



Staff Report to the Zoning Administrator

Application Number: **211092**

Applicant: Ernie Giabatti

Agenda Date: 10/15/2021

Owner: Ernie Giabatti

Agenda Item #: 3

APN: 028-212-08

Time: After 9:00 a.m.

Site Address: 220 Geoffroy Dr, Santa Cruz, CA 95062

Project Description: Proposal to install a 36-inch landscape block retaining wall landward of an existing, permitted coastal protection structure; construct walkway, patio, and associated drainage improvements to existing drainage outfalls; and to recognize existing wood lagging and collapsible emergency egress stairs affixed to the top of coastal protection structure. Requires a Coastal Development Permit.

Location: Property is located on Geoffroy Drive approximately Requires a Coastal Permit. Property located on the south side of Geoffroy Drive (220 Geoffroy Drive) about 100 feet east from 16th Avenue.

Permits Required: Coastal Development Permit

Supervisory District: 1st 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 211092, based on the attached findings and conditions.

Setting

The property is located on a coastal bluff. Proposed landscape wall, walkway, and drainage work, etc. are proposed within 50 feet of the coastal bluff and are required to obtain a Coastal Development Permit.

Project Background

Coastal Development Permit 95-0421 authorized reconstruction of a fire destroyed two-story single-family dwelling and construction of a buried soldier pile retaining wall.

Subsequently, minor alteration to the existing pin pile retaining wall, including addition of 12 to 15 inches of wood lagging and backfill with pea gravel was completed, as well as the addition of collapsible stairs. Plans show existing improvements to be recognized. Per Environmental

planning staff, these improvements do not provide any structural support to the home or site improvements and are not subject to the geologic hazard's ordinance. Aside from the proposed landscape improvements, the project includes recognition of this work.

Zoning & General Plan Consistency

The subject property is an 8,581 square foot lot, located in the R-1-6 (Single Family Residential, One unit per 6000 square feet) zone district, a designation which allows residential uses. The proposed project is a permitted use within the zone district and the zoning is consistent with the site's R-UL (Residential- Urban Low) General Plan designation.

Local Coastal Program Consistency

The proposed back yard improvements (retaining wall, patio, walkway, drainage connections, etc.) are in conformance with the County's certified Local Coastal Program, in that the improvements are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings and yard improvements similar to the proposed improvements. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. Although the project site is located between the shoreline and the first public road, it is not identified as a priority acquisition site in the County's Local Coastal Program. In addition, no public beach is located below the coastal bluff. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

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 **211092**, 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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence (only if comments/correspondence are attached)

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: 211092
Assessor Parcel Number: 028-212-08
Project Location: 220 Geoffroy Dr, Santa Cruz, CA 95062

Project Description: Proposal to install a 36-inch landscape block retaining wall landward of an existing, permitted coastal protection structure; construct walkway, patio, and associated drainage improvements to existing drainage outfalls; and to recognize existing wood lagging and collapsible emergency egress stairs affixed to the top of coastal protection structure. Requires a Coastal Development Permit.

Person or Agency Proposing Project: Ernie Giabatti

Contact Phone Number: (510) 708-5450

- 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).
- E. **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

retaining wall structure at year of existing dwelling

In addition, none of the conditions described in Section 15300.2 apply to this project.

Sheila McDaniel, Project Planner

Date: _____

Coastal Development Permit Findings

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, One unit per 6000 square feet), a designation which allows residential uses. The proposed project is a permitted use within the zone district, and the zoning is consistent with the site's R-UL (Residential- Urban Low) General Plan designation.

1. 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.

2. 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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and although the project is located on a coastal bluff, improvements are not visible below.

3. 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 project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at Sunny Cove Beach.

4. 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, One unit per 6000 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 with associated improvements. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

5. 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 although the project site is located between the shoreline and the first public road, there is no beach below the beach at this location and no public access is available. Thus, the proposed project will not interfere with public access to the beach, ocean, or any nearby

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body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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.

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 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 R-1-6 (Single Family Residential, One unit per 6000 square feet) zone district as the primary use of the property will be one single family residence and associated improvements that meets all current site standards for the zone district.

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 R-UL (Residential- Urban Low) land use designation in the County General Plan.

