



Staff Report to the Zoning Administrator

Application Number: 221015

Applicant: Ifland Engineers
Owner: Kelly Doyle Trustee
APN'S: 042-057-49, -50, -51, -52
Site Address: 0 Sea Terrace Way

Agenda Date: July 15, 2022
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to install an underground drainage system, serving an approved pin-pile wall, spanning four vacant parcels on Sea Terrace Way.

Location: Approximately 600 feet south of the intersection of Seacliff Drive and Sea Terrace Way (across from 132 Sea Terrace Way).

Permits Required: Coastal Development Permit, Riparian Exception

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 221015, based on the attached findings and conditions.

Analysis

On February 27, 2013, a Lot Line Adjustment application (121119) was approved which reconfigured the boundaries of five lots on Sea Terrace Way. As a condition of approval for that application, the owner was required to construct a retaining wall along the hillside to protect the future building sites on four of the parcels. The wall was permitted in 2018 under Coastal Development Permit 181046 and construction was completed in 2021.

The proposed project involves the placement of a drainage system behind the approved retaining wall, across three parcels (APN's 042-057-51, 042-057-50, 042-057-49). A 12" surface drainpipe would extend from the center of the retaining wall, approximately 190 feet to the east, ending on the bank of Aptos Creek at APN 042-057-52. An existing, deteriorated outfall which serves drainage for an adjacent parcel would be replaced and the new concrete outfall would service both systems. The outfall would be covered in riprap and planted with willow stakes to promote revegetation.

The proposal requires a Coastal Development Permit and a Riparian Exception.

All parcels involved are located in the R-1-4 (Single-family residential-4,000 square foot parcel size) zone district, a designation which allows residential uses. The proposed drainage would support future development of single-family dwellings and single-family dwellings are a principal permitted use within the zone district and the zoning is consistent with the R-UM (Urban Medium Density Residential) General Plan designation.

Findings are on file in the County Planning Department.

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 **221015**, 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
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information

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: 221015
Assessor Parcel Number: 042-057-51
Project Location: 0 Sea Terrace Way, Aptos

Project Description: installation of a drainage system for an approved retaining wall

Person or Agency Proposing Project: Ifland Engineers

Contact Phone Number: 831-426-5313

- 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. X **Categorical Exemption**

Specify type:

Class 1: Existing facilities (Section 15301)

Class 3: New construction or conversion of small structures (Section 15303)

F. Reasons why the project is exempt:

The project involves the placement of a drainage system behind an existing retaining wall. Portions of the drainage which are placed above the soil surface would be limited to 190 linear feet of 12" pipe.

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

Evan Ditmars, Project Planner

Date: _____

Exhibit A

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 drainage will serve a permitted retaining wall which protects three parcels which are zoned R-1-4 (Single-family residential, 4,000 square foot parcel size), a designation which allows residential uses. The wall protects the building sites, which are a principal permitted use within the zone district, and the zoning is consistent with the site's R-UM (Urban Medium Density 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 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 drainage pipe will be buried behind an existing retaining wall and would not be seen from adjacent properties. The 12" portion of the pipe which will be laid on the surface of the hillside will eventually be covered by natural vegetation.

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 project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available via a beach trail located approximately 0.2 miles south of the project site.

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

This finding can be made, in that the result of the project would be development that is visually compatible with the surrounding neighborhood. The proposed drainage system would serve three single-family dwellings, which are allowed uses in the R-1-4 (Single-family residential, 4,000 square foot parcel size) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area are protected by similar retaining walls which are served by similar types of retaining walls.

