



## Staff Report to the Zoning Administrator

Application Number: **09-0144**

**Applicant:** Gary & Janiece Ransone  
**Owner:** Gary & Janiece Ransone  
**APN:** 032-061-04

**Agenda Date:** 10/2/09  
**Agenda Item #:** 2  
**Time:** After 10:00 a.m.

**Project Description:** This is a proposal to recognize structural and nonstructural changes to a significantly nonconforming mixed use building, recognize the mixed use, recognize the demolition of a garage and establish a Master Occupancy Program for the building.

**Location:** The property is about 300 feet north of the intersection of 41<sup>st</sup> Avenue and Portola Avenue on the west side of 41<sup>st</sup> Avenue (861 41<sup>st</sup> Avenue).

**Supervisorial District:** First District (District Supervisor: Leopold)

**Permits Required:** Commercial Development Permit, Coastal Development Permit, Variance, Master Occupancy Program

**Technical Reviews:** Design Review

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0144, based on the attached findings and conditions.

### Exhibits

- |   |  |
|---|--|
| A. Project plans                              | E. Assessor's, Zoning and General Plan |
| B. Findings                                   | Maps                                   |
| C. Conditions                                 | F. Comments & Correspondence           |
| D. Categorical Exemption (CEQA determination) | G. Tree Information                    |

### Parcel Information

Parcel Size:	4,800 square feet
Existing Land Use - Parcel:	Commercial and residential
Existing Land Use - Surrounding:	Commercial and residential
Project Access:	40 <sup>th</sup> and 41 <sup>st</sup> Avenues
Planning Area:	Live Oak

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

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 0-2%  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: One tree removed prior to application  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History and Background

The subject parcel is located towards the southern end of 41<sup>st</sup> Avenue, a north/south arterial roadway, in the Pleasure Point Area of Live Oak. It is also located within the Coastal Zone. According to Assessor's records, the subject building was constructed at least as early as 1948 and consisted of a commercial area below and three residential units above. Given this early construction date, no permits were required. Since then, a demolition permit for a detached garage was issued in 2007 and, more recently, a building permit for hair salon tenant improvements was issued in May 2009. The current proposal is to recognize the use of the building with a Commercial Development Permit and Coastal Permit, recognize the structural work done to the building, recognize the demolition of the garage which should have been preceded by a Coastal Development Permit, and establish a Master Occupancy Permit.

The business district, which this parcel is a part of, reflects the typical form of central business districts constructed in the first half of the 20<sup>th</sup> century with storefronts abutting the sidewalk, zero side yard setbacks and residential units on the second floor. This model is often cited as creating a pedestrian-friendly, high vitality business district. Because the County Zoning Code makes no provision for this type of commercial district, a variance is required to recognize the structural work done to the front of the building which is located within the required 10-foot front yard setback.

As noted above, this parcel is in the Pleasure Point Area of Live Oak. On August 15, 1995, the Santa Cruz Redevelopment Agency Board of Directors adopted the Pleasure Point Commercial Area Plan. Although this document does not have the authority of a specific plan, it does provide useful information and guidance for projects located within this area, particularly with regard to front yard setbacks and parking (discussed below).

### **Project Setting**

The subject parcel is a double frontage parcel because it has frontages on both 40<sup>th</sup> and 41<sup>st</sup> Avenues. The first floor has commercial businesses-- a clothing store and a hair salon-- while the second floor has three residential units. An overhang extends over the sidewalk. A small parking area for the residential use, which is accessed from 40<sup>th</sup> Avenue, is located at the back of the property. The west side of 40<sup>th</sup> Avenue is lined with residential properties.

The subject parcel is shaped like a backwards 'L'. In the notch of the 'L', which is to the southeast, is a small parcel with a nonconforming dwelling. To the south along 41<sup>st</sup> Avenue is another mixed use commercial property, and to the north is a commercial building with multiple tenants and a parking lot in front of the building. On the north side of the subject building is a pedestrian pathway connecting the rear parking area with the 41<sup>st</sup> Avenue sidewalk.

### **Zoning & General Plan Consistency**

The subject parcel is approximately 4,800 square feet and is located in the C-2 (Community Commercial) zone district, a designation which allows commercial uses. The proposed mixed use is an allowed use within the zone district as County Code 13.10.332 allows dwelling units in the C-2 zone district to occupy up to 50% of the floor area of the entire development. In this case, the entire floor area of the project is 5,630.2 square feet and the residential units, including half the foyer square footage and the stairs leading to the second floor from 41<sup>st</sup> Avenue, occupy 2,734 square feet or 49.6% of the development. The project is consistent with the site's (C-C) Community Commercial General Plan designation.

The building is significantly nonconforming with respect to the front yard setback as it is within five feet of the 41<sup>st</sup> Avenue right-of-way. County Code 13.10.265 requires a variance for structural work done to significantly nonconforming structures. In this case, structural work was done to the building's front elevation, and this proposal seeks to recognize that work.

### **Local Coastal Program Consistency**

The subject parcel is located within the Coastal Zone and the project may be appealed to the Coastal Commission because the existing uses are not principal permitted uses (County Code 13.10.332(a)(2)). The proposed mixed use is in conformance with the County's certified Local Coastal Program. The Local Coastal Program, which is incorporated into the County's General Plan, specifies in Policy 2.14.2 (Allowed Uses in the Community Commercial Designation) that a wide variety of retail and service facilities shall be allowed in the Community Commercial Designation. The subject mixed use provides commercial space for both retail and service facilities. Currently, a clothing store and hair salon occupy the commercial space.

