

The Planning Commission conducted two public hearings on this application and heard public testimony from individuals representing support for and opposition to the project (Attachments 5 and 6). Many of the objections of the opponents centered on the change of the visual character of the site that would occur from the project. Letters from members of the public are appended to the end of the Initial Study (Attachment 4) and the first Planning Commission staff report (Attachment 7). More recent letters from the public are included as Attachment 12.

DESCRIPTION OF THE PROJECT AND THE PROJECT SITE

The 2.9 acre project parcel is owned by Fred and Bren Bailey; however, the project application was filed by Greg Steltenpohl and Fred Bailey. Attachments 2 and 3 of the Initial Study illustrate most of the significant features of the property. This narrow rectangular parcel lies between and adjacent to Highway 1 and the Union Pacific rail line. Vacant properties border the site to the southeast and northwest and on the coastal side of the rail road. The project parcel and the aforementioned parcels are all located on a marine terrace that overlooks Davenport Beach and the Pacific Ocean. Various commercial and residential properties are located to the east across Highway 1. The project parcel contains 1.45 acres of net developable land. The southeastern one-third of the parcel is vacant land consisting of riparian habitat. This portion of the site will not be affected by the project. The remaining two-thirds of the parcel consists of an existing 13,127 square building and associated parking lot, in the central portion of the parcel, and a vacant area to the northwest that has been used informally for parking.

The building was a former agricultural packing shed that was converted to a dwelling and several workshops in 1976 under Use Permit 74-124-U. This permit was amended in 1984 to allow the Odwalla juice manufacturing and wholesaling business to locate on the site. The owners continue to lease the building to Odwalla for the company's use as a regional distribution facility. The building also continues to provide for the permitted residential use. If the project is approved, Odwalla would vacate the site and the applicants would construct the proposed mixed use project described below.

The applicants propose to remodel and expand the existing building. The additional 9,791 square feet of floor area is primarily achieved by converting the existing mezzanine to a full second story. The height of the building would be increased by 3-6 feet to achieve the interior clearance required for second story floor space. The applicants have stated that their vision for this project is a mixed use facility that would provide a variety of different but related uses for tourists and local community residents through tourist oriented uses, small conferences, and space for some small office businesses, some of which are expected to be community oriented (e.g. alternative health practitioner). The various uses the building would house are discussed on the 7th page of Attachment 7. They include a juice bar/cafe and associated micro-juicery and warehouse; retail shops; small meeting rooms; offices; 5 visitor-serving units and a caretaker's dwelling. A small detached dwelling would also be constructed. The Planning Commission staff reports (Attachments 7 and 8) and the project plans (Attachment 9) provide additional information on the project.

GENERAL PLAN AND ZONING CONSISTENCY

The project property is designated as "Neighborhood Commercial" by the General Plan/Local Coastal Program. General Plan policies 2.13.5 and 8.8.2 encourage visitor-serving commercial services within coastal special communities, such as the Highway 1 frontage of Davenport. General Plan/LCP objective 2.12 (Mixed Use Development) "allows a mixture of different types of commercial, residential and public facilities in appropriate locations where the combination of uses are complimentary and contribute to established centers of community activity and commerce". In the Planning Commission's judgement, the project meets these General Plan/LCP policies.

The property is zoned "C-1" (Neighborhood Commercial), which is one of the three zonings that implement the General Plan designation of "Neighborhood Commercial". "C-1" zoning allows all the uses proposed by the project except the visitor accommodation units. Such visitor units are allowed in the "CT" (Commercial Tourist) zone district, one of the other zonings that is consistent with the parcel's General Plan designation. However, "CT" zoning does not allow micro-juicerries and most offices. The third zoning which is consistent with the General Plan designation, "PA" (Professional-Administrative), does not allow many of the proposed uses. The existing zoning is not consistent with most proposed uses of the site that would be oriented to meet the visitor-serving aspects of policies 2.13.5 and 8.8.2.

