



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD (831) 454-2123

**TOM BURNS, PLANNING DIRECTOR**

June 6, 2006

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

**Agenda Date: July 12, 2006**

Item #: 9  
Time: After 9 AM  
APN: 102-441-19  
Application #: 04-0089

**Subject: A public hearing to consider an appeal of the Zoning Administrator's decision to deny application 04-0089; a proposal to construct a 6 foot masonry and wrought iron wall with 6'-8" stone piers, to construct 1 vehicular gate with decorative pilasters to a maximum height of 8' and wrought iron gate to a height of 7'-4", and a pedestrian gate with a wrought iron arch to 8'-8".**

Members of the Commission:

### **BACKGROUND**

Application 04-0089, a request to construct an overheight masonry and masonry/wrought iron wall within the required front yard setback, was heard by the Zoning Administrator on April 7, 2006 and was denied without prejudice based on staff findings (Exhibit B to Attachment 5). **An** appeal was filed on April 13, 2006 by Patricia Curtin (hereafter "appellant" of the law ~~firm~~ Morgan Miller Blair, representing the property owner Martin Hess (Attachment 1). After consideration of the applicant's appeal, staff recommends that your Commission uphold the Zoning Administrator's denial of Application 04-0089.

The applicant seeks to construct a 6-foot tall masonry and masonry/wrought iron wall with 6-foot, 8-inch stone piers and to construct one vehicular gate with decorative pilasters to a height of 8-feet and a wrought iron gate at 7'-4" in height, and a pedestrian gate with a wrought iron arch to 8-feet, 8-inches. The project is located within the Sea Crest subdivision, which was approved in 1997 with the stated intention to develop low-density residential lots, while preserving the protected grasslands and preserving open space in concert with the rural character of the site.

This application came before the Zoning Administrator at the April 7, 2006 public hearing. Planning staff recommended denial of the application based on incompatibility with requirements for fences to preserve a harmonious and compatible street front appearance (Chapter 13.10.525 (a)), incompatibility with the requirement to preserve or enhance natural site amenities (Chapter 13.11.072.b.1), non-compliance with requirements to minimize impacts to private views from adjacent parcels (Chapter 13.11.072.b.2), inconsistency with General Plan Objective 8.4 (Residential Neighborhood Development Objectives), General Plan Policy 8.6.5 (Designing With

the Environment), General Plan Objective 8.6 (Building Design Objectives), and incompatibility with the original intent of the Sea Crest subdivision.

The applicant and attorney for the property owner presented testimony arguing that the proposed closed stucco wall design was not incompatible with the surrounding existing development, or with the rural character of the area. Public testimony consisted of two letters from neighbors; one who supported the fence and the other letter unrelated to the current proposal. After the close of the public hearing, the Zoning Administrator denied application **04-0089** based on the denial findings.

## **ANALYSIS AND DISCUSSION OF APPEAL ISSUES**

The grounds of this appeal, as described in the brief letter of appeal dated April **13, 2006** are that the Zoning Administrator was incorrect in supporting staff's finding that the stucco wall is incompatible with the overall intent of the subdivision and the surrounding pattern of rural development. The appellant asserts that the fence is compatible with the intent of the subdivision and surrounding development and that there is no requirement that the fence meet the County's general characterization of "rural." The appeal letter does not explicitly state which of the four findings for denial the appellants take issue with.

### **Intent of Previous Permits**

The Sea Crest subdivision was approved in **1997** to allow the creation of **29** lots (Permit **93-0719**). The stated intent of the subdivision was to develop low-density residential lots, while preserving the protected Coastal Terrace Prairie habitat and preserving open space in concert with the **rural** character of the site. The approval followed a lengthy review process involving geologic and geotechnical investigations, biotic studies, environmental review, and visual analysis of the potential impacts of the subdivision. The approved site design and permit conditions intended to mitigate these environmental impacts included reducing allowed building height and requiring setbacks from scenic easements. The subdivision approval also included a permanent split rail cedar fence at the perimeter of the habitat conservation parcels and conservation easement associated with protected natural habitat. Finally, the findings supporting the original subdivision stated, "future homes will be integrated into the silhouette of the existing backdrop." The proposed overheight stucco wall is not designed to integrate with the existing natural environment.

The original subdivision approval did not include architectural design criteria for the future single-family dwellings nor did it explicitly address fence design. In **1999**, a separate permit (**99-0416**) was approved authorizing the construction of 6-foot tall driveway monuments for the **29** lots. The design of the monuments as depicted on Exhibit A of the staff report for Permit **99-0416** (Attachment **6**) specified the installation of 3-foot "split cedar rail" fences along the frontages of each property. Subsequent correspondence from the Planning Department has consistently interpreted this approval as establishing the proscribed design standards for fences within the Sea Crest subdivision.

### *Compatibility with Surrounding Development*

The appellant contends that the design of their wall is compatible with the surrounding neighborhood. However, the adjacent properties are improved with no fences or walls (parcels to the north and southeast), the 3-foot high split rail fences (parcel to the southwest), or overheight wrought iron fences (parcel to the east). It should be noted that the overheight wrought iron fencing on the adjacent parcel and other properties in the subdivision were constructed without permits. The subdivision does not contain any fences or walls of a "closed" masonry design. The proposed overheight stucco wall would establish a design that is out of character with the existing fences and would establish a precedent for future applications throughout the neighborhood that would compromise the open, rural feel of the subdivision.

The neighborhood contains homes with a variety of architectural styles. Since the approval of the 1999 permit, there have been attempts by several homeowners within the Sea Crest subdivision to revise 99-0416 to allow for the construction of a greater variety of fence heights and designs. In an effort to compromise and provide a greater level of design flexibility, the Planning Director authorized guidelines that would allow for increased fence heights of up to 6 feet, with the proviso that the fences incorporate an "open" design. The open design would be allow materials other than wood, such as wrought iron.

### *Rural Character*

The appellant has stated that they do not agree with the County's definition of "rural" as it pertains to the proposed stucco wall. As stated earlier, the original intent of the Sea Crest subdivision was to allow development, while preserving the existing natural beauty of the area. While the meaning of concepts such as "rural," "open," and "natural beauty," can be debated to some extent, it is staff's position that, taken as a whole, the intent of the development of the subdivision was to minimize the intrusion of the built environment into a natural environment. Further, the construction of a large, imposing structure of closed design, which occupies a prominent entry point into the subdivision, does not fit within the notion of preserving the natural environment.

Rural development, as generally regarded in Santa Cruz County, entails integrating development with nature. The effect of allowing the proposed construction of the overheight stucco wall would be to create a walled-in compound, allowing little or no integration with the surrounding natural environment.

**Other Issues Raised at the Zoning Administrator Hearing**

The project architect submitted evidence showing that classic French and English **country** homes typically use masonry rather than wrought iron. The appellant similarly stated that the use of wrought iron on the subject parcel would not be compatible with the design of the existing single-family dwelling on the site. An inventory of houses within the subdivision shows, however, the rather widespread use of wrought iron fence design in association with a variety of "European Country" architectural styles. Additionally, while the architect has submitted the Homeowner's Association (HOA) Architectural Guidelines to demonstrate the acceptability of the proposed design, these guidelines are understood by the **HOA** to be subject to County approval. Further, any "recommended guidelines" could not be interpreted to apply to the proposed construction of overheight fences within the required front yard setback

**SUMMARY**

The issues raised by the appellant concern the notions of what defines "rural character" and neighborhood compatibility. As previously stated, the General Plan, County Ordinances, and previous permit approvals all support the notion of development that is integrated into the "silhouette" of the natural environment. The materials, location, and scale of the proposed overheight stucco wall do not achieve this goal.

**RECOMMENDATION**

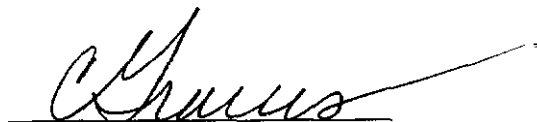
The proposed project is not consistent with County General Plan policies and ordinances, and staff recommends that the Zoning Administrator's DENIAL of application 04-0089 be upheld, based on the findings contained in the staff report to the zoning administrator (Exhibit B to Attachment 5).

Sincerely,



Robin Bolster-Grant  
Project Planner  
Development Review

Reviewed By: \_\_\_\_\_



Cathy Graves  
Principal Planner  
Development Review

Attachments:

1. Appeal letter, prepared by Morgan, Miller, Blair, dated 4/13/06.
2. Letter from Mark Deming, Assistant Planning Director, dated 3/29/06
3. Conditions of Approval and Findings **for** Sea Crest Subdivision (Permit 93-0719).
4. Exhibit A, Variance Permit 99-0416
5. Staff **report** to the Zoning Administrator, originally heard on 4/7/06.
6. Exhibit A, application 04-0089
7. Comments from Supervisor Beautz, dated 3/19/04
8. Letter from neighbor, prepared by Richard A. Schriver, dated 3/30/06.
9. Homeowner's Architectural Guidelines
10. Exhibit submitted by applicant at Zoning Administrator Hearing on 4/7/06.

PATRICIA E. CURTIN  
(925) 979-3353  
pcurtin@mmblaw.com

April 13, 2006

Ms. Robin Bolster  
Santa Cruz County Planning Commission  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

Re: APN: 102-441-19; Appeal of Zoning Administrator's  
Findings and Denial of Applicant's Proposed Fence  
Our File No. 10210-001

Dear Ms. Bolster:

The purpose of this letter is to file an appeal of the Zoning Administrator's findings and decision resulting in the denial of our client's proposal to construct a six-foot tall fence.

The Zoning Administrator's findings indicate that our client's proposed fence is inconsistent with the County Code, with all elements of the County's General Plan, and with any Specific Plan that has been adopted for the area. The findings assert that the fence **is** incompatible with the overall intent of the subdivision and the surrounding pattern of rural development. We believe that the fence is compatible with the intent of the subdivision and surrounding development. Furthermore, we believe that there is no requirement that the fence itself meet the general and not indefinite characterization of "rural." Therefore, we request that the Planning Commission reconsider and overrule the findings of the Zoning Administrator.

Pursuant to our previous e-mail correspondence regarding the Appeal Fee, you have informed us that the fee is \$2,500. You confirmed that the Zoning Administrator had directed at the hearing that we may apply any remaining funds from the "at-cost" account to the Appeal Fee. Furthermore, you have indicated that our "at-cost" account balance would **only** require us to provide a check for \$1,500 to be applied to the Appeal Fee. Enclosed you will find a check for \$1,500. This check and the application of \$1,000 from the "at-cost" account constitutes the Appeal Fee.

Ms. Robin Bolster  
April 13, 2006  
Page 2

If you have any questions, please feel free to contact me immediately. Thank you for your time and consideration.

Very truly yours,

MORGAN MILLER BLAIR

PATRICIA E. CURTIN

PEC:bpm  
Enclosure

cc: Cove Britton, Applicant  
Mr. Martin Hess, Owner

## MEMORANDUM

**Date:** March 29, 2006

**To:** Planning Department Staff

**From:** Mark Deming, Assistant Planning Director

**Re:** Sea Crest Subdivision (formerly Tan) – Front Yard Fences

This memo supercedes all previous letters and memos concerning how the County will process permits for the construction of 3-6 foot fences within the front yards of the Sea Crest Subdivision. It will also address the design of the fences.

Background – Permit No. **99-0416** was approved in **1999** to permit the construction of 6-foot high ornamental posts with lighting straddling the driveway in the front yard of each of the subdivision lots. The posts were shown to have rock veneer. The plans also depicted 3-foot high split rail fences at the front of each property. The split rail fence was not mentioned in the permit for the driveway posts because no permits are required for 3-foot high fences in the front yard. Nonetheless, the split rail fences did establish a design paradigm of openness that reflects the rural character of this subdivision.

In previous letters and memos, we had sought to have the permit (**99-0416**) amended en masse by all of the property owners as that permit affected each of the lots within the subdivision. When it became clear that there was not going to be 100% participation in seeking to amend the permit, this stance was softened to allow groups of property owners to amend the permit for their particular properties. There have been no takers for this approach. We are, therefore, going to offer a different approach to this ongoing conflict that will hopefully appeal to those who want to construct new fences or deal with their existing fences.

