



Staff Report to the Zoning Administrator

Application Number: 201108

Applicant: Barghausen Consulting
Owner: Salkhi Petroleum
APN: 065-043-16
Site Address: 6325 Highway 9, Felton

Agenda Date: September 18, 2020
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to sell beer and wine at an existing gas station. Requires an amendment to Commercial Development Permit 95-0081.

Location: Property located on the northwest corner of Felton Empire Road and Highway 9 in Felton. (6325 Highway 9)

Permits Required: Commercial Development Permit

Supervisory District: 5th District (District Supervisor: Bruce McPherson)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 201108, based on the attached findings and conditions.

Zoning & General Plan Consistency

The subject property is a 11,543 square foot lot, located in the C-4 (Service Commercial) zone district, a designation which allows commercial uses. The existing service station is an allowed use within the zone district and the C-4 zoning is consistent with the site's C-S (Service Commercial) General Plan designation.

Beer and Wine Sales

The proposal to sell beer and wine at an existing service station requires a Commercial Development Permit with a noticed public hearing, per County Code section 13.10.637.

Adding alcohol sales to an existing service station requires consideration of the public health, safety, and welfare in the project vicinity. Sale of beer and wine has the potential to create additional nuisance behavior in the area and the hours in which alcoholic beverages are sold can be a significant factor in assessing potential impacts to the public health, safety, and welfare.

The owner of the service station proposes to close the retail store and end alcohol sales no later than 10 PM each day (opening at 5 AM to serve early morning commuters). By closing the retail store no later than 10 PM, impacts to the public health, safety, and welfare through late night nuisance behavior that may be associated with alcohol sales and/or loitering on or near the subject property are minimized. Through closing the retail store and ending alcohol sales no later than 10 PM, any potential late night nuisance behavior would be reduced to a level where no substantial impact to the public health, safety, and welfare in the project vicinity is anticipated.

Felton Town Plan

The subject property is located within the Felton Town Plan area. The subject property is located immediately to the north of the area identified as the Felton village core area and the property is within a scenic view corridor designated in the town plan. Specific guidance for the project site is not provided in the Felton Town Plan, however, there has been a service station at this location for many years and the current proposal does not include any exterior changes to the existing improvements on the site.

The current proposal will not adversely impact views of downtown Felton or obstruct view of any of the important or historical structures located in the village core area, in that no exterior changes are proposed. Further, no improvements are proposed that would affect the design, circulation, or parking goals of the Felton Town Plan.

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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **201108**, 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.sccoplanning.com

Report Prepared By: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Phone Number: (831) 454-3218
E-mail: randall.adams@santacruzcounty.us

Exhibits

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

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: 201108
Assessor Parcel Number: 065-043-16
Project Location: 6325 Highway 9, Felton

Project Description: Proposal to construct a residential addition at an existing single family dwelling.

Person or Agency Proposing Project: Barghausen Consulting

Contact Phone Number: 425-251-6222

- 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).
E. X **Categorical Exemption**

Specify type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Minor change to retail services in an area designated for commercial uses.

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

Randall Adams, Project Planner

Date: _____

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. Any interior improvements will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The hours that the retail store (including beer and wine sales) will be open to the public will end no later than 10 PM each day to prevent nuisance behavior or other impacts to the public health, safety, and welfare in the project vicinity.

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 service station 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-4 (Service Commercial) zone district as the primary use of the property will continue to be an existing service station with no exterior changes proposed.

Additional findings for the sale of alcoholic beverages concurrently with motor vehicle fuel (as required by SCCC 13.10.637) are made separately, below.

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 and density requirements specified for the C-S (Service Commercial) land use designation in the County General Plan.

The subject property is located within the Felton Town Plan area. The current proposal will not adversely impact views of downtown Felton or obstruct view of any of the important or historical structures located in the village core area, in that no exterior changes are proposed. Further, no improvements are proposed that would affect the design, circulation, or parking goals of the Felton Town Plan.

