



Staff Report to the Zoning Administrator

Application Number: **04-0254**

Applicant: GMD Development Inc.

Agenda Date: November 5, 2004

Owners: Bob Raymus; Jennifer & Andre Sant
Anna; GMD Development

Agenda Item #: 4

APNs: 028-303-04,07,08

Time: After 10:00 a.m.

Project Description: Proposal to recognize a redwood fence with lattice approximately 7 feet in height in the required rear yard abutting East Cliff Drive, 3 to 7 feet in height in the required front yard abutting Chesterfield Drive, and approximately 7 feet in height along the interior side yard property lines.

Location: Properties are located on the north side of Chesterfield Drive (2871, 2873, and 2879 Chesterfield Drive) at its westerly intersection with East Cliff Drive.

Supervisory District: 1st District (District Supervisor: J. Beautz)

Permits Required Residential Development Permit

Staff Recommendation:

- Approval of Application 04-0254, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|---------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning and General Plan maps |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	3,684 square feet (APN 028-303-04)
	5,691 square feet (APN 028-303-07)
	5,721 square feet (APN 028-303-08)
Existing Land Use – Parcel:	Parcels 07 and 08 contain single-family dwellings; parcel

04 is vacant but has a building permit issued for a single-family dwelling

Existing Land Use - Surrounding: Residential
Project Access: Chesterfield Drive
Planning Area: Live *Oak*
Land Use Designation: R-UM (Urban medium residential)
Zone District: R-1-5 (Single-family residential-5,000 square foot minimum lot size)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: No physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: No physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: N/A
Traffic: N/A
Roads: Existing roads adequate
Parks: N/A
Archeology: Not mapped

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

The three parcels involved in this application have approved Coastal Development Permits for two-story single-family dwellings (Permit 02-0313 for APN 028-303-04; Permit 02-0298 for APN 028-303-07; and Permit 02-0314 for APN 028-303-08). Building permits were issued for all three parcels and two houses have been constructed.

Analysis and Discussion

The subject parcels have frontage on both Chesterfield Drive and East Cliff Drive, resulting in a reduced level of privacy for the single-family dwellings. East Cliff Drive, which is classified in

the General Plan as an arterial street, supports a large amount of through traffic past the rear of the dwellings. Because of the double frontage, Assessor's Parcel Numbers 028-303-07 and 08 have two front yard setbacks and Assessor's Parcel Number 028-303-04 has a front yard setback adjacent to East Cliff Drive and a street side yard setback along Chesterfield Drive. In the absence of a development permit, a 3 foot maximum fence height applies in these setbacks. Additionally, the dwellings on APNs 028-303-07, and -08 were constructed a foot above street level to improve the drainage, further reducing the privacy available to the dwellings.

To provide for a semi-private yard area, a seven foot redwood fence is proposed on the northwest property lines along East Cliff Drive and along the interior property lines. The fence design will incorporate lattice in the top foot and will step down in height from seven to three feet within the front yard setback adjacent to Chesterfield Drive. The design and location of the fence allows for adequate sight distances at the driveway entrances and at the corner of East Cliff Drive and Chesterfield Drive and will not adversely impact the available light to properties in the vicinity. Shrubs and vines proposed adjacent to the fence along East Cliff Drive will reduce the visual impact of the fence and will promote a harmonious and compatible street front appearance without reducing sight distances at the corner.

Zoning & General Plan Consistency

The subject properties are located in the R-1-5 (Single-family residential-5,000 square foot minimum lot size) zone district. The proposed fence is consistent with the purpose of the R-1-5 zone district in that the primary use of the properties will continue to be residential and fences are a normal ancillary use in the zone district. Because of the substandard size of APN 028-303-04, the R-1-3.5 site standards are used for that parcel. The two tables below compare the proposed fence heights with the height allowable without a permit.

