



Staff Report to the Zoning Administrator

Application Number: **08-0399**

Applicant: Susan Dee Cummins
Owner: Harbor Cove Homeowners
Association
APN: 026-361-32

Agenda Date: July 17, 2009

Agenda Item #: 1

Time: After 10:00 a.m.

Project Description: Proposal to recognize the construction of an overheight fence (six foot solid redwood fence with two foot redwood trellis above) and to construct additional overheight fencing at the perimeter of the Harbor Cove Condominium complex as well as between individual condominium units.

Location: Property is located on the west side of 7th Avenue, approximately ¼ mile north of Brommer Street (1061 7th Ave.)

Supervisory District: 3rd District (District Supervisor: Neil Coonerty)

Permits Required: Residential Development Permit, Minor Variation to Permits 77-793-PUD & 77-794-S, Coastal Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0399, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|---|
| A. Project plans | D. Categorical Exemption (CEQA determination) |
| B. Findings | E. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions | |

Parcel Information

| | |
|----------------------------------|---|
| Parcel Size: | 3.77 acres |
| Existing Land Use - Parcel: | Multi-Family Residential |
| Existing Land Use - Surrounding: | Multi-Family Residential and Community Commercial |

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

Project Access: 7th Avenue
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Residential)
Zone District: RM-4 (Multi-Family Residential – 4,000 sq. ft min lot)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

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: Adjacent to Arana Gulch – No impact associated with proposal
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: City of Santa Cruz
Sewage Disposal: Public Sewer
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

Permits 77-493-PUD and 77-794-S, for a Planned Unit Development and Subdivision, respectively, were approved in 1979 by the Board of Supervisors, created the 31-unit condominium complex now referred to as Harbor Cove. A 6-foot tall redwood fence along the southern boundary of the complex was included as a condition of this approval, as well as a 6-foot tall fence delineating the edge of the open space/riparian corridor.

Subsequent to the original subdivision approval, a 6-foot redwood fence was constructed along a portion of the northern property boundary and a 2-foot tall trellis was placed atop the redwood fence at both the north and south property lines.

Project Setting

The condominium complex occupies approximately 3.8 acres and is located about ¼ mile north of the intersection of 7th Avenue and Brommer Street. The 31 condominium units take access from 7th Avenue. The majority of the site is flat, with the exception of the western portion, which slopes moderately to steeply toward Arana Gulch and is designated as open space. The open space portion of the site generally corresponds to the riparian corridor associated with Arana

Gulch. No portion of the overheight fence has been constructed within the open space/riparian portion of the site, which is separated and protected from the developed portion of the parcel by a 5-foot tall wire fence.

The property to the south is developed with a dry dock for boats using the harbor. There are few trees or other vegetation located on the dry dock property in the vicinity of the southern boundary of the subject parcel. The property to the north is developed with multi-family residential uses to the east and a care facility for disabled adults. Single and multi-family residential uses occupy the properties to the east.

Project Description and Analysis

The applicant proposes to recognize the construction of the 8-foot fence at the perimeter of the condominium complex and between several individual condominium units. Additionally, the applicant proposes to allow the future addition of a 2-foot trellis to existing 6-foot redwood sections. The resulting permit would allow the construction of the 8-foot fence around the majority of the perimeter of the complex and between any individual condo units. The only portion of the property that will not be allowed to be fenced with the 8-foot design is the fencing surrounding the riparian corridor to the west. A condition of approval is included that will restrict any change to the height of the fencing adjacent to the corridor.

Section 13.10.525(c)(2) of the County Code states that fence heights of greater than 6 feet within a required front or side yard may be allowed by a Level V Development Permit Approval. In the case of the subject parcel, extending the fence to 8 feet in height provides screening from the industrial/commercial dry-dock use to the south of the condominium complex, as well as to the frequently-used driveway serving the residential care facility to the north of the property. The overheight portions of fencing between individual units is desired to provide continuity of design as well as to provide privacy.

The southern portion of the fence is nominally visible from 7th Avenue, as it is screened by existing vegetation. It is not close enough to any buildings in the vicinity to impact access to light and air. The northern section of the 8-foot fence is set back more than 200 feet from the roadway (7th Avenue) and is not visible from the front of the property. This area of the fence runs along the border of the driveway and parking lots, which serve the adjacent adult, care facility.

The 2-foot trellis is an attractive feature and the additional height of the trellis does not present a nuisance to either adjacent property. The fence protects the privacy of the condominium residences, as well as helping to reduce any potential impacts due to noise and/or visual blight attributable to adjacent land uses. Further, the redwood fence and decorative trellis are designed in such a way as to provide an amenity to both neighboring properties.

While the conditions of approval for the subdivision that created the condominium complex specify a 6-foot high redwood fence at the south property line (Condition IV.G.7) and restrict the construction of new fences (Condition V.D), the General Conditions of the subdivision allow for "(m)inor variations to this permit which do not increase the density, decrease the open space ratio, or change the general concept of development." The proposed overheight fence does not affect the density, open space ratio or the general concept of development in that its design is

compatible with the existing approved redwood fence and the natural redwood design complements the overall setting of the development.