The proposed project 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), in that the project will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed project will be properly proportioned to the parcel size and 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 project will comply with the site standards for the R-1-6 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.

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 project is to be constructed on an existing developed residential lot. The expected level of traffic generated by the proposed project is not anticipated to

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change peak trips per day and will thus not adversely impact existing roads or intersections in the surrounding area.

4. 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family residence is consistent with the land use intensity and density of the neighborhood.

5. 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 residential site and landscape improvements 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 Ifland Engineers, dated 1/18/2021 and updates to 6/21/2021

- I. This permit authorizes the installation of a 36-inch landscape block retaining wall landward of an existing, permitted coastal protection structure; construct walkway, patio, and associated drainage improvements to existing drainage outfalls; and to recognize existing wood lagging and collapsible emergency egress stairs affixed to the top of coastal protection structure, 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. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans 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 that is issued for the proposed development. The final plans shall include the following additional information:
 1. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
 3. Grading, drainage, and erosion control plans, as required.
 - B. Meet all requirements of and pay Zone 5 drainage fees to the County Department

of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.

1. The application submittal shall adhere to Part 3 Section C of the CDC and County Code 7.79. Pre-development runoff patterns shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
2. Final stormwater management plans, construction cross-section details, and stormwater management report shall be submitted with the building permit application.
3. A site assessment shall be performed by the project civil engineer. Please add a note to the plans that states whether there are any existing drainage issues on or near the site and if any issues or impacts are anticipated resulting from the proposed improvements.
4. Zone 5 fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at building permit issuance. Reduced fees (50%) are assessed for semi-impervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.

C. Meet all requirements of the Environmental Planning section of the Planning Department.

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. 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.

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. 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 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Jocelyn Drake
Deputy Zoning Administrator

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.

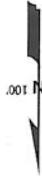
FOR TAX PURPOSES ONLY
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POR. N. 1/2 SEC. 20,
 T.11S., R.1W., M.D.B. & M.

Tax Area Code
 82-040

28-21

0.001" = 1'



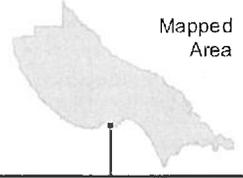
Assessor's Map No. 28-21
 County of Santa Cruz, Calif.
 Aug. 1998

