



Staff Report to the Zoning Administrator

Application Number: **05-0591**

Applicant: Teall Messer

Agenda Date: 11/17/06

Owner: Dientes Community Dental Clinic

Agenda Item #: 7

APN: 025-161-14

Time: After 10:00 a.m.

Project Description: Proposal to construct an addition of about 400 square feet to an existing nonconforming dental office (no new practitioners) and construct off-site drainage improvements.

Location: Property located on the south side of Commercial Way about 200 feet southwest of its intersection with Soquel Dr. (1830 Commercial Way).

Supervisory District: First District (District Supervisor: Janet Beautz)

Permits Required: Amendment to Commercial Development Permits 87-0567 and 02-0353 and Variance to reduce the required setback from 30 feet to about 25 feet.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0591, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|---------------------------|
| A. | Project plans | E. | Assessor's parcel map |
| B. | Findings | F. | Zoningmap |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	-22,782 square feet
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial and Residential
Project Access:	Commercial Way
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)

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

Zone District: C-2 (Community Commercial)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: No soils report required
Fire Hazard: Not a mapped constraint
Slopes: -2%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Highway One Scenic Corridor
Drainage: Adequate as proposed
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: City of Santa Cruz Water Department
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5 Flood Control District

History

The existing medical building, constructed under Building Permit 13634, was finalized in **1969**. This building was enlarged with Discretionary Permit 87-0561 which allowed for an almost 600 square foot addition to what was then a chiropractor office. With Discretionary Permit 02-0353, the chiropractor office was converted into a dental office with a maximum of five practitioners allowed.

The medical building became nonconforming when the adjacent parcel was rezoned from commercial to residential to reflect the existing mobile home park use. County Code requires that commercial structures be setback 30 feet from residentially zoned parcels. Since the dental building was constructed on the western property line, it became nonconforming with *the* rezoning.

The current proposal is to add an addition comprised of about 340 square feet to be used as a patient "float" area and another area of about 55 square feet to be used as a utility shed. These additions are to the eastern side of the building away from the nonconforming portion of the structure. No new practitioners are proposed.

Project Setting

The subject parcel is long and narrow and located in an area with a broad range of uses. A mobile home park is located to the west and commercial uses surround the rest of the subject parcel. The parcel is mapped as being a part of the Highway One Scenic Corridor; it is not, however, visible from Highway One.

The dental building to which the additions are to be added is located in the northwest corner of the parcel adjacent to Commercial Way. An older home is located behind the dental building which serves as the administrative office for the dental practice. Parking is located along the eastern property line and on the southern third of the parcel. The parcel slopes gently from Commercial Way towards the southeast corner.

Zoning & General Plan Consistency

The subject property is an almost 23,000 square foot lot, located in the C-2 (Community Commercial) zone district, a designation which allows medical offices. The proposed addition is an expansion of an allowed use within the zone district and the project is consistent with the site's (C-C) Community Commercial General Plan designation.

Variance

A variance is necessary for this proposal as a portion of the addition does not comply with the requirement that commercial structures be setback 30 feet from parcels zoned for residential uses. A variance for the proposed addition is considered appropriate for the following reasons.

The parcel is long and narrow with the existing structures pushed to the western side of the parcel to leave room for the required parking and driveway. Due to the narrowness of the parcel, if the proposed addition were to conform to the 30-foot setback, the addition would obstruct the already narrow driveway. Given the location of the existing improvements, there is no other location which meets the 30-foot setback and is suitable for the proposed addition.

The intent of the 30-foot setback is to ensure that an adequate buffer exists to protect the residential use from any impacts of the commercial use. In this case, the adjacent mobile home park's driveway, which is approximately 34-feet wide, abuts the property line and the proposed addition is about 20 feet from the shared property line. Together, the driveway and proposed location of the addition 20 feet from the property line, create an effective setback from the nearest residential unit of about 54 feet. This meets the intent of the 30-foot setback. In addition, the existing dental office provides a buffer between the portion of the addition which does not comply with the 30-foot setback and the adjacent parcel.

Parking and Practitioners

Discretionary Permit 02-0353 allowed the conversion of the medical building from its use as a chiropractor office to a dental office. The permit limited the dental practice to five practitioners due to the limited parking available on-site. County Code 13.10.552 specifies that for five practitioners, 25 parking spaces must be provided.

The applicant is aware that the code broadly interprets the term "practitioner" to include not only dentists but dental hygienists as well. Although this is a proposal to enlarge the dental office and add two patient chairs, the purpose of the addition is not to accommodate additional practitioners. According to Dientes' Executive Director, the office currently does not have chairs for patients awaiting exam or x-rays before being seated for treatment (see letter in Exhibit G). In addition, a portion of the addition is to expand the staff break room and add a utility shed.

Utility Shed

The utility shed is intended to house a compressor and another piece of equipment. As a condition of approval, the compressor's noise output may not exceed the General Plan's limit on noise as measured at the property line. Given that the compressor is to be enclosed in an insulated structure and will be located approximately 30 feet from the nearest property line, it is unlikely that this limit will be exceeded.

Drainage

In broad strokes, the drainage plan works in the following way. Runoff sheet flows from the north to the southeast corner where the water will enter an inlet. A silt and grease trap will treat the runoff before it leaves the parcel. The applicant has acquired an easement for off-site drainage improvements which will convey runoff to an open drainage ditch located southeast of the subject parcel. The Department of Public Works has reviewed and accepted the proposed improvements.

