



Staff Report to the Planning Commission

Application Number: **05-0662**

Applicant: Todd Graff, Bolton Hill Co.
Owner: Brooks Properties LLC
APN: 027-451-01

Agenda Date: 12/14/05
Agenda Item #: 12
Time: After 9:00 a.m.

Project Description: Proposal to move the location and extend an approved sound wall at one lot in an 1 I-lot subdivision.

Location: Property located on the northeast corner of the intersection of 7th Ave. and Harbor Beach Ct. (121 Harbor Beach Ct.).

Supervisory District: First District (District Supervisor: Janet Beautz)

Permits Required: Amendment to **99-0538**, Residential Development Permit

Staff Recommendation:

- Denial of Application 05-0662, based on the attached findings and conditions.

Exhibits

- | | |
|-------------------------------|------------------------------|
| A. Project plans | E. Comments & Correspondence |
| B. Findings | |
| C. Assessor's parcel map | |
| D. Zoning & General Plan maps | |

Parcel Information

Parcel Size:	6,000 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential, Park , Commercial, Public & Community Facility
Project Access:	Harbor Beach Court
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Density Residential)
Zone District:	RM-6-D (Multi-family residential, 6,000 square foot minimum, Designated Park Site)
Coastal Zone:	<u>X</u> Inside <u> </u> Outside

Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Not required
Fire Hazard:	Not a mapped constraint
Slopes:	2-5%
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	City of Santa Cruz Water Department
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

History

In May 2002, the Planning Commission approved Harbor Beach Court, an eleven-lot subdivision. Several walls for privacy and sound attenuation were approved as a part of the subdivision, the most significant one being the sound wall protecting the residences from the Southern Pacific railroad right-of-way to the north. Three additional walls were approved for Lot 1 (the subject parcel of the current proposal): a three-foot tall wall to run along the yard adjacent to 7th Avenue, another wall to shield the dwelling's entryway, and a sound wall to enclose the parcel's backyard.

This six-foot tall backyard sound wall was approved to run from the **rear** corner of the house to the railroad sound wall (Exhibit 'A'). **The** current proposal seeks to move the approved sound wall about 7 ½ feet towards 7th Avenue and extend it across most of the dwelling's 7th Avenue façade.

The appearance of the dwelling and improvements to Lot 1 were discussed in depth by your Commission, and changes were required to reduce the height of the dwelling to be more consistent with the surrounding development. Because this lot and the streetscape appearance were discussed at length, this proposed change would require **an** amendment to the original subdivision approved **by** your Commission.

Project **Setting**

The project site is located on the northeast corner of the intersection of Harbor Beach Court and 7th Avenue, about 350 feet north of Eaton Street. The subject parcel's front yard is along Harbor Beach Court, with a side yard fronting 7th Avenue. 7th Avenue is an arterial street of regional significance that provides a connection between Highway 1 and the residential developments and tourist areas along the coast.

Surrounding land uses include: the Southern Pacific railroad right-of-way directly to the north, the rest of the Harbor Beach Court subdivision to the east, a single-family dwelling and Twin Lakes Park to the south, and commercial uses to the west. The subject parcel slopes gently downward to 7th Avenue.

Zoning & General Plan Consistency

The subject property is a 6,000 square foot lot, located in the RM-6-D (Multi-family residential, 6,000 square foot minimum, Designated Park Site) zone district, a designation which allows residential uses. The proposed wall is within the zone district's minimum 20-foot street side yard setback. The existing single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's R-UM (Urban medium density residential) General Plan designation.

Analysis

The applicant is proposing a six-foot stucco wall to protect the single-family dwelling from 7th Avenue street noise. Although noise was a consideration of the initial subdivision approval, the concern was for the existing and potential future noise impacts of the railroad right-of-way, and not for street noise from 7th Avenue. Traffic along this portion of 7th Avenue moves relatively slowly since it is either approaching or leaving the signaled intersection of Eaton Street and 7th Avenue.

The County of Santa Cruz's Redevelopment Agency recognized the importance of 7th Avenue when it invested in new curbs, gutters, sidewalks, bike lanes and street trees to create an attractive, pedestrian-friendly streetscape for one of the County's arterial roadways. **An** important component of a successful streetscape is the relationship between the public space of the street and the private space of residences, with the transition zone of the semi-private yard area in between. Maintaining this hierarchy of spaces is essential to maintaining the character of a neighborhood and in creating a pedestrian-friendly streetscape. The proposed six-foot wall would compromise this hierarchy by effectively severing the relationship between the dwelling and the streetscape.