Note - Assessor's Parcel & Block
 Numbers Shown in Circles

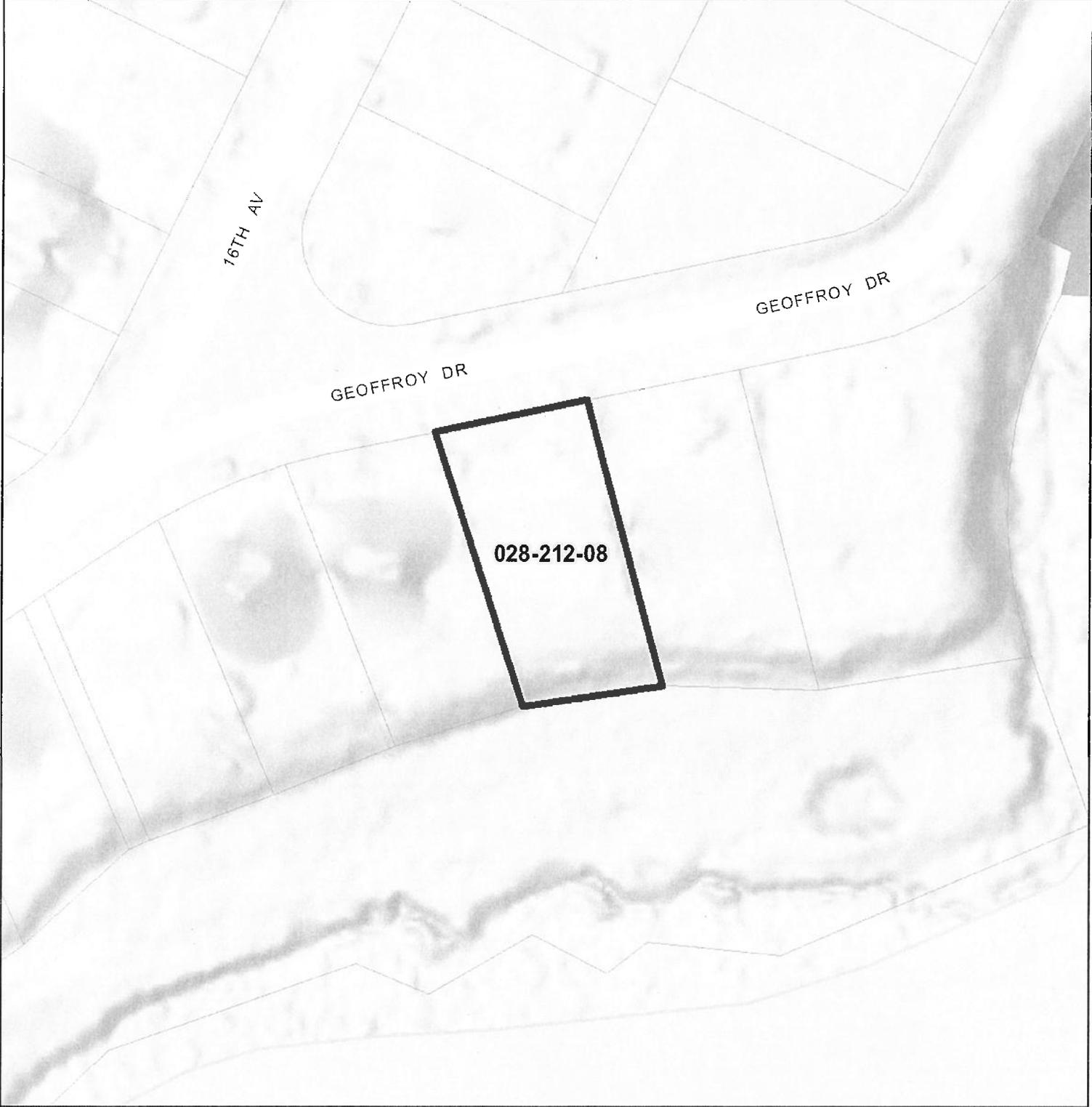
Electronically drawn 8/27/98 RW
 Rev. 8/27/98 (Per to 98.14) SP-1-18 to 20)
 Rev. 8/29/04 CB (4-0034810 to 12, SP-1-18 to 20)
 Rev. 7/27/11 CB (Per to ocean as per Travis Real Property)
 Rev. 7/27/11 CB (SP 11-0005610, 2-18)
 Rev. 4/21/13 CB (SP 14-0005614, 2-18)
 Rev. 4/21/13 CB (SP 14-0005614, 2-18)
 Rev. 10/28/15 AR (15-000417 to 18, 1-21 & 22)
 Rev. 3/7/17 (16-0040401 LBA, 1-24 & 25)
 Rev. 3/7/17 (16-0040402 LBA, 1-23 & 24)
 Rev. 7/23/20 (128M33)



Parcel Location Map



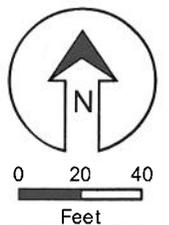
Mapped Area



Parcel: 02821208

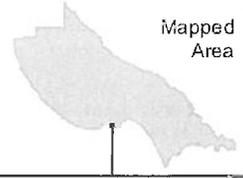
-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 16 Sep. 2021