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 although the project site is located between the shoreline and the first public through road, the project would not affect public access. The upper half of the project would be a buried drainpipe behind an approved retaining wall and the lower half would be laid

across a private parcel which is located on a steep, inaccessible hillside. Consequently, it will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

7. In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail.

This finding can be made, in that there are no conflicts among the required Coastal Development Permit findings.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that topography of the property limits the ability to safely direct drainage offsite and into the street. Private residences at the bottom of the hillside could be negatively affected by unmanaged runoff down the hillside. The proposed location of the outfall results in minimal impacts to downslope properties.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;

The proposed drainage would provide support and relief to a permitted retaining wall (authorized under application 181046). Unmanaged stormwater could lead to erosion of the downslope hillside.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

The proposed drainage and outfall would be constructed to prevailing building methods. The outfall would lead directly into Aptos Creek and the amount of runoff generated by the three parcels and serviced by the proposed project would not contribute significantly to the flow of the creek.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and

The drainage would be connected to an existing storm drain system to include replacement of an existing deteriorated drainage system. Development in the riparian area would be limited to an area already disturbed by existing development.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

The exception is in accordance with this chapter in that the amount of development in the riparian area is minimized and sited in previously disturbed areas. The proposed drainage is engineered to prevailing construction techniques and would minimize the amount of erosion generated from runoff. In addition, all site disturbance would be revegetated with native vegetation and proper BMP's would be implemented.

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 pipe 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, 4,000 square foot parcel size) zone district as the primary use of the properties will be single-family dwellings.

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 drainage pipe would support residential parcels which have been approved for development. The residential use of those parcels is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan.

The proposal complies with General Plan Policy 6.2.6, which requires that drainage plans direct runoff and drainage away from unstable slopes.

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 drainage is to be constructed on an existing undeveloped lot. The project does not incorporate traffic generating features.

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 once completed, the project would be largely hidden from view from adjacent properties. Half of the drainage system would be buried behind a retaining wall and the other half would be covered by the natural vegetation on the hillside. The project is consistent with other developments in the area and consistent with the land use intensities of neighboring parcels.

Conditions of Approval

Exhibit D: Project plans, prepared by Ifland Engineers, dated 2/16/21.

- I. This permit authorizes the construction of a drainage system as indicated on the approved Exhibit "A" 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 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 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. Grading, drainage, and erosion control plans.
 - B. 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. 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: _____

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.

1. ALL PORTIONS OF THE PIPELINE ALIGNMENT TO BE INSTALLED UNDERGROUND, ALL TRENCH EXCAVATION AND COMPACTION SHALL BE PERFORMED UNDER THE SUPERVISION OF THE GEOTECHNICAL ENGINEER.
2. TEMPORARY SHORING OF THE SLIDE HEADSCARP, IF NEEDED FOR ADJACENT TRENCH EXCAVATION AND BACKFILL, SHALL BE PERFORMED UNDER THE SUPERVISION OF THE GEOTECHNICAL ENGINEER.
3. STORM DRAIN PIPES DESIGNATED AS "SD" FROM 4" TO 24" IN DIAMETER SHALL BE HOPE STORM DRAIN PIPE WITH SMOOTH INTERIOR AND ANNUAL EXTERIOR CORRUGATIONS, MEETING AASHTO M252, TYPE S, AASHTO M294, TYPE S, OR ASTM F2306 SPECIFICATIONS, WITH WATER-TIGHT INTEGRATED BELL JOINTS PER ASTM D3212 OR APPROVED ALTERNATIVE. GASKETS SHALL MEET ASTM F477. NO MATERIAL SUBSTITUTION SHALL BE ALLOWED WITHOUT THE APPROVER'S WRITTEN CONSENT.
4. DURING CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS SHOWN HEREON, EASEMENTS SHALL BE ESTABLISHED FOR DRAINAGE CONVEYANCE, ACCESS, AND MAINTENANCE OF SAID IMPROVEMENTS BY THE PROPERTY OWNER(S). PLATS AND LEGAL DESCRIPTIONS SHALL BE PREPARED, NOTARIZED, RECORDED, AND COPIES PROVIDED TO PUBLIC WORKS FOR THE RELEASE OF PROJECT "HOLDS" AND PERMIT CLOSE-OUT.
5. EXISTING TOP OF WALL GRASSES (TW) SHOWN TAKEN FROM AS-BUILT SURVEY OF THE WALL CONDUCTED BY IRLAND SURVEY, FEBRUARY 2, 2021. ALL OTHER TOPOGRAPHIC DATA SHOWN REFLECTS PRE-CONSTRUCTION CONDITIONS.
6. APPLICANT SHALL OBTAIN WRITTEN PERMISSION FROM CA STATE PARKS TO ACCESS AND PERFORM CONSTRUCTION WORK ON LANDS OWNED BY STATE PARKS ALONG THE WESTERLY BANK OF APTOS CREEK.

