



County of Santa Cruz

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PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

November 16, 2000

AGENDA: December 5, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

**RE: PUBLIC HEARING TO CONSIDER APPLICATION NO. 99-0044 BY
JOSEPH AND DONNA EDWARD, TO AMEND THE BEN LOMOND
TOWN PLAN AND TO CONSTRUCT A COMMERCIAL AND
RESIDENTIAL STRUCTURE**

Members of the Board:

On November 8, 2000, the Planning Commission considered Application No. 99-0044. This application includes an amendment to the Ben Lomond Town Plan to delete a park site designation and a new road alignment. The Town Plan amendment is necessary to facilitate the construction of a 4,000 square foot building (2,000 square foot commercial and 2,000 square foot residential) and appurtenant improvements. The Planning Commission adopted the attached Resolution (Attachment 5) recommending approval of the Ben Lomond Town Plan amendment and the project.

ANALYSIS & DISCUSSION

Background

On January 26, 1999, the County Planning Department accepted this application for a General Plan Amendment, Commercial Development Permit, a Master Occupancy Permit, a Variance and Preliminary Grading Approval. In accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, the project was considered by the County Environmental Coordinator on April 24, 1999. A Negative Declaration with Mitigations was issued on May 27, 1999 (Attachment 7 - Exhibit H).

Project Description

The applicant requests approval to relocate an existing garage/storage building to an adjacent parcel and to construct a two-story building with two 2-bedroom apartments on the first floor and a 2,000 square foot commercial **retail/office** use on the second floor. An attached elevator tower is proposed on the east side of the building. This project requires approval of a Commercial Development Permit, a Master Occupancy Permit and Preliminary Grading Approval to fill approximately 450 cubic yards of earth. The proposal includes the construction of a deck and a 'pedestrian bridge' that would connect the commercial space to Highway 9 at street level. Because these improvements are within the required front setback of the C-1 zone district, a variance is required.

The project site is identified in the Ben Lomond Town Plan as the site of proposed park and community area as well as the location of a proposed new roadway connecting Mill Street and Highway 9, opposite Fillmore Avenue. The proposal would eliminate **these** features from the Ben Lomond Town Plan and, therefore, amendments to the Town Plan are included in this project description.

Project Setting & Surroundings

Two parcels are involved in this application: APN's 077-104-01 and -02. One of them (APN 077-104-02) is involved only to the extent that an existing garage/storage building located on APN 077-104-o 1 is being moved to it from the other parcel. The garage/storage building will be used by the tenants of the existing non-conforming duplex on that property. All setbacks will be met on this property and the only requirements for the relocation of **the** garage are to obtain a building permit and to record a declaration maintaining the structure as a non-habitable structure.

APN 077-104-o 1, the project parcel, is 15,202 square feet in area and is located at the intersection of Mill Street and Highway 9, opposite Fillmore Avenue. The site has an abrupt break in slope along the Highway 9 frontage, but the remainder of the property gently slopes towards Mill Street. The only existing structure is the garage/storage building intended to be moved to the adjacent parcel. An irregularly shaped asphalt parking area is located in the western portion of the site and there are a number of scattered old retaining walls and fences. There are 6 acacias, 4 locusts, 1 oak and a large stump located on the periphery of the project. Only the oak, the stump and 2 acacias are located on the subject property. The other trees are located within the Highway 9 or Mill Street right-of-ways. All of these trees must be removed to construct the required road improvements to these two roadways. The remainder of the site is vegetated with brush, Scotch broom and wild grasses.

The subject parcel is zoned C-1 (Attachment 7 - Exhibit F) and the General Plan

Designation is Community Commercial (C-C). Surrounding development includes a duplex and commercial uses to the east, large-lot residential development to the west, mixed commercial development to the north and a County park to the south.

General Plan Consistency

The project is located in the Community Commercial (C-C) General Plan designation. This designation is intended to meet the commercial needs of the community by providing general retail, service and office activities. Adequate access and public services are available to the site, as required by General Plan Policy 2.13.6. The zoning of C-1 is consistent with the General Plan Land Use Designation of C-C.

The proposed project would be visible from Highway 9, an adopted scenic corridor. However, the portion of the building visible to motorists on Highway 9 will be a single story commercial building. General Plan Policy 5.10.11 requires that new discretionary development improve the visual quality through siting, design landscaping, and **signage**. **Signage** is allowed where consistent with the sign ordinance and any specific plan for the area (see below). The proposed development, with the implementation of the landscaping plan, will be consistent with the scenic character of Ben Lomond, and the proposed **signage** is consistent with County Code Section 13.10.580 which limits sign area to a total of 20 square feet.

