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# W24a

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Staff: S. Craig - SC  
Staff Report: 11/21/2013  
Hearing Date: 12/11/2013

## 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, a decomposed granite path, and associated residential use areas (some after-the fact), shed demolition, and native plantings.

**Staff Recommendation:** Approval with Conditions

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## 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 has already been constructed and thus the request is for after-the-fact approval) 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 application for the proposed project on August 11, 2011. The Commission subsequently held a public hearing on the CDP application on August 15, 2013. At that time, testimony was taken, and several Commissioners provided input on project issues. The Applicant subsequently modified the proposed project, primarily with respect to eliminating a stairway access to the lower portion of the site. 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, 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 required setback area. However, the LCP also allows for setback exceptions to be granted in certain circumstances. In this case, and based on this particular fact set, a setback exception is appropriate. Thus, staff is recommending approval of a conditioned CDP in this case. The Applicant is in agreement with the staff recommendation. The motion and resolution to act on staff's recommendation follow below on page 3.

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### EXHIBITS

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Exhibit 2: Aerial Photograph of Project Site

Exhibit 3: Project Plans

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Exhibit 5: Commission Staff Engineer's Memorandum

Exhibit 6: Applicable LCP Policies and Standards

Exhibit 7: Applicant's Correspondence

## I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval 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 yes vote.*

***Resolution to Approved CDP:** The Commission hereby approves Coastal Development Permit Number A-3-SCO-11-044 and adopts the findings set forth below on grounds that, as conditioned, the development conforms with the policies of the Santa Cruz County certified Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because there are no feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITION

This permit is granted subject to the following special condition:

**1. Approved Project.** This coastal development permit authorizes retention, removal, and new construction of concrete retaining walls as follows (and as generally shown on pages 4-7 of **Exhibit 3** and in **Exhibit 4**): 1) removal of three of the wall segments associated with the planter box walls, and cutting the remaining planter box wall to conform to the slope at about 6 inches above grade; 2) grading the areas where these planter box walls will be removed to create new 2-foot slope contours; 3) retention of the curved wall and the segmented angled wall; 4) retention of the eastern property line wall, except that the top of the wall will be cut to match the existing grade of the neighboring property; 5) new construction of an approximately 8-foot-long western property line wall in the general vicinity of an existing dilapidated wooden retaining wall; 6) staining of all of the concrete walls with a brownish stain; 7) installation of a decomposed granite path that will allow access from the flat lawn area of the backyard to the lower terraced areas on the property associated with the walls; 8) after-the-fact removal of one shed and removal of an additional dilapidated shed, and; 9) the planting and maintaining of about 2,000 square feet of native plants in the vicinity of the walls and switchback path and toward Corcoran Lagoon. The Permittee shall maintain the approved project, including maintaining all slope areas and plantings in their approved state and in a manner that continues to screen the walls and the residential use areas associated with the approved project as seen from public viewing areas, for as long as the approved project's walls and/or residential use area are present.

### IV. 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 primarily located in the area between inland Portola Drive and the more seaward East Cliff Drive (which is the first through public road at this location). 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 23<sup>rd</sup> 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 are located in this more sloped area that is located between the Lagoon and the existing house. These project elements are 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 existing single-family residence on the site was built in the 1950s, and a series of retaining walls and associated stairs were constructed on the Lagoon side of the property in the 1960s, according to information from the neighboring property owners. 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 were 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 prior features). In 2008 the Applicant removed all of 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 in their stead without the necessary CDP. Prior to 2008, the wooden fence and railroad tie retaining wall on the eastern property line were 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 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 new concrete retaining walls adjacent to 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 an exception to Corcoran Lagoon setback policies, 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 the required setback area. The County's CDP action provided for the removal of certain wall segments, the retention of the remaining walls, and the installation of stairs (not yet built). The County's approval also included planting 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 LCP coastal resource protection requirements, and the Commission took jurisdiction over the CDP application for the project. The Commission subsequently held a public hearing on the CDP application on August 15, 2013. At that time, testimony was taken, and several Commissioner provided input on project issues, and the item was continued. The Applicant subsequently modified the proposed project to eliminate a stairway access to the lower portion of the site.

### **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) help retain the slope and provide some relatively flat area 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 (in an area where there is a failing wooden retaining wall), as well as a decomposed granite path (instead of the stairs mentioned above) that would switchback down the slope and allow access from the flat lawn area of the backyard to the lower areas on the property above the curved wall (see also pages 4 and 7 of Exhibit 3, and Exhibit 4 for these project components). 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 associated with wall removal and re-creation of a slope in this same area. 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 and switchback path with native plants. Some of the proposed development (i.e. the curved retaining wall) would extend to as close as 35 feet from Corcoran Lagoon. 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, etc. (page 4 of Exhibit 3); 4) the proposed switchback path (page 7 of Exhibit 3) and; 5) the proposed planting plan (pages 6 and 7 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 allowed under 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 the 110-foot setback area and the designated riparian corridor on the lagoon side of a residential property that is developed further from the Lagoon (outside of the 110-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 110-foot setback, some as close as 35 feet from the Lagoon (i.e. the curved retaining wall).

As discussed above, the majority of the proposed project's components have already been constructed without benefit of a CDP. The Applicant is requesting a modified project that would include removal of several of the walls, a reduction in the height of several walls, re-creation of the slope in certain areas, retention of certain walls as-built, staining all of the remaining walls a brownish color, the installation of a decomposed granite path instead of concrete steps, and extensive native and riparian landscaping.

#### *Setback Requirements*

All of the proposed development is in an area designated in the LCP as a Lagoon setback area, where allowed development is limited, and the goal of the LCP is to restore riparian corridor function. One option for achieving this goal is to remove all development within the setback area. Here, however, it would be difficult to remove all development because removal would require fairly significant and difficult (including because there is essentially no access for larger equipment) grading and restoration to take out the walls and then re-contour and replant the slope.<sup>1</sup> While removal of all development in the setback area is preferable for meeting the LCP goal of restoring the riparian corridor, this option is not only challenging due to construction and grading concerns, but it also raises feasibility concerns, given the effect of such a project on neighboring properties.

Another potential option for meeting the requirements of the LCP is to remove the majority of the walls, with the exception of the property line walls. This alternative is similar to the first option, but it leaves in the property line walls to ensure that the project does not result in impacts to neighboring properties. Under this option, some development would still be allowed in the setback area, though, so it would require a setback exception (see below). In addition, it would still raise many of the same grading and construction concerns as the first option.

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<sup>1</sup> Although questions have been also raised whether such a project would lead to site stability issues, the Commission's senior coastal engineer visited the site and determined that 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 (see Exhibit 5).

A third option is to allow the walls to remain (and to allow the new western property line wall), subject to a setback exception (again, see below), but to aggressively plant out the area of the walls with riparian species such that the walls eventually disappear below the riparian vegetation. This option has the advantage of eliminating the issues associated with removal of the walls, including with respect to the impacts of property line wall removal on neighboring properties. It also would leave the setback area in a more natural riparian state that would address LCP objectives regarding the setback. This option has the disadvantage, though, of turning the Applicant's back yard into a largely riparian zone whereas before (and pre-Coastal Act), this area was area has been used for residential outdoor use.

Although the options described above are valid, they each raise feasibility and LCP-consistency concerns. The Commission in this case, therefore, chooses to approve the Applicant's proposed project, subject to a setback exception (see below) based on the challenges raised by the alternatives and because of the following circumstances unique to this site: retaining walls previously existed in roughly similar locations pre-dating the Coastal Act and LCP; the project includes removing and/or cutting back most of the already-built walls and reconstructing the slope in the majority of the area (i.e., the planter box wall area); the residential use area would be significantly reduced compared to what historically existed at this site, reducing impacts from residential noise, lights, and activities on the Lagoon environs; the walls and yard area are vertically separated from the Lagoon level by at least 35 feet, thus increasing the utility of the setback in this case through elevation and topography; the project includes removal of inappropriate structures (namely the sheds) from the setback area; and the project includes native riparian plantings in, around, and toward the Lagoon from the walls that the Applicant proposes to maintain as long as the walls and the residential use area are present so that the area better functions as a riparian buffer and transition to the Lagoon itself.

In terms of the setback exception, the LCP allows for reductions in required setbacks if certain findings can be made. The intent of the exception policy is to balance any special site circumstances against LCP requirements. The five required exception findings follow

1. That there are special circumstances or conditions affecting the property. In this case, a large portion (about 57%) of the parcel is located within the setback area. Historically and pre-Coastal Act and pre-LCP, the property contained a number of walls and related structures that served to support a residential outdoor use area that was located within the area that later became designated as a setback area. In addition, the site slopes steeply down to the Lagoon. Both of these are special site circumstances when considered in terms of the context described above.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property. The lower portions of the property near the Lagoon were historically used by the various owners of the property for many decades, with this use commencing well before certification of the LCP's setback policies and standards. As an after-the-fact request, the evaluation of the appropriateness of allowing development in the setback area must be evaluated as if the Applicant's project were not in place. In this case, this means that it must be evaluated as if the historic residential use area (and the pre-project walls and related development) were present and still subject to such use. Thus, that 'existing' activity would not be possible absent a setback exception.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located. The exception allows for a continuation of a use in a setback area where that use has been ongoing for decades, and pre-dates the Coastal Act and LCP, and thus there is no new detriment to the public welfare or injury to property downstream. In addition, the proposed project includes about 2,000 square feet of re-vegetation with native plants and removal of inappropriate structures within the setback area, and reduces the residential use area significantly, all of which will ultimately enhance the utility of the setback and Lagoon habitat. This native vegetation will also screen the walls and the proposal to stain the remaining walls a brownish color will further help to ensure that the walls are not visually obtrusive to public views. Thus, the proposed project will actually enhance the public welfare and property that is downstream (namely the Lagoon) as compared to the existing (i.e., historically, see above) condition.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative. The proposed project includes replacement walls that are located in the general configuration of the previously-existing walls, and will include re-vegetation of the degraded riparian area. Therefore, the proposed project will not reduce the riparian corridor compared to the existing condition, and it will not adversely impact the riparian corridor. In fact, through extensive re-vegetation, removal of structures, and a reduction of the residential use area, it is expected that the riparian corridor area will be enhanced compared to its existing value.

