



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

February 1, 2006

Agenda Date: February 8, 2006

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Design Resubmittal
Application: 04-0294 (Portola Plaza)
Applicant: Abbas Haghshenas

Members of the Commission:

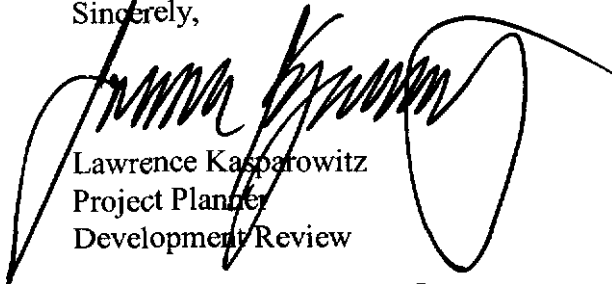
The following changes have been made to the plans since your January 11, 2006 meeting:

1. The applicant's plan demonstrates that the residential portion is now less than 50% of the area of the entire building (per agreement among staff as to which areas can be assigned to residential, which areas are only commercial, and which areas are in common) - see Exhibit A.
2. A landscape plan has been prepared by a Landscape Architect and is shown (in addition to the revised plans as Exhibit A, Sheet L-1 (see Exhibit A)). The design now includes Flowering Plum and Queen Palms. These are appropriate small-medium trees which are suitable for narrow planting strips. The extent of the lawn areas at the rear are now clearly indicated, and additional planting notes have been provided. The conditions of approval has been revised to add that the T-1 (Flowering Plum) and the Italian Cypress be 24" box size and that all other trees be 15 gallon minimum size.
3. Updated Conditions of Approval which include recommendations from the Department of Public Works is also attached to this letter. **Revisions are shown shaded and bold** (see Exhibit B).
4. The carports have been moved toward the rear property line. Staff feels that the carport areas will be used more often and this is an improved design. The Findings for the variance have been re-written and are included as an attachment to this letter (See Exhibit C).
5. The trash enclosure has been moved away from the neighbors and under the building, and the loading zone has been removed from the project.

Staff Recommendation -


- Approval of Application 04-0294, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Sincerely,



Lawrence Kasparowitz
Project Planner
Development Review

Reviewed By:



Cathy Graves
Principal Planner
Development Review

Exhibits:

- A. Revised plans prepared by A Plus, including new landscape plan.
- B. Revised page of Conditions of Approval indicating addition of power washing of pavers.
- C. Revised Findings for **Variance** to allow residential carports five feet from the rear property line.

Application # 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

Conditions of Approval

Land Division, Commercial Development Permit and Variance 04-0294

Tract No.: 1494

Applicant: Abbas Haghshenas

Property Owner: Abbas Haghshenas

Assessor's Parcel Number(s): 032-051-36

Property Address and Location: North side of Portola Drive, 100 feet west of 40th Avenue.
(3911 Portola Drive)

Planning Area: Live Oak

Exhibits:

A. Project plans prepared by A Plus (sheets A-A, C1, A-1 through A-6, L-1, T-1, T-2), dated August 1, 2005, revised January 31, 2006. Landscape Plan prepared by Jeffrey Herr, dated January 31, 2006.

Traffic Study prepared by Pang Ho Associates, dated February 18, 2005.

Drainage Analysis prepared by Bowman & Williams, dated February 28, 2005
(with revisions dated April 21, 2005 and June 7, 2005).

This permit authorizes the construction of a two-story structure containing offices and/or retail uses, with associated parking and landscaping on the lower level and seventeen condominium units with private outdoor space, common walkways, elevators and stairs and an office condominium space on the upper level.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.

EXHIBIT C

Application# 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

- II. A Final Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:
- A. The Final Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than seventeen (17) new residential condominium parcels, two (2) commercial condominium parcels and associated common area parcels. A statement shall be included that the common area parcels are for shared common areas, landscaping, road, and utilities improvements only and shall not be used for the creation of any additional residential or commercial units.
 - C. The following items shall be shown on the Final Map:
 - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the C-2 zone district of 10 for the front yard, 0 feet for yards abutting commercially zoned property, and 30 feet for yards abutting residential property, excluding the trash enclosure, which is uncovered and not subject to setback requirements, and the residential carports, for which a Variance has been granted.
 - 2. Show the net area of each lot to nearest square foot.
 - D. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building and or demolition permit on lots created by this land division:
 - 1. Lots shall be connected for water service to the City of Santa Cruz Water District.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
 - 3. Prior to demolition of any structures on the subject parcel, all required clearances and permits shall be obtained from the Monterey bay Unified Air Pollution Control District and a Demolition Permit shall be obtained from the County of Santa Cruz.

