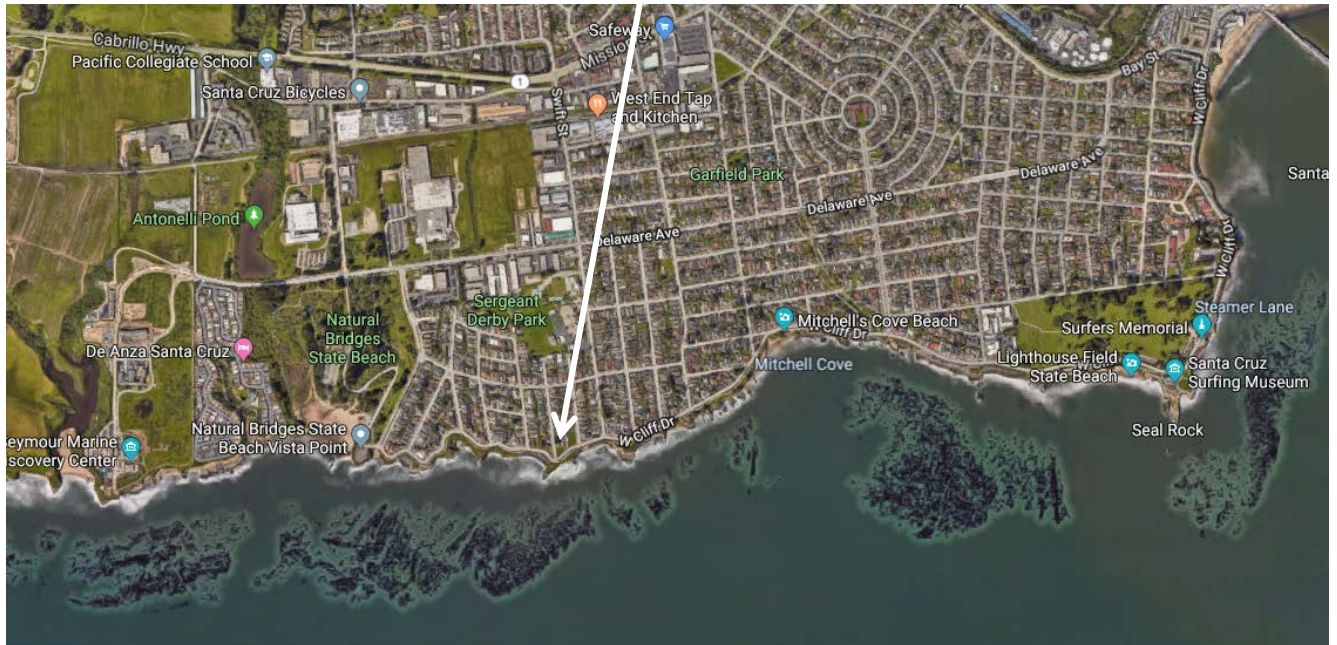


Exhibit 2: Project Site Images and Photographic Simulations



Site of the proposed project viewed from West Cliff Drive, just east of its intersection with Stockton Avenue. Two-story homes on West Cliff and Stockton are visible in the upper half of the frame, while the Appellant's property is visible on the far right.



Site of the proposed project viewed from the intersection of West Cliff Drive, just east of its intersection with Stockton Avenue. Two-story homes on West Cliff are visible on the far right, while the Appellant's property is visible in the middle of the frame.



Rendering of the City-approved project as viewed from West Cliff Drive.



Rendering of the City-approved project as viewed from Stockton Avenue.



Dept. of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060
(831) 420-5100

Notification of Final Local Action on Coastal Permits

Date: 3/25/19
To: Attn: Ryan Moroney, Coastal Planner
California Coastal Commission
Central Coast District
725 Front St., Ste 300
Santa Cruz, CA 95060
From: City of Santa Cruz Planning Department

RECEIVED

APR 02 2019

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3STC-19-0490
APPEAL PERIOD 4/3/19-4/16/19

Please be advised of the following actions:

☐ **Zoning Administrator hearing of** _____
(date)

- ☐ Local appeals **have not** been filed on the following case:
☐ Local appeals **have been** filed on the following case:

File No. _____ Address: _____
☐ Adopted findings and conditions are attached. ☐ Were previously submitted.



Planning Commission hearing of January 17, 2019.

- ☐ Local appeals **have not** been filed on the following case:
☒ Local appeals **have been** filed on the following case numbers:

File No.: CP18-0149 Address: 1720 West Cliff Drive, Santa Cruz CA 95060.
☒ Adopted findings and conditions are attached. ☐ Were previously submitted.



City Council hearing of March 26, 2019.

- ☒ Local appeals **have not** been filed on the following case:
☐ Local appeals **have been** filed on the following case numbers:

File No.: CP18-0149 Address: 1720 West Cliff Drive, Santa Cruz CA 95060.
☒ Adopted findings and conditions are attached. ☐ Were previously submitted.

☐ This project is not appealable to the California Coastal Commission. Section 24.04186.

Action Agenda for coastal permits acted upon is attached.

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

Regular Meeting

January 17, 2019

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL CHAMBERS

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at (831) 420-5030 at least five days in advance so that we can arrange for such assistance, or email cityclerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City Planning Department, 809 Center Street, Room 107 or on the City's website at www.cityofsantacruz.com. These writings will also be available for review at the Planning Commission meeting in the public review binder at the rear of the Council Chambers.

APPEALS: Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk.

Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a seven hundred twenty dollar (\$720) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee.

Call to Order

Roll Call

Absent w/notification

Statements of Disqualification

Oral Communications

Approval of Minutes

1. [Approve the minutes of December 20, 2018.](#)

Public Hearings

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2. 719 Darwin Street CP18-0171 APN: 011-012-04
Demolition Authorization Permit to demolish a single-family residence and a Design Permit and Tentative Map to construct three residential condominiums in the RM (Multiple Residence - Medium Density) zone district. (Environmental Determination: Categorical Exemption)(Tom Thacher, applicant/filed 9/17/18). NC

Recommendation: That the Planning Commission acknowledge the environmental determination and Deny the Demolition Authorization Permit to demolish a single-family residence and a Design Permit and Tentative Map based on the findings listed below.

3. 1720 West Cliff Drive CP18-0149 APN: 003-274-15
Appeal of the Zoning Administrator's approval of a Coastal, Design and Heritage Tree removal Permits to construct a two-story single family dwelling and detached garage on a vacant substandard parcel located in the R-1-5/CZO/SPO/WCD (Single Family Residence/Coastal Overlay/Shoreline Protection Overlay/West Cliff Drive Overlay) zone districts (Environmental Determination: Categorical Exemption)(Arun Shah, applicant/filed 8/2/18). This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Recommendation: That the Planning Commission deny the appeal, upholding the Zoning Administrators acknowledgment of the environmental determination and approval of the Coastal Permit, Design Permit and Heritage Tree removal permit based on the findings listed below and the Conditions of Approval listed in Exhibit "A".

Information Items

Subcommittee/Advisory Body Oral Reports

Adjournment



PLANNING COMMISSION AGENDA REPORT

DATE: January 10, 2019

AGENDA OF: January 17, 2019

ITEM NO: CP18-0149

1720 West Cliff Drive

RECOMMENDATION: That the Planning Commission deny the appeal, upholding the Zoning Administrators acknowledgment of the environmental determination and approval of the Coastal Permit, Design Permit and Heritage Tree removal permit based on the findings listed below and the Conditions of Approval listed in Exhibit "A".

PROJECT DATA

Property Owner: Jagdish Kumar APN: 003-274-15
Representative: Arun Shah

Application Type: Coastal Permit, Design Permit and Heritage Tree removal permit to remove a hazardous tree and construct a new single family dwelling on a vacant substandard lot in the R-1-5/CZO/SPO/WCD zone district.

Zoning: R-1-5 (Single Family Residence), CZO (Coastal Zone Overlay) and SPO (Shoreline Protection Overlay), WCD (West Cliff Drive Overlay)

Project Consistency: As conditioned consistent with the R-1-5/CZO/SPO/WCD zone district

General Plan: L (Low Density Residential – 1.1 – 10 dwelling units per acre)

Project Consistency: Consistent with the General Plan designation

Land Use - existing: Vacant residential lot
- proposed: Two story, single family residence with detached garage
- in area: One and two-story residences

Lot Area: 6,151 square feet

Lot Dimensions: Approximately 49 feet by 148 feet (irregular)

Parking:

Required: Two spaces

Provided: Two covered spaces, two uncovered spaces in driveway

Environmental Review: Categorical Exemption 15303 Class 3(a)

Planning Staff: Michael Ferry, AICP

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SUBJECT: 1720 West Cliff Drive – CP18-0149

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PROJECT DESCRIPTION

The project site is an irregular-shaped lot located on the northeast corner of the intersection of West Cliff Drive and Stockton Avenue (1720 West Cliff Drive). The site is a vacant residential lot that slopes gently from the north to south and is vegetated predominantly with nonnative ice plant. Eleven cypress trees are located just beyond the northern property line on the adjacent lot. The parcel is bounded by a two story home to the north, West Cliff Drive and the Monterey Bay to the south, a one story nonconforming duplex to the east and a two-story single-family dwelling to the west across Stockton Avenue.

The proposed house will have three bedrooms, three bathrooms, a living room, kitchen, dining room and family room. The ground floor includes a front door and porch area on the south elevation facing West Cliff Drive. A second story balcony steps back from West Cliff Drive opening off a bedroom and bar area.

The parcel is considered a substandard lot because at 48.89 feet in width; it is less than the minimum required lot width of 50 feet. The project site is within the Coastal Zone, the Shoreline Protective Overlay and the West Cliff Drive Overlay districts. Section 24.08.210 of the Municipal Code requires approval of a Coastal Permit and Section 24.10.4240 requires approval of a Design Permit. The lot is within the 2030 General Plan mapped Archeological Resource Area. A reconnaissance report dated November 2018 was provided with the application materials. The report concluded no resources were found within the project area or within one-quarter mile radius of the project site and recommended no further action regarding cultural resources is warranted. In the event unanticipated resources are discovered during construction, a condition of approval requires the developer to stop all work. Mitigation measures developed by an authorized archaeologists will be developed and shall be subject to the approval of the Planning Department.

The Zoning Administrator heard this item on the November 7, 2018 agenda. At that hearing five people spoke in support of the project and the appellant, Michael Brodsky who owns the property to the east, spoke with concerns. The Zoning Administrator added a condition requiring higher sill heights on the bedroom windows facing east to address the privacy impacts and approved the Coastal Permit, Design Permit and Heritage Tree removal permit. The minutes to the November 7, 2018 agenda are attached.

Michael Brodsky appealed the Zoning Administrator's approval on November 16, 2018. The appeal letter (attached) is primarily concerned with the substandard lot findings regarding second story additions adjacent to his single story duplex. He also had concerns with the heritage tree removal permit which is discussed below.

ANALYSIS

West Cliff Drive Overlay. The proposal is to construct a new 2,932 square foot house with a detached 419 square foot garage. The parcel is located within the West Cliff Drive (WCD) overlay zone. This district was created by the City Council to promote quality residential development on and adjacent to West Cliff Drive in order to protect and enhance that well-used public use corridor adjacent to the ocean. The standards are more restrictive than the underlying R-1-5 zone district standards as well as the substandard lot regulations and include special requirements for calculating height, floor area ratio, setbacks, building envelopes, first floor heights and landscaping.

The purpose of the West Cliff Drive overlay district is to enhance the streetscape with appropriate building mass, modulation, articulation and coloring. The overlay district does not require or prohibit any particular architectural style. The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. Adjacent homes are of a variety of styles including Spanish Colonial, Ranch and 1970's tract. The plans include a driveway access to the detached garage off of Stockton Avenue.

The window sizing and location, the building step backs, and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height limitation. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house is 2,932 square feet. The garage located in the rear portion of the lot is granted a 419 square foot credit for the allowable floor area ratio (FAR). The house is setback 20 – 24 feet from the front property line and 29 feet from the rear property line. The first floor interior side yard setback meets the requirement of five feet while the second floor meets the requirement of seven feet, six inches. On the street side yard, the first floor maintains an 8-foot setback while the second floor maintains a 10-foot setback. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The WCD standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in the rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

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Substandard Lot Requirements. Section 24.08.400 of the Municipal Code regulates the development of substandard lots. This lot is considered substandard in that it is less than 50 feet in width. Section 24.08.440 allows the floor area of the second floor to exceed 50-percent of the floor area of the first floor if the floor area of the first floor does not exceed the 30-percent lot coverage limitation. The total floor area of the first floor equals 28 percent of the lot size. The home including the porch and detached garage covers 37 percent of the lot which is less than the allowable 45 percent lot coverage.

Second Story Siting. As indicated above, the proximity of the second floor of the proposed dwelling to the adjacent single-story duplex is one of the primary concerns of the appellant. At issue is the particular finding which reads:

Placement of second-story elements adjacent to single-story structures shall be avoided.

The question of whether this finding precludes two story construction on lots that are adjacent to single story development is one that has been raised in the past, reviewed by the City Attorney, considered by the Planning Commission and City Council in the context of an appeal and even tested in Superior Court. The City Attorney has advised that the word “adjacent” is subject to interpretation. Staff has consistently interpreted the intent of this finding to discourage two story elements sited directly on the minimum setback line when located adjacent to a single-story structure. In other words, a project is NOT considered to be adjacent to a single-story structure if the second floor is sited sensitively (i.e. stepped back from the first floor or includes privacy windows) or if the setback for the entire two story element exceeds the minimum first floor zone district setback. This interpretation of intent has been upheld by the Planning Commission and City Council on at least two appeals filed in the past 20 years.

Application 03-067 at 406 Palm Street was reviewed by the Zoning Administrator where a two story addition adjacent to single story development on a substandard lot was approved. That approval was appealed to the Planning Commission where they unanimously upheld the Zoning Administrator’s approval citing the placement of the second story required extra scrutiny which was noted in the plans, the staff report and the Conditions of Approval. The Minutes to that hearing are attached to the staff report.

Application No. 02-027 was reviewed by the Zoning Administrator where a two-story addition adjacent to single-story development on a substandard lot and a variance to the required side yard setback was approved. That approval was appealed to the Planning Commission who on a split decision could not make required Findings to approve the variance. Their denial was appeal to the City Council who unanimously approved both the second story addition and the variance siting the sensitive placement of the second story with an increased setback and limited square footage so as to reduce privacy impacts and solar access to adjacent neighbors. The appellant filed a lawsuit where the Superior court issued a ruling in favor of the City and the project was ultimately constructed. A memo from the City Attorney dated December 29, 2004 summarizes that approval process and is attached to the staff report.

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In this case the proposed second story will be setback seven feet, seven and one-half inches from the east property line where five feet is normally required. The proposed second story east elevation includes four windows in the living room, one bathroom window and two bedroom windows. In an effort to address potential privacy impacts, the Zoning Administrator added a condition requiring the final building plans to increase the sill heights for the two bedroom windows.

Tree Removal. The applicant submitted an arborist report (attached) dated October 3, 2018, to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and can be removed as dead trees are not regulated. Conditions of approval include measures to protect tree number one during construction and to provide six new 15 gallon Monterey cypress replacement trees to be planted as a hedge row/buffer between the two properties.

The appellant questions the appropriateness of approving tree removal to occur on his property when he has not been party to the application.

The trees in question are not required to be removed to accommodate the proposed development, but rather allowed to be removed (with the exception of Tree No. 1) as both the project and City Arborist(s) have deemed them to be hazardous. Whether or not the trees are actually removed is largely a civil matter. The proposed landscape plan on Sheet L1 of the project plans includes native and non-native trees, shrubs and grasses. A condition of approval requires the applicant to provide a native, drought tolerant landscape plan, including the six replacement Monterey cypress trees, for review and approval with the building permit plans.

SUMMARY

The size, location, massing and materials for the home meet the special site area standards of the West Cliff Drive Overlay district, the substandard lot restrictions and requisite findings as they've been consistently interpreted by staff, the Planning Commission and City Council over the past few decades, the R-1-5 zone district standards and the Coastal Zone Overlay regulations. For this reason staff recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of the project.

FINDINGS

Coastal Permit, Section 24.08.250

1. Maintain views between the sea and the first public roadway parallel to the sea.

The project will not affect coastal views, as it is not located between the sea and the first public roadway parallel to the sea.

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The proposed project will not cause substantial environmental damage, or substantially injure fish, wildlife, or their habitats, in that the site does not support known or potential special status plant or wildlife species or constitute suitable habitat for any special status plant species. No special status wildlife species are known to occur within the project area.

The applicant submitted an arborist report dated 10-3-18 to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and will be removed. Conditions of approval include measures to protect tree number one during construction.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.

The project site is within the West Cliff Drive Overlay zone. The standards are more restrictive than the underlying R-1-5 zoning regulations and include special requirements for calculating height, floor area ratio, setbacks, building envelopes, first floor heights and landscaping. The project is consistent with the WCD development standards.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

This project will not affect public access to the coast therefore, this funding is not applicable.

5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.

This project will not affect visitor- serving uses or needs. Therefore, this finding is not applicable.

6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

The project is consistent with the property's residential zoning which is a part of the City's Local Coastal Plan.

Shoreline Protection Overlay District, Section 24.10.2430

7. The project protects trees and vegetation and sensitive wildlife habitat.

The project will not cause substantial environmental damage, or substantially injure fish, wildlife, or their habitats, in that the site does not support known or potential special status plant or wildlife species or constitute suitable habitat for any special status plant species. No special status wildlife species are known to occur within the project area. That applicant has been required to provide a revised landscape plan using native and drought tolerant species.

The applicant submitted an arborist report dated 10-3-18 to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and will be removed. Conditions of approval include measures to protect tree number one during construction.

8. The project is consistent with the following criteria for bluff or cliff development:

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural land forms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**

- d. **The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. **The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The development is located approximately 120 feet north of the nearest coastal bluff and inland from West cliff Drive. It is therefore located a safe enough distance to assure stability and structural integrity during its expected economic lifespan.

9. **The project provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.**

The applicant will be required to provide erosion control measures with the building permit application materials.

10. **The project maintains public view corridors between the sea and the first public roadway parallel to the sea and maintains natural views of the coastline.**

The project will not affect coastal views, as it is not located between the sea and the first public roadway parallel to the sea. The project has been designed to be consistent with the West Cliff Drive requirements to preserve coastal views.

11. **The project protects paleontological resources as prescribed in the Land Use Plan.**

The site is located in a paleontological sensitive area and an archaeological report was prepared by *Albion Environmental, Inc.*, dated November 2018 which concludes that the subject parcel does not contain intact cultural resources. In the event unanticipated resources are discovered during construction, a condition of approval requires the developer to stop all work. Mitigation measures developed by an authorized archaeologists will be developed and shall be subject to the approval of the Planning Department.

12. **The project is compatible with the established physical scale of the area.**

The project is consistent with the physical scale of the area in that it meets all of the applicable regulations of the R-1-5 zone district, the substandard lot regulations and the West Cliff Drive overlay regulations.

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- 13. The project is consistent with the design review guidelines of this title and the policies of any applicable area plan.**

The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house (not including the 419 square foot garage) is 2,932 square feet. The house's 20 – 24 foot front and 29 foot rear yard setbacks are greater than required. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The West Cliff Drive standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

- 14. The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.**

The site is within the R-1-5 zone district, the West Cliff Drive Overlay District and is designated residential in the City's Local Coastal Program. The West Cliff Drive Overlay district was created by the City Council to promote quality residential development on and adjacent to West Cliff Drive in order to protect and enhance that public use corridor. The project meets all of the West Cliff Drive Design regulations which are incorporated into the Local Coastal Program.

Findings 6 and 7 do not apply.

Design Permit, Section 24.08.430

- 15. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

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The site is within the R-1-5 zone district the West Cliff Drive Overlay District and is designated residential in the City's General Plan and Local Coastal Program. The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house (not including the 419 square foot garage) is 2,932 square feet. The house's 20 – 24 foot front and 29 foot rear yard setbacks are greater than required. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The WCD standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

- 16. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with the design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The proposed house will be a contemporary design with an aluminum frame window system, smooth trowel stucco walls and standing seam metal roof system. There is a mix of architectural styles along West Cliff Drive including contemporary designs.

- 17. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components, which are harmonious, materials and colors that blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.**

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The purposes of the West Cliff Drive overlay district are to enhance the streetscape with appropriate building mass, modulation, articulation and coloring. The overlay district does not require or prohibit any particular architectural style. The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. Adjacent homes are of a variety of styles including Spanish Colonial, Ranch and 1970's tract. The plans include a driveway access to the detached garage off of Stockton Avenue.

The window sizing and location, the building step backs and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

18. **Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan should take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The proposed use is residential, adjacent to residential uses.

19. **The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

The proposed home meets all of the setback requirements for the zone district as well as the substandard lot restrictions and West Cliff Drive Overlay zone standards. The project proposes to maintain the one healthy Monterey cypress tree on the adjacent lot and proposed additional native cypress as part of the landscape plan. An arborist report has been completed to establish protective measures for the tree.

20. **The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

The project will be on the inland side of West Cliff Drive and the applicant has been conditioned to protect the existing mature cypress tree on the adjacent lot and providing replacement trees under the direction of the City Arborist.

21. **The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular**

Exhibit 3

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and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

The proposed home requires two parking spaces, one of which has to be covered. The plans include a two car detached garage located in the rear of the lot.

- 22. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

Covered bicycle parking is provided in the detached, two car garage.

- 23. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The site plan includes a front, rear and street side yard to allow residents private usable open space. The applicant has been conditioned to provide a comprehensive landscape plan for the front yard and street side yards using native drought tolerant species subject to review and approval with the building permit submittal. No more than 35 percent of the front and exterior side yard setback area may paved or developed in non-plant materials.

- 24. The site plan shall reasonably protect against external and internal noise, vibration and other factors, which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The proposed house will require issuance of a building permit. All of the applicable regulations of the Uniform Building Code concerning external and internal noise, vibration and other factors, which may tend to make the environment less desirable shall be incorporated into the approved plans.

- 25. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

This finding is not applicable.

- 26. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

The design of the home includes a southern orientation, outdoor yard areas, a porch and decks on the south elevation. The design includes operable doors and windows which will allow ventilation and cooling.

- 27. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting showerheads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

The Water Conservation Department will review and approve the building/landscape plans to ensure they incorporate water conservation features.

- 28. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.**

This finding is not applicable.

- 29. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.**

This finding is not applicable.

- 30. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.**

This finding is not applicable.

- 31. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.**

The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. The window sizing and location, the building step backs and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building.