5. That the granting of the exception is in accordance with the purpose of this chapter and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan. The 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.” Were the proposed project to allow development or after-the-fact recognition of walls and a use area where no walls or use area had previously existed, this finding could not be made. In this case, however, the proposed walls and use area replace, in a similar location on the property, failing walls that were constructed in a use area prior to certification of the LCP and its setback requirements. In addition, the proposed project includes planting of about 2,000 square feet of native vegetation and the removal of two sheds (one has already been removed) from the setback area, as well as a significant reduction in the residential use area compared to the historic use area, all resulting in less development in the setback area and more setback utility.

In conclusion, the LCP-required findings to allow a development within the setback area can be made in this case. Thus, for all the reasons stated above, the proposed project can be found consistent with the LCP with regards to setbacks.

*Nonconforming Structures and Uses in Riparian Corridors*

The proposed project would constitute nonconforming development because it is located in the setback area, which is defined as a riparian corridor per the LCP. 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. In this case, the proposed walls and related development replace previously existing walls and related development that was in place before the requirements of the Coastal Act and the LCP came into effect. In addition, the proposed project includes substantial re-vegetation and related efforts, such as removal of structures in the setback area and a reduction in the residential use area, that should enhance the utility of the setback. Thus, the proposed project leads to greater conformance with development standards in this respect. In addition, eliminating the nonconformity by removing the walls and associated fill in their entirety and re-grading the site raises concerns regarding the adverse impacts of removal, as described above. Thus, while still nonconforming, the proposed project can be found consistent with the LCP with regards to nonconforming structures and uses.

**Visual Resources**

The LCP is highly protective of coastal zone visual resources, and specifically is 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).<sup>2</sup> 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, reestablish the slope in the planter box area, 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 (although this wall would be cut down to grade)), 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 a new decomposed granite switchback path, which would allow access from the flat area of the backyard to the lower terraced areas on the property associated with the walls within the riparian corridor (see page 7 of Exhibit 3).

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<sup>2</sup> 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.

The Applicant proposes to stain the remaining walls and the new western property line wall a brownish color. The Applicant proposes to cut back the height of the eastern property line wall so that it conforms to the grade of the adjacent property. Native plants will be planted in and around the walls and the proposed switchback path, which will effectively screen the walls and the path as seen from the public trails located across the lagoon from the project site. In short, with all of the vegetation and screening efforts, the sloped area on the Applicant's property will, once the project is completed and the plants established, effectively appear from public views as a vegetated slope above the Lagoon. 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 8 of Exhibit 3). Thus, as proposed, the project can be found consistent with the LCP's visual resource policies.

### **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 will replace walls that were constructed on the site before the O-U designation was applied to the site. The project includes the planting of about 2,000 square feet of native vegetation, the removal of structures, and the limiting of residential use area compared to the historical use, all of which will enhance the natural resource values of the site and the setback area. For these reasons, the proposed project can be found consistent with the LCP with regards to Urban Open Space Lands.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. 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.

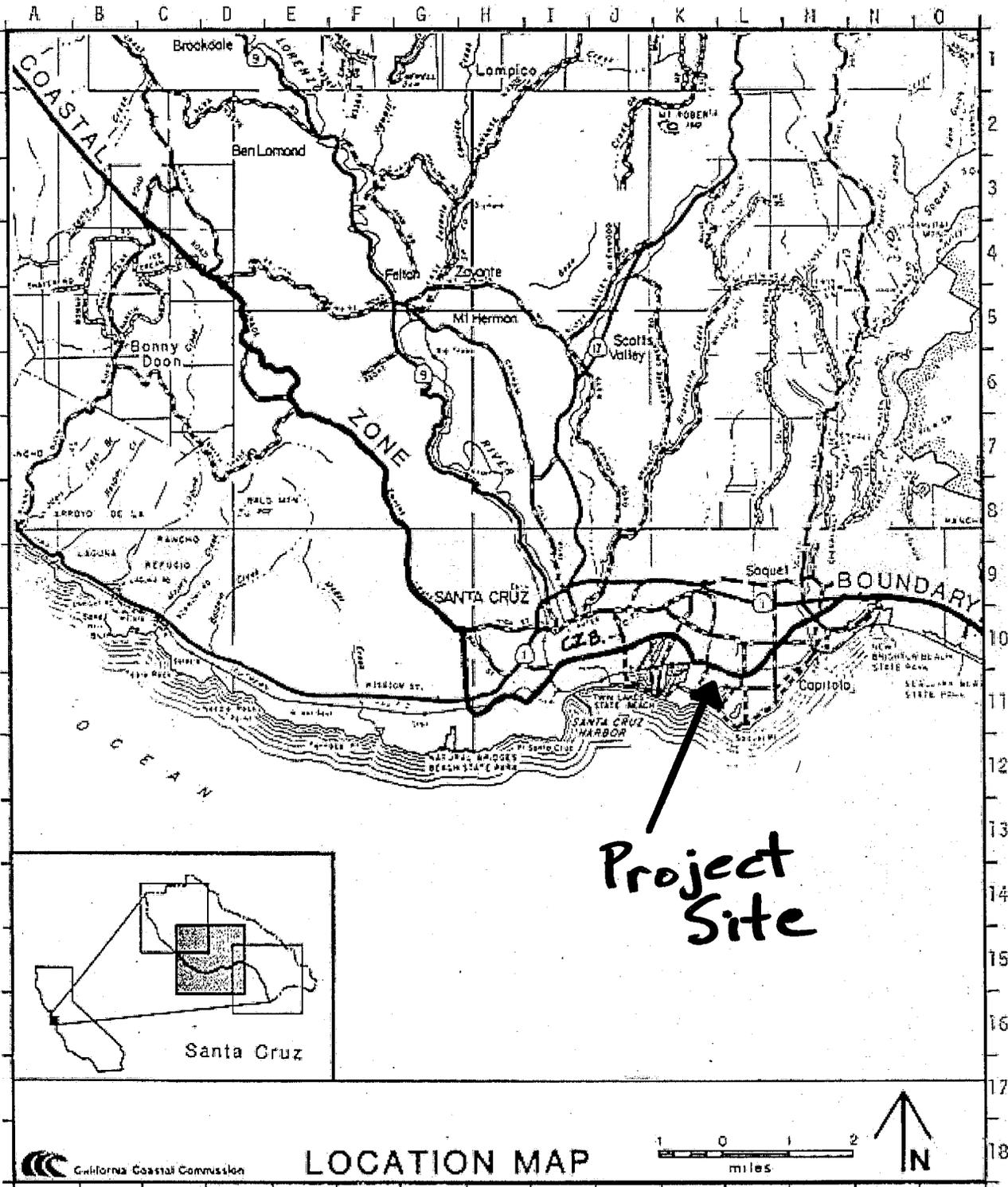
Santa Cruz County determined that the proposed project qualified for a categorical exemption from CEQA under Section 15302 (replacement or reconstruction), and issued a Notice of Exemption on June 17, 2011.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that the proposed project, as conditioned, will avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project would have on the environment within the meaning of CEQA. The proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

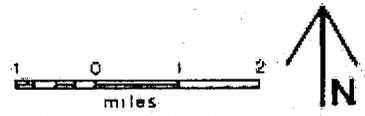
**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

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.



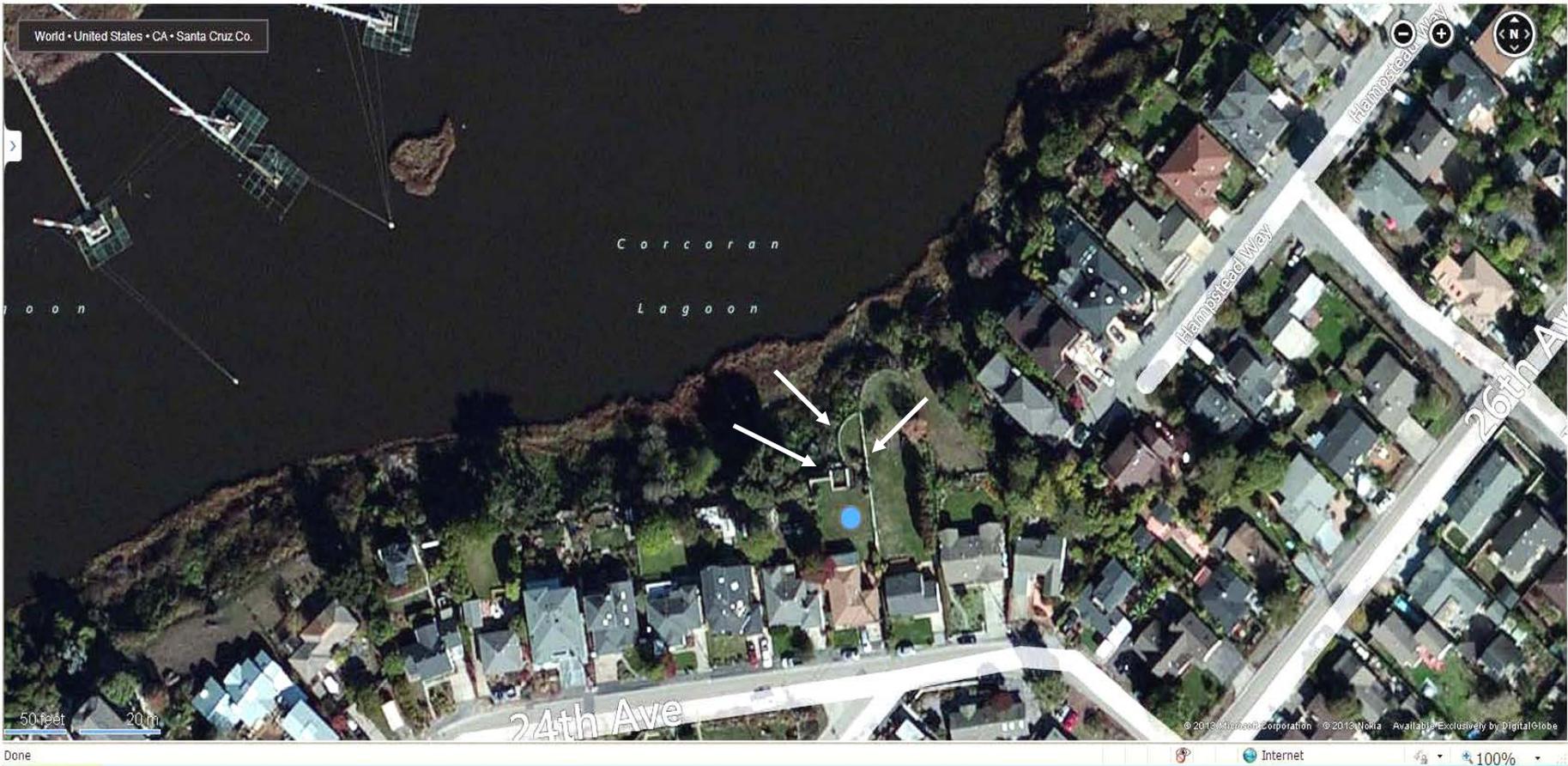
California Coastal Commission

LOCATION MAP



County of Santa Cruz

Sheet 2 of 3



● Project site

⇨⇨⇨ Arrows point to existing retaining walls

**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 ON-SITE 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 SOILS 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 NEAT 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 EROSION 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, PAINTING 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**

CONTRACTOR'S 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/EFFICIENT 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 SITES 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.

