



Staff Report to the Zoning Administrator

Application Number: **04-0299**

Applicant: County Sanitation (Rachel Lather) **Agenda Date:** October **15,2004**
Owner: County Sanitation District **Agenda Item #:** **8**
APN: Within County right of way **Time:** After 11:00 a.m.

Project Description: Proposal to replace of a 1000-foot section of force main sewer pipe along Portola Drive and 26" Avenue, and crossing Rodeo Gulch Creek.

Location: Located in Live Oak adjacent to Portola Drive, between 24" and 26" Avenues.

Supervisory District: 1st District (District Supervisor: Jan Beutz)

Permits Required: Coastal Development Permit and Riparian Exception

Staff Recommendation:

- Approval of Application 04-0299, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|--|
| A. | Project plans | F. | Zoning map |
| B. | Findings | G. | General Plan map |
| C. | Conditions | H. | Botanical <i>Survey</i> dated 9/13/04 |
| D. | Categorical Exemption (CEQA determination) | I. | Coastal Commission Notice of Permit Waiver Effectiveness |
| E. | Location map | | |

Parcel Information

Parcel Size:	No parcel size—within County right of way
Existing Land Use - Parcel:	Open space
Existing Land Use - Surrounding:	Open space with nearby residential
Project Access:	Portola Drive
Planning Area:	Live Oak
Land Use Designation:	O-U (urban Open Space)
Zone District:	PR (Parks, Recreation and Open Space)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes ___ No

Environmental Information

Geologic Hazards:	Flood Zone B (100-500 year)
Fire Hazard:	N/A
Slopes:	N/A
Env. Sen. Habitat:	Riparian, tar plant, tidewater goby
Grading:	Trenching for utility replacement
Tree Removal:	No significant trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Traffic:	N/A
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u>X</u> Inside ___ Outside
Water Supply:	NA
Sewage Disposal:	County Sanitation
Fire District:	Central Fire District
Drainage District:	Zone 5

History

The existing 16-inch pipe is a constriction point within this existing branch of the sewer main system. Larger diameter pipes exist upstream and downstream from this section of sewer main. The constriction has caused sewage spills during storm events that adversely affect surface water quality in the area of Corcoran Lagoon.

Project Description

The applicant wishes to replace an existing 16-inch main sewer pipe with a 24-inch **main** sewer to alleviate sewage spills during storm events. The section of pipe to be replaced is between the Rodeo Pump Station and the intersection of Portola Drive and 26" Avenue. The new pipe will remain in the same location as the existing pipe. The entire project area is within the County **right** of way.

Zoning & General Plan Consistency

The subject property is within the County right of way adjacent to Portola Drive. The right of way and adjacent properties are located in the PR (Parks, Recreation and Open Space) and VA (Visitor Accommodation) zone districts. These zone districts are consistent with the areas (O-U) Urban Open Space and C-V (Visitor Accommodation) General Plan designations.

Local Coastal Program Consistency

The proposed project will correct a constriction point within the existing trunk-line system that has been the cause of periodic sewage spills during storm events. As these periodic sewage spills have a deleterious effect on surface water quality in the area of Corcoran Lagoon, the proposed project is directly supportive of Local Coastal Program Objective 5.7 (Maintaining Surface Water Quality) and Objective 5.5a (Watershed Protection), and generally supportive of Objective 5.4 (Monterey Bay and Coastal Water Quality). The project is a logical result of program "b" as listed in the Water Resources Section of the Local Coastal Program which states in part, "...monitor surface water quality to locate and identify water quality problems arising from point and nonpoint sources of pollution affecting the public health and the environment."

The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

A portion of the project lies within the retained jurisdiction of the California Coastal Commission (CCC). In August of 2004, the CCC indicated it would waive the Commission's permit requirement (See Exhibit I). Alternatively a separate permit from the CCC would be required.

