



## Staff Report to the Zoning Administrator

Application Number: **06-0503**

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**Applicant:** Daniel Ingalls

**Owner:** Daniel Ingalls

**APN:** 042-222-17

**Agenda Date:** December 15, 2006

**Agenda Item #:** 1 \_\_

**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a retaining wall of up to 15 feet in height and to grade approximately 275 cubic yards of cut and 95 cubic yards of fill. Requires a Grading Permit, Coastal Permit, Geologic and Soils Report Reviews and a Residential Development Permit to exceed the maximum 6-foot fence height limitation.

**Location:** Property located at the end of Beach Villa Lane (100 Beach Villa Lane) approximately 130 feet northwest of the intersection with Rio del Mar Boulevard.

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit and Residential Development Permit **for** a wall over six feet in height within a rear yard setback.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0503, based on the attached findings and conditions.

### Exhibits

- |    |  |    |   |
|----|--|----|---|
| A. | Project plans                              | F. | Zoning & General Plan map   |
| B. | Findings                                   | G. | Engineering Geologic and Geotechnical <b>Report</b> acceptance letter, dated 9/22/06. |
| C. | Conditions of Approval                     | H. | Comments & Correspondence   |
| D. | Categorical Exemption (CEQA determination) |    |   |
| E. | Assessor's parcel map                      |    |   |

### Parcel Information

Parcel Size:	About 25,000 square feet
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings
Project Access:	Beach Villa Lane

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Planning Area: Aptos  
Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: **R-1-4** (Single-family residential, 4,000 square foot minimum)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.      Yes   X   No

#### Environmental Information

Geologic Hazards: Landsliding on site, reason for retaining wall  
Soils: Elkhorn-Pfeiffer complex  
Fire Hazard: Not a mapped constraint  
Slopes: Steeply sloped to the rear of site  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 275 cubic yards of excavation and 95 cubic yards of fill  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped scenic  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

#### Services Information

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Aptos/La Selva Fire District  
Drainage District: Zone 6

#### History

The existing single-family dwelling on site was originally constructed in 1937 and subsequently remodeled and expanded with the benefit of building permits. Landsliding triggered by persistent rain during the winter/spring of 2006 threatened the residence, resulting in the issuance of an emergency grading and coastal permit on September 8, 2006 (permit 06-0502E). This permit was finalized on September 22, 2006.

#### Project Scope

The purpose of this application is to recognize the work conducted under Emergency Permit 06-0502E in terms of coastal development regulations and the County's fence and retaining wall regulations. The scope of work is the same as that approved under 06-0502E.

#### Project Setting

The project site is located at the end of Beach Villa Lane, a small private road off of the inland side of Rio del Mar Boulevard that is essentially a driveway to the subject residence. The

retaining wall is located to the rear of the site, where the parcel slopes down toward the Rio del Mar flats. The site at the location of the retaining wall is heavily wooded, and is therefore not easily visible from the Rio del Mar flats and the Esplanade.

### Zoning & General Plan Consistency

The property is zoned R-1-4 (single-family residential, 4,000 square foot minimum lot size) with a General Plan designation of R-UM (Urban Medium Density Residential). Retaining walls are permitted uses on residential parcels, especially when they are used to protect an existing residence.

County Code Section 13.10.525 contains specific regulations regarding the heights of fences and retaining walls. As the retaining wall is over six feet in height within a rear-yard setback, a Residential Development Permit is required. The purpose of these regulations is to ensure that light and air of abutting properties are protected from excessively high man-made structures. The retaining wall is located on a steep slope more than 100 feet from the nearest adjacent residence downslope, and will therefore not impede access to light and air for neighboring properties. Furthermore, the retaining wall will not be visually obtrusive due to the surrounding vegetation, which Visually obscures views of the wall from the Rio del Mar flats and Esplanade.

### Local Coastal Program Consistency

The proposed retaining wall is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible with surrounding development due to the presence of vegetation, which shields the wall from view of properties downslope. High retaining walls are common in the Vicinity, especially to the rear of homes along the north side of Rio del Mar Boulevard. 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.