New Process – At this time, we are proposing to allow for individual property owners to amend permit **99-0416** for their property. This permit will be processed as a Level V amendment as specified in County Code Section **18.10.134**. This means that there will be a public hearing before the Zoning Administrator with notice given to nearby property owners and the Homeowners Association. We will prepare a streamlined process for this review so that the cost and time will be minimized.

Design Issues – After a site visit and review, it is clear that only two of the Homeowner Association approved designs are acceptable. These designs are split-rail, and the black wrought iron fence with decorative posts with no more than a 1 square foot cross-section, 12 – 16 feet on center. These designs maintain the open feeling of the subdivision while providing security and deer proofing. The other approved designs, brick or stucco walls, would result in the creation of large walled-in compounds, incompatible with the rural character of the subdivision, and would therefore not be approved.



## **CONDITIONS OF APPROVAL**

Application No. **93-0719**  
Tract No. **1295** - Tan Heights  
Applicant and Property Owner: Tan Heights Associates  
Assessor's Parcel Nos. **102-131-12, -14, -30, -31, -32, -46,**  
**102-161-01, & -09**  
Property location: West side of Hilltop Road, approximately  
**1,500** feet west from Soquel-San Jose **Road**  
Soquel planning area

---

### Exhibits:

- A. Tentative Map prepared by Bowman and Williams, dated July **12, 1993** (revision date April **17, 1997**)
  - B. Negative Declaration with Expanded Initial Study
  - C. Planting Plan prepared by Michael Arnone, dated February **25, 1997**
  - D. Design Guidelines prepared by Richard Beale Land Use Planning, dated February **1997**
- 

**All** correspondence and maps relating to this land division shall carry the land division number and tract number noted above.

- I. Prior to exercising any rights granted by **this** Approval, the owner **shall** sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof
- II. A Final Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or **financing** of any new lots. At the option of the developer, phased maps may be recorded in accordance with the time limits prescribed by the State Subdivision Map **Act**. The Final Map **shall** be submitted to the County Surveyor (Department of Public Works) **for** review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map **unless** such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map **shall** meet the following requirements:
  - A. The Final Map shall be in general **conformance** with the approved tentative map and **shall** conform with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
  - B. This land division shall result in no more than **30** total single-family residential lots and three conservation parcels.

- C. The minimum lot size shall be 1.0 acre, net developable land
- D. The following items shall be shown on the Final Map
  - 1. Building envelopes located according to the approved Tentative Map with the exception that lots **20** through **23** shall provide **40** foot rear yards.
  - 2. Conservation and Scenic Easements located according to the approved Tentative Map.
  - 3. Show the net area of each lot to nearest hundredth acre.
- E. The following requirements shall be noted on the non-title sheet of the Final Map as items to be completed prior to obtaining a building permit on lots created by this land division.
  - 1. Lots ~~shall~~ be connected for water service to Soquel Creek Water District.
  - 2. All ~~future~~ construction on the lots shall **conform** to the recommendations in the Visual Analysis by John Gilchrist and Associates dated October **27, 1989**, and addendum by Leah Hernikl dated August **18, 1993** (Section **6** of the Tan Heights Subdivision Supporting Material dated September **1993** and Updated February **16, 1995**), or as modified by this permit, shall be implemented. These include the following:
    - a. Lot **1** - New vegetation be added and existing vegetation be retained to screen the site from view.
    - b. Lot **5** - Building height is limited to **17** feet.
    - c. Lot **6** - Building height is limited to **17** feet.
    - d. Lots **13** and **14** - Retain existing vegetation such as oaks and mature eucalyptus to screen ~~future~~ buildings from view.
    - e. Provide landscaping as shown on the Planting Plan (Exhibit "C"). ~~All~~ trees shall be a minimum robust 15-gallon size.
  - 3. All future construction on the lots shall **conform** to the design guidelines contained in Exhibit "D" and shall meet the following additional conditions.
    - a. The maximum height of **structures** on lots **22** and **23** is limited to **28** feet as measured by the current zoning ordinance.
    - b. All lots ~~shall~~ have a maximum of **10%** lot coverage, except **if** any of lots **7** through **12**, **27**, and **28** are one-story structures, such lots may have a maximum **15%** lot coverage.

III. Prior to recordation of the **Final** Map, the following requirements shall be met:

Court A. The secondary access shall extend to the northwest corner of the subdivision and **connect** with the existing emergency access road on the Nichol minor land division (Minor Land Division No. **89-0755**), eventually connecting to Rodeo Gulch Road. Should, however, the Owner be unable to obtain the necessary legal access from the property owners over whose properties **this** secondary access crosses, the County *shall* consider eminent domain to obtain this same previously described access at the applicant's expense. Should the County not elect to obtain this secondary access **through** condemnation proceedings, the Owner shall, in the alternative, provide two secondary access roads, one being from Court F to Cornwell Road and the other being from Road B to Hilltop Road, as shown on Exhibit "E" attached to these Conditions. **An** emergency access connecting Court **D** to Court E shall be provided as shown on the Tentative Map.

- b. The secondary and primary roads within the proposed subdivision shall be maintained by a homeowner's/road maintenance association
  - c. Secondary access roads shall be **12** feet in width and surfaced **with** six inches of compacted aggregate base rock, Class **2** or equivalent. Where the grade of the access road exceeds **15%**, the base rock **shall** be overlain by two inches of asphaltic concrete, Type B or equivalent.
6. Plans shall comply with all requirements of the geologic report and addendum prepared by Weber and Associates dated **1979**, and letter by Weber and Associates dated **August 27, 1992**, and letter by Weber, Hayes & Associates dated **January 13, 1994**. A plan review letter **from** the geologist shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geologic report.
7. The capacity of downstream drainage facilities shall be verified by the consulting engineer. The results of this verification **shall** be reviewed by the Department of Public Works. Final subdivision improvement plans shall be reviewed by the Department of Public Works for approval of the runoff calculations and design of road and drainage improvement features. Appropriate fees for new impervious surface shall be paid. The following improvements are also **required**.
- a. The existing 18-inch pipe entrance from the site to the Hilltop Road storm drain system is to be replaced with a new pipe with capacity for a 25-year storm.
  - b. Although the project engineer **has** analyzed the Hilltop Road **storm** drain system and verified **that** it has adequate capacity, the project is to have its engineer perform a field **survey** of the existing Hilltop Road storm drain system to determine if any portion is in need of repair or replacement. Any portions found to be in such need shall be replaced or repaired. The project engineer **shall** submit a letter to the Department of Public Works for review and acceptance which

- A. Pay a Negative Declaration filing fee of \$1,275.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the **Tax** Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- C. The project geologist, Weber and Associates, must field check the location of the development envelopes and submit a letter of review to the County Planning Department indicating that the recommendations of the report were properly incorporated into the plans. A field check by the **project** geologist **prior** to recordation of the Final Map **will** ensure that the proper geologic setbacks are achieved.
- D. A geotechnical report addressing the subdivision improvements must be submitted for review and approval. **This** report will address the design and engineering of the roads and utility improvements, as well as necessary erosion control measures.
- E. Submit and secure approval of engineered improvement plans from the Department of Public Works for all roads, curbs and gutters, storm **drains**, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (**equal** to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  1. **All** improvements shall meet the requirements of the County of Santa Cruz Department of Public Works Design Criteria Manual except **as modified** in these conditions of approval.
  2. A detailed erosion control plan for construction of the subdivision improvements must be submitted as a part of the subdivision improvement plans. The installation of the new water lines and storage facilities, **storm** drain system, and roads **will** require grading and temporary ground disturbance from equipment and construction activities. A plan indicating how erosion **will** be avoided during and after this construction must be approved by Environmental Planning staff.
  3. **An** engineered drainage and erosion control plan consistent with the approved **p r e l i i** plans shall be submitted for review and approval by the County to address **lot** grading and roadways.
  4. Provide proof of legal access along any private road(s) (existing or proposed) to be used for primary or secondary access to the subdivision.
  5. Plans shall provide for construction of a secondary access road **as** shown on the tentative map including the following:
    - a. A secondary **access road** shall be provided from the north end of

- details the engineer's observations and contains recommendations for drainage improvements, if necessary
- c. The roadside ditch along the west side of Soquel-San Jose Road from the southeast corner of the O'Neill property along the **high** school frontage to the north side of the high school entrance road is to be replaced with a storm drain pipeline with capacity for a 100-year storm. There should be inlets at the upstream and downstream ends.
  - d. A new culvert with capacity for a 100-year storm shall be constructed across Soquel-San **Jose** Road from a new inlet on the north side of the high school entrance to the inlet on the north side of O'Neill Court.
  - e. A maintenance agreement covering all common improvements, including drainage improvements, shall be recorded concurrently with the Final Map. Annual reporting on the maintenance of silt and grease traps by the homeowners' or maintenance association is required to be submitted to the Department of Public Works for review and acceptance.
8. All new utilities **shall** be constructed underground. All facility relocations, upgrades **or** installations required for utilities service to the project **shall** be noted on the improvement plans. All preliminary engineering for such **util-**ity improvements is the responsibility of the developer
9. Acquire all rights-of-way and easements and make **all** dedications thereof as needed for construction of required improvements. Any and all **costs** incurred by the County of Santa **Cruz** to obtain title to any property in the event that condemnation proceedings are necessary to implement **this** condition, shall be paid in full by the applicant/subdivider prior to the recording of the Final Map.
10. All improvements **shall** comply with applicable provisions of the Americans With Disabilities Act and/or Title **24** of the State Building Regulations.
11. The following off-site improvements are required.
- a. The north side of Hilltop Road from Plan Line station 1+00 to 5+13 shall be improved by construction of curb and gutter, retaining **walls**, roadway widening, driveway conforms and drainage improvements **from** the entrance to the subdivision and connect with the **existing** improvements to the east, in accordance with the approved plan line.
  - b. The west side of Soquel-San **Jose** Road shall be improved with curb, gutter, sidewalk, roadway widening, and driveway conforms from the south side of Dawn Lane to Plan Line station **48+00**.
  - c. Sign and paint stripe a four-way stop intersection at Cornwell and Hilltop roads.

- F. **Follow** all recommendations contained in the Tan Heights Mitigation Plan (hereinafter referred to as The Mitigation Plan) prepared by Habitat Restoration Group, and dated February **28, 1995**.

The Final Map shall include "Tarplant and Coastal Prairie Conservation Parcel A" (**10.5** acres), "Yampah and Coastal Prairie Conservation Parcel B" (**7.4** acres), "Coastal Prairie Conservation Parcel C" (**1.4** acres), and a Conservation Easement on portions of Lots **23, 24, and 25, as depicted on the Tan Heights Tentative Map prepared by Bowman and Williams, and dated July 12, 1993**. Preservation and revegetation of these sensitive species on these parcels shall result in the following habitat acreages:

<u>Conservation Parcel A</u>	Preserve	Revegetate	Total
Coastal prairie	<b>2.50 ac.</b>	<b>3.03 ac.</b>	<b>5.53 ac.</b>
Tar plant	<b>0.39 ac.</b>	<b>0.00 ac.</b>	<b>0.39 ac.</b>
Yampah + clover	--	<b>0.20 ac.</b>	<b>0.20 ac.</b>
<u>Conservation Parcel B</u>			
Coastal prairie	<b>2.32 ac.</b>	<b>0.59 ac.</b>	<b>2.91 ac.</b>
Yampah + clover	<b>0.63 ac.</b>	<b>0.20 ac.</b>	<b>0.83 ac.</b>
<u>Conservation Parcel C</u>			
Coastal prairie	<b>0.44 ac.</b>	<b>0.12 ac.</b>	0.56 ac.
<u>Conservation Easement</u>			
Coastal prairie	<b>0.64 ac</b>	0 <b>25</b> ac.	<b>0.89 ac.</b>

Site preparation, maintenance, and management measures (including revegetation success criteria), necessary to ensure the long-term **success** of these preservation and revegetation ~~efforts~~ shall conform to recommendations contained in the Mitigation Plan.

