CYPRESS ENVIRONMENTAL AND LAND USE PLANNING
P.O. BOX 1844
APTOS CALIFORNIA
(831) 685-1007 **kimt@cypressenv.com**

August 8, 2013

Mary K. Shallenberger, Chairperson and Commissioners
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: Item Th23a for the August 2013 Meeting of the Coastal Commission
Appeal A-3-SCO-11-044 (Mike Pitt Project at 391 24th Avenue, Santa Cruz)

Dear Chairperson Shallenberger and Members of the Commission,

I am writing on behalf of my client, Mike Pitt, who owns the property which is the subject of Agenda Item Th23a. The staff report recommends complete demolition of 339 lineal feet of retaining walls on his property. Our proposal is to remove 119 feet of the walls and retain 220 feet of walls with visual and biotic mitigations. I would like to take this opportunity to correct some items in your staff report that are incorrect and to clarify some other items that are not adequately discussed.

Degraded Riparian Habitat
The staff report does not describe the botanical quality of the riparian habitat on my client's property. It is a degraded habitat due to intense colonization by invasive non-native species over several decades. In fact, the biotic assessment done for this project describes the habitat as "approximately 80% of the plant cover within the setback area is provided by non-native plant species." (See Exhibit A). Our project proposal includes a biotic restoration plan to remove these problematic plant species within 1,384 square feet of the riparian zone and restore the area with professional planting of native species suited to the lagoon edge habitat. This will not occur if the project is denied. In that case, non-native species will continue to colonize and degrade more of the site.

Location of the Retaining Walls
The existing retaining walls are described throughout the report as being located 35 feet from Corcoran Lagoon (e.g. page 5, paragraph 2, line 13). This is misleading. Only 1 foot of the curved wall is located 35 feet from the high watermark of the lagoon. The remainder of the curved wall and all other portions of the walls are more distant from the lagoon's edge. The wall described on page 5 as "a segmented angled wall" is actually two partially-parallel walls that are located 59 feet and 66 feet respectively from the lagoon high water mark. (Exhibit B).

Feasibility of Removing the Walls

The staff report discuses a memo from Lesley Ewing (Exhibit 5 of report) which states the walls are not necessary to stabilize the slope. However, the analysis done by CMAC Engineering (Exhibit C) explains that removal of the walls will necessitate converting a substantial portion of level rear yard to an unusable slope on both Mr. Pitt's property *and* the rear yards of the adjoining properties to the east and west of Pitt. Figure 1 of Exhibit C shows the amount of land that must be removed in order to stabilize the slope without any walls. Approximately, 1,936 sq. ft. to 2,970 sq. ft.[1] of level land would be lost on Mr. Pitt's property, depending on the final slope configuration, and an additional area of possibly 1,000 sq. ft. of level/nearly level land would be lost on the two adjoining parcels.

Lack of Discussion Concerning the Property Line Wall

There is very little discussion of the 48-foot long wall constructed along the east property line by Mr. Pitt's neighbor to replace a pre-existing failing wood wall. This wall is necessary to support the neighbor's adjoining rear yard which is elevated 4 feet – 8 feet higher than Mr. Pitt's rear yard. (Exhibit D). If this wall is removed, as recommended by staff, a portion of the neighbor's rear yard will slough down into Mr. Pitt's rear yard. The only way to prevent this lateral subsidence is to convert a portion of the neighbor's level rear yard to a slope along the 48-foot distance now supported by the wall; thereby removing an additional portion of the neighbor's rear yard feet from useable topography.

The staff report fails to mention my client's proposal includes cutting the top of the stepped segment of this wall so it would conform to the existing slope of the neighbor's rear yard and no longer have a raised stepped design. This would significantly reduce its visibility (Exhibit D).

Visual Resources

Page 10 of the report describes the walls as being visible form Portola Drive, East Cliff Drive and the Francis Markey Trail. There are two problems with this staff analysis. First, the report has evaluated the *existing* condition rather than the proposed project. Second, the visual appearance of the existing condition is exaggerated in the staff report. While the existing walls may generate a minor visual impact, this impact can and would be reduced to a *de minimus* impact with our proposed mitigations.

I conducted a visual assessment in 2010 and 2013. Motorists on both Portola and East Cliff Drives cannot see the existing walls unless they are driving recklessly. Pedestrians and bicyclists can see the *existing* walls in some limited instances, but only with the concerted effort of searching for them. The Live Oak Branch Library and an adjoining eucalyptus grove block all views of Mr. Pitt's property from most of Portola Drive. A pedestrian or bicyclist's view from East Cliff Drive is limited to a 90 lineal foot segment west from the intersection with 21st Avenue; and then only from the south side of this street. When viewing from this street segment only about 15 feet of the property line wall is visible. *No other existing walls can be seen.* The Markey Trail, located along the west edge of the Corcoran Lagoon, has views of several properties on the opposite side of the lagoon, including Mr. Pitt's property. However, the *existing* walls are barely noticeable in the viewshed because of the 500-foot width of the lagoon, and the preponderance of more dominant visual features including several single-family

[1] 1,936 sq. ft. = 20% of the parcel. 2,970 sq. ft. = 31% of the parcel. The parcel is 9,645 sq. ft. in total.

dwellings, three radio transmission antennas (towers) on separate platforms in the middle of the lagoon and the water of the lagoon itself. A reasonable person would not characterize the *existing* condition as a significant alteration of the neighborhood viewshed. (See Exhibit E).

The project does not propose to retain the existing condition, but rather:

- Remove 119 lineal feet of walls which include the tallest existing walls;
- Remove the stepped configuration at the west end of the property line wall so it conforms to the slope of the land;
- Permanently stain all remaining walls a shade of brown that harmonizes with the surrounding vegetation; and
- Implement a biotic restoration plan that would include native shrub plantings in front of remaining walls that would also act as a landscape screen.

These measures would result in the project walls being indiscernible to the human eye from any of the three view areas discussed in the staff report. This fact is shown on the visual simulations sheet of the project plans (Exhibit 3, Sheet 7 of your staff report).

Conclusion
As discussed in Exhibit C, the staff recommendation would result in converting substantial portions of rear yards that have existed since the 1960's to unusable slopes on Mr. Pitt's property *and* on the rear yards of two adjoining parcels. I believe there may be legal problems with taking an action that would, in effect, order Mr. Pitt to encroach on other properties to alter their land. Special conditions exist on these properties that make retention of the walls necessary and, therefore, will not create a major precedent towards allowing more of these types of projects in or near riparian areas. We urge the Commission to approve this project based on the conceptual findings I have provided (Exhibit F) with the mitigations listed above.

Sincerely,

Kim Tschantz, MSP, CEP

Exhibit A – Biotic Assessment prepared by Biotic Resources Group, dated June 9, 2010
Exhibit B – Location of walls proposed to remain
Exhibit C – Slope Stability Analysis and Effects of Removal of Existing Retaining Walls, prepared by CMAG Engineering, dated August 5, 2013
Exhibit D – Photograph of northern segment of the property line wall
Exhibit E – Photograph of the Pitt property from the Francis Markey Trail
Exhibit F – Conceptual findings for approval

cc: Mike Pitt, property owner
Susan Craig, Supervising Planner, California Coastal Commission

EXHIBIT A

Biotic Resources Group

Biotic Assessments ◆ Resource Management ◆ Permitting

June 9, 2010

Kim Tschantz
Cypress Environmental and Land Use Planning
P.O. Box 1844
Aptos, CA 95001

RE: 391-24th Avenue, County of Santa Cruz: Results of Wetland Setback Evaluation (APN 28-181-05)

Dear Kim,

The Biotic Resources Group conducted a botanical review of the 100-foot wetland setback area on the property at 391-24th Avenue in the Pleasure Point area of Santa Cruz County. The review focused on documenting the condition of the setback area and identifying opportunities for habitat restoration and enhancement. The results of this review are described herein.

ASSESSMENT METHODOLOGY

A site visit to the parcel was conducted on May 13, 2010. The parcel supports a single-family residence that is accessed from 24th Avenue. The backyard abuts Corcoran Lagoon, a natural open water and wetland habitat area. The area of the property abutting the lagoon was walked and the vegetation noted. The 100-foot wetland setback area was measured in the field; the setback was measured from the high water line of the lagoon (as determined by the change in vegetation from wetland to upland). Opportunities for habitat restoration and enhancement of the setback area were also evaluated during the site visit.

ASSESSMENT RESULTS

Existing Resources. Within the 100-foot wetland setback the vegetation is comprised of a mosaic of native and non-native vegetation. A band of native wetland vegetation, characterized by cattail (*Typha sp.)*, sedge (*Carex sp.)*, bulrush (*Scirpus sp.)* and Pacific cinquefoil (*Potentilla anserina)*, occupies the flat area abutting the lagoon/open water. As the hillside slopes up to the backyard and residence, the vegetation is dominated by non-native species, including some considered to be invasive. An old shed as well as newer retaining walls also occur in the setback area.

Plant species on the slope include landscape plants, such as rose (*Rosa sp.)*, nasturtium (*Tropaeodum majus),* acacia (*Acacia sp.)*, and agave (*Agave sp.)*. Other plant species include poison hemlock (*Conium maculatum)*, Cape ivy (*Delaireia odorata)*, wild radish (*Raphanus sativa)*, bull mallow (*Malva neglecta)*, Himalaya berry (*Rubus procerus)*, Italian ryegrass (*Lolium multiflorum)*, ripgut brome (*Bromus diandrus)*, and fescue (*Festuca sp.)*. Native plant species are limited to California blackberry (*Rubus ursinus)*. A portion of the property's irrigated turf occurs within the 100-foot wetland setback area.

2551 S. Rodeo Gulch Road #12 ◆ Soquel, California 95073 ◆ (831) 476-4803 ◆ brg@cruzio.com

Approximately 80% of the plant cover within the setback area is provided by non-native plant species. Most of these species are of low value to native riparian/wetland dependent animal species due to a lack of habitat diversity (i.e., lack of structural diversity, cover, and low forge value) Only the non-native Himalaya berry provides habitat value; value is created by the plant's dense growth, which creates thickets for cover, and the berries which provide food similar to the native California blackberry. The berry thicket also provides a structural/visual buffer between residential activities and wildlife utilizing the lagoon.

Review of Proposed Project Relative to Opportunities for Habitat Restoration and Enhancement. The proposed project is the modification of the existing retaining walls/improvements and resolution of a County-issued red-tag.

There are opportunities for habitat restoration within the wetland setback area. The habitat value of this area could be significantly enhanced through removal/control of selected invasive non-native plant species and the installation of native shrubs that are compatible with the Corcoran Lagoon environment.

The areas recommended for restoration and enhancements are down slope of the lowest retaining wall, as depicted on Figure 1.

Figure 1. Recommended Restoration and Enhancement Areas

Restoration actions within the two treatment areas, as depicted on Figure 1, are outlined below.

Eastern Area. This area abuts the curved portion of the lowest wall and is adjacent to a dense thicket of Himalaya berry. Within this area the following actions are recommended:

1. Install native shrubs the base of the wall to enhance habitat values of the area and the adjacent berry thicket (berry thicket to be retained).

2. Create an approximately three foot-wide planting area outward from the wall (remove/trim existing Himalaya berry) and install a row of native shrubs. Suitable shrubs species for this area are coffee berry (*Rhamnus californica)*, blue elderberry (*Sambucus mexicana)*, toyon (*Heteromeles arbutifolia)*, canyon gooseberry (*Ribes menziesii)*, black sage (*Salvia mellifera)*, and coyote brush (*Baccharis pilularis)*. Any combination of these plant species is acceptable, as long as at least two different species are installed.

Central Area. This area is down slope of the lowest retaining wall. Within this area the following actions are recommended:

1. Remove existing shed and associated inorganic debris.
2. Remove landscape plants below the retaining wall. Plants to be removed include, at a minimum, two non-native roses, agave, acacia, and nasturtium.
3. Retain the Himalaya berry thicket(s) yet remove Cape ivy and poison hemlock that is growing amid the thicket. Although Himalaya berry is non-native, it has formed a dense thicket that is providing significant plant cover along the edge of the lagoon.
4. Remove occurrences of poison hemlock, bull mallow, wild radish, and Cape ivy that occur on the hillside. Utilize hand labor to remove plants.
5. Following the removal of material and plants noted in items 1-4, above, install native shrubs within the open area down slope of the retaining wall to improve habitat for native wildlife. Plant species recommended for installation are coffee berry (*Rhamnus californica)*, blue elderberry (*Sambucus mexicana)*, toyon (*Heteromeles arbutifolia)*, canyon gooseberry (*Ribes menziesii)*, black sage (*Salvia mellifera)*, and coyote brush (*Baccharis pilularis)*. Any combination of these plant species is acceptable, as long as at least of three different species are installed.

General Guidance for Plant Installation and Maintenance. The installed plants should be a minimum container stock size of 1-gallon, with plants installed 4-5 feet on-center. This spacing should create a dense shrub thicket. Installation of native plant species typically does not require soil amendments or fertilizer; however, if soil conditions are deemed poor or debris is encountered in the planting holes, a soil amendment can be added to the planting hole. Each planting should be surrounded by a watering basin, with the basin mulched to reduce weed growth. For all installed plants, the applicant should provide temporary drip irrigation to each plant for a minimum of three years.

Performance Standards and Monitoring. The installed plants should achieve 80% survival each year for five years. The success of the habitat enhancement should be recorded, with the applicant providing annual monitoring reports to the County Planning Department, documenting plant survival and control/removal of invasive, non-native plant species. The report should include photos of the restoration area from established photo-stations that depict the control of invasive non-native plant species and growth of the installed shrubs.

Please let me know if you have any questions on these findings or recommendations. Thank you for the opportunity to assist you in your project planning.

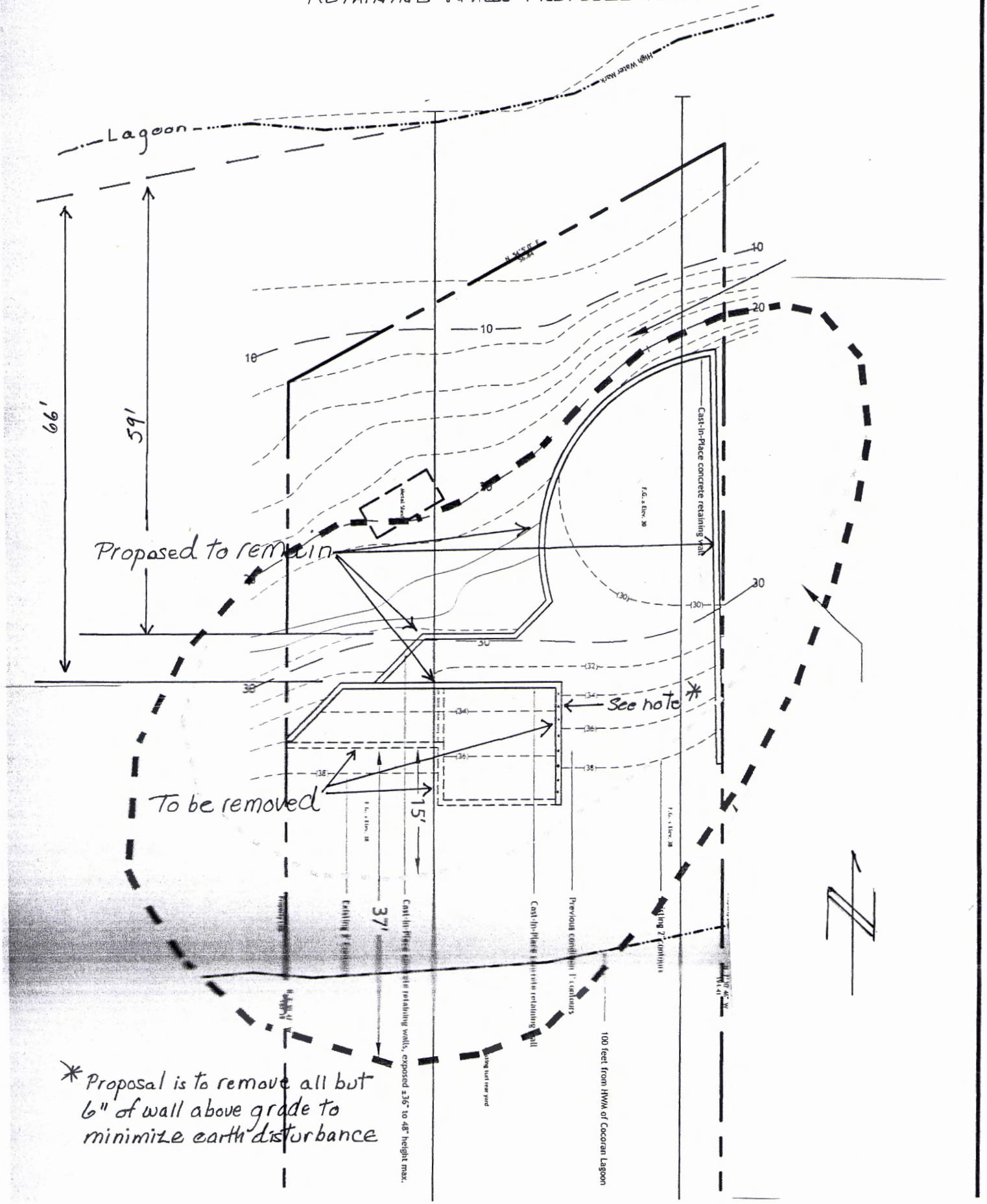
Sincerely,

Kathleen Lyons

Kathleen Lyons
Plant Ecologist

EXHIBIT B

RETAINING WALLS PROPOSED TO REMAIN



* Proposal is to remove all but 6" of wall above grade to minimize earth disturbance

EXHIBIT C

CMAG ENGINEERING, INC.

P.O. BOX 640, APTOS, CALIFORNIA 95001
PHONE: 831.475.1411
WWW.CMAGENGINEERING.COM

August 5, 2013
Project No. 09-109-SC

Mike Pitt
391 24th Avenue
Santa Cruz, California 95062

SUBJECT: **REMOVAL OF EXISTING RETAINING WALLS**
391 24th Avenue, Santa Cruz, Santa Cruz County, California
APN 028-181-05

REFERENCES: See the attached List of References

Dear Mr. Pitt:

1.0 INTRODUCTION

This letter presents the results of our slope stability analysis for the removal of all site retaining walls in the rear of the existing residence at 391 24th Avenue. In addition, this letter provides the approximate limits of grading due to removal of the retaining walls, based on our engineering analysis.

2.0 SLOPE STABILITY ANALYSIS

We have performed a stability analysis to determine the rear yard slope angle, that meets minimum industry standard factors of safety, that would be required if all the site retaining walls were removed. The slope stability analysis was completed under static conditions and also under the conditions during the design seismic event.

The results of our analysis indicate that the computed Factors of Safety for a slope configuration with an overall angle of 2:1 H:V (horizontal to vertical) meets the minimum industry standards. However, it must be cautioned that the mathematical models of the slopes and soils contain many simplifying assumptions, not the least of which is homogeneity. Density, moisture content and shear strength may vary within a soil type. There may be localized areas of low strength within a soil, particularly if pockets of fill are not removed during the grading process.

For more information, including the shear strength properties used for our analysis, see Appendix A, Slope Stability Program.

3.0 APPROXIMATE LIMITS OF GRADING

The approximate limits of grading due to the removal of the site retaining walls is depicted on Figure 1. The following statements have been prepared to summarize Figure 1.

- Based on our slope stability analysis, we have depicted the approximate limits of grading by constructing a 2:1 H:V cut slope. We have also outlined a scenario with a 3:1 H:V cut slope due to the unknown extent of the fill that was placed prior to Mike Pitt owning the property. The extent of the removed soil required to provide a stable slope configuration should be determined by the Geotechnical Engineer in the field during grading operations.

- Approximately 15 feet of "flat ground" is lost by grading a 2:1 H:V cut slope and approximately 37 feet of "flat ground" is lost by grading a 3:1 H:V cut slope.

- Significant grading is required on the neighboring properties to the east and the west due to removal of the walls. "Flat ground" will also be lost on the neighboring properties.

- Old fill may be encountered downslope of the curved wall, potentially requiring additional grading below the limits depicted on Figure 1 and additional grading on the property to the west.

4.0 LIMITATIONS

The recommendations contained in this letter are based on our field explorations, and laboratory testing. The subsurface data used in the preparation of this letter was obtained from the borings drilled during our field investigation outlined in the referenced report. Variation in soil, geologic, and groundwater conditions can vary significantly between sample locations. As in most projects, conditions revealed during construction excavation may be at variance with preliminary findings. If this occurs, the changed conditions must be evaluated by the Project Geotechnical Engineer, and revised recommendations be provided as required. In addition, if the scope of the proposed construction changes from the described in the referenced report, our firm should also be notified.

