



Staff Report to the Zoning Administrator

Application Number: **05-0734**

Applicant: Becky Doyle - Bosso Williams

Agenda Date: 1120106

Owner: Potkin & Robertson

Agenda Item # **3**

APN: 105-141-40 & 41

Time: After 10:00 a.m.

Project Description: Proposal to recognize an existing entry gate and wall.

Requires a Residential Development Permit for a wall and gate in excess of 6 feet in height within a vehicular right of way and a Riparian Exception.

Location: Project located on the north side of Valencia Road between Valencia School Road and Flume Road. (2400 Valencia Road)

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Residential Development Permit, Riparian Exception

Staff Recommendation:

- Approval of Application 05-0734, 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 map |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	3.5 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Rural residential neighborhood
Project Access:	Valencia Road
Planning Area:	Aptos Hills

Land Use Designation: R-R (Rural Residential)
Zone District: RA (Residential Agriculture)
Coastal Zone: — Inside X Outside

Environmental Information

Geologic Hazards: N/A
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 2-5% at driveway
Env. Sen. Habitat: Valencia Creek
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Mapped resource - no site disturbance proposed

Services Information

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

Project Setting

The subject property is accessed via a private driveway from Valencia Road. The private driveway traverses the adjacent property (APN 105-141-41 - Robertson) to access the home site at 2400 Valencia Road. This driveway is located between the top of the slope above Valencia Creek and the toe of the slope up to the adjacent property and appears to be a historic road cut along Valencia Creek. The driveway and associated improvements generally follow the vehicular right of way which allows access to APN 105-141-40 across the adjacent parcel. The site is characterized by riparian vegetation, woodland, and open grassy areas.

Zoning & General Plan Consistency

The subject property is a 3.5 acre parcel, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed entry gate and wall is accessory to the principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation.

Wall & Entry Gate

The proposed entry gate and wall is over the 3 foot maximum height allowed within a vehicular right of way without a Residential Development Permit. The proposed entry gate and wall are adequately set back from the traveled surface and right of way of Valencia Road and will not

pose a hazard to traffic on Valencia Road. The design and location of the gate and wall is compatible with the surrounding pattern of development.

Riparian Exception

The gate and wall are located within **an** area of historic disturbance above Valencia Creek. The proposed gate and wall will not result in further disturbance to the riparian area and will not degrade or adversely impact this resource.

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 **05-0734**, 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

Report Prepared By: Randall Adams
Santa **Cruz** County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@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 proposed entry gate and wall will be set back from the road and will allow adequate sight distance for vehicles to turn on to and off of Valencia Road in a safe manner.

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 entry gate and wall 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 (Residential Agriculture) zone district in that the proposed improvements are accessory to the existing residential use of the property.

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 improvements are accessory to the existing residential use, which 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 entry gate and wall will not generate additional traffic or require an excessive amount of energy to operate.

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 entry gate and wall will be compatible with the visual character of the neighborhood due to its height, design, and location. The proposed fence does not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property

This finding can be made, in that the existing right-of-way accessing the subject property runs parallel to Valencia Creek and is located within the riparian buffer area. Because the existing driveway is within the riparian buffer area, any security gate located at the driveway must also be located in the riparian buffer area. Steep slopes to either side of the existing driveway and the limited vehicular right of way prevent the location of these improvements outside of the riparian buffer area.

2. That the exception is necessary for the proper design and function of some existing or existing activity on the property.

This finding can be made, in that the exception is necessary to allow a gate that will provide security for an existing permitted single-family home on the subject property.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made, in that the property is located in an area already disturbed by development (i.e. an existing paved driveway) and does not encroach into riparian habitat or into the creek.

4. That the granting of the exception in the coastal zone will not reduce or adversely impact the riparian resources, and there is no feasible less environmentally damaging alternative.

Not Applicable. The subject property is not located in the coastal zone.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program land use plan.

