

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 02-0505

APN: 033-113-38

APPLICANT: Ron Powers

OWNER: Antone Raymus

PROJECT DESCRIPTION: Proposal to establish a Master Occupancy Program for an existing commercial building.

LOCATION: Property located on the east side of 41st Avenue, (1000 41st Ave.), **at** the intersection with Bain Avenue and Gladys Avenue.

PERMITS REQUIRED: Commercial Development Permit

ENVIRONMENTAL DETERMINATION: Exempt - Category 1

COASTAL ZONE: Yes No **APPEALABLE TO CCC:** Yes No

PARCEL INFORMATION

PARCEL SIZE: 0.5 Acres

EXISTING LAND USE:

PARCEL: C-C (Community Commercial)

SURROUNDING: C-C (Community Commercial) and R-1-5 (Residential – 1 unit/5,000 sq. ft minimum parcel size)

PROJECT ACCESS: 41st Avenue

PLANNING AREA: Live Oak

LAND USE DESIGNATION: C-C (Community Commercial)

ZONING DISTRICT: C-2 (Community Commercial)

SUPERVISORIAL DISTRICT: 1st District (Jan Beautz)

ENVIRONMENTAL INFORMATION

- | | | |
|-----------------------|----|---|
| a. Geologic Hazards | a. | Not mapped/no physical evidence on site |
| b. Soils | b. | 133 – Elkhorn sandy loam (2-9% slopes) |
| c. Fire Hazard | c. | Not a mapped constraint |
| d. Slopes | d. | Parcel is flat |
| e. Env. Sen. Habitat | e. | Not mapped/no physical evidence on site |
| f. Grading | | No grading proposed |
| g. Tree Removal | g. | No trees proposed to be removed |
| h. Scenic | h. | Not a mapped resource |
| i. Drainage | i. | Existing drainage adequate |
| j. Traffic | j. | NIA |
| k. Roads | k. | Existing roads adequate |
| l. Parks | l. | Existing park facilities adequate |
| m. Sewer Availability | m. | Existing services are adequate |
| n. Water Availability | | Existing services are adequate |

o. Archeology

o. Not mapped/no physical evidence on site

SERVICES INFORMATION

Inside Urban/Rural Services Line: Yes No

Water Supply: Soquel Water District

Sewage Disposal: Santa Cruz Waste Water Management District

Fire District: Central Fire Protection District

Drainage District: N/A

HISTORY

The application was accepted for on October 7th, 2002 and deemed complete on May 14th, 2003.

ANALYSIS AND DISCUSSION

The existing commercial building is 5,600 sq. ft in size and has 24 parking spots. The proposed Master Occupancy Permit is for an existing commercial building currently occupied with an insurance agency, a small computer software company and Big Brother and Big Sisters administrative building. The remainder of the office space has been vacant for some time. The Master Occupancy Permit proposes the following uses:

- Commercial Services, Personal
- Commercial Services, Neighborhood
- Commercial Services, Community
- Commercial Services, General Indoor
- Offices, General
- Medical/Dentist Office

Planning staff analyzed the proposed uses and determined that the proposed uses for the existing commercial/retail or medical services are limited due to the parking requirements in Section 13.10.552.b in the County Code. Listed below are the options available for the proposed commercial, business, retail or medical uses.

If a medical or dentist office is used, up to five practitioners would be allowed. A practitioner would qualify as anyone who sees patients separately and would include nurses and dental hygienists. For five practitioners, 100% of the existing building would be utilized. In addition 25 parking spaces would be required to meet the minimum parking requirements as stated in County Code Section 13.10.554.b.

Any combination of uses, allowed in the zone district and consistent with the on-site parking requirements of Section 13.10.552.b would also be allowed.

The property is a 21,902 square foot lot, located in the C-2 (Community Commercial) zone district, a designation which allows **commercial/retail/general/medical** uses. The proposed Master Occupancy use described in the master occupancy program are principal permitted uses within the zone district and are consistent with the site's (C-C) Community Commercial General Plan designation. The proposed Commercial use is in conformance with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain existing commercial structures and single-family dwellings. Size and architectural styles vary widely in the area, and the existing design is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

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.

RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **02-0505**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

EXHIBITS

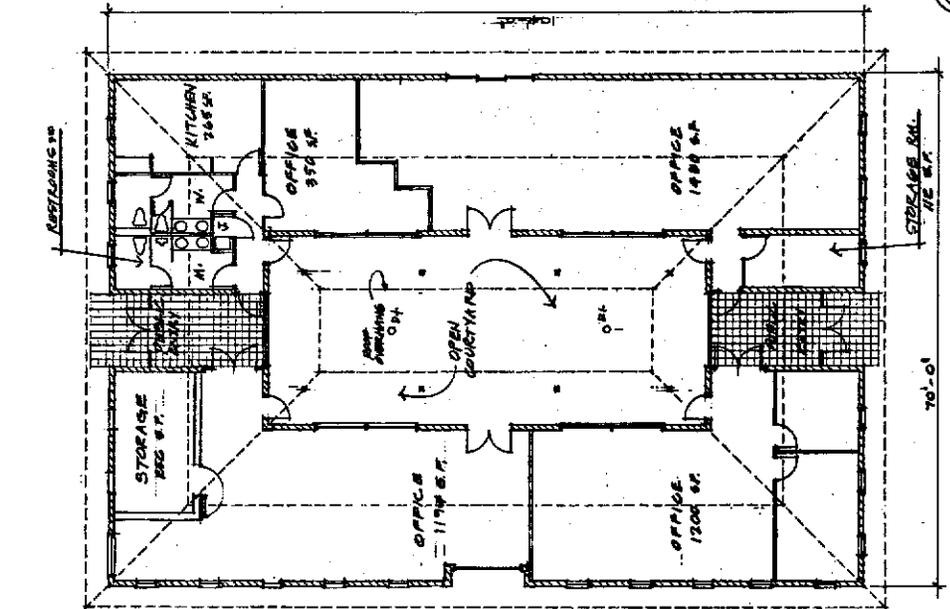
- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Zoning map
- F. General Plan Map
- G. Comments & Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY

Application#: 02-0505
APN: 033-113-38
Owner: Raymus Antone

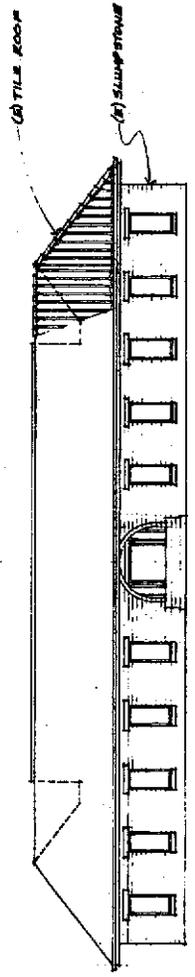
PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE
ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: David **Heinlein**
~~Santa~~ Cruz County Planning Department
701 ~~Ocean~~ Street, ~~4th~~ Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5321 (or, david.heinlein@co.santa-cruz.ca.us)

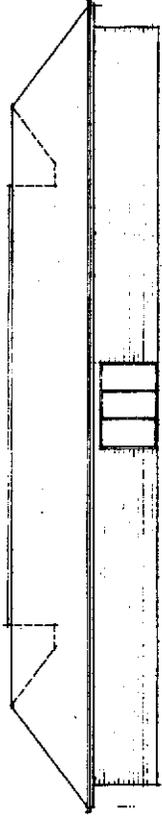


FLOOR PLAN

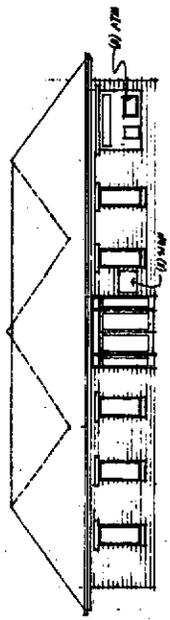
NOTE: IF FITTED, MEDICAL OR DENTAL OFFICES ARE PERMITTED AS A PORTION OF THE BUILDING, A MINIMUM OF 1000 S.F. OF MEDICAL OR DENTAL OFFICE SPACE MUST OCCUPY THE ENTIRE BUILDING. MEDICAL OFFICE USE IS PROHIBITED FOR THE ENTIRE BUILDING AT THIS TIME.