Our investigation was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this letter.

The findings of this letter are considered valid as of the present date. However, changes in the conditions of a site can occur with the passage of time, whether they be due to natural events or to human activities on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, this letter may become invalidated wholly or partially by changes outside our control. Therefore, this letter is subject to review and revision as changed conditions are identified.

If you have any questions, or if we may be of further assistance, please do not hesitate to contact our office.

Sincerely,

CMAG ENGINEERING, INC.

REGISTERED PROFESSIONAL ENGINEER
ADRIAN L. GARNER
No. 2814
Exp. 6/30/14
GEOTECHNICAL
STATE OF CALIFORNIA

Adrian L. Garner, PE, GE
Principal Engineer
C 66087, GE 2814
Expires 6/30/14

Attachments 1. Figure 1
2. List of References
Appendices 1. Appendix A Slope Stability Program

Distribution: Kim Tschantz, MSP, CEP (2 Hard Copies; Electronic Copy)

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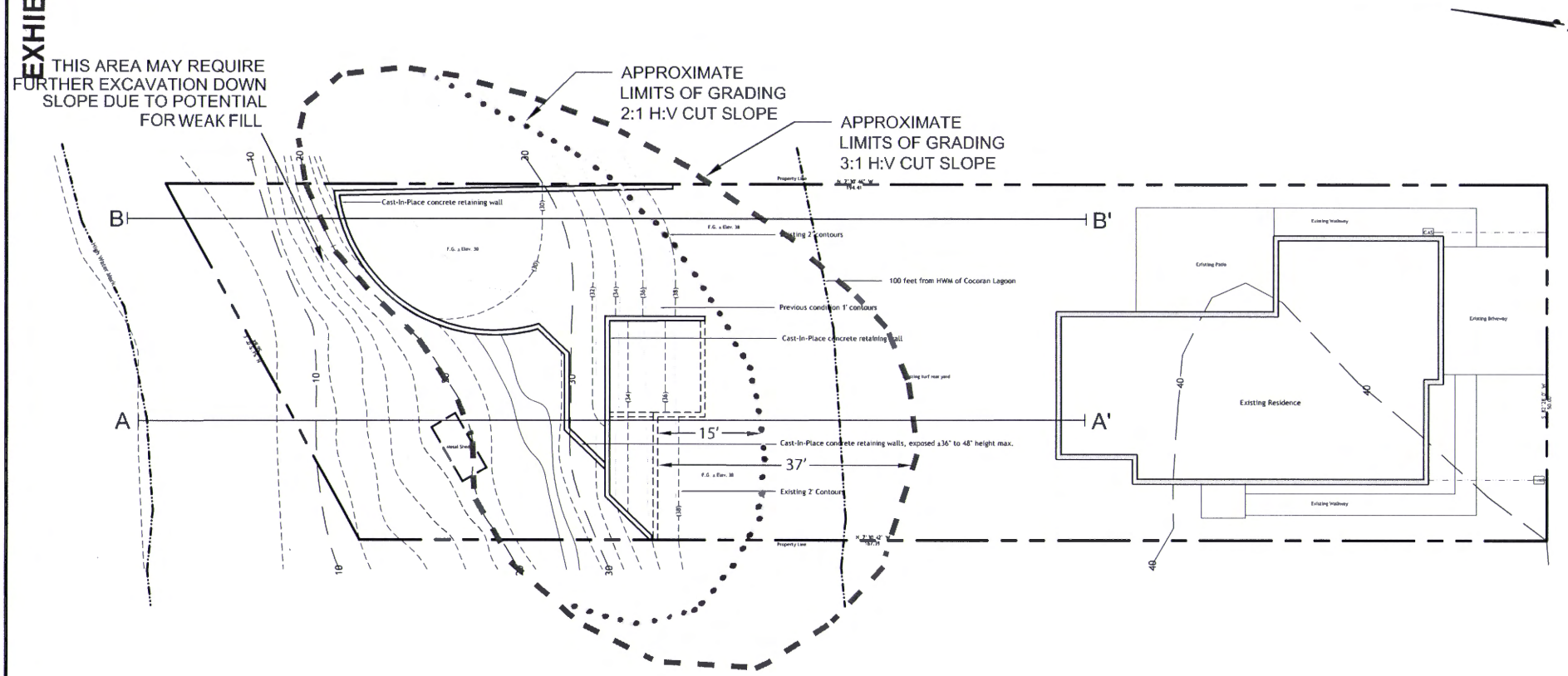

NOTE: VERY APPROXIMATE LIMITS OF GRADING ON NEIGHBORING PROPERTIES DUE TO LACK OF TOPOGRAPHIC SURVEY

EXPLANATION OF SYMBOLS

A ——— A' APPROXIMATE LOCATION OF CROSS SECTION

NOT TO SCALE

BASEMAP: Grounded Modern Landscape Architecture (Aug 2010). *Pitt Residence, 391 24th Santa Cruz, California, 95062, Existing Condition Site Plan.* Sheet 3, Original Scale 1/8" = 1'0".

CMAG ENGINEERING	APPROXIMATE LIMITS OF GRADING 391 24th Avenue	FIGURE 1

EXHIBIT C

APPENDIX A

SLOPE STABILITY PROGRAM

SLOPE STABILITY RESULTS AND METHODOLOGY

The stability analysis was analyzed using the computer program STABL for Windows, Version 3.0 from Geotechnical Software Solutions, LLC. This program utilizes a limiting equilibrium method for determining the Factor of Safety against sliding on an assumed failure surface. The cross sections were analyzed and the results of the analyses are presented in Figures A-1 through A-4. The location of the cross section analyzed is shown on Figure 1.

Material properties chosen for these analyses are based on laboratory test results and on experience in the vicinity. Shear parameters are based on saturated strengths. The shear strength properties used in our slope stability analyses are presented in Table A-1. It should be noted that it is assumed that the fill observed during our field exploration has been removed during grading for the construction of the finished cut slopes and therefore was not modeled in our stability analysis.

We performed a pseudostatic analysis to model the design seismic event. Our pseudostatic analysis was performed assuming a k_{eq} of 0.26g. This value was determined based on the Screen Analysis procedure recommended by the Southern California Earthquake Center (2003). The MHA_r value used was the Peak Ground Acceleration (PGA) corresponding to a 10 percent probability of exceedance in 50 years determined from the 2002 USGS Probabilistic Seismic Hazards Assessment (PSHA). A magnitude of 7.9 on the San Andreas Fault Zone was used in the analysis based on the same model.

The Factor of Safety obtained for the slope configuration with an overall slope angle of 2:1 H:V for overall stability for the static case, exceeded the value of 1.5, considered the industry standard in Santa Cruz County. The Factor of Safety obtained for the slope configuration with an overall slope angle of 2:1 H:V for overall stability for the pseudostatic case, exceeded the value of 1.0, considered the minimum Factor of Safety for the method outlined in the screen analysis procedure recommended by the Southern California Earthquake Center (2003). See the Slope Stability section of this report for discussions regarding the calculated Factors of Safety.

Table A-1. Soil Strength Properties

Soil No.	Material Type	Density (lbs/ft^3)	Angle of Internal Friction (°)	Cohesion (lb/ft^2)
			Static	Static
1	Qcl	122	33	75
2	Tp	125	38	1,000

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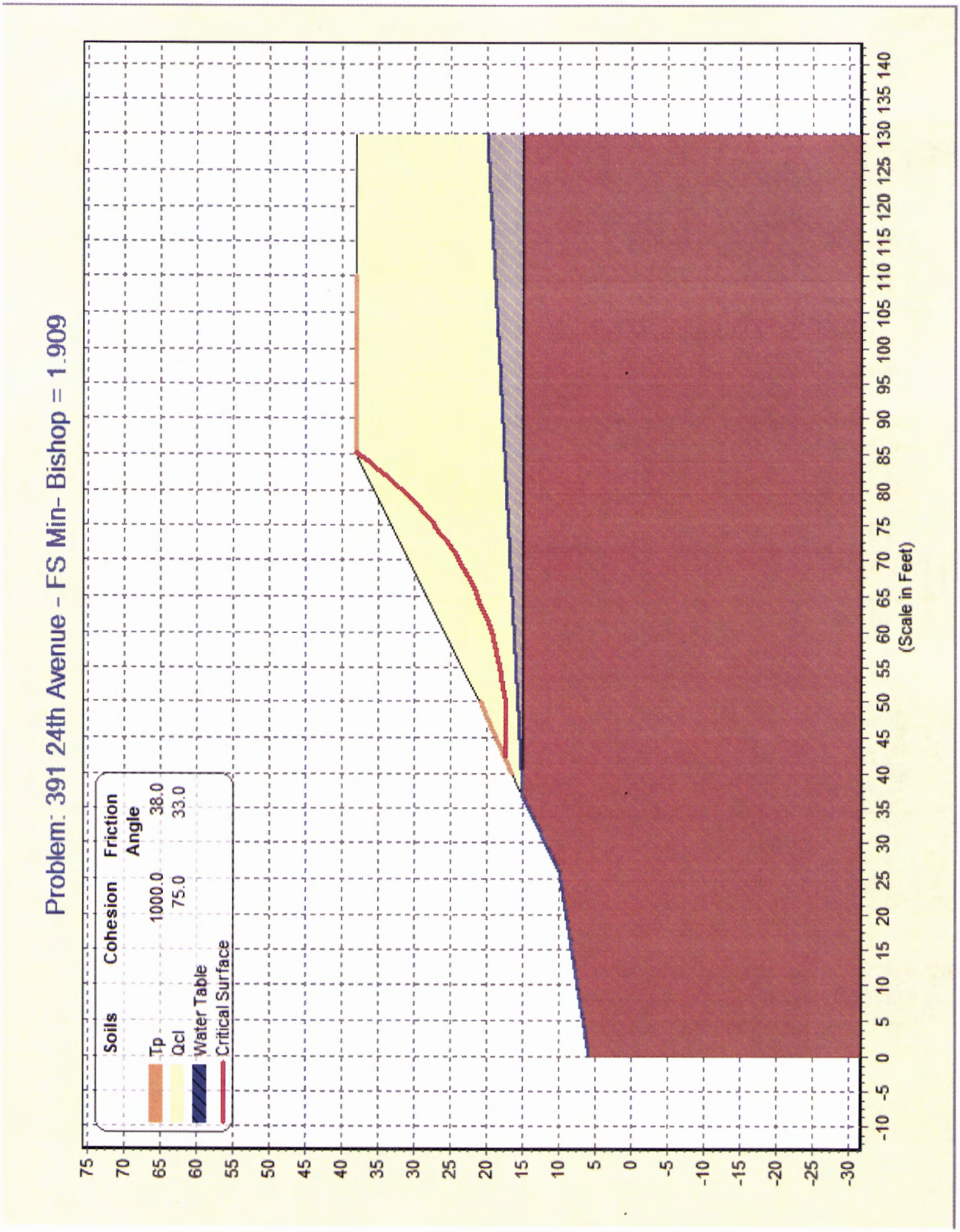
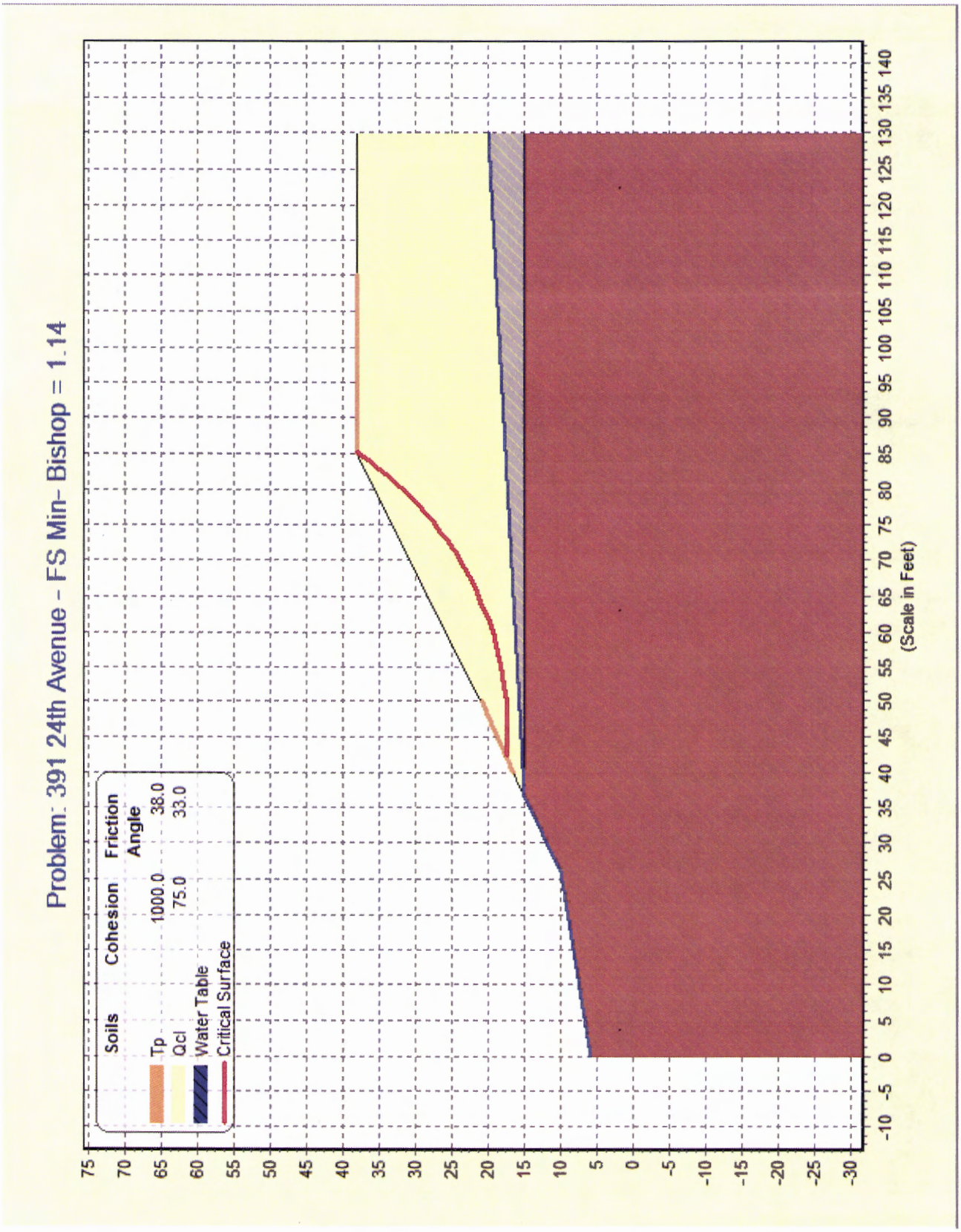


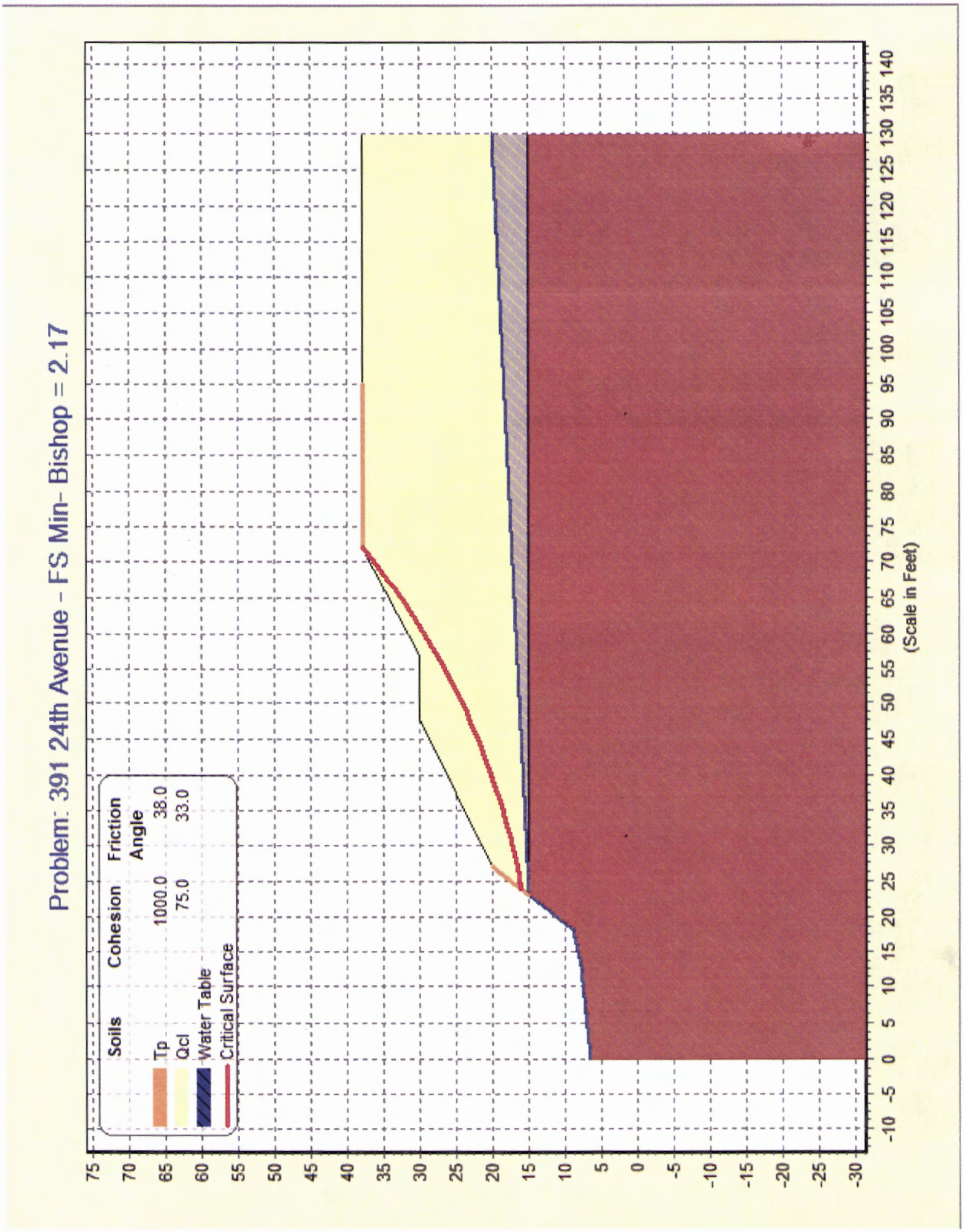
CMAG ENGINEERING	CROSS SECTION A-A' - 2:1 H:V CUT SLOPE - STATIC CASE	FIGURE
	391 24th Avenue	A-1

EXHIBIT C



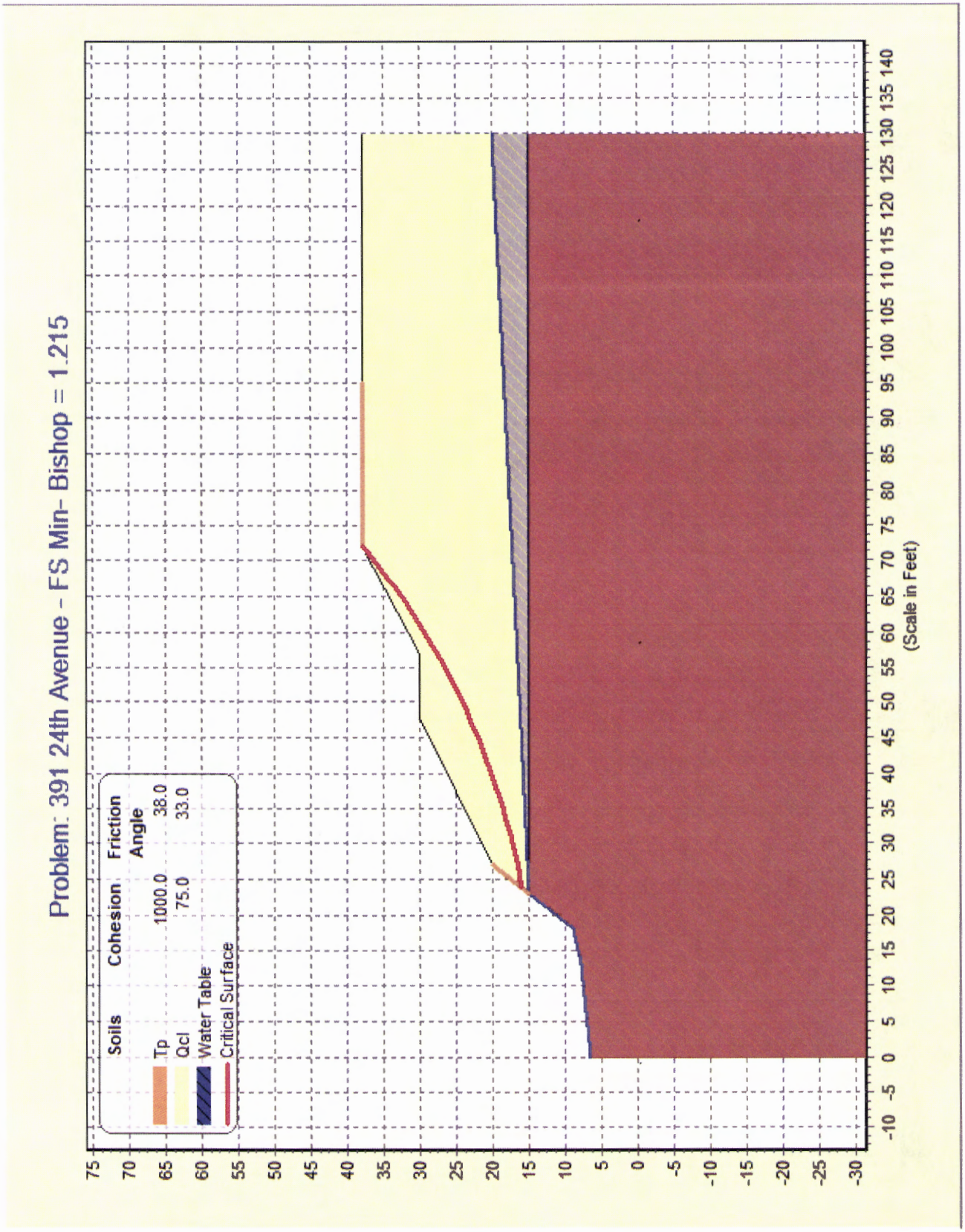
CMAG ENGINEERING	CROSS SECTION A-A' - 2:1 H:V CUT SLOPE - PSEUDOSTATIC CASE	FIGURE
	391 24th Avenue	A-2

EXHIBIT C



CMAG ENGINEERING	CROSS SECTION B-B' - 2:1 H:V CUT SLOPE - STATIC CASE	FIGURE
	391 24th Avenue	A-3

EXHIBIT C



CMAG ENGINEERING	CROSS SECTION B-B' - 2:1 H:V CUT SLOPE - PSEUDOSTATIC CASE	FIGURE
	391 24th Avenue	A-4

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CMAG ENGINEERING, INC.