This finding can be made, in that the granting of the exception will not further degrade the riparian area because the proposed gate and wall are located at an existing driveway, and are within an area that is already disturbed by development.

following conditions must be met:

- A. All site improvements shown on the final building plans shall be installed
- B. All inspections required by the building permit shall be completed to the satisfaction of the Building Official.
- 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 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.

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.

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

Randall Adams
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: 05-0734

Assessor Parcel Number: 105-141-40& 41

Project Location: 2400 Valencia Road

Project Description: Proposal to recognize an existing entry gate and wall.

Person or Agency Proposing Project: Becky Doyle - Bosso Williams

Contact Phone Number: (831) 426-8484

- 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:

Proposal to construct residential improvements in an area designated for residential uses.

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

Randall Adams, Project Planner

Date: _____

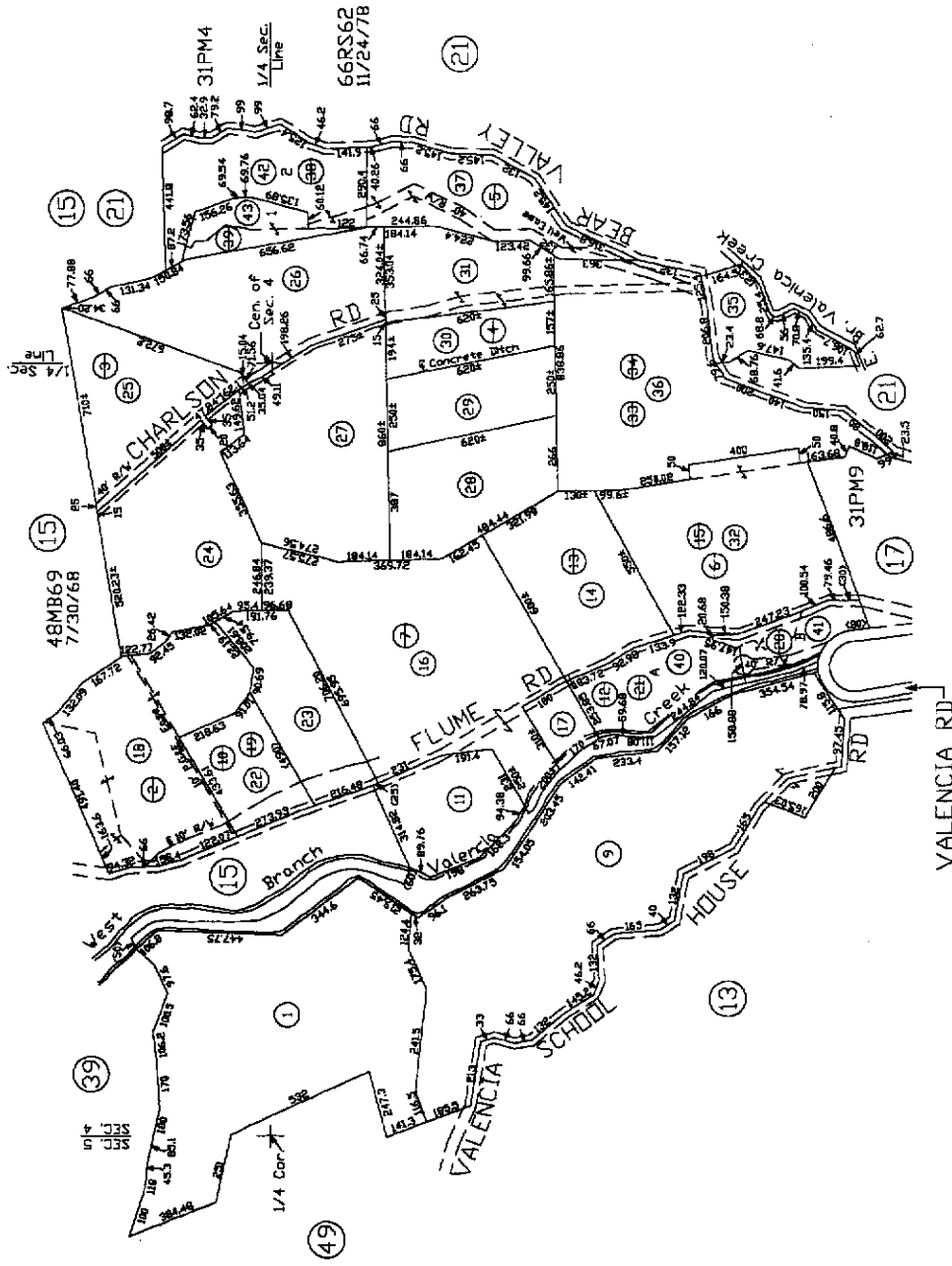
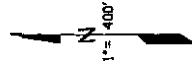
FOR TAX PURPOSES ONLY