General Plan Policies 3.2 1.3 and 3.2 1.4 require that new development projects mitigate impacts on transportation facilities through system improvements and/or transportation impact fees. The applicant has proposed frontage improvements on Mill Street and Highway 9 consistent with the requirements of the Department of Public Works and CalTrans (see CEQA Review - below).

Specific Plan Consistency

The project site is located within the Ben Lomond Town Plan and is subject to the requirements of this Specific Plan. APN 077-104-o 1 has been designated for future acquisition as a park site, for the construction of a 'commons' area to augment the existing Ben Lomond Park, or as a site for a relocated Park Hall. Both of these future uses of the property were proposed to be implemented in conjunction **with** the realignment of Mill Street. Following the General Plan requirements for proposed development on properties designated for future park sites, this matter was referred to the Parks and Recreation Commission upon receipt of this application. On August 18, 1997, the Parks and Recreation Commission voted to recommend that the Board of Supervisors not acquire the parcel for the future expansion of Ben Lomond Park. On September 23, 1997, the Board of Supervisors accepted the recommendation of the Commission and declined to proceed with any actions to acquire the parcel for future park purposes. This

application includes an amendment to the Town Plan to delete the reference to the proposed park expansion on APN 077-104-o 1, facilitating the development proposal.

As mentioned above, the Ben Lomond Town Plan proposed a realignment of Mill Street to eliminate the existing, sharply angled intersection of Mill Street and Highway 9. The purpose of the realignment was to improve the safety of this intersection for motorists and pedestrians; to implement the Mill Street promenade plan and Ben Lomond park expansion/Park Hall relocation; and to prevent motorists from using Mill Street as a bypass through Ben Lomond. The proposed realignment would have resulted in the construction of a new roadway, with diagonal parking, between APNs 077-104-o 1 (project site) and 077-104-02 from Mill Street to Highway 9, opposite Fillmore Avenue, and the elimination of Mill Street along APN 077-104-01 (Attachment 7 - Exhibit K).

The proposed road realignment was examined by Public Works and found to be both physically infeasible and unnecessary if certain changes were constructed at the existing intersection. The construction of the 'new' roadway would have resulted in a very steep roadway, requiring extensive grading on Mill Street to conform to minimum standards. Instead, the proposed reconstruction of the intersection of Mill Street and Highway 9 to eliminate the sharp angle and create a "T" intersection, in conjunction with the construction of turning lanes on Highway 9, will improve the safety at this intersection and meet the intent of the Town Plan to provide a safer intersection and reduce cut-through traffic. This application includes an amendment to the Town plan to delete the proposed realignment of Mill Street in favor of a better design at the existing intersection of Mill Street and Highway 9.

The design, materials and colors of the proposed structure meet the design recommendations of the Ben Lomond Town Plan which include the use of natural materials with light paint or stain. The improvement plans and landscape plan also meet the Town Plan guidelines, including the construction of curbs, gutters and sidewalks around the entire frontage (Mill Street and Highway 9) and the installation of native species of trees, including sycamores, oaks and Redwoods, and the removal of all invasive species such as Acacia and Scotch broom.

Zoning Consistency

The parcel is zoned Neighborhood Commercial, C-1 (Attachment 7 - Exhibit F). The proposed uses, with 2,000 square feet of retail/office and 2,000 square feet of residential use, are consistent with the allowed uses in the C-1 zone district, if certain restrictions are applied to the commercial (upper floor) of the building. These restrictions would limit the area of office use to 50% of the 2,000 square feet designated as commercial space. In addition, because of the limitations in the on-site parking provided, restaurant and similar uses requiring more than 1 parking space per 200 square feet will not be allowed.

Fourteen parking spaces are provided on-site. Ten spaces are allocated for the commercial uses on the second floor and four spaces are available for the residential uses. The Parking Ordinance requires 2.5 spaces for each multi-family unit plus a guest parking space (total = 6 spaces). County Code Section 13.10.552(a)2 allows guest parking to be located on the street if it can be demonstrated that there is abutting on-street curb space available. In this case, there is sufficient room along the curb line on Mill Street for more than 5 vehicles, more than enough to meet the demand for the guest parking. In addition, County Code Section 13.10.553(b) allows for a reduction in parking for multiple uses if peak demands do not coincide. In this case, the residential and commercial uses will not have parking demand conflicts, partly due to their times of peak demand, but also because of the design of the building which will invite substantial pedestrian usage from Highway 9. In any case, there will be an adequate number of parking spaces for the uses in this building.