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 no exterior changes are proposed to the existing service station. The existing service station utilizes refrigerated cases and has regular deliveries. No substantial increase in utilities consumption or traffic generation is anticipated as a result of this project.

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 in that no exterior changes are proposed to the existing service station and the existing service station is consistent with the land use intensity and density 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 in that no exterior changes are proposed to the existing service station.

Required Findings for Beer & Wine Sales with Motor Vehicle Fuel

1. The concurrent retailing of motor vehicle fuel with beer and wine for off-premises consumption will not significantly adversely affect the public health, safety, or welfare from increases in noise, traffic and/or violations of traffic and other laws.

This finding can be made, in that the owner/operator of the service station proposes to close the retail store and end alcohol sales no later than 10 PM each day (opening at 5 AM to serve early morning commuters). By closing the retail store no later than 10 PM, impacts to the public health, safety, and welfare through late night nuisance behavior that may be associated with alcohol sales and/or loitering on or near the subject property are minimized. Through closing the retail store and ending alcohol sales no later than 10 PM, any potential late night nuisance behavior would be reduced to a level where no substantial impact to the public health, safety, and welfare in the project vicinity is anticipated.

Conditions of Approval

Exhibit D: Project plans, prepared by Barghausen Consulting Engineers, Inc., dated 3/16/20.

- I. This permit authorizes the sale of beer and wine for off-site consumption at an existing service station, at the location indicated on the approved Exhibit "D" for this permit. 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 all required approvals from the California Department of Alcoholic Beverage Control (ABC) and the County of Santa Cruz Alcohol Compliance Officer (ACO).
 - C. Comply with all operational conditions of this permit.
- II. Operational Conditions
 - A. Comply with all requirements of the County Code, including sections 8.03 and 13.10.637 (and any successor ordinances) in regard to the sale of alcoholic beverages.
 - B. The hours of operation for the service station (including the retail store and alcohol sales) shall be limited as follows:
 1. The retail convenience store (including all alcohol sales) shall only be open to the public for retail sales between the following hours:
 - a. Monday through Sunday: 5:00 AM to 10:00 PM
 - b. These hours do not prevent the retail convenience store from operating at reduced hours (opening later or closing earlier) but set a maximum limit of when the store can be open to the public.
 2. Fuel pumps that operate in an automated fashion (pay at the pump) are not limited by the above listed hours and may operate up to 24 hours per day in an automated fashion (pay at the pump). If payment in the retail convenience store is required for fuel pump operation, then fuel pump hours are limited to the same hours as the retail convenience store.
 - C. Exterior signage in the form of flags, banners, temporary, moving, or mobile signs is prohibited on the subject property or within the adjacent right of way.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

- E. 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.

III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The “applicant/owner” shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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 the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

