



Staff Report to the Zoning Administrator

Application Number: **06-0532**

Applicant: Green Valley Corporation
Owner: Green Valley Corporation
APN: 027-273-73

Agenda Date: December 1, 2006
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish a vacant restaurant building in the East Cliff Village Shopping Center, erect visual screening including temporary construction fencing, grading to drain, seeding and a **6 ft. high** chain link fence.

Location: 21515 East Cliff Drive, Santa Cruz

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

Permits Required: Coastal Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0532, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|---|----|--|
| A. | Project plans | G. | Zoning map |
| B. | Findings | H. | Floor plan of existing building |
| C. | Conditions | I. | E-mail from MCM Diversified
(property management) |
| D. | Categorical Exemption (CEQA
determination) | J. | Discretionary Application Comments |
| E. | Location map | | |
| F. | General Plan map | | |

Parcel Information

Parcel Size: 5.96 acres
Existing Land Use - Parcel: Commercial (retail)
Existing Land Use - Surrounding: Residential to the rear and commercial to the side and
across the street

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

Project Access: East Cliff Drive
Planning Area: Live Oak (within East Cliff Village Tourist Area)
Land Use Designation: SC-EAS (Community Commercial)
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: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
scenic: Not a mapped resource
Drainage: Existing drainage adequate
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

History

The applicant began demolition of this structure by removal of roofing without a permit. The proposal is solely for demolition of the abandoned restaurant (Polivio's).

Staffs research showed that no Coastal Permit exists for the East Cliff Village Shopping Center. Demolition is considered development as defined by the Local Coastal Plan.

Project Setting

The East Cliff Village Shopping Center is located on East Cliff Drive in the Live Oak Area. It is an underutilized site, with struggling businesses. The restaurant on the east side of the center has been out of business for some time and the owner has determined that it is a liability and requested that it be demolished (*see* Exhibit I).

Zoning & Local Coastal Program Consistency

The subject property is an approximately 6-acre parcel, located in the C-2 (Community Commercial) zone district, a designation that allows commercial uses.

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.

The site plan submitted indicates that there will be a permanent six feet **high** chain link fence installed after the demolition and planting of the lawn. Staff believes that this fence would be out of character with the center and has added a condition of approval to delete references to the permanent chain link fence on the site plan.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed. No extenuating circumstances or special site conditions that would require further review under CEQA are evident in the proposed project.

The owner commissioned an "asbestos-containing material inspection report" from Environmental Technical Service, Inc. of Pt. Richmond, CA. The report indicates that six types of asbestos-containing materials were confirmed in this building. A Condition of Approval has been added which requires the demolition contractor to comply with all requirements and suggestions contained in the report.

Conclusion

As proposed and conditioned, the demolition 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 **06-0532**, 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

Application# 06-OS32
APN: 027-273-73
Owner:Green Valley Corporation

Page 4

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

Application # 06-0532
APN: 027-273-73
Owner: Green Valley Corporation

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.

This finding can be made, in that the property is zoned C-1 (Community Commercial), a designation that allows commercial uses. The remaining commercial development is a principal permitted use within the zone district, consistent with the site's (SC-EAS) 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.

This finding can be made, in that 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 13.20.130et seq.

This finding **can** be made, in that the demolition will not effect the existing shopping center in a way that would be inconsistent with the surrounding neighborhood in terms of architectural style. 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.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the demolition 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.

This finding can be made, in that the remaining structures, as modified by this demolition will remain sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial uses are allowed **uses** in the C-1 (Community Commercial) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

Application#: 06-0532
APN: 027-273-73
Owner: Green Valley Corporation

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 removing a structure. Demolition 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.

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 demolition will still allow the existing shopping center to function.

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 demolition will not adversely change the existing structures which would result in any inconsistencies with the County General Plan.

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 will decrease the level of traffic generated and therefore will not adversely impact existing roads and intersections in the surrounding area.

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 demolition removes an aging building and temporarily replaces it with landscaping.

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 demolition and replacement landscaping will not reduce or visually impact available open space in the surrounding area.

Application #: 06-0532
APN: 027-273-73
Owner: Green Valley Corporation

Conditions of Approval

Exhibit A: Proposed Site Plan, prepared by Greg Lewis (with hand written annotations describing the demolition plan), dated 5-28-98.