The proposed structure is consistent with development regulations for parcels in the C-1 zone district as they relate to maximum height and setbacks. The proposed structure would be a maximum of 29 feet from grade to the top of the roof, less than the maximum allowed of 35 feet. The apparent height of the structure from Highway 9 will be 23-feet above the road surface. Setbacks to all roadways and from the residential uses to the south are 10-feet, consistent with the County Code requirements. A proposed deck and pedestrian bridge connecting the commercial uses on the second floor to the sidewalks on Highway 9 intrude into the required 10-foot setback. A variance is requested to the setback to recognize the topography of the site at that location and the need to connect the commercial uses with the pedestrian-centered areas of Ben Lomond. Findings are presented to approve this variance based on the special topographic circumstances and the consistency with the intent of the Ben Lomond Town Plan.

Design Review Issues

The proposed commercial project is subject to the County's Site, Architectural, and Landscape Review Ordinance, Chapter 13.11 of the County Code. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community, including those in any specific plans.

The proposed project has been designed to incorporate elements commonly found in the town of Ben Lomond. The bulk and scale of the proposed building are compatible with surrounding development, and provide a transition between residential development to the west and the commercial development to the east and north.

The exterior elevation will have horizontal wood siding on the second floor (commercial)

with stucco siding on the first floor (residential). The colors will be light tan with dark gray composition roofing. A Redwood trellis will be installed on the side of the elevator tower. Redwood railings with wrought iron inserts will ring the exterior deck on the second floor.

The parking area has been designed to reduce the visual impact of pavement and parked vehicles. Adequate landscaping has been provided to provide some visual screening from Mill Street. In addition substantial planting is proposed along the Mill Street and Highway 9 property lines and at the rear of the development. As proposed, 25 trees would be provided around the perimeter of the site and in the parking areas, and 6 of those trees are proposed to be **24-inch** box size to replace the oak and locusts removed as a result of roadway improvements, as required by the Negative Declaration.

One business identification sign is proposed with an area of 20 square feet, which is the maximum allowed. The sign is proposed to utilize the building's color palette and will not be illuminated, due to the site location within a scenic corridor..

Environmental Review Issues

The project was considered by the County Environmental Coordinator on April 22, 1999. A Negative Declaration with Mitigations was issued on May 26, 1999 (Attachment 7 - Exhibit H). Significant issues include erosion control, drainage, noise, roadway improvements and landscaping. Mitigation measures have been incorporated into the Conditions of Approval for all environmental impacts identified as potentially significant.

A noise study has been prepared and submitted for the proposed project. The study indicates that the noise levels inside the building will exceed the maximum acceptable levels established by the General Plan unless certain measures are taken to reduce the impact. These measures include building requirements for the types and construction of windows. These requirements have been incorporated into the Conditions of Approval.

Following the issuance of the Conditional Negative Declaration, Planning staff was informed by Public Works **that** there was a significant roadway project in the works, jointly funded with **CalTrans**, that included the Highway 9 frontage of the project site. Public Works' concern was that the improvements not be done twice: once by the applicant and again by **CalTrans** a couple of years later. **In** addition, the proposed design of the improvements along the Highway 9 frontage, as conditioned, would not include the retention of the two trees (Oak and Locust). Planning staff is proposing alternative language addressing the installation of roadway improvements that will result in the same end the installation of roadway improvements to mitigate the impacts of the project. The original wording is as follows:

- D. In order to prevent conflicts with the adopted Ben Lomond town Plan, prior to scheduling of the public hearing, the owner/applicant shall revise the*

improvement plans to include curb, gutter, and sidewalk along the entire frontage of Mill Street and Highway 9, and obtain approval of the revised plan from the Department of Public works, Traffic Engineering staff. The sidewalk shall be designed to preserve the two significant existing trees on the parcel (1 4" Oak near the northwest corner and 14" Locust north of the Oak, see improvement plan, sheet I, Beautz, 10-1997).