The structure, which has existed for over 60 years, is visually compatible, in scale with, and integrated with the character of the surrounding commercial neighborhood. Developed parcels in the area contain similarly designed commercial buildings. Size and architectural styles vary widely in the area, and the existing design is consistent 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.

### **Design Review**

The subject building complies with the County's Design Review ordinance in that it is compatible with the surrounding structures. Many of the commercial buildings in the area were constructed in the same era. Like the subject building, they have storefronts abutting the sidewalk, zero side yard setbacks for its southern side yard, and residential units on the second floor. The subject buildings massing, silhouette, setbacks, scale and architectural character are compatible with the surrounding buildings. An awning extends over much of the sidewalk, providing shelter to pedestrians and breaking up the structure's mass and bulk. Large windows on the first floor create visibility for the commercial uses on the first floor. The County's Urban Designer has accepted this proposal without comment.

### **Variance**

This proposal includes a variance request to reduce the front yard setback from the required 10 feet to four feet two inches for the building and eight inches for the building overhang. The variance is requested to recognize structural work done to the front façade of the building (see sheet A-4 of Exhibit A). This variance request is reasonable because of the structure's location within the Pleasure Point Commercial Area, the fact that approval of the proposed variance would not be a grant of privilege, and the location and use of the structure is in harmony with the general intent and purpose of zoning objectives.

As noted above, this building has existed since at least 1948 and is within the area addressed in the Pleasure Point Commercial Plan. The plan advises the following:

All new development, on any site in the Pleasure Point commercial area, should be designed to reinforce the scale, size, and pedestrian orientation of the district. New or remodeled buildings should be located at or near the sidewalk, or should incorporate public areas, such as eating areas, at the front of the building (IV-14).

This demonstrates the intent to maintain the existing reduced setbacks and even provides direction to new construction to mimic the existing nonconforming setbacks. Even if it were structurally possible to require the subject building to meet the 10-foot front yard setback, it would be counter to the direction of the Pleasure Point Commercial Plan. It would also be aesthetically detrimental to the neighborhood as the buildings to the south all have similar front setbacks to that of the subject building. This uniform setback creates an aesthetically pleasing consistency and a lively, pedestrian-friendly business district.

If the property owners were required to demolish a portion of the structure to meet the front yard

setback, it would deprive them of privileges enjoyed by other property in the vicinity and under identical zoning classification. Within the Pleasure Point Commercial Area, there are numerous buildings constructed with similar setbacks. Because of this, it would not be a grant of special privilege for the subject property to be granted a variance to allow the existing setback. Given that the building has been in this location for over 60 years with no known negative effect to public health, safety, or welfare or injury to property or improvements in the vicinity, it is unlikely to have such an effect in the future.

Finally, the granting of this variance will be in harmony with the general intent and purpose of the zoning objectives. County Code 13.10.331 details the purposes of the commercial districts in general and the Community Commercial zone district specifically. The subject building and proposed uses comply with these purposes in that a mixture of commercial and residential uses are provided in an appropriate location; the design of the structure maintains a high standard of urban design; and the commercial uses provide commodities and services to meet the needs of County residents and visitors.

### **Parking**

Although the four on-site parking spaces, which are for the residential use, do not meet the parking requirements of County Code, the current proposal does not include any expansion or intensification of use. Given that this use has existed since the 1940s, the parking deficit is acceptable as no change in the existing parking demand for the area is anticipated to result from this proposal.

It is worth noting that this parcel was identified in the Pleasure Point Commercial Area Plan as one of several parcels lacking sufficient on-site parking (Figure 3-Parking Analysis). Since the approval of this plan in 1995, a detached garage at the rear of the subject parcel was demolished which created the space for the existing four on-site parking spaces. The Pleasure Point Commercial Area Plan states that, "As the commercial core is revitalized to it's [sic] full potential, a shared parking program could most effectively address parking needs in that area" (page IV-8). This indicates that the parking deficit in this area is understood and an area-approach to solving the parking plan, rather than a parcel-specific approach, is needed.

### **Commercial Development Permit and Master Occupancy Program**

This proposal seeks to obtain an overall Commercial Development Permit for the property and to establish a Master Occupancy Program. Master Occupancy Programs (MOPs) allow commercial changes of uses that are identified within the MOP to be processed as a Level I change of use rather than as a Minor Variation or Amendment to the overall Commercial Development Permit. In this case, uses allowed within the Community Commercial zone district that do not generate an additional parking demand or intensification of use<sup>1</sup> may be processed as a Level I change of use. In no case shall the residential portion of the structure exceed 50% of the floor area.

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<sup>1</sup> County Code 13.10.700-I defines a commercial intensification of use as, "Any change of commercial use which...is determined by the Planning Director likely to result in a significant new or increased impact due to potential noise, smoke, glare, odors, water use, and/or sewage generation shall be an 'intensification of use' for the purposes of this chapter."

### **Tree Removal**

Based upon the County's 2007 aerial photo of the subject property, it is clear that a large tree existed at the back of the property (see aerial photo, Exhibit G). According to the property owner, this was a large fruit tree with a diameter at breast height of less than 20 inches. County Code 13.11.075 requires that trees greater than six inches in diameter be incorporated into a project's site plan. Given this intent to preserve and protect trees within the County, a condition of approval is included to require the planting of two trees from the County's Significant Tree Replacement List (Exhibit G), which are to be located in the parking area in such a way as to not diminish the already limited parking or to reduce sight distance for vehicles leaving the property. These trees must be maintained in perpetuity and replaced should they die. The County's Urban Designer, a licensed Landscape Architect, must accept the proposed species and location of the trees.

### **Structural Encroachment**

A small portion of an external staircase encroaches over the southern property line. As a condition of approval, the staircase must be moved so that it is located entirely on the subject parcel.