Riparian Exception

Of the total length of the pipe replacement project, about 80 feet will be within the protected riparian area near the mouth of Rodeo Creek just north of Portola Drive. At this location the pipe crossing will be lifted from the existing in-channel level and installed above the estimated 100-year flow level, with support pilings installed outside of the active channel. There will be no disturbance of the active channel or vegetation within the active channel.

Outside of the active channel vegetation clearing will be done under the supervision of the qualified, federally approved, wildlife biologist and will be limited to the minimum area necessary to expose the existing 16-inch pipe and install the new 24-inch pipe. All areas cleared of vegetation will be replanted with local native species and will be maintained until complete cover has been established.

The wildlife biologist will conduct pre-construction surveys for protected species that may be present. The California Natural Diversity Database (CNDDB) lists the tar plant and tidewater goby as potential species present, however, survey parameters will include red-legged frogs and western pond turtles as well. A portion of the pre-construction survey was completed on September 13, 2004, with the submittal of the attached botanical survey (See Exhibit H).

The riparian portion of this project is estimated to take 3-weeks and is scheduled for construction in early winter of 2004.

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

- APPROVAL of Application Number **04-0299**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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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 within the County right of way adjacent to Portola Drive. The right of way is considered a utility easement for the purpose of locating and maintaining public infrastructure such as sanitary sewer lines. The right of way is adjacent to properties that are located in the PR (Parks, Recreation and Open Space) and VA (Visitor Accommodation) zone districts. Uses present there will not be adversely affected by the project beyond the temporary construction period.

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 such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site. The project is entirely within the County right of way.

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.~~

The project is a replacement of ~~an~~ existing underground public utility line. The project will not result in additional visual features. The development site is not on a prominent ridge, beach, or bluff top.

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 not located between the shoreline and the first public road. Consequently, the public facility 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. The project is a replacement of an existing underground public utility line. The project will not result in additional visual features.

Application # 04-0299

APN: No APN (within County right of way)

Owner: County Sanitation District

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

The proposed repair is necessary to ensure adequate capacity and to prevent sewage spills in the sewage system during larger storm events. The conditions of this permit will conform to all applicable policies of the Biological Resources Section of the Local Coastal Program as stated in Objectives 5.1 (Biological Diversity) and 5.2 (Riparian Comdors and Wetlands).

Additionally, as the periodic sewage spills have a deleterious effect on surface water quality in the area of Corcoran Lagoon, the proposed project is directly supportive of Local Coastal Program Objective 5.7 (Maintaining Surface Water Quality) and Objective 5.5a (Watershed Protection), and generally supportive of Objective 5.4 (Monterey Bay and Coastal Water Quality). The project is a logical result of program "b" as listed in the Water Resources Section of the Local Coastal Program which states in part, "...monitor surface water quality to locate and identify water quality problems arising from point and nonpoint sources of pollution affecting the public health and the environment."

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

The present state of this portion of sewer line poses a health hazard to the community during storm events. If not improved, this section of sewer line will continue to spill sewage into the street and coastal surface water in a 5-10 year storm event.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

This project will maintain the current capacity of the sewage line during dry seasons and average rainfall years, and will allow the existing system at this location to handle the peaks and surges in effluent during storm events.

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 granting of this exception will have no effect on downstream properties. The pipe stream crossing will be constructed outside of the floodway and will improve flow through the active channel through the removal of the existing pipe. Downstream of this project the creek crosses Portola Drive and flows into Corcoran Lagoon and the sea.

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.

This project is located in the Coastal Zone. Access to the pipe creek crossing requires the removal of some riparian vegetation. All cleared areas will be replanted with local riparian species and the project site will be maintained by the Sanitation Department until completely revegetated. There is no feasible, less environmentally damaging alternative.

