



Staff Report to the Zoning Administrator

Application Number: **07-0639**

Applicant: Opal Cliffs Recreation District,
David King

Agenda Date: 7/11/08

Owner: Opal Cliffs Recreation District
APN: 033-151-12

Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: This is a proposal to recognize an existing 9-foot high fence within the required front and side yard setback and to attach two new 30-foot long sections of 9-foot high fence along the side property boundaries.

Location: Property located on the south side of Opal Cliff Drive at about 320 feet east of Court Drive (4520 Opal Cliff Drive).

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

Permits Required: Coastal Development Permit, Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0639, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | H. Coastal Permit, Deed Restriction |

Parcel Information

Parcel Size:	12,632.4 square feet (EMIS estimate)
Existing Land Use - Parcel:	Recreational
Existing Land Use - Surrounding:	Residential
Project Access:	Opal Cliff Drive
Planning Area:	Live Oak
Land Use Designation:	O-R (Existing Parks and Recreation)

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Zone District: PR (Recreation and Open Space)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: Coastal bluff, but development sited away from bluff
Soils: N/A
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: X Inside ___ Outside
Water Supply: XX
Sewage Disposal: N/A
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

Opal Cliffs Recreation District (OCD) was established in 1949 by a resolution of the County Board of Supervisors. The OCD is a County agency that owns and operates the park. Due to the OCD's location within the coastal zone, development on the parcel requires both a Development Permit and a Coastal Development Permit. Prior to 1983, the County did not have the authority to process Coastal Development Permits. Applying for development within the coastal zone before 1983 was a two-step process in which an applicant would first obtain any necessary County approvals, after which they would then apply to the Coastal Commission for a Coastal Development Permit.

The Opal Cliffs Recreation District pursued this two-step process in 1980 in an application for an overheight fence. On October 31, 1980, the Zoning Administrator denied a variance application for an eight-foot high fence because of the lack of special circumstances justifying the increased height. The County Code in effect at the time made no provision-- as there is in the current County Code-- for Zoning Administrator approvals of fences higher than six feet. As a result, a variance was required for which the finding of a special circumstance could not be found.

Despite the Zoning Administrator's denial, the OCD applied for a Coastal Development Permit. The Coastal Commission approved the Coastal Permit on April 13, 1981. This approval included a six-foot high fence surrounding the property to control access (see Exhibit H). An "Access Program" was a condition of approval and a deed restriction containing the Access Program was

recorded in November 1991 (see Exhibit H). At some point, the six-foot fence at the front of the property was replaced with a nine-foot high wrought iron fence (see photo, Exhibit A).

Project Setting & Scope of Proposal

The OCRD is located in a residential neighborhood that abuts Monterey Bay. Single-family dwellings are located to the north, west and southwest, and Monterey Bay is to the southeast. The OCRD is accessed via Opal Cliff Drive. Five parking spaces, which are perpendicular to the roadway, face the wrought iron fence which controls access to the facility. The park-like area on the bluff top is approximately one-quarter acre in size. A path through this park area leads to a stairway that provides access to the beach below.

The current proposal is to recognize the existing nine-foot high fence and to add two new 30-foot lengths of nine-foot high fence along the side property lines. These side lengths will extend approximately six feet beyond the fence paralleling Opal Cliff Drive. Since the Coastal Commission previously approved the restricted access, the scope of the current application is limited to evaluating the appropriateness of the overheight fence in this location and not the controlled access the fence provides.

Zoning & General Plan Consistency

The subject property is an approximately 12,632.4 square feet (EMIS estimate), located in the PR (Recreation and Open Space) zone district, a designation which allows recreational uses. The proposed fence is an allowed use within the zone district and the project is consistent with the site's (O-R) Existing Parks and Recreation General Plan designation.

Overheight Fence and Gate

County Code 13.10.525 (Regulations for fences and retaining walls) requires a public hearing before the Zoning Administrator for fences exceeding six feet in height within the required setbacks. In the PR (Recreation and Open Space) zone district, all yards are 30 feet. Because the applicant is proposing to have the existing nine-foot high fence recognized and to extend it along the side yards, a public hearing before the Zoning Administrator is required.