### **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 09-0144, 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](http://www.co.santa-cruz.ca.us)**

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INDICATES  
NEIGHBORING  
BUILDING  
AT 851 1st AVE

# LEFT / SOUTH ELEVATION

N/A

# FRONT / EAST ELEVATION

SCALE 1/4" = 1'-0"

# SECTION A

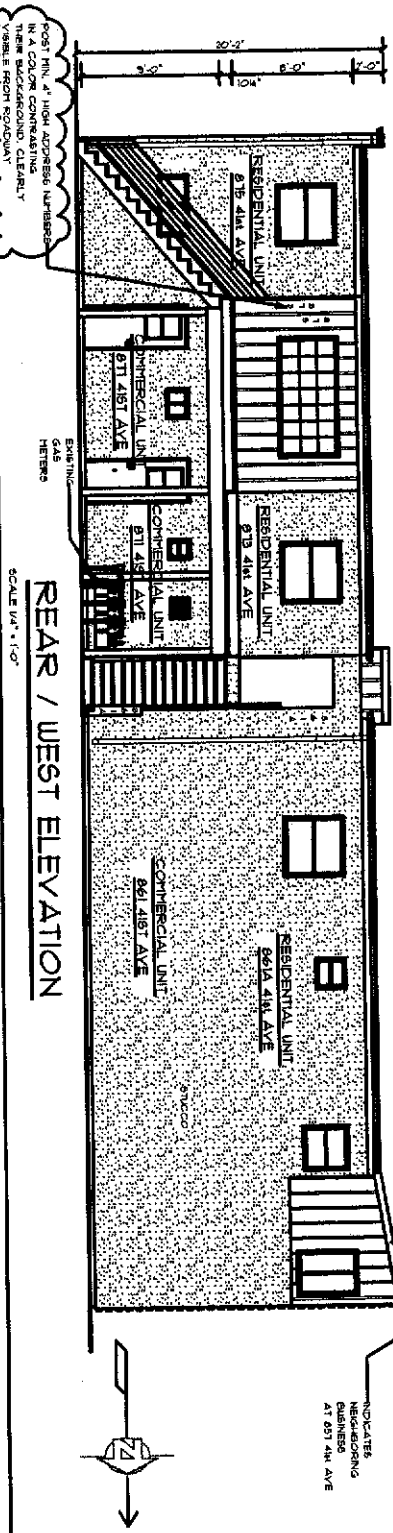
# RIGHT / NORTH ELEVATION

SCALE 1/4" = 1'-0"

# REAR / WEST ELEVATION

SCALE 1/4" = 1'-0"

EXHIBIT A



SHEET	A-5	DATE	2/10/2009	SCALE	1/4" = 1'-0"	DRAWN BY	DLH/LLG	CHECK BY	SAB	DATE FILED		APP'D BY	COWEN	DATE	
PROJECT	ELEVATIONS	OWNER	RANSONE, ADAMS & CAVIN	ADDRESS	861 FORTY FIRST AVE.	CITY	SANTA CRUZ, CA.	ZIP	95062	PHONE	831-416-8184	APN	032-061-04	DESIGNER	Streeter Group, Inc.
DESIGNER	Streeter Group, Inc.	ARCHITECTURE	Structural Engineering	287 Main Street, Suite C, San Jose, CA 95013	PHONE	(408) 471-7811	WWW	www.streetergroup.com							



