



Staff Report to the Zoning Administrator

Application Number: **121312**

Applicant: Rick Fuller
Owner: Escondido Verde Homeowners
Association, Inc.
APN: 042-073-40

Agenda Date: May 17, 2013
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to repair slope instability next to a roadway by grading and installing approximately 350 cubic yards of riprap, and installing subdrains within the roadway (Carrera Circle) in the RM-6 zone district.

Location: The project is located on the east side of Carrera Drive approximately 500 feet north of the intersection of Shoreview Drive and Carrera Circle in Aptos in the RM-6 zone district.

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

Permits Required: Coastal Development Permit

Technical Reviews: Grading Review and Soils Report Review (REV 121075)

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121312, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Categorical Exemption (CEQA determination) | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | |
| C. Conditions | |
| D. Project Plans | |

Parcel Information

Parcel Size:	4.67 acres
Existing Land Use - Parcel:	Common area/circulation
Existing Land Use - Surrounding:	Multi-and-single-family residential
Project Access:	From Carrera Drive
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Residential)

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

Zone District: RM-6 (Multi-Family Residential, 6,000 square feet minimum density per dwelling)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Approximately 85 cubic yards of cut are proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped as Scenic
Drainage: New subdrain infrastructure proposed
Archeology: Mapped for potential archeological resources

Services Information

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

History

In 1989, the project site, originally a ranch property, was developed with a 31-unit townhouse project named Escondido Verde Townhomes, as approved under application # 89-0938. There have been subsequent building permits for various maintenance-related improvements such as electrical upgrades and re-roofing of the units. Application # 86-0084 permitted erosion control measures for portions of the site.

Project Setting and Discussion

The Carrera Circle entrance road is a 20-foot wide asphaltic concrete paved roadway that extends downslope to the north from the intersection with Aptos Beach Drive, with asphaltic concrete curbs on both sides. The road grade is approximately 25% through the project area. There are areas of steep slopes below portions of the Carrera Circle entrance road to the townhome complex that have created roadway instability in the last several years, as noted in the Geotechnical Site Evaluation (11/3/2010) and Geotechnical Evaluation update (8/3/2012) letters by consulting engineers and geologists Cotton, Shires and Associates, Inc. Geologically unstable shallow landslide areas are within approximately 15 feet of the roadway, and while Carrera Circle currently remains driveable, the road has many cracks, localized pavement failures, excessive seepage and longitudinal cracks along the outboard edge of the road.

The roadway was constructed in 1988, using cut and fill techniques that would not be acceptable today, as over-steepened fill slopes were created over weak colluvial soils. The resulting small landslide areas have created potential instability adjacent to the road that must be corrected in order to prevent future road failure. Keyed and benched rip-rap is proposed in the landslide areas, to be filled and covered by soil and hydro-seeded as recommended by the project engineering geologists.

In addition, it appears that seepage from upslope irrigation may be contributing to the pavement distress by saturating the subgrade and base material. Thus, a subdrain is proposed to be installed along the inboard edge of the roadway.

County Environmental Planning staff conducted a Grading Review and Soils Report Review under application # REV 121075, and the project Geotechnical Engineering and Engineering Geology Report (Cotton, Shires, and Associates, 8/3/12) was accepted by the County Geologist in a letter dated 1/2/13.

Zoning & General Plan Consistency

The subject property is the common and circulation area for the Escondido Verde Townhomes, a parcel of approximately 4.67 acres, located in the RM-6 (Multi-Family Residential, 6,000 square feet minimum density per dwelling) zone district, a designation that allows residential uses. The proposed slope repair is appurtenant to a permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

Local Coastal Program Consistency

The proposed slope repair is in conformance with the County's certified Local Coastal Program, in that the required grading and fill will be hydro-seeded and re-vegetated in order to have an appearance that is integrated with the character of the surrounding townhouse neighborhood. 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, and the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Environmental Review

Environmental review of the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) has resulted in a determination that the proposed project is exempt per CEQA Section 15304, Minor Alterations to Land. The proposed project is for the repair and rehabilitation of a deteriorated slope area below an existing roadway which involves excavation and fill with riprap material that would be compatible with the natural features of the site.

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 **121312**, 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

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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: 121312

Assessor Parcel Number: 042-073-40

Project Location: no situs; Carrera Circle

Project Description: Proposal to repair slope instability by grading and installing approximately 350 cubic yards of rip rap and installing subdrains within the roadway.

