

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



Th12a

A-3-STC-23-0019 (REED ADU) AUGUST 10, 2023 HEARING EXHIBITS

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City of Santa Cruz

Cowells Beach

Santa Cruz Wharf

Project Site

Steamer Lane

Lighthouse Field State Beach



Appellants' Property

West Cliff Drive

Project Site

West Cliff Drive

Lighthouse Field State Beach



Approximate ADU location and size

Project Site

Appellants' Property



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street ~ Room 101 ~ Santa Cruz, CA 95060 ~ (831) 420-5100

ZONING PERMIT

PROJECT #: CP23-0029

OWNER: REED DANIEL J & TERRY L
P.O. BOX 1503
SANTA CRUZ CA

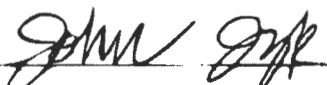
APPLICANT: PETER BAGNALL
125 MISSION STREET, UNIT 4
SANTA CRUZ CA
SANTA CRUZ CA

APN(s)/Address(es):

004-281-05/534 WEST CLIFF DR

The following permit(s) was/were approved on 05/11/2023 by the Deputy Zoning Administrator and will be effective on 05/22/2023 unless appealed. If the final day for filing an appeal (ten calendar days following the approval date) occurs on a weekend day or holiday, the final filing date shall be extended to the following workday. If no appeal is filed, the effective date shall be the day after the final appeal filing date.

☒ Coastal Permit*

By: 
John Jezek, Deputy Zoning Administrator

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

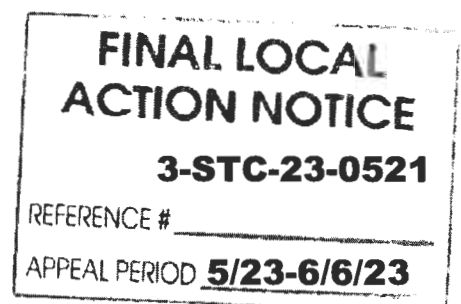
* Coastal Permit - This Coastal Permit is only appealable directly to the California Coastal Commission. Appeals must be filed within ten (10) calendar days after final action by City Council. Appeal forms are available in the Regional Office of the Coastal Commission: 725 Front St, Suite 300, Santa Cruz CA 95060.

CC: County Assessor's Office
File
Coastal Commission

RECEIVED

MAY 22 2023

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



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

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

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

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

534 West Cliff Drive – CP23-0029

Administrative Coastal Permit to construct a two-story ADU in the R-1-5 Single-Family Residence District, West Cliff Overlay District, Coastal Zone Overlay District, and the Shoreline Protection Overlay District. (Environmental Determination: Categorical Exemption)

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. This zoning permit shall be considered exercised following the issuance of a valid building permit.
4. 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.
5. 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.
6. 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.
7. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
8. Plans submitted for building permit issuance shall show all exterior site lighting locations and fixture details for the ADU. All exterior building lighting shall be shielded and contained in a downward direction. No exterior lighting shall produce off-site glare.
9. 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.
10. Prior to building permit issuance, the applicant shall submit a copy of a signed contract with a Native American Observer indicating that the Native American Observer will be present on the site to observe and monitor all grading and subsurface excavations.
 11. During all grading and subsurface excavations (including but not limited to grubbing, demolition, excavation, and utility-line trenching) the Native American Observer shall be present to collect and catalog any material uncovered. The cost for this service shall be paid by the applicant.
 12. Prior to building permit final, the approved Native American Observer shall provide a follow-up letter to the Planning Department confirming that they were present on the site to monitor all grading and subsurface excavations and the results of the monitoring. If the property owner fails to comply with the full extent of on-site monitoring requirements, the property owner shall be subject to the Archaeological Monitoring Non-compliance Guidelines which includes supplemental archaeological investigation and monetary administrative civil penalties which could delay final inspections and occupancy.
 13. Prior to issuance of a building permit, the property owner shall file with the county recorder a deed restriction stating that:
 - a. Coastal Hazards Risk. By acceptance of the Administrative Coastal Permit CP23-0029 by the City of Santa Cruz, the Permittee acknowledges and agrees on behalf of themselves and all successors and assigns, to all of the following:
 - i. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tsunamis, tidal scour, coastal flooding, landslides, bluff and geologic instability, bluff retreat, liquefaction and the interaction of same, many of which will worsen with future sea level rise.
 - ii. Assume Risks. To assume the risks to the Permittee and the property that is subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development.
 - iii. Waive Liability. To unconditionally waive any claim of damage or liability against the City, its officers, agents, and employees for injury or damage from such coastal hazards.
 - i. Indemnification. To indemnify and hold harmless the City, its officers, agents, and employees with respect to the City's approval of the development against and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.

- ii. **Property Owners Responsible.** That any adverse effects to the property caused by the permitted development shall be fully the responsibility of the property owners.
 - iii. **Services and Access Not Guaranteed.** That the City may, due to the nature of the coastal hazards or other related circumstances, cease to provide access or services to the subject property; that any costs related to the provision of new or relocated access or services to the property, should the City cease to provide access or services in the manner approved through the initial Planning, Building, and Public Works permits associated with the Coastal Development Permit approval referenced herein, shall be the responsibility of the Permittee or successors and assigns; and that the same risk, liability, and indemnification criteria outlined above shall apply to the City's cessation or relocation of access or services.
14. Prior to issuance of a building permit, the applicant shall file with the county recorder a deed restriction for the Accessory Dwelling Unit.
15. Prior to the issuance of a building permit, the applicant shall design the leftmost second story window on the ADU's west elevation to obscure views towards 415 Manor Avenue South's rear yard and deck. This design shall be approved by the planning reviewer of the building permit.

EXHIBIT "B"

FINDINGS FOR THE PROJECT ON PROPERTY AT

534 West Cliff Drive – CP23-0029

Administrative Coastal Permit to construct a two-story ADU in the R-1-5 Single-Family Residence District, West Cliff Overlay District, Coastal Zone Overlay District, and the Shoreline Protection Overlay District. (Environmental Determination: Categorical Exemption)

Findings for Coastal Permits in SMC 24.08.250

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 and will:

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

This project is outside of the area between the sea and the first public roadway parallel to the sea; therefore, it does not impact views in this area.

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

This project is not within a natural habitat which requires protection per the Local Coastal Land Use Plan. The project will not significantly impact vegetation.

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

This project is consistent with the objective design standards in the Local Coastal Land Use Plan. This finding is otherwise not applicable because subjective design review is not allowed per State Law.

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

This project will not impact public access in that three off-street parking spaces are provided, which is in compliance with the Zoning Ordinance.

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

This project is a one-unit residential development in a residential area; therefore, it is not appropriate to require the applicant to provide visitor-serving needs.