This proposal is not consistent with the surrounding neighborhood. There are no six-foot stucco walls in the vicinity, and the majority of fences along 7th Avenue are in conformance with the County's three-foot limit for front yard fences. In addition, because the subject parcel slopes down to 7th Avenue, the apparent height of the wall would be about eight feet when viewed from the street.

Design Review

The County of Santa Cruz's Urban Designer does not support this project and identified **the** wall as being out of scale for the streetscape of Seventh Avenue (Exhibit 'E').

Conclusion

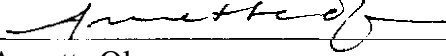
As proposed and conditioned, the project is not consistent with all applicable codes and policies **of** the Zoning Ordinance and General Plan/LCP. Please **see** Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

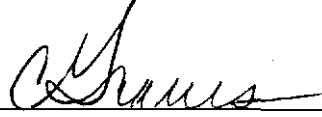
Staff Recommendation

- **DENIAL** of Application Number **05-0662**, based on the attached findings.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made **a** part of the administrative record for the proposed project.

The **County** Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Report Reviewed By: 
Cathy Graves
Principal Planner
Development Review

Development Permit Findings

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding cannot be made, in that the proposed wall is inconsistent with County Code 13.10.525(a) which requires that fences be regulated to ensure adequate light and air for the street area, and to preserve a harmonious and compatible street front appearance. The proposed six-foot tall stucco wall is located within the street facing yard area and will be incompatible with the surrounding pattern of development.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding cannot be made, in that the wall will not meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood as specified in General Plan Policy 8.1.3 (Residential Site and Development Standards Ordinance). In addition, the proposal is inconsistent with General Plan Objective 8.4 (Residential Neighborhoods), which requires the preservation of the residential use and character of existing urban neighborhoods, in that the proposed wall is not consistent with the existing residential character of the neighborhood where most fencing is wood and three feet in height.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding cannot be made, in that the proposed wall will not harmonize with the existing land uses in the vicinity as there are no six-foot stucco walls in the street-facing yards and most fences are three-feet in height.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding cannot be made, in that the proposed wall is inconsistent with County Code 13.11.010(c)(2) which seeks to maintain and improve the qualities of, and relationship between, individual buildings, structures and physical development in such a manner as to best contribute to the amenities and attractiveness of the County. The proposed wall will sever the relationship between the single-family dwelling and the 7" Avenue streetscape improvements.