According to David King, the General Manager of the OCRD, the purpose of the fence is two-fold. The first purpose is to control the access to the beach, which is accomplished with a gate requiring a key card for entrance. As noted above, the issue of controlled access was reviewed and approved by the Coastal Commission in 1981, therefore County staff has not evaluated the appropriateness of controlled access as a part of this application.

The second purpose of the fence is to deter trespassing and vandalism. Mr. King has indicated that a nine-foot tall fence, rather than a shorter fence, is necessary because even the six-foot tall fence approved by the Coastal Commission was too short to deter motivated trespassers and vandals (see letter from Mr. King, Exhibit G). The proposed additional three feet in height and the extensions of the fence along the side yards is intended to enhance the deterrent and to allow the fence to perform in the manner intended by the 1981 Coastal Permit (i.e. to control access to the OCRD). According to Mr. King, trespassers have used the adjacent property's side yard fence

as a step to bypass the OCRD fence. The extension of the side yard fence six feet beyond the existing fence will address this vulnerability in the fence's current design.

The fence poses no line of sight issue as it is sufficiently set back from the traveled roadway. It will not conceal persons with illegal intent as it is of an open design. As discussed below, the fence complies with the County design review ordinance.

Local Coastal Program Consistency

As discussed above, the Coastal Commission codified the concept of controlled access to the beach in this location with the Coastal Permit it approved on April 13, 1981. Since the Coastal Commission had permitting authority for Coastal Permits in 1981, it was the Commission's burden to determine whether or not the project was consistent with the Coastal Act. Given this context in which the OCRD has a coastal permit authorizing controlled access via a six-foot fence, County staff did not evaluate the current proposal for its consistency with the Local Coastal Program, finding that the proposed fence is consistent with the intent of the original approval. However, since this fence is different in design from the original approval, County staff did evaluate its consistency with the design criteria for coastal zone development.

Design Review

Because the OCRD is a County agency, all development on the subject parcel is subject to design review (County Code 13.11.(h)). In addition, because it is within the coastal zone, it must comply with the design criteria for coastal zone development. The existing nine-foot tall fence and the proposed additions were reviewed by the County's Urban Designer and found to be compatible with the neighborhood (see Exhibit G).

Although staff typically would not support a nine-foot tall fence in a residential neighborhood, the fence is compatible for the following reasons. First, the fence is of an open design—wrought iron pickets spaced four inches on center—and painted black. The fence's dark color helps it to recede into the background, and the open design allows views into the park which would not be possible with a solid fence. Second, two mature cypress trees, which are approximately 60 feet high, establish a scale that makes the fence appear shorter than its nine-feet (see photo Exhibit A). The viewer's eye is drawn past the fence to these trees, the green of the well-maintained park and to the Monterey Bay beyond. Without the benefit of the trees and view (i.e. if a single-family dwelling were behind the fence instead of a recreation area), the fence would likely appear to be out of scale with the neighborhood. Finally, because the fence facing Opal Cliff Drive is setback about 16 feet from the traveled roadway, the apparent size is further reduced. Given these considerations, the fence's design is considered appropriate for this location.

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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0639**, 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

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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned PR (Recreation and Open Space), a designation which allows recreational uses. The proposed fence is an allowed use within the zone district, consistent with the site's (O-R) Existing Parks and Recreation General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that there are no existing easements or development restrictions. Regarding public access, in 1981 the Coastal Commission issued a coastal permit that allowed the restricted access and a six-foot high fence to enclose the Opal Cliffs Recreation District. As a part of this coastal permit, an "Access Program" was required which was subsequently recorded as a deed restriction. The property appears to be managed in compliance with that access program. The extension of the height of the fence from six to nine feet does not decrease the legal access that is available.

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 can be made, in that the fence and gate were evaluated by the County's Urban Designer for conformance with County Code section 13.20.130 et seq. The project was found to be compatible in that the open design of the fence significantly reduces its impact on the surrounding land uses and its black color makes the fence recede into the background. In addition, because open space rather than a single-family dwelling is located behind the fence, the viewer's eye is drawn to the view of the Monterey Bay beyond. The two mature cypress trees, which are approximately 60 feet in height, establish a scale in which the apparent size of the fence appears shorter than its nine feet. Finally, because the fence facing Opal Cliff Drive is set back from the roadway about 16 feet, its impact on pedestrian, bikers and motorists is reduced.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that in 1981 the Coastal Commission issued a coastal permit which allowed the restricted access and a six-foot high fence to enclose the Opal Cliffs Recreation District. As a part of this coastal permit, an "Access Program" was required which was subsequently recorded as a deed restriction. Because the Coastal Commission was the entity that at the time evaluated coastal zone projects' conformance with the Coastal Act and it approved

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the restricted access, County staff has not evaluated the appropriateness of this aspect of the fence.