The applicant has been conditioned to provide a comprehensive landscape plan for the front yard and street side yards using native drought tolerant species subject to review and approval with the building permit submittal. No more than 35 percent of the front and exterior side yard setback area may paved or developed in non-plant materials.

Substandard Residential Lot Development, Section 24.08.440

32. The maximum allowable lot coverage for structures shall be forty-five percent.

The total lot coverage will be 37-percent at completion of the proposed project.

33. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less lot coverage.

The floor area of the second floor can exceed 50 percent of the floor area of the first floor in that the proposed first floor at 1,717 square feet will cover 27 percent of the lot.

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.

35. New structures shall be sited in ways, which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.

The design of the home includes window sizing and location, building step backs and porch and balcony locations that provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

36. Spacing of buildings and overall placement of structures shall maximize the potential for solar access to each lot.

The proposed house will maintain solar access to the adjacent properties in that the home will be 26-feet, nine-inches in height where a 30-foot height limit is allowed. The 20 – 24 foot front yard setback in conjunction with the 29-foot rear yard setback is greater than required 20-foot front and rear setback requirements. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard setback.

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37. Placement of second-story elements adjacent to single-story structures shall be avoided.

The siting of second-story elements must be understood in the context of the entirety of Section 24.08.440. On a substandard lot, floor area for second stories is limited based on the floor area of the first floor. In this case the floor area of the first floor is less than 30 percent lot coverage allowing a full second floor. That means that the overall development will have a smaller footprint and the design can "site" that second-story footprint variously over the first story. The intent of 24.08.440.6 is to avoid "siting" it in a manner that produces a straight-up two-story wall immediately adjacent to an existing one-story residence. This is accomplished by an additional setback from the property line for the second-story element. That is what was required of the application in question. It is how Section 24.08.440 has been consistently applied in numerous instances throughout the City over many years. Staff has consistently interpreted the substandard lot finding to mean that second stories can be allowed next to single-story homes as long as they are modulated and address neighboring properties

The question of whether this finding precludes two story construction on lots that are adjacent to single story development is one that has been raised in the past, reviewed by the City Attorney, considered by the Planning Commission and City Council in the context of an appeal and even tested in Superior Court. The City Attorney has advised that the word "adjacent" is subject to interpretation. Staff has consistently interpreted the intent of this finding to discourage two story elements sited directly on the minimum setback line when located adjacent to a single-story structure. In other words, a project is NOT considered to be adjacent to a single-story structure if the second floor is sited sensitively (i.e. stepped back from the first floor or includes privacy windows) or if the setback for the entire two story element exceeds the minimum first floor zone district setback. This interpretation of intent has been upheld by the Planning Commission and City Council on at least two appeals filed in the past 20 years as described in the staff report. A memo from the City Attorney dated December 29, 2004 summarizes that approval process and is attached to the staff report.

In this case the proposed second story will be setback seven feet, seven and one-half inches from the east property line where five feet is normally required. The proposed second story east elevation includes four windows in the living room, one bathroom window and two bedroom windows. In an effort to address potential privacy impacts, the Zoning Administrator added a condition requiring the final building plans to increase the sill heights for the two bedroom windows.

38. Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.

The applicant is proposing to landscape the entire front, rear and street side yard areas.

39. Structures shall incorporate methods to lessen the impact of garages on a street facade.

The plans include a detached garage with a decorative garage door located in the rear of the parcel 25 feet back from the west property line.

Submitted by:

Approved by:

Michael Ferry, AICP
Senior Planner

Alex Khoury
Assistant Director

Attachments:

Exhibit "A" – Recommended Conditions of Approval

November 7, 2018 Zoning Administrator minutes

Appeal letter from Michael Brodsky dated November 16, 2018

Arborist Report dated October 3, 2018

Minutes to the October 16, 2003 Planning Commission meeting

Memo from John Barisone to the City Council regarding Tobias v. City of Santa Cruz

EXHIBIT "A"

FINAL CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

1720 West Cliff Drive; Application No. CP18-0149

Coastal Permit, Design Permit and Heritage Tree removal permit to remove a hazardous tree and construct a new single family dwelling on a vacant substandard lot in the R-1-5/CZO/SPO/WCD zone district.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void.
4. If, upon exercise of this permit, this use is at any time determined by the Planning Commission to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
7. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
8. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these conditions, which will become conditions of the building permit:

"I understand that the subject permit involves construction of a building (project) with an approved Design Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to

**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

9. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. Final building plans may include a higher sill height for the two bedroom windows on the east elevation in an effort to address privacy impacts on the adjoining neighbor. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
10. All refuse and recycling activities during construction shall be done in accordance with Chapter 6.12 of the Santa Cruz Municipal Code. Be aware that private companies offering refuse or debris box services are not allowed to operate within the City limits, except under certain limited circumstances detailed in Chapter 6.12.160.
11. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
12. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
13. Future uses shall submit a disclosure statement for Zoning Administrator review prior to issuance of any occupancy permit regarding materials and chemicals to be used and disposed of from the site.
14. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape plans shall include native, drought tolerant species and irrigation that is in compliance with all requirements of the City’s Water-Efficient Landscaping Ordinance in Chapter 16.16 of the Santa Cruz Municipal Code prior to issuance of the building permit.
15. The landscape plan shall include six new 15 gallon Monterey cypress replacement trees to be planted as a hedge row/buffer along the north property line.
16. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.

**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

17. All trees shall be a minimum 15-gallon size.
18. All utilities and transformer boxes shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Zoning Ordinance.
19. A drainage plan shall be submitted in conjunction with application for building permits.
20. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
21. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
22. Plans submitted for building permits shall demonstrate compliance with Stormwater Best Management Practice (BMP) and Low Impact Development (LID) requirements for single family residential dwelling projects contained in "Chapter 6 of the Best Management Practices Manual for the City's Storm Water Management Program" dated October 2011. At a minimum, downspouts shall be disconnected from underground pipes or prohibited from directly flowing onto impervious surfaces and instead be redirected to landscaping or bioswales. Pervious walkway surfaces and driveways shall be installed where possible. Show all implemented LID measures on the plans.
23. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain.
24. Building plans shall include all of the tree protection measures listed in the Arborist report dated 10-3-18. A plan review letter by the arborist shall be submitted stating the plans have been reviewed and include all of the relevant recommendations listed in the report.
25. Prior to site grading or any disturbance the tree protection measure shall be installed.

**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

26. The arborist is to present during the driveway/garage grading and any trenching to be conducted in that area.
27. Handicap access shall be provided in accordance with California Building Code.
28. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
29. Final colors shall be approved by the Zoning Administrator prior to application for building permits.
30. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the City harmless.
31. Prior to the issuance of a building permit, the applicant shall pay the Park and Recreation Facility Tax pursuant to Chapter 5.72 of the City of Santa Cruz Municipal Code based on the final building permit plans.
32. The applicant shall work with the Planning staff at the Building Permit stage to include bird safe design measures for the portions of the fenestration of the home that have the potential to reflect the ocean to the satisfaction of the Zoning Administrator.

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060



CITY COUNCIL AGENDA

Regular Meeting

March 26, 2019

1:00 P.M. CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM

3:15 P.M. CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS, COUNCIL CHAMBERS

7:00 p.m. ORAL COMMUNICATIONS, COUNCIL CHAMBERS

Written correspondence and telephone calls received after 5:00 p.m. on the Monday immediately preceding a Council meeting may not have time to reach Councilmembers, nor be read by them prior to consideration of an item. Please make any communication to Councilmembers regarding Council meeting items prior to 5:00 p.m. Monday.

Council meetings are cablecast on Comcast Channel 25 or Channel 26.

Written material for every item listed in the open sessions is available for review at the Downtown Branch Library Reference Desk.

Time limits set by Council Policy are guidelines. Unless otherwise specified, procedures for all items, except those approved in one motion on the Consent Agenda, are:

- Staff Presentation
- Public comment - 2 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item
- Council deliberation and action

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

[Closed Litigation Session](#)

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1:00 PM

The Presiding Officer will open the City Council Closed Litigation Session in a public meeting in the Council Chambers, for the purpose of announcing the agenda, and receiving public testimony. Thereafter, the councilmembers will move to the Courtyard Conference Room and the meeting will be closed to the public.

Closed Session

- A. [Conference with Legal Counsel - Liability Claims \(Government Code §54956.95\)](#)

Claimant: Susan Ames Colley
 Claimant: Allstate Northbrook Indemnity Company
 Claimant: Gitty Katie Dashtban
 Claimant: State Farm Insurance

Claim against the City of Santa Cruz

- B. [Conference with Legal Counsel - Anticipated Litigation \(Government Code §54956.9\(d\)\(4\)\)](#)

Initiation of Litigation (1 potential case)

- C. [Conference with Legal Counsel - Anticipated Litigation \(Government Code §54956.9\(d\)\(2\)\)](#)

Significant exposure to litigation (1 potential case).

- D. [Conference With Legal Counsel - Existing Litigation \(Government Code §54956.9\(d\)\(1\)\)](#)

Hatch-Pomerantz v. City et al.
 Santa Cruz Superior Court Case No. 19CV00051

Closed Session (Continued)

- E. [Real Property Negotiations \(Government Code §54956.8\)](#)

1. Property: 125 Coral Street
 APNs: 008-171-24 and 008-171-25

Owner: James P. Gillespie and one Jean Gillespie, Trustees, and Harley F. and Sandra I. Gillespie, Co-trustees
 City Negotiator: Bonnie Lipscomb
 Negotiating Parties: City Negotiator and Owners
 Under Negotiation: Potential purchase of property

2. Property: 510 River Street
 APN: 008-601-02
 Owner: SPG Associates
 City Negotiator: Mark Dettle
 Negotiating Parties: City and Owners
 Under Negotiation: Price, terms of payment or both for acquisition of property to implement the Highway 1/9 Intersection Improvement Project.

3. Property: 600 River Street
 APN: 008-601-04
 Owner: Gateway Plaza Associates, LLC
 City Negotiator: Mark Dettle
 Negotiating Parties: City and Owners
 Under Negotiation: Price, terms of payment or both for acquisition of property to implement the highway 1/9 Intersection Improvement Project.

4. Property: 700 River Street
 APN: 008-174-09
 Owner: Summer Solstice LP
 City Negotiator: Mark Dettle
 Negotiating Parties: City and Owners
 Under Negotiation: Price, terms of payment or both for acquisition of property to implement the Highway 1/9 Intersection Improvement Project.

5. Property: 808 River Street
 APN: 008-136-06
 Owner: Richard L. and Tawni Santee Trustees
 City Negotiator: Mark Dettle
 Negotiating Parties: City and Owners
 Under Negotiation: Price, terms of payment or both for acquisition of property to implement the Highway 1/9 Intersection Improvement Project.

Closed Session (continued)

E. Real Property Negotiations (Government Code §54956.8) (continued)

6. Property: No Address
 APN: 008-172-16
 Owner: Richard L. and Tawni Santee Trustees
 City Negotiator: Mark Dettle

Negotiating Parties: City and Owners

Under Negotiation: Price, terms of payment or both for acquisition of property to implement the highway 1/9 Intersection Improvement Project.

City Council

3:15 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employees

Presentations

1. Red Cross Month Proclamation
2. Rene Belling 30-year Service Pin Recognition
3. O'Neill Sea Odyssey Highlights

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Oral Communications Announcement - Community members may address the Council about any matter not on the agenda during Oral Communications. Oral Communications will be held at the beginning of the evening session, which will occur on or about 7:00 p.m. Speakers will be invited up to the lectern by the Mayor and are asked to keep comments to two minutes or less, and encouraged to state name and community of residence. Up to 30 minutes will be allocated for Oral Communications. Note that in the absence of an emergency, California law prohibits the Council from discussing or taking immediate action on comments offered in Oral Communications.

City Attorney Report on Closed Session

Council Memberships in City Groups and Outside Agencies

4. The Presiding Officer will provide councilmembers with the opportunity to update Council on any external Committee meetings that occurred since the last Council meeting.

Consent Agenda

5. Minutes of the March 12, 2019 City Council Meeting (CC)

Motion to approve as submitted.

6. [Minutes of the March 19, 2019 City Council Study Session \(CC\)](#)

Motion to approve as submitted.

7. [Local Cannabis Equity Grant Program \(ED\)](#)

Resolution to 1) Direct the City Manager to enact a Local Cannabis Equity Program 2) Approve the grant application for the amount of \$100,000 from the State of California Bureau of Cannabis Control and 3) Authorize the City Manager to accept, if awarded, the grant from the State of California Bureau of Cannabis Control Local Equity Grant Program. The City Manager is further authorized to sign all documents necessary to accept the grant and take any other administrative actions necessary to complete the grant's acceptance and future implementation.

8. [Santa Cruz Advancement in Labor and Entrepreneurship Project "SCALE" - Regional Innovation Strategies \(RIS\) Grant Program, i6 Challenge \(Economic Development Administration\) \(ED\)](#)

Resolutions to 1) Approve a grant application to the U.S. Economic Development Administration Regional Innovations Strategies (RIS) Grant Program for the Santa Cruz Advancement in Labor and Entrepreneurship Project "SCALE" to build capacity for job seekers, innovators and entrepreneurs, and 2) Authorize the City Manager to accept the grant, if awarded. The City Manager is further authorized to sign all documents necessary to accept the grant and take any other administrative actions necessary to complete the grant's acceptance and future implementation.

9. [Liability Claims Filed Against City of Santa Cruz \(FN\)](#)

Motion to reject liability claims of a) Susan Ames Colley, b) Allstate Northbrook Indemnity Company, c) Gitty Katie Dashtban, and d) State Farm Insurance, based on staff recommendation.

Consent Agenda (continued)

10. [Purchase of HURST Hydraulic Rescue Tools and Vehicle Extrication Equipment \(FD\)](#)

Motion to authorize the purchase of HURST hydraulic rescue tools and vehicle extrication equipment from L.N. Curtis from Oakland, CA in the amount of \$129,218.72 and authorize the Fire Chief to execute any change

orders within the approved department budget.

11. [Santa Cruz City Schools - Reciprocal Use Agreement \(PR\)](#)

Motion to authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Santa Cruz City Schools for the reciprocal use of facilities.

12. [Grant Request for the City's Green Business Program \(PW\)](#)

Motion authorizing the City Manager to apply for and accept grant funding of up to \$20,000 to expand the City of Santa Cruz's Green Business Program and help to meet the City's sustainability milestone of 200 certified green businesses by 2020.

13. [Neary Lagoon Tule and Sediment Removal Project \(m409668\) - Authorization to Advertise \(PW\)](#)

Motion to approve the plans and specifications for the Neary Lagoon Tule and Sediment Removal Project (m409668) and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563.

14. [Encroachment Permit for Wireless Facilities by Verizon at 117 Morrissey Blvd. \(PW\)](#)

Resolution authorizing the City Manager to execute an encroachment permit to Verizon Wireless for installation and maintenance of underground conduits, vaults, at-grade cabinets and wireless canister antennas mounted on utility pole at 117 Morrissey Blvd. within the City's right-of-way.

End Consent Agenda

Public Hearing

15. [1720 West Cliff Drive - CP18-0149 - APN 010-072-78: Appeal of the Planning Commission's Approval of Coastal Permit, Design Permit and Heritage Tree Removal Permit to Remove a Hazardous Tree and Construct a New Single Family Dwelling on a Vacant Substandard Lot in the R-1-5/CZO/SPO/WCD Zone District \(PL\)](#)

Resolution denying the appeal, thereby upholding the Planning Commission's acknowledgment of the environmental determination and approval of the Coastal Permit, the Design Permit and the Heritage Tree

removal permit based on the Findings contained in the attached draft Resolution and the Conditions of Approval attached as Exhibit A.

16. [Highway 1/9 Intersection Improvements - Resolution of Necessity in Connection with Real Property Acquisition at 744 River Street \(APN 008-172-08\) owned by R&R Santee, LLC, and at 808 River Street \(APN -008-163-06\) owned by Richard L Santee and Tawni Santee as Trustees Under Trust Dated September 7, 1988, and Raymond W. Santee \(PW & ED\)](#)

That the City, following a hearing providing the owner of the property an opportunity to speak, adopt Resolutions finding that public necessity requires the acquisition by eminent domain of (1) the real property owned by R&R Santee, LLC, located at 744 River Street, Santa Cruz, CA (APN 008-172-08), and (2) the real property owned by Richard L Santee and Tawni Santee, Trustees Under Trust Dated September 7, 1988, and Raymond W Santee, located at 808 River Street, Santa Cruz, CA (APN 008-163-06) and authorizing the City Manager to proceed with eminent domain proceedings to acquire the real property.

General Business

17. [Living Wage Rate Annual Prescription for 2019 \(FN\)](#)

Resolution upwardly indexing the prescribed minimum living wage rate by 4.4%, the amount which corresponds to San Francisco-Oakland-Hayward Area Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers, for the period ending October 31, 2018, to become effective July 1, 2019; and rescinding Resolution No. NS-29,351.

General Business (continued)

18. [Approval of Health in All Policies Work Plan \(CN\)](#)

Motion to approve Health in All Policies Work Plan.

Council Meeting Calendar

19. [The City Council will review the meeting calendar attached to the agenda and revise it as necessary.](#)

[Recess - The City Council will recess to the 7:00 p.m. session.](#)

City Council

7:00 PM

Call to Order

Roll Call

Oral Communications

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

ADDENDUM TO CITY COUNCIL AGENDA - MARCH 26, 2019

1. Finance Department; Portfolio Management Report - Pooled Cash and Investments as of February 28, 2019 - 3/12/19 (FNFYI 311)

MAYOR'S PROCLAMATIONS

ADDENDUM TO CITY COUNCIL AGENDA - MARCH 26, 2019

1. Proclaiming March 12, 2019 as "Carol Scurich Day" and encouraging all citizens and coworkers to join in expressing heartfelt appreciation for her 32 years of dedicated and exemplary service and numerous contributions to the Parks and Recreation Department and the City of Santa Cruz and wishing her the very best in her retirement.
2. Proclaiming March 12, 2019 as "Teresa Thomae Day" and encouraging all citizens and business owners to join in expressing heartfelt appreciation for her years of dedicated and exemplary service and numerous contributions to the Santa Cruz business community and the City of Santa Cruz and wishing her the very best in her retirement.
3. Proclaiming March 8, 2019 as "Sherry Conable Day" and encouraging all citizens to join in celebrating her and a life worth living.
4. Proclaiming March 15, 2019 as "Youth Climate Strike Day."

MAYOR'S PROCLAMATIONS (continued)

5. Proclaiming March 22, 2019 as "Jess Davila Day" and urging all his coworkers and citizens to join in expressing heartfelt appreciation for his

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years of service, his substantial contributions to the Public Works Department, and his exceptional leadership that ensured the smooth operation of the Streets and Traffic Division and the safety of our community, and wishing him well in his retirement.

Advisory Body Appointments

The following positions are vacant. Council will make appointments at a future meeting.

No current vacancies

Public Hearing

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final." The 60-day rule applies to all public hearings conducted pursuant to the City's Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.



CITY COUNCIL AGENDA REPORT

DATE: March 22, 2019

AGENDA OF: March 26, 2019

DEPARTMENT: Planning and Community Development

SUBJECT: 1720 West Cliff Drive - CP18-0149 - APN 010-072-78: Appeal of the Planning Commission's Approval of Coastal Permit, Design Permit and Heritage Tree Removal Permit to Remove a Hazardous Tree and Construct a New Single Family Dwelling on a Vacant Substandard Lot in the R-1-5/CZO/SPO/WCD Zone District (PL)

RECOMMENDATION: Resolution denying the appeal, thereby upholding the Planning Commission's acknowledgement of the environmental determination and approval of the Coastal Permit, the Design Permit and the Heritage Tree removal permit based on the Findings contained in the attached draft Resolution and the Conditions of Approval attached as Exhibit A.

BACKGROUND: The project site is an irregular-shaped lot located on the northeast corner of the intersection of West Cliff Drive and Stockton Avenue (1720 West Cliff Drive). The site is a vacant residential lot that slopes gently from the north to south and is vegetated predominantly with non-native ice plant. Eleven cypress trees are located just beyond the northern property line on the adjacent lot. The parcel is bounded by a two story home to the north, West Cliff Drive and the Monterey Bay to the south, a one-story nonconforming duplex to the east and a two-story single-family dwelling to the west across Stockton Avenue.

The proposed house will have three bedrooms, three bathrooms, a living room, kitchen, dining room and family room. The ground floor includes a front door and porch area on the south elevation facing West Cliff Drive. A second story balcony steps back from West Cliff Drive opening off a bedroom and bar area.

The parcel is considered a substandard lot because at 48.89 feet in width; it is less than the minimum required lot width of 50 feet. The project site is within the Coastal Zone, the Shoreline Protective Overlay and the West Cliff Drive Overlay districts. Section 24.08.210 of the Municipal Code requires approval of a Coastal Permit and Section 24.08.410 requires approval of a Design Permit consistent with the Standards for Substandard Residential Lot Development. The lot is within the 2030 General Plan mapped Archeological Resource Area. A reconnaissance report dated November 2018 was provided with the application materials. The report concluded no resources were found within the project area or within one-quarter mile radius of the project site and recommended no further action regarding cultural resources is warranted. In the event

unanticipated resources are discovered during construction, a condition of approval requires the developer to stop all work. Mitigation measures developed by an authorized archaeologists will be developed and shall be subject to the approval of the Planning Department.

The Zoning Administrator heard this item on the November 7, 2018 agenda. At that hearing, five people spoke in support of the project and the appellant, Michael Brodsky who owns the property to the east, spoke with concerns. The Zoning Administrator added a condition requiring higher sill heights on the bedroom windows facing east to address the privacy impacts and approved the Coastal Permit, Design Permit and Heritage Tree removal permit. The minutes to the November 7, 2018 agenda are attached.

Michael Brodsky appealed the Zoning Administrator's approval on November 16, 2018. The appeal letter was primarily concerned with the substandard lot findings regarding second story additions adjacent to his single story duplex. He also had concerns with the heritage tree removal permit which is discussed below.

The Planning Commission heard this item on January 17, 2019. At the hearing the appellant spoke with concerns regarding the proposed home. The Planning Commissioners ask questions of staff, the applicant and the appellant, discussed the issues and unanimously voted to deny the appeal. Michael Brodsky appealed the Planning Commission's decision on January 25, 2019.

