#### CALIFORNIA COASTAL COMMISSION

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

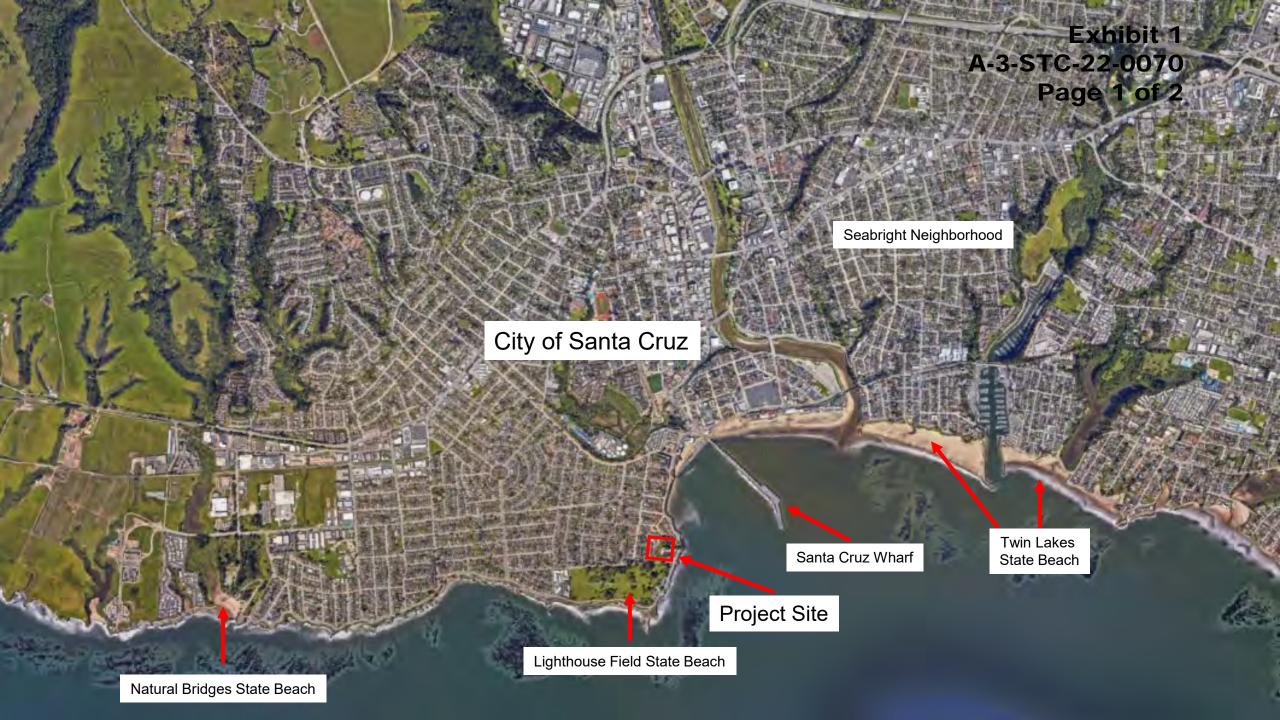


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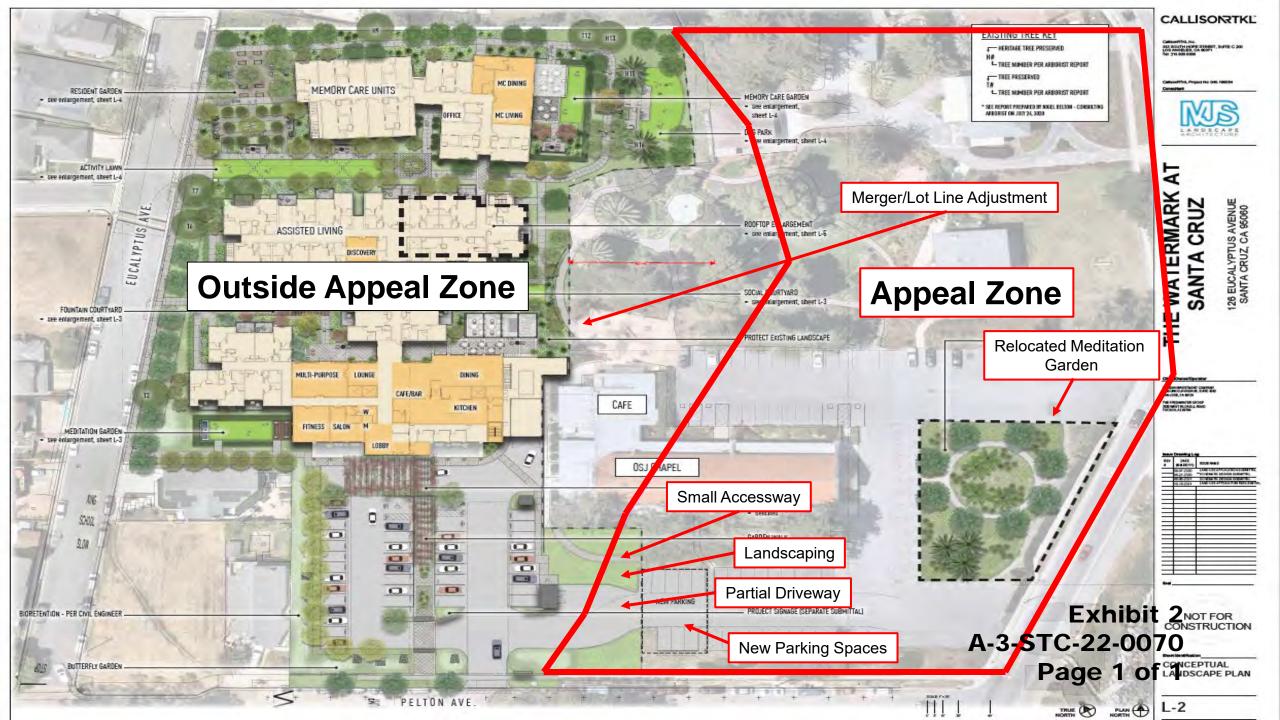
#### A-3-STC-22-0070 (ST JOSEPH SENIOR HOUSING) FEBRUARY 10, 2023 HEARING EXHIBITS

**Table of Contents** 

Exhibit 1: Regional Vicinity Map Exhibit 2: Project Site Map and Appeal Zone Exhibit 3: Excerpt of City Approved Project Plans Exhibit 4: Excerpt of City Final Local CDP Action Notice Exhibit 5: Appeal of City CDP Decision











### DEVELOPER

**OPPIDAN INVESTMENT COMPANY** 1100 LINCOLN AVE SUITE 382 SANTA CRUZ, CA 95125 CONTACT: ROGER BERNSTEIN C: 760.419.8032

### 

### ARCHITECT

CALLISONRTKL INC 333 S. HOPE STREET SUITE C200 LOS ANGELES, CA 90017 PROJECT ARCHITECT: DAUN St. AMAND AIA PROJECT MANAGER: NATALIE RUIZ

Exhibit 3 O: 213.633.6000 A-3-STC-22-0070 Page 1 of 12



THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704 CONTACT: JAMES GOEBEL O: 520.615.5243



CCI CODE CONSULTANT INC EL SEGUNDO, CA 90245 O: 213.622.5880

# The Watermark at Santa Cruz

# LAND USE APPLICATION SUBMITTAL

**RESUBMITTED 10/15/21** 

2301 ROSECRANS AVE SUITE 2155 CONTACT: ADEN MALEK STEPANIANS



### **CIVIL ENGINEER**

IFLAND ENGINEERS INC 5300 SOQUEL AVE SUITE 101 SANTA CRUZ, CA 95062 CONTACT: JON IFLAND O: 831.426.5313



### LANDSCAPE ARCHIECT

MJS LANDSCAPE ARCHITECTURE 507 30TH ST. NEWPORT BEACH, CA 92663 CONTACT: DAN DELLE O: 949.675.9964



ENGLEKIRK



# Englekirk

### **STRUCTURAL ENGINEER**

888 S. FIGUEROA ST. 18th FLOOR LOS ANGELES, CA 90017 CONTACT: TONY GHODSI O: 714.557. 8551



### **KITCHEN/LAUNDRY**

CORSI ASSOCIATES 1489 BALTIMORE PIKE SUITE 109 SPRINGFIELD, PA 19064 **CONTACT: DANIEL PERSON** O: 610.541.0822



**MEP ENGINEER** 

GLUMAC 18200 VON KARMAN AVE SUITE 100 **IRVINE, CA 92612** CONTACT: JOSEPH FONG O: 214.555.5555



KGM LIGHTING 270 CORAL CIRCLE EL SEGUNDO, CA 90245 CONTACT: DAVID McCARROLL O: 310.552.2191

CITY OF SANTA CRUZ GENERAL NOTE: NATURAL GAS-FREE DESIGN AS REQUIRED BY SCMC6.100.

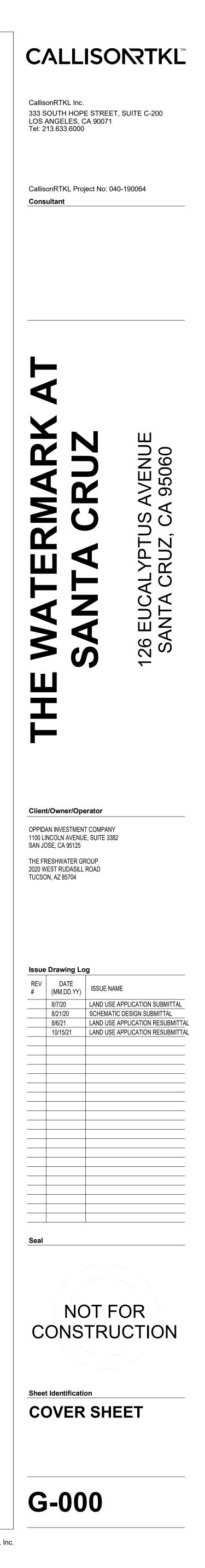


Exhibit 3 A-3-STC 220070 AL ENTRANCE AND PORTE-COCHERE Page 2 of 12

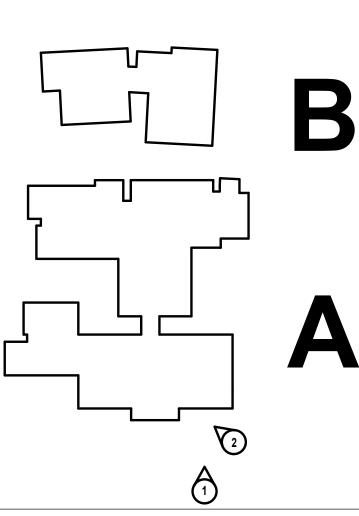




VIEW OF ENTRANCE FROM PELTON AVE LOOKING NORTH



**KEY PLAN** 





Sheet Identification RENDERINGS

NOT FOR CONSTRUCTION

Seal

Issue Drawing Log		
REV #	DATE (MM.DD.YY)	ISSUE NAME
	8/7/20	LAND USE APPLICATION SUBMITTAL
	8/21/20	SCHEMATIC DESIGN SUBMITTAL
	8/6/21	LAND USE APPLICATION RESUBMITTAL
	10/15/21	LAND USE APPLICATION RESUBMITTAL

OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator



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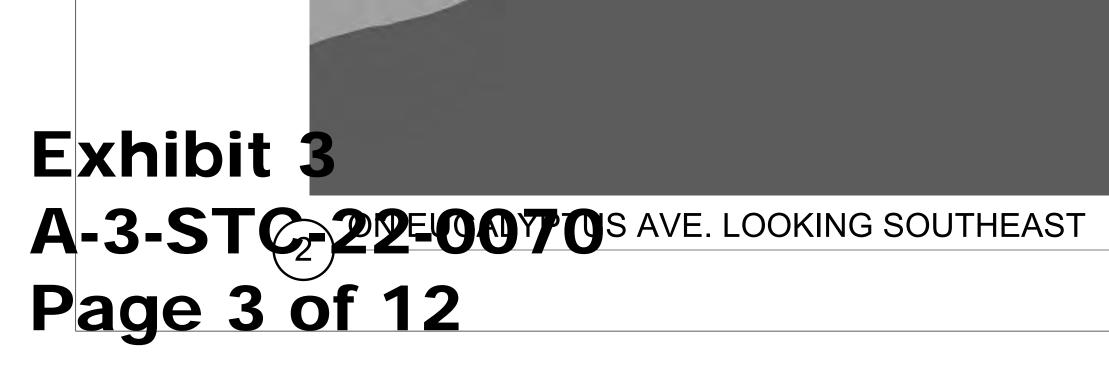
333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Inc.

Consultant

CALLISORTKL

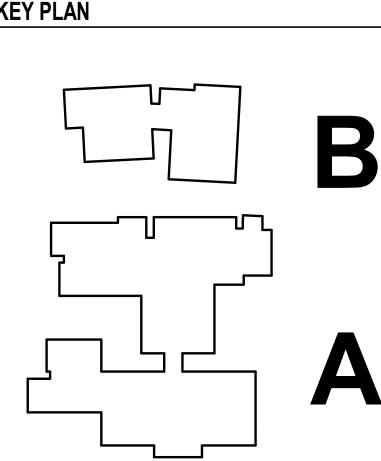
CallisonRTKL Project No: 040-190064







**KEY PLAN** 2





Sheet Identification RENDERINGS

NOT FOR CONSTRUCTION

Seal

Issue Drawing Log		
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	8/21/20	SCHEMATIC DESIGN SUBMITTAL
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	10/15/21	LAND USE APPLICATION RESUBMITTAL

OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator



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333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CALLISONRTKL

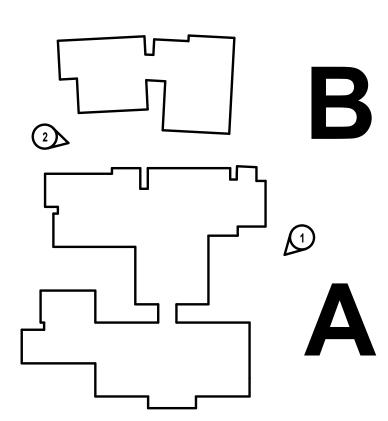
CallisonRTKL Project No: 040-190064

CallisonRTKL Inc.

Consultant



KEY PLAN





Sheet Identification
RENDERINGS

NOT FOR CONSTRUCTION

Seal

Issue Drawing Log		
REV #	DATE (MM.DD.YY)	ISSUE NAME
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OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

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CallisonRTKL Inc. 333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Project No: 040-190064

Consultant

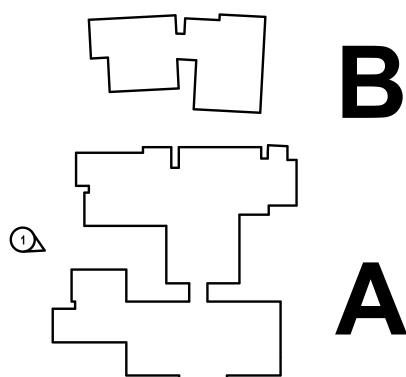
CALLISORTKL



AERIAL VIEW LOOKING DINING COURTYARD  $\left(1\right)$ 

Exhibit 3 A-3-STC-22-0070 Page 5 of 12

**KEY PLAN** 





Sheet Identification RENDERINGS

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OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator



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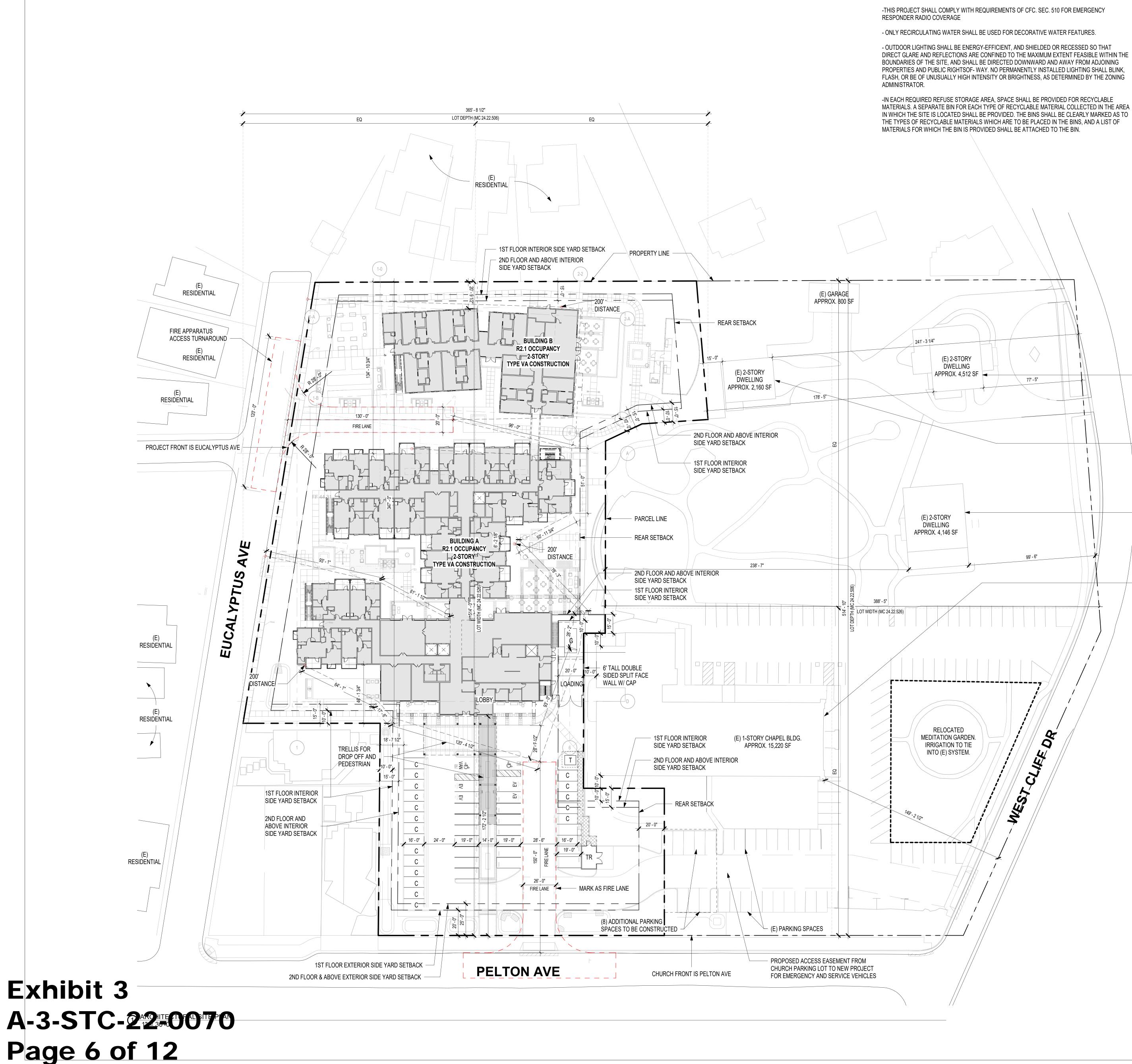
333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Inc.

Consultant

CALLISORTKL

CallisonRTKL Project No: 040-190064



#### **GENERAL NOTES:**

-REFER TO CIVIL DRAWINGS FOR ADDITIONAL INFORMATION

#### FLOOR AREA RATIO (FAR) CALCULATION:

TOTAL SITE AREA INCLUSIVE OF PROPOSED LOT 1 AND LOT 2 = 6.97 AC (303,613 SF) LOT 1 AREA = 3.97 AC (172,933 SF) LOT 2 AREA = 3 AC (130,680 SF)

ALLOWABLE FLOOR AREA RATIO (FAR) = .35 MAXIMUM FLOOR AREA ALLOWED PER FAR: 303,613 SF x .35 = 106,264 SF

EXISTING IMPROVEMENTS ON LOT 1 = APPROX. 26,838 SF FLOOR AREA PROPOSED FOR PROJECT ON LOT 2 = 74,218 SF

LOT 1 & LOT 2 TOTAL FLOOR AREA = 101,056 SF (26,838 SF + 74,218 SF)

TOTAL SITE FAR = .33 (101,056 SF / 303,613 SF)

#### LOT 2 FAR CALCULATION:

ALLOWABLE FLOOR AREA RATIO (FAR) = .35 FLOOR AREA ALLOWED PER FAR: 130,680 SF x .35 = 45,738 SF

TRANSFERRED FLOOR AREA\*: 28,500 SF TOTAL FLOOR AREA ALLOWED: 45,738 SF + 28,500 SF = 74,238 SF

TOTAL FLOOR AREA PROPOSED: 74,218 SF (<74,238 SF TOTAL FLOOR AREA ALLOWED)

\*THE CHURCH WILL PERMANENTLY TRANSFER UP TO 28,500 SF OF DEVELOPMENT RIGHTS (FAR) FROM LOT 1 TO LOT 2 PURSUANT TO A DEED RESTRICTION; BOTH LOT 1 AND LOT 2 WILL BE HELD IN COMMON OWNERSHIP.

