



Staff Report to the Zoning Administrator

Application Number: **05-0576**

Applicant: Scott & Helene Bryan
Owner: Scott & Helene Bryan
APN: 096-281-07

Agenda Date: 12/2/05
Agenda Item #: **6**
Time: After 10:00 a.m.

Project Description: Proposal to construct a 7 foot 10 inch-high fence in the front, side and rear yards.

Location: Property located on the southwest corner of Del Monte Way and Summit Rd., 2 miles east of Highway 17 (23005 Del Monte Way).

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

Permits Required Residential Development Permit

Staff Recommendation:

- Approval of Application 05-0576, 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 | (CEQA determination) |
| B. | Findings | E. Assessor's parcel map |
| C. | Conditions | F. Zoning map |
| D. | Categorical Exemption | G. Comments & Correspondence |

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Parcel Information

Parcel Size: 1.26 acres
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: Del Mont Way
Planning Area: Summit
Land Use Designation: R-R (Rural Residential)
Zone District: R-1-1AC (Single-family residential 1 acre)
Coastal Zone: — Inside X Outside

Environmental Information

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

Services Information

Urban/Rural Services Line: — Inside X Outside
Water Supply: Well
Sewage Disposal: Septic
Fire District: County Fire District
Drainage District: None

Project Setting

This property is located on the southwest corner of Del Monte Way and Summit Road. Summit Road is a heavily trafficked arterial roadway, and Del Monte Way is one of the access road to the Villa del Monte subdivision. Both Summit Road and Del Monte Way have pullout areas within the right-of-way where vehicles and equipment park. The subject parcel slopes down from Summit Road.

Zoning & General Plan Consistency

The subject property is a 1.26-acre lot, located in the R-1-1AC (~~Single-family residential~~ 1 acre) zone district, a designation which allows residential uses. The proposed overheight fence is an allowed use within the zone district and the project is consistent with the site's (R-R) Rural

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Residential General Plan designation. Fences higher than six feet require a public hearing and discretionary approval.

Overheight Fence

The proposed fence will be constructed along the property line on all four sides of the property, except where the fence will ~~turn~~ at an angle approximately 20 feet into the subject parcel to provide adequate line of sight for vehicles exiting the driveway. A gate will secure the driveway.

The apparent size of the proposed 7 foot 10 inch fence will be reduced by both the site's topography and the fence's design. The fence will consist of six feet of solid redwood boards capped with one foot ~~of~~ an open board design. Decorative post caps will extend the fence an additional ten inches. Because the subject parcel slopes down from Summit Road, the apparent size of the fence will be ~~further~~ reduced in that the topography will partially obscure portions of the fence.

An overheight fence is considered appropriate in that it will provide security and privacy for the residents of the subject property. Because the parcel is located at the corner of two busy roadways and because the property slopes down from these roadways, it is relatively exposed to drivers along Summit Drive and Del Monte Road as well ~~as to~~ drivers who park in the pullout areas abutting the property. A shorter fence would not provide adequate privacy. In addition, the fence will secure the perimeter of the property, clarify the property line between the subject parcel and the parcel adjacent to the west, and provide a safe outdoor area for children and animals.

The owner has submitted a petition supporting the project signed by almost all of the adjacent property owners (Exhibit "G") ~~as well as~~ photo-documentation of the widespread use of overheight fences in the surrounding neighborhood.

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 **05-0576**, 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

EXHIBIT B

Application #: 05-0576

AFN 096-281-07

Owner: Scott & Helene Bryan

are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Annette Olson
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3134
E-mail: annette.olson@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 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 fence along Summit Road and Del Monte Way will allow adequate sight distance for vehicles to turn on to and off of Del Monte Way in a safe manner, in that the design of the fence ~~meets~~ County design criteria related to street intersection sight distance.

The location of the fence on the property and the design of the fence does not contain any corners or pockets that would conceal persons with criminal intent.

The design of 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.

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 location of the proposed fencing and the conditions under which it would be operated or maintained will be consistent with the purpose of the R-1-1AC (Single-family residential – 1 acre) zone district in that the primary use of the property will be residential, and a fence is a normal ancillary use in the 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 property in a manner that allows adequate sight distance for vehicles traveling along the roadway **as** well as entering and exiting the property, in that the fence is set back from the traveled roadway and the applicant has designed the fence to meet County design criteria related to street intersection sight distance.
- The location of the fence on the property and the design of the fence does not contain any corners or pockets that would conceal persons with criminal intent, in that the fence is straight along the roadside and set back away from the road.
 - a The location and design of the fence will be compatible with the visual neighborhood character of the surrounding neighborhood in which other fences greater than three feet in height front along the roadside.

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 residential use is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan.

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.

This finding can be made, in that the proposed fencing will not utilize a significant amount of electricity or utilities and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate motors do not create a significant draw on electrical utilities, 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 fencing will be compatible with the visual character of the neighborhood due to its height, design, and location. The colors will be natural or muted tones that are typically used on fences. The proposed fencing does not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Conditions of Approval

Exhibit **A** Two sheets by D. Tamira, Sheet 1 dated 8/29/05 and Sheet 2 date 9/20/05.

- I. This permit authorizes the construction of a fence to a maximum height of 7 feet 10 inches. 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 a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, if required.
- II. Prior to issuance of the Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include, but not be limited to, the following: (Construction must comply with the following conditions, even if no Building Permit is required)
 1. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and all structures on the property.
 2. Fence materials shall be left natural (unfinished and unpainted), or be stained/painted one of the following colors: brown or reddish-brown.
 3. No structure over three feet in height shall be located or constructed within twenty five feet of the intersection of the pavement surface of the driveway and the pavement surface of the public roadway as traveled.
 4. All trees within twenty five feet of the intersection of the pavement surface of the driveway and the pavement surface of the public roadway as traveled shall have their lower limbs and foliage removed up to a height of seven feet, and shall be maintained in **this** manner permanently.
 5. The fence, **posts**, and any post caps or other ornaments may not exceed 7 feet 10 inches in height from existing or finish grade, whichever is lower.
 6. Maintain a five-foot setback from fence posts and/or piers to septic leach-field(s).

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Owner: Scott & Helene Bryan

7. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 - B. Meet all requirements and pay any applicable plan check fee of the County Fire Protection District.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to the final building inspection clearance, the following conditions must be met:
 - A. The fence shall be constructed entirely on the subject parcel.
 - B. All site improvements shown on the final building plans shall be installed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the Building Official.
 - D. 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 archeological resource **or** a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from further site excavation and notify the Sheriff-Coroner if the discovery contains human remains and 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.
- IV. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose noncompliance with any conditions of the 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.
 - B. Should either Summit Road or Del Monte Way be widened in the future and the fence be determined to be in the right-of-way, or if it obstructs the line of sight of vehicular traffic, it must be relocated **so** that it is entirely on the subject parcel and does not obstruct the line of sight.
- V. 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.

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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

Annette Olson
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: 05-0576

Assessor Parcel Number: 096-281-07

Project Location: 23005 Delmonte Way

Project Description: Proposal to construct a 7 foot 10 inch-high fence in the front, side and rear yards.

Person or Agency Proposing Project: Scott & Helene Bryan

Contact Phone Number: (408) 234-4229

- 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 1 - Existing Facility (Section 15301)

F. Reasons why the project is exempt:

Construction of a fence to surround an existing singlefamily dwelling.