Prior to the City Council hearing, staff became aware that the Design Permit Findings for substandard residential lot development had been amended in 2017. The amendments changed the substandard lot "Findings" into "Standards" for Substandard Residential Lot Development and eliminated the finding: *Placement of second-story elements adjacent to single-story structures shall be avoided.* (The Zoning Administrator and Planning Commission reports made use of pre-amended findings adopted in conjunction with a previously approved residence on the site that was never constructed.) The Finding above is what both the appeals had primarily been based upon and that Finding is no longer in effect.

The appellant submitted a revised appeal dated March 17, 2019 based on the current Design Permit Findings and the Standards for Substandard Residential Lot Development. The revised appeal letter is attached to the report.

That appeal letter includes recommendations for an increase in second floor setbacks along the eastern property line, reduced second floor square footage for the proposed home and an increased setback for the detached garage at the northeast corner of the lot. It then reiterates most of the previous concerns listed in the two previous appeals regarding the proposed second story addition adjacent to his single story duplex. The Action Minutes for the January 17th Planning Commission meeting and the November 7th Zoning Administrator's meeting are attached to the report.

DISCUSSION:

West Cliff Drive Overlay. The proposal is to construct a new 2,932 square foot house with a detached 419 square foot garage accessible from Stockton Avenue. The parcel is located within the West Cliff Drive (WCD) overlay zone. This district was created by the City Council to promote quality residential development on and adjacent to West Cliff Drive in order to protect and enhance that well-used public use corridor adjacent to the ocean. The standards are more restrictive than the underlying R-1-5 zone district standards as well as the substandard lot regulations and include special requirements for calculating height, floor area ratio, setbacks, building envelopes, first floor heights and landscaping.

The purpose of the West Cliff Drive overlay district is to enhance the streetscape with appropriate building mass, modulation, articulation and coloring. The overlay district does not require or prohibit any particular architectural style. The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. Adjacent homes are of a variety of styles including Spanish Colonial, Ranch and 1970's tract.

The window sizing and location, the building step backs, and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height limitation. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house is 2,932 square feet. The garage located in the rear portion of the lot is granted a 419 square foot credit for the allowable floor area ratio (FAR). The house is setback 20 – 24 feet from the front property line and 29 feet from the rear property line. The first floor interior side yard setback meets the requirement of five feet while the second floor meets the requirement of seven feet, six inches. On the street side yard, the first floor maintains an eight-foot setback while the second floor maintains a ten-foot setback. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot, two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The WCD standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in the rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

Standards for Substandard Residential Lot Development. Section 24.08.440 of the Municipal Code regulates the development on substandard lots. This lot is considered substandard in that it is less than 50 feet in width. Whenever a project is proposed for a substandard residential lot, applications for design review shall be approved if Design Permit Findings can be made.

Furthermore, the proposed buildings, structures, landscaping and other components of the site plan should conform to the following additional criteria.

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.

The total lot coverage will be 37-percent at completion of the proposed project.

2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less of the net lot area.

The floor area of the second floor can exceed 50-percent of the floor area of the first floor in that the proposed first floor, at 1,717 square feet, will cover 27-percent of the lot.

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

The design of the home includes building step backs, porch and balcony locations that provide variation and articulation in the wall planes to reduce the massing of the building. Most of the homes in the immediate area are two stories, including the home immediately to the west (1802 West Cliff Drive, immediately across Stockton Avenue) and the home immediately to the north on Stockton Avenue (114 Stockton Avenue). The two-story home at 1802 West Cliff Drive is considered adjacent, given that it is located on the next property immediately to the west. While the appellant's property wraps around the subject property and has 50 feet of frontage on Stockton Avenue between the subject site and the next home, the two homes on the appellant's property are setback approximately 60 feet or more from Stockton Avenue such that, when viewed from a compatible scale perspective of the visual streetscape progression, the next adjacent home to the north is seen as the two-story structure at 114 Stockton Avenue. The two homes north of 1802 West Cliff Drive and 114 Stockton Avenue are also both two-story structures. A non-conforming, single-story duplex is located to the east of the proposed home; however, the first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. This second floor step back provides a transition to the single story duplex to the east (appellant's property), and the stepped transition contributes to a compatible scale between the proposed two-story structure and existing one-story structure. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard. There are a number of two story homes in close proximity, and the proposed residence is consistent in scale with those structures.

4. *New structures shall be sited in ways which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.*

The design of the home includes window sizing and location, building step backs and porch and balcony locations that provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

5. *Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.*

The proposed house will maintain solar access to the adjacent properties in that the home will be 26-feet, nine-inches in height where a 30-foot height limit is allowed. The 20 – 24 foot front yard setback in conjunction with the 29-foot rear yard setback is greater than required 20-foot front and rear setback requirements. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard.

6. *Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.*

The applicant is proposing to landscape the entire front, rear and street side yard areas.

7. *Structures shall incorporate methods to lessen the impact of garages on a street facade.*

The plans include a detached garage with a decorative garage door located in the rear of the parcel 25 feet back from the west property line.

This project meets all of the standards for development on a substandard lot.

Tree Removal. The applicant submitted an arborist report (attached) dated October 3, 2018, to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and can be removed as dead trees are not regulated. Conditions of approval include measures to protect tree number one during construction and to provide six new 15 gallon Monterey cypress replacement trees to be planted as a hedge row/buffer between the two properties.

In his appeal to the Planning Commission, the appellant questioned the appropriateness of approving tree removal to occur on his property when he has not been party to the application. While that point is not included in the current appeal before the City Council, the

Commission Staff Report noted that the trees in question are not required to be removed to accommodate the proposed development, but rather allowed to be removed (with the exception of Tree No. 1) as both the project and City Arborist(s) have deemed them to be hazardous. Whether or not the trees are actually removed is largely a civil matter. The proposed landscape plan on Sheet L1 of the project plans includes native and non-native trees, shrubs and grasses. A condition of approval requires the applicant to provide a native, drought tolerant landscape plan, including the six replacement Monterey cypress trees, for review and approval with the building permit plans.

Appellant's Recommended Design Revisions. In his appeal, the appellant recommends three changes to the design:

- Increase the second story on the east elevation to 10 feet (from 7.5 feet currently proposed)
- Limit the second story square footage to no more than 55% of the first floor square footage (from 71%)
- Increase the east setback of the detached garage from 3 ½ feet to 10 feet

As indicated above, the project is fully conforming to the underlying zoning requirements, which in this case, are highly restrictive. Not only is the project subject to substandard lot coverage requirements, but it also has to conform to the WCD Overlay criteria which exceed the basic R-1-5 standards with respect to setbacks, floor area, parking, etc. Imposing more restrictive requirements than the already highly-restrictive substandard lot and WCD Overlay criteria due to the project's proximity to one single-story structure would unnecessarily restrict the proposed home, particularly when the proposed home meets applicable standards and findings. The standards applied here are the same as those applied in other similar instances, and the appellant would have the ability to apply the same standards if proposing a two story structure on his property in the future, except that the substandard lot requirements would not apply since the appellant's site is greater than 50 feet in width and 5,000 square feet in size. With respect to the garage, increasing the setback from the east property line would move it closer to Stockton Avenue, which is less consistent with the above-referenced standard seeking to lessen the impact of garages on a street façade. Further, while the garage could be shifted west approximately five feet, and still meet its required minimum 20-foot setback, shifting it 10 feet to the west, as proposed by the appellant, would not allow the minimum garage setbacks to be met. Staff is not recommending a shift of the garage to the west, as its proposed location reduces its visibility, consistent with the desired streetscape appearance as articulated in the Standards for Substandard Residential Lot Development, as described in the above Discussion section.

ENVIRONMENTAL REVIEW

The project qualifies for a Categorical Exemption under Section 15332, Class 32 in that it is an in-fill development project; in conformance with the General Plan and Zoning designations; less than five acres in size and surrounded by urban uses with no wildlife habitat value; and will not cause significant effects relating to traffic, noise, air or water quality. The project also qualifies under the Categorical Exemption of 15303(a), New Construction or Conversion of Small Structures, which specifically exempts construction of one new single family home.

None of the exceptions to the exemptions under Section 15300.2 apply to the project in that the project site is not located in a mapped environmentally sensitive area and there are no unusual circumstances associated with the project or project site in that it will be located on an existing residential parcel. The project will not result in damage to resources associated with an officially designated scenic highway in that there are no designated scenic highways in the area. The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code related to Hazardous Waste Sites, and the project will not result in substantial adverse changes in the significance of a historical resource site in that there are no known historic resources on the property.

SUMMARY AND RECOMMENDATION

The size, location, massing and materials for the proposed home meet the special site area standards of the West Cliff Drive Overlay district, the R-1-5 zone district standards, the substandard lot standards and the Coastal Zone Overlay regulations. For this reason, staff recommends that the City Council deny the appeal, upholding the Planning Commission's acknowledgment of the environmental determination and approval of the Coastal, Design and Heritage Tree removal Permits based on the Findings listed in the attached resolution and the Conditions of Approval attached as Exhibit "A."

FISCAL IMPACT

No fiscal impact.

Submitted by:

Lee Butler, Director of Planning and
Community Development

Approved by:

Martin Bernal
City Manager

Attachments:

- Resolution Denying the Appeal and Approving the Project
- Conditions of Approval (Exhibit "A")
- Revised appeal letter from Michael Brodsky dated March 17, 2019
- Original appeal letter from Michael Brodsky dated January 25, 2019
- Zoning Administrator appeal letter from Michael Brodsky dated November 16, 2018
- Zoning Administrator Action Minutes dated November 7, 2018
- Planning Commission Action Summary dated January 17, 2019
- Arborist Report dated October 3, 2018
- Arborist Map



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street ~ Room 206 ~ Santa Cruz, CA 95060 ~ (831) 420-5100

ZONING PERMIT

PROJECT #: CP18-0149

OWNER: KUMAR JAGDISH
196 GRAMERCY PL 4
SAN JOSE CA 95116

APPLICANT: ARUN SHAH
43072 CHRISTY STREET
FREMONT CA 94538

APN(s)/Address(es):

003-274-15/1720 WEST CLIFF DR

The following permit(s) was/were approved on 03/26/2019 by the City Council and will be effective on 03/26/2019 unless appealed. If the final day for filing an appeal (ten calendar days following the approval date) occurs on a weekend day or holiday, the final filing date shall be extended to the following workday. If no appeal is filed, the effective date shall be the day after the final appeal filing date.

- ☒ Coastal Permit*
☒ Design Permit

By:


Mike Ferry, Senior Planner

This permit is issued to the owner of the property. In executing this permit, applicant/owner agrees to comply with all terms of permit(s), including conditions of approval, if any. Permit must be exercised within 36 months of date of issuance (above) unless otherwise indicated in conditions of approval. See reverse for information regarding appeals and property reassessment.

* Coastal Permit - This Coastal Permit **is appealable** to the California Coastal Commission following appeal to the Planning Commission and City Council. Appeals must be filed within ten (10) working days after final action by City Council. There is no fee. Appeal forms are available in the Regional Office of the Coastal Commission: 725 Front St, Suite 300, Santa Cruz CA 95060.

CC: County Assessor's Office
File
Coastal Commission

In accordance with Chapter 24.04 of the Santa Cruz Municipal Code, any interested person may appeal a final action of a hearing body or staff. Appeal of a decision of the City Planning Director or the Zoning Administrator must be made to the Planning Commission through the Planning Department. Appeals of a decision of the City Planning Commission or Historic Preservation Commission must be made to the City Council through the City Clerk. All appeals must be made in writing and state the nature of the application and the basis upon which the decision is considered to be in error. Appeals must be accompanied by the required appeal fee. **Appeals must be received no later than ten (10) calendar days following the action from which the appeal is being taken. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

Whenever any permit is denied or withdrawn, no new application for the same or substantially the same project may be filed for a period of one year from the date of said denial or withdrawal. Where an application has been denied without prejudice, application for the same or substantially the same project may be filed within said period of one year.

In accordance with Section 65863.5 of the Government Code, a copy of this permit has been sent to the County Assessor. It is the Assessor's duty, under Section 402.2 of the Revenue and Taxation Code, to reassess the property to the extent permitted by law. If, after receiving your notice of assessment, your opinion of value differs from the Assessor's valuation, you have the right of protest and appeal. Contact the Assessor's Office immediately to discuss the valuation. If there is still a difference of opinion, you may request a hearing before the Assessment Appeals Board. Application for such hearing must be filed in writing with the Clerk of the County Board of Supervisors, County Courthouse, 701 Ocean St, Santa Cruz CA 95060, between July 2 and August 26 of each tax year.

EXHIBIT "A"

FINAL CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

1720 West Cliff Drive; Application No. CP18-0149

Coastal Permit, Design Permit and Heritage Tree removal permit to remove a hazardous tree and construct a new single family dwelling on a vacant substandard lot in the R-1-5/CZO/SPO/WCD zone district.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void.
4. If, upon exercise of this permit, this use is at any time determined by the Planning Commission to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
7. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
8. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these conditions, which will become conditions of the building permit:

"I understand that the subject permit involves construction of a building (project) with an approved Design Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure

Exhibit 3
A-3-STC-19-0025

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**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

9. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. Final building plans shall include a higher sill height for the two bedroom windows on the east elevation in an effort to address privacy impacts on the adjoining neighbor. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
10. All refuse and recycling activities during construction shall be done in accordance with Chapter 6.12 of the Santa Cruz Municipal Code. Be aware that private companies offering refuse or debris box services are not allowed to operate within the City limits, except under certain limited circumstances detailed in Chapter 6.12.160.
11. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
12. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
13. Future uses shall submit a disclosure statement for Zoning Administrator review prior to issuance of any occupancy permit regarding materials and chemicals to be used and disposed of from the site.
14. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape plans shall include native, drought tolerant species and irrigation that is in compliance with all requirements of the City’s Water-Efficient Landscaping Ordinance in Chapter 16.16 of the Santa Cruz Municipal Code prior to issuance of the building permit.
15. The landscape plan shall include six new 15 gallon Monterey cypress replacement trees to be planted as a hedge row/buffer along the north property line.
16. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.

**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

17. All trees shall be a minimum 15-gallon size.
18. All utilities and transformer boxes shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Zoning Ordinance.
19. A drainage plan shall be submitted in conjunction with application for building permits.
20. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
21. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
22. Plans submitted for building permits shall demonstrate compliance with Stormwater Best Management Practice (BMP) and Low Impact Development (LID) requirements for single family residential dwelling projects contained in "Chapter 6 of the Best Management Practices Manual for the City's Storm Water Management Program" dated October 2011. At a minimum, downspouts shall be disconnected from underground pipes or prohibited from directly flowing onto impervious surfaces and instead be redirected to landscaping or bioswales. Pervious walkway surfaces and driveways shall be installed where possible. Show all implemented LID measures on the plans.
23. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain.
24. Building plans shall include all of the tree protection measures listed in the Arborist report dated 10-3-18. A plan review letter by the arborist shall be submitted stating the plans have been reviewed and include all of the relevant recommendations listed in the report.
25. Prior to site grading or any disturbance the tree protection measure shall be installed.

FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149

26. The arborist is to present during the driveway/garage grading and any trenching to be conducted in that area.
27. Handicap access shall be provided in accordance with California Building Code.
28. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
29. Final colors shall be approved by the Zoning Administrator prior to application for building permits.
30. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the City harmless.
31. Prior to the issuance of a building permit, the applicant shall pay the Park and Recreation Facility Tax pursuant to Chapter 5.72 of the City of Santa Cruz Municipal Code based on the final building permit plans.
32. Prior to the issuance of a building permit, the applicant shall work with the Planning staff to include bird safe design measures for those portions of the fenestration that have the potential to reflect the ocean. The design measures shall be reviewed and approved by the Zoning Administrator.
33. Prior to issuance of a building permit, the property owner shall file with the county recorder a deed restriction stating that:
 - a. Coastal Hazards Risk. By acceptance of the Coastal Development Permit CP18-0149 issued on March 12, 2019 by the Santa Cruz City Council, the property owner

**FINAL CONDITIONS OF APPROVAL FOR PROJECT AT
1720 West Cliff Drive; Application No. CP18-0149**

acknowledges and agrees on behalf of themselves and all successors and assigns, to all of the following:

- i. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tsunamis, tidal scour, coastal flooding, landslides, bluff and geologic instability, bluff retreat, liquefaction and the interaction of same, many of which will worsen with future sea level rise.
- ii. Assume Risks. To assume the risks to the Permittee and the property that is subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development
- iii. Waive Liability. To unconditionally waive any claim of damage or liability against the City, its officers, agents, and employees for injury or damage from such coastal hazards.
- iv. Indemnification. To indemnify and hold harmless the City, its officers, agents, and employees with respect to the City's approval of the development against 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 coastal hazards.
- v. Property Owners Responsible. That any adverse effects to the property caused by the permitted development shall be fully the responsibility of the property owners.
- vi. Services and Access Not Guaranteed. That the City may, due to the nature of the coastal hazards or other related circumstances, cease to provide access or services to the subject property; that any costs related to the provision of new or relocated access or services to the property, should the City cease to provide access or services in the manner approved through the initial Planning, Building, and Public Works permits associated with the Coastal Development Permit approval referenced herein, shall be the responsibility of the Permittee or successors and assigns; and that the same risk, liability, and indemnification criteria outlined above shall apply to the City's cessation or relocation of access or services.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ TO DENY AN APPEAL AND UPHOLD THE PLANNING COMMISSION'S ACKNOWLEDGEMENT OF THE ENVIRONMENTAL DETERMINATION AND APPROVAL OF THE COASTAL PERMIT, DESIGN PERMIT AND THE HERITAGE TREE REMOVAL PERMIT TO CONSTRUCT A NEW SINGLE FAMILY DWELLING ON A VACANT SUBSTANDARD LOT IN THE R-1-5/CZO/SPO/WCD ZONE DISTRICT (CP18-0149)

WHEREAS, the City Council adopted the 2030 Santa Cruz General Plan in June 2012; and

WHEREAS, the project site and its development is governed by the standards and guidelines contained in Municipal Code Title 24, the Zoning Ordinances; and

WHEREAS, on August 2, 2018, the applicant applied for a Coastal Permit a Design Permit and a Heritage Tree Removal Permit to construct a new single family dwelling on a vacant substandard lot in the R-1-5/CZO/SPO/WCD zone district.; and

WHEREAS, the project qualifies for a project qualifies for a Categorical Exemption under Section 15332, Class 32 in that it is an in-fill development project; in conformance with the General Plan and Zoning designations; less than five acres in size and surrounded by urban uses with no wildlife habitat value; and will not cause significant effects relating to traffic, noise, air or water quality consistent with the California Environmental Quality Act; and

WHEREAS, the Zoning Administrator conducted a public hearing on November 7, 2018 and approved the project; and

WHEREAS, the Zoning Administrator's approval was appealed to the Planning Commission on November 16, 2018 by Michael Brodsky a concerned citizen; and

WHEREAS, the Planning Commission conducted a public hearing on January 17, 2019 and voted unanimously to approve the project; and

WHEREAS, the Planning Commission's approval was appealed to the City Council on January 25, 2019 by Michael Brodsky a concerned citizen; and

WHEREAS, the City Council conducted a duly noticed public hearing on March 26, 2019 to consider the appeal; and

WHEREAS, the City Council now makes the following findings:

With Respect to the Environmental Determination;

The City Council has considered the project and finds that it qualifies for a Categorical Exemption under Section 15332, Class 32 in that it is an in-fill development project; in conformance with the General Plan and Zoning designations; less than five acres in size and surrounded by urban uses with no wildlife habitat value; and will not cause significant effects relating to traffic, noise, air or water quality. The project also qualifies under the Categorical Exemption of 15303(a), New Construction or Conversion of Small Structures, which specifically exempts construction of one new single family home.

None of the exceptions to the exemptions under Section 15300.2 apply to the project in that the project site is not located in a mapped environmentally sensitive area and there are no unusual circumstances associated with the project or project site in that it will be located in vacant residential lot. The project will not result in damage to resources associated with an officially designated scenic highway in that there are no designated scenic highways in the area. The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code related to Hazardous Waste Sites, and the project will not result in substantial adverse changes in the significance of a historical resource site in that there are no known historic resources on the property.

With Respect to the Coastal Permit, Section 24.08.250

1. Maintain views between the sea and the first public roadway parallel to the sea.

The project will not affect coastal views, as it is not located between the sea and the first public roadway parallel to the sea.

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The proposed project will not cause substantial environmental damage, or substantially injure fish, wildlife, or their habitats, in that the site does not support known or potential special status plant or wildlife species or constitute suitable habitat for any special status plant species. No special status wildlife species are known to occur within the project area.

The applicant submitted an arborist report dated 10-3-18 to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and will be removed. Conditions of approval include measures to protect tree number one during construction.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.

The project site is within the West Cliff Drive Overlay zone. The standards are more restrictive than the underlying R-1-5 zoning regulations and include special requirements for calculating height, floor area ratio, setbacks, building envelopes, first floor heights and landscaping. The project is consistent with the WCD development standards.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

This project will not affect public access to the coast therefore, this finding is not applicable.

5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.

This project will not affect visitor- serving uses or needs. Therefore, this finding is not applicable.

6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

The project is consistent with the property's residential zoning which is a part of the City's Local Coastal Plan.

With Respect to the Shoreline Protection Overlay District, Section 24.10.2430

7. The project protects trees and vegetation and sensitive wildlife habitat.

The project will not cause substantial environmental damage, or substantially injure fish, wildlife, or their habitats, in that the site does not support known or potential special status plant or wildlife species or constitute suitable habitat for any special status plant species. No special status wildlife species are known to occur within the project area. That applicant has been required to provide a revised landscape plan using native and drought tolerant species.

The applicant submitted an arborist report dated 10-3-18 to evaluate the 11 cypress trees located just beyond the northern property line on the adjacent lot. The report concludes that tree number one, which is located five feet north of the property line on the adjacent lot should be protected. Tree number six is considered a heritage tree. The tree is primarily dead; however, it has a large, surviving limb that is cracked and intertwined with the adjacent dead trees and hanging over the property line. The project arborist and City arborist agree it should be removed due to the location and hazardous condition of the tree. The remaining nine trees are dead and will be removed. Conditions of approval include measures to protect tree number one during construction.

8. The project is consistent with the following criteria for bluff or cliff development:

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural land forms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The development is located approximately 120 feet north of the nearest coastal bluff and inland from West cliff Drive. It is therefore located a safe enough distance to assure stability and structural integrity during its expected economic lifespan.

9. The project provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.

The applicant will be required to provide erosion control measures with the building permit application materials.

10. The project maintains public view corridors between the sea and the first public roadway parallel to the sea and maintains natural views of the coastline.