Design Review and Landscape Plan

Initially, the County's Urban Designer found that the proposed roofline was inconsistent with the existing structure's form and recommended that the roof be altered. The applicant submitted a revised design which the Urban Designer has accepted. The addition will be painted to match the existing building. Because the addition is to the back of the building, it will not be visible from Commercial Way.

As a part of this proposal, the applicant proposes to add a significant amount of new landscaping. The landscape plan includes new shrubs and eight new trees along the perimeter of the property which will visually break up the large parking area. In addition, the proposed landscaping will bring the parcel into conformance with County Code 13.11.074(c)(1)(vii) which requires a minimum of one tree for every five parking space.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **05-0591**, based on the attached findings **and** conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report **Prepared By:** Annette Olson
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa **Cruz** CA 95060
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E-mail: annette.olson@co.santa-cruz.ca.us

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for commercial uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the existing building will provide a buffer between the addition and the adjacent parcel. As a result, there will be no change to the adjacent parcel's access to light, air, or open space.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-C (Community Commercial) zone district in that the primary use of the property will be a dental practice.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial use is consistent with the use requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

General Plan Policy 2.14.2 (Provision of Commercial Development Sites) encourages the provision of suitable sites for commercial development to provide services for area residents. The proposed addition will enhance the efficiency of this dental practice to provide dental care to the community and is compatible with the intent of General Plan Policy 8.5.1 (Concentrate Commercial Uses) which seeks to contain commercial uses in designated areas.

In addition, General Plan Policy 2.14.6 (Quality of Commercial Design) requires commercial facilities to be compatible with adjacent land uses and neighborhood character. This project complies with this policy in that the addition is to an existing dental practice which is an ongoing use compatible with the adjacent land uses. Because no new practitioners are proposed, no intensification of use will result from this proposal.

Although the subject is mapped as part of the Highway One Scenic Corridor, it is not visible from Highway One as there are three parcels with large buildings intervening between the subject parcel and Highway One.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition is to be added to an existing dental practice. The expected level of traffic generated by the proposed project is anticipated to remain unchanged from the existing level of traffic as no new practitioners are proposed or permitted.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in an area containing a variety of uses and architectural styles, and the proposed addition is consistent with the land use intensity of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed addition will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

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.

Because the subject parcel abuts a residentially zoned parcel, commercial structures are required to be located 30 feet away from the shared property line. In this case, due to the narrowness of the parcel and the location of the existing structures, it would be impossible to site a portion of the addition (the “float” room and break room) 30 feet from the property line as the addition would encroach into the already narrow driveway. Given that the intent of this proposal is to enlarge the existing dental building and any addition to serve that purpose must be attached to the building, there is no other location suitable for the addition given the narrowness of the parcel and the location of the existing improvements.

2. That the granting of the 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.

This finding can be made, in that the intent of requiring commercial structures to be setback 30 feet from residentially zoned parcels is to protect residential uses from the impacts of commercial uses. Given that the adjacent mobile home park’s driveway, which is approximately 34-foot wide, abuts the property line and that the proposed addition is about 20 feet from the shared property line, the effective setback from the nearest residential unit is about 54 feet which meets the intent of the 30-foot setback. In addition, the portion of the addition which requires the variance is entirely screened by the existing dental building. Therefore, the proposed addition will have virtually no impact on the adjacent residentially zoned parcel.

The proposed addition will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity as the addition is proposed to be located as far away from adjacent property boundaries as possible, and poses no hazard to adjacent parcels as the proposal meets the purpose of all zoning objectives.

3. That the granting of such variances 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.

With the exception of the one residentially zoned parcel abutting the subject parcel, the rest of the area is zoned for commercial and office uses. Development on those parcels which do not abut the residentially zoned parcel, is not constrained by the 30-foot setback. Therefore, this variance does constitute a grant of special privileges, as all but two of the parcels in the area are not constrained by the 30-foot setback. For parcels not abutting the residential parcel, no side yard setback is required.

Conditions of Approval

- Exhibit A: 9 Sheets: 4 sheets by Teall Messer, Architect, Revision dated Aug. 24,2006 to Robert Palmer Plans; 1 sheet by Freitas + Freitas, Engineering and Planning Consultants, Inc, revised 9/19/06; 4 sheets by Gregory Lewis, Landscape Architect, dated 12/5/05.
- I. This permit authorizes the construction of an approximately 400 square foot addition to the existing nonconforming dental office. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official, if required.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain ~~an~~ Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- 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 proof that the drainage easement has been recorded.
 - C. Submit a signed, notarized and recorded maintenance agreement for the silt and grease trap.
 - D. 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. 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.
 - 2. **The** landscape plan must be modified to be consistent with the site plan.

3. Specify on the civil plans the amount of impervious surface (i.e. existing, to be removed, and new) including semi-impervious, if any.
 4. Show mitigating measures to be used for limiting runoff leaving the site.
 5. Provide details on the concrete walkway leading to Commercial Way. The walkway should be grade separated and located adjacent to the driveway with a concrete curb. Provide elevations of the new concrete curb at relevant points along the curb to clearly show full height curb and ramps.
 6. Modify entry door so that maneuvering clearances are met.
 7. Grading, drainage, and erosion control plans.
 8. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- E. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- F. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- I. Provide required off-street parking for 25 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- 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.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time

during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic 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.