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

This finding can be made, in that in 1981 the Coastal Commission issued a coastal permit that allowed the restricted access and a six-foot high fence to enclose the Opal Cliffs Recreation District. As a part of this coastal permit, an "Access Program" was required which was subsequently recorded as a deed restriction and the increase in height does decrease public access or change it relative to what the Coastal Commission approved in 1981.

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 nine-foot high fence along Opal Cliff Drive will allow adequate sight distance for vehicles entering and exiting the Opal Cliffs Recreation District parking area in a safe manner, in that the fence is of an open design and will not obstruct the view of drivers.

Given the location of the fence on the property and its open design, the fence will not 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.

The design and location of the fence will not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that the fence will be of an open design which will allow the passage of light and air.

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 fence and the conditions under which it would be operated or maintained will be consistent with the purpose of the PR (Recreation and Open Space) zone district in that the primary use of the property will be recreational. A fence is an ancillary use in the zone district. Specific regulations for fencing and walls 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.
- The fence will be set back from the street and allow adequate light and air to pass through to the street area.
- 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 location and design of the fence is compatible with the surrounding

neighborhood for the following reasons. Its size is mitigated by the distance it is set back from the traveled roadway. In addition, the size of the mature cypress trees, which are approximately 60 feet in height, establishes a scale which reduces the apparent size of the fence. Finally, because the fence is of an open design and painted black, the viewer's eye is drawn to the cypress trees, the green park area and the Monterey Bay beyond. Therefore, the impact of the fence is mitigated by its design and setting, and it is compatible with the surrounding neighborhood.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed fence is set back from the road and allows adequate sight distance consistent with road standards specified in the General Plan. The project is located in the O-R (Existing Parks and Recreation) land use designation.

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 fence will not utilize a significant amount of electricity or utilities and will not generate any additional traffic on the streets in the vicinity, in 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 fence will be compatible with the visual character of the neighborhood due to its design, and location. The fence is painted black and is of an open design which allows views into the OCRD and reduces the visual impact of the fence on surrounding properties and traffic along Opal Cliff Drive. The existing fence has been in place for approximately 20 years with no complaints reported to the Planning Department. The proposed fence does not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Conditions of Approval

Exhibit A: 2 Sheets by Bridgette Land Surveying: Existing conditions dated 5/9/08 and proposed dated 1/11/06.

- I. This permit authorizes the recognition of the existing nine-foot high fence and gate and the construction of a nine-foot high fence along the side property lines as shown in Exhibit A. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- II. All construction shall be performed according to the approved plan.
 - A. No additions to the fence as shown in Exhibit A may be made, including razor or barbed wire.
 - B. The existing and proposed fence extensions must be constructed entirely on the Opal Cliffs Recreation District property. Should questions about the fence's location arise in the future, the OCRD will be responsible for providing a survey to document the fence's location. If the fence is found to be located on an adjacent property, it will be the OCRD's responsibility to remove the portion found to be on the adjacent property and mitigate any impacts of the fence removal.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- III. Operational Conditions
 - A. No additions to the fence as shown in Exhibit A may be made, including razor or barbed wire.
 - B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- IV. 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.

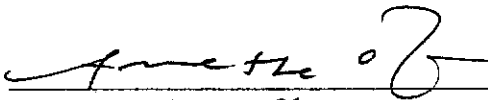
Please note: This permit expires two years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

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: 07-0639

Assessor Parcel Number: 033-151-12

Project Location: 4520 Opal Cliff Dr., Santa Cruz

Project Description: This is a proposal to recognize an existing 9-foot high fence within the required front and side yard setback and to attach two new 30-foot long sections of 9-foot high fence along the side property boundaries.