### Environmental Planning Review

Engineering Geology and Geotechnical reports were prepared by Roger Johnson & Associates (July 2006) and Tharp & Associates (August 2006), respectively. As part of the review of emergency permit 06-0502E, the County Geologist reviewed these reports and accepted them on September 22, 2006 (Exhibit G). The County Geologist also reviewed and approved the design of the retaining wall under this application.

### 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 **06-0503**, 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](http://www.co.santa-cruz.ca.us)

**Report Prepared By:** David Keyon  
Santa Cruz County Planning Department  
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Santa **Cruz** CA 95060  
Phone Number: (831) 454-3561  
E-mail: [david.kevon@co.santa-cruz.ca.us](mailto:david.kevon@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, 4,000 square foot minimum), a designation which allows residential uses. The retaining wall is a principal permitted use within the zone district, as it protects an existing single-family dwelling (the principal permitted use on site).

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

This finding can be made, in that 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.

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 development **is** consistent with the surrounding neighborhood as many tall retaining walls exist in the vicinity (such **as** along the north side of Rio del Mar Boulevard, just west of the project site). Furthermore, the heavily wooded hillside will screen the wall from view of most residents and the public in the Rio del Mar flats and Esplanade.

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 retaining wall 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.

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 not interfere with public access from the beach and will not be readily visible to beachgoers due to its location on a slope facing away from the coast, and the presence of vegetation. High retaining walls already exist on many nearby parcels, mostly to protect existing dwellings along Rio del Mar Boulevard.

## 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 retaining wall has been reviewed and approved by the County Geologist, the project Geotechnical Engineer, and project Engineering Geologist (see file for 06-0502E), ensuring stability and protection for the residence on the project site and residences downslope.

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 15 foot tall retaining wall will not impede access to light and air for neighboring properties as it is located on a steep slope more than 100 feet from any nearby downslope residences.

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 retaining wall will protect the primary residential use on site, consistent with the use and density requirements specified for the Urban Medium Density Residential (R-UM) land use designation in the County General Plan.

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

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 retaining wall will not use utilities and will not generate traffic.

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 many tall retaining walls of a similar height exist in the vicinity, especially along the north side of Rio del Mar Boulevard to the west of the project site. Heavy vegetation will screen the retaining wall ~~from~~ view of most people in the Rio del Mar flats and Esplanade, reducing any visual impacts.

## Conditions of Approval

Exhibit A: Project plans, two sheets, prepared by Ifland Engineers, Inc., and dated 9/13/06.

- I. **This** permit recognizes the construction of a maximum 15 foot tall retaining wall constructed under Emergency Permit 06-0502E. 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.
- II. Prior to obtaining a final inspection for the issued retaining wall permit (permit 145277 issued on 9/28/06), the following shall be completed:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office **of** the County Recorder).
  - B. Meet all requirements of and pay Zone **6** drainage fees **to** the County Department of Public Works, Drainage, if applicable. Drainage fees will be assessed on the net increase in impervious area.
  - C. Submit **3** copies of plan review letters each from both the project Geotechnical Engineer and project Engineering Geologist, confirming the wall has been constructed according to the recommendations outlined in their respective reports.
  - D. Record a Declaration of Acknowledgement of Geologic Hazards, prepared by Environmental Planning Staff. **The wording of this Declaration shall not be changed.**
- III. Operational Conditions
  - A. The retaining wall must be monitored and maintained **as** necessary. Once every five **(5)** years a **geotechincal** engineer must inspect the wall and submit a statement to the County Geologist.
  - B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost **of** such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- IV. **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. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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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 on the expiration date listed below unless you obtain the required permits and commence construction.**



Application# 06-0503  
APN: 042-222-17  
Owner: Daniel Ingalls

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
David Keyon  
Project Planner

\_\_\_\_\_  
**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: 06-0503

Assessor Parcel Number: 042-222-17

Project Location: 100 Beach Villa Lane

**Project Description: Construct a retaining wall of up to 15 feet in height**

**Person or Agency Proposing Project: Daniel Ingalls**

**Contact Phone Number: (831) 688-4144**

- 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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: 15303(e): Construction of a fence/retaining wall accessory to the existing SFD on site

