



Staff Report to the Zoning Administrator

Application Number: **08-0231**

Applicant: Roy Horn

Owner: Ghassem & Simindokht Tavakoli

Trustees; Thomas Armes

APN: 046-212-06; 046-212-07

Agenda Date: November 21, 2008

Agenda Item #: 5

Time: After 10:00 a.m.

Project Description: Proposal to replace an existing 5 foot high wood retaining wall 98 feet in length along the property line between two parcels with a 2 to 4 foot high concrete stucco wall.

Location: Properties located approximately 600 feet southwest of the intersection of San Andreas Road and Ocean View Drive, at 150 and 170 Hillview Way in La Selva Beach.

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit

Technical Reviews: Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0231, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|-----------------------------|----|-------------------------------------|
| A. | Project plans | G. | Location Map |
| B. | Findings | H. | Color Board |
| C. | Conditions | I. | Printout, Discretionary application |
| D. | Categorical Exemption (CEQA | | comments, dated 10/24/08 |
| | determination) | J. | Comments & Correspondence |
| E. | Assessor's parcel map | | |
| F. | Zoning & General Plan map | | |

Parcel Information

Parcel Size:	10,933 square feet (APN 046-212-07); 9,365 square feet (APN 046-212-06)
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Dwelling

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access: Hillview Way
Planning Area: La Selva Beach
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single family residential - 6,000 square feet per unit)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Located on a coastal bluff
Soils: 106 (Baywood Loamy Sand)
Fire Hazard: Not a mapped constraint
Slopes: Over 30% at rear of properties
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: A mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Septic
Fire District: Aptos/La Selva Beach Fire
Drainage District: N/A

Project Setting and History

The properties are located at the top of a coastal bluff at 150 and 170 Hillview Way in La Selva Beach overlooking Manresa State Beach. Both parcels are developed with single family residences as part of the Old Place de Mer Planned Unit Development (1576-U). A line of development exists below the bluff along Oceanview Drive.

On June 3, 2008 the County Planning Department accepted an application for a Coastal Development Permit to replace a five foot high wood retaining wall, 98 feet in length located along the property line between two parcels, with a two to four foot high concrete retaining wall.

Zoning

The subject properties are 10,936 square feet (APN 046-212-07) and 9,365 square feet (APN 046-212-06), located in the R-1-6 (Single family residential - 6,000 square feet per unit) zone district, a designation which allows residential uses. The proposed retaining wall is a principal permitted use within the zone district, however a portion of the wall is within 50 feet of the edge

of a coastal bluff and therefore is not exempt from a Coastal Development Permit (County Code 13.20.068(a)2(iv)). As part of the Old Place de Mer Planned Unit Development (1576-U), previous staff analysis determined that the 1965 Zoning Ordinance Site Standards and Parking requirements apply to the subject properties.

General Plan/Local Coastal Program Consistency

The proposed two to four foot high retaining wall is in conformance with the County's certified Local Coastal Program, in that the retaining wall is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation. Retaining walls are commonly found in all neighborhoods. The proposal is in compliance with General Plan/LCP policies 5.10.2, 5.10.3 and 5.10.4 for development, protection of visual resources and public vistas in that grading is not proposed as the retaining wall will replace a failed wood wall in the same location. The retaining wall will be made of stucco and painted a muted brown or green to blend with the existing bluff and landscape. In addition, a landscaping is proposed along the top of the wall to camouflage it.

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 **08-0231**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Maria Perez
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5321
E-mail: maria.perez@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 properties are zoned R-1-6 (Single family residential - 6,000 square feet per unit), a designation which allows residential uses. The proposed retaining wall is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low 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 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 proposed replacement retaining wall is located on a coastal bluff and the amount of wall that will be visible from Manresa State Beach is minimal. In addition the proposed colors of the wall and proposed landscaping will minimize any visual impact.