Person or Agency Proposing Project: Opal Cliffs Recreation District, David King

Contact Phone Number: (831) 476-4302

- 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. X **Categorical Exemption**

Specify type: Class 3 – New Construction or Conversion of Small Structures (Section 15301)

F. **Reasons why the project is exempt:**

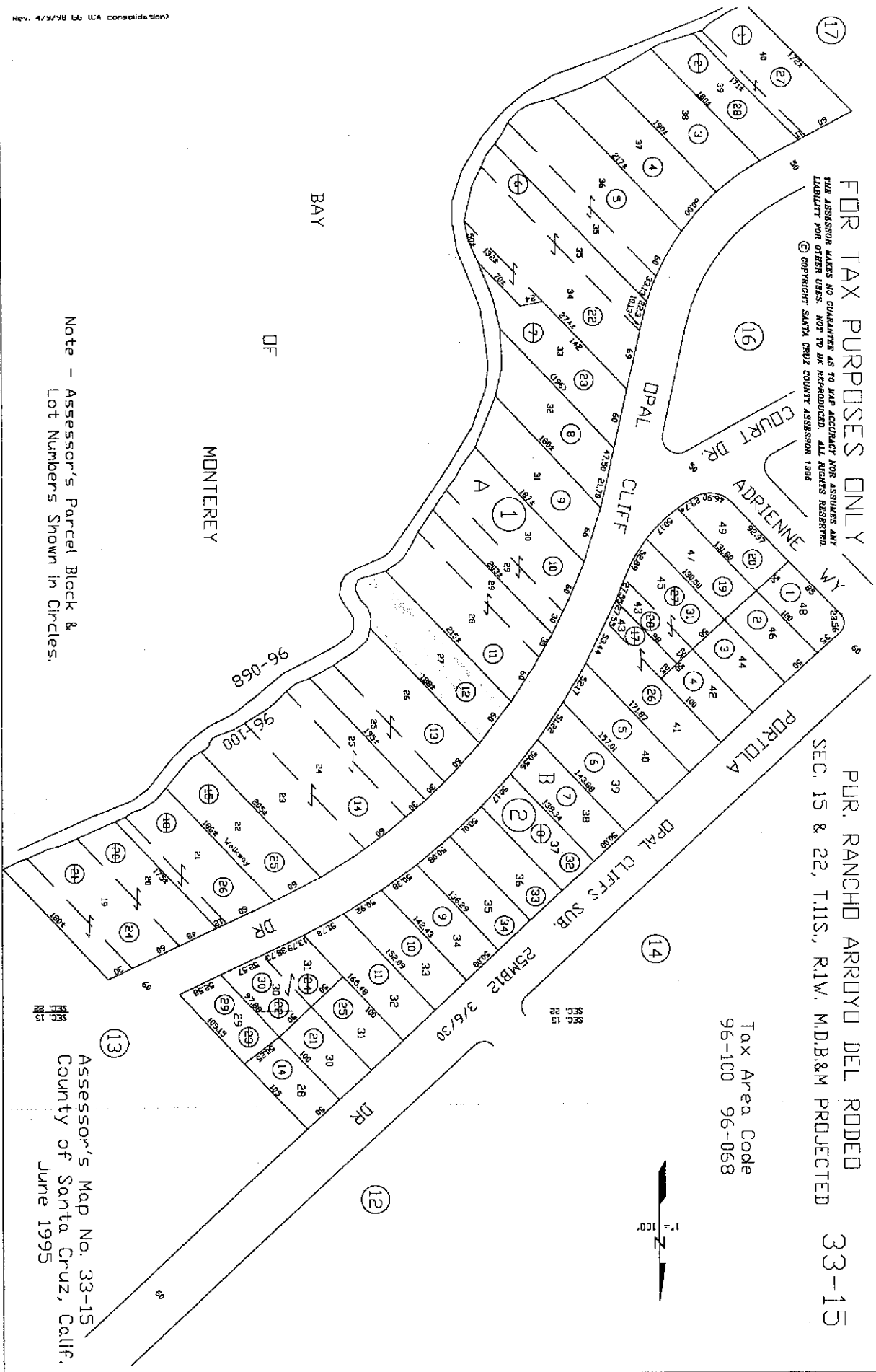
Construction of a fence, an accessory structure, at an existing recreation facility.