IV. Operational Conditions

- A. 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.
- B. No more than five practitioners may work at this facility. The term “practitioner” includes dentists, dental hygienists and anyone else providing dental care to patients.
- C. The required silt and grease traps shall be permanently maintained. Maintenance shall include the following:
 - 1. **An** annual inspection, prior to October 15 each year, to determine if cleaning or repair is needed;
 - 2. A brief annual report shall be prepared by the inspector after the annual inspection, and submitted to the Drainage Section of the Department of Public Works within five days of inspection. The monitoring report shall specify any repairs done or needed to allow the trap to function adequately.
- D. The project must comply with the General Plan Noise Element 6.9b. Should any equipment generate noise in excess of the limit established in the noise element, sound attenuation will be required.

V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days

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Owner: Dientes Community Dental Clinic

of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires on the expiration date Listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Annette Olson
Project Planner

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

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION**

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 05-0591
Assessor Parcel Number: 025-161-14
Project Location: 1830 Commercial Way

Project Description: Proposal to construct and addition of approximately 400 square feet to an existing nonconforming dental office.

Person or Agency Proposing Project: Teall Messer

Contact Phone Number: (831) 462-4721

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. **Categorical Exemption**

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

F. Reasons why the project is exempt:

Additions to existing structures resulting in less than 50% of the floor area of the existing structure are exempt.

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

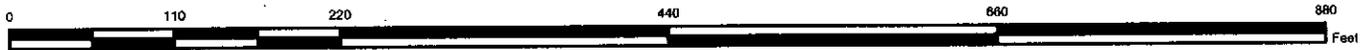
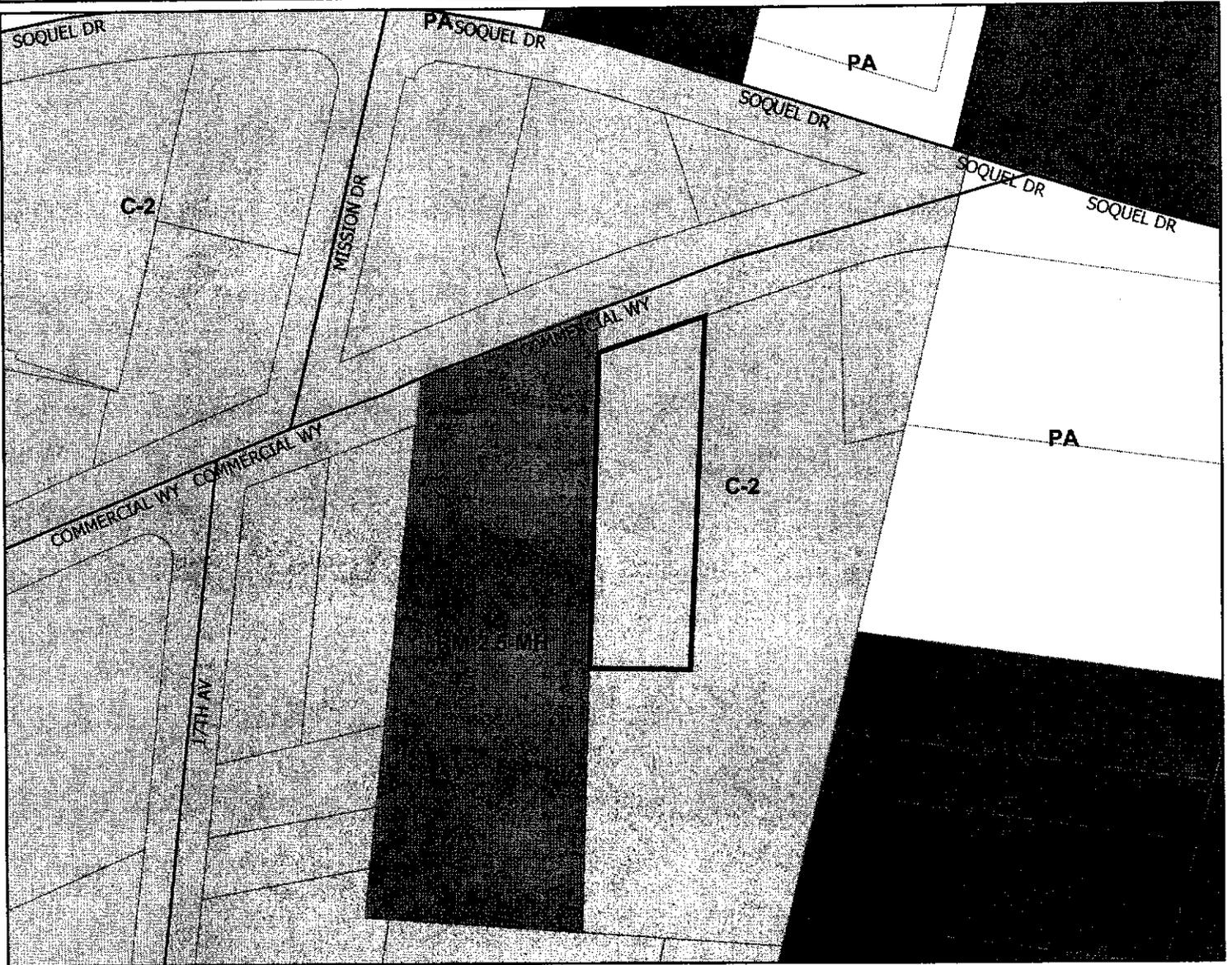