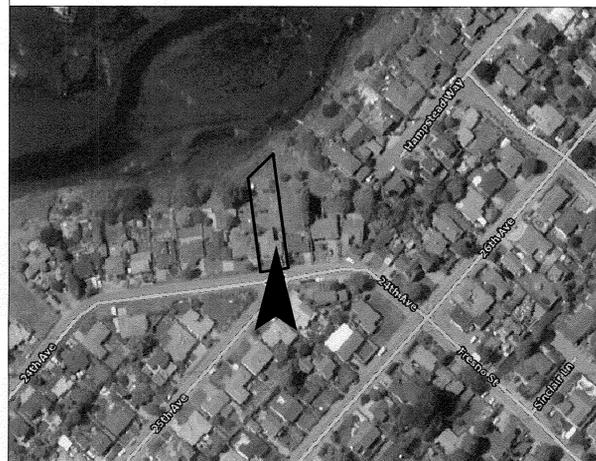
POLLUTANTS SHALL BE KEPT OFF EXPOSED SURFACES. PLACE TRASH CANS AND RECYCLING RECEPTACLES AROUND THE SITE.

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 PAVEMENT 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.

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 ENTITY 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 NEGLIGENCE, 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: [Signature] DATE: 7.13.2011
RICHARD J. RISNER
RLA NO. 4808
EXP. DATE 07-31-2013

GROUNDING
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

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(831) 662-3717
joshgoodman@yahoo.com

SHEET INDEX

- 1 TITLE
2 PRE-CONSTRUCTION CONDITION SITE PLAN
3 EXISTING CONDITION SITE PLAN
4 PROPOSED GRADING/DRAINAGE/EROSION CONTROL PLAN
5 GRADING SECTIONS AND DETAILS
6 BIOTIC RESTORATION PLAN
51 STRUCTURAL DETAILS & NOTES

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

Table with 2 columns: PARCEL INFORMATION and VALUE. Rows include APN (028-181-05), ESTIMATED SQ. FEET (9645 SF or (.221 acre)), ZONING (R-1-5), and GENERAL PLAN LAND USE DESIGNATION (URBAN MEDIUM RESIDENTIAL, URBAN OPEN SPACE).

PLANNING & BUILDING

REVIEWED BY:
DATE:

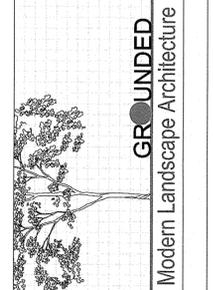
PUBLIC WORKS

REVIEWED BY:
DATE:

APPROVALS

RECOMMENDED
APPROVED
BY:
DATE:

START DATE: Oct., 2008
CURRENT DATE: July, 2011



Registered Landscape Architect
California 4808
Arizona 39140

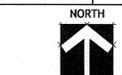


PROJECT NO.
831-818-2020

AS BUILT

Signature Date

Pitt Residence
391 24th Santa Cruz, California 95062



PERMIT#

1
SHEET
1 OF 7

Table with 3 columns: REVISIONS, APPROVED, DATE.

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PARKS & RECREATION

REVIEWED BY:
DATE:

WATER DIST.

REVIEWED BY:
DATE:

FIRE PROTECTION DIST.

REVIEWED BY:
DATE:

ENGINEERING SERVICES DEPT.

REVIEWED BY:
DATE:

PLANNING & BUILDING

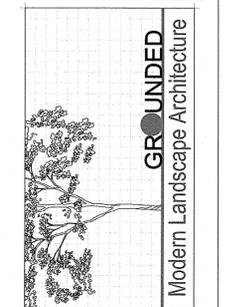
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DATE:

PUBLIC WORKS

REVIEWED BY:
DATE:

APPROVALS

RECOMMENDED
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BY:
DATE:



Registered Landscape Architect  
California 4808  
Arizona 39140



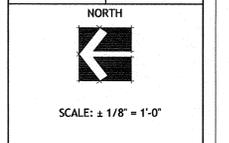
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831-818-2020

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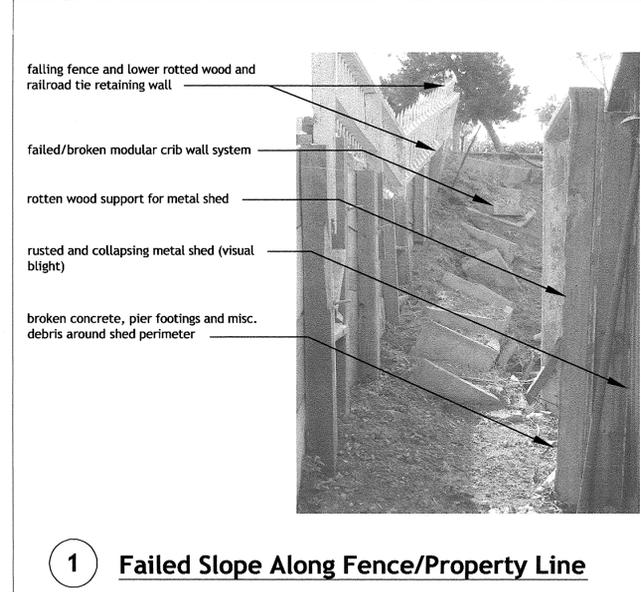
**Pitt Residence**  
391 24th Santa Cruz, California 95062

**Pre-construction Condition Site Plan**

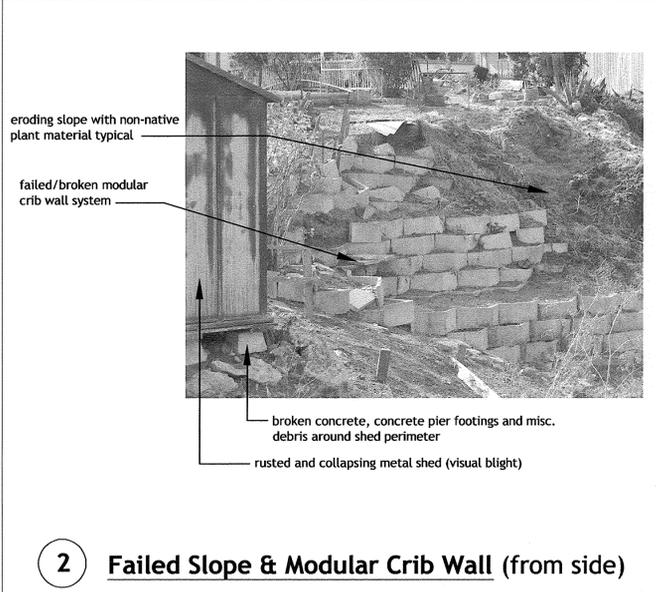


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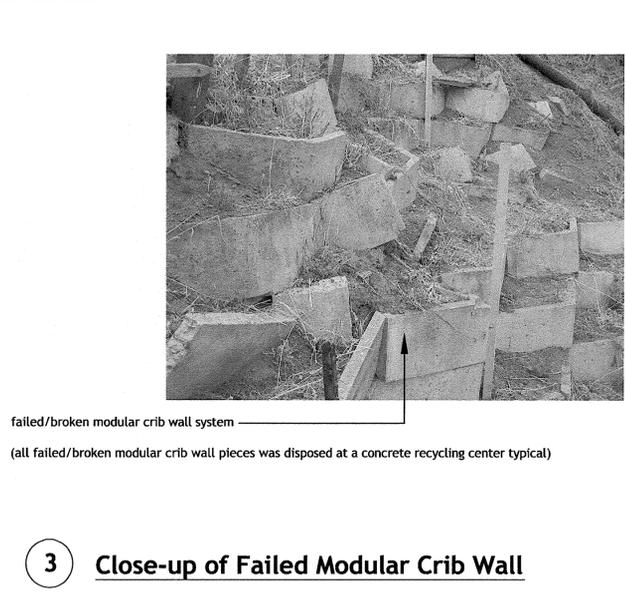
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2 OF 7



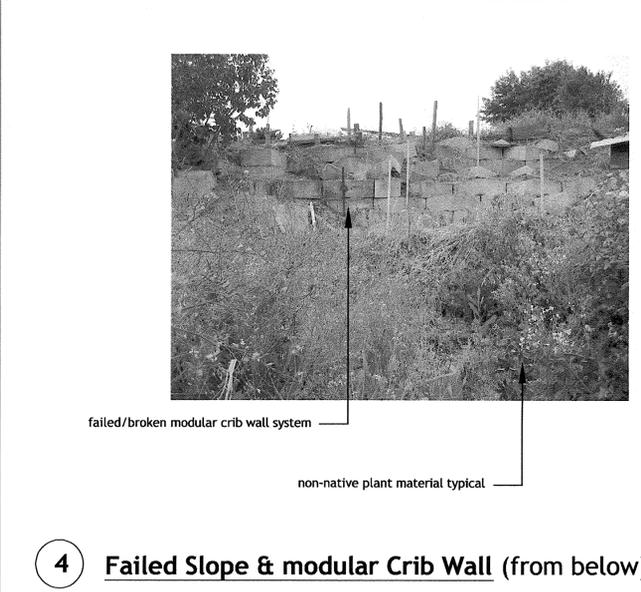
1 Failed Slope Along Fence/Property Line