- I. This permit authorizes the demolition of a vacant restaurant building in the East Cliff Village Shopping Center, erection of visual screening including temporary construction fencing, grading to drain, and seeding for a lawn. 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
 - C. The demolition contractor to comply with all requirements and suggestions contained in the asbestos-containing material inspection report prepared by Environmental Technical Services, Inc., dated August 13, 2006.
- II. Prior to issuance of a Demolition Permit the applicant/owner shall:
 - A. The applicant shall contact the Monterey Bay Air Quality Control District, submit the asbestos report, comply with any conditions and submit a review letter to the Building Department from that agency.
 - B. Submit a landscape plan showing planting and irrigation for review and approval by the Planning Department and the City of Santa Cruz Water Department.
 - C. Submit a drainage plan for review and approval to the Department of Public Works.
 - D. Submit a revised site plan, removing reference to permanent fencing.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - F. 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.
- III. All demolition shall be performed according to the approved plans for the Building Permit. Prior to final inspection, the applicant/owner must meet the following conditions:
 - A. **All** site improvements shown on the final approved Demolition Permit plans shall

Application#: 06-0532
APN: 027-273-73
Owner: Green Valley Corporation

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.
- 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 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.

Application# 06-0532
APN: 027-273-73
Owner: Green Valley Corporation

- 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

Lawrence Kasparowitz
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: 06-0532
Assessor Parcel Number: 027-273-73
Project Location: 21515 East Cliff Drive

Project Description: Proposal to demolish a vacant restaurant building in the East Cliff Village Shopping Center, erect visual screening including temporary construction fencing, grading to drain, seeding and a 6 ft. high chain link fence.

Person Proposing Project: *Green Valley Corporation*

Contact Phone Number: (408) 287-0246

- 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 3 - New Construction or Conversion of Small Structures (Section 15303)

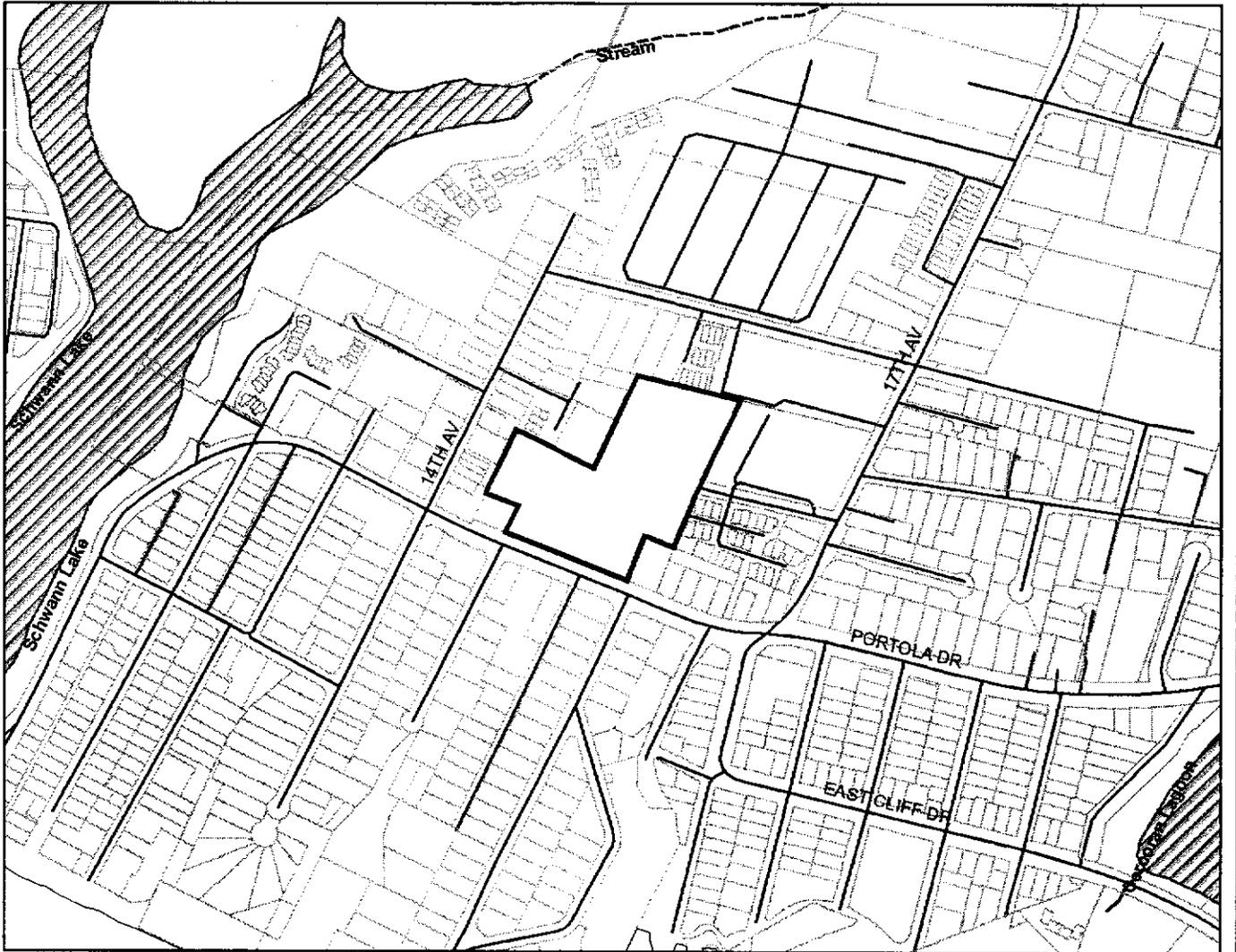
- F. Reasons why the project is exempt: demolition of **an** existing structure