Annette Olson, Project Planner

Date: 10-18-06

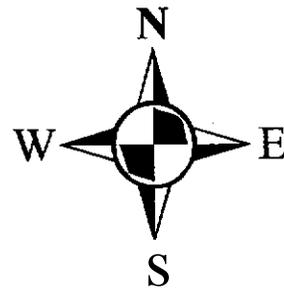


Zoning Map



Legend

-  APN 025-161-14
-  Streets
-  Assessors Parcels
-  COMMERCIAL-COMMUNITY(C-2)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  COMMERCIAL-NEIGHBORHOOD(C-1)
-  COMMERCIAL SERVICE (C-4)
-  COMMERCIAL-PROF OFFICE (PA)



Map Created by
County of Santa Cruz
Planning Department
September 2005

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Annette Olson
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Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 12, 2005 BY CARISA REGALADO =====

Not enough drainage information has been given to consider acceptance of this application. To be approved by this division at the discretionary application stage, all potential off-site impacts and mitigations must be determined: therefore, proposed projects must conclusively demonstrate that (see drainage guidelines):

- The site is being adequately drained.
- Site runoff will be conveyed to the existing downstream drainage conveyance system or other safe point(s) of release, if taken off-site.
- The project will not adversely impact roads and adjacent or downslope properties if taken off-site.

Also, the plans do not clearly communicate the development being proposed. Please address the following items:

- 1) Per the application project description, two room additions of 331 and 55 square feet are proposed. The plans show an 820 sf addition. Is this a recently completed addition or future work and not part of this application? Please clarify and label accordingly on the plans.
- 2) Is the existing surface at the proposed additions pervious or impervious? Please clarify on the plans.
- 3) A new silt and grease trap is proposed in the eastern corner of the parcel. Is this to replace an existing catch basin? Rip-rap at the outlet of an existing 6-inch pipe is shown in the open channel. Is this existing or proposed?
- 4) Per plans, two parking spaces are proposed. Is this area currently pervious or impervious? Please clarify on the plans.
- 5) Please clearly delineate and label all development proposed under this application.

Please Note: Mitigation measures should be used on-site to limit increases in post-development runoff leaving the parcel. Best Management Practices should be employed within the development to meet this goal as much as possible. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.

All subsequent submittals for this application must be done through the Planning Department. Submittals made directly to Public Works will result in delays.

Until further information is submitted addressing the above comments, a thorough review of this application cannot be completed. Once submitted, additional items may

Discretionary Comments - Continued

Project Planner: Annette Olsson
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need to be addressed before the application can be deemed complete

This application is for development in the Zone 5 Flood Control District: therefore, for increases in impervious area, a drainage fee will be assessed. The fees are currently 80.90 per square foot.

Please call or visit the Dept. of Public Works, Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions. ===== UPDATED ON JANUARY 6, 2006 BY CARISA REGALADO =====

Revised plans dated 12/05/05 have been received. Items 1 through 5 from the 10/12/05 review have been addressed.

Per sheet L1, an energy dissipation / percolation strip is proposed along portions of the east and south sides of the parking lot. It is noted that this feature is proposed as a mitigation measure for impervious area runoff. However, it is unclear if most of the strip will be accessible to a large portion of the runoff for the greatest amount of on-site percolation. No contours or elevation information has been made available to show flow patterns which would assist in depicting areas open to receiving runoff. A larger curb opening is called out on sheet L1 at the beginning of the strip. Please clarify if the remaining portion of the percolation area will be open to receive runoff or if this is inaccessible due to existing curbs or wood retaining walls. ===== UPDATED ON MAY 11, 2006 BY CARISA R DURAN =====
3RD ROUTING - 5/11/06

Civil plans dated April 2006 were received.

Previous routings depicted a silt & grease trap, 6-inch pipe, and rip-rap energy disperser in the portion of ditch within the adjacent parcel as existing. This routing shows new drainage facilities proposed in these same locations. It was clarified by phone conversation on May 11, 2006 with Michael Freitas, project engineer, who conducted field investigations that the no drainage system existed for this site: therefore a system has been proposed. It was also clarified by the project engineer that the existing rock lined ditch along the northeast and southeast property lines does not appear to allow for any percolation of runoff.

In order to achieve the proposed drainage system shown, an easement will be needed from APN 025-161-15. Evidence that the property owners of this parcel will grant the easement must be submitted before this application can be deemed complete.

As previously noted: Mitigation measures should be used on-site to limit increases in post-development runoff leaving the parcel. Best Management Practices should be employed within the development to meet this goal as much as possible. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc. Sheet L1 shows various landscaping work proposed for the site along the northeast and southeast property lines. Consider use of these areas for mitigating runoff leaving the site.' ===== UPDATED ON AUGUST 9, 2006 BY CARISA R DURAN =====
4th ROUTING - 8/9/06

Copy of recorded drainage easement from APN 025-161-15 received.

Discretionary Comments - Continued

Project Planner: Annette O1son
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Based on the submitted information, this application is deemed complete. Please see Miscellaneous Comments for additional items.