(UNDEVELOPED LOT)
APN 042-057-14

LOT 3
APN 042-057-51

LOT 2
APN 042-057-50

LOT 4
APN 042-057-52

198 LF~12" SD, SLOPE MAY VARY
WITH TERRAIN (MAINTAIN MIN. 1%).
ANCHOR TO SLOPE PER CALTRANS
DB7B, ALTERNATE B (SEE C2.0). PIPE
ALIGNMENT SHOWN IS FOR GENERAL
GUIDANCE. SEE BOXED NOTE THIS
SHEET.

APTOS CREEK

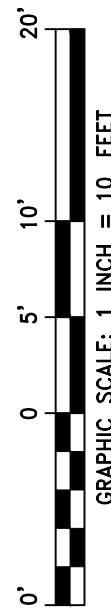
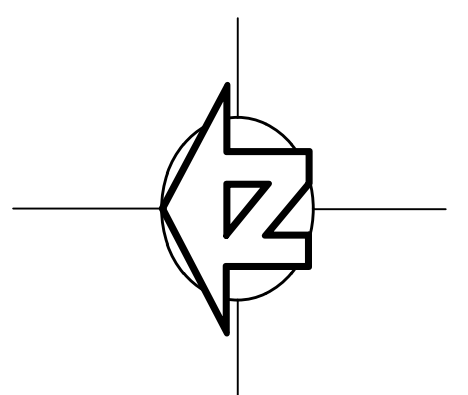
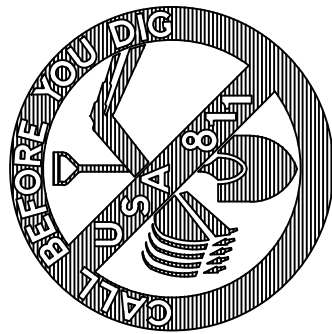
DATUM NOTE:
THE SITE SURVEY
HIGH WATER MARK
IS ELEVATION
DIFFERENCE BETWEEN
SITE IS 2.74 FEET
ELEVATION OF
CONVERTED TO

SURV
GROU
(TYP)