20' MIN

10' MIN

15' MIN

20' MIN

25' MIN

20' MIN

PLUS 40% AT 25' MIN

#### MINIMUM SET BACKS (MC 24.10.4230.4) FRONT YARD SETBACK (EUCALYPTUS AVE)

INTERIOR SIDE YARD SETBACK: 1ST FOOR	
INTERIOR SIDE YARD SETBACK: 2ND FOOR	
EXTERIOR SIDE YARD SETBACK: 1ST FOOR:	
EXTERIOR SIDE YARD SETBACK: 2ND FOOR	
REAR SETBACK	

LOTS WITH MORE THAN 100 FEET WIDTH (MC 24.10.4230.4.B.(2)) CALCULATION AT SITE MID DEPTH:

1ST FLOOR COMBINED SETBACK: 30% OF 514' (TOTAL SITE WIDTH)=154'MIN. INTERIOR (NORTH) SETBACK 20'-9 1/2'+ EXTERIOR (SOUTH) SETBACK 172'-2 1/2"=193'>154'-0" 2ND FLOOR COMBINED SETBACK: 35% OF 514' (TOTAL SITE WIDTH)=180' MIN. INTERIOR (NORTH) SETBACK 20'-9 1/2'+ EXTERIOR (SOUTH) SETBACK 172'-2 1/2"=193'>180'-0"

CALCULATION AT SITE FRONTING EUCALYPTUS AVE: 1ST FLOOR COMBINED SETBACK: 30% OF 514' (TOTAL SITE WIDTH)=154'MIN. INTERIOR (NORTH) SETBACK 46'-1 3/4'+ INTERIOR (SOUTH) SETBACK 134'-10 3/4"=181'-6">154'-0" 2ND FLOOR COMBINED SETBACK: 35% OF 514' (TOTAL SITE WIDTH)=180' MIN. INTERIOR (NORTH) SETBACK 46'-1 3/4'+ INTERIOR (SOUTH) SETBACK 134'-10 3/4"=181'-6">180'-0"

CALCULATION AT (E) DWELLING: (E) BLDG. 1ST FLOOR COMBINED SETBACK: 30% OF 338.4' (TOTAL SITE WIDTH)=116.5'MIN.

INTERIOR (WEST) SETBACK 178.4'+ EXTERIOR (EAST) SETBACK 77.5'=255.9'>116.5'

(E) BLDG. 2ND FLOOR COMBINED SETBACK: 35% OF 338.4' (TOTAL SITE WIDTH)=135.9'MIN. INTERIOR (WEST) SETBACK 178.4'+ EXTERIOR (EAST) SETBACK 77.5'=255.9'>135.9'

CALCULATION AT (E) DWELLING: (E) BLDG. 1ST FLOOR COMBINED SETBACK:

30% OF 338.4' (TOTAL SITE WIDTH)=116.5'MIN. INTERIOR (WEST) SETBACK 15'+ EXTERIOR (EAST) SETBACK 241.25'=256.25'>116.5'

(E) BLDG. 2ND FLOOR COMBINED SETBACK: 35% OF 338.4' (TOTAL SITE WIDTH)=135.9'MIN. INTERIOR (WEST) SETBACK 15'+ EXTERIOR (EAST) SETBACK 241.25'=256.25'>135.9'

CALCULATION AT (E) DWELLING: (E) BLDG. 1ST FLOOR COMBINED SETBACK:

30% OF 338.4' (TOTAL SITE WIDTH)=116.5'MIN. INTERIOR (WEST) SETBACK 238.5' + EXTERIOR (EAST) SETBACK 99.5'=338'>116.5'

#### (E) BLDG. 2ND FLOOR COMBINED SETBACK: 35% OF 338.4' (TOTAL SITE WIDTH)=135.9'MIN.

INTERIOR (WEST) SETBACK 238.5'+ EXTERIOR (EAST) SETBACK 99.5'=338'>135.9' CALCULATION AT (E) DWELLING: (E) BLDG. 1ST FLOOR COMBINED SETBACK:

16 SPACES

3 SPACES

19 SPACES

19 SPACES

30% OF 338.4' (TOTAL SITE WIDTH)=116.5'MIN.

INTERIOR (WEST) SETBACK 10'+ EXTERIOR (EAST) SETBACK 149.2'=159.2'>116.5'

### PARKING REQUIRED (MC 24.12.240)

COMMUNITY CARE RESIDENTIAL FACILITY USE: 1 SPACE FOR EVERY 5 GUESTS (BEDS), PLUS 1 SPACE FOR EACH EMPLOYEE ON THE SHIFT WITH THE MAXIMUM NUMBER OF PERSONNEL

ASSISTED LIVING (AL)

MEMORY CARE (MC)

15 SPACES 42 1BD/STUDIO + 17 2BD = 59 UNITS (76 BEDS) (76 / 5 = 15.2) 4 SPACES 11 SINGLES + 4 DOUBLES = 15 UNITS (19 BEDS) (19 / 5 = 3.8)

EMPLOYEE

MULTIFAMILY USE: 1 SPACE FOR EVERY 1 BEDROOM, PLUS GUEST PARKING SPACES SHALL BE PROVIDED AT A RATE 10% OF THE ABOVE STANDARDS. FRACTIONAL SPACES WILL BE ROUNDED UP TO THE NEXT WHOLE NUMBER.

(2 \* 1) + (2 \* 10%) = 2.2

38 SPACES REQUIRED

2 1BD/STUDIO = 2 UNITS (2 BEDROOMS)

38 SPACES TOTAL EXCLUDING EV STALLS

2 SPACES INCLUDED IN TOTAL PROVIDED

(4 SPACES + 1 VAN ACCESSIBLE SPACE)

(PER CBC SECTION 1109A &11B-208)

(1 HC VAN & 1 HC STANDARD)

5 SPACES (PER MC 24.12.241.3.a)

INCLUSIONARY UNIT (IU)

PARKING PROVIDED

STANDARD COMPACT

TOTAL

ACCESSIBLE

3 SPACES (PER MC 24,12,250) (2 CLASS 1 + 1 CLASS 2)

\* AS CONFIRMED BY THE CITY OF SANTA CRUZ PLANNING DEPARTMENT, BICYCLE PARKING REQUIREMENTS APPLY ONLY TO THE AFFORDABLE UNITS FOR THIS PROJECT. 1 CLASS 1 SPACE PER UNIT AND 1 CLASS 2 SPACE PER FOUR UNITS.



EV STALL

**BIKE PARKING** 





Sheet Identification ARCHITECTURAL SITE PLAN

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Seal

Issue Drawing Log		
REV #	DATE (MM.DD.YY)	ISSUE NAME
	8/7/20	LAND USE APPLICATION SUBMITTAL
	8/21/20	SCHEMATIC DESIGN SUBMITTAL
	8/6/21	LAND USE APPLICATION RESUBMITTAL
	10/15/21	LAND USE APPLICATION RESUBMITTAL

**OPPIDAN INVESTMENT COMPANY** 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator



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333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Inc.

Consultant

CallisonRTKL Project No: 040-190064

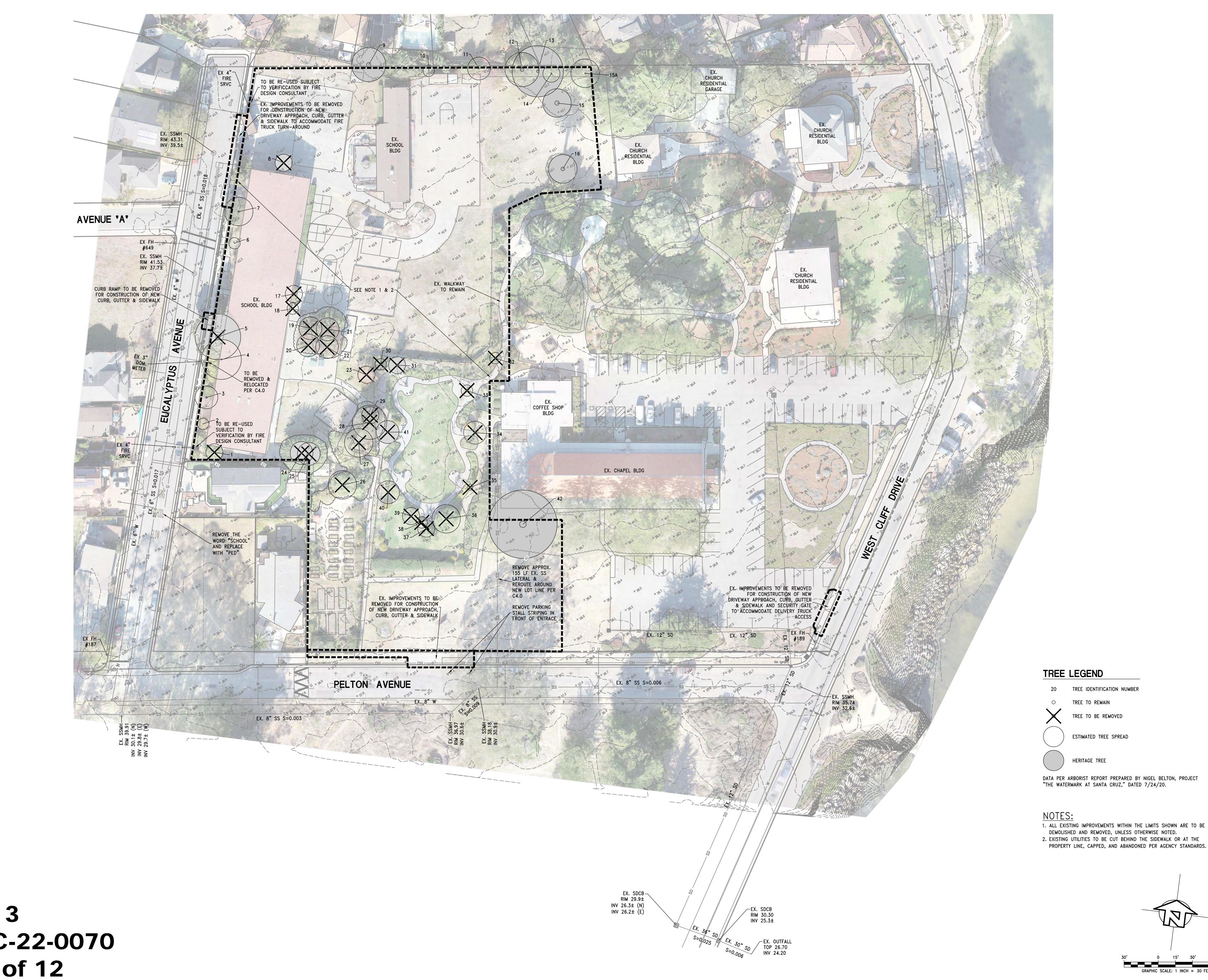
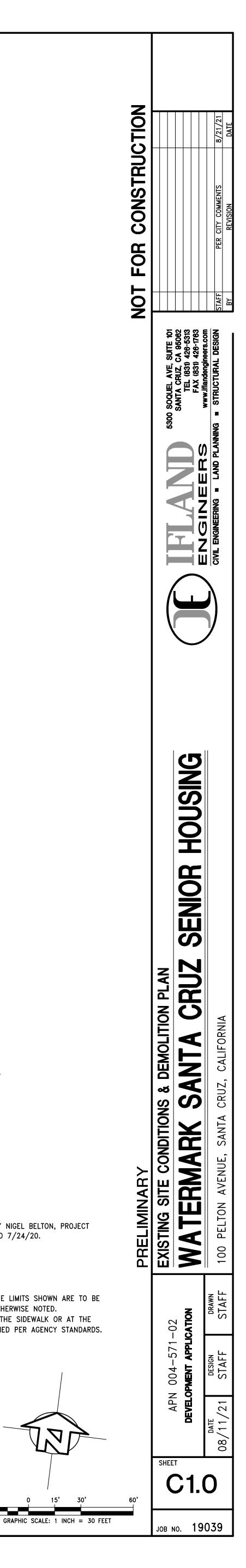


Exhibit 3 A-3-STC-22-0070 ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND CO ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND CO UNPUBLISHED WORK OF IFLAND ENGINEERS, INC. AND MAY NOT BE DUPLICATED OR CO





### MEMORY CARE GARDEN • see enlargement, sheet L-4

DOG PARK • see enlargement, sheet L-4

**ROOFTOP ENLARGEMENT** • see enlargement, sheet L-5

SOCIAL COURTYARD • see enlargement, sheet L-3

PROTECT EXISTING LANDSCAPE

# EXISTING TREE KEY

1,20

HERITAGE TREE PRESERVED

H# ← TREE NUMBER PER ARBORIST REPORT TREE PRESERVED

T# 🖕 TREE NUMBER PER ARBORIST REPORT

\* SEE REPORT PREPARED BY NIGEL BELTON - CONSULTING ARBORIST ON JULY 24, 2020

### RELOCATED MEDITATION GARDEN • IRRIGATION TO TIE INTO EXISTING SYSTEM

• RELOCATE STATUES. FINAL DESIGN TBD.

ENTRY LOGGIA

• porte cochere • enhanced paving

• benches

GARDEN WALK

• shade trellis

- enhanced paving
- planting pockets

EXISTING PARKING LOT

PROJECT SIGNAGE (SEPARATE SUBMITTAL)

- Add

en al Charles Provide

SCALE: 1" = 20'

0' 5' 10'



Sheet Identification CONCEPTUAL LANDSCAPE PLAN

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Issue Drawing Log		
REV #	DATE (MM.DD.YY)	ISSUE NAME
	08.07.2020	LAND USE APPLICATION SUBMITTAL
	08.21.2020	SCHEMATIC DESIGN SUBMITTAL
	08.05.2021	SCHEMATIC DESIGN SUBMITTAL
	10.15.2021	LAND USE APPLICATION RESUBMITTAL

OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704





LANDSCAPE Architecture





Sheet Identification **BUILDING A** ENLARGEMENT

NOT FOR CONSTRUCTION

Seal

L-3

REV	DATE	
κ⊑ν #	(MM.DD.YY)	ISSUE NAME
	08.07.2020	LAND USE APPLICATION SUBMITTAL
	08.21.2020	SCHEMATIC DESIGN SUBMITTAL
	08.16.2021	SCHEMATIC DESIGN SUBMITTAL
	10.15.2021	LAND USE APPLICATION RESUBMIT

OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator



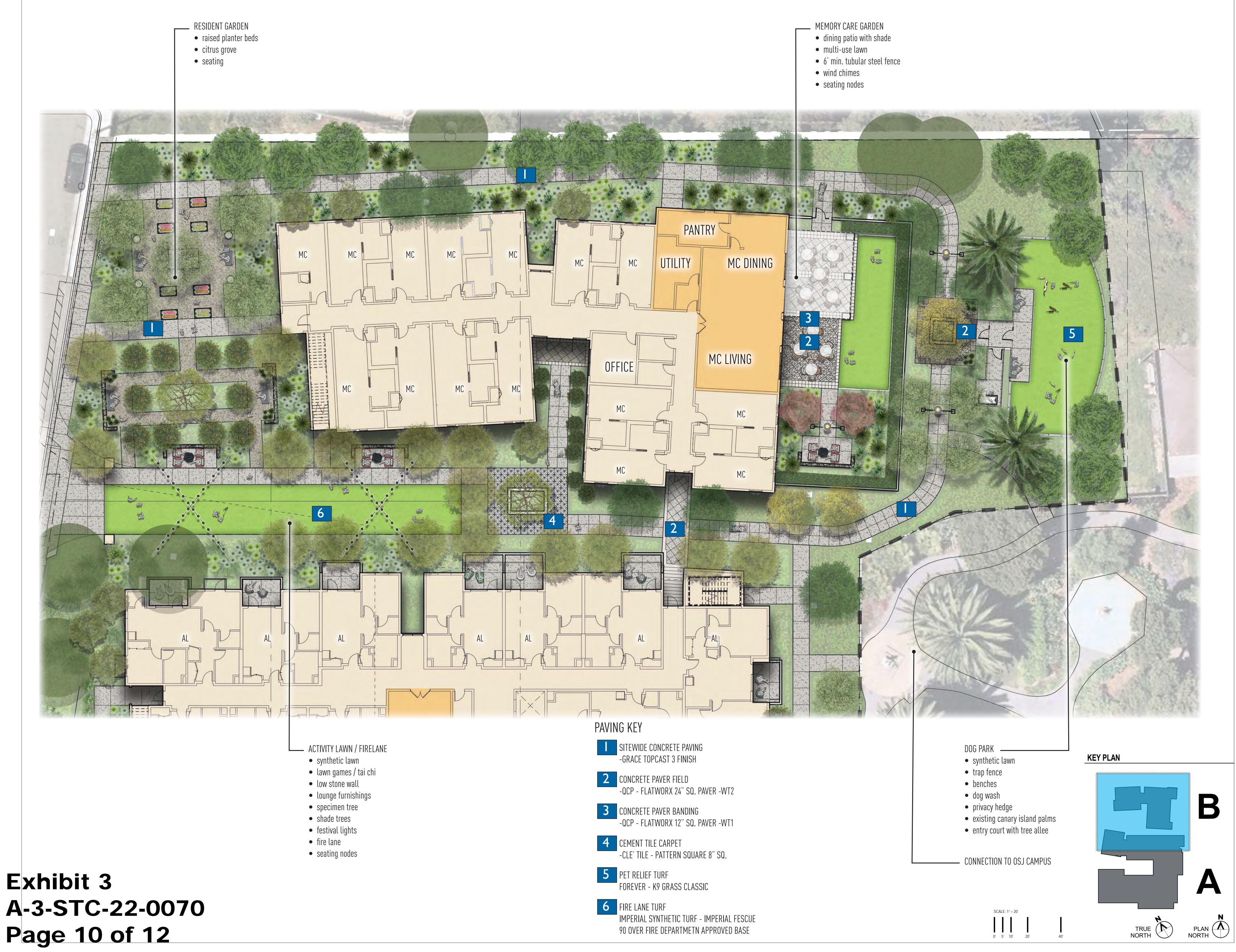
TUS AVENUE CA 95060 126 EUCALYPTU SANTA CRUZ,



CallisonRTKL Project No: 040-190064

Consultant

CALLISORTKL





Sheet Identification **BUILDING B** ENLARGEMENT

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	08.16.2021	SCHEMATIC DESIGN SUBMITTAL
	10.15.2021	LAND USE APPLICATION RESUBMITTAL
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OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

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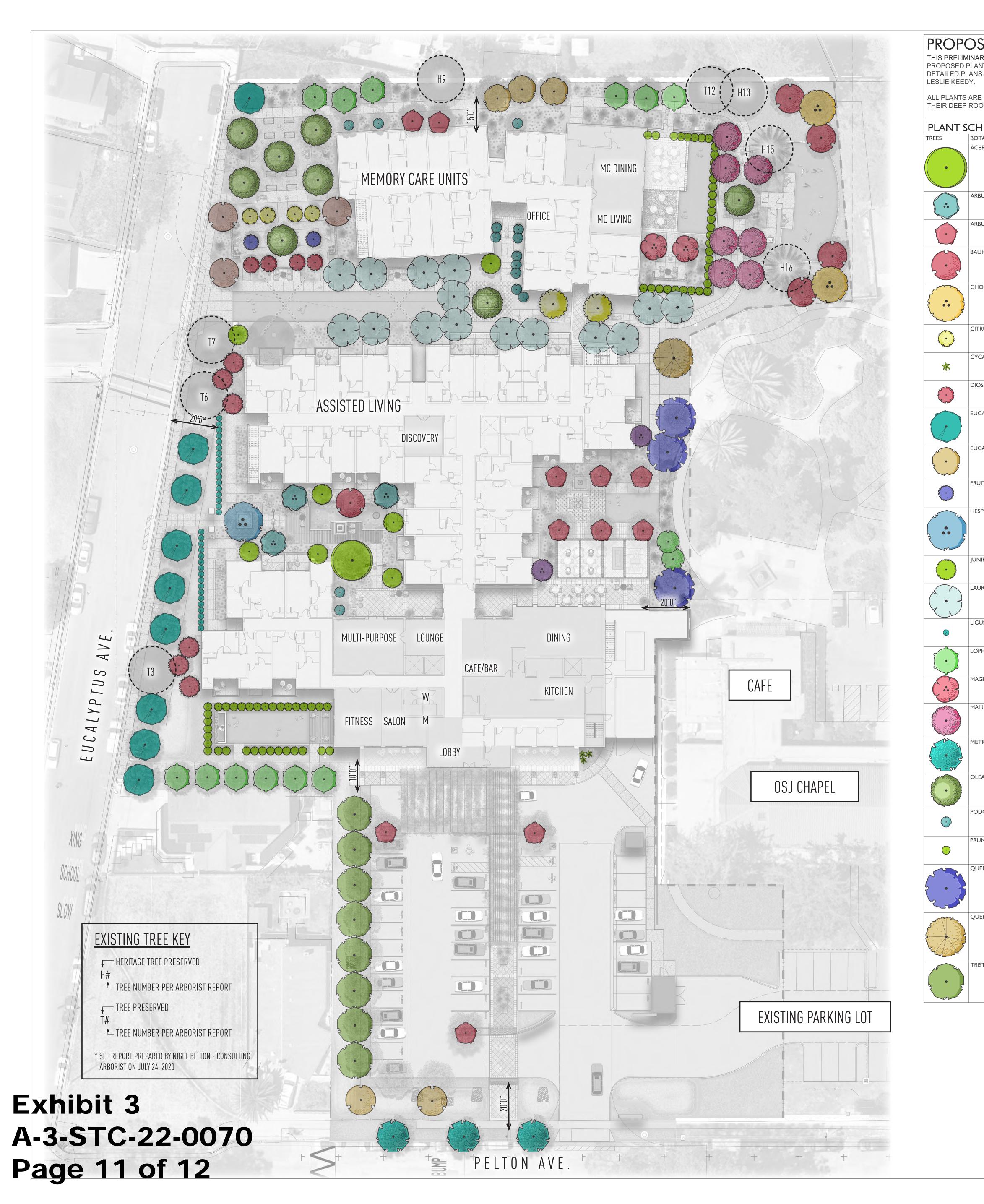
CALLISORTKL

333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Project No: 040-190064

CallisonRTKL Inc.