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

Annette Olson, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

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 LIABILITY FOR OTHER USES. NOT TO BE APPROVED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

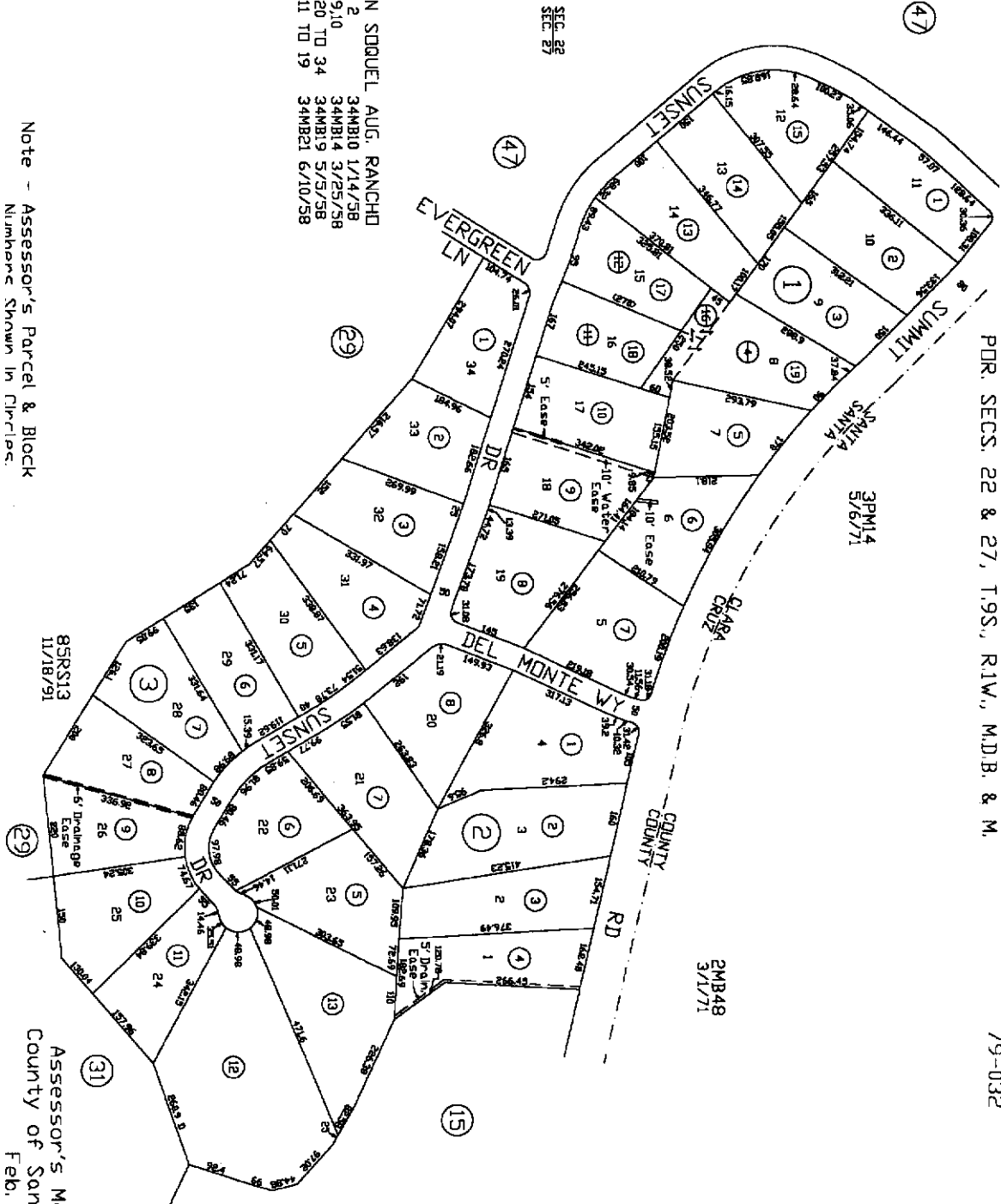
SUQUEL AUGMENTATION RANCHO
 POR. SECS. 22 & 27, T.9S, R.1W, M.D.B. & M.

10x Area Code
 79-032

96-28

LANDS IN SUQUEL AUG. RANCHO
 LOTS 1 & 2 34MB10 1/14/58
 LOTS 7,8,9,10 34MB14 3/25/58
 LOTS 3,4,20 TO 34 34MB19 5/5/58
 LOTS 5,6,11 TO 19 34MB21 6/10/58

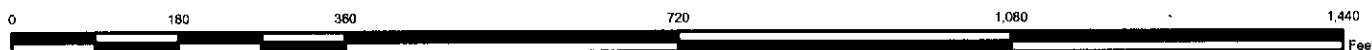
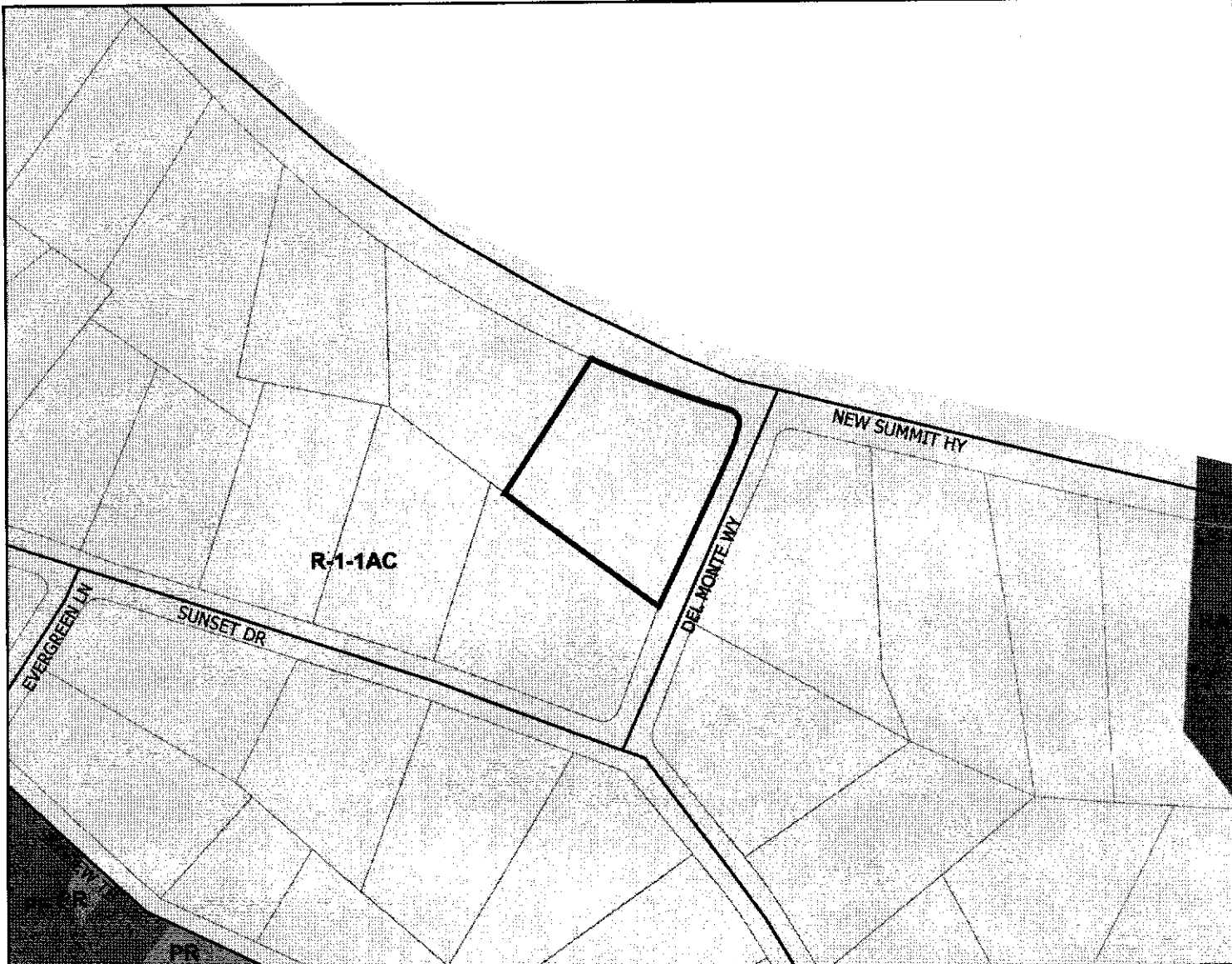
Note - Assessor's Parcel & Block
 Numbers Shown in Circles







Assessor's Map No. 96-28
 County of Santa Cruz, Calif
 Feb. 1999

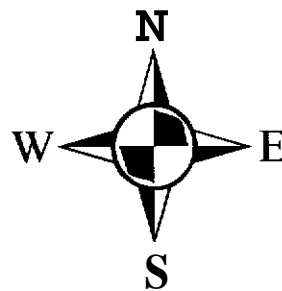


Zoning Map



Legend

-  APN 096-281-07
-  Streets
- Assessors Parcels
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)
-  PUBLIC FACILITY (PF)
-  PARK (PR)



Map Created by
County of Santa Cruz
Planning Department
September 2005

EXHIBIT F

County of Santa Cruz
Planning Department
Tom Bums
Annette Olsen
701 Ocean Street- 4th Floor
Santa Cruz, CA 95060

October 12, 2005

Project: Scott & Helene Bryan
23005 Del Monte Way, Los Gatos, CA.
Proposed Fence Project
APN #: 096-281-07

Dear Annette,

We have visited the properties of 7 neighbors whose parcels are closest to ours; all 7 neighbors signed a document stating they have no objections to our proposed fence plans.

