



## Staff Report to the Zoning Administrator

Application Number: **07-0412**

**Applicant:** Chris Barraza, AT&T  
**Owner:** California Department of  
Transportation

**Agenda Date:** 5/2/08  
**Agenda Item #:** 4

**APN:** No Situs/ Highway 1 Right-of-way

**Time:** After 10:00 a.m.

**Project Description:** Proposal to recognize a 320 square foot AT&T equipment enclosure constructed within the Highway 1 right of way. Requires a Coastal Development Permit.

**Location:** Property located on the south side of Highway 1 about 664 feet northwest of Dimeo Lane.

**Supervisory District:** 3<sup>rd</sup> District (District Supervisor: Neal Coonerty)

**Permits Required:** Coastal Development Permit, Commercial Development Permit

### Staff Recommendation:

- Denial of Application 07-0412, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	Enclosure located within Highway 1 Right-of-way
Existing Land Use - Parcel:	State park/recreation & agriculture uses
Existing Land Use - Surrounding:	State park/recreation, agriculture, and public facilities
Project Access:	Unimproved road off of Highway 1
Planning Area:	Bonny Doon
Land Use Designation:	O-R (Parks, Recreation, and Open Space)
Zone District:	PR (Parks, Recreation, and Open Space)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site; no technical reports required.
Soils:	Not a mapped constraint; no technical reports required.
Fire Hazard:	Not a mapped constraint
Slopes:	Parcel is relatively flat at building site.
Env. Sen. Habitat:	Not mapped/no physical evidence on site.
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Highway 1 scenic viewshed
Drainage:	Existing drainage adequate
Archeology:	Mapped archaeological resource area; no reports required.

### Services Information

Urban/Rural Services Line:	<input type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside
Water Supply:	Private	
Sewage Disposal:	Septic	
Fire District:	CDF	
Drainage District:	None	

### History

The existing equipment enclosure--consisting of a concrete pad, telecommunication equipment, and six-foot fence-- was constructed around 2002 with a California Department of Transportation (CalTrans) encroachment permit, but without a Coastal Development Permit. County Planning Department staff informed AT&T that a Coastal Development Permit was required and the company submitted an application to have the enclosure recognized.

According to AT&T staff, this facility used to be located near a farmhouse south of Dimeo Lane. Because the enclosure was constructed over a City of Santa Cruz Water Department easement, the Water Department required the facility to be removed. AT&T then moved the facility to its present location adjacent to Wilder Ranch State Park. As with the current location, no Coastal Development Permit was obtained for the original installation.

Given that the existing facility is located within the Coastal Zone and Highway 1 scenic corridor, staff is recommending denial of this project based upon the visual impact that this facility has on public views.

## **Project Setting**

The existing equipment enclosure is located entirely within the Highway 1 right-of-way adjacent to Wilder Ranch State Park (APN 059-131-01) and about 640-feet north of Dimeo Lane. Highway 1, a designated scenic road, is 60-feet wide in this location and the equipment enclosure is located on the south side of the highway on a slight rise above the Highway 1 roadway. A dirt road, which appears to serve only the enclosure, provides access to the enclosure. There is no existing vegetation in this location to screen the enclosure from the scenic viewshed, and it is not obscured by natural landforms. The area south of the enclosure is an open coastal terrace under cultivation which slopes gently to the coastal bluff. Spectacular views of agricultural fields and the Pacific Ocean are available from this section of Highway 1.

Parcels to the north across Highway 1 are zoned CA (Commercial Agriculture) and PR (Parks, Recreation, and Open Space). Adjacent parcels to the east and west are zoned PR (Parks, Recreation, and Open Space) and parcels to the south are zoned PF (Public Facilities) and PR (Parks, Recreation, and Open Space). Further south is the Pacific Ocean. In addition, Lombardi Gulch is located west of the project site.

## **Project Description**

The existing enclosure consists of a 6-foot tall chain link fence with reddish-colored slats that surrounds a 320 square foot concrete pad. There are three above ground equipment cabinets that are located within the enclosure. A large AT&T sign is affixed to the enclosure's north side. According to AT&T staff, the equipment is intended to provide "Uverse Service" which is a digitally delivered entertainment and internet service. Because the equipment has not been connected to electricity, it is not currently functioning. The current proposal is to recognize the facility and to replace the chain link fence with wooden grape stake fencing and landscaping.