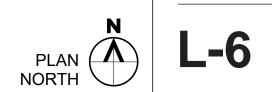
Consultant



SED TREE LIST			
ARY PLANT PALETTE IS INTENDED TO R NTS BUT DOES NOT INDICATE THE EXA IS. FINAL SELECTION OF STREET TREES	CT SPECIES WHICH WILL BE DEVE	LOPED ON	
E CAP-IPC NON-INVASIVE.THESE PLANT OT SYSTEMS WHICH STABILIZES SOIL a			
HEDULE DTANICAL NAME CER PALMATUM `BLOODGOOD`	COMMON NAME BLOODGOOD JAPANESE MAPLE	SIZE 36"BOX	QTY I
BUTUS MENZIESII	PACIFIC MADRONE	24"BOX	3
BUTUS X `MARINA`	ARBUTUS MULTI-TRUNK	36"BOX	11
UHINIA X BLAKEANA	HONG KONG ORCHID TREE	36"BOX	5
IORISIA SPECIOSA	SILK FLOSS TREE	24"BOX	2
rrus x limon	LEMON	15 GAL.	4
CAS REVOLUTA	SAGO PALM	24"BOX	3
OSPYROS VIRGINIANA	COMMON PERSIMMON	15 GAL.	4
CALYPTUS FICIFOLIA	RED FLOWERING GUM	36"BOX	9
CALYPTUS SPATHULATA	SWAMP MALLEE	24"BOX	3
JIT TREE	FRUIT TREE - TBS.	15 GAL.	2
SPEROCYPARIS MACROCARPA	MONTEREY CYPRESS	36"BOX	1
NIPERUS CHINENSIS `TORULOSA`	HOLLYWOOD JUNIPER	24"BOX	7
URUS X `SARATOGA`	SARATOGA HYBRID LAUREL	36"BOX	15
SUSTRUM JAPONICUM 'TEXANUM'	TEXAS JAPANESE PRIVET	15 GAL.	34
PHOSTEMON CONFERTUS	BRISBANE BOX	24"BOX	12
GNOLIA X SOULANGEANA	SAUCER MAGNOLIA	24"BOX	2
ALUS X `PRAIRIFIRE`	PRAIRIFIRE CRABAPPLE	24"BOX	7
TROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	36"BOX	3
EA EUROPAEA `SWAN HILL` TM	SWAN HILL OLIVE	48"BOX	8
DOCARPUS ELONGATUS `MONMAL` TM	ICEE BLUE YELLOW WOOD	24"BOX	14
UNUS CAROLINIANA `BRIGHT `N TIGHT` TM	BRIGHT `N TIGHT CAROLINA LAUREL	24"BOX	70
JERCUS AGRIFOLIA	COAST LIVE OAK	48"BOX	3
JERCUS VIRGINIANA	SOUTHERN LIVE OAK	36"BOX	I
ISTANIOPSIS LAURINA	WATER GUM	36"BOX	8

SCALE: 1" = 20'







NOT FOR CONSTRUCTION

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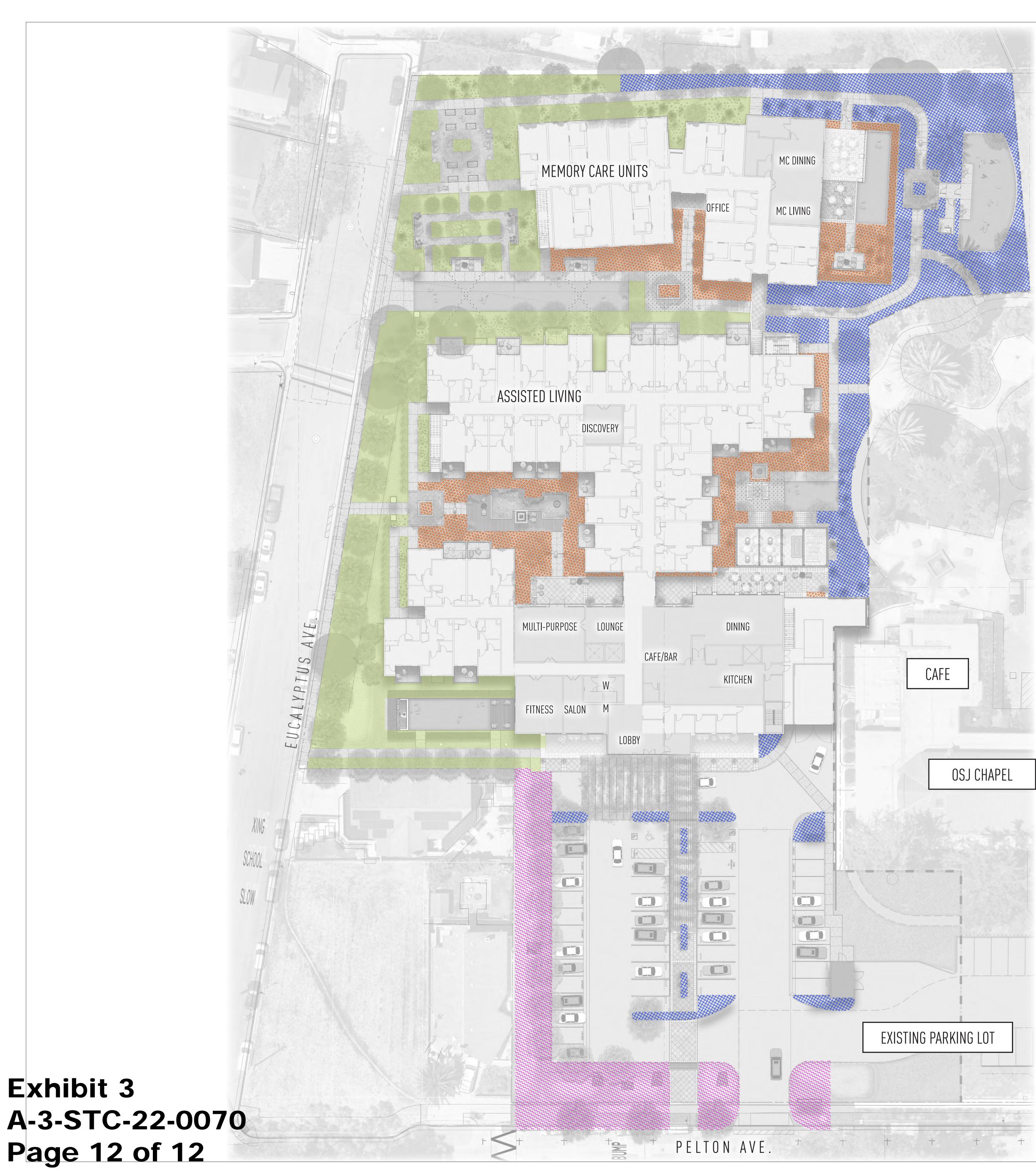


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CallisonRTKL Project No: 040-190064

CallisonRTKL Inc.

Consultant



## IRRIGATION HYDROZONES:

HYDRO-ZONE 1 - NORTH/WEST FACING - 15,719 S.F. IRRIGATION TECHNIQUE TREES - BUBBLERS SHRUBS - SUB SURFACE DRIP IRRIGATION
HYDRO-ZONE 2 - COURTYARD - 5,985 S.F. IRRIGATION TECHNIQUE TREES - BUBBLERS SHRUBS - SUB SURFACE DRIP IRRIGATION
HYDRO-ZONE 3 - SOUTH/EAST FACING - 10,476 S.F. IRRIGATION TECHNIQUE TREES - BUBBLERS SHRUBS - SUB SURFACE DRIP IRRIGATION
HYDRO-ZONE 4 - BIORETENTION BASIN - 6,609 S.F. IRRIGATION TECHNIQUE TREES - BUBBLERS SHRUBS - SUB SURFACE DRIP IRRIGATION
TOTAL LANDSCAPE AREA: 38,789 S.F.

## WATER CONSERVATION PRINCIPLES

PURPOSE: TO PROVIDE THE MAINTENANCE STAFF A MECHANICAL DEVICE TO DISTRIBUTE WATER AND ENSURE PLANT SURVIVAL IN THE MOST EFFICIENT MANNER AND WITHIN A TIME FRAME THAT LEAST INTERFERES WITH THE ACTIVITIES OF THE RESIDENTS

THE SYSTEM WILL UTILIZE DRIP and BUBBLER IRRIGATION COMPATIBL VITH THE AREA CONCEPT: BEING WATERED AND INFILTRATION RATES OF THE SOIL. THE SYSTEM WILL BE CONTROLLED BY A 'WEATHER TRAK' or 'SMART' CONTROLLER. VALVES PROGRAMMED FROM AUTOMATIC CONTROLLERS WILL MAXIMIZE EFFICIENT WATER APPLICATION.

TO AVOID WATER RUNOFF, THE CONTROLS WILL BE OVERSEEN BY A FLOW MONITOR THAT WILL DETECT ANY BROKEN BUBBLER HEADS or DRIP TUBING TO STOP THAT STATION'S OPERATION, ADVANCING TO THE NEXT WORKABLE STATION. IN THE EVENT OF PRESSURE SUPPLY LINE BREAKAGE IT WILL COMPLETELY STOP THE OPERATION OF THE SYSTEM. ALL MATERIAL WILL BE NON-FERROUS, WITH THE EXCEPTION OF THE BRASS PIPING INTO AND OUT OF THE BACKFLOW UNITS. ALL WORK WILL BE IN THE BEST ACCEPTABLE MANNER IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS PREVAILING IN THE INDUSTRY.

### **IRRIGATION CONCEPT STATEMENT**

LANDSCAPE PLANS ARE CONSISTENT WITH THE APPLICABILITY AND REQUIREMENTS OF CHAPTER 16.16 OF THE SANTA CRUZ MUNICIPAL CODE.

IRRIGATION ZONES: IRRIGATION HYDRO-ZONES SHALL HAVE PLANTS GROUPED with SIMILAR WATERING REQUIREMENTS.

DEPTH OF IRRIGATION LINES: ALL ON-GRADE LATERAL LINES SHALL BE BURIED TO A DEPTH OF 18" MIN. ALL ON-GRADE MAINLINES SHALL BE BURIED TO A DEPTH OF 24" MIN.

BACKFLOW PREVENTER: BACKFLOW PREVENTER SHALL BE A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER (FEBCO 825Y OR EQUAL) TYPE AS APPROVED BY WATER PURVEYOR and SCREENED with LANDSCAPING from PUBLIC VIEW.

IRRIGATION EMITTERS: ALL SHRUB AREAS SHALL BE IRRIGATED USING DRIP TYPE IRRIGATION SYSTEM. ALL TREES SHALL BE IRRIGATED USING BUBBLER AND/OR DRIP IRRIGATION SYSTEM. ALL GROUNDCOVER AREAS SHALL BE IRRIGATED USING DRIP IRRIGATION SYSTEM.

IRRIGATION CONTROLLER: CONTROLLER SHALL BE AUTOMATIC WITH MULTIPLE PROGRAMMING CAPABILITY. CONTROLLER TO BE REPROGRAMMED SEASONALLY TO MINIMIZE RUNOFF AND OVER WATERING. "SMART" CONTROLLER WEATHER TRACKING DEVICES SHALL BE UTILIZED TO CONTROL IRRIGATION CYCLES ACCORDING TO SPECIFIC IRRIGATION REQUIREMENTS.

CLASS OF IRRIGATION PIPE: ALL MAINLINE SHALL BE CLASS 315 PVC. ALL LATERAL LINE SHALL BE CLASS 200 PVC.

\* \* \* SPECIAL PROJECT IRRIGATION NOTES \* \* \*

1. THE IRRIGATION DESIGN SHALL COMPLY with THE CRITERIA of CITY of SANTA CRUZ WATER CONSERVATION POLICIES and REQUIREMENTS.

2. THE IRRIGATION SYSTEM SERVING LANDSCAPE and TREES in the PUBLIC RIGHT-OF-WAY will be CONNECTED to the ON-SITE WATER SUPPLY.

	Calif	ornia Wate	er Efficient Lan	dscape V	Vorksheet		
Reference Evapotranspiration (ET <sub>o</sub> )		32.9 Project Type				0.55	
lydrozone # / Planting	Plant Factor	Irrigation	Irrigation	ETAF	Landscape Area	ETAF x	Estimated Total
escription <sup>a</sup>	(PF)	Method <sup>b</sup>	Efficiency (IE) <sup>c</sup>	(PF/IE)	(Sq. Ft.)	Area	Water Use (ETWU) <sup>d</sup>
legular Landscape Are							
lydrozone # 1	0.3	Drip	0.81	0.37	11,371	4211	85906
lydrozone # 2	0.5	Drip	0.81	0.62	4,453	2749	56069
lydrozone # 3	0.3	Drip	0.81	0.37	15,155	5613	114493
lydrozone # 4	0.5	Drip	0.81	0.62	5,111	3155	64354
			0.75	0.00		0	(
			0.75	0.00		0	(
			0.75	0.00		0	(
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			0.75	0.00		0	(
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			0.75	0.00		0	(
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			0.75	0.00		0	(
			0.75	0.00		0	(
	1		0.75	0.00		0	(
			0.75	Totals	36090	15728	320823
pecial Landscape Area	as			rotais	30070	15720	52002
				1		0	(
	-			1		0	(
				1		0	(
				1		0	(
				Totals	0	0	(
					-	WU Total	320823
					ater Allowance		404890

SCALE: 1" = 20'



0' 5' 10' 20'



Sheet Identification HYDROZONE PLAN

NOT FOR CONSTRUCTION

Seal

Issue Drawing Log						
REV #	DATE (MM.DD.YY)	ISSUE NAME				
	08.07.2020	LAND USE APPLICATION SUBMITTAL				
	08.21.2020	SCHEMATIC DESIGN SUBMITTAL				
	08.16.2021	SCHEMATIC DESIGN SUBMITTAL				
	10.15.2021	LAND USE APPLICATION RESUBMITTA				

OPPIDAN INVESTMENT COMPANY 1100 LINCOLN AVENUE, SUITE 3382 SAN JOSE, CA 95125 THE FRESHWATER GROUP 2020 WEST RUDASILL ROAD TUCSON, AZ 85704

Client/Owner/Operator







333 SOUTH HOPE STREET, SUITE C-200 LOS ANGELES, CA 90071 Tel: 213.633.6000

CallisonRTKL Project No: 040-190064

CallisonRTKL Inc.

Consultant



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: December 2, 2022

To: California Coastal Commission Central Coast District 725 Front St., Ste 300 Santa Cruz, CA 95060

From: City of Santa Cruz Planning Department

Please be advised of the following actions:

Zoning Administrator hearing of:

RECEIVED

3-STC-22-1100

12/6-12/19/22

FINAL LOCAL ACTION NOTICE

DEC	0E	2022
UEU	VU	LULL

Local appeals <u>have not</u> been filed on the following case: Local appeals have been filed on the following case: CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

**REFERENCF #** 

APPEAL PERIOD

 File No:
 Address:

 Adopted findings and conditions are attached.
 Were previously submitted.

Planning Commission hearing of: October 6, 2022.

(date)

(date)

Local appeals have not been filed on the following case:

Local appeals have been filed on the following case numbers: see attached appeals

 File No.: CP20-0068 Address: 126 Eucalyptus and 136 Pelton Ave, Santa Cruz CA

 Adopted findings and conditions are attached.
 Image: Ware previously submitted.

City Council hearing of <u>November 29, 2022</u>. (date)

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

Local appeals have been filed on the following case numbers: see attached

File No.: <u>CP20-0068</u> Address: <u>126 Eucalyptus and 136 Pelton Ave, Santa Cruz CA</u> Adopted findings and conditions are attached. Usere previously submitted.

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

Action Agenda for coastal permits acted upon is attached.

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#### **FINDINGS**

#### Lot Line Adjustment, Section 23.12.030.1b

# 1. The parcels resulting from the lot line adjustment will conform to the general plan, any applicable specific plan, any applicable coastal plan, zoning and building ordinances; and

The two resulting parcels conform to the general plan in that the existing parcels are below the density range for the Low Density Residential land use designation, the resulting Lot 1 is still below the density range but able to be developed to within the range in the future, and the resulting Lot 2 with the proposed new development is within the density range. The site is not located in the focus area of any specific plan. The two lots conform to the coastal plan in that a lot line adjustment requires a Coastal Permit in the Coastal Appeal Zone, and the project includes a Coastal Permit. The parcels resulting from the lot line adjustment conform to the zoning ordinance in terms of lot size, lot width, street frontage, FAR for existing buildings, and building setbacks. Conditions of approval require the overall site to meet the FAR limitation in the future. The lot line adjustment has been reviewed by the Building division and confirmed to meet California Building Codes.

### 2. A greater number of parcels than originally existed are not created by the lot line adjustment.

The lot line adjustment results in two lots, which is less than the five lots originally existing before the sequential lot line adjustment.

#### Special Use Permit, Section 24.08.050

#### 3. The proposed structure or use conforms to the requirements and the intent of this title, and of the General Plan, relevant area plans, and the Coastal Land Use Plan, where appropriate;

The project is consistent with several general plan policies that promote housing for senior citizens and those with special needs (Housing Element Policy 3.1, 3.5, 3.6, 3.7; LU3.1) infill development that is compatible with the surrounding area (Housing Element Policies 1.1, 1.4, 5.3; LU 1.1; LU3.1; LU4.1.2; CD5.2; M3.3.5), protection of historic resources (HA1.8), and protection of sensitive biotic resources (Housing Element Policy 6.4, LU3.11.2, NRC2.2).

The project area has a general plan land use designation of Low-Density Residential, which accommodates single family residential neighborhoods, typically made up of detached homes. The corresponding R-1 zone districts in the zoning ordinance allow additional uses that are compatible with single family residential neighborhoods, such as community care facilities, churches, and bed and breakfasts, as long as approval of a Special Use Permit confirms that the use is compatible with the surrounding residential neighborhood. Therefore, while the proposed senior housing community care facility is not the typical

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detached home found in the neighborhood, it is consistent with the neighborhood use envisioned in the general plan and as further defined in the zoning ordinance.

The Low-Density Residential designation allows a residential density range of 1.1 to 10 dwelling units per acre. The project results in two lots with two existing dwellings on the eastern lot (Lot 1) and the new senior housing facility on the western lot (Lot 2). The density of Lot 1 will continue to be less than the density range minimum; however, some development potential remains on the site that would allow it to be brought up to the density range in the future. The new senior housing facility on the western lot has 76 units, of which 13 have full kitchens and meet the definition of "dwelling unit" under the zoning ordinance. These 13 units have a density of 4.3 dwellings per acre on the 3 acre lot, falling within the general plan density range.

The project site is not located within the focus area of any area or specific plan.

As conditioned, the project is consistent with the R-1-5 zone district and West Cliff Drive Overlay Zone District development standards and with the parking, signage, and inclusionary unit standards in the zoning ordinance. The following conditions ensure the project meets these standards:

- Final building permit plans shall show the arched architectural feature at the front of the building to be no more than 30 feet in height.
- Final building permit plans shall omit the over-height rooftop trellis feature.
- Final building permit plans shall either show fireplaces on the floorplans below and connected to the proposed chimney or shall omit the over-height chimney.
- A document (the document type be determined in coordination with the City Attorney's Office) will be recorded on each of the two new lots ensuring that any future development does not exceed the overall FAR for the project site.
- Final building permit plans shall include as-built drawings for all existing buildings on the church parcel in order to precisely calculate the remaining square footage available within the FAR limitation.
- Final building permit plans shall show any wall within the front yard setback to have a height of no more than three and a half feet.
- Applicant shall obtain a Sign Permit and any necessary building permit prior to installing the proposed wall sign.
- Inclusionary units shall be either independent living, assisted living, or staff housing units.

The project is consistent with the Local Coastal Land Use Plan and the Local Coastal Implementation Program. LCP policy L 1.4 calls on projects to utilize the environmental review process to ensure protection of natural resources, wildlife habitats, archaeologically sensitive areas, and scenic views. The project was evaluated for effects on coastal resources such as biotic resources, potential archaeological resources, visual resources, and coastal access.

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure to ensure the butterflies and the habitat during project construction. A condition of approval requires the applicant to adhere to the report recommendations.

Policy CR 1.2.2 requires projects to evaluate the extent of on-site archaeological and paleontological resources through archival research, site surveys and necessary supplemental testing as part of the initial environmental assessment on each potentially significant site. The project has done this with an archaeological investigation as discussed above, and a standard condition will require the applicant to stop work in the event archaeological or paleontological resources are discovered.

The LCP calls for preservation of visual resources and especially those associated with open spaces (CD 1.4, CD 2.2.1, L 3.3, L 3.3.4), the shoreline (CD 3.4, LU 1.6), and areas designated by the LCP as scenic viewpoints (L 1.6). The proposed development has the building situated toward the north, with the southern end of the site in parking lot and landscaping. This arrangement creates a visual transition to the Lighthouse Field State Park across Pelton Avenue to the south. Since the new building it is west of the existing church and several trees to be retained on the site, and since the building at 30 feet tall is consistent with the height of buildings in the surrounding area, the view of the development from along the shoreline will be consistent with the view of other buildings in the neighborhood. The area of the project site is also within the viewshed of the end of the Santa Cruz Wharf, which is a designated viewpoint and panorama on LCP Map CD-3: Scenic Views. The new development may be partially visible from the wharf and will appear consistent with the surrounding area for the same reasons mentioned for the shoreline view.

The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. LCP policy L 3.5.2 requires new development does not interfere with public access to the ocean. The project will provide all required parking on site and will not change the existing public parking adjacent to the site. Therefore, the project will not affect any public parking spaces for those wishing to access the coast. In addition, the site does not have an existing public coastal access trail, so the project will not affect pedestrian or bicycle access to the coast. Policies CD 1.4 and L 5.6.2 call for development to maintain and provide public access to adjacent open space and coastal

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recreation areas. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive. Finally, the project itself will make coastal access possible for seniors with limited mobility, a demographic that may otherwise have limited access to this resource.