2 Failed Slope & Modular Crib Wall (from side)



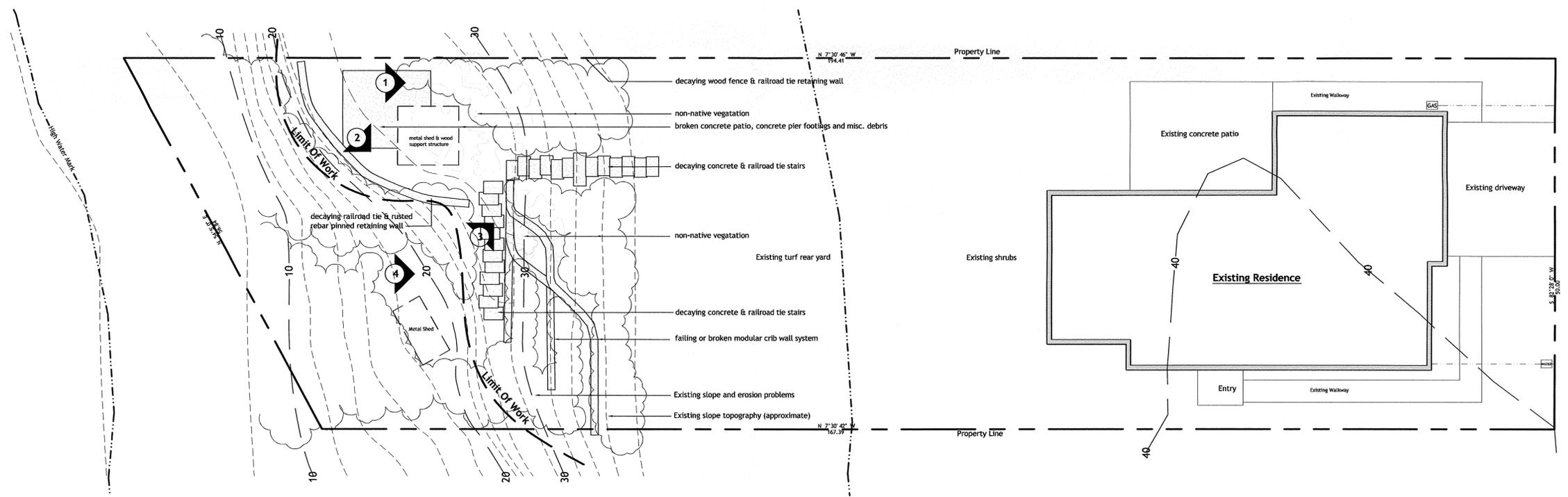
3 Close-up of Failed Modular Crib Wall



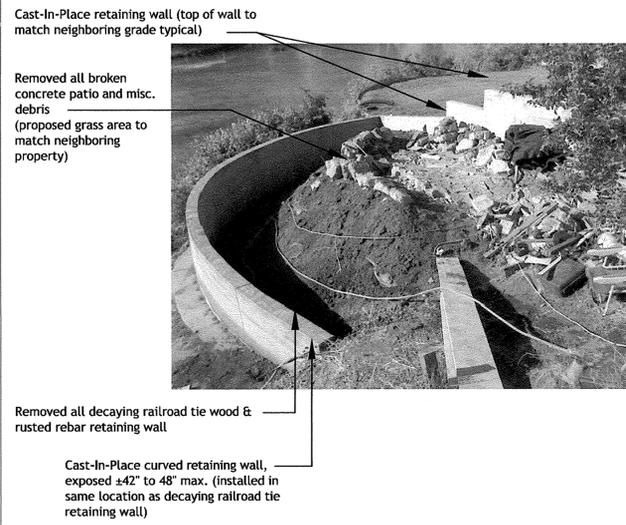
4 Failed Slope & modular Crib Wall (from below)

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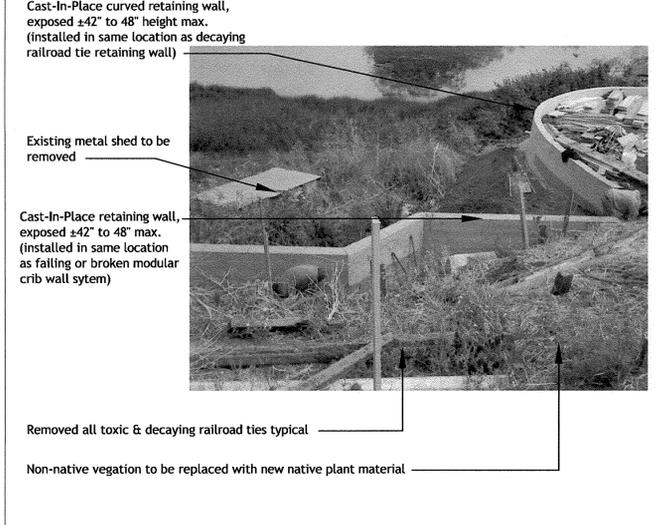
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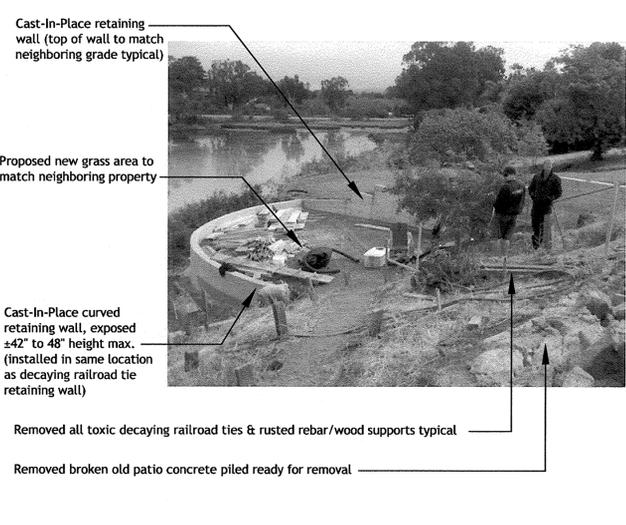
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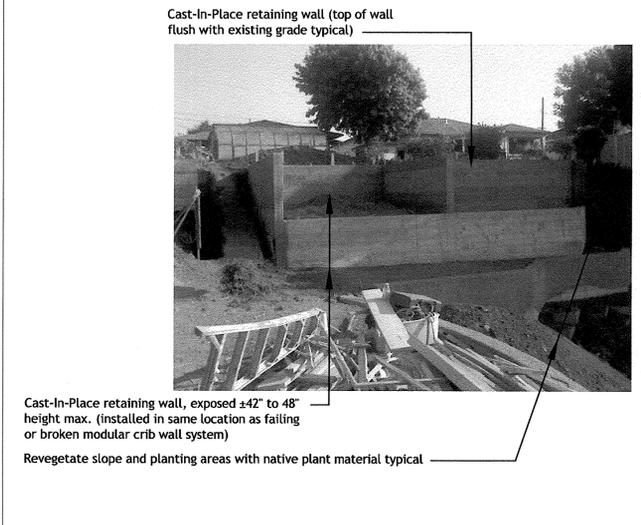
1 Curved Poured In Place Lower Concrete Wall



2 Angled Poured In Place Lower Concrete Wall



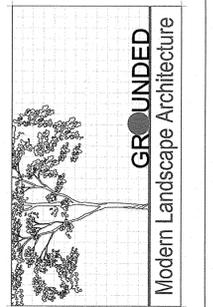
3 Poured In Place Concrete Wall @ Property Line



4 Upper & Lower Poured In Place Concrete Walls

START DATE  
Oct., 2008

CURRENT DATE  
July, 2011



Registered Landscape Architect  
California 4808  
Arizona 39140



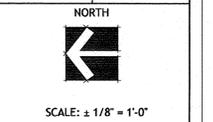
PROJECT NO.  
831-818-2020

AS BUILT

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Pitt Residence**  
391 24th Santa Cruz, California 95062

**Existing Condition Site Plan**



PERMIT#

**3**  
SHEET  
3 OF 7

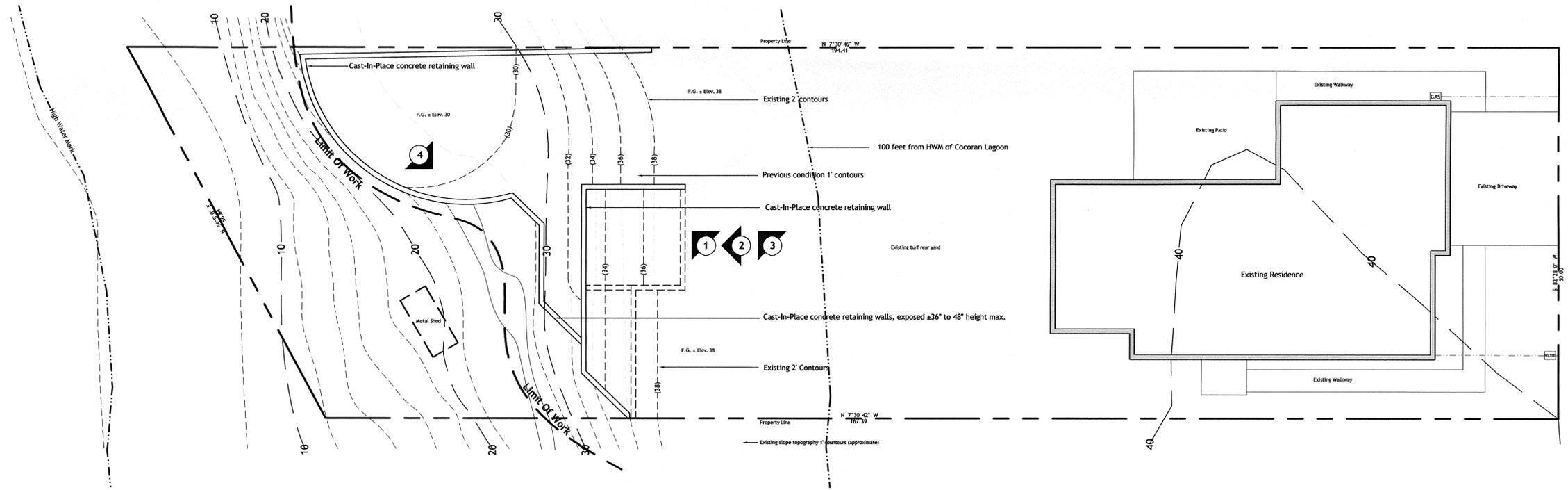
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Photo location and direction