P.O. BOX 640, APTOS, CALIFORNIA 95001
PHONE: 831.475.1411
WWW.CMAGENGINEERING.COM

REFERENCES

California Coastal Commission (June 27, 2013). *Application A-3-SCO-11-044 (Pitt Retaining Walls), Corcoran Lagoon, 391 24th Avenue, Santa Cruz County (APN 28-191-05)*. 2pp.

California Department of Conservation, California Geologic Survey (2008). *Guidelines for Evaluating and Mitigating Seismic Hazards in California*. Special Publication 117A, 98 pp.

CMAG Engineering (December 14, 2009). *Removal of Existing Retaining Walls, 391 24th Avenue, Santa Cruz, Santa Cruz County, California, APN 028-181-05.* Project No. 09-109-SC.

CMAG Engineering (October 22, 2009). *Removal of Existing Retaining Walls, 391 24th Avenue, Santa Cruz, Santa Cruz County, California, APN 028-181-05.* Project No. 09-109-SC.

CMAG Engineering (April 17, 2009). *Geotechnical Investigation - Design Phase, Analysis of Existing Retaining Walls, 391 24th Avenue, Santa Cruz, Santa Cruz County, California, APN 028-181-05.* Project No. 09-109-SC.

Southern California Earthquake Center (2003). *Recommended Procedures for Implementation of DMG Special Publication 117: Guidelines for Analyzing and Mitigating Landslide Hazards in California.*

U.S. Geological Survey (2003). *USGS 2002 National Seismic Hazard Maps.* (http://earthquake.usgs.gov/hazards/products/conterminous/2002/)

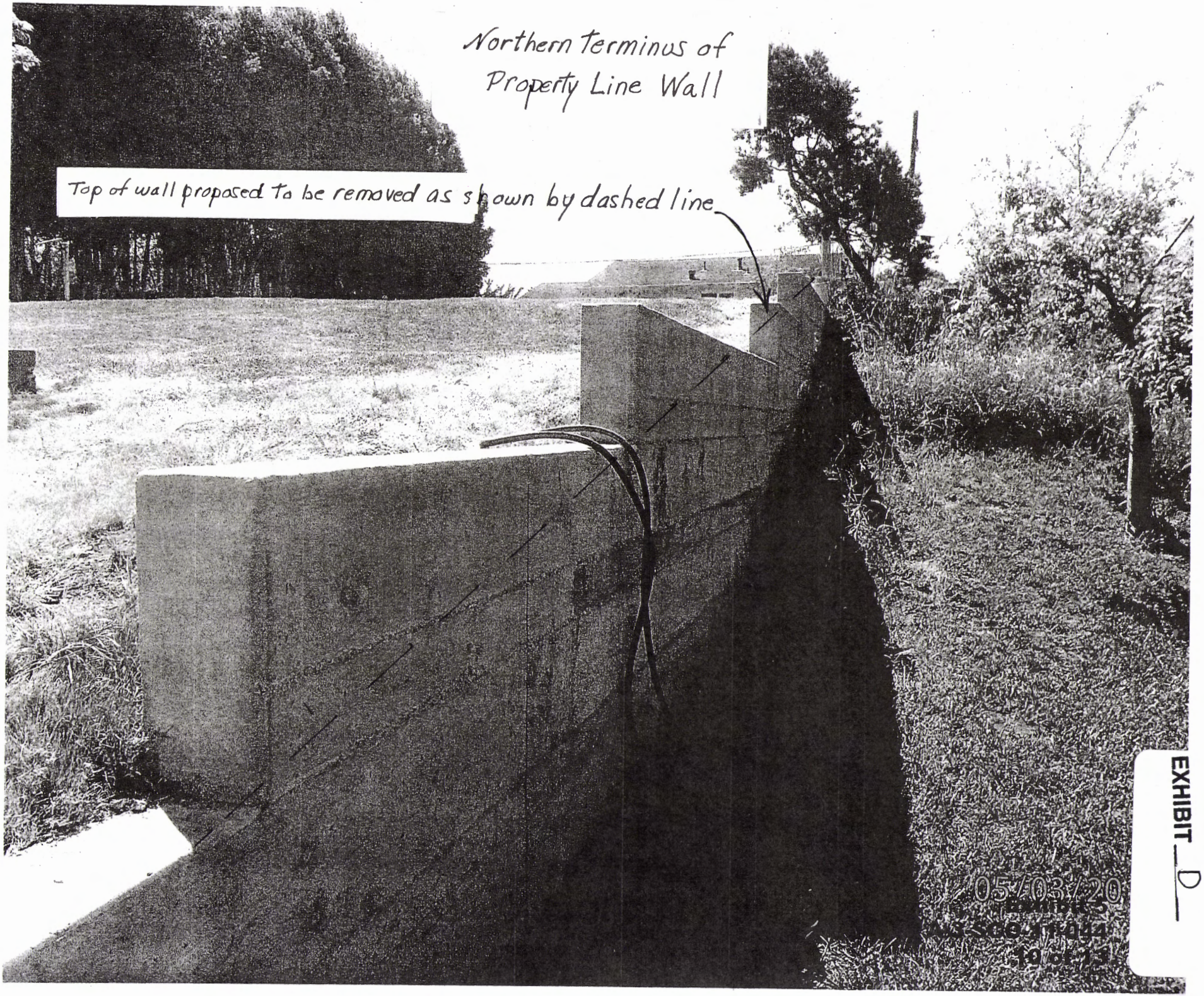

EXHIBIT D

05/03/20
EXHIBIT 2
AGENDA ITEM 4
19 of 33

EXHIBIT E

Enlarged View of the Pitt Property from the Francis Markey Trail

This is a "worst case" visual representation of the existing walls. It was taken from the most visible vantage point on the Francis Markey Trail. The trail is less visible when walking a few fee in either direction on the trail.

The property line wall is visible behind and to the right of the radio tower antenna.

Conceptual Findings for the Approval of Application A-3-SCO-11-044 (Mike Pitt)

CEQA Sec. 21080.5(d)(A)

The only alternative to retaining the subject retaining walls is to convert level and nearly level portions of the rear yard on subject property and the rear yard of the adjoining properties to the east and west of the Pitt property to 2:1 slope or 3:1 slope as discussed in the report prepared by CMAG Engineering, dated August 5, 2013. This would result in a loss of approximately 1,936 sq. ft. (20% of the parcel) of level land for a 2:1 slope and 2,970 sq. ft. (31% of the parcel) on the Pitt property; and an estimated 1,000 sq. ft. on the two adjoining parcels to stabilize the western portion of these properties without walls. This is not a feasible alternative.

Coastal Development Permit Findings

1. Retaining walls are an allowed use in the R-1-5-PP zoning district.
2. The proposed retaining walls do not conflict with any existing easements or development restrictions on or near the property. There are no easements, public accesses, open space easements or similar land use restrictions that occur on the Pitt property or that are affected by the proposed retaining walls.
3. The proposed project is consistent with the Design Criteria and related regulations of Santa Cruz County Code Sec. 13.20.130, et seq. because the project, as mitigated, will ensure the retaining walls will not be visible from off-site views. As such, they will ensure visual compatibility with the surrounding neighborhood. Low quality riparian habitat will be enhanced by implementation of the biotic restoration and monitoring plan recommended in the Biotic Assessment prepared by Biotic Resources Group, dated June 9, 2010.
4. The project conforms to applicable County General Plan and LCP policies regarding public access, recreation and visitor-serving policies. The walls are located on a residentially used property that is not located on a beach or the coastline. The property does not contain public access or visitor-serving amenities. The proposed walls are located on property designated by the LCP as "Urban Medium Density Residential" and "Urban Open Space" land use. Retaining walls are an allowed use within these land use designations as long as the open space values are not negatively affected on the latter designation. Historic aerial photographs and written letters from neighbors have verified that the proposed walls do not encroach into the adjoining riparian habitat farther than the previous walls constructed in the 1960's; and therefore no loss of open space will occur.
5. The walls conform to all applicable LCP policies in that they will be visually compatible with the surrounding neighborhood; the adjoining degraded riparian/wetland habitat will be enhanced and special circumstances exist which warrant the granting of a Riparian Exception as discussed below.

Riparian Exception Findings

1. Special circumstances exist which make the retaining walls necessary on the Pitt property. These include that fact that retaining walls have existed in the same location on the property since the 1960's prior to adoption of the County Riparian and Wetland Protection Ordinance (Code Ch. 16.30) and the California Coastal Act. The walls maintain a portion of the rear yard of the subject property that acts to buttress the rear yards of the adjoining properties to the east and west of the Pitt parcel. This fact is documented in the report prepared by CMAG Engineering, dated August 5, 2013.
2. A Riparian Exception is necessary to allow the walls to be located within the 100-foot setback from the high water mark of Corcoran Lagoon, because the area of the Pitt rear yard that has historically been stabilized with retaining walls, is located within the riparian setback. In fact, about 57% of the subject 9,645 sq. ft. parcel is located within the 100-foot setback.
3. A Riparian Exception for the proposed walls will not affect other properties adjoining the lagoon. Rather they are necessary to provide buttressing for stable rear yards of two adjoining properties. The walls will not be injurious to the public welfare in that, as mitigated, the walls will not be visible from any off-site views.
4. The proposed retaining walls will allow the rear yard of the subject property to be stabilized similar to how it has been since the 1960's without any additional loss of riparian/wetland habitat. The alternative to these walls is conversion of the area now retained by the walls to either a 2:1 slope or a 3:1 slope. This will require converting 1,936 sq. ft. to 2,970 sq. ft. of level and nearly level land on the Pitt parcel to unusable slope. In addition, an estimated 1,000 sq. ft. of level and nearly level land on adjoining parcels, APN 28-181-04 and APN 28-181-06, would also be converted to unusable slope. The removal of walls and conversion of retained land to sloping land will involve the use of heavy equipment that would need to encroach into the adjoining riparian habitat to carryout the demolition and grading required to remove the walls.
5. The proposed walls are consistent with the Riparian and Wetland Protection Ordinance in that they allow the continuation of a use that pre-dated the adoption of the Ordinance in 1977 as a legal non-conforming use and they will not reduce or otherwise negatively affect the functional capability of Corcoran Lagoon or its adjoining riparian/wetland habitat.

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Th23a

Filed:	7/20/2011
Substantial Issue Found:	8/11/2011
Staff:	S. Craig - SC
Staff Report:	7/25/2013
Hearing Date:	8/15/2013

STAFF REPORT: DE NOVO REVIEW

Application Number:	**A-3-SCO-11-044**
Applicant:	**Michael Pitt**
Project Location:	Just upslope of Corcoran Lagoon in the riparian corridor on the lagoon side of 391 24th Avenue in the Live Oak beach area of Santa Cruz County (APN 028-181-05).
Project Description:	Construction of retaining walls, concrete stairs, and associated residential use areas (some after-the fact), shed demolition, and native plantings.
Staff Recommendation:	Denial

SUMMARY OF STAFF RECOMMENDATION

The proposed project consists of the construction of a number of cast-in-place concrete walls and other development (most of which is after-the-fact) within the riparian corridor of Corcoran Lagoon in the Live Oak neighborhood of Santa Cruz County. The Commission previously found that Santa Cruz County's original coastal development permit (CDP) action raised a substantial Local Coastal Program (LCP) conformance issue and took jurisdiction over the CDP for the proposed project on August 11, 2011. The standard of review for the proposed project is the Santa Cruz County certified LCP.

The LCP designates Corcoran Lagoon as both a sensitive habitat and an environmentally sensitive habitat area (ESHA). The LCP requires that development adjacent to Corcoran Lagoon be set back a minimum of 100 feet from the Lagoon as measured from its high water mark, and

explicitly designates this 100-foot area as a riparian corridor under the LCP, to which an additional 10-foot setback is required, for a total minimum setback of 110 feet. All of the proposed project components are located within the Lagoon's 100-foot riparian corridor.

Exceptions to the LCP's riparian corridor setbacks are only allowed under very limited circumstances and are subject to making specific exception findings. These exception findings cannot be made in this case and an exception to the required 110-foot setback is not appropriate. Thus, **Staff recommends that the Commission deny a CDP for the proposed project.** The motion and resolution to act on staff's recommendation follow below on page 3.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the CDP and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number A-3-11-044, and I recommend a no vote.*

Resolution to Deny CDP: *The Commission hereby denies Coastal Development Permit Number A-3-SCO-11-044 and adopts the findings set forth below on grounds that the development does not conform with the policies of the Santa Cruz County certified Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.*

II. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, DESCRIPTION AND BACKGROUND

Project Location

The proposed project site is located just upslope of Corcoran Lagoon (Lagoon), which is a mostly freshwater estuary located at the mouth of Rodeo Gulch Creek. The Lagoon is located in the area between inland Portola Drive and the more seaward East Cliff Drive (which is the first through public road). At times the Lagoon extends under the East Cliff Drive Bridge onto the sandy beach, known locally as Santa Maria Cliffs Beach or Corcoran Lagoon Beach. This broad beach extends from a narrow tidal shelf area adjacent to Sunny Cove (upcoast) through to a promontory at 23rd Avenue that effectively contains the Lagoon most of the year. However, the Lagoon occasionally connects to Monterey Bay, at which time it becomes an estuarine lagoon. See Exhibit 1 for a location map.

The Applicant's property extends from 24th Avenue down to the Lagoon. The property is developed with an existing single-family residence on the relatively flat portion of the site that is located nearest to 24th Avenue. The property extends downslope towards Corcoran Lagoon, and the proposed project elements would be located in this more sloped area that is located between the Lagoon and the existing house. These project elements would be located within the defined 100-foot riparian corridor associated with Corcoran Lagoon. These elements would also be visible from Portola Drive and East Cliff Drive, and from the winding Francis L. Markey Public Nature Trail along the Lagoon side of Coastview Drive (this public trail connects Portola Drive and East Cliff Drive). All of these are public access areas and components of the California

Coastal Trail, and East Cliff Drive is the primary lateral route through the Live Oak beach area of Santa Cruz County. See Exhibit 2 for an aerial photo of the project site.

Background

The site is developed with a single-family dwelling that was built in the 1950s. A series of retaining walls and associated stairs were located on the property that, according to information from the neighboring property owners, dated to the 1960s. These retaining walls and stairs were apparently constructed from a variety of materials, including modular crib walls materials, concrete pavers, metal pipes and wooden handrails set in concrete adjacent to concrete and railroad tie stairs, and a railroad tie and rebar-pinned curved retaining wall. A wood fence and associated railroad tie retaining wall was also apparently present along the eastern property line for many years. According to the Applicant, all of these retaining structures were in a decaying, failing, or rusted state (see page 2 of Exhibit 3 for photos of these old features). In 2008 the Applicant removed all of the these failing components (except for the eastern property line wall – see below), as well as one of the sheds on the property, and constructed new cast-in-place concrete retaining walls within the riparian corridor setback from Corcoran Lagoon, without the necessary CDP. Prior to 2008, the wooden fence and railroad tie retaining wall on the eastern property line was replaced with a cast-in-place concrete wall in the same location, by the Applicant's neighbor (also without a CDP). However, the neighbor built this concrete property line retaining wall on the Applicant's property, and thus this retaining wall is also subject to this review.

On July 28, 2008, Santa Cruz County received a complaint regarding the unpermitted construction of the new concrete retaining walls within the riparian corridor associated with Corcoran Lagoon. The violation was recorded by the County on January 9, 2009. In June 2009, the Applicant applied to the County for a CDP, including a riparian exception, to recognize the new retaining walls and resolve the code violation. The application was first heard by the County's Zoning Administrator on April 15, 2011 with a recommendation of denial, stating that the LCP's required riparian exception findings to allow the project could not be made. The hearing was ultimately continued, and the Zoning Administrator subsequently approved the project on June 17, 2011, largely based on evidence provided by the Applicant that other properties along 24th Avenue also contain development that encroaches within Corcoran Lagoon's riparian corridor. The County conditioned the project to include the removal of certain segments of the walls, and retention of the remaining walls, and also allowed for the installation of concrete stairs (not yet built). The County's approval also included planting of about 1,400 square feet of the site with native plant species.

The County's approval of the project was appealed to the Commission in July 2011. On August 11, 2011, the Commission found that the County's approval raised a substantial LCP conformance issue related to core LCP coastal resource protection requirements, and the Commission took jurisdiction over the CDP application for the project. Since that time, Commission staff has met with the Applicant and his representatives on multiple occasions, including multiple site visits, including by the Commission's senior coastal engineer in order to help evaluate the Applicant's contentions that the walls are necessary for stability purposes.

Proposed Project

The proposed project consists of the following components (most of which are already built, and thus the Applicant is requesting that these project components be recognized after-the-fact): 1) an eastern property line wall; 2) a curved wall; 3) a segmented angled wall and; 4) planter box walls. See pages 5-13 of Exhibit 5 for photos of these existing walls. The Applicant proposes to remove three of the wall segments associated with the planter boxes, cut the remaining planter box wall to conform to the slope at about 6 inches above grade, and grade the areas where these planter box wall segments would be removed to create new 2-foot contours. The walls proposed to be retained in their entirety (the curved wall, the segmented angled wall, and the eastern property line retaining wall) contain the slope and would provide the Applicant with relatively flat areas for outdoor residential use (see page 4 of Exhibit 3 and Exhibit 4 for project plans and a diagram of the walls proposed to be retained and the walls proposed to be removed).

The Applicant also proposes to install a new approximately 8-foot long concrete retaining wall along the western property line, as well as new concrete steps with flagstone caps that would allow access from the flat lawn area of the backyard to the lower terraced areas on the property associated with the walls (see also page 4 of Exhibit 3 and Exhibit 4). The Applicant proposes to stain the walls (which are now the color of gray concrete) with a brownish stain so that the walls will better blend with the surrounding environment. The Applicant also proposes about 10 cubic yards of grading ancillary to the above development. The Applicant also proposes to remove a dilapidated shed (a previously existing metal shed and associated wooden support structure has already been demolished and removed from the site), and to plant about 2,000 square feet of the area located in and around the vicinity of the walls with native plants. All of the proposed development would be located within Corcoran Lagoon's 100-foot riparian corridor. Some of these project elements (e.g., the curved retaining wall and portions of the eastern property line wall) would extend to as close as 35 feet from Corcoran Lagoon within the riparian corridor. See the following pages of Exhibit 3 for: 1) the pre-condition site plan (i.e., the conditions on the site before the new walls were constructed (page 2 of Exhibit 3)); 2) the existing conditions on the site (page 3 of Exhibit 3); 3) the proposed project (including proposed removal of some of the planter box walls and construction of new stairs, etc. (page 4 of Exhibit 3)), and; 4) the proposed planting plan (page 6 of Exhibit 3).

B. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this application is the certified Santa Cruz County LCP (see Exhibit 6 for applicable LCP policies and standards).

Sensitive Resources

The LCP designates Corcoran Lagoon as both a sensitive habitat and an environmentally sensitive habitat area (ESHA) as that term is understood within a Coastal Act context (Land Use Plan (LUP) Policies 5.1.2(i) and 5.1.3, and Implementation Plan (IP) Section 16.32.040(i)). The LCP requires that development be set back a minimum of 100 feet from Corcoran Lagoon as measured from its high water mark (IP Section 16.32.090(C)(k)) and designates this 100-foot area as a riparian corridor (LUP Policy 5.2.1 and IP Section 16.30.30) to which an additional 10-foot setback is required (LUP Policy 5.2.4); for a total required minimum setback area of 110 feet. Riparian corridors are also designated as both sensitive habitat and ESHA by the LCP (LUP

Policies 5.1.2(j) and 5.1.3, and IP Section IP Section 16.32.040(j)) within which development is generally prohibited. Exceptions to setback requirements are only allowed under very limited circumstances, and are subject to making specific exception findings (IP Sections 16.30.060 and 16.32.100). ESHA and sensitive habitat are to be preserved, restored, protected against significant disruptions, and any development authorized in or adjacent to them must maintain or enhance the habitat (LCP Objectives and Policies 5.1 et seq. and 5.2 et seq., IP Chapters 16.30 and 16.32). See Exhibit 6 for the LCP's applicable policies and standards.

The proposed project is located just upslope of Corcoran Lagoon within its 100-foot riparian corridor on the lagoon side of a residential property that is developed further from the Lagoon (outside of the 100-foot area) with an existing single-family residence in the Live Oak beach area of unincorporated Santa Cruz County. All of the proposed project components are located within the 100-foot riparian corridor.

Setbacks, such as the 100-foot riparian corridor setback required by the LCP in this case, function as important transition zones between development and adjacent habitat areas, serving to protect the habitat from the direct effects of nearby disturbance. Setback areas provide protection for habitat from adjacent development in a number of ways (e.g., sheer distance, setback configuration, topographic changes, vegetation in the setback, fences at setback edges, etc.), where the methods chosen depend in part on the desired functions of the setback (e.g., reducing human impacts, preserving habitat, water quality filtration, etc.). When more intensive urban uses are proposed adjacent to habitat areas (such as the outdoor residential uses in this case), a primary method to protect the habitat is to provide adequate distance so as to limit direct contact and reduce the conveyance of human-generated impacts (such as noise, lights, movements, odors, debris, and other edge effects). Vegetation planted or present within the setback can often help to reduce the absolute distance necessary for setback width.

Depending upon their design, setbacks can also be a functional part of the ESHA acting as a transition zone from the more sensitive to less sensitive parts of a site. Moreover, species numbers of both plants and animals increase at setback edges, due to the overlap from adjacent habitats and the creation of unique edge habitat niches. In addition, setbacks can reduce the velocity of surface runoff from adjacent development and provide an area for infiltration of runoff, removing particulate contaminants and protecting against sedimentation and erosion in the ESHA itself. Similarly, these areas can increase the retention period of water by increasing the area available for local groundwater recharge through percolation. By minimizing disturbance to the resource from adjacent development, and by providing transitional habitat areas, setbacks contribute to the health and vitality of functioning habitat areas such as the lagoon habitat in this case.

Nonconforming Structures and Uses

The Applicant notes that there are a number of properties along Corcoran Lagoon that also have development located within the riparian setback area. Although it may be true that there exists some similar residential development within the riparian corridor of Corcoran Lagoon, it is equally true that such nonconforming development is not allowed by the LCP[1]. The Commission

[1] The County's LCP requires that new development be set back 100 feet from the high water mark of wetlands (such as Corcoran Lagoon) plus an additional 10 feet. Wetlands and riparian areas located within the urbanized areas of

has not fully researched the history of all such development nearby, but it is possible that some pre-dates CDP requirements, that some was constructed without CDPs, and even possible that some was inappropriately permitted. However, the presence of such development in the riparian corridor and required setback area does not make it consistent with the LCP or argue for allowing more of it. On the contrary, the LCP objective is that these areas be maintained as natural setback and habitat areas for habitat protection.

The Applicant also references the LCP's nonconforming development standards to support the project, stating that the new retaining walls should be permitted as a continuation of the previous nonconforming retaining walls that were located on the site. However, those walls were removed and no longer exist, and the newly installed walls (which were installed without the necessary CDP, and most of which are proposed to be retained and an additional property line wall and stairs to be built) are more substantial and made of different materials than the walls that have been removed (e.g., cast-in-place concrete walls to replace previously existing concrete pavers, modular crib walls, railroad ties and rebar, wooden fencing, etc.) and in the case of the planter box retaining walls (some of which are proposed to be removed and some retained) are of a completely different configuration.

If, in fact, non-conforming walls existed previously, then that is not dissimilar from other non-conforming development in many areas of the coastal zone, including properties with similar development in the Corcoran Lagoon riparian corridor. The LCP objective with respect to such development is to bring it into conformity with the LCP as development and redevelopment is proposed. In addition, LCP Section 13.10.262(c)(9) (see page 4 of Exhibit 6) requires that specific findings be made for nonconforming structures located within a riparian corridor, specifically that the project has been conditioned to require greater conformance to current site development standards or has been required to eliminate the nonconformity where feasible. The

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Santa Cruz County are located adjacent to residential, commercial, industrial, or institutional development. In the case of Corcoran Lagoon, existing residential development has been located adjacent to the Lagoon since at least the 1950's and some of this development is located within the LCP's required 110-foot setback from the Lagoon. In such urbanized areas within the County that are located adjacent to wetlands and riparian corridors, complying with the 110-foot setback requirement can be difficult given the typical size of adjacent parcels and the level of existing development that has taken place around these areas prior to certification of the LCP and its setback requirements. Over the years, this has resulted in the County issuing many Riparian Exceptions to allow development to take place within a required setback. However, when the situation requiring the Riparian Exception is so prevalent that Riparian Exceptions are used regularly, the County should consider an LCP amendment to address the situation, rather than using a process that continually finds exceptions to the primary policy goal. If lesser setbacks are to be considered, this could be done in the context of a management plan submitted and approved by the Coastal Commission as an amendment to the LCP. For this reason, the Commission urges the County to develop a management plan that would include biologically-based criteria for varying the width of riparian corridor setbacks based on on-the-ground resources and existing patterns of development. Such a management plan would ensure that planning for riparian areas in the County, including Corcoran Lagoon, is not done on a project-by-project basis, but rather that each riparian corridor is considered a whole ecosystem for which appropriate rules (including setbacks) for adjacent development, riparian corridor restoration and enhancement, and management can be established. Such a management plan would also provide specific guidance to homeowners and other parcel owners located along riparian corridors with respect to required riparian setbacks and allowable development within or adjacent to the riparian buffer zone. The City of Santa Cruz undertook such a process for the numerous creeks and their various reaches within the City, and has substantially reduced (essentially eliminated) the number of variances (similar to the County's Riparian Exception process) granted for development adjacent to creeks within the City.

proposed project does neither. The Commission's senior coastal engineer visited the site in May 2013. According to her memorandum (Exhibit 5) regarding the proposed project, it is feasible to remove the walls and associated fill and restore the area in a manner that will prevent slope failure into the lagoon, and provide for site restoration that has no further reliance upon the walls. Thus, it is possible to eliminate the nonconformity, as required by LCP Section 13.10.262(c)(9). As proposed, however, the project does not meet the standards and requirements of this LCP Section.

Riparian Exceptions

Although the proposed project is located completely within the LCP's required setback, the LCP does allow for reductions in required setbacks if certain findings can be made. However, the intent of the exception policy is to balance any special site circumstances against LCP requirements – and ultimately to evaluate whether there are less environmentally damaging feasible alternatives that can respond to site specific constraints and circumstances. In addition to the prescribed 110-foot riparian corridor setback in this case, the LCP is also directive in terms of setback size and function adjacent to ESHA. The LCP requires that any development adjacent to the riparian corridor must "maintain or enhance the functional capacity of the habitat," and that where this cannot be accomplished, the LCP requires such projects to be redesigned and reduced in scale or denied (LUP Policy 5.1.6). In any case, the LCP requires that "structures shall be placed as far from the habitat as feasible" (LUP Policy 5.1.7).

Exception findings (see LCP Section 16.30.060(d) on pages 2-3 of Exhibit 6) cannot be made in this case and an exception to the required 110-foot riparian corridor setback is not appropriate. The five required exception findings follow, and the reasons why they do not apply are briefly highlighted (note that all five findings would need to be made to allow the development to be located in the riparian corridor setback):

1. That there are special circumstances or conditions affecting the property. **This finding cannot be made.** The property is 9,645 square feet. Of this, about 4,875 square feet of the property is located outside of the riparian corridor setback. This 4,875 square foot portion of the property is developed with a single-family dwelling, a driveway, front yard planting space, backyard patio space, a backyard lawn, and ornamental plantings (see Exhibit 2 and pages 8-9 of Exhibit 5). The house and the backyard lawn are located on a flat area of the property. The depth and developable area of this property afford the property owner a residential use, including useable outdoor space, without the need for a Riparian Exception.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property. **This finding cannot be made.** Grading and modifying the slope of the property with permanent retaining walls and steps within the 100-foot riparian corridor is not necessary for the proper design and function of the existing home, which is at least 50 feet away from the nearest wall. Furthermore, the Commission's senior coastal engineer visited the site in May 2013. Per her memo (see Exhibit 5), none of the walls are essential to the stability of the residence on the site. Also, regarding typical backyard activities associated with single-family residential use, substantial useable and flat backyard space inland of the proposed retaining walls exists on the property, which is available for the Applicant's use.

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. **This finding cannot be made.** The introduction of a series of retaining walls and human use within 35 feet of the Lagoon does not allow the 110-foot area to function as a buffer for the Lagoon, and does not allow it to function as a riparian corridor, which is also protected by the LCP for habitat purposes, as discussed above. Rather, using 75 feet of the required buffer for residential use, development, and activity not only replaces what is required by the LCP to be protected for habitat purposes (see LUP Policies 5.1.3 and 5.1.6 in Exhibit 6) with urban development, it inappropriately moves such urban development even closer to the Lagoon, leading to reduced habitat value in the buffer, more potential for impacts to Lagoon resources, and generally lower resource value than the LCP requirements would specify for the site. Thus, the exception would be detrimental to the public welfare (due to using most of the riparian corridor for urban and not habitat purposes, and ultimately the way in which this inadequately buffers the Lagoon itself), and also injurious to the property downstream (i.e., remainder of the corridor and the Lagoon).

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative. **This finding cannot be made.** Granting a Riparian Exception in this case would mean that the riparian corridor itself was 35 feet as opposed to the required 100 feet. The riparian corridor and its buffering functions would be directly reduced, and by extension, directly adversely impacted. Also, as indicated in the Commission's senior coastal engineer's memo (see Exhibit 5), all of the walls and associated fill can be removed either immediately or through phased site restoration. Thus, the riparian corridor on the project site can be restored to a more natural, gently sloping grade without concrete retaining walls, and the area planted with appropriate native plants. This alternative would be less environmentally damaging than the Applicant's proposal and would help to reestablish the natural functional riparian setback as required by LUP Objective 5.2 and IP Sections 16.30.010 and 16.32.090(C)(k) (see Exhibit 6). Thus, there is a feasible less environmentally damaging alternative to the proposed project.

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. **This finding cannot be made.** The purpose of the Riparian Corridor and Wetlands Protection section of the LCP, as defined in IP Section 16.30.010 (Exhibit 6) is "to eliminate or minimize any development activities in the riparian corridor, preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archaeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Program Land Use Plan." A project that places development within the LCP's required riparian setback area (resulting in lesser protection and greater habitat degradation than a feasible alternative), particularly when it cannot meet the other required exception findings, is not consistent with these purposes and objectives.

In conclusion, the LCP required findings to allow a development within the riparian setback area cannot be made in this case, and the 100-foot riparian corridor setback, plus the additional 10-

foot buffer to it, is required by the LCP. Thus, and for all the reasons stated above, the proposed project must be denied.

Visual Resources

The LCP is highly protective of coastal zone visual resources, and specifically protective of the views available from publicly used roads and vistas points, where such public viewsheds are protected from disruption (LCP Objectives and Policies 5.10 et seq.), including explicitly with respect to minimizing landform alteration and avoiding inappropriate structures in public viewsheds (LUP Policy 5.10.3). The LCP also specifically requires all new development to be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas (IP Section 13.20.130(b)(1)). See page 4 of Exhibit 6 for these policies and standards.

The proposed project is located directly within primary public viewsheds associated with road and trail segments of the California Coastal Trail (CCT), namely Portola Drive and East Cliff Drive, and the winding Francis L. Markey Public Nature Trail along the Lagoon side of Coastview Drive (this public trail connects Portola Drive and East Cliff Drive).[2] The Applicant is proposing to remove some of the already-built walls (e.g., portions of the planter box walls), cut down the remaining planter box wall to about 6 inches above grade, retain the remainder of the walls (i.e., all of the curved wall and all portions of the segmented wall, as well as the eastern property line wall), and construct a new 8-foot-long concrete wall along the western property line (the top of this wall would conform to the top of the graded slope) (see page 4 of Exhibit 3 and Exhibit 4). The proposed project also includes installation of new concrete steps with a flagstone cap, which would allow access from the flat area of the backyard to the more sloped area within the riparian corridor.

The Applicant proposes to stain the remaining walls and the proposed concrete steps and new western property line wall a brownish color. Given this, and the proposed reduction in the number and extent of the walls, the proposed project will greatly reduce the impacts of the already-built project components as seen from the public viewpoints of the site from across the lagoon, including the road and trail segments of the CCT (see a visual simulation on page 7 of Exhibit 3). However, it would still result in unnatural elements in what is specified by the LCP to be a natural area. This impact would be exacerbated by residential use and activity in this same area that is supposed to be natural per the requirements of the LCP. Although proposed to be camouflaged, these unnatural elements, as well as residential use and activity in and around them, would be somewhat jarring as compared to the natural buffer area that is required, particularly because the proposed development is located in the area that would otherwise form the slope down to the Lagoon, and the project would essentially replace the slope with a series of retaining and other structures closer (as close as 35 feet) to the Lagoon. Public views, primarily from along Portola and the Markey Trail, would be inappropriately impacted, inconsistent with the LCP protections afforded them. Although a somewhat lesser LCP inconsistency in relation to the setback issues discussed above, this represents an LCP inconsistency as well that requires denial.

[2] This public trail was approved by the Commission as part of the terms and conditions associated with CDP A-3-SCO-02-092 in March 2005.

Land Use

The portion of the property where the development is proposed is designated O-U (Urban Open Space Lands) in the LCP. The purpose of the O-U designation is "to identify and preserve in open space uses those areas which are not suited to development due to the presence of natural resource values or physical development hazards" (LCP Objective 5.11), and where development can only be considered in such areas in very limited circumstances and only if such development is consistent with resource protection policies (LCP Policy 5.11.3). See page 3 of Exhibit 6 for the applicable objectives and policies for O-U designated lands.

The proposed development is not consistent with preserving this area as open space, which is the objective of the O-U designation, and is prohibited in O-U because it is not consistent with the aforementioned resource protection policies, and thus is not allowed pursuant to LCP Policy 5.11.3. Thus the proposed project is inconsistent with LCP Objective 5.11 and LCP Policy 5.11.3 and must be denied.

C. UNPERMITTED DEVELOPMENT

As discussed in the "Project Background" section above, in 2008 County staff received a complaint regarding the unpermitted construction of the new concrete retaining walls within the riparian corridor associated with Corcoran Lagoon. The Applicant applied to the County for a CDP to recognize the new retaining walls and resolve the code violation, and the County approved the project in April 2011. The County's approval was appealed to the Commission, and in August 2011 the Commission found that the County's approval raised a substantial issue with respect to the project's conformance with the LCP, and the Commission took jurisdiction over the CDP application for the project.

Although development has taken place prior to Commission review of this permit application, consideration of the application by the Commission has been based solely upon the policies of the certified LCP. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violation have been fully resolved.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable parts:

> ***CEQA Guidelines (14 CCR) Section 15042. Authority to Disapprove Projects.*** *[Relevant Portion.] A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*
>
> ***Public Resources Code (CEQA) Section 21080(b)(5). Division Application and Nonapplication.*** *…(b) This division does not apply to any of the following activities: …(5) Projects which a public agency rejects or disapproves.*

> ***Public Resources Code (CEQA) Section 21080.5(d)(2)(A).*** *Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*
>
> ***CEQA Guidelines (14 CCR) Section 15270(a). Projects Which are Disapproved.*** *(a) CEQA does not apply to projects which a public agency rejects or disapproves.*

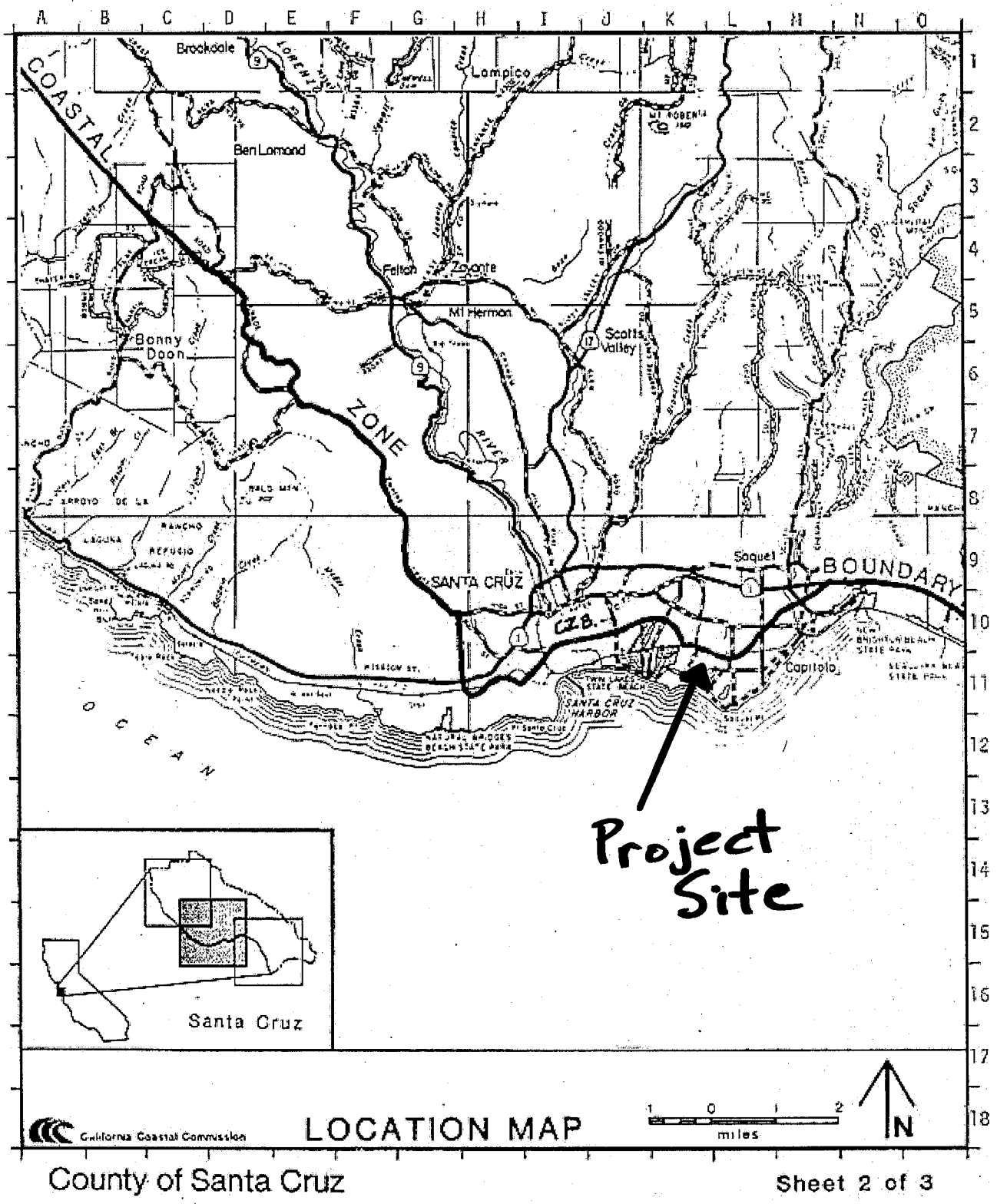
Section 13096 (14 CCR) requires that a specific finding be made in conjunction with coastal development permit applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All above LCP conformity findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 "a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed." Section 21080(b)(5) of the CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project were approved as proposed and is necessary because there are feasible alternatives and mitigation measures available which would substantially lessen any significant adverse effect the project may have on the environment. Accordingly, the Commission's denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Letter report on "*Removal of Existing Retaining Walls*," CMAG Engineering, September 10, 2010, 3 pages.
2. Letter report on "*Removal of Existing Retaining Walls*," CMAG Engineering, December 14, 2009, 5 pages.
3. Letter report on "*Removal of Existing Retaining Walls*," CMAG Engineering, October 22, 2009, 4 pages.
4. Geotechnical Investigation, "*Analysis of Existing Retaining Walls*," CMAG Engineering, April 17, 2009, 25 pages.
5. Santa Cruz County Record for CDP Application 101078.