## **Zoning and General Plan Consistency**

Although the enclosure is an allowed use within the PR (Parks, Recreation, and Open Space) zone district and is consistent with the site's (O-R) Parks, Recreation, and Open Space General Plan designation, the project is not consistent with General Plan policies relating to visual resources.

The General Plan designates Highway 1 as a scenic road (Policy 5.10.10). The vista from Highway 1 is of regional public importance for its natural beauty and rural agricultural character. Policy 5.10.10 (Designation of Scenic Roads) states that, "The public vistas from these [scenic] roads shall be afforded the highest level of protection."

General Plan policy 5.10.2 (Development Within Visual Resource Areas) identifies agricultural fields and ocean views as worthy of visual resource protection. General Plan policies 5.10.5 (Preserving Agricultural Vistas) and 5.10.6 (Preserving Ocean Vistas) further support the protection of agricultural and ocean vistas. Given that the enclosure obstructs views of agricultural fields and the ocean, the facility is not consistent with these policies. General Plan policy 5.10.6 specifically states that public ocean vistas are to be "retained to the maximum extent possible as a condition of approval for any new development." Planning staff

recommended that the facility be placed underground in the existing location or moved to a visually superior site. The applicant declined to pursue either of these alternatives. With visually superior alternatives available, maintaining the existing site would not constitute retaining the ocean vista to the "maximum extent possible."

General Plan Policy 5.10.3 (Protection of Public Vistas) requires the protection of significant public vistas by minimizing, among other things, inappropriate landscaping and structure design. Landscaping is generally used as a means to soften the impact of development when that landscaping is not, in itself, a visual impact. Because there is no ornamental landscaping in the vicinity, the proposed landscaping does not mitigate the impact of the development but, rather, amplifies that impact. In addition, even with wooden fencing to replace the chain link fence, the structure is out of character with the surrounding area. Agricultural buildings are typically clustered together to preserve arable land while the subject enclosure stands alone. In addition, this enclosure is a fence encircling equipment for which there is no nearby analogous agricultural structure. Therefore, both the landscaping and structure are inappropriate for this area.

Finally, General Plan Policy 5.10.11 (Development Visible from Rural Scenic Roads) requires that new discretionary development be "...sited out of public views, obscured by natural landforms and/or existing vegetation." This project clearly does not comply with this policy in that it is fully visible from public views and is not obscured by natural landforms or existing vegetation.

#### **Local Coastal Program Consistency**

The subject utility enclosure is not in conformance with the County's certified Local Coastal Program (Section 13.20.130). County Code 13.20.130 (Design Criteria for Coastal Zone Developments) has specific standards for coastal development that this facility does not meet.

County Code 13.20.130(b)1 requires that all development in the Coastal Zone be sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding areas. In this case, the area is agricultural in character. While the projects plans show that the applicant proposes to replace the existing chain link fence with a wooden fence and landscaping, this proposal would be out of character with the area since (as noted above), there is little ornamental vegetation in the vicinity. In addition, maintenance of the enclosure appears to be an issue. As the photo in Exhibit A shows, the negative visual impact of the enclosure is increased by graffiti. Because of the enclosure's isolated location along a highway, graffiti is likely to continue to be an issue regardless of the type of fencing used or the vigilance of any maintenance program.

In addition, County Code 13.20.130(c) applies to rural scenic resources. Because this project site is mapped as a scenic resource and is located outside of the urban services line, these criteria apply to the project. County Code 13.20.130(c)1 states that: "Development shall be located, if possible, on parts of the site not visible or least visible from public view." Given that visually superior alternatives are possible, it would be feasible to relocate the installation where it would have virtually no impact to public views.

County Code 13.20.130(c)2 requires that development be sited and designed to fit the physical

setting carefully so that "its presence is subordinate to the natural character of the site...". The existing enclosure dominates the natural character of the site in that the enclosure obstructs views of the agricultural fields and the Pacific Ocean beyond. The enclosure is visible for approximately one-quarter mile in either direction. Given the close proximity to the highway, the enclosure breaks up the wide views available to drivers and bikers along this stretch of the highway.

### **Conclusion**

As proposed, this project is not consistent with the General Plan or the Local Coastal Program as implemented by County Code 13.20.130. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- **DENIAL** of Application Number **07-0412**, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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E-mail: [annette.olson@co.santa-cruz.ca.us](mailto:annette.olson@co.santa-cruz.ca.us)

## Coastal Development Permit Findings

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding cannot be made in that the subject utility enclosure is not in conformance with the County's certified Local Coastal Program (Section 13.20.130). County Code 13.20.130 (Design Criteria for Coastal Zone Developments) has specific standards for coastal development which this facility does not meet.