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

GENERAL NOTES:

1. CONTRACTORS SHALL PROTECT ALL EXISTING SITE IMPROVEMENTS NOT SCHEDULED FOR REMOVAL DURING CONSTRUCTION. THEY SHALL REPAIR ANY DAMAGE TO NEW OR EXISTING CONSTRUCTION AT THEIR EXPENSES.
2. VERIFY ALL EXISTING SITE CONDITIONS AND SITE DIMENSIONS PRIOR TO START OF WORK. IF ANY DISCREPANCIES OCCUR BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS, NOTIFY THE ARCHITECT AT ONCE.
3. THE DRAWINGS ARE DIAGRAMMATIC AND ARE INTENDED TO DESCRIBE THE PROJECT SUFFICIENTLY, BY REFERENCE OR IMPLICATION, TO CAUSE A COMPLETE AND OPERATIONAL PROJECT. THEY DO NOT REPRESENT TO SHOW OR INCLUDE EVERY SPECIFIC ITEM WHICH MAY BE NECESSARY TO COMPLETE THIS PROJECT.
4. 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. NO EARTH-MOVING ACTIVITIES SHALL OCCUR BETWEEN DECEMBER 1 AND MARCH 1, UNLESS PROPER WINTER GRADING ORDINANCES ARE ADHERED TO.
5. PER CIVIL CODE 1101.1, ALL PLUMBING FIXTURES IN THE BUILDING REGARDLESS OF WHETHER THEY ARE PART OF THE SCOPE OF WORK OR NOT SHALL BE UPGRADED TO CURRENT PLUMBING FIXTURE FLOW RATE REQUIREMENTS IF CONSIDERED NON-COMPLIANT. WATER CLOSETS WITH A FLOW RATE IN EXCESS OF 1.6 GPF SHALL BE REPLACED WITH WATER CLOSETS WITH A MAXIMUM FLOW RATE OF 1.28 GPF. SHOWER HEADS WITH A FLOW RATE GREATER THAN 2.5 GPM SHALL BE REPLACED WITH A MAXIMUM 1.8 GPM SHOWER HEAD. LAVATORY AND KITCHEN FAUCETS WITH A FLOW RATE GREATER THAN 2.2 GPM SHALL BE REPLACED WITH A FAUCET WITH MAXIMUM FLOW RATE OF 1.2 GPM (OR 1.8 GPM FOR KITCHEN FAUCETS).
6. SEE SHEET S0 FOR STRUCTURAL SPECIAL INSPECTIONS REQUIRED.

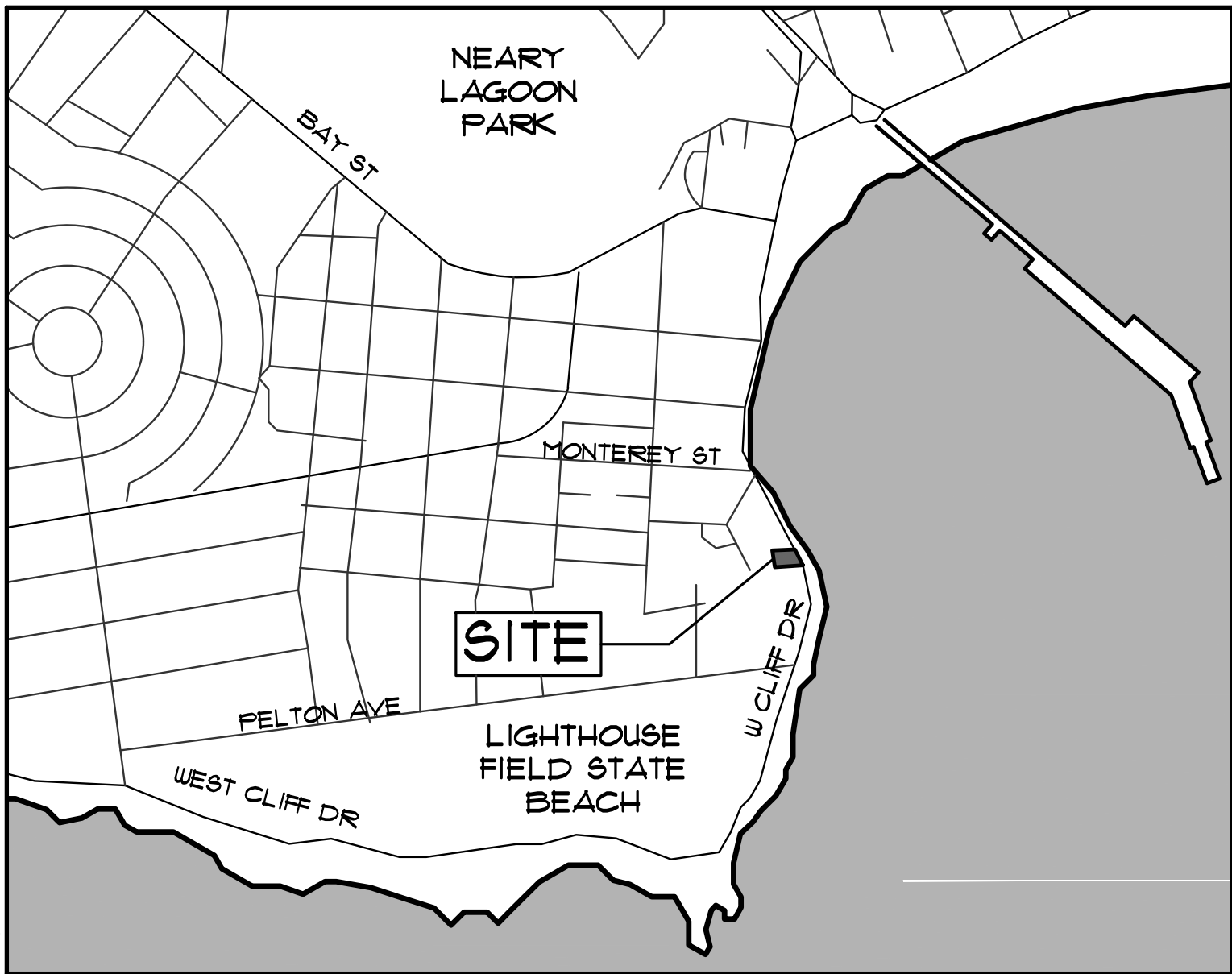
7. ALL REQUIREMENTS OF THE FIRE DEPARTMENT SHALL BE MET, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
- PROVIDE ADDRESSING NUMERALS TO IDENTIFY THE RESIDENCE WITH A MINIMUM FOUR-INCH SIZE IN A CONTRASTING COLOR THAT ARE CLEARLY VISIBLE FROM THE STREET.
 - PROVIDE SMOKE ALARMS AND CARBON MONOXIDE PER THE CALIFORNIA BUILDING, RESIDENTIAL, AND FIRE CODES.
8. CONSTRUCTION SHOULD MINIMIZE EXISTING TREE AND PLANT DISRUPTION WHENEVER POSSIBLE.
9. THE TITLE 24 ENERGY REPORT REQUIRES H.E.R.S. INSPECTION & VERIFICATION -
- (1) QUALITY INSULATION INSTALLATION (QII)
 - (2) INDOOR AIR QUALITY VENTILATION
 - (3) KITCHEN RANGE HOOD
 - (4) VERIFIED HEAT PUMP RATED HEATING CAPACITY
 - (5) PIPE INSULATION, ALL LINES
- PROVIDE EVIDENCE OF THIRD PARTY VERIFICATION (HERS) TO PROJECT BUILDING INSPECTOR PRIOR TO FINAL BUILDING INSPECTION. SEE NOTE ON SHEET EN.1 & FOLLOW THROUGH WITH COMPLIANCE.
10. FOLLOW ALL REQUIREMENTS OF THE GEOTECHNICAL INVESTIGATION REPORT FOR COMPACTION, STRIPPING, GRADING, PIERS AND ALL OTHER RECOMMENDATIONS. GEOTECHNICAL INVESTIGATION REPORT PREPARED BY: BUTANO GEOTECHNICAL ENGINEERING, INC., 231 GREEN VALLEY ROAD, SUITE E, FREEDOM, CA, 95019. PHONE #: 831-725-2612. PROJECT #22-130-SC. DATED: APRIL 27, 2022.
11. SEPARATE DEFERRED SUBMITTAL ITEMS: 1.63 kWdc PHOTOVOLTAIC SYSTEM SHALL BE REVIEWED AND APPROVED BY THE REGISTERED DESIGN PROFESSIONAL (WILLIAM BAGNALL ARCHITECTS) AND BE SUBMITTED TO THE CITY OF SANTA CRUZ BUILDING DEPARTMENT FOR REVIEW AND APPROVAL UNDER A SEPARATE PERMIT. A 1.63 kWdc SOLAR PHOTOVOLTAIC SYSTEM WITH 96% EFFICIENT INVERTER INSTALLED PRIOR TO FINAL INSPECTION.
12. FOLLOW ALL REQUIREMENTS OF THE ARCHAEOLOGICAL INVESTIGATION REPORT. ARCHAEOLOGICAL INVESTIGATION REPORT FOR "REED ADU" PROJECT, 534 WEST CLIFF DRIVE PROJECT" (#xxxx) ON FEBRUARY 2023 PREPARED BY DUDEK - 725 FRONT STREET # 400, SANTA CRUZ, CA, 95060; TELEPHONE: (831)-345-8715.