Zoning & General Plan Consistency

The subject property is a 3.8-acre lot, located in the RM-4 (Multifamily residential use – 4,000 square minimum lot size) zone district, a designation, which allows residential uses. The proposed recognition of the existing fence and proposed additional fencing are principal permitted uses within the zone district and the project is consistent with the site's R-UM (Urban Residential – Medium Density) General Plan designation.

Coastal Zone

The project site is located within the Residential Exclusion portion of the Coastal zone. The lot is neither located within 300 feet nor adjacent to the inland extent of any beach or of the mean tide line. Additionally, no portions of the existing or proposed 8-foot tall fence are located within 100 feet of Arana Gulch to the west. Therefore, this project qualifies for a categorical exclusion and does not require a Coastal Development Permit.

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 **08-0399**, 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

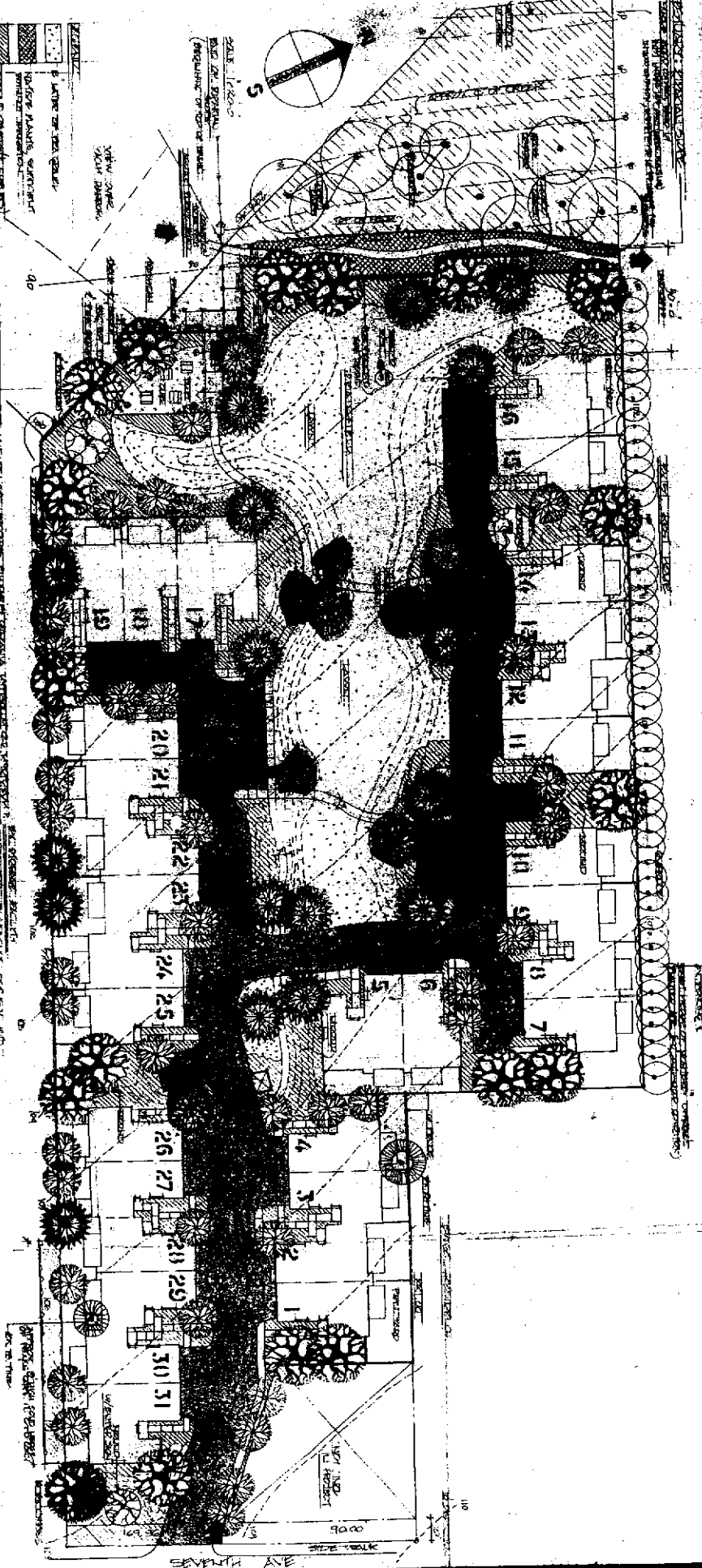
Application #: 08-0399
APN: 026-361-32
Owner: Harbor Cove Homeowners Association

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Santa Cruz County Planning Department
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Santa Cruz CA 95060
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E-mail: robin.bolster@co.santa-cruz.ca.us

LANDSCAPING

1) ALL PLANTINGS ARE TO BE ACCORDING TO THE LANDSCAPE ARCHITECT'S SPECIFICATIONS.
2) PLANTINGS ARE TO BE ACCORDING TO THE LANDSCAPE ARCHITECT'S SPECIFICATIONS.
3) PLANTINGS ARE TO BE ACCORDING TO THE LANDSCAPE ARCHITECT'S SPECIFICATIONS.



