



Staff Report to the Zoning Administrator

Application Number: **201302**

Applicant: Hamilton Land Planning
Owner: Mark & Suzanne Cauwels
APN: 028-143-35
Site Address: 70 Geoffroy Drive, Santa Cruz

Agenda Date: October 21, 2022
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to recognize repair of a slump slide authorized under Emergency Coastal Development Permit 201227 by constructing a reinforced fill slope.

Location: Project located at the south west end of Geoffroy Drive approximately (70 Geoffroy Drive) 350 feet south west of the intersection with 16th Avenue in the Live Oak Planning Area.

Permits Required: Coastal Development Permit

Supervisory District: First District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 201302, based on the attached findings and conditions.

Project Description & Setting

This is a proposal to recognize a slump slope repair by constructing a reinforced slope fill and erosion control matting. Project includes installation of a 12-inch diameter above ground stormwater drain to convey stormwater from Geoffroy Drive to the base of the bluff ~~and installation of a 42-inch high black vinyl coated chain link fence at the top edge of the coastal bluff to serve as a safety rail. Removed from project description by PC 12/14/22~~

The project is located at the end of Geoffroy Drive, just beyond the County-maintained portions of the roadway at the northwest side of a private driveway serving five homes. The portion of Geoffroy Drive that is privately maintained and containing the project, was gated in 2015 and access is currently limited to homeowners and emergency vehicles.

Project Background

In the winter of 2019 - 2020, heavy rains caused a slope failure of a 10 foot high portion of the slope supporting the driveway/ access to the homes located at 60 and 70 Geoffroy Drive. The

failure was likely due to the clogging of an existing drain inlet near the top edge of the roadway. An Emergency Coastal Development Permit and Grading Permit (201227) was issued for the construction of a slump slide repair by constructing a temporary reinforced slope and installing a 12-inch diameter drain pipe. All work associated with the emergency repair was completed under the emergency Coastal Development and Grading permits. A Geotechnical (soils) Report was prepared by Haro, Kasunich, and Associates dated April 6, 2021 and submitted to the County for review under application REV201113. On May 18, 2021, County staff accepted the report.

County Code requires a “regular Coastal Development Permit” to be submitted following the issuance of an emergency Coastal Development Permit (CDP). The regular CDP is intended to address any changes and or long-term repairs as opposed to the minimum repair necessary to prevent or mitigate the conditions posing an imminent threat to life, health, property or essential public services. In this case, there are no changes from the Emergency CDP and the proposed regular CDP.

Zoning, General Plan and Local Coastal Program Consistency

The subject property is an approximately 17,600 square foot lot, located in the R-1-6 (Single family residential - 6,000 square feet) zone district, a designation which allows residential uses. The proposed slope failure repair is a permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

The proposed repair of slope failure is in conformance with the County's certified Local Coastal Program, in that the project site has been designed to minimize impacts to coastal views. Installation of erosion control fabric to allow establishment of natural vegetation ~~and installation of a black vinyl-coated chain-link safety fence (rather than solid fencing)~~ will ensure the site is visually compatible and integrated with the character of the surrounding neighborhood. **Removed by PC 12/14/22**

In a letter from Coastal Commission staff dated October 23, 2020 (Exhibit H), Coastal staff indicate there are a number of violations on the subject and surrounding properties which impede public access. These alleged violations stem from installation of the private gate at the end of the publicly maintained portions of Geoffroy Drive as well as installation of fencing which prohibits beach access at the project site. These violations were identified by the Coastal Commission, and not the County. The County has not issued any notices of violations related to the improvements that are the subject of this application.

Coastal staff further notes that the project is in an area that has historically been used as a public access point between Geoffroy Drive and Blacks Beach to the northwest. The County General Plan/ Local Coastal Program indicates there are several potential locations in the vicinity of the project site that could be utilized as future shoreline access points containing trails, beach access, and or viewing points. The location of the project is not specifically called out as a priority acquisition site in the General Plan/ LCP.

The current proposal is to recognize the installation of improvements which are intended to restore slope stability and provide adequate drainage of the project site. All the improvements contained in the proposed project have been installed in accordance with the recommendations of the project geotechnical engineer and subject to inspection by County staff. The project scope

does not include the establishment and construction of a public access on the subject parcel and there is no nexus in County Code to require such access at this time as the project scope entails repair of a bluff failure only; however, the resulting site conditions will preserve the integrity of the slope in the event development of a coastal access point is considered at this location in the future. The project, as proposed, is not inconsistent with the County General Plan/LCP in that it does not preclude the creation of future coastal access.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **201302**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans & Site photos
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Report review letters
- H. Comments & Correspondence

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 201302
Assessor Parcel Number: 028-143-35
Project Location: 70 Geoffroy Drive, Santa Cruz

Project Description: Proposal to recognize repair of a slope failure.