Person or Agency Proposing Project: Rick Fuller

Contact Phone Number: 408-379-0592

- 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: CEQA Section 15304: Minor Alterations to Land.

F. Reasons why the project is exempt:

Repair and rehabilitation of a deteriorated slope area below an existing roadway which involves excavation and fill with riprap material that would be compatible with the natural features of the site.

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

Alice Daly, AICP, Project Planner

Date: _____

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 proposed remedial grading and fill and subdrain installation for roadside slope stabilization would support safe access to the allowed existing developed use of a property zoned RM-6 (Multi-Family Residential, 6,000 square feet minimum density per dwelling), a designation that allows the existing 31-unit townhouse residential development. The existing townhouse development is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium 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 proposed remedial grading and fill and subdrain installation for roadside slope stabilization is consistent with the surrounding neighborhood in that the finished contours and vegetative cover will be natural in appearance and complementary to the site; and 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, will not interfere with public access to the beach, ocean, or any nearby body of water and 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 proposed slope remediation project will be designed to blend in with roadside topography and surrounding natural vegetation in order to reduce the visual impact of the proposed grading and fill on surrounding land uses and the natural landscape.

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 and the proposed remedial grading and fill and subdrain installation for roadside slope stabilization will ensure continued functioning of the access roadway (Carrera Circle) and thus enable the site to continue to be unencumbered by physical constraints to development. Construction will comply with prevailing engineering geology and stormwater management technology 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 remedial grading and fill and subdrain installation for roadside slope stabilization and the conditions under which it would be maintained will be consistent with all pertinent County ordinances as specified under County Code Chapter 16.20 (Grading Regulations) and Chapter 16.22 (Erosion Control) and Stormwater Best Management Practices (BMPs).

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 remedial grading and fill and subdrain installation for roadside slope stabilization supports unencumbered access to an existing townhouse residential development (Escondido Verde) that is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) 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 remedial grading and fill and subdrain installation for roadside slope stabilization is to be constructed adjacent to an existing developed roadway serving an existing townhouse development, and will not result in any changes to existing traffic or trip levels nor result in any change to utility use.

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 slope remediation project will be designed to blend in with existing roadside topography and vegetation in order to reduce the visual impact of the proposed grading and fill on surrounding land uses and the natural landscape.

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 slope remediation project will be designed to blend in with roadside topography and vegetation in order to reduce the visual impact of the proposed grading and fill on surrounding land uses and the natural landscape.

Conditions of Approval

Exhibit D: Project plans, 7 pages, by Cotton, Shires & Associates, Inc., Consulting Engineers and Geologists, dated 6/19/12

- I. This permit authorizes the repair of slope instability next to a roadway (Carrera Circle) by grading and installing approximately 350 cubic yards of riprap, and the installation of subdrains within the roadway. 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 Grading Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Grading Permit application. Applications for Grading Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Grading Permit the applicant/owner shall:
 - A. Submit final grading plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" on the plans submitted for the Grading Permit must be clearly called out and labeled by standard architectural/engineering methods to indicate such changes. Any changes not properly called out and labeled will not be authorized by any Grading Permit that is issued. The final plans shall include the following additional information:
 1. Grading, drainage, and erosion control plans.
 2. Details showing compliance with fire department requirements, if any.
 - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached.
 - C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Prior to issuance of the grading permit, submit a Stormwater Pollution Control Plan that meets the specifications provided in the Construction Site Stormwater BMP Manual. The Manual can be viewed at:
<http://www.sccoplanning.com/LinkClick.aspx?fileticket=3IQAaLIghpM%3d&tab>

id=1073.

- E. Provide maintenance information for the existing drainage system confirming that the system is in good condition and the Escondido Verde Homeowners Association is responsible for maintenance of the system.
 - F. Meet all requirements and pay any applicable plan check fee of the Aptos- La Selva Fire Protection District.
 - G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. Please submit an electronic copy of the soils report in .pdf format via compact disk or email to: pln829@co.santa-cruz.ca.us. Please note that the report must be generated and/or sent directly from the soils engineer of record.
 - H. All plans submitted for the Grading Permit, Winter Grading Permit (if requested) and Stormwater Pollution Control Plan shall be prepared in conformance with the recommendations provided in the Geotechnical Site Evaluation and Update prepared by Cotton, Shires and Associates, Inc.
 - I. All work shall be completed between April 15 and October 15, unless a Winter Grading Permit is obtained from the Planning Department.
- III. All construction shall be performed according to the approved plans for the Grading Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Grading 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. 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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Application #: 121312
APN: 042-073-40
Owner: Escondido Verde Homeowners Association, Inc.

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: _____

Wanda Williams
Deputy Zoning Administrator

Alice Daly, AICP
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.

42-07

Tax Area Code
69-273

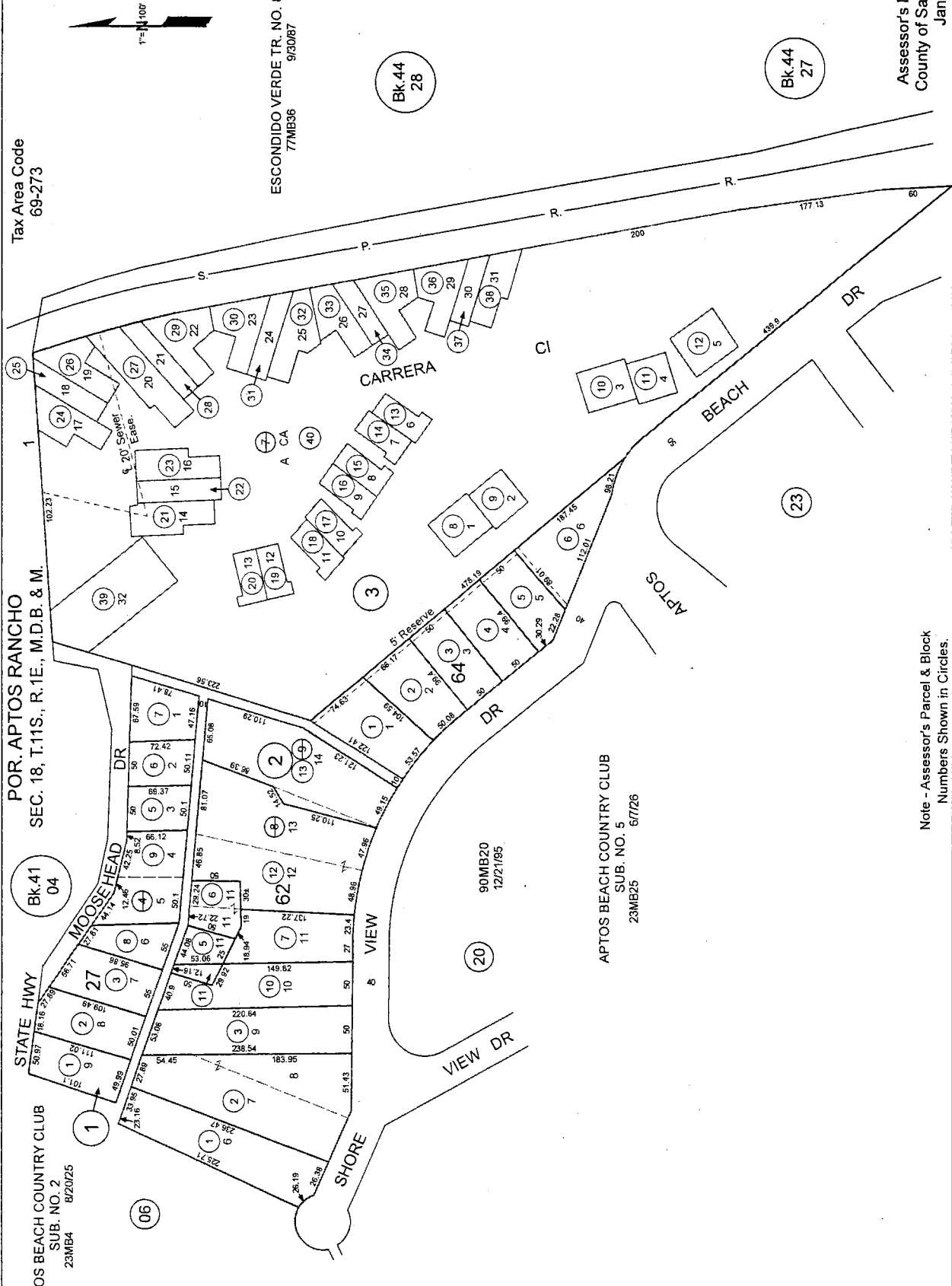
POR. APTOS RANCHO
SEC. 18, T.11S., R.1E., M.D.B. & M.