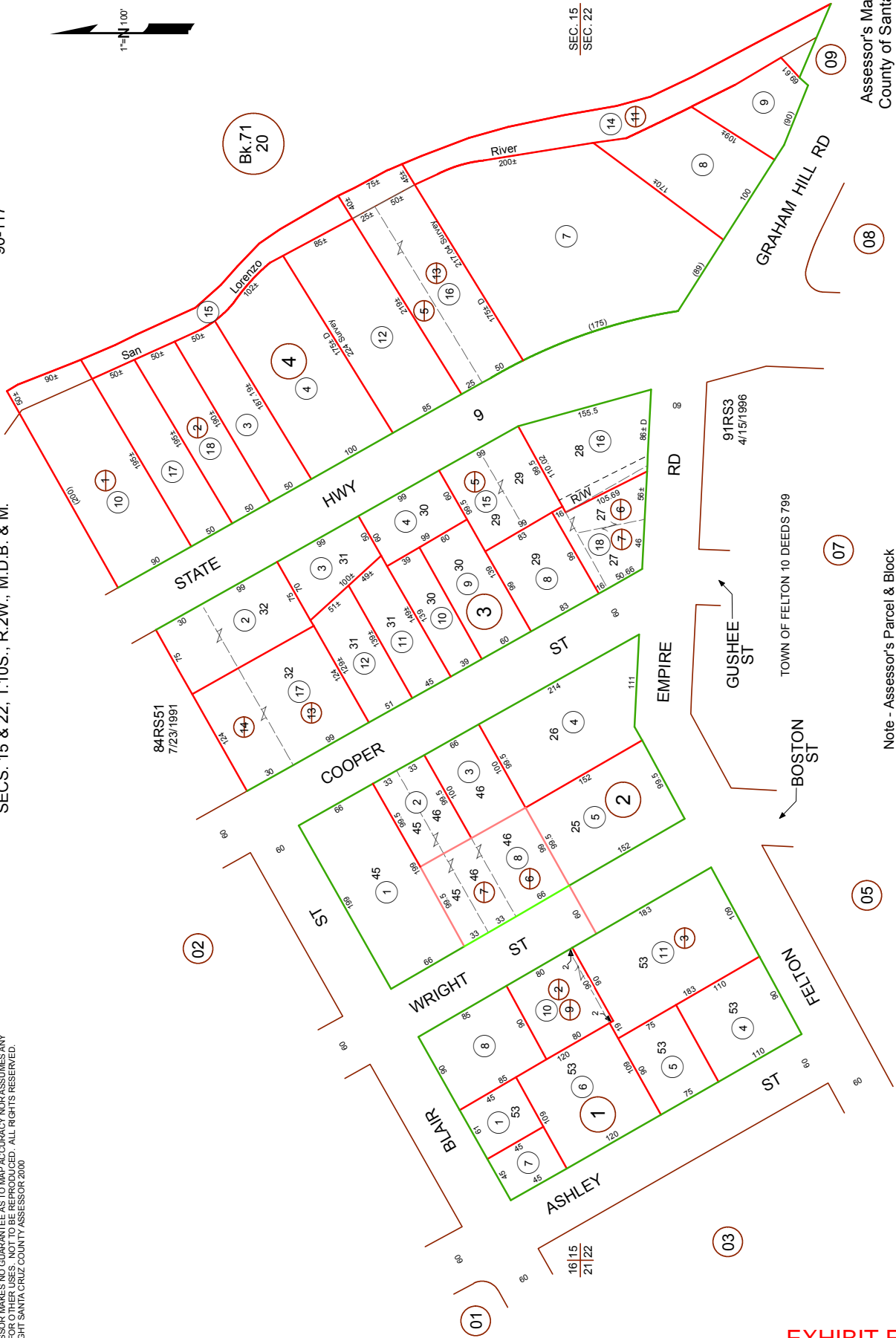
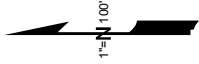
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. RANCHO ZAYANTE
SECS. 15 & 22, T.10S., R.2W., M.D.B. & M.

Tax Area Code
90-117

65-04



Electronically Redrawn 4/5/00 mmv
Rev. 3/5/08 td (TCA)
Rev. 6/24/08 CB (Cor Wright St)