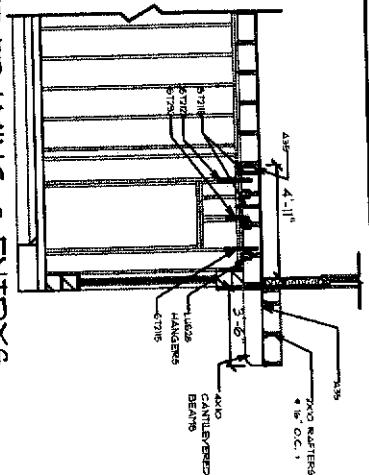




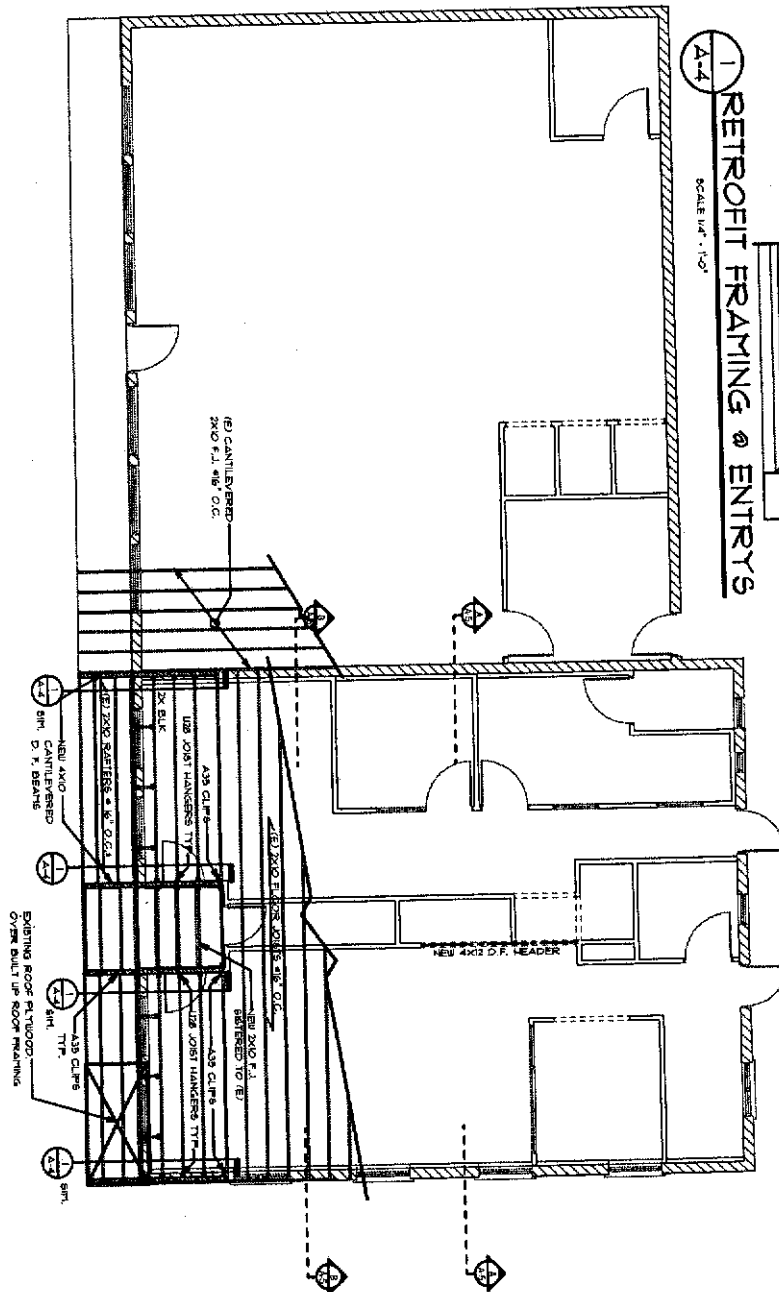
NEW TECH. & PLUMBING  
CHARGE. INSTALL PER  
2007 CALIFORNIA  
MECHANICAL CODE



## SCALE 1/4" = 1'-0"



SCALE 1/4" = 1'-0"



REVISIONS	BY
1 4/14/2008	DJ HE
2 5/28/2008	DJ HE
3	
4	
5	
6	



**Streeter Group, Inc.**  
Architecture, Structural Engineering  
2511 Main Street, Suite C, Soquel, CA 95073  
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RANSONE, JAMES & CAVIN  
 861 FORTY FIRST AVE.  
 SANTA CRUZ, CA. 95062  
 831-476-8784 APN#

APN#032-061-04

MODIFIED FIRST  
FLOOR FRAMING

DATE:	2/17/2009
SCALE:	NAT'D
DRAIN BT:	21 x 42
CHECK BY:	566
CARD FILE:	
JOB NO:	C4003
SHEET	A-4
OF	9 SHEETS





## 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.

This variance request is reasonable because of the structure's location within the Pleasure Point Commercial Area. The subject building has existed in this location since at least 1948 and is within the area addressed in the Pleasure Point Commercial Area Plan. The plan advises the following:

All new development, on any site in the Pleasure Point commercial area, should be designed to reinforce the scale, size, and pedestrian orientation of the district. New or remodeled buildings should be located at or near the sidewalk, or should incorporate public areas, such as eating areas, at the front of the building (IV-14).

This demonstrates the intent to maintain the existing reduced setbacks and even provides direction to new construction to mimic the existing setbacks. Even if it were structurally possible to require the subject building to meet the 10-foot front yard setback, it would be counter to the direction of the Pleasure Point Commercial Area Plan. It would also be aesthetically detrimental to the neighborhood as the buildings to the south all have similar front setbacks to that of the subject building. These front setbacks where the sidewalk abuts the commercial building, creates an aesthetically pleasing consistency and a lively, pedestrian-friendly business district.

In addition, if the property owner were required to demolish a portion of the structure to meet the front yard setback, it would deprive them of privileges enjoyed by other property in the vicinity and under identical zoning classification. As noted above, within the Pleasure Point Commercial Area, there are numerous buildings constructed with similar setbacks, with buildings located at, or close to, the back of the sidewalk. Failing to grant the proposed variance would deprive the property of privileges enjoyed by other, nearby commercial properties.

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 subject building and existing uses, meet the general purposes and intent of commercial districts, as described in County Code 13.10.331; the subject building provides a mixture of commercial and residential uses in an appropriate location; the design of the structure maintains a high standard of urban design; and the commercial uses provide commodities and services to meet the needs of County residents and visitors.

In addition, given that the building has been in this location since at least 1948 with no known negative effect to public health, safety, or welfare or injury to property or improvements in the vicinity, it is unlikely to have such an effect in the future.

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.

This finding can be made, in that many of the commercial buildings within the Pleasure Point Commercial Area have similar front setbacks, where the building is constructed at, or close to, the back of the sidewalk. Given this context, it would not be a grant of special privileges to allow the reduced front yard setback for the subject building. In addition, since this building has existed in this location since at least as early as 1948, the building is legally nonconforming in that it was constructed before building permits were required.

## 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 subject building has existed in this location since the 1940s without known detriment to the health, safety, or welfare of persons residing or working in the neighborhood or the general public. The existing residential and commercial uses, and those described in the Master Occupancy Program, are allowed uses in the C-2 (Community Commercial zone district).

This project will not result in inefficient or wasteful use of energy in that the residential and commercial uses have been in place since the 1940s and no intensification of use is proposed that would require additional energy use. Given how long the subject building has existed with no known negative consequences, its continued use is unlikely to become materially injurious to properties or improvements in the vicinity. Except for the front yard setback for which a variance is requested (see preceding variance findings), the structure will meet the setbacks required by County Code.

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 commercial development and Master Occupancy Program will be limited to commercial uses that are allowed within the C-2 (Community Commercial) zone district and do not create any additional parking demand. The Master Occupancy Plan further limits the uses to those C-2 uses that are not an intensification of use.