- E. *In order to prevent conflicts with the adopted General Plan policies regarding landscaping, and to mitigate the visual impact of the development on highway 9, a designated scenic roadway, the owner/applicant shall revise the landscape plan to include the following elements:*
- a. Plan shall utilize native species, including Oaks;*
 - b. Indicate that the two significant existing trees on the parcel (1 4" Oak near the northwest corner and 14" Locust north of the Oak) will be preserved;*
 - c. Removal of all Acacia and Scotch broom on the property, with a plan to maintain the parcel free of non-native invasive species;*
 - d. Meet the criteria given in General Plan policy 5. 10. 13. b*

The proposed language that would be substituted for the above is as follows:

- D. **In order to prevent conflicts with the adopted Ben Lomond Town Plan prior to scheduling of the public hearing, the owner/applicant shall r&se-&e ~~improvement plans to include curb, gutter, and sidewalk along the entire frontage of Mill Street and Highway 9, and obtain approval of the revised plan from the Department of Public works, Traffic Engineering staff. The sidewalk shall be designed to preserve the two significant existing trees on the parcel (14" Oak near the northwest corner and 14" Locust north of the Oak, see improvement plan, sheet 1 Beautz, 10-1997)~~ enter into a binding, legal agreement with the County of Santa Cruz, to run with the land, that provides for the installation of the required street improvements within a specified period of time, and provides a financial security for the performance of the agreement. This agreement is intended to allow the improvements to be installed by CalTrans, rather than by the owner, as long as they are installed within an agreed upon period of time. The agreement shall be approved by County Counsel prior to execution.**
- E. In order to prevent conflicts with the adopted General Plan policies regarding landscaping, and to mitigate the visual impact of the development on highway 9, a designated scenic roadway, the owner/applicant shall revise the landscape plan to include the following elements:
- a. Plan shall utilize native species, including Oaks;

- b. Indicate that the two significant existing trees on the parcel (14" Oak near the northwest corner and 14" Locust north of the Oak) ~~will be preserved that are to be removed to provide continuous sidewalk from Mill Street to Highway 9, will be replaced with 24" box size, native trees, at a ratio of 3:1;~~
- c. Removal of all Acacia and Scotch broom on the property, with a plan to maintain the parcel free of non-native invasive species;
- d. Meet the criteria given in General Plan policy 5.10.13.b

Staff believes that the proposed change to **the** wording of the Negative Declaration not only meets the intent of the Ben Lomond Town Plan to provide road improvements necessary for pedestrian safety and circulation, but also addresses the need to provide these improvements as efficiently as possible. The applicant has submitted a signed agreement, as required by this mitigation measure (Attachment 7 - Exhibit G). The **CalTrans** design process for the improvements to Highway 9 in Ben Lomond is underway as evidenced by the attached advertisement for the community meeting on the proposed project (Attachment 7 - Exhibit J). In addition, the revised landscaping plan includes the replacement trees, as specified. The revised Negative Declaration language is presented as Attachment 4.

Planning Commission Action

As mentioned previously, on November 8, 2000, the Planning Commission conducted a public hearing on the proposed project and amendment to the Ben Lomond Town Plan. Following the public hearing, **the** Commission adopted a Resolution (Attachment 5) recommending approval of the proposed amendment and the project. The minutes of the Planning Commission meeting are included as Attachment 6. The Commission made one minor change to the conditions of approval. In light of the Live oak "decline", the Commission indicated that some flexibility should be allowed in the selection of the type of replacement trees. This has been incorporated into the conditions of approval.

Conclusion and Recommendation

All required findings can be made to approve this application. The project is consistent with the General Plan Community Commercial designation, which allows mixed uses (commercial and residential), and is consistent with the Ben Lomond Town Plan, as revised. The proposed intensity of use is compatible with the existing intensity of land use in the surrounding area, and is consistent with the C-1 zoning designation of the subject parcel. The project, as conditioned, will not have a significant effect on the environment.

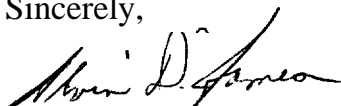
It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Approving Amendments to the Ben Lomond

Town Plan (Attachment 1); and

2. Approve Commercial Development Application No. 99-0044, to construct a 4,000 square foot residential/commercial building, including a variance to construct a deck and walkway within the front yard setback, subject to the attached findings (Attachment 2) and conditions of approval (Attachment 3); and
3. Certify the Revised Negative Declaration (Attachment 4).

Sincerely,



-Alvin D. James

Planning Director

Approved.

- Attachments:
1. Resolution Approving Amendments to the Ben Lomond Town Plan
 2. Commercial Development Permit and Variance Findings
 3. Conditions of Approval, 99-0044-CDP, V
 4. Revised Negative Declaration
 5. Planning Commission Resolution
 6. Planning Commission Minutes, November 8, 2000
 7. Planning Commission Staff Report
 8. Project Plans

cc: Joseph and Donna Edward
Kenneth Rogers