**LEGEND FOR SITE WALLS**

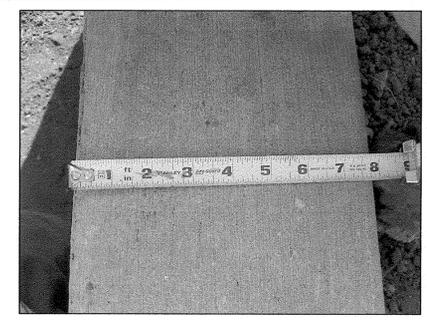
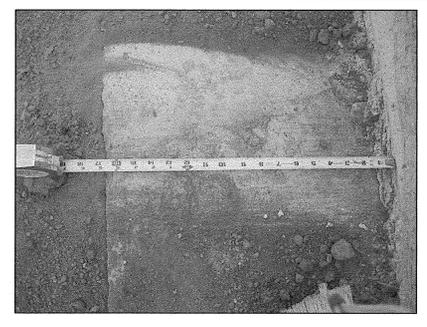
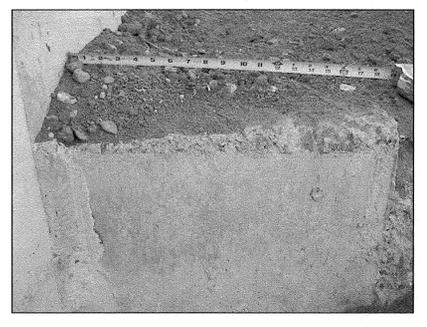
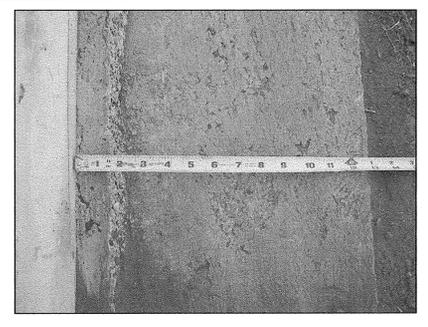
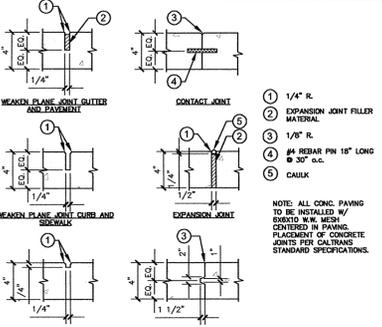
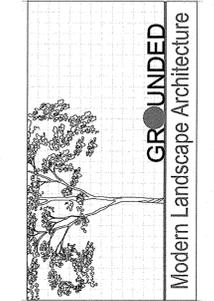
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REVISIONS	APPROVED	DATE	DISCLAIMER: THESE PLANS ARE CONCEPTUAL ONLY WITH NO CLAIMS OR WARRANTIES, EXPRESSED OR IMPLIED AS TO ACCURACY, SCALE OR COMPLETENESS BY THE ARCHITECT, CLIENT OR ANY OF THEIR PARTNERS, EMPLOYEES OR AFFILIATES.	PARKS & RECREATION REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	WATER DIST. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	FIRE PROTECTION DIST. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	ENGINEERING SERVICES DEPT. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	PLANNING & BUILDING REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	PUBLIC WORKS REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	APPROVALS	
										RECOMMENDED	APPROVED
										BY: _____	BY: _____
										DATE: _____	DATE: _____





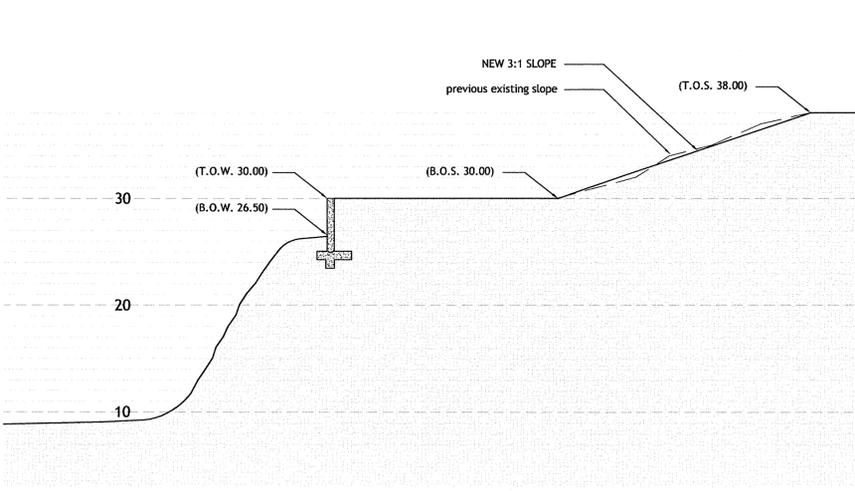
**C CONCRETE PAVE & JOINTS**  
(TYPICAL FOR ALL CONCRETE WORK) NOT TO SCALE

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

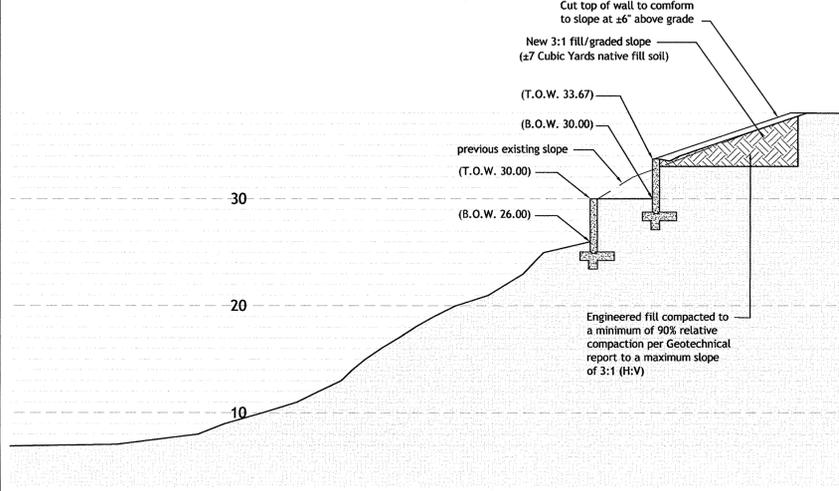
**2 Conc. C.I.P. wall footing @ corner**

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

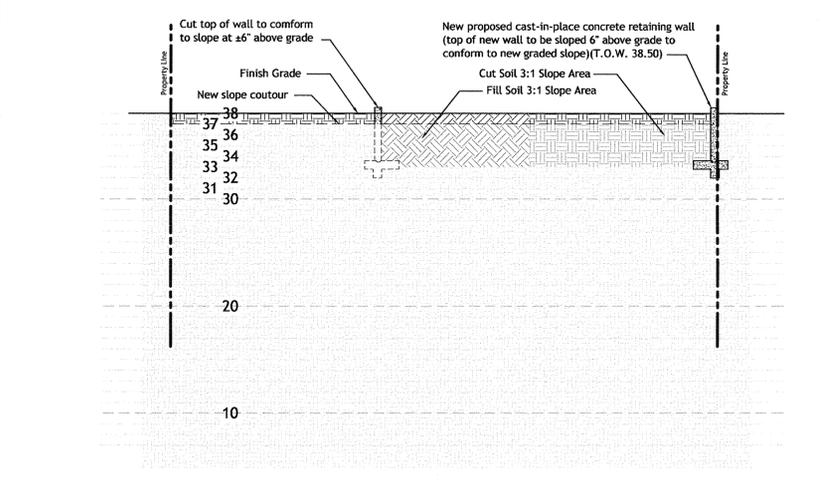
**4 Conc. C.I.P. wall width (minimum)**



**A Grading Section 'A-A'**



**B Grading Section 'B-B'**



**X Grading Section 'X-X'**

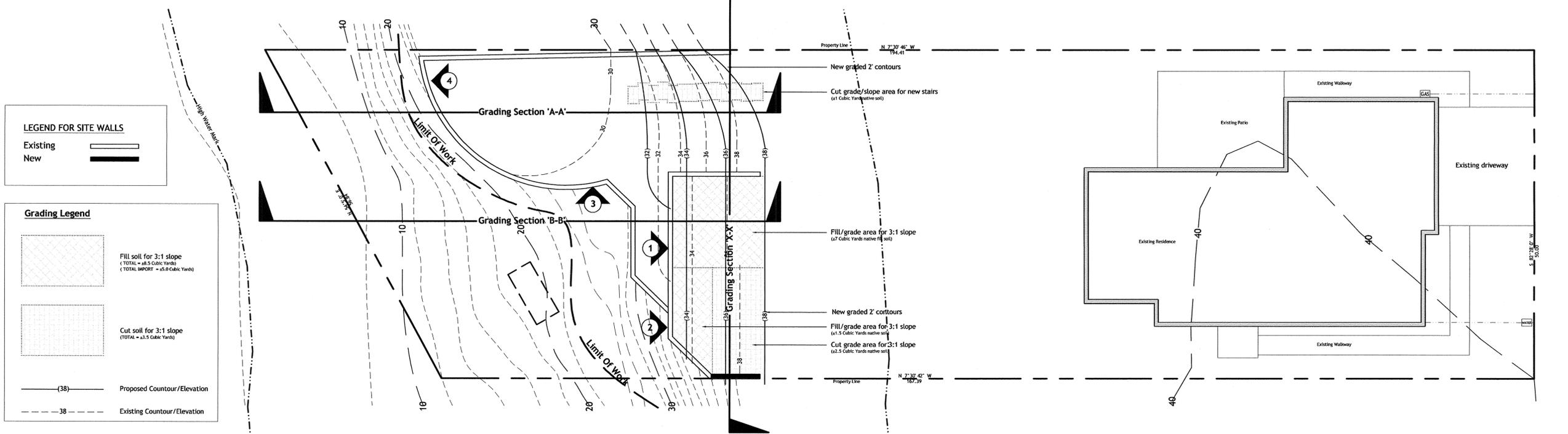
Registered Landscape Architect  
California 4808  
Arizona 39140

PROJECT NO.  
831-818-2020

AS BUILT

Signature \_\_\_\_\_ Date \_\_\_\_\_

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



**Pitt Residence**  
391 24th Santa Cruz, California 95062

**Grading Cross-sections & Wall details**

NORTH

SCALE: ± 1/8" = 1'-0"

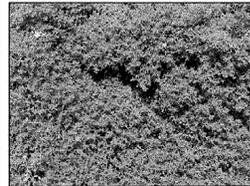
REVISIONS	APPROVED	DATE	DISCLAIMER: THESE PLANS ARE CONCEPTUAL ONLY WITH NO CLAIMS OR WARRANTIES. EXPRESSED OR IMPLIED AS TO ACCURACY, SCALE OR COMPLETENESS BY THE ARCHITECT, CLIENT OR ANY OF THEIR PARTNERS, EMPLOYEES OR AFFILIATES.	PARKS & RECREATION REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	WATER DIST. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	FIRE PROTECTION DIST. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	ENGINEERING SERVICES DEPT. REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	PLANNING & BUILDING REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	PUBLIC WORKS REVIEWED BY:  BY: _____ DATE: _____ Signature expires 2 years after date.	APPROVALS RECOMMENDED BY: _____ DATE: _____ APPROVED BY: _____ DATE: _____