All of the property owners we spoke with agree that our proposed fence will help beautify the neighborhood. Several of these neighbors have offered to attend the public hearing on this matter and voice their favorable opinions.

In addition to our closest neighbors we did have the opportunity to meet with Neil Wiley, author of an email opposing our project and speak with Suzanne Overstreet. After offering an accurate description: Both Neil & Suzanne were under the impression that our proposed fence was solid 7'10", they are both in agreement that the fence will help beautify the neighborhood.

The only neighbor we did not request a signature from, shares a property line to our east. We had a conversation with him in regards to the fence and it seems as though the only way he would agree is if we forfeit a great portion of our land, setting the fence 10 ft. into our property.








Through this process we have come to find a comfort level knowing that we have the support of our neighbors in regards to our fence project.

Regards,


Scott & Helene Bryan

EXHIBIT G

I have reviewed the plans for the proposed fence project at the Bryan residence, located at 23005 Del Monte Way and have no objections.

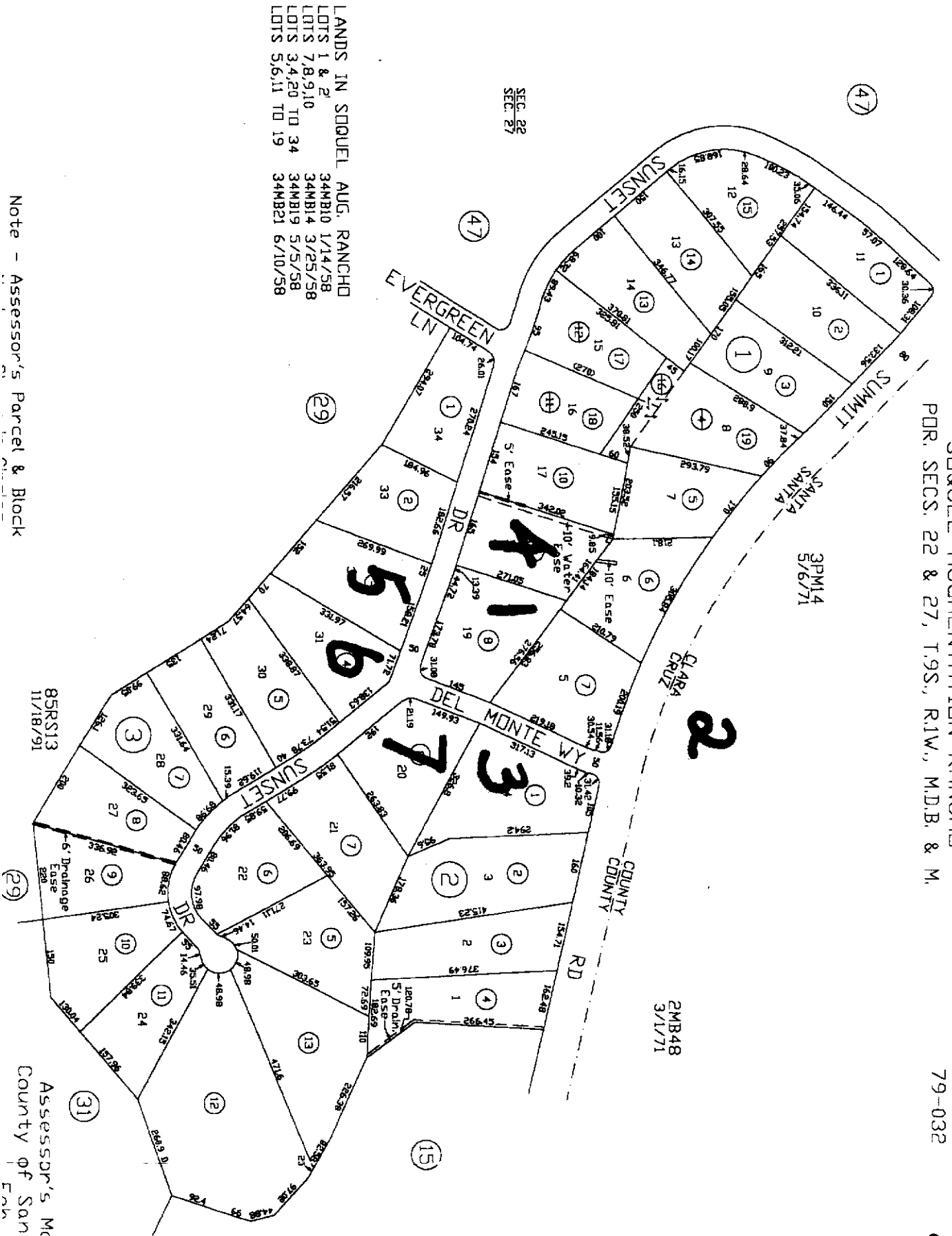
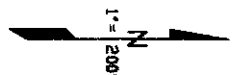
Name	Signature	Address	10/5/05
1. Cara Campbell		23455 Sunset Drive.	
2. PAUL HOOPER		23435 SUMMIT ROAD	
3. Luis Hernandez		23403 DEL MONTE WAY	10-5-05
4. Shelley Tantes		23449 Sunset Dr.	10/6/05
5. Victoria Dusham		23451 Sunset Dr.	10/6/05
6. R. BRIAN GARDINER		23470 SUNSET DRIVE	10-6-05
7. MIKE MILLER		23425 Sunset Dr	10/7/05
8.			
9.			
10.			

SOQUEL AUGMENTATION RANCHO
 POR. SECS. 22 & 27, T.9S., R.1W., M.D.B. & M.

Tax Area Code
 79-032

96-1

EXHIBIT G



Note - Assessor's Parcel & Block

County of Santa Cruz
 Planning Department
 Tom Burns
 Annette Olsen
 701 Ocean Street- 4th Floor
 Santa Cruz, CA 95060

October 6, 2005

Project: Scott & Helene Bryan
 23005 Del Monte Way, Los Gatos, CA.
 Proposed Fence Project
 APN #: 096-281-07

To Whom It May Concern:

Our home lies on the corner of the very busy Summit Road and Del Monte Avenue, leaving us feeling very exposed. One of our main goals in constructing a fence of this caliber is to secure the safety of our two young daughters. Vehicles frequently travel at speeds well over 50 miles per hour right past our home, even though the posted speed is 40 MPH, our children need to be protected from this dangerous section of road. The portion of our home on Del Monte is commonly used as a turn around point or even a resting spot for lost motorists. Vehicles and trucks use the area directly in front of our house on Summit road as a parking lot, stopping for just a few minutes and sometimes hours. Trucks often detach and abandon their trailers for days. There is a clear line of visibility from Summit road into our kitchen, dining room, bathroom and even our daughter's rooms. As parents this is very frightening. Even with the proposed fence our entire second level will be visible. The proposed fence will allow our children to play freely outdoors without the concern of high speed cars, voyeurs or trespassers. It will also provide a much needed sense of privacy within our home.

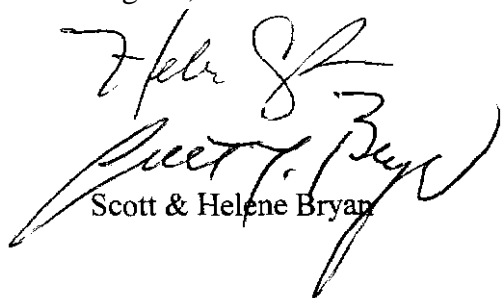
Our fence design will certainly beautify the property, and in turn the neighborhood. The fence will in no way appear offensive or incompatible with the rest of the neighborhood. We have gone to great lengths to ensure that we use top quality materials and an extremely qualified fence contractor.

In response to the letter from Janet Beautz- First, the proposed fence is not a solid 7'10" as implied in the letter; it is actually designed with only roughly 6' of solid redwood and the top remaining portion is decorative lattice and post caps. It is also implied in the letter that we run a business from our home and that we actually live in Monterey. Well that is simply not true. We do own and run a business; however, that office/ warehouse is located at 427 Perrymont Avenue in San Jose. That is where business is conducted and where all company equipment is stored. Scott drives a company vehicle with logos to and from work. Helene drives a SUV without logos and we also have a truck that is used to tow our family boat-which is stored in a canvas tent on our property. These are the only vehicles parked regularly on the premises. Our business payroll and accounts payable is generated from an office in Monterey, how an association could be made that we live in Monterey is a mystery.

Mrs. Beautz's concerns regarding the safe line of sight for the intersection and for the exiting of our property have been reviewed by the experts at Driveway/Encroachment and Road Engineering and neither suggested revisions. We believe that we have provided all the requested documentation regarding lot lines and setbacks. We have invested thousands of dollars to insure that we comply with county building codes, including permit fees, surveying the property lines and architectural design fees.