**Setbacks and Fence Heights
 For APN 028-303-04 (3,684 square foot lot)**

	R-1-3.5 Setbacks	Fence Height Allowable w/o a Permit	Proposed Fence Height
Rear yard: East Cliff Drive	15 feet	3 feet	7 feet
Side yard: interior	5 feet	6 feet	7 feet
Street side yard: Chesterfield Drive	10 feet	3 feet	7 feet for first 20 feet from East Cliff, then 3 feet for remaining frontage to driveway

	R-1-5 Setbacks	Fence Height Allowable w/o a Permit	Proposed Fence Height
Rear yard: East Cliff Drive	20 feet	3 feet	7 feet
Sideyard: interior	5 feet	6 feet	7 feet
Front yard: Chesterfield Drive	20 feet	3 feet	Height steps up from 4 to 7 feet; fence stops 6 to 10 feet from property line;

Local Coastal Program Consistency

The proposed fence is in conformance with the County's certified Local Coastal Program, in that it is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings of various sizes and architectural styles. The fence design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **APPROVAL** of Application Number **04-0254**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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

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Development Permit Findings

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

This finding can be made, in that the location of the seven foot **high** fence along East Cliff Drive and the interior property lines allows adequate sight distance for vehicles to turn on to and **off** of Chesterfield Drive in a safe manner. The design of the fence, which incorporates lattice into the top foot, will allow adequate light and the movement of air to properties and improvements in the vicinity. The fence will not utilize an excessive quantity of materials or energy in its construction or maintenance, in that the fence is a relatively insignificant structure that is accessory to the residential use allowed on the property. The location of the fence on the property does not contain any corners or pockets that would conceal persons with criminal intent.

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

This finding can be made, in that the proposed location **of** the fence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single-family residential-5,000 square foot minimum lot size) zone district in that the primary use of the property will be continue to be residential and fences are a normal ancillary use in that zone district.

Specific regulations for fencing are contained in section 13.10.525. This proposal complies with the requirements and intents of that section in that the fence will be situated on the properties in a manner that allows adequate sight distance for vehicles traveling along the roadway as well as entering and exiting the properties, the fence will be set back from the edge of the pavement and incorporate lattice into the top foot to allow adequate light and air to pass **through** to the street area, the location of the fence on the property does not contain any corners or pockets that would conceal persons with criminal intent, and the redwood fence will be compatible with the varied character of the East Cliff/Chesterfield Drive neighborhood.

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 can be made, in that the proposed fence is a residential use consistent with the site's (R-UM) Urban Medium Residential General Plan designation and adequate sight distances at the intersection will be maintained. In compliance with General Plan Policy **8.7.1**, the fences are designed to be integral and compatible elements of the building and landscape design.

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

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 proposed fence will not utilize a significant amount of electricity or utilities and will not generate any additional traffic on the streets in the vicinity in the East Cliff Drive area, in that the fence does not contain any motorized gates or lights and a fence is not a use that generates or intensifies 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.

This finding can be made, in that the proposed redwood fence with lattice is located in a mixed neighborhood containing a variety of architectural styles, and will not impose upon the residential character of the neighborhood due to its height, design, or location. Landscaping between the fence and East Cliff Drive will reduce the visual impact of the fence and will complement the physical design aspects of the neighborhood.

The fence does not alter or increase the density or intensity of residential use within the East Cliff Drive/Chesterfield Drive neighborhood.

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 can be made, in that the proposed fence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project Plans, two sheets - Survey of fence heights, drawn by Bridgette Land Surveying, dated July 29, 2004, and Grading & Drainage Plan, drawn by Robert L. Dewitt and Associates, Inc., dated October 10, 2003.