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SOQUEL AUGMENTATION RANCHO
PDR. SEC. 4 & 5, T.11S., R.1E., M.D.B. & M.

1ax Area Lode
69-266

105-14



514
819

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

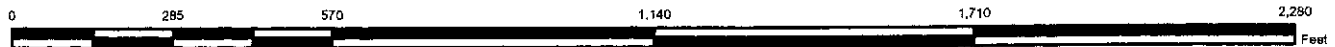
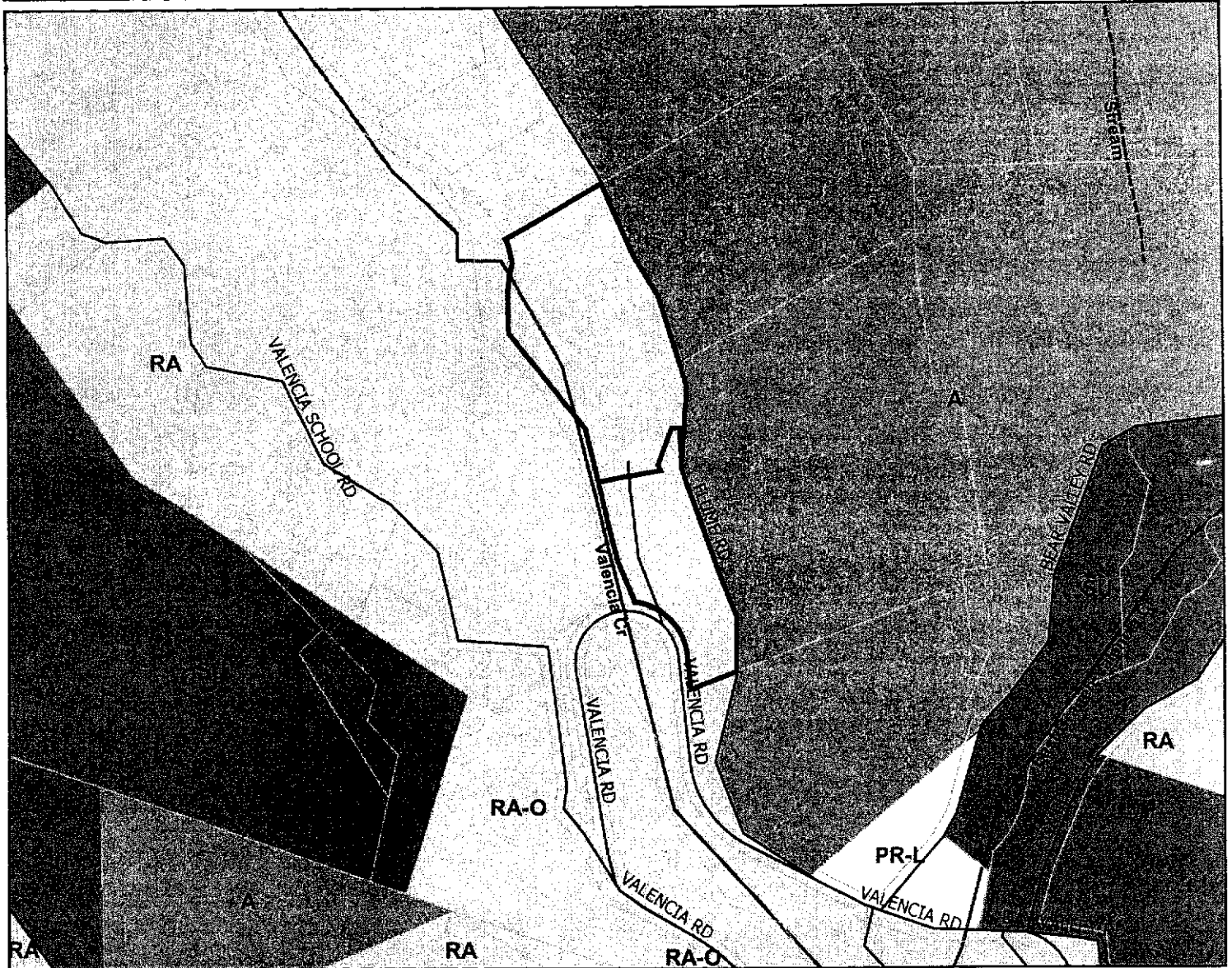
1/4 Cor. + SEC. 4
SEC. 9