We love the Santa Cruz Mountains and moved our family here in attempts to raise our children in a safe and slower paced environment. For a home located on a safe street without the sizeable amount of traffic and pit stops, a rod iron or shorter fence might be acceptable but we need the safety and security of our proposed fence to guard our children due to our vastly exposed property.

Regards,



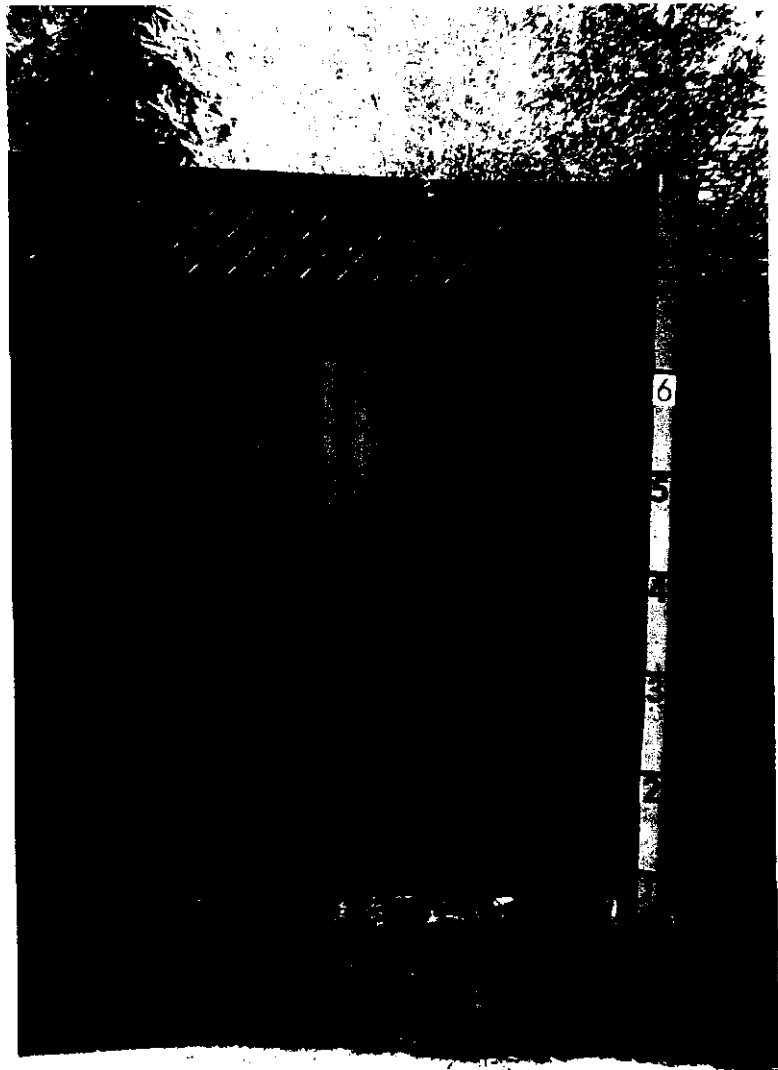
Scott & Helene Bryan

23005 Del Monte Way Proposed Fence Project

The following pictures are of fences and gates which exceed the six foot maximum. *All* of the fences are either on **Summit Road** or in our neighborhood. In fact, one of the examples is **actually** at the entrance to our subdivision, "The Villas". I **am** submitting 28 examples of fences and gates, I have removed ~~the~~ the lowest and the highest fences and calculated the average height. **The** average is 7'6". I believe that this data shows that our design will not only help beautify and protect **our** property and the neighborhood, **but** that over-height fences are widely **used** and our fence shows obvious neighborhood compatibility.



22529 Summit Road
8' fence



23940 Summit Road
8' fence

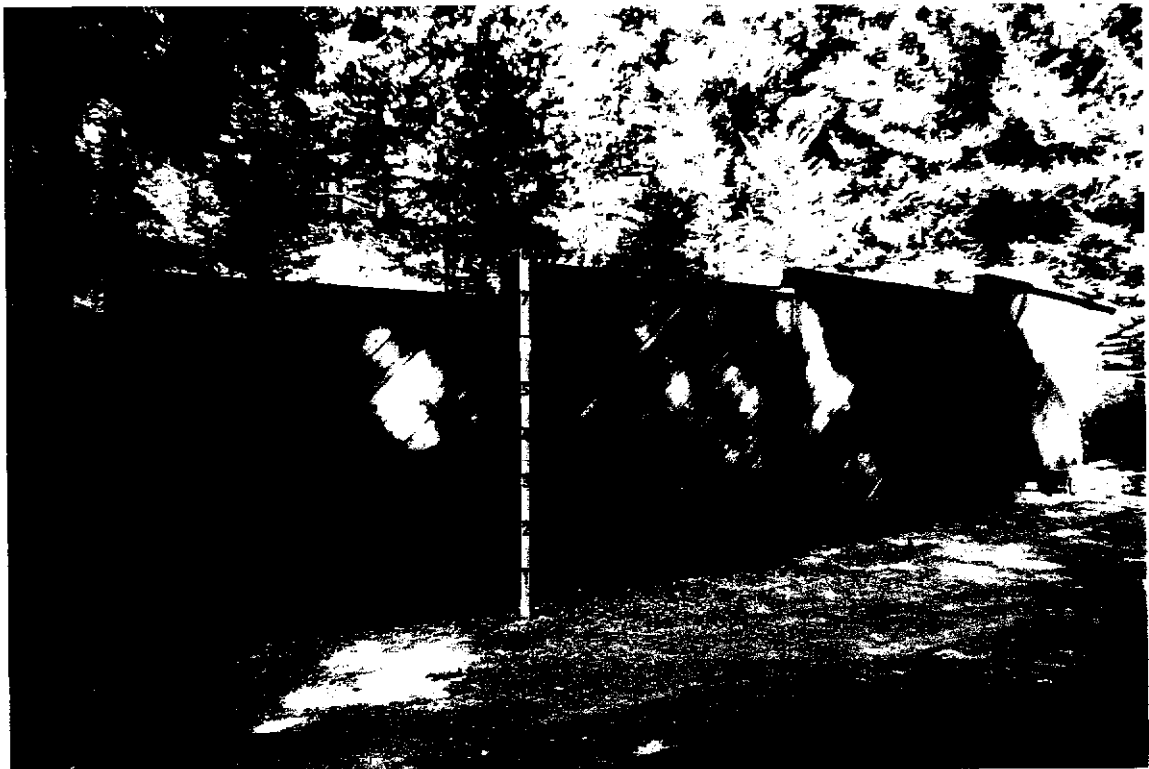
* MOST FENCES SHOWN ARE DIRECTLY ON PROPERTY LINE
JJB
EXHIBIT G



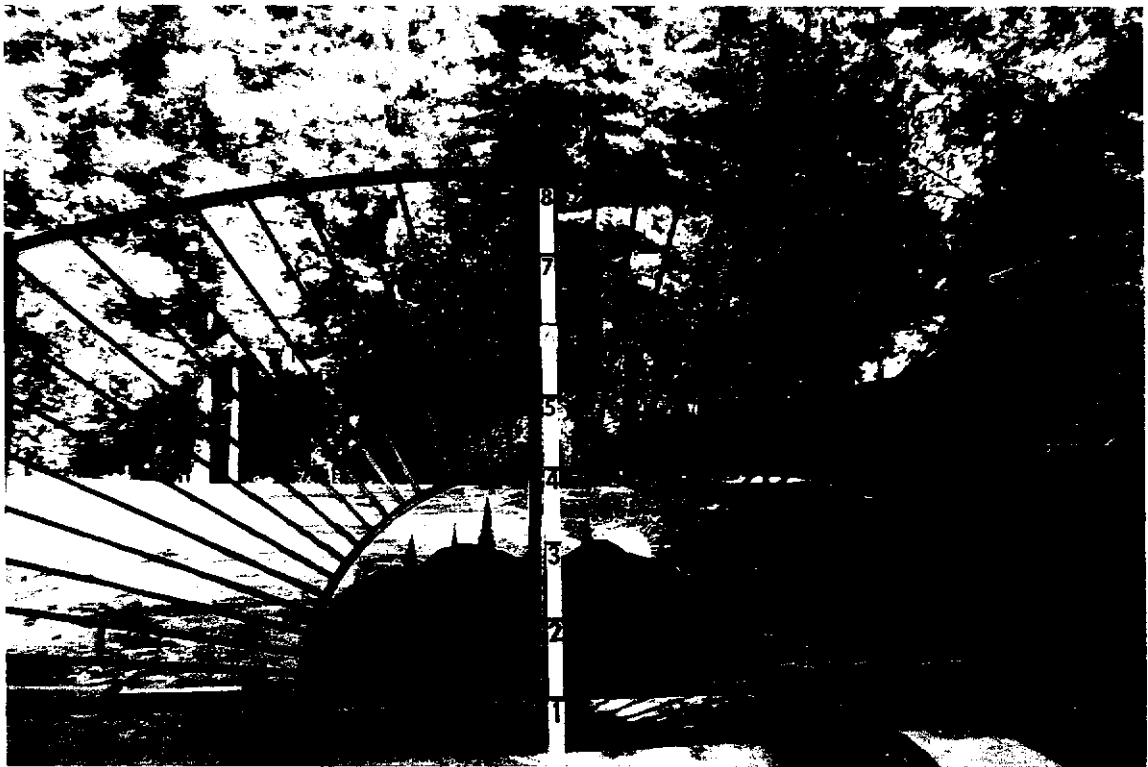
23374 Cove Lane
Over 9'