- I. This permit authorizes the construction of a redwood fence with lattice approximately 7 feet in height in the required rear yard abutting East Cliff Drive, 4 to 7 feet in height in the required front yard abutting Chesterfield Drive, and approximately 7 feet in height along the interior side yard property lines. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain an Encroachment Permit from the Department of Public Works for all existing and planned landscaping and irrigation located in the County road right-of-way.
- II. All construction shall be performed according to the approved plans for the Development Permit. The applicant/owner must meet the following conditions:
 - A. All landscaping shown on the final approved plans shall be installed.
 - B. Prior to removing any zoning "holds" on building permits for the subject parcels, an inspection verifying the height of the fence and landscaping installation shall be conducted by Planning Department staff.
 - C. 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.
- III. Operational Conditions
 - A. Fence materials shall be natural redwood containing a foot of redwood lattice at the top. The fence may be stained/painted brown or reddish-brown.
 - B. The fence, lattice, posts, and any post caps or other ornaments may not exceed seven feet in height from existing or finish grade, whichever is lower.

- C. If any future construction, reconstruction, or maintenance work on a public right-of-way requires the relocation or removal of installations or encroachments in, on, or under the public right-of-way, the permittee owning, controlling, or maintaining the installations or encroachments shall relocate or remove them at his sole expense. If the permittee fails to comply, the County may cause the removal or relocation of the encroachment at the expense of the permittee.
- D. In the event that future County inspections of the subject property disclose 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 permit revocation.

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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Karen McConaghy
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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 04-0254

Assessor Parcel Number: 028-303-04,07,08

Project Location: 2871, 2879, 2873 Chesterfield Drive

Project Description: construction of a 7 foot tall fence within the setbacks

Person or Agency Proposing Project: GMD Development Inc.

Contact Phone Number: (831) 902-5454

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 -New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

construction of new small structure

In addition, none of the conditions described in Section 15300.2 apply to **this** project.