In addition, this finding can be made in that the location of the commercial building 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-2 (Commercial Community) zone district. The primary use of the property will be one mixed use commercial building that will meet the current site standards for the zone district, except for the parking requirement and the front yard setback for which a variance is requested (see preceding variance findings).

This finding can also be made relative to the demolition of the garage which occurred in 2007 in that the demolition facilitated the addition of more parking, reducing the subject parcel's parking deficit.

In terms of the remaining parking deficit, the current proposal does not include any expansion or intensification of use. Given that this use has existed since the 1940s, the parking deficit is acceptable as no change in the existing parking demand for the area is anticipated to result from this proposal.

It is worth noting that this parcel was identified in the Pleasure Point Commercial Area Plan as one of several parcels lacking sufficient on-site parking (Figure 3-Parking Analysis). Since the approval of this plan in 1995, a detached garage at the rear of the subject parcel was demolished which created the space for the existing four on-site parking spaces. The Pleasure Point Commercial Area Plan states that, "As the commercial core is revitalized to it's [sic] full potential, a shared parking program could most effectively address parking needs in that area" (page IV-8). This indicates that the parking deficit in this area is understood and an area-approach to solving the parking plan, rather than a parcel-specific approach, is needed.

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 mixed use is consistent with the use and density requirements specified for the C-C (Community Commercial) land use designation in the County General Plan. Residential uses are allowed to occupy up to 50% of the gross floor area of the commercial building, and this proposal complies with this. General Plan Policy 2.12.3 (Residential Uses in Commercial Designations) allows for a mix of residential and commercial uses in areas designated as Community Commercial.

In addition, the existing commercial structure complies with General Plan Policy 2.14.2 (Allowed uses in the Community Commercial Designation) in that in addition to the residential use noted above, the existing structure provides commercial space for retail and service facilities to serve the community. It is also consistent with General Plan Policy 8.5.1 (Concentrate Commercial Uses) in that the subject building is located in an existing commercial area; no new strip commercial use is proposed.

Finally, General Plan Policy 8.5.3 (Areas with Unique Design Guidelines) requires commercial projects located within the boundaries of adopted specific plans to be consistent with the adopted criteria for these areas. Although the Board of Supervisors did not adopt the Pleasure Point Commercial Area Plan as a specific plan, the plan does provide useful direction for development. In particular, the plan advises buildings to be located at or near the sidewalk as is the subject building. Thus, the subject building is consistent with the Pleasure Point Commercial Area Plan's direction.

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 subject commercial building has existed since as early as 1948 and no intensification of use is proposed as a part of this proposal. Therefore, no changes in energy demand or additional vehicle trips are anticipated to result from this proposal.

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 subject structure has existed in this location since as early as 1948, and as a result, complements and harmonizes with the surrounding land uses in the area, many of which were built in the same era. The project also complies with the physical design aspect of the neighborhood. Like many of the nearby buildings, the subject building is constructed close to the sidewalk and has a residential use on the second floor. The residential use complies with the requirements of County Code in that it does not occupy more than 50% of the gross floor area; therefore, the dwelling unit density of the subject building is acceptable.

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 subject commercial building is of an appropriate scale and type of design that is compatible with the surrounding properties. Its location, access, and parking; and the building bulk, mass and scale are all compatible with surrounding development. The building's location close to the sidewalk is consistent with nearby buildings and creates a streetscape relationship that enhance the vitality and pedestrian-friendly character of the business district.

The demolition of the garage in 2007 facilitated the upgrading the parking area. Instead of the dilapidated paving visible in the County geographic information system's aerial photos, the parking area is now surfaced in attractive pavers which enhance the aesthetics of this property.

## 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-2 (Community Commercial), a designation which allows commercial uses. The proposed mixed use is an allowed use 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.

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 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by similarly developed commercially-zoned parcels; the project 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 subject building 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.

The demolition of the garage in 2007 facilitated increasing the available on-site parking. By providing additional parking on-site, the demand for parking on the street and in nearby public parking lots in decreased. Easing the public parking demand, even by just a few parking spaces, enhances the Pleasure Point Commercial Area's ability to serve visitors as visitors to the area may more easily park.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure was sited and designed to be visually compatible,

in scale with, and integrated with the character of the surrounding commercial neighborhood. Additionally, commercial 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 similarly developed commercial buildings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

The demolition of the garage in 2007 facilitated the upgrading the parking area. Instead of the dilapidated paving visible in the County geographic information system's aerial photos, the parking area is now surfaced in attractive pavers which enhance the aesthetics of this property.

### Conditions of Approval

Exhibit A: 6 Sheets: Streeter Group, Inc. (site plan, second floor plan, new first floor plan, modified first floor framing plan, elevations, tenant improvement electrical plan), stamped by Bradley Scott Streeter, Registered Professional Engineer

- I. This permit recognizes the uses within the subject mixed use building, establishes a Master Occupancy Program and recognizes the structural work done to the building. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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 Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
  - D. Move the staircase which encroaches slightly over the southern property line so that it is entirely located on the subject parcel.
  - E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - F. Provide required off-street parking for four 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.
  - G. Plant two replacement trees in or around the parking area, selected from the Significant Tree Replacement List (Exhibit G). The species and location of the trees must be accepted by the County's Urban Designer. These trees must be maintained in perpetuity and replaced if they die.

### II. Master Occupancy Program

- A. All uses allowed within the C-2 (Community Commercial) zone district are allowed which do not increase the required number of parking spaces or constitute an intensification of use as defined in County Code 13.10.700-I. Uses fitting these criteria may be processed as a Level 1 change of use permit. Uses that are an intensification of use or require additional parking spaces will require, at a minimum, a Level 3 change of use.
- B. In no case shall the residential component of the use exceed 50% of the gross building area.
- C. No outdoor storage is allowed.