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 as access to Manresa State Beach is available off San Andreas Road. 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 is sited and designed to be visually compatible integrated with the character of the surrounding neighborhood and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation. Retaining walls are commonly found in all neighborhoods throughout Santa Cruz County. The proposal is in compliance with General Plan/LCP policies 5.10.2, 5.10.3 and 5.10.4 for development, protection of visual resources and public vistas in that grading is not proposed as

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 is replacing a failed wood wall of similar height in the same location. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed retaining wall will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the wall is located along the property line.

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 project site is located in the R-1-6 (Residential 6,000 sq. ft per unit) zone district. The proposed location of the retaining wall and the conditions under which it would be operated or maintained will be consistent with the previously approved Planned Unit Development 1576-U which established the 1965 zoning ordinance (R-1) as the applicable site standards for this development.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed retaining wall will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the retaining wall improvements will not adversely shade adjacent properties as it will replace a failed wall located along the property line.

A specific plan has not been adopted for this portion of the County, however this development is subject to and consistent with the conditions for Planned Unit Development 1576-U.

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 replacement retaining wall is to be constructed on existing developed lots. There is no expected level of traffic generated by the proposed project.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed replacement retaining wall is located on the property line in between two developed parcels and will be minimally visible from the street. IN addition, the retaining wall will be colored and landscaped to blend with the existing development.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed replacement retaining wall will be of an appropriate scale and type of design and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans, one sheet, prepared by Roy Horn Design and Construction, dated 9/22/08.

- I. This permit authorizes the construction of a(n) replacement four foot high retaining wall along the property line of APN 046-212-06 and APN 046-212-07. 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 proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. The applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
 2. Grading, drainage, and erosion control plans.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of

Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.

- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.

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. No disturbance of septic leach field is permitted.
- E. The geotechnical engineer must supervise the excavation and grading to verify no impact to onsite sewage disposal system.
- F. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its 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.

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 two 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: _____

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: 08-0231

Assessor Parcel Number: 046-212-06; 046-212-07

Project Location: 150 & 170 Hillview Way, La Selva Beach

Project Description: Proposal to replace an existing 5 foot retaining wall 98 in length along the property line between two parcels with a 2-4 foot high concrete stucco wall.

Person or Agency Proposing Project: Roy Horn

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).

Specify type:

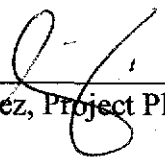
E. ☒ Categorical Exemption

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Proposal to construct a replacement retaining wall.

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



Maria Perez, Project Planner

Date: 10/22/08

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR, SAN ANDREAS RANCHO
 SEC. 33, T.11S., R.1E., M.D.B. & M.