PERMIT#

**5**

SHEET

5 OF 7



Baccharis pilularis  
Coyote Brush  
(Biotic Restoration Material)



Heteromeles arbutifolia  
Toyon  
(Biotic Restoration Material)



Rhamnus californica  
Coffee Berry  
(Biotic Restoration Material)



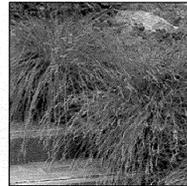
Ribes menziesii  
Canyon Gooseberry  
(Biotic Restoration Material)



Salvia mellifera  
Black Sage  
(Biotic Restoration Material)



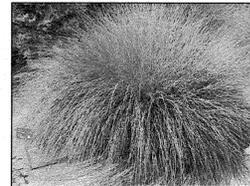
Sambucus mexicana  
Blue Elderberry  
(Biotic Restoration Material)



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



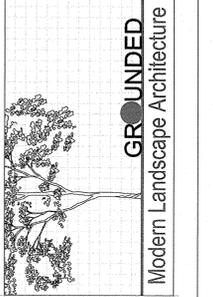
Arctostaphylos crustacea  
Brittle Manzanita  
(Landscape Planting Material)



Muhlenbergia rigens  
Deergrass  
(Landscape Planting Material)



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



**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.

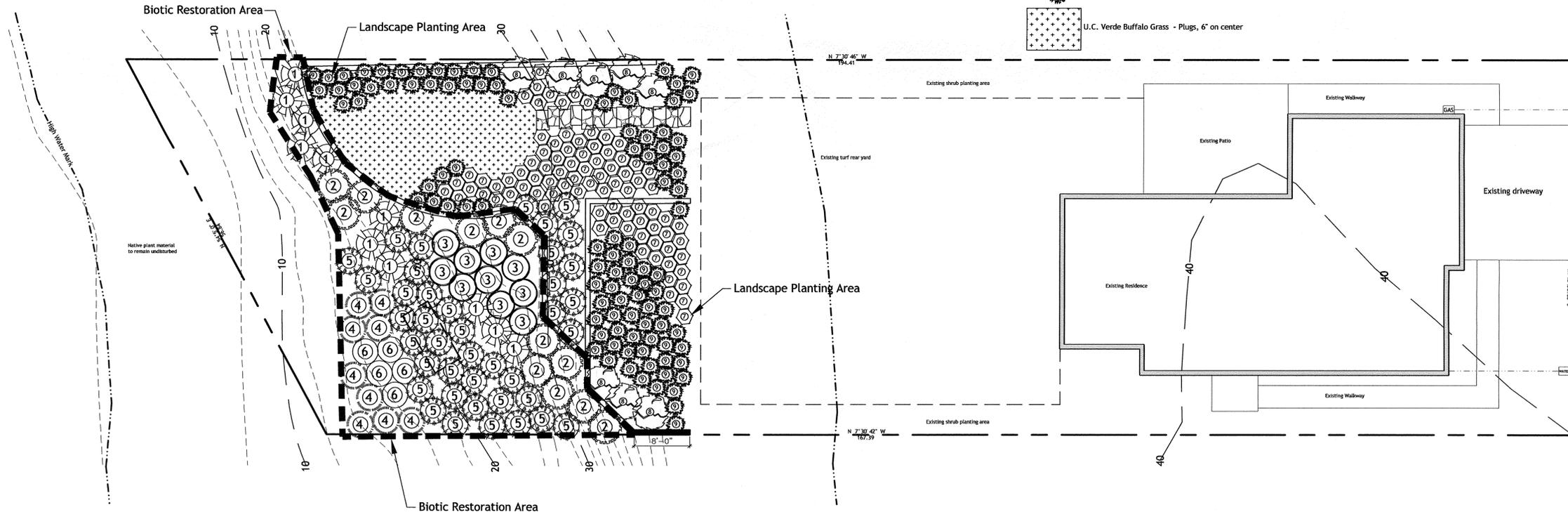
The permittees shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the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



Registered Landscape Architect  
California 4808  
Arizona 39140



PROJECT NO.  
831-818-2020

AS BUILT

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Pitt Residence**  
391 24th Santa Cruz, California 95062  
**Biotic Restoration Plan**



SCALE: ± 1/8" = 1'-0"

PERMIT#

**6**

SHEET  
6 OF 7

REVISIONS	APPROVED	DATE	DISCLAIMER: THESE PLANS ARE CONCEPTUAL ONLY WITH NO CLAIMS OR WARRANTIES. EXPRESSED OR IMPLIED AS TO ACCURACY, SCALE OR COMPLETENESS BY THE ARCHITECT, CLIENT OR ANY OF THEIR PARTNERS, EMPLOYEES OR AFFILIATES.	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: _____	BY: _____ DATE: _____	BY: _____ DATE: _____	BY: _____ DATE: _____	BY: _____ DATE: _____			



Registered Landscape Architect  
 California 4408  
 Alameda 37140

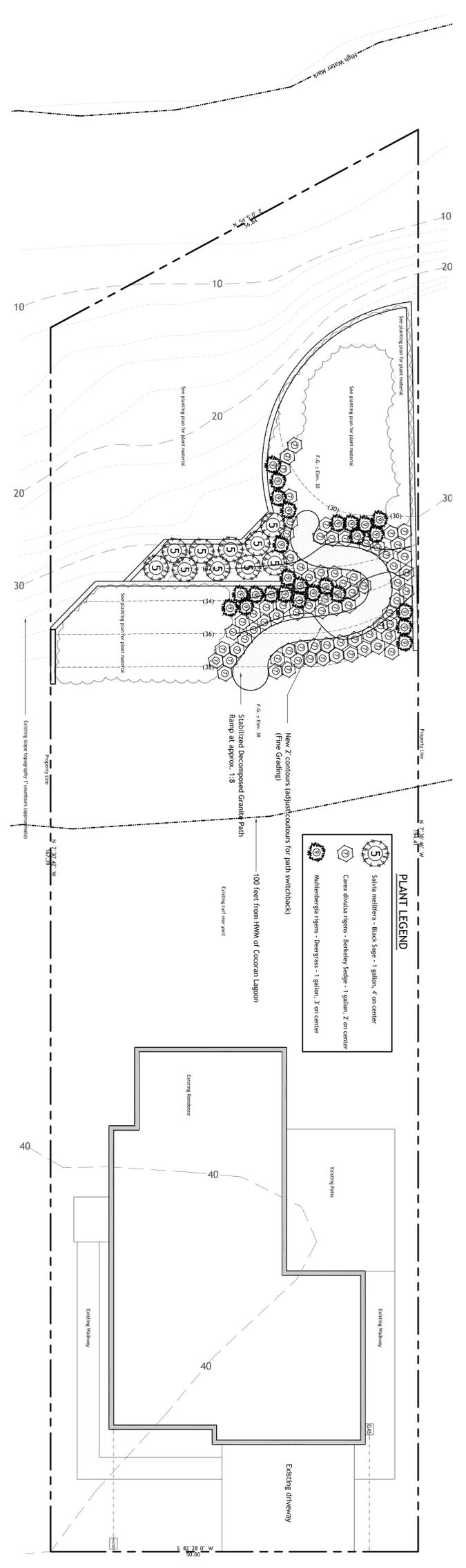


PROJECT NO.  
 831-818-2020  
 AS BUILT

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

## PATHWAY OPTION

Decomposed Granite Path



**Pitt Residence**  
 391 24th Santa Cruz, California 95062

Proposed Pathway Options

**Exhibit 3**  
**A-3-SCO-11-044**  
 7 of 8

NORTH  
  
 SCALE: 1/8" = 1'-0"

PERMIT#

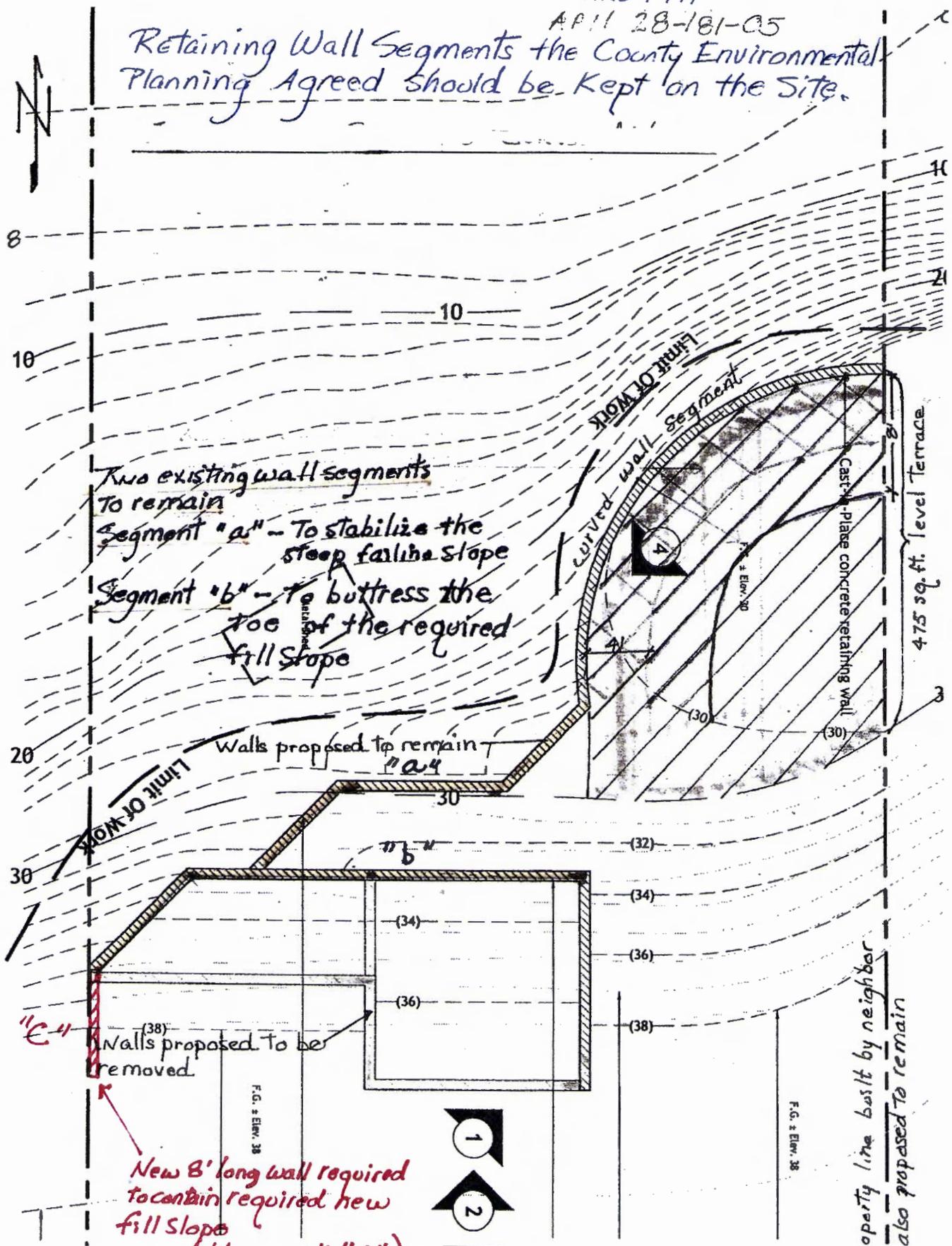
9  
 SHEET  
 8 OF 8



MIKE PITT

APR 28-181-05

Retaining Wall Segments the County Environmental Planning Agreed Should be Kept on the Site.