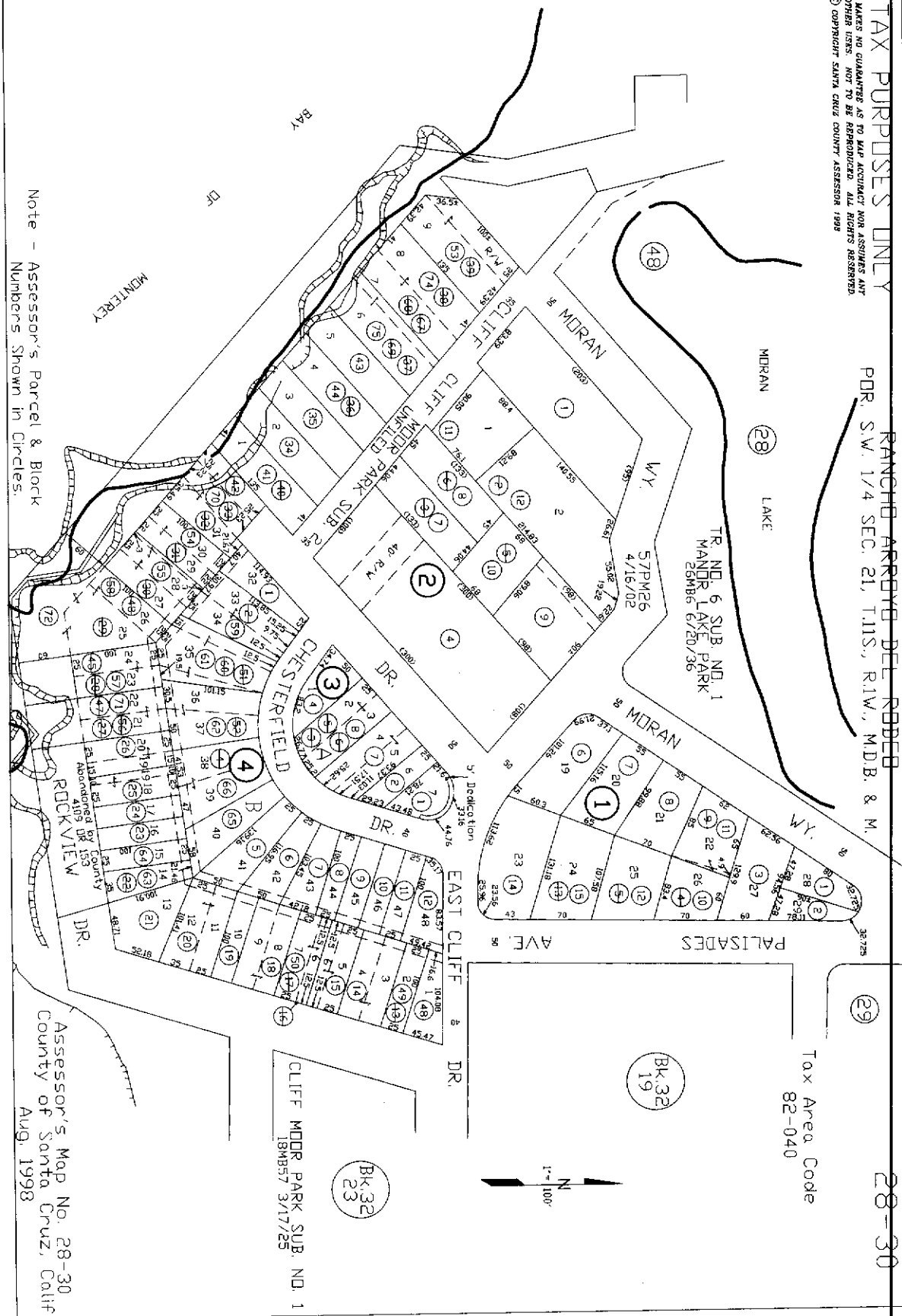
Karen McConaghy, Project Planner

Date: _____

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 POR. SW. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

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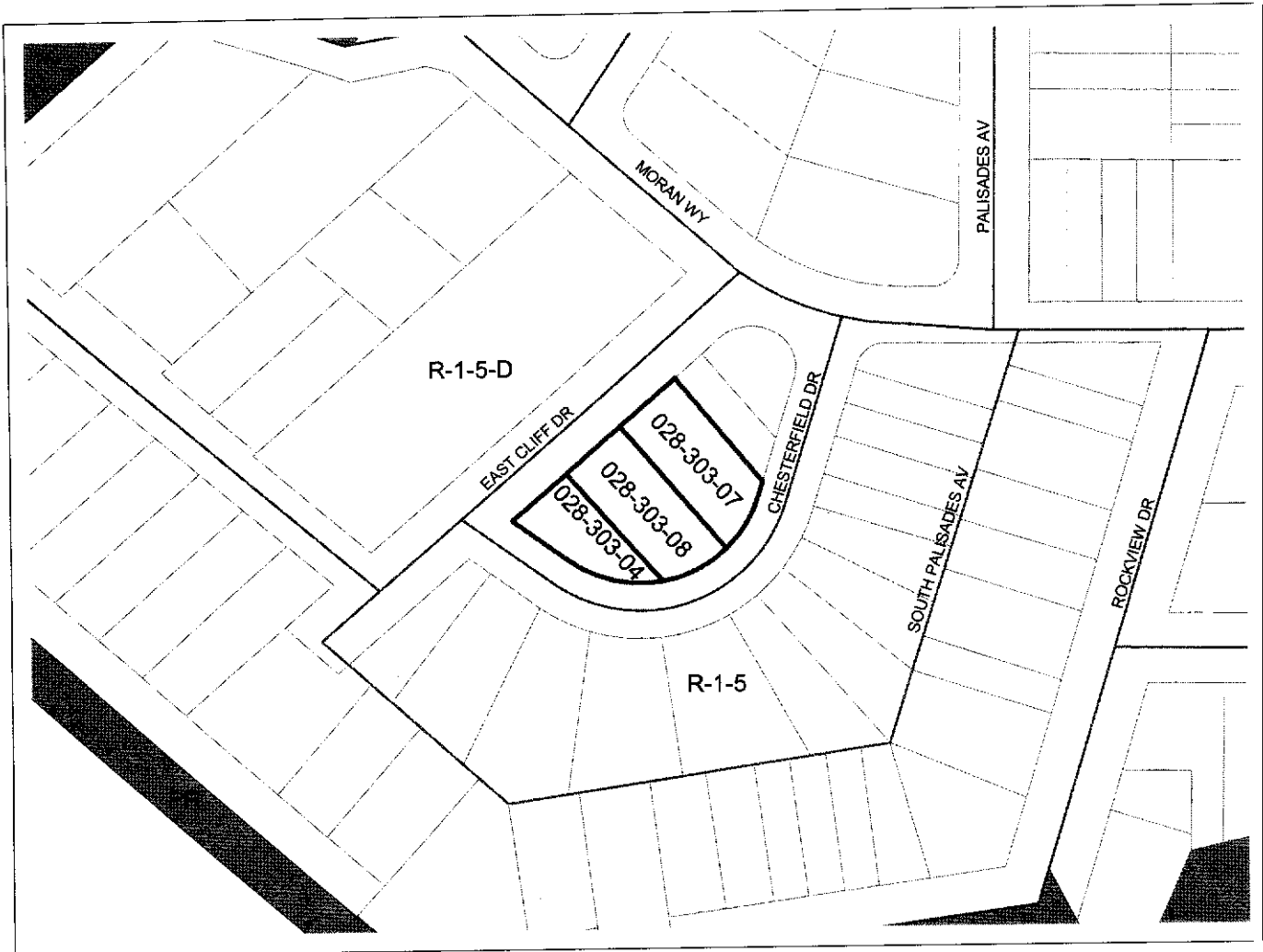
Electronically Redrawn 8/21/98 rw
 Rev 6/14/99 GB (Cor to 4-23,24 & 64)
 Rev 6/27/00 GG (Corb. Form 4-72)
 Rev 8/27/01 GG (LBA 2001-0050160, 69, 70 & 71, 3-04, 05, 06, 07)
 Rev 4/22/02 GB (57P46, 2-11 & 12)
 Rev 5/18/02 GG (LBA 2001-0074255, 4-74 & 75)
 Rev 2/24/03 DD (2-0091450, combo 3-8)