The application is deemed complete for this division. Please see Miscellaneous Comments for additional items.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 12, 2005 BY CARISA REGALADO =====
No comment. ===== UPDATED ON JANUARY 6, 2006 BY CARISA REGALADO =====
No comment. ===== UPDATED ON MAY 11, 2006 BY CARISA R DURAN =====
No comment. ===== UPDATED ON AUGUST 9, 2006 BY CARISA R DURAN =====
Please address the following items at the building application stage:

- 1) Please specify on the civil plans the amount of impervious surface (i.e. existing, to be removed, and new), including semi-impervious if any. for the proposed project.
- 2) Show mitigating measures to be used for limiting runoff leaving the site
- 3) Submit a signed, notarized, and recorded maintenance agreement for the silt & grease traps.
- 4) For increases in impervious area, a drainage fee will be assessed. The fees are currently \$0.90 per square foot. Suitable documentation must be submitted to establish permitted existing impervious pavement. This includes the County Assessor's records and photos. If photos are used, these must clearly define the year it represents: therefore, it is recommended that a copy of the Assessor's records, including the construction page, be submitted accounting for these areas.

Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 7, 2005 BY GREG J MARTIN =====
No comment. ===== UPDATED ON JANUARY 5, 2006 BY GREG J MARTIN =====
We recommend as a condition of approval the ADA accessible walkway to Commercial Way be designed by a civil engineer to include consideration of future road improvements, grades, alternative configurations, and possible drainage issues. The walkway should have a landing and ramp at the top and bottom. The landing may need to be protected from vehicular traffic by a curb or an asphalt concrete dike on either side. The walkway should be constructed of concrete and be grade separated (have a curb) from the driveway entering the property. These details can be addressed with the building plans, The plans are sufficient for the discretionary application.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON MAY 11, 2006 BY GREG J MARTIN =====
The civil engineering plans provided which show the concrete walkway from the street to the entrance of the building are not acceptable. However the details of the concrete walkway may be resolved during the building permit process. The discretionary plans are sufficient provided a condition of approval is that improvement plans by a

Discretionary Comments - Continued

Project Planner: Annette Olson
Application No. : 05-0591
APN: 025-161-14

Date: October 3, 2006
Time: 10:41:31
Page: 4

civil engineer are prepared which meet Public Works approval.

Specifically, the walkway should be grade separated and located directly adjacent to the driveway. This shall require the removal of asphalt concrete dike and replacement with a concrete curb, Type A or C depending upon drainage. The sidewalk is recommended to be contiguous with the new concrete curb. The ramp and the landing along Commercial Way may be asphalt concrete. Consideration should be given to drainage to ensure a path is not created for water to flow from the street onto the project through the gap created in the existing asphalt concrete dike. Elevations of the new concrete curb should be clearly shown at relevant points along the curb to clearly show full height curb and ramps. resolved during

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 7, 2005 BY GREG J MARTIN =====
===== UPDATED ON MAY 11, 2006 BY GREG J MARTIN =====
===== UPDATED ON MAY 11, 2006 BY GREG J MARTIN =====

Environmental Health Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 29, 2005 BY JIM G SAFRANEK =====
NO COMMENT

Environmental Health Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 29, 2005 BY JIM G SAFRANEK =====
Check with hazamat to determine if any permit changes are required (prior to application for building permit).
===== UPDATED ON SEPTEMBER 29, 2005 BY JIM G SAFRANEK =====

SANTA CRUZ COUNTY SANITATION DISTRICT
INTER-OFFICE CORRESPONDENCE

DATE: **December 22, 2005**

TO: Planning Department, ATTENTION: ANNETTE OLSON

FROM: Santa Cruz County Sanitation District, STEVE HARPER

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE FOR THE FOLLOWING PROPOSED DEVELOPMENT:

APN 025-161-14 APPLICATION NO.: 05-0591

PARCEL ADDRESS: 1830 COMMERCIAL WAY

PROJECT DESCRIPTION: ADDITION TO DENTAL BUILDING

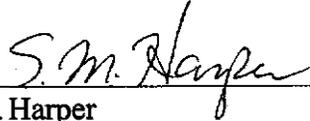
Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Water use data (actual and/or projected), and other information as may be required for this project, must be submitted to the District for review and use in fee determination and waste pretreatment requirements before sewer connection permits can be approved.

The plan shall show all existing and proposed plumbing fixtures on floor plans of building application. Completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.

Other: A backflow prevention device may **be** required.



S.M. Harper
Sanitation Engineering

SMH:abc/588.wpd

c: Applicant: DAVID FOSTER
324 FRONT STREET
SANTA CRUZ CA 95060

Property Owner: DENTES COMMUNITY DENTAL CLINIC
1830 COMMERCIAL WAY
SANTA CRUZ CA 95065

(Rev. 3-96)



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831)479-6843 fax (831)479-6847

Date: April 25,2006
To: Dientes Community Dental Clinic
Applicant: David Foster
From: Tom Wiley
subject **05-0591**
Address **1830 Commercial way**
APN: 025-161-14
OCC: 0529
Permit: 20060140

We have reviewed plans for the above subject project

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for Application for Building Permit:

SHOW location of fire extinguishers.