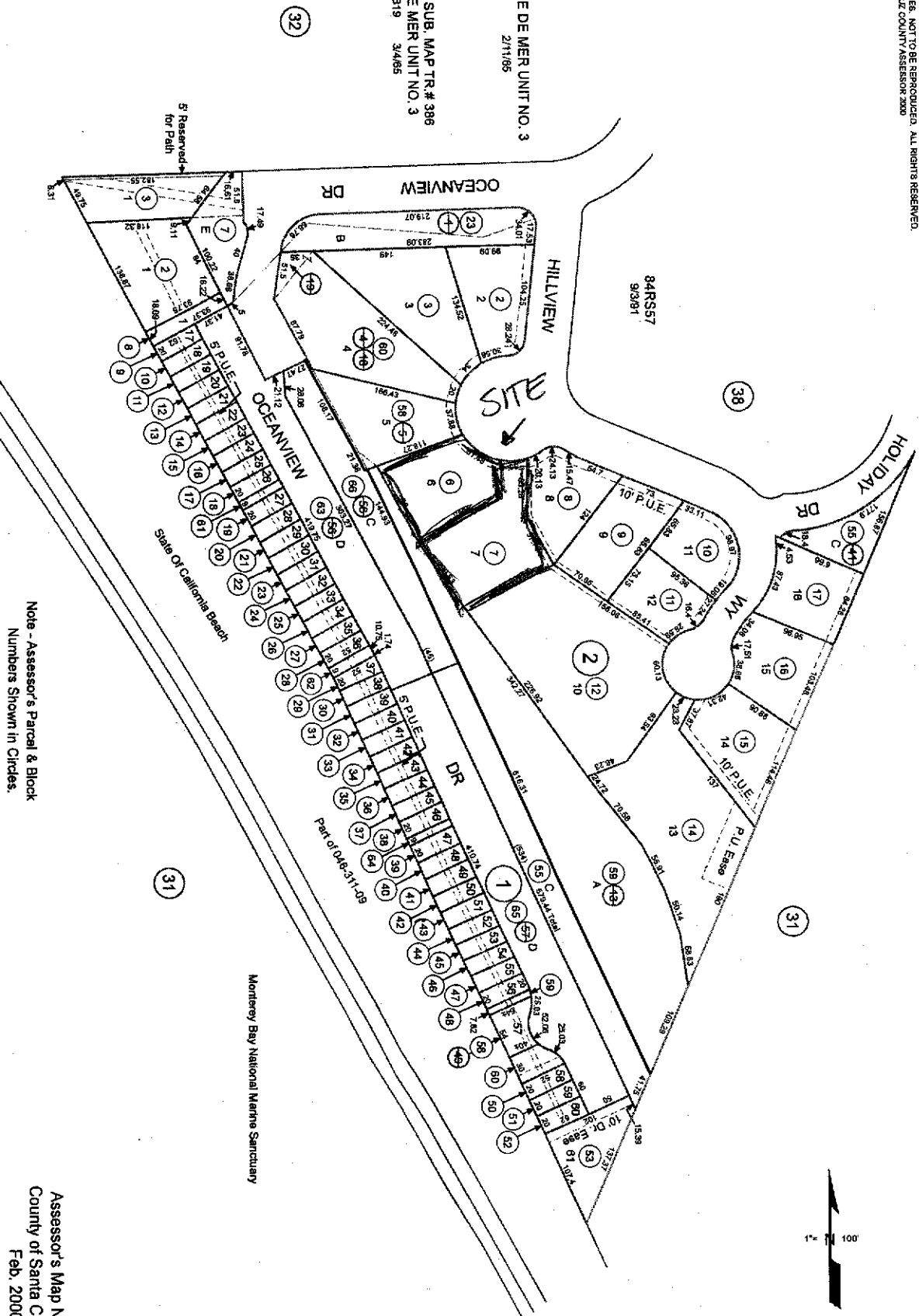
Tax Area Code
 69-023

46-21

TR # 386 PLACE DE MER UNIT NO. 3
 43MB11 2/7/05

AMENDED SUB. MAP TR # 386
 PLACE DE MER UNIT NO. 3
 43MB19 3/4/05

Electronically redrawn 2/4/00 KSA
 Rev. 2/4/00 KSA (Por. to Pg. 38)
 Rev. 5/14/02 mm (TCA)
 Rev. 7/8/04 DD (4-0008349 & 50 LBA, 1-66 & 2-66, 59)
 Rev. 1/18/07 mm (5-0045907 co mb, 2-60)