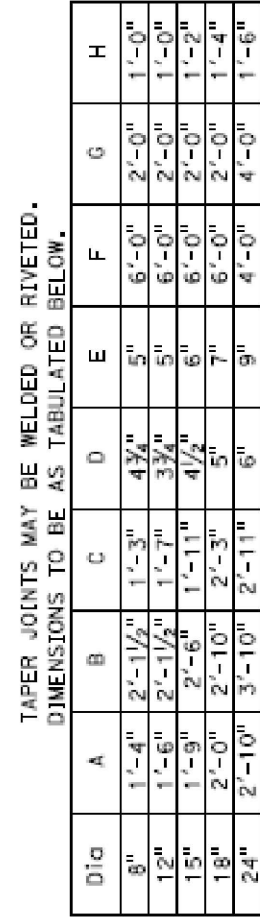
EXISTING RESIDENCE

GLEN DRIVE

CREEK DRIVE

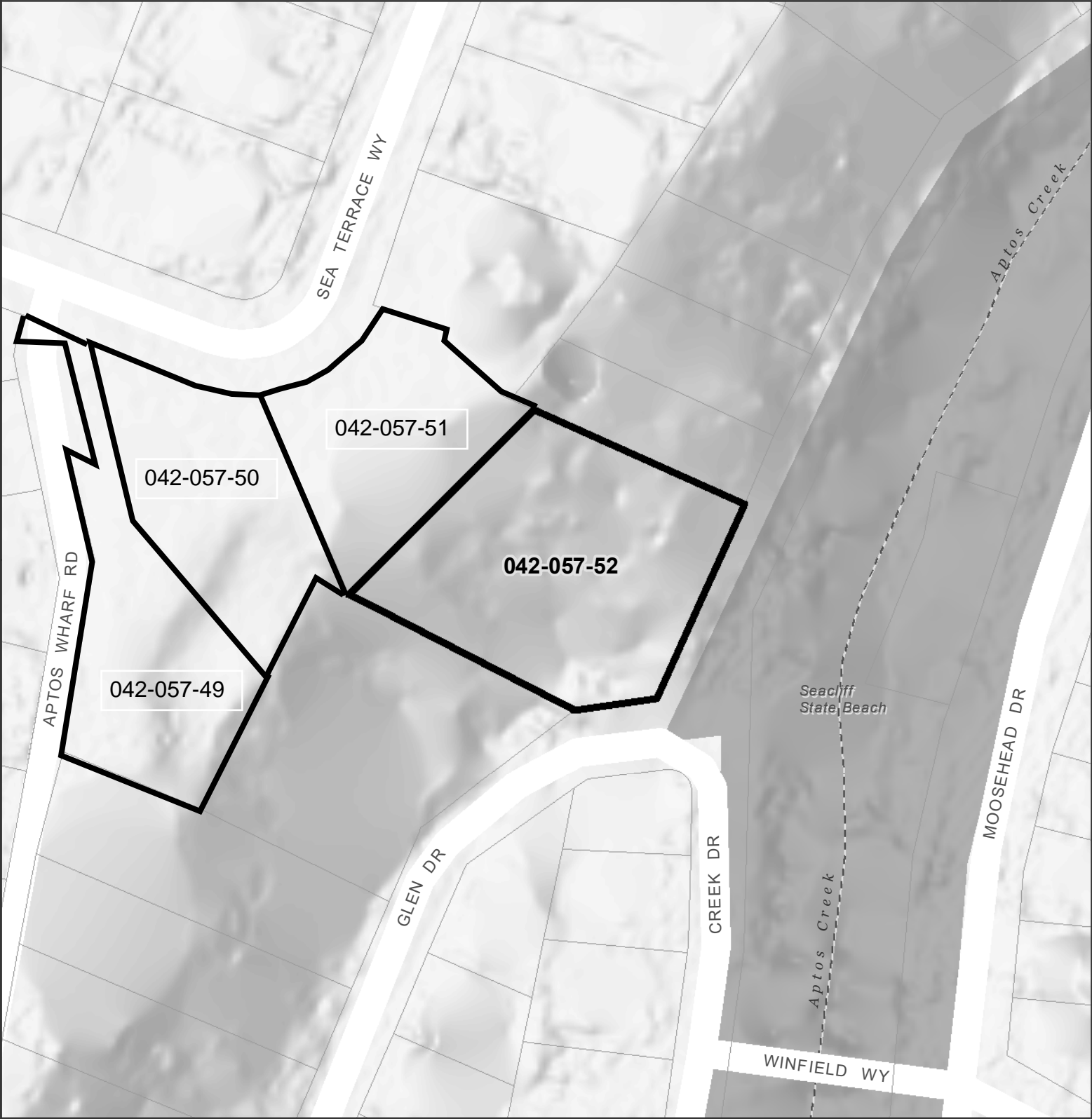


D87B





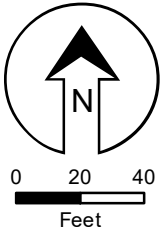