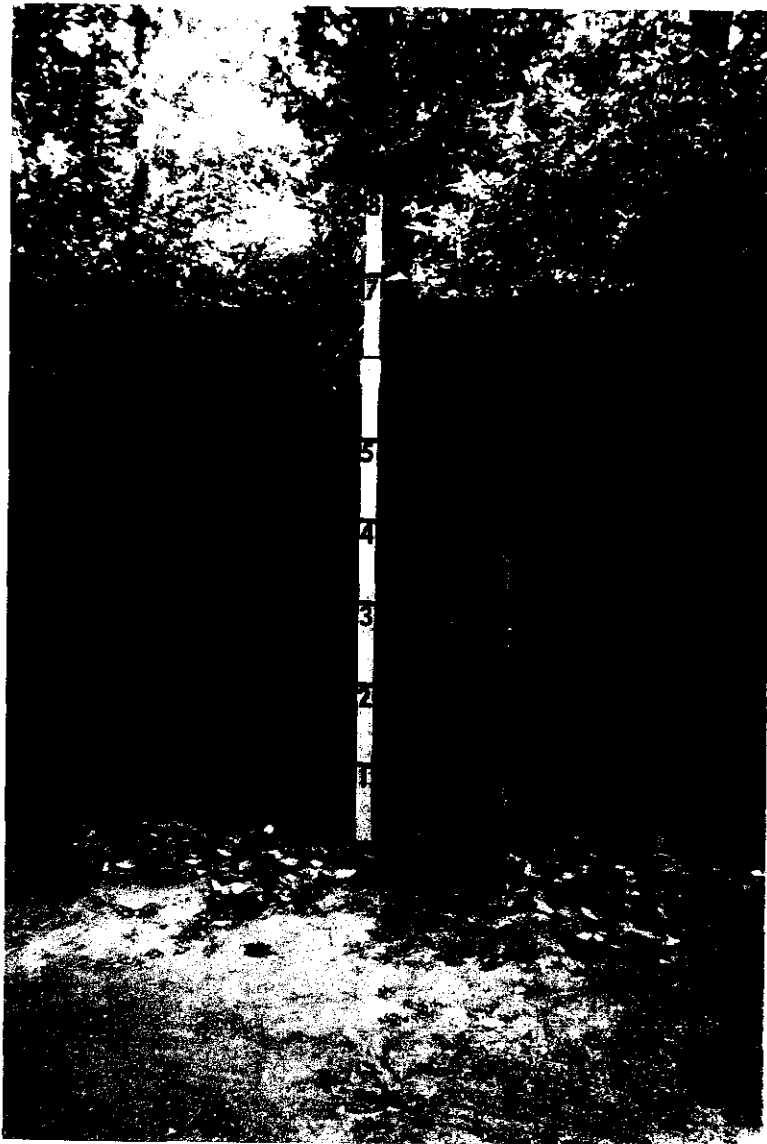
23774 Cove Lane
Over 10' Gate



22645 Summit Road
8' Fence



22645 Summit Road
Over 8' Gate



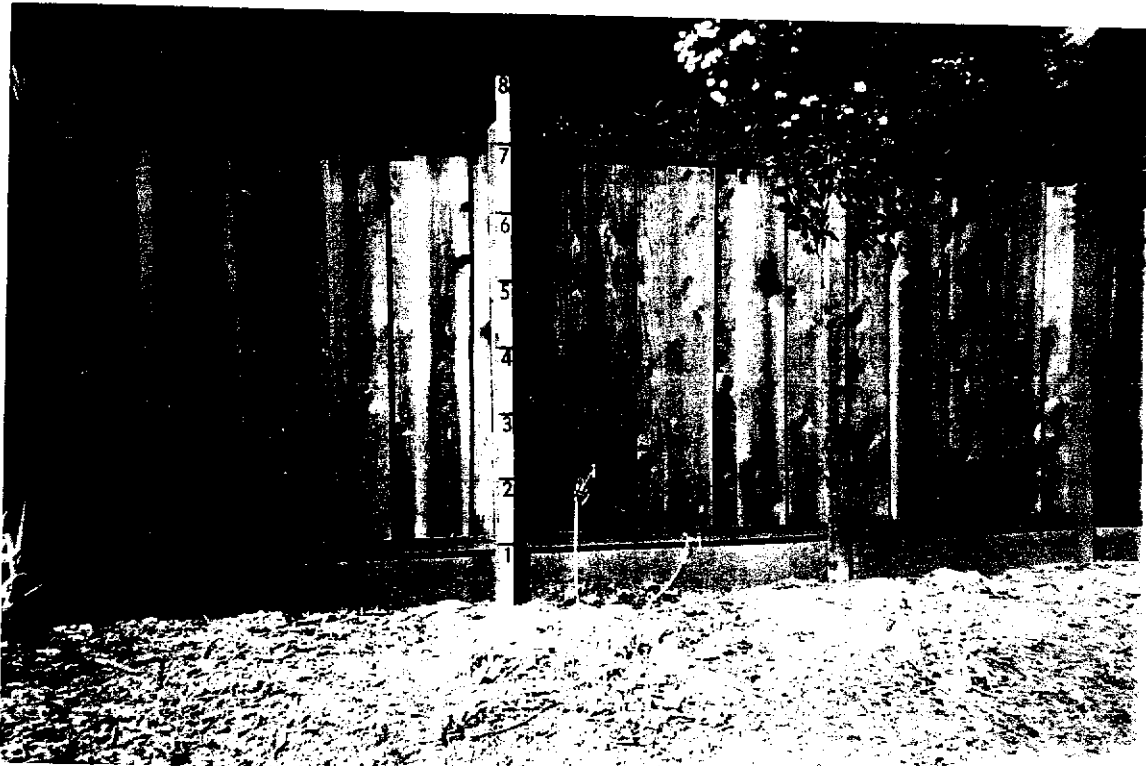
24595 Soquel San Jose Road
7' Section of Fence



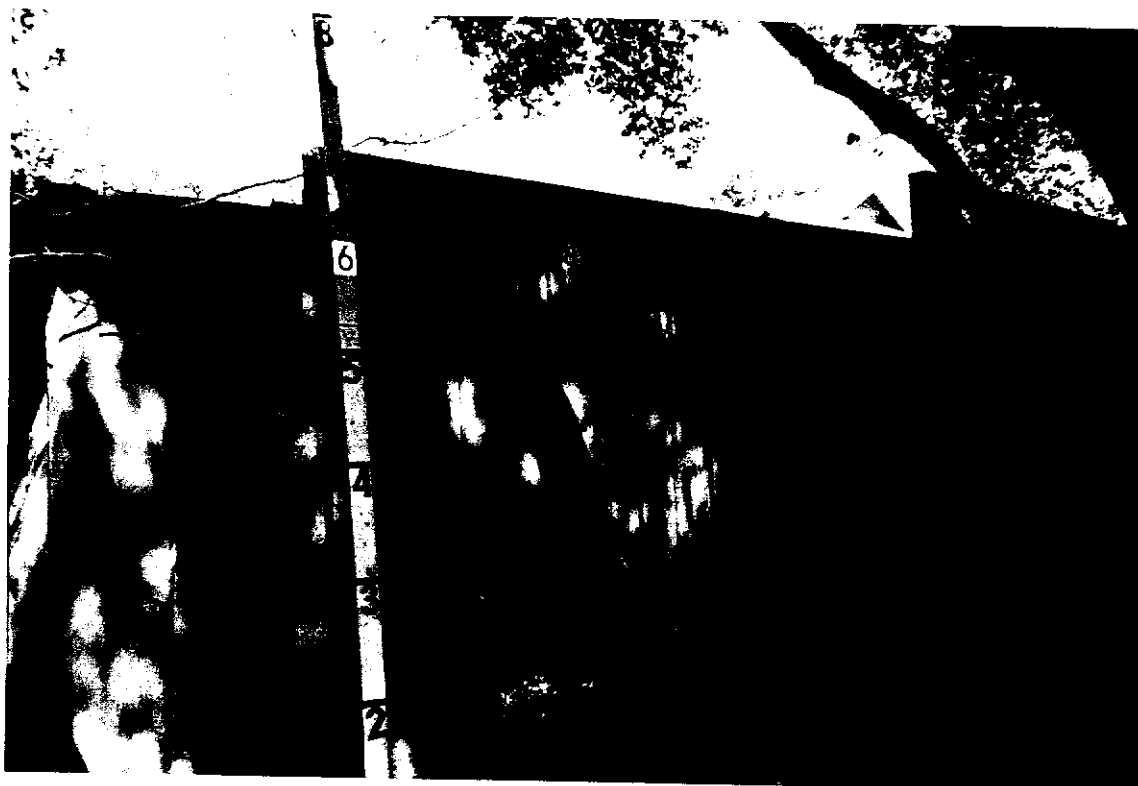
24595 Soquel San Jose Road
9' Section of Fence