**F. Reasons why the project is exempt:**

A retaining wall is an accessory use to the existing single-family dwelling on site

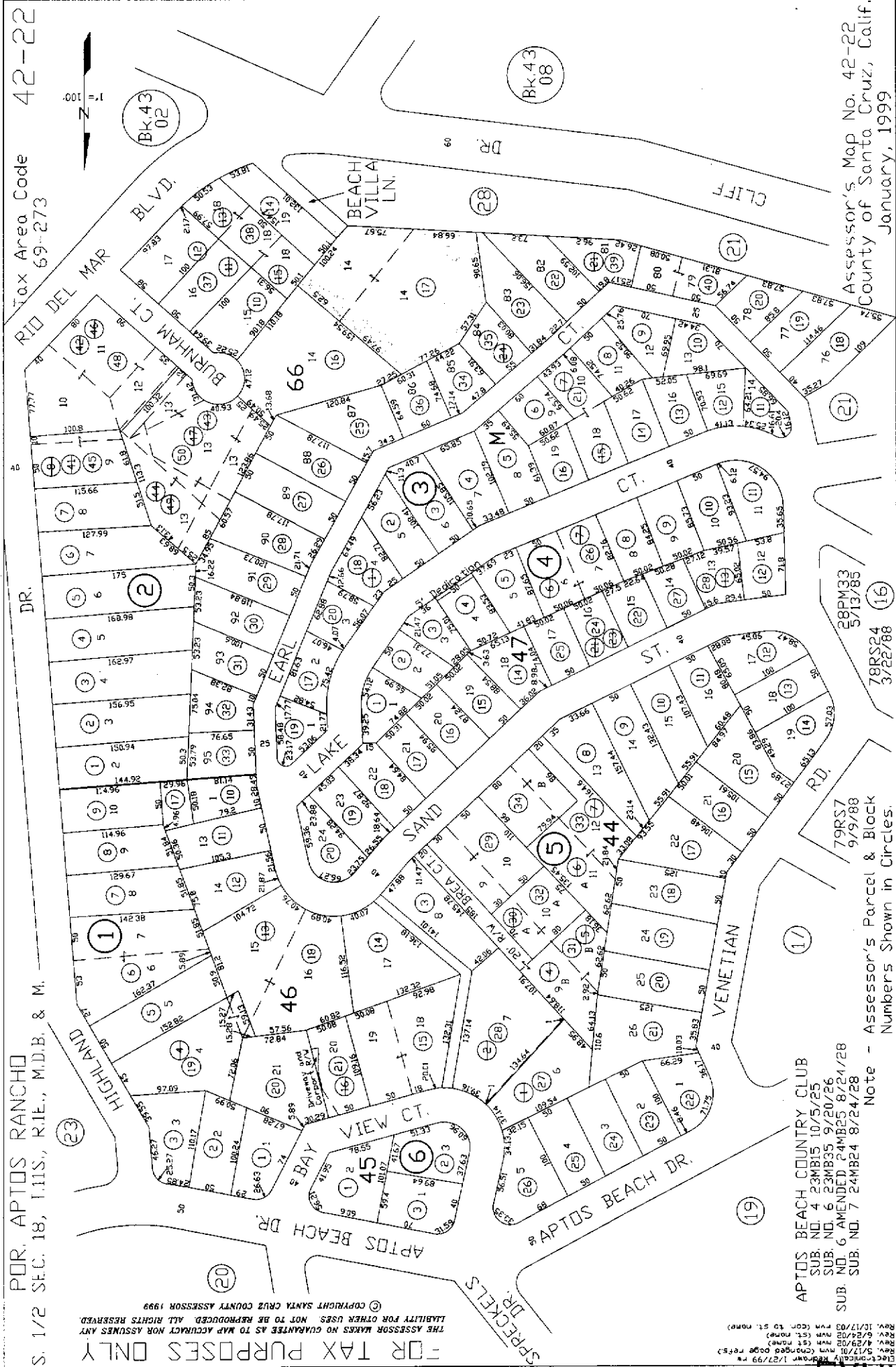
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
David Keyon, Project Planner