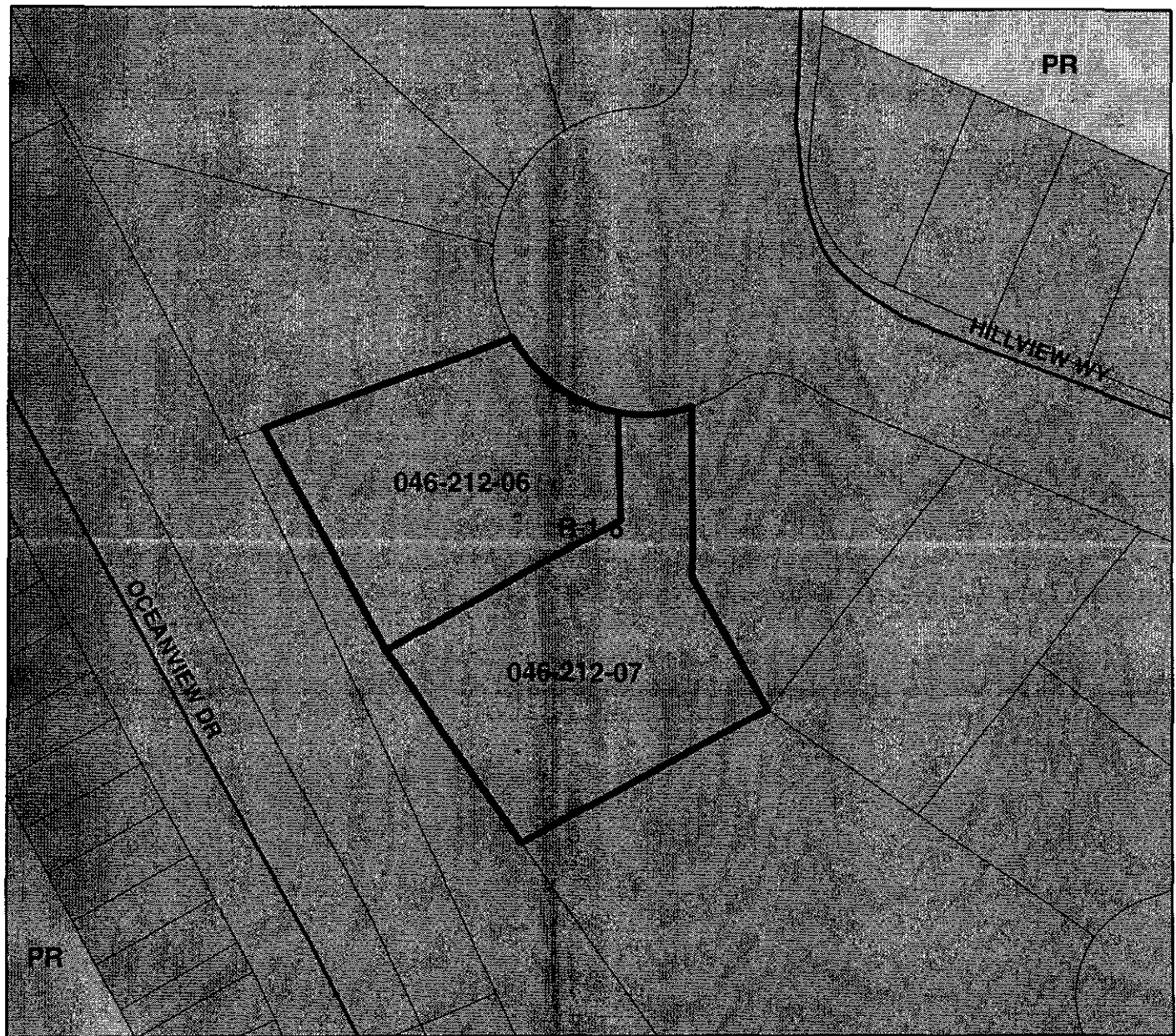


Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 46-21
 County of Santa Cruz, Calif.
 Feb. 2000