Person or Agency Proposing Project: Hamilton Land Planning Attn Deidre Hamilton

Contact Phone Number: (831) 423-9992

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Emergency Projects (CEQA Guidelines Section 15269)

- E. ☐ **Categorical Exemption**

F. Reasons why the project is exempt:

In the winter of 2019 - 2020, heavy rains caused a slope failure of a 10-foot high portion of the slope supporting the driveway/ access to the homes located at 60 and 70 Geoffroy Drive. The failure was likely due to the clogging of an existing drain inlet near the top edge of the roadway. An Emergency Coastal Development Permit and Grading Permit (201227) was issued on 6/24/20 for the construction of a slump slide repair by constructing a temporary reinforced slope and installing a 12-inch diameter drainpipe. All work associated with the emergency repair was completed under the emergency Coastal Development and Grading permits. A determination that the project is exempt from CEQA was made at the time of the issuance of the Emergency Coastal Development/Grading permit under Section 15269 of the CEQA Guidelines.

Nathan MacBeth
Nathan MacBeth, Project Planner

Date: 12/14/22

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned R-1-6 (Single family residential - 6,000 square feet), a designation which allows residential uses. The proposed slope failure repair is an allowed use within the zone district in that the slope stabilization is necessary to protect the existing access to homes and occupants from threat of life and safety, and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

The proposed slope failure repair is consistent with General Plan Policy 6.2.16 in that it is necessary to ensure the safety of the properties (including access) located at the top the bluff. Detailed technical studies have been reviewed and accepted which demonstrate the need for the proposed improvements. The project will not reduce or restrict beach access in that the site is not developed with an access now and repair of the slope failure will not change this condition; however, the resulting site conditions will be safer from further slope failure and preserve the integrity of the slope in the event development of a coastal access point is considered at this location in the future. The establishment of a future access point on the subject parcel is not precluded by the slope repair. Existing beach access is available along Geoffroy Drive approximately 750 feet east of the project site and public viewpoints are available within 200 feet to the east of the project site.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the project is sited and designed to be visually compatible with the surrounding land uses and character of the neighborhood. The location of the slope repair will be readily visible from public viewsheds on Blacks Beach however the project site has been revegetated and will blend with the surrounding hill side. Consequently, the project would not result in an adverse impact to scenic resources. The development site is not on a prominent ridge or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the slope repair will not result in adverse impacts to existing or future shoreline access. The project site is not specifically identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at Sunny Cove (750 feet to the east) and Geoffroy Drive (170 feet to the southeast).

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single family residential - 6,000 square feet) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is located between the shoreline and the first through public road however, the slope repair will not interfere with public access to the beach, ocean, or any nearby body of water in that the County General Plan/ Local Coastal Program indicates there are a number of potential locations in the vicinity of the project that could be utilized as future shoreline access points containing trails, beach access, and or viewing points. The location of the project is not specifically called out as a priority acquisition site in the General Plan/ LCP. The project, as proposed would not be inconsistent with the County General Plan/LCP in that it does not preclude the creation of future coastal access.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The project has been conditioned to require recordation of a maintenance agreement to ensure long-term maintenance of the drainage improvements.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the slope repair and the conditions under which it will be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district as the primary use of the property will continue to be residential. Installation of the slope stabilization measures are necessary to ensure safety of existing access to existing residential structures at the top of the bluff and residents in the vicinity.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that an Emergency Coastal Development Permit and Grading Permit (201227) was issued for the slope repair due to an imminent risk to health and safety. The project has been designed in accordance with General Plan Policy 6.2.10 (Site development to Minimize Hazards). A Geotechnical Report prepared by Haro, Kasunich, and associates dated April 6, 2021 and accepted by County staff on May 18, 2021 under application REV201113 (Exhibit G).

Further, this finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UL (Urban Low Density Residential) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the construction of the slope repair is to be constructed on an existing developed lot intended to protect the access to existing homes and occupants from further erosion and potential hazard associated with the instability of the coastal bluff. Temporary construction is completed and will not require any further use of utilities and will not

generate additional traffic on the streets in the vicinity.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the project is located along a coastal bluff which is subject to coastal erosion. The subject parcel is developed with existing single family dwelling and shared access to a neighboring residence. In terms of design, the project is consistent with the methods for which similar slope repairs have been performed. The proposed project has incorporated revegetation of the slope to further stabilize the project site. ~~*Application of black vinyl coating to the safety fencing will further soften any potential visual impact from the project. Removed by PC on 12/14/22*~~

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed repair of slope failure will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit D: Project plans, prepared by Haro, Kasunich and Associates revised 4/19/21.

- I. This permit authorizes the construction of a slope failure repair as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - C. Meet all requirements of the Environmental Planning section of the Planning Department.
- II. All construction shall be performed according to the approved plans for the Grading Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Grading Permit plans shall be installed.
 - B. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- III. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- IV. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents

from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Application #: 201302
APN: 028-143-35
Owner: Mark & Suzanne Cauwels

Approval Date: 12-14-22

Effective Date: 12-28-22

Expiration Date: 12-28-25

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.