County Code 13.20.130(b)1 requires that all development in the Coastal Zone be sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding areas. In this case, the area is agricultural in character. While the projects plans show that the applicant proposes to replace the existing chain link fence with a wooden fence and landscaping, this proposal would be out of character with the area since there is little ornamental vegetation in the vicinity. In addition, maintenance of the enclosure appears to be an issue. As the photos in Exhibit A show, the negative visual impact of the enclosure is increased by graffiti. Because of the enclosure's isolated location along a highway, graffiti is likely to continue to be an issue regardless of the type of fencing used or the vigilance of any maintenance program.

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5. That the proposed development is in conformity with the certified local coastal program.

This finding cannot be made. Although the enclosure is an allowed use within the PR (Parks, Recreation, and Open Space) zone district and is consistent with the site's (O-R) Parks, Recreation, and Open Space General Plan designation, the project is not consistent with General Plan policies relating to visual resources.

The General Plan designates Highway 1 as a scenic road (Policy 5.10.10). The vista from Highway 1 is of regional public importance for its natural beauty and rural agricultural character. Policy 5.10.10 (Designation of Scenic Roads) states that, "The public vistas from these [scenic] roads shall be afforded the highest level of protection."

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General Plan Policy 5.10.3 (Protection of Public Vistas) requires the protection of significant public vistas by minimizing, among other things, inappropriate landscaping and structure design. Landscaping is generally used as a means to soften the impact of development when that landscaping is not, in itself, a visual impact. Because there is no ornamental landscaping in the vicinity, the proposed landscaping does not mitigate the impact of the development but, rather, amplifies that impact. In addition, even with wooden fencing to replace the chain link fence, the structure is out of character with the surrounding area. Agricultural buildings are typically clustered together to preserve arable land while the subject enclosure stands alone. In addition, this enclosure is a fence encircling equipment for which there is no nearby analogous agricultural structure. Therefore, both the landscaping and structure are inappropriate for this area.

Finally, General Plan Policy 5.10.11 (Development Visible from Rural Scenic Roads) requires that new discretionary development be "...sited out of public views, obscured by natural landforms and/or existing vegetation." This project clearly does not comply with this policy in that it is fully visible from public views and is not obscured by natural landforms or existing vegetation.

## **Development Permit Findings**

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 cannot be made in that County Code 13.20.130 (Design Criteria for Coastal Zone Developments) has specific standards for coastal development which this facility does not meet.

County Code 13.20.130(b)1 requires that all development in the Coastal Zone be sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding areas. In this case, the area is agricultural in character. While the projects plans show that the applicant proposes to replace the existing chain link fence with a wooden fence and landscaping, this proposal would be out of character with the area since there is little ornamental vegetation in the vicinity. In addition, maintenance of the enclosure appears to be an issue. As the photos in Exhibit A show, the negative visual impact of the enclosure is increased by graffiti. Because of the enclosure's isolated location along a highway, graffiti is likely to continue to be an issue regardless of the type of fencing used or the vigilance of any maintenance program.

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In addition, County Code 13.11.072(b)(2)(i) (Views) states, "Development shall protect the public viewshed, where possible." Since it is possible to protect the public viewshed by locating the utilities below ground or in a visually superior location, the current proposal is not consistent with this Code section.

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 utility enclosure use is inconsistent with the County General Plan. The General Plan designates Highway 1 as a scenic road (Policy 5.10.10). The vista from Highway 1 is of regional public importance for its natural beauty and rural agricultural character. Policy 5.10.10 (Designation of Scenic Roads) states that, "The public vistas from these [scenic] roads shall be afforded the highest level of protection."