III. 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.

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

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved

the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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

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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 three years from the effective date listed below unless a building permit (or permits) is obtained. Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Annette Olson  
Project Planner

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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: 09-0144

Assessor Parcel Number: 032-061-04

Project Location: 861 41st Avenue

**Project Description: Proposal to recognize structural and nonstructural changes to a significantly nonconforming mixed use building and establish a master occupancy program**

**Person or Agency Proposing Project: Gary & Janiece Ransone**

**Contact Phone Number: (831) 476-8784**

- 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 Facility (Section 15301)

**F. Reasons why the project is exempt:**

Structural repair to an existing mixed use structure in an area designated for Community Commercial uses.

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

  
Annette Olson, Project Planner

Date: 8/31/09

# FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY AND ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. RANCHO ARROYO DEL RODEO  
NE. 1/4 SEC. 21, T. 11S., R. 1W., M.D.B. & M.

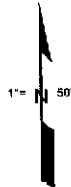
Tax Area Code  
96-103

32-06

FAIRFIELD SUB.  
Undeveloped

Bk. 33  
14

Bk. 33  
16

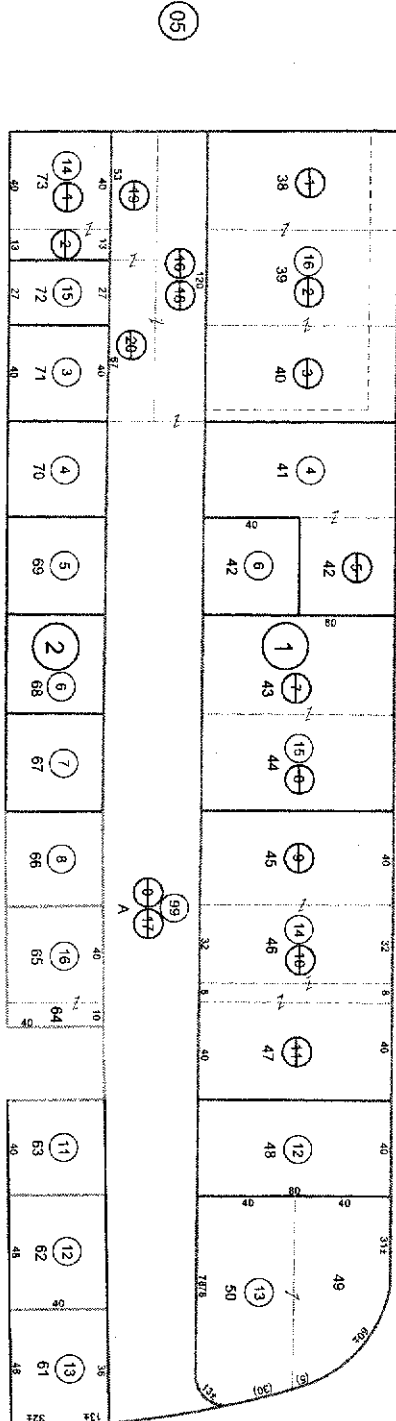


SEC. 22  
SEC. 21

FORTY-FIRST

AVE.

SEC. 22  
SEC. 21



05

05

101RS20  
3/25/02

PORTOLA

DR.

10

09

24/33

Electronically Redrawn 10/20/98 rw  
Rev. 4/12/01 mm (changed page refs.)  
Rev. 5/7/02 mm (101RS20)  
Rev. 1/18/05 CB (For. to pg 32-05)  
Rev. 1/18/05 CB (4-0073414 LBA 2-16)

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 32-06  
County of Santa Cruz, Calif.  
October, 1998



## INTEROFFICE MEMO

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APPLICATION NO: 09-0144

Date: March 2, 2009  
To: Annette Olson, Project Planner  
From: Larry Kasparowitz, Urban Designer  
Re: Commercial building on 41<sup>st</sup> Avenue, Santa Cruz

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▪ *no comments*

**Accessibility: Project Comments for Development Review**  
**County of Santa Cruz Planning Department**

Date: April 6, 2009  
Planner: Annette Olson  
Project: 861 41<sup>st</sup> Avenue Remodel for Ransone, Adams and Cavin

Application Number: **09-0144**  
APN: 032-061-04

Dear Gary and Janiece Ransone,

A preliminary review of the plans for the above project was conducted to determine any accessibility concerns, as required in 2007 CBC, Chapter 1134B for existing buildings. The following comments are to be applied to the project design.

Please refer to the brochure titled *Accessibility Requirements - Building Plan Check* which can also be found on the County of Santa Cruz Planning Department website: [http://www.sccoplanning.com/html/bldg/access\\_plancheck.htm](http://www.sccoplanning.com/html/bldg/access_plancheck.htm)

**Project Description:**

Remodel existing tenant space to create a hair salon.

**Completeness Items:**

complete

**Compliance Issues:**

complies

**Permit Conditions/Additional Information:**

Building permit application, 67967G, approved by building plan check on 4/28/09

Please contact me with any questions regarding these comments.

Laura Brinson  
Building Plans Examiner  
County of Santa Cruz Planning Department  
(831) 454-7579  
[laura.brinson@co.santa-cruz.ca.us](mailto:laura.brinson@co.santa-cruz.ca.us)

**COUNTY OF SANTA CRUZ**  
**INTER-OFFICE CORRESPONDENCE**

**DATE:** May 13, 2009  
**To:** Annette Olson, Project Planner  
**From:** Steve Guiney, Planning Department Liaison to the Redevelopment Agency  
**SUBJECT:** Application # 09-0144, Recognize Work on Significantly Non-conforming Bldg., 1<sup>st</sup>  
Routing, APN 032-061-04, 861 41<sup>st</sup> Avenue, Live Oak

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This application was originally taken as 09-0043, to which RDA responded in a memo dated March 17, 2009. The current plans appear to address all of the issues in that memo. Therefore, RDA has no further comments on the current application.