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 proposed repair is necessary to ensure adequate capacity and to prevent sewage spills in the sewage system during larger storm events. The conditions of this permit will conform to all applicable policies of the General Plan subsections 5.1 (Biological Resources) and 5.2 (Riparian Corridors and Wetlands). Additionally, as the periodic sewage spills have a deleterious effect on surface water quality in the area of Corcoran Lagoon, the proposed project is directly supportive of Local Coastal Program Objective 5.7 (Maintaining Surface Water Quality) and Objective 5.5a (Watershed Protection), and generally supportive of Objective 5.4 (Monterey Bay and Coastal Water Quality). The project is a logical result of program "b" as listed in the Water Resources Section of the Local Coastal Program which states in part, "...monitor surface water quality to locate and identify water quality problems arising from point and nonpoint sources of pollution affecting the public health and the environment."

Conditions of Approval

EXHIBITS

Exhibit A – Project Plans dated 9/2/04 with Erosion Control and Revegetation Plan

- I. This permit authorizes the replacement of an existing forced sewer main to include a Minor Riparian Exception and associated Grading (trenching for utilities). Prior to exercising any rights granted by the permit including, without limitation, any occupancy, 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. Conduct a pre-construction meeting prior to any site disturbance. The meeting shall be organized by the contractor, and shall include the department of public works inspector, the project engineer, environmental planning staff, the project biologist, and the revegetation specialist for the project.
 - a. The contractor shall submit a basic water pollution control plan (WPCP) for review at the time of the pre-construction meeting. The resident engineer shall review the WPCP prior to site disturbance to determine adequacy. No disturbance shall occur until the contractor has received written approval of the WPCP.
 - b. The biologist shall submit the results of the pre-construction surveys at the pre-construction meeting.
- II. All construction shall be performed according to the approved plans in Exhibit A. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final clearance, the following conditions must be met:
 - A. All site improvements shown on the approved plans shall be installed.
 - B. At no time shall the contractor allow any materials or machinery to enter Rodeo Creek. Removal of the exiting pipe shall be done only with a catchment system in place to collect any debris that might enter the creek as a result of removal operations.
 - C. Erosion control measures must be in place at all times during construction. All disturbed soils shall be stabilized to prevent siltation in the watercourse. Any vegetation removed during the course of construction shall be replaced in kind or with appropriate riparian species prior to the project being determined complete.
 - a. The Sanitation District shall be responsible for maintaining the replanted vegetation for at least 3 years or until success is determined by Environmental Planning staff. Maintenance shall include twice annually removal of non-natives, irrigation, and replacement of failed vegetation.

- D. A site inspection is required prior to final Planning Department approval of the proposed work; notify Environmental Planning at 454-3 114 upon project completion for final inspection and clearance.
- 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 archeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from further site excavation and notify the Sheriff-Coroner if the discovery contains human remains and 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.
- F. In the event that future County inspections of the subject property disclose noncompliance with any conditions of the 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.

In accordance with Chapter 18.10 of the County Code, minor variations to this permit that do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE DATE OF APPROVAL UNLESS YOU COMMENCE CONSTRUCTION.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

John Schlagheck or Karen McConaghy
Project Planners

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.

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. **04-0299**

Assessor's Parcel No. **No APN - County right of way**

Project Location: **Portola Drive, between 24th and 26th Ave.**

Project Description: Replacement of a 1000-foot section of force main sewer pipe along Portola Drive and 26th Avenue, and crossing Rodeo Gulch Creek.

Person or Agency Proposing Project: **Rachèl Lather, Dept of Sanitation**

Phone Number: **454-2802**

A. ☐ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. ☐ Ministerial Project involving **only** the **use of** fixed standards or objective measurements without **personal judgment**.