Application # 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

4. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Photomontage as stated or depicted in Exhibits "A" (except as noted below) and shall also meet the following additional conditions:
 - a. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 - b. Submit a final sign program for the proposed commercial development which complies with the requirements of the County Code regarding signs in the C-2 zone district as a shopping center/office complex.
 - c. Include details showing compliance with fire department requirements.
 - d. In order to ensure that impacts from geotechnical hazards are less than significant, prior to the issuance of any building permit, the applicant shall revise the plans to reflect all the recommendations of the geotechnical report (American Soil Testing, 2005).
 - e. Show all rooftop equipment and any screening required to minimize visual impacts.
 - f. All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.
 - g. Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.
 - h. The balcony on the unit shown on Exhibit "A" as No. 2 10 shall be modified such that it does not encroach into the required ten-foot front setback.
5. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz Water District water conservation regulations:
 - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties. such as tall or dwarf fescue.
 - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water

Application#: 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.

- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
- e. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
- f. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
- g. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
- h. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- i. All planting shall conform to the landscape plan shown as part of Exhibit "A". **The Flower Plums and Italian Cypress shall be 24" box size. All other trees shall be 15 gallon minimum size.**
- j. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.

Application# 04-0294
APN. 032-051-36
Owner: Abbas Haghshenas

6. Details of a recycling facility including the following:
 - a. Commercial, industrial, institutional and multi- family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.
 - b. Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa **Cruz**.
 - c. Recycling Design Criteria Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.
 - d. Recycling storage areas should be adjacent to **or** within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.
 - e. Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.
 - f. An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled **as** specified by the County of Santa Cruz Recycling Design Criteria.
7. All future development on the lots shall comply with the requirements of the geotechnical report prepared by American Soil Testing, dated 2005. The plans shall be modified from Exhibit "A" to reflect all of the recommendations of the Geotechnical Report.
8. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of the Live *Oak* School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
9. Prior to any building permit issuance **or** ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. Water Quality: Silt and grease traps shall be installed according to the approved improvement plans.

EXHIBIT C

Application #: 04-0294
APN: 032-051-36
owner: Abbas Haghshenas

- b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
- c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.

- 10. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
- 11. The parking area shall contain a least 106 parking spaces of which 32 parking spaces may be designed as compact spaces and appropriately marked, and 5 accessible spaces designed in accordance with Sections 13.10.550 through .560 of the County Code. All spaces shall be striped and defined by wheel stops (except for tandem spaces). Parking and circulation areas shall be surfaced with a minimum of 2 inches of asphalt concrete over 5 inches of Class II base rock or other approved equivalent surface.
- 12. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans must indicate the location, intensity, and variety of all exterior lighting fixtures. All lighting must be consistent with Title 24, ~~Part 6~~, California Code of Regulations, Energy Efficiency Standards for Residential and Non-Residential Buildings. All lighting shall be directed onto the site and away from adjacent properties.

III. Prior to recordation of the Final Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding ~~tax~~ liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
 - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.
- C. Meet all requirements of the Santa Cruz County Department of Public Works, Drainage section.

Application #: 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

- D. A Homeowners Association, or Common Interest Development association, shall be formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps, **power washing of the area with pavers** and buildings. CC&R's shall be furnished to the Planning Department prior to the recordation of the final map and shall include the following, which are permit conditions:
1. All drainage structures, including silt and grease traps, **power washing of the area with pavers** and detention facilities, shall be permanently maintained by the Homeowners Association.
 2. Water Quality: Annual inspection of the silt and grease traps **and power washing of the area with pavers** shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Homeowners Association.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- F. All requirements of the Central Fire Protection District shall be met.
- G. Park dedication in-lieu fees shall be paid for 25 bedrooms (assuming that two, two bedroom units will be affordable). These fees are currently \$750 per bedroom, but are subject to change.
- H. Child Care Development fees shall be paid for 29 bedrooms. These fees are currently \$36 per bedroom, but are subject to change.
- I. Pay the current Live *Oak* Transportation Improvement Area (TIA) fees. Currently, these fees can be calculated as follows, but are subject to change:
1. The development is subject to Live *Oak* Transportation Improvement (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use. **The traffic engineer shall confirm the total number of daily trip-ends with the Department of Public Works.** The total TIA fee is to be split evenly between transportation improvement fees and roadside improvement fees.
- J. Submit one reproducible vellum copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address,

Application # 04-0294
APN: 032-051-36
Owner: Abbas Haghshenss

- K. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of and Section 13.10.391(b)(1) of the County Code, and the County Affordable Housing Guidelines. This agreement shall include the following statement:
1. The developer shall provide two designated affordable two-bedroom units for sale to low or moderate income households and pay an in-lieu fee for .55 unit. The current sales price for a two bedroom unit (under the above described guidelines for a low or moderate income family) is \$231,904. This sales price assumes a certain income level and family size for each unit based on the above described guidelines, and \$150 per month Homeowners Association dues, and is subject to change.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities, per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
1. All improvements shall be designed by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria unless otherwise indicated on the approved improvement plans. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils (including drainage originating off-site).
 3. Water Quality: Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance **and power washing of the area with pavers** agreement to the Department of Public Works.
- M. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be over-excavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project. The plan shall be submitted for review and approval by the Planning Department.