### 4. That any additional conditions stipulated as necessary in the public interest have been imposed;

The following conditions have been applied as they are necessary in the public interest:

- Based on the approved number of parking spaces, the number of employees on site at any given time shall not exceed 21. An increase in the number of employees on the site at a given time shall require approval of a modification to this permit and include an updated site plan to accommodate the increased parking requirement.
- Prior to issuance of a building permit, the applicant, in conjunction with the property owner, shall submit a maintenance and management plan to address potential nuisance impacts associated with interior/exterior areas adjacent to the tenant space outlining measures to address trash/litter removal, graffiti, landscape maintenance, abandoned vehicles, noise and loitering, subject to approval by the Zoning Administrator.
- The management plan shall assign a "Neighbor Liaison" staff to provide a single point of contact between the community care facility and neighbors
- The use shall operate in conformance with Chapter 9.36 of the Municipal Code (Noise).
- Any Public/Major Special Events on the premises shall be conducted in accordance with Chapter 10.64 of the Municipal Code, with requisite permit applications being filed in accordance with the timelines outlined therein.
- Unless otherwise authorized by the City, all parking spaces shall be continuously maintained on the site in a condition that allows access by customers and employees of the use.
- Prior to occupancy of the tenant space, the applicant shall file a trespass letter with the Santa Cruz Police Department (SCPD) in accordance with Santa Cruz Municipal Code section 9.60.012 providing SCPD the authority to remove trespassers on the premises.
- Final building plans shall include security alarms for the building that include motion activation and manual activation capabilities.
- Final building plans shall include exterior security lights that provide 360-degree coverage around the perimeter of all buildings while meeting the performance standards in the Zoning Ordinance.
- Final building plans shall include exterior security cameras that provide 360-degree coverage around the perimeter of all egress and ingress into the building. The security

camera system shall have the capability to provide the recordings to police within 24 hours. In addition to the exterior security cameras, cameras need to be installed within the business itself and shall cover the doors and windows.

- Prior to occupancy, the applicant shall obtain a Zoning Clearance from the Planning Department and a Business License from the Finance Department.
- This use permit shall run with the land and shall be transferrable to a subsequent property owner or tenant upon confirmation that the subsequent use is in substantial compliance with the original use as verified through issuance of a Zoning Clearance.
- This use permit shall expire and become void if the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.
- Except for the stairs leading to the rooftop deck, all stairs leading to the roof shall be locked and accessible by staff only.
- The cafeterias/bar/cafe shall not be open to the public.
- 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.
- Inclusionary units shall be designated as either independent living, assisted living, or staff housing.
- Final building permit plans shall show the location, size, height, and content of signage at the Pelton Avenue exit prohibiting right turns onto Pelton and prohibiting the use of high beams until drivers are completely on eastbound Pelton Avenue.
- Prior to building permit issuance, the applicant shall submit a review letter from the project biologist referring to the revision date of the final landscape plans and confirming that the new trees shown on the final landscape plan are located to avoid excess shading of monarch butterfly nectar resources.
- Final building permit plans shall show the location of an onsite water source, such as a fountain, for the monarchs near the nectar gardens.
- Prior to approval of any demolition, grading, or building permit, the applicant shall record in the Santa Cruz County Recorder's office an access easement from West Cliff Drive across Lot 1 to Lot 2 along the proposed driveway extending across the south end of Lot 1. The easement shall provide for access for all vehicles visiting the site.
- Prohibit right-turns out of the Pelton Avenue driveway to divert outbound trips east of the existing monarch butterfly grove and avoid casting vehicle headlight glare into the grove.
- Install and maintain signage prohibiting high beams until drivers are completely on eastbound Pelton Avenue.
- All commercial deliveries shall use the West Cliff driveway for entering and exiting the site at all times.

- All exterior project lighting shall be shielded to contain the light source in a downward direction and avoid glare and illumination of adjacent properties and monarch butterfly grove at Lighthouse Field.
- Provide and maintain an onsite water source, such as a fountain, for the monarchs near the nectar gardens.
- Install and maintain predator proof waste bins.
- Eliminate populations of yellow jackets, eastern grey squirrels and rats on the property utilizing non-toxic methods.
- Restrict use of seed feeders that attract eastern grey squirrels and corvids.
- Utilize leaf vacuums instead of blowers during maintenance operations.
- Prohibit the use of neonicotinoids and other pesticides known to negatively impact monarchs.

### 5. That such use or structure will not constitute a nuisance or be detrimental to the public welfare of the community; and

The majority of the site will be a residential use that will be compatible with the surrounding residential, church, and open space uses. The site plan has placed operational uses as well as most of the residential amenities at the southeast corner of the building, away from both the surrounding residences and the open space to the south. This distance ensures compatibility with the surrounding uses. The memory care kitchen and cafeteria are located at the northern end of the building, which is closer to the residential uses. The kitchen will be required to meet any air quality standards as part of the building permit. In addition, standard conditions of approval requires the project to meet the performance standards relating to noise, odors, glare, and air pollutants.

6. That all thrift store uses shall include a management plan that identifies collection facilities for donated items, operating hours for donation facilities which discourage unsupervised dropoffs, adequate storage areas for sorting the materials, and provides a plan to properly dispose of unusable items in a timely, secure, and orderly fashion and maintains premises in a clean and attractive condition.

The project does not include a thrift store; therefore, this finding does not apply.

#### Coastal Permit, Section 24.08.250

7. The hearing body must find that the development is consistent with the General Plan, the Local Coastal Land Use Plan and the Local Coastal Implementation Program;

The project is consistent with several general plan policies that promote housing for senior citizens and those with special needs (Housing Element Policy 3.1, 3.5, 3.6, 3.7; LU3.1) infill development that is compatible with the surrounding area (Housing Element Policies 1.1, 1.4, 5.3; LU 1.1; LU3.1; LU4.1.2; CD5.2; M3.3.5), protection of historic resources (HA1.8).

and protection of sensitive biotic resources (Housing Element Policy 6.4, LU3.11.2, NRC2.2).

The project area has a general plan land use designation of Low-Density Residential, which accommodates single family residential neighborhoods, typically made up of detached homes. The corresponding R-1 zone districts in the zoning ordinance allow additional uses that are compatible with single family residential neighborhoods, such as community care facilities, churches, and bed and breakfasts, as long as approval of a Special Use Permit confirms that the use is compatible with the surrounding residential neighborhood. Therefore, while the proposed senior housing community care facility is not the typical detached home found in the neighborhood, it is consistent with the neighborhood use envisioned in the general plan and as further defined in the zoning ordinance.

The Low-Density Residential designation allows a residential density range of 1.1 to 10 dwelling units per acre. The project results in two lots with two existing dwellings on the eastern lot (Lot 1) and the new senior housing facility on the western lot (Lot 2). The density of Lot 1 will continue to be less than the density range minimum, however, some development potential remains on the site that would allow it to be brought up to the density range in the future. The new senior housing facility on Lot 2 has 76 units, of which 13 have full kitchens and meet the definition of "dwelling unit" under the zoning ordinance. These 13 units have a density of 4.3 dwellings per acre on the 3 acre lot, falling within the density range.

The project is consistent with the Local Coastal Land Use Plan and the Local Coastal Implementation Program. LCP policy L 1.4 calls on projects to utilize the environmental review process to ensure protection of natural resources, wildlife habitats, archaeologically sensitive areas, and scenic views. The project was evaluated for effects on coastal resources such as biotic resources, potential archaeological resources, visual resources, and coastal access.

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure protection of the butterflies and the habitat during project construction. A condition of approval requires the applicant to adhere to the report recommendations.

Policy CR 1.2.2 requires projects to evaluate the extent of on-site archaeological and paleontological resources through archival research, site surveys and necessary supplemental testing as part of the initial environmental assessment on each potentially significant site.

The project has done this with an archaeological investigation as discussed above, and a standard condition will require the applicant to stop work in the event archaeological or paleontological resources are discovered.

The LCP calls for preservation of visual resources and especially those associated with open spaces (CD 1.4, CD 2.2.1, L 3.3, L 3.3.4), the shoreline (CD 3.4, L 1.6), and areas designated by the LCP as scenic viewpoints (L 1.6). The proposed development has the building situated toward the north, with the southern end of the site in parking lot and landscaping. This arrangement creates a visual transition to the Lighthouse Field State Park across Pelton Avenue to the south. Since the new building is west of the existing church and several trees are proposed to be retained on the site, and since the building at 30 feet tall is consistent with the height of buildings in the surrounding area, the view of the development from along the shoreline will be consistent with the view of other buildings in the neighborhood. The area of the project site is also within the viewshed of the Santa Cruz Wharf, which is a designated viewpoint and panorama on LCP Map CD-3: Scenic Views. The new development may be partially visible from the wharf and will appear consistent with the surrounding area for the same reasons mentioned for the shoreline view.

The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. LCP policy L 3.5.2 requires new development does not interfere with public access to the ocean. The project will provide all required parking on site and does not propose to eliminate existing public parking adjacent to the site. Therefore, the project is not expected to affect any public parking spaces for those wishing to access the coast. In addition, the site does not have an existing public coastal access trail, so the project will not affect pedestrian or bicycle access to the coast. Policies CD 1.4 and L 5.6.2 call for development to maintain and provide public access to adjacent open space and coastal recreation areas. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive. Finally, the project itself will make coastal access possible for seniors with assistance needs, a demographic that may otherwise have limited access to this resource.

#### 8. Maintain views between the sea and the first public roadway parallel to the sea;

The site is located on the inland side of West Cliff Drive, which is the first public road parallel to the sea, and therefore will not obstruct any views between the road and the sea.

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

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure protection of the butterflies and the habitat during project construction. The report also included standard protection measures for nesting birds and roosting bats. A follow up biotic review of public comments received regarding the monarch butterfly habitat included several additional recommendations to protect and manage the butterflies. Conditions of approval require the applicant to adhere to the report recommendations and to the follow up recommendations that are consistent with the LCP and general plan.

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

The site is not located within the focus area of any design or area plan; therefore, this finding does not apply.

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

The site does not contain any existing coastal access way, although people parking on the street adjacent to the site may do so in order to access the coast. The project will provide all required parking on site and will not eliminate existing public parking adjacent to the site. Therefore, the project is not expected to affect any public parking spaces for those wishing to access the coast. The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive.

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

The site is designated for residential development and not for development for visitor-serving needs, and visitor-serving uses are not proposed; therefore, this finding does not apply.

### 13. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal dependent uses as appropriate.

The project site is not located in an area designated for coastal dependent industries, and the project does not propose a coastal dependent use; therefore, this finding does not apply.

#### Shoreline Protection Overlay District Review Criteria, Section 24.10.2430

#### 14. Protect trees and vegetation and sensitive wildlife habitat.

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure protection of the butterflies and the habitat during project construction. The report also included standard protection measures for nesting birds and roosting bats. A follow up biotic review of public comments received regarding the monarch butterfly habitat included several additional recommendations to protect and manage the butterflies. Conditions of approval require the applicant to adhere to the report recommendations and to the follow up recommendations that are consistent with the LCP and general plan.

#### 15. Be 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.

The project site does not include any coastal bluffs or cliffs; therefore, this finding does not apply.

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.

The site is not located on a cliff or bluff; therefore, this finding does not apply.

### c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.

The project site is not located on a cliff, bluff top, face, or base, and is not located on the beach; therefore, this finding does not apply.

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.

The proposed project does not include any retaining walls or sea walls; therefore, this finding does not apply.

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 proposed improvements are not within 100 feet of a cliff or bluff; therefore, this finding does not apply.

### 16. Provide maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.

During construction, the project proposes and will be required to follow Best Management Practices with regard to erosion and storm water control.

### 17. Maintain public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline;

The site is located inland from West Cliff Drive, the first public road parallel to the sea, and therefore will not obstruct any public views of the coastline from that road.

#### 18. Protect paleontological resources as prescribed in the Land Use Plan;

A condition of approval requires the applicant to stop work and contact the proper authorities should any earth-disturbing work result in the discovery of a paleontological resource.

### 19. Protect and enhance free public access to or along the beach, and sign such access when necessary;

The site does not contain any existing public coastal access way, although people parking on the street adjacent to the site may do so in order to access the coast. The project will provide all required parking on site and will not reduce the number of existing public parking adjacent **Exhibit 4** 

to the site. Therefore, the project is not expected to affect public parking spaces for those wishing to access the coast. The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive.

#### 20. Include mitigation measures prescribed in any applicable environmental document;

The project is exempt from CEQA review and therefore does not have an environmental document with mitigation measures. Conditions of approval require the project to follow recommended standard measures provided by the biotic, arborist, and archaeological consultants to protect resources consistent with the general plan, the LCP, and the zoning ordinance.

#### 21. Be compatible with the established physical scale of the area;

The proposed building is two stories and meets or exceeds all required setbacks for the West Cliff Drive Overlay zone district. The northern portion of the building is set back 56 feet from Eucalyptus Avenue, providing a substantial buffer between the building and the nearby residential buildings. When the site is considered as a whole, the development plus existing buildings on the church property have an FAR of approximately 0.33, within the 0.35 limitation. Conditions of approval ensure that future development will keep the overall site FAR within this limitation. While the floor area of the proposed building is substantially larger than the single family homes in the area, the height, setbacks, and overall site FAR are within the range of the neighborhood's established physical development.

### 22. Be consistent with the design review guidelines of this title and the policies of any applicable area plan;

The development meets the findings for a Design Permit in that the building has a comparable height to buildings in the surrounding area; the building's large setbacks, modulated walls, and generous landscaping create a buffer to the street and soften the visual line of the building, the Mediterranean architectural style with proposed detailing and as conditioned create a high quality architectural design; the placement of amenities away from existing homes minimizes any impacts on those homes; the proposed setbacks ensure solar access and privacy for the residences to the north; and the site will blend in with the surrounding area from the viewpoint of the wharf, a designated panorama viewpoint in the general plan. The site is not located within the focus area of any area plan.

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### 23. Be consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The project is consistent with the Local Coastal Land Use Plan and the Local Coastal Implementation Program. LCP policy L 1.4 calls on projects to utilize the environmental review process to ensure protection of natural resources, wildlife habitats, archaeologically sensitive areas, and scenic views. The project was evaluated for effects on coastal resources such as biotic resources, potential archaeological resources, visual resources, and coastal access.

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure to adhere to the report recommendations.

Policy CR 1.2.2 requires projects to evaluate the extent of on-site archaeological and paleontological resources through archival research, site surveys and necessary supplemental testing as part of the initial environmental assessment on each potentially significant site. The project has done this with an archaeological investigation as discussed above, and a standard condition will require the applicant to stop work in the event archaeological or paleontological resources are discovered.

The LCP calls for preservation of visual resources and especially those associated with open spaces (CD 1.4, CD 2.2.1, L 3.3, L 3.3.4), the shoreline (CD 3.4, L 1.6), and areas designated by the LCP as scenic viewpoints (L 1.6). The proposed development has the building situated toward the north, with the southern end of the site in parking lot and landscaping. This arrangement creates a visual transition to the Lighthouse Field State Park across Pelton Avenue to the south. Since the new building is west of the existing church and several trees are proposed to be retained on the site, and since the building at 30 feet tall is consistent with the height of buildings in the surrounding area, the view of the development from along the shoreline will be consistent with the view of other buildings in the neighborhood. The area of the project site is also within the viewshed of the Santa Cruz Wharf, which is a designated viewpoint and panorama on LCP Map CD-3: Scenic Views. The new development may be partially visible from the wharf and will appear consistent with the surrounding area for the surrounding for the shoreline view.

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The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. LCP policy L 3.5.2 requires new development does not interfere with public access to the ocean. The project will provide all required parking on site and will not change the existing public parking adjacent to the site. Therefore, the project is not expected to affect any public parking spaces for those wishing to access the coast. In addition, the site does not have an existing public coastal access trail, so the project will not affect pedestrian or bicycle access to the coast. Policies CD 1.4 and L 5.6.2 call for development to maintain and provide public access to adjacent open space and coastal recreation areas. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive. Finally, the project itself will make coastal access possible for seniors with limited mobility, a demographic that may otherwise have limited access to this resource.

The project is consistent with several general plan policies that promote housing for senior citizens and those with special needs (Housing Element Policy 3.1, 3.5, 3.6, 3.7; LU3.1) infill development that is compatible with the surrounding area (Housing Element Policies 1.1, 1.4, 5.3; LU 1.1; LU3.1; LU4.1.2; CD5.2; M3.3.5), protection of historic resources (HA1.8), and protection of sensitive biotic resources (Housing Element Policy 6.4, LU3.11.2, NRC2.2).

The project area has a general plan land use designation of Low-Density Residential, which accommodates single family residential neighborhoods, typically made up of detached homes. The corresponding R-1 zone districts in the zoning ordinance allow additional uses that are compatible with single family residential neighborhoods, such as community care facilities, churches, and bed and breakfasts, as long as approval of a Special Use Permit confirms that the use is compatible with the surrounding residential neighborhood. Therefore, while the proposed senior housing community care facility is not the typical detached home found in the neighborhood, it is consistent with the neighborhood use envisioned in the general plan and as further defined in the zoning ordinance.

The Low-Density Residential designation allows a residential density range of 1.1 to 10 dwelling units per acre. The project results in two lots with two existing dwellings on the eastern lot (Lot 1) and the new senior housing facility on the western lot (Lot 2). The density of Lot 1 will continue to be less than the minimum of the range; however, there remains some development potential on the site that would allow it to be brought up to the density range in the future. The new senior housing facility on the western lot has 76 units, of which 13 have full kitchens and meet the definition of "dwelling unit" under the zoning ordinance. These 13 units have a density of 4.3 dwellings per acre on the 3 acre lot, falling within the density range.

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The project is consistent with the California Coastal Act.

#### Design Permit, Section 24.08.430

24. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

The project is consistent with several general plan policies that promote housing for senior citizens and those with special needs (Housing Element Policy 3.1, 3.5, 3.6, 3.7; LU3.1) infill development that is compatible with the surrounding area (Housing Element Policies 1.1, 1.4, 5.3; LU 1.1; LU3.1; LU4.1.2; CD5.2; M3.3.5), protection of historic resources (HA1.8), and protection of sensitive biotic resources (Housing Element Policy 6.4, LU3.11.2, NRC2.2).

The project area has a general plan land use designation of Low-Density Residential, which accommodates single family residential neighborhoods, typically made up of detached homes. The corresponding R-1 zone districts in the zoning ordinance allow additional uses that are compatible with single family residential neighborhoods, such as community care facilities, churches, and bed and breakfasts, as long as approval of a Special Use Permit confirms that the use is compatible with the surrounding residential neighborhood. Therefore, while the proposed senior housing community care facility is not the typical detached home found in the neighborhood, it is consistent with the neighborhood use envisioned in the general plan and as further defined in the zoning ordinance.

The Low-Density Residential designation allows a residential density range of 1.1 to 10 dwelling units per acre. The project results in two lots with two existing dwellings on the eastern lot (Lot 1) and the new senior housing facility on the western lot (Lot 2). The density of Lot 1 will continue to have a density less than the minimum of the range; however, there remains some development potential on the site that would allow it to be brought up to the density range in the future. The new senior housing facility on the western lot has 76 units, of which 13 have full kitchens and meet the definition of "dwelling unit" under the zoning ordinance. These 13 units have a density of 4.3 dwellings per acre on the 3 acre lot, falling within the density range.

The project site is not located within the focus area of any area or specific plan.

As conditioned, the project is consistent with the R-1-5 zone district and West Cliff Drive Overlay Zone District development standards and with the parking, signage, and inclusionary unit standards in the zoning ordinance. The following conditions ensure the project meets these standards:

• Final building permit plans shall show the arched architectural feature at the front of the building to be no more than 30 feet in height.

- Final building permit plans shall omit the over-height rooftop trellis feature.
- Final building permit plans shall either show fireplaces on the floorplans below and connected to the proposed chimney or shall omit the over-height chimney.
- Prior to approval of any demolition, grading, or building permit, the applicant shall execute and record in the Santa Cruz County Recorder's office a covenant or deed restriction, to the satisfaction of the City Attorney, documenting that Lot 2 shall not be approved for any additional Floor Area Ratio.
- Final building permit plans shall include as-built drawings for all existing buildings on the church parcel in order to precisely calculate the remaining square footage available within the FAR limitation.
- Final building permit plans shall show any wall within the front yard setback to have a height of no more than three and a half feet.
- Applicant shall obtain a Sign Permit and any necessary building permit prior to installing the proposed wall sign.
- Inclusionary units shall be either independent living, assisted living, or staff housing units.

The project is consistent with the Local Coastal Land Use Plan and the Local Coastal Implementation Program. LCP policy L 1.4 calls on projects to utilize the environmental review process to ensure protection of natural resources, wildlife habitats, archaeologically sensitive areas, and scenic views. The project was evaluated for effects on coastal resources such as biotic resources, potential archaeological resources, visual resources, and coastal access.

Biotic resources at and near the site include heritage trees and monarch butterfly habitat. The project is consistent with LCP policies CD 6.1.1 and CD 6.1.2, which require review of projects with heritage trees and replacement plantings at a two-to-one ratio. The Local Coastal Program defines the monarch butterfly as a "sensitive species" and includes policies to ensure their protection. Policy EQ 4.5.3 calls for protection of monarch butterfly overwintering habitat and requires development to be adequately buffered from these sites. Policy 4.5.3.2 requires development near monarch butterfly habitat to include an environmental impact analysis and to include management measures to preserve the habitat. The biotic report prepared for the project evaluated the project's potential impact to monarch butterflies and their adjacent roosting habitat and recommended management measures to ensure protection of the butterflies and the habitat during project construction. A follow up biotic review of public comments received regarding the monarch butterfly habitat included several additional recommendations to protect and manage the butterflies. Many of these are consistent with LCP and general plan policies regarding monarch butterfly habitat. Conditions of approval require the applicant to adhere to the report recommendations and to the follow up recommendations that are consistent with the LCP and general plan.