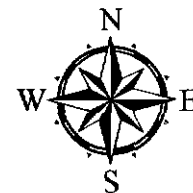
Zoning Map



0 50 100 200 300 400 Feet

LEGEND

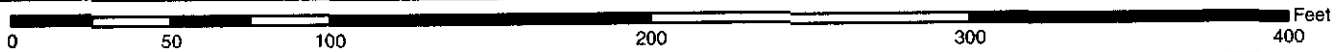
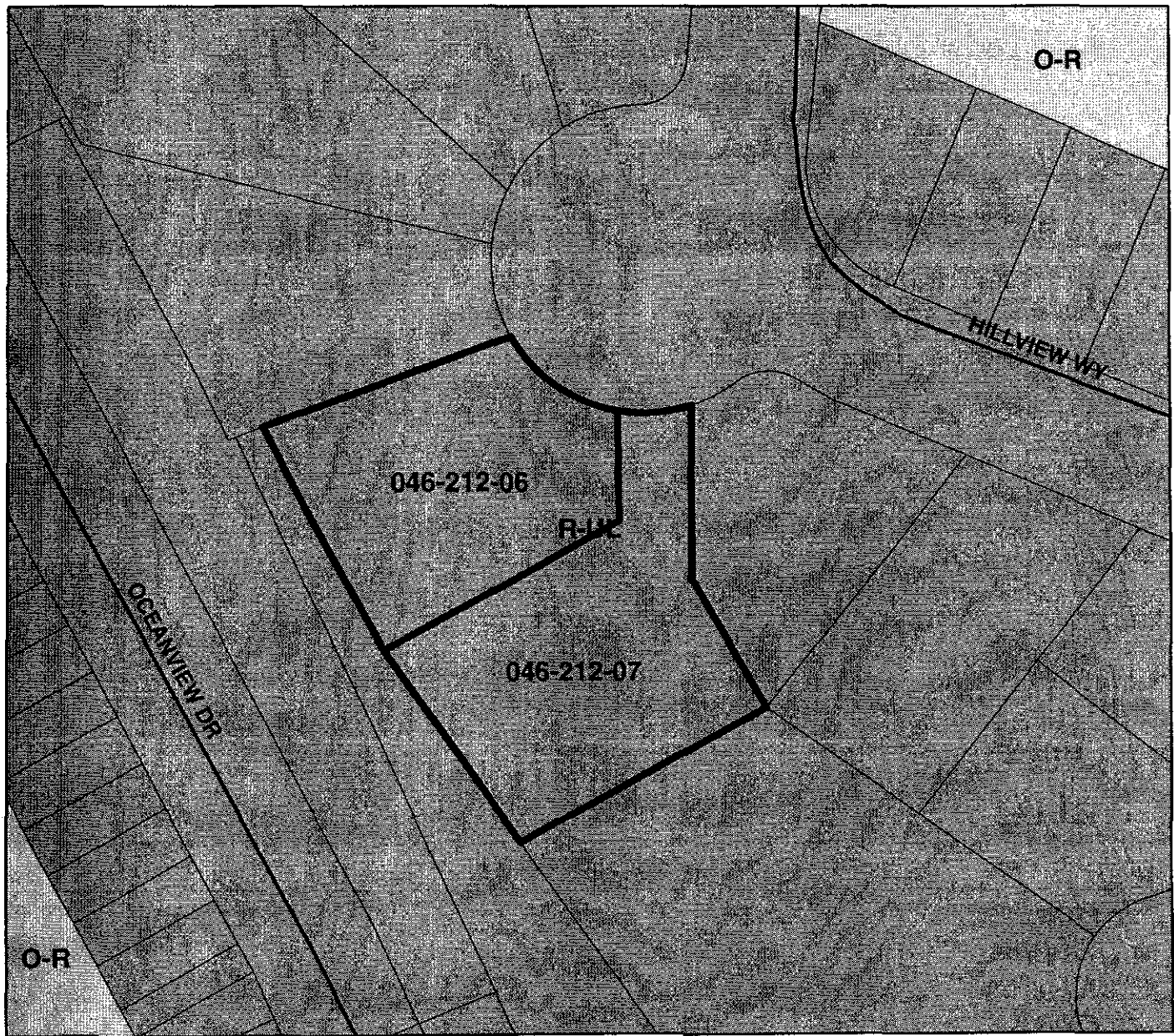
-  APN: 046-212-07
-  APN: 046-212-06
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  PARK