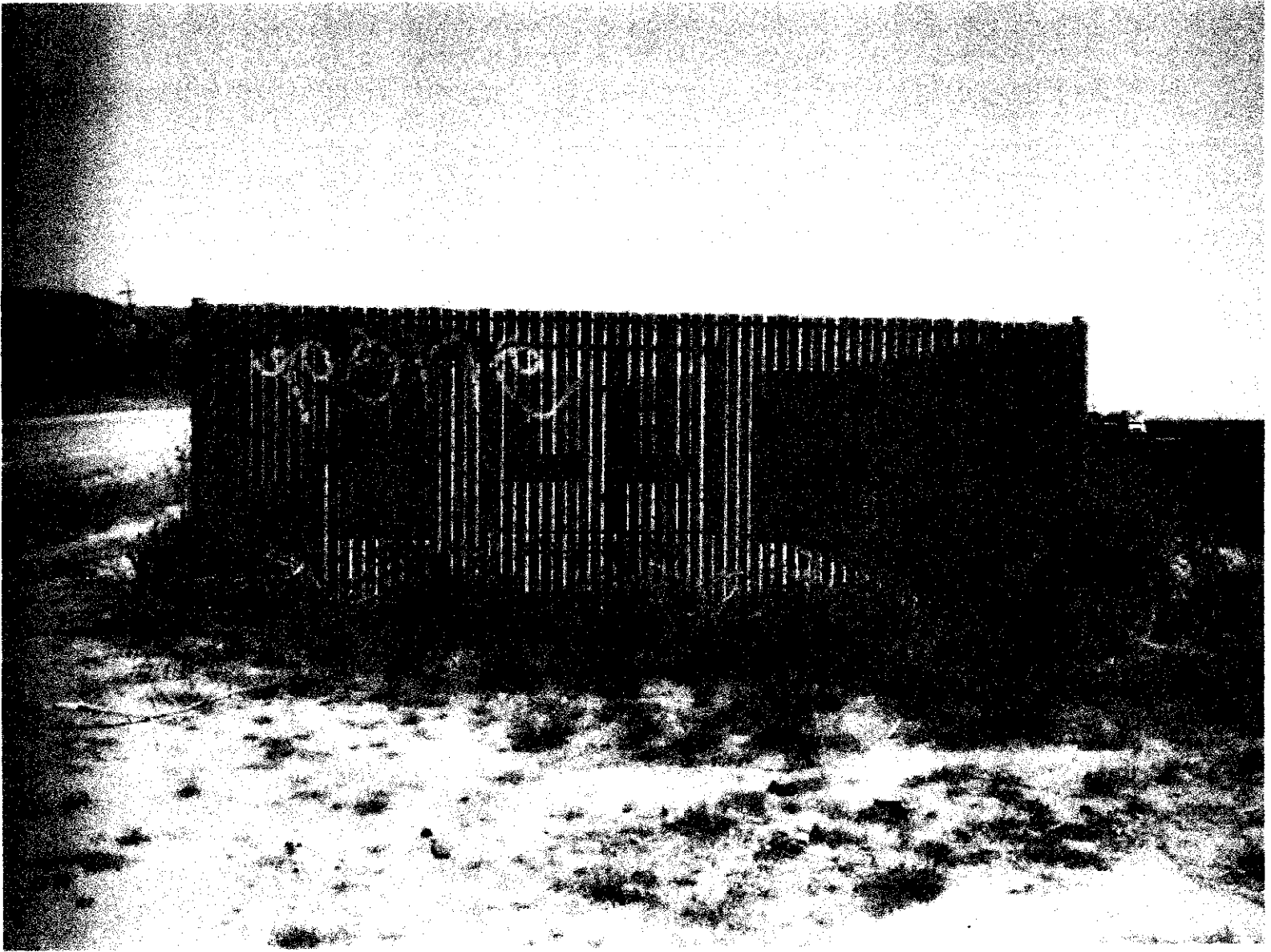
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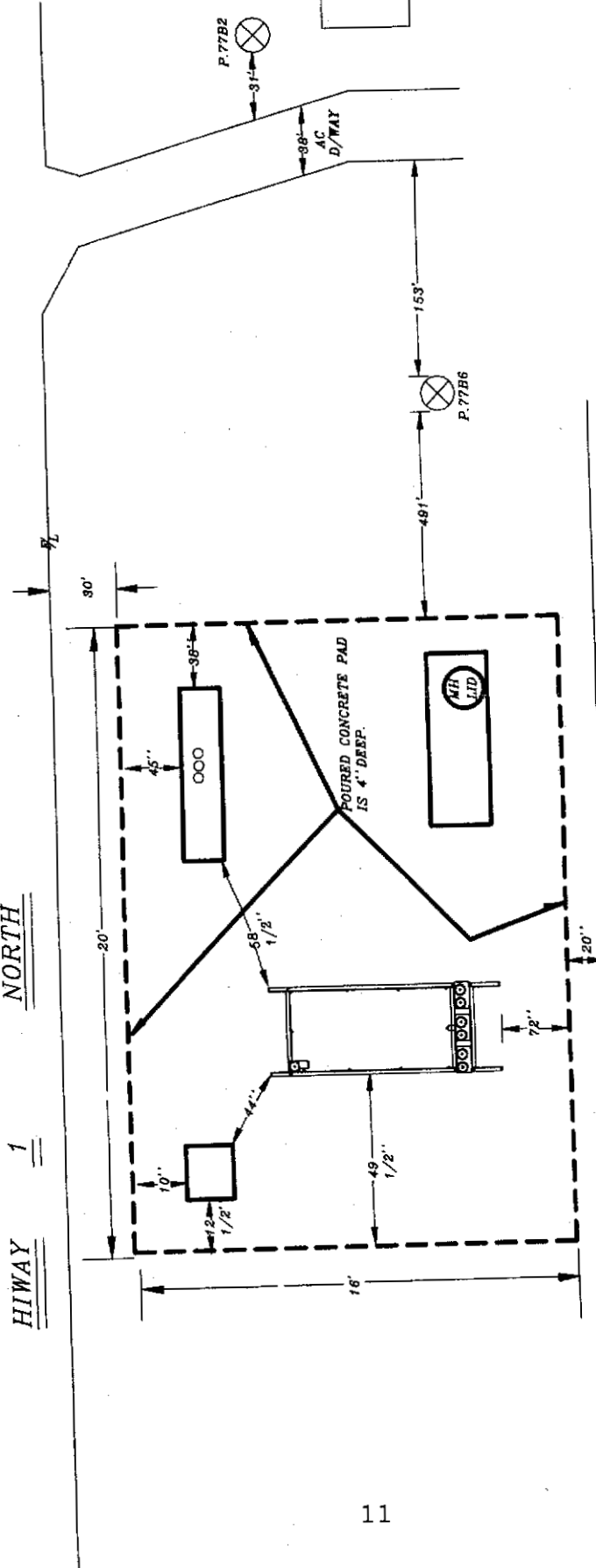
6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding cannot be made, in that the proposed utility enclosure is incompatible with County Code 13.11 (Site, Architectural and Landscape Design Review). County Code 13.11.072(b)(2)(i) (Views) states, "Development shall protect the public viewshed, where possible." Since it is possible to protect the public viewshed by locating the utilities below ground or in a visually superior location, the current proposal is not consistent with this Code section.