The Redevelopment Agency appreciates the opportunity to comment on this application. Please include us in any future routings for this project.

**C O U N T Y   O F   S A N T A   C R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

Project Planner: Annette Olson  
Application No.: 09-0144  
APN: 032-061-04

Date: August 31, 2009  
Time: 09:44:27  
Page: 1

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**Code Compliance Completeness Comments**

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

Approved revised plans for development permit application. 09-0144. Application addresses the violations. (LM) ===== REVIEW ON APRIL 28, 2009 BY LAURA MADRIGAL  
=====

NO COMMENT

**Code Compliance Miscellaneous Comments**

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

===== REVIEW ON APRIL 28, 2009 BY LAURA MADRIGAL =====

NO COMMENT



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

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

**Date:** May 1, 2009  
**To:** Gary and Janiece Ransone  
**Applicant:** same  
**From:** Tom Wiley  
**Subject:** 09-0144  
**Address:** 861 41<sup>st</sup> Ave.  
**APN:** 032-061-04  
**OCC:** 2021  
**Permit:** 20090137

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**:

Submit a check in the amount of \$115.00 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.

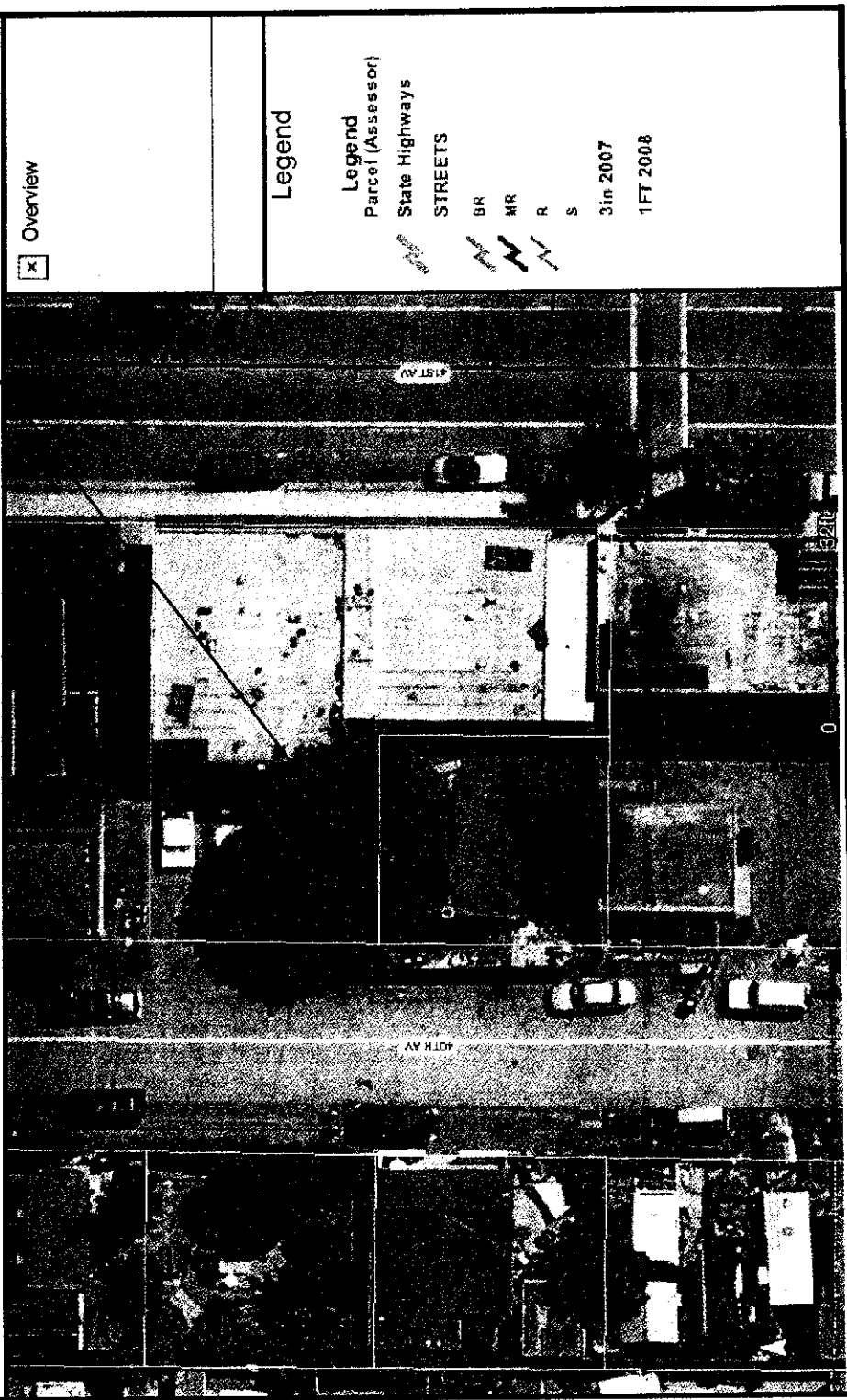
If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at [tomw@centralfpd.com](mailto:tomw@centralfpd.com). All other questions may be directed to Fire Prevention at (831)479-6843.

