

MEMORANDUM

Date: 11/21/08
To: Don Bussey, Zoning Administrator
From: Samantha Haschert, Project Planner
Re: 07-0237; APN 068-161-22

Agenda Date: Nov. 21, 2008
Agenda Item #: 2
Time: After 10:00 a.m.

This item was originally brought before the Zoning Administrator on November 2, 2007. The item was continued based on the need for additional information regarding the need to recognize existing, overheight, un-permitted fencing located within the street side yard.

Zoning

The subject parcel is located in an R-1-2AC zone district and is approximately 3 acres (136,489 square feet); therefore, the following site standards apply:

Front Yard: 40'
Side Yards: 20' & 20'
Rear Yard: 20'

Existing Fencing

The upper portions of the subject parcel are accessed by two private driveways off of Beel Drive (private road, 50' right of way) and are vacant with the exception of two small sheds. There are two 5-6 foot redwood fences located along both sides of the southern driveway and there is a 4 foot maximum height, three rail fence located along Beel Drive. Both fences in question are located within the required 20 foot street yard setback and are over three feet in height, which requires a Residential Development Permit.

Typically, fencing or other structures that are located adjacent to a roadway on the inside edge of a corner would conflict with vehicular site distance because vehicles traveling along the roadway are not able to foresee oncoming or stopped traffic around the corner. Although the existing fencing is located on a hairpin turn, the fencing does not impact vehicular site distance in that it is located along the outside edge of the corner; therefore, the roadway is still visible around the corner. In addition, one of the fences along the roadway is 4 feet tall and is a three rail fence that is open in design and the other two 6 foot maximum height fences are located perpendicular to the roadway; therefore, the existing fencing does not wall in the roadway and allows light and air to pass through to the road.

Staff Report Revisions/Additions

Staff has revised the previous staff report to recognize the existing fencing on site and to include findings for approval of the fencing and associated conditions of approval regarding maintenance and operation of the fencing. These pages are attached for you to review.

Staff Recommendation

As requested, the existing overheight fencing on the subject property has been included in staff's review of the proposed project and the project is again before you with a staff recommendation for approval of application number 07-0237 based on the revised conditions and findings and certification that the project is exempt from further environmental review under the California Environmental Quality Act.



Staff Report to the Zoning Administrator

Application Number: **07-0237**

Applicant: Mark Pursell Jr.
Owner: Judy Vierra
APN: 068-161-22

Agenda Date: November 2, 2007
Agenda Item #:
Time: After 10:00 a.m.

Project Description: Proposal to construct a retaining wall up to 8-feet in height within a private right of way *and to recognize two fences within the street yard setback*. Requires a Residential Development Permit to exceed the maximum 3-foot height limit, Geotechnical Report Review, Archaeological Site Review, and Preliminary Grading Approval.

Location: Property located on the east and west sides of Old Ranch Road approximately 500-feet from the intersection of Beel Drive and Glen Canyon Road (120 Old Ranch Road).

Supervisory District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0237, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|-----------------------------|----|--------------------------------------|
| A. | Project plans | G. | Geotechnical Plan Review Letter, |
| B. | Findings | | 1/10/2007, Bauldry Engineering, Inc. |
| C. | Conditions | H. | Archaeological Reconnaissance |
| D. | Categorical Exemption (CEQA | | Survey, 7/19/07 |
| | determination) | I. | Comments & Correspondence |
| E. | Assessor's parcel map | | |
| F. | Zoning map | | |

Parcel Information

Parcel Size:	136,489 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Old Ranch Road, private road

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

In 1977, an application for a Variance (76-1565-V) and an application for a Minor Land Division (76-1075-MLD) were withdrawn by the applicant. The property owner was requesting to reduce the minimum parcel size from 2 acres to 1½ acres in order to facilitate a boundary adjustment for two 1½ acre parcels.

In addition, there have been several building permits issued at the site to repair earthquake and storm damage and to facilitate a new roof.

Project Setting

The subject parcel is approximately 3 acres and is developed with a single family residence, which is the primary use on the lot. The parcel is zoned Single Family Residential – 2 acres minimum (R-1-2AC). *There is a steep hill in the middle of the parcel that breaks the lot into three levels. The upper level is approximately 80 feet above Old Ranch Road and the middle level is approximately 30 feet above Old Ranch Road.*

There are three existing roads that are adjacent to or run through the subject parcel: Beel Road, which is a private road with a 50-foot right of way, cuts through the south west corner of the property; Glen Canyon Road, which is a public road with a 50-foot right of way, runs along the east property line; and Old Ranch Road, a private road with a 50-foot right of way which accesses the subject property, runs north-south and bisects the parcel. The existing single family residence is located to the east of Old Ranch Road while the site of the proposed retaining wall is located on the west side of Old Ranch Road. In addition, Glen Canyon stream runs north-south through the property and is located east of the existing single family residence; therefore, the proposed project will not impact the riparian area.

