



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

January 27, 2006

Consent Agenda Item: 6.1

Date: February 8, 2006

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Adopt Findings for Denial of Application #05-0406, a proposal to construct a detached garage/boathouse at 45 Cutter Drive in Watsonville.

Members **of** the Commission:

On **January** 25, 2006 your Commission voted to uphold the Appeal and reverse the Zoning Administrator's Approval of Residential Development and Riparian Exception Permit #05-0406. The application was to construct a detached garage and boathouse **and** to recognize an existing sheet pile wall at 45 Cutter Drive in Watsonville.

Commissioners voted to reverse the approval based on concern with circulation and access issues along the 20-foot wide privately owned Cutter Drive access, and inappropriate access of proposed structures into the riparian area **of** Kelly Lake. Development Review and Environmental Planning **staff** have prepared revised findings **for** denial which **are** presented for your action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Van der Hoeven".

Joan Van der Hoeven
Project Planner
Development Review

Reviewed By: _____

A handwritten signature in cursive script, appearing to read "Cathy Graves".

Cathy Graves
Principal Planner
Development Review

Exhibits:

- A. Planning Commission Minutes of **January** 25,2006
- B. Revised Development Permit Findings
- C. Revised Riparian Exception Findings

PLANNING COMMISSION MINUTES- 1/25/06

Proceedings of the Santa Cruz County
Planning Commission

Volume 2006, Number 2

January 26, 2006

LOCATION: Board of Supervisors, County Government Center,
701 Ocean Street, Room 525, Santa Cruz, CA 95060

ACTION SUMMARY MINUTES

VOTING KEY

Commissioners: Bremner, Durkee, Vice Chair Holbert, Chair Osmer, Shepherd
Alternate Commissioners: Messer, Hancock, Hummel, Gonzalez, Britton

Commissioners present were Messer, Durkee, Vice Chair Holbert (for Items 1 - 7), Hummel (for Items 8 - 10), Chair Osmer, and Shepherd.

CONSENT ITEMS

6. APPROVAL OF MINUTES

To approve the minutes of the January 11, 2006 Planning Commission meeting as submitted by the Planning Department.

Approved minutes. Osmer made the motion and Holbert seconded. Voice vote carried 5-0, with ayes from Messer, Durkee, Holbert, Osmer, and Shepherd

CONTINUED ITEMS

7. 03-0415 NO SITUS APN(S): NO_APN_SPEC

Appeal of Zoning Administrator's September 9, 2004 approval of Commercial Development Permit 03-0415, a proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public Right-of Way. Property located on the South side of Moon Valley Ranch Road at about 500 feet West of the intersection with Larkin Valley Road.

APPELLANT: ROBERT JAY KATZ

OWNER DEPARTMENT OF PUBLIC WORKS, COUNTY OF SANTA CRUZ

APPLICANT ROGER HAAS

SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454- 3218

Upheld the Zoning Administrator's action and approved application with addition to conditions as recommended by staff regarding screening trees installation, maintenance, and bonding: and as recommended by Commissioner Messer, to require review by the Planning Commission of additional wireless applications on this site. Durkee made the motion and Shepherd seconded. Voice vote carried 5-0, with ayes from Messer, Durkee, Holbert, Osmer, and Shepherd.

SCHEDULED ITEMS

8. **04-0392** **705 CANHAM RD, SCOTTS VALLEY** **APN(S): 093-401-09**
Proposal to divide a 156-acre parcel zoned for Timber Production into two parcels of 54.1 gross acres and 102.4 gross acres respectively. Requires a Minor Land Division. The property is located on the east end of Canham Road at 705 Canham Road, Scotts Valley.
OWNER: CANHAM VENTURES, INC
APPLICANT: STEPHEN GRAVES & ASSOC.
SUPERVISORIAL DIST: 5
PROJECT PLANNER: ROBIN BOLSTER-GRANT, 454- 5357

Approved application with amended conditions as recommended by staff to eliminate review of improvement plans by Department of Public Works and to require a grading permit. Shepherd made the motion and Durkee seconded. Voice vote carried 5-0, with ayes from Messer, Durkee, Hummel, Osmer, and Shepherd.

