



## Staff Report to the Zoning Administrator

Application Number: **121031**

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**Applicant:** Hamilton-Swift Land Use  
**Owner:** White Sands Leasing, LLC  
**APN:** 028-154-21 & 22

**Agenda Date:** June 15, 2012  
**Agenda Item #:** 3  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to install a soil pin retaining wall under the curb of an existing driveway serving two residential parcels.

Requires a Coastal Development Permit and Riparian Exception (121031) with Soils and Geologic Report Reviews (REV121008).

**Location:** Property located at the end of 15th Avenue, approximately 600 feet south of East Cliff Drive. (255 & 261 15th Avenue)

**Supervisory District:** 1st District (District Supervisor: John Leopold)

**Permits Required:** Coastal Development Permit & Riparian Exception

**Technical Reviews:** Soils and Geologic Report Reviews

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121031, based on the attached findings and conditions.

### Exhibits

- |  |                                     |
|--|-------------------------------------|
| A. Project plans                                 | E. Assessor's, Location, Zoning and |
| B. Findings                                      | General Plan Maps                   |
| C. Conditions                                    | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA<br>determination) |                                     |

### Parcel Information

Parcel Size:	15,563 sq. ft. (028-154-21) & 6,677 sq. ft. (028-154-22)
Existing Land Use - Parcel:	Single family dwellings (one on each parcel)
Existing Land Use - Surrounding:	Single family residential neighborhood, riparian area/beach

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Project Access: 15th Avenue  
Planning Area: Live Oak  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-6 (Single family residential - 6,000 square feet minimum)  
Coastal Zone: X Inside    Outside  
Appealable to Calif. Coastal Comm. X Yes    No

### Environmental Information

Geologic Hazards: Beach - Report reviewed and accepted  
Soils: Report reviewed and accepted  
Fire Hazard: Not a mapped constraint  
Slopes: >30% at project site  
Env. Sen. Habitat: Riparian corridor  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic beach viewshed  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: X Inside    Outside  
Water Supply: Santa Cruz City Water  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5 Flood Control District

### Project Setting

The subject property is located at the end of 15th Avenue in Live Oak. The project site is the down-slope (east) side of the private driveway that provides access to the two residences at the end of 15th Avenue. The area below the slope to the east is a drainage with riparian vegetation, which transitions to beach to the south. An existing single family residential neighborhood is located to the north and west, and across the riparian area to the east.

### Zoning & General Plan Consistency

The subject property includes two parcels of approximately 15,563 square feet (028-154-21) & 6,677 square feet (028-154-22) located in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, a designation which allows residential uses. The proposed retaining wall is ancillary to the principal permitted residential use within the zone district and the zoning is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

### Retaining Wall

The slope on the eastern side of the existing driveway is currently failing and a retaining wall is

needed in order to prevent further slope failure, erosion, and possible loss of access to the two existing residences that use the driveway. The proposed soil pin retaining wall will be located underground, below the eastern edge of the existing driveway. During construction, erosion will be controlled and appropriate native vegetation will be planted on the slope after the wall is constructed. Soils and geologic reports have been prepared, as well as civil engineered plans. The technical reports have been reviewed and accepted by Environmental Planning staff.

### **Riparian Exception**

The proposed retaining wall will be located within the required buffer setback from the riparian area located at the bottom of the slope to the east. In order to install the retaining wall, the area adjacent to the riparian corridor will need to be disturbed. The design of the proposed project limits the disturbance of the slope to the minimum amount necessary to stabilize the driveway. Native plantings will be placed on the slope and native riparian vegetation will be planted adjacent to the riparian corridor after the wall has been constructed. Environmental Planning staff have reviewed the project and prepared findings for a riparian exception.

### **Local Coastal Program Consistency**

The proposed retaining wall is in conformance with the County's certified Local Coastal Program, in that the retaining wall will be located below ground and will not be visible after construction is completed, with additional screening provided by appropriate native landscaping. The project site is located between the shoreline and the first public road with public beach access available at 14th Avenue. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. The property is not identified as a priority acquisition site in the County's Local Coastal Program.

