



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.

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:	N/A
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:	<u> </u> 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.

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

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

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.

- 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.

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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

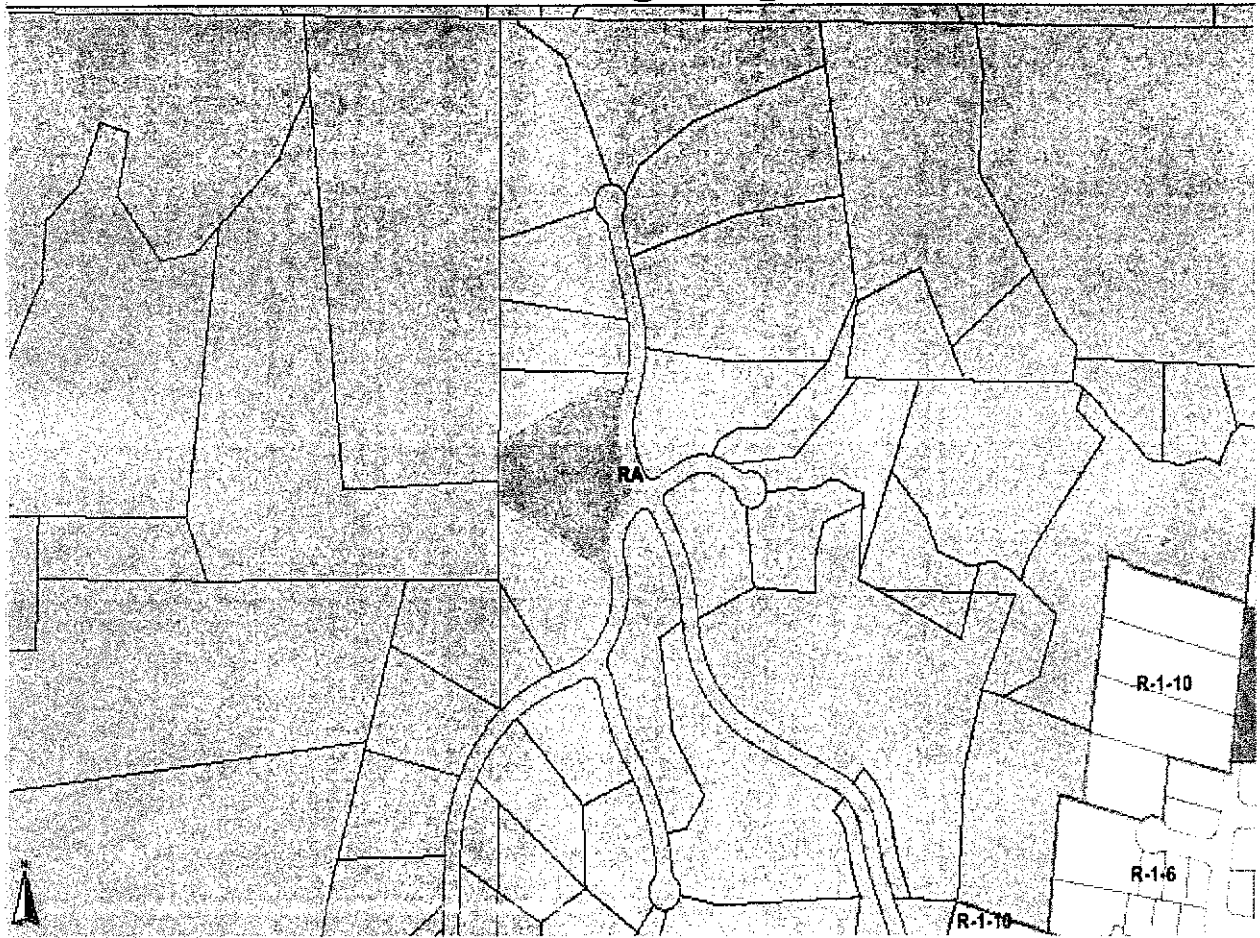
Robin Bolster-Grant
Project Planner

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.