DIMERO LN

HIWAY 1 NORTH



2681

P.77B2

P.77B6

38' AC D/WAY

153'

481'

POURED CONCRETE PAD IS 4" DEEP.

MH LID

68' 1/2"

49' 1/2"

16'

11

DATE COMPI	NF84
EDUC	SANTA CRUZ MAIN
ENGR	C.BARRAZA TEL. 728-0160
ENGR INC	YOSDE0580
TYPE OF CONST.	NEW LITESPAN+1800X SAI
PROJECT NO.	NF15682
FIG.	2 OF 2 P-304

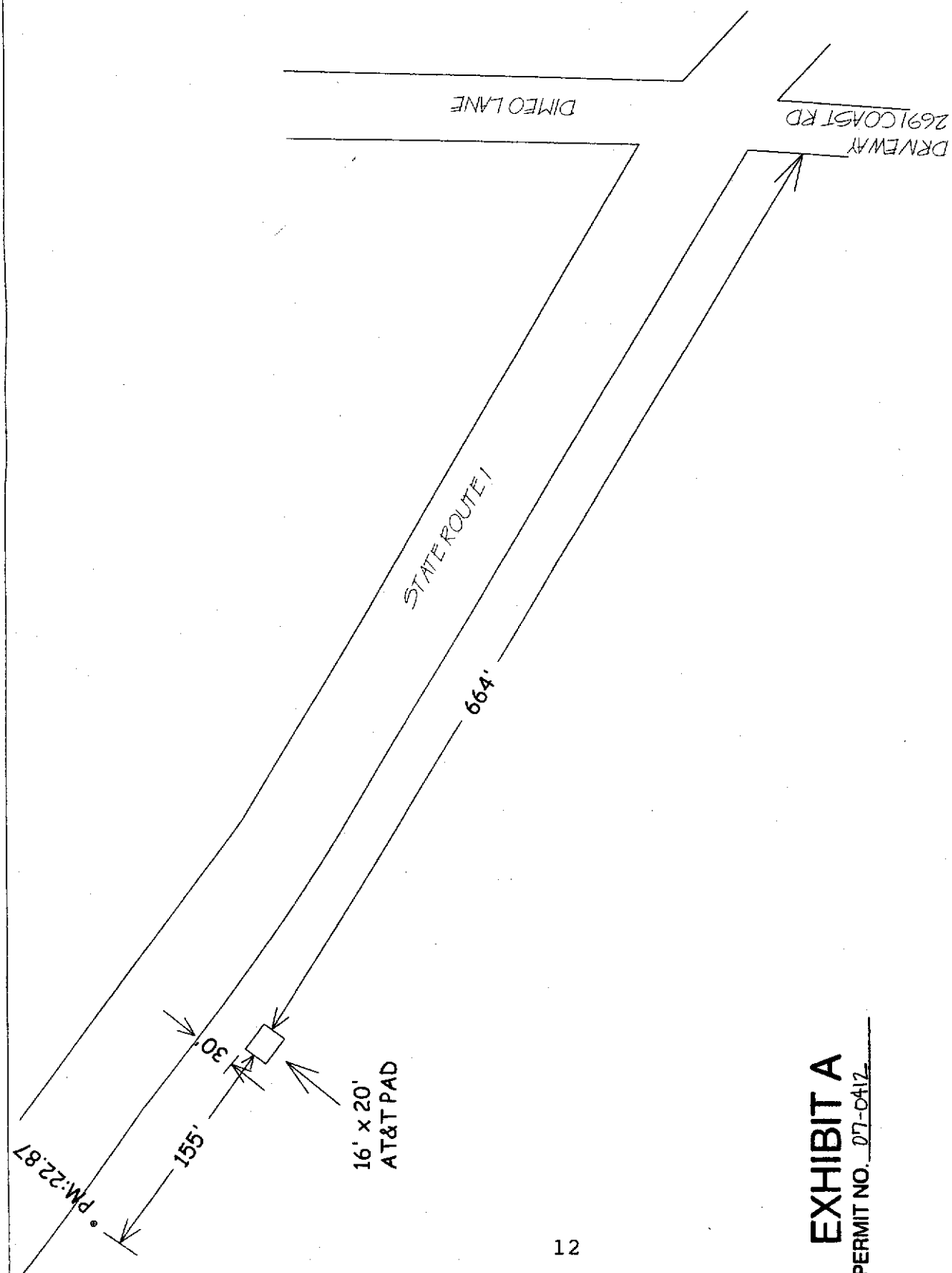


PARCEL-059-131-01  
NEED NEW CONDUIT MAP  
SEGMENT-2632-6406

CAL-TRANS FENCE LINE

EXHIBIT A

PERMIT NO. 07-0412

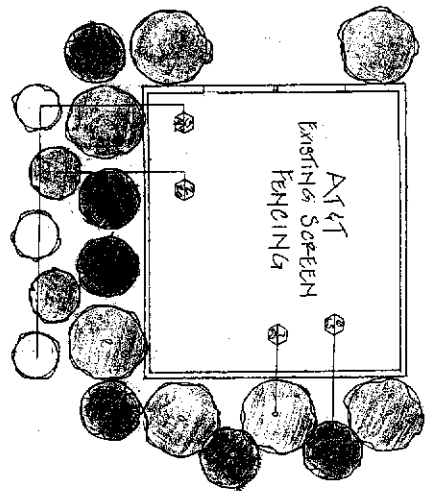


DESIGNER	NFB4	DATE COMPI	
ENGINEER	SANTA CRUZ		
ENGINEER	C. BARRAZA	TEL. 728-0160	
ENGINEER	AND VOSEDOGRO		
TYPE OF DRAWING	SCALE SITE DRAWING		
REVISION NO.			
FIG. 1	OF 2	ISSUE 1	

**EXHIBIT A**  
PERMIT NO. 07-0412

HWY 1

ENCLOSURE  
OFF HWY 1



BOTANICAL NAME	PLANT LIST	COMMON NAME	AMOUNT	SIZE
AN ACUTIA HYBRID		YELLOW VARNOW	3	5 GAL
IS FLODA SCL LOMANA		PRINCELY GUAVA	7	5 GAL
IS LEPIDOPHYLLUM RUBR. ALON		RED WINDY	2	5 GAL
NO KNOXWORTHY INTEREST IN PLANT			2	5 GAL

EXHIBIT A

DATE	10/1/87
TIME	1:00 PM
BY	J.H.
NO.	1



AT&T ENCLOSURE  
HWY. 1  
13 SANTA CRUZ, CA

JUDY HESS  
LANDSCAPE DESIGN  
(408) 683-5064

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## PLANT LIST ATT ENCLOSURE HWY 1

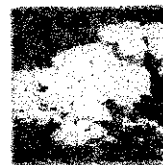
### **ACHILLEA HYBRID      YELLOW YARROW**

*Achillea millefolium* 'Moonshine' is a clump forming yarrow with striking silver-green foliage and flat cluster yellow flowers from June through September. The flowers are very long lasting and are wonderful for cutting and drying. This is a compact variety of Yarrow with a 2' height and spread making it a great plant for front borders. Moonshine needs good drainage and can take poor to moderate soils, but avoid clay and rich soils. *Achillea millefolium* 'Moonshine' is deer and rabbit resistant.

Exposure: Full Sun

Water Requirements: Medium to Low

Great for sunny locations Attracts wildlife into the garden



### **FEIJOA SELLOWIANA PINEAPPLE GUAVA**

Evergreen shrub creates hedge or screen. The egg-shaped leaves are 2-3" long and silvery underneath. The flowers are edible and very attractive.

Exposure: full to part sun, drought tolerant



### **LEPTOSPERMUM RUBY GLOW**

*Leptospermum* 6' shrub rose to red blooms spring and fall  
Drought tolerant, suitable for xeriscaping do not overwater  
Foliage evergreen/burgundy

Exposure: full to part sun, drought tolerant, hardy to 20 degrees, coastal tolerance

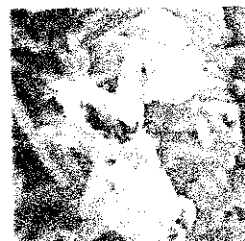


### **ROSMARINUS HUNTINGTON BLUE ROSEMARY**

*Rosemary Huntington Blue*

Evergreen shrub to 3' height, The flowers are pale blue

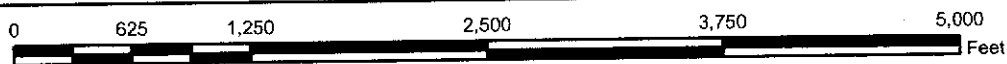
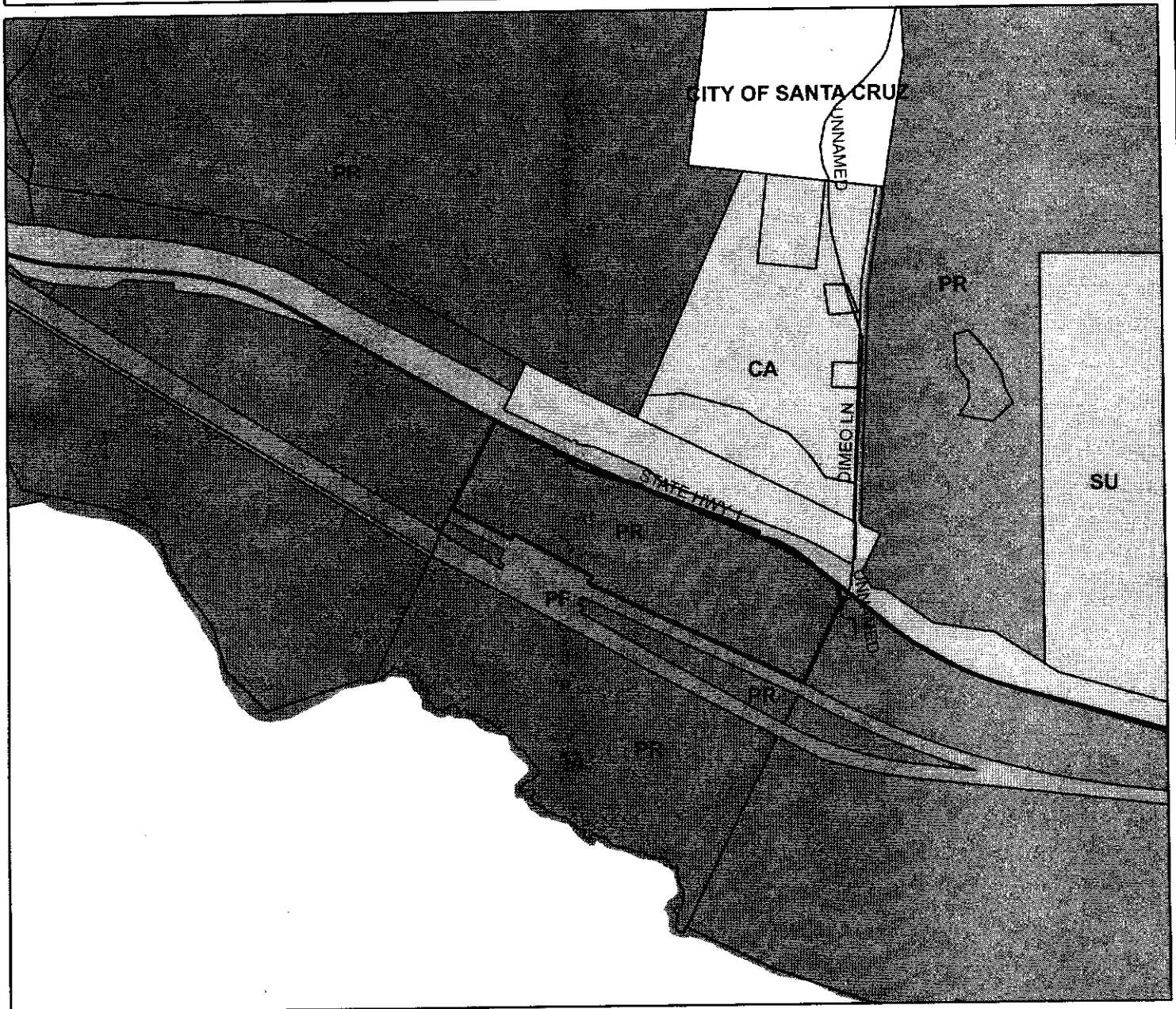
Exposure: full sun, drought tolerant pest resistant  
attracts butterflies, resist deer, coastal tolerance





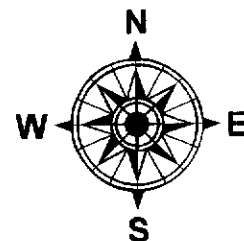


# Zoning Map



## LEGEND

- APN: 059-131-01
- Streets
- Assessors Parcels
- State Highways
- AGRICULTURE COMMERCIAL
- PARK
- PUBLIC FACILITY
- SPECIAL USE



Map created by  
County of Santa Cruz  
Planning Department  
August 2007

**EXHIBIT D**



## INTEROFFICE MEMO

APPLICATION NO: 07-0142

Date: April 23, 2008

To: Annette Olson, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: utility installation on Highway One

Design Review Authority

**13.20.130** The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

**13.20.130** Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Visual Compatibility</b>			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas		✓	
<b>Minimum Site Disturbance</b>			
Grading, earth moving, and removal of major vegetation shall be minimized.			N/A
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.			N/A
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.			N/A
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A

<b>Rural Scenic Resources</b>			
<b>Location of development</b>			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.		✓	
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points		✓	
<b>Site Planning</b>			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)		✓	
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed		✓	
<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A

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

**Project Planner:** Samantha Haschert  
**Application No.:** 07-0412  
**APN:** NO\_APN\_SPEC

**Date:** October 17, 2007  
**Time:** 09:46:07  
**Page:** 1

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**Dpw Road Engineering Completeness Comments**

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

===== REVIEW ON AUGUST 21, 2007 BY ANWARBEG MIRZA =====  
NO COMMENT

**Dpw Road Engineering Miscellaneous Comments**

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

===== REVIEW ON AUGUST 21, 2007 BY ANWARBEG MIRZA =====  
NO COMMENT

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

August 24, 2007

SCr 1-23.0

Ms. Samantha Haschert  
County Santa Cruz  
Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Ms. Haschert:

**COMMENTS ON THE AT&T EQUIPMENT ENCLOSURE PLANNING APPLICATION**

The California Department of Transportation (Department), District 5, Development Review, has reviewed the planning application for the above project and has the following comments.

1. The proposed project is in the State's right of way (R/W) and will require an encroachment permit from the District 5, Permits Office. Please contact Mr. Steve Senet at (805) 549-3206 for more information regarding the encroachment permit process or visit the Department's Website at <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.
2. Please be advised that all work done in the State's R/W will be done to the Department's engineering and environmental standards and at no cost to the State. Furthermore, the conditions of approval and the requirements for obtaining the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements.

Thank you for your consideration and action upon these issues. If you have any questions or concerns, or need further clarification on the items discussed above, please contact me at (805) 549-3099 or e-mail [jennifer.calate@dot.ca.gov](mailto:jennifer.calate@dot.ca.gov).

Sincerely,

JENNIFER CALATÉ  
Associate Transportation Planner  
District 5 Development Review Coordinator

c: Steve Senet (D5)