### **Design Review**

The proposed retaining wall complies with the requirements of the County Design Review Ordinance, in that the proposed soil pin retaining wall will be located below ground and appropriate landscaping will be installed to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### **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 **121031**, 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)**

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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 zoned R-1-6 (Single family residential - 6,000 square feet minimum), a designation which allows residential uses. The proposed retaining wall is ancillary to the principal permitted residential use within the zone district, and the zoning is 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 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 ancillary to an existing residential use and will not result in a visual impact because the retaining wall will be located below ground and landscaping will be installed to control erosion and screen any ground disturbance.

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 located between the shoreline and the first public road with public beach access available at 14th Avenue. 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 development is ancillary to an existing residential use and will not result in a visual impact because the retaining wall will be located below ground and landscaping will be installed to control erosion and screen any ground disturbance. Additionally, residential uses are allowed uses in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, as well as the General Plan and Local Coastal Program land use designation.

## 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. Wall 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.

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 retaining wall and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single family residential - 6,000 square feet minimum) zone district as the retaining wall is ancillary to the principal permitted residential use of the property.

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 existing 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.

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 retaining wall will not generate additional traffic or consume utilities after it is constructed.

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 retaining wall will be ancillary to existing residential development and will be located below ground under the existing driveway. The existing residential development is consistent with the land use intensity and density of the neighborhood.



Application #: 121031

APN: 028-154-21

Owner: White Sands Leasing, LLC

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.

The proposed retaining wall complies with the requirements of the County Design Review Ordinance, in that the proposed soil pin retaining wall will be located below ground and appropriate landscaping will be installed to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

## **Riparian Exception Findings**

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

The residence located at 255 15th Avenue and the access road that crosses the neighboring parcel located at 261 15th Avenue are partially located on a fill wedge. The fill wedge is unstable and continues to move slowly downslope into the arroyo. This movement has damaged the road and the residence and threatens to damage utilities located under the access road.

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

The proposed project is to construct a buried soil pin retaining wall along the outboard edge of the road to stabilize the slope. The exception is necessary to prevent further damage to the road, residence and underground utilities.

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 not be detrimental to the public welfare because the wall will be buried, the wall is being constructed to protect an existing roadway and structure, and construction of the wall will require a minimal amount of disturbance.

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.

The granting of the exception will not reduce or adversely impact the riparian corridor because the wall is being constructed along the edge of an existing road. The wall will ultimately prevent adverse impacts such as the continued failure of the slope. In addition, compliance with the Runoff and Pollution Control Ordinance will be required prior to issuance of the building permit. Construction of the wall is the least environmentally damaging alternative in that removal of the unstable fill wedge would create a larger disturbance area and the access road could not be relocated as it is restricted to the area within the easement.

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 project is in accordance with the purpose of the riparian ordinance and the General Plan in that impacts to the riparian corridor will be minimized to the greatest extent possible while preventing erosion and allowing the owners of the residence to maintain their home and road access. Stabilizing the bluff will arrest active erosion, thus reducing sediment impacts to the riparian corridor and the Monterey Bay.

## Conditions of Approval

Exhibit A: Project plans "Proposed Soil Pin Wall Project", prepared by Bowman & Williams, 2 sheets, dated 1/27/12.

- I. This permit authorizes the construction of a(n) retaining wall as depicted on the approved Exhibit "A" and associated landscaping. 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. 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.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "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. Grading, drainage, and erosion control plans prepared by a licensed civil engineer.

- a. Final plans submitted for the building permit application shall show the limits of disturbance. Disturbance to the riparian corridor shall be minimized to the greatest extent possible.
2. A landscape plan for the slope below the retaining wall. The landscape plan shall include appropriate native plant species for the slope re-vegetation and the riparian area.
  - a. Any proposed irrigation shall be indicated on the building plans. Temporary irrigation for establishment of vegetation is recommended as needed.
- B. 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.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
  1. The project shall comply with all applicable requirements of the Runoff and Pollution Control ordinance (County Code section 7.79).
- D. Meet all requirements of the Environmental Planning section of the Planning Department, including the following:
  1. All aspects of this project shall comply with the recommendations provided in the soils and geologic investigations.
  2. This project shall comply with all requirements set forth in the technical report acceptance letter by Joe Hanna, County Geologist, to be sent under separate cover.
  3. Final plans submitted for the building permit application shall show the limits of disturbance. Disturbance to the riparian corridor shall be minimized to the greatest extent possible.
  4. The project shall comply with all applicable requirements of the Runoff and Pollution Control ordinance (County Code section 7.79).
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Submit 3 copies of a plan review letter prepared and stamped by the project geotechnical engineer.
- G. Submit 3 copies of a plan review letter prepared and stamped by the project

geologist.