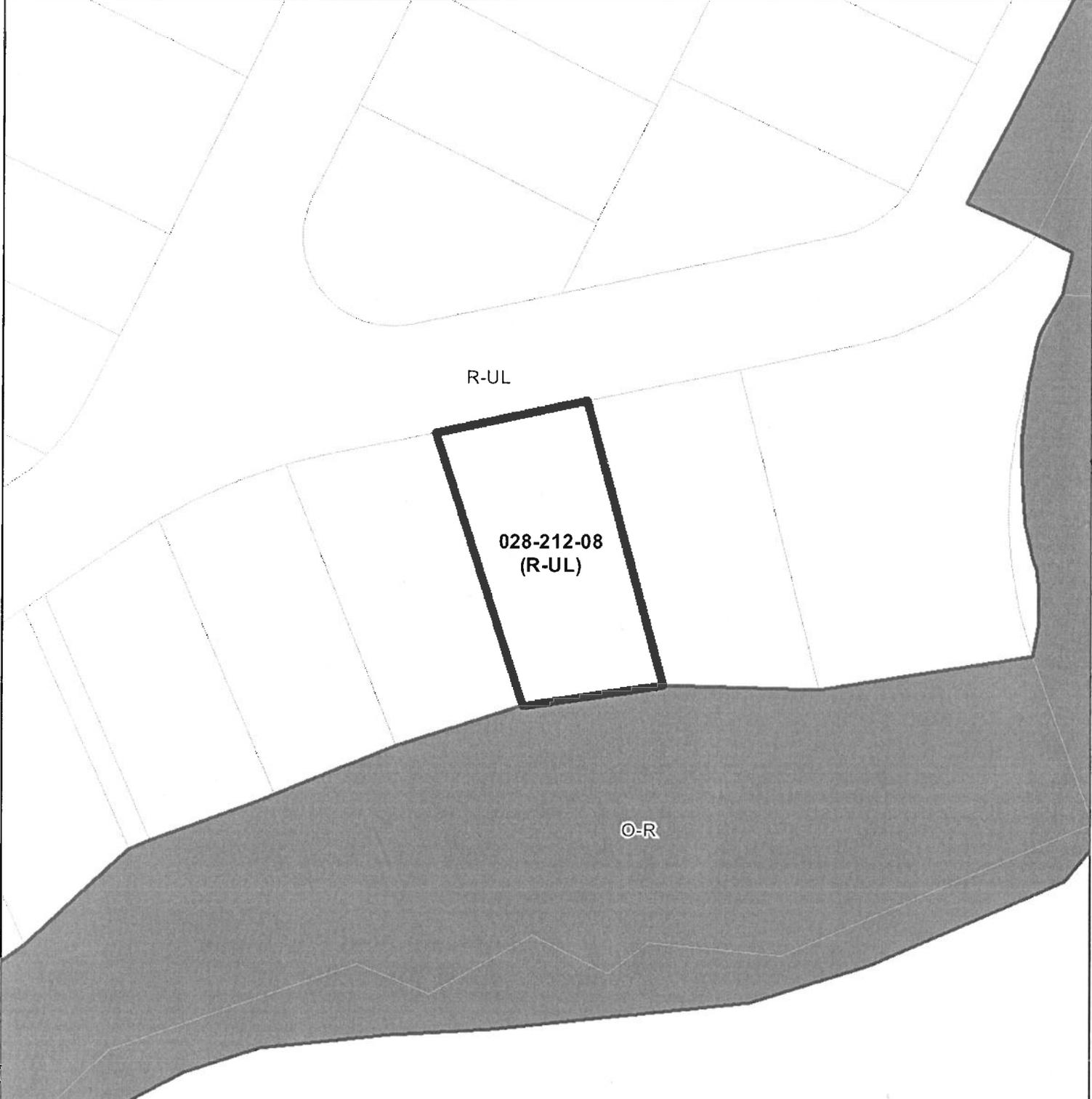




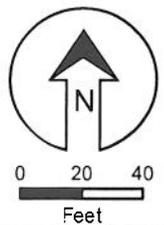
Parcel General Plan Map

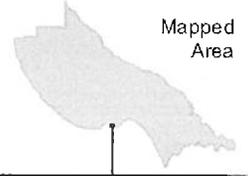


Mapped Area

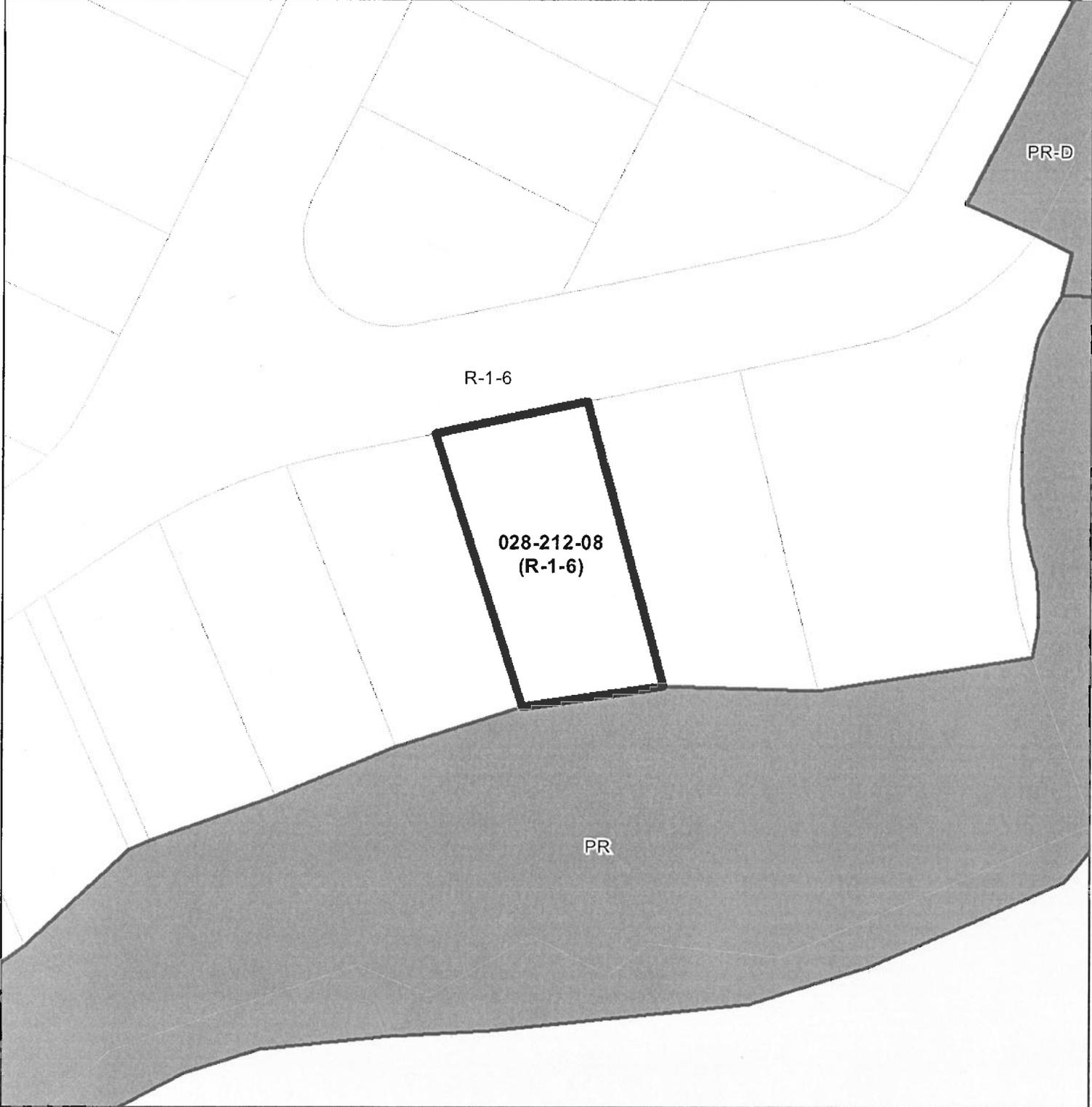


-  O-R *Parks, Recreation & Open Space*
-  R-UL *Res. Urban Low Density*

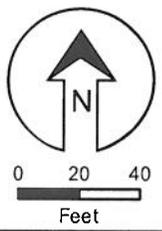




Parcel Zoning Map



-  PR *Parks, Recreation, & Open Space*
-  R-1 *Single-Family Residential*



Parcel Information

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Santa Cruz City Water
Sewage Disposal: Santa Cruz Sanitation
Fire District: Central
Drainage District: 5

Parcel Information

Parcel Size: 8,581 square feet
Existing Land Use - Parcel: Single Family Residence
Existing Land Use - Surrounding: Single Family Residential
Project Access: Geoffroy Drive
Planning Area: Live Oak
Land Use Designation: R-UL (Residential- Urban Low)
Zone District: R-1-6 (Single Family Residential, One unit per 6000 square feet)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm.: Yes No

Technical Reviews: None

Environmental Information

Geologic Hazards: N/A
Fire Hazard: Not a mapped constraint
Slopes: Site is gentle to flat
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Minor grading for proposed retaining wall/patio area, not subject to a grading permit as volume falls below threshold requiring a permit
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Not mapped/no physical evidence on site