Parcel Location Map



Parcel: 04205752

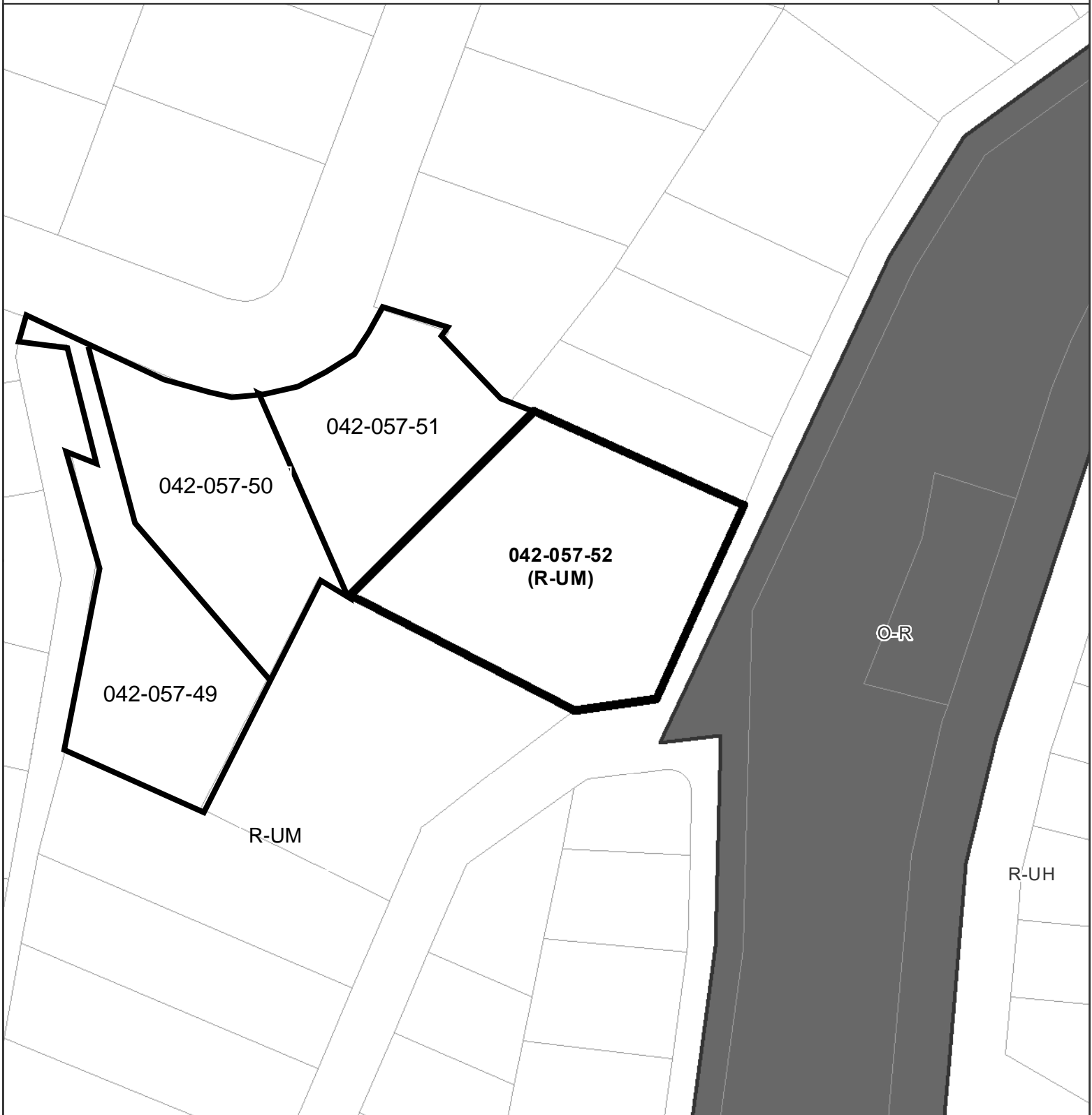
- Study Parcel
- Assessor Parcel Boundary
- Existing Park