- 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. The project must comply with all recommendations of the approved geologic reports.
  - 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 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.

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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 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: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney, AICP  
Deputy Zoning Administrator

\_\_\_\_\_  
Randall Adams  
Project Planner

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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: 121031  
Assessor Parcel Number: 028-154-21 & 22  
Project Location: 261 15th Avenue

**Project Description: Proposal to install a soil pin retaining wall below the curb of an existing driveway.**

**Person or Agency Proposing Project: Hamilton-Swift Land Use**

**Contact Phone Number: (831) 459-9992**

- 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.   X   **Categorical Exemption**

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

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

Installation of slope stability improvements to protect an existing driveway

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

\_\_\_\_\_  
Randall Adams, Project Planner

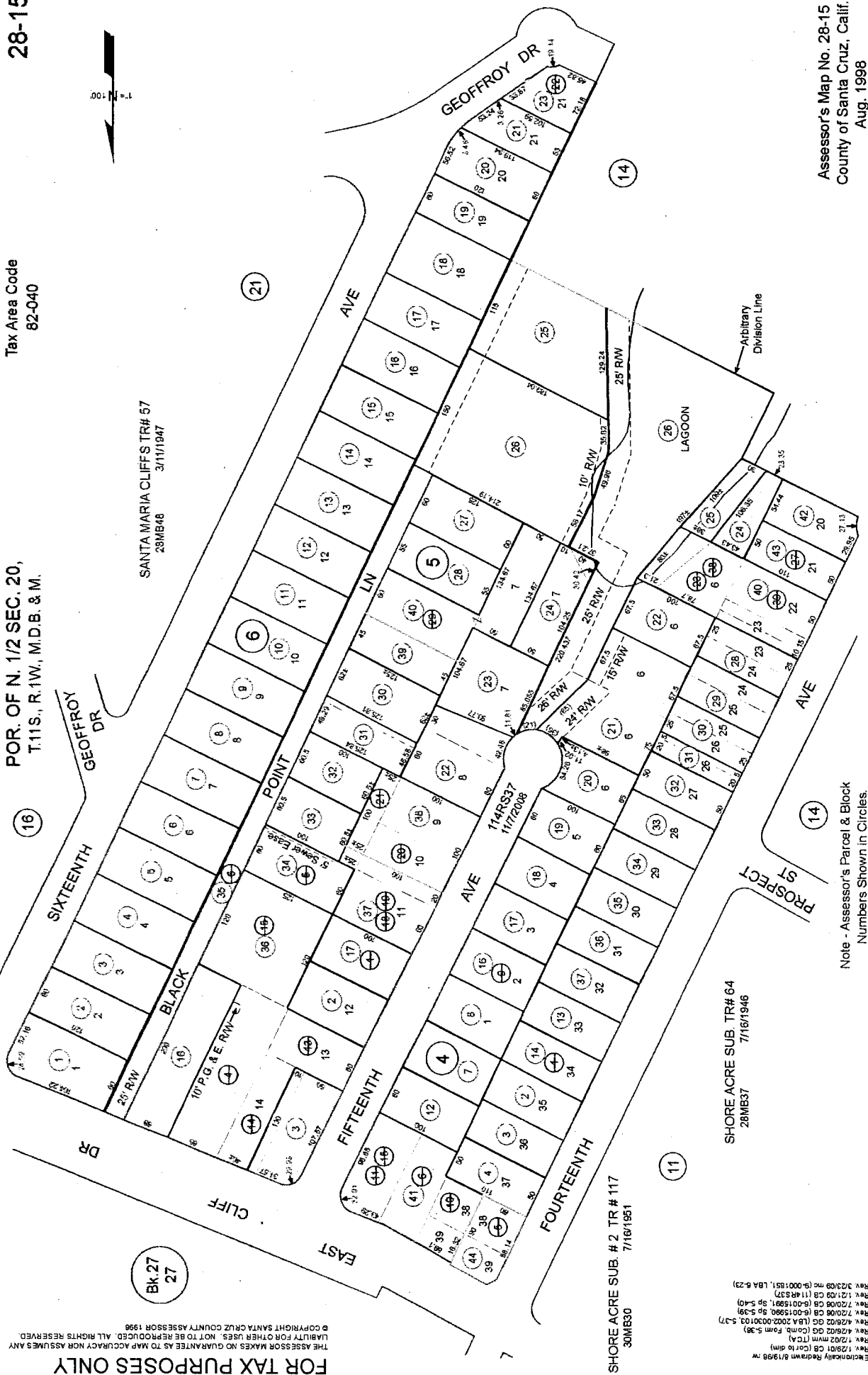
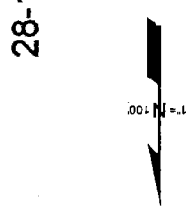
Date: \_\_\_\_\_