GREEN BUILDING NOTES:

1. RESIDENTIAL SPACES: ALL FINISHES SHALL COMPLY WITH 2019 CALIFORNIA GREEN BUILDING STANDARDS DIVISION 4.504 FINISH MATERIAL POLLUTANT CONTROL. MATERIALS GOVERNED INCLUDE, BUT ARE NOT LIMITED TO: ADHESIVES, SEALANT, CAULKS, PAINTS & COATINGS, AEROSOL PAINTS AND COATINGS, CARPET SYSTEMS, CARPET CUSHION, CARPET ADHESIVE, COMPOSITE WOOD PRODUCTS, AND RESILIENT FLOORING SYSTEMS. REFER TO GREEN BUILDING TABLES 4.504.1, 4.504.2, 4.504.3 AND 4.504.4 FOR SPECIFIC MATERIAL VOC LIMITS.
2. ALL PROJECTS MUST HAVE SWPPP PLAN THAT MEETS STATE NATIONAL POLLUTION PREVENTION DISCHARGE ELIMINATION SYSTEM (NPDES).
3. SEE SHEET A0.1 FOR MANDATORY REQUIREMENTS OF THE CITY OF SANTA CRUZ GREEN BUILDING TABLE & CHECKLIST.
4. CONTRACTOR TO COMPLETE CITY OF SANTA CRUZ CONSTRUCTION WASTE MANAGEMENT PLAN PRIOR TO PERMIT ISSUANCE. SEE GREEN BUILDING CHECKLIST FOR ANY ADDITIONAL PERCENTAGE REQUIREMENTS OVER THE 65% MANDATORY. ALL CREDITED WASTE-HAULING RECEIPTS MUST INDICATE THE MATERIAL RECYCLED, AND CANNOT INDICATE "PUBLIC REFUSE" OR "UNPROCESSED C&D." RETAIN ALL WASTE-HAULING RECEIPTS FOR INSPECTOR. RECEIPTS MUST INDICATE 65% SEPARATED, RECYCLABLE MATERIALS.
5. CONTRACTOR TO PROVIDE COMPLETED PROPER INSULATION INSTALLATION VERIFICATION FORM TO THE SANTA CRUZ GREEN BUILDING DEPARTMENT.
6. CONTRACTOR TO CREATE A DOCUMENT SEPARATE FROM THE PLANS THAT LISTS THE GREEN BUILDING MEASURES AND BENEFITS THAT ARE REALIZED BY INCORPORATING GREEN BUILDING MEASURES INTO THE RESIDENCE.
7. CAL GREEN MANDATORY REQUIREMENTS ARE LOCATED ON SHEET GB.1.
8. INSTALL INSULATION AFTER BUILDING IS WEATHER TIGHT AND INSTALL OUTSIDE OF RAINY SEASON (OCTOBER 1ST TO APRIL 1ST.).
9. A MANDATORY PRE-CONSTRUCTION GREEN BUILDING CONFERENCE MUST BE CONDUCTED BEFORE PROJECT START UP. THE CITY OF SANTA CRUZ GREEN BUILDING PROGRAM, PRE-CONSTRUCTION CONFERENCE FORM MUST BE COMPLETED AT THE MEETING. A CITY OF SANTA CRUZ REPRESENTATIVE IS MANDATORY AT THIS MEETING.
10. NEW OR ALTERED NATURAL GAS OR PROPANE WATER HEATING SYSTEMS SHALL INCLUDE A DEDICATED 120 VOLT, 20 AMP RECEPTACLE, 3 FEET OR LESS FROM THE WATER HEATER CONNECTED TO THE ELECTRICAL PANEL BY A 120/240V, THREE WIRE, 10 AWG BRANCH CIRCUIT. THE UNUSED CONDUCTOR SHALL BE ISOLATED WITH EACH END LABELED "SPARE." A RESERVED SINGLE POLE CIRCUIT BREAKER SACE IN THE ELECTRICAL SERVICE PANEL ADJACENT TO THE CIRCUIT BREAKER SERVING THAT BRANCH CIRCUIT, SHALL BE LABELED "FUTURE 240V USE."
11. DONATE ALL UNUSED MATERIALS TO OWNER'S CHARITY OF CHOICE.
12. APPLY VEGETABLE OR RELEASE OIL ON CONCRETE FORM BOARDS TO BE REUSED FOR OTHER APPLICATIONS SUCH AS ALTERNATE CONCRETE FORM WORK OR NON-STRUCTURAL BUILDING MATERIAL.
13. ALL APPLIANCES TO BE ENERGY STAR CERTIFIED.