New B' long wall required to contain required new fill slope  
 (New wall "C")

**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 24<sup>th</sup> Avenue, Santa Cruz County (APN 28-181-05)

The proposed project includes after-the-fact concrete retaining walls and grading at 391 24<sup>th</sup> 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

APR 28-181-05

Retaining Wall Segments the County Environmental Planning Agreed Should be Kept on the Site.

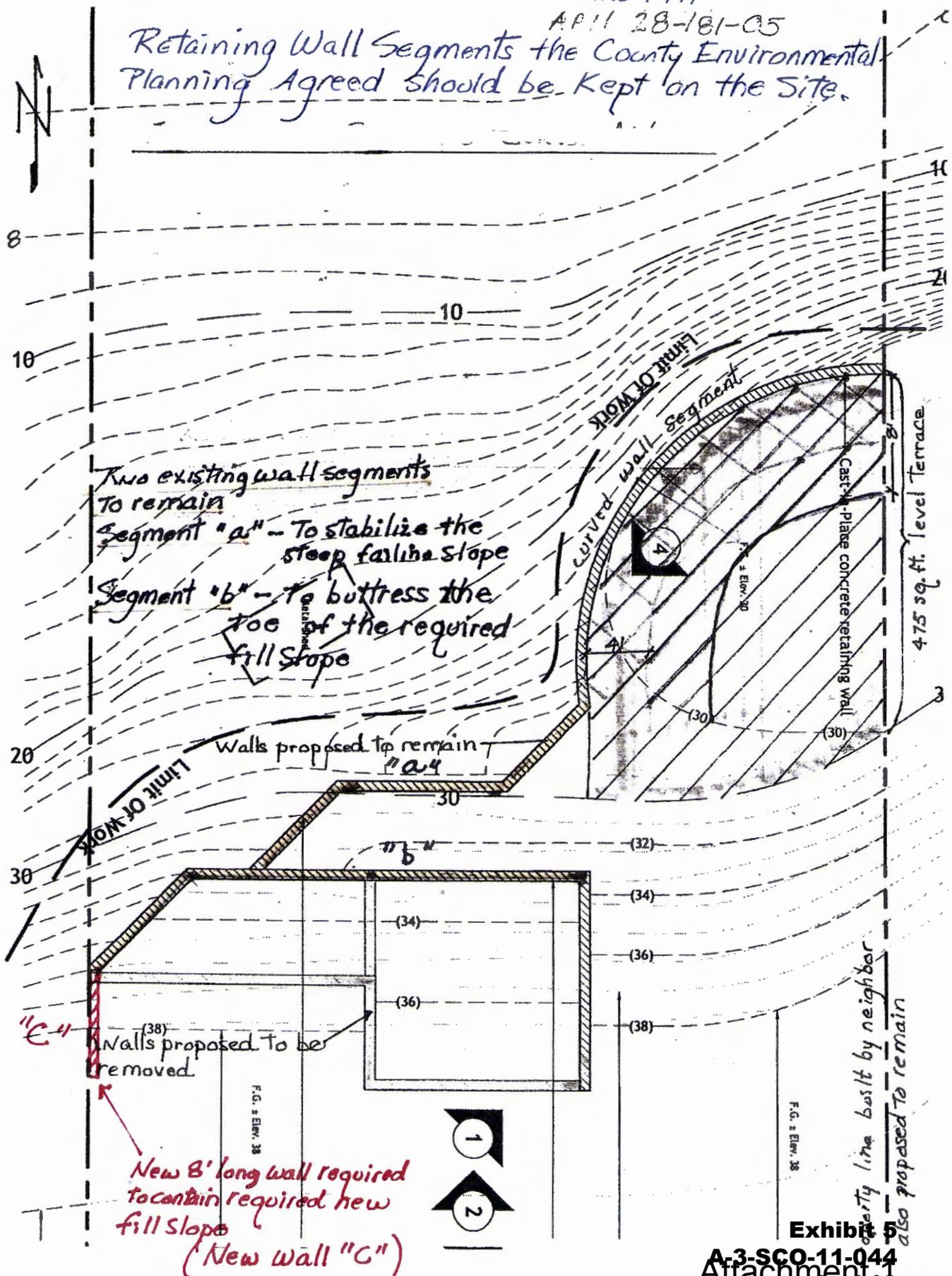
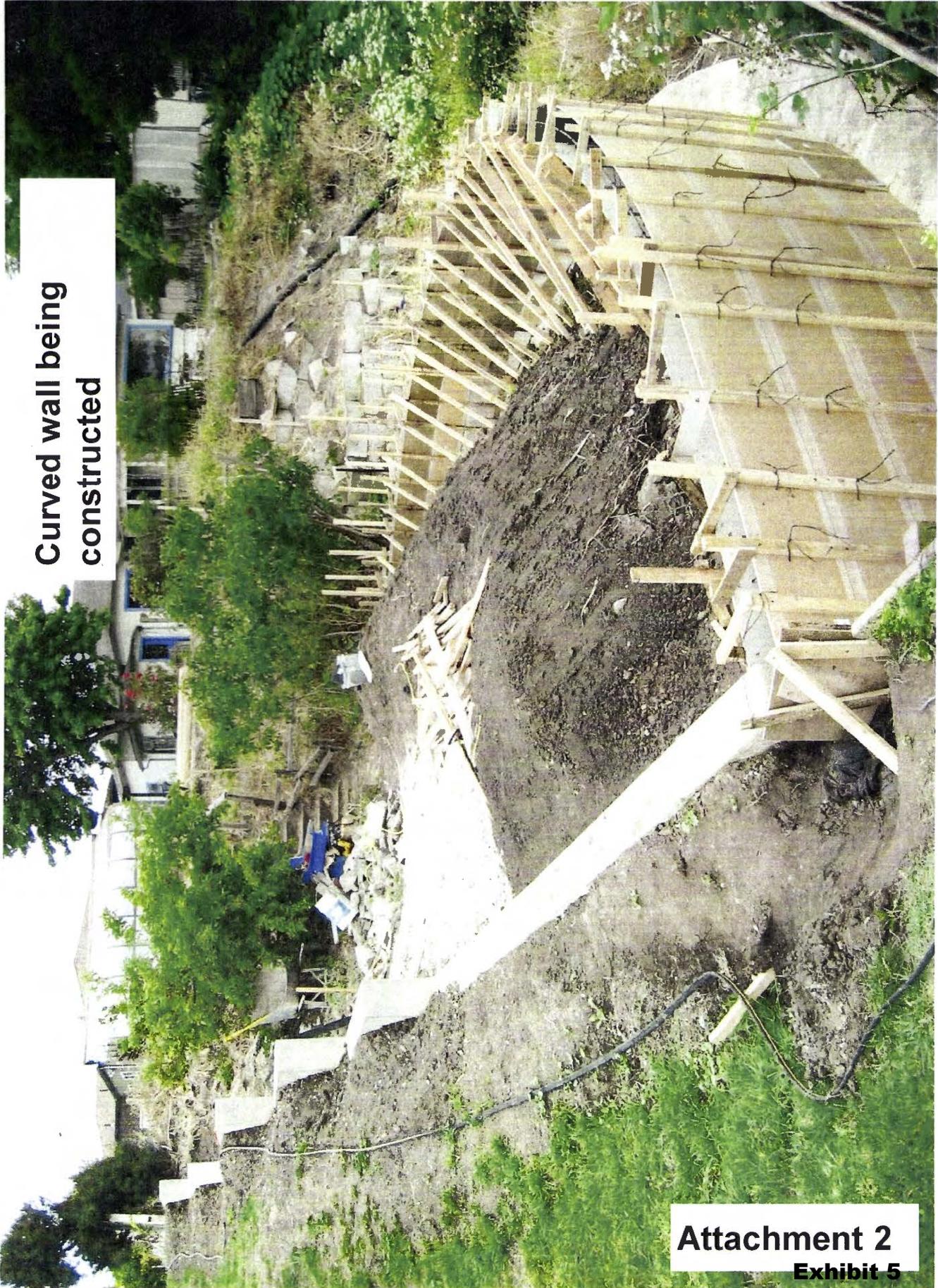