Tax Area Code  
82-040

POR. OF N. 1/2 SEC. 20,  
T.11S., R.1W., M.D.B. & M.

28-15

SANTA MARIA CLIFFS TR# 57  
28MB48 3/11/1947



Assessor's Map No. 28-15  
County of Santa Cruz, Calif.  
Aug. 1998

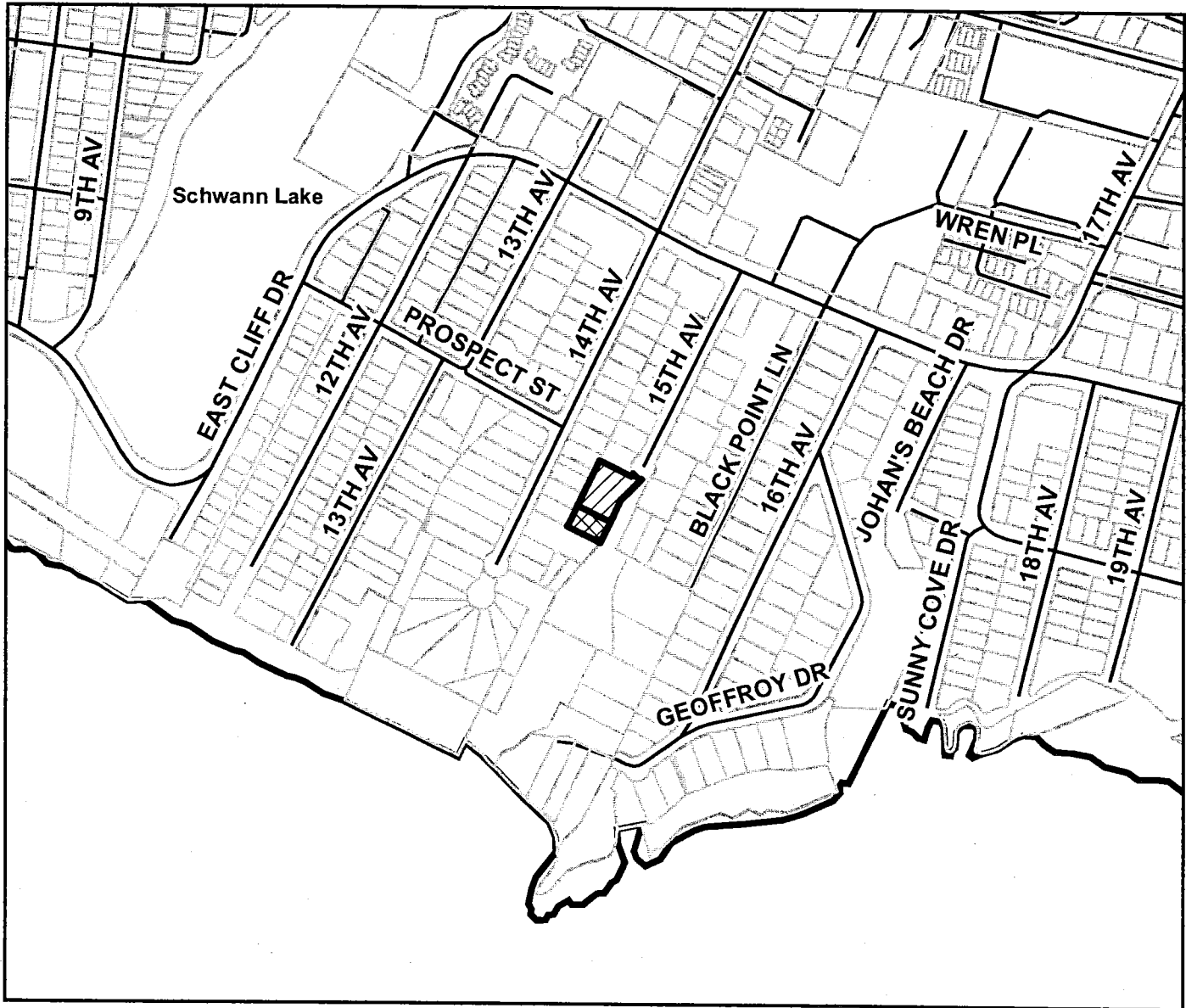
FOR TAX PURPOSES ONLY  
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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Electronically Redrawn 8/19/98 by  
Rev. 12/20/01 CB (Corr to dim)  
Rev. 4/26/03 CG (LBA 2002-0030103 S-37)  
Rev. 7/20/06 CG (LBA 2002-0030103 S-37)  
Rev. 7/20/06 CB (6-0015991, Sp 5-40)  
Rev. 12/10/03 CB (11/4/03)  
Rev. 3/23/03 MC (3-0001551, LBA 6-23)









