

CALIFORNIA COASTAL COMMISSION

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



Th14b

Appeal Filed:	4/16/2019
49 th -Working Day:	6/25/2019
Staff:	Sarah Carvill - SC
Staff Report:	5/24/2019
Hearing Date:	6/13/2019

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-STC-19-0025

Applicant: Jagdish Kumar

Appellant: Michael Brodsky

Local Government: City of Santa Cruz

Local Decision: Coastal development permit application number CP18-0149 approved by the City of Santa Cruz Zoning Administrator on November 7, 2018, and that approval upheld through appeals to both the Planning Commission and the City Council.

Location: 1720 West Cliff Drive (APN 010-072-78) in the City of Santa Cruz.

Project Description: Construct a new 2,932-square-foot, two-story, single-family residence with a detached 419-square-foot garage on a vacant, substandard lot in the R-1-5 zone district.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does

raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (California Code of Regulations, Title 14, Sections 13115 and 13117.)

SUMMARY OF STAFF RECOMMENDATION

The City of Santa Cruz approved a coastal development permit (CDP) to construct a 2,932-square-foot, two-story single family residence with a 419-square-foot detached garage on a substandard vacant lot at 1720 West Cliff Drive in the City of Santa Cruz. The project site is across the street from the West Cliff Drive multi-use path and the Monterey Bay. The project site is bounded on the west by Stockton Avenue, and on the east by a single-story nonconforming duplex (owned by the Appellant) situated on a lot that wraps around the subject parcel to front both West Cliff Drive and Stockton Avenue.

The Appellant contends that the approved project is inconsistent with City of Santa Cruz Local Coastal Program (LCP) provisions governing the compatibility of new development with nearby structures, the protection of solar access, and tree removal. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the City of Santa Cruz LCP.

Specifically, in terms of scale and compatibility with surrounding structures, the proposed project conforms to all relevant Implementation Plan (IP) standards governing building size, height, and setbacks in the project area, including those for the West Cliff Drive Overlay, which are more protective than the requirements of the underlying zoning district and for substandard lots. These include a second-story step-back requirement that provides visual transition between the second story and the neighboring structure (i.e., the duplex). In terms of solar access, the approved project is consistent with the general requirements in the IP. In terms of tree removal, the City's CDP authorizes the removal of one hazardous limb from a heritage-sized cypress tree that overhangs the Applicant's property, which is allowable under the City's LCP.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. FINDINGS AND DECLARATIONS.....	4
A. PROJECT DESCRIPTION AND LOCATION	4
B. CITY OF SANTA CRUZ CDP APPROVAL.....	5
C. APPEAL PROCEDURES	5
D. SUMMARY OF APPEAL CONTENTIONS	6
E. SUBSTANTIAL ISSUE DETERMINATION	6
1. Scale and Compatibility with Neighboring Structures	6
2. Solar Access.....	9
3. Tree Issues	9
F. CONCLUSION	10

APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Location Map

Exhibit 2 – Project Site Images and Photographic Simulations

Exhibit 3 – City’s Final Local Action Notice

Exhibit 4 – Approved Project Plans

Exhibit 5 – Appeal of City of Santa Cruz’s CDP Decision

Exhibit 6 – Applicable LCP Policies and Standards

Exhibit 7 – Photos of Residences in the Surrounding Neighborhood

Exhibit 8 – Arborist’s Report dated October 3, 2018

CORRESPONDENCE

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission determine that Appeal Number A-3-STC-19-0025 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

Resolution to Find No Substantial Issue. The Commission finds that Appeal Number A-3-STC-19-0025 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The City-approved project is located on the northeast corner of the intersection of West Cliff Drive and Stockton Avenue (1720 West Cliff Drive), across the street from the West Cliff Drive multi-use pathway and, beyond it, the Monterey Bay. The parcel is zoned R-1-5 (single family residential) and is located within the Shoreline Protective Overlay and the West Cliff Drive Overlay districts. The irregularly-shaped parcel is considered a substandard lot because it is 48.89 feet in width, which is less than the LCP's minimum required lot width of 50 feet. The site is currently vacant and unvegetated.