- G. Post a financial security in the amount required for implementation of the revegetation and management project within the conservation parcels and easement areas and for the completion of two years of monitoring. Activities covered by ~~this~~ surety shall include construction of permanent fencing around the perimeter of the Conservation Parcels and Conservation Easement Area, erection of interpretive signs on the Conservation Parcels, supplemental seeding and irrigation, if deemed necessary, and **seasonal** mowing and raking (~~six~~ times over a period of **two** years)
- H. Develop a Homeowner's Association Agreement for review and approval by the Planning Department and the Board of Supervisors (on the Board's Consent Agenda), which provides for the following.
1. Joint ownership of Conservation Parcels **A, B, and C**.
  2. A funding mechanism to ensure that yearly management and monitoring activities are carried out on Conservation Parcels **A, B, and C** and within the Conservation Easement area on portions of Lots **23, 24, and 25**. Funding shall also be provided for ongoing removal and control of invasive nonnative plant species, as recommended in the Mitigation Plan.

3. Remedial measures to be initiated if the population of one of the sensitive plant species declines below the level to be achieved at the end of the five-year establishment period monitoring program.
  4. Enforcement by the Homeowners' Association of management and maintenance of (i) the landscaping requirements in the Planting Plan prepared by Michael Arnone, dated February **25, 1997** (Exhibit "**C**", attached to the Conditions); and (ii) the Conservation Parcels and the Conservation Easement **Area** in accordance with the Mitigation Plan. Should the Homeowners' Association fail to properly manage and maintain (i) and (ii), above, the County shall have the right to exercise the same powers of enforcement as the Homeowners' Association, in addition to any and **all** other enforcement rights and remedies of the County, with the costs incurred by the County becoming a lien against the property subject to the assessment. These enforcement rights **shall**, where applicable, be incorporated into any agreement granting the Conservation Parcels and the Conservation Easement **Area**, and any declaration regarding management and maintenance of same
- I. Annex the project site into the Soquel Creek Water District Boundaries and obtain a final contract for service with the Soquel Creek Water District. Approval of the Local Agency Formation Commission shall be obtained prior to annexation. All conditions imposed by the water district shall be met to assure necessary water pressure and quality. Engineered improvement plans for all water line extensions required by the Soquel Creek Water District shall be submitted for the review and approval of the water agency. Notwithstanding the provision for adequate water pressure necessary for fire protection in the subdivision, water lines shall be sized to preclude service to all surrounding property.
  - J. **An** agreement for shared maintenance of roads and drainage facilities by **owners** of all **lots** in this land division shall be submitted and recorded concurrently with the Final Map.
  - K. All requirements of the Central Fire Protection District **shall** be met as set forth in the District's memorandum dated September 2, **1996**.
  - L. Submit a report **from** the biological consultant, for review and approval by the Planning Department, that the remainder of the yampah population on parcels 28 and **29** have been moved to Conservation Parcels A and B.
  - M. Submit documentation to the Planning Department for review **and** approval that the deeds for Lots **23** and **24** shall indicate that, prior to driveway development, a qualified botanist shall identify the coastal terrace prairie with the lowest habitat value on each parcel. The deeds shall further indicate that the driveways will be located within the identified "low value" habitat.
  - N. Park dedication in-lieu fees shall be paid for **30** single-family dwelling units. On December **20, 1996**, these fees were **\$2,226.00** per three bedroom unit, but are subject to change.

- O.** Transportation improvement fees shall be paid for 30 single-family dwelling units. On December 20, 1996, these fees were \$2,000.00 per unit, but are subject to change. **This** fee shall be held in an account dedicated to the future improvement of the Porter Street/Soquel Drive intersection.
- P.** Roadside improvement fees ~~shall~~ be paid for 30 single-family dwelling units. ~~On~~ December 20, 1996, these fees were \$2,000.00 per unit, but are subject to change. Thirty thousand dollars of **this** fee shall be held in an account dedicated to the future improvement of the Porter Street/Soquel Drive intersection.
- Q.** A fee credit for the roadside fees, in an amount established by the fee schedule in effect at the time of Final Map recordation, but in an amount not to exceed \$30,000, **shall** be granted for the preparation of the plan line for Hilltop Road and for the off-site road improvements required by Condition III.E. 11.. To receive **this** fee credit, the developer **shall** provide the Department of Public Works detailed receipts indicating the costs of plan line preparation and all off-site improvements.
- R.** Child Care Development fees shall be paid for 30 single-family dwelling units. On December **20**, 1996, these fees were \$327.00 per three bedroom unit, but are subject to change.
- S.** Enter into a Certification and Participation Agreement with the County of Santa Cruz to **meet** the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. The developer may satisfy its affordable obligation through any one of the acceptable alternatives set forth in Chapter 17.10 of the County Code.
- T.** Obtain a National Pollutant Discharge Elimination System (NPDES), storm water permit from the California Regional Water Quality Control Board, Central Coast Region. All conditions of the NPDES permit are, by reference, hereby incorporated into the conditions of **this** permit.
- U.** Submit one reproducible copy of the **Final** Map to the County ~~Surveyor~~ for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- V.** To reduce the **speed** of traffic exiting the subdivision, install a stop sign at the southeast end of Road "A" where it adjoins to Hilltop Road.
- IV.** All subdivision improvements **shall** be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.E. The construction of subdivision improvements **shall** also meet the following conditions:

  - A.** All work adjacent to ~~or~~ within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining ~~an~~ encroachment permit where required. Where feasible, **all** improvements adjacent to or affecting a County road **shall** be coordinated with any planned County-sponsored construction on that road.
  - B.** Prior to receiving final approval of the subdivision improvements, the applicant



- ~~shall~~ remove French broom (*Cytisus monspessulanus*) from the "Priority 1" area depicted on Figure 2 in the Mitigation Plan. This material ~~shall~~ be removed from the site and deposited at the County landfill or disposed of in an alternate fashion provided this alternative is approved in advance by the Planning Department.
- C. No land clearing, grading or excavating ~~shall~~ take place between October 15 and **April 15** unless a separate winter erosion-control plan is approved by the Planning Director.
  - D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
  - E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, ~~shall~~ be observed.
  - F. Construction of improvements shall comply with the requirements of the geologic report and addendum by Weber and Associates dated 1979, and letter by Weber and Associates dated August 27, 1992, and letter by Weber, Hayes & Associates dated January 13, 1994. The geologist shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geologic report.
  - G. All subdivision improvements ~~shall~~ be substantially complete to the satisfaction of the Director of Public Works prior to final inspection clearance for any new structure on the subdivision lots.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above, and including the following:
- A. Future structures and septic systems must be located within the development envelopes that are designated for each lot on the Tentative Subdivision Map dated August 31, 1992. These building envelopes reflect the required setback from slopes established by Weber and Associates. This mitigation will reduce the potential for slope failure as a result of on-site waste disposal systems and/or other triggering factors.
  - B. All recommendations in the "Preliminary Geologic Investigation" and addendum by Weber and Associates dated 1979, and letter by Weber and Associates dated August 27, 1992, and letter by Weber, Hayes & Associates dated January 13, 1994 must be followed. These include that the buildings are engineered and designed to withstand the expected seismic shaking in order to mitigate the potential impacts resulting from ground shaking in a major earthquake.
  - C. Geotechnical reports addressing the construction of new homes on the individual

parcels shall be submitted for review and acceptance by the County prior to issuance of building permits to the future property owners.

- D. Building plans for homes on individual lots shall be accompanied by an erosion control plan for review and approval by the Environmental Planning section prior to approval of the building permit. All recommendations of the geotechnical report shall be incorporated into the erosion control plan.
- E. All parcels shall meet the provisions of Sections 7.38.130- 7.38.150 of the County Code to the maximum extent possible relative to trench depth when application for a sewage disposal permit is made.

Parcels within the subdivision which cannot accommodate a sewage disposal system that conforms to the provisions of Section 7.38.150.B.6 with respect to maximum trench depth, shall be reviewed by the Health Officer for compliance with Subsection C of Section 7.38.094 of the County Code. Sewage disposal permits for these lots, specifically lots 1, 8, 9, 10, 11, 14, 15, 16, 18, 23, 24, 25, 26, 28, and 29, shall be applied for within three years of recording the Final Map.

- F. Future residences on Lots 23, 24, and 25 shall be located within the development envelopes depicted on the Tentative Map, prepared by Bowman and Williams and dated July 13, 1993. Driveway access for Lot 25 shall be located outside the Conservation Easement boundary. Driveways for Lots 23 and 24 shall not exceed 15 feet in width. Prior to driveway development, a qualified botanist shall identify the coastal terrace prairie with the lowest habitat value on each parcel. The driveways will be located within the identified "low value" habitat (also, see Condition III.M.).
- G. Prior to obtaining building permits for parcels 28 and 29 the applicant shall demonstrate, through completion of the yampah transplantation pilot program described on pages 12 and 13 of the Mitigation Plan, that this species may be successfully transplanted. That pilot program calls for transplanting approximately 100 individual yampah plants from parcels 28 and 29 to Conservation Parcel B. For salvage efforts to be considered successful, the transplants must exhibit a survival rate of greater than 70% by the end of the second year. In addition, 50% of the survivors must flower during the second year.

VI. In the event that future County inspections of the subject property disclose the noncompliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.

VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim,

action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. **COUNTY** shall cooperate **fully** in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate **fully** in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B.** Nothing contained herein **shall** prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs, and
  2. COUNTY defends the action in good faith.
- C.** Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D.** Successors Bound "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E.** Within 30 days of the issuance of this development approval, the Development Approval Holder **shall** record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.
- F.** In the event that no claims described in this Paragraph VII are made within 90 days after the action of the Board of Supervisors approving the Final Subdivision Map, then **this** indemnity agreement **shall** lapse and a rescission of the indemnity agreement may be recorded.

#### VIII. Mitigation Monitoring Program

The mitigation measures listed under **this** heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations are hereby adopted as a condition of approval for **this** project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A.** Mitigation Measure: Conformance with the Geologic Investigation (Condition V.B.)

Monitoring Program: Prior to issuance of building permits for the future homes, construction plans will be reviewed to confirm that all recommendations of the geologic report are incorporated into their respective designs. Inspections **will** be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

**B.** Mitigation Measure: Development Envelope Locations (Condition III.C.)

Monitoring Program: Prior to recordation of the Final Map, the **Planning** Department **will** require correspondence from the project geologist noting that all recommendations of the geologic report are incorporated into the **final** improvement plans. Inspections **will** be conducted to verify that **all** construction is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

**C.** Mitigation Measure: Setbacks from Slopes (Condition V.A.)

Monitoring Program: Prior to issuance of building permits for the future homes, construction plans will be reviewed to confirm that all development is located within the building envelopes. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

**D.** Mitigation Measure: Subdivision Geotechnical Report (Condition III.D.)

Monitoring Program: Prior to recordation of the Final Map, the applicant's soils engineer **will** submit a geotechnical report to the Planning Department for review and approval. The subdivision improvement plans will be reviewed to confirm that all development conforms to the recommendations of the approved geotechnical report. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

**E.** Mitigation Measure: Erosion Control During Construction of Subdivision Improvements (Condition III.E.2.)

Monitoring Program: Prior to recordation of the Final Map, the subdivision improvement plans **will** be reviewed and accepted by the County **Surveyor**. The improvement plans **will** include detailed grading, drainage, and erosion control plans. Inspections **will** be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

**F.** Mitigation Measure: Parcel Specific Geotechnical Reports (Condition V.C.)

Monitoring Program: Prior to issuance of building permits for the future homes, geotechnical reports will be required which **will** be reviewed and approved by the Planning Department. Construction plans **will** be evaluated to **confirm** that all recommendations of the geotechnical report are incorporated into their respective designs. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices **will** be issued in the event of noncompliance.

G. Mitigation Measure: Parcel Specific Erosion Control Plans (Condition III.E.3.)

Monitoring Program: Same as Mitigation Measure/Monitoring Program E, above.

H. Mitigation Measure: Parcel Specific Erosion Control Plans (Condition V.D.)

Monitoring Program: **As** a component of the construction plans, **an** erosion control plan will be required for the review and approval of the Planning Department prior to issuance of building permits for the future homes. Inspections **will** be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

I. Mitigation Measure: Water Service (Condition II.E.1.)

Monitoring Program: Prior to recordation of the Final Map, staff will **confirm** that a note appears on the map that water service **will** be provided by Soquel Creek Water District.