Policy CR 1.2.2 requires projects to evaluate the extent of on-site archaeological and paleontological resources through archival research, site surveys and necessary supplemental testing as part of the initial environmental assessment on each potentially significant site. The project has done this with an archaeological investigation as discussed above, and a

standard condition will require the applicant to stop work in the event archaeological or paleontological resources are discovered.

The LCP calls for preservation of visual resources and especially those associated with open spaces (CD 1.4, CD 2.2.1, L 3.3, L 3.3.4), the shoreline (CD 3.4, L 1.6), and areas designated by the LCP as scenic viewpoints (L 1.6). The proposed development has the building situated toward the north, with the southern end of the site in parking lot and landscaping. This arrangement creates a visual transition to the Lighthouse Field State Park across Pelton Avenue to the south. Since the new building is west of the existing church and several trees are proposed to be retained on the site, and since the building at 30 feet tall is consistent with the height of buildings in the surrounding area, the view of the development from along the shoreline will be consistent with the view of other buildings in the neighborhood. The area of the project site is also within the viewshed of the Santa Cruz Wharf, which is a designated viewpoint and panorama on LCP Map CD-3: Scenic Views. The new development may be partially visible from the wharf and will appear consistent with the surrounding area for the same reasons mentioned for the shoreline view.

The project is near several coastal access features shown on Map LCP-6: Coastal Recreation Areas and Access Routes (also shown as Map C-15: Visitor/Coastal Access Routes). According to the map, the site is near the West Cliff Drive, Lighthouse Point, and Cowell Beach coastal recreation areas. The map also designates West Cliff Drive as a coastal access route and identifies two sets of coastal access stairs along West Cliff Drive across the street from the north and south ends of the project site. LCP policy L 3.5.2 requires new development does not interfere with public access to the ocean. The project will provide all required parking on site and does not propose to eliminate existing public parking adjacent to the site. Therefore, the project is not expected to affect any public parking spaces for those wishing to access the coast. In addition, the site does not have an existing public coastal access trail, so the project will not affect pedestrian or bicycle access to the coast. Policies CD 1.4 and L 5.6.2 call for development to maintain and provide public access to adjacent open space and coastal recreation areas. The proposed site plan includes a walkway that extends to the south of the site to the sidewalk along Pelton Avenue, giving people the ability to walk from the site to Lighthouse Field State Park or to West Cliff Drive and the shoreline access stairways. The site plan also includes a pedestrian walkway that connects to the walkway on the church parcel, providing access through that site to West Cliff Drive. Finally, the project itself will make coastal access possible for seniors with assistance needs, a demographic that may otherwise have limited access to this resource.

25. For non-residential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.

The proposal is a residential project but also has operational characteristics as it is a residential care facility. The development is adjacent to single family residences to the north and west, a church to the east, and the Lighthouse Field State Park open space to the south. The development meets the required setbacks of the West Cliff Drive Overlay Zone District and exceeds the setbacks from Eucalyptus Avenue and Pelton Avenue, creating a substantial buffer between the development and the residential uses on Eucalyptus Avenue as well as the open space and monarch butterfly habitat south of Pelton Avenue. The new building is 74,218 square feet, substantially larger than the surrounding church buildings and single family homes. However, as the project site is nearly seven acres in size, the overall FAR is still within the maximum 0.35 allowed in the West Cliff Drive Overlay Zone District, and the size is therefore consistent with the FAR of surrounding development. The proposed building is two stories and 30 feet tall and is consistent with the height of the surrounding single family homes and adjacent church buildings. The site layout places the delivery and back-of-house operations area on the west side of the lot, adjacent to the church site and away from the residential uses to the north and west and the natural area to the south. This placement ensures compatibility with the neighborhood. As conditioned, the project complies with the applicable objective standards of the R-1-5 and West Cliff Drive Overlay zone districts and the objective standards of the zoning ordinance parking and signage regulations. The project site is not located within an area plan.

#### 26. For non-residential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

The proposal is a residential use but has some operational characteristics. The site layout places the delivery and back-of-house operations area on the west side of the lot, adjacent to the church site and away from the residential uses to the north and west and the natural area to the south. This placement ensures compatibility with the neighborhood. The kitchen and cafeteria associated with the memory care facility is not expected to generate nuisance features and will be required to meet the zoning ordinance's performance standards with regard to noise, odors, and fumes.

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

The development is located on a site that is listed on volume 1, page 39 of the City's Historic Building Survey for the two historic residential buildings facing West Cliff Drive. The historic building survey identifies the architectural styles and pertinent design features on the buildings. While the new development has a Mediterranean architectural style, which is different from that of the historic buildings, the quality of the design will ensure compatibility with the historic resources. To meet this end, conditions of approval require windows to be recessed at least three inches, stucco to be hard trowel, smooth finish, and windows to be stained wood or baked enamel aluminum. The Historic Preservation Commission heard the

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item on August 17, 2022 to evaluate potential impacts on the historic resources and voted 6-0-1 in favor of the development.

28. Design of the site plan respects 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 takes into account maintenance of public views; rooftop mechanical equipment is 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 are accessible and screened.

While the building is quite large at 74,218 square feet, it maintains a balance of scale, form, and proportion in several ways. The building is two stories and 30 feet tall, a comparable height to the church and residence buildings on the east side of the project site as well as the single family homes in the surrounding areas. The building is sited to provide setbacks along Eucalyptus Avenue and Pelton Avenue that exceed the minimum required for the zone district including 29 feet and ranging up to 120 feet where 20 are required and 172 feet where 25 feet are required, respectively. The site plan includes substantial landscaping with many trees and shrubs to buffer the building and shows a conceptual layout. A condition of approval requires detailed landscape plans submitted for building permit review to include the number, size, and location of each plant. The building is modulated to create open courtyards, which softens the visual line of the building and separates the massing into smaller building segments that are more proportional to the size of single family homes. The building has a consistent Mediterranean architectural style, with a flat roof throughout; arched entry features; stucco siding; bronze-colored metal rooftop parapet copings, balcony railings, and window frames; and wood balcony trellises and walkway coverings. Terra cotta colored attic vents comprised of three circles arranged in a triangular formation add further detail consistent with the architectural style. To ensure a high quality and consistent architectural style throughout the development, conditions of approval require:

- All windows shall be recessed at least three inches,
- Window frames to be stained wood or baked enamel aluminum,
- Stucco shall be hard trowel smooth finish
- The trash enclosure walls shall have stucco and color to match the building, and the trellis-style roof shall be wood to match the trellis and covered walkway features throughout the site.
- The gate on the southwest side of the building shall be wood and the wall associated with the gate shall either be finished with stucco to match the building or shall be visually obscured with tall vines or other vegetation.
- Any rooftop elevator enclosure shall have the same exterior finish as the building.

The proposed development may be partially visible from the end of the wharf, which is designated as a panoramic view in Figure 4.3-1: Significant Views/Features of the general plan EIR. Because the building is two stories tall, because it is behind the church building from the view of the wharf, and because there are several large trees on the church property

that will further screen the view of the building, it will blend in with the view of the existing development along the cliff from the perspective of the wharf.

A condition of approval requires building permit plans to show the height of rooftop mechanical equipment and to include sight lines to confirm whether the equipment is visible from the public right of way. Any screening needed to shield the equipment from the pedestrian view shall be screened with a color that matches the building color. The proposed transformer is located near the back of the parking area but would be visible from Pelton Avenue, so a condition of approval requires the southern and western sides of the transformer to be screened with landscaping. The plans include several water backflow prevention devices along the Eucalyptus Avenue frontage. A condition of approval requires landscaping between the backflows and the sidewalk to screen the public view of the backflows. A standard condition of approval requires all other utility installations and mechanical equipment to be accessible and screened.

29. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall 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 project site is surrounded by single family homes to the north and west, the church property to the east, and Lighthouse Field State Park to the south. The non-residential uses, such as back of house operations and deliveries, are located on the east side of the building and away from the residential uses, ensuring these activities will not affect the quality of the residential neighborhood. The proposed building exceeds the setbacks along Eucalyptus Avenue and Pelton Avenue, creating a landscaped buffer between the development and the residences on Eucalyptus Avenue as well as the open space and monarch butterfly habitat south of Pelton Avenue. The use is not anticipated to generate any nuisance features that would interfere with the residential uses, the open space, or the day-to-day activities of the adjacent church. To further discourage parking for the project along Eucalyptus Avenue and other nearby residential streets, a condition of approval requires the east-west pedestrian walkway directly north of 112 Eucalyptus Avenue to be omitted, with the landscape plan showing this area fully landscaped. To ensure a compatible relationship with the property at 112 Eucalyptus, which is directly adjacent to the project and closer to the parking, amenity, and operational uses than the other single family homes in the area, the following conditions of approval apply:

- Applicant shall plant the proposed landscaping trees adjacent to the northern and eastern property lines of 112 Eucalyptus Avenue as early as practicable during the construction cycle.
- An additional arbor shall be constructed over the four parking spaces at the northwest corner of the parking lot. The arbor shall either be a continuation of the arbor in front of the building or shall be separated from that arbor by at least six feet. The arbor design and materials shall match that of the arbor in front of the building.
- The western balcony wall at unit 236 shall have a privacy screen that extends to six feet above the floor of the balcony. The privacy screen color shall match the building.

- Final landscaping plans shall show additional vegetation between the northeastern corner of 112 Eucalyptus Avenue and the southwestern corner of the balcony for unit 236. The additional vegetation shall have a mature height to contribute to visual screening between the balcony and 112 Eucalyptus Avenue.
- 30. To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.

The arborist report prepared by Nigel Belton on July 8, 2020 and update letter dated September 7, 2021 indicated the presence of 11 heritage trees and recommend removal of six of those trees. Of the six trees, the report recommended removal of one acacia due to poor health, two queen palms that are in good health but within the construction footprint, and three (a plum and two fruitless mulberry trees) with structural or health issues that are also within the construction footprint. Due to the size of the project, it is not feasible to re-orient the buildings to accommodate the two palms, which are the healthy trees, without substantially reducing the amount of open space facing Eucalyptus Avenue or affecting the project's ability to meet the setback or height development standards. The City Urban Forester has reviewed the report and agrees with the recommendation. To meet Heritage tree removal standards as well as Coastal Policy CD6.1.2, replacement trees will be required at a ratio of either two 24-inch box trees or six 15-gallon trees for each tree to be removed. Conditions of approval require the applicant to follow all recommendations in the arborist report and for the replacement trees species and location to be approved by the City Urban Forester.

The project site contains areas mapped as potentially containing sensitive habitat for monarch butterflies under the general plan. In addition, there is a known monarch butterfly habitat area approximately 200 feet to the southwest of the site within Lighthouse Field State Park. A biotic report prepared by Ecosystems West Consulting Group on April 28, 2022 observed monarch butterflies flying on the project site and utilizing some flowering plants for nectaring. The report indicated that while some of these plants will be removed for the project, the project's new landscaping includes species that can provide nectaring value to butterflies visiting the site. The report found no roosting habitat on the project site and limited potential for roosting habitat in the trees on the remaining church property, and roosting was not observed on the property during any of the site visits. The report recommended standard measures to prevent any impacts to monarch butterflies during project construction. The report did not find the presence of other protected species or habitat but recommended additional standard measures to protect nesting birds or roosting bats during construction. A follow up biotic review of public comments received regarding the monarch butterfly habitat included several additional recommendations to protect and manage the butterflies. Conditions of approval require the applicant to adhere to the report recommendations and to the follow up recommendations that are consistent with the LCP and general plan. The site is also within the area affected by the Planning Department's bird- safe building design standards, and a condition of approval requires the project to meet these standards.

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The shadow study submitted with the plans show that the site will not cast shade on adjacent properties during the summer months. On December 21<sup>st</sup>, when the shadows are anticipated to be the longest, the project will shade the back ends of the three houses at 103, 105, and 107 Manor Place at 9am, will not shade these houses at 12 noon, and will cast shade on the rear corner of the house at 103 Manor Place at 3pm. The shadow study showed that shadows will not reach the houses on Eucalyptus Avenue or shade buildings on the church property at any time between 9am and 3pm. Therefore, the proposal does not affect solar access to the surrounding properties. The project site is generally flat, and the proposed development will not change that landform.

# 31. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.

The site is on the inland side of West Cliff Drive and therefore will not affect public views of the ocean or other scenic coastal areas. The site is somewhat visually degraded as the existing school buildings are vacant and the site therefore is not maintained to its greatest potential. The new Mediterranean style building and ample landscaping will enhance the visual quality of the site and improve its visual compatibility with the surrounding neighborhood.

## 32. 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.

Any noise or vibrations that may occur as a result of construction are temporary; once constructed, the units within the proposed senior housing and care facility will not cause any noise, vibrations, or other factors beyond those normally associated with a multi-family development that would make the environment less desirable. The residential amenities are all located at the southwestern end of the building, away from the existing single family homes in the area. The laundry facility and staff break room are in a small basement area that will not impact any residential uses. The memory care portion of the facility includes a kitchen, pantry, and dining room on the northern end of the building. While this is closer to the single family homes than other amenities, the kitchen will be required to meet any air quality standards associated with exhaust fumes as part of building permit approval. Adjacent residents with potential privacy impacts include the three single family homes to the north of the proposed development. The second floor of the development has six memory care units along the north end of the building with windows and balconies facing the north. All elements of these units, including the balconies, meet or exceed the minimum 15 foot second floor interior side yard setback, and the wall of the building is set back 20 feet. This distance is typical of, or greater than, what would occur for single family development. A standard sized residential lot in the West Cliff Drive Overlay Zone District would have a minimum seven and a half foot interior side yard setback or a minimum 20 foot rear yard setback. Therefore, the proposal has similar privacy impacts on adjacent properties to what would be

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expected with any kind of development in this neighborhood. In addition, the project will retain three heritage trees along the northern side of the property and plant 12 new trees along this side, which will help to create a visual buffer between the memory care units and the residences to the north. To ensure a sense of privacy for the single family home at 112 Eucalyptus, which is directly adjacent to the project and closer to the parking, amenity, and operational uses than the other single family homes in the area, the following conditions of approval apply:

- Applicant shall plant the proposed landscaping trees adjacent to the northern and eastern property lines of 112 Eucalyptus Avenue as early as practicable during the construction cycle.
- An additional arbor shall be constructed over the four parking spaces at the northwest corner of the parking lot. The arbor shall either be a continuation of the arbor in front of the building or shall be separated from that arbor by at least six feet. The arbor design and materials shall match that of the arbor in front of the building.
- The western balcony wall at unit 236 shall have a privacy screen that extends to six feet above the floor of the balcony. The privacy screen color shall match the building.
- Final landscaping plans shall show additional vegetation between the northeastern corner of 112 Eucalyptus Avenue and the southwestern corner of the balcony for unit 236. The additional vegetation shall have a mature height to contribute to visual screening between the balcony and 112 Eucalyptus Avenue.

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

The new building includes windows on all four elevations to allow light and air to pass through the building. Units have porches or balconies, giving residents access to private open space with fresh air and sunlight. Outdoor areas are landscaped and designed as useable open spaces for residents to spend time outdoors. Seven of the 11 heritage trees on the site will be retained, including two that will be removed and relocated on site, and the landscaping plan proposes several new trees that will provide shade. Ample landscaping throughout the site creates a natural cooling effect.

### Nonresidential Demolition Authorization Permit, Section 24.08.1230.3

# 34. The cultural resources evaluation is accepted as accurate and complete; and the cultural resources evaluation concludes that the building or structure is not eligible for listing on the city historic building survey.

The historic evaluation of the two school buildings to be demolished, completed by Page & Turnbull, Inc. on April 19, 2022 on standard State of California Department of Parks and Recreation (DPR) 523 forms, found that neither building is eligible for listing on national, state, or local registers and they do not rise to the level of significance for the purposes of evaluation for consistency with CEQA. The evaluation is accurate and complete.

35. The project which will replace the demolished building or structure has been, or is concurrently being, approved by the city, and an appropriate building permit has been, or is concurrently being, issued; unless some other practical hardship can be documented rendering this requirement inappropriate.

The project also includes approval of a new residential senior care facility in the location of the existing buildings. A condition of approval requires the building permit to be issued concurrently with the demolition permit consistent with section 24.08.1230 of the zoning ordinance.

36. The property owner has been advised of the benefits of listing the property on the city historic building survey and incorporating the preservation of the historic resource into the proposed project.

The buildings to be demolished are not eligible for listing on the historic building survey; therefore, this finding does not apply.

37. The cultural resources evaluation determines that the resource is eligible for listing on the city historic building survey, appropriate environmental review has been completed in accordance with the California Environmental Quality Act, and the zoning administrator can make a finding of overriding consideration that the replacement project will have public benefits which will outweigh the impact of loss of the historic resource.

The buildings to be demolished are not eligible for listing on the historic building survey; therefore, this finding does not apply.

Submitted by:

Approved by:

Clara Stanger Senior Planner

Samantha Haschert Principal Planner

#### Attachments:

- 1. Exhibit "A" Conditions of Approval
- 2. Project plans
- 3. Biotic report prepared by Ecosystems West Consulting Group dated April 28, 2022
- 4. Biotic follow up review of public comments submitted for September 1, 2022 Planning
- 5. Arborist report prepared by Nigel Belton dated July 8, 2020
- 6. Arborist addendum letter by Nigel Belton dated September 7, 2021
- 7. Archaeological report by Albion Environmental dated August 2020

#### EXHIBIT "A"

#### CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

#### **126 Eucalyptus – CP20-0068**

Non-Residential Demolition Authorization Permit, Sequential Lot Line Adjustment, Special Use Permit, Coastal Permit, Design Permit, and Heritage Tree Removal Permit to reconfigure five lots into two, demolish two existing school buildings (approx. 28,417 square feet), remove six Heritage trees, and construct a 76 unit (including 13 full dwelling units) senior housing facility on a site listed on the historic building survey (Vol. 1, p. 39) in the R-1-5/WCD-O/CZ-O/SP-O (Single family residence/West Cliff Drive Overlay/Coastal Zone Overlay/Shoreline Protection Overlay) zone district. (Environmental Determination: Categorical Exemption & PRC/CEQA section 21083.3/15183)

- 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. When a building permit is required, a zoning permit shall be considered exercised following the issuance of a valid building permit. When only an occupancy permit is required, a zoning permit shall be considered exercised when the occupancy permit is issued.
- 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 Exhibit 4

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submitted for building permits. I hereby acknowledge that failure to 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. 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, Housing, 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. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance.
- 14. Plans submitted for building permit issuance shall show all exterior site lighting locations and fixture details. All exterior building lighting shall be shielded and contained in a downward direction. No exterior lighting shall produce off-site glare.
- 15. 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 and irrigation plans shall demonstrate 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.
- 16. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
- 17. All trees shall be a minimum 15-gallon size.

- 18. Bike parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance.
- 19. 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.
- 20. A drainage plan shall be submitted in conjunction with application for building permits.
- 21. 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.
- 22. 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.
- 23. Prior to site grading or any disturbance all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.
- 24. 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.
- 25. Final colors shall be approved by the Zoning Administrator prior to application for building permits.
- 26. The owner shall comply with the inclusionary housing requirements as outlined in Section 24.16.010 et seq. of the Zoning Ordinance. Specifically, two units shall be provided to low income households at an affordable rent. The inclusionary units shall be either assisted living, independent living, or staff housing, and each inclusionary unit shall meet the definition of a dwelling unit per SCMC section 24.22.320, including a full kitchen. A Participation Agreement establishing compliance with inclusionary housing requirements shall be entered into prior to building permit issuance and recorded prior to final occupancy of the first unit.

- 27. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the Construction Activities Storm Water General Permit. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Construction activity does not include routine maintenance such as, maintenance of original line and grade, hydraulic capacity, or original purpose of the facility.
- 28. The applicant shall be responsible for filing a Notice of Intent (NOI) with the State Regional Water Quality Control Board (RWQCB) and for developing a Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of any soil disturbing activities at the site. Prior to issuance of a building permit, the applicant shall provide the City with proof of coverage under the state's Construction Activities Storm Water General Permit, including a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Regional Water Quality Control Board (SWQCB) that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package.
- 29. Since the storm water BMP facility "SCM F" will be located on a separate adjacent parcel owned by Oblates of St. Joseph, the following shall be submitted to the City prior to issuance of the Building Permit:
  - a. Proof of a recorded land use agreement for the storm water BMP "SCM F" area including Watermark access and maintenance rights, and flow into the existing Oblates of St. Joseph storm drain line.
  - b. The recorded land use agreement shall be referenced on the Site Plan sheet, Sheet AS-100, and applicable Civil sheets including Sheet C1.1. If a final Lot Line Adjustment map, e.g. Sheet LLA1.0, is submitted with the Building Permit application, plans shall reference the land use agreement for the Watermark access and maintenance rights to the storm water BMP "SCM F" area.
  - c. A signed Agreement between the Watermark Project and the Oblates of St. Joseph regarding the storm water BMP "SCM F" area including Watermark access and maintenance rights. Since "SCM F" flows into an existing storm drain line on Church property, the Agreement shall include access and maintenance of that line from the point of connection to ensure that SCM F functions as designed long-term.
  - d. A drainage easement shall be recorded upon transfer of either Lot 1 or Lot 2 such that the owner of Lot 1 is not one and the same as the owner of Lot 2.
- 30. The property owner and/or project applicant agree(s) 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, officials, officers and employees from any claim, action or proceeding against the City or its agents, officials, 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 and/or project

applicant 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 the property owner and/or project applicant of these 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 and/or project applicant 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 and/or project applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner and/or project applicant 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 demolition permit to demolish the two school buildings shall be issued concurrently with the building permit for the new development consistent with section 24.08.1230 of the zoning ordinance.
- Applicant shall implement all recommendations from the biotic report prepared by Ecosystems West Consulting Group dated April 28, 2022.
- 34. If project site work occurs anytime during the months of November through August, the applicant shall submit a pre-construction survey report by the project biologist prior to the start of work. The survey shall be completed as described in the biotic report prepared by Ecosystems West Consulting Group dated April 28, 2022, the survey shall be completed no more than seven days before the start of any project activities on the site and shall include observations of any nesting activities on the site. Site work may commence once the Planning Department has accepted the report and confirmed that there are no nesting birds on the site or that nesting birds are present and an appropriate buffer zone has been recommended by the biologist and physically established on the site.
- 35. Prior to the start of any project work on the site, the applicant shall submit a preconstruction roosting bat survey as described in the biotic report prepared by Ecosystems West Consulting Group dated April 28, 2022. If bats are found, the survey report shall include the appropriate measures described in the biotic report. These measures shall be implemented during project work.
- 36. The applicant shall follow all recommendations of the arborist report dated July 8, 2020 by Nigel Belton.
- 37. The applicant shall retain Nigel Belton as the project arborist to ensure the recommended measures from the report are implemented correctly. A change in project arborist shall require prior approval by the City Urban Forester.