SHOW where address numbers will be posted and maintained, plainly visible from the street. Numbers shall be a minimum of four (4) inches in height and of a color contrasting to their background.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late** Fee may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centrafDd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
0529-042506

Serving the communities of Capitola, Live Oak, and Soquel

COUNTY OF SANTA CRUZ
INTEROFFICE CORRESPONDENCE

DATE: December 22, 2005
TO: Annette Olson, Planning Department, Project Planner
FROM: Melissa Allen, Planning Liaison to the Redevelopment Agency
SUBJECT: Application **05-0591, 2nd Routing**, APN 025-161-14, 1830 Commercial Way, Live Oak

The applicant is proposing to add two additions, one room of about 331 square feet and another room of about 55 square feet, to an existing nonconforming dental office (no new practitioners). The project requires an amendment to Commercial Development Permit 87-0567 and a Variance to reduce the required side yard setback from 30 feet to zero feet (the existing building is located about 0 feet from the side property line). The property is located on the south side of Commercial Way about 200 feet southwest of the intersection with Soquel Drive.

This application was considered at Engineering Review Group (ERG) meetings on September 21, 2005 and December 21, 2005. The Redevelopment Agency (**RDA**) previously commented on this application on October 5, 2005. Please see these comments for any remaining items for Planning consideration. RDA has the following additional comments on this routing. RDA's primary concerns for this project are that adequate parking and improvements are provided to serve the facility and accommodate pedestrian access.

1. All required parking should be provided onsite. Parking calculations should be provided on the plans to demonstrate compliance with any previous permit approvals and/or current standards as applicable. As shown on the Site Plan, parking space #14 does not appear to meet standards.
2. Improvements should be made to the new accessible pedestrian path from Commercial Way to the passenger-loading zone and building entry pursuant to Public Works Road Engineering direction.
3. All plan sheets should be consistent (e.g. to avoid potential conflicts, the design of parking space #14 should be consistent **between** the Site Plan and Planting Plan, the "striped crosswalk" should be clearly shown on the Site Plan, and existing and new retaining walls should be identified on the Planting and Irrigation Plans).
4. RDA supports the preservation of the large Walnut and Redwood trees along the driveway entrance near Commercial Way and encourages that these be protected as needed through construction.

The items and issues referenced above should be evaluated as part of this application and/or addressed by conditions of approval. **RDA** does not need to see future routings of this project unless there are changes proposed relevant to RDA's comments. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

cc: Greg ~~Martin~~, DPW Road Engineering
Paul Rodrigues, **RDA** Urban Designer

MEMORANDUM

Application No: 05-0591 (second routing)

Date: December 12,2005

To: Annette Olson, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Reviewfor an addition to a commercial building at 1830 Commercial Way, Santa Cruz

GENERAL PLAN / ZONING CODE ISSUES

Desian Review Authority

13.11.040 Projects requiring design review.

(e) All commercial remodels or new commercial construction.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria in code(✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site			N/A
Building siting in terms of its location and orientation			N/A
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences			N/A
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography			N/A
Retention of natural amenities			N/A
Siting and orientation which takes advantage of natural amenities			N/A
Ridgeline protection			N/A

Views			
Protection of public viewshed			N/A
Minimize impact on private views			N/A
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties			N/A
Reasonable protection for currently occupied buildings using a solar energy system			N/A
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings			N/A
Street face setbacks			N/A
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting.	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties...	✓		

Building walls and major window areas are oriented for passive solar and natural lighting.			N/A
Lighting			
All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.			<i>Suggest as Condition of Approval</i>
Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.			<i>Suggest as Condition of Approval</i>
All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.			<i>Suggest as Condition of Approval</i>
Building and security lighting shall be integrated into the building design.			<i>Suggest as Condition of Approval</i>
Light sources shall not be visible from			<i>Suggest as Condition of Approval</i>
Loading Areas			
Loading areas shall be designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.			N/A

RECORDED AT THE REQUEST OF AND
WHEN RECORDED RETURN TO:

Dientes! **Community Dental** Clinic }
1830 Commercial Way }
Santa Cruz, CA 95065 }
}
}

APN: 025-161-14
APN: 025-161-15

GRANT OF DRAINAGE EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, Gerald G. Kay and Kerstin Andersson, as Trustees of the Gerald G. Kay and Kerstin Andersson Revocable Living Trust under instrument dated June 9, 1999 (“Grantors”), as owners of the real property situated in the County of Santa Cruz, State of California, commonly known as APN 025-161-15, and more particularly described in the grant deed recorded June 21, 1999, as Instrument No. 1999-042955, Santa Cruz County Official Records (the “Servient Tenement”) hereby grant to Dientes! Community Dental Clinic, a California nonprofit corporation (“Grantee”), as owner of the real property situated in the County of Santa Cruz, State of California, commonly known as APN 025-161-14, and more particularly described in the deed recorded May 23, 2002 as Instrument No. 2002-037739, Santa Cruz County Official Records (the “Dominant Tenement”), a nonexclusive, perpetual 10 foot wide drainage easement more specifically described in attached Exhibit A.