C. ☐ **Statutory Exemption other** than a Ministerial Project.
Specify type:

D. Categorical Exemption

- ☐ 1. Existing Facility
- ☒ 2. Replacement or Reconstruction
- ☐ 3. New Construction of Small Structures
- ☐ 4. Minor Alterations to Land
- ☐ 5. Alterations in Land Use Limitation
- ☐ 6. **Information** Collection
- ☐ 7. Actions by Regulatory Agencies for Protection of the Environment
- ☐ 8. Actions by Regulatory Agencies for Protection of Nat. Resources
- ☐ 9. Inspection
- ☐ 10. Loans
- ☐ 11. Accessory Structures
- ☐ 12. Surplus Govt. Property Sales
- ☐ 13. Acquisition of Land for **Wild-** Life Conservation Purposes
- ☐ 14. Minor **Additions** to **Schools**
- ☐ 15. Functional Equivalent to EIR
- ☐ 16. Transfer of Ownership of Land to Create Parks
- ☐ 17. Open Space Contracts or Easements
- ☐ 18. Designation of Wilderness Areas

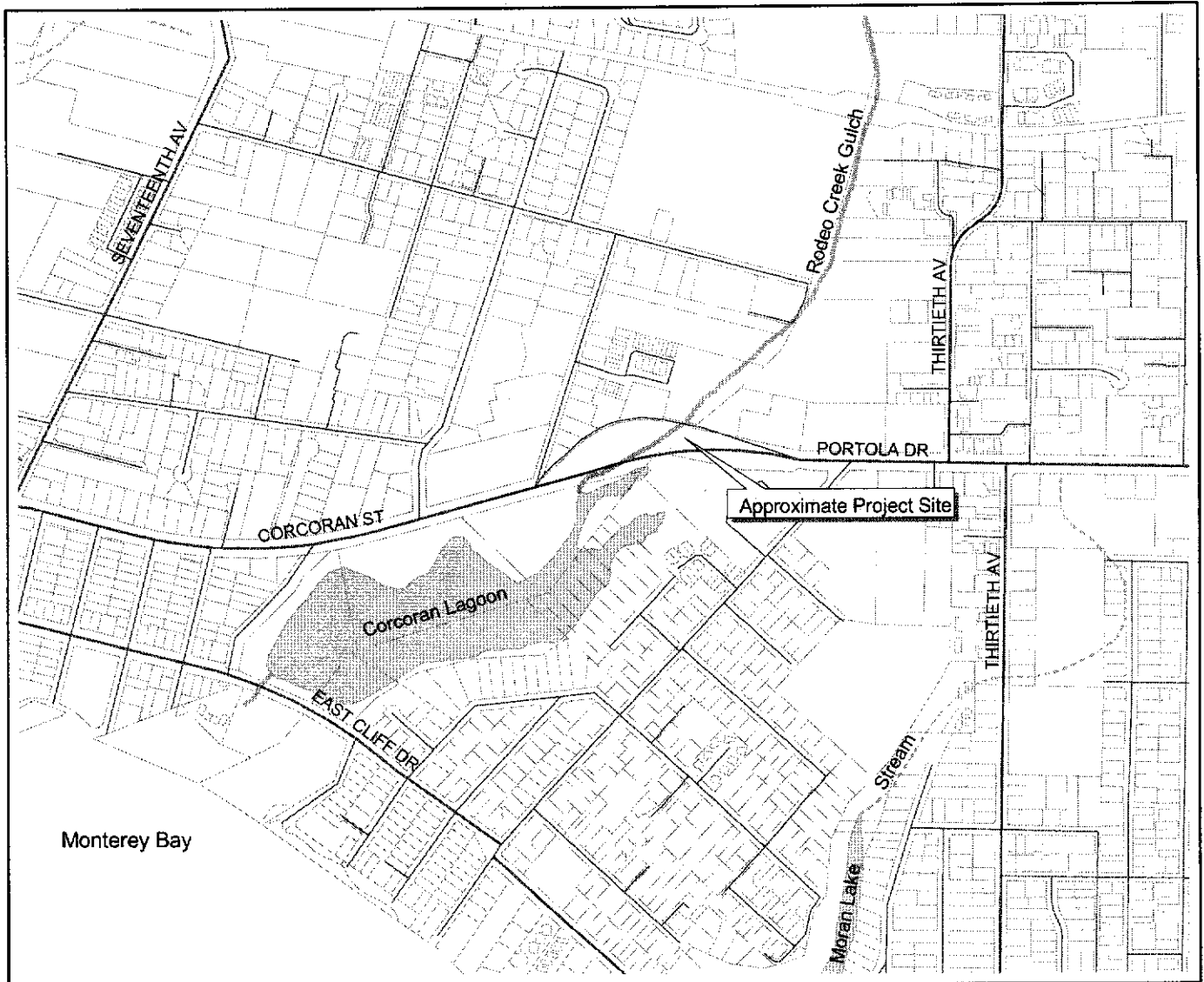
- ☐ 19. Annexation of Existing Facilities/ Lots for Exempt Facilities
- ☐ 20. Changes in Organization of Local Agencies
- ☐ 21. Enforcement Actions by Regulatory Agencies
- ☐ 22. Educational Programs
- ☐ 23. Normal Operations of Facilities for Public Gatherings
- ☐ 24. Regulation of Working Conditions
- ☐ 25. Transfers of Ownership of Interests in Land to Preserve Open Space
- ☐ 26. Acquisition of Housing for Housing Assistance Programs
- ☐ 27. Leasing New Facilities
- ☐ 28. Small Hydroelectric Projects at Existing Facilities
- ☐ 29. Cogeneration Projects at Existing Facilities
- ☐ 30. Minor Actions Regarding Hazardous Waste / Substances
- ☐ 31. Historical Resource Restoration / Rehabilitation
- ☐ 32. In-Fill Development Projects