The project will not affect coastal views, as it is not located between the sea and the first public roadway parallel to the sea. The project has been designed to be consistent with the West Cliff Drive requirements to preserve coastal views.

11. The project protects paleontological resources as prescribed in the Land Use Plan.

The site is located in a paleontological sensitive area and an archaeological report was prepared by *Albion Environmental, Inc.*, dated November 2018 which concludes that the

subject parcel does not contain intact cultural resources. In the event unanticipated resources are discovered during construction, a condition of approval requires the developer to stop all work. Mitigation measures developed by an authorized archaeologists will be developed and shall be subject to the approval of the Planning Department.

12. The project is compatible with the established physical scale of the area.

The project is consistent with the physical scale of the area in that it meets all of the applicable regulations of the R-1-5 zone district, the substandard lot regulations and the West Cliff Drive overlay regulations.

13. The project is consistent with the design review guidelines of this title and the policies of any applicable area plan.

The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house (not including the 419 square foot garage) is 2,932 square feet. The house's 20 – 24 foot front and 29 foot rear yard setbacks are greater than required. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The West Cliff Drive standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

14. The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The site is within the R-1-5 zone district, the West Cliff Drive Overlay District and is designated residential in the City's Local Coastal Program. The West Cliff Drive Overlay district was created by the City Council to promote quality residential development on and adjacent to West Cliff Drive in order to protect and enhance that public use corridor. The project meets all of the West Cliff Drive Design regulations which are incorporated into the Local Coastal Program.

Findings 6 and 7 do not apply.

With Respect to the Design Permit, Section 24.08.430

- 15. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

The site is within the R-1-5 zone district the West Cliff Drive Overlay District and is designated residential in the City's General Plan and Local Coastal Program. The proposed height at 26-feet, nine-inches is three-feet, three-inches lower than the allowed 30 foot height. The allowed floor area for this lot is 2,933 square feet while the total square footage of the house (not including the 419 square foot garage) is 2,932 square feet. The house's 20 – 24 foot front and 29 foot rear yard setbacks are greater than required. The first floor interior side yard (east side) setback meets the requirement of five feet while the second floor meets the setback of seven feet, six inches. On the west side of the house the first floor maintains an 8-foot street side yard setback while the second floor maintains a 10-foot street side yard. The entrance to the detached garage is setback 26 feet from the west property line. The finished first floor is one foot two inches above the average grade of the sidewalk on West Cliff Drive.

In addition to maintaining the 30-foot height limitation, no portion of the principal structure is allowed to encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. The proposed design meets the building envelope plane as shown on sheet A3.0A of the project plans. The WCD standards encourage minimizing the visibility of covered parking and the design achieves this by locating the required parking in the detached garage located in rear portion of the lot. Decorative garage doors will reduce the visual impact of the garage from the street.

The proposed residence meets the various substandard lot design criteria included in Section 24.08.440 of the Zoning Ordinance as articulated in the City Council Staff Report.

- 16. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with the design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The proposed house will be a contemporary design with an aluminum frame window system, smooth trowel stucco walls and standing seam metal roof system. There is a mix of architectural styles along West Cliff Drive including contemporary designs.

- 17. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components, which are harmonious, materials and colors that blend with elements of the site plan and**

surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.

The purpose of the West Cliff Drive overlay district is to enhance the streetscape with appropriate building mass, modulation, articulation and coloring. The overlay district does not require or prohibit any particular architectural style. The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. Adjacent homes are of a variety of styles including Spanish Colonial, Ranch and 1970's tract. The plans include a driveway access to the detached garage off of Stockton Avenue.

The window sizing and location, the building step backs and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building. This project will provide a good example of a contemporary designed home to the West Cliff Drive corridor which includes a variety of architectural styles.

- 18. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan should take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The proposed use is residential, adjacent to residential uses.

- 19. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

The proposed home meets all of the setback requirements for the zone district as well as the substandard lot standards and West Cliff Drive Overlay zone district standards. The second floor setback, in combination with the fact that the proposed residence is three feet, three inches less than the maximum height allowed reasonably preserves solar access to the adjacent property to the east. The project proposes to maintain the one healthy Monterey cypress tree on the adjacent lot and proposed additional native cypress as part of the landscape plan. An arborist report has been completed to establish protective measures for the tree.

- 20. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

RESOLUTION NO.

The project will be on the inland side of West Cliff Drive and the applicant has been conditioned to protect the existing mature cypress tree on the adjacent lot and providing replacement trees under the direction of the City Arborist.

- 21. The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.**

The proposed home requires two parking spaces, one of which has to be covered. The plans include a two car detached garage located in the rear of the lot.

- 22. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

Covered bicycle parking is provided in the detached, two car garage.

- 23. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The site plan includes a front, rear and street side yard to allow residents private usable open space. The applicant has been conditioned to provide a comprehensive landscape plan for the front yard and street side yards using native drought tolerant species subject to review and approval with the building permit submittal. No more than 35 percent of the front and exterior side yard setback area may be paved or developed in non-plant materials.

- 24. The site plan shall reasonably protect against external and internal noise, vibration and other factors, which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The proposed house will require issuance of a building permit. All of the applicable regulations of the Uniform Building Code concerning external and internal noise, vibration and other factors, which may tend to make the environment less desirable shall be incorporated into the approved plans. Condition No. 9 requires final building plans to include a higher sill height for the two bedroom windows on the east elevation in an effort to address privacy impacts on the adjoining neighbor.

RESOLUTION NO.

25. **Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

This finding is not applicable.

26. **Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

The design of the home includes a southern orientation, outdoor yard areas, a porch and decks on the south elevation. The design includes operable doors and windows which will allow ventilation and cooling.

27. **The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting showerheads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

The Water Conservation Department will review and approve the building/landscape plans to ensure they incorporate water conservation features.

28. **In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.**

This finding is not applicable.

29. **In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.**

This finding is not applicable.

30. **Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.**

This finding is not applicable.

31. **Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.**

The proposed house has a contemporary design with an aluminum frame window system, smooth plaster walls and a standing seam metal roof system. The window sizing and location, the building step backs and the porch and balcony locations will provide variation and articulation in the wall planes which will soften or reduce the massing of the building.

RESOLUTION NO.

The applicant has been conditioned to provide a comprehensive landscape plan for the front yard and street side yards using native drought tolerant species subject to review and approval with the building permit submittal. No more than 35 percent of the front and exterior side yard setback area may paved or developed in non-plant materials.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby denies the appeal upholding the Planning Commission's acknowledgement of the environmental determination and approving the Coastal Permit, the Design Permit and the heritage Tree removal Permit subject to the Conditions of Approval listed in Exhibit "A" attached hereto and made a part hereof.

PASSED AND ADOPTED this 26th day of March, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Martine Watkins, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Kumar Residence
APN - 003-274-15
1720 W Cliff Dr, Santa Cruz

*Arun Shah
& Associates*

design + engineering

43072 Christy Street
Fremont, CA 94538

510.220.4264

KUMAR
RESIDENCE

1720 W CLIFF DR
SANTA CRUZ, CA 95060

APN
003-274-15

Engineer's electronic or digital seal & signature is effective only as to that version of this document as originally published by the Engineer. Engineer is not responsible for any subsequent modification, corruption, or unauthorized use of such document. To verify the validity or applicability of the seal & signature, contact Arun Shah & Associates.

SUB	DATE	SUBMITTAL
1.		
2.		
3.		
4.		
5.		

COVER
SHEET

CONTRACT DATE
ISSUE DATE
SCALE
DRAWN
JOB
SHEET

A0.1

OF SHEETS

GENERAL CONDITIONS/NOTES

3. All material stored on the site shall be properly stacked and protected to prevent damage and deterioration until work. Failure to protect materials may be cause for rejection of work.
4. All construction and materials shall be as specified and/or as required by the adopted edition of the California Building Code and all local and national codes and authorities which are applicable.
5. All products, materials and finishes to be installed per manufacturers specifications--no exceptions.
6. All required Exit doors shall be operable from the inside without the use of a key or special knowledge or effort.
7. The General Contractor shall verify all dimensions and site conditions prior to commencing any work. The General Contractor shall notify the Architect / Owner of any discrepancy of these plans and specifications.
8. The General Contractor shall maintain the job site in a clean, orderly condition free of debris and litter. Each subcontractor immediately upon completion of each phase of his work shall remove all trash and debris as a result of his operation. The job site shall be left clean and swept each day by the end of work that day.
9. No portion of the work requiring a shop drawing or sample submission shall be commenced until the submission has been reviewed and acted upon by the Architect / Owner. All such portions of work shall be in accordance with the reviewed shop drawings and samples.
10. The contractor shall confine operations at the site to areas permitted by law, ordinances, permits and the contract documents, and shall not unreasonably encumber the site with any material or equipment.
11. Should an error appear in specifications or drawings, or in work done by others, affecting this work, notify the Architect at once for instructions as to procedure. If contractor proceeds with work affected without instructions from the Architect, the contractor shall make good any resulting damage or defect.
12. Should conflict occur in or between drawings and specifications or where detail references on contract drawings have been omitted, contractor is deemed to have estimated the most expensive materials and construction involved unless he should have asked for and obtained written decision from Architect as to which method or materials will be required.
13. All patching, repairing and replacing of materials and surfaces cut or damaged in execution of work shall be done with applicable materials so that surfaces replaced will, upon completion, match surrounding similar surfaces
14. See documents prepared by the Civil Engineering, if applicable, for all finish grades, drainage and site details. Review all site utility documents, landscape and irrigation documents prior or commencement of any under grounding or trenching. Notify the Architect immediately of any discrepancies of the contract documents.
15. Construction contractor and his subcontractors agree that in accordance with generally accepted construction practices, construction contractor and his subcontractors will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not limited to normal working hours, and construction contractor and his subcontractors further agree to defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, except liability arising from the sole negligence of design professional as identified in item # 14 of these general conditions.
16. General Contractors, Sub-contractors, Builders, and Owner are to check all drawings for errors and omissions prior to commencement of construction. Any errors and/or omissions must be reported immediately to the Architect in writing prior to commencement of construction. The Architect will not take liability for any errors and/or omissions not reported immediately in writing prior to commencement of construction. The Architect's liability for the total project shall not exceed one thousand dollars.
17. All screws/nails in finish woodwork to be countersunk and filled smooth with putty to match finish.
18. If the manufacturer's specifications and applicable codes are not consistent with each other, notify the architect immediately prior to commencement of any work and await direction or contractor accepts full responsibility of work completed..
19. All gypsum board to be a minimum of 5/8" TYPE "X" sheetrock, smooth finish or as otherwise indicated on drawings. Install as needed to meet applicable codes. Use radiumed corners.
20. Electrical, Mechanical, Plumbing, Fire Extinguishing System and Fire Alarm System to be Design/Build.
21. A delta ("Δ") symbol located at the top right hand corner of any drawing indicates that drawing has been significantly revised and should be treated as an entirely new drawing.
22. Contractor to protect all interior spaces (as required) from any weather, theft, or vandalism.
23. All walls floors and ceilings are to be finished to match existing adjacent surfaces. All new finishes and fixtures are to be approved by owner or architect, prior to installation.
24. Relocate or install new plumbing, gas, and electrical lines (as required) for the new construction.
25. Contractor to dispose of all debris at an approved dump site per all Town, County, State and Federal regulations.
26. Contractor to notify owner and architect if he suspects that any asbestos is on site and stop work immediately until authorities have proved the work to be safe.
27. Smoke detectors shall be installed in all bedrooms and halls.
28. All roof flashings to be primed and painted with rust proof paint.
29. Bidding
- The contractor needs to examine all the drawings and the site conditions if they are different from the drawings verify all the existing conditions on site and notify the architect prior to any construction
30. Please bid for max. of 10 colors in a bid, not exceeding 4 colors in any given room at a time.
31. All wood coming in contact with concrete must be pressure treated, typical.
32. Contractor & sub-contractor's responsibility to make sure that all materials installation & craftsmanship for this project meets all applicable codes.
33. Incorporate best management practice (cbmp's) into construction plans & incorporate post construction water run-off measures into project plans in accordance with the city's urban run-off pollution prevention program.
34. All exterior plaster finish shall be 7/8" smooth cement plaster finish unless otherwise noted.
35. Plaster expansion joints should meet the following criteria or as shown on the drawings.
a. no length should be greater than 18 ft. in either direction.
b. no panel should exceed 144 sq. ft. for vertical applications
c. no panel should exceed 100 sq. ft. for horizontal, curved, or angular sections d. no length-to-width ratio should exceed 2 ½ to 1 in any given panel.
36. Flashing provider to prime and paint with rust proof paint all flashings.

PROJECT DATA

ASSESSOR'S PARCEL NUMBER:	003-274-15
ZONING:	R1-15/CZO/SPO - SINGLE FAMILY RESIDENTIAL WCD - WEST CLIFF DRIVE OVERLAY; CZO - COASTAL ZONE OVERLAY & SPO - SHORELINE PROTECTION OVERLAY
LAND USE DESIGNATION:	010-LOT/RESIDENTIAL ZONE
NAME OF OWNER:	KUMAR JAGDISH / KAUR RAJINDER
NET SQUARE FOOTAGE OF LOT:	6,151 SF
FIRST FLOOR AREA:	1,717.70 SQ.FT. = 27.92% <30%
SECOND FLOOR AREA:	1,214.06 SQ.FT. > 50% OF 1ST FLOOR
AREA OF GARAGE:	419.38 SQ.FT. <420 SF
TOTAL HOUSE AREA: (NOT INCLUDING GARAGE)	2,931.76 SQ.FT. <2,934 SF
FIRST FLOOR PORCH:	145.51 SQ.FT.
SECOND FLOOR BALCONIES:	368.76 SQ.FT.
HEIGHT	30'-0" MAX
NO. OF FLOORS:	2
TYPE OF CONSTRUCTION:	V-B
OCCUPANCY GROUP:	R-3 / U
HOUSE IS FIRE SPRINKLERED	YES
LOT COVERAGE (INCLUDES FIRST FLOOR HOUSE, PORCH, GARAGE)	2,286.88 SF = 37% <45%

CODES

PART 1.0,	CALIFORNIA ADMINISTRATIVE CODE
PART 2.0,	2016 CALIFORNIA BUILDING CODE (CBC)
PART 2.5,	2016 CALIFORNIA RESIDENTIAL CODE (CRC)
PART 3.0,	2016 CALIFORNIA ELECTRIC CODE (CEC)
PART 4.0,	2016 CALIFORNIA MECHANICAL CODE (CMC)
PART 5.0,	2016 CALIFORNIA PLUMBING CODE
PART 6.0,	2016 CALIFORNIA ENERGY CODE
PART 9.0,	2016 CALIFORNIA FIRE CODE
PART 11.0,	2016 CALIFORNIA GREEN BUILDING STANDARDS
CODE	

THE APPLICABLE CODES ARE AS AMENDED BY THE
STATE OF **CALIFORNIA** AND THE CITY OF **SANTA CRUZ**

STRUCTURAL ENGINEER

ARUN SHAH & ASSOCIATES
43072 CHRISTY ST
FREMONT, CA 94538
PHONE: 510-220-4264

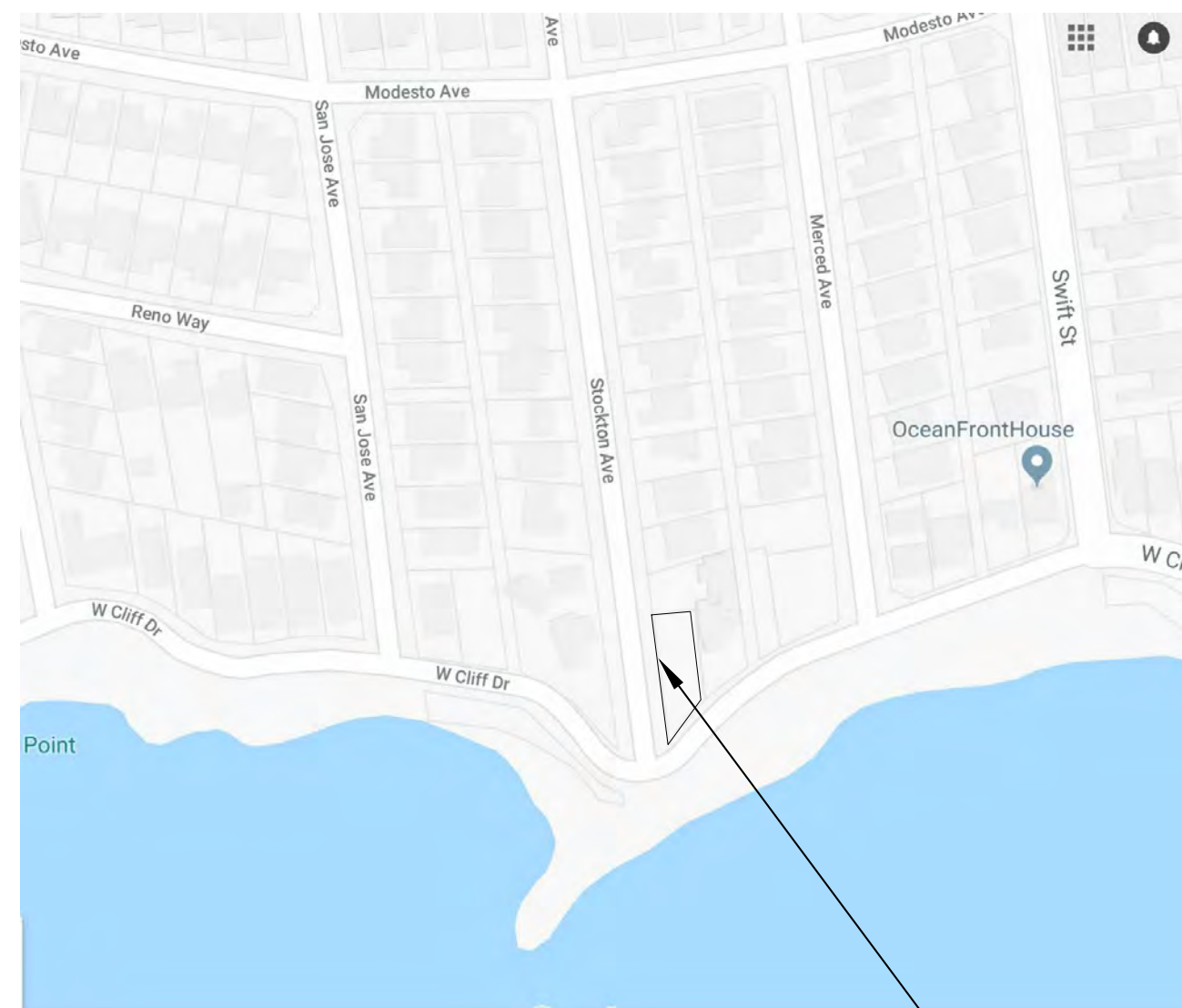
SHEET INDEX

ARCHITECTURAL SHEETS

A0.1	COVER SHEET
A0.1A	AREA CALCULATION
T-1	TOPO PLAN
A1.0	CALGREEN CHECKLIST
A1.2	PROPOSED SITE PLAN
A2.1	PROPOSED FIRST & SECOND FLOOR PLAN
A2.2	PROPOSED ROOF PLAN
A3.0	PROPOSED ELEVATION
A3.0A	PROPOSED ELEVATIONS- BUILDING ENVELOPE
A3.1	PROPOSED GARAGE ELEVATIONS & SECTIONS
A3.2	MATERIAL BOARD
L1	LANDSCAPE PLAN

SCOPE OF WORK

NEW 2 STORY HOMES - 2,931.76 SF, 3 BEDROOM AND 3 BATH,
WITH DETACHED 423.67 SF GARAGE



LOCATION MAP

- SITE

Kumar Residence

APN - 003-274-15

Santa Cruz

Arun Shah
& Associates

design + engineering

43072 Christy Street
Fremont, CA 94538

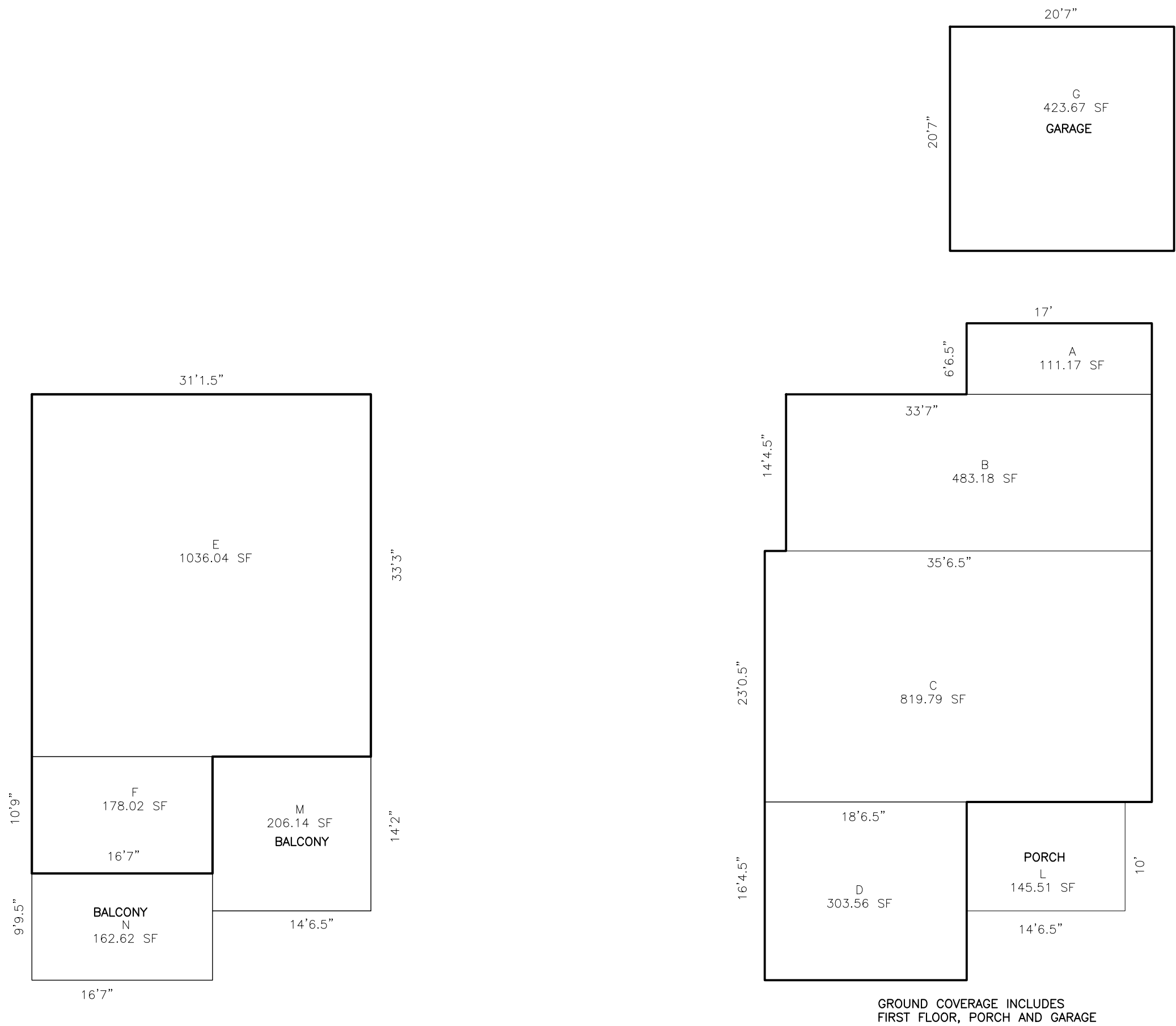
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SECOND FLOOR