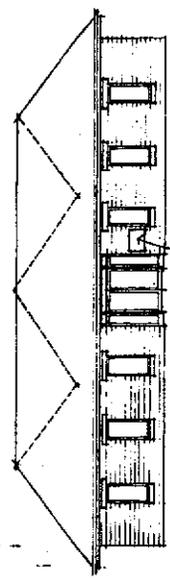
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

COASTAL DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The property is zoned C-2 (Community Commercial), a designation which allows Commercial uses. The proposed commercial/business/retail or medical uses are principal permitted uses within the zone district, consistent with the site's (C-C) Community Commercial General Plan designation.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 *et seq.*

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors are natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the purposed commercial use will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project is in conformity with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial, general office, medical and retail uses are allowed uses in the C-2 (Community Commercial) zone district of the area, as well as the *General* Plan and Local Coastal *Program* land use designation. Developed parcels in the area contain commercial development and single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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.

The location of the proposed uses described in the Master Occupancy Program and the conditions under which they 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 in that the project is located in an area designated for *commercial/retail/general office/medical uses* and is not encumbered by physical constraints to development. The proposed use will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure *meets* all current setbacks that ensure access to light, air, and open space in the neighborhood.

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.

The project site is located in the C-2 (Community Commercial) zone district. The proposed location of the uses described in the Master Occupancy Program and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 zone district in that the primary use of the property will be commercial that meets all current site standards for the zone district.

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.

The project is located in the Community Commercial (C-C) land use designation. The proposed Commercial use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Communi@ Commercial).

The existing commercial structure does not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and *meets* all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

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.

The proposed use will not overload utilities **or** generate more than the acceptable level of traffic on the streets in the vicinity in that it will occur in an existing commercial structure on an existing developed lot. Because of the historic The existing site, which has had a historic commercial and retail **uses** in the structure there will be no increase in traffic.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed uses described in the Master Occupancy Program 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 in the vicinity, in that the existing structure is one story, in a mixed neighborhood of commercial, retail, general office and one and two-story homes and the proposed uses are consistent with the land use intensity and density of the neighborhood.

CONDITIONS OF APPROVAL

Exhibit A: Sheet 1 and 2 prepared by Thacher & Thompson Architects on August 7th, 2004

- I. This permit authorizes the Master Occupancy Permit of an existing commercial parcel. 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.

- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - D. If hazardous materials or medical waste are to be used, stored or generated on site, contact the appropriate Medical Waste Inspector in Environmental Health at **454-2758** to determine if a permit is required. **(Environmental Health)**
 - E. If a food facility or medical offices are proposed, permits will be required from EHS. **(Environmental Health)**
 - F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - G. A revised lighting plan shall be submitted to planning staff for review. All lighting must be downlit and remain on site.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the

satisfaction of the County Building Official.

IV. Operational Conditions

- A. Due to the limited number of parking spaces the existing development has, the number of medical/dental practitioners shall be limited to 5. This would require that the entire building be used for medical/dental uses. No other uses will be allowed.
- B. All landscaped areas and any related irrigation systems shall be maintained.
- C. Any proposed change of use shall be processed at Level 1 and must include a sign plan for review and approval by the Planning Department. All existing signage must conform to Section 13.10.581.
- D. Allowed uses are those shown on Exhibit A and include Commercial Services, Personal, Commercial *Services*, Neighborhood, Commercial *Services*, Community, Commercial Services, General Indoor, Offices, General Medical/Dentist Office or General Medical and Dentist serving five practitioners.

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.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE **EFFECTIVE** DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

David Heinlein
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.

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for **the reason(s)** which have been checked on this document.

Application No.: 02-0505

Assessor Parcel No.: 033-113-38

Project Location: 100041st Avenue

Project Description: Proposal to establish a Master Occupancy Permit for an existing commercial building

Person or Agency Proposing Project: Ron Powers

Contact Phone: 831425-5999

- A. The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
- C. Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