E. ☐ Lead Agency Other Than County:

Date: _____

EXHIBIT D

Location Map



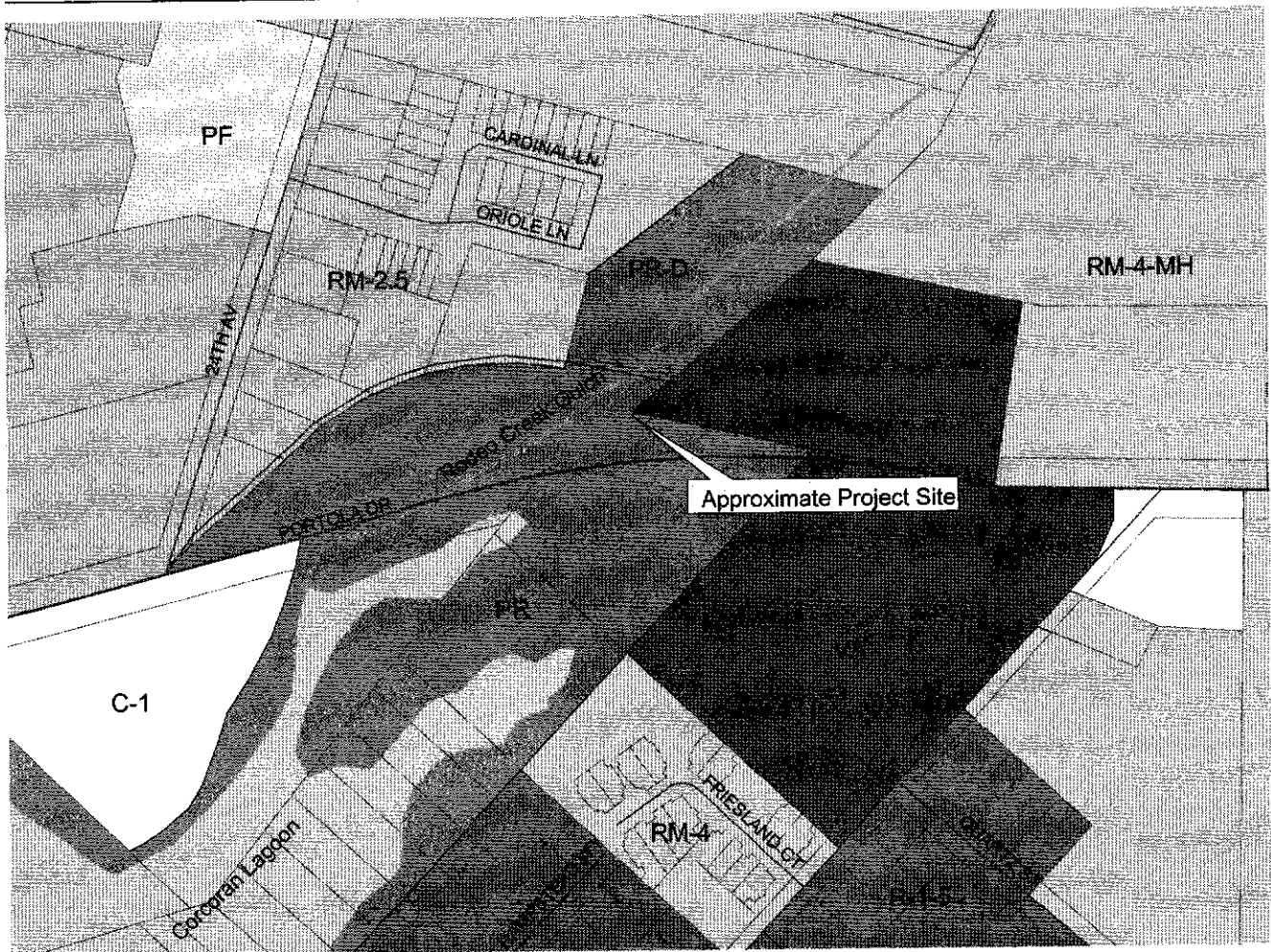
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Map created by Santa Cruz County
Planning Department:
July 2004

