



## Staff Report to the Zoning Administrator

Application Number: **07-0606**

**Applicant:** Albert Denie  
**Owner:** Albert Denie  
**APN:** 098-281-10

**Agenda Date:** June 5, 2009  
**Agenda Item #:** 7  
**Time:** after 10:00 a.m.

**Project Description:** Proposal to recognize the construction of a 6 feet high, approximately 190 feet long metal fence (with a 6' - 8" gate) and recognition of a 6 feet high, approximately 200 feet long wood fence; within the required 40 feet front yard setback on a parcel with a single family dwelling.

**Location:** 25230 Quail Ridge Road, Los Gatos

**Supervisory District:** First District (District Supervisor: John Leopold)

**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 07-0606, based on the attached findings and conditions.

### Exhibits

- |   |                              |
|---|------------------------------|
| A. Project plans                              | E. Location map              |
| B. Findings                                   | F. General Plan map          |
| C. Conditions                                 | G. Zoning map                |
| D. Categorical Exemption (CEQA determination) | H. Comments & Correspondence |

### Parcel Information

Parcel Size:	2.633 acres
Existing Land Use - Parcel:	single family residence, orchard
Existing Land Use - Surrounding:	residential
Project Access:	Quail Ridge Road
Planning Area:	Summit
Land Use Designation:	RR (Rural Residential)
Zone District:	R-A (Residential Agriculture)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
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: ☐ Inside ☒ Outside  
Water Supply: private well  
Sewage Disposal: private septic  
Fire District: California Department of Forestry/County Fire  
Drainage District: N/A

### Analysis and Project Description

The site is located on Quail Ridge Road (accessed from Summit Road/Highland Way off Skyland Road and Adams Road). The lot area is approximately 2.6 acres.

The applicant erected a six feet high fence around her property, including approximately 390 feet within the front setback (see Exhibit A). The front fence is decorative wrought iron and contains a gate, the center of which is 6'-8" high (see below).



Figure 1. Main gate

The sides of the property have been fenced with six feet high wooden fence.

The applicant's property is the second to last on Quail Ridge Road. There is ample room for cars to pull off of the road before the gate and the fence does not block view of cars coming out onto the roadway.

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 and the applicant has designed the fence to meet County design criteria related to street intersection sight distance.

*The proposed fence meets the County design criteria as shown in Fig. ST-3.*

- The fence will be set back from the street and allow adequate light and air to pass through to the street area.

*The fence is set back a minimum of 25 feet from the edge of the traveled way.*

- 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.

*All of the area on both the street side and the residence side of the proposed fence is visible and does not contain any corners or pockets.*

- The location and design of the fence will be compatible with the visual neighborhood character of the surrounding neighborhood in which other fences greater than three feet in height front along the roadside.

*The proposed fence is similar to these and other fences Quail Ridge Road which are six feet in height and solid materials.*

## **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.

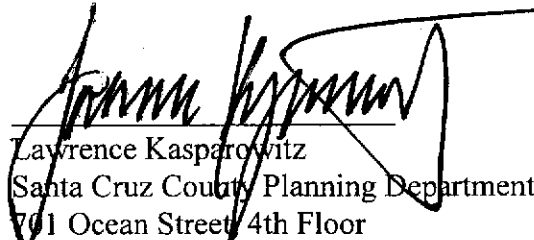
### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0606**, 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)**

Report Prepared By:

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

Report Reviewed By:

  
Paia Levine  
Principal Planner  
Development Review  
Santa Cruz County Planning Department

Mail to:

Denie Albert  
25230 Quail Ridge Rd.  
Los Gatos, CA 95033

**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.**

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## 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 project is located in an area designated for residential uses and is not encumbered by physical constraints to development. The proposed overheight fence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the fence is not close to any existing residence.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the overheight fence is consistent with the purpose of the R-A (Residential Agriculture) zone district in that the primary use of the property will remain as one single family residence that meets all current site standards for the zone district. The entry/exit area in front of the gate will allow cars to be out of the traveled way while waiting for the gate to open.

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 residential use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

The proposed overheight fence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. There are no adjacent structures within hundreds of feet of the fence.

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 residence exists and the gate will not generate additional 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.

The overheight fence is consistent with the neighborhood. Many of the surrounding properties in this rural setting have six feet high fences within the front setback for privacy and protection purposes.

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 can be made, in that the proposed overheight fence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties.

## Conditions of Approval

Exhibit A. Project plans, (one sheet, undated).

This permit authorizes the recognition of a 6 feet high, approximately 190 feet long metal fence (with a 6' - 8" gate) and recognition of a 6 feet high, approximately 200 feet long wood fence; within the required 40 feet front yard setback on a parcel with a single family dwelling.