CONSTRUCTION WORK STORM WATER, EROSION & SEDIMENT CONTROL NOTES:

1. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): PROJECT CONSTRUCTION AND DEMOLITION ACTIVITIES SHALL COMPLY WITH THE CITY'S STORM WATER BEST MANAGEMENT PRACTICES FOR CONSTRUCTION. SEE THE CITY WEBSITE AT:
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING SITE EROSION CONTROL AT ALL TIMES.
3. TRAIN YOUR EMPLOYEES AND INFORM CONTRACTORS AND SUBCONTRACTORS ABOUT STORM WATER MANAGEMENT REQUIREMENTS AND THEIR RESPONSIBILITIES FOR COMPLIANCE.
4. SEE HOUSEKEEPING REQUIREMENTS AND INSPECTION NOTES ON THIS SHEET.
5. RUNOFF FROM THE CONSTRUCTION SITE MUST NOT BE ALLOWED TO FLOW OVER ANY FILL SLOPES.
6. UNNECESSARY GRADING AND DISTURBING OF SOIL SHALL BE AVOIDED.
7. DURING CONSTRUCTION, NO TURBID WATER SHALL BE PERMITTED TO ENTER THE CHANNEL OR STORM DRAIN SYSTEM. USE OF SILT OR GREASE TRAPS, FILTER BERMS, HAY BALES OR SILT FENCES SHALL BE USED TO PREVENT SUCH DISCHARGE.
8. INSPECTION: PLEASE CONTACT ERIC DHAKNI 831-420-5169, FOR THE FINAL INSPECTION FOR STORM WATER ONCE THE WORK IS COMPLETE AS PART OF THE PERMIT "SIGN-OFF" PROCESS. PRIOR TO CALLING FOR A FINAL INSPECTION, DISTURBED AREAS SHALL EITHER BE LANDSCAPED OR BARE SOILS SHALL BE PROTECTED BY MULCHING TO PREVENT EROSION.



VICINITY MAP

NOT TO SCALE

PROJECT DATA:

APN:
ZONING:
OCCUPANCY:
CONSTRUCTION TYPE:
SITE AREA:

004-281-05
R-1-5 -- SINGLE FAMILY RESIDENTIAL
GROUP R-3 -- RESIDENTIAL
TYPE V-B, NOT FIRE SPRINKLERED
15,646 SF

BUILDING AREAS:

EXISTING RESIDENCE FIRST FLOOR: 1,180 SF
EXISTING RESIDENCE SECOND FLOOR: 1,180 SF
EXISTING GARAGE / WORKSHOP: 598 SF

PROPOSED HABITABLE FIRST FLOOR ADU AREA: 487 SF
PROPOSED HABITABLE SECOND FLOOR ADU AREA: 709 SF
TOTAL PROPOSED HABITABLE ADU AREA: 1,196 SF

PROPOSED FIRST FLOOR GARAGE AREA: 364 SF
TOTAL PROPOSED AREA: 1,560 SF

TOTAL PROPOSED FIRST FLOOR AREA: 851 SF
TOTAL PROPOSED SECOND FLOOR AREA: 709 SF
TOTAL PROPOSED AREA: 1,560 SF

PROPOSED SECOND FLOOR DECK AREA: 164 SF

TOTAL BUILDING COVERAGE: 1,180 + 598 + 851 = 2,629 SF
TOTAL SITE COVERAGE: 2,567 / 15,646 = 0.168 = 17%
TOTAL ALLOWABLE DETACHED ADU SF (10% LOT AREA): 15,646 x 0.10 = 1,564 SF

PROJECT DESCRIPTION:

PROPOSED DETACHED 2-STORY, 1 BEDROOM, 1.5 BATH ADU W/ 487 SF FIRST FLOOR FAMILY ROOM / LAUNDRY / HALF BATH W/ 364 NON-HABITABLE FIRST FLOOR GARAGE & 709 SF SECOND FLOOR LIVING SPACE (HABITABLE SPACE) ABOVE.

BUILDING CODE INFORMATION

APPLICABLE CODES:

2018 IRC, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA RESIDENTIAL CODE (CRC)
2018 IBC, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA BUILDING CODE (CBC)
2018 IFB, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA FIRE CODE (CFC)
2018 UPC, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA PLUMBING CODE (CPC)
2018 UMC, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA MECHANICAL CODE (CMC)
2017 NEC, AS AMENDED BY STATE OF CALIFORNIA FOR 2019 CALIFORNIA ELECTRICAL CODE (CEC)
2019 CALIFORNIA ENERGY CODE
(2019 CALIFORNIA BUILDING EFFICIENCY STANDARDS)
2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL GREEN)

CALIFORNIA BUILDING AND FIRE CODES (2019) AND THE CITY FIRE DEPARTMENT AMENDMENTS TO THE CALIFORNIA BUILDING AND FIRE CODES.

ALL OTHER APPLICABLE STATE LAWS OR REGULATIONS. NOTHING IN THESE PLANS OR SPECIFICATIONS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

SITE HOUSEKEEPING NOTES:

- CONSTRUCTION MATERIALS:
1. OPEN BAGS OF PARTICULATE, GRANULAR, OR POWDER MATERIALS (SUCH AS PLASTER OR CONCRETE) IF STORED OUTSIDE MUST BE KEPT UNDER COVER AND CLOSED, AND DURING THE RAINY SEASON KEPT WITHIN SECONDARY CONTAINMENT. PAINTS, CHEMICALS, AND SOLVENTS MUST BE PROPERLY STORED, AND IF STORED OUTSIDE PLACED WITHIN DOUBLE CONTAINMENT.
- WASTE MANAGEMENT:
1. DISPOSAL OF ANY RINSE OR WASH WATERS OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SHALL BE PREVENTED.
 2. STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.
 3. CONCRETE WASHOUT AREAS AND OTHER WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO SURROUNDING AREAS.
 4. BMP'S SUCH AS FIBER ROLLS OR WATTLES SHALL BE INSPECTED PERIODICALLY DURING CONSTRUCTION AND AFTER EACH SIGNIFICANT RAIN EVENT.
 5. DUMPSTER LIDS MUST BE KEPT CLOSED AND SECURED WHEN NOT IN USE.
 6. CHECK THE SIDEWALK AND STREET FOR DIRT "DRAG OUT" DAILY AND SWEEP IF NEEDED (IF APPLICABLE).
 7. EXCAVATED SOIL STOCKPILES MUST BE COVERED WITH PLASTIC SHEETING OR TARPS AND SURROUNDING AREAS WHEN NOT IN USE.

Exhibit
A-3-STC-23-0019
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WILLIAM BAGNALL ARCHITECTS INC.

ARCHITECTURE & PLANNING

125 Mission Street, Santa Cruz, California (831) 426-4977

PROPOSED
REED ADU

534 WEST CLIFF DRIVE, SANTA CRUZ, CA

PROJECT DATA / NOTES / SITE PLAN

DATE

12/21/2022

JOB

#2203

REVISIONS

PLAN CHECK
COMMENTS 01/12/2023

SHEET

A0

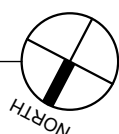
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4/5/2023