Date: \_\_\_\_\_

POR. APTOS RANCHO  
S. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.  
Tax Area Code 42-22  
69-273

FOR TAX PURPOSES ONLY  
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
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APTOS BEACH COUNTRY CLUB  
SUB. NO. 4 23MB15 10/5/25  
SUB. NO. 6 23MB35 9/20/26  
SUB. NO. 6 AMENDED 24MB25 8/24/28  
SUB. NO. 7 24MB24 8/24/28

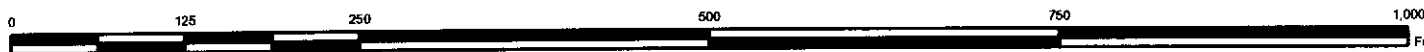
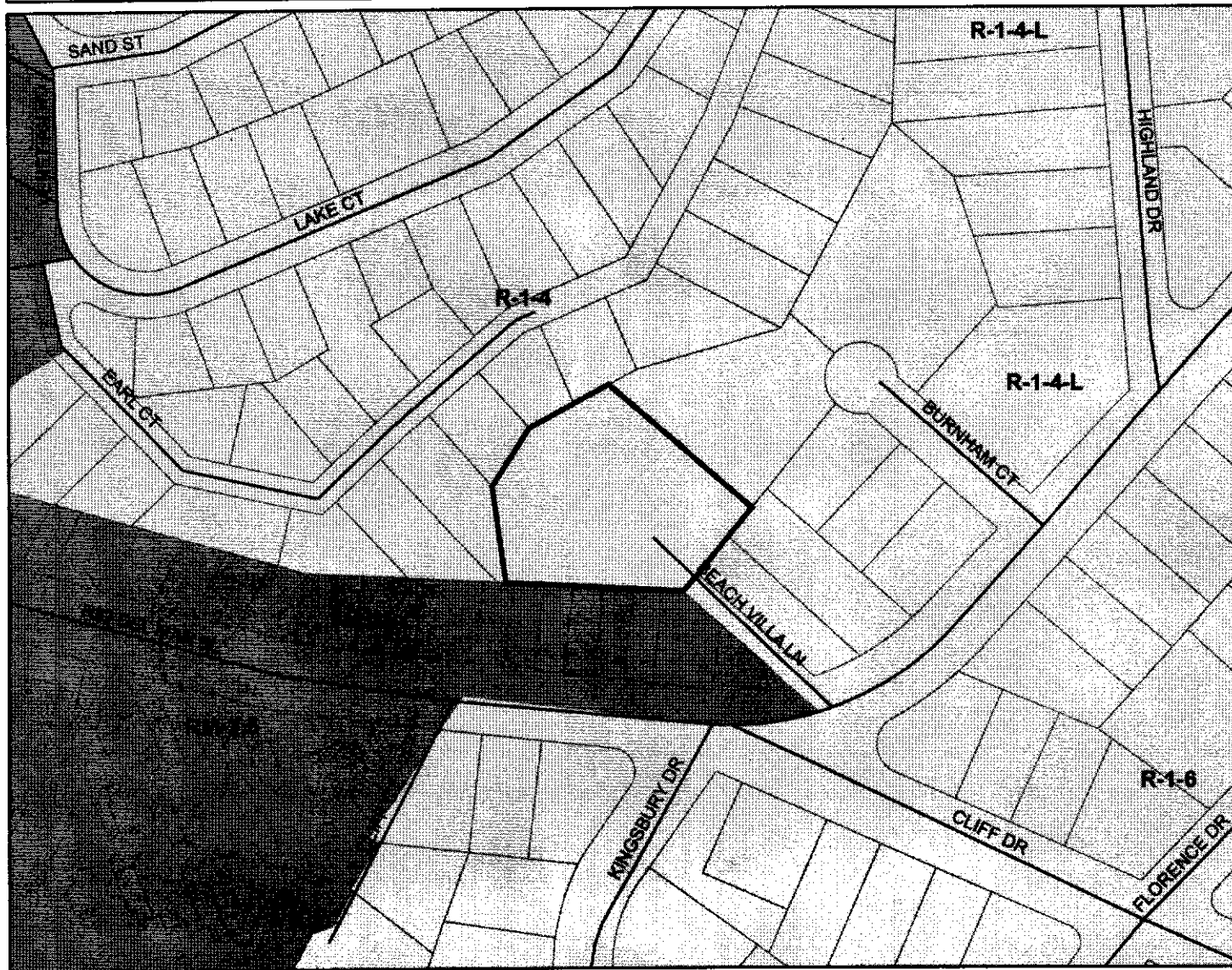
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 42-22  
County of Santa Cruz, Calif.  
January, 1999