- I. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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. Any outstanding balance due to the Planning Department must be paid prior to making a Building, Grading, or Demolition Permit application. Applications for Building, Grading, or Demolition Permits will not be accepted or processed while there is an outstanding balance due.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- II. 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. 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. 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.
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In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration date: \_\_\_\_\_






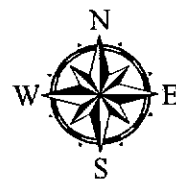


# Location Map



## LEGEND

-  APN: 098-281-10
-  Assessors Parcels
-  Streets

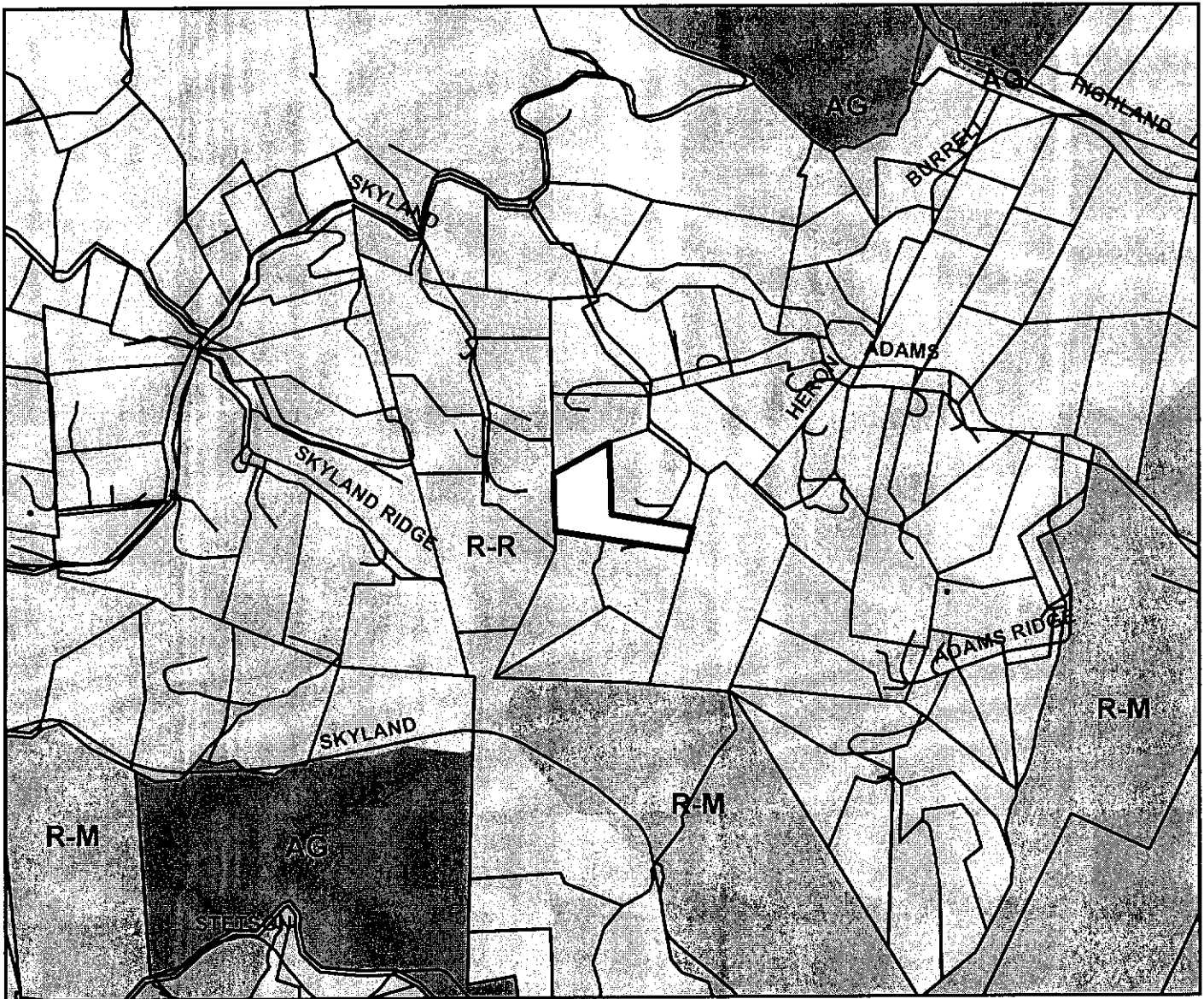


Map Created by  
County of Santa Cruz  
Planning Department  
April 2009







**EXHIBIT E**

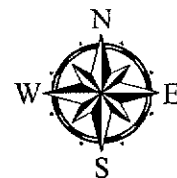


# General Plan Designation Map



## LEGEND

-  APN: 098-281-10
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Agriculture
-  Residential-Mountain