Map printed: 29 Jun. 2022

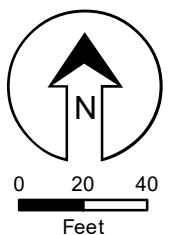




Parcel General Plan Map

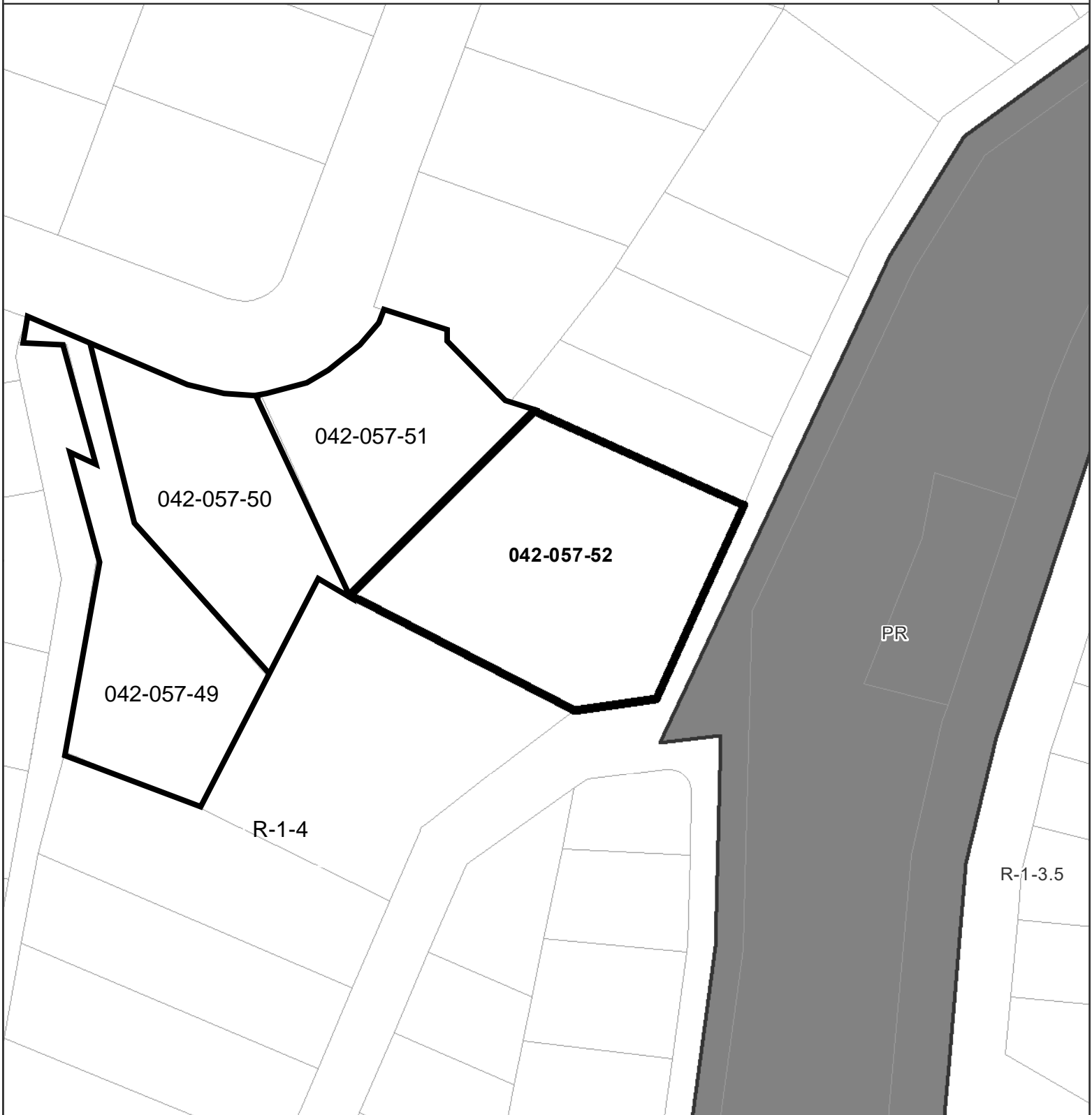




-  O-R *Parks, Recreation & Open Space*
-  R-UH *Res. Urban High Density*
-  R-UM *Res. Urban Medium Density*

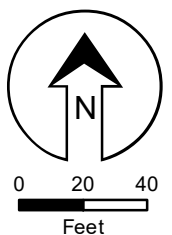




Parcel Zoning Map



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



Parcel Information

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Sewer
Fire District: Central Fire Protection
Drainage District: Flood Control Zone 6

Parcel Information

Parcel Size: 7,800-13,500 square feet
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Residential
Project Access: Public, via Sea Terrace Way
Planning Area: Aptos
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-4 (Single-family residential, 4,000 square foot parcel size)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Technical Reviews: NA

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: Slope varies; sites slope west to east
Env. Sen. Habitat: Riparian area
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Mapped archaeological resource