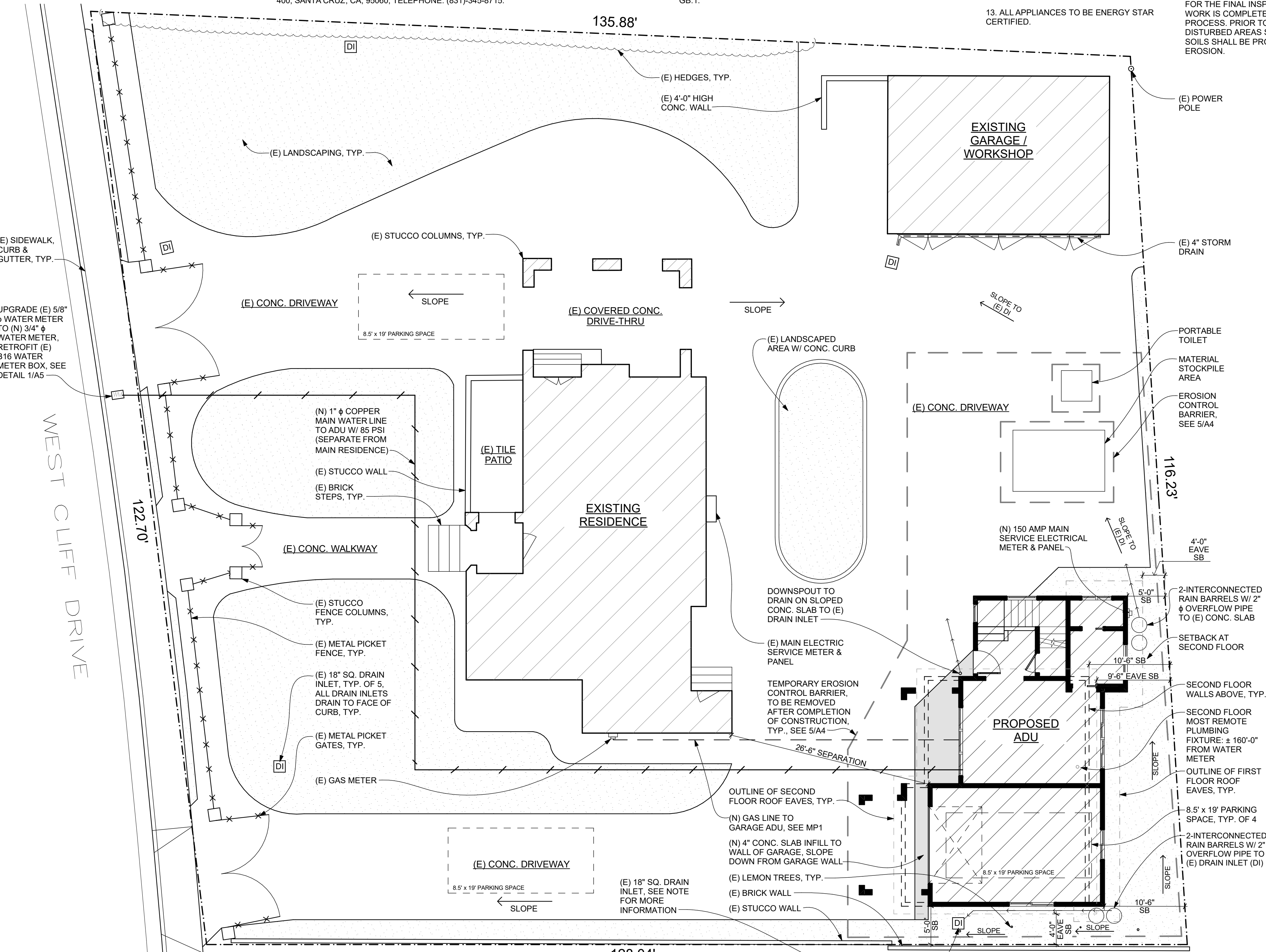
PETER BAGNALL, WILLIAM BAGNALL ARCHITECTS

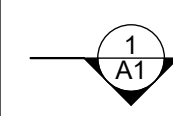
PROPOSED SITE PLAN

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

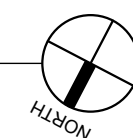


128.04'



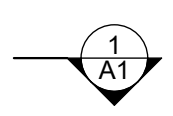


SCALE: 1/4" = 1'-0"