County of Santa Cruz

Sheet 2 of 3

Exhibit 1
A-3-SCO-11-044
1 of 1

Project site

Arrows point to existing retaining walls

Exhibit 2
A-3-SCO-11-044
Page 1 of 1

DRAINAGE NOTE:

NO CONCENTRATED DRAINAGE FLOWS ARE PERMITTED OVER ADJACENT PROPERTY LINES. WATER IS TO DRAIN AWAY FROM STRUCTURES FOR A MINIMUM OF 5 FEET AT 2 PERCENT AND BE CONVEYED TO AN APPROVED DRAINAGE FACILITY. SITE DRAINAGE SHALL BE BIO-FILTERED AND/OR CAPTURED FOR ON-SITE PERCOLATION PRIOR TO ANY EXCESS DISCHARGE.

UTILITY NOTE:

UTILITIES SERVING THIS PROJECT SHALL BE LIMITED TO DRIP IRRIGATION SYSTEM FOR NEW PLANTINGS. THIS SYSTEM WILL BE CONNECTED TO THE EXISTING DOMESTIC WATER SERVICE.

WORK TO BE DONE

A. GENERAL

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THESE PLANS, THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE DESIGN CONSTRUCTION STANDARDS OF THE COUNTY OF SANTA CRUZ AND ANY LOCAL REGIONAL STANDARD DRAWINGS. ANY CHANGES OR REVISIONS THEREFROM SHALL BE APPROVED BY THE COUNTY ENGINEER PRIOR TO ANY REQUEST FOR INSPECTION.

2. THE SOILS REPORT "GEOTECHNICAL INVESTIGATION" SHALL BE CONSIDERED AS A PART OF THE (MAJOR) GRADING PLAN. ALL MAJOR GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND SPECIFICATIONS CONTAINED IN SAID REPORT.

3. CONTRACTOR SHALL TAKE ANY NECESSARY PRECAUTIONS REQUIRED TO PROTECT ADJACENT PROPERTIES, SENSITIVE HABITAT, NEIGHBORING VIEW CORRIDORS DURING CONSTRUCTION OPERATIONS. ANYTHING DAMAGED OR DESTROYED SHALL BE REPLACED OR REPAIRED TO CONDITION EXISTING PRIOR TO CONSTRUCTION.

4. THE CONTRACTOR SHALL BE RESPONSIBLE THAT ANY MONUMENT OR BENCH MARK WHICH IS DISTURBED OR DESTROYED SHALL BE RE-ESTABLISHED AND REPLACED BY A REGISTERED CIVIL ENGINEER OR A LICENSED LAND SURVEYOR.

5. THE CONTRACTOR SHALL DESIGN, CONSTRUCT AND MAINTAIN ALL SAFETY DEVICES, INCLUDING SHORING, AND SHALL BE RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS AND REGULATIONS.

6. MAJOR GRADING AND EQUIPMENT SHALL NOT BE CONDUCTED BETWEEN THE HOURS OF 5:30 P.M. AND 7:30 A.M. NOR ON SATURDAYS, SUNDAYS AND COUNTY RECOGNIZED HOLIDAYS.

7. NO MAJOR GRADING OPERATIONS SHALL COMMENCE UNTIL A PRE GRADING MEETING HAS BEEN HELD ONSITE WITH THE FOLLOWING PEOPLE PRESENT: SITE INSPECTOR, SOILS ENGINEER, CONTRACTOR AND OWNER. THE PRE GRADE MEETING SHALL BE SCHEDULED WITH THE COUNTY AT LEAST 48 HOURS IN ADVANCE.

8. ALL MAJOR GRADING SHALL BE INSPECTED AND TESTED BY A QUALIFIED SOILS ENGINEER/REGISTERED GEOTECHNICAL ENGINEER OR UNDER HIS DIRECTION HE SHALL INSPECT AND TEST THE EXCAVATION PLACEMENT AND COMPACTION OF FILLS AND BACKFILLS AND COMPACTION OF TRENCHES. HE SHALL SUBMIT SOILS REPORTS AS REQUIRED AND WILL DETERMINE THE SUITABILITY OF ANY FILL MATERIAL. UPON COMPLETION OF MAJOR GRADING OPERATIONS HE SHALL STATE THAT OBSERVATIONS AND TESTS WERE MADE BY HIM OR UNDER HIS SUPERVISION AND THAT IN HIS OPINION, ALL EMBANKMENTS AND EXCAVATIONS ARE ACCEPTABLE FOR THEIR INTENDED USE.

9. THE CONTRACTOR SHALL PROPERLY FINE GRADE ALL EXCAVATED SURFACES TO PROVIDE POSITIVE DRAINAGE AND PREVENT PONDING OF WATER. HE SHALL CONTROL SURFACE WATER AND AVOID DAMAGE TO ADJOINING PROPERTIES OR FINISHED WORK ON THE SITE AND SHALL TAKE REMEDIAL MEASURE TO PREVENT EROSION OF FRESHLY GRADED AREAS UNTIL SUCH TIME AS PERMANENT DRAINAGE AND EROSION CONTROL MEASURES HAVE BEEN INSTALLED.

10. ALL AREAS TO BE FILLED SHALL BE PREPARED TO BE FILLED AND FILL SHALL BE PLACED IN ACCORDANCE WITH STANDARD SPECIFICATION OR AS STATED IN THE SOIS REPORT/GEOTECHNICAL REPORT. ALL VEGETABLE MATTER AND OBJECTIONABLE MATERIAL SHALL BE REMOVED BY THE CONTRACTOR FROM THE SURFACE UPON WHICH THE FILL IS TO BE PLACED. LOOSE FILL AND ALLUVIAL SOILS SHALL BE REMOVED TO SUITABLE FIRM NATURAL GROUND. THE EXPOSED SOILS SHALL BE SCARIFIED TO A DEPTH OF 12 INCHES AND THEN COMPACTED TO A MINIMUM OF 90 PERCENT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PLACE, SPREAD, WATER AND COMPACT THE FILL IN STRICT ACCORDANCE WITH SOILS REPORT/SPECIFICATIONS.

11. CUT AND FILL SLOPES SHALL BE CUT AND TRIMMED TO FINISH GRADE TO PRODUCE SMOOTH SURFACE AND UNIFORM CROSS SECTION. THE SLOPES OR EXCAVATION AND EMBANKMENTS SHALL BE SHAPED, PLANTED AND TRIMMED AS DIRECTED BY THE ENGINEER/ARCHITECT OF WORK AND LEFT IN A NEAT AND ORDERLY CONDITION. ALL STONES, ROOTS AND OTHER WASTE MATTER EXPOSED OR EXCAVATION OR EMBANKMENT SLOPES WHICH ARE LIABLE TO BECOME LOOSENED SHALL BE REMOVED AND DISPOSED OF. THE TOE AND TOP OF ALL SLOPES SHALL BE ROUNDED IN ACCORDANCE WITH THE LOCAL ORDINANCE.

12. ALL NON-NATIVE TREES, BRUSH, GRASS, AND OTHER OBJECTIONABLE MATERIAL SHALL BE COLLECTED, PILED OR OTHERWISE DISPOSED OF OFF THE SITE BY THE CONTRACTOR SO AS TO LEAVE THE AREAS THAT HAVE BEEN CLEARED WITH A NEET AND FINISHED APPEARANCE FREE FROM UNSIGHTLY DEBRIS. APPROVAL OF LOCATION OF DEBRIS FILL SHALL BE DETERMINED BY THE COUNTY/SITE INSPECTOR PRIOR TO THE DISPOSAL OF ANY SUCH MATERIAL.

STORMWATER POLLUTION CONTROL BMP NOTES - RELATIVE TO CONSTRUCTION ACTIVITIES

CONCRETE WASHOUT

CONTRACTOR SHALL ESTABLISH AND USE AN ADEQUATELY SIZED CONCRETE WASHOUT AREA TO CONTAIN WASHOUT WASTES ON SITE. IT IS ILLEGAL TO WASH CONCRETE, SLURRY, MORTAR, STUCCO, PLASTER AND THE LIKE INTO THE STORMWATER CONVEYANCE SYSTEM OR ANY RECEIVING WATER. CONTRACTOR SHALL POST A SIGN DESIGNATING THE WASHOUT LOCATION.

CONSTRUCTION SITE ACCESS

A STABILIZED CONSTRUCTION SITE ACCESS SHALL BE PROVIDED FOR VEHICLES EGRESS AND INGRESS TO PREVENT TRACKING DIRT OFF SITE. THIS SHALL INCLUDE USING MATERIAL SUCH AS GRAVEL AND/OR CORRUGATED STEEL PANELS/PLATES.

CONSTRUCTION VEHICLES

A SPECIFIC AREA AWAY FROM GUTTERS AND STORM DRAIN SHALL BE DESIGNATED FOR CONSTRUCTION VEHICLES PARKING, VEHICLE REFUELING, AND ROUTINE EQUIPMENT MAINTENANCE. ALL MAJOR REPAIRS SHALL BE MADE OFF-SITE.

EROSION CONTROL (See sheet 4)

EROSION CONTROL MUST BE PROVIDED FOR ALL EROSIVE SURFACES. SLOPED SURFACES ESPECIALLY SHALL BE PROTECTED AGAINST EROSION BY INSTALLING SILT FENCING AND/OR EROSION RESISTANT SURFACES SUCH AS EROSION CONTROL MATS (NATURAL MATERIAL, JUTE NETTING), ADEQUATE GROUND COVER VEGETATION, AND BONDED FIBER MATRIX.

NO EXCAVATION AND MAJOR GRADING ACTIVITIES ARE ALLOWED DURING WET WEATHER.

DIVERSION DIKES SHALL BE CONSTRUCTED TO CHANNEL RUNOFF AROUND THE CONSTRUCTION SITE. CONTRACTOR SHALL PROTECT CHANNELS AGAINST EROSION USING PERMANENT AND TEMPORARY EROSION CONTROL MEASURES.

REMOVE EXISTING VEGETATION ONLY WHEN ABSOLUTELY NECESSARY. LARGE PROJECTS SHALL BE CONDUCTED IN PHASES TO AVOID UNNECESSARY REMOVAL OF THE NATURAL GROUND COVER. DO NOT REMOVE ANY NATIVE TREES OR SHRUBS UNNECESSARILY; THEY HELP DECREASE EROSION.

PLANT PERMANENT NATIVE VEGETATION AS SOON AS POSSIBLE, ONCE EXCAVATION, GRADING & CONSTRUCTION ACTIVITIES ARE COMPLETE.

WATER USAGE FOR DUST CONTROL SHALL BE MINIMIZED.

ON-SITE CONSTRUCTION MATERIAL STORAGE

STORED MATERIALS SHALL BE CONTAINED IN A SECURE PLACE TO PREVENT SEEPAGE AND SPILLAGE. CONTRACTOR SHALL STORE THESE PRODUCTS WHERE THEY WILL STAY DRY OUT OF THE RAIN. CONTRACTOR SHALL PROVIDE SECONDARY CONTAINMENT FOR ALL FUEL STORED ON-SITE.

ELIMINATE OR REDUCE POLLUTION OF STORMWATER FROM STOCKPILES KEPT ON-SITE. STOCKPILES MAY INCLUDE SOIL, PARING MATERIALS, ASPHALT CONCRETE, AGGREGATE BASE, ETC. STOCKPILES SHALL BE LOCATED AWAY FROM CONCENTRATED STORMWATER STORMWATER FLOWS AND STORMDRAIN INLETS. STOCKPILES SHALL BE COVERED OR PROTECTED WITH SOIL STABILIZATION MEASURES AND PROVIDED WITH A TEMPORARY SEDIMENT BARRIER AROUND THE PERIMETER AT ALL TIMES.

TRAINING

CONTRACTORS' EMPLOYEES WHO PERFORM CONSTRUCTION IN THE COUNTY OF SANTA CRUZ SHALL BE TRAINED TO BE FAMILIAR WITH THE COUNTY STORMWATER POLLUTION CONTROL REQUIREMENTS. THESE BMP NOTES SHALL BE AVAILABLE TO EVERYONE WORKING ON SITE. THE PROPERTY OWNER(S), DEVELOPER AND THE PRIME CONTRACTOR MUST INFORM SUBCONTRACTORS ABOUT STORMWATER REQUIREMENTS AND THEIR OWN RESPONSIBILITIES.

WASTE MANAGEMENT

CONTRACTOR SHALL SEPARATE ALL CONSTRUCTION MATERIALS AND CONSTRUCTION DEBRIS AND RECYCLE AND/OR DISPOSE OF SUCH MATERIAL IN THE MOST ENVIRONMENTALLY SAFE/EFFECIENT MANNER AS POSSIBLE.

ANY MATERIAL THAT CAN BE RECYCLED OR REUSED AND NOT WANTED BY THE OWNER OR CONTRACTOR SHALL BE ADVERTISED IN THE LOCAL PAPER FOR "FREE" TO PICK-UP. UNUSED OR UNWANTED MATERIAL IS THE OWNERS RESPONSIBILITY AND SHALL BE RECYCLED APPROPRIATELY.

CONTRACTOR SHALL BE RESPONSIBLE FOR PROPERLY DISPOSING OF ALL DUST MATERIALS, LIQUID WASTE AND UNUSED CONSTRUCTION MATERIALS. DUMPING OF UNUSED OR WASTE PRODUCTS ON THE GROUND, WHERE WATER CAN CARRY THEM INTO THE CONVEYANCE SYSTEM IS STRICTLY PROHIBITED.

NO SEEPAGE FROM DUMPSTER SHALL BE DISCHARGED INTO STORMWATER. BERMS/DIKES SHALL BE PLACED AROUND DUMPSTERS TO DIVERT THE NATURAL STORM RUNOFF. DUMP SITE'S SHALL BE CHECKED FREQUENTLY FOR LEAKS. DUMPSTER LIDS SHALL REMAIN CLOSED AT ALL TIMES. DUMPSTERS WITHOUT LIDS SHALL BE PLACED WITHIN STRUCTURES WITH IMPERVIOUS ROOFING OR COVERED WITH TARPS IN ORDER TO AVOID RAIN CONTACT WITH ANY TRASH MATERIAL.

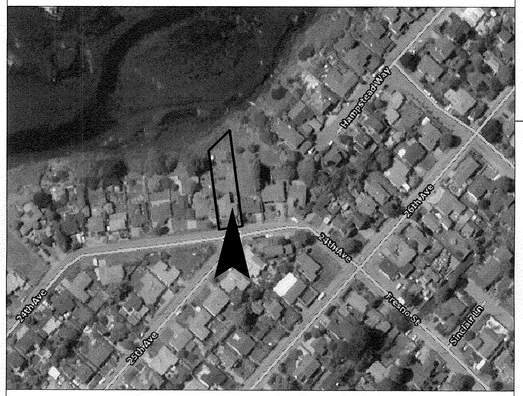
MANY CONSTRUCTION MATERIALS, INCLUDING SOLVENTS, WATER-BASED PAINTS, VEHICLE FLUIDS, BROKEN ASPHALT AND CONCRETE, WOOD, AND CLEARED VEGETATION CAN BE RECYCLED. NON-RECYCLABLE MATERIALS MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR DISPOSED OF AS HAZARDOUS WASTE. FOR INFORMATION ON DISPOSAL OF HAZARDOUS MATERIAL, CALL THE;
- HAZARDOUS WASTE HOTLINE TOLL FREE AT (800) 714-1195.
- FOR INFORMATION ON LANDFILLS AND TO ORDER DUMPSTERS CALL THE COUNTY WASTE MANAGEMENT DEPT.

POLLUTANTS SHALL BE KEPT OFF EXPOSED SURFACES. PLACE TRASH CANS AND RECYCLING RECEPTACLES AROUND THE SITE.

PORTABLE TOILETS MUST BE IN GOOD WORKING ORDER AND CHECKED FREQUENTLY FOR LEAKS. CONTRACTOR SHALL PROVIDE SECONDARY CONTAINMENT AND LOCATE PORTABLE TOILETS AWAY FROM STORMDRAIN INLETS ON PERVIOUS SURFACES.

ALL CONSTRUCTION DEBRIS SHALL BE KEPT AWAY FROM THE STREET, GUTTER, AND STORMDRAIN. CONTRACTOR MUST ROUTINELY CHECK AND CLEAN UP MATERIAL THAT MAY HAVE TRAVELED AWAY FROM CONSTRUCTION SITE

Site Map
NOT TO SCALE



Location Map
NOT TO SCALE

Area Map
NOT TO SCALE

MR. MICHAEL PITT RESIDENCE
PHONE: 831-881-2020

SITE ADDRESS:

391 24TH AVENUE
SANTA CRUZ, CA 95062
APN: 028-181-05

LEGAL DESCRIPTION:

COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA.

START DATE	CURRENT DATE
Oct., 2008	July, 2011

GROUNDED
Modern Landscape Architecture

STATEMENT OF REGISTERED CIVIL ENGINEER OR LICENSED LANDSCAPE ARCHITECT OF WORK

THE WORK PERFORMED BY THE CIVIL ENGINEER/LANDSCAPE ARCHITECT SHALL COMPLY WITH THE GENERALLY ACCEPTED STANDARDS AND PRACTICES OF THE CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE TRADE OR PROFESSION. THE CIVIL ENGINEER/LANDSCAPE ARCHITECT FURTHER AGREES THAT THE WORK PERFORMED HEREIN SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS REQUIRED BY THE COUNTY OF SANTA CRUZ, TO THE EXTENT THAT THE CIVIL ENGINEER/LANDSCAPE ARCHITECT CONTROLS SUCH PERFORMANCE. THE CIVIL ENGINEER/LANDSCAPE ARCHITECT AGREES THAT ANY PLAN CHECK OR REVIEW PERFORMED BY THE COUNTY OF SANTA CRUZ IN ITS CAPACITY AS A PUBLIC ENTITIY FOR THE PLANS PREPARED BY THE CIVIL ENGINEER/LANDSCAPE ARCHITECT IS NOT A DETERMINATION BY THE COUNTY OF SANTA CRUZ OF THE TECHNICAL SUFFICIENCY OR ADEQUACY OF THE PLANS OR DESIGN AND IT THEREFORE DOES NOT RELIEVE THE CIVIL ENGINEER/LANDSCAPE ARCHITECT OF RESPONSIBILITY FOR THE PLANS OR DESIGN OF IMPROVEMENTS BASED THEREON. THE CIVIL ENGINEER/LANDSCAPE ARCHITECT AGREES TO INDEMNIFY AND HOLD HARMLESS THE COUNTY OF SANTA CRUZ AND ITS OFFICERS, AGENTS AND EMPLOYEES FROM PROPERTY DAMAGE OR BODILY INJURY ARISING SOLELY FROM THE NEGLIGENT ACTS, ERRORS, OR OMISSIONS OF THE CIVIL ENGINEER/LANDSCAPE ARCHITECT AND HIS/HER AGENTS OR EMPLOYEES ACTING WITHIN THE COURSE AND SCOPE OF SUCH AGENCY AND CLIENT EMPLOYMENT ARISING OUT OF THE WORK PERFORMED BY THE CIVIL ENGINEER/LANDSCAPE ARCHITECT.

