

Staff Report to the **Zoning Administrator**

Application Number: 111016

Applicant: Guy Tringali Owner: Guy Tringali **APN:** 038-211-12

Agenda Date: June 17, 2011

Agenda Item #: 🍠 Time: After 10:00 a.m.

Project Description: Proposal to construct a below-grade retaining wall for bluff top

stabilization and reconstruct an existing fence.

Location: The property is located on the oceanfront (south) side of Coates Drive above Seacliff

State Beach, off of Seacliff Drive, at 415 Coates Drive.

Supervisorial District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit

Technical Reviews: Geologic and Soils Report Review

Staff Recommendation:

Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Approval of Application 111016, based on the attached findings and conditions.

Exhibits

D.

Project plans Α.

E. Assessor's, Location, Zoning and

В. Findings

C.

General Plan Maps Conditions

determination)

Categorical Exemption (CEQA

Parcel Information

Parcel Size:

3,267 square feet

Existing Land Use - Parcel:

residential

Existing Land Use - Surrounding:

residential

Project Access:

Driveway off of Coates Drive

Planning Area:

Aptos

Land Use Designation:

R-UM (Urban Medium Residential) R-1-4 (single-family residential)

Zone District:

Coastal Zone:

x Inside Outside

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Appealable to Calif. Coastal

x Yes No

Comm.

Environmental Information

Geologic Hazards:

Bluff erosion/instability on site

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes:

N/A

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Scenic resource area

Drainage:

Existing drainage adequate

Archeology:

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

x Inside Outside

Water Supply:

Fire District:

Soquel Creek Water District

Sewage Disposal:

County Sanitation District

Aptos-La Selva Fire

Drainage District:

Zone 6

History

Building Permit # 007063J was issued in 2010 to legalize as-built improvements on the property, including the conversion of an attached garage to a bedroom and bath. In 1989, a geohazards assessment was conducted to determine the feasibility of moving a boundary line between 038-211-12 and -11.

Project Setting and Scope

The project is located in the Seacliff Village beach community area, among similar single-family dwellings on small parcels. Properties on the south side of Coates Drive face out toward Seacliff State Beach from a blufftop vantage point. The steep bluff face shows evidence of erosion in many areas, including directly behind and below the subject property. The proposed retaining wall will run along the bluff-side property line and will serve to stabilize the rear yard area. Construction of the below-grade retaining wall will necessitate the removal and re-installation of the existing fence above it.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 3,267 square feet, located in the R-1-4 (singlefamily residential) zone district, a designation that allows residential uses. retaining wall is a permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium Residential) General Plan designation.

Local Coastal Program Consistency

The proposed retaining wall is in conformance with the County's certified Local Coastal Program, in that the retaining wall will be below grade and not visible after construction, and the above-grade re-constructed fence is sited and designed to be visually compatible with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings and appurtenant fencing. Size and architectural styles vary in the area, and the existing fence, to be re-built after installation of a below-grade retaining wall, is within the existing range. The project site is located between the shoreline and the first public road, but is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water, as public access is not available down the steep bluff face.

Design Review

The proposed retaining wall and fencing complies with the requirements of the County Design Review Ordinance, in that the retaining wall will be below grade and not visible after construction. The above-grade fencing which is the visible part of the project will incorporate design features such as redwood and plexiglass that look appropriate and reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

Environmental evaluation of the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15301(f), Existing Facilities. This Categorical Exemption applies because the project is for the addition of a safety-related device (bluff-stabilizing retaining wall) to an existing topographical feature.

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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 111016, 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.co.santa-cruz.ca.us