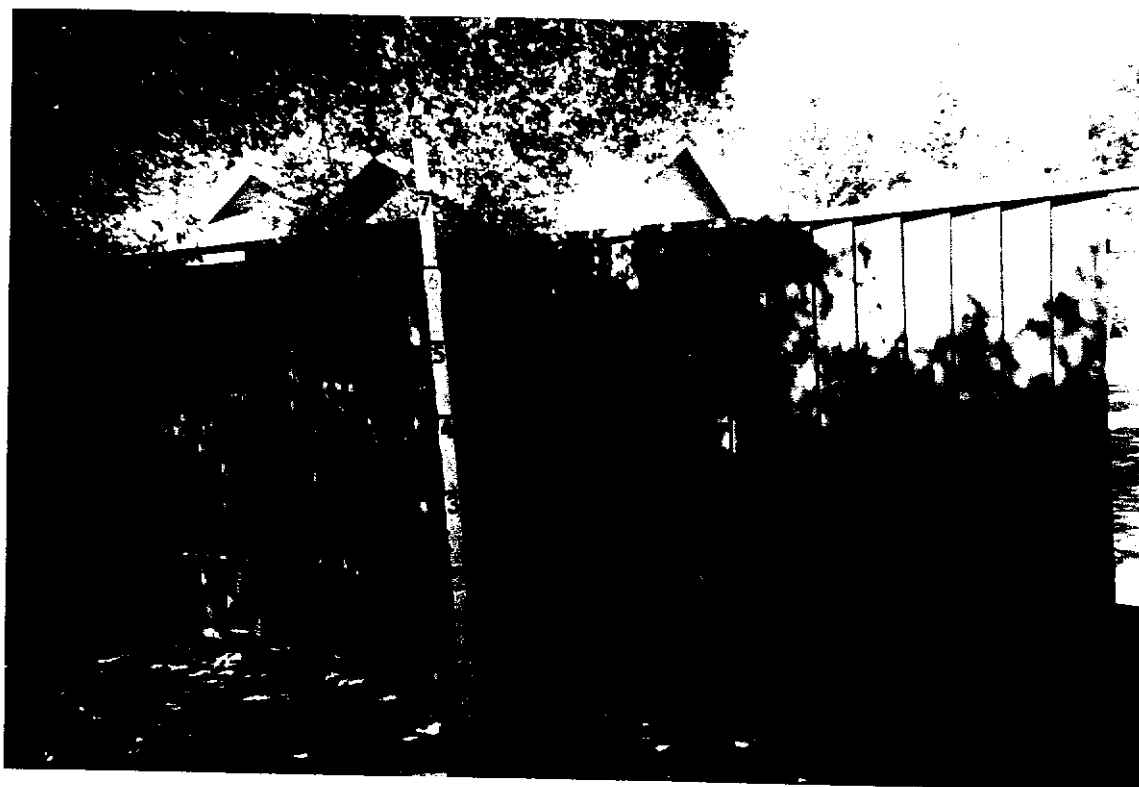
102 Timber Lodge
Over 7' Fence



23946 Summit Road
Over 7' Fence



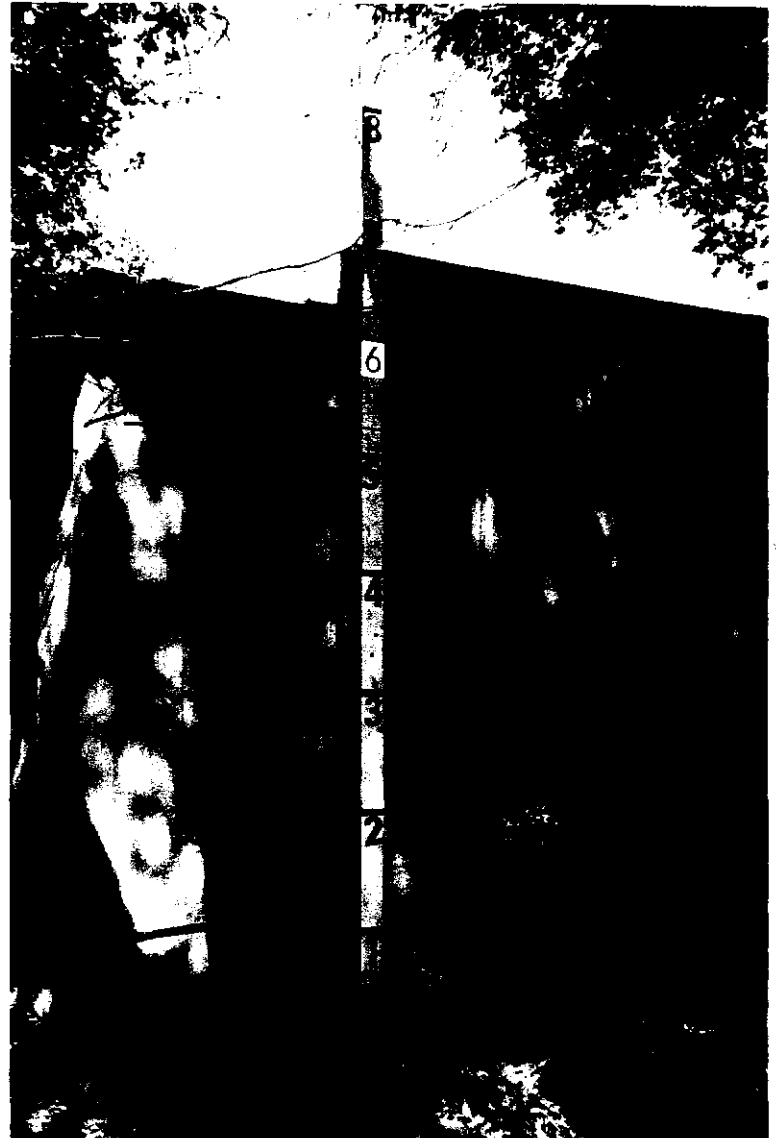
23470 Belaire Court
Over 6' Fence



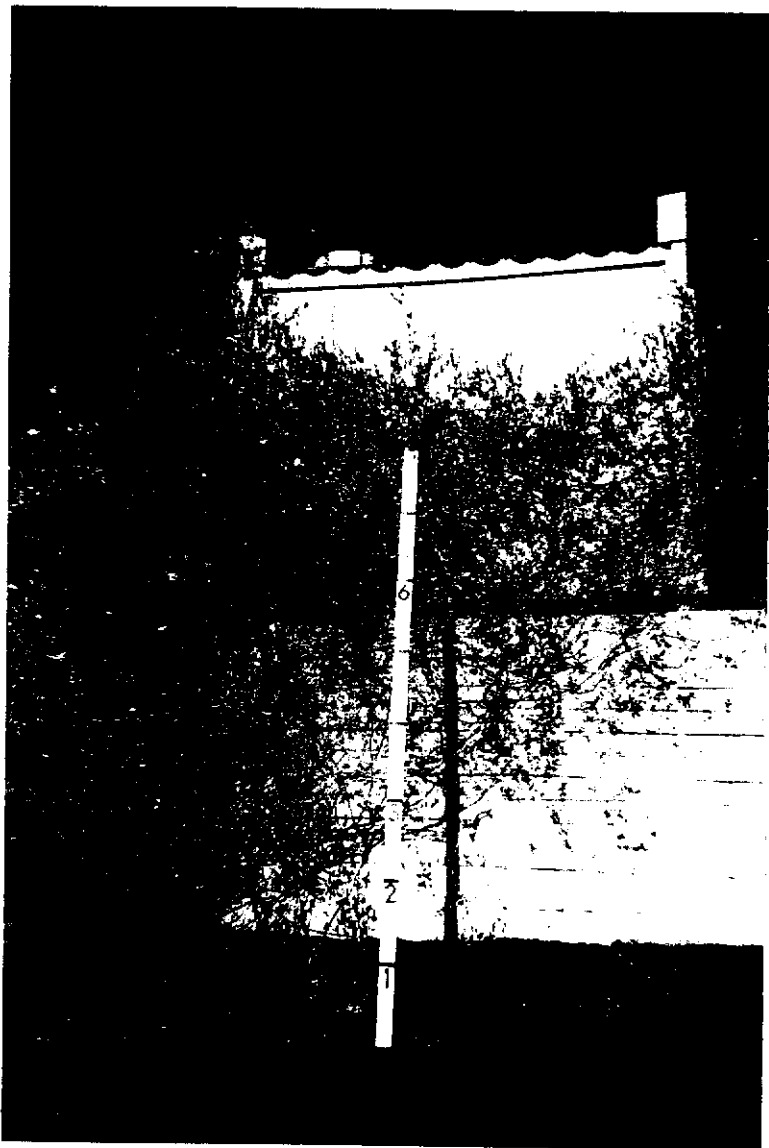
23414 Sunset
Over 6' Fence



102 Timber Lodge
Roughly 8' Fence



23470 Belaire Court
Roughly 8' Fence



**23316 Skyview Terrace
Over 10' Section of Fence**