SIGNED: Richard J. Risner
RICHARD J. RISNER

DATE: 7-13-2011

RLA NO. 4808

EXP. DATE 07-31-2013

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT · RICHARD J. RISNER · RLA 4808 · 7-31-12 RENEWAL DATE · STATE OF CALIFORNIA

PROJECT NO.
831-818-2020

AS BUILT

Signature Date

GROUNDED
LANDSCAPE ARCHITECTURE & PLANNING
897 SOUTH COAST HWY. SUITE 105
ENCINITAS, CA 92024
PHONE (760) 518-7106 FAX (760) 230-1835
email: rich@grounded101.com

LICENSED & REGISTERED BY
STATE OF CALIFORNIA, CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
2420 DEL PASO ROAD, SUITE 105
SACRAMENTO, CA 95834
PHONE (916) 575-7230

PROJECT TEAM

Project Manager/Planning Consultant
Kim Tschantz, MSP, CEP
Cypress Environmental and Land Use Planning
P. O. Box 1844
Aptos, CA 95001
(831) 685-1007
kimt@cypressenv.com
www.cypressenv.com

Landscape Architect
Richard Risner, RLA, ASLA
Grounded - Landscape Architecture & Planning
(760) 518-7106
rich@grounded101.com
www.designgrounded.com

Structural Engineer
Josh Goodman, PE
JMG Engineering Consultants
1200 Valencia Road
Aptos, CA 95003
(831) 662-3717
joshmgoodman@yahoo.com

Botanist
Kathy Lyons, MS
Biotic Resources Group
2551 South Rodeo Gulch Road, Suite #12
Soquel, CA 95073
(831) 476-4803
brg@cruzio.com

Geotechnical Engineer
Adrian Garner, PE
CMAG Engineering
(831) 334-2812
adrian@cmagenineering.com
www.cmagengineering.com

SHEET INDEX

Riparian Exception & Coastal Zone Permit
PERMIT # 101078
APPROVED JUNE 17, 2011
(ATTACHED TO THESE PLANS)

PROJECT PURPOSE

Proposal to maintain 220 lineal feet of new retaining walls that were constructed to replace failing retaining walls without the benefit of a permit and to remove 119. lineal feet of new retaining wall and to implement a biotic restoration plan to improve the biotic condition of the riparian habitat on the parcel; including 8.5 cubic yards of grading associated with the removal of retaining walls. The project also includes the construction of 8 lineal feet of new retaining wall, not currently constructed, along the western property line for better slope stability. This project requires the approval of a Coastal Zone Permit, Riparian Exception Permit and a Grading Permit.

PARCEL INFORMATION	VALUE
APN	028-181-05
ESTIMATED SQ. FEET	9645 SF or (.221 acre)
ZONING	R-1-5
GENERAL PLAN LAND USE DESIGNATION	URBAN MEDIUM RESIDENTIAL,URBAN OPEN SPACE

NORTH

Pitt Residence
391 24th Santa Cruz, California 95062

PERMIT#

1
SHEET
1 OF 7

REVISIONS	APPROVED	DATE

DISCLAIMER:
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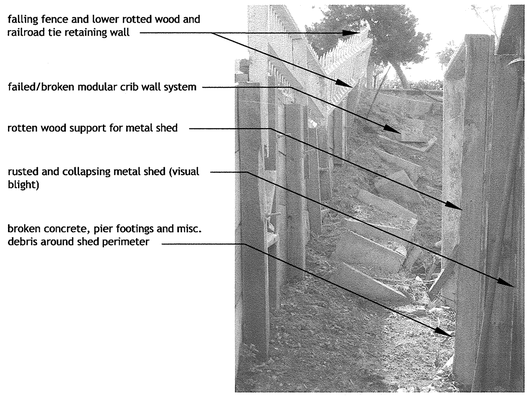
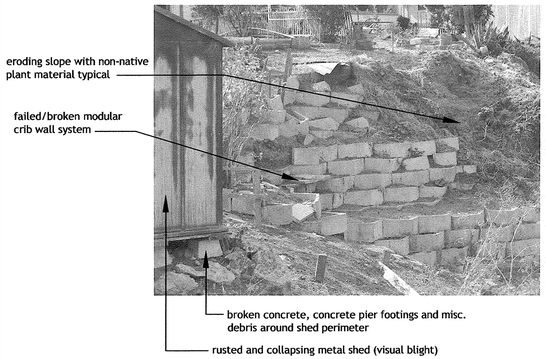
PARKS & RECREATION	WATER DIST.	FIRE PROTECTION DIST.	ENGINEERING SERVICES DEPT.	PLANNING & BUILDING	PUBLIC WORKS	APPROVALS	
						RECOMMENDED	APPROVED
REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	BY:	BY:
BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	DATE:	DATE:
Signature expires 2 years after date.	Signature expires 2 years after date.	Signature expires 2 years after date.	Signature expires 2 years after date.	Signature expires 2 years after date.	Signature expires 2 years after date.		

Exhibit 3
A-3-SCO-11-044
1 of 7



1 **Failed Slope Along Fence/Property Line**



2 **Failed Slope & Modular Crib Wall** (from side)

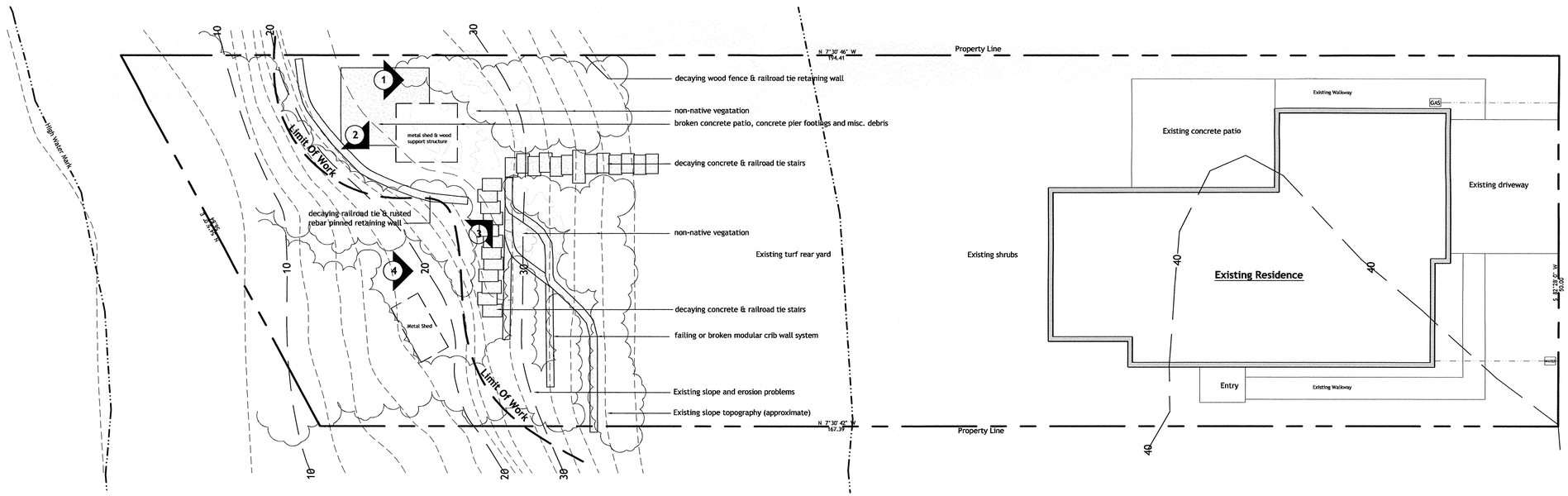
(all failed/broken modular crib wall pieces was disposed at a concrete recycling center typical)

3 **Close-up of Failed Modular Crib Wall**

4 **Failed Slope & modular Crib Wall** (from below)

PHOTO LEGEND

(x) Photo location and direction



NORTH

SCALE: ± 1/8" = 1'-0"

START DATE	CURRENT DATE
Oct., 2008	July, 2011

GROUNDED
Modern Landscape Architecture

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT
RICHARD J. RISNER - RLA # 4808
7-31-13
RENEWAL DATE
STATE OF CALIFORNIA

PROJECT NO.
831-818-2020

AS BUILT

Signature Date

Pitt Residence

391 24th Santa Cruz, California 95062

Pre-construction Condition Site Plan

PERMIT#

2
SHEET
2 OF 7

REVISIONS	APPROVED	DATE

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BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:
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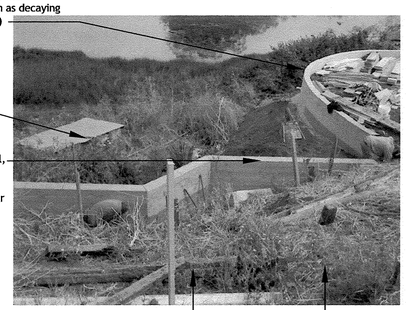
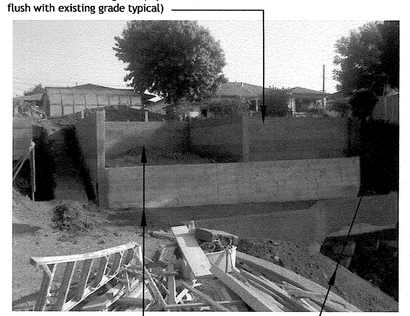
1 Curved Poured In Place Lower Concrete Wall



2 Angled Poured In Place Lower Concrete Wall

3 Poured In Place Concrete Wall @ Property Line



4 Upper & Lower Poured In Place Concrete Walls

START DATE	CURRENT DATE
Oct., 2008	July, 2011

GROUNDED
Modern Landscape Architecture

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT
RICHARD J. RISNER - R.L.A. # 4808
SIGNATURE
7-31-12
RENEWAL DATE
STATE OF CALIFORNIA

PROJECT NO.
831-818-2020

AS BUILT

Signature Date

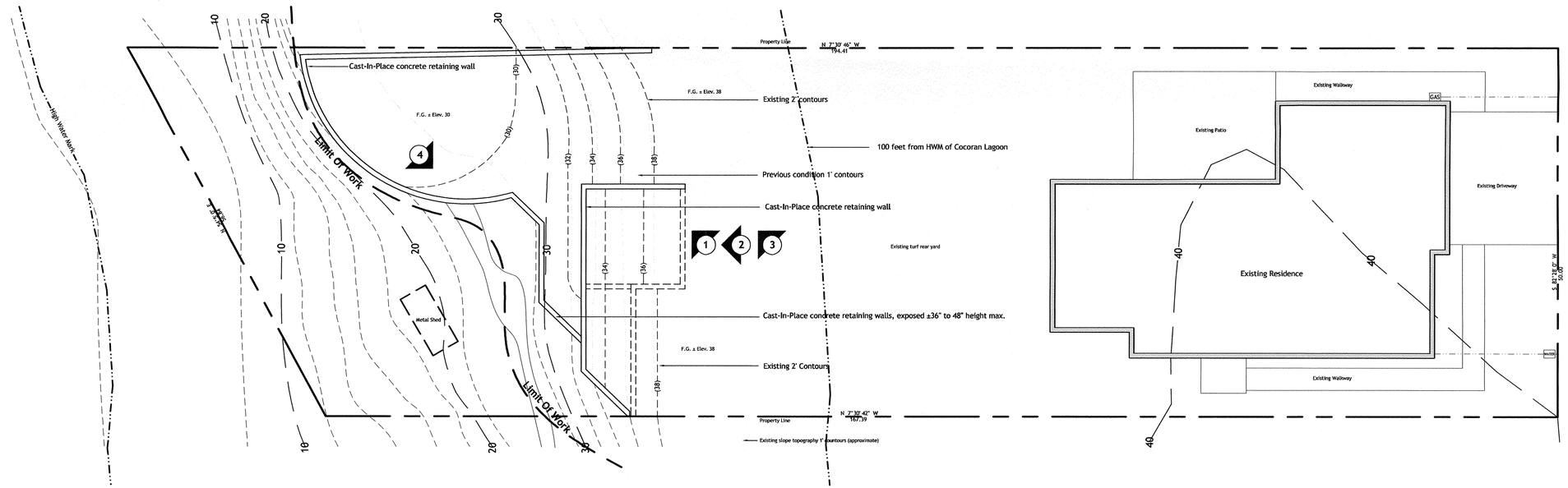
PHOTO LEGEND

Photo location and direction

LEGEND FOR SITE WALLS

Existing

To Be Removed



NORTH

SCALE: ± 1/8" = 1'-0"

PERMIT#

3

SHEET

3 OF 7

REVISIONS	APPROVED	DATE

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REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	RECOMMENDED	APPROVED
BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:	BY: DATE:
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Pitt Residence

391 24th Santa Cruz, California 95062

Existing Condition Site Plan

BEST MANAGEMENT PRACTICES REQUIREMENTS

GRADED SLOPE EROSION CONTROL (SLOPES 2:1 OR GREATER)
(Plant Material or Hydroseeding Stabilization) California Stormwater BMP Handbook for Construction
(Erosion control blankets Stabilization) California Stormwater BMP Handbook for Construction

SEDIMENT CONTROL
(Silt Fence) California Stormwater BMP Handbook for Construction
(Straw Wattles) CalTrans Stormwater Quality Handbook, Nov. '01
(Gravel Bags/Sand Bags) California Stormwater BMP Handbook for Construction

OFFSITE SEDIMENT TRACKING CONTROL
(Stabilized Construction Entrance) California Stormwater BMP Handbook for Construction

WASTE MANAGEMENT
(Concrete Waste Management) California Stormwater BMP Handbook for Construction

CONTRACTOR BMP REQUIREMENTS

1. IF GRADING TAKES PLACE BETWEEN OCTOBER 15 THROUGH APRIL 15 CONTRACTOR SHALL INSTALL EROSION CONTROL DEVICES AS SHOWN HEREON. THESE EROSION CONTROL DEVICES SHALL BE REQUIRED ON THE PROJECT SITE PRIOR TO OR CONCURRENT WITH THE INITITIAL GRADING OPERATIONS AND MAINTAINED THROUGHOUT THE DEVELOPMENT PROCESS TO MINIMIZE EROSION AND SEDIMENT FROM RUNOFF WATERS DURING CONSTRUCTION. ALL SEDIMENT SHALL BE RETAINED ON-SITE.

2. SHOULD GRADING OR SITE PREPARATION CEASE FOR A PERIOD OF MORE THAN 30 DAYS THE CONTRACTOR SHALL INSTALL EROSION CONTROL DEVICES AS SHOWN HEREON. FURTHERMORE, THE CONTRACTOR SHALL SEED ALL DISTURBED AREAS WITH NATIVE GRASS SPECIES OR OTHER FAST ESTABLISHING EROSION CONTROL PLANT MATERIAL. THESE TEMPORARY EROSION CONTROL MEASURES SHALL BE MONITORED AND MAINTAINED UNTIL GRADING OR CONSTRUCTION OPERATIONS RESUME.

EROSION CONTROL
(ALSO SEE BEST MANAGEMENT PRACTICES NOTES)

REFER TO SHEET 1 FOR GENERAL CONSTRUCTION AND ADDITIONAL EROSION CONTROL NOTES.

1. IN CASE EMERGENCY WORK IS REQUIRED, CONTACT MICHAEL PITT AT (831) 818-2020, 24 HOURS.

2. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON (OCTOBER 1 TO APRIL 15). ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON SITE ON OCTOBER 1. AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.

3. DEVICES SHOWN ON PLANS SHALL NOT BE MOVED OR MODIFIED WITHOUT THE APPROVAL OF THE CIVIL ENGINEER/LANDSCAPE ARCHITECT OR SITE INSPECTOR.

4. THE CONTRACTOR SHALL RESTORE ALL EROSION CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CIVIL ENGINEER/LANDSCAPE ARCHITECT OR SITE INSPECTOR AFTER EACH RUN-OFF PRODUCING RAINFALL.

5. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED BY THE SITE INSPECTOR DUE TO AN INCOMPLETE MAJOR GRADING OPERATION OR UNFORESEEN CIRCUMSTANCES WHICH MAY ARISE.

6. THE CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHEN IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.

7. ALL EROSION CONTROL MEASURES PROVIDED PER THE APPROVED PLANS SHALL BE INCORPORATED HEREON.

8. MAJOR GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF SLOPE AND INTO APPROPRIATE COLLECTION/DRAINAGE DEVICES AT THE CONCLUSION OF EACH WORK DAY.

9. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE FIVE (5) DAY RAIN PROBABILITY FORECAST EXCEEDS FORTY PERCENT (40%). SILT AND OTHER DEBRIS SHALL BE REMOVED AFTER EACH RAINFALL.

10. EROSION CONTROL MUST BE PROVIDED FOR ALL EROSIVE SURFACES. SLOPED SURFACES ESPECIALLY SHALL BE PROTECTED AGAINST EROSION BY INSTALLING EROSION RESISTANT SURFACES SUCH AS EROSION CONTROL MATS (JUTE NETTING), ADEQUATE GROUND COVER VEGETATION, AND BONDED FIBER MATRIX.

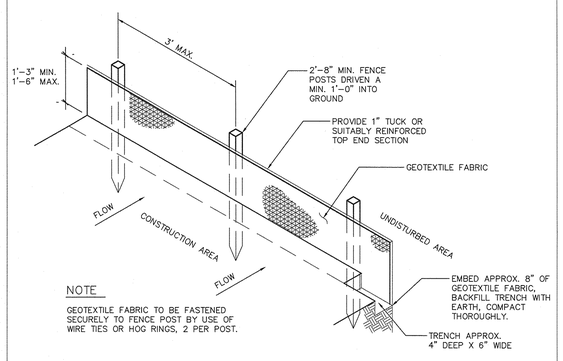
11. NO EXCAVATION AND MAJOR GRADING ACTIVITIES ARE ALLOWED DURING WET WEATHER.

12. REMOVE EXISTING VEGETATION ONLY WHEN ABSOLUTELY NECESSARY. LARGE PROJECTS SHALL BE CONDUCTED IN PHASES TO AVOID UNNECESSARY REMOVAL OF THE NATURAL GROUND COVER. DO NOT REMOVE ANY NATIVE TREES OR SHRUBS UNNECESSARILY; THEY HELP DECREASE EROSION.

13. PLANT PERMANENT NATIVE VEGETATION AS SOON AS POSSIBLE, ONCE EXCAVATION, GRADING & CONSTRUCTION ACTIVITIES ARE COMPLETE.

14. WATER USAGE FOR DUST CONTROL SHALL BE MINIMIZED.

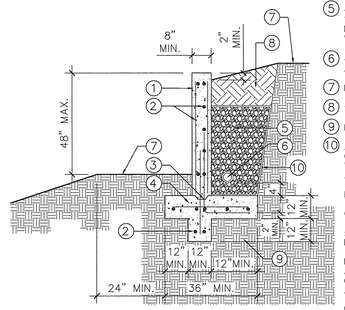
15. A SILT FENCE SHALL BE INSTALLED, AS SHOWN BELOW, PRIOR TO ANY EARTH DISTURBANCE ON-SITE AND REMAIN IN GOOD WORKING CONDITION UNTIL ALL CONSTRUCTION HAS BEEN COMPLETED.



NOTE
GEOTEXTILE FABRIC TO BE FASTENED SECURELY TO FENCE POST BY USE OF WIRE TIES OR HOG RINGS, 2 PER POST.