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EXHIBIT C

Zoning Map



Legend

Selected Features

Parcel (dark lines)

State Highways

Zone Text (DETAILED)

City Limits

Zoning Graphic:
(GENERIC)

R-1 Single Family Residential

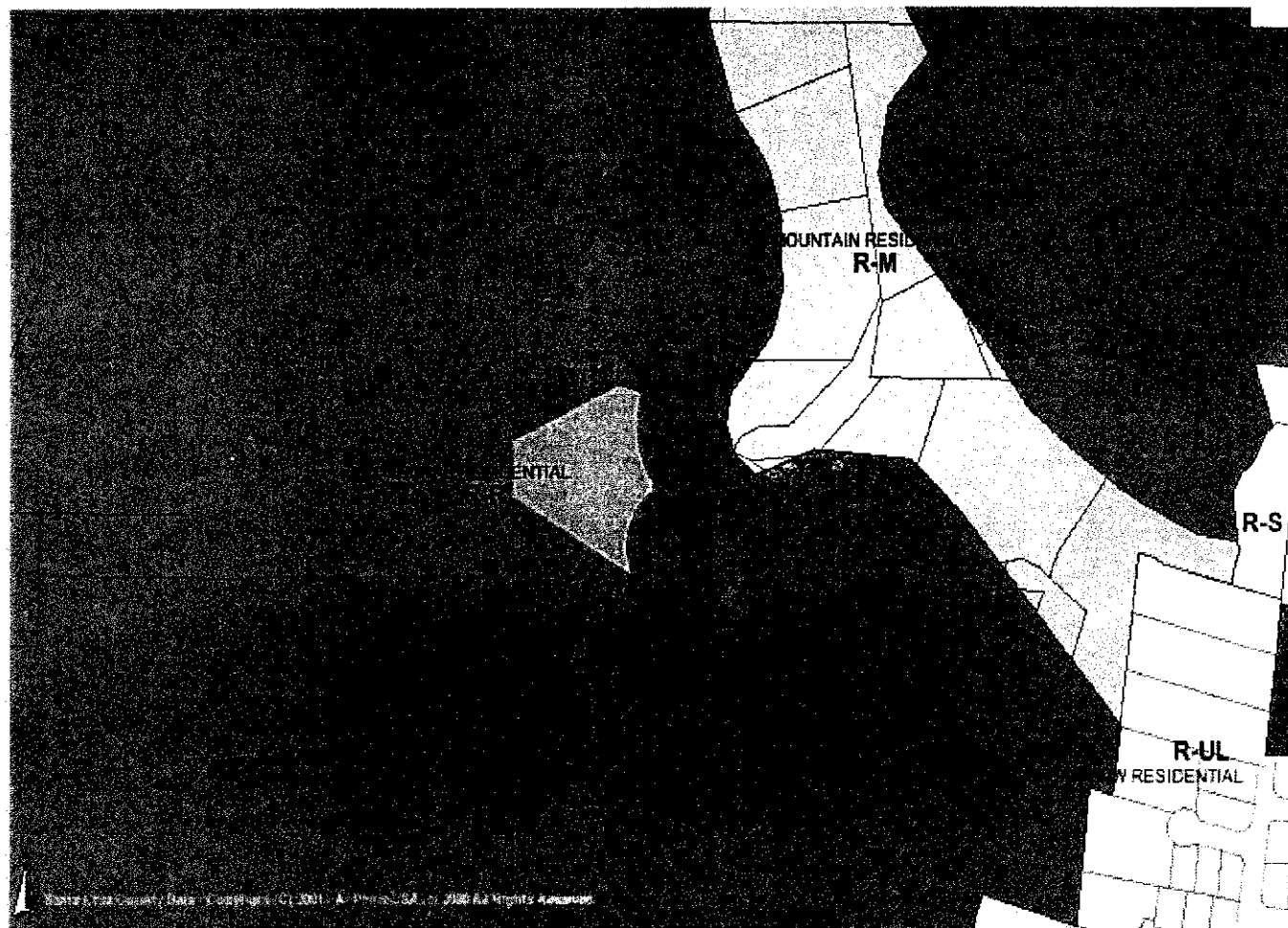
RA Residential Agriculture

RB Residential Beach

RM Residential Multi-Family

RR Rural Residential

General Plan Max,



- Legend**
- Selected Features
 - Parcel (dark lines)
 - State Highways
 - City Limits
 - General Plan Land Use

- Rural Residential
- Suburban Residential
- Rural Urban High Residential
- Rural Urban Low Residential
- Rural Urban Medium Residential
- Rural Urban Very Low Residential
- Other
- General Plan (B&W Text)

C O U N T Y O F S A N T A R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Karen Mcconaghy
Application No. : 04-0089
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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) 353-2128 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

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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 been "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**

14
728 NORTH
BRANCIFORTE
SANTA CRUZ
CA 95062
831-425-4795

EXHIBIT F

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 TOP
- ALLOWED **FENCING** HEIGHT:
NOT TO EXCEED 6'
**APPROVAL OF FENCING 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

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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 # _____

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.**

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EXHIBIT F

THE PROPOSED CHANGE IN THE GUIDELINES WOULD **RELAX** THE HEIGHT **RESTRICTION** ONLY. All other existing requirements, including ACC review and approval of all 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

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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.

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EXHIBIT F