Map Created by
County of Santa Cruz
Planning Department
June 2008

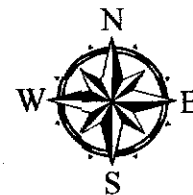


General Plan Designation Map



LEGEND

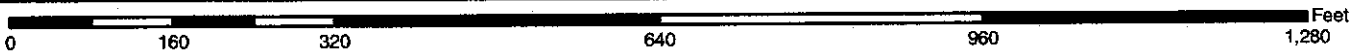
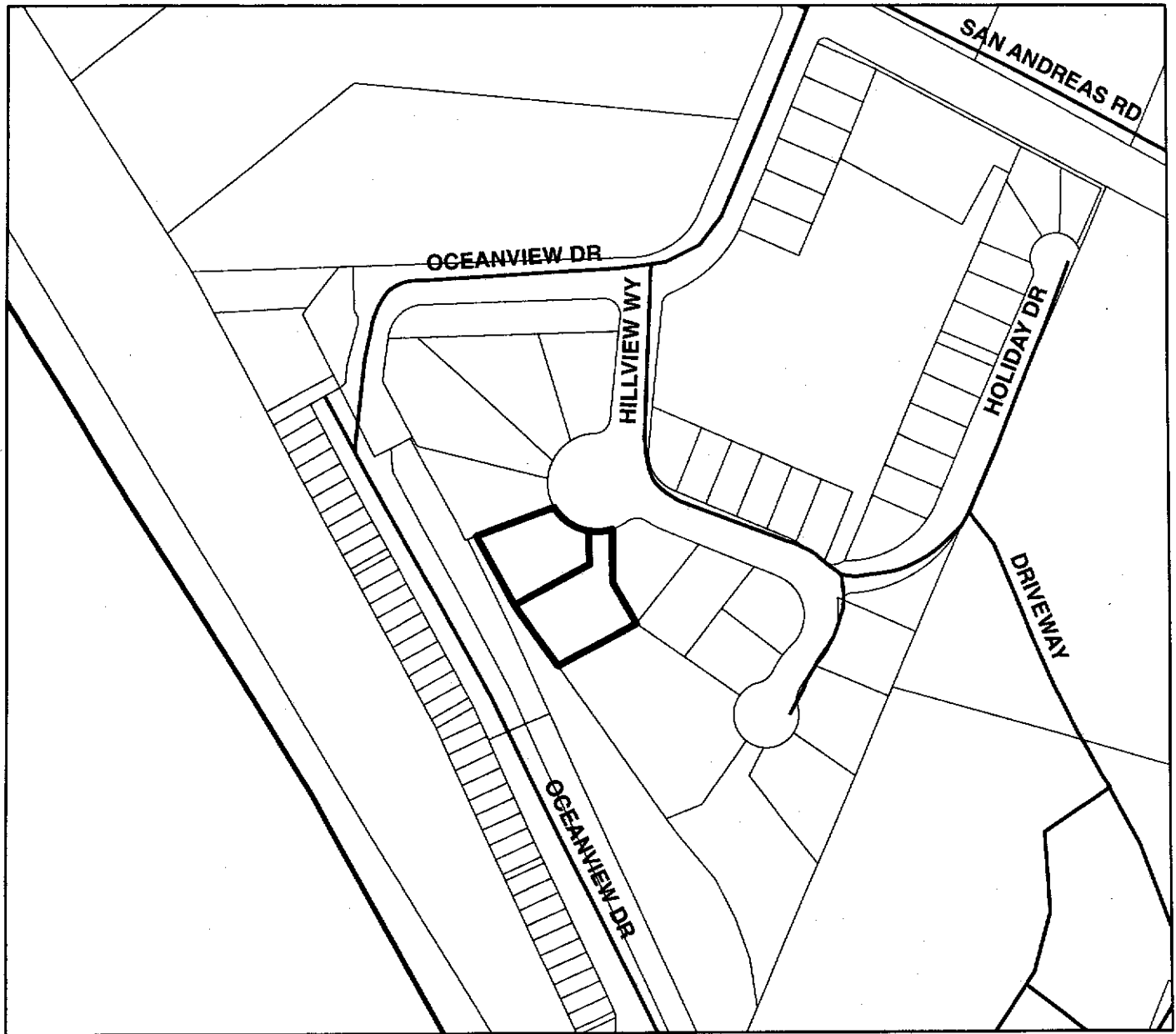
-  APN: 046-212-07
-  APN: 046-212-06
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density
-  Parks and Recreation