J. Mitigation Measure: Water Service (Condition III.I.)

Monitoring Program: Prior to recordation of the Final Map, **staff** will confirm that the developer **has** entered into an agreement with the Water District to provide **service**. The map will not be recorded until the developer has satisfied all requirements of the District.

K. Mitigation Measure: Sewage Disposal (Condition V.E.)

Monitoring Program: Prior to issuance of building permits for the future homes, a septic system plan will be **required** for the review and approval of Environmental **Health** Services. Environmental Health will issue sewage disposal permits concurrently with the building permits. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance,

L. Mitigation Measure: Downstream Drainage (Condition **It** I.E.7.)

Monitoring Program: Same as Mitigation Measure/Monitoring Program E, above.

M. Mitigation Measure: Biotic Mitigation (Condition III.F.)

Monitoring Program: Prior to recordation of the **Final** Map, the County Surveyor will review the map to confirm that the conservation parcels and the conservation easement are **shown**. Inspections will be conducted by the Planning Department to verify compliance with all elements of the Mitigation Plan. Correction notices **will** be issued in the event of noncompliance.

N. Mitigation Measure: Development Envelopes, Driveway Designs & Locations (Conditions III.M. and V.F.)

- Monitoring Program: Prior to recordation of the Final Map, the County Surveyor ~~will~~ review the map to assure compliance with this mitigation. Building plans ~~will~~ be reviewed to confirm that driveway designs and building locations are correctly sited. Inspections will be conducted by the Planning Department and the Department of Public **Works** to verify compliance with all elements of the Mitigation Plan. Correction notices ~~will~~ be issued in the event of noncompliance.
- O.** Mitigation Measure: Implementation of Biotic Mitigation Plan (Condition III.G.)
- Monitoring Program: Prior to recordation of the **Final** Map, the County Surveyor will require the developer to sign a subdivision agreement and provide all necessary financial securities. Inspections of subdivision improvements will be conducted by the Planning Department and the Department of Public **Works** to verify compliance with all elements of the Mitigation Plan. Correction notices will be issued in the event of noncompliance.
- P.** Mitigation Measure: Creation of Homeowners' Association (Condition III.H.)
- Monitoring Program: Prior to recordation of the Final Map, a homeowners' association agreement will be reviewed and approved by the Planning Department. The County Surveyor ~~will~~ record this agreement concurrently with the Final Map.
- Q.** Mitigation Measure: French Broom Eradication (Condition N.B.)
- Monitoring Program: Final approval of subdivision improvements ~~will~~ not be provided until eradication of the French broom has been completed on Priority 1. Priority **2** eradication will be completed within 5 to **10** years ~~as~~ specified by the Habitat Mitigation Plan. Inspections will be conducted by the Planning Department to verify compliance with ~~this~~ mitigation. Subdivision securities ~~will~~ not be released by the Department of Public **Works** until the French broom is repressed.
- R.** Mitigation Measure: Biotic Mitigation (Condition V.G.)
- Monitoring Program: The project biologist ~~will~~ inform the Planning Department of the success of the yampah transplantation program. Based on the results of a successful program, building permits may be issued for parcels **28** and **29**. If the program does not achieve the anticipated survival rate, building permits for these two parcels will not be issued and remedial actions ~~will~~ be required to attain the specified survival rate. Remedial actions may include supplemental planting or seeding, alterations to site preparation procedures, and alteration to mowing the regime.
- S.** Mitigation Measure: Biotic Mitigation (Condition III.L.)
- Monitoring Program: Prior to recordation of the Final Map, the project biologist will submit a report for the review and approval of the Planning Department documenting the relocation of yampah plants from parcels **28** and **29** to the conservation parcels.
- T.** Mitigation Measure: Archaeological Resources (Condition N.E.)

**Monitoring Program:** During the construction of subdivision improvements and building of the future homes, inspections will be conducted to verify that all construction is performed in accordance with this mitigation. All work will be stopped and correction notices issued in the event of noncompliance.

**U. Mitigation Measure: Scenic Resources (Condition II.E.2.)**

**Monitoring Program:** The limitations stipulated by the mitigation will appear as a note on the Final Map. **Prior** to issuance of building permits for the affected lots, the Planning Department will review construction plans for compliance with this mitigation. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

**V. Mitigation Measure: Water Service (Condition III.I.)**

**Monitoring Program:** The developer will be required to apply to and have been approved by the Local Agency Formation Commission and to provide proof to the County Surveyor that the property has been annexed into the Soquel Creek Water District prior to recordation of the Final Map.

**W. Mitigation Measure: Roads (Condition III.E.5.a.)**

**Monitoring Program:** **Prior** to recordation of the Final Map, the developer will submit subdivision improvement plans to the County Surveyor for review and approval. All roads and their respective improvements specified by the mitigation will be shown. Inspections will be conducted to verify that all construction is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

**X. Mitigation Measure: Roads (Condition III.E.5.b.)**

**Monitoring Program:** Same as Mitigation Measure/Monitoring Program W, above.

**Y. Mitigation Measure: Roads (Condition III.E.5.c.)**

**Monitoring Program:** Same as Mitigation Measure/Monitoring Program W, above.

**Z. Mitigation Measure: Roads (Condition III.E.11.a.)**

**Monitoring Program:** Same as Mitigation Measure/Monitoring Program W, above.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE  
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

**This Tentative Map** is approved subject to the above conditions and the attached map, and expires 24 months after the 10-day appeal period. The **Final** Map for this division, including

improvement plans if required, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration date and in no event later than three weeks prior to the expiration date.

cc: County Surveyor

Approval Date: May 20, 1997

Effective Date: May 20, 1997

Expiration Date: May 20, 1999



## **SUBDMSION FINDINGS**

1. THAT **THE** PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDMSION MAP ACT

As conditioned, the proposed division of land meets all requirements and conditions of the County Subdivision ordinance and the State Map **Act** in that the project meets all of the technical requirements of the Subdivision ordinance and is consistent with the County General Plan and the zoning ordinance as set forth in the findings below.

2. THAT THE PROPOSED SUBDMSION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT **WITH** THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY .

The proposed subdivision is located in the Rural Residential land **use** designation. This General Plan designation allows a minimum density of one dwelling per **2.5** acres. The proposed division of land, its design, and its improvements, are consistent with the General Plan in that **this** project creates 30 parcels with a density of one dwelling unit per 3.3 acres and development is clustered to minimize grading volumes and to reduce impervious surfaces and overall site disturbance. No overriding General Plan policies are applicable.

The project is consistent with the General Plan in that the land division complies with the allowed residential density as determined by the Rural Density Matrix specified by Policy 2.3.1. The land division **has** a density of one dwelling per 3.3 acres where the **matrix** would allow a density of one unit per 2.5 acres. The land division is located on a designated local street that provides satisfactory **access** subject to the recommended roadside improvements to Hilltop Road which are proportional to the expected increase in traffic resulting from the project. The proposed land division is similar to the pattern and density of corresponding rural residential developments in the surrounding area.

Although a number of parcels in the subdivision division are less than 2.5 acres, Policy 2.3.3 of the General Plan provides for averaging of parcel **sizes** in new subdivisions provided the resulting land division is consistent with the Rural Matrix. The purpose of the policy is to encourage development clustering to minimize **grading** volumes and to **reduce** impervious **surfaces** and overall site disturbance. In this circumstance, the policy is appropriately exercised.

Further, the land division is not located in a hazardous area, environmentally sensitive portions of the property are preserved and enhanced in accordance with Policy 5.1.6 of the General Plan,

**ATTACHMENT**

creation of three conservation parcels will protect sensitive habitats to conform with Policy 5.1.7, and the subdivision protects natural resources by expanding in an area designated for residential development at the proposed density.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standard for the "RA" zone district where the project is located and all yard setbacks will be consistent with zoning standards. The subdivision complies with Chapter 13.14 of the County Code (Rural Residential Density Determinations), in that the project density is one dwelling per 3.3 acres while the matrix calculation requires a minimum of 2.5 acres per dwelling.

The proposed subdivision is consistent with the Design Standards and Guidelines of the County Code in that significant natural vegetation is being retained, future homes will be integrated into the silhouette of the existing backdrop, the development protects public viewsheds, and a cluster design is proposed to protect biotic resources and avoid steep slopes.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed division of land is physically suitable for the type and density of development in that no challenging topography affects the site, a geotechnical report prepared for the property concludes that the site is suitable for the land division, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for site standard exceptions or variances. No environmental constraints exist which necessitate that the area remain undeveloped.

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat in that no mapped or observed sensitive habitats or threatened species impede development of the site and the project

has received a mitigated Negative Declaration pursuant to the California Environmental **Quality** Act and the County Environmental Review Guidelines.

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE **SERIOUS** PUBLIC HEALTH PROBLEMS.

**As** conditioned, the proposed division of land or its improvements will not cause serious public health problems in that municipal water is available to serve the project (subject to annexation into the Soquel Creek Water District), and the lots are suitable for domestic sewage disposal.

Off-site improvements to Hilltop Road (completion of approximately 400 linear feet of roadside improvements on the north side of the road), Soquel-San Jose **Road** (completion of roadside improvements from Hilltop Road to Dawn Lane), and the funds ~~set~~ aside for future improvements to the **Soquel** Drive/Porter Street intersection will, in conjunction with funds from other projects, provide for increased capacity to handle the **traffic from** this project and from future projects under buildout conditions, and are reasonable, appropriate, and proportional to the size of the proposed development and its associated increase in traffic

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no such easements are known to encumber the property.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed subdivision provides to the fullest extent possible, the ability to utilize passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities.

### **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.

The location of proposed division of land 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 in that the project is located in an area designated for residential use and is not encumbered by physical constraints to development. Construction of future homes 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.

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.

The project site is located in the "RA" Residential Agriculture **zone** district. The proposed location of the residential subdivision and the conditions under which it would be operated or maintained **will** be consistent with all pertinent County ordinances and the purpose of the "RA" zone district in that the primary use of the property will be residential, parcel sizes are large enough to accommodate on-site septic systems. The land division complies with Chapter **13.14** of the County Code (**Rural** Residential Density Determinations), in that the project density **is** one dwelling per **3.3** acres while the matrix calculation requires a minimum of **2.5** acres per dwelling. Density credit from the biotic conservation parcels is used to calculate the overall project density.

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.

The project is located in the Rural Residential and Mountain Residential land **use** designations. The proposed residential use is consistent with all elements of the General Plan in that the project density (one dwelling per **3.3** acres), is similar to the surrounding density, does not conflict with adjacent residential uses, and development is clustered to minimize grading volumes and to reduce impervious surfaces and overall site disturbance. The land division complies with the allowed residential density as determined by the Rural Density **Matrix** specified by Policy **2.3.1**. The land division has a density of one dwelling per **3.3** acres where the matrix would allow a density of one unit per **2.5** acres. The project is consistent with the General Plan in that municipal water **will** be

available (subject to annexation into the Soquel Creek Water District), each parcel is suitable for domestic sewage disposal, environmentally sensitive plant species are avoided and their habitats will be enhanced in accordance with Policy 5.1.6 of the General Plan, creation of ~~three~~ conservation parcels will protect sensitive habitats to **conform** with Policy 5.1.7 and the proposal protects **natural** resources by expanding in an area designated for residential **use**. No **overriding** General Plan polices are applicable. A specific plan **has** not been adopted for this portion of the County.

Although a number of parcels in the subdivision division are less than 2 ~~5~~ acres, Policy 2.3.3 of the General Plan provides for averaging of parcel sizes in new subdivisions provided the resulting land division is consistent with the Rural **Matrix**. The purpose of the policy is to encourage development clustering to minimize grading volumes and to reduce impervious surfaces and overall site disturbance. In this circumstance, the policy is appropriately exercised.

4. THAT THE PROPOSED USE WILL NOT **OVERLOAD** UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF **TRAFFIC** ON THE STREETS IN THE VICINITY.

The use **will** not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that surrounding streets are capable of accommodating the increase in trip ends without a reduction in their level of service. The traffic analysis of this project indicates a 2-3% increase in traffic on Soquel-San Jose Road between Hilltop Road and Soquel Drive.