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

Lawrence Kasparowitz, Project Planner

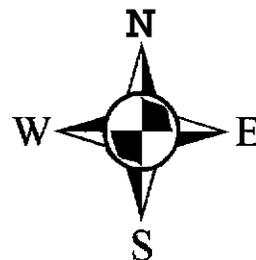
Date: _____

Location Map



Legend

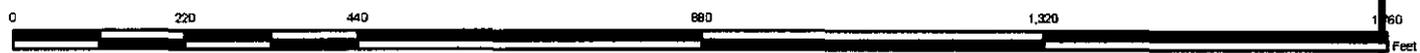
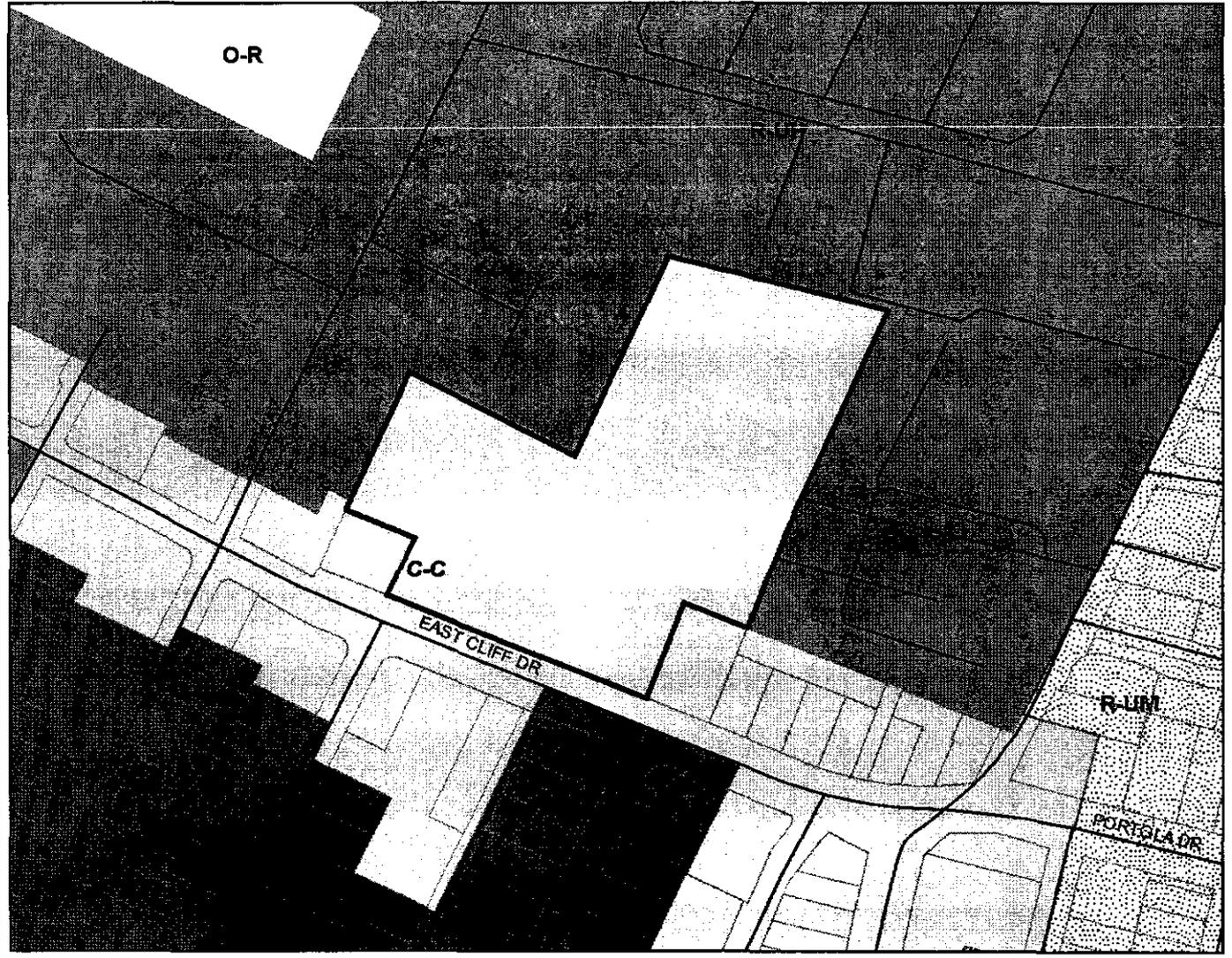
-  APN 027-273-73
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  Lakes