The Applicant proposes to construct a 2,932-square-foot, two-story single family residence in the middle portion of the lot, with a 419-square-foot detached garage (accessed from Stockton Avenue).

The adjacent lot to the east (owned by the Appellant) is an L-shaped parcel that wraps around the north side of the subject parcel and connects to Stockton Avenue. A one-story nonconforming duplex (approximately 2,161 square feet in size) is located on the eastern portion of that lot (fronting West Cliff Drive), and the northwestern portion of the lot (fronting Stockton Avenue) serves as the duplex's backyard.¹ This backyard area includes a row of eleven cypress trees that run along the Applicant's northern property line. While the trunks of the trees are on the Appellant's property, the branches extend over the Applicant's property. The City approved removal of a limb from one of the cypress trees that extends over the Applicant's property.

¹ The duplex is nonconforming because duplexes are only allowed in the R-1-5 zoning district on corner lots, and because it does not meet the zoning district's minimum five-foot side yard setback requirement (i.e., the duplex's existing setback from the Applicant's property line is only about three-and-a-half feet).

See **Exhibit 1** for a location map; see **Exhibit 2** for photographs of the site and surrounding area, as well as photo-simulations of the approved residence; and see **Exhibit 4** for the approved project plans.

B. CITY OF SANTA CRUZ CDP APPROVAL

On November 7, 2018 the City of Santa Cruz Zoning Administrator (ZA) approved a CDP for the proposed project. The ZA's decision was appealed by the current Appellant to the City's Planning Commission which, after deliberation, upheld the approval and denied the appeal on January 17, 2019. The same Appellant then appealed the Planning Commission's decision to the City Council. On March 26, 2019, the City Council concurred with the prior two decisions, thus finalizing the ZA's original CDP decision. See **Exhibit 3** for the City's Final Local Action Notice.

The City's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on Tuesday, April 2, 2019. The Coastal Commission's ten-working-day appeal period for this action began on Wednesday, April 3, 2019 and concluded at 5 p.m. on Tuesday, April 16, 2019. One valid appeal (see below) was received during the appeal period.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP (Coastal Act Sections 30603(a)(1)-(4)). In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission (Coastal Act Section 30603(a)(5)). This project is appealable because it is located within 300 of the mean high tide line and within 300 feet of the top of a coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.² Under Section 30604(b), if the Commission conducts the de novo portion of an

² The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has considered the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and,

appeals hearing (upon making a determination of “substantial issue”) and finds that the proposed development is in conformity with the certified LCP, the Commission must issue a CDP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. In this case, the nearest public road to the sea is West Cliff Drive, and the project site is on the inland side of that road. Thus the project is not located between the nearest public road and the sea and this additional finding would not need to be made if the Commission were to approve the project following the de novo portion of the hearing (if applicable).

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted in writing (California Code of Regulations, Title 14, Section 13117). Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the City-approved project raises LCP consistency questions relating to the compatibility of new development with existing adjacent development and preservation of heritage trees. Specifically, the Appellant contends that the approved project would violate applicable LCP provisions because: 1) it includes a second story element that is not sufficiently set back from the single-story structure on the adjacent property, as required by the Implementation Plan (IP) for construction on substandard lots; 2) the new structure would block solar access to the adjacent property; and 3) the project would result in the removal of ten living heritage trees. Please see **Exhibit 5** for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

1. Scale and Compatibility with Neighboring Structures

The Appellant argues that the second story of the approved new residence is too close to the adjacent existing residential structure to be found consistent with IP Section 24.08.440(3), and that, therefore, the required findings identified in IP Sections 24.08.430(5) and (10) cannot be made with respect to the City-approved project. The Appellant requests that the second story be set back 10 feet from the eastern property line as opposed to the 7.5 feet approved. The Appellant additionally argues that the approved second story, at 71% of the approved first floor area, exceeds the limit of 50% established by IP Section 24.08.440(2).³ The Appellant’s

whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

³ In his appeals to the Planning Commission and the City Council, the Appellant noted a City finding that discouraged placement of second-story elements adjacent to single-story elements; however that finding is no longer part of the certified IP or of the City’s zoning code, and was not part of the IP or the zoning code at the time of the City’s approval of the project. As such, it was not the standard of review at the time of project approval, and was

contentions thus implicate both specific numeric criteria and more generally worded qualitative standards in the IP. See **Exhibit 5** for the full text of the Appellant's contentions.