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

Assessor's Map No. 28-30
 County of Santa Cruz, Calif.
 Aug. 1998

Zoning Map



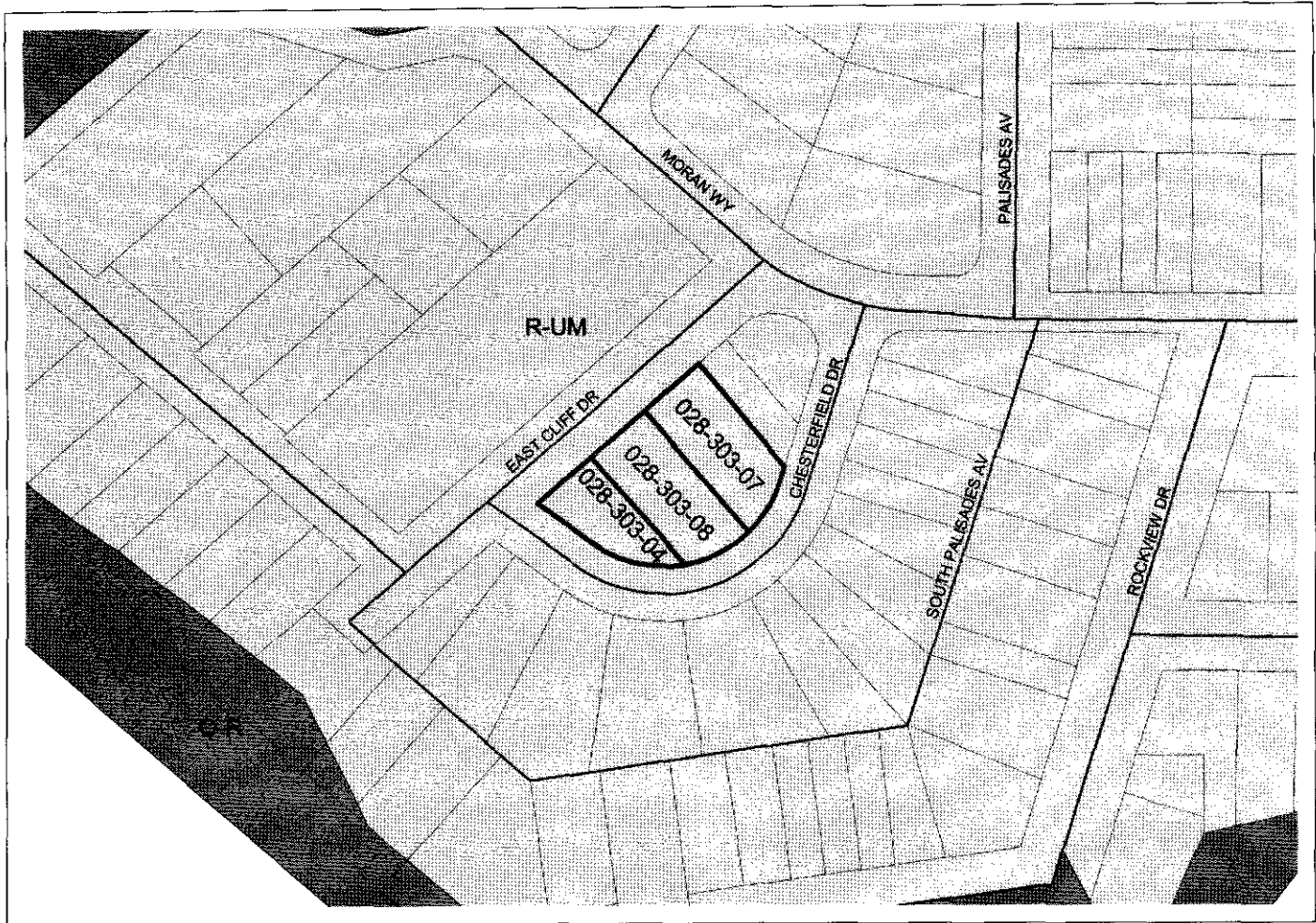
Legend

-  APN 028-303-04,07,08
-  Parcel boundaries
-  Streets
-  R-1-X
-  PR








Map created by Santa Cruz County
Planning Department:
October 2004

General Plan Map



200 0 200 400 600 Feet

Legend

-  Subject parcels
-  Parcel boundaries
-  Streets
-  Parks and Recreation
-  Residential - Urban Medium Density



Map created by Santa Cruz County
Planning Department:
October 2004

**GMD Development Inc.
Del Curto Bros. Construction Co. Inc.**

2200 Santa Ana Valley Rd
Hollister, Ca 95023
(831)637-2368 Home
(831)902-5454 Cell
(831)637-6940 Fax

September 12, 2004

*County of Santa Cruz Planning Department
Attn: Karen Mc Connicky*

Re: 2879, 2873 and 2871 Chesterfield Drive

I am writing this letter regarding the fence height for 3 homes built on Chesterfield Drive. These homes front Chesterfield and the rear of the homes front East Cliff Drive. According to the planning department both sides of the front and rear of homes are designated as front yard setbacks which would allow only 3' high fences.

We are asking that the fence height be changed to 6' with 1' of redwood lattice for a total height of back fence to be 7'. This proposal would allow these homes to blend with the neighboring properties. The 3 homes are built 24" higher than grade at public right-of-way due to engineers concerns of drainage. The backyard rear fencing is a 6' high fence from inside backyard grade. With these elements taken into consideration we would urge you to consider our request for the back fence on East Cliff Drive to be allowed a total height of 7'.

Please contact me with any questions or concerns at the telephone numbers listed above

Thank You,

Darin Del Curto