EXHIBIT E

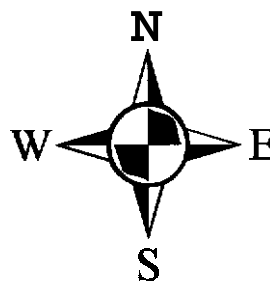


# Zoning Map



## Legend

-  APN 042-222-17
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  RESIDENTIAL-MULTI FAMILY (RM)

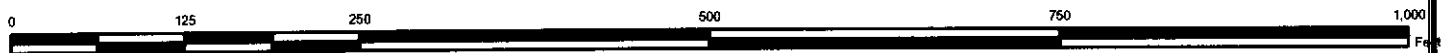
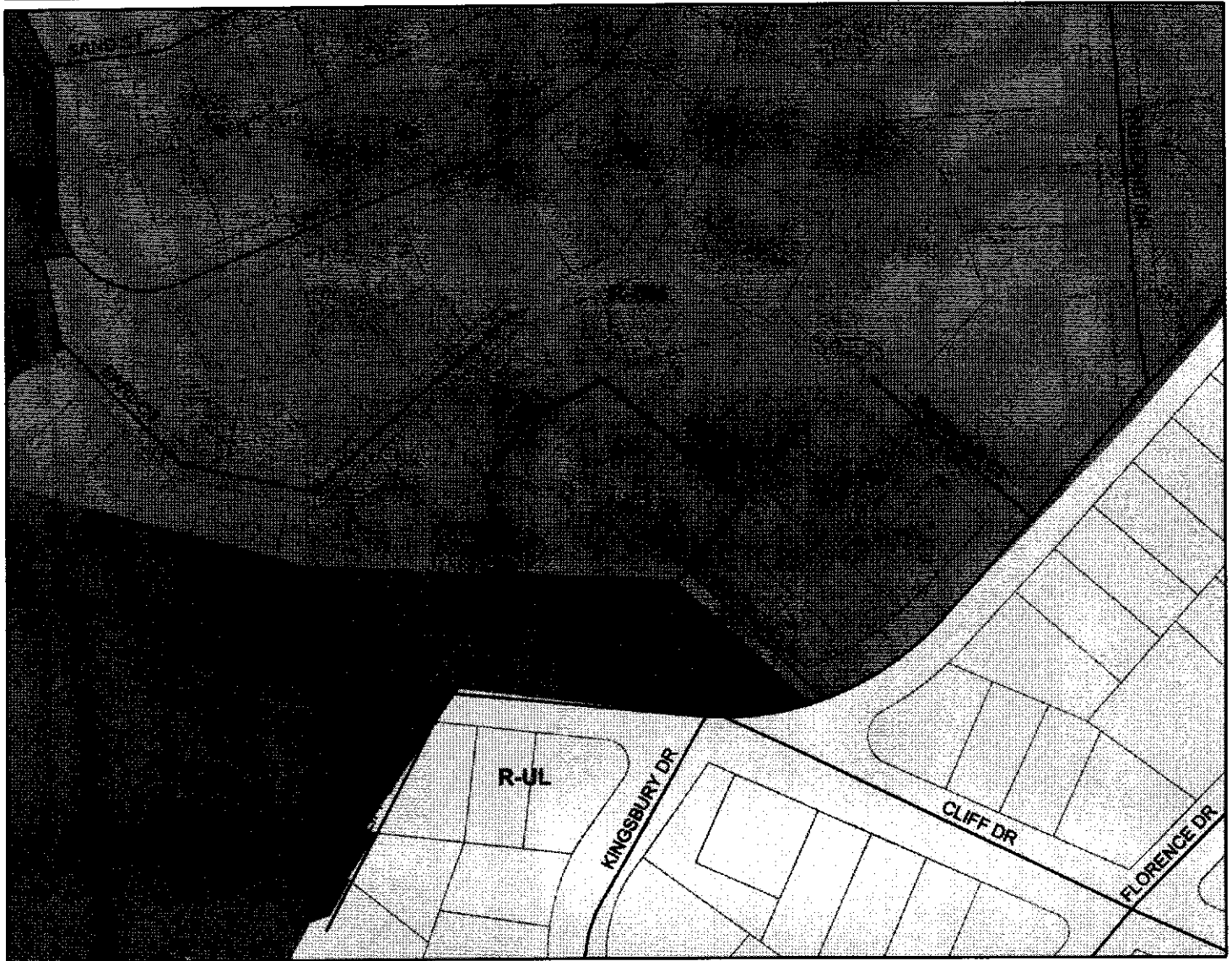