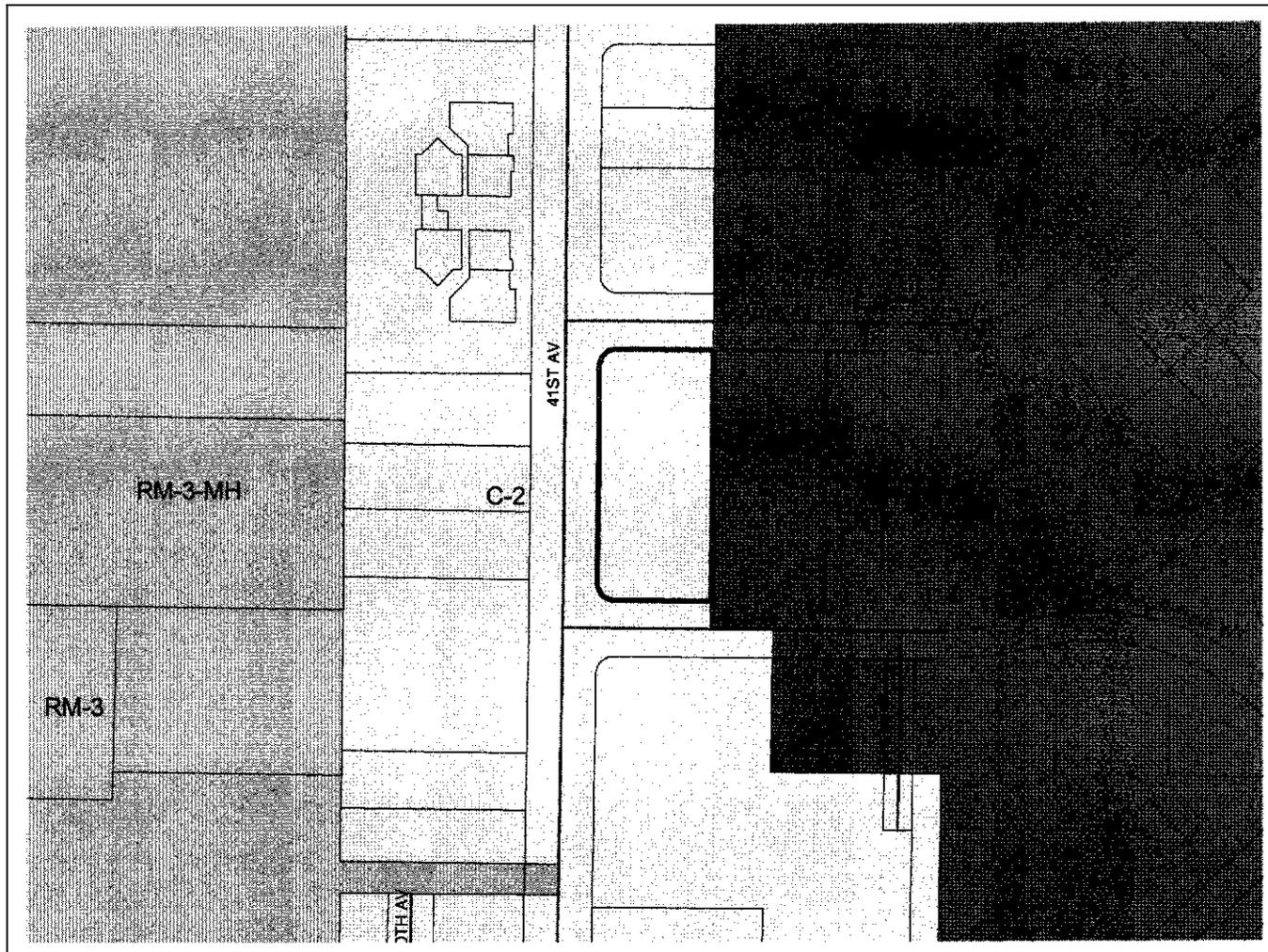
- | | |
|--|---|
| <input checked="" type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 20. Changes in Organization of Local Agencies |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 22. Educational Programs |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities |
| <input type="checkbox"/> 10. Loans | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 31. Historical Resource Restoration/Rehabilitation |
| <input type="checkbox"/> 13. Acquisition of Land for Wild-Life Conservation Purposes | <input type="checkbox"/> 32. In-Fill Development Projects |
| <input type="checkbox"/> 14. Minor Additions to Schools | |
| <input type="checkbox"/> 15. <i>Minor Land Divisions</i> | |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |
| <input type="checkbox"/> 17. Open Space Contracts or Easements | |
| <input type="checkbox"/> 18. Designation of Wilderness <i>Areas</i> | |
| <input type="checkbox"/> 19. Annexation of Existing Facilities Lots for Exempt Facilities | |