31 TOWNHOMES -
PARCELS # 86-211-49 & 7/16
SANTA CRUZ COUNTY CA

THE OFFICE
2001 BENTLEY
SAN JOSE, CALIF. 95128

CECILIA TRILLA WHITEN
LANDSCAPE ARCHITECT
LA. No. 101
2001 BENTLEY, SAN JOSE, CA 95128

EXHIBIT A



From southern boundary looking northeast



From southern boundary looking east toward Arana



From the adult facility to the north, looking west

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. While the site contains designated open space associated with an adjacent riparian corridor, neither the existing overheight fence nor the fence extension proposed encroach into or otherwise interfere with this portion of the lot.

Construction complies with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed fence extension will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure is set back from all adjacent structures to ensure access to light, air, and open space in the neighborhood. To the south, the fence borders an industrial dry dock facility. To the north the fence borders a heavily traveled driveway serving a mental health facility.

- 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 overheight fence and fence extension and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-4 (Multi-Family Residential, 4,000 square foot minimum parcel area) zone district in that the primary use of the property will be residential that meets all current site standards for the zone district with respect to structures.

- 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 overheight fence is a residential use and is consistent with the use and density requirements specified for the Urban Medium Density Residential (R-UM) land use designation in the County General Plan.

The fence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. All other structures on the site meet all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The fence will not adversely shade adjacent properties, and is adequately set back from adjacent structures to ensure access to light, air, and open space in the neighborhood.

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 overheight fence has been constructed on an existing developed lot. No traffic will be generated by the proposed project.

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 overheight fence is located in a mixed neighborhood containing a variety of architectural styles, and the fence is consistent with the land use intensity and density of the neighborhood.

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 overheight fence is of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The lattice that would be recognized by this permit is constructed from redwood, matching the material of the existing permitted 6-foot fence.

Conditions of Approval

Exhibit A: Site Plan (1 Sheet) prepared by Susan Dee Cummins, undated, Landscape Plan prepared by Cecilia Trilla Winther, dated February 1979.

- I. This permit recognizes the construction of an overheight fence (six foot solid redwood fence with two foot redwood trellis above) and to construct additional overheight fencing at the perimeter of the Harbor Cove Condominium complex as well as between individual condominium units. 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. Obtain a Building Permit from the Santa Cruz County Building Official, if required.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of the Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department (if required). The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans (if required) shall include, but not be limited to, the following:

(Construction must comply with the following conditions, even if no Building Permit is required)

 1. The site plan shall comply with the approved Exhibit "A" for the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and all structures on the property.
 2. The plans shall indicate that no changes shall be made to the height of design of the fencing abutting or adjacent to the designated riparian corridor.
 3. Fence materials shall be left natural (unfinished and unpainted), or be stained/painted a muted natural earth tone.

4. No structure over three feet in height shall be located or constructed within thirty feet of the intersection of the pavement surface of the driveway and the pavement surface of the public roadway as traveled.
 5. All trees within thirty feet of the intersection of the pavement surface of the driveway and the pavement surface of the public roadway as traveled shall have their lower limbs and foliage removed up to a height of seven feet, and shall be maintained in this manner permanently.
 6. Per the approved Exhibit 'A' the redwood fence, posts, and any post caps or other ornaments may not exceed eight feet in height from existing or finish grade, whichever is the greater dimension. All other sections of the perimeter fence, not explicitly covered by this permit, must comply with the regulations contained in Section 13.10.525 of the County Code and with the Conditions of Approval for 77-793-PUD and 77-794-S.
- B. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- III. All construction shall be performed according to the approved plans for the building permit (if required). Prior to the final building inspection clearance (if required), the following conditions must be met:
- A. All site improvements shown on the final building plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the 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 archeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from further site excavation and notify the Sheriff-Coroner if the discovery contains human remains and 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 County inspections of the subject property disclose noncompliance with any conditions of the 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.

- B. Minor repairs to and in-kind replacement of the 8-foot portion of the fence may be made without discretionary approval. The use of colors or materials different than those shown on the approved Exhibit 'A' will require a Level 4 (public notice only; no hearing) Development Permit. Any proposed increased in height of the 8-foot portion or changes in the riparian corridor perimeter fencing will require a Level 5 (public hearing) Development Permit.
- 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 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.

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.

Application #: 08-0399
APN: 026-361-32
Owner: Silver Leaf Management

Please note: This permit expires three 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

Robin Bolster-Grant
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

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: 08-0399
Assessor Parcel Number: 026-361-32
Project Location: 1061 7th Avenue

Project Description: Proposal to recognize the construction of an 8-foot tall redwood fence

Person or Agency Proposing Project: Susan Dee Cummins

Contact Phone Number: (831) 477-9160

- 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:

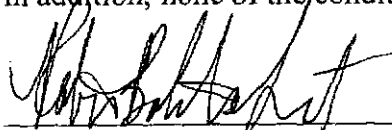
E. ☒ Categorical Exemption

Specify type: Class 1 - Existing Facilities (Section 15301)

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

Increase in existing fence height in an area designated for residential development

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


Robin Bolster-Grant, Project Planner

Date: 4/3/09