Bk.41
04

STATE HWY

APTOS BEACH COUNTRY CLUB
SUB. NO. 2
23MB4 8/20/25

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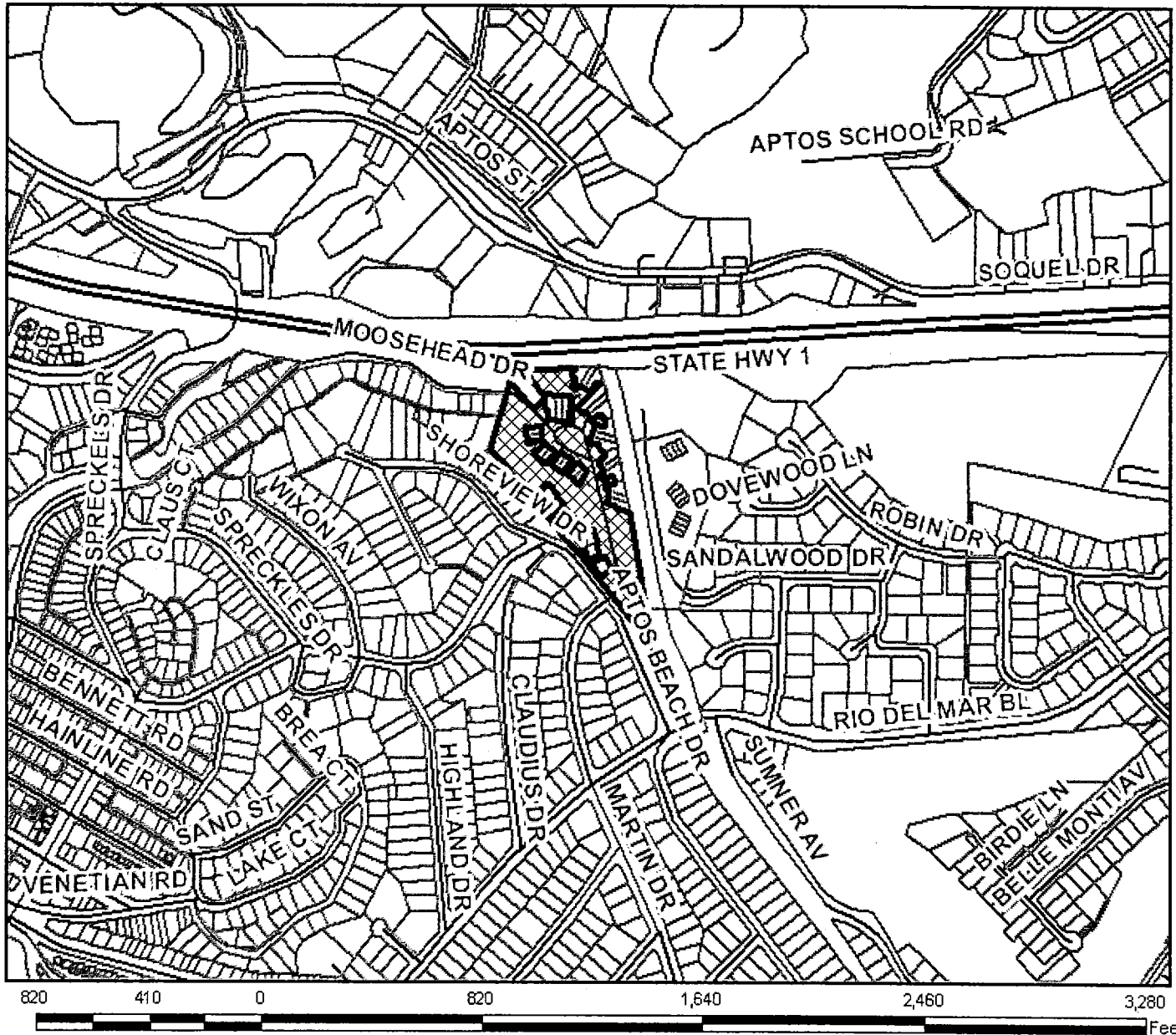
Assessor's Map No. 42-07
County of Santa Cruz, Calif.
Jan, 1999

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

Electronically Redrawn 1/22/99 RW
Rev. 7/1/07 mmm (split form, 1-06 & 09)