Map Created by
County of Santa Cruz
Planning Department
September 2006

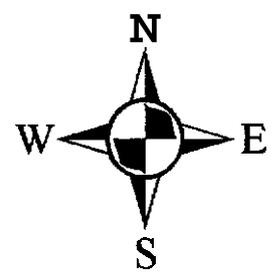


General Plan Designation Map



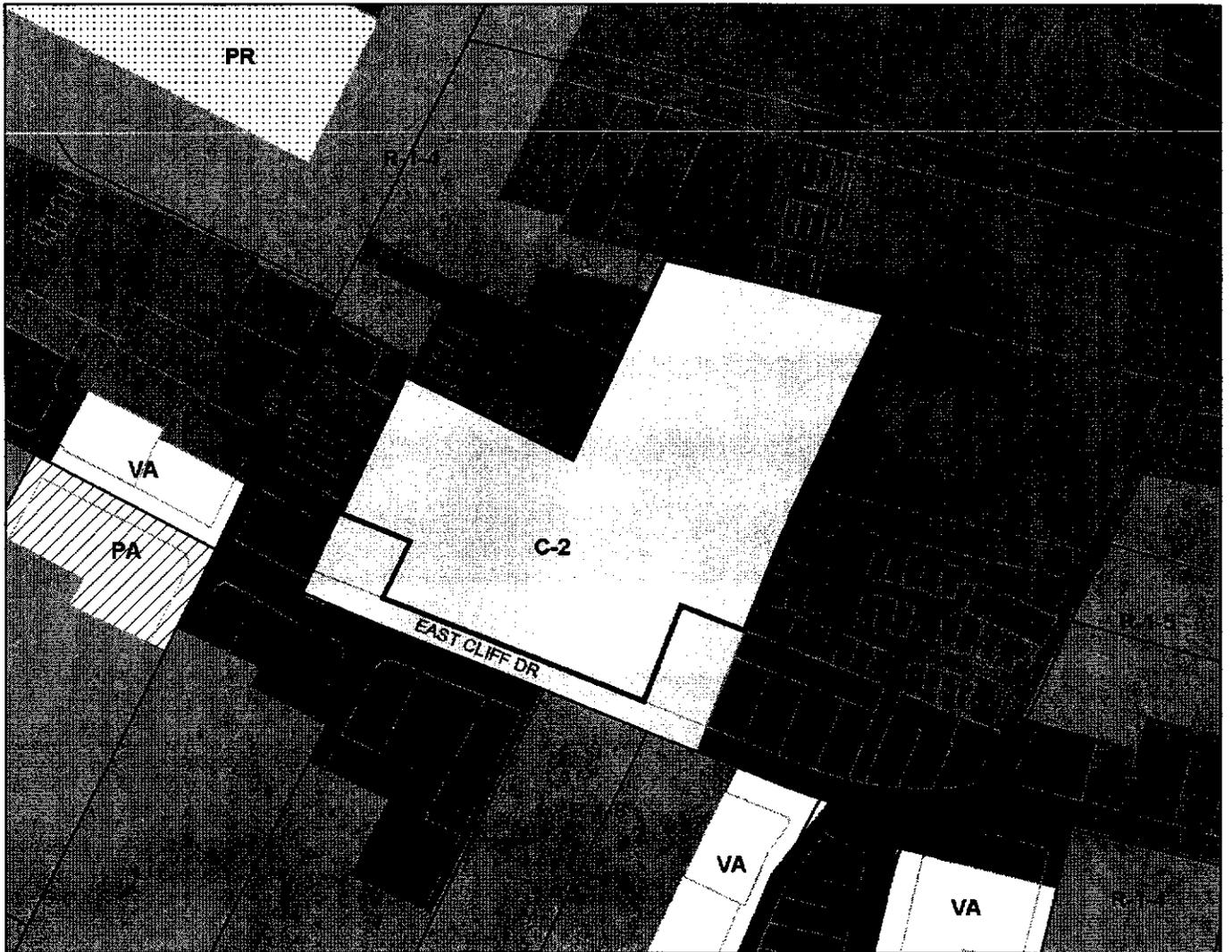
Legend

-  APN 027-273-73
-  Assessors Parcels
-  streets
-  Commercial-Community(C-C)
-  Residential- Urban High Density (R-UH)
-  Residential- Urban Low Density (R-UL)
-  Parks and Recreation (O-R)
-  Residential- Urban Medium Density (R-UM)



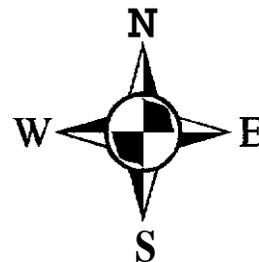
Map Created by
 County of Santa Cruz
 Planning Department
 September 2006

Zoning Map



Legend

-  APN 027-273-73
-  Assessors Parcels
-  Streets
-  COMMERCIAL-COMMUNIN(C-2)
-  COMMERCIALNEIGHBORHOOD(C-1)
-  RESIDENTIAL-MULTIFAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  COMMERCIAL-PROF OFFICE (PA)
-  PARK (PR)
-  COMMERCIAL-VISITORACCOM. (VA)



Map Created by
County of Santa Cruz
Planning Department
September 2006

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: Larry Kasparowitz
Application No.: 06-0532
APN: 027-273-73

Date: October 31, 2006
Time: 09:42:47
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON SEPTEMBER 26, 2006 BY JESSICA L DEGRASSI =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON SEPTEMBER 26, 2006 BY JESSICA L DEGRASSI =====
NO COMMENT