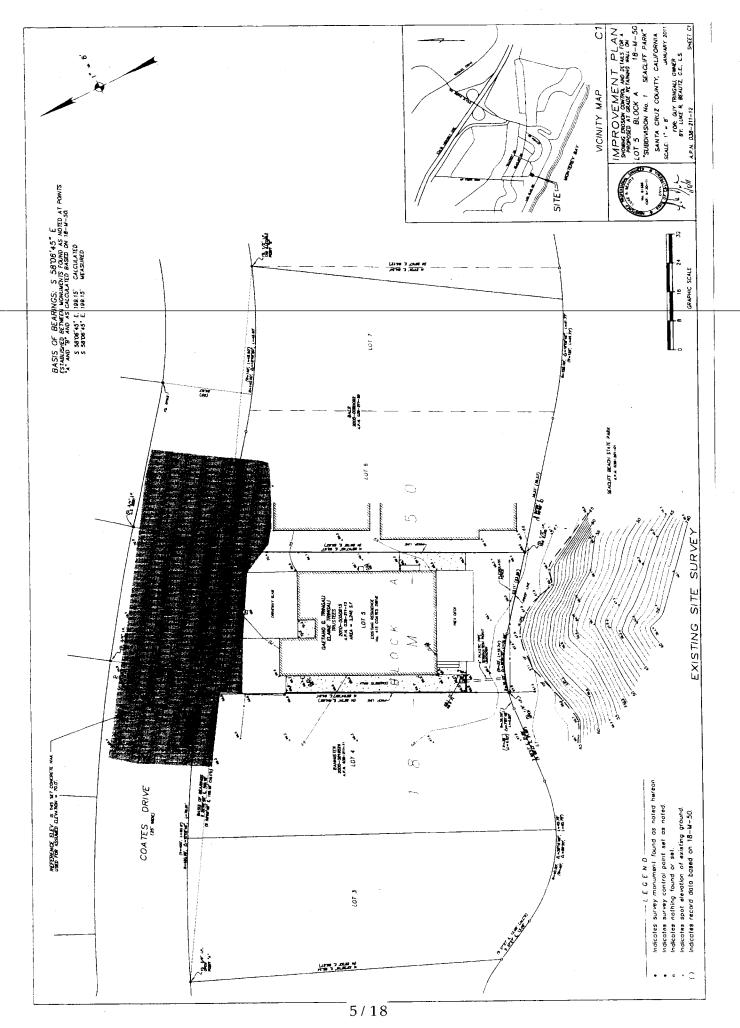
Report Prepared By: Alice Daly

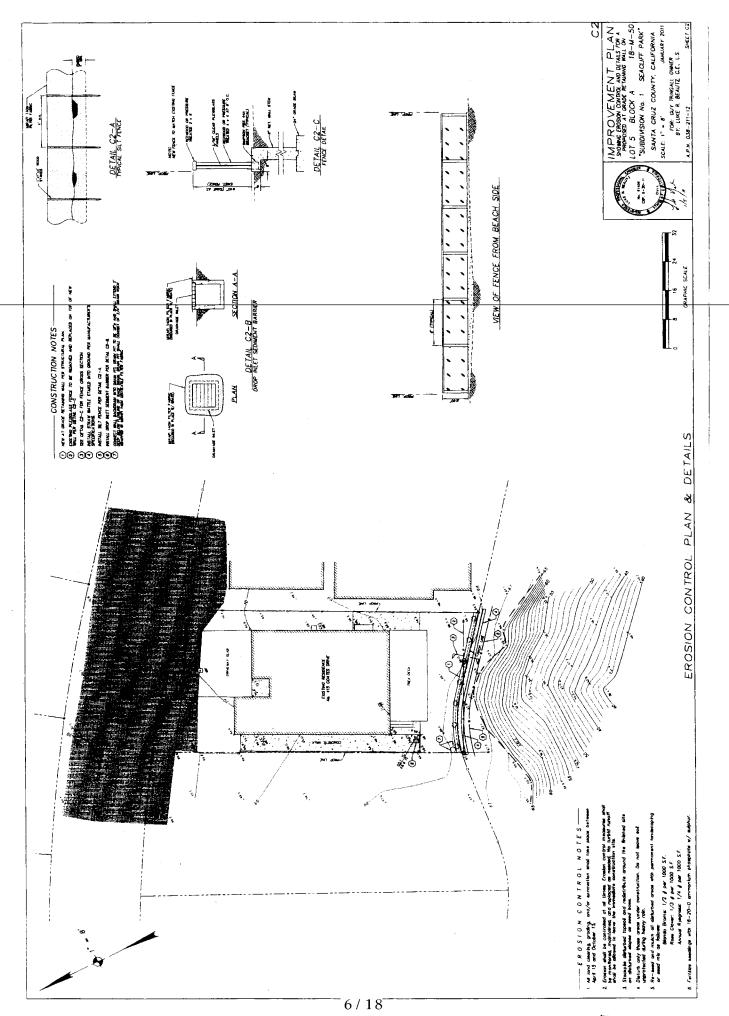
Santa Cruz County Planning Department

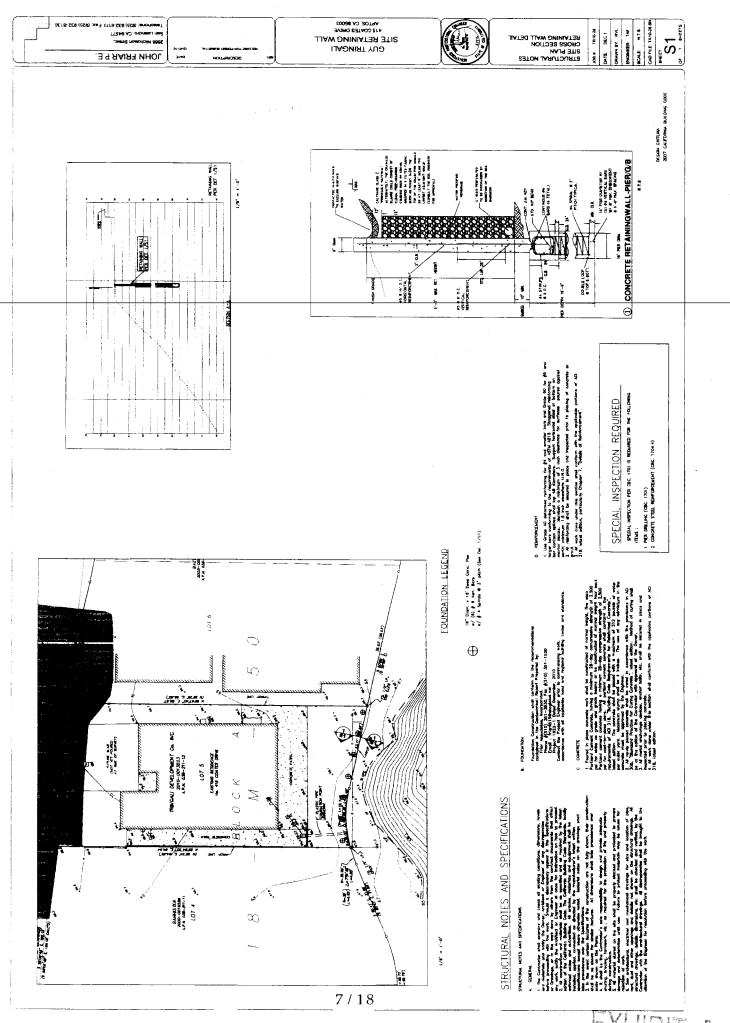
701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3140

E-mail: alice.daly@co.santa-cruz.ca.us







Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-4 (single-family residential), a designation that allows residential uses. The proposed retaining wall and fence are principal permitted uses within the zone district, and the zoning is consistent with the site's R-UM (Urban Medium Residential) General Plan designation.

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 the proposal does not conflict with any existing easement or development restriction as 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 section 13.20.130 et seq.

This finding can be made, in that the retaining wall is below grade and the visible fence above it is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by other residential lots developed to an urban density and the fence colors and materials will be natural in appearance and complementary to the site.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is located between the shoreline and the first public road, but the retaining wall and fence will not interfere with public access to the beach, ocean, or any nearby body of water. Coastal access is provided nearby at Las Olas Drive, located at the base of the coastal bluff south of the subject parcel. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the retaining wall will be below grade and the replacement fence is sited and designed to be visually compatible and in scale with the character of the surrounding neighborhood. Residential uses are allowed uses in the R-1-4 (single-family residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. The fence design submitted is consistent with the existing range of styles of nearby single-family dwellings with appurtenant fencing.

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 and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed retaining wall will not be injurious to properties or improvements in the vicinity, as it will be below grade and will meet all site standards for the district.