EXHIBIT E

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




Assessor's Map No. 65-04
County of Santa Cruz, Calif.
April, 2000



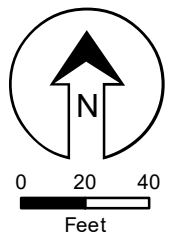
Parcel Location Map



Parcel: 06504316

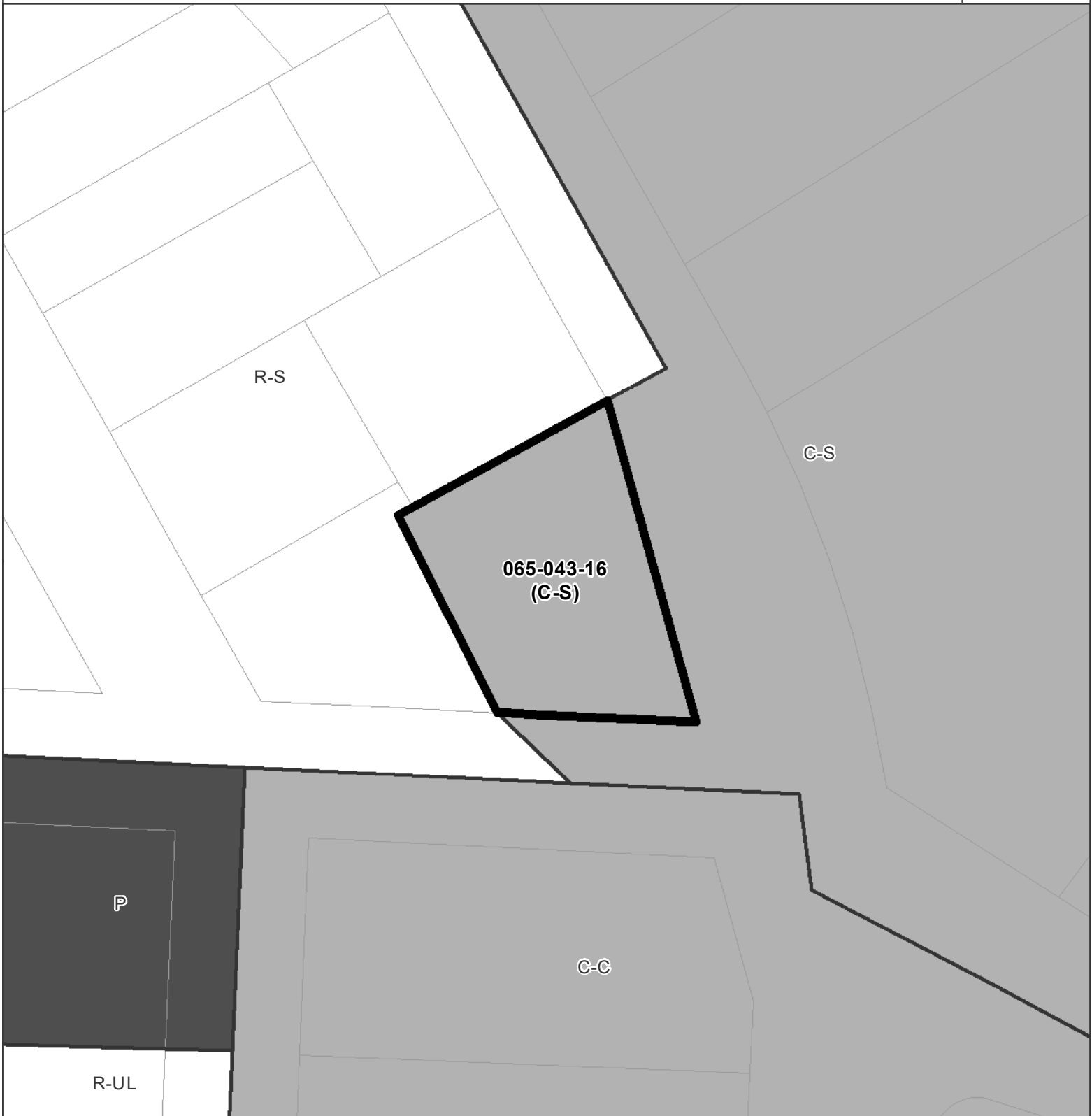
-  Study Parcel
-  Assessor Parcel Boundary
-  Library