Map Created by  
County of Santa Cruz  
Planning Department  
September 2006







EXHIBIT F

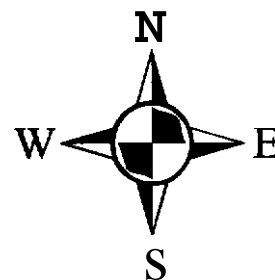


# General Plan Designation Map



## Legend

-  APN 042-222-17
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Residential - Urban Medium Density (R-UM)
-  Residential - Urban High Density (R-UH)



Map Created by  
County of Santa Cruz  
Planning Department  
September 2006



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
TOM BURNS, PLANNING DIRECTOR

September 22, 2006

Daniel Ingalls  
100 Beach Villa Lane  
Aptos, CA 95003

Subject Review of Engineering Geology Report, Roger Johnson and Associates, Dated July 13, 2006 Project Number C06002-57; and Geotechnical Engineering Report, Tharp and Associates dated August 2006, Project Number 06-04

**APN 042-222-17, Application 06-0503**

Dear Applicant,

The purpose of ~~this~~ letter is to **inform** you that the Planning Department **has** accepted the subject reports and the following items shall be required:

1. All construction shall comply with the recommendations of the reports.
2. **Final plans** shall reference the reports and include a statement that the project shall conform to the reports' recommendations.
3. Before building permit issuance a *plan review letter* shall be submitted to Environmental **Planning**. The authors' of the reports shall write the *plan review letters, and in their letter* must state that the project plans conform to their report's recommendations.
4. The applicant must record the attached declaration of **geologic** hazards before the ~~final~~ building permit inspection.
5. The retaining wall must be monitored and maintained **as** necessary. At least once every five years a competent geotechnical engineer must inspect the wall.

After building permit issuance the geotechnical engineer and engineering geologist *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

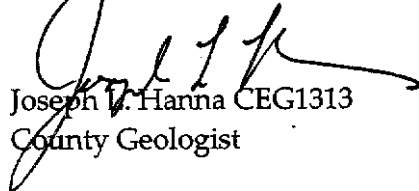
(over)

EXHIBIT G

**Our** acceptance of these reports is limited to its technical content. **Other** project **issues such as zoning, fire** safety, septic or sewer approval, etc. may require resolution by other agencies.

Please call the undersigned at (831) 454-3175, e-mail: [pln829@co.santa-cruz.ca.us](mailto:pln829@co.santa-cruz.ca.us) if we can be of any further assistance.

Sincerely,



Joseph W. Hanna CEG1313  
County Geologist

Cc: Roger Johnson and Associates  
Tharp and Associates  
David Keyon  
Kent Edler