- 38. Final building permit plans shall show the new locations of the two heritage trees recommended by the arborist report for relocation. Applicant shall submit a review letter from the project arborist confirming approval of the new locations.
- 39. The applicant shall plant replacement trees at a ratio of two 24-inch box trees or six 15-gallon trees, or pay a comparable in lieu fee, as required by the City Urban Forester, for each heritage tree removed. If replacement trees are required, the final building permit plans shall include a replacement tree plan showing the number, size, species, and location of the replacement trees. The plan shall be approved by the City Urban Forester prior to building permit approval.
- 40. Prior to building permit final, the applicant shall submit a follow up letter from the project arborist confirming that all recommendations from the arborist report have been implemented.
- 41. The following shall be shown on the final building permit plans:
  - All windows shall be recessed at least three inches
  - Window frames shall be stained wood or baked enamel aluminum.
  - Stucco shall be hard trowel smooth finish.
  - The trash enclosure walls shall have stucco and color to match the building, and the trellisstyle roof shall be wood to match the trellis and covered walkway features throughout the site.
  - The gate on the southwest side of the building shall be wood and the wall associated with the gate shall either be finished with stucco to match the building or shall be visually obscured with tall vines or other vegetation.
  - All references to the second-story arched architectural feature at the front of the building shall show its height to be no more than 30 feet.
  - The rooftop trellis shall be omitted from the plans.
  - Floorplans shall either show fireplaces on the floors directly below and connected to the chimney or shall omit the chimney feature.
  - The height of the apparent wall feature within the front yard setback at the benches south of the meditation area next to memory care building shall be indicated and shall be no more than three and a half feet.
  - The rooftop elevator enclosure shall have an exterior finish the same as the building.
  - Plans shall show the height of rooftop mechanical equipment and shall include sight lines to confirm whether the equipment is visible from the public right of way. Plans shall include any screening needed to shield the equipment from the pedestrian view. Color of such screening shall match the building color.
  - Landscaping plans shall show plantings on the southern and western sides of the transformer with a height to screen the view of this equipment from the public right of way on Pelton Avenue. Plans shall indicate the number, species, and size of proposed plantings.
  - Landscape plans shall show plantings between the backflows and the sidewalk on Eucalyptus Avenue with a height to screen the view of this equipment from the public right of way. Plans shall indicate the number, species, and size of proposed plantings.
  - Landscape plans shall indicate the number, species, size, and location of proposed plants.
  - Site plan shall indicate the square footage available on Lot 1 for future development within the FAR limitation.

#### CONDITIONS OF APPROVAL For **126 Eucalyptus Ave – CP20-0068**

- Inclusionary units shall be designated as either independent living, assisted living, or staff housing.
- The east-west pedestrian walkway adjacent to 112 Eucalyptus Avenue shall be omitted, and the landscape plan shall show this area fully landscaped.
- An additional arbor shall be constructed over the four parking spaces at the northwest corner of the parking lot. The arbor shall either be a continuation of the arbor in front of the building or shall be separated from that arbor by at least six feet. The arbor design and materials shall match that of the arbor in front of the building.
- Building permit plans shall include visual screening on the west side of the balcony at unit 236. The screening shall extend the entire length of the western face of the balcony, shall reach a height of at least six feet from the floor of the balcony, and shall fully obscure the view to and from that side of the balcony. The screening shall be in the form of a continuation of the building wall finished the same as the building wall, or lattice and/or landscaping plants that create a fully obscure visual screen. Lattice shall be compatible with the exterior building materials and colors. If landscaping is used for screening, it shall be maintained in good condition to continuously provide full visual obscurity. Final landscaping plans shall show additional vegetation between the northeastern corner of 112 Eucalyptus Avenue and the southwestern corner of the balcony for unit 236. The additional vegetation shall have a mature height to contribute to visual screening between the balcony and 112 Eucalyptus Avenue.
- Final building permit plans shall show how the project meets the bird-safe building design standards.
- Final building permit plans shall show the location, size, height, and content of signage at the Pelton Avenue exit prohibiting right turns onto Pelton and prohibiting the use of high beams until drivers are completely on eastbound Pelton Avenue.
- Prior to building permit issuance, the applicant shall submit a review letter from the project biologist referring to the revision date of the final landscape plans and confirming that the new trees shown on the final landscape plan are located to avoid excess shading of monarch butterfly nectar resources.
- Final building permit plans shall show the location of an onsite water source, such as a fountain, for the monarchs near the nectar gardens.
- 42. The approved project contains 13 dwelling units with kitchens as defined under zoning ordinance sections 24.22.320 and 24.22.272. Final building permit plans shall show sink dimensions and sink drain diameters, refrigerator sizes, and any other proposed appliances for each unit, including both the proposed dwelling units and units not proposed to meet the definition of dwelling unit. Units that do not meet the definition of dwelling unit shall not contain food preparation fixtures or appliances that would meet the definition of a kitchen. A change in the number of dwelling units would require approval of a permit to modify this approved permit, and all applicable standards, including, but not limited to, inclusionary housing requirements and general plan density limitations, shall apply.
- 43. Prior to building permit issuance, applicant shall submit a copy of the lease agreement for new tenants. The lease agreement shall include language limiting the size and number of appliances for the units that are not considered dwelling units to ensure they do not meet the

Exhibit 4 A-3-STC-22-0070 Page 32 of 36 definitions of a dwelling unit with kitchen under zoning ordinance sections 24.22.320 and 24.22.372.

- 44. Applicant shall submit a window sample and a 10' x 10' on-site stucco mock-up for review and approval by Planning staff prior to building permit issuance.
- 45. Pursuant to Section 66412(d) of the California Government Code the following requirements have been imposed in order for the lot-line adjustment to conform with the City's Zoning and Building Ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements:
  - The lot line adjustment shall be recorded as a sequential lot line adjustment, with each lot line adjustment involving no more than four lots;
  - For each sequential lot line adjustment, a new property description shall be recorded with the County Recorder's office and a copy of the recorded description provided to the City Planning Department. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:

"The purpose of the deed is to adjust the boundary between Lots [insert lots here] as approved by the City of Santa Cruz under Application CP20-0068. This conveyance may not create a separate parcel and is null and void unless the boundary is adjusted as stated."

- 46. The sequential lot line adjustment shall be recorded prior to approval of any demolition, grading, or building permit.
- 47. Prior to approval of any demolition, grading, or building permit, the applicant shall record in the Santa Cruz County Recorder's office a land use agreement requiring:
  - That commercial deliveries take access from West Cliff Drive,
  - That refuse service vehicles be allowed to take access from West Cliff Drive,
  - That access is allowed to stormwater treatment and drainage facilities on Lot 1 for maintenance and repair purposes,
  - That an easement for commercial and refuse service vehicles be recorded upon transfer of either Lot 1 or Lot 2 such that the owner of Lot 1 is not one and the same as the owner of Lot 2.
- 48. Prior to approval of any demolition, grading, or building permit, the applicant shall execute and record in the Santa Cruz County Recorder's office a covenant or deed restriction, to the satisfaction of the City Attorney, documenting that allowable density shall be calculated across the entire Project site (Lot 1 and Lot 2), and notifying any future owners that development potential shall be shared between Lot 1 and Lot 2 and that any additional remaining density below the otherwise maximum allowable Floor Area Ratio for the site shall be allocated to Lot 1.
- 49. Prior to approval of any demolition, grading, or building permit, the applicant shall execute and record in the Santa Cruz County Recorder's office a covenant or deed restriction, to the satisfaction of the City Attorney, documenting the remaining floor area square footage available for development on Lot 1. The square footage shall be calculated as the total Exhibit 4

remaining square footage available within the allowed Floor Area Ratio for the entire site when counting existing construction on Lot 1 and the approved Project on Lot 2.

- 50. Final building permit plans shall include as-built drawings for all existing buildings on Lot 1 to precisely calculate the remaining square footage available for development within the Floor Area Ratio limitation.
- 51. Prior to installing the wall sign shown as S03 on the plans, applicant shall obtain a Sign Permit for the proposed wall sign and a building permit to install the sign.
- 52. Prior to building permit application, applicant shall pay any outstanding fees due for this permit.
- 53. Applicant shall plant the proposed landscaping trees adjacent to the northern and eastern property lines of 112 Eucalyptus Avenue as early as practicable during the construction cycle.
- 54. Prior to the demolition of any building, applicant shall complete any testing and removal of asbestos and lead-based paint as required by MBARD.
- 55. Construction activities shall be in conformance with Chapter 9.36 of the Municipal Code (Noise). Prior to the start of site work, applicant shall notify the neighbors of work schedules and provide a contact and process for neighbors to submit complaints regarding noise.
- 56. Operational conditions:
  - Based on the approved number of parking spaces, the number of employees on site at any given time shall not exceed 21. An increase in the number of employees on the site at a given time shall require approval of a modification to this permit and include an updated site plan to accommodate the increased parking requirement.
  - Prior to issuance of a building permit, the applicant, in conjunction with the property owner, shall submit a maintenance and management plan to address potential nuisance impacts associated with interior/exterior areas adjacent to the tenant space outlining measures to address trash/litter removal, graffiti, landscape maintenance, abandoned vehicles, noise and loitering, subject to approval by the Zoning Administrator.
  - The management plan shall assign a "Neighbor Liaison" staff to provide a single point of contact between the community care facility and neighbors
  - The use shall operate in conformance with Chapter 9.36 of the Municipal Code (Noise).
  - Any Public/Major Special Events on the premises shall be conducted in accordance with Chapter 10.64 of the Municipal Code, with requisite permit applications being filed in accordance with the timelines outlined therein.
  - Unless otherwise authorized by the City, all parking spaces shall be continuously maintained on the site in a condition that allows access by customers and employees of the use.
    - Prior to occupancy of the tenant space, the applicant shall file a trespass letter with the Santa Cruz Police Department (SCPD) in accordance with Santa Cruz Municipal Code section 9.60.012 providing SCPD the authority to remove trespassers on the premises when closed to the public.

- Final building plans shall include security alarms for the building that include motion activation and manual activation capabilities.
- Final building plans shall include exterior security lights that provide 360-degree coverage around the perimeter of all buildings while meeting the performance standards in the Zoning Ordinance.
- Final building plans shall include exterior security cameras that provide 360-degree coverage around the perimeter of all egress and ingress into the building. The security camera system shall have the capability to provide the recordings to police within 24 hours. In addition to the exterior security cameras, cameras need to be installed within the business itself and shall cover the doors and windows.
- Prior to occupancy, the applicant shall obtain a Zoning Clearance from the Planning Department and a Business License from the Finance Department.
- This use permit shall run with the land and shall be transferrable to a subsequent property owner or tenant upon confirmation that the subsequent use is in substantial compliance with the original use as verified through issuance of a Zoning Clearance.
- This use permit shall expire and become void if the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.
- Except for the stairs leading to the rooftop deck, all stairs leading to the roof shall be locked and accessible by staff only.
- The cafeterias/bar/cafe shall not be open to the public.
- Prohibit right-turns out of the Pelton Avenue driveway to divert outbound trips east of the existing monarch butterfly grove and avoid casting vehicle headlight glare into the grove.
- Install and maintain signage prohibiting high beams until drivers are completely on eastbound Pelton Avenue.
- All commercial deliveries shall use the West Cliff driveway for entering and exiting the site at all times.
- All exterior project lighting shall be shielded to contain the light source in a downward direction and avoid glare and illumination of adjacent properties and monarch butterfly grove at Lighthouse Field.
- Provide and maintain an onsite water source, such as a fountain, for the monarchs near the nectar gardens.
- Install and maintain predator proof waste bins.
- Eliminate populations of yellow jackets, eastern grey squirrels and rats on the property utilizing non-toxic methods.
- Restrict use of seed feeders that attract eastern grey squirrels and corvids.
- Utilize leaf vacuums instead of blowers during maintenance operations.
- Prohibit the use of neonicotinoids and other pesticides known to negatively impact monarchs.
- 57. The facility may hold no more than six special events per year that result in staffing levels greater than the limit imposed in these conditions. Prior to building permit final, the applicant shall record in the Santa Cruz County Recorder's Office a land use agreement describing an off-site parking and transportation plan to accommodate additional vehicle trips associated with these events.

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- 58. To the extent permitted by the Department of Public Works and the Fire Department, a more substantial traffic control device shall be installed to prevent vehicles from making a right turn when exiting the facility onto Pelton Avenue. The device shall be included on final building permit plans.
- 59. The solar panel trellis shall be retained on building permit plans; Condition 42, point 7 regarding removal of the trellis shall be deleted.
- 60. The Planning Commission determines, based on substantial evidence, that the project includes congregate living units or assisted living units, and the following alternative requirements shall apply: 15% of congregate care or assisted living units shall be made available at affordable rent to low income households.
- 61. The applicant shall consult with a butterfly ecologist in preparing the landscaping and lighting plans to make every effort to make the landscape and lighting support a thriving monarch butterfly population. Plans shall be reviewed and approved by planning staff during building permit review.

STATE OF CALIFORNIA -- NATURAL RESOURCES AGENCY

CALIFORNIA	COASTAL	COMMISSION
CENTRAL COAST DISTRICT	OFFICE	
725 FRONT ST., SUITE 300		
SANTA CRUZ, CA 95060-4508	3	
(831) 427-4863		
CENTRALCOAST@COASTAL	CA.GOV	
_		

GAVIN NEWSOM, GOVERNOR

DEC 19 2022

CALIFORNIA



#### **APPEAL FORM**

Appeal of Local Government Coastal Development Permit RECEIVED

#### Filing Information (STAFF ONLY)

District Office: Central Coast	COASTAL COMMISSION CENTRAL COAST AREA
Appeal Number: <u>A-3-STC-220070</u>	
Date Filed: December 19,7072	
Appellant Name(s): Anne + Robert Segal	

#### **APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is <u>CentralCoast@coastal.ca.gov</u>. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's <u>contact page</u> at <u>https://</u>coastal.ca.gov/contact/#/).

Exhibit 5 A-3-STC-22-0070 Page 1 of 30

#### **1. Appellant information**<sup>1</sup>

Name:		Dr. Robert Segal and Dr. Anne Segal
Mailing add	lress:	214 Pelton Avenue Santa Cruz, CA 95060
Phone num	nber:	520-591-9700 OR 520-820-3394
Email address:		AnneSegal@gmail.com OR RJSegal@Gmail.com
How did yo	u particip	pate in the local CDP application and decision-making process?
Did not p	articipate	e Submitted comment <b>V</b> Testified at hearing Other
Describe:	SEE ATTACHED "APPEAL FORM," PAGES 1-2 AND ASSOCIATED EXHIE	
	AS THC	DUGH FULLY SET FORTH. (In summary, Drs. Anne and Robert Sec
	spoke a	at the Santa Cruz Historic Commission as well as at the Planning
	Commis	ssion on Oct 6, 2022. Anne and Robert Segal filed an appeal
please ider	you did <i>not</i> participate in the local CDP application and decision-making process, lease identify why you should be allowed to appeal anyway (e.g., if you did not articipate because you were not properly noticed).	
why you sh	ould be a e and hea	you exhausted all LCP CDP appeal processes or otherwise identify allowed to appeal (e.g., if the local government did not follow proper aring procedures, or it charges a fee for local appellate CDP
Describe:	<u> </u>	TACHED "APPEAL FORM, " PAGES 2-3 AND ASSOCIATED EXHII
	<u> </u>	DUGH FULLY SET FORTH HEREIN. (In summary, Drs. Anne and
	Robert S	Segal paid \$690 filing fee. Dr. Anne Segal testified, presented stater

and exhibits on Nov. 29, 2022 before Santa Cruz City Council. The Appeal  $\boldsymbol{v}$ 

If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

#### 2. Local CDP decision being appealed<sup>2</sup>

Local government name:	City of Santa Cruz	
Local government approval body:	City of Santa Cruz City Council	
Local government CDP application number:	CP-20-0088	
Local government CDP decision:	CDP approval CDP denial <sub>3</sub>	
Date of local government CDP decision:	November 29, 2022	

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

SEE ATTACHED "APPEAL FORM" PAGES 4-5 AND ASSOCIATED EXHIB AS THOUGH FULLY FORTH HEREIN. The descriptions are inconsistent. Ir the Notices of the Development to the adjacent community referred to "136 F "126 Eucalyptus." The Appealable Local Permit Notice refers to "544 Cliff Di does not refer to the other addresses. The project description is for non-resi authorization permit, lot line adjustment, special use permit, Coastal Permit, to reconfigure five lots into two, demolish...28,417 square feet and construct 76 units...on a site listed on the historic building survey. This development description is different than the public notice. which referred to noticed provis identified as 136 Pelton and 126 Eucalyptus Avenues and Assessor Parcel Numbers, APN 004-571-102; APN 00-428-134; APN 00-428-134; APN 004-57 authorizing Non-residential Demolition, Authorization Permit, Sequential lot lines adjustment to be on lot lines, assessor parcel numbers and consolid referred to as Lots 1 and 2 and well as Special Use Permits, Coastal Permit Design Permit, to reconfigure five lots into two...and SEEKING expiation und ...Applicant Robert Bernstein, an employee of Oppidan Investment Company

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee Please see the <u>appeal information sheet</u> for more information.

#### **3. Applicant information**

Applicant name(s):

Applicant Address:

Roger Bernstein

DBA Oppidan/Watermark 400 Water St. St 200 Excelsior MN 55331

#### 4. Grounds for this appeal4

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:	"APPEAL OF LOCAL CDP DECISION, PAGE 4," Pages 6-23 AND
	ACCOMPANYING EXHIBITS AS THOUGH FULLY SET FORTH HEREIN.
	Summarily, eight substantial issues emerge that warrant de novo review:
	1. Authorizing realignment of five land lots into two, without a survey, create
	land use that defeats Coastal authority, density of zoning, negatively impacts
	and community access, overuses residential lands and violates land use as (
	2. The authorization of the Coastal Permit is in violation of CEQA exemption
	directly, impacts adjacent environmental areas, such as the Light House Fiel
	3. The authorization for approval is in direct violation of a 2001 Order of the
	Commission directive that there be no ingress or egress onto Pelton Ave. Th
	4. The residence for medical fragile elderly population is sited in a tsunami z
	5. The investment company project is not "in-fill," but a new development the

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

#### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certification5

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Anne Segal. Robert S	egal	C7687A2977F845C
S/. Anne Segal. /S/ Robert Segal	DocuSigned by:	DocuSigned by:
Signature	400E158D162B4CD	400E158D162B4CD
Date of Signature	nd Dec 19, 2(	

#### 7. Representative authorization6

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

	I have authorized a representative, and I have provided authorization for them on
the	e representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

6 If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

#### CALIFORNIA COASTAL COMMISSION 455 MARKET STREET, SUITE 300 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400

#### DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name

CDP Application or Appeal Number \_\_\_\_\_

Lead Representative

Name	
Title	
Street Address.	
City	
State, Zip	
Email Address	
Daytime Phone <sup>–</sup>	

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name
Title
Street Address.
City
State, Zip
Email Address
Daytime Phone
Name
Title
Street Address.
City
State, Zip
Email Address
Daytime Phone
Name
Street Address.
City
State, Zip
Email Address
Daytime Phone
Name
Title
Street Address.
City
State, Zip
Email Address
Daytime Phone

Your Signature\_\_\_\_\_

Date of Signature \_\_\_\_\_

#### APPEAL FORM

Appeal of Local Government Coastal Development Permit (Duplicated form by the Appellant for the Purpose of Filing This Appeal)

### Filing Information (STAFF ONLY)

District Office: Central Coast Appeal Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Appellant Name(s) \_\_\_\_\_

#### **APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/). Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in guestion. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at https:// coastal.ca.gov/contact).

#### 1. Appellant Information

Name: Dr. Anne Segal and Dr. Robert Segal Mailing Address: 214 Pelton Avenue, Santa Cruz, CA 95060 Phone Number 520-818-8324 (message) 520-591-9700 Email Address: <u>AnneSegal@gmail.com</u>; <u>RJSegal@gmail.com</u>

### How did you participate in the local CDP application and decision-making process?

Did not participate Submitted comment X Testified at hearing(s) Other

Dr. Anne Segal and Dr. Robert Segal participated by attendance in the virtual public hearing for the Santa Cruz Historic Preservation Commission meeting August 17, 2022. (Reset two times) Dr. Anne Segal made a statement objecting to the egress/ingress onto Pelton Avenue as adversely affecting the Monarch Butterfly habitat.