Map printed: 31 Jul. 2020

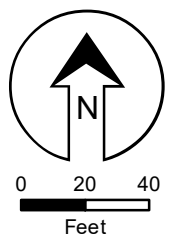




Parcel General Plan Map

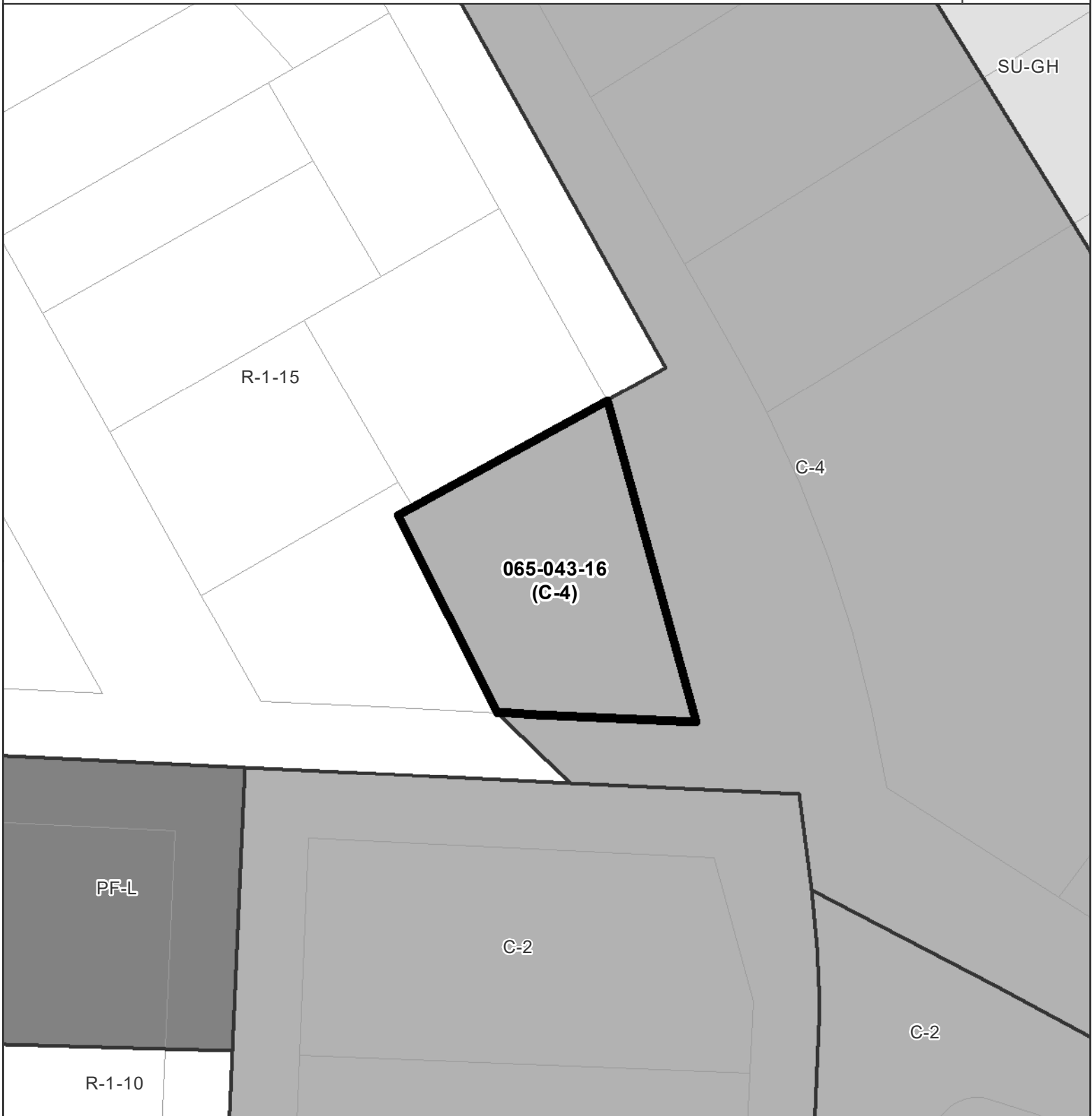


-  C-C *Commercial Community*
-  C-S *Commercial Services*
-  P *Public Facilities*
-  R-S *Residential Suburban*
-  R-UL *Res. Urban Low Density*