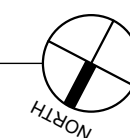


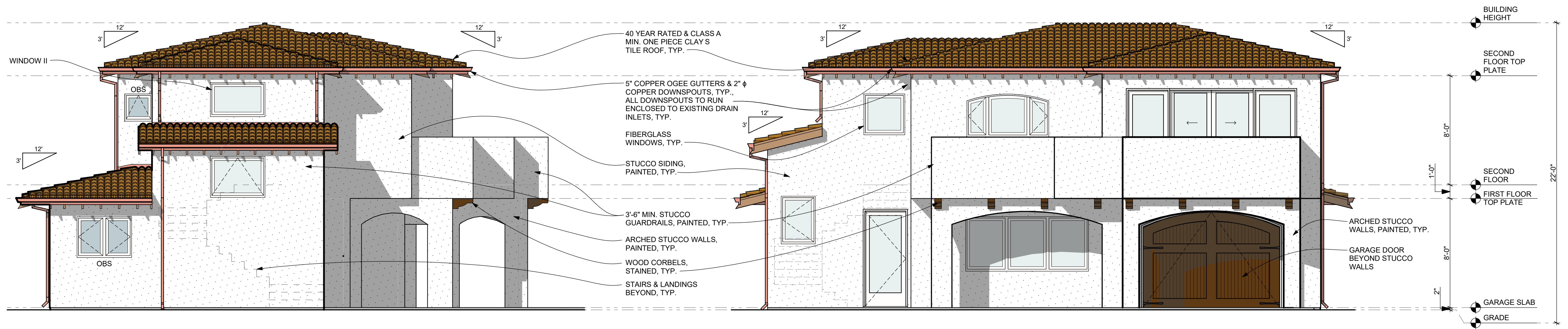
INDICATES NEW 2x4 @ 16" O.C. STUD WALL

INDICATES NEW 2x6 @ 16" O.C. STUD WALL



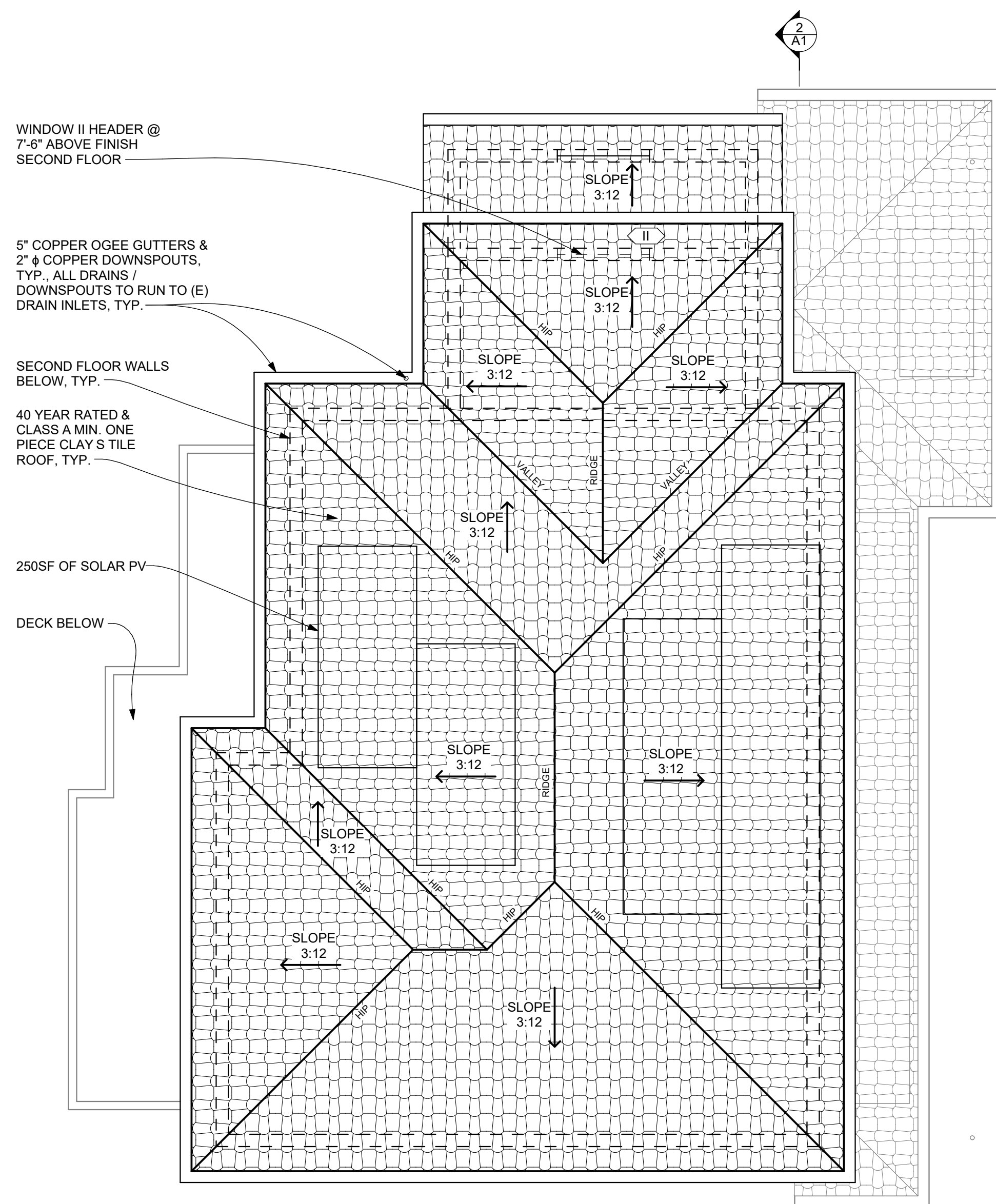
SCALE: 1/4" = 1'-0"



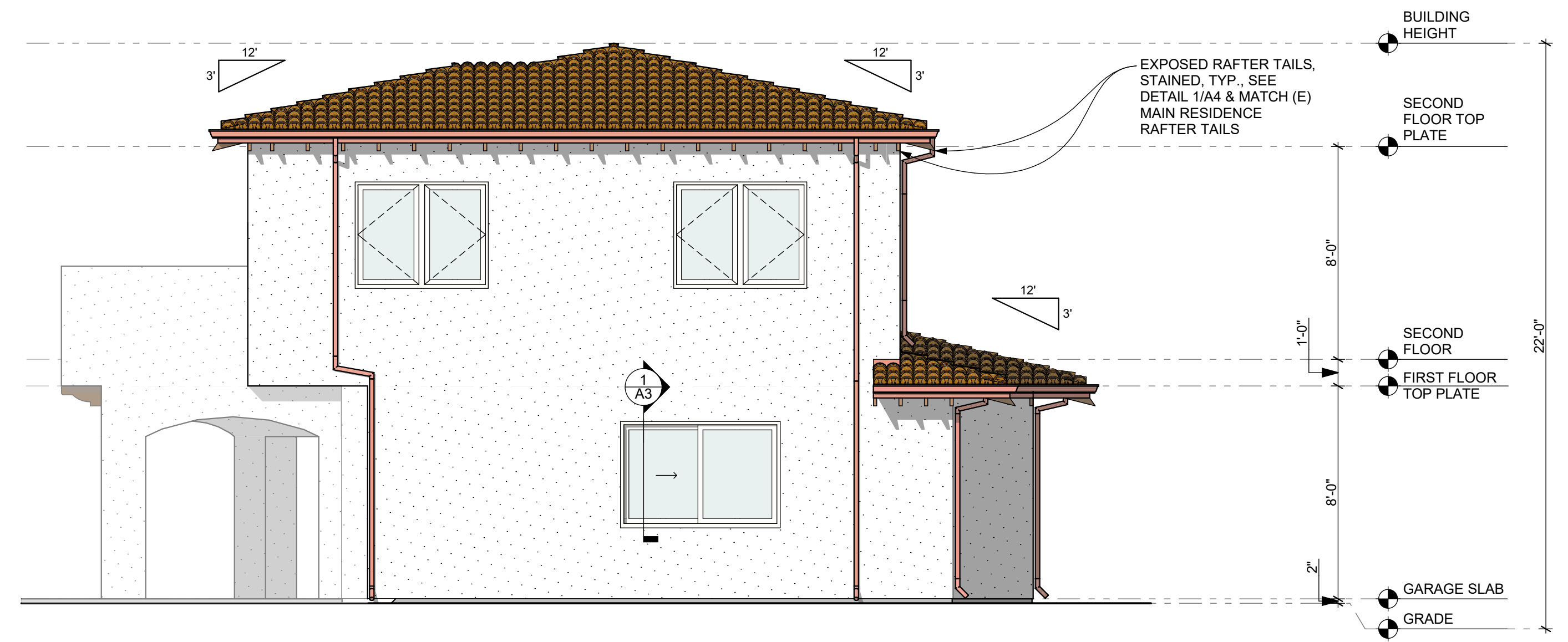


1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

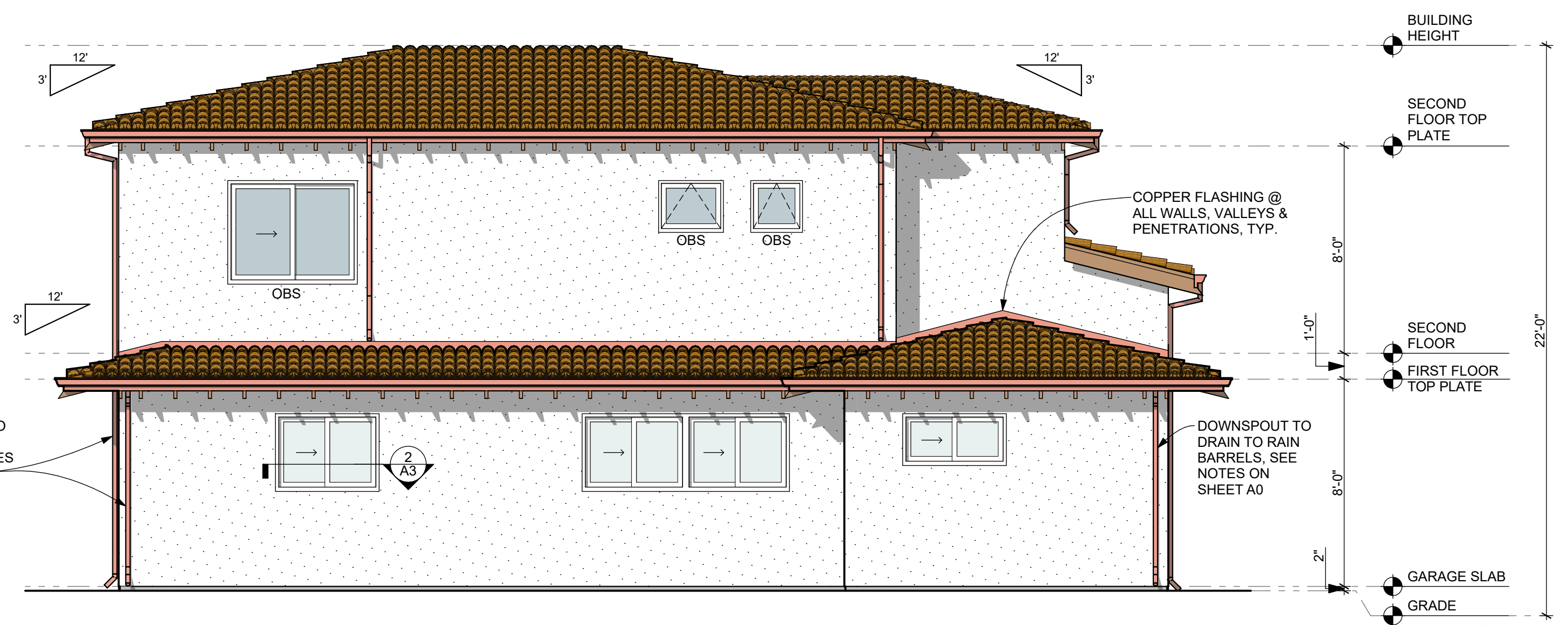
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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