B SILT FENCING DETAIL

CONCRETE PAVING & JOINTS TYPICAL
SEE DETAIL (C) ON SHEET 5



1. CAST IN PLACE CONCRETE RETAINING WALL (2500 PSI)
2. MINIMUM #4 REBAR @12" ON CENTER EACH WAY TYPICAL (LAP SPLICES 20" MINIMUM, KEEP CLR. 2" FROM EDGES TYP.)
3. KEY
4. REINFORCED CONCRETE FOOTING
5. 3/8" TO 3/4" CLEAN CRUSHED GRAVEL, 18" MINIMUM THICKNESS OF BACKDRAIN MEASURED FROM BACK OF RETAINING WALL
6. 4" PERFORATED SDR 35 PIPE OR APPROVED EQUAL, PERFORATIONS DOWN
7. FINISH GRADE
8. 12" NATIVE SOIL CAP
9. NATIVE SOIL
10. APPROVED FILTER FRABRIC PER THE GEOTECHNICAL INVESTIGATION REPORT, WRAPPING DRAINROCK ON BACK, TOP AND BOTTOM

NOTES:

CONSTRUCT TO COUNTY STANDARDS

±2 PERCENT TO PIPE AND TRENCH BOTTOM

PERFORATED SDR 35 PVC PIPE, OR APPROVED EQUAL, CONNECTED TO CLOSED CONDUITS THAT DISCHARGE TO AN APPROVED LOCATION

INSTALL CLEAN OUTS AT APPROVED LOCATIONS

A REINFORCED CONCRETE RETAINING WALL (CANTILEVERED) NOT TO SCALE
(TYPICAL CONSTRUCTION FOR ALL POURED IN PLACE CONCRETE RETAINING WALLS)

START DATE	CURRENT DATE
Oct., 2008	July, 2011

GROUNDED Modern Landscape Architecture

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT RICHARD J. RIGNER - REG. # 4808 STATE OF CALIFORNIA
RENEWAL DATE 7-31-13

PROJECT NO.
831-818-2020

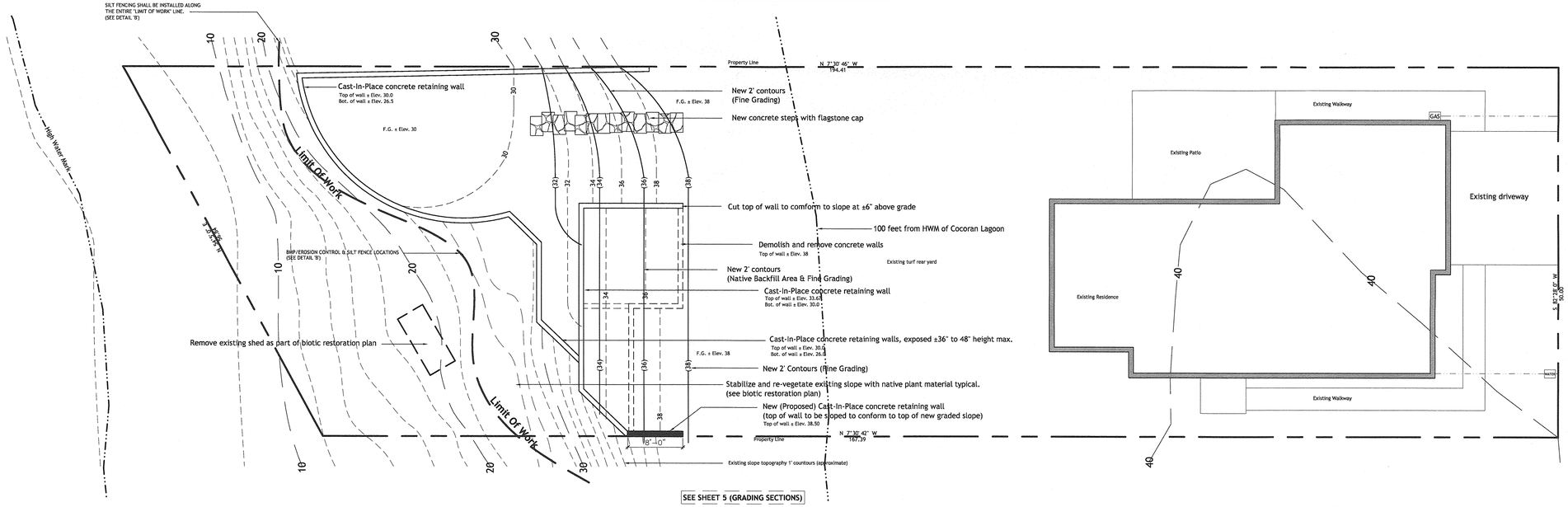
AS BUILT

Signature Date

REFER TO SHEET S-1 FOR ALL STRUCTURAL DETAILS AND ENGINEERING CALCS.

PHOTO LEGEND
x Photo location and direction

LEGEND FOR SITE WALLS
Existing
New
To Be Removed



SEE SHEET 5 (GRADING SECTIONS)

Pitt Residence

391 24th Santa Cruz, California 95062

Proposed Grading/Drainage/Erosion Control Plan

NORTH

SCALE: ± 1/8" = 1'-0"

PERMIT#

4
SHEET
4 OF 7

REVISIONS	APPROVED	DATE

DISCLAIMER:
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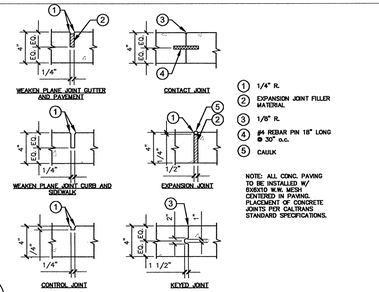
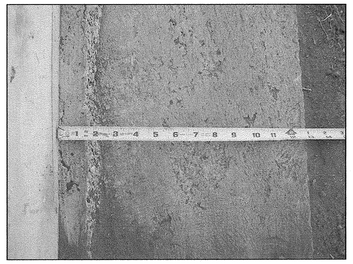
PARKS & RECREATION	WATER DIST.	FIRE PROTECTION DIST.	ENGINEERING SERVICES DEPT.	PLANNING & BUILDING	PUBLIC WORKS	APPROVALS	
REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	REVIEWED BY:	RECOMMENDED	APPROVED
BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE:	BY: DATE:

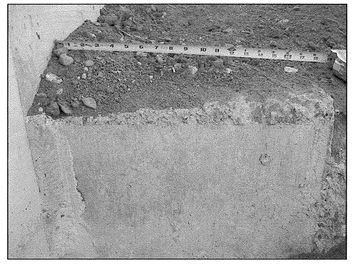
Exhibit 3
A-3-SCO-11-044
4 of 7



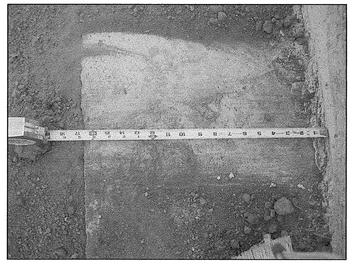
C CONCRETE PAVE & JOINTS
(TYPICAL FOR ALL CONCRETE WORK) NOT TO SCALE



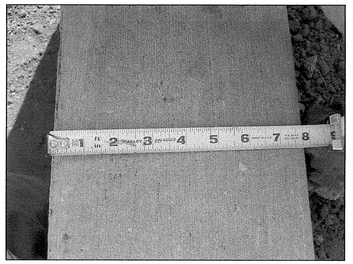
1 Conc. C.I.P. wall footing (min. width)



2 Conc. C.I.P. wall footing @ corner



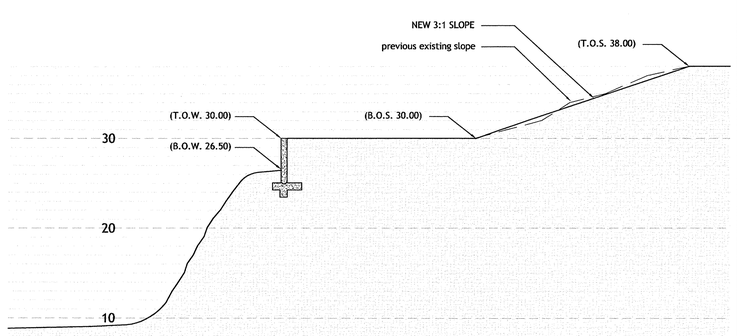
3 Conc. C.I.P. wall footing (max. width)



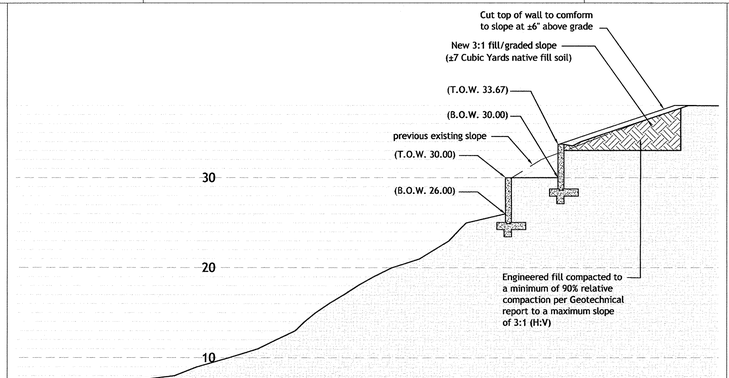
4 Conc. C.I.P. wall width (minimum)

START DATE	CURRENT DATE
Oct., 2008	July, 2011

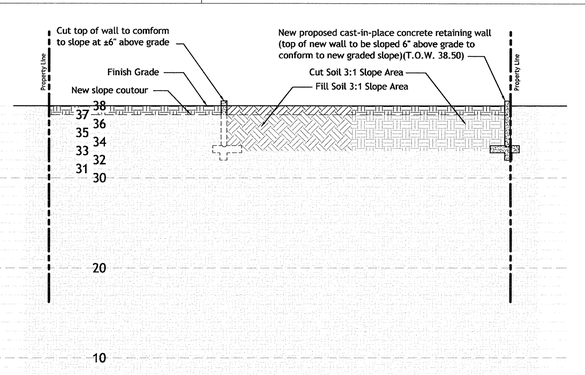
GROUNDED
Modern Landscape Architecture



A Grading Section 'A-A'



B Grading Section 'B-B'



X Grading Section 'X-X'

Registered Landscape Architect
California 4808
Arizona 39140

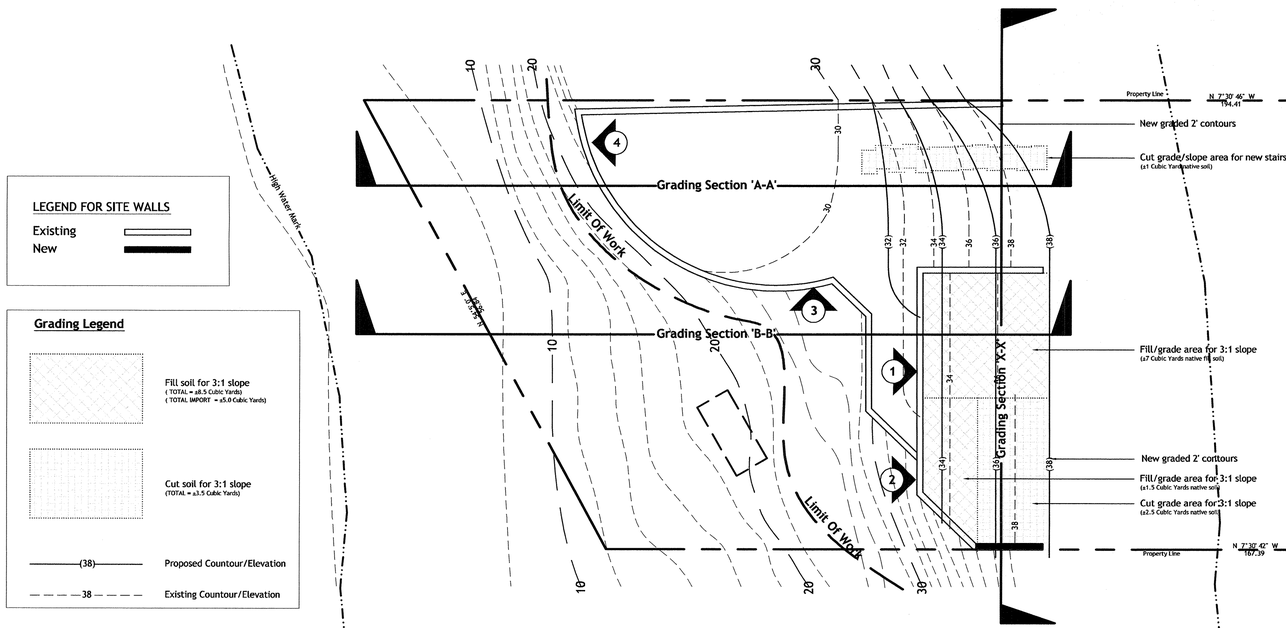
LICENSED LANDSCAPE ARCHITECT
No. LA4808 J. RISNER - RLA# 4808
SIGNATURE
7-31-15
RENEWAL DATE
STATE OF CALIFORNIA

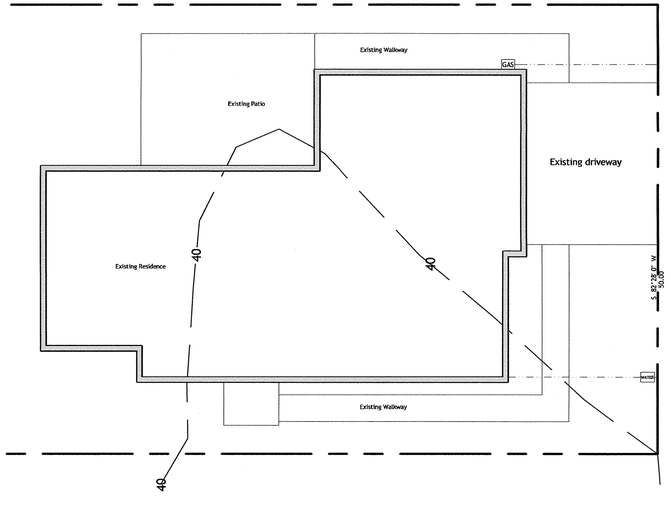
PROJECT NO.
831-818-2020

AS BUILT

Signature Date

REFER TO SHEET S-1 FOR ALL STRUCTURAL DETAILS AND ENGINEERING CALCS.





NORTH

SCALE: ± 1/8" = 1'-0"

PERMIT#

Pitt Residence
391 24th Santa Cruz, California 95062

Grading Cross-sections & Wall details

5
SHEET
5 OF 7

REVISIONS	APPROVED	DATE

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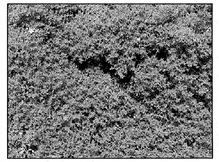
Exhibit 3
A-3-SCO-11-044
5 of 7

START DATE	CURRENT DATE
Oct., 2008	July, 2011



Baccharis pilularis
Coyote Brush
(Biotic Restoration Material)

Heteromeles arbutifolia
Toyon
(Biotic Restoration Material)

Rhamnus californica
Coffee Berry
(Biotic Restoration Material)

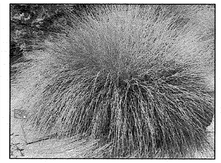
Ribes menziesii
Canyon Gooseberry
(Biotic Restoration Material)

Salvia mellifera
Black Sage
(Biotic Restoration Material)

Sambucus mexicana
Blue Elderberry
(Biotic Restoration Material)

Carex divulsa (tumulicola)
Berkeley Sedge
(Landscape Planting Material)

Arctostaphylos crustacea
Brittle Manzanita
(Landscape Planting Material)



Muhlenbergia rigens
Deergrass
(Landscape Planting Material)

U.C. Verde Buffalo Grass
(Landscape Planting Material)

GROUNDED
Modern Landscape Architecture

NOTES:

Site landscaping/plant restoration shall comply with the 391-24th Avenue, County of Santa Cruz: Results of Wetland Setback Evaluation report prepared by Plant Ecologist Kathleen Lyons, Biotic Resources Group.

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified by the State of California shall be planted or allowed to naturalize in the restoration zone.

Owner shall provide a planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the residential construction.

Owner shall provide a written commitment that all required plantings shall be maintained in good health, and whenever necessary, shall be replaced with new plant material to ensure continued compliance with the applicable landscape requirements.

Owner shall not use rodenticides containing any anticoagulant compounds including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone.

Each year for a period of 5 years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittees shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

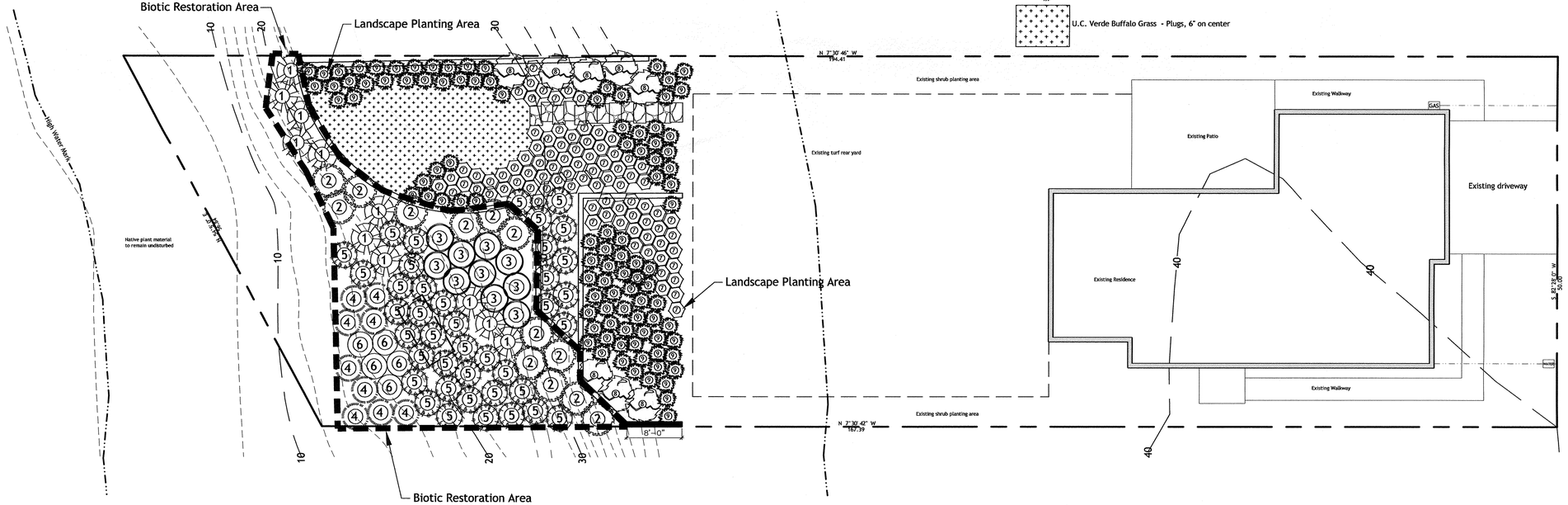
Biotic Plant Restoration List

1. Baccharis pilularis - Coyote Brush - 1 gallon, 4' on center
2. Heteromeles arbutifolia - Toyon - 1 gallon, 4' on center
3. Rhamnus californica - Coffee Berry - 1 gallon, 4' on center
4. Ribes menziesii - Canyon Gooseberry - 1 gallon, 4' on center
5. Salvia mellifera - Black Sage - 1 gallon, 4' on center
6. Sambucus mexicana - Blue Elderberry - 1 gallon, 4' on center

Landscape Planting

7. Carex divulsa rigens - Berkeley Sedge - 1 gallon, 2' on center
8. Arctostaphylos crustacea - Brittle Manzanita - 1 gallon, 5' on center
9. Muhlenbergia rigens - Deergrass - 1 gallon, 3' on center

U.C. Verde Buffalo Grass - Plugs, 6" on center



NORTH

SCALE: ± 1/8" = 1'-0"

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT
RICHARD J. RISNER - R.L.A. # 4808
STATE OF CALIFORNIA

PROJECT NO.
831-818-2020

AS BUILT

Signature Date

Pitt Residence

391 24th Avenue Santa Cruz, California 95062

Biotic Restoration Plan

PERMIT#

REVISIONS	APPROVED	DATE

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BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE: Signature expires 2 years after date.	BY: DATE:	BY: DATE:

6

SHEET
6 OF 7

Existing Site Conditions

Proposed Site Conditions

START DATE	CURRENT DATE
Oct., 2008	June, 2010

GROUNDED
Modern Landscape Architecture

Registered Landscape Architect
California 4808
Arizona 39140

LICENSED LANDSCAPE ARCHITECT
RICHARD J. RISNER - RLA # 4808
SIGNATURE
RENEWAL DATE
STATE OF CALIFORNIA

PROJECT NO.
831-818-2020

AS BUILT

Signature Date

Pitt Residence
391 24th Santa Cruz, California 95062

Visual Simulations

Exhibit 3
A-3-SCO-11-044
7 of 7

PERMIT#

REVISIONS	APPROVED	DATE

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7

SHEET
7 OF 7

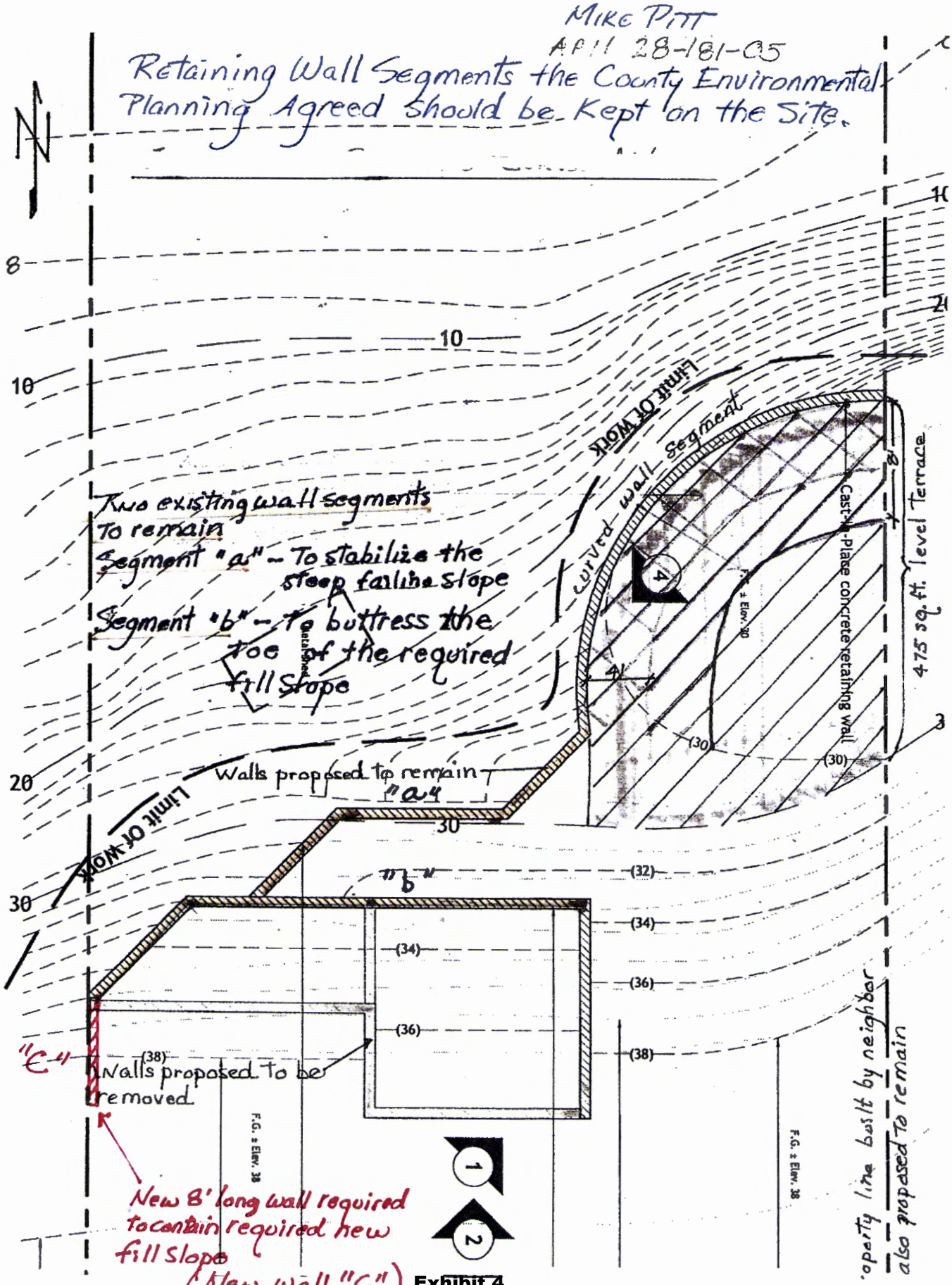


Exhibit 4
A-3-SCO-11-044
1 of 1

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
VOICE (415) 904- 5200
FAX (415) 904- 5400
TDD (415) 597-5885