Exhibit 5

A-3-SCO-11-044 Attachment 3 of 13

Property line bisit by neighbor also proposed to remain



**Curved wall being constructed**

**Attachment 3a**

**Page 1 of 4**



**Eastern Property Line Wall**

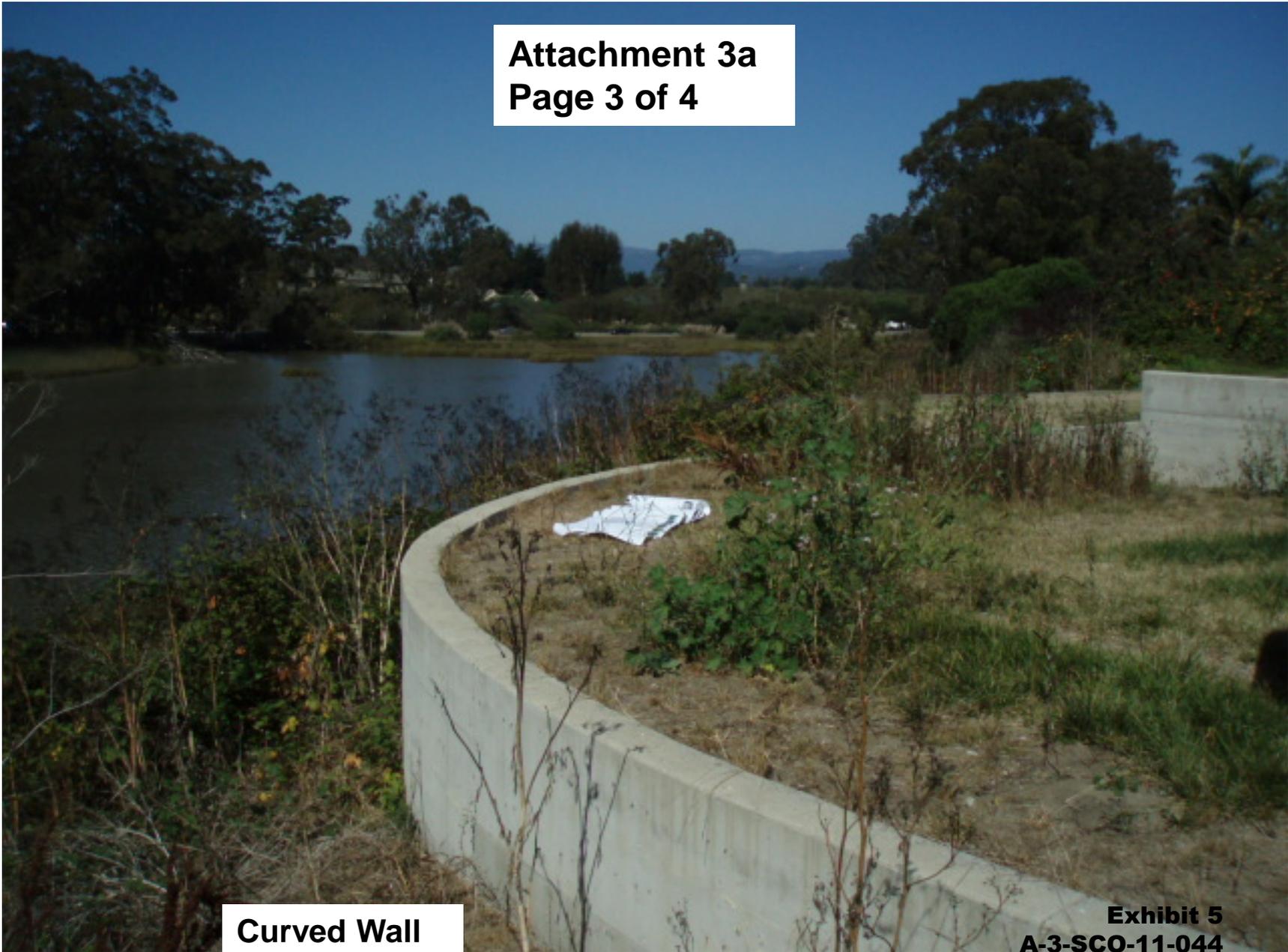
**Exhibit 5  
A-3-SCO-11-044  
5 of 13**

**Attachment 3a  
Page 2 of 4**



**Planter Box Walls and  
Portions of Segmented  
Angled Wall**

**Exhibit 5  
A-3-SCO-11-044**



**Curved Wall**

**Attachment 3a  
Page 4 of 4**

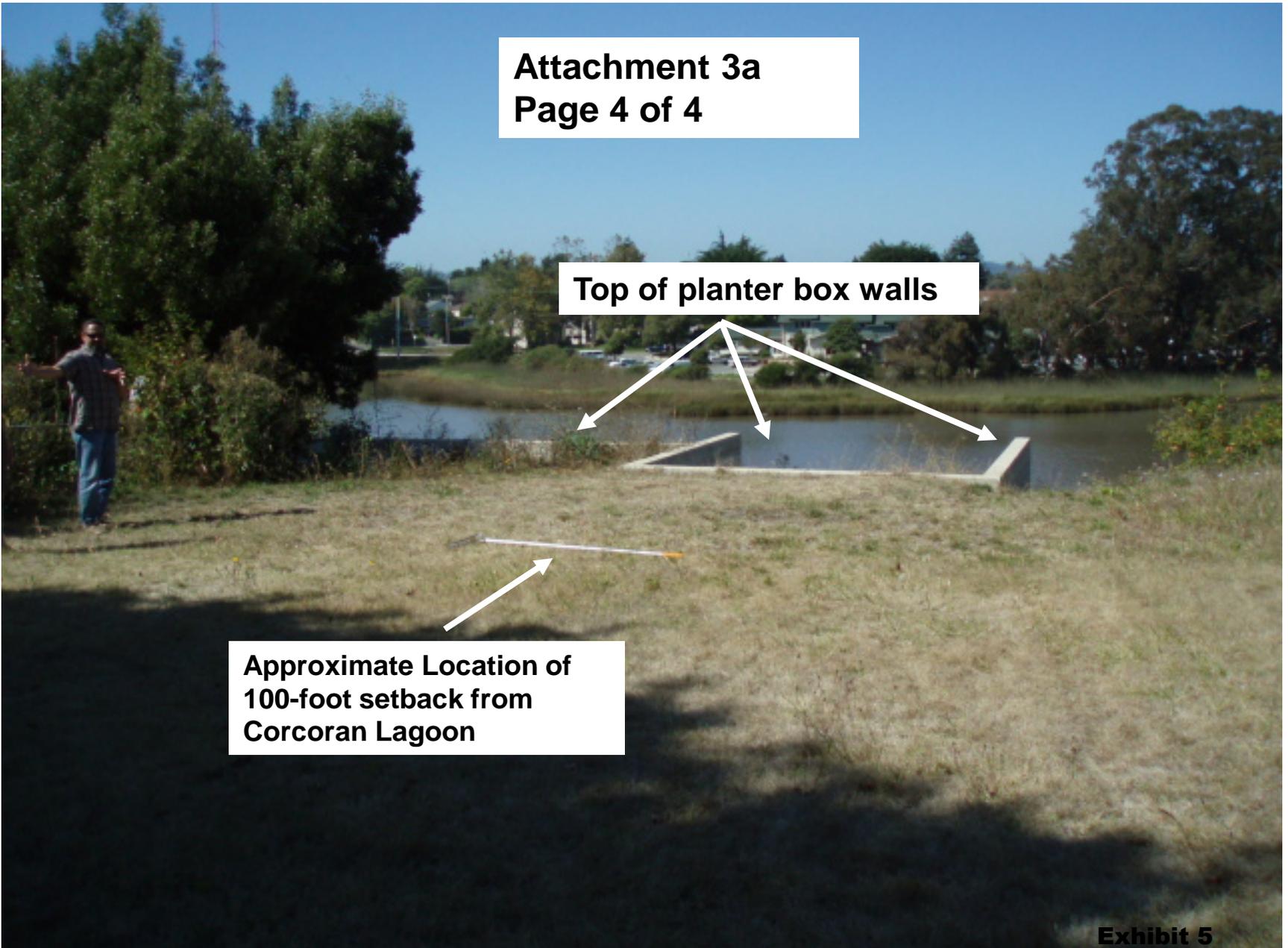
**Top of planter box walls**

**Approximate Location of  
100-foot setback from  
Corcoran Lagoon**

**Exhibit 5**

**A-3-SCO-11-044**

**8 of 13**



**All walls except eastern property line wall**

**Proposed Location  
of Concrete Steps**



**05/03/2013**

**Exhibit 5**

**A-3-SCO-11-044**

**9 of 13**

**Eastern Property Line Wall**



**05/03/2013**

**Exhibit 5**

**A-3-SCO-11-044**

**10 of 13**

Curved Wall and Slope to Lagoon



05/03/2013

Exhibit 5

A-3-SCO-11-044

11 of 13

**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**  
**Exhibit 5**  
**A-3-SCO-11-044**  
**13 of 13**

## **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 Use 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.*

**RECEIVED**

NOV 21 2013

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

391 24<sup>th</sup> Ave  
Santa Cruz, CA 95062

November 15, 2013

Brian Brennan  
California Coastal Commission  
Suite 2000  
San Francisco, CA 94105

Dear Commissioner Brennan:

Re: Pitt project- retaining walls at 391 24<sup>th</sup> Ave, Santa Cruz.

I want to thank you for your support at the August hearing and in directing the Commission staff to craft a solution to my project in Santa Cruz that doesn't involve the staff's original recommendation of massive grading and conversion of part of my back yard and my neighbor's yard to unusable slope. As you know from the August 15 hearing, my retaining wall project has been in the Coastal Commission appeal process during the past three years. It's been a tough three years but because of your action, I can now see light at the end of the tunnel. I appreciate the wisdom you and the other Commissioners showed at the hearing to help your staff "think outside the box" to solve a series of complex issues pertaining to my project. I look forward to returning to the Coastal Commission this December in hopes that the new staff recommendation will meet the concerns and needs of all parties involved.

Sincerely,



Mike Pitt

391 24<sup>th</sup> Ave  
Santa Cruz, CA 95062

November 15, 2013

Mark Vargas  
California Coastal Commission  
Suite 2000  
San Francisco, CA 94105

**RECEIVED**

NOV 21 2013

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Commissioner Vargas:

Re: Pitt project- retaining walls at 391 24<sup>th</sup> Ave, Santa Cruz.

I want to thank you for your support at the August hearing and in directing the Commission staff to craft a solution to my project in Santa Cruz that doesn't involve the staff's original recommendation of massive grading and conversion of part of my back yard and my neighbor's yard to unusable slope. As you know from the August 15 hearing, my retaining wall project has been in the Coastal Commission appeal process during the past three years. It's been a tough three years but because of your action, I can now see light at the end of the tunnel. I appreciate the wisdom you and the other Commissioners showed at the hearing to help your staff "think outside the box" to solve a series of complex issues pertaining to my project. I look forward to returning to the Coastal Commission this December in hopes that the new staff recommendation will meet the concerns and needs of all parties involved.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Pitt". The signature is fluid and cursive, with the first name "Mike" written in a larger, more prominent script than the last name "Pitt".

Mike Pitt