The City's certified Land Use Plan (LUP) protects neighborhood character and the visual quality of coastal areas by providing broad direction on land use and community design, but does not impose specific requirements on new residential development to ensure that it is of an appropriate size relative to existing development on neighboring lots. The City's IP prescribes setbacks, height limits, and other specific, numeric restrictions intended to ensure that new development is appropriate to the character of each zoning district, as well as additional and more restrictive requirements for projects within the West Cliff Drive Overlay District (WCD Overlay District - IP Section 24.10.4200 et seq.) and residential development on substandard lots (IP Section 24.08.440), both of which are applicable here. (See **Exhibit 6** for all the relevant LCP provisions cited in this section.) While some of these requirements indirectly address compatibility between new development and existing, adjacent structures (e.g., side yard setback requirements provide space between residences that increases the privacy of all occupants), as with the LUP, these specific limitations generally constrain new development to a scale and design appropriate to the area and the uses allowed there rather than imposing limits relative to structures and uses that happen to exist at the time of development on immediately adjacent properties.

The exceptions to this pattern are broadly worded and do not clearly warrant a conclusion that the City's approval is inconsistent with said provisions. For instance, IP Section 24.08.440(3) requires that new structures on substandard residential lots "shall be consistent with the scale of structures on adjacent lots, and generally be compatible with existing surrounding structures," and IP Section 24.08.430 provides a series of required findings for Design Permits that state that the site plan maintains a "compatible relationship to" adjacent properties and "respect[s] the need for privacy of adjacent residents" (see **Exhibit 6**).

With respect to the Appellant's contentions, the proposed project complies with the specific, numeric requirements of the IP, including the requirements of the WCD Overlay District, which are more restrictive than the setback and height requirements of the underlying R-1-5 zoning district, including for substandard lots. Specifically, the WCD Overlay District requires a second story setback of 7.5 feet from adjacent development, and also requires that the combined width of the side yard setbacks be a minimum of 30% of the width of the lot. The City-approved project includes a 7.5-foot setback from the adjacent residence, consistent with the requirements of the WCD Overlay, and there is no requirement in the IP for the 10-foot second story side yard setback requested by the Appellant. The second story side yard setbacks together comprise 36.8% of the width of the lot, and are therefore consistent with WCD Overlay District requirements (IP Section 24.10.4230(4)(b)(1)(ii)). These second story side yard setbacks are

made with respect to this project in error. Moreover, when it was a part of the IP, the City prevailed in a lawsuit in which it argued that the language did not outright forbid the construction of second-story structures next to single-story structures, but rather was intended to ensure that second-story elements were appropriately situated with respect to adjacent single-story structures.

greater than those for the first floor of the home,⁴ resulting in a stepped-back second story that provides a visual transition from the proposed two-story home to the one-story property to the east, and contributes to scale compatibility along the block. Regarding the Appellant's specific claim of inconsistency with IP Section 24.08.440(2), that requirement reads: "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." In this case, the first floor is 27.92% of the lot area, so the limit on second story floor area does not apply.

The WCD Overlay District limits residential height to 30 feet.⁵ The maximum height of the approved residence is 30 feet.⁶ Additionally, although not required under the LCP, in light of the Appellant's concerns about privacy the City conditioned the project to require higher sill heights on the second-story bedroom windows facing east, i.e., toward the Appellant's property, which should further limit views of the Appellant's property from the approved second story.