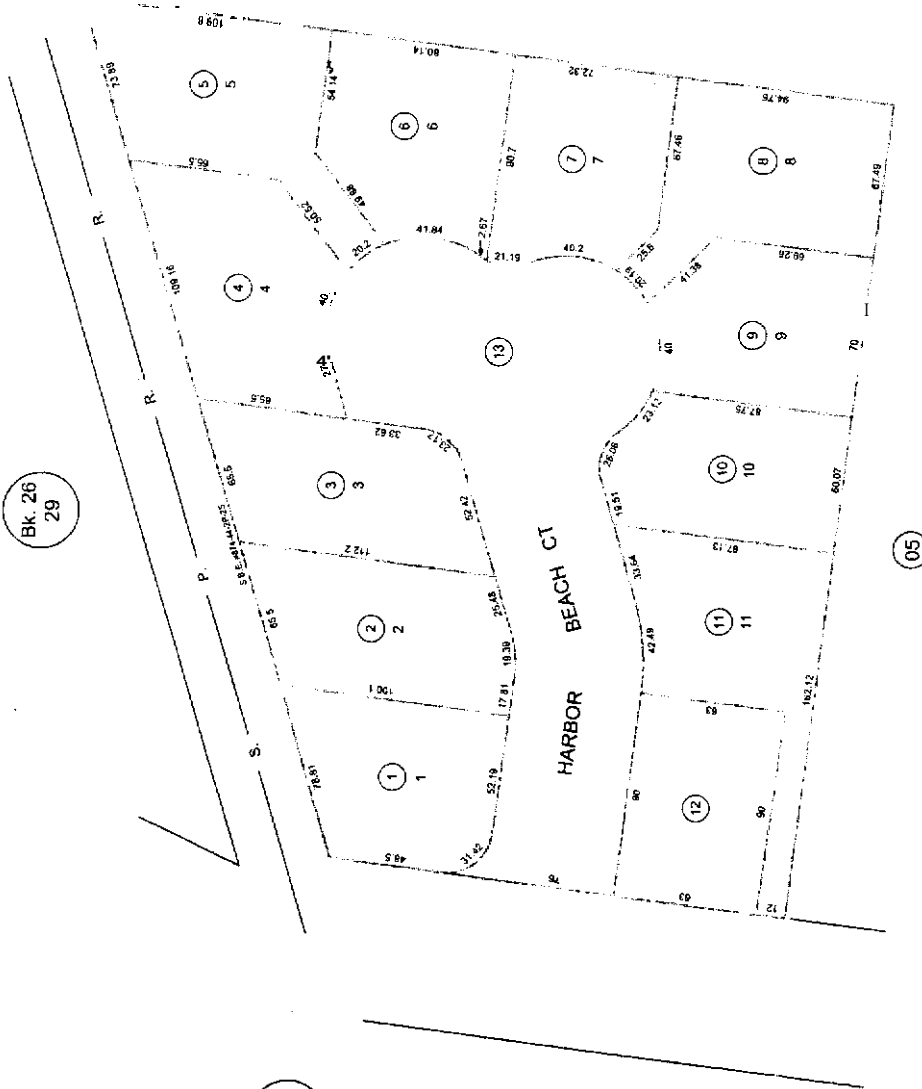
In addition, the proposed wall is not in conformance with 13.11.073(d) which requires the use of design elements to create a sense of human scale, and pedestrian interest. The proposed wall would decrease the pedestrian interest and human scale of 7" Avenue by walling off the dwelling from the street.

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY. MAP ASSUMES AND LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. OF S.W. 1/4 SEC. 17,
T.11S., R.1W., M.D.B. & M.