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

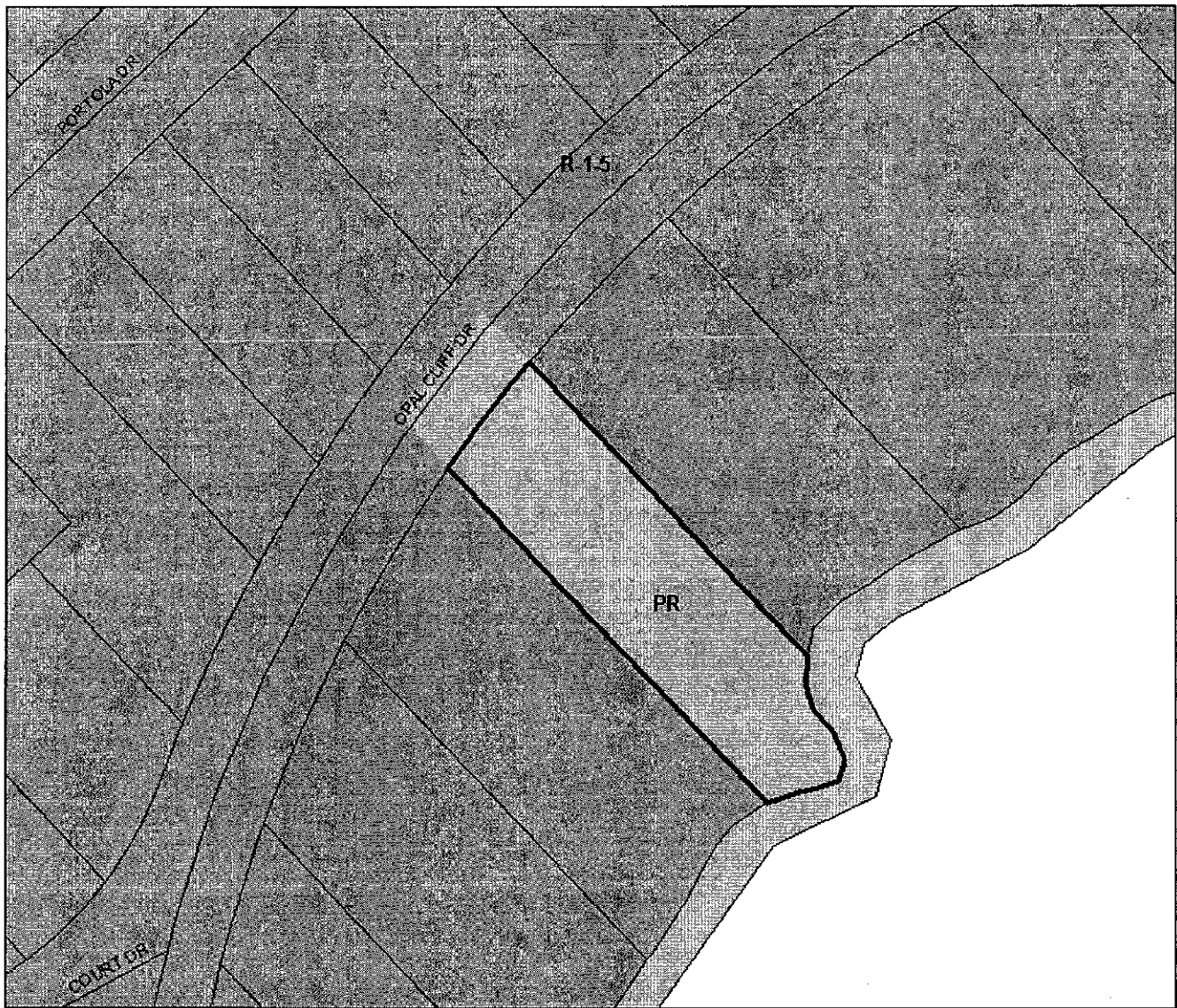


Annette Olson, Project Planner

Date: 6/4/08









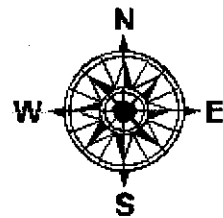
Zoning Map



0 62.5 125 250 375 500 Feet

LEGEND

-  APN: 033-151-12
-  Assessors Parcels
-  Streets
-  County Boundary
-  PARK
-  RESIDENTIAL-SINGLE FAMILY