A rezoning to the "SU" (Special Use) zone district is necessary to allow the proposed uses on the property and to provide better overall consistency with the General Plan designation. The "SU" zoning can be used with any General Plan designation and can allow all uses permitted by the several zone districts that implement the designation. One of the purposes of the "SU" zone is to provide land use regulation "for which flexibility of use and regulation are necessary to ensure consistency with the General Plan". Another purpose is "to provide the development of lands which are designated by the General Plan for mixed uses". A rezoning to "SU" will allow a variety of visitor-serving uses that are encouraged by the General Plan for this location while allowing for other small scale commercial uses. The range of uses can be restricted to those which are compatible with each other and the site by a Master Occupancy Program. Uses that would be prohibited, such as automobile service station and recycling centers, have been so specified in the Master Occupancy Program that is included in the recommended permit conditions (Condition VI.A in Attachment 3). "SU" zoning in combination with a Master Occupancy Program operates much the same way as Planned Unit Developments do in other jurisdictions where carefully planned mixed uses are desired on the same site.

Since the "SU" zoning does not have its own site standards (setbacks, etc.), the site standards of the zoning that most closely corresponds to proposed land uses are used. In this case, the "C-1" zoning site standards would be applied to the site. The project can meet all standards of the "C-1" zone district with the exception of an encroachment into a portion of the front yard setback. This subject is discussed later in this report. The residential/visitor unit density analysis that was conducted for this site concludes that the 5 visitor units and 2 dwellings are well within the density limits prescribed by applicable provisions of the County Code. These 7 units require a

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minimum site area of 19,000 square feet of developable land and, as stated above, the site contains 1.45 acres of developable area.

ENVIRONMENTAL ISSUES

SOILS GRADING AND DRAINAGE

A major part of the project is the excavation of 1,350 cubic yards of earth to construct the new parking lot northwest of the project building. The purpose of the excavation is to reduce the lot's visibility to Highway 1 by lowering the grade of the parking area. The parking lot would be 23,075 square feet in size. An engineered drainage plan has been prepared which conveys site drainage in appropriately sized pipes to a location below the project site near the rail road tracks. There are no special or unusual requirements for either the grading or drainage improvements, with the exception of a setback from the edge of the rail road cut slope. A geotechnical report prepared for this project recommends the establishment of a 25 foot setback from the top of the steep slope for all grading or any structural improvements. This requirement has been incorporated into the project design.

Four severely eroded pedestrian trails traverse this steep slope from the proposed parking lot area down to the rail road tracks. The continued use of these trails will exacerbate this erosion problem. To address this problem, while addressing the need for public coastal access, a mitigation measure requires the closure of these informal trails and rehabilitation of the slope, while at the same time requiring the construction of caisson supported stairway at one of the trail locations. This issue is discussed in more detail later in this report.

VISUAL RESOURCES AND IMPACTS

Highway 1 is designated as a scenic road by the General Plan/LCP. Both scenic roads and beaches are important visual resources which are to be protected from visual impacts. In some cases, development near these visual resources is inevitable due to location of a parcel adjoining a scenic road or the coastline. In such cases, General Plan policy 5.10.11 requires projects to be sited, designed and landscaped to mitigate impacts on important visual qualities of the viewshed, as well as identification and preservation of visual qualities worthy of protection. Staff has identified views of the ocean and adjoining beach as having the highest visual quality in the area which must be protected. Therefore, visual alterations, as seen from either the beach or Highway 1, must be minimized. The project has been redesigned to meet this objective.

A visual analysis was conducted as part of the Environmental Review for the project. The visual analysis report is provided as Attachment 8 of the Initial Study. This analysis includes photographic simulations of pre-project and post-project views of the site from 8 different locations around Davenport. The locations were selected to provide views from varying locations (i.e. Highway 1, Davenport Beach, residential areas) and to provide a "worst case" impact analysis. In other words, those vantage points where the project site is most visible were selected to provide simulations that depict the highest level of visual impact.

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

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October 8, 1998

AGENDA: October 20, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT? Consideration of Application 95-0685 (Bailey/Steltenpohl); a Mixed Commercial Use Project in Davenport

Members of the Board:

INTRODUCTION

On May 13, 1998 the County Planning Commission referred Application 97-0309 to your Board with a recommendation to approve the project. This project, located on the coastal side of Highway 1 in Davenport includes a request for a Variance and a proposed rezoning. The rezoning makes this a Level 7 project which requires approval by your Board. Planning staff has prepared a Rezoning Ordinance (Attachment 1), findings to approve the project (Attachment 2) and a recommended set of permit conditions (Attachment 3) for your consideration. During their consideration of this project, the Planning Commission directed staff to investigate with Caltrans methods for improved pedestrian safety at the Davenport segment of Highway 1 before bringing this project to your Board for consideration. Caltrans has now conducted their field work at the project vicinity and has provided County Planning with a final report on their recommendations. The results of this evaluation are discussed in detail below.