Dr. Anne Segal and Dr. Robert Segal participated by attendance in the virtual public hearing of the Santa Cruz Planning Commission October 6, 2022 (reset two times).

Dr. Anne Segal filed a statement and made a statement objecting to the egress/ingress onto Pelton Avenue as adversely affecting the Monarch Butterfly habitat to the Planning Commission. (**Exhibit One**) *All exhibits are incorporated herein as though fully set forth.* 

Dr. Anne Segal filed an appeal **(Exhibit Two)** and testified for 20 minutes, with five minutes of rebuttal, at the November 29, 2022, Santa Cruz City Council meeting at which the Resolution was approved. No questions were asked by council members. Dr. Robert Segal spoke for two minutes by telephone during public comment.

If you did not participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed). Describe:

N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes). Describe:

Dr. Anne Segal and Dr. Robert Segal filed an appeal October 17, 2022, and paid, over objection, a \$699.00 fee. The City of Santa Cruz required payment of the fee to accept the appeal. Note: Said fee was in addition to a fee paid by the Applicant for the appeal on the Condition of Approval allocation for low-income housing.

Dr. Anne Segal presented a statement and exhibits at the appeal hearing on November 29, 2022. Dr. Anne Segal testified for 20 minutes, with five minutes of rebuttal, at the November 29, 2022, Santa Cruz City Council meeting at which the Resolution was approved. No questions were asked by council members. Dr. Robert Segal spoke for two minutes by telephone during public comment **Exhibit Three with attached referenced Exhibits 1A, 2B, 3C, 4D** )

Despite numerous written objections by the Appellants and without prior notice, the matter was set on the Tuesday after the Thanksgiving holiday. The hearing appeal was scheduled on a time and date that Appellant Dr. Robert Segal could not attend. Appellants asked for reasonable accommodations for the special hearing to be rescheduled. The objection was dismissed by Santa Cruz City Council staff and the matter proceeded without Dr. Robert Segal being present. Santa Cruz City staff failed to follow their codified policy hearing procedures and set three matters during this special hearing session with presentations beginning at 4:00 p.m. Those matters concluded at 6:15 p.m. The Appellant's special hearing was scheduled "5:30 or thereafter," thereby chilling public comment and violating their stated policy of limiting the special setting to two

agenda items. Staff presented the council with a 774-page agenda packet with numerous items, of which the first 368 pages did not pertain to the items relating to the special-set noticed appeals, and, by the delay, limited public access that discouraged free and open comment on the appeals and a failure by the members of the Santa Cruz City Council to engage in meaningful debate following public comments. Council, therefore, was in session two hours before this matter was presented to them. (**EXHIBIT FOUR**)

All postcard notices received by the Appellants regarding the Notice of Public Hearing described 136 Pelton and 126 Eucalyptus Avenues APN:004-571-02-04 as the subject parcels. (**EXHIBIT FIVE**) The declaration for appealable Coastal Permits only refers to 544 Cliff Dr. Santa Cruz Apn: 06087-521-02.

The Permit is issued in the name of the Applicant Roger Bernstein. Roger Bernstein, an employee of Oppidan Investment Company of Excelsior, MN, does not appear to have any ownership or leasehold interest in the properties identified as 136 Pelton Avenue, 126 Eucalyptus Avenue or 544 (West) Cliff Drive, Santa Cruz, CA.

This appears to create procedural errors with respect to Notice of the Proceedings.

Remaining portion of this document is intentionally left blank

#### Local CDP decision being appealed

Local government name: City of Santa Cruz, California

Local government CDP application number: CP-20-0068

Local government CDP decision: XX CDP approval CDP denial

Date of local government CDP decision: November 29, 2022

Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision. Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

#### Please describe the location and description of the development that was approved or denied by the local government. Describe:

Project Description: (as referred to in the Appealable Local Permits notice) Non-residential Demotion Authorization Permit, Lot Line Adjustment, Special Use Permit, Coastal Permit, Design Permit and Heritage Tree Removal Permit to reconfigure five lots into two, demolish two existing school buildings (appatx. 28,417 square feet), remove six Heritage trees and construct a 76 units (including 13 dwelling units senior housing facility on a site listed on the historic building survey (Vol.1, pg. 39) and located in the R-1-5/WCD-O/CZ-O/SP-O (single family resident/West Cliff Drive Overlay/Coastal Zone Overlay/Shoreline Protection Overlay zone district.

The description of the development which incorporates the public notice is as follows:

Appeal of Planning Commission Approval of CP20-0068 identified as 544 Cliff Drive, Santa Cruz, CA, noticed provisions identified 136 Pelton and 126 Eucalyptus Avenues and Including, but not limited to the following <u>what is believed to be Assessor Parcel</u> <u>Numbers, Parcel APN 004-571-104 (136 Pelton Ave); APN 00-428-134 (inactive) 136</u> <u>Pelton Ave.;</u> APN 00-457-102 (544 W. Cliff Drive) and <u>APN: 004-571-03 004-281-28</u> as [A]n action of authorizing a Non Residential Demolition Authorization Permit, Sequential Lot Line Adjustment, to be by <u>unidentified</u> lot line adjustments, <u>unidentified</u> assessor parcel numbers and <u>unidentified</u> consolidation of lots referred to as Lots 1 and 2 as well as <u>unidentified</u> Special Use Permits, Coastal Permit, Design Permit... to Reconfigure unidentified Five Lots into Two, Demolish Two Existing School Buildings (Approximately 28,417 Square Feet)... Remove Six Heritage Trees, and Construct a 76-Unit (Including 13 Full Dwelling Units) Senior Housing Facility on a Site Listed on the Historic Building Survey (Vol. 1, p. 39) in the R 1 5/WCD O/CZ O/SP O (Single family residence/West Cliff Drive Overlay/Coastal Zone Overlay/Shoreline Protection Overlay) Zone District. (Environmental Determination: Categorical Exemption; and SEEKING Exempt under PRC CEQA Section 21083.3) Applicant: Roger Bernstein, Filed 8/10/2020 (*PL) DBA Oppidan Investment Company and Watermark Retirement Communities* ...Italics and interlineation added by Appellant; Capitalized emphasis added by staff (**EXHIBIT SIX**)

The findings of the Santa Cruz Zoning and Planning Staff to the Santa Cruz City Council on November 29, 2022, was approved by Resolution.

It should be noted that the Santa Cruz City Council resolution denying the appeal of Anne and Robert Segal was presented prior to the Appellant's oral presentation and submission of relevant exhibits as well as prior to the community's comments as evidenced by a preprinted form in the Santa Cruz City Council Agenda Packet, page 4.44 (page 393 of the Council's Agenda packet). The denial of said appeal was a foregone conclusion as was the granting of the Applicants appeal prohibiting an increased allocation of low-income housing. **(EXHIBIT SEVEN)**.

Remaining portion of this document is intentionally left blank

#### 3. Applicant information

Applicant name(s): Roger Bernstein, Vice President of Construction DBA Oppidan Investment Company

Applicant Address: Redacted from documents provided to Appellants by the City of Santa Cruz. Letterhead for Oppidan refers to the addresses as 1100 Lincoln Avenue, Ste 382, San Jose, CA 95125; 400 Water Street, Ste 200, Excelsior MN, 55331 and 2000 Regency Parkway, Ste 435, Cary NC 27518

Applicant name(s): Watermark Retirement Communities is referenced in the City of Santa Cruz Planning and Community Development website at <u>https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/significant-project-applications/126-eucalyptus-ave 2020</u> as the primary developer

Applicant Address: 2020 W. Rudasill Road, Ste. 200 Tucson, AZ 85704 (Dec 6, 2022) (EXHIBIT EIGHT)

#### 4. Grounds for this appeal

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP (Santa Cruz Local Coastal Plan) or to California Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

The approved new development causes significant adverse effects individually and cumulatively on coastal resources. The California Coastal Commission is urged to find that substantial issues exist and direct a *de novo* review of this major project is warranted. The City of Santa Cruz abused its discretion and violated delegated authority vested by the California Coastal Development Permit (CDP) process as well as the Local Coastal Program (LCP) by the approval of the Resolution of the Santa Cruz City Council in favor of the Applicant(s) that enables them to proceed.

Jurisdiction for this appeal arises in the lot designation as it currently exists (APN004-571-02) prior to the division of the parcel in question as being within 300 feet of the coastal bluff and 100 feet of the state land trust. If consolidation and realignment is granted, Coastal Commission jurisdiction could be defeated. Santa Cruz Local Coastal Progarm(sic) 1990-2005E1. See also LCP-7.

#### I.

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The actions of the City of Santa Cruz violated California Coastal Act, Article 6, Public Resource Code (PRC), Development, §3025-(a) which provides:

- a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.
- b) See also, Santa Cruz LCP EQ 1.1;3.2.4; CD 1.1 et.al;1.3, 1.31,1.3.1.2, 1.3.2,1.4;2.1 et al;3.4;3.6;3.7;5.2,5.2.4;6.2.4; 1.1 (Lighthouse State Beach Plan)

The proposed 74,000 square foot assisted living and locked memory care facility is a habitat for humans. Therefore, the resolution granting a sweeping zoning change from protective low-density shoreline residential housing to a high-density housing project is a violation of the coastal responsibilities to preserve natural resources for all communities. The consolidation of the lots enables dense zoning authority with overt references to additional development that denies open and free access to all members of the community who rely upon and extensively use the limited, unstable, existing coastal resources that are adjacent at West Cliff Drive, Pelton Avenue, Eucalyptus Drive, Manor Place, Manor Avenues W and E, Lighthouse Avenue, in Santa Cruz, California (hereinafter referred collectively as West Cliff Drive and/or Pelton Avenue).

The plan also appears to divest the California Coastal Commission intentionally and deliberately from direct review of future development on this environmentally fragile site by dividing the large lot and placing the new development a few feet from mandated coastal jurisdiction. This is a permanent change in land use and, as such, its impact is essentially unending. The reconfiguration of the land parcels will last in perpetuity. The analysis for condemnation of such consolidation should consider the permanency of time and the forever impact on the community and the adjacent coastal region.

The approval of Coastal development authorizes a combination of Santa Cruz Assessors parcels 1,2,3,4 to be combined into two Assessors lots thereby creating concentrated housing without regard to the impact. By condoning the separation of the property at 544 West Cliff Drive by lease and re-allocation from the Oblates of St. Joseph church (owner and landlord of the property) in favor of the commercial, for-profit leasehold interests of developer Oppidan/property manager Watermark, the City of Santa Cruz implicitly authorizes restructuring zoning protections of the California Coastal Commission and Local Coastal Plan for Santa Cruz. This consolidation fails to protect the adjacent neighborhood and community, the adjacent fragile environment of Lighthouse Field and the adjacent coastal resources which are tremendously popular visitor destination points for recreational use by jurisdictional manipulation.

Furthermore, the Commission is urged to not ignore the reality that such a concentration of people at 544 W. Cliff Drive into a small area will overburden the existing heavily populated region. The proposed senior facility on the western side of 544 W. Cliff Drive is not compatible with the existing status of six to ten homes per acre in the surrounding old, settled residential community. Although existing residential designation authorizes a density range of 1.1 to 10 dwelling units per acre, the neighborhood homes are in the average of eight dwellings per acre density range. **EXHIBIT NINE.** 

The City of Santa Cruz Resolution for 76 dwellings on three acres of 433 W. Cliff Drive sanctions building residential density that is more than double the authorized allowable allocation in the current coastal zoning region. As the for-profit commercial developers Oppidan/Watermark calculate only a bedroom unit equipped with a full kitchen is a designated dwelling, therefore there is a limited zoning adjustment. Their calculations and allocations are misleading. Each human habitat doorway-based dwelling, albeit small, uses water, utilities, public services, medical emergency services, roads, delivery services, fire equipment and coastal resources to the same degree of consumption, if not more, than single family residents. It is a fiction that the zoning reallocation is appropriate land use for the already heavily burdened region. The coastal resources are exhausted as evidenced by the recent collapse of the cliffs on Cliff Drive. (**EXHIBIT TEN**).

Government Code Section 66411.7 requires ministerial consideration of urban lot splits in single-family residential zones in designated areas of the coastal zone when certain criteria are met. "[S]ubdivision . . . and any other division of land, including lot splits," qualify as "development" under the Coastal Act, thereby triggering the need for a CDP or other appropriate authorization. (Pub. Res. Code § 30106.) Lot splits, and in this context, lot consolidation, for the purpose of enabling a denser development should also qualify for greater scrutiny because it constitutes a "change in the density or intensity of use of land." (Id.) The City inaccurately characterized demolishing a school building and authorizing building twice the size and footprint as "infill." According to the Governor's Office of Planning and Research, "the term infill development refers to building with unuse and underutilized lands within existing development patterns."

The Oppidan Investment and Watermark Retirement Company project is completely encircled and closed, thereby denies access to all other community residents. The locked facility will not provide public admission, services, restaurants, community meeting halls or any benefit to anyone other than those residing within the locked and closed community. Said combination of lots and reconfiguration of zoning is contrary to public policy and coastal protective provisions. (**EXHIBIT ELEVEN**.)

Appellants also urge attention be directed to the comment within the resolution that considers the area to the east of this project at 455 W. Cliff Drive (4-21) "some

development remains on Lot One, [the site of the ocean-facing existing church area] that will allow it to be brought up to the density range in the future." This resolution could enable even more future high-density residential occupancy without public review.

The Applicant is Roger Bernstein, an employee of Oppidan Investment Company of Excelsior, MN, who does not have a named ownership interest in 136 Pelton Avenue, 126 Eucalyptus Avenue or 544 (West) Cliff Drive, Santa Cruz. Oppidan and Watermark Retirement Management have not disclosed a leasehold interest nor the covenants of the Oblates Church of St. Joseph. Restrictive covenants condition the use of the parcels deeded for the Church's benefit, Failure to name an Applicant with an ownership interest in the property is misleading pursuant to public notice. The failure to follow deeded covenants may be violation of authorized and deeded use of the church's land.

### **II.** This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The resolution the City of Santa Cruz approved also grants the following: "SEEKING Exempt under PRC CEQA Section 21083.3" (emphasis provided in application) is an error. The waiver of this critical requirement for a noticed public hearing fails to examine the impact of this far-reaching rezoning development at 455 W. Cliff Drive on the adjacent areas and ignores the critical environmental oversight of the protective provisions of the California Coastal Commission. The request and resulting approval of the exemption creates substantial issues and warrants a de novo review of this entire project by the California Coastal Commission.

The Oppidan/Watermark development is located in the Coastal Exclusion Zone B and the Coastal Appeal areas of the Coastal Zone Overlay district and therefore must be in compliance with Section 24.10.2430. The development is also within the Shoreline Protection Overlay Zone District as described in the 2007 Santa Cruz Local Coastal Land Use Plan or LPC and is governed by the Local Coastal Implementation Program policies. Santa Cruz City Planning Staff alleges that the plan is consistent with Local Coastal Land Use Plan and the Local Coast Implementation Policy Program. L1.4 requires projects to utilize the environmental review process to ensure, not estimate, the protection of natural resources, wildlife habits and scenic views.

It is appealable error that it is the sole opinion of the staff, not the professionals who voiced their objections, inter alia, at the Zoning Commission hearing, that the project was adequately evaluated for its effect on coastal resources, such as biotic resources, visual resources and coastal access and is exempt from review pursuant to the California Environmental Quality Act or CEQA. The Staff report considered impact of the development on the site itself in reference to the site being infill. CEQA review would require referenced study of the impact of this development on the **adjacent** open, wildlife rich open areas of Lighthouse Field or impact of the development on the coastal neighborhood and streets as well as those mandates within the Santa Cruz Local Coastal Plan (LCP). Staff ignored the responsibility to consider the impact of this development on the area's adjacent resources which have significant visitor

destinations as an area. The large, substantial new structures are very different from the Planning staff characterization the parcel's eligibility as an "infill project" which is essentially exempt from environmental evaluation because "[T]he site has no value for endangered, rare, or threatened species based on results of a biotic resources report prepared for the project," page 231 of Staff report.

Appellant argues that the adjacent land does, in fact, have value – significant value. The mandate for environmental review is substantiated by CEQA and Santa Cruz LPC V. 1, item 3 (coastal habitat areas and sensitive species), item 4 (visual resources), item 6 (orderly and balanced development as to the adjacent lands and not just the location of the proposed development.) The city's misclassification that this project is "infill" bypasses and sidesteps all coastal development protections. This is not a like-for-like improvement, but a massive change in land use that meets all of the CQEA exemptions. See judicial review of the impact of infill in *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.5th 1086 (2015)

#### Lighthouse Field, the Monarch Butterfly Habitat and Need for CEQA review:

Applicable LCP Zoning Ordinances 24.14.080(2) provides: Precise Boundaries of Designated Areas. The precise boundary of areas identified in subsection (1) above shall be determined on a case-by-case basis by a biologist with relevant academic training and experience in instances of uncertainty.

The adjacent area to the Oppidan/Watermark at 455 W. Cliff Drive is a beautiful, peaceful and tourist heavy destination of the protected Monarch Habitat within Lighthouse Field The Applicant describes the Habitat as being 300 feet from the entrance when it is less than 100 feet from the habitat parameter line. The nesting area is steps from their proposed grand primary entrance and exit onto Pelton Avenue. (Additional arguments are presented in Item III.) Staff relied the findings of Ecoysystems West Consulting Group for the Bio-Pic to provide an expert opinion on the impact of the project. Clearly the consultant considered butterflies on the project site. There is no documentation, contrary to the mandates of the LCP, that there is evidence that anyone trained as a lepidopterist, expert in moths and butterflies, was an employee or was engaged with Ecosystems West investigation or report to the City of Santa Cruz.

Therefore, Santa Cruz City Council abused its discretion by failing to comply with the required environmental protections for the adjacent Lighthouse State Park LCP provisions as enumerated in regarding the habitation of Monarch butterflies LCP 4.5, (referencing Map EQ-9, EQ- 4.12, 4.5.3, 4.3.3.2 **EXHIBIT TWELVE.** 

Santa Cruz City Council also abused its discretion by failing to comply with the required environmental protections for the adjacent Lighthouse State Park LCP provisions regarding their direct responsibility to evaluate the impact of the development on nesting swifts. Nesting swifts are endangered birds which are described as highly protected in LCP Lighthouse Field State Beach Plan 1.5.4. (See also protections for Pigeon Guillemot habitat) Prior to construction activity along West Cliff Drive, the California Department of Fish and Game must verify that the proposed activities will not significantly alter the black swift nesting site as a Condition of Approval. Construction is prohibited from May to August) No report from the California Game and Fish was submitted as is required by the LCP. 4.5.2, **EXHIBIT TWELVE** 

The substantial change in the density of the zoning and the impact on the adjacent areas of Lighthouse Field and Pelton Avenue cannot be ignored or dismissed and should not be exempt by allegations that an environmental study or any study of the impact of this large development by the Santa Cruz Planning staff is duplicative. California Public Resources Code (PRC) CHAPTER 2.6. General [21080 - 21098] as provided in 21083.3. (*Chapter 2.6 added by Stats. 1972, Ch. 1154.*) are currently applicable. While there are citations to environmental reports, none address the impact that this substantial project in the context today's climate of global warming and rising seas. A more thorough, professional inquiry was conducted in 1990 when the landlord/property owner only sought to increase the size of a parking lot. In comparison, this new development on West Cliff Drive, which will house over 90 people adjacent Lighthouse Field, endangered species, the Monarch Butterfly habitat and deteriorating cliffs, appears to warrant less environmental consideration by the 2022 Santa Cruz Planning Staff than adding a parking lot required 20 years ago.

There has not been a recent independent CEQA reports or analysis on the impact of development on the adjacent areas of Lighthouse Field, Pelton Avenue or the coastal region. The magnitude of this new development merits a new, thorough, independent, thoughtful analysis of the impact of change with commercial development and the project should meet all of the requirements for a complete and independent CEQA analysis.

#### III.

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The authorization of the approval pursuant to the Resolution **is in direct and outright contradiction of the 2001 orders of the California Coastal Commission Appeal and De Novo Hearing, appeal number A-3-STC-01-045.** The relevant pages of the California Coastal Commission de novo review as **EXHIBIT THIRTEEN**. (Referenced as Exhibit "B" Conditions of Approval)

The resolution of the 2022 City of Santa Cruz authorizes construction pursuant to a presented site plan which places the facility's large and luxurious entrance directly onto Pelton Avenue **(EXHIBIT FOURTEEN)** The entrance for the development is in direct violation and in contradiction of specific orders of the California Coastal Commission as well as previous directives of the City of Santa Cruz in overseeing coastal owner improvements.

On March 21, 2001, pursuant a request to add 17 parking lots to 544 West Cliff Drive, Assessor's Parcel Number 004-571-02, the California Coastal Commission directed

specific Conditions of Approval. The Commission accepted de novo review as the actions of the Santa Cruz City Council raised substantial issues that project conflicted in consistency and conformity with the City of Santa Cruz LCP. The Commission accepted jurisdiction for the coastal development permit (CDP) for the project.