The topography of the parcel at the site of the proposed retaining wall is a steep upwards slope which is in excess of 30% in some areas with flat intermediate bench areas towards the top and middle of the slope.

In addition, there are two existing fences on the upper portions of the property that are over 3 feet in height and located within the 20' street yard setback. There are two 5-6 foot high solid board redwood fences located on either side of an existing private driveway and a 4 foot high three rail fence located along Beel Drive on the outside of the hairpin turn.

Properties to the north, south and west are zoned R-1-2AC (Single Family Residential – 2 acres minimum). Properties to the east across Glen Canyon Road are zoned R-1-2AC and RA (Residential Agriculture). All surrounding parcels are developed with single family residences at rural densities.

Project Description

The applicant is proposing *to recognize the two existing overheight fences and to construct an 8-foot tall retaining wall with steel soldier piles and wood lagging. The retaining wall is proposed for construction along the west side of Old Ranch Road within the private right of way at the toe of the existing slope. The retaining wall will be approximately 115-feet in length and will be backfilled with approximately 160 cubic yards of earth.*

The existing 50-foot Old Ranch Road right of way extends about 20-feet from the west edge of

the roadway at its furthest point, which is well past the existing toe of the slope. The proposed retaining wall will be located approximately 5-feet from the edge of the roadway at its closest point.

Project Analysis

Because the proposed retaining wall will be located at the existing toe of the slope and the existing slope is located within the right of way, there is already no shoulder in this location; therefore, the proposed retaining wall will not reduce the road area from what currently exists. In addition, the existing road bends slightly and the proposed retaining wall will be located on the outside edge of the curve which will not impact vehicular sight distance.

The proposed retaining wall will be located within the Old Ranch Road private right of way; therefore, as a condition of approval, the property owner will be responsible for all costs associated with moving the retaining wall in the event that future improvements by a private party having legal access to the right of way conflict with the location of the retaining wall as approved in this discretionary permit.

A geotechnical review was completed by Environmental Planning for the proposed construction. Site soils were classified as moderate to highly erodible and several shallow slope failures were identified above Old Ranch Road on the subject hillside. The proposed retaining wall will mitigate the potential for further shallow slope instability and will therefore increase public health and safety for cars traveling along the roadway and for the existing single family residence located across Old Ranch Road.

The site of the existing five - six foot high redwood fences and three foot high three rail fence are located on a single property which is located on the east side of Beel Drive. The redwood fences are six feet maximum in height and are located perpendicular to the roadway. The four foot high three rail fence is located along the west property line for a length of approximately 85-feet. The fences are intended to provide a visual barrier around the hairpin corner and to screen the property from the street and adjacent residences.

The fencing does not result in problems related to vehicular sight distance. Pedestrians and vehicles traveling along Beel Drive are able to see other vehicles and make turns onto and off of the subject property in a safe manner.

Zoning & General Plan Consistency

The subject property is a 136,489 square foot lot, located in the R-1-2AC (Single Family Residential - 2 acres minimum) zone district, a designation which allows residential uses. The proposed retaining wall is typical ancillary use to the existing single family residence which is a principal permitted use within the zone district. In addition, the project is consistent with the site's (R-R) Rural Residential General Plan designation.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of

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 eight foot high retaining wall along Old Ranch Road will allow for adequate sight distance for vehicles to travel along the roadway in a safe manner. In addition, there is an existing failing hillside in the location of the proposed retaining wall; therefore the proposed retaining wall will increase the safety and welfare of the general public.

The location of the retaining wall *and fences* on the property and the designs of the retaining wall *and fences* do not contain any corners or pockets that would conceal persons with criminal intent.

The designs of the retaining wall *and fences* will not utilize an excessive quantity of materials or energy in its construction or maintenance, in that *walls and fencing* are relatively insignificant structures that are accessory to the residential use allowed on the property *and because the fences are already constructed*.

The designs and locations of the *walls and fences* will not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that there are no neighboring residences in the vicinity of the retaining wall *and because one of the fences runs perpendicular to the street and the other is a three rail fence; therefore, the fences do not create a walled effect on the street and allow the movement of light and air to Beel Drive*.