FIRST FLOOR

FAR DIAGRAM
SCALE 1"=10'

FAR CALCULATIONS

$$\begin{aligned} \text{FAR} &= 0.5 - \frac{1151 \times 0.02}{1000} = 0.477 \\ &= 0.477 \times 6151 = 2,934 \text{ SF} \\ \text{LOT COVERAGE} &= 0.45 \times 6151 = 2,768 \text{ SF} \end{aligned}$$

FAR CALCULATIONS	
A	111.17
B	483.18
C	819.79
D	303.56
TOTAL FIRST FLOOR	
1717.7	
E	1036.04
F	178.02
TOTAL SECOND FLOOR	
1214.06	
GARAGE - G	
419.38	
FIRST FLOOR PORCH-L	
145.51	
BALCONY	
M	206.14
N	162.62
TOTAL BALCONY	
368.76	

FAR =	2931.76	6151	0.48
LOT COVERAGE	2282.59	6151	0.37
TOTAL HOUSE AREA	2931.76		

AREA CALCULATIONS

CONTRACT DATE
ISSUE DATE
SCALE
DRAWN
JOB
SHEET

A0.1A

OF SHEETS

CALGREEN GENERAL NOTES

1. INDOOR WATER USE SHALL BE REDUCED BY AT LEAST 20 PERCENT USING ONE OF THE FOLLOWING METHODS:
- WATER SAVING FIXTURES OR FLOW RESTRICTIONS SHALL BE USED
- A 20 PERCENT REDUCTION IN BASELINE WATER USE SHALL BE DEMONSTRATED
2. PLUMBING FIXTURES (WATER CLOSETS) AND FITTINGS (FAUCETS AND SHOWERHEADS) SHALL COMPLY WITH SPECIFIED PERFORMANCE REQUIREMENTS OF 2016 CALIFORNIA GREEN BUILDING REQUIREMENTS
3. JOINTS AND OPENINGS; ANNULAR SPACES AND AROUND PIPES, ELECTRIC CABLES, CONDUITS OR OTHER OPENINGS IN PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY OR SIMILAR METHOD ACCEPTABLE TO THE ENFORCING AGENCY.
4. A MIN. OF 65% OF THE CONSTRUCTION WASTE GENERATED AT THE SITE IS DIVERTED TO RECYCLE OR SALVAGE.
5. WHERE LOCAL JURISDICTION DOES NOT HAVE A CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT ORDINANCE, A CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE SUBMITTED FOR APPROVAL TO THE ENFORCING AGENCY.
6. 80% OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL COMPLY WITH THE VOC EMISSION LIMITS DEFINED IN THE COLLABORATIVE FOR HIGH PERFORMANCE SCHOOLS (CHPS), LOW EMITTING MATERIALS LIST OR BE CERTIFIED UNDER THE RESILIENT FLOOR COVERINGS INSTITUTE (RFCI) FLOORSORE PROGRAM.
7. MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING IS CHECKED BEFORE ENCLOSURE.

NOTES:
ALL RAIN WATER LEADERS WITH SPLASHBLOCKS DIVERTED TO LANDSCAPE VIA NATURAL EXISTING SWALES

NOTES:

PLEASE VERIFY ALL EXISTING SETBACKS ON SITE

PLEASE VERIFY THE FENCE IS ON THE PROPERTY LINE

CONTRACTOR TO VERIFY ALL SITE SETBACKS PRIOR TO CONSTRUCTION

PROPOSED SITE PLAN



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SITE PLAN

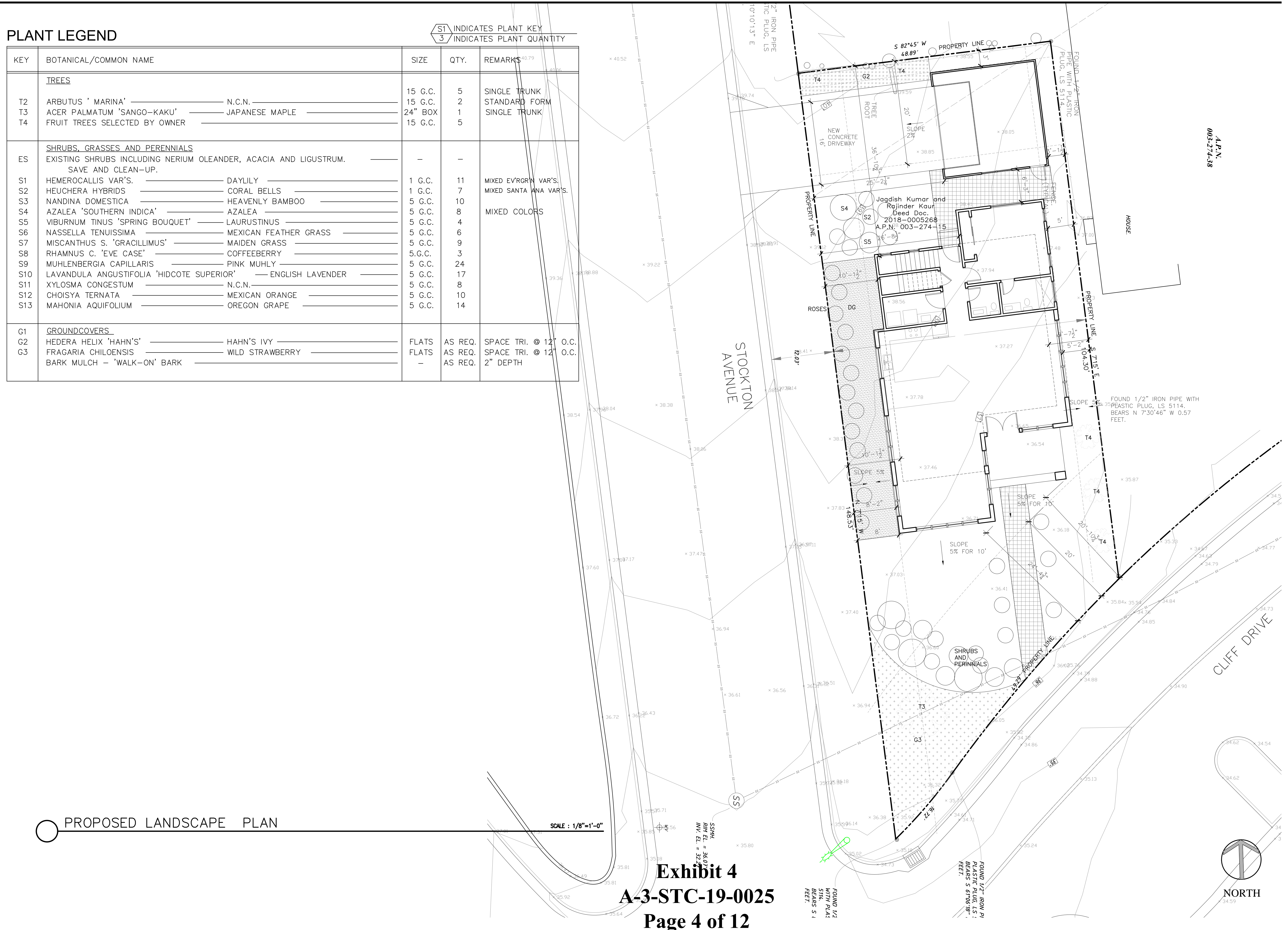
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OF SHEETS

PLANT LEGEND

KEY	BOTANICAL/COMMON NAME	SIZE	QTY.	REMARKS
	<u>TREES</u>			
T2	ARBUTUS 'MARINA' _____ N.C.N. _____	15 G.C.	5	SINGLE TRUNK
T3	ACER PALMATUM 'SANGO-KAKU' _____ JAPANESE MAPLE _____	15 G.C.	2	STANDARD FORM
T4	FRUIT TREES SELECTED BY OWNER _____	24" BOX	1	SINGLE TRUNK
		15 G.C.	5	
	<u>SHRUBS, GRASSES AND PERENNIALS</u>			
ES	EXISTING SHRUBS INCLUDING NERIU OLEANDER, ACACIA AND LIGUSTRUM. _____ SAVE AND CLEAN-UP.	-	-	
S1	HEMEROCALLIS VAR'S. _____ DAYLILY _____	1 G.C.	11	MIXED EV'RGREN VAR'S.
S2	HEUCHERA HYBRIDS _____ CORAL BELLS _____	1 G.C.	7	MIXED SANTA ANA VAR'S.
S3	NANDINA DOMESTICA _____ HEAVENLY BAMBOO _____	5 G.C.	10	
S4	AZALEA 'SOUTHERN INDICA' _____ AZALEA _____	5 G.C.	8	MIXED COLORS
S5	VIBURNUM TINUS 'SPRING BOUQUET' _____ LAURUSTINUS _____	5 G.C.	4	
S6	NASSELLA TENUSSIMA _____ MEXICAN FEATHER GRASS _____	5 G.C.	6	
S7	MISCANTHUS S. 'GRACILLIMUS' _____ MAIDEN GRASS _____	5 G.C.	9	
S8	RHAMNUS C. 'EVE CASE' _____ COFFEEBERRY _____	5 G.C.	3	
S9	MUHLENBERGIA CAPILLARIS _____ PINK MUHLY _____	5 G.C.	24	
S10	LAVANDULA ANGUSTIFOLIA 'HIDCOTE SUPERIOR' _____ ENGLISH LAVENDER _____	5 G.C.	17	
S11	XYLOSMA CONGESTUM _____ N.C.N. _____	5 G.C.	8	
S12	CHOISYA TERNATA _____ MEXICAN ORANGE _____	5 G.C.	10	
S13	MAHONIA AQUIFOLIUM _____ OREGON GRAPE _____	5 G.C.	14	
	<u>GROUNDCOVERS</u>			
G1	HEDERA HELIX 'HAHN'S' _____ HAHN'S IVY _____	FLATS	AS REQ.	SPACE TRI. @ 12" O.C.
G3	FRAGARIA CHILOENSIS _____ WILD STRAWBERRY _____	FLATS	AS REQ.	SPACE TRI. @ 12" O.C.
	BARK MULCH - 'WALK-ON' BARK _____	-	AS REQ.	2" DEPTH



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[illegible]LANDSCAPE
PLAN

LT

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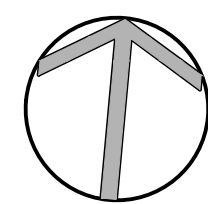
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FIRST &
SECOND FLOOR
PLAN

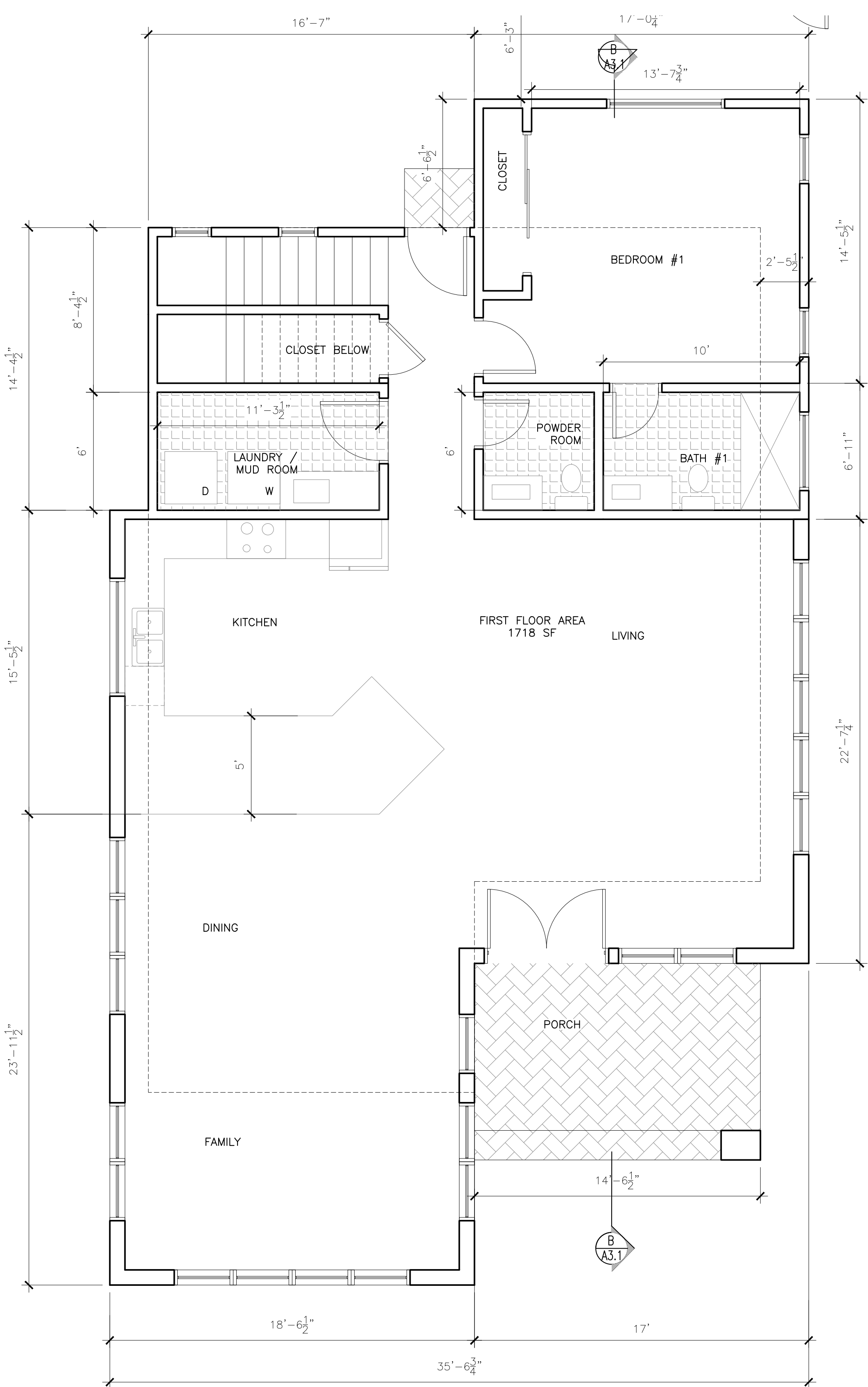
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SHEETS

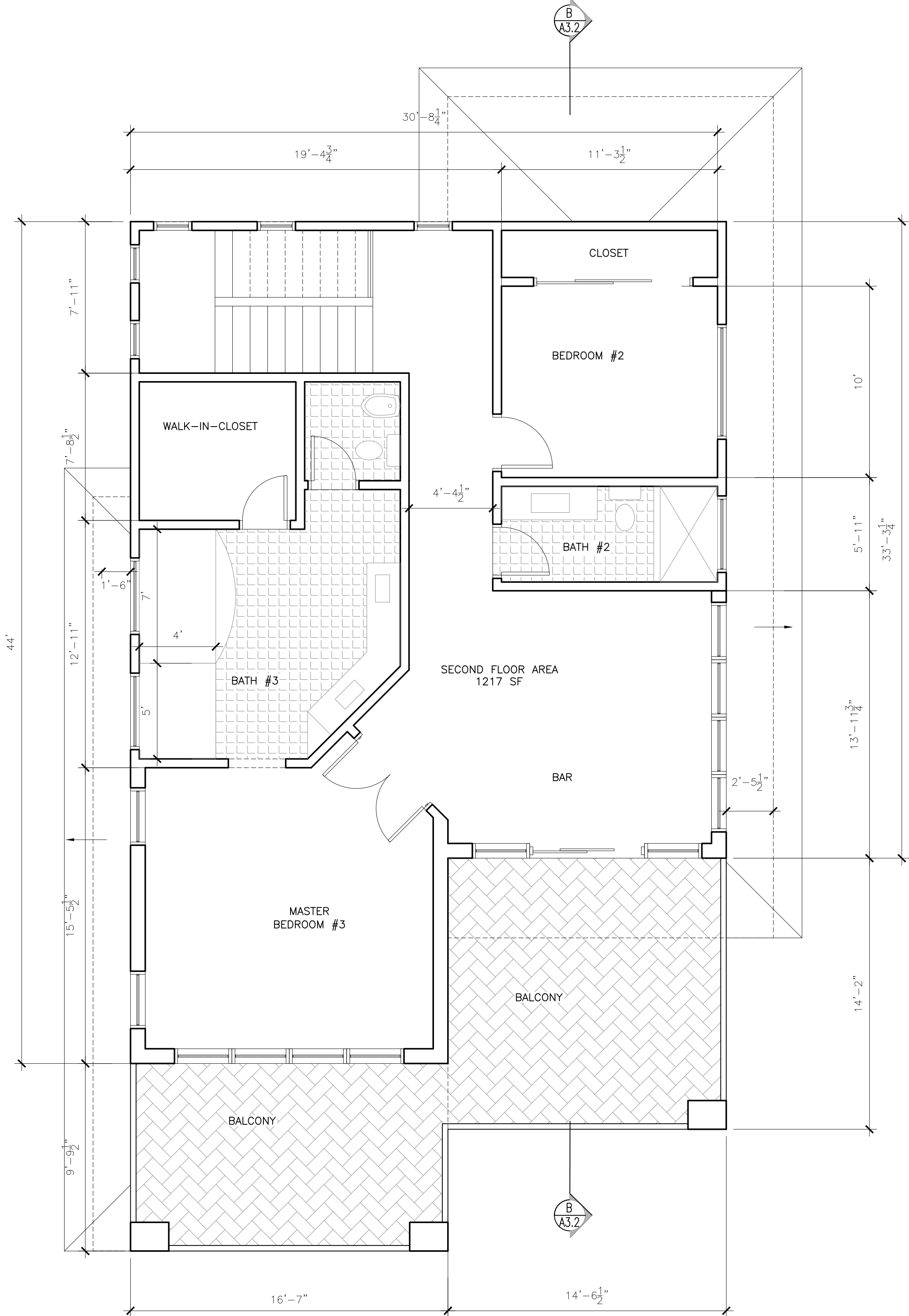


NORTH



PROPOSED FIRST FLOOR PLAN

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



PROPOSED SECOND FLOOR PLAN

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

Exhibit 4
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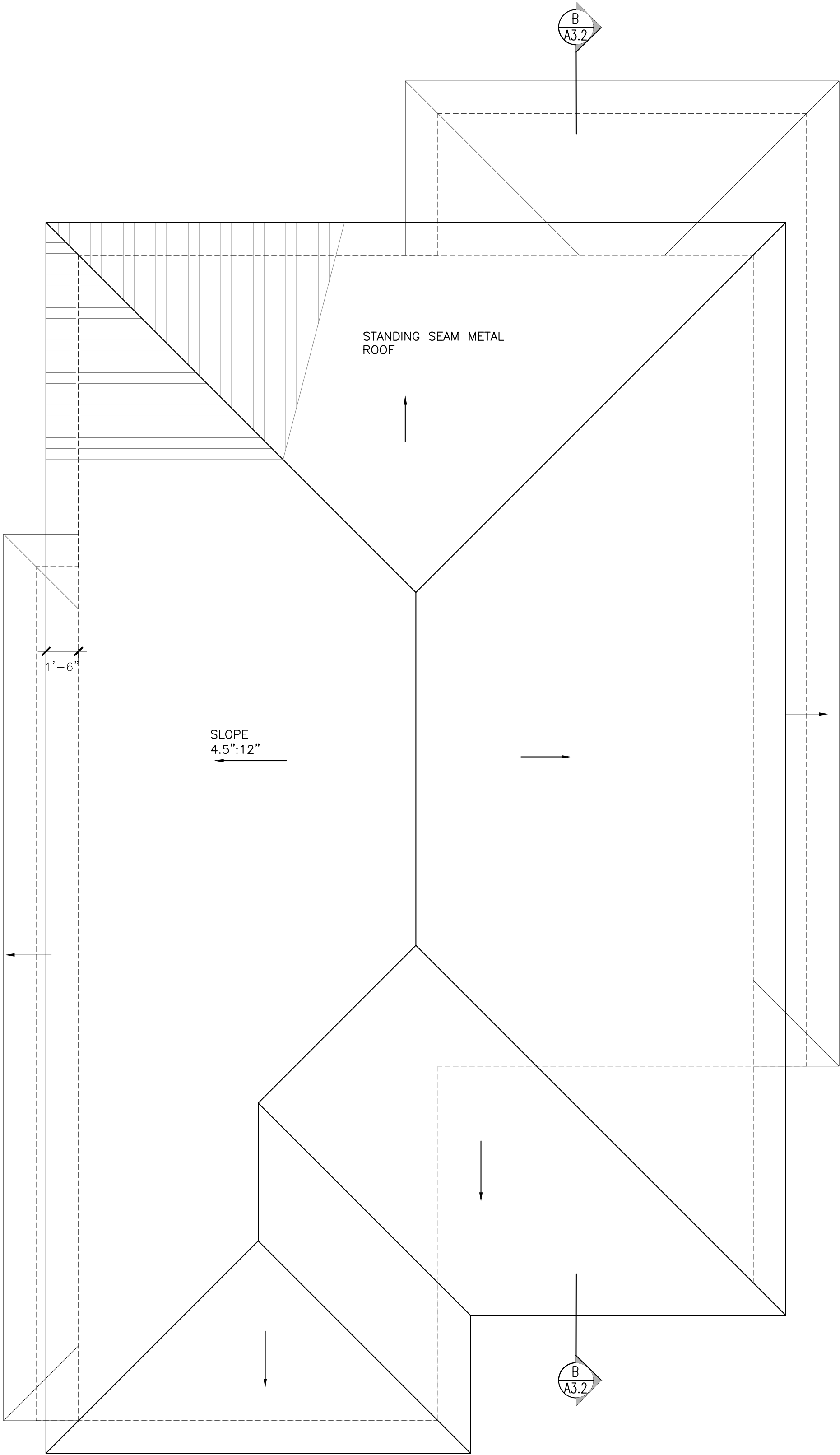
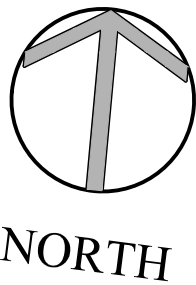
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ROOF PLAN