With respect to the broader contention that the second story as proposed is inconsistent with the requirement in IP Section 24.08.440(3) that development on substandard lots be consistent with the scale of structures on adjacent lots, the LCP does not provide further specification of how such "consistency" should be determined. However, and as the City repeatedly noted during the local process, the neighborhood is generally composed of a mix of one- and two-story homes, including a two-story home across Stockton Avenue from the approved residence and just north of both the Appellant's and the Applicant's properties on the east side of Stockton Avenue (see photos of the surrounding neighborhood in **Exhibit 7**). The Appellant contends that his property is the only one immediately adjacent to the proposed project, and that consideration of other homes on neighboring lots in determining consistency with IP Section 24.08.440(3) will accelerate the replacement of smaller, older homes along the Santa Cruz coast, leading to homogeneity among these structures. However, adopting his interpretation (i.e., that the size of the existing structures on *only immediately* adjacent lots should be determinative of the scale of new development, beyond what is required in the IP) in effect artificially circumscribes and subordinates the development standards allowable under the zoning code and the IP to the size and scale of the homes that happen to exist on the parcel(s) *immediately adjacent* to any given proposal. Considering the relevant LCP provisions comprehensively, the LCP does not warrant such a literal or extreme interpretation for determining appropriate development standards for similarly-situated parcels.

⁴ The West Cliff Drive Overlay (IP Section 24.10.4230(4)(b)(1)(i)) requires a first floor side yard setback of at least five feet for interior side yards and at least eight feet for exterior side yards; the proposed side yard setbacks on the first floor are five feet, two inches and eight feet, two inches, respectively.

⁵ In addition to this strict numeric limit, the West Cliff Drive Overlay also defines a building envelope which cannot be exceeded by development features (with certain enumerated exceptions). The envelope is 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 City-approved project additionally conforms to these building envelope standards.

⁶ The City's findings refer to the height of the home as measured to the average midpoint of the roof, which IP Section 24.22.162 provides as allowable for hipped roofs such as the Applicant has proposed. Using this approach, the City-approved project is 26 feet and nine inches in height, or three feet, three inches below the 30-foot height limit in the IP. The project plans use the height of the peak of the roof, which is 30 feet.

The City-approved project therefore complies with all of the specific, applicable requirements of the IP, and the City's findings with respect to the IP's broader, qualitative standards reflect a reasonable assessment of the compatibility of the approved new structure with the surrounding area in light of the development standards allowable under the LUP and IP. The project consequently presents no substantial issue of LCP conformance with respect to its scale and siting.

2. Solar Access

The LUP does not impose any substantive requirements on new development in relation to solar access; rather, Environmental Quality Policy 5.3.3 requires the City to develop and "adopt a solar access ordinance to protect solar access rights." Thus the applicable standards in the LCP for determining the Applicant's obligation to protect solar access on neighboring properties are the IP sections that relate to solar access. Specifically, IP Section 24.08.440(5) provides that "spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot." The required finding in IP Section 24.08.430(5) also addresses solar access. However, the IP does not include any particular standard for determining how solar access to adjacent properties should be "maximized" by new development. See **Exhibit 6** for the text of the above-cited LCP provisions.

The City found that the proposed house will maintain solar access to the adjacent property based on the fact that it will meet the 30-foot height limit allowed in the IP, and because, as noted above, the proposed structure is set back five feet and two inches from the Appellant's property line at the first story and 7.5 feet at the second story. The City therefore analyzed the project and considered its potential impacts to solar access, and concluded that the project design protects solar access via compliance with the IP. Given the broad and adaptable nature of the LCP requirements relating to solar access specifically, this determination does not raise a substantial issue of LCP conformance in this case.

3. Tree Issues

The Appellant contends that the approved project provides for removal of ten of the eleven cypress trees that line the northern boundary of the Applicant's property, noting that these ten trees allowed to be removed are at least partially located on his (i.e. the Appellant's) property. The Appellant also disputes the characterization of the trees as dead and/or hazardous, and argues that removal of the trees is inconsistent with LUP Community Design Policy 6.1.1 concerning heritage trees.⁷

The Applicant's arborist report examined all eleven trees and determined that only one was *both* living and not hazardous (Tree #1 in the arborist's report). The City's approval for the project requires that all of the protection measures recommended by the arborist for this healthy tree be incorporated into final building plans and installed before any grading on the site occurs, and

⁷ Under the LCP's Heritage Tree Ordinance, a heritage tree is defined as "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 having a trunk with a circumference of forty-four inches (approximately fourteen inches in diameter or more), measured at fifty-four inches above existing grade..." (see **Exhibit 6**).

further requires that the arborist be present onsite during the driveway and garage grading (i.e., the area closest to this protected tree). See **Exhibit 8** for the arborist's report.