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 retaining wall and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (single-family residential) zone district as the wall is appurtenant to the single-family dwelling on the property and meets all site standards.

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 the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) land use designation in the County General Plan.

The proposed retaining wall will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The proposed below-grade retaining wall will be properly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed retaining wall will comply with the site standards for the R-1-4 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 proposed retaining wall and fence are to be constructed on an existing developed lot. The proposed project will not generate any new traffic and will thus have no adverse impacts on surrounding roads and intersections.

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 proposed retaining wall and replacement fence are consistent with the land use intensity and the density of the neighborhood.

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 retaining wall and reconstructed fence will not impact the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the area.

Conditions of Approval

Exhibit A: 3 sheets, 2 by Luke R. Beautz, C.E. dated January 2011, and 1 sheet by John Friar, P.E. dated 12/01/10.

- I. This permit authorizes the construction of a bluff-face retaining wall and reconstruction of an existing fence. 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. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans that are subsequently submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit issued for the proposed development. The final plans shall include the following additional information:
 - 1. Grading, drainage, and erosion control plans.
 - 2. Details showing compliance with fire department requirements.
 - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached.
 - C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos-LaSelva Fire Protection District.
 - E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. All portions of the re-constructed above-grade redwood and plexiglass fence shall be on or within the subject property, and shall not encroach beyond the property line into State Parks land (Seacliff Beach State Park).
 - E. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.