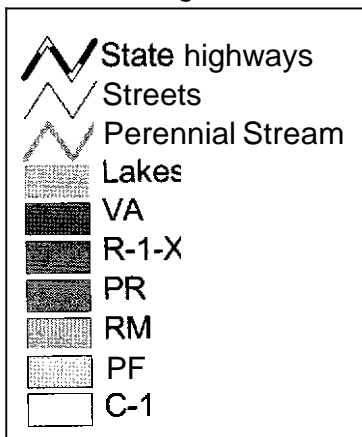


EXHIBIT E

Zoning Map



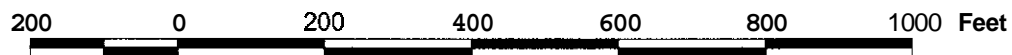
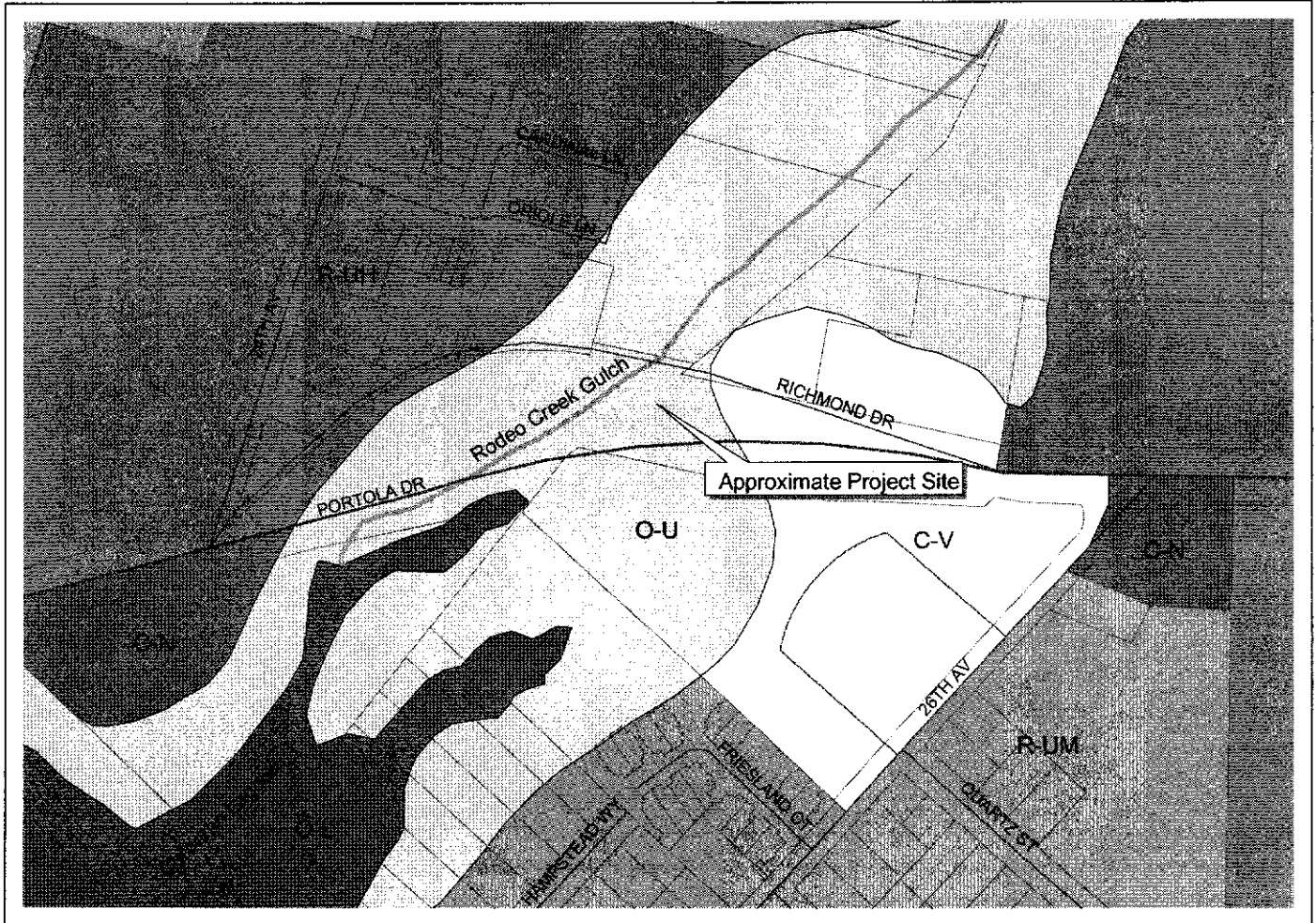
Legend



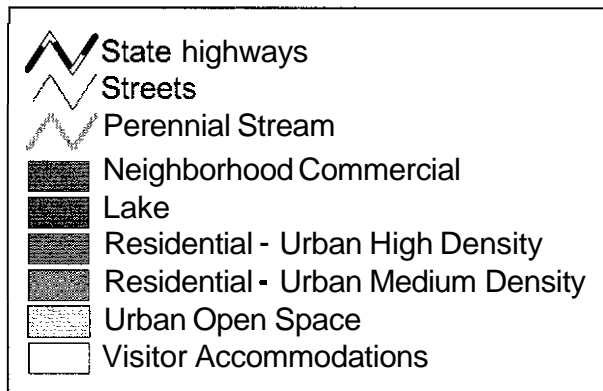
Map created by Santa Cruz County
Planning Department:
July 2004

EXHIBIT F

General Plan Map



Legend



Map created by Santa Cruz County
Planning Department:
July 2004

EXHIBIT G

Biotic Resources Group

Biotic Assessments • Resource Management • Permitting

September 13, 2004

Bob Okamura
Harris & Associates
120 Mason Circle
Concord, CA 94520

RE: Results of Botanical Survey for Santa Cruz Tarplant, Rodeo Force Main Project, Santa Cruz County

Dear Mr. Okamura,

The Biotic Resources Group has conducted a botanical survey of the Rodeo Force Main Replacement project in the 26th Avenue/Portola Drive area of Santa Cruz County. The project area is adjacent to Portola Drive and includes a crossing over Rodeo Creek.