This proposal is a mixed use project on an existing developed parcel overlooking the Pacific Ocean in the coastal community of Davenport. Because the project site is located between Highway 1 and the coastline, and because the project represents a relatively large project for the town of Davenport, the proposal has generated a large amount of public interest. Visual resources and pedestrian access to the shoreline are major issues associated with the project. Project impacts to the community's limited water and sanitation system are also primary issues of concern. These issues and other environmental issues have been evaluated through the CEQA required Environmental Review process. As a result of this evaluation, the project has either been redesigned or mitigation measures have been specified to mitigate the impacts that would be otherwise generated by the project. These mitigation measures are specified in the Negative Declaration that was issued for this project on February 24, 1998 (Attachment 4).

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The two aspects of the project that will generate a visual change of the parcel are the raising of the roof by 3 to 6 feet and the new 66 vehicle parking lot. The project, which has been redesigned as a result of the visual analysis, now includes the following design techniques to minimize visual impacts:

1. Locating the building within the footprint area of the existing building;
2. Lowering the grade of the new parking lot up to 3 feet and providing a small mound between the parking lot and Highway 1 to further screen parked vehicles from off-site views;
3. Use of colored stamped concrete as the hardscape surfacing material for the new parking lot to replicate a brown cobblestone appearance of the lot;
4. Restricting all parking lot landscaping to ground cover and low growing shrubs so ocean views from off-site locations will not be blocked;
5. Limiting the height of existing evergreen hedges so more of the ocean will be seen as compared to the existing situation;
6. Limiting any fencing to that needed at the top of the steep slope for safety purposes, and restricting it to rustic two rail split rail fencing; and
7. Use of exterior architectural materials that conform to the rustic and agricultural character of the existing building with earth tone colors.

The proposed grading cross-sections for the parking lot are provided on sheet C-3 of Attachment 9. The landscape plan is shown on sheets A-3 and A-3.1 of the same attachment. The deletion of large canopied trees from the parking lot requires the approval of an exception to the landscaping standards of the Design Review Ordinance. Both the Planning Commission and staff recommend the granting of an exception in this case to prevent obstructing ocean views. The general design of the building will be based on the lineal form and exterior materials of the existing building that was formerly an agricultural packing shed. The exterior materials will be non-painted corrugated metal siding and natural color wood shakes for the roof. The design and materials meet the design standards specified by the County Code under the Design Review Ordinance and the Coastal Special Communities section of the General Plan.

The use of colored stamped concrete for the parking lot surfacing is the most significant of the techniques listed above to minimize the visual impact of the project. At the Planning Commission's direction, simulations #3 and #6 in the visual analysis were revised to show these two views of the parking lot with stamped colored concrete rather than asphalt. These simulations are provided as Exhibit F of Attachment 8. Close-up views of the stamped concrete are provided in the two sheets of Exhibit E of that same attachment. This surfacing would be the first major parking lot to utilize stamped concrete in the County. To retain the more rustic

appearance of the parking lot, no stripes would be painted to delineate parking spaces. Rather, a darker brown color and a different stamped pattern would be used to delineate each individual space.

The photographic simulations show there will be a visual change to the site, but staff does not believe the change is significant in nature. The ocean panorama is maintained and views from the vast majority of Davenport streets and private properties will not be affected. Additionally, the project constitutes infill development on an existing developed parcel and uses architecture that is compatible with the town of Davenport.

TRAFFIC

A traffic report was prepared as part of the Environmental Review for this project and is provided as Attachment 9 to the Initial Study. The report concludes that the project will generate 35 additional peak hour trips during the weekend and 28 peak hour trips during weekdays. This increase in peak hour traffic will not lower the existing the "C" level of service rating for this segment of Highway 1. The report did, however, identify some operational conflicts at the entrances to both project parking lots in large part because, as originally designed, they were offset from the proximate street intersections (See Attachment 3 of Initial Study). To mitigate identified conflicts, the project has been redesigned to align the parking lot entrances so they are directly opposite Ocean Avenue and Davenport Avenue (Refer to sheet A-2 of Attachment 9).

Due to a vertical curve that restricts good sight visibility near the Davenport Avenue intersection, no north bound left turns will be permitted into the existing, southerly parking lot. The permit conditions include a signage requirement on Highway 1 to implement this measure. This requirement will not be necessary for the new, northern, parking lot entrance since it is located at the top of the vertical curve.