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 retaining wall *and the locations of the existing fences* and the conditions under which *they will* be operated or maintained will be consistent with the purpose of the R-1-2AC (Single Family Residential – 2 acre minimum) zone district in that the primary use of the property will be residential, and *walls and fences are* normal ancillary uses in the zone district. Specific regulations for fencing and retaining walls are contained in section 13.10.525. This proposal complies with the requirements and intents of that section, in that:

- The retaining wall will be situated within the private right of way in a manner that allows adequate sight distance for vehicles traveling along the roadway as well as entering and exiting the existing driveway on the property in that the retaining wall is set back from the traveled roadway and the toe of the slope is already located close to the edge of the roadway.

- *The existing fences are located along Beel Drive on the outside of the corner; therefore they do not impact vehicular sight distance around the corner or block sight distance for vehicles entering or exiting the property.*
 - *The retaining wall will be set back an adequate distance from the street and allow adequate light and air to pass through to the street area. The existing four foot fence located along Beel Drive is a three rail fence that allows for light and air to pass through to the street area. In addition, the 6 foot maximum height redwood fences are oriented perpendicularly to the street and therefore do not wall in or shade the street.*
 - *The location of the retaining wall and fences on the property and the designs of the retaining wall and fences do not contain any corners or pockets that would conceal persons with criminal intent.*
 - *The location and design of the retaining wall and fences will and are compatible with the visual rural character of 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 retaining wall *and existing fences* are set back from the road and allow adequate sight distance. The project complies with all requirements of Chapter 6: Public Safety and Noise in the County General Plan in that the retaining wall will be providing a mitigation measure for slope stability and the applicant shall be required to submit grading, drainage, and erosion control plans for approval prior to building permit issuance. The project is located in the R-R (Rural Residential) land use designation.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed retaining wall *and existing fences* 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 there are no electric gates or other utility driven features proposed, *the fences are already constructed*, and *walls and fences* are not uses that generate or intensify 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 retaining wall *and existing fences* will be *and are* compatible with the visual *rural* character of the neighborhood and with the natural surrounding environment. The *retaining wall and fences* do not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Conditions of Approval

Exhibit A: Project plans, 3 sheets, prepared by Bowman & Williams, dated November 2006.

- I. This permit authorizes the construction of an 8-foot tall retaining wall *and to recognize a four foot fence and two 6 foot maximum height fences within the street yard setback.* Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
 2. The revision dates shall be included/updated on all plan pages.
 3. Grading, drainage, and erosion control plans.
 - a. Plans shall clearly show how drainage is captured and directed to the catch basins shown on the intermediate bench. (Environmental Planning)

- b. Show the locations of the subdrain outlines on the plans (DPW Drainage)
 - c. Provide a detail for the proposed earth swale below the proposed retaining wall and above Old Ranch Road (DPW Drainage)
 - d. Specify on the plans who will be responsible for maintaining the proposed drainage facilities (swales, pipes, outlets, etc.) (DPW Drainage)
- 4. Exterior retaining wall materials shall be left natural (unfinished and unpainted), or be stained/painted a muted natural earth tone.
 - 5. The retaining wall, posts and any post caps or other ornaments may not exceed 8-feet in height from existing or finish grade, whichever is the greater dimension.
 - 6. *The existing redwood fences, posts, and any post caps or other ornaments may not exceed six feet in height from existing or finish grade, whichever is the greater dimension.*
 - 7. *The existing three rail fence, posts, and any post caps or other ornaments may not exceed four feet in height from existing or finish grade, whichever is the greater dimension.*
 - 8. The retaining wall shall be located no closer than 5-feet from the edge of the existing roadway (Old Ranch Road).
 - 9. Maintain a five foot setback from wall posts and/or piers to septic leach-field(s).
 - 10. Compliance with fire department requirements must be met, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District.
 - D. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - E. Meet all requirements of and pay all required drainage fees to the County Department of Public Works, Drainage.
 - F. Provide a geotechnical review letter approving of the final dated drainage plan. The letter should state that the proposed outlet location should not cause any

erosion or stability problems or impact the water line directly downstream of the outlet.

- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic 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.

IV. Operational Conditions

- A. In the event that future improvements by a private party having legal right to use this right of way for access conflict with the location of the retaining wall *and/or fences* as approved in this permit, the property owner shall be required to remove or move the retaining wall *and/or fences* and shall be responsible for all associated costs and materials required for removal of this structure.
- B. *All fence materials shall be left natural (unfinished and unpainted), or be stained/painted a muted natural earth tone.*
- C. 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.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless