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DEPARTMENT OF PUBLIC WORKS

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AGENDA: JANUARY 15, 2002

January 3, 2002

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: DAVENPORT UNDERGROUND UTILITY DISTRICT 17
PROPOSED MODIFICATION OF BOUNDARY

Members of the Board:

On December 11, 2001, your Board adopted a Resolution of Intention to amend the boundary of the Davenport Underground Utility District by detaching the easterly end of Old Coast Road, and set a public hearing on the detachment for today's agenda.

The reason for the proposed detachment was to remove from the proposed undergrounding project two utility poles around which buildings had been constructed. At the December meeting, Joe Dihl, a resident of Old Coast Road, appeared to speak against the detachment, and to request that the existing encroachments into the County right-of-way and other illegal uses along the street be removed.

Your Board directed the Planning and Public Works Departments to report back on today's agenda on the following issues: the status of the utility poles and how they can be maintained by the utility companies, the status of permits for the encroaching buildings, and issues related to Mr. Dihl's development application on his property.

Following the Board meeting, Planning and Public Works staff met to discuss the situation. The following information is presented for the Board's use:

The last building permit issued for the Davenport Mill property was issued in 1974 for an addition on the west side of the mill building, which was constructed at that time. The structures that encroach into the right-of-way and impact the utility poles are on the south side of the mill building, and have been constructed without the required permits. In addition, site visits by County staff show that there are significant encroachments of the mill's operation onto both the County's right-of-way and the adjoining property, the former Coast Dairies and Land Company, which is now owned by the Trust for Public Land.

As a result of these investigations, the Planning Department will proceed with enforcement action against the owners of the properties on which the code violations exist.

Because this action may result in the ultimate removal of the structures around the utility poles, it makes moot the issue of the status of the poles and the utility companies' ability to maintain their facilities. Since the Pacific Gas and Electric Company would only be willing to proceed with the design of the undergrounding project with the understanding that the encroaching structures will be removed prior to construction, there is still a chance this could delay the project. Therefore, in order to insure that the undergrounding district can proceed as quickly as possible, staff recommends that the Board adopt the resolution modifying the boundary of the Davenport Underground Utility District, detaching the easterly end of Old Coast Road.

In reference to Mr. Dihl's application for improvements to his adjoining parcel he has submitted an application to the Planning Department that consists of a proposal to relocate six storage structures onto a site where a boat and sail manufacturing facility exists. The site is located at the end of Old Coast Road. After initial review by Planning staff, new plans were submitted presenting a new project consisting of a proposal to relocate multiple habitable structures to the site for use as visitor accommodations. Because the revised project is significantly different from that which was originally proposed, staff has strongly recommended that the applicant withdraw the current application and submit a revised application. The applicant has been informed that for the revised project to proceed, a new application for General Plan Amendment and Rezoning is required. To date, the current application has not been withdrawn and an application for General Plan Amendment/Rezoning has not been submitted. The applicant has also been advised to meet with the local fire department to pursue the possibility of their approving the project prior to submitting a new application because of the narrowness of Old Coast Road. Fire Department access requirements are significantly different for habitable structures than they are for non-habitable ones. General Plan Policy 6.5.1 requires a minimum 18 foot wide access road to serve more than two habitable structures. At one point along Old Coast Road, the existing pavement is less than 18 feet wide adjacent to a building that encroaches into the right-of-way. Therefore, it appears that removal of the buildings from the right-of-way would help resolve future access issues on an application for multiple habitable structures on the Dihl property.

In addition to the fundamental land use policy conflicts confronting Mr. Dihl's application, there are also significant site constraints including a substantial riparian area and flood plain issues. Any future development application will need to address all of these issues before it can proceed to environmental review and the public hearing process before the Planning Commission, your Board, and potentially the California Coastal Commission.

It is therefore recommended that the Board of Supervisors take the following action:

1. Upon close of the public hearing, adopt the resolution modifying the boundary of the Davenport Underground Utility District.
2. Direct Public Works staff to continue to work with the utility companies to bring the undergrounding project to construction.

3. Direct Planning staff to proceed with the appropriate actions to resolve the unpermitted construction and uses.

Yours truly,

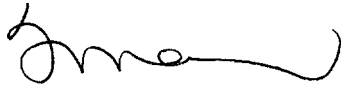


THOMAS L. BOLICH
Director of Public Works

Planning Director

CDR:abc

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Planning
 Public Works
 Joe Dihl
 David Lundberg
 Coast Dairies and Land Company

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION AMENDING THE BOUNDARY OF UNDERGROUND
UTILITY DISTRICT
DISTRICT NO. 17 - DAVENPORT

WHEREAS, on December 11, 2001, the Board of Supervisors of Santa Cruz County passed a resolution of intention to amend the boundary of Underground Utility District 17, Davenport, by detaching property described in Exhibit "A", attached hereto and by this reference made a part hereof; and

WHEREAS, all affected property owners and utility companies within the area described in Exhibit "A" have received notice by mail of the time and place of the public hearing at least ten days prior to the date of the hearing, and notice of the hearing has been duly published as directed in said resolution; and

WHEREAS, the public hearing has been held as stated in said resolution and notices, and all persons interested have been given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board finds, determines, and declares that the public necessity, health, safety, and general welfare require that the area described in Exhibit "A" attached hereto and made a part hereof be detached from Underground Utility District 17, Davenport.

BE IT FURTHER RESOLVED AND ORDERED that all utilities to be installed in the area described in Exhibit "A" attached hereto shall be installed underground, except as specified in Sections 9.74.040 and 9.74.070 of the Santa Cruz County Code.

BE IT FURTHER RESOLVED AND ORDERED that approval of the amended boundary of Underground Utility District 17 in no way alters or voids any other finding, determination, declaration, or order contained in Resolution 460-96, which was approved October 17, 1996, by the Board of Supervisors to Underground Utility District 17.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa **Cruz**,
State of California, this ____ day of _____ 2002, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairman of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

 11-29-01

Chief Assistant County Counsel

Distribution: County Counsel
Public Works