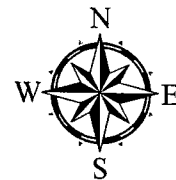


# Location Map



## LEGEND

-  APN: 028-154-22
-  APN: 028-154-21
-  Assessors Parcels
-  Streets
-  County Boundary
-  Lakes

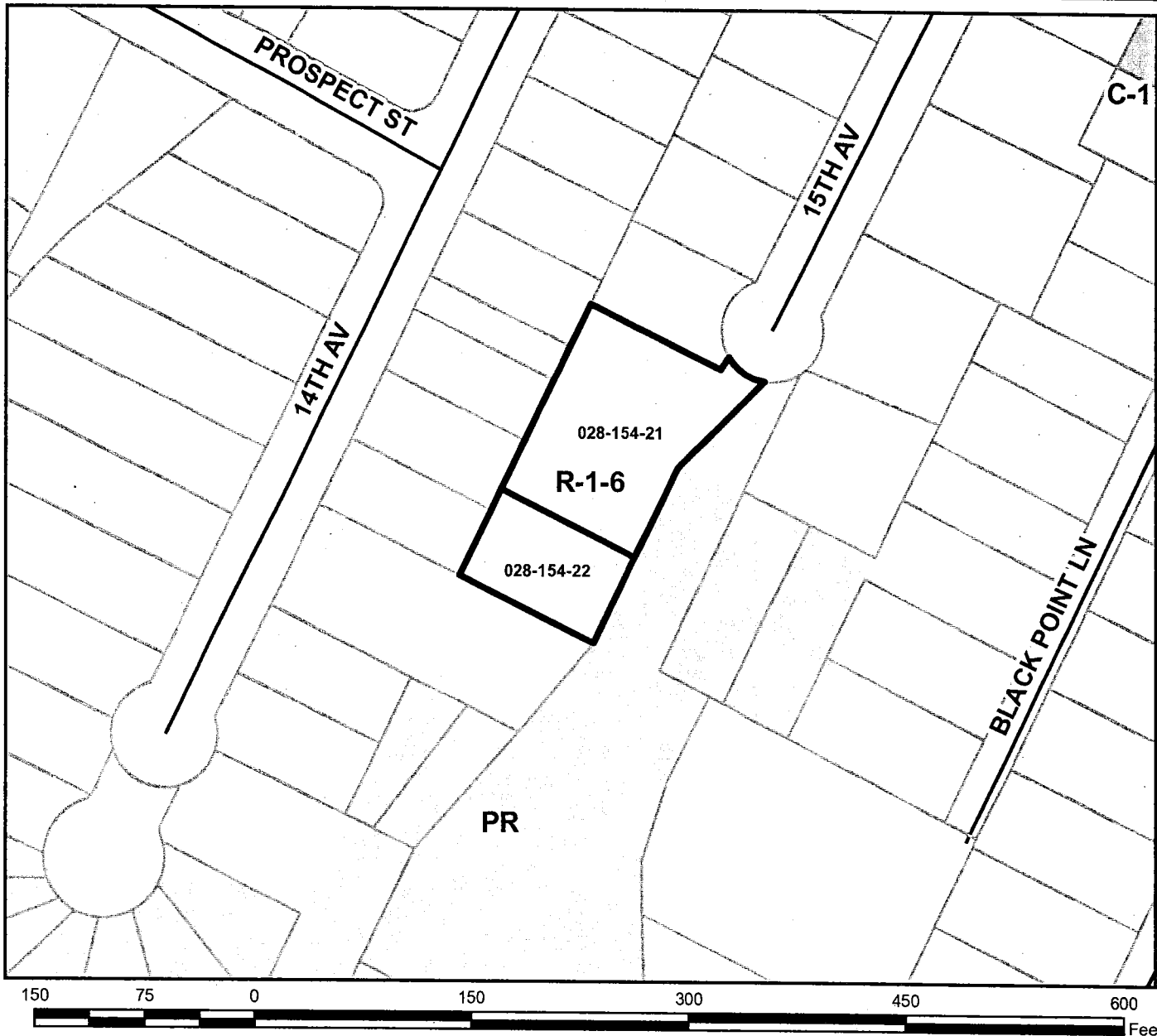


Map Created by  
County of Santa Cruz  
Planning Department  
February 2012

EXHIBIT E



# Zoning Map



## LEGEND



APN: 028-154-22



APN: 028-154-21



Assessors Parcels



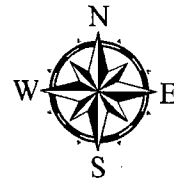
Streets

RESIDENTIAL-SINGLE FAMILY

PARK



COMMERCIAL-NEIGHBORHOOD

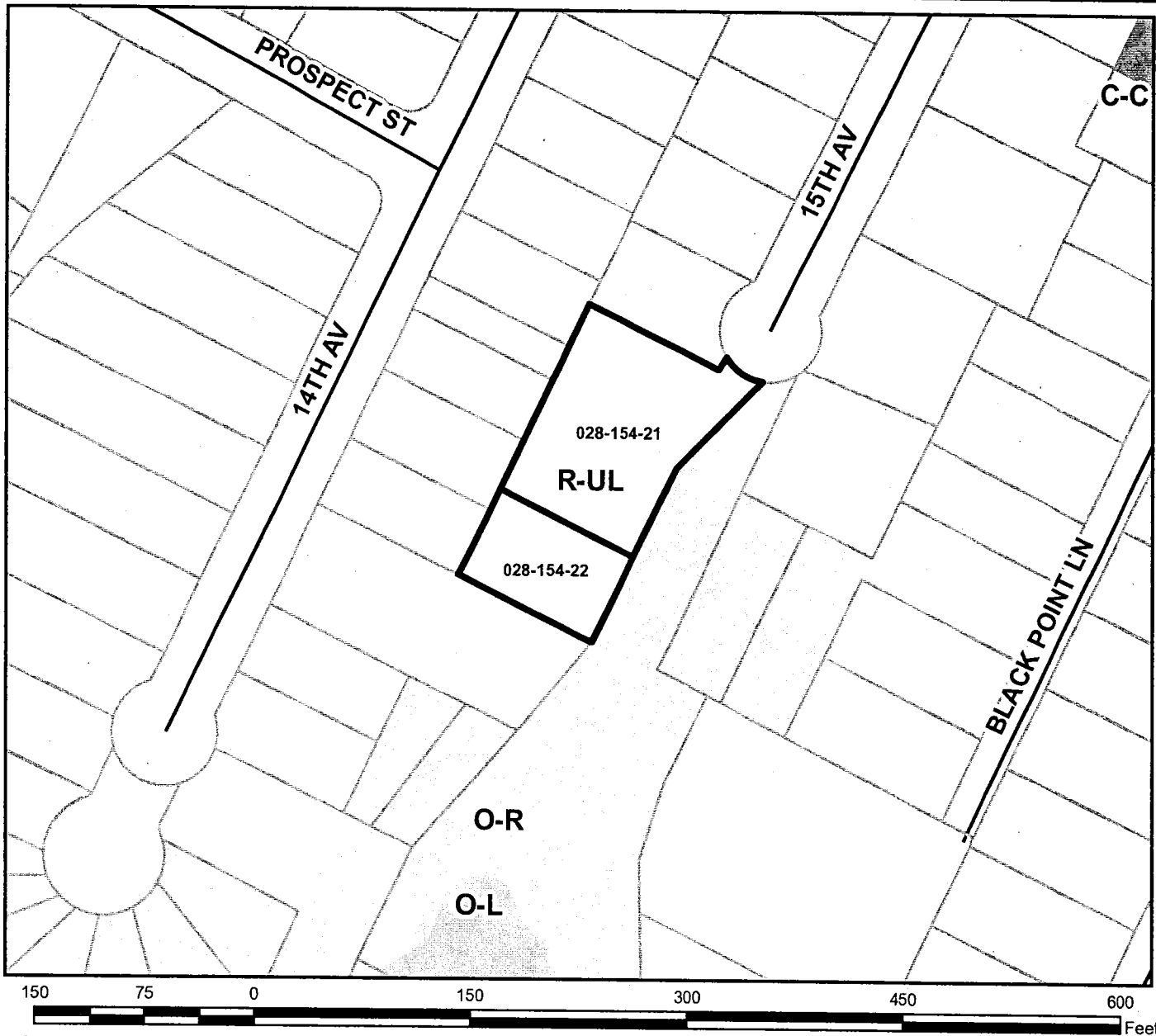


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February 2012

EXHIBIT E

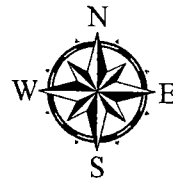


# General Plan Designation Map



## LEGEND

- APN: 028-154-22
- APN: 028-154-21
- Assessors Parcels
- Streets
- Residential - Urban Low Density
- Parks and Recreation
- Lake
- Commercial-Community



Map Created by  
County of Santa Cruz  
Planning Department  
February 2012

**EXHIBIT E**



February 3, 2012