Fax Area Code
82-040

27-45



HARBOR BEACH HOMES TR # 1424
105MB40 5/25/04

Assessor's Map No. 27-45
County of Santa Cruz, Calif.
AUG 2002

Note - Assessor's Parcel & Block

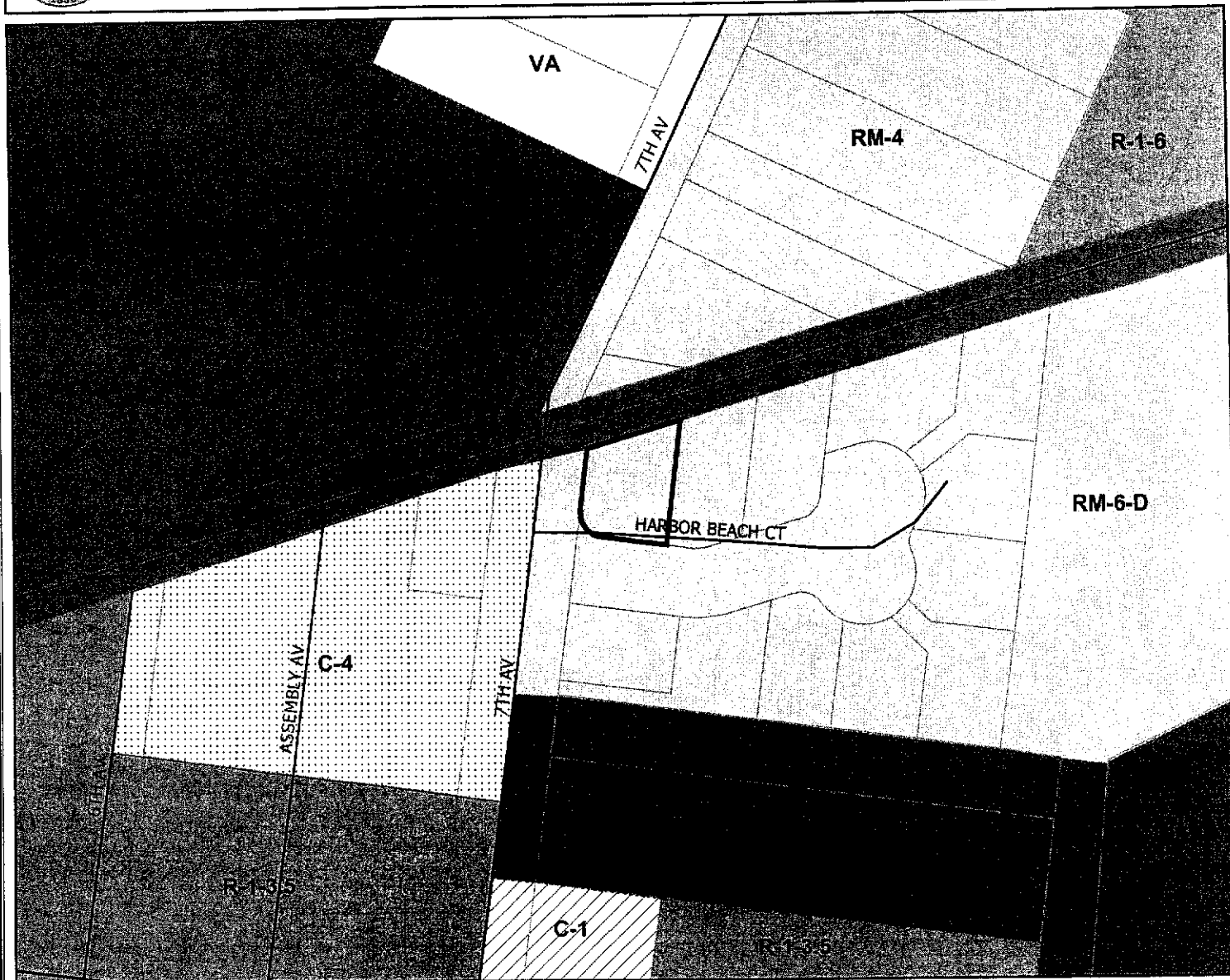
San Jose Redrawn 8/2/02 mvm
rev. 11/8/04 mvm (per form pg. 27-05)
rev. 11/8/04 mvm (105MB40, 1-01 to 1-3)

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EXHIBIT C

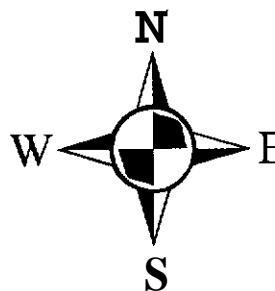


Zoning Map



Legend

- APN 027-451-01
- Streets
- Assessors Parcels
- Railroads
- RESIDENTIAL-MULTIFAMILY (RM)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- PUBLIC FACILITY (PF)
- PARK (PR)
- COMMERCIAL-VISITOR ACCOM. (VA)
- COMMERCIAL-NEIGHBORHOOD (C-1)
- COMMERCIAL SERVICE (C-4)