**24595 Soquel San Jose Road
Over 8' Section of Fence**



25017 Soquel San Jose Road
Over 6' Fence



23128 Summit Road
7' Fence



23419 Evergreen
Over 6' Section of Gate



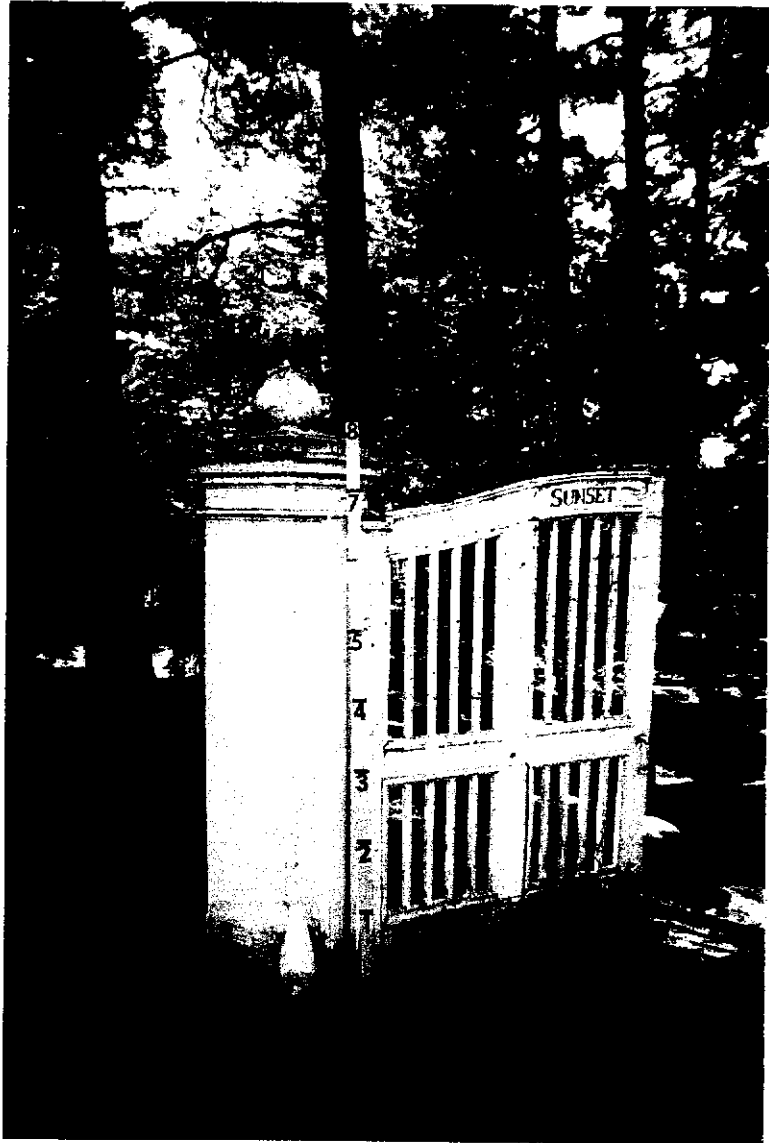
22575 Summit Road
Over 6' Fence



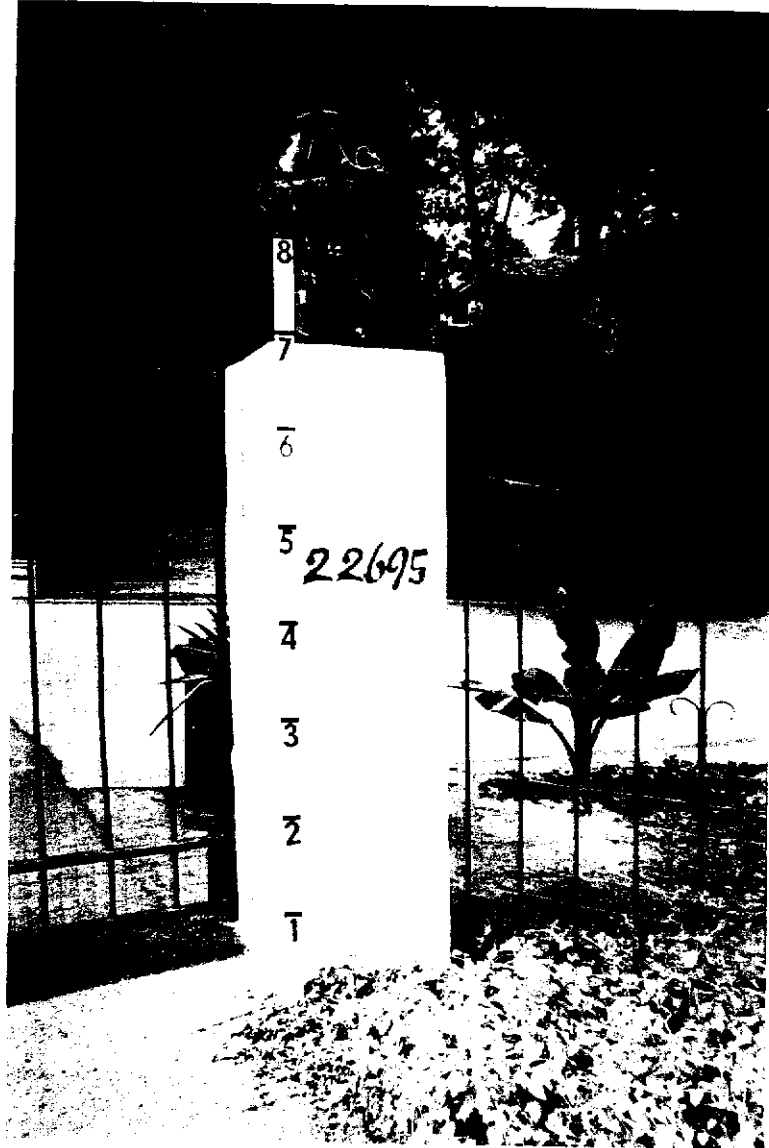
Corner of Summit & Hutchinson
Over 6' Fence