Staff Planner  
County of Santa Cruz  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

**RE: 251 and 266 15<sup>th</sup> Avenue; APNs: 28-154-21 & -22**

Dear Planner:

We are submitting an application for a Coastal Permit, Riparian Exception, and a Geotechnical and Geologic Report Review on behalf of the property owners for the above referenced parcel, White Sands LLC. The application is to allow the construction of a soil pin wall along the southeastern boundary of 255 and 261 15<sup>th</sup> Avenue. This wall is required in order to address the "slow and steady" down slope creep of the soil along this southeastern edge of the property which threatens the stability of the access road and the public and private utilities found therein. Additionally, the failure of this slope would threaten the stability of the southeastern corner of the home located on APN 028-154-22. The soil pin wall proposed today will serve to stabilize the slope and insure the safety of the public and private utilities, the access road, and house.

The request for a riparian exception is based upon the distance of the proposed wall from the seasonal lagoon below the slope. The area of the wall currently consists of terraced landscaping and invasive species. The wall, as proposed, will aid in the retention of soil along the bluff face. The wall would be buried below the slope of the edge of the existing access road. This will prevent the slope from failing and causing harm to the lagoon.

Based on the attached plan and reports, we request approval of the Coastal Permit and Riparian Exception. As recommended by the geotechnical engineer, Rick Parks, we would like to install the wall as soon as possible after approval so your timely consideration is much appreciated. If you have any questions, or if additional information is needed, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Deidre Hamilton".

Deidre Hamilton

Cc: White Sands LLC  
Rick Parks  
Erik Zinn