Application # 04-0294
APN: 032-051-36
Owner: Abbas Haghshenas

IV. All future construction within the property shall meet the following conditions:

- A. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate.
- B. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise indicated on the approved improvement plans.
- C. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- E. 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.
- F. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation.
 - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 - 3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall

Application #: **04-0294**
APN: **032-051-36**
Owner: **Abbas Hnghshenss**

investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- G. Construction of improvements shall comply with the requirements of the geotechnical report. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
 - H. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
 - I. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.C.1, above.
 - J. All signage on the subject property shall comply with the requirements of the applicable County sign ordinance.
 - K. Outdoor furniture and fixtures such as lighting, free-standing signs, trellises, raised planters, benches, trash receptacles, newspaper racks, bus stops, phone booths and fencing, shall be compatible with project architecture; shall be integral elements of the building and landscape design; and shall be included in, and shown on, all site and landscape plans.
 - L. In the event that future County inspections of the subject property disclose non-compliance 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 Approval revocation.
- V. Operational Conditions
- A. **Master Occupancy Program:** All change of use requests for uses allowed within the zone district shall be processed at Level 1, with the following restrictions:
 - 1. No Level 1 Change of Use shall be approved that would create a parking demand in excess of the spaces currently provided on-site.
 - 2. The Level 1 Change of Use application submittal shall include the following:
 - a. A description of the proposed use;
 - b. The area of the proposed use (in square feet) including any space proposed to be exclusively storage;
 - c. A sign plan for any proposed signage, consistent with the sign program approved for this commercial development permit.
 - 3. The following uses are specifically prohibited

Application # 04-0294
APN 032-051-36
Owner: Abbas Haghshenas

- a. Adult entertainment, night clubs, dance halls, game rooms, pool halls, contractor's shops, automobile repair, taxi company, *Service* commercial uses, recycling centers, shipping terminals, liquor store and massage parlor.
 - b. Any other uses not specifically allowed in the C-2 zone district.
- B. 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.
- VI. 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.

Application #: 04-0294
APN: 032-051-36
Owner: Abbas Haghshenss

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The special circumstances applicable to this parcel relate to the depth and configuration of the parcel, the location of the mobile homes on the adjacent parcel to the north and related County regulations that affect the placement of structures on the subject parcel. The required setback from a commercial (C-2) district structure to a residential (R) zone district is thirty feet, when there is no residential component to the project. For mixed-use developments, however, the residential portion is to be developed according to development standards of Urban High Residential, per County Code Section 13.10.332, which would correspond to a Zoning designation of **RM-1.4** to RM-4.

The rear setback for that zone district is 15-feet. The residential carports are covered and are subject to setback. The subject parcel is essentially a square shape, and the Pleasure Point Commercial Area Plan, which specifically addresses this parcel, encourages new commercial structures to be located near the sidewalk, with parking in the rear. The proposed development is consistent with county goals, and all of the parking is located behind the proposed structure. Parking is not subject to the same setback requirements as are structures, however, so either the residential or commercial parking, without the carports, would be allowed in the location proposed.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

The proposed carports will help to mitigate the impacts of noise and ~~car~~ headlights on the adjacent residential development the proposed variance would be in harmony with the general intent of the zoning ordinance to mitigate the effects of commercial activities on residential properties. County Code Section 13.11.072 notes that reasonable protection for adjacent properties from noise may be achieved by several methods, including site planning, building siting and building orientation.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

The granting of the variance to the required south side yard setback will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity. The Pleasure Point Commercial Area Plan, which specifically addresses this parcel, encourages new commercial structures to be located near the sidewalk, with parking in the rear.

Application #: **04-0294**
APN: **032-051-36**
Owner: **Abbas Haghshenas**

County Code Section 13.1 **1.074** also requires that site design minimize the visual impact of pavement and parked vehicles and encourages the siting of buildings toward the front or middle portion of the lot and parking to the rear or site, where appropriate. The proposed development is consistent with those stated goals, and all of the parking is located behind the proposed structure. There is **an** existing mobile home park directly to the north that would be subject to light **from** car headlights and noise if no structures were provided to moderate these impacts.