Off-site improvements to Hilltop Road (completion of approximately 400 linear feet of roadside improvements on the north side of the ~~road~~), Soquel-San ~~Jose~~ Road (completion of roadside improvements from Hilltop Road to Dawn Lane), and the funds set aside for future improvements to the Soquel Drive/Porter Street intersection will, in conjunction with funds from other projects, provide for increased capacity **to** handle the traffic from **this** project and **from** future projects under buildout conditions, and are reasonable, appropriate, and proportional to the **size** of the proposed development and its associated increase in traffic.

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.

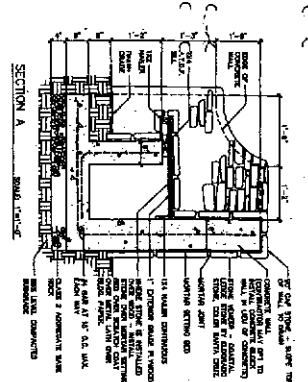
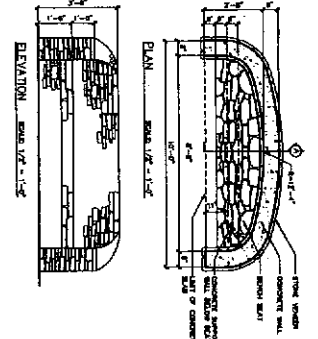
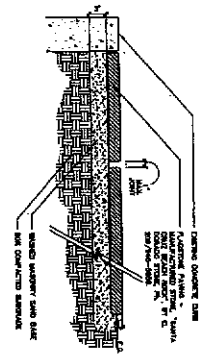
The proposed residential subdivision **will** complement and harmonize with the **existing** and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in that the project density is similar to

the rural residential developments in the surrounding area. Subdivision improvements **will** complement surrounding improvements in that they area similar in intensity and scale.

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.**

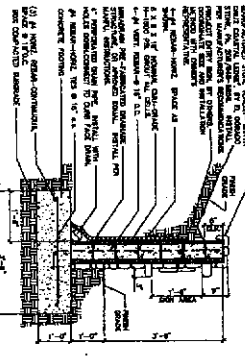
The proposed development is consistent with the Design Standards and Guidelines of the County Code in that significant natural vegetation is being retained, future homes will be integrated into the silhouette of the existing backdrop, the development protects public viewsheds, and a cluster design is proposed to protect biotic resources and avoid steep slopes,





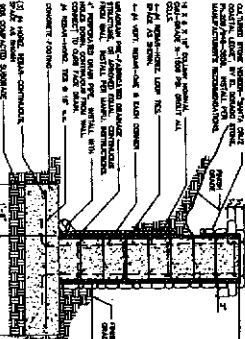
# 1 STONE PAVING

SCALE 1/8" = 1'-0"



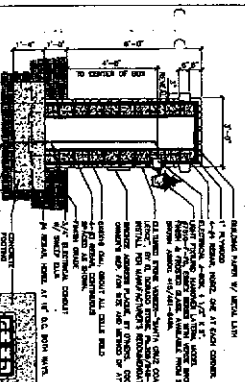
# 2 STONE BENCH

SCALE 1/8" = 1'-0"



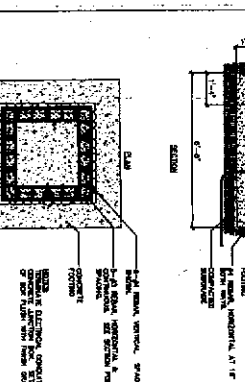
# 3 PROJECT MONUMENT WALL

SCALE 3/8" = 1'-0"



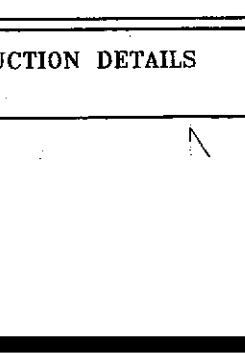
# 4 DRIVEWAY PILLAR

SCALE 1/8" = 1'-0"



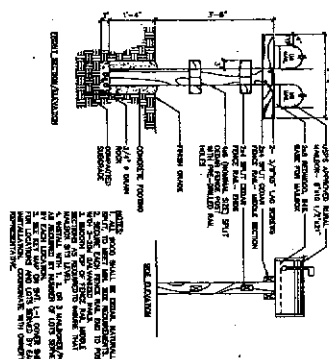
# 5 ENTRY PILLAR

SCALE 1/8" = 1'-0"



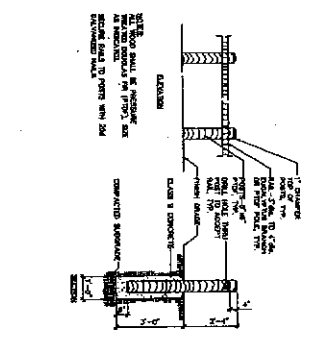
# 6 RUSTIC MAILBOX

SCALE 3/8" = 1'-0"



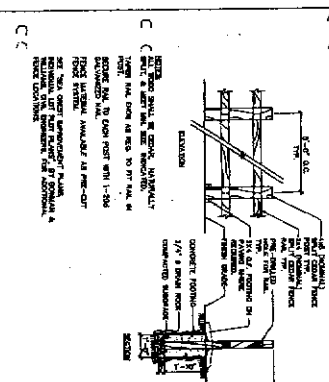
# 7 BIOTIC FENCE

SCALE 1/8" = 1'-0"



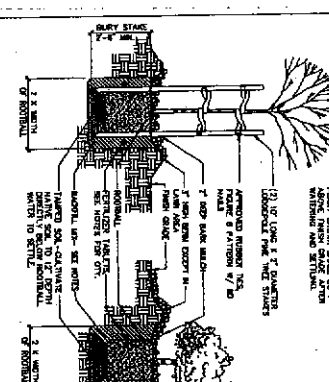
# 8 SPLIT RAIL FENCE

SCALE 1/8" = 1'-0"



# 9 TREE & SHRUB PLANTING

SCALE 1/8" = 1'-0"



**SEACREST**  
SUBDIVISION 1295 SOQUEM, CALIFORNIA  
WARMINGTON HOMES  
SAN RAMON, CALIFORNIA

CONSTRUCTION DETAILS

**John Nicol & Associates**  
Landscape Architects  
3601 Mt. Diablo Blvd. Suite 245  
Lafayette, CA 94549  
(925) 284-3000



Date	City	Project

PLAT DATE: 4-22-98

ATTACHMENT





## Staff Report to the Zoning Administrator

Application Number: **04-0089**

**Applicant:** Mattson Britton Architects  
**Owner:** Martin Hess  
**APN:** 102-441-19

**Agenda Date:** April 7, 2006  
**Agenda Item #:**  
**Time:** After 11:00 a.m.

**Project Description:** Proposal to construct a 6-foot tall masonry wall with 6-foot, 8-inch stone piers and to construct 1 vehicular gate with decorative pilasters to a height of 8-feet, 8-inch and two pedestrian gates, one with a wrought iron arch to 8-feet, 8-inches.

**Location:** Property located on the southwest side of the intersection of Yardarm Court and Mainsail Place (4401 Yardarm Court)

**Supervisory District:** 1st District (District Supervisor: Janet Beautz)

**Permits Required:** Level 5 Residential Development Approval

### Staff Recommendation:

- Denial of Application 04-0089, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	1.95 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Yardarm Court
Planning Area:	Soquel
Land Use Designation:	R-R (Rural Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

## Environmental Information

Geologic Hazards:	No hazards in the vicinity of the proposed development
Soils:	NIA
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	No resources in the vicinity of the proposed development
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Traffic:	N/A
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archeology:	Not mapped/no physical evidence on site

## Services Information

Urban/Rural Services Line:	----- Inside <u>  X  </u> Outside
Water Supply:	Soquel Water District
Sewage Disposal:	Private Septic System
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

## History

The subject parcel is located within the Sea Crest subdivision, which was approved in 1997 to allow the creation of 29 lots. The stated intent of the subdivision was to develop low-density residential lots, while preserving the protected grasslands and preserving open space in concert with the rural character of the site.

Permit 99-0416 was approved by the Zoning Administrator to allow 6-foot driveway monuments with lights to straddle each parcel (driveway). A 3-foot tall split rail fence was indicated along the front yard setback for all 29 lots within the subdivision. The stated purpose of the monuments was to identify the address of each residence, to provide light for nighttime safety, and to maintain a harmonious and compatible street front appearance. The design of the monuments and fences, as shown on Exhibit A of the staff report for Permit 99-0416, shows a detail of the driveway pillar and fence layout and specifies the fence material as "split cedar rail fence." The design and profile of the approved fence and monuments complemented the natural surroundings of the subdivision without obstructing visibility at the street frontage or compromising the open, rural nature of the subdivision. Additionally the design of the split rail cedar fence specified under 99-0416 is compatible with the permanent perimeter fence that was required as a part of the original subdivision to delineate the adjacent habitat conservation parcels and conservation easement. The permit was conditioned to require all site improvements on the final plans be installed.

**ATTACHMENT**

Since that time, numerous discussions have ensued regarding the resident's need to *revise this* permit to allow for the construction of taller fences in the front yard setbacks. The Homeowners Association has approved four possible designs for these fences, including black wrought iron, split rail, brick and stucco fences/walls, subject to County approval. Recently, a memo from Mark Deming, Assistant Planning Director, has solidified the County's position on the procedure for amending 99-0416 to allow greater than 3-foot fences in the front yard setbacks and to allow the recommended designs. To seek approval of a greater than 3-foot tall fence in the front yard, a Level V *or* Zoning Administrator Permit is required per County Code Section 18.10.134. The two designs that will be recommended as compatible with the intent of the subdivision are the split rail fence and the black wrought iron fence with one-square foot cross section posts every **12-16** feet on center.

### **Project Setting**

The project site is a 1.95-acre lot located on the southwest side of the intersection of Yardarm Court and Mainsail Place. The subject parcel's front yard runs along both Yardarm Court and Mainsail Place where they intersect with Panorama Drive. Although the parcel is relatively flat, it is located on a site that is elevated approximately 10 feet above the roadway at the intersection. The property is developed with a single-family dwelling, a second unit, a nonhabitable accessory structure, gazebo and pool. Surrounding properties are developed with single-family dwellings.

Although the subject parcel is not visible from the public viewshed at lower elevations (Soquel-San Jose Road), it is prominently located on a corner that serves as one of the first visible points upon entering the subdivision. The position of the lot, as one ascends the access road (Panorama Drive), creates the appearance of additional height for any structure or landscape feature placed toward the front of the property.

### **Project Description and Analysis**

The applicant is proposing to construct the 6-foot stucco wall in order to provide privacy and to stop deer from entering the property. As stated above, the subject parcel is nearly two acres in size. While there are portions of the lot that are steeply sloped and not usable as yard area, there are also sizeable portions of flat open yard space that would not be significantly constrained were the proposed fence to be pulled back from the required front yard setback.

The proposed overheight fence and monument are inconsistent with the conditions of approval for Permit 99-0416 in terms of size as well as specified design elements. The split rail cedar fencing material specified in 99-0416 provides an open, rural feel that conforms to the original stated intent of the subdivision. This design is also compatible with the protective fencing located at the perimeter of biotic easement, which was required as a part of the original subdivision.

In an effort to provide homeowners within the Sea Crest subdivision with a measure of flexibility, while maintaining the goals of preserving the neighborhood's **rural** character, open space and natural beauty, the Planning Director authorized guidelines that would allow for fence heights of up to 6 feet if, and only if, such fences are of open design. The open design would be inclusive of materials other than wood, such as wrought iron. The applicant has rejected this option in favor of the closed design, as submitted.

The proposed fence and monuments, in their scale and use of closed design are representations of the built environment and, as such, are out of place in the context of this rural setting, which was originally developed with the intent of preserving open space and protecting the natural beauty of the surrounding grasslands and landforms.

### **Development Envelopes**

The subject lot is constrained by a development envelope that restricts the placement of structures and septic systems, per the conditions of approval. The purpose of the development envelope on the subject parcel concerns the possible presence of geologic hazards. A report from Zinn Geology, dated 14 April 2005 states that proposed landscaping and septic system upgrades within the development envelope would not pose a geologic hazard and therefore not prohibited. Similarly, the level of disturbance represented by the proposed fence and monument do not rise to the level of significant impact with respect to geologic hazards. Therefore the encroachment of the proposed construction within the development envelope is not considered an issue of concern.