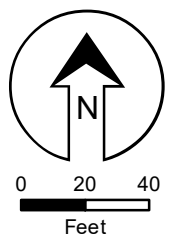




Parcel Zoning Map



- C-2 Community Commercial
- C-4 Commercial Services
- PF Public/Community Facilities
- R-1 Single-Family Residential
- SU Special Use



Parcel Information

Services Information

Urban/Rural Services Line:	<input type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside
Water Supply:	SLV Water	
Sewage Disposal:	Septic	
Fire District:	Felton Fire	
Drainage District:	Zone 8 Flood Control District	

Parcel Information

Parcel Size:	11,543 square feet
Existing Land Use - Parcel:	Service station
Existing Land Use - Surrounding:	Mixed commercial and residential - Felton
Project Access:	Highway 9 & Felton Empire Grade
Planning Area:	San Lorenzo Valley
Land Use Designation:	C-S (Service Commercial)
Zone District:	C-4 (Service Commercial)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	No ground disturbance proposed
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Hwy 9 scenic corridor - No exterior changes proposed
Archeology:	Mapped resource - No ground disturbance proposed



Project Narrative

**Salkhi Petroleum - Alcohol Sales
6325 Highway 9, Felton, CA 95018
Our Job No. 20941**

**Prepared By
Barghausen Consulting Engineers, Inc.**

March 13, 2020

Revised July 29, 2020

Project Description

Salkhi Petroleum requests a Level V Use Permit approval from the Planning and Zoning Department to permit Type 20 alcohol sales within the existing convenience store. The existing development includes a convenience store, a fueling canopy, and three (3) multi-product dispensers. The project proposes no changes to the land use, site layout, or building design.

Purpose of Request:

Level V Use Permit

Pursuant to Section 8.03.110.C.1 of the Santa Cruz County Municipal Code, to recommend approval of an application, the Zoning Administrator shall make the following findings:

- (1) A finding that a new outlet's activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcohol beverage sales to minors, noise, and littering.*

Response: Salkhi Petroleum acknowledges this level of convenience also dictates responsibility. The existing convenience store is equipped with outdoor lighting, including a light post, wall mounted lighting, and under-canopy lighting. The site is equipped with interior and exterior security cameras, which are prominently displayed along with signage alerting customers to the presence of security features and 24-hour video monitoring of the premises.

This commitment to responsible operations also extends to ongoing staff training for age-restricted sales based on industry-proven materials; including standard operational features designed to ensure compliance with laws governing age-restricted sales - such as point-of-sale terminals containing features to assist employees in flagging under-age attempts to purchase restricted products.

The addition of alcohol sales to the existing convenience store use will not aggravate existing problems in the neighborhood as the store ownership is prepared to take recommended safety precautions as required by staff and local law enforcement.

- (2) A finding that the proposed new outlet will not detrimentally affect nearby neighborhoods considering the distance of the new outlet to residential buildings, schools, parks, playgrounds, or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other substance abuse recovery or treatment facilities, county social service offices, or other outlets.*

Response: The existing convenience store is within 1,000 feet of single-family residential units, a church, and the Felton Covered Bridge Park. The store is not within the vicinity of schools, playgrounds, nonprofit youth facilities, hospitals, substance abuse recovery/treatment facilities, and county social services.

The addition of alcohol sales will not detrimentally affect the neighborhood as there are three other businesses within 500 feet of the Chevron that also sell alcohol. The site is located within a commercial corridor of the town in which convenience stores are a permitted use.

- (3) *A finding that the proposed new outlet is not located in what has been determined to be a high crime area, or where a disproportionate number of police service calls occur.*

Response: According to the Santa Cruz County Sheriff's Office Crime Map, the existing Chevron has had no recorded criminal activity and approximately 31 reported crimes have occurred within Felton within the last thirty days.