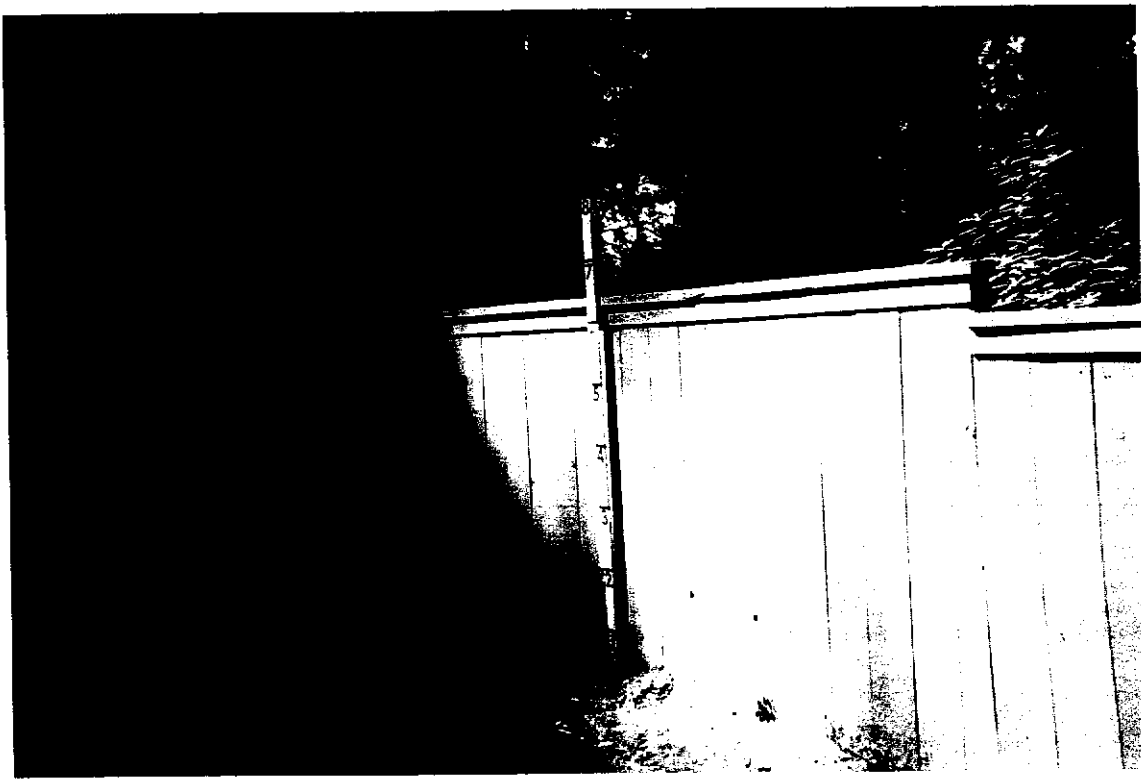
22910 Summit Road
Over 6' Fence



Entrance to "The Villas"
Over 8' Gate



22695 Summit Road
Over 8' Gate Pillar



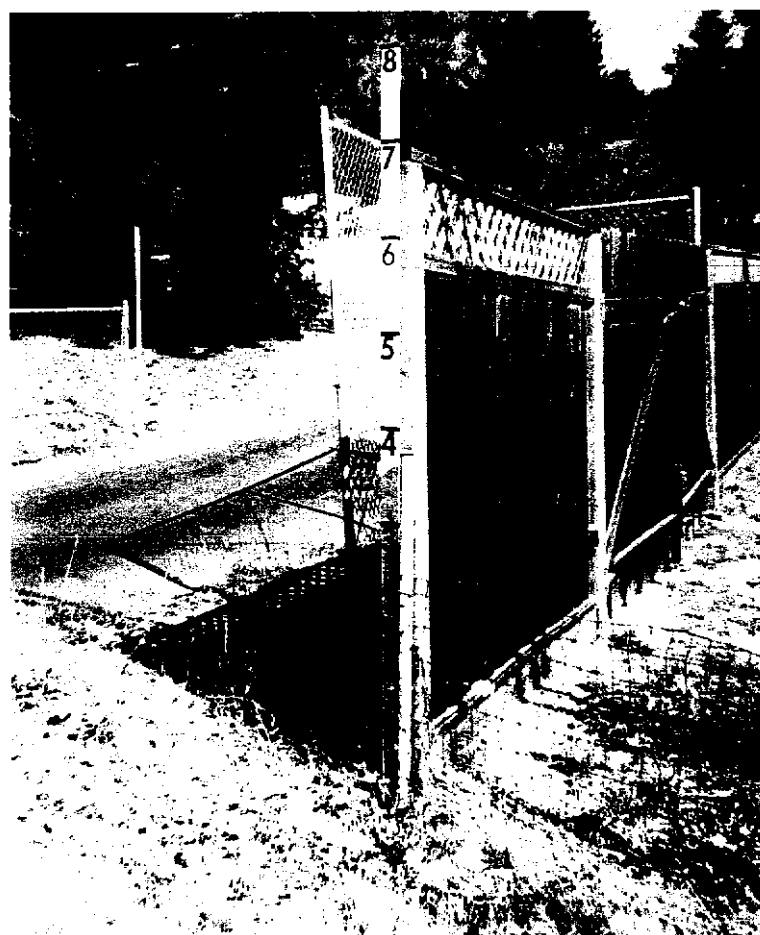
15930 Redwood Lodge
Over 6' Fence



22695 Summit Road
8' Gate



22035 Summit Road
Over 7' Fence



23775 Summit Road
7' Fence

COUNTY OF SANTA CRUZ
Inter-Office Correspondence

DATE: September 19, 2005

TO: ~~Tom~~ Burns, Planning Director
✓Annette Olson, Planner
Dave Laughlin, Enforcement Planning
John Presleigh, public Works

FROM: Supervisor Jan Beautz 

RE: COMMENTS ON APP. 05-0576, APN 096-281-07,
23005 DEL MONTE WAY, OVER-HEIGHT FENCE

Please consider the following areas of concern in your evaluation of the above application to construct a 7 foot, 10 inch high fence along the front, side and rear yards of the above property.

This large parcel is located at the intersection of Del Monte Way and Summit Road. The proposed over-height fence is shown in close proximity to the intersection of these two roadways. How will this proposed location impact the required safe line of sight distances for this intersection? Additionally, the fence location around the driveway entrance may also obstruct safe line of sight for vehicles exiting the property. How will these issues be addressed?

The submitted site plan is unclear as to the actual setback distance from the legal property lines for this solid, 7 foot 10 inch over-height fence. The labeled setback for this solid wall incorrectly uses the distance from the centerline of Summit Road and Del Monte Way. This fence may be located directly on all property lines. Will additional information be provided by the applicant clearly indicating all property lines and the location of the required 40 foot setbacks within the parcel along both Summit Road and Del Monte Way? Without this information, it is impossible to determine the extent of the setback reduction being requested.

This parcel has generated numerous neighborhood complaints due to an extensive enforcement history concerning commercial use of this residential property and associated traffic impacts for the surrounding neighbors. The previous owners ran a 13 agent real estate office which took many

EXHIBIT G

years to rectify. Almost as soon as this was resolved, the property was sold to a new owner who established a contracting business and storage yard, creating additional neighborhood complaints. While the canvas tent for this commercial/industrial use has been relocated from the front to the rear yard, this business is inappropriate in this residential area and appears to be operating without permits. Further, property tax records indicate the owner resides in Monterey and does not have a homeowner's exemption on the property. Therefore, this construction business could not meet home occupation requirements. I am concerned that this over-height fence is an attempt to restrict the neighborhood's continued ability to ensure that this property is used in accordance with its residential zoning.

This application offers no documentation as to why this requested setback reduction is necessary for such a large parcel; why a fence height of 7 foot 10 inches is necessary within the front yard setbacks; and why a fence higher than 6 feet is necessary along the interior property lines. Allowing any reduction to the required 40 foot front yard setbacks may create additional neighborhood impacts. The topography for this property indicates that the Summit Road and Del Monte Way property line areas are the highest points on the property. As such, constructing a lower height fence at the required setback distances may accomplish sufficient visibility screening for normal residential use of this parcel.

JKB:lg

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Annette Olson

From: Mountain Network News [news@mn.net]
Sent: Monday, September 12, 2005 3:18 PM
To: Annette Olson
Subject: Case 056576

Case 05-0576
Bryans property
Dehnonte Way and Summit Road

I am a neighbor of the Bryans. I am opposed to the construction of a solid wood fence of seven feet, two inches.

This property is adjacent to the primary Villa del Monte entrance. The fence is incompatible with a high quality residential development.

The intent to shield neighbors from the storage of construction equipment and supplies appears well-meant, but such storage is inappropriate for a residential neighborhood.

A compromise might be a wrought-iron fence, such as used by several neighbors in the area. Small equipment and limited construction materials could be housed in a permanent code-approved shed.

Neil Wiley
23625 Sky View Terrace
Los Gatos, CA 95033-9212
408-353-1546

Neil Wiley
Mountain Network News
Celebrating life in the Santa Cruz Mountains
news@mn.net

9/12/2005

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