### **Zoning & General Plan Issues**

The subject property is a 1.95-acre lot, located in the RA (Residential Agriculture) zone district, a designation that allows Residential uses. The proposed fence and gate are allowed within the zone district. However, the proposed project is not consistent with the site's (R-R) Rural Residential General Plan designation. General Plan Objective 2.5 states the purpose of the Rural Residential General Plan designation is to "...provide low density residential development on lands suitable for rural development...and the desire to maintain rural character restrict more intensive development of these areas." The proposed overheight fence, closed fence design and overheight gate do not support this objective.

General Plan Objective 8.4 states that Residential Neighborhoods shall "...maintain the rural and/or agricultural character of residential development in non-urban areas." The proposed fence, with its closed design and prominent location within the subdivision, does not maintain the rural character of the area and is much more appropriate to an urban setting.

General Plan Policy 8.6.5 states "Development shall maintain a complementary relationship with the natural environment..." The proposed overheight fence and monuments are out of proportion to the rural neighborhood particularly within the context of the location of the subdivision within and/or adjacent to the coastal terrace prairie grassland habitat.

General Plan Objective 8.6 states that Building Design shall be encouraged if it "...addresses the neighborhood and community context; utilizes scale appropriate to adjacent development; and incorporates design elements that are appropriate to surrounding uses and the type of land use planned for the area." Once again, the overheight fence and monuments would be unique to this subdivision and are out of scale to the rural, open feeling of the setting.

## Conclusion

As proposed the project is not consistent with 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 **04-0089**, based on the attached findings and conditions.

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](http://www.co.santa-cruz.ca.us)

Report Prepared By: Robin Bolster-Grant  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-5357  
E-mail: [robin.bolster@co.santa-cruz.ca.us](mailto:robin.bolster@co.santa-cruz.ca.us)

## Development Permit Findings

1. 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 overheight fence and monuments are 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 proposed overheight fence and monuments are inconsistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan. General Plan Objective 2.5 states this designation is to “provide low density residential development on land suitable for rural development...and the desire to maintain rural character restrict more intensive development of these areas.” The proposed solid, closed design of the fence and the imposing height of the monuments are more representative of the built environment of an urban setting and not consistent with the rural character of the subject neighborhood.

General Plan Objective 8.4 states that Residential Neighborhoods shall “...maintain the rural and/or agricultural character of residential development in non-urban areas.” The proposed fence, with its closed design and prominent location within the subdivision, does not maintain the rural character of the area and is much more appropriate to an urban setting. Additionally, the location of the subject parcel on a prominent corner, which is visible as one proceeds uphill along the access road (Hilltop), adds to the apparent height of any structure placed toward the front of the parcel.

General Plan Policy 8.6.5 states “Development shall maintain a complementary relationship with the natural environment...” The proposed overheight fence and monuments are out of proportion to the rural neighborhood particularly within the context of the location of the subdivision within and/or adjacent to the coastal terrace prairie grassland habitat.

General Plan Objective 8.6 states that Building Design shall be encouraged if it “...addresses the neighborhood and community context; utilizes scale appropriate to adjacent development; and incorporates design elements that are appropriate to surrounding uses and the type of land use planned for the area.” Once again, the overheight fence and monuments would be unique to this subdivision and are out of scale to the rural, open feeling of the setting.

A specific plan has not been adopted for this portion of the County.

ATTACHMENT 5

- 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. The proposed fence, with large stucco posts and ½ stucco, ½ wrought iron fence/wall, creates a walled-in compound with minimal openness. While this may be appropriate in an urban or suburban environment, the project is located in a rural setting. Fenced or walled-in compounds are inappropriate in **such** a setting as they are not compatible with the overall intent of this subdivision and the purposes of rural development. The imposing impact of the proposed fence at the entrance to the subdivision does not harmonize with adjacent land uses.

- 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 fence, monuments and gate are inconsistent with County Code 13.11.072(b)(1) which seeks to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the design. The proposed fence and monuments *are* discordant and will sever the relationship between the single-family dwelling and the surrounding natural amenities.

In addition, the proposed wall is not in conformance with 13.11.072(b)(2), which provides that impact to private views from adjacent parcels be minimized. The imposing scale and design of the fence and monuments in concert with the prominent location of the parcel negatively impacts both adjacent parcels as well as each and every one of the property owners and visitors to the Sea Crest Subdivision.

Application#: 04-0089  
APN: 102-441-19  
Owner: Martin Hess

---

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the **request** of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

Denial Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Robin Bolster-Grant  
Project Planner

---

Appeals: Any property owner, or other person aggrieved, **or** any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

ATTACHMENT 5



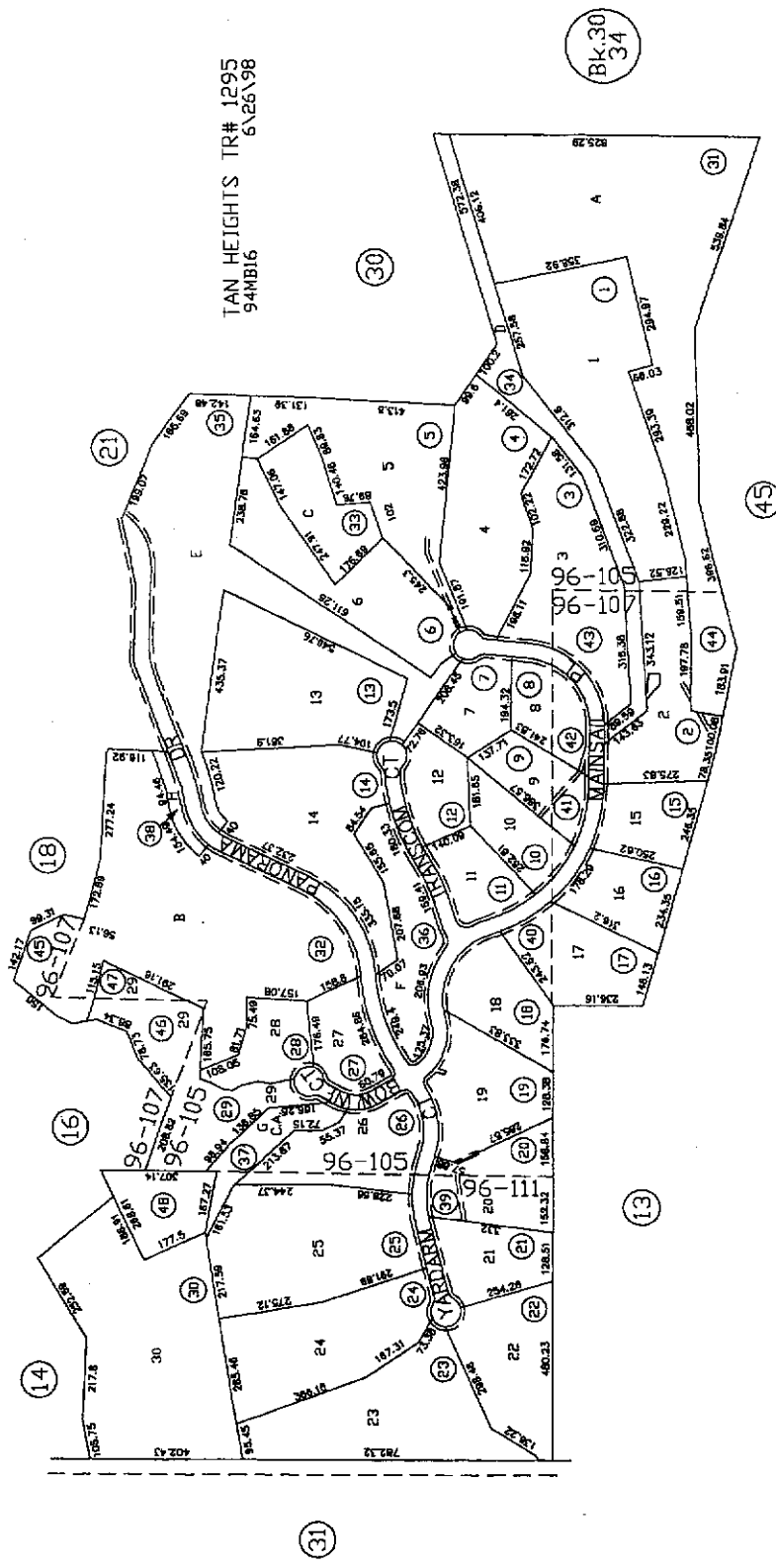
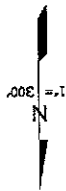
**FOR TAX PURPOSES ONLY**

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

PUR W. 1/2 SEC. 3 & E. 1/2 SEC. 4  
T.11S., R.1W., M.B.D. & M.

Tax Area Code  
96-105 96-107  
96-111

JUC-444



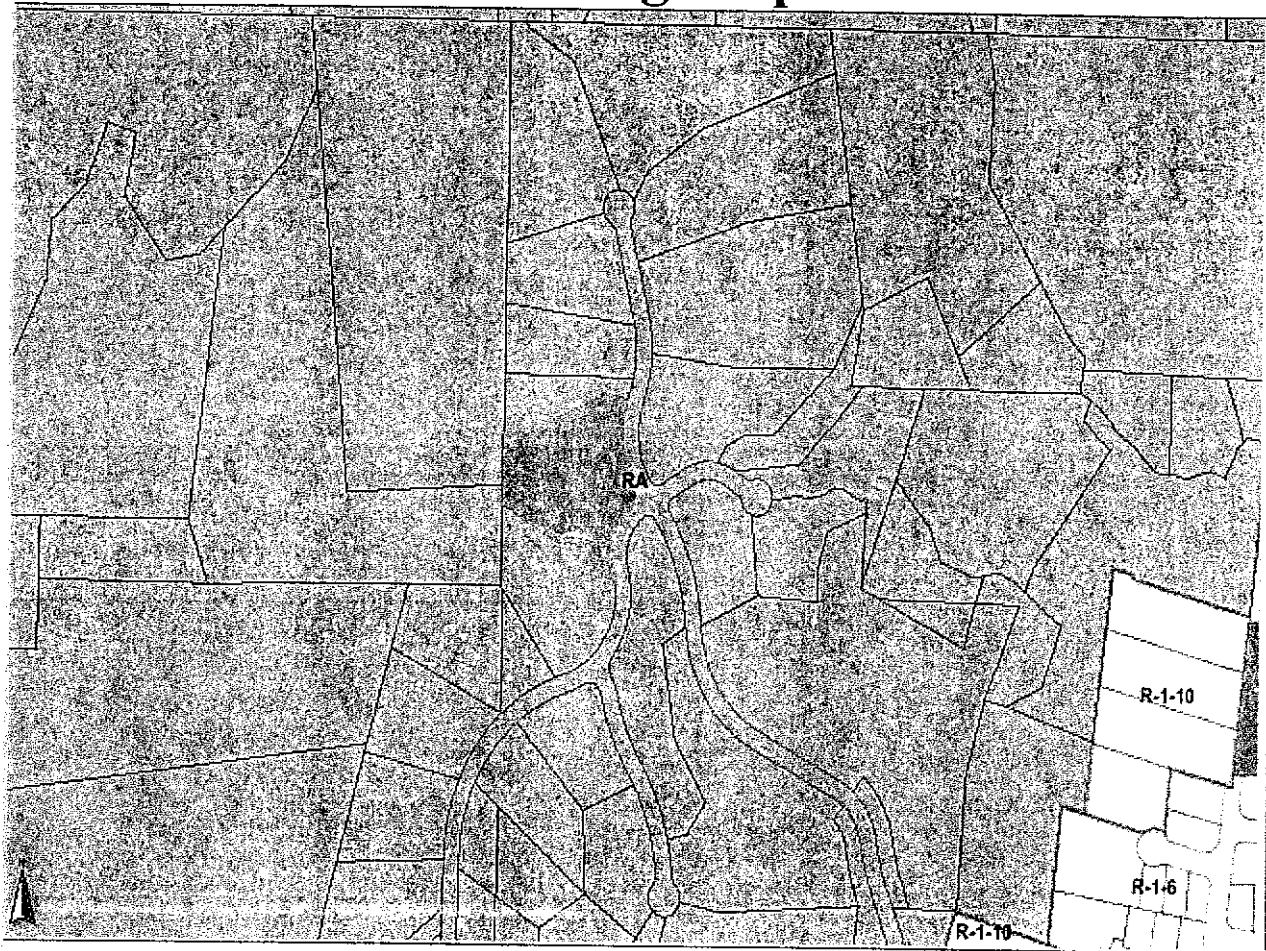
TAN HEIGHTS TR# 1295  
94MB16 6/26/98

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 102-44  
County of Santa Cruz, Calif.  
May 1998