Dpw Drainage Completeness Comments

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

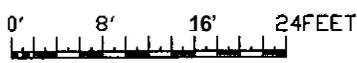
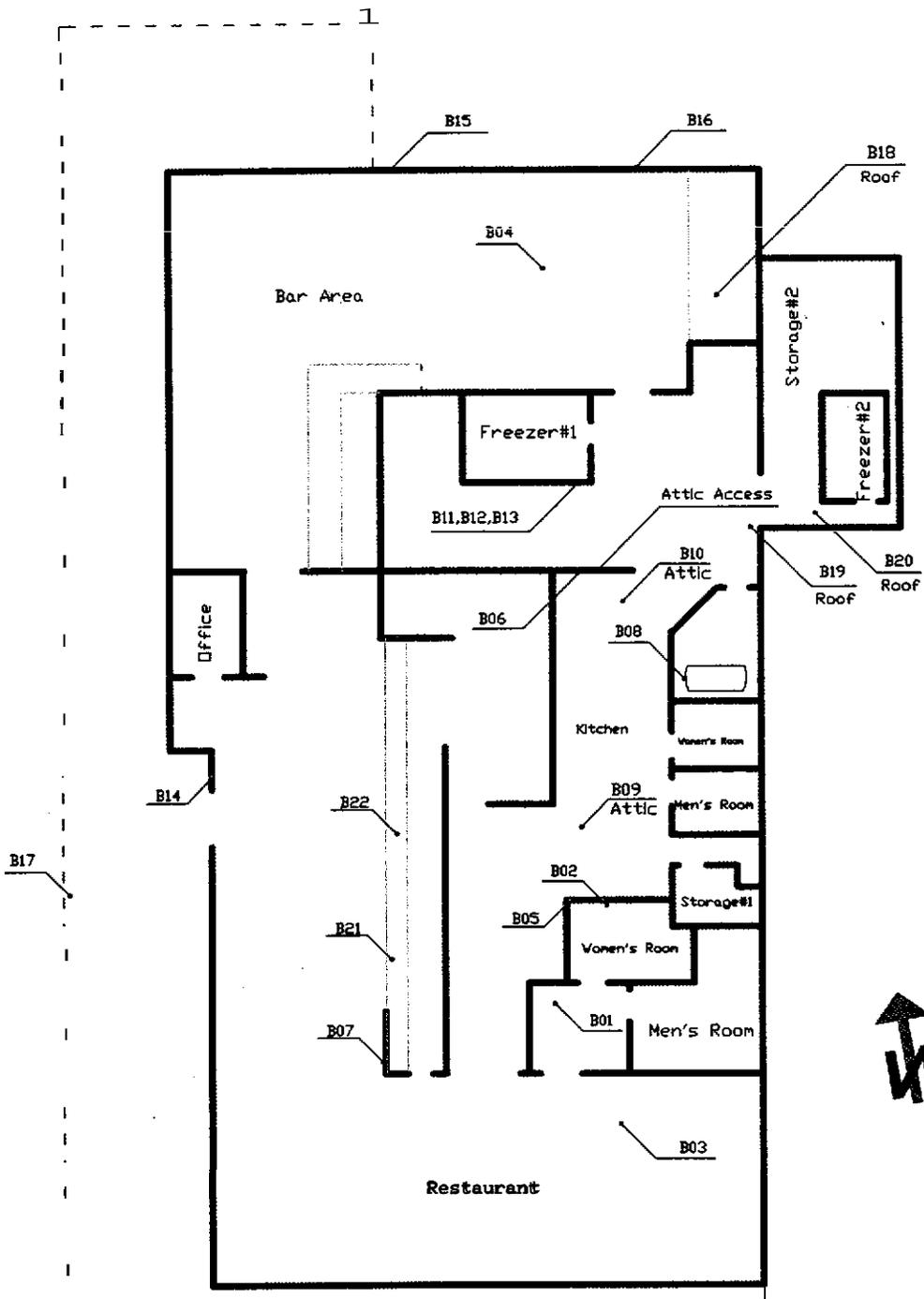
===== REVIEW ON OCTOBER 12, 2006 BY DAVID W SIMS =====
NO COMMENT

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON OCTOBER 12, 2006 BY DAVID W SIMS =====

It is recommended that the applicant keep good records of existing impervious surfaces removed so that future credit may be realized for future development in order to reduce impact fees and required mitigation levels.



CLIFF DRIVE

ALL SAMPLE NUMBERS HAVE A PREFIX OF "2-151"

Environmental Technical Services, Inc.			SAMPLING LOCATIONS	
Inspector	Name and Signature	Date	Address:	Scale:
Drawing	K. Khodayan, R. Kamkar	August, 2006	2-151 Cliff Drive	
Checked	R. Kamkar	August, 2006	Santa Cruz, CA	
Approved	K. Khodayan	August, 2006	File No. 0-20060718-001	Sheet No. 1 Rev. 0

Lawrence Kasparowitz

From: Jeff Francis [jfrancis@mcmdiversified.com]
Sent: Tuesday, October 17, 2006 2:03 PM
To: Lawrence Kasparowitz
Subject: East Cliff Village. Demolition of old restaurant site

To:
Larry Kasparowitz
project Planner
County of Santa Cruz

Mr. Kasparowitz,
This correspondence is indented to provide information behind the efforts to demolish the building on the site of the old Polivio's restaurant. We seek to take down that structure not because there is an impending development plan for that location but because the building is dangerous and unsalvageable. After the previous tenant vacated, we did an extensive survey on the condition of the building. Our results include the following:

Extensive termite damage- the entire wood structure is plagued with termite infestation to the point of compromising the structural integrity of the building.