Map Created by
County of Santa Cruz
Planning Department
June 2008

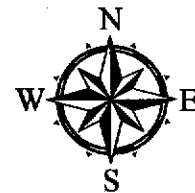


Location Map



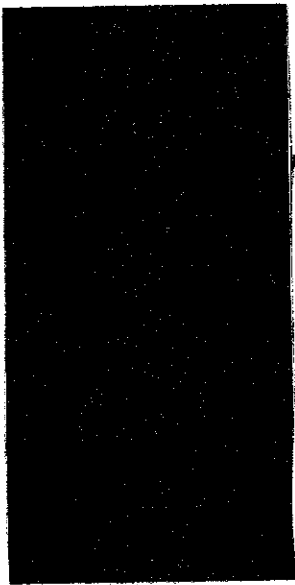
LEGEND

-  APN: 046-212-07
-  APN: 046-212-06
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
June 2008

OPTIONAL COLOR OF FRONT FACE
OF WALL



EXISTING WALL @ 170 Hillview

EXISTING COLOR OF EXISTING
WALLS
@
170
Hillview



SW 6255
Morning Fog



C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Maria Perez
Application No.: 08-0231
APN: 046-212-06

Date: October 24, 2008
Time: 09:38:30
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JUNE 30, 2008 BY ROBERT S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JUNE 30, 2008 BY ROBERT S LOVELAND =====

The fee collected for the GHA can be refunded to the owner. The County Geologist has determined that the GHA is not required.

Condition of Approval:

1. Submit a soils report (3 copies) completed by a California licensed geotechnical engineer for review and approval. ===== UPDATED ON SEPTEMBER 12, 2008 BY ROBERT S LOVELAND =====

2nd Routing:

Received and accepted the "Updated Geotechnical Review of Pier Retaining Wall Plans" letter from Haro, Kasunich & Associates, dated 7/23/08. The requirement for the soils report can be removed as a "Condition of Approval".

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JULY 1, 2008 BY GERARDO VARGAS ===== Please provide the following additional information regarding the proposed retaining wall:

1. Show on plans a cross section of the proposed retaining wall demonstrating how surface runoff (if any) will be collected and discharged.
2. There are two conflicting drainage notes on sheet 1 of 1. One note is indicating the drain will terminate at the existing driveway, the other note is indicating that the retaining wall back drain will discharge on the Hill view Way. Please clarify the intended method.

Note: Any off site improvements necessary to assure safe release may require easements or encroachment permits.

3. Is it feasible to maintain sub-surface and surface runoff onsite?

Note: - Projects are required to maintain predevelopment rates where feasible. Mitigating measures should be used on-site to limit increases in post-development runoff leaving the site. Best Management Practices should be employed within the development to meet this goal as much as possible. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.

Discretionary Comments - Continued

Project Planner: Maria Perez
Application No.: 08-0231
APN: 046-212-06

Date: October 24, 2008
Time: 09:38:30
Page: 2

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

===== UPDATED ON SEPTEMBER 12, 2008 BY GERARDO VARGAS =====

Application 08-0231 has been approved for the discretionary stage in regards to drainage.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JULY 1, 2008 BY GERARDO VARGAS ===== No comment =====

UPDATED ON SEPTEMBER 12, 2008 BY GERARDO VARGAS =====

No Comment

Environmental Health Completeness Comments

===== REVIEW ON JUNE 24, 2008 BY JIM G SAFRANEK =====

NO COMMENT

===== UPDATED ON SEPTEMBER 3, 2008 BY JIM G SAFRANEK ===== Proposed drainage (cutting throw existing septic leachfield) does not meet code.

===== UPDATED ON OCTOBER 9, 2008 BY JIM G SAFRANEK ===== It appears the issue (drainage pipes cutting through the existing septic leachfield are) has been resolved. Project is now approved.

Environmental Health Miscellaneous Comments

===== REVIEW ON JUNE 24, 2008 BY JIM G SAFRANEK ===== No disturbance of septic leachfield area is allowed; Kasunich to supervise excavation and grading to verify no impact to onsite sewage disposal system.

No EHS review fee was collected; payable to Planning.