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.  
2021-050109

*Tree on  
subject parcel*

# Tree



**LAW OFFICE OF GARY RANSONE**

2825 Porter St., Suite A  
Soquel, CA 95073  
Phone: (831) 476-8784  
Fax: (831) 476-1623

April 6, 2009

Ms. Annette Olson,  
Mr. Mark Demming  
County of Santa Cruz Planning Department  
701 Ocean St.  
Santa Cruz, CA 95060

Re: PERMIT ISSUES  
871 and 877 41<sup>st</sup> Ave., Santa Cruz, CA  
APN # 032-061-04


Dear Ms. Olson and Mr. Demming,

Thank you for meeting with us on April 3, 2009. The following are permit issues we would like to resolve in conjunction with agreeing to go through the coastal commission review, variance process and public hearing. Please contact me at your soonest convenience. We would like to move forward immediately.

1. County to remove red tag from property within 14 days of payment of additional \$4,500. processing fee.
2. Refund monies paid on 4/3/09 for appeal of March 20, 2009 letter from Annette Olson. Applicant will withdraw this appeal pending resolution of the issues in this letter.
3. Expedite processing of current development permit application so that construction can commence ASAP.
4. Tree removed in back yard was a fruit tree that was 19.5" at breast height and was not a significant tree.
5. Existing 32" entrance doors to 871 and 877 to remain and not be replaced with 34" or 36" entrance doors.
6. Please confirm that a variance approval would legalize the reduced front yard set back and allow reconstruction or rebuilding of portions of the building in this front yard set back in the future when repair work is required.

Tree

Sincerely,

  
Gary Ransone

**County of Santa Cruz  
Planning Department**

701 Ocean Street, 4th Floor, Santa Cruz, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
**TOM BURNS, PLANNING DIRECTOR**

## Significant Tree Replacement List

The trees on this list are recommended for planting in Santa Cruz County. However, each species has different soil and water requirements. To find out which species is best suited for your property, talk with a local nursery or an arborist.

SIGNIFICANT TREES	
<p><b><u>Tall and Broad</u></b></p> <p><i>Acer macrophyllum</i> (Bigleaf Maple)  <i>Acer rubrum</i> (Red Maple)  <i>Castanospermum australe</i> (Moreton Bay Chestnut)  <i>Cedrus deodora</i> (Deodar Cedar)  <i>Cinnamomum camphora</i> (Camphor Tree)  <i>Metasequoia glyptostroboides</i> (Dawn Redwood)  <i>Pinus pinea</i> (Italian Stone Pine)  <i>Pinus torreyana</i> (Torrey Pine)  <i>Platanus acerifolia</i> "Yarwood" (London Plane)  <i>Quercus agrifolia</i> (Coast Live Oak)  <i>Quercus chrysolepsis</i> (Gold Cup Oak)  <i>Quercus douglasii</i> (Blue Oak)  <i>Quercus garryana</i> (Oregon White Oak)  <i>Quercus ilex</i> (Holly Oak)  <i>Quercus kelloggii</i> (Black Oak)  <i>Quercus suber</i> (Cork Oak)  <i>Quercus virginiana</i> (Southern Live Oak)  <i>Zelkova serrata</i> (Sawleaf Zelkova)</p> <p><b><u>Tall with Average Spread</u></b></p> <p><i>Calocedrus decurrens</i> (Incense Cedar)  <i>Carpinus betulus</i> (European Hornbeam)  <i>Carpinus betulus</i> 'Fastigiata' (European Hornbeam)  <i>Eleocarpus decipiens</i> (Japanese Blueberry Tree)  <i>Eucalyptus polyanthemus</i> (Silver Dollar Gum)  <i>Fagus sylvatica</i> (European Beech)  <i>Lyonothamus floribundus</i> (Catalina Ironwood)  <i>Nyssa sylvatica</i> (Sour Gum)  <i>Pinus coulter</i> (Coulter Pine)  <i>Pinus pinaster</i> (Cluster Pine)  <i>Quercus coccinea</i> (Scarlet Oak)</p>	<p><b><u>Tall with Narrow Spread</u></b></p> <p><i>Abies bracteata</i> (Santa Lucia Fir)  <i>Catalpa speciosa</i> (Western Catalpa)  <i>Chamaecyparis obtusa</i> (Hinoki False Cypress)  <i>Eucalyptus rudis</i> (Flooded Gum)  <i>Lithocarpus densiflora</i> (Tanbark Oak)  <i>Pinus canariensis</i> (Canary Island Pine)  <i>Pinus sylvestris</i> (Scotch Pine)</p> <p><b><u>Medium Height and Broad</u></b></p> <p><i>Ulmus parvifolia</i> 'Brea' (Chinese Elm)  <i>Ulmus parvifolia</i> 'Drake' (Chinese Elm)</p> <p><b><u>Medium Height with Medium Spread</u></b></p> <p><i>Jacaranda mimosifolia</i></p> <p><b><u>Other Trees of Varying Heights and Spreads</u></b></p> <p><i>Catalpa</i>  <i>Cedrus</i> (Cedar)  <i>Larix</i> (Larch)  <i>Liquidambar</i> (Sweet Gum)  <i>Quercus</i> (Oak)  <i>Picea</i> (Spruce)  <i>Pinus</i> (Pine)  <i>Platanus</i> (Plane Tree, Sycamore)</p> <p><b>Key:</b>  <b>Tall:</b> Over 40 feet  <b>Medium Height:</b> 20-40 feet  <b>Broad:</b> Over 40 feet  <b>Average Spread:</b> 20-40 feet  <b>Narrow Spread:</b> Under 20 feet</p>



<i>Sequoia sempervirens</i> (Coast Redwood) <i>Tsuga Canadensis</i> (Canada Hemlock)	
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