A second tree (tree #6 in the arborist's report) was large enough to be considered a heritage tree. This tree has a large branch that extends over the property line (i.e., over the Applicant's parcel) on a downward slope and blocks the area of what would be the driveway of the City-approved home. The branch is living but cracked, and the arborist determined that it poses a hazard. Due to the hazardous nature of the branch, the City authorized removal of branch on the Applicant's side of the property line as part of the approved project, which is allowed by the LCP's Heritage Tree Ordinance.⁸ As to the remaining nine trees, the City determined that they were all either dead or hazardous, but classifies their removal as a civil matter to be resolved by the Applicant and the Appellant.⁹ Further, the City's approval requires the Applicant to plant a replacement hedgerow of six Monterey cypress trees on his own property regardless of whether the remaining nine trees are eventually removed or not.

With respect to LUP Community Design Policy 6.1.1, this policy directs the City to protect heritage trees and shrubs by reviewing construction plans to determine impacts to same, which the City has done in this case. It does not preclude removal of heritage trees or shrubs.

In short, the City's CDP approval allows for the removal of one tree branch the City deemed hazardous that is on the Applicant's property pursuant to all required LCP findings for said removal, and required the Applicant to plant a new hedge row to provide screening between the Applicant's and Appellant's properties, and the tree issues raised by the Appellant do not rise to the level of a substantial LCP conformance issue.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission has in the past considered the following five factors in its decision of whether the issues raised in a given case are "substantial": the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the City; the significance of the coastal resources affected by the decision; the precedential value of the City's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide

⁸ The tree is mostly located on the Appellant's property, and thus any removal on the Appellant's side of the property line is at the discretion of the Appellant, and the City's CDP cannot and does not authorize development on the Appellant's property. Any remaining issues as to the Applicant's and the Appellant's individual or joint responsibility and/or consent to conduct work on the tree is not an issue of LCP consistency, but rather a civil matter between the Applicant and the Appellant that would need to be resolved between themselves (as the City notes in its staff report on the matter).

⁹ The City's findings do differ slightly from the Applicant's arborist's report in that the City states that the nine remaining trees were dead, while the Applicant's arborist found that only six of the remaining trees were dead. However, according to the City arborist, the remaining three trees were in fair to poor health (hence the observable greenery at the site noted by the Appellant), and hazardous due to poor structure.

significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. First, in terms of the scale and compatibility contentions, the proposed new structure is comparable in size and scale to structures in the vicinity and meets all the applicable requirements in the IP related to size and setbacks, which include a stepped-back second story to provide privacy and visual transition to the adjacent single-story structure. These same attributes, along with the fact that the approved structure meets the height limits in the IP, provide consistency with the general protections for solar access required in the IP. Finally, the City's approval authorizes the removal of one hazardous tree branch that overhangs the Applicant's property, consistent with LCP.

Thus, the City has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP. Second, regarding the extent and scope of the development as approved by the City, the proposed development is the first single-family dwelling of record for an otherwise vacant substandard lot which, as discussed above, is within the allowable development standards specified by the LCP and consistent in this regard with neighboring development in the vicinity. Third, the approved project is a single-family residence in a developed neighborhood and it will not adversely impact significant coastal resources. Fourth, because there is substantial factual and legal support for the City's decision, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance but rather application of development standards specific to a residential district within the local City LCP.

For the reasons stated above, the Commission finds that Appeal Number A-3-STC-19-0025 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS¹⁰

- CDP File A-3-STC-19-0025

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- City of Santa Cruz

¹⁰ These documents are available for review in the Commission's Central Coast District office.