9. **03-0500** **3600 SOQUEL-SAN JOSE RD., SOQUEL** **APN(S): 103-071-43**
Proposal to divide a 10.887 acre parcel into three parcels of approximately 2.676 acres, 4.976 acres, and 3.236 acres. Requires a Minor Land Division, Soils Report Review, and Archaeological Site Review. Property located on the north west corner of the intersection of Soquel-San Jose Road and Laurel Glen Road. (3600 Soquel-San Jose Road)
OWNER: CASALEGNO HERITAGE, INC
APPLICANT: POWERS LAND PLANNING, INC
SUPERVISORIAL DIST: 1
PROJECT PLANNER: RANDALL ADAMS, 454-3218

Approved application as conditioned. Messer made the motion and Shepherd seconded. Voice vote earned 5-0, with ayes from Messer, Durkee, Hummel, Osmer, and Shepherd

10. **05-0406** **45 CUTTER DR, WATSONVILLE** **APN(S): 051-701-13**
Appeal of Zoning Administrator's approval of application 05-0406, a proposal to construct a garage with a boathouse below, an attached bath, and recognize an existing sheetpile wall. Requires a Residential Development Permit to increase the maximum 1000 square foot size limitation for nonhabitable accessory structures and to maintain a bath within a detached accessory structure and Riparian Exception. Property located on the west side of a 20 foot right of way, about 200 feet north from Cutter Drive at 45 Cutter Drive in Watsonville.
APPELLANT: RICHARD YANDO, ETAL
APPLICANT: RON GORDON
OWNER: JOSEPH AND DOMITILA GUERRERO
SUPERVISORIAL DISTRICT: 4
PROJECT PLANNER JOAN VAN DER HOEVEN, 454-5174

Upheld the appeal of the Zoning Administrator's action and preliminarily denied project application, with appropriate findings to return on the Consent Agenda on February 8, 2006. Voice vote carried 3-2, with ayes from Messer, Hummel, and Shepherd; Durkee and Osmer voted nay.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

~~This finding can be made, in that the project is located in an area designated for accessory structures appurtenant to existing residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed non-habitable accessory structure, boat ramp and sheet pile wall will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.~~

Although the proposed detached garage and boat house comply with the required 20-foot front setback from Cutter Drive, any construction in this area of Cutter Drive would contribute to a potential safety concern. The narrow 20-foot width of this privately owned portion of Cutter Drive has no clearly defined turn around area. Circulation and access would be compromised as a result of any proposed construction on APN 051-701-13 and this would be materially injurious to property and improvements in the area.

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

~~Special circumstances exist in that this property is residentially zoned and has frontage on Kelly Lake (a body of water determined by the Planning Commission to be a recreational lake). The lake frontage is a principal amenity on this property and there is an expectation that the residents will be able to have access to and make some recreational use of their lake frontage.~~

Special circumstances exist in that this property is residentially zoned and has frontage on Kelly Lake (a body of water determined by the Planning Commission to be a recreational lake). The lake frontage is a principal amenity on this property and there is an expectation that the residents will be able to have access to and make some recreational use of their lake frontage. However, this finding cannot be made because accessibility to the lake for recreational purposes can be achieved by one or more of the following methods: using a dock at the back of the house, using the launch ramu at the Paiaro Valley Rod & Gun Club or possibly sharing the use of the neiahbors existing launch ramu ut 41 Cutter Drive (APN 051-701-15).

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY

~~Any development that is lake related, such as the garage/boathouse and sheet piling wall would require a riparian exception. The proposed garage/boathouse and sheet piling wall along the lake edge (an erosion control device) are both permitted uses on the property.~~

Since the entire parcel lies within the riuarian area and is subject to the "Riparian Corridor & Wetlands Protection Ordinance" (Chapter 16.30), any development proposed on this parcel would require approval of a riuarian exception. This finding cannot be made for the proposed project at this time because there appear to be design alternatives available that can eliminate encroachment into the lake.

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 granting of this 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. In fact, there will be a net environmental benefit to the site after the approved revegetation plan has been implemented (refer to "Exhibit B").~~

This finding can be made because the project would 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.

The parcel is located outside the coastal zone.

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 ordinance is to eliminate or minimize development activities in riparian/wetland areas so as to protect wildlife habitat, water quality, open space and to allow for conveyance and storage of floodwaters. The garage/boathouse is proposed in an area currently supporting little to no riparian and/or wetland vegetation. As part of this project, a vegetation restoration plan (refer to "Exhibit B") will be implemented that will result in a net environmental benefit to the surrounding area. The vegetation proposed in front of the existing sheet piling wall will provide an adequate screen from the lake. The water quality and storage of floodwaters within the lake will not be negatively affected by the proposed project and the garage/boathouse has been designed to meet the requirements set forth by the Federal Emergency Management Agency (FEMA).~~

The purpose of the riparian ordinance is to eliminate or minimize development activities in riparian/wetland areas so as to protect wildlife habitat, water quality, open space and to allow for conveyance and storage of floodwaters. This finding cannot be made because the project does not minimize development activities into the lake when there do appear to be development alternatives that can completely eliminate encroachment into the lake.