Cracked slab foundation- the slab foundation is cracked the entire length of the building. The north section of which has settled to a slope of approximately 5%. The break or separation in the concrete is a continuous 1" to 3". We have found no feasible way to lift the slope part of the premises back to it's original position.

All of the main drain lines are completely decayed (most likely from decades of Coca Cola, etc draining). While the top of the pipes still exist the lower quarter of the pipes are gone - forcing the liquids to drain on the dirt.

Due to the research on the pipes, there are several locations throughout the site that have massive saw cuts and trenches creating a dangerous situation for the vagrant population that frequently breaks into the building.

The buildings restrooms are extremely small and not up to current handicap codes. Due to the location of them relative to the kitchen core, there is no effective way to expand them to meet current title 24 requirements.

The structure in its current condition provides a potential refuge for a rodent population.

Mr. Kasparowitz, for these reasons, the property owner wishes to take down the building to limit insurance liability, discourage the habitation of vagrants, and generally make the site more attractive. The intention is to clean the site and plant grass until the time that an appropriate plan for the site is achieved.

Please let me know if I can provide additional information that could help the procees move forward. In addition, I would be happy to arrange for a tour of the dangerous structure to you and your staff.

Sincerely,
MCM Diversified Inc for Green Valley Corp.
JF
Jeff L Francis
Vice President
MCM Diversified Inc.
777 N. 1st St. Suite 600
San Jose, CA 95112



November 6, 2006

Mr. Lawrence Kasparowitz
Project Manager
county of Santa Cruz
701 Ocean Street – 4th Floor
Santa Cruz, CA 95060

Re: 2-1515 East Cliff Village – Demolition of Old Restaurant
Application # 06-0532, Assessor's # 037-273-73

Dear Mr. Kasparowitz,

Thank you for your letter dated 10/16/06 outlining the current status for the application to demolish the old Polivios Restaurant. Based on the letter, and the inter-office correspondence, it appears that there are several more steps required to take down the building. In addition, there seems to be the possibility that the building would have to remain – even in its current dangerous and unusable condition.

In an effort to clarify the ownership position, allow me to *address* the RDA's suggestions.

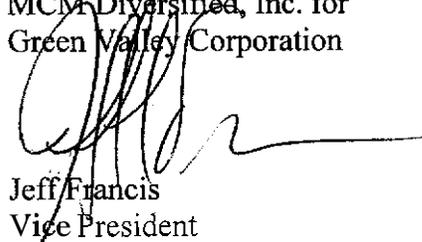
- 1) Regarding a potential meeting to discuss future plans for the center and the fact that demolition work commenced with the removal of roof tiles.
 - While several plans for the center have been studied, as of yet, none of these have met the correct balance to move forward. Our effort to take down the old Polivios Restaurant is aimed at immediately improving the look and feel of the center state. The current structure is unusable **due** to a variety of problems, it is prone to vandalism, and poses a liability to everyone involved. Regarding the removal of tiles, we offer our apologies. It was never anticipated that a demo permit could lead to a development permit. We underestimated the cost (\$7,250. to date) and the complexity of our target.
- 2) Chain link fencing around the demo site.
 - The chain link fence was meant only to be temporary in order to allow the grass and plantings to take hold. We apologize for not making that clear and thus eliciting the additional scrutiny.

- 3) The **RDA** is concerned that the area may result in a 'blighted' appearance.
- The ownership fully agrees and sees this effort as a first step in turning the project around. Regarding possible use for the demolished area, the strategy is to allow for more use for the Farmer's Market and provide a nicer line of sight from East Cliff Drive to the Market space.

I hope this letter serves to clarify the ownership's intentions regarding removal of the old Polivios restaurant. Green Valley Corporation looks forward to working with the County to bring East Cliff Village back to a vibrant center while a proper development plan can be crafted. Feel free to contact me with any questions or to schedule a site tour.

Sincerely,

MCM Diversified, Inc. for
Green Valley Corporation



Jeff Francis
Vice President

Cc: Tom Burns
Jesse Nickell
Lee **Ann** Woodard
Barry Swenson

JF:jm

APN 027-273-73 Aerial



Map created by
County of Santa Cruz
Planning Department
October 2006