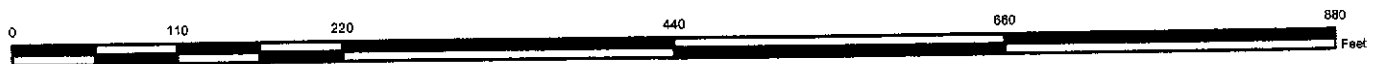
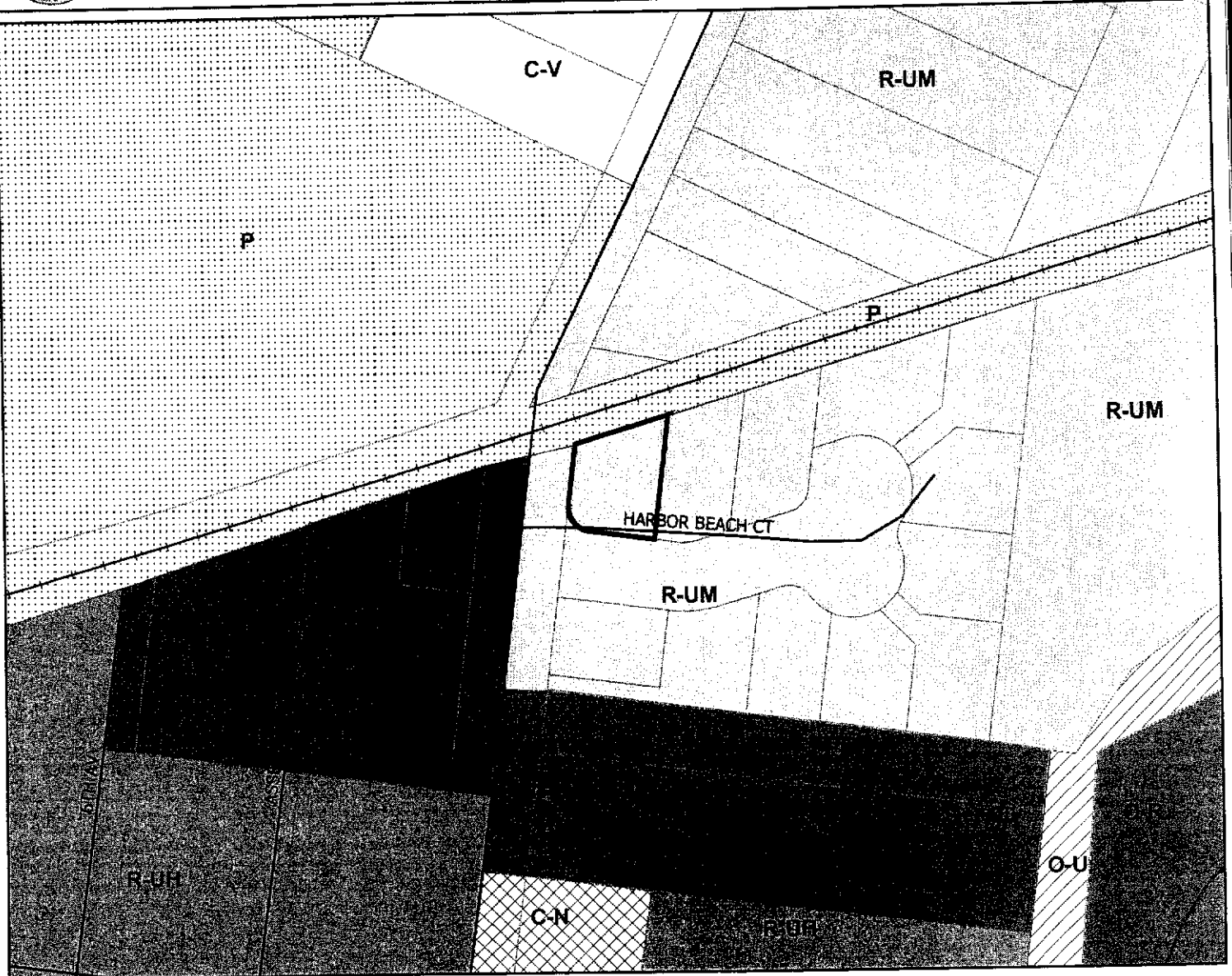
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Map Created by
County of Santa Cruz
Planning Department
October 2005

EXHIBIT D

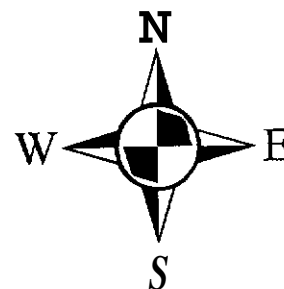


General Plan Designation Map



Legend

- APN 027-451-01
- Streets
- Assessors Parcels
- Railroads
- Residential - Urban Medium Density (R-UM)
- Residential - Urban High Density (R-UH)
- Parks and Recreation (O-R)
- Commercial-Neighborhood (C-N)
- Commercial-Service (C-S)
- Public Facilities (P)
- Commercial-Visitor Accommodation (C-V)



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EXHIBIT D

MEMORANDUM

Application No: 05-0662

Date: November 14, 2005
To: Annette Olson, Project Planner
From: Lawrence Kasparowitz, Urban Designer
Re: Design Review for an over height fence in the front yard

The fence is out of scale (as shown on the photo) for the streetscape on Seventh Avenue.

The fence could be extended as shown and return in the middle of the fireplace and not be intrusive. This could also be used in conjunction with a three foot wall within the setback to create a semi-private patio area.

Alt' ALTERNATIVE TO THE SOUND WALL WOULD BE TO TRIPLE GLAZE THE WINDOWS AND INSTALL WITHIN AN ACOUSTICAL SEAL.