The botanical survey was conducted to determine if the project area supports potential habitat, or individuals, of Santa Cruz tarplant (*Holocarpha macradenia*), a special status plant species. The late summer survey (early September) was conducted at the end of the blooming season of this species.

Survey Methodology

The force main replacement project area was visually assessed for the occurrence of Santa Cruz tarplant on one site visit on September 10, 2004. The survey was conducted by Kathleen Lyons, plant ecologist. During the site visit, the project area was traversed on foot to identify special status botanical resources.

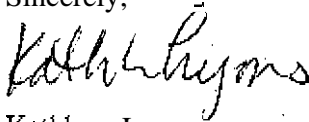
Survey Results

The project area consists of paved areas (i.e., along Portola Drive), areas with compacted soil and base rock substrate (i.e., trailer park area), willow riparian woodland (i.e., along Rodeo Creek) and a eucalyptus/grassy area (i.e., near existing pump station). Landscape trees are also present along Portola Drive. The Santa Cruz tarplant typically occurs in grasslands or open grassy areas within woodlands. Small grassy areas were observed near the existing pump station, within the small eucalyptus grove, and along the edge of Rodeo Creek. Plant species observed within these suitable habitats areas include wild oat (*Avena* sp.), kikuyu grass (*Pennisetum clandestinum*), poison hemlock (*Conium maculatum*), English plantain (*Plantago lanceolata*), cut-leaved plantain (*Plantago coronopus*), Bermuda grass (*Cynodon dactylon*), soft chess (*Bromus fruticosus*), cat's ear (*Hypochaeris radicata*), Italian ryegrass (*Lolium multiflorum*), English ivy (*Hedera helix*), pampas grass (*Cordearia jubata*), bristly ox-tongue (*Picris echioides*), iceplant (*Carpobrotus* sp.), and horseweed (*Conyza* sp.). Woody plant species occurring in the project area include acacia (*Acacia* sp.), willow (*Salix* sp.), French broom (*Genista monspessulana*), blue gum eucalyptus (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*), Himalaya berry (*Rubus procerus*), and some garden ornamental species.

No individuals of Santa Cruz tarplant (i.e., blooming plants, old seed beads or other vegetation growth) were observed within the project area during the survey. In addition, due to the disturbed, urban condition of the site, the potential occurrence of the tarplant becoming established at the site at a future date is considered extremely low.

Please give me a call if you have any questions on this survey information.

Sincerely,



Kathleen Lyons
Plant Ecologist

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov



NOTICE OF PERMIT WAIVER EFFECTIVENESS

DATE: August 12, 2004
TO: Santa Cruz County Sanitation District, Attn: Conrad Yumang
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver De Minimis Number 3-04-051-W

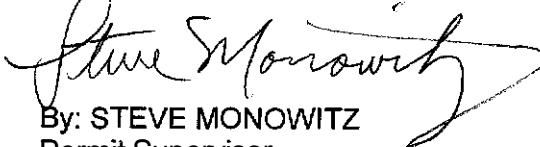
Please be advised that Waiver Number 3-04-051-W, which was reported to the Commission on August 11, 2004, became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

APPLICANT: Santa Cruz County Sanitation District, Attn: Conrad Yumang
LOCATION: Portola Drive (adjacent to Rodeo Creek and Corcoran Lagoon between 24th and 26th Avenues), Live Oak Beach Area (Santa Cruz County)
DESCRIPTION: Replace sewer line along Portola Drive between 24th Avenue (at sewer pump station) and 26th Avenue to protect against sewage spill problems. Includes protection and restoration of Rodeo Creek and Corcoran Lagoon resources.

Should you have any questions, please contact our office.

Sincerely,

PETER M. DOUGLAS
Executive Director


By: STEVE MONOWITZ
Permit Supervisor