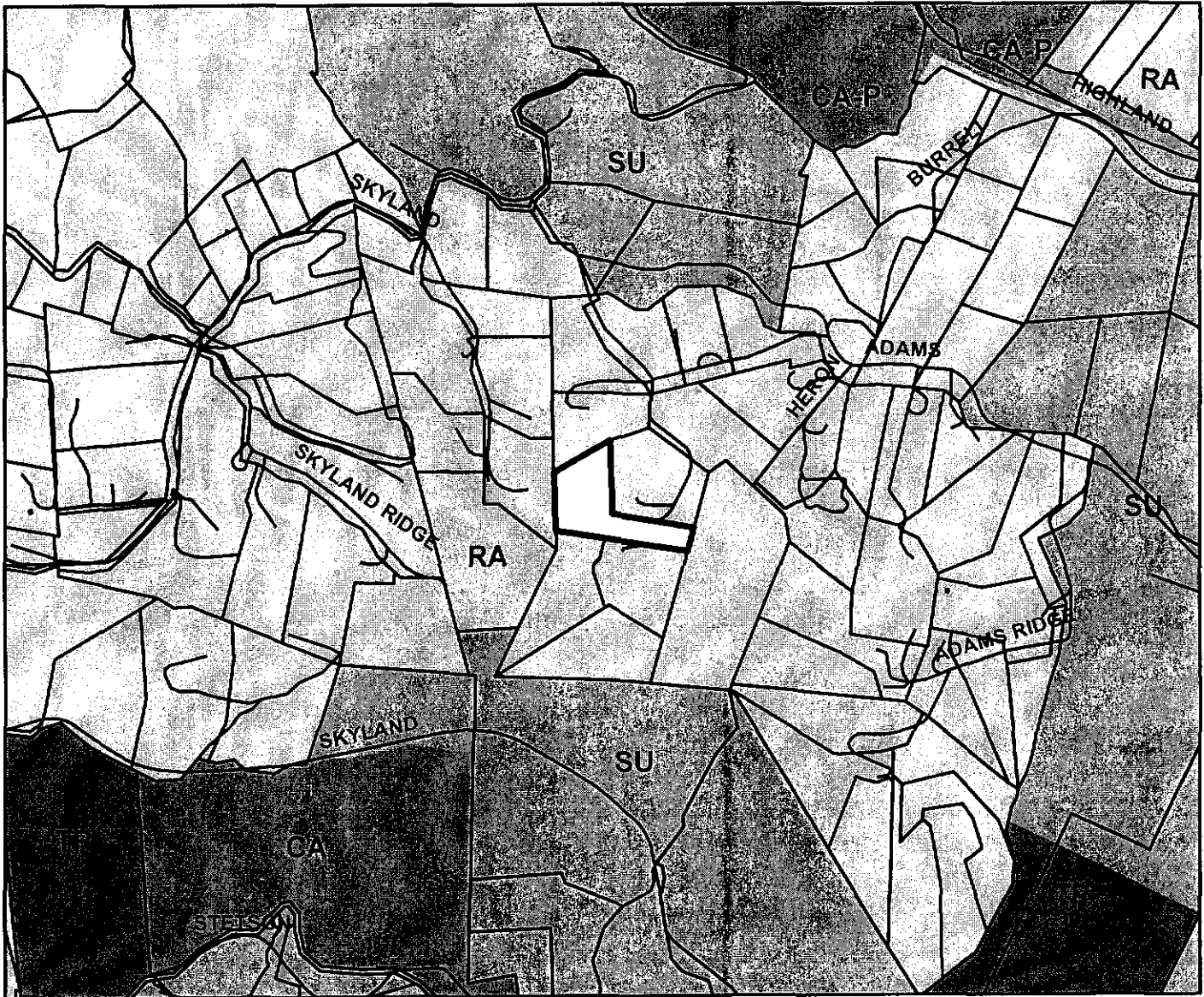


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April 2009

**EXHIBIT F**




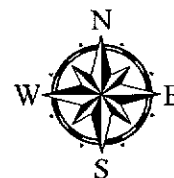
# Zoning Map



1,000 500 0 1,000 2,000 3,000 4,000 Feet

## LEGEND

-  APN: 098-281-10
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  AGRICULTURE COMMERCIAL
-  SPECIAL USE
-  TIMBER PRODUCTION



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April 2009

**EXHIBIT G**

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

**Project Planner:** Larry Kasparowitz  
**Application No.:** 07-0606  
**APN:** 098-281-10

**Date:** October 23, 2007  
**Time:** 14:15:22  
**Page:** 1

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**Code Compliance Completeness Comments**

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

===== REVIEW ON OCTOBER 4, 2007 BY JACOB RODRIGUEZ =====  
NO COMMENT

Rev and approve, however, sloppy plans. Plans do not show who drew plans.

**Code Compliance Miscellaneous Comments**

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

===== REVIEW ON OCTOBER 4, 2007 BY JACOB RODRIGUEZ =====  
NO COMMENT

Sloppy plans, do not show who drew them.

**Dpw Driveway/Encroachment Completeness Comments**

===== REVIEW ON OCTOBER 5, 2007 BY DEBBIE F LOCATELLI =====  
No Comment, project adjacent to a non-County maintained road.

**Dpw Driveway/Encroachment Miscellaneous Comments**

===== REVIEW ON OCTOBER 5, 2007 BY DEBBIE F LOCATELLI =====  
No comment.