Map created by
County of Santa Cruz
Planning Department
August 2007

INTEROFFICE MEMO

APPLICATION NO: 07-0369

Date: April 30, 2008

To: Annette Olson, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New fence at Opal Cliff Neighborhood Park, Santa Cruz

COMPLETENESS ITEMS

none

COMPLIANCE ISSUESDesign 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
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
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.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		

Ridgeline Development			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
Landscaping			
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
Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
Site Planning			
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)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
Building design			
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			N/A

repeat or harmonize with those in the cluster			
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set	✓		

back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Design Review Standards**13.11.072 Site design.**

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship	✓		
Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		

Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

PERMIT CONDITIONS / ADDITIONAL INFORMATION

none

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

DATE: November 8, 2007
TO: Annette Olson, Planning Department, Project Planner
FROM: Melissa Allen, Redevelopment Agency Project Manager
SUBJECT: Application #07-0639, APN 033-151-12, 4520 Opal Cliff Drive, Live Oak

The applicant is proposing to recognize an existing 9 foot high fence within the required 30 foot front and side yards and to attach two new 30 foot sections of 9 foot fence along the side property boundaries to within 18 feet 3 inches from the edge of the right of way for Opal Cliffs Drive. The project requires a Development Permit for a fence of over 6 feet in height within the required Front and Side yards. The property is located on the South side of Opal Cliffs Drive (4250 Opal Cliffs Drive), at about 320 feet East of Court Drive at Opal Cliff Neighborhood Park.

The Redevelopment Agency (RDA) does not have any specific comments regarding the proposed project. RDA does not need to see future routings on this project. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

cc: Paul Rodrigues, RDA Capital Projects Manager
Betsey Lynberg, RDA Administrator
Jan Beautz, District Supervisor



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: February 26, 2008
To: Opal Cliffs Recreation District
Applicant: same
From: Tom Wiley
Subject: 07-0639
Address: 4520 Opal Cliffs Dr.
APN: 033-151-12
OCC: 3315112
Permit: 20080060

Based upon a review of the plans submitted, District requirements appear to have been met, and **PLANS ARE APPROVED FOR PERMIT.**

The job copies of the building and fire system plans and permits must be on-site during inspection.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. INVOICE MAILED TO APPLICANT. Other fees may be incurred. Please contact the Fire Prevention Secretary for total fees due for your project. Fire District fees must be paid and a receipt for District fees must be presented to the County Planning Department before Building Permit issuance.

Upon completion of the above listed requirements please call the Fire Prevention Division to set up an appointment for an inspection. You will be asked for an address and Assessors Parcel Number (APN). A **MINIMUM OF 48 HOURS NOTICE** to the fire department is required prior to inspection.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
3315112-022608

Serving the communities of Capitola, Live Oak, and Soquel

C O U N T Y O F S A N T A C R U Z
Discretionary Application Comments

Project Planner: Annette Olson
Application No.: 07-0639
APN: 033-151-12

Date: May 30, 2008
Time: 10:03:18
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON NOVEMBER 7, 2007 BY JESSICA L DEGRASSI =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 7, 2007 BY JESSICA L DEGRASSI =====
NO COMMENT

Dpw Road Engineering Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY
===== REVIEW ON NOVEMBER 7, 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 NOVEMBER 7, 2007 BY ANWARBEG MIRZA =====
NO COMMENT

Opal Cliffs Recreational District

1840 41st Ave., PO Box 304 · Capitola, CA 95010

February 4, 2008

Regarding application # 07-0639

APN: 033-151-12

Regarding: Rationale for 9' Fence

I would first like to encourage you and any of your staff to visit the site at Opal Cliffs. As always personally understanding the facility and how it serves the Community first hand should be beneficial to your agency.

The History of the OCRD is it was created on January 24th 1949 by a Resolution of the Santa Cruz County Board of Supervisors. The "facility" consists of a gated park like area and Beach Access stairway. The OCRD is a County Agency, which owns and operates the Park District property.

The OCRD's only way to generate revenue for Park improvements, maintenance, insurance, utilities, etc., is through key card sales.

The existing fence and gate is 9' tall and has been there for close to 20 years but apparently was installed without a permit. The intent of this application is to have the fence/gate recognized and have it comply with all codes. In addition we want to extend the existing fence into the Park several feet and towards the street within our setbacks to try to eliminate people from jumping over the top where it meets up with the adjacent properties and there 6 foot fence.

The fence and gate serve several purposes.

(1) It provides us with our only form of revenue through key card sales.

It costs money to maintain the beach access. The sales of keys allow us to pay for garbage, water, and the maintenance of the grounds and stairwell, (vandalism frequently occurs to the stairwell itself).

The Key money also allows us to pay for liability insurance, mandated audits, etc.

(2) Safety and Deterrent against Vandalism & Vagrants.

The gate prevents small children from obtaining access to the steep stairwell and deters vagrants from using our neighborhood Park as a Home.

The Park at times attracts people who are dependent on drugs and alcohol.

Equal Access is guaranteed to the Public by the fact we have keys available to the Public at a business in our District (Freeline Design Surf Shop). We advertise the fact that the keys are for sale by posting a large sign on the fence, explaining where to get them.

In the past users of the OCRD that have not paid for a Key Card, simply wait for someone to open the gate and then enter, jump the gate and fence in the corners, or jam the mechanism so that the gate will not function properly

There is no reason why the public should buy a Key Card if the gate is broken, left open, or they can jump over the top without paying. The only way for there to be revenue

Opal Cliffs Recreational District

1840 41st Ave., PO Box 304 - Capitola, CA 95010

generated for services rendered and maintenance costs is to have a security guard present during peak hours to insure users have paid for services the Park provides.

To have a 6' fence would completely eliminate our only source of revenue by eliminating the need to buy a Key Card. It is too easy to simply jump over a six foot fence.

The OCRD Board of Directors and the users of the Park have used the Park for several decades and many people have volunteered countless hours to make this a very special place for all to use. In the event the Public does not have to pay for services the Park provides by purchasing Key Cards the system will not work.

I personally have called the Sheriff's Department several times to report tagging, drinking, drugs, and bottle throwing and after 2 hours got no response. The Park is not in Capitola and the County doesn't patrol regularly enough to have an impact on the Park. Again without the fence staying at 9' it simply will not work.

Regards,



David King
(General Manager for OCRD)

STAFF REPORT (CONSENT AGENDA)

APP. NO. P-80-393

FILED: 11/24/80

49th DAY: 1/5/81

I. APPLICATION SUMMARY

DATES HEARD: 1/5, 1/26/81

Applicant: Opal Cliffs Recreation District
4130 Opal Cliffs Drive, Santa Cruz

REVISED: 4/8/81 SCHEDULED: 4/13/81

Work Proposed:

Replace and raise fences around accessway.

ADOPTED

Location of Project: 4520 Opal Cliffs Drive

Live Oak area

Santa Cruz County, APN 33-151-27

Approvals Received (type/date): CCR-15-(11/12/80)

Project Data:

+11,280
parcel size-
proposed coverage6' high fence
height of structureR-1-6
current zoning-
proposed densityOther: Existing fences are 5-6' chain link with gate on street frontage and 3-5'
wood on sides.

Attachments: Location Map, Site Plan,

I. STAFF EVALUATION

Site Characteristics: Relatively level lot between existing SFDs, with several trees, providing access path to beach stairway. Existing fences in fair to poor condition; street frontage fencing is in especially poor condition.

Surrounding Land Use: SFD residential area.

POLICY CONFORMANCE NOTES

Public Access (30210-30213): Presently provides restricted public access; applicant is a public recreation district. See comments.

Recreation (30220-30224): See comments.

Marine Environment (30230-30236): See comments.

Land Resources (30240-30244): Not an agricultural area. Proposed development will not significantly affect sensitive habitat areas.

Development (30250-30254): Site is in developed urban area. Bluff development concern; see comments.

Industrial Development (30260-30264): N/A

Bluff-Top Development

The project as applied for will result in development (fence construction) within the "area of demonstration" for geologic stability. The fence does not appear likely, however, to impair the stability of the cliff forming the seaward edge of the site, and no additional impervious surfaces are proposed. Existing paved areas are provided with drainage facilities intended to minimize erosion.

III. RECOMMENDATION

Approval: Find consistency with Chapter III, that the development will not prejudice an LCP, that the development has no significant adverse environmental effects as proposed or as conditioned: (Between shoreline and first public road, note comments on front page under Public Access and Recreation.)