Exhibit
A-3-STC-23-0019
Page 3 of 3

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-STC-23-0019Date Filed: June 1, 2023Appellant Name(s): Yossi Vinograd**RECEIVED**

JUN 1 2023
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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 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/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Yossi Vinograd

Mailing address: 415 Manor Avenue, South, Santa Cruz CA 95060

Phone number: 847 840 1109

Email address: Yossivinograd@gmail.com

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

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe: I received notice of proposed ADU on 4/21/23. On 4/22/23 replied by E mail
with my concerns.

On 4/25/23 I met with John Jezek project planner, reviewed site plane and
elevations and again expressed my concerns of loss of view sheds.

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: _____

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: Decision was a ministerial approval of an ADU with no
local appeal process available

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: City of Santa Cruz
Local government approval body: Planning department staff
Local government CDP application number: B22-0614
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: 5/11/23 with Notice received 5/22/23

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

Describe: 534 West Cliff Dr., Santa Cruz. APN 004-281-05 ADU and garage

² 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.

³ 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.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):	<u>Peter Bagnall Arch on behalf of Dan Reed</u>
	<u>125 Mission St. #4</u>
Applicant Address:	<u>Santa Cruz CA 95060</u>

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: The CDP is for the addition of a garage and ADU. The CDP does not conform to the Coastal Act or the LCP as it fails to consider the recorded setback requirements along West Cliff Drive that were established to assure views of the coast. LCP's must conform to state law. Under Public Resources Code 30251, "**Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas.**" In this instance, the city failed to require the home owner to situate his proposed garage and ADU at least 15 feet from the North property line as required by the recorded CC&R's. The permit improperly allows building within 5 feet of the North boundary thereby destroying the view corridor.

When the subdivision was established in February 1925, the developer specifically required 25 foot view corridors for the properties along West Cliff Drive. Each parcel could not build closer than 15 feet to their North boundary or closer than 10 feet to their South boundary. (cont'd on separate sheet.)

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Grounds for appeal cont'd:

This gave each of the parcels behind the West Cliff parcels a 25 foot view corridor to the coast. (There was one exception – the largest parcel, number 2 – which had no restrictions imposed upon it other than statutory setbacks. Conjecture is that this parcel was retained by the developer.)

The Coastal Commission has, on several occasions, enforced Public Resources Code 30251 when a view corridor would be affected by proposed development. Admittedly, the concern has largely been for public views, but the Coastal Commission has stepped in to enforce private recorded restrictions. For example, in Feduniak v. California Coastal Com. (2007) 148 Cal.App.4th 1346, the Coastal Commission enforced a private recorded landscaping easement. A previous owner of the property had agreed to keep the landscaping in its natural state. At some point, the property owner ignored this agreement and installed a small golf course. Years later, it was discovered that the private restriction had been violated and the Coastal Commission required adherence to the restriction.

While Feduniak is not a perfect analogy since the private restriction was implemented via an agreement with the Coastal Commission years earlier, the language of 30251 is *not* restricted to public views. Any suggestion that it is would be adding language to the statute in violation of the law. As stated in Schneider v. California Coastal Com. (2006) 140 Cal.App.4th 1339, 1345, “The courts are loath to construe a statute which has the effect of ‘adding’ language to a statute.” In Schneider, the Coastal Commission stated that the view requirements of 30251 included views from the ocean to the coast. The court rejected this interpretation stating that this added language to the statute that did not exist. Again, 30251 reads, “Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...”

The LCP of the City of Santa Cruz must comply with state law which requires siting of development with consideration of views to the coast – whether the basis for a view corridor is found in a local ordinance or if found in a recorded private restriction.

As an aside, while recent laws have liberalized the setback requirements for EDU's, such laws allow recorded restrictions as long as the restriction does “not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit...” Civ. Code §714.3. A quick look at the site plan shows more than adequate space to comply with the 15 foot setback for the proposed development. It must also be pointed out that this permit is also for a garage which does not enjoy the liberalized ADU laws.

EXIBITS:

1. Certified Cliff Manor subdivision map-3 pages
2. Certified Indenture-4 pages

Appeal of local CDP decision
Page 5

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 certifications

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

Yossi Vinograd

Print name _____

 _____

Signature

Date of Signature 06/01/2023

7. Representative authorization⁵

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 representative authorization form attached.

⁵ 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.

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 Yossi Vinograd

CDP Application or Appeal Number B22-0614

Lead Representative

Name Gary Redenbacher
Title Attorney
Street Address P.O. Box 66134
City Scotts Valley
State, Zip CA 95067
Email Address gary@redbrownlaw.com
Daytime Phone 831 439-8821

Your Signature 

Date of Signature 06/01/2023

Additional Representatives (as necessary)

Name David Laughlin
Title Land Use Consultant
Street Address. 1614 King Street
City Santa Cruz
State, Zip CA 95060
Email Address dlaughlin@ebold.com
Daytime Phone 831 345-2214