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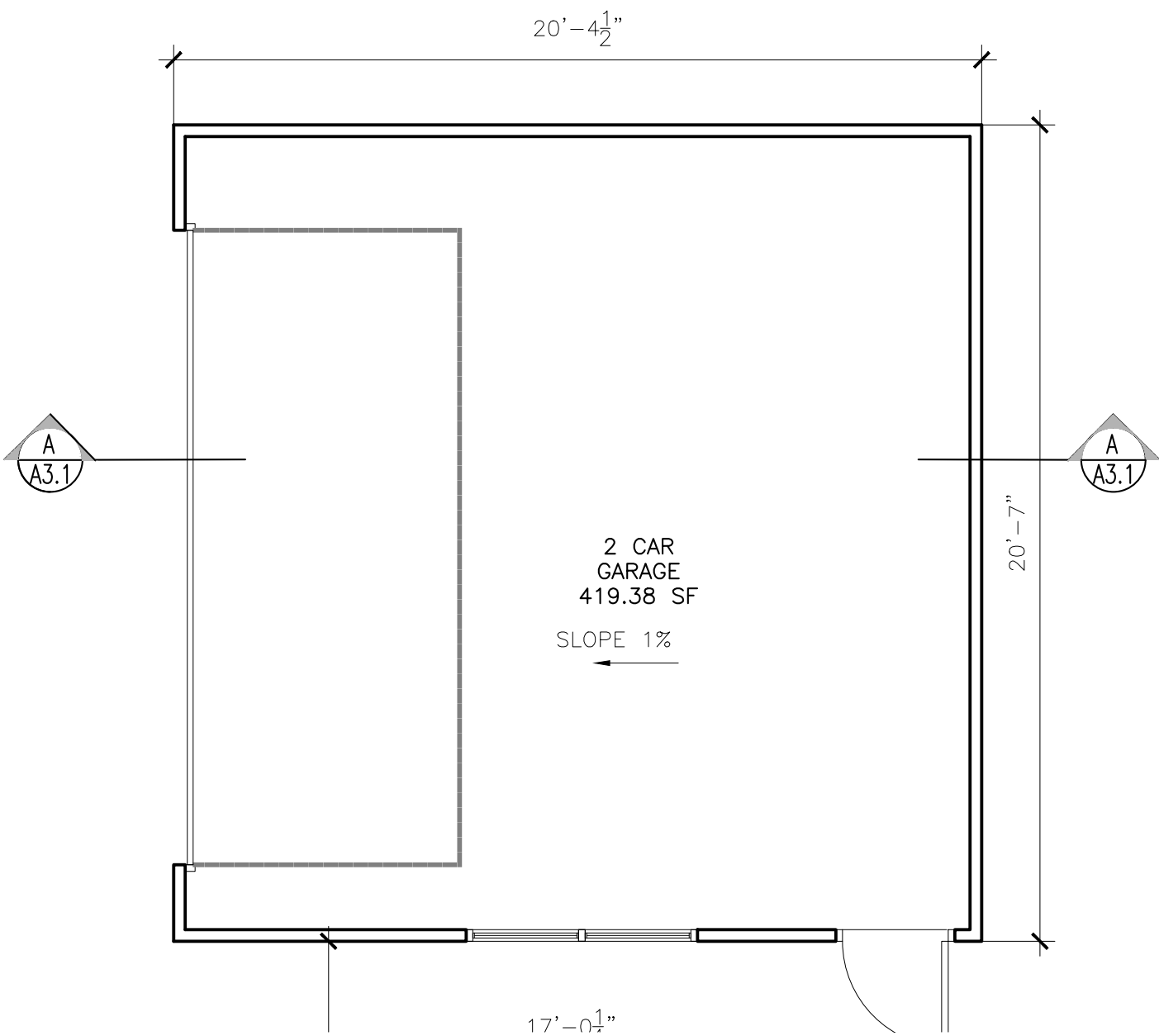
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OF SHEETS



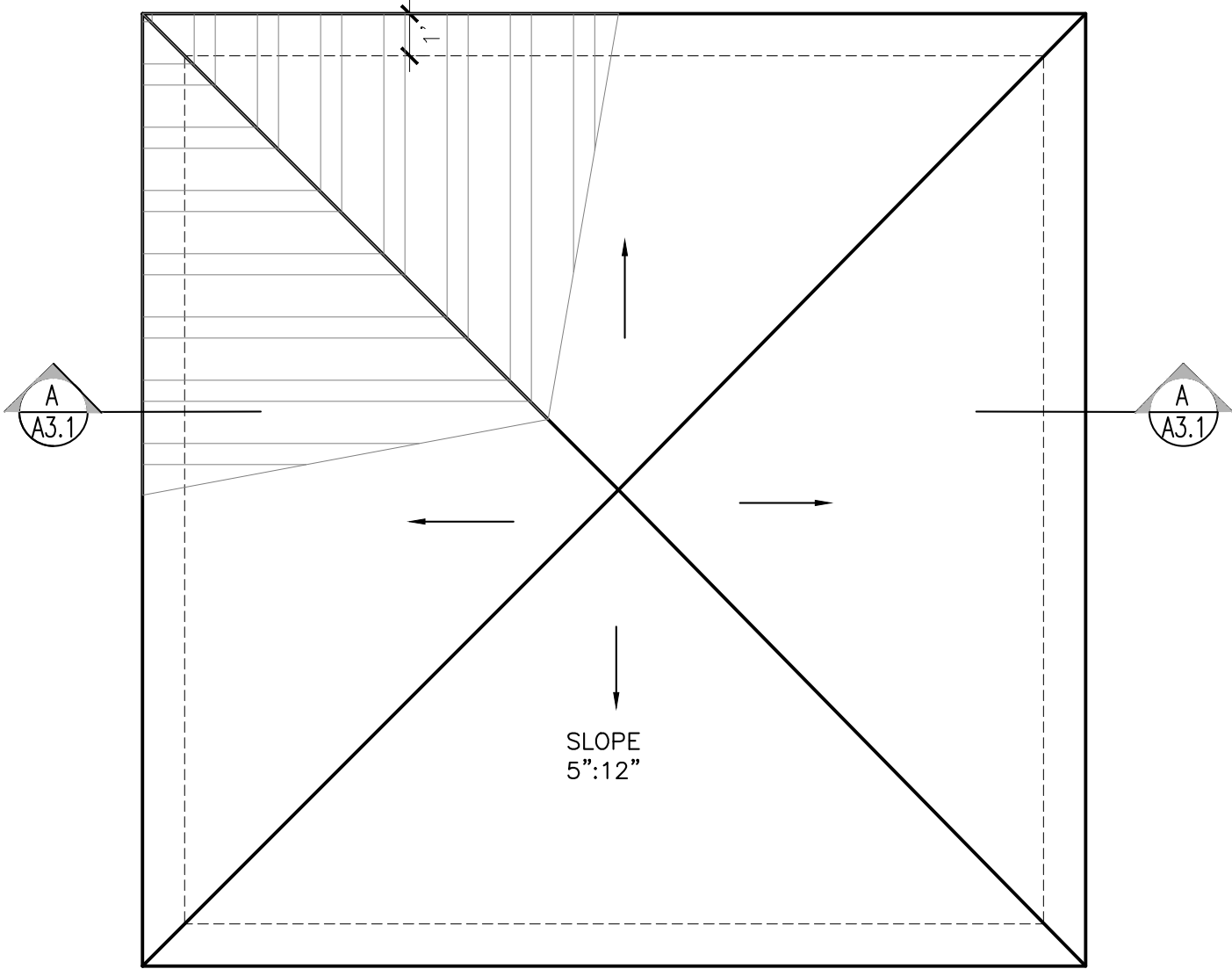
3 PROPOSED ROOF PLAN

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



1 PROPOSED GARAGE FLOOR PLAN

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



2 PROPOSED GARAGE ROOF PLAN

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



3 WEST SIDE ELEVATION

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



1 FRONT ELEVATION

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

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4 EAST SIDE ELEVATION

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



2 REAR ELEVATION

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

Exhibit 4
A-3-STC-19-0025
Page 7 of 12

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ELEVATIONS

CONTRACT DATE
ISSUE DATE
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SHEET

A3.0

OF SHEETS

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ELEVATIONS

CONTRACT DATE
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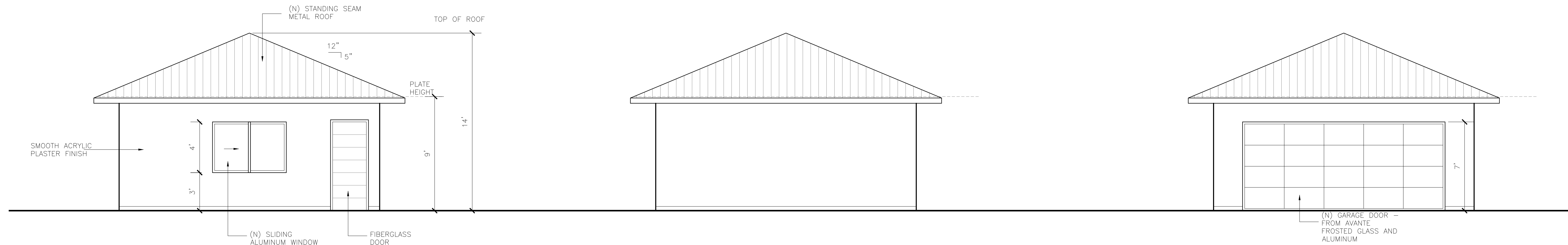
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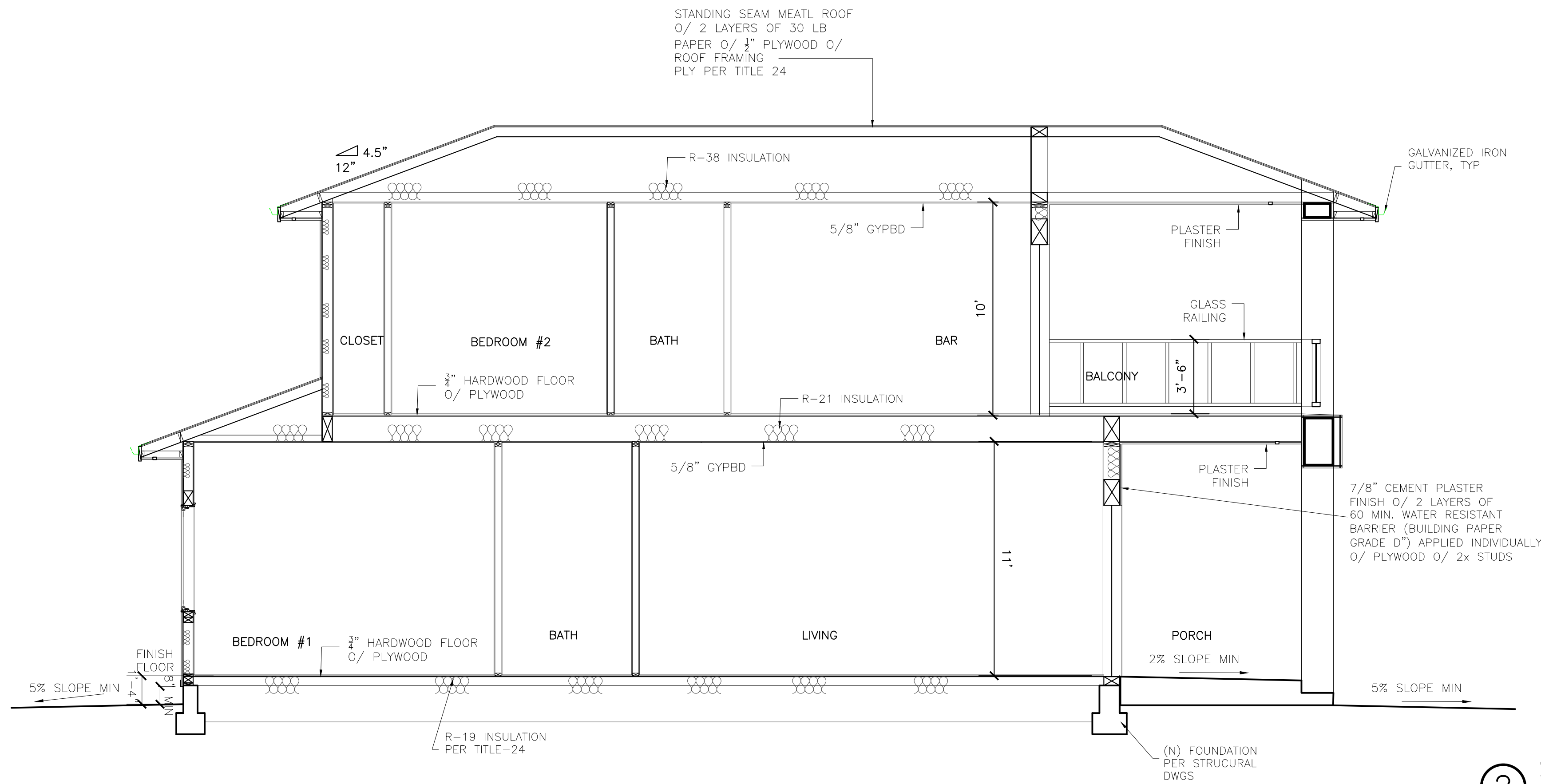
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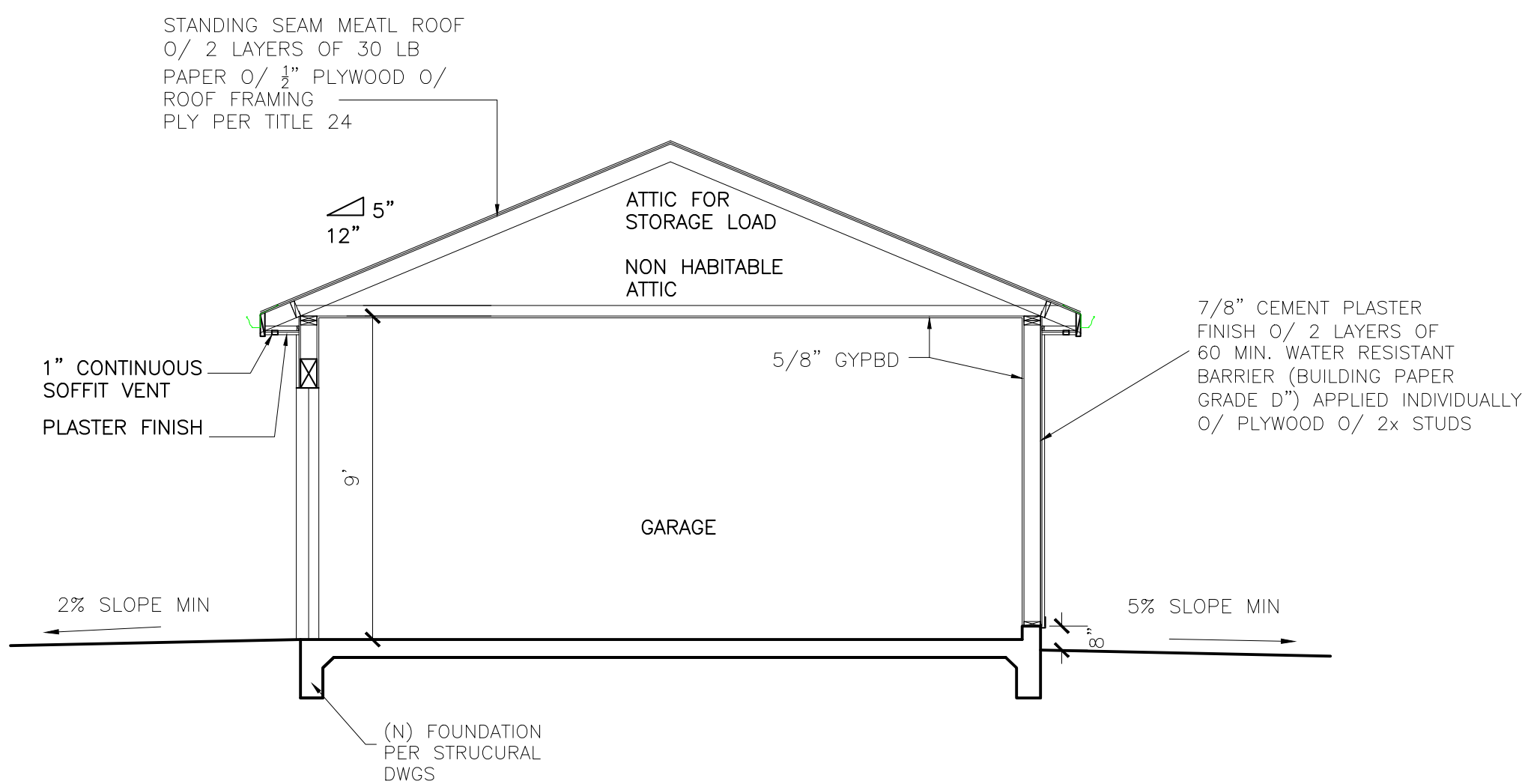


1 GARAGE ELEVATIONS

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



3 SECTION B-B



2 SECTION A-A

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

Exhibit 4

A-3-STC-19-0025

Page 9 of 12

ELEVATIONS
&
SECTIONS

SUB	DATE	SUBMITTAL
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CONTRACT DATE
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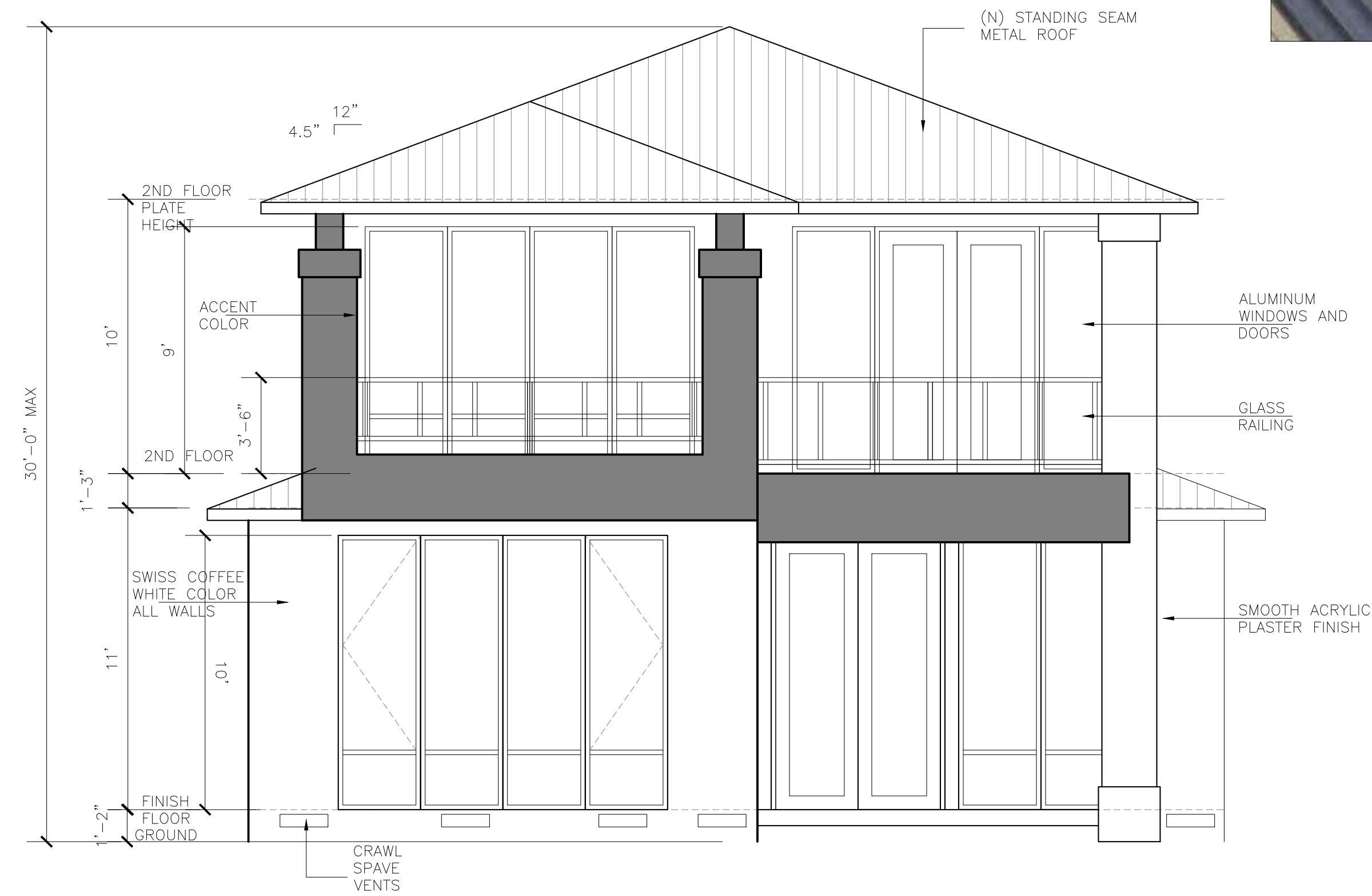
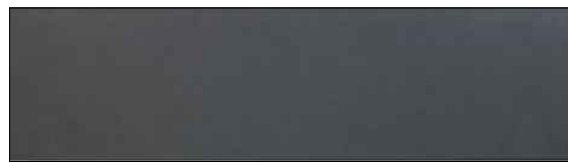
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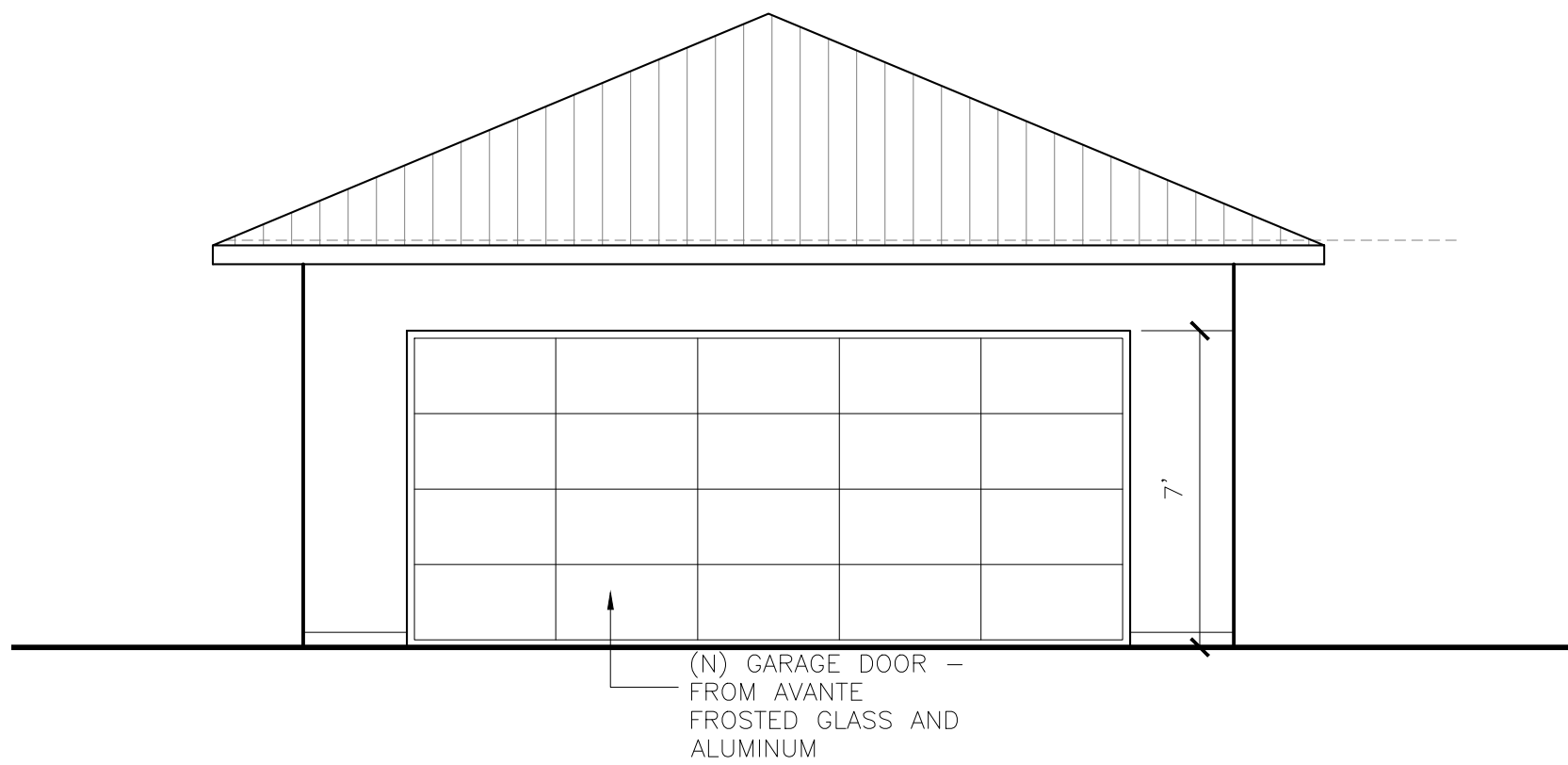
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1 FRONT ELEVATION