DOMESTIC WATER AND SEWER SERVICE

Domestic water and waste water collection and treatment service for the Davenport community is provided by the Davenport Water and Sanitation District (CSA #12). As your Board is aware, the District is experiencing difficulties serving its customers due to limited water treatment facilities and damage to the sewer system. At build-out the project is projected to increase water use from the existing average consumption of 2,300 gallons/day (gpd) to 5,293 gpd. This is a 2,993 gpd increase. Waste water flows District wide are projected to be increased by 8% from the project. District staff is exploring ways to fund needed upgrades for both systems. Grant applications have been made to federal and State agencies to fund the installation of a new sewer main. Negotiations have been occurring between the District and RMC Lonestar Cement Company for RMC's participation in water treatment system upgrades, but no agreements have been made to date. Planning staff, the applicants, District staff and representatives RMC Lonestar have met on several occasions to discuss water and sewage service issues. In summary, the project's connection to either system will not exacerbate service problems as long as the project is required to contribute to upgrading the system in an amount commensurate with its

impact. District staff has determined that the project should provide upgrades to water treatment facilities for an additional 3,000 gpd of domestic water use. According to District staff, the sewer connection fees of \$43,038.00 will be adequate to fund the project's share of needed sewer improvements. These requirements have been included in the recommended permit conditions.

OTHER ISSUES

PUBLIC COASTAL ACCESS

General Plan policy 7.7.10 protects existing public pedestrian access to beaches and requires a grant of public access for new projects requiring Coastal Zone Permits that are located on sites where coastal access is located. The property contains one well maintained pedestrian trail to Davenport Beach and the four eroded trails discussed above. The well maintained trail, located southeast of the building, is one of the most frequently used public beach accesses in Davenport. It begins at Highway 1 and continues down the bluff to the beach. A public pedestrian easement was never placed over any of the trails. Permit conditions include a requirement to place a permanent public pedestrian easement over the well maintained trail and construction of the new stairway discussed above. The easement would continue from the stairway across the parking lot to Highway 1 as well as in the other direction along an existing trail to the beach, allowing the public to have a continuous legal access from Highway 1 to the beach when using the new stairway.

VARIANCE

The project has been designed to meet all site standards with the exception that a 53 foot long section of the "L" shaped building will extend into the front yard setback. This portion of the existing building currently encroaches into the Highway 1 right-of-way by about 4 feet. Building remodeling would remove a portion of the building so it would no longer encroach into the right-of-way; but rather than being setback a minimum of 10 feet to comply with the standard front yard setback, this portion of the building would have a zero foot setback from the front property line. The special circumstances that staff and the Planning Commission believe justify the granting of the Variance are specified in Variance finding #1 (Attachment 2). In addition to the special site conditions discussed in the finding, it is important to note that a 33 foot separation will still occur between the building and nearest edge of the Highway 1 road shoulder due to the width of the right-of-way. Caltrans does not have any plans to widen the travel lanes or road shoulders through Davenport. Another factor justifying the Variance is that a topographical change of 8 feet occurs between the proposed building footprint and Highway 1. Finally, a mature stand of evergreen shrubs occurs between the proposed building footprint and the highway creating a safety and visual barrier. Caltrans has conceptually agreed to allow these tall shrubs to be maintained as part of the project's landscaping through their Encroachment Permit process. All these factors will provide a safe separation between Highway 1 traffic and the building and ensure visual compatibility with surrounding development, both of which are primary objectives for requiring a setback from front property lines.

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PEDESTRIAN SAFETY ANALYSIS

Some members of the public testifying at the two Planning Commission hearings were concerned about pedestrian safety along Highway 1 under existing conditions. Many local residents and visitors cross the road to go to the beach or enjoy coastal views from the bluff on or near the project site. A flashing caution light was installed over the Ocean Avenue/Highway 1 intersection a few years ago to warn motorists to be aware of pedestrians and other vehicles entering the highway from side streets. The regular 55 MPH speed limit on rural segments of Highway 1 is reduced to 45 MPH through Davenport.