E. Lead Agency Other Than County:

David Heinlein
David Heinlein, Project Planner

Date: 3 MAR 04

Zoning Map



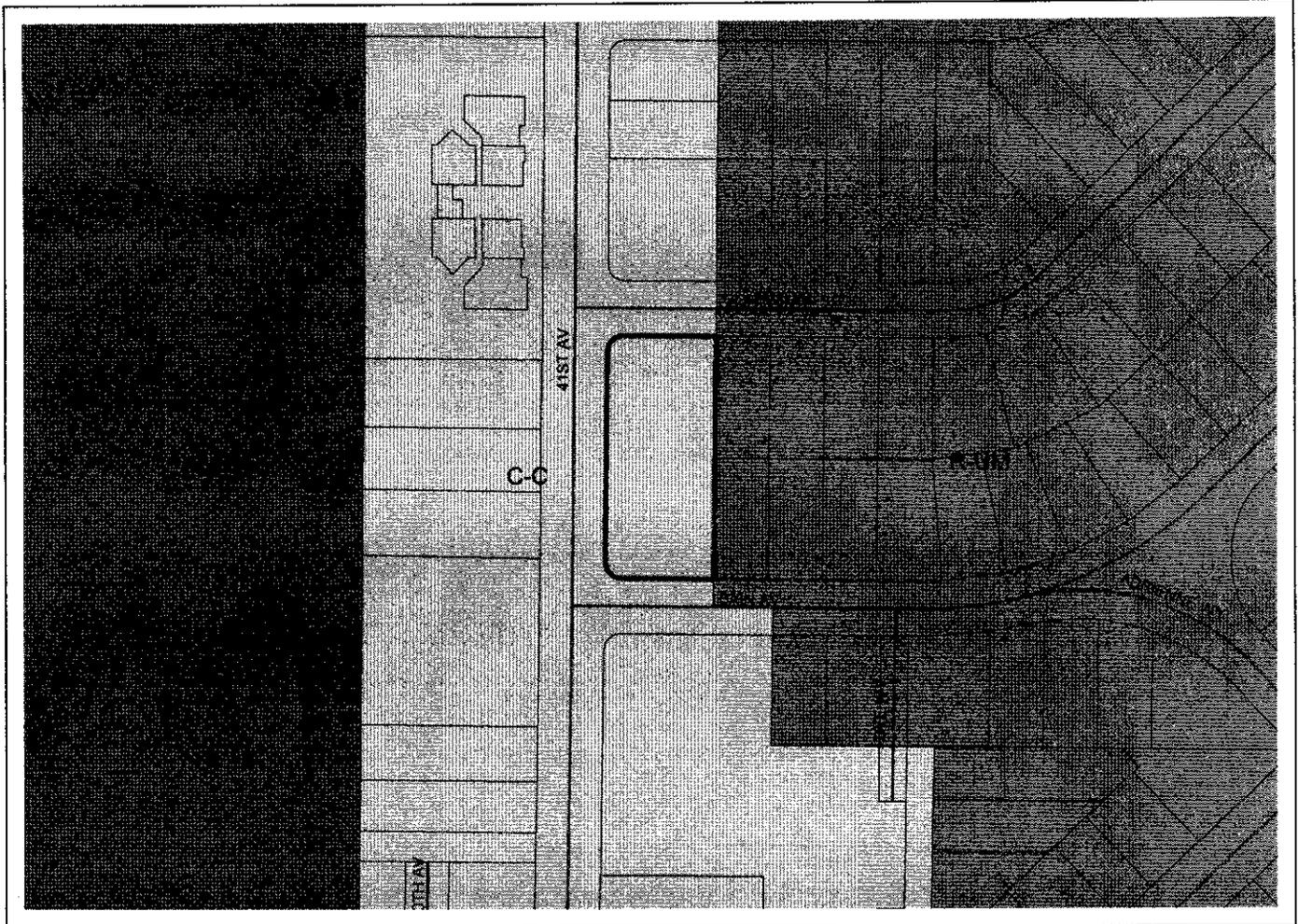
Legend

-  APN 033-113-38
-  Parcel boundaries
-  Streets
-  R-1-X
-  RM
-  C-2



Map created by Santa Cruz County
Planning Department:
March 2004

General Plan Map