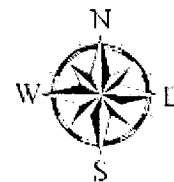


Location Map



LEGEND

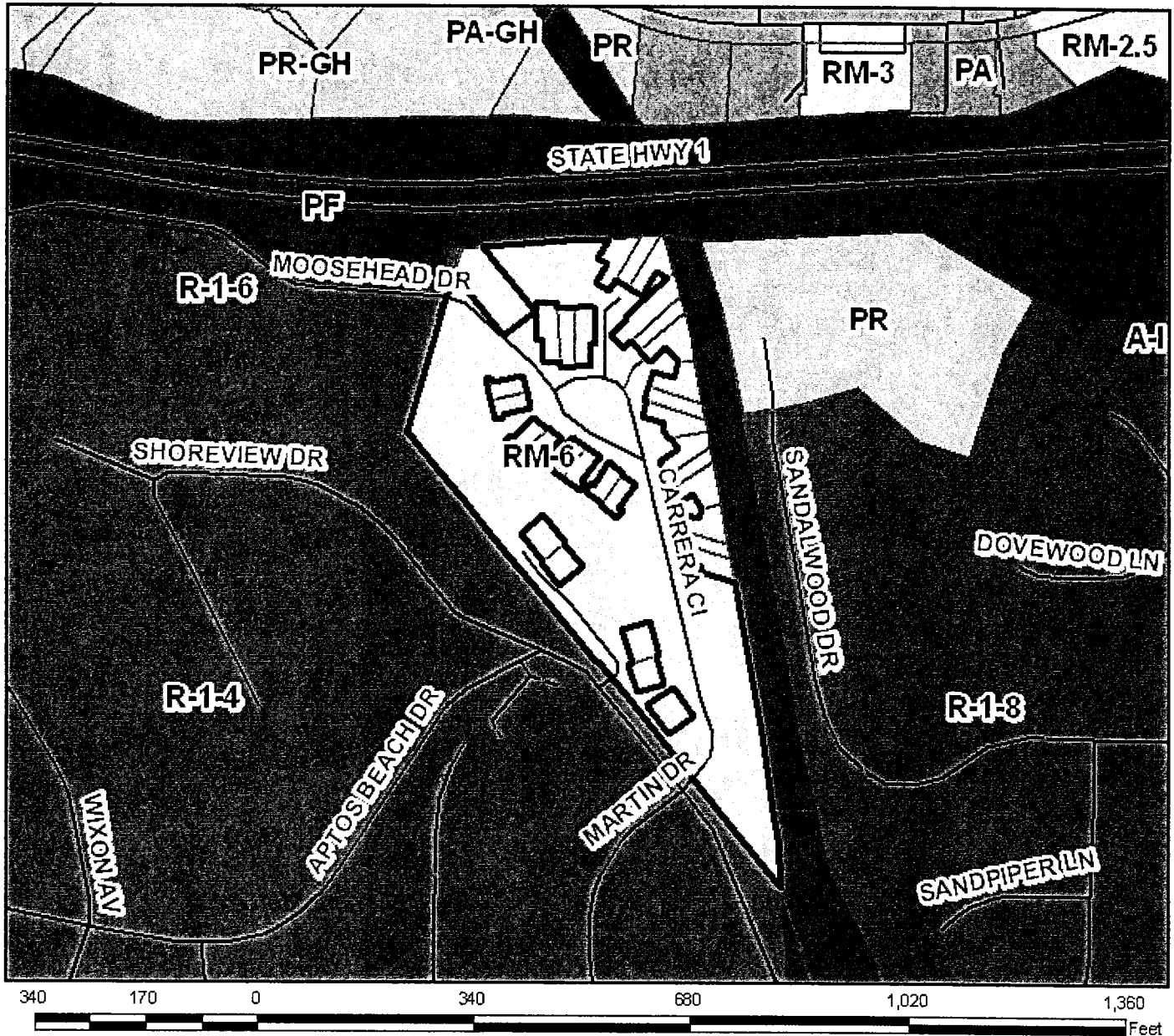
-  APN: 042-073-40
-  Assessors Parcels
-  Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
December 2012

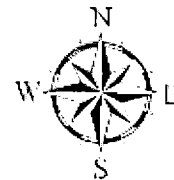


Zoning Map



LEGEND

- APN: 042-073-40
- Assessors Parcels
- Streets
- State Highways
- RESIDENTIAL-MULTI FAMILY
- PARK
- COMMERCIAL-PROF OFFICE
- AGRICULTURE
- RESIDENTIAL-SINGLE FAMILY
- PUBLIC FACILITY



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