Santa Cruz Local Coastal Protective Policy 2008 mandates protection of Lighthouse Field as a coastal region. The General Plan Glossary LCP EQ Policy 4.5 states: *Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9)* 6.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. (Arguably, previous findings and applications of CEQA) Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

For this new development at 544 West Cliff Drive, the 2022 Santa Cruz City staff chose to ignore the 2002 unequivocal mandate and requirement of the California Coastal Commission to the City of Santa Cruz that prohibits permit egress and ingress onto Pelton Avenue. The mandate and the refusal of the 2022 City Council to follow the precedence of a directive of the Coastal Commission cannot be ignored. (The paragraph below is an exact duplication of the California Coastal Commission's published comments:

LCP EQ Policy 4.5.3 calls for the adequate buffering of monarch butterfly overwintering sites. There are, however, no standard setbacks in the City's LCP for monarch butterfly habitat areas. In the mid 1990s the Commission set a specific buffer zone regarding a large residential development adjacent to overwintering eucalyptus trees (the Ellwood Shores project in Santa Barbara). In that case the Commission required that a road proposed to go through the overwintering grove be removed and rerouted through an adjoining property. In addition, the Commission required an average 100-foot buffer between the proposed residential structures and the eucalyptus trees, with a lesser buffer in some areas. As stated above, an overwintering site is located on Pelton Avenue approximately 300 feet from the project site, as measured by Commission staff. This buffer greatly exceeds that required in the Ellwood Shores case and is a substantially greater buffer than that which was determined to be adequate by Dr. Bell in the original proposal, which was approximately 150 feet from the overwintering grove. The Commission also notes that existing residential development lines Pelton Avenue less than 50 feet from this overwintering grove (see Exhibit 2). Also as stated above, the City conditioned its approval so that there will be no access/egress to the parking lot from Pelton Avenue, which would have brought church traffic closer to the overwintering grove (see Exhibit 6, Condition #41).

A single eucalyptus tree is located between 75 and 100 feet from the City-approved parking lot (see Exhibit 7). Dr. Bell, however, has only rarely seen monarch butterflies in this tree and has never seen clusters of monarch butterflies roosting in this tree. Dr. Bell believes this is because the tree is poorly protected from the wind and could not support monarch clusters except when the wind is calm (see

Throughout the orders and findings of the 2001 "Revised Staff Report: Appeal De Novo hearing at A-3-STC-o1-045, the California Coastal Commission repeatedly reiterates the statement that there "shall be no egress or ingress onto Pelton Avenue:"

- 1. Page 4, item 3 (Landscaping shall provide a measure of screening from West Cliff Drive and Pelton Avenue that takes into account the safety of pedestrians);
- Section 4.3, page 6 of 64 "In response to Council direction, Applicants submitted three alternative plans...The modified alternative #3 was adopted by City Council. This alternative includes no access/egress from Pelton Avenue (see their Exhibit 6, condition #41);
- 3. Section 4.4, page 7 of 64, This review is based on the original project plans, which included an additional 47 parking spaces, access/egress onto Pelton Avenue ... the project has been reduced in size and scope to include 17 additional parking spaces, with no access/egress onto Pelton Avenue...
- 4. Section 5.12, page 9 of 64, ... Since Dr. Bell's initial review letter, the project has been reduced in size and scope to include a total of 17 additional parking spaces, with no access/egress onto Pelton A venue and no tree removal
- 5. Section 5.12, page 9 of the LPC states the same as the Coastal Commission directive:
  - a. LCP EQ Policy 4.5 .3 calls for the adequate buffering of monarch butterfly overwintering sites. (see their Exhibit 2). Also as stated above, the City conditioned its approval so that there will be no access/egress to the parking lot from Pelton Avenue, which would have brought church traffic closer to the overwintering grove (see their Exhibit 6, Condition #41).
- 6. Page 10 of 64 refers to there being no access onto Pelton Avenue
- 7. Page 12 of 64 In conclusion, the City-approved project has been reduced to 17 additional parking spaces with no access/egress from Pelton Avenue and no tree removal.
- 8. See page 62-63, the letter from the Oblates to the City of Santa Cruz denying responsibility for environmental balance and community interest.

In spite of this clear and consistent history, the Oppidan Investment and Watermark Retirement Community companies designed their imposing entrance into Monarch Butterfly Habitat.

The Oppidan/Watermark building that directs ingress and egress onto Pelton Avenue violates the orders, the findings of the exercise of authority of the Coastal Commission directive of July 12, 2002, that is contained in the Conditions of Approval.

In a historic review of the timelines of development for the Oblates regarding Eucalyptus, Pelton Avenue and West Cliff Drive church properties, the California Coastal Commission repeatedly directed compliance under Coastal Permit reviews – Section 24.08.250 that the "site plan as designed will not affect natural habitats and natural resources." Cited from Agenda Report ZB 8/27/92, page 88 or 597. On July 19,1990 the Oblates of St. Joseph agreed to provide 22 parking spaces in the existing Church parking facilities which border West Cliff Drive. (pg. 224 of 597). Again, in the Conditions of Approval, their Exhibit "A," the property owners in seeking permission for two classroom modular units be installed were required to meet the permit standards established by Chapter 24.12.200 in item 5, page 225-226 or 597 of the Santa Cruz Municipal code as to the emission of noise, odor, smoke, dust, vibration, waste, fumes or any publish nuisance arising or occurring incidental to its establishment or operation and not access Pelton Avenue. Again in 1998 Ralph Meyberg at 214 Lighthouse stated the main arterial should be West Cliff Drive, with traffic being diverted into the Oblates parking lot and then down the main street (referencing the development of two modular classrooms) (page 435 of 494 at the 98-152 & 98-152.1 zoning board hearing.)

The requirements that there be no egress or ingress onto Pelton Avenue is unambivalent and substantiated by the Santa Cruz LCP as well as by the declarations of the Coastal Commission:

LCP EQ Policy 4.5.3: Protect Monarch butterfly over-wintering sites and ensure adequate buffering of these sites. LCP EQ Policy 4.5.3.1.

LCP EQ Policy 4.5.3.2: Require development in the vicinity of designated Monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria such as: Prohibiting the cutting, thinning, pruning or removal of any tree or shrub (especially nectar plants used by Monarchs) except as necessary for safety of homes or persons and requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when Monarchs are not present; and keeping smoke from infiltrating Monarch roosting sites.

LCP 24.14.080(4)(d): Wildlife Habitats and Plant Communities. Construction, grading or removal of vegetation shall be permitted within wildlife habitats and plant communities where: (1) Existing vegetation is preserved to the maximum extent possible; (2) The integrity of the area as a habitat is not compromised; (3) Landscaping is designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent feasible.

If the Coastal Commission accepts *de novo* review of the entire project, a survey of the lots and parcels in essential. Physical examination of one of the many parcels sought to be consolidated into the Oppidan Investment/Watermark companies now reveal a large curb cut onto Pelton Avenue from a grassy area. There is no historic authorization of Santa Cruz Planning or Public Works that the curb cut was permitted and, if so, stands in violation of previous directives. The curb cut is mere steps from the Monarch Habitat. **(EXHIBIT FIFTEEN)** 

The blatant disregard for the previous orders of the California Commission is clear evidence of the investors/developers intention to disregard future environmental protective policies and thereby deny the importance of precedence and directives of the California Coastal Commission. The decision to place their primary entrance and exit onto Pelton Avenue rather than the designated address of "544 West Cliff Avenue" is an indication of the lack of respect and unwillingness to abide by the rulings and mandates of the California Coastal Commission.

#### IV

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The Resolution of the Santa Cruz City Staff to approve the development proposed by Oppidan Investment and Watermark Retirement Management Companies violates LPC Section 7 (restated in Coastal Commission Policy) which provides:

Coastal Hazard Area regulations focus on reducing risk from geologic (earthquake, landslide, cliff erosion), fire and flooding hazards within the coastal zone. Policies aim at designating appropriate land uses for areas subject to geologic and flood hazards; develop warning system for potential tsunami inundation areas; and developing appropriate setbacks and development criteria for bluff and cliff developments.

The entire project is in a Tsunami inundation zone. (EXHIBIT SIXTEEN) The coastal area between Eucalyptus and Pelton Avenues bordered by 544 West Cliff Avenue lies within the Tsunami Inundation Zone according to the 2012 City of Santa Cruz Local Hazard Mitigation Plan. (Also used as an unreferenced map on page 30 of 39 in Watermarks revised pre-application.) (EXHIBIT SEVENTEEN) There are serious errors in the Santa Cruz City Planner's Environmental Review, page 52 of the packet presented to the City Council on November 29, 2022. Section 10-c{iv} d Flood Hazard Areas alleges that only the eastern portion of the project site is located in the flood hazard zone and refers to figure 4-7.2 and that no portion of the hazard zone would be developed for inhabited structures. These statements are incorrect. The truth is that the entire site is within the tsunami coastal inundation zone according to the current LCP approved maps. (EXHIBIT EIGHTEEN) (Source: California Emergency Management Agency, University of Southern California Tsunami Research Center. Reinforcing this reality is the reference to the 2012 City of Santa Cruz Local Hazard Mitigation Plan and the county GIS Tsunami area (EXHIBIT NINETEEN) The map clearly shows the entire site would be inundated in a Tsunami. The inundation area is confirmed by the more recent California Department of Conservation Tsunami Hazard Area Map that the entire new development is essentially at the same elevation. More importantly, raging and rising waters do not stop because of a map designation. There is no buffer between the Monterey Bay and the investors' development at 455 Cliff Avenue other than the crumbling bluffs on Cliff Avenue. (See, FEMA maps)

In January 2022 Executive Director of the California Coastal Commission Jack Ainsworth issued the Implementation of New SB 9 Housing Laws in Sea Level Rise Vulnerable Areas and published directives that proscribed a 4-step analysis condemning dense housing if there cannot be a guarantee that the development will not create hazards or pose risk in the event of an environmental catastrophes. As the Administrative Director, Mr. Ainsworth clearly stated that the Commission should not accept "land projected to be negatively impact[ed] by a sea level rise in the foreseeable future [as it] is not a sound way to minimize risks to life and property in areas with high flood and geographic hazards." (See Pub.Res. Code § 30253.) (**EXHIBIT TWENTY**)

Global warming and the rising seas increases the realistic likelihood of Tsunami danger. The Santa Cruz Sea coast is also prone to the danger of earthquakes, which can trigger high flooding waters. This proposed new development by Oppidan Investments and Watermark Retirement Communities will place over 90 vulnerable people into harm's way; 30 of the most vulnerable adults in memory care could be in locked rooms should a Tsunami inundate the buildings. In fact, as a Condition of Approval, the companies stated, "the stairs are locked and accessible only by staff." (EXHIBIT TWENTY-ONE)

The site is not safe for an assisted living and memory care residents and the property is not realistically safe for any new development. The undeveloped lots and parcels should not be industrialized for any purpose and remain an open space, but certainly not house a vulnerable population or large gathering facility in this location.

As this project is essentially a new development proposal, any change in land allocation must: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Government Code Section 66411.7, Pub. Res. Code § 30106

During the public comments of the Appeal, although Assistant City Planer Clara Stanger argued that the development was not within the flood hazard zone, another senior planner indicated that while it was, in fact, in a flood risk zone, but evacuation plans were available. The Commission should take judicial notice that the roads leading to the project site are akin to paved horse paths. Reliance on an orderly emergency evacuation plan for vulnerable, physically frail residents needing assistance or care due to memory infirmity to favor a profitable investment company so close to a coastal area is not realistic or achievable or humane.

#### V.

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The Commission generally allows a CDP waiver only when the Executive Director determines that the proposed development is de minimis (i.e., it is development that has no potential for any individual or cumulative adverse effect on coastal resources and is consistent with <u>all</u> Chapter 3 policies of the Coastal Act). This analysis is not applicable to this project, characterized as a significant city project development by the Planning Staff for the City of Santa Cruz. **EXHIBIT TWENTY-TWO**. See also, <u>https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-</u>

status/significant-project-applications/126-eucalyptus-ave on the City of Santa Cruz website "Significant Project Applications."

The Santa Cruz City Council and Planning staff accepted a fiction that demolishing an existing school building, then building new construction is essentially an infill project and therefore is exempt from the Coastal Commission's mandates to avoid adherence to new development standards and to provide independent evidentiary compliance with all of the requirements for new developments as set forth in California Public Resources Code (PRC) §30253 (2021):

As new development, the new units must minimize risks to life and property. (Pub. Res. Code §§ 30253, 30270; (see also following corresponding LCP provisions.) In this context, statute and policy require that new development do all the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (See **EXHIBITS SEVENTEEN, EIGHTEEN AND NINETEEN**) arguments and exhibits regarding the fact that the property is within the Tsunami inundation zone.) Realistic questions as to the access of fire and emergency equipment to the rear residential buildings should also be evaluated.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (See **EXHIBIT TEN** West Cliff erosion that is already occurring.)

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (**See Section IV** regarding the runoff from the pavements and construction.)

(d) Minimize energy consumption and vehicle miles traveled. regarding the Applicant's flawed traffic report and lack of area-wide medical services. (See Section VI.)

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. (See Section 1)

(Amended by Stats. 2008, Ch. 179, Sec. 187. Effective January 1, 2009.)

Also, new residential development must be consistent with both of the Chapter 3 policies of the Coastal Act and these relevant LCP policies See also Pub. Res. Code § 30240(b). The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park

acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Moreover, City of Santa Cruz LCP adds additional requirements: The Coastal Act's basic goals for conservation and development in the coastal zone are: (1) protect, enhance, and restore the natural resources of the coast; (2) protect, enhance and restore the built resources of the coast — the special communities and neighborhoods that have unique cultural, historic, and aesthetic qualities; (3) give priority to coastal-dependent development — uses of land and water that by their very nature require coastal sites — over other development on the coast; (4) maximize access to the coast for people of all income ranges consistent with the protection of coastal resources; and (5) encourage orderly, balances development that avoids wasteful sprawl by concentrating new growth in already developed areas with adequate public services or in other areas near major employment centers consistent with resource protection policies. (V.1, pg.1 1990-2005)

The California Coastal Commission is urged to accept authority to enforce all of the new development policies authorized by the LCP as well as by the laws of the State of California for the Santa Cruz City Council and Planning staff has failed to do. By recognizing that new development standards have basic goals that are inclusive of all standards and is not a cafeteria-style choice of five alternatives or options. The failure of the development to adhere objectively and fairly to all of the legislative and administrative directives requires secondary accountability and independent oversight. For example, LCP Five directs that the investors Oppidan and Watermark concentrate their efforts to promote new growth in already developed areas that offer adequate public services. Unfortunately, in the neighborhoods of 544 West Cliff Avenue, there are no immediate medical care facilities, nursing resources, nearby hospitals, 24-hour pharmacies or ready access to health care that can provide care for a high-risk, vulnerable elderly population with critical medical. The failure to meet this standard is equal to the failure by the project promoters to protect, enhance and restore the natural coastal resources.

#### VI

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

A critical component to approval for the Oppidan Investment/Watermark Retirement Management Company is assuring that public access to the coastal region does not cause decreased parking or increased traffic in this highly used recreational area due to traffic going to and from the new development. If employees and visitors to the development compound complications of limited parking in the adjacent coastal area, further review is essential.

Traffic LCP Land Use Policy 5.6 states: Require land use development to integrate into the larger circulation system by introducing its system of roads, pedestrians and bike paths with existing facilities and also design access to nearby areas in a manner that

minimizes the necessity for automobile travel and California Coastal Commission LCP Circulation Policy 1.7 states: As a condition of development, expansion or change of land use, developers or employers shall mitigate their impacts on circulation ... provide incentives to enhance the use of alternative transportation, and when necessary shall prepare transportation impact studies and phase improvements to reduce traffic impacts and ensure that circulation facilities are adequate to serve the development.

- a. The applicants reported in their traffic study for this project three years ago, indicating that there is light traffic on Pelton and the addition of a few employees will be insignificant. Their report is deeply flawed and misleading. A traffic engineer reviewed the study performed by Keith Higgins. That study was conducted on Thursday Nov 14, 2019, for only seven hours on a cloudy and overcast day with a nearby thunderstorm. The recorders are normally placed for 7 days; Watermark conducted the traffic density for part of one day. Also Mr. Higgins used an outdated manual to predict future traffic rather than the 11th edition of the ITE trip gen manual. (EXHIBIT TWENTY-THREE)
- b. On page 10 of the Staff report, the Applicant estimate "a maximum of three deliveries per week, including deliveries from a refrigerated box truck. The loading area is off Pelton with minimal expected commercial vehicle trips to assure compatibility with nearby uses." Again, this is flawed. There are 90 people living in the developers' project as well as 25 staff members twenty-four hours a day, seven days a week. The delivery truck impact does not account for increased emergency vehicles, van transportations, mail order deliveries.

#### VII

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

Water Quality Applicable City of Santa Cruz LCP policies regarding water quality are as follows: LCP Environmental Quality Policy 4.1: Protect the natural ecosystem of the Monterey Bay National Marine Sanctuary and the shoreline. LCP Environmental Quality Policy 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay. LCP Environmental Quality Policy 2.3.1: Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible. LCP Environmental Quality Policy 2.3.1.5: Ensure that all parking lots, roads, and other surface drainages that will flow directly to coastal waters have oil, grease and silt traps. LCP Environmental Quality Policy 2.3.1.6: Require a maintenance program and oil, grease and silt traps for all parking lots over 10 spaces ... Due to increased runoff, water quality can be adversely affected by

an increase in paving surfaces. The proposed project is located within several hundred feet of the Monterey Bay National Marine Sanctuary.

In preparation for the 2022 recommendation for approving the development for the Oppidan/Watermark residential project, Santa Cruz City Staff stated as follows "This amount of new paving is insignificant in comparison to the amount of existing paved surfaces within the developed neighborhood and along West Cliff Drive, including other parking areas ...The project site currently consists of a grassy area with ruderal plants. This grassy area is occasionally used for overflow parking by the church and by Gateway School."

The Staff comments are misleading. The enormity of a development that spans over three acres creates solid ceilings of concrete. A visual inspection of the parking lot to the south of the church also discloses brand new paving with a traditional asphalt that is not impervious and consists of a smooth dark surface that does not permit infiltrating storm waters. **(EXHIBIT TWENTY-FOUR)** Again, the current status of the parking lot is contrary to the Conditions of Approval directed by the Coastal Commission in 2001. Also, while the adjacent streets are paved within the developed neighborhood along West Cliff Drive, the only evidence of new construction is that which was performed by the Church after the 2001 de novo review, which again, appears to be ignored. The current condition of the adjacent Pelton Avenue is akin to an elephant's skin and has not been resurfaced in over 40 years. **(EXHIBIT TWENTY-FIVE)** 

#### VIII

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

Applicant put forth the name of an individual, Roger Bernstein, as the applicant of the multimillion dollar construction company identified as Oppidan Investment Company <u>https://oppidan.com/</u> (We partner with Ebenezer, Minnesota's largest senior living operator, and Watermark Retirement Communities to manage the care in each of our senior living communities and the multimillion dollar management company identified as Watermark, <u>https://www.watermarkcommunities.com/</u> Applicant indicated during testimony that he was an architect and resident on Pelton Avenue in Santa Cruz but failed to disclose in writing as to his standing to respond to the appeal, his corporate authority to file an appeal or the nature of his stake in the leasehold interest of Oppidan and or Watermark and whether as an employee of one company if he has the legal authority to represent a corporation and bind the corporate entities to contractual, environmental, land use development and legal responsibilities.

#### IX

This ground for the appeal is intended to present separate, not conflicting or exclusive, grounds for appeal.

The City of Santa Cruz failed to ascertain and implead the owner of the property and overall landlord of the property identified as 544 West Cliff Drive, Santa Cruz, California,

the Oblates of the Church of St. Joseph of Santa Cruz as a third and necessary parties to this action to assure full jurisdiction and authority over all parties to this action.

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Exhibit 5 A-3-STC-22-0070 Page 28 of 30

#### CONCLUSION:

Appellants Dr. Anne Segal and Dr. Robert Segal argue there are Substantial Issues to warrant de novo review by the California Coastal Commission.

There is a high level of uncertainty for the factual and legal support for the City Council of the City of Santa Cruz's decision that the development is consistent with the LPC>

- Even with the Local Permit, it is impossible to determine which project parcels will be re-aligned to which property owners and what are residual interests from restrictive covenants versus lease stake holders. No survey was presented or clarified as to what parcels are affected or re-dedicated. One homeowner alleged a public use alleyway was being absorbed by the Applicant developer near Manor and Eucalyptus.
- 2. This appeal raises local, state and regional concerns for uses of coastal land. By authorizing reconfiguration of the church-owned lots into private, for-profit use and then condoning the separation by distancing the development from government review encourages other demolition in the future. This action creates a precedence that is contrary to thoughtful environmental protections for new development.
  - a. Applicant relies on state mandates for increased housing but objects through appeal for any mandate to provide no more than minimal low-income housing allocations within the retirement development.
  - b. It should be noted here that a request for the disclosures of the designated staff senior planner Clara Stanger's government-based emails between herself and the developers Oppidan were categorically denied.
  - 2. The location and consolidation will set off an adverse presence for future development of this coastal region without oversight. Approval as an "infill" without like-for-like use causes adverse impact to the adjacent habitats, visual resources and public access by authorizing a permanent change in the land allocations, zoning and reconfiguration of real properties of demolition without new development compliance.
  - 3. There is a significant impact on coastal resources. The cliffs of Cliff Avenue are exhausted and collapsing. Adding the stress of demolition of large buildings and the construction of even larger ones can and will impact the adjacent areas.
  - 4. It is essential that the Investment Developer acknowledge and take responsibility for building a home for the disabled and elderly mentally limited population in a tsunami zone.
  - 5. The Applicant Roger Bernstein, does not have any ownership interest in the property, despite being named the Applicant.

#### Appeal of local CDP decision

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#### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision-making process, etc.), and check this box to acknowledge that you have done so.

X Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certifications

Signature(s)

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name\_\_\_\_Anne Segal and Robert Segal \_\_

Date of Signature 12/10/2022

#### 7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so. N/A

\_\_\_\_ I have authorized a representative, and I have provided authorization for them o on the representative authorization form attached.

**Remaining portion of this document is intentionally left blank**