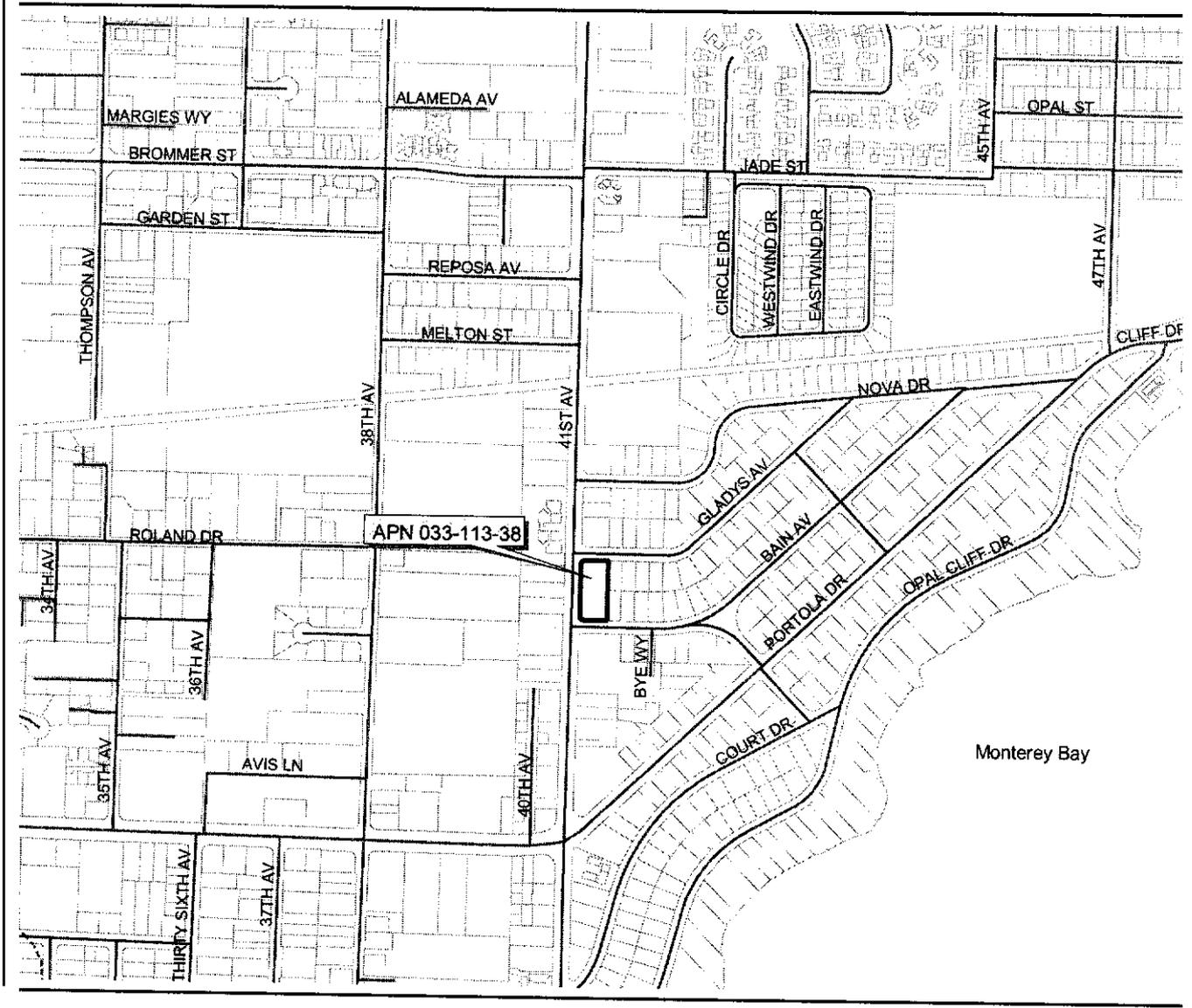
Legend

	APN 033-113-38
	Parcel boundaries
	Streets
	Community Commercial
	Residential - Urban Medium Density
	Residential - Urban High Density



Map created by **Santa Cruz County**
Planning Department:
March 2004

Location Map



Map created by Santa Cruz County
Planning Department:
March 2004