The foregoing easement shall be used for the purpose of conveying surface water from the Dominant Tenement to the creek flow line situated on the Servient Tenement. Grantee shall be obligated to and shall have **the** right to install, maintain, repair and replace drainage facilities on the express conditions that: (i) neither Grantee nor Grantee’s agents shall enter upon the Servient Tenement for the purpose of installing, maintaining, repairing or replacing drainage facilities except upon reasonable notice to Grantor, and at such times and in such manner **as** to minimize any inconvenience to Grantor; (ii) all such work shall be done at Grantee’s sole cost and expense, and Grantors and the Servient Tenement shall be held harmless from any claims of mechanics liens arising out of such **work**; and (iii) in the event of entry onto Grantors’ property to install, maintain, repair or replace the drainage system, the Servient Tenement shall promptly be restored to the same or better condition as existed prior to such entry at Grantee’s expense.

Grantee, and any subsequent owner of all or part of the Dominant Tenement, by accepting a deed thereto, agrees to indemnify, defend, protect and hold harmless Grantors and their successors in interest from any and all claims, demands, causes of action, liabilities, losses or costs, including attorneys’ fees, arising out of or relating to Grantee’s use of said easement or drainage facilities.

The foregoing easements, rights and obligations shall be appurtenant to the properties described herein within the meaning of California Civil Code Section 801 and Section 1468, and shall benefit or be binding upon each successive owner, during his or her ownership, of any portion of the properties described herein.

In the event of any litigation or arbitration between *the* parties concerning this **Grant** of Easement, whether for damages, equitable relief, or declaratory relief, the prevailing party shall be entitled to a reasonable sum for attorneys' fees, in addition to such other relief **as may** be granted by a court or arbitrator.

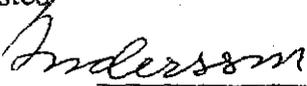
This Grant of Easement may be executed in counterparts, all of which, taken together, shall be deemed one document.

Dated: 7-14-06



Gerald G. Kay, Trustee

Dated: 7-14-06



Kerstin Andersson, Trustee

ALL PURPOSE ACKNOWLEDGMENT - CALIFORNIA

STATE OF California
COUNTY OF Santa Cruz

ON July 14, 2001 BEFORE me Ellen Silverstein Coren, a Notary Public,
personally appeared Gerald G Kay + Kerstin Anderson
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be
the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and
acknowledged to me that ~~he/she~~ they executed the same in ~~his/her~~ their authorized
capacity(ies), and that by ~~his/her~~ their signature(s) on the instrument the person(s) or
the entity upon behalf of which the person(s) acted, executed the instrument,

WITNESS my hand and official seal.

Signature Ellen Silverstein Coren



Gary Ifland & Assoc., Inc.

SURVEYING | MAPPING | GPS

1100 Water Street, Suite C
Santa Cruz, CA 95062
Tel 831.428.7941 Fax 831.428.6288

10' WIDE STORM DRAIN EASEMENT

SITUATE in the County of Santa Cruz, County of Santa Cruz, State of California

BEING an easement 10 feet in width for drainage purposes over a portion of the lands of the Kay/Anderson Trust as described in Document #1999-042955, Official Records of Santa Cruz County, the centerline of which is described as follows:

BEGINNING at a 1/2" Iron pipe tagged LS 4234 at the Southeast corner of the lands conveyed to Dientes Commercial Dental Clinic as described in Document #2002-037739, Official Records of Santa Cruz County, from which a 1/4" iron pipe tagged LS 4407 bears N 2° 43' 56" E 266.44 feet and N 41° 06' 00"W 0.54 feet distant; thence South 41° 48' 39" East, a distance of 29.72 feet, to an angle point; thence South 87° 32' 47" East, a distance of 92.8' more or less, to the flow line of the existing creek