June 27, 2013

TO: Susan Craig, Supervising Coastal Planner

FROM: Lesley Ewing, Sr. Coastal Engineer (Supervisor)

SUBJECT: Application A-3-SCO-11-044 (Pitt Retaining Walls), Corcoran Lagoon, 391 24th Avenue, Santa Cruz County (APN 28-181-05)

The proposed project includes after-the-fact concrete retaining walls and grading at 391 24th Avenue in the Live Oak area of Santa Cruz County. These project elements are located within the LCP's required 100-foot setback from Corcoran Lagoon. You have asked that I give you my professional opinion regarding the potential impacts of removing the walls, given the differences in grade that exist on the subject property itself and that also exist between the subject property and adjacent properties. My recommendations, provided below, are based upon the following:

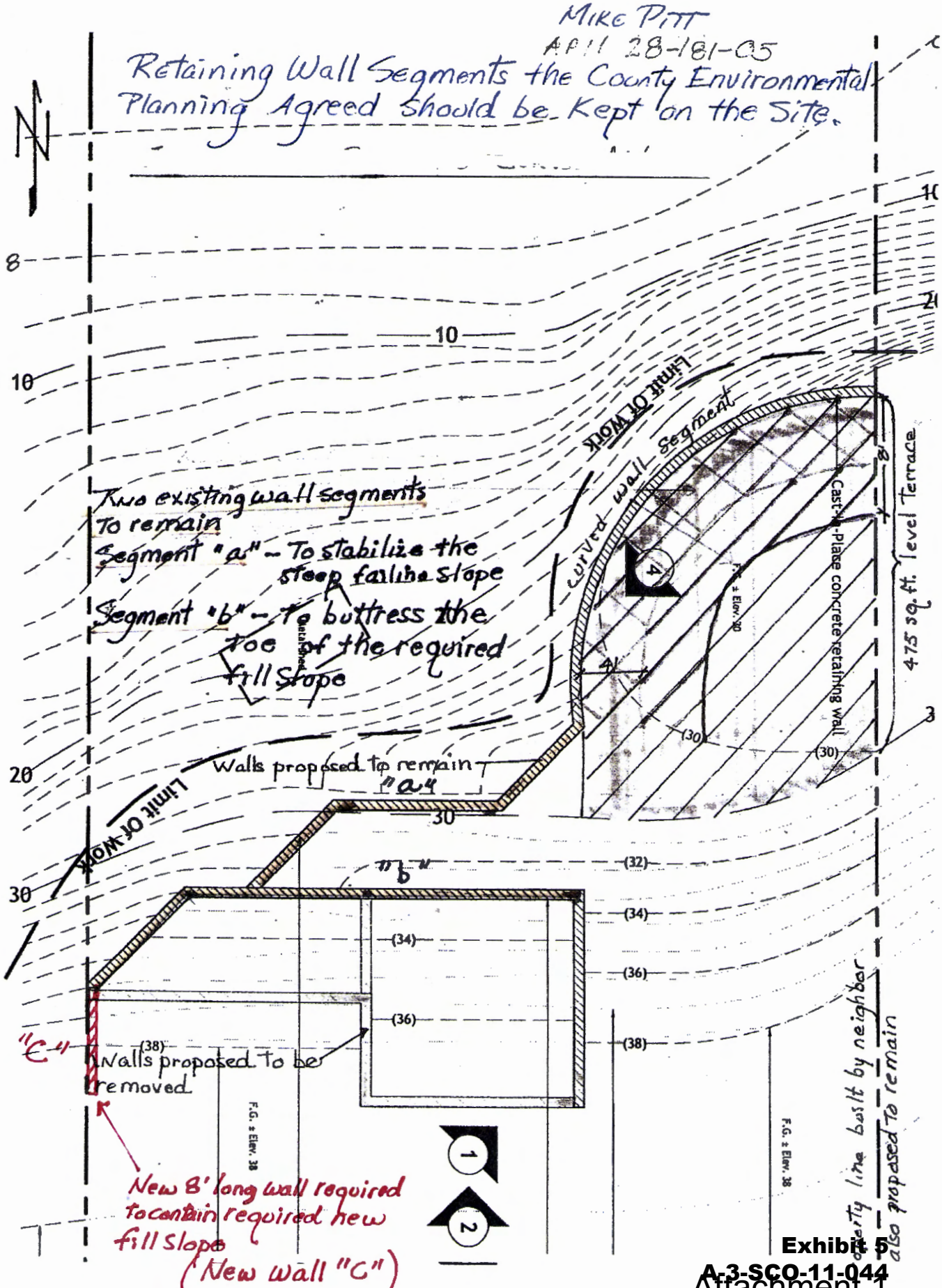
- CMAG Engineering (September 10, 2010) Letter report on "Removal of Existing Retaining Walls," 3 pages.
- CMAG Engineering (December 14, 2009) Letter report on "Removal of Existing Retaining Walls", 5 pages.
- CMAG Engineering (October 22, 2009) Letter report on "Removal of Existing Retaining Walls", 4 pages.
- CMAG Engineering (April 17, 2009) Geotechnical Investigation, "Analysis of Existing Retaining Walls," 25 pages.
- Site Visit on May 3, 2013, with Susan Craig, Kim Tschantz, MSP, CEP, and Mike Pitt.
- "Retaining Wall Segments the County Environmental Planning Agreed Should be Kept on the Site" provided by the Applicant; no date or author (Attachment 1).
- Undated photograph, entitled "Curved Wall Being Constructed" (Attachment 2).
- Photographs taken at the site September 20, 2011 (Attachment 3a) and May 3, 2013 (Attachment 3b).

The concrete retaining walls have already been constructed on site (see Attachments 3a and 3b for photos of the walls). One wall runs along a neighboring property line. Some of the walls run perpendicular to the shoreline of the Lagoon, such as the wall that runs along the neighboring property line (see Attachment 3a page 1 and Attachment 3b page 2). Some walls run parallel or quasi-parallel to the shoreline of the Lagoon (see Attachment 3a, pages 2 and 4 and Attachment 3b, pages 1 and 5). All of the walls seem to provide some level of slope retention, as indicated by the grade differences that exist along opposite sides of each of the individual walls. During the May 3, 2013 site visit, we did not do any excavation to expose the wall foundations. However, there appears to be little, if any, embedded foundation for most of the concrete planter boxes (see Attachment 3a page 2 and Attachment 3b page 1).There appears to be a foundation wall at the base of, and slightly seaward of, the exposed curved wall, as can be seen in the photograph of the curved wall taken during installation (Attachment 2).

The provided technical reports discuss wall removal and seem to be based on prior discussions with the County about the walls. As such, the reports assume several of the walls will remain in

place. The technical reports provide no stability basis for retaining any of the walls. Such analysis was requested, but, to date, has not been provided. Without geotechnical analysis to the contrary, it is my opinion that none of the walls are essential to the stability of the Pitt Residence and that all of the walls can be removed either immediately or through phased site restoration. Prior to any work to remove the walls, I recommend that the Applicant provide us with a restoration plan that analyzes site conditions, provides for either immediate removal of all walls, or a phased removal of the walls in a manner that will prevent slope failure into the lagoon, and provides for site restoration that has no further reliance upon stabilizing walls.

I will be available to discuss this memo if you have questions.

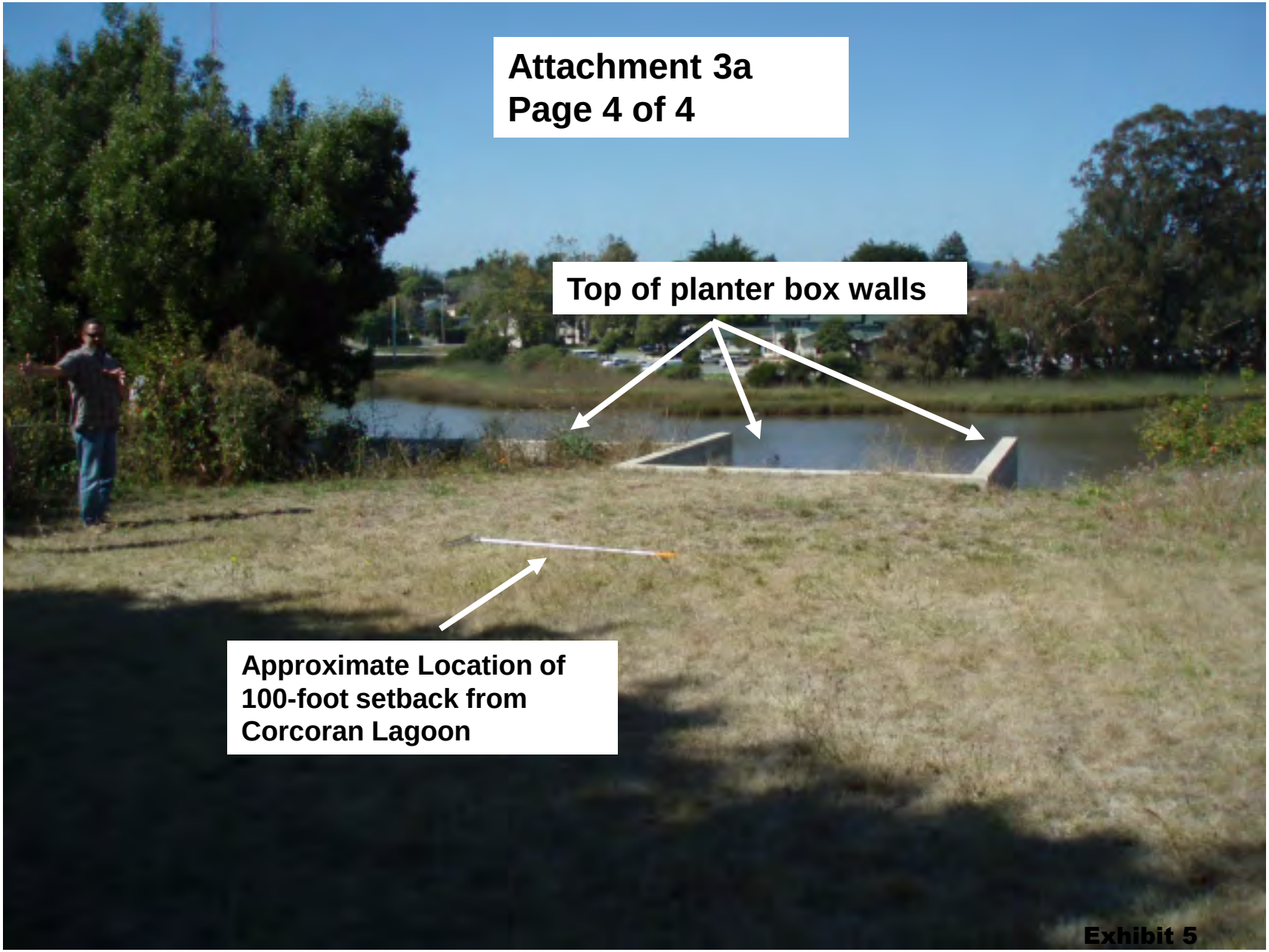

MIKE PITT
APN 28-181-05
Retaining Wall Segments the County Environmental Planning Agreed Should be Kept on the Site.
Two existing wall segments to remain
Segment "a" – To stabilize the steep fill slope
Segment "b" – To buttress the toe of the required fill slope
Walls proposed to remain "a"
Limit Of Work
Curved wall Segment
Cast-in-Place concrete retaining wall
475 sq. ft. level Terrace
"b"
"c"
Walls proposed to be removed
New 8' long wall required to contain required new fill slope
(New wall "C")
property line built by neighbor also proposed to remain
F.G. ± Elev. 38
F.G. ± Elev. 30
Detail Sheet

Attachment 2
Exhibit 5
A-3-SCO-11-044
4 of 13

Eastern Property Line Wall


Attachment 3a
Page 2 of 4
Planter Box Walls and Portions of Segmented Angled Wall


Attachment 3a
Page 3 of 4
Curved Wall


Attachment 3a
Page 4 of 4
Top of planter box walls
Approximate Location of 100-foot setback from Corcoran Lagoon


All walls except eastern property line wall
Proposed Location of Concrete Steps


Attachment 3b
Page 2 of 5
Eastern Property Line Wall
05/03/2013
Exhibit 5
A-3-SCO-11-044
10 of 13


Attachment 3b
Page 3 of 5
Curved Wall and Slope to Lagoon
05/03/2013
Exhibit 5
A-3-SCO-11-044
11 of 13


Attachment 3b
Page 4 of 5
Curved wall and portions of segmented angled wall
05/03/2013
Exhibit 5
A-3-SCO-11-044
12 of 13

Curved wall and portions of planter box walls

05/03/2013

APPLICABLE SANTA CRUZ COUNTY LUP POLICIES AND IP STANDARDS

Sensitive Habitat

LUP Objective 5.1 Biological Diversity. *To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.*

LUP Policy 5.1.2 Definition of Sensitive Habitat. *An area is defined as a sensitive habitat if it meets one or more of the following criteria: …(i) All lakes, wetlands, estuaries, lagoons, streams and rivers. (j) Riparian corridors.*

LUP Policy 5.1.3 Environmentally Sensitive Habitats. *Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and allow only uses dependent on such resources in these habitats within the Coastal Zone unless other uses are: (a) consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public; (b) it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative; and (c) legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.*

LUP Policy 5.1.6 Development Within Sensitive Habitats. *Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.*

LUP Policy 5.1.7 Site Design and Use Regulations. *Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations: (a) Structures shall be placed as far from the habitat as feasible…*

LUP Objective 5.2 Riparian Corridors and Wetlands. *To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.*

LUP Policy 5.2.1 Designation of Riparian Corridors and Wetlands. *Designate and define the following areas as Riparian Corridors: …(c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water; (d) The landward limit of a riparian woodland plant community; (e) Wooded arroyos within urban areas.*

LUP Policy 5.2.4 Riparian Corridor Buffer Setback. *Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This*

setback shall be identified in the Riparian Corridor and Wetlands Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10 foot separation from the edge of the riparian corridor buffer to any structure.

LUP Policy 5.2.5 Setbacks From Wetlands. *Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, as outlined in the Water Resources section.*

LUP Policy 5.2.7 Compatible Uses With Riparian Corridors. *Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.*

LUP Policy 5.2.8 Environmental Review for Riparian Corridor and Wetland Protection. *Require environmental review of all proposed development projects affecting riparian corridors or wetlands and preparation of an Environmental Impact Report or Biotic Report for projects which may have a significant effect on the corridors or wetlands.*

LUP Program 5.2.a Riparian Corridors and Wetlands. *Maintain and enforce a Riparian and Wetland Protection ordinance to protect riparian corridors, wetlands, lagoons, and inland lakes by avoiding to the greatest extent allowed by law the development in these areas.*

IP Section 16.30.010 Purpose - *The purpose of this chapter is to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Program Land Use Plan.*

IP Section 16.30.030 Definitions… Riparian Corridor. *Any of the following:… (4) Lands extending 100 feet (measured horizontally) from the high watermark of a lake, wetland, estuary, lagoon or natural body of standing water…*

IP Section 16.30.040 Protection. *No person shall undertake any development activities other than those allowed through exemptions and exceptions as defined below within the following areas: (a) Riparian corridors.*

IP Section 16.30.060 - Exceptions - (d) Findings. *Prior to the approval of any exception, the Approving Body shall make the following findings: 1. That there are special circumstances or conditions affecting the property; 2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property; 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; 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; and 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.

IP Section 16.32.040 Definitions… Sensitive Habitat. *An area is defined as a sensitive habitat if it meets one or more of the following criteria…* ***(i)*** *All lakes, wetlands, estuaries, lagoons, streams and rivers.* ***(j)*** *Riparian corridors.*

IP Section 16.32.090(C)(k) Approval conditions… *Only resource-dependent uses shall be allowed within any environmentally sensitive habitat area… k. Wetlands Conditions … One hundred foot buffer measured from the high-water mark shall be required. Distance between structures and wetland shall be maximized.*

IP Section 16.32.100. *Exceptions to the provisions of SCCC 16.32.090 may be approved by the Decision-Making Body. (A) In granting an exception, the Decision-Making Body shall make the following findings: (1) That adequate measures will be taken to ensure consistency with the purpose of this chapter to minimize the disturbance of sensitive habitats; and (2) One of the following situations exists: (a) The exception is necessary for restoration of a sensitive habitat; or (b) It can be demonstrated by biotic assessment, biotic report, or other technical information that the exception is necessary to protect public health, safety, or welfare.*

OPEN SPACE PRESERVATION

LUP Objective 5.11 Open Space Preservation. *To identify and preserve in open space uses in those areas which are not suited to development due to the presence of natural resource values or physical development hazards.*

LUP Policy 5.11(b) Designation of Urban Open Space Lands (O-U). *Designate Urban Open Space (O-U) areas on the General Plan and LCP Land se Maps to identify those lands within the Urban Services Line and Rural Services Line which are not appropriate for development due to the presence of one or more of the following resources or constraints: …(b) Coastal lagoons, wetlands, and marshes…*

LUP Policy 5.11.3 Development Within Urban Open Space Areas. *Consider development within areas identified as Urban Open Space only when consistent with all applicable resource protection and hazard mitigation policies, and only in the following circumstances: (a) For one single-family dwelling or other limited-scale use consistent with the adjacent General Plan and LCP Land Use Plan designation on an existing parcel of record if the parcel does not contain other areas for development, and if it is not possible to relocate facilities elsewhere on the property. (b) For other activities when the use is consistent with the maintenance of the area as open space, such as recreational use, habitat restoration, or flood or drainage control facilities. (c) For the location of service infrastructure when it cannot be placed in other locations out of the protected use areas.*

VISUAL RESOURCES

Objective 5.10.a Protection of Visual Resources. *To identify, protect, and restore the aesthetic values of visual resources.*

Objective 5.10.b New Development in Visual Resource Areas. *To ensure that new development is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.*

LUP Policy 5.10.2 Development Within Visual Resource Areas. *Recognize that visual resources of Santa Cruz County possess diverse characteristics…. Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section.…*

LUP Policy 5.10.3 Protection of Public Vistas. *Protect significant public vistas…from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,… inappropriate landscaping and structure design.*

IP Section 13.20.130(b)(1) Entire Coastal Zone, Visual Compatibility. *The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*

NONCONFORMING STRUCTURES

IP Section 13.10.262(c)(9) Findings. *The following findings apply to site development permits for nonconforming structures as required under subsection (A) of this section: … (9) For nonconforming structures over a property line, within a riparian corridor, or within five feet of an existing or planned right-of-way, the proposed project has been conditioned to require greater conformance to current site development standards, or has been required to eliminate the nonconformity where feasible, considering economic factors and site conditions including size, shape, topography, existing development or improvements, and environmental constraints.*