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



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MATERIAL BOARD

CONTRACT DATE	
ISSUE DATE	
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JOB	
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A3.2

F SHEETS

PLANT LEGEND

KEY	BOTANICAL/COMMON NAME	SIZE	QTY.	REMARKS
<div>ST INDICATES PLANT KEY 3 INDICATES PLANT QUANTITY</div>				
TREES				
T2	ARBUTUS 'MARINA' _____ N.C.N. _____	15 G.C.	5	SINGLE TRUNK
T3	ACER PALMATUM 'SANGO-KAKU' _____ JAPANESE MAPLE _____	15 G.C.	2	STANDARD FORM
T4	FRUIT TREES SELECTED BY OWNER _____	24" BOX	1	SINGLE TRUNK
		15 G.C.	5	
SHRUBS, GRASSES AND PERENNIALS				
ES	EXISTING SHRUBS INCLUDING NERIUUM OLEANDER, ACACIA AND LIGUSTRUM. _____ SAVE AND CLEAN-UP.	-	-	
S1	HEMEROCALLIS VAR'S. _____ DAYLILY _____	1 G.C.	11	MIXED EV'RGRN VAR'S.
S2	HEUCHERA HYBRIDS _____ CORAL BELLS _____	1 G.C.	7	MIXED SANTA ANA VAR'S.
S3	NANDINA DOMESTICA _____ HEAVENLY BAMBOO _____	5 G.C.	10	
S4	AZALEA 'SOUTHERN INDICA' _____ AZALEA _____	5 G.C.	8	MIXED COLORS
S5	VIBURNUM TINUS 'SPRING BOUQUET' _____ LAURUSTINUS _____	5 G.C.	4	
S6	NASSELLA TENUISSIMA _____ MEXICAN FEATHER GRASS _____	5 G.C.	6	
S7	MISCANTHUS S. 'GRACILLIMUS' _____ MAIDEN GRASS _____	5 G.C.	9	
S8	RHAMNUS C. 'EVE CASE' _____ COFFEEBERRY _____	5 G.C.	3	
S9	MUHLENBERGIA CAPILLARIS _____ PINK MUHLY _____	5 G.C.	24	
S10	LAVANDULA ANGUSTIFOLIA 'HIDCOTE SUPERIOR' _____ ENGLISH LAVENDER _____	5 G.C.	17	
S11	XYLOSMA CONGESTUM _____ N.C.N. _____	5 G.C.	8	
S12	CHOISYA TERNATA _____ MEXICAN ORANGE _____	5 G.C.	10	
S13	MAHONIA AQUIFOLIUM _____ OREGON GRAPE _____	5 G.C.	14	
GROUNDCOVERS				
G1	HEDERA HELIX 'HAHN'S' _____ HAHN'S IVY _____	FLATS	AS REQ.	SPACE TRI. @ 12" O.C.
G2	FRAGARIA CHILOENSIS _____ WILD STRAWBERRY _____	FLATS	AS REQ.	SPACE TRI. @ 12" O.C.
G3	BARK MULCH - 'WALK-ON' BARK _____	-	AS REQ.	2" DEPTH



PROPOSED LANDSCAPE PLAN

SCALE : 1/8"=1'-0"

Exhibit 4
A-3-STC-19-0025
Page 11 of 12

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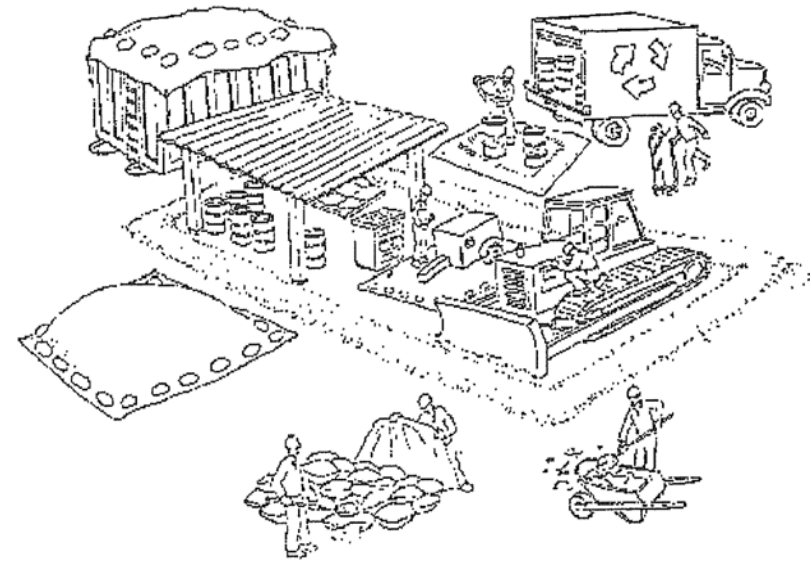
LANDSCAPE
PLAN

CONTRACT DATE
ISSUE DATE
SCALE
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JOB
SHEET

L1

OF SHEETS

Clean Bay Blue Print



Materials storage & spill cleanup

Non-hazardous materials management

- Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Use (but don't overuse) reclaimed water for dust control as needed.
- Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with **CITY OF SANTA CRUZ** ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- Cover all dumpsters with a tarp at the end of every work day or during wet weather.

Hazardous materials management

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- Dispose of all containment and cleanup materials properly.
- Report any hazardous materials spills immediately! Dial 911

Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

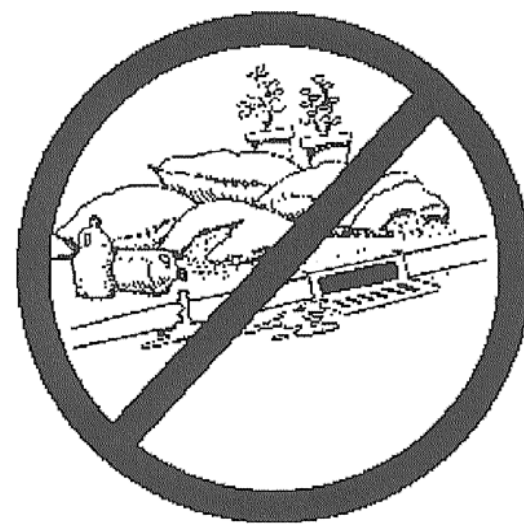
Vehicle and equipment maintenance & cleaning


- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



Earthwork & contaminated soils

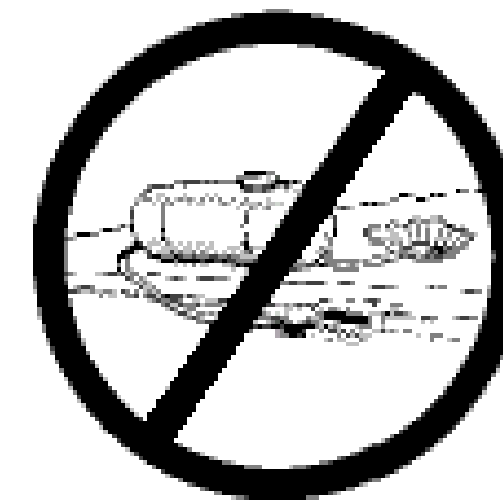
- ✓ Keep excavated soil on the site where it will not collect in the street.
- ✓ Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



- 
- Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
 - Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
 - If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.

Dewatering operations

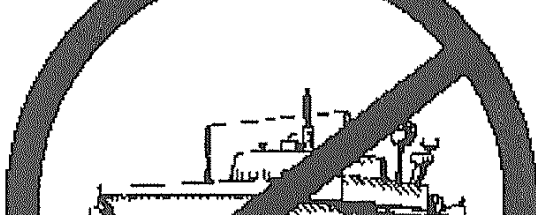
- Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

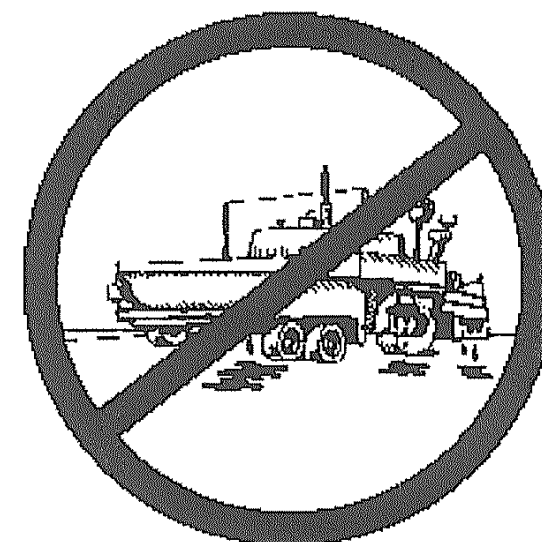


Saw cutting


- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- 
- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
 - Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
 - Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
 - Do not use water to wash down fresh asphalt concrete pavement.




Concrete, grout, and mortar
storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
 - Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- 
- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



Painting

- Never rinse paint brushes or materials in a gutter or street!
 - Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
 - Paint out excess oil-based paint before cleaning brushes in thinner.
 - Filter paint thinners and solvents for reuse whenever possible.
- Dispose of oil-based paint sludge and unusable thinner as hazardous waste.
- 
- A circular prohibition sign with a diagonal slash over a line drawing of a person pouring paint into a gutter. The drawing shows a person from behind, pouring paint from a can into a gutter. There are paint cans and brushes nearby. The sign is a thick black circle with a diagonal slash from the top-left to the bottom-right.



Landscape Materials

- Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

[illegible]

Exhibit 4

A-3-STC-19-0025

Storm drain polluters may be liable for fines of \$10,000 or more per day!

Page 12 of 12

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

Michael Brodsky
201 Esplanade, Upper Suite
Capitola, CA 95010
831-469-3514

4/16/19

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


Re: Appeal 1720 West Cliff Drive CP18-0149

Dear Coastal Commission:

Please find enclosed the original appeal documents for the above-referenced project that were faxed to your office on April 16, 2019.

Thank you for your consideration.

Sincerely,


Michael Brodsky
831-469-3514

RECEIVED

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APR 16 2019

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Michael Brodsky

Mailing Address: 201 Esplanade, Upper Suite

City: Capitola, CA

Zip Code: 95010

Phone:

831-469-3514

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Santa Cruz
2. Brief description of development being appealed:
1720 West Cliff Drive coastal permit for removal of heritage trees and construction of large single family residence on sub-standard lot
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1720 West Cliff Drive, Santa Cruz, CA, at the corner of West Cliff Drive and Stockton Street
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-3-STC-19-0025

DATE FILED:

April 16, 2019

DISTRICT:

Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: Final decision of City Council hearing 3/26/19; written decision April 2, 2019

7. Local government's file number (if any): cp18-0149

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jagdish Kumar; I do not have Mr. Kumar's address. The address and phone number of his architect are Arun Shah Associates, 43072 Christy Street, Fremont, CA 94538
510-220-4264

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Michael Brodsky, (Appellant); I also submitted written materials objecting to certain aspects of the project and communicated those objections verbally to City planning staff.

(2) Jagdish Kumar

(3) Several others testified. I do not have their information as of now but will obtain it and submit it with a supplement to this appeal.

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

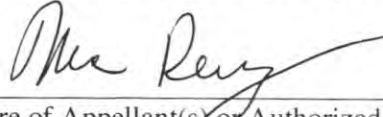
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attachment 1 hereto. I will also submit further significant information and supporting evidence, including photographs, in coming days.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 4/16/2019

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

ATTACHMENT 1 TO APPEAL TO COASTAL COMMISSION OF LOCAL GOVERNMENT
COASTAL PERMIT DECISION RE 1720 WEST CLIFF DRIVE, CP18-0149

Dear Coastal Commission and Staff:

Thank you for the opportunity to submit this appeal and for your kind assistance in explaining how to submit the appeal. This is an appeal of the coastal permit issued by the City of Santa Cruz pursuant to the City's Local Coastal Program, adopted October 27, 1992, *as amended*. The permit in question relates to an application by Mr. Jagdish Kumar to build a large single family home on a substandard lot at the Corner of West Cliff Drive and Stockton Street. I live next door to the proposed development at 1712 West Cliff Drive.

As I did before the zoning administrator, planning commission, and City Council of the City of Santa Cruz, I would like to state at the outset that I welcome Mr. Kumar and his family to the neighborhood and support him building a 2-story home on his lot. My objections are to specific aspects of his design, which can be revised to bring them into compliance with the City's local coastal program. I have never objected to Mr. Kumar building a home at the location in question nor to him including a reasonable second story that complies with applicable zoning regulations that are incorporated into the City's local coastal program.

Because of the short appeal period and time constraints, this is an abbreviated statement of the issues and I will submit a more complete elaboration along with further evidence in the near future.

In addition to aspects of the design of the home, I appeal the permit to remove ~~eleven~~^{ten} heritage trees that are on my property. The information on the Coastal Commission website states that there is "a hazardous tree." This is not correct. There are eleven trees and they are not hazardous. Attachment A hereto is a photograph that includes the eleven tree. As you can see from the photograph, the trees are substantially green. I will submit additional photographs and an arborists report as soon as possible. I believe that a reasonable solution can be reached that will allow Mr. Kumar to proceed with his project without substantial hinderance and that does not involve clear-cutting ten of these eleven trees.

The project as currently approved by the City is inconsistent with the following City of Santa Cruz zoning provisions that have been incorporated into the City's Coastal Program (*See* Table LCP-2 of Santa Cruz Coastal Program for incorporation of zoning provisions): Zoning Code sections 24.08.440(3); 24.08.440(5); 24.08.430(5); and 24.08.430(10). The project is also inconsistent with the City's interpretation of zoning provisions, which includes "placement of second-story elements adjacent to single-story structures shall be avoided." The project is also inconsistent with the City's adopted coastal policy 6.1.1 "Protect Heritage Trees."

Zoning Code section 24.08.440(3) provides that "New structures shall be *consistent with the scale of structures on adjacent lots* and generally compatible with surrounding structures." This provision implements one of the basic goals of the Coastal Act: "protect, enhance and restore the built resources of the coast--the special communities and neighborhoods that have unique

ATT 1 p1 of 3

cultural, historic, and aesthetic qualities." (Santa Cruz Coastal Program, p. 1.) The City has interpreted this provision to provide no real effect. As such, this appeal raises a substantial issue of broader concern than one development that will affect a substantial portion of the area covered by the City's coastal program. It is capable of repetition yet evading review if not considered substantial even though this project is for a single development.

As is obvious from Attachment A hereto, the proposed new residence is not consistent with the scale of my home, which is the only structure on an adjacent lot. My home is a one-story structure of 1361 square feet. The proposed project is 2931 square feet with the second floor being 71% of the first floor area. The default standard applicable to substandard lots for second story coverage is that the second story shall not exceed 50% of the first floor area. (Zoning Code § 24.08.440(2). Granting a bonus to 71% under these circumstances is not consistent with section 24.08.440(3).

There is no legal or factual support for the City's determination that my home is not "adjacent" for purposes of section 24.08.440(3) and in relying on homes across the street and elsewhere in the neighborhood as determining consistency without considering the actual adjacent structure.

As this decision was appealed to the City Council and the Council issued a resolution (Resolution NS-29,500) upholding staff and planning commission determinations, this decision has substantial precedential value for the local government's future interpretation of its LCP.

The interpretation adopted will tend to homogenize coastal neighborhoods in Santa Cruz, particularly West Cliff Drive, but also other areas, so that new large homes sandwiched in on small lots do not have to consider the character of small adjacent homes. This will lead to encouraging and accelerating the pace at which older, small homes are torn down to build new large homes. The character of the coastal neighborhoods of East Cliff and West Cliff in Santa Cruz are of regional and statewide significance, and indeed attract international visitors.

I have requested three, what I believe to be reasonable, revisions to the proposed project which will allow a very substantial two-story home on the substandard lot. I believe that *some* effect must be given to the provisions of the zoning code and coastal program that protect the character of coastal neighborhoods consistent with the underlying purposes of the Coastal Act. My suggested revisions are, I believe, the minimum that would give effect to these requirements. The suggested revisions are spelled out in my revised appeal letter to the Santa Cruz City Council dated March 17, 2019, which is incorporated herein by reference.

My suggested revisions will also give effect to the solar access provisions of the zoning code which implement the underlying provision of the City's coastal program encouraging alternative energy development. (See Item 12, p.4 Santa Cruz Coastal Program.) As it is proposed, the development will block solar access to my roof. The reasonable suggested revision to increase the second story setback on the eastern elevation of the proposed development from 7.5 feet to 10 feet will significantly increase solar access to my roof. The City's interpretation of the solar access provision as not requiring the City to consider anything other than underlying setback requirements, which are imposed for non-energy purposes, is not consistent with the solar access provisions and not consistent with a goal of the Coastal Act to provide for

I also have a guest cottage of approximately 800 sq ft.

ATT 1 p 2 of 3

alternative energy sources. Failure to consider solar access as an issue in its own right as a matter of policy is of regional and statewide significance. Again, this interpretation of the City's coastal program was incorporated into a resolution and thereby makes it of precedential value for future interpretations of the City's coastal program.

In addition to the above-referenced documents, my appeal letter to the Santa Cruz zoning administrator dated 11/16/2018, my appeal letter to the planning commission dated 1/17/2019, my appeal letter to the City Council dated 1/25/19, and my revised appeal letter to the City Council dated 3/17/2019 are herein incorporated by reference. I also wish to incorporate by reference the City's staff reports / agenda reports for the above listed meetings and the City's resolution NS-29,500. I am advised by Sarah Carvill that these documents are in possession of the Commission and that I need not provide them.

I wish to thank Sarah Carvill for her very kind assistance and the information she has provided to me over the last several days. As discussed with Sarah, I will provide a more cogent elaboration of the issues raised herein along with additional evidence in coming days without expanding the issues raised herein and in the referenced documents,

Sincerely,


Michael Brodsky

4/16/19

ATT 1 p 3 of 3

10 Trees to be removed

Approximate height proposed 1720 West Cliff
(plans indicate max 30'; planning commission
agenda report indicates 26'-9")

15' to
peak

9' to eve

Attachment A

Brodsky residence 1712 West
Cliff

Proposed Kumar
Residence 1720 West
Cliff

West Cliff Drive

Attach ment B

Exhibit 6: Applicable LCP Policies and Standards

LUP Policies

Community Design

6.1.1. Protect Heritage Trees and Shrubs by reviewing all construction plans to determine their impacts on Heritage Trees or Shrubs and providing technical information to assist owners in maintaining Heritage Trees and Shrubs on private property.

Environmental Quality

5.3.3. Develop and adopt a solar access ordinance to protect solar access rights and require solar orientation to maximize utilization of solar potential.

IP Policies

Heritage Tree Ordinance

9.56.010. Definitions.

- (h) “Heritage tree” shall mean any perennial plant or grove of perennial plants growing on public or private property, having a self-supporting woody main stem or trunk usually characterized by the ability to grow to considerable height and size and the development of woody branches at some distance above the ground, and meeting criteria set forth in Section 9.56.040. “Heritage tree” shall not include trees planted for agricultural crops such as fruit or nut trees.

9.56.060. Permits Required for Work Significantly Affecting Heritage Trees and/or Heritage Shrubs.

- (a) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any heritage tree or heritage shrub without first obtaining a permit pursuant to this section. No person shall root prune, relocate or remove any heritage tree or heritage shrub without first obtaining a permit pursuant to this section.
- (b) All persons, utilities and any department or agency located in the city of Santa Cruz shall submit a permit application, together with the appropriate fee as set forth by city council resolution, to the department prior to performing any work requiring a permit as set forth in subsection (a) of this section. The permit application shall include the number, species, size, and location of each subject heritage tree or heritage shrub, and shall clearly describe the scope of work being proposed and the reason for the requested action. Any supplemental reports which may be submitted by the applicant and staff are advisory only and shall not be deemed conclusive or binding on the director’s findings.