CONDITIONS

ACCESS
PROGRAM

1. PRIOR TO ISSUANCE of this permit, permittee shall submit, for review and approval by the Executive Director, an access program which shall provide for public access and posting of the site as notification of such access. The program shall be recorded as a covenant running with the land, free of all encumbrances other than tax liens, or shall be guaranteed by such other means as may be acceptable to the Executive Director.

PRESCRIPTIVE
RIGHTS

2. Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement.

3. Safety Review

Prior to commencement of construction, permittee shall present evidence in writing to the Executive Director that all public safety agencies with jurisdiction in the surrounding area (including the Capitola Fire Dept.) and the Santa Cruz County Office of Emergency Services have been conferred with, and that the proposed development is acceptable to those agencies.

NB/cleb
Staff

4/10/81
Date

- 27 -

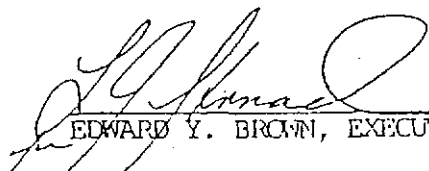

EDWARD Y. BROWN, EXECUTIVE DIRECTOR

EXHIBIT H :

RECORDED

91 NOV 22 PM 1 30

SANTA CRUZ
COUNTY RECORDER

RECORDING REQUESTED BY AND RETURN TO:
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

- NO FEE

DEED RESTRICTION

I. WHEREAS, Opal Cliff Recreation District, hereinafter referred to as the "Owner", is the record owner of the following real property:

BEING Lot 27, Block A, as the same is shown and designated on that certain map entitled, "Opal Cliffs". Santa Cruz County, California. Being Part of Rancho Arroyo del Rodeo, Subdivided by K. B. McGeoghegan, 1928. Surveyed in 1928 by Arnold M. Baldwin and Fred T. Hale, Licensed Land Surveyors," filed for record in the office of the County Recorder on March 6, 1930, in Map Book 25, page 12, Santa Cruz County Records.

hereinafter referred to as the "Property;" and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission," is acting on behalf of the People of the State of California; and

III. WHEREAS, the subject property is located within the coastal zone as defined in paragraph 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976," (the Act); and

IV. WHEREAS, pursuant to the Act, the Owner applied to the Commission for a coastal development permit on the Property described above; and

V. WHEREAS, COASTAL DEVELOPMENT PERMIT NUMBER #P-80-393, hereinafter referred to as the "Permit," was granted on April 13, 1981, by the Commission in accordance with the provision of the Staff Recommendation and Findings, attached hereto as EXHIBIT A and herein incorporated by reference; and

VI. WHEREAS, the Permit was subject to the terms and conditions including, but not limited to, the following condition:

PRIOR TO ISSUANCE of permit, permittee shall submit, for review and approval by the Executive Director, an access program which shall provide for public access and posting of the site as notification of such access. The program shall be recorded as a covenant running with the land, free of all encumbrances other than tax liens; or shall be guaranteed by such other means as may be acceptable to the Executive Director.

VII. WHEREAS, the Commission found that but for the imposition of the above condition the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that permit could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the conditions imposed by the Permit and execute this Deed Restriction so as to enable Owner to undertake the development authorized by the Permit.

- a) That Opal Cliffs Recreation District maintains a public park and beach access.
- b) The Annual fee, to obtain a key for access, will be printed on the sign.
- c) Where the keys can be purchased, along with a map.
- d) Park hours of operations
- e) How the board members can be contacted.

2. DURATION. Said Deed Restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof remains effective, and during the period that the development authorized by the Permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and shall bind Owner and all his/her assigns or successors in interest.

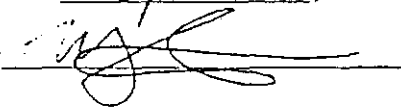
3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, paragraph 8, of the California Constitution; and b) paragraph 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of paragraph 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. RIGHT OF ENTRY. The commission or its agent may enter onto the Property at times reasonable acceptable to the Owner to ascertain whether the use restrictions set forth above are being observe.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Owner whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of the Deed Restriction will be deemed a violation and breach hereof. The Commission and the Owner may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Date: 10/28/91, 1991

Signed: 

Mark Estess, Chairman of the Board
Opal Cliff Recreation District

* * NOTARY ACKNOWLEDGEMENT ON THE NEXT PAGE * *