END OF DESCRIPTION

Prepared by Gary Ifland & Associates, Inc. Job #G06017

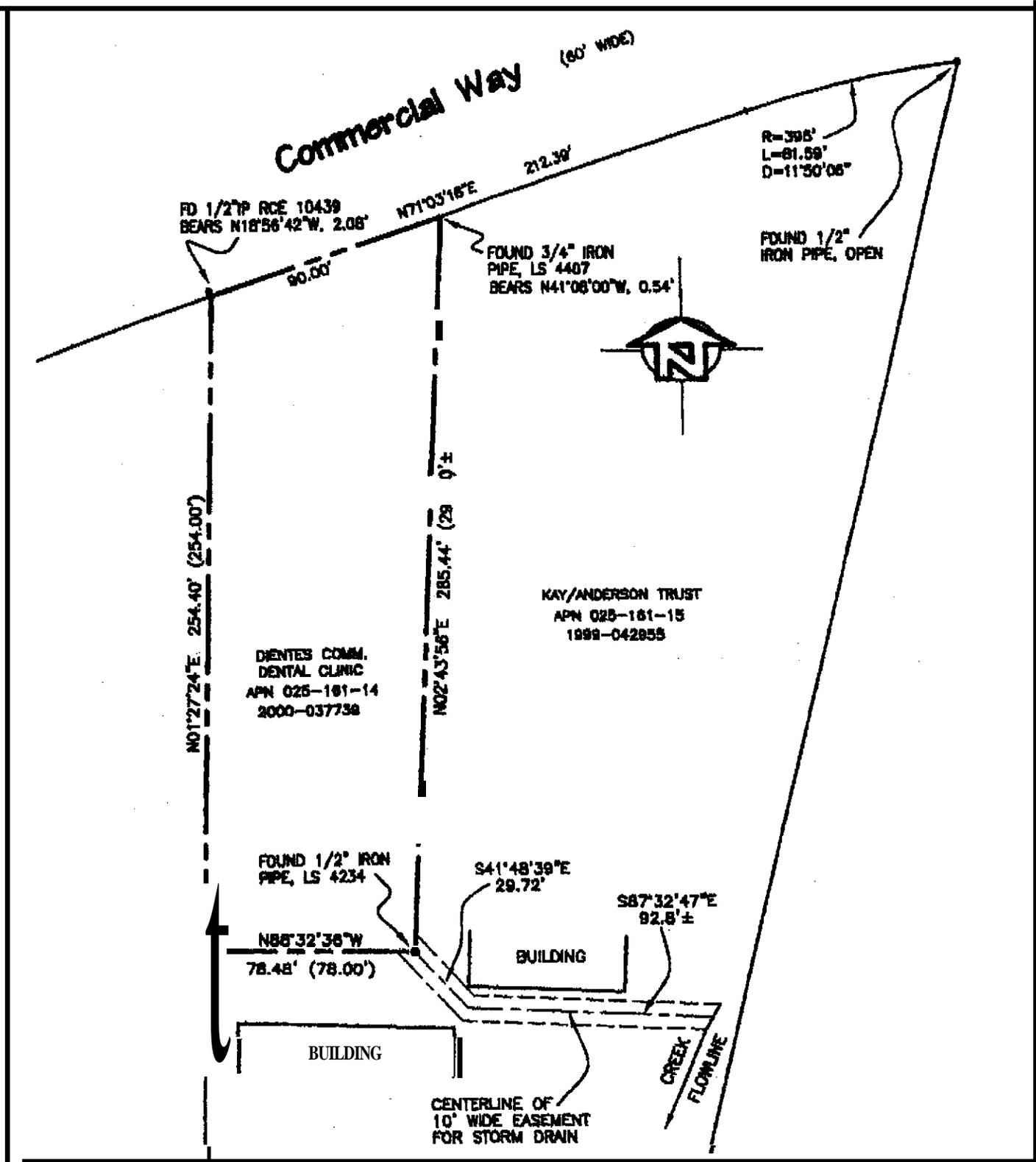


GARY IFLAND & ASSOC.

SURVEYING | MAPPING | GPS

1100 Water St. Suite C, Santa Cruz, CA Tel 831.426.7041 Fax 831.426.8285

JOB NO. G08010 - DIENES
SHEET NO. 1 OF 1
CALCULATED BY GJ DATE 06/30/06
SCALE: 1" = 50'





1830 Commercial Way
Santa Cruz CA 95065
Phone 831/464-5409
Fax 831/464-5416
www.dientes.org

November 21, 2005

RE: Additional information for Application #05-0591, Assessor's Parcel 025-161-14, Dientes Community Dental Clinic

Board of Directors
Jim Jacobson, DDS
President

Matt Nathamon, RN
Vice President

Rachael Nava
Treasurer

Ellen Ortiz, Ed.D.
Secretary

Lee Fitzsimmons
Ventura León

Julio Porro, MD

Krir Reyes

Kathy Ruiz-Goldenkranz

Olga de Santa Anna

Executive Director
Mark Riley, MPA

Dental Director
Marylin Stephemon, DDS

Dental Advisory Committee
Eruce Bruno, DDS

Mark Ebrahimian, DDS

Marilyn McMahan, RDH

James Smith, DDS

Tom Young, DDS

Advisory Council
Assemblyman John Laird

Ryan Coonerty

Nicole Lezin

Cynthia Matthews

Trent McIlhane, CPA

To whom it May Concern:

The following information is intended to answer Question #1 of the Additional Information Required request for application #05-0591 sent to David Foster on 10/13/05.

Question #1 asks: "Please clarify the number of practitioners working at this facility. It appears that two new dental chairs are being added which could indicate an intensification of use. Please clarify the purpose of these chairs."

Answer: The number of practitioners will remain at 5, as outlined in our Use Permit. The purposes of the additional chairs are the following:

- We currently have no chairs for "float" use (e.g. a patient awaiting exam or x-rays before being seated for treatment). This slows down productivity and increases patient wait time.
- While there may be a slight rise in productivity, it is merely maximizing the capability of our existing practitioners and allowing us to achieve standard community clinic production norms. We estimate an increase to be no more than 8-9% in patient flow.
- The increase in space and chairs provides more "breathing room", which decreases staff stress and increases safety.

If you have any further questions, I encourage you to contact me directly. Thank you for your time and consideration.

Sincerely,

Mark A. Riley, MPA
Executive Director
831 464-5418
mark@dientes.org



THE
JOHN STEWART COMPANY

500 Chestnut St., Ste 101
Santa Cruz, California 95060

a31 457 5725
Fax 451 5737
www.jSCO.net

October 24, 2005

Dientes Community Dental Care
C/o David Foster
Santa Cruz Community Credit Union
P.O. Box 1977
Santa Cruz, CA 95061-1877

Re: Letter of Support for Dientes

Dear David,

The Board of Directors met on Saturday, October 22, 2005, and reviewed your letter and attached plans for the expansion of Dientes.

The Board agreed unanimously that the project is a worthy one, will not have a negative impact on Pacific Family, and is a valuable addition to and improvement of the community.

Please let me know if you need any further clarification or support.

Sincerely,

The John Stewart Company, Property Management Agent for
Pacific Family Cooperative

Mari Tustin
Senior Vice President