The possibility of a traffic signal at the Highway 1/Ocean Avenue intersection was discussed at the hearings along with other techniques such as a series of flashing strobe lights imbedded into street pavement that are activated by pedestrians when crossing a street. Information on new in-pavement warning lights (Attachment 10) was provided and discussed at the May 14 Planning Commission hearing. The second Planning Commission staff report (Attachment 8) contains a discussion as to why staff believes that the project will not generate additional impacts to pedestrian safety. At the conclusion of the May 14 hearing, the Commission directed staff to investigate pedestrian safety measures with Caltrans and to report to your Board if any techniques should be implemented to address pedestrian safety under existing conditions.

At County Planning's request, Caltrans staff conducted a pedestrian safety analysis for the segment of Highway 1 in Davenport this past summer (Attachment 11). The analysis concluded that there is not enough vehicular nor pedestrian traffic at any Davenport intersection to meet warrants for a traffic signal. The analysis also concluded that the town has "a very good pedestrian safety record". Caltrans does not recommend identifying crosswalks with paint stripes, signs or strobe lights embedded into street pavement along this segment of Highway 1 because such techniques would give pedestrians a false sense of security and could result in a change in the pedestrian safety record. Caltrans identified two primary problems that could lead to traffic problems between vehicles and pedestrians. First, the 45 MPH speed limit is not obeyed by a large proportion of motorists and it appears to be rarely enforced. Second, tour busses often park facing the wrong direction in unsafe locations along the road shoulder and bus passengers, unfamiliar with local traffic conditions, do not exercise the same level of caution as local residents when disembarking from their bus. The first problem can be addressed through greater enforcement of the speed limit by the Highway Patrol. The second problem may be minimized by the project since the project will provide two parking areas large enough for tour busses to safely park and turn around rather than continuing their present practice of parking adjacent to highway travel lanes.

CONCLUSION AND RECOMMENDATION

The project will result in a visual change to the site, but as discussed in the Initial Study and the two Planning Commission staff reports, this change will not result in significant visual impacts. Public access to the beach will be maintained and enhanced by requiring construction of a new public pedestrian stairway at one end of the parcel and placing the stairway, a connecting route

between the beach and highway, and a trail under a permanent easement for pedestrian use. Upgrades to the water and sanitation system will be required commensurate with the project's demand on these services. The project will establish a commercial/visitor serving use on the site as encouraged by General Plan policies, but a rezoning to the "SU" zone district is necessary to allow the full range of visitor serving uses proposed by the project. Special circumstances exist that justify the granting of a Variance to the front yard setback. The Variance would be limited to a 53 foot long portion of the front yard area and the granting of the Variance would result in a building that corrects the existing encroachment into the Highway 1 right-of-way. Measures to address existing pedestrian safety issues are beyond the scope of this project. While some local residents have requested that pedestrian cross-walk facilities be installed, the analysis conducted by Caltrans does not support this proposal.

It is therefore RECOMMENDED that your Board take the following actions:

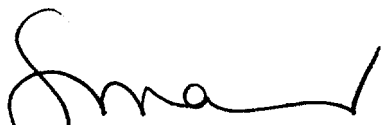
1. Adopt the Rezoning Ordinance to rezone APN 58-121-04 from the "C-1" (Neighborhood Commercial) zone district to the "SU" (special Use) zone district (Attachment 1);
2. Make the findings (Attachment 2) to approve Application 95-0685 according to the recommended permit conditions (Attachment 3);
3. Approve the Mitigated Negative Declaration and Initial Study prepared for this project (Attachment 4);
4. Grant an exception to the parking lot landscaping standards of the County's Design Review Ordinance to all the parking lot landscaping as proposed by the applicant (Sheets A-3 and A-3.1 of Attachment 9); and
5. Accept and file the report from Caltrans on pedestrian safety issues in Davenport (Attachment 10).

Sincerely,



ALVIN D. JAMES
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

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Attachments:

1. Rezoning Ordinance
2. Findings
3. Permit Conditions
4. Mitigated Negative Declaration and Initial Study
5. Planning Commission Minutes for 3/25/98
6. Planning Commission Minutes for 4/28/98
7. Planning Commission Staff Report for 3/25/98, including Letters from the Public
3. Planning Commission Staff Report for 4/28/98
9. Project Plans (on file with the Clerk of the Board)
10. Information on New In-pavement Warning Light Systems for Crosswalks
11. Letter from Caltrans dated 7/13/1998
12. Letters from the Public received since 3/25/98

cc: Greg Steltenpohl
Fred and Bren Bailey
Brett Brenkwitz
Interested Neighbors

stelt@bs.wpd/pln453