A majority of the criminal activity within Felton is focused at the Felton Covered Bridge Park and the Felton Fair Shopping Center. The Chevron is approximately 600 feet from the nearest reported criminal activity as shown on the Crime Map. The criminal activity recorded on the Crime Map indicates a majority of the criminal reports are petty theft, drugs, vandalism, and burglary. Reported crimes are not related to minors in possession, public intoxication, or driving under the influence

Law enforcement has stated that the criminal activity within Felton is related to an ongoing homeless encampment within the Felton Covered Bridge Park.

Law enforcement administers a Serial Inebriated Program, in which photos of individuals that are not permitted to buy alcohol are distributed to businesses with alcohol sale permits. Additionally, as described above, the property owner will ensure that employees have the most up to date training regarding alcohol sales and that the store meets the development requirements noted in subsection (D) as described below.

- (4) *A finding that the new proposed outlet has agreed to operate pursuant to any conditions of approval required under subsection (D) of this section.*

Response: The applicant has reviewed and approved the conditions stated within subsection (D) of this section.

The convenience store operates from 5:00 a.m. to 10:00 p.m. Monday through *Sunday*. The applicant requests that there are no additional restrictions to hours of operation with the approval of this permit.

- (5) *A finding of "public convenience and necessity" (California Business and Professions Code Section 23958.4(b)(2)), if the activity will be located in an area that has been determined by ABC to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).*

Response: The California Alcohol Board of Control has placed a moratorium on all new licenses within Santa Cruz County and does not permit additional licenses from being issued. The moratorium prevents an undue concentration of licenses from existing within the County. The applicant will purchase and transfer an existing license upon the approval of this application.

- (6) *A finding that the proposed new outlet has agreed to the conditions of approval imposed by the ACO.*

Response: The applicant is entitled to review the proposed conditions of approval prior to the final approval of the application. If conditions are within reason, the applicant will approve the conditions.

Conclusion

The above narrative and supporting documents demonstrate that the project meets the County's standards for alcohol sales criteria. The County's approval of this application is respectfully requested.

Randall Adams

From: geo bak <geobak98@yahoo.com>
Sent: Tuesday, June 9, 2020 11:31 PM
To: Randall Adams
Subject: APN 065-043-16 - Chevron Gas Station Felton

******CAUTION:** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Application # 201108 Application for beer & wine

Randall Adams -
Planning Dept.

Regarding this applicant for beer and wine sales, I strongly disagree, ask that it be DENIED.

1) - There are sufficient stores for the purchase of beer and wine in Felton: Safeway, Rite Aide, Felton Liquors, Felton Liquors, CVS, Felton Faire Liquors.

All of these locations have ample safe parking for delivery by large trucks. This location doesn't.

2) - This store is frequented by exceptionally large delivery trucks with inadequate parking.. Often, delivering at the same times, causing customer confusion

3) - Upon deliver of fuel, the Fuel deliver truck proceeds to blocks traffic traffic at the intersection of Hwy 9 and Felton Empire Road for up to 3 minutes rather than wait on the station property. This causes gridlock from vehicles turning right from the Boulder Creek direction, blocking traffic from Mt Herman / Graham Hill direction, going toward Bonnie Doon, blocking traffic from the Santa Cruz direction turning left toward Bonnie Doon. There have been frequent near brake failure driving down Felton Empire Road. At least once a month, vehicles stop to cool their failing brakes at this intersection. The Caldecott tunnel fire, killing seven, reminds me the risk of gasoline tankers. I have spoken to management, in the past of concerns of gas delivery, to no avail. It continues today.

4) - With the popular Felton Music Hall, (previously, Don Quixote) and customers waiting to enter, it is too convenient to purchase beer, consume it and discard the empty cans. (litter) Often, by the performers

A beer & wine deliver truck would further add to the driver confusion. Traffic flow speeds, even though the posted speed maybe 30 mph, downhill speed from Bonny Doon often exceeds 45 - 50 mph, whereas, Felton Faire huge parking lots speed is 3 - 5 mph.

This location has become a miniature supermarket without safe truck delivery, as other similar stores have.

My work office is located at this intersection.

George Baker
115 Felton Empire Road
Felton CA