- (c) An authorized representative of the department shall inspect the tree or shrub which is the subject of the application. Pursuant to that inspection, the authorized representative shall file with the director written findings.
- (d) If, upon said inspection, it is determined that the tree or shrub which is the subject of the permit application meets none of the criteria set forth in Section 9.56.040, no further action on the part of the director or the permit applicant is necessary.
- (e) If the tree or shrub which is the subject of the permit application meets any of the criteria set forth in Section 9.56.040 based upon a review of the permit application and the inspection report, then the director shall make findings of fact upon which he/she shall grant the permit, conditionally grant the permit specifying mitigation requirements, deny the permit or allow a portion of the proposed work outlined in the permit application to be done.
- (f) Where three or more heritage trees or three or more heritage shrubs are the subject of any proposed work to be performed, the director shall require that the applicant sign an agreement for preparation and submission of a consulting arborist report. As part of said agreement, the applicant shall be required to deposit with the department an amount of money equal to the estimated cost of preparing the report, as contained in said agreement.
- (g) The decision of the director shall be final unless appealed to the commission by the permit applicant or any other aggrieved person pursuant to Section 9.56.070.
- (h) The director shall issue any permit granted pursuant to this section, which permit shall be conspicuously posted near the subject(s) of the permit.
- (i) Unless appealed, the permit shall take effect ten calendar days after it is issued, except where the tenth day occurs on a Saturday, Sunday or holiday, in which case the effective date shall be extended to the next following business day.
- (j) All work performed on any designated heritage tree or heritage shrub pursuant to a permit as provided in this section shall be completed within forty-five days from the effective date of the permit, or within such longer period as the director may specify.
- (k) There shall be no fees or costs charged for permits which are limited in scope to the maintenance and repair work specified by Sections 13.30.060(b) and 15.20.210(c).

Design Permit

24.08.430. Findings Required – General. All applications for design permits shall be reviewed in relation to established criteria for design review. Applications for design review shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable:

- 1. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.
- 3. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of public views; rooftop

mechanical equipment shall be incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.

5. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.
10. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

24.08.440. Standards for Substandard Residential Lot Development. Whenever a project is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.
2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less of the net lot area.
3. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.
4. Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.

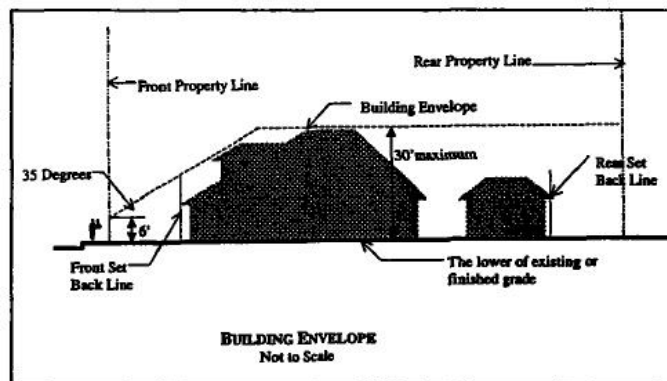
West Cliff Drive Overlay District

24.10.4200. Purpose. The purpose of the West Cliff Drive Overlay District is to promote quality residential development on and adjacent to West Cliff Drive that positively enhances the public space or realm along West Cliff Drive. The West Cliff Drive Overlay District will preserve, protect and enhance West Cliff Drive as an important social and environmental city and community space; reinforce the residential neighborhood character of the north side of West Cliff Drive; preserve the public view toward the ocean from streets which intersect with West Cliff Drive; and enhance the streetscape by requiring landscaping and modulation of building

forms on buildings facing West Cliff Drive. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.4230. District Regulations.

1. Development standards shall be those of the underlying zone, except as modified by this section.
2. Building Height. The maximum permitted height for the principal building shall be two stories and 30 feet. The maximum height for an accessory structure shall be one story and 15 feet. The height shall be measured from the top of the structure to the existing or created finished grade, whichever is lower.
3. Building Envelope. In addition to meeting the building height requirements, no portion of the principal or accessory buildings, with the exception of chimneys not more than six square feet in horizontal dimension, shall encroach in a building envelope plane defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 35 degrees from the horizontal plane. Architectural elements such as bell towers, spires, turrets, widow walks, cupolas, flag poles, etc. may extend 10 feet above the height limitation, subject to design permit review (see diagram).



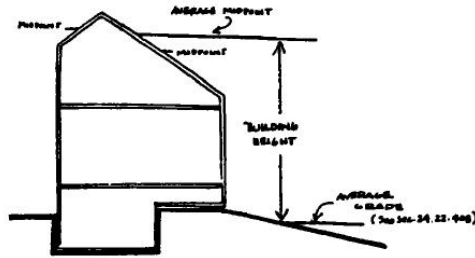
4. Building Setbacks.
 - a. Front Yard Setback.
 - (1) 20 foot minimum front yard setback with no more than 60 percent of the width of the lot at the setback line occupied by the building. The remaining portions of the building must be setback a minimum of five feet from the front setback line (see diagram).
 - b. Side Yard Setbacks.
 - (1) Lots 100 feet or less in width:
 - (i) The combined width of the first floor side setbacks shall be a minimum of 20 percent of the lot width. The minimum interior side yard setback shall be five feet and minimum exterior side yard shall be eight feet;
 - (ii) The second floor and above, the combined width of the side yards shall be a minimum of 30 percent of the lot width. The minimum interior side yard

setback at seven and a half (7.5) feet and minimum exterior side yard shall be 10 feet.

- (iii) The setbacks for accessory buildings shall be the same as the principal building.

Definitions

24.22.162. Building, height of.



The vertical distance from average grade, as defined herein, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average midpoint of roof planes of the highest gable of a pitch or hip roof. In calculating the height of a stepped or terraced building, the height of each individual segment of the building shall first be calculated; the height of a stepped or terraced building is the height of the tallest segment of the building. Height limitations shall not apply to uses listed in Section 24.12.150, Height limit modifications, of this title.

Exhibit 7: Photos of Residences in the Surrounding Neighborhood



Two story home at 1802 West Cliff Dr., across the street from the City-approved project. Note the mix of single- and two-story homes further west on West Cliff Dr.



Two story home at 115 Stockton Ave., one lot north of 1802 West Cliff Dr. (above).



Two story home at 114 Stockton Ave., which would appear from the street as the home adjacent to the City-approved project to the north (though the Appellant's backyard fronts Stockton Ave. between 114 Stockton Ave. and 1720 West Cliff Dr.)



View northwest along Stockton Avenue. The house on the far right is 118 Stockton Ave., adjacent to 114 Stockton Ave. (above). Note the mix of single- and two-story homes.



View west from the intersection of West Cliff Dr. and Merced Ave. The Appellant's single-story duplex is visible on the left, with two-story structures on Stockton and Merced visible toward the right side of the image.

10/3/18

Arun Shah & Associates
Site: 1720 West Cliff Drive
Santa Cruz, CA 95060

Re: Tree Survey

To Whom It May Concern:

Assignment

It was my assignment to review the eleven Monterey Cypress (*Cupressus macrocarpa*) trees along the property line, meet the owner, discuss the proposed garage construction, tag and survey the trees.

Summary

In my opinion the living (most are dead) trees along the property line (except Tree #1) represent an immediate hazard and should be removed and replaced with a more appropriate screening shrub. In my opinion the proposed garage can be constructed assuming the installation is done with caution and care for the living neighbor trees. Tree #1 (on the neighbor's property) needs Industry Standard pruning care to reduce its risk of a major limb failure.

Discussion

There are eleven trees in this report. Two of the trees (#1 and #11 are clearly on the neighbor's property. The remainders need to be verified individually for whole or partial ownership.

Basic Law

Property Line trees fall under different state statues. Local Statues should also be consulted. I have included a summary below from www.stimmel-law.com:

In California a duty is imposed upon a landowner to prevent nuisances that could adversely affect the property of an adjoining owner of land. "Nuisance" is usually defined as a substantial interference with the "right to use and enjoy" the land and it may be intentional or negligent in origin. Some nuisances impose severe statutory liability if they involve hazardous conditions or substances.

A nuisance must derive from the defendant's activity or neglect. If a nuisance conflicts with another person's quiet enjoyment of the use of the adjoining property, a cause of action lies including the right to seek an injunction ordering the end of the nuisance by removal, repair, rehabilitation or demolition. The burden of proof is on the party claiming the nuisance and damages can be assessed against the defendant if the plaintiff has been injured.

The encroachment of shrubs or vegetation, including a tree, upon a neighbor that causes any damage could be held to be a nuisance and damages could lie against the owner of the land on which the tree was located. In most states, a landowner is held to a duty of "common
t650+321+0202 | f408+399+8063 | po box 971 los gatos ca 95031 | urban**tree**management.com
contractors licence # 755989 | certified arborist WC ISA # 623 | certified tree risk assessor #1399

reasonable prudence” in maintaining shrubs and trees on their own property so as to prevent injury to others or to property of another. Assuming damage is demonstrated, or clear potential for damage, liability would exist. A typical example is a half broken large limb overhanging the roof of an adjoining neighbor which will clearly break and fall in the next storm.

It should be noted that minus some degree of failure to maintain, a property owner is not responsible for Acts of God, e.g. unforeseen events that can cause damage to the adjoining lot. A example would be a lightning strike which causes a burning tree to collapse on the neighbors automobile next door.

Some damage is prolonged and fully foreseeable, such as tree roots damaging a fence or concrete walkway. Roots can also be considered encroachment.

A tree that is on two lots, a “boundary tree” is considered jointly owned and should not be removed without mutual consent or court order. And in most jurisdictions, leaves falling onto an adjacent lot are not considered a nuisance and are the responsibility of the owner of the lot with the leaves to remove. Such falling of leaves is considered a “natural occurrence” and not a nuisance. And recall that in the United States, there is no easement for light, so if a tree causes shade or blocks a view, that is not considered in itself a nuisance.

Every state allows property owners to trim and remove branches, shrubs and roots that invade their property but most states require the owner to first give the owner of the tree or shrub adequate notice to solve the problem him or herself and advise them that such cutting is planned. Usually, the trimming may only be up to the property line and one cannot enter the adjoining property without prior consent unless there is immediate danger to life or property.

One is not allowed to cut the entire tree down or to cut it in such a manner that it will kill the tree. Indeed, some jurisdictions do not allow such cutting that would create greater harm or ruin the aesthetics of the tree. A good example is to cut the tree so that it is lopsided and likely to topple over in the next storm. There are also various county or city statutes that may apply, including those that protect various species of trees or animal life or prohibit the cutting of shade trees above a certain size. Penalties and even criminal liability may lie for ignoring these laws.

California Basic Statutes:

The following California statutes should be reviewed by anyone considering taking action:

Section 833 Civil Code:

Trees whose trunks stand wholly upon the land of one owner belong exclusively to him, although their roots grow into the land of another.

Section 834 Civil Code:

Trees whose trunks stand partly on the land of two or more coterminous owners, belong to them in common.

Section 841 Civil Code:

Coterminous owners are mutually bound equally to maintain:

- 1. The boundaries and monuments between them;**
- 2. The fences between them, unless one of them chooses to let his land lie without fencing; in which case, if he afterwards incloses it, he must refund to the other a just proportion of the value, at that time, of any division fence made by the latter.**

Section 841.4 Civil Code:

Any fence or other structure in the nature of a fence unnecessarily exceeding 10 feet in height maliciously erected or maintained for the purpose of annoying the owner or occupant of adjoining property is a private nuisance. Any owner or occupant of adjoining property injured either in his comfort or the enjoyment of his estate by such nuisance may enforce the remedies against its continuance prescribed in Title 3, Part 3, Division 4 of this code.

Section 3346 Civil Code:

(a) For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was casual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

(b) The measure of damages to be assessed against a defendant for any trespass committed while acting in reliance upon a survey of boundary lines which improperly fixes the location of a boundary line, shall be the actual detriment incurred if both of the following conditions exist: (1) The trespass was committed by a defendant who either himself procured, or whose principal, lessor, or immediate predecessor in title procured the survey to be made; and (2) The survey was made by a person licensed under the laws of this State to practice land surveying.

(c) Any action for the damages specified by subdivisions (a) and (b) of this section must be commenced within five years from the date of the trespass.

Section 3479 Civil Code:

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

Section 3480 Civil Code:

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Section 3481 Civil Code:

Every nuisance not included in the definition of the last section is private.

Section 3482 Civil Code:

Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance.

Section 3483 Civil Code:

Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of, such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

Section 3484 Civil Code:

The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.

Section 3501 Civil Code:

The remedies against a private nuisance are:

1. A civil action; or,
2. Abatement.

Section 3502 Civil Code:

A person injured by a private nuisance may abate it by removing, or, if necessary, destroying the thing which constitutes the nuisance, without committing a breach of the peace, or doing unnecessary injury.

Section 3503 Civil Code:

Where a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his land, reasonable notice must be given to him before entering to abate it.

Contents

All the trees surveyed were examined and then rated based on their individual health and structure according to the table following. For example, a tree may be rated “good” under the health column for excellent/vigorous appearance and growth, while the same tree may be rated “fair/poor” in the structure column if structural mitigation is needed. More complete descriptions of how health and structure are rated can be found under the “Methods” section of this report.

<u>Rating</u>	<u>Health</u>	<u>Structure</u>
Good	excellent/vigorous	flawless
Fair/good	healthy	very stable
Fair	fair	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	declining	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Methods

The trunks of the trees are measured using an arborist's diameter tape at 48" above soil grade. The canopy height and spread are estimated using visual references only. In cases of a very large tree, a standard measuring tape may be used.

The condition of each tree is assessed by visual observation only from a standing position without climbing or using aerial equipment. No invasive equipment is used. Consequently, it is possible that individual tree(s) may have internal (or underground) health problems or structural defects, which are not detectable by visual inspection. In cases where it is thought further investigation is warranted, a "full hazard assessment" is recommended. This assessment would consist of drilling or using sonar equipment to detect internal decay and may include climbing or the use of aerial equipment.

The health of an individual tree is rated based on leaf color and size, canopy density, new shoot growth and the absence or presence of pests or disease. Individual tree structure is rated based on the growth pattern of the tree (including whether it is leaning), the presence or absence of poor limb attachments (such as co-dominant leaders, included bark, etc.), the length and weight of limbs and the extent and location of apparent decay.

The Trees

All the trees are Monterey Cypress.

Tree #1: On Neighbor Property (trunk is 5' from property marker -see image to right). 38" trunk diameter, 30' high and 33' wide. Tree Health is Fair – Good, Tree Structure is Fair – Poor due to the way it has been stripped up in the past and all the weight is on the ends. I recommend end weight reduction pruning by a Company with an I.S.A. Certified Arborist on staff.



The driveway and garage (on slab foundation) are proposed near this tree. The driveway will be 8' from the trunk of this tree. I am not quite sure of the grade changes needed to excavate for this driveway. I recommend that the driveway and garage slab be carefully hand excavated (retaining all roots 1.5" diameter +). The excavation shall happen under the supervision of the Project Arborist. The retained roots must be undamaged and left in place. The Project Arborist may approve certain roots to be removed upon inspection. The trees must be well irrigated during this process. The retained roots must be immediately wrapped with burlap after the final excavation grade has been accomplished. The new base rock must then be placed around any large retained roots, and concrete can be poured over the top. These recommendations apply to any living trees that are retained along this property line.

Tree #2: 12" diameter tree, 8' tall. DEAD

Tree #3: 8" diameter tree, 10' tall and wide. DEAD

Tree #4: 9"/10" diameters, 15' tall and 16' wide. DEAD

Tree #5: 9" diameter, 7' tall. DEAD

Tree #6: 18" diameter, 18' tall and 20' wide. One Live Branch that is cracked and hazardous. Recommend Removal.

Tree #7: 10" diameter, 18' tall and 25' wide. Tree Health is Fair – Poor and Structure is Poor. This tree is a hazard and is recommended for removal.

Tree #8: 8" diameter, 5' tall. DEAD

Tree #9: 9"/10"12" diameters, 18' tall and 22' wide. Tree Health is Fair and Structure is Poor. This tree is a hazard and is recommended for removal.

Tree #10: 16" diameter, 15' tall and 25' wide. Tree Health is Fair – Poor and Structure is Poor. This tree is a hazard and is recommended for removal.

Tree #11: On Neighbor's property. 16" diameter, 12' tall and 18' wide. Leans and is DEAD.

Risks to Trees by Construction

Besides the above-mentioned health and structure-related issues, the trees at this site could be at risk of damage by construction or construction procedures that are common to most construction sites. These procedures may include the dumping or the stockpiling of materials over root systems; the trenching across the root zones for utilities or for landscape irrigation; or the routing of construction traffic across the root system resulting in soil compaction and root dieback. It is therefore essential that Tree Protection Fencing be used as per the Architect's

drawings. In constructing underground utilities, it is essential that the location of trenches be done outside the drip lines of trees except where approved by the Arborist.

General Tree Protection Plan

Protective fencing is required to be provided during the construction period to protect trees to be preserved. This fencing must protect enough portion of the root zone to be effective. In most cases, it would be essential to locate the fencing a minimum radius distance of 6 times the trunk diameter in all directions from the trunk. There are areas where we will amend this distance based upon proposed construction. In my experience, the protective fencing must:

- a. Consist of chain link fencing and having a minimum height of 6 feet.
- b. Be mounted on steel posts driven approximately 2 feet into the soil.
- c. Fencing posts must be located a maximum of 10 feet on center.
- d. Protective fencing must be installed prior to the arrival of materials, vehicles, or equipment.
- e. Protective fencing must not be moved, even temporarily, and must remain in place until all construction is completed, unless approved by a certified arborist.
- f. Tree Protection Signage shall be mounted to all individual tree protection fences.

Based on the areas suited for development and the condition and location of trees present on site, the following is recommended:

1. A Certified Arborist should supervise any excavation activities within the tree protection zone of these trees.
2. Any roots exposed during construction activities that are larger than 2 inches in diameter should not be cut or damaged until the project Arborist has an opportunity to assess the impact that removing these roots could have on the trees.
3. The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18" every 3-4 weeks during the dry months.
4. Mulch should cover all bare soils within the tree protection fencing. This material must be 6-8 inches in depth after spreading, which must be done by hand. Course wood chips are preferred because they are organic and degrade naturally over time.
5. Loose soil and mulch must not be allowed to slide down slope to cover the root zones or the root collars of protected trees.
6. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a Certified Arborist. For trenching, this means:

- a. Trenches for any underground utilities (gas, electricity, water, phone, TV cable, etc.) must be located outside the driplines of protected trees, unless approved by a Certified Arborist. Alternative methods of installation may be suggested.
 - b. Landscape irrigation trenches must be located a minimum distance of 10 times the trunk diameter from the trunks of protected trees unless otherwise noted and approved by the Arborist.
7. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
8. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
9. Landscape materials (cobbles, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.
10. Landscape irrigation systems must be designed to avoid water striking the trunks of trees, especially oak trees.
11. Any pruning must be done by a Company with an Arborist Certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1998.
12. Any plants that are planted inside the driplines of oak trees must be of species that are compatible with the environmental and cultural requirements of oaks trees. A publication detailing plants compatible with California native oaks can be obtained from The California Oak Foundation's 1991 publication "Compatible Plants Under & Around Oaks" details plants compatible with California native oaks and is currently available online at:
<http://www.californiaoaks.org/ExtAssets/CompatiblePlantsUnder&AroundOaks.pdf>.

I certify that the information contained in this report is correct to the best of my knowledge and that this report was prepared in good faith. Please call me if you have questions or if I can be of further assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael P. Young", with a stylized, flowing script.

Michael P. Young

CAUTION GENERAL NOTES

1. WOODRIDGE WATER USE SHALL BE REDUCED BY AT LEAST 20 PERCENT USING ONE OF THE FOLLOWING METHODS:
 - A. 20 PERCENT REDUCTION IN BASELINE WATER USE
 - B. 20 PERCENT REDUCTION IN FLOOR FINISHES OR FLOOR RESTRICTIONS
 - C. 20 PERCENT REDUCTION IN BASELINE WATER USE
 - D. 20 PERCENT REDUCTION IN BASELINE WATER USE
2. FLOOR FINISHES (WATER CLOSETS) AND FITTINGS (FACETS AND SHOWERHEADS) SHALL COMPLY WITH CALIFORNIA PERFORMANCE REQUIREMENTS OF 2016
3. JOINTS AND GASKETS, ANGLAR SPACES AND OTHER AREAS, ELECTRIC CABLES, CONDUITS OR OTHER AREAS SHALL BE PROTECTED AGAINST THE PASSAGE OF ROBOOTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, PROTECTIVE GROUT OR ANOTHER MATERIAL ACCEPTABLE TO THE ENFORCING AGENCY.
4. A MIN. OF 65% OF THE CONSTRUCTION WASTE SHALL BE REMOVED FROM THE SITE DURING CONSTRUCTION.
5. WHERE LOCAL JURISDICTION DOES NOT HAVE A CONSTRUCTION WASTE MANAGEMENT PLAN, THE CONTRACTOR SHALL SUBMIT FOR APPROVAL TO THE ENFORCING AGENCY A CONSTRUCTION WASTE MANAGEMENT PLAN.
6. THE CONTRACTOR SHALL SUBMIT FOR APPROVAL TO THE ENFORCING AGENCY A CONSTRUCTION WASTE MANAGEMENT PLAN.
7. THE CONTRACTOR SHALL SUBMIT FOR APPROVAL TO THE ENFORCING AGENCY A CONSTRUCTION WASTE MANAGEMENT PLAN.
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10. THE CONTRACTOR SHALL SUBMIT FOR APPROVAL TO THE ENFORCING AGENCY A CONSTRUCTION WASTE MANAGEMENT PLAN.

NOTES:
ALL RAIN WATER LEADERS WITH SPLASHBLOCKS DIVERTED TO LANDSCAPE VIA NATURAL EXISTING SWALES

NOTES:

PLEASE VERIFY ALL EXISTING SETBACKS ON SITE
PLEASE VERIFY THE FENCE IS ON THE PROPERTY LINE
CONTRACTOR TO VERIFY ALL SITE SETBACKS PRIOR TO CONSTRUCTION

PROPOSED SITE PLAN

Exhibit 8
A-3-STC-19-0025
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