Assessor's Map No. 105-14
County of Santa Cruz, Calif.
April 1998










electronically prepared 4/13/98 KSA
11/18/97 KSA (changed page refs.)
11/3/97 KSA (set map)



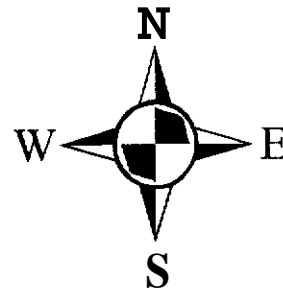
Zoning Map



Legend

-  APN 105-14140, -41
-  Streets
-  Assessors Parcels
-  INTERMITTENT STREAM
-  PERENNIAL STREAM
-  AGRICULTURE RESIDENTIAL (RA)
-  AGRICULTURE (A)
-  SPECIAL USE (SU)
-  PARK (PR)

12



Map Created by
County of Santa Cruz
Planning Department
November 2005

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

Project Planner: Randall Adams
Application No.: 05-0734
APN: 105-141-40

Date: December 20, 2005
Time: 07:57:54
Page: 1

Environmental Planning'Completeness Comments

===== REVIEW ON DECEMBER 5, 2005 BY ANDREA M KOCH =====
No comments.

Environmental Planning Miscellaneous Comments

===== REVIEW ON DECEMBER 5, 2005 BY ANDREA M KOCH =====
No comments.

Code Compliance Completeness Comments

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

===== REVIEW ON NOVEMBER 17, 2005 BY RUTH C OWEN =====
COMMENT

APN 105-141-41 is owned by Mr. and Mrs. Robertson. This is the property where the gate and fence exists. Did Mr. and Mrs. Robertson sign an authorization form for Mr. and Mrs. Potkin to apply and/or obtain a permit for the as-built wall and gate? **If** this application is approved, the owners must obtain an electric permit and inspection for the wiring to operate the gate. **If** this application is not approved, will the denial be conditioned that the owners must obtain an Undo permit and inspection to verify that they removed the gate and wall?

Code Compliance Miscellaneous Comments

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

===== REVIEW ON NOVEMBER 17, 2005 BY RUTH C OWEN =====
See the completion comments.

Dpw Road Engineering Completeness Comments

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

===== REVIEW ON DECEMBER 2, 2005 BY TIM N NYUGEN =====

Please provide a full plan view with all homes on both parcels in relation to both parcels. Clearly show driveway access to all homes for each parcel. Clearly show the entire limits of the existing driveway for both parcels.

Please provide information of the approval of parcel owner 105-141-41 for the construction of existing walls and electric gate.

Dpw Road Engineering Miscellaneous Comments

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

===== REVIEW ON DECEMBER 2, 2005 BY TIM N NYUGEN =====
NO COMMENT