Revised 1/14/02 from (TCA)  
Rev B 2/27/01 from (changed page title)  
Rev 12/15/99 CO (Add lot 11 - 46 & 47)  
Rev 8/12/98 CO (Revised TC A 98-025)  
Rev 5/10/98 CO (TCA)  
Rev 10/21/98 CO (TCA)  
Rev 10/21/98 CO (Rev of 102-13 & 18)  
Revised 10/21/98 CO


# Zoning Map




## Legend

### Selected Features


 Parcel (dark lines)

 State Highways


 Zone Text (DETAILED)


 City Limits


 Zoning Graphic  
(GENERIC)

 R-1 Single Family Residential

 RA Residential Agriculture

 RB Residential Medium Density

 RM Residential Medium Density

 RR Rural Residential

# General Plan Map,



- Legend**
- Selected Features
  - Parcel (dark lines)
  - State Highways
  - City Limits
  - General Plan Land Use
- |  |                                 |
|--|---------------------------------|
|  | Rural Residential               |
|  | Suburban Residential            |
|  | R-UM Urban High Residential     |
|  | R-UL Urban Low Residential      |
|  | R-UM Urban Medium Residential   |
|  | R-UL Urban Very Low Residential |
|  | Other                           |
|  | General Plan (B&W Text)         |

ATTACHMENT

**C O U N T Y O F S A N T A R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

Project Planner: Karen Mccotnaghy  
Application No.: 04-0089  
APN: 102-441-19

Date: February 1, 2005  
Time: 14:46:09  
Page: 1

---

**Environmental Planning Completeness Comments**

===== REVIEW ON MARCH 17, 2004 BY ROBIN M BOLSTER =====

The Conditions of Approval for the subdivision prohibit the placement of structures outside of the development envelope. The proposed wall must be relocated within the development envelope to be approved.

===== UPDATED ON JUNE 1, 2004 BY ROBIN M BOLSTER =====

The revised plans still depict the proposed wall and septic expansion field outside the approved development envelope. Condition V.A of development permit #93-0719 states that no structures or waste disposal systems are allowed outside of the approved development envelope. Please revise plans to conform to this Condition of Approval for the Tan Heights subdivision.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON MARCH 17, 2004 BY ROBIN M BOLSTER =====  
NO COMMENT

**Dpw Driveway/Encroachment Completeness Comments**

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 8, 2004 BY RUTH L ZADESKY =====  
No Comment. project adjacent to a non-County maintained road.

**Dpw Driveway/Encroachment Miscellaneous Comments**

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 8, 2004 BY RUTH L ZADESKY =====  
No comment.

**Environmental Health Completeness Comments**

===== REVIEW ON MARCH 23, 2004 BY JIM G SAFRANEK ===== Applicant's site plan must show location of existing septic system and setback to proposed wall (5' or more).

===== UPDATED ON JUNE 25, 2004 BY JIM G SAFRANEK =====  
NO COMMENT

**Environmental Health Miscellaneous Comments**

===== REVIEW ON MARCH 23, 2004 BY JIM G SAFRANEK =====  
NO COMMENT

===== UPDATED ON JUNE 25, 2004 BY JIM G SAFRANEK =====  
NO COMMENT

SEA CREST HOMEOWNERS' ASSOCIATION  
C/O MANAGEMENT FINANCIAL CONSULTANTS  
P.O. BOX 593  
REDWOOD ESTATES, CA 95044-0593  
(408) 353-2126 PHONE (408) 353-2127 FAX

April 22, 2005

Mr. Hess and Ms. Estrada  
4401 Yardarm Court  
Soquel CA 95073

RE: Architectural Application: **Conditional** Approval - **Exterior Fence**

Dear ~~Mr.~~ Hess and ~~Ms.~~ Estrada:

Thank you for submitting your Architectural Application! I am happy to inform you that the Architectural Committee has approved your Application subject to the following conditions:

1. All ~~permits~~ from public agencies ~~be~~ applied for and granted (if applicable).
2. Construction is in accordance with the plans submitted ~~and~~ approved.
3. **All** work must be in compliance with local building ~~codes~~ and requirements.
4. Homeowner acknowledges that any improvement not ~~in~~ compliance with City ~~codes~~ or requirements will be reported to the City ~~Building~~ Code inspector.

Please note, any variance to the approved plans (materials ~~or~~ dimensions) requires an amended approval. If the Architectural Committee does not approve the changes, the improvement(s) may have to be removed.

Additional condition(s) of approval ~~are~~ as follows:

1. ACC approves plan as submitted but note that fence height in front 40 setback subject to 3' limit per county requiring variance for higher than 3'.

Your cooperation and patience throughout this approval ~~process~~ has been very much appreciated. **Thank** you.

Sincerely,  
MANAGEMENT FINANCIAL CONSULTANTS

*Bonnie Walsh*  
Bonnie Walsh  
Executive Assistant

Cc lot file, M.R. ACC chair, 4.1

ATTACHMENT

EXHIBIT F



FAX

To: **John Schlagheck**  
**454-3012**

From: Matson Britton Architects  
728 N. Branciforte Avenue  
Santa Cruz, CA 95062  
FAX: 831.425.4795  
PHONE: 831.425.0544

Date: May 7, 2004

Number of Sheets (including cover):5

Job: Hess Estrada #04-0089

Note:

John-

Enclosed ~~are~~ the proposed new fencing guidelines for the Sea Crest Homeowners. It ~~is~~ my understanding that the homeowners association has "approved" these - ~~but~~ they have not ~~be~~ "released". As we spoke about - the President (John Selden 476-5390) ~~of~~ the Sea Crest association can discuss with you their guidelines *if you* wish.

Thanks-  
Cove Britton

728 NORTH  
BRANCIFORTE  
SANTA CRUZ  
CA 95062  
831-425-4795  
-46-

ATTACHMENT 5

EXHIBIT F

P.L

TO:4542131

FROM:MATSON BRITTON ARCHT 18314254795 08:48 MAY-11-2004

5 January 2004

Dear Sea Crest Homeowners,

The board has been asked by a homeowner to allow higher **front** yard fencing. ~~The~~ guidelines currently limit fence height within front setbacks to 3 feet. The guidelines would need to be revised to allow Sea Crest Homeowners to install 6' perimeter front yard fences subject to review by ~~the~~ ACC. The ACC would still review such applications to insure that the final look is aesthetically pleasing and appropriate for the Sea Crest development based on lot size geometry, proximity to sidewalks and ~~streets~~, and other **factors**. Such fences would also require building permits be approved by the county. Since this is a community-wide issue that can affect the look and feel of our community, the Board has decided to put this to a majority **vote** of the homeowners. The following amendment to the existing front yard fencing guidelines is being put forth for your vote:

**Current fencing guidelines for FRONT YARD (WITHIN SET BACK)**

- ALLOWED FENCING MATERIALS:  
SPLIT RAIL, BLACK WROUGHT IRON, STUCCO OR MASONRY.  
STUCCO OR MASONRY WALLS MUST BE FINISHED ON TOP
- ALLOWED FENCING HEIGHT:  
NOT TO EXCEED 3'
- **GATES BETWEEN MONUMENTS MUST BE WROUGHT IRON AND CONFORM TO ACCEPTED DESIGN APPROVED BY ARCHITECTURAL COMMITTEE**

**Proposed New fencing guidelines for FRONT YARD (WITHIN SET BACK)**

- ALLOWED FENCING MATERIALS:  
SPLIT RAIL, BLACK WROUGHT IRON, STUCCO OR MASONRY.  
STUCCO OR MASONRY WALLS MUST BE **FINISHED ON TOF**
- ALLOWED FENCING HEIGHT:  
NOT TO EXCEED 6'  
**APPROVAL OFFENCING HIGHER THAN 3' IN THE FRONT SETBACK IS CONDITIONAL ON THE HOMEOWNER OBTAINING A COUNTY BUILDING PERMIT.**
- **GATES BETWEEN MONUMENTS MUST BE WROUGHT IRON AND CONFORM TO ACCEPTED DESIGN APPROVED BY ARCHITECTURAL COMMITTEE**

ATTACHMENT 5  
EXHIBIT F

**Sea Crest Homeowners Association  
Fencing Guideline Ballot**

\_\_\_\_\_ I favor the proposed change to the Sea Crest fencing guideline to allow up to 6' fences in the front setback.

\_\_\_\_\_ I oppose the proposed change to the Sea Crest fencing guidelines to allow up to 6' fences in the front setback.

**Sea crest Lot #** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Submit to MFC by FAX (408)353-2127 or mail on or before January 26, 2004. You can call MFC at (408) 353-2126.**

ATTACHMENT 5  
~~EXHIBIT F~~



THE PROPOSED CHANGE I N THE GUIDELINES WOULD RELAX THE HEIGHT RESTRICTION ONLY. All other existing requirements, including ACC review and approval of ail fencing layouts and materials prior to installation, and the requirement to obtain any and all required county permits, would remain.

Please submit your vote to MFC on or before January 26,2004 using the attached ballot form.

The Sea Crest HOA Board of Directors

ATTACHMENT 5  
EXHIBIT F

**Sea Crest Homeowners' Association  
Fencing Guideline Ballot**

\_\_\_\_\_ **I favor the proposed change to the Sea Crest fencing guidelines to allow up to 6' fences in the front setback.**

\_\_\_\_\_ **I oppose *the* proposed change to the Sea Crest fencing guidelines to allow up to 6' fences in the front setback.**

**Sea Crest Lot #** \_\_\_\_\_

**Address** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Submit to MFC by FAX 408 353-2127 or mail on or before January 26, 2004.**

ATTACHMENT 5  
EXHIBIT F

COUNTY OF SANTA CRUZ

Inter-Office Correspondence

DATE: March 19, 2004

TO: Tom Burns, Planning Director  
✓ John Schlagheck, Planner

FROM: Supervisor Jan Beautz 

RE: COMMENTS ON APP. 04-0089, APN 102-441-19,  
4401 YARDARM COURT, OVER-HEIGHT FENCE

---

Please consider the following areas of concern in your evaluation of the above application to construct an eight foot high masonry wall with sections up to eight feet, eight inches in height within the required front yard setback:

This application is proposing to install an over-height, solid fence within the front yard setback. This will result in the walling-in of the property in close proximity to the street. In some locations, it appears that this fence will be directly on this property line. The plans indicate an eight foot solid wall with some six feet or higher elements that will encircle at least two thirds of this parcel, most sections being directly on the property line. The remainder of the parcel is proposed to use a "six foot high deer fence." No details have been provided regarding this type of fencing. Will this be provided? Clearly, this will result in the entire property being completely walled off from the surrounding area. This does not appear to comply with the intent of the original approval for the Tan Heights subdivision, in which this parcel is located. Tan Heights was required to preserve open, rural views and observe a 40 foot front yard setback, as well as establish biotic areas to protect threatened and endangered species. Initial fences approved within the subdivision were required to be of the low, open rail type fencing so that species migration is not restricted. Since the initial approval, several properties have requested over-height fencing adjacent to front yard setbacks. In all instances that I am aware of, this more recently approved fencing has been constructed of widely spaced wrought iron bars. How will the proposed location, height, and type of fence be amended to comply with the original intent of Tan Heights?

ATTACHMENT 7.

March 11, 2004

Page 2

The applicant is proposing a gated vehicle entrance to the property. Due to the proposed curve of the entrance drive, a full twenty feet of driveway will not be available to allow vehicles to park within the property while operating the gate. How will this be addressed?

JKB :pmp

2113M1

Richard A. Schriver  
3910 Mainsail Place  
Soquel, CA 95073

March 30, 2006

county of santa cruz  
Board of Supervisors  
Zoning Administration  
Santa Cruz, CA 95060

**RE: APN 10244119 HESS RESIDENCE, 4401 YARDARM COURT,  
SOQUEL, CA 95073**

Dear Sirs:

I understand that there will be a Zoning Administration Hearing on April 7, 2006 addressing the issue of fencing for the above project.