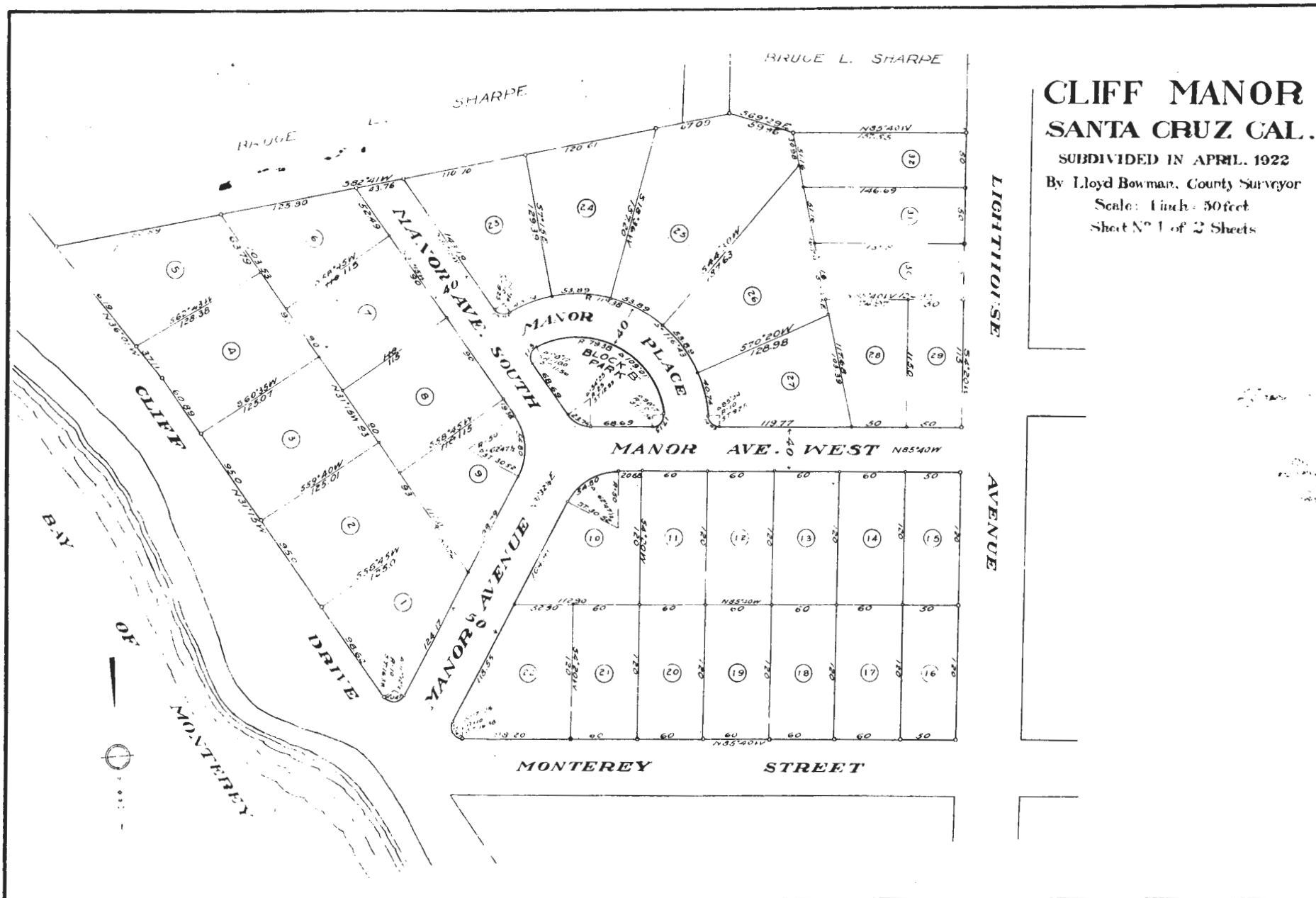
Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
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 06/01/2023



THIS IS TO CERTIFY THAT IF BEARING THE SEAL OF THE COUNTY
RECORDER OF SANTA CRUZ COUNTY CALIFORNIA THIS IS A CORRECT
COPY OF A DOCUMENT FILED/RECORDED IN THE RECORDS OF SANTA
CRUZ COUNTY CALIFORNIA

SHERI THOMAS

COUNTY RECORDER

Sheri Thomas

DATE MAY 30 2023

THIS IS TO CERTIFY THAT IF BEARING THE SEAL OF THE COUNTY
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CRUZ COUNTY CALIFORNIA

SHERI THOMAS

COUNTY RECORDER

Sheri Thomas

DATE MAY 30 2023

ever.

This conveyance is made and accepted subject to the following express conditions and restrictions:

First: That there shall never at any time be erected, permitted, maintained or carried on upon these premises any hotel, lodging-house, flats, apartment house, trade or business or noxious thing. Nor shall any cattle, hogs or similar livestock or live poultry be kept, permitted or maintained upon these premises. Said premises shall be used exclusively for residence purposes. No more than one dwelling-house with outhouses appurtenant thereto shall be built upon any one lot.

Second: (a) No dwelling-house and no outhouse with a setback of less than twenty feet as to any front street, shall be permitted to be erected or maintained on these premises.

(b) No dwelling-house and no outhouse with a setback of less than three feet as to the rear line of these premises, shall be permitted to be erected or maintained.

Third: No fence, boundary wall or hedge situated anywhere upon these premises shall have a height greater than seven (7) feet above the finished graded surface of the ground upon which such fence, wall or hedge is situated; nor shall any wall, fence or hedge situated within the setback area of the dwelling-house as to the street, have a height greater than four (4) feet above the finished graded surface of the ground upon which such fence, wall or hedge is situated.

Fourth: Easements and rights of way shall be reserved along the rear three feet of these premises for the conducting and performance of any public or quasi-public utility.

Fifth: No dwelling-house shall be erected or maintained upon these premises, which, including a reasonable fee of architect, as well as a reasonable profit for builder, shall cost or be of the value of, less than the sum of Three thousand dollars.

Sixth: That the premises herein described shall not, nor shall any part thereof, nor any estate or interest therein, nor any improvements, thereon, at any time, be sold, conveyed, leased or transferred to, or permitted to be occupied or used by, Asiatics, Negroes, Japanese, Chinese or any person born in the Turkish Empire, nor any lineal descendant of such persons, except that persons of said races may be employed as house-hold servants.

Seventh: Any of the conditions, covenants and charges contained in this deed, may be annulled, waived, changed or modified by Bruce L. Sharpe, with the consent of the owners of the premises to which said modification applies, and with the consent of the owners of all of the adjoining premises to the premises to which said modification applies.

Eighth: The result of every act or omission, whereby any condition or covenant herein contained, is violated, in whole or in part, is hereby declared to be and constitute a nuisance and every remedy allowed by law against a nuisance, either public or private, shall be applicable against every such result, and may be exercised by Bruce L. Sharpe. Such remedies shall be deemed cumulative and not exclusive.

Ninth: That the foregoing covenants and conditions shall run with the land and be appurtenant thereto.

AND IT IS FURTHER UNDERSTOOD AND AGREED that this conveyance is made and accepted subject to the following express conditions and restrictions in addition to the above mentioned conditions which affect said lots 1, 3, 4, 5, 7, 8 and 9 as designated on above entitled map, to wit:

1st: No dwelling-house and no outhouse with a setback of less than fifteen feet as to the north side line and ten feet as to the south side line, shall be permitted to be erected or maintained.

2nd: That no trees or shrubs of a height greater than Ten (10) feet shall be planted or grown within fifteen (15) feet of the north side line.

Exhibit 4

A-2 STC 22-0019

Page 14 of 17

THIS IS TO CERTIFY THAT IF BEARING THE SEAL OF THE COUNTY
RECORDER OF SANTA CRUZ COUNTY CALIFORNIA THIS IS A CORRECT
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SHERI THOMAS

COUNTY RECORDER

Sheri Thomas

DATE MAY 30 2023

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SHERI THOMAS

COUNTY RECORDER

Sheri Thomas

DATE MAY 30 2023