IV. 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.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be

responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- 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 Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit that 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 a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Expiration Date:	Expiration Date.			
	Expiration Date:	 		
	Approval Date:			

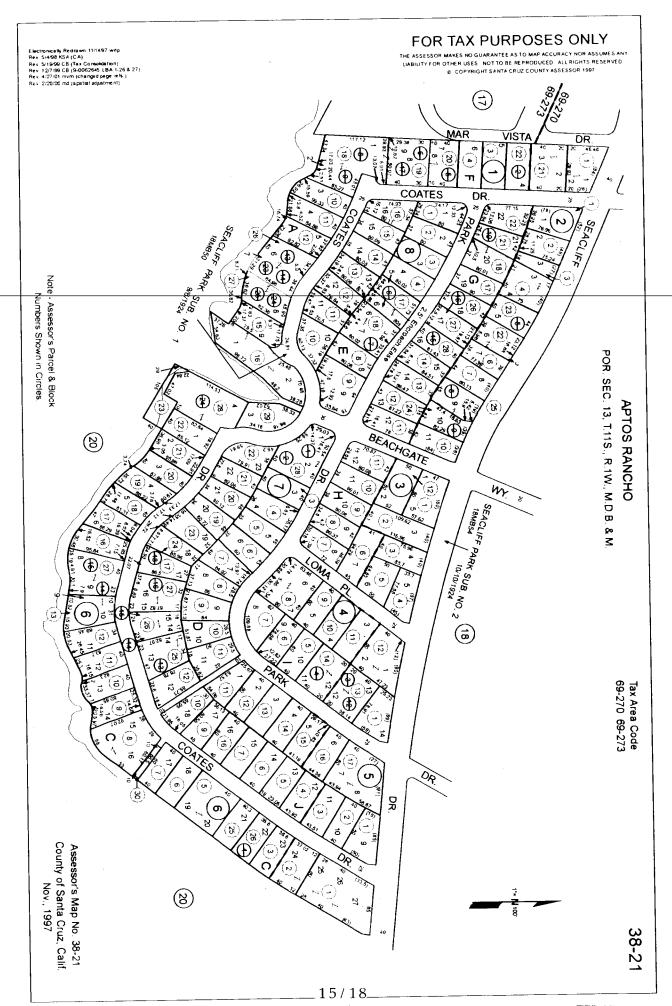
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

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.

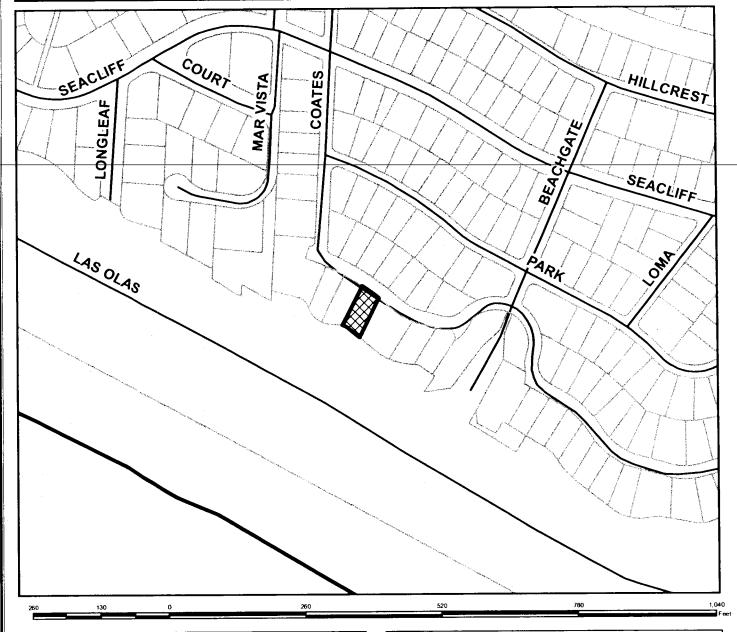
Application Number: 111016

Assessor Parcel Number: 038-211-12 Project Location: 415 Coates Drive, Aptos
Project Description: Proposal to construct a retaining wall for blufftop stabilization.
Person or Agency Proposing Project: Guy Tringali
Contact Phone Number:
A The proposed activity is not a project under CEQA Guidelines Section 15378. 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).
Specify type:
E. X Categorical Exemption
Specify type: Existing Facilities (CEQA Section 15301)
F. Reasons why the project is exempt:
The project is for the addition of a safety-related device (bluff-stabilizing retaining wall) to an existing topographical feature.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Alice Daly, Project Planner