I have visited the building site twice on invitation of the contractor. I've walked the grounds and admired the totality of the construction views from both my street (Mainsail) and Yardarm Court.

I think the home is simply beautiful, well designed and professionally executed.

It is my understanding that six foot (and possibly over six foot with decorative additions) wrought iron and masonry walls are proposed for this project; hence the reason for approval from your staff April 7<sup>th</sup>.

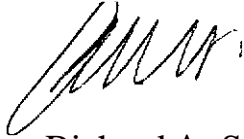
All of the homes in Sea Crest are large, well spaced and beautiful, at least to my eye.

These homes should be allowed to have six foot plus fences and walls in my opinion. There are many such existing fences and walls here. They all look beautiful, including the ones that are built closer than the forty-foot setback ruling.

It is also my understanding that the Homeowners Association has already approved the Hess fencing and walls as proposed.

Please approve these fences **and** walls **as** proposed **by** their Architect Cove Britton.

Thank you.



Richard A. Schriver  
3910 Mainsail Place  
Soquel, CA 95073

831-247-1518 Cell  
831-475-1271 Home

# • ARCHITECTURAL GUIDELINES •

## SEACREST

### A. Philosophy

The purpose of these design guidelines is to promote product quality and community diversity by encouraging builders to expand and explore the range of detailing within the selected architectural styles without sacrificing quality control over the design process.

Two architectural styles have been selected for the palette in Seacrest. Each style is presented on the following pages in the form of an image board and a brief description of the main ingredients that delineate each style. Most importantly, the images presented in this document are meant to spur builders and their architects to take pride in the quality of their architecture.

### B. Architectural Intent

The structures in Seacrest shall be rich, traditional styles which complement the region in which the site is located. All ancillary structures will be designed in this country traditional vernacular as well.

#### Approved Styles

1. French Country
2. English Country
3. American Traditional

### C. Architectural Design Standards

In executing the styles, special attention must be paid to the authenticity of the architectural features, massing, appropriate roof forms, and articulation. Consistent with the community theme, additional emphasis will be placed on informality, which can be achieved by the appropriate introduction of brick, stone, and siding.

#### 1. Roof

- Two-story masses to be softened by lower roof forms when possible, or appropriate

#### 2. Walls

- Opportunity for garden walls to extend architecture and define outdoor spaces
- Walls and planting integrate building and site

#### 3. Materials

##### a. Roof

- Clay, concrete, or an approved composite (appropriate in thickness & appearance) roof tile. Flat, one piece "S" or traditional barrel shapes.

##### b. Exterior Walls

- Smooth or sand finish stucco are required
- Stone, brick and wood siding as wall materials or accent

##### c. Doors

- Stained or painted
- Authentic styles to structure

##### d. Windows

- Wood or vinyl

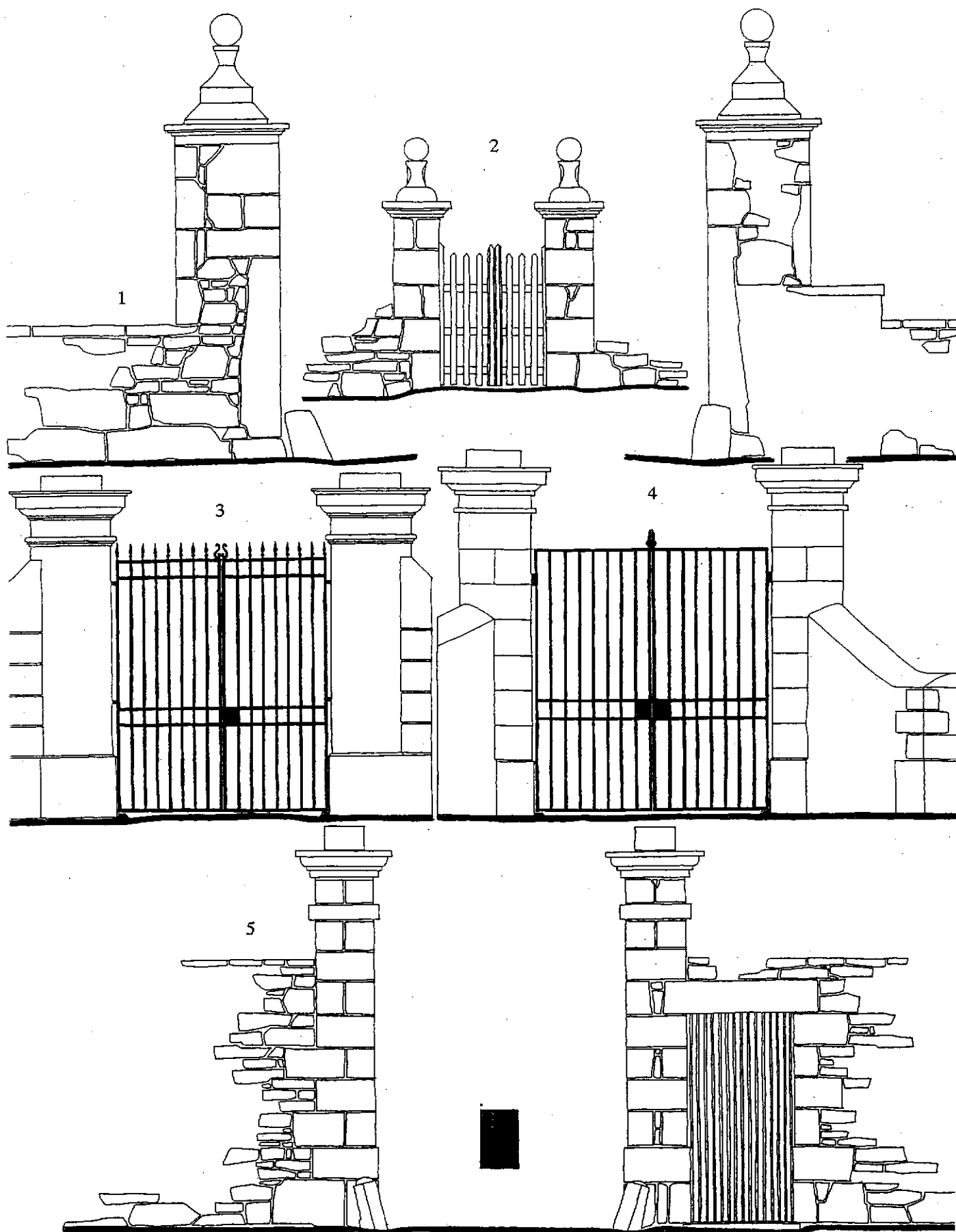
##### e. Accent Materials

- Masonry Trim: Pre-cast stone and brick
- Wood Trim: Stained or painted at walls, chimneys, gates, doors, windows, eaves, balconies, outlookers and pickets. Significant in scale (i.e., 3x material and appropriate to building character)

ATTACHMENT

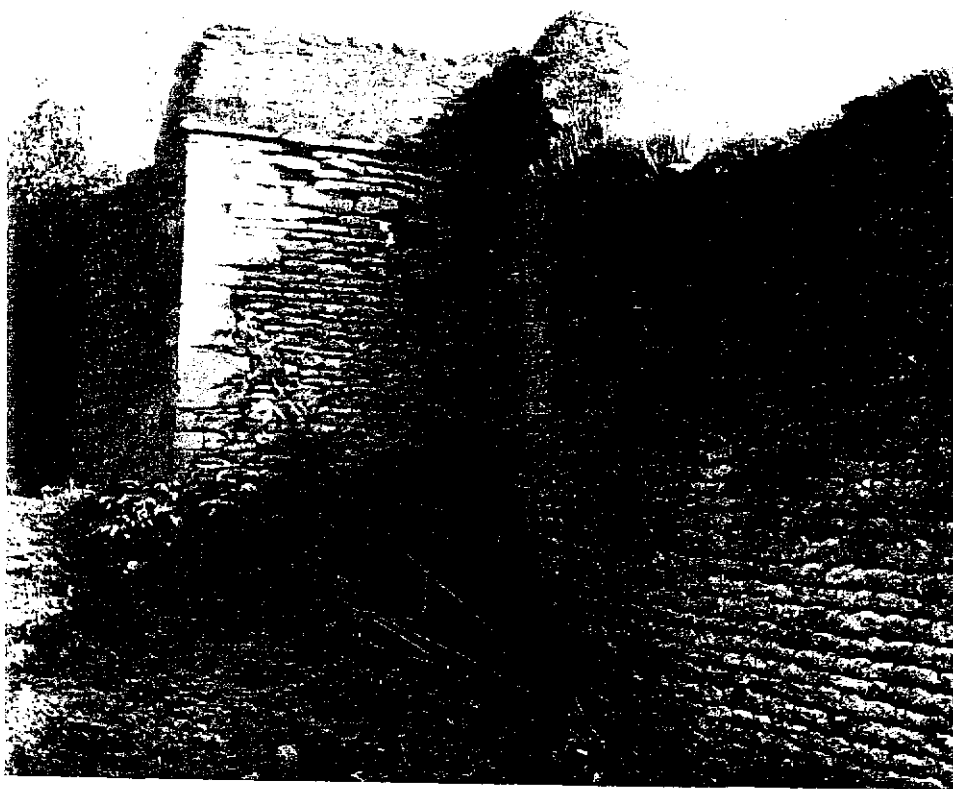
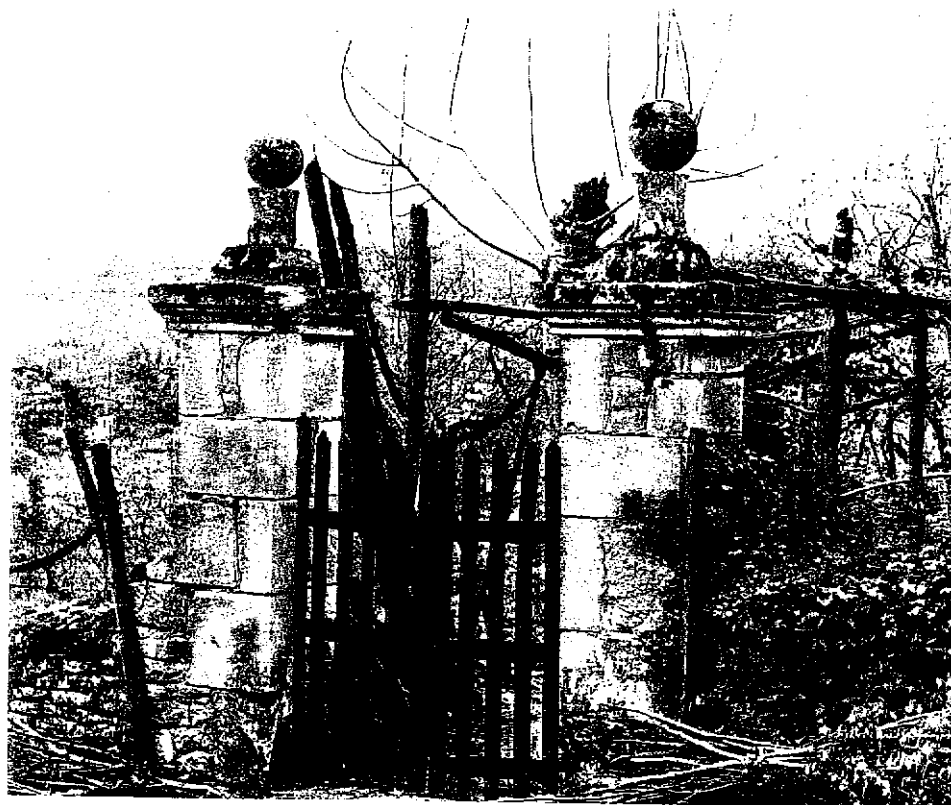
9

05/18/99





*Piliers en pierre de taille, vestiges d'un mur de clôture de potager, en Quercy. Les mêmes formes se rencontrent en Bourgogne et autres pays calcaires.*



*Mur de clôture en plaquettes calcaires, de la campagne de Caen.*

**ATTACHMENT**

**10**