Location Map



LEGEND

APN: 038-211-12

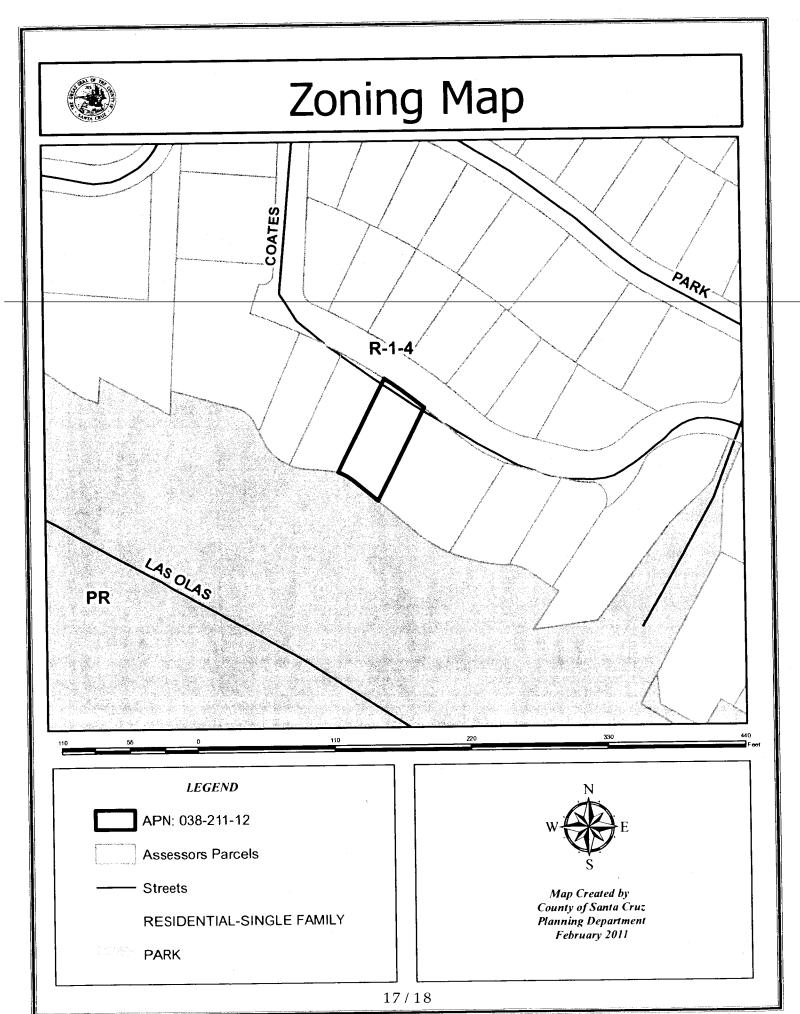
Assessors Parcels

Streets

County Boundary

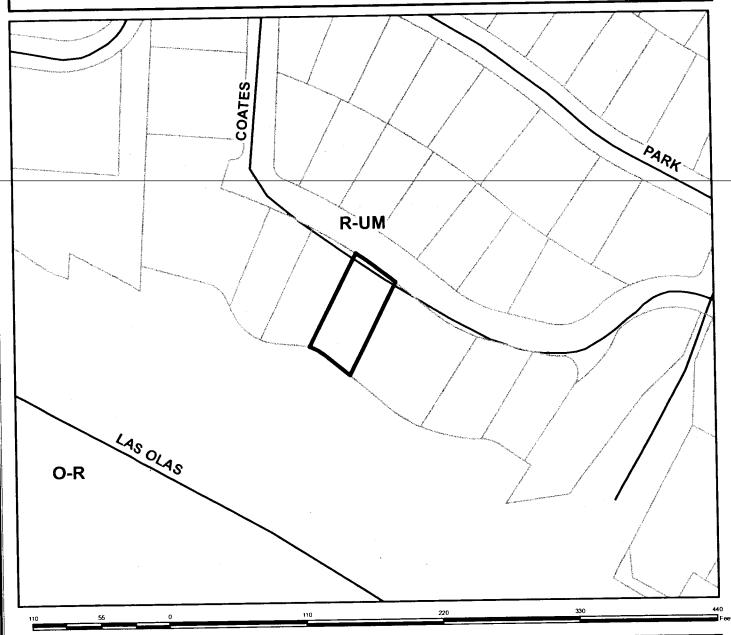


Map Created by County of Santa Cruz Planning Department February 2011





General Plan Designation Map



LEGEND

APN: 038-211-12

Assessors Parcels

- Streets

Residential - Urban Medium Density

Parks and Recreation



Map Created by County of Santa Cruz Planning Department February 2011