



Staff Report to the Zoning Administrator

Application Number: **06-0433**

Applicant: John Craycroft
Owner: Robert & Teresa Locatelli
APN: 065-081-21

Agenda Date: May 18, 2007
Agenda Item #: 2
Time: After 10:00 a.m.

Project Description: Proposal to re-establish a restaurant in an existing commercial building to include conversion of an existing 700 square foot apartment to a storage and food preparation area, interior remodeling, relocation of the existing front door, and the addition of a new side door. The project will result in a 2,500 square foot restaurant with 360 square feet of storage space.

Location: The project is located just south of the intersection of Highway 9 and Graham Hill Road at 6250 Highway 9, in Felton.

Supervisory District: 5th District (District Supervisor: Mark Stone)

Permits Required: Commercial Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from ~~further~~ Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0433, based on the attached findings and conditions.

Exhibits

- | | |
|---|---------------------------------|
| A. Project plans | F. Location map |
| B. Findings | G. General Plan Designation map |
| C. Conditions | H. Zoning map |
| D. Categorical Exemption (CEQA determination) | I. Comments & correspondence |
| E. Assessor's parcel map | |

Parcel Information

Parcel Size:	12,632 square feet (EMIS estimate)
Existing Land Use - Parcel:	Vacant commercial building and apartments
Existing Land Use - Surrounding:	Commercial (New Leaf Market and miscellaneous retail)
Project Access:	Highway 9
Planning Area:	San Lorenzo Valley
Land Use Designation:	C-C (Community Commercial)
Zone District:	C-2-L (Community Commercial, Historic Landmark)
Coastal Zone:	<u> </u> Inside <u>X</u> Outside

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A. Existing building.
Fire Hazard:	Not a mapped constraint
Slopes:	N/A. Existing building.
Env. Sen. Habitat:	Mapped constraint area, however no ground disturbance proposed
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
scenic:	Highway 9 is a mapped resource, design review required (see analysis below)
Drainage:	Existing drainage adequate
Archeology:	Mapped resource, however no ground disturbance proposed.

Services Information

Urban/Rural Services Line:	<u>X</u> Inside (RSL) <u> </u> Outside
Water Supply:	San Lorenzo Valley Water District
Sewage Disposal:	Private Septic System
Fire District:	Felton Fire Protection District
Drainage District:	Zone 8

History

The subject building (Kramer House) dates to 1878 and is listed on the Santa Cruz County Historic Resources Inventory. The structure was originally used as a hotel with downstairs restaurant. The restaurant use has been intermittent over the years; the last restaurant use ceased more than one year ago. The building also contains one apartment on the first floor and three apartments on the second floor.

The previous restaurant uses were, and the existing residential uses are, legal nonconforming uses that predate the County's zoning ordinances and are referenced in the Felton Town Plan.

Known previous use permits for commercial uses on the site are as follows:

- 1961, Permit 899-U was issued to authorize a "Fix-It" shop in an accessory building (since demolished) located to the rear of the main structure.
- 1996, Permit 96-0619, a Level I change of use, was issued to change from a beauty shop to a retail music shop in the main building

Project Setting

The project site is located in the town of Felton within the San Lorenzo Valley Planning Area and is subject to the provisions of the Felton Town Plan. The proposed re-establishment of the restaurant use will occur in an existing building in a small town commercial setting with retail and office uses, near the intersection of Highway 9 and Graham Hill Road.

Zoning & General Plan Consistency

The subject property is a 12,632 square foot lot, located in the C-2-L (Community Commercial, Historic Landmark) zone district, a designation that allows Commercial uses. The proposed restaurant is an allowed use within the zone district and the project is consistent with the site's (C-C) Community Commercial General Plan designation. .

Design Review

The proposed Restaurant complies with the requirements of the County Design Review Ordinance, in that the proposed project will maintain site and architectural design features such as the arched front faqade. The only changes proposed to the exterior are two window size changes, two door location changes, and an accessiblerramp at the front. The proposed ramp will not obscure or otherwise affect the historic value of the front faqade of the building. These proposed changes would have no visual impact on surrounding land uses and the natural landscape. The plans have been reviewed by the County Urban Designer and have been accepted with respect to conformance with County Design Criteria.

Historic Resource

The existing structure is listed on the Santa Cruz County Historic Resources Inventory. The proposed exterior alterations to the historic building are minimal, are consistent with the Secretary of the Interior's Standards and County Code Chapter 16.42, and have been approved by Historic Resources Commission staff and will be reported to the Historic Resources Commission as an informational item.

Felton Town Plan

The subject site is included in the Community Commercial District within the Felton Town Plan. The site is also located within Scenic View Corridor #1. The proposal adheres to the guidelines contained within the Felton Town Plan in that the design harmonizing with existing scenic and historic vistas of the Felton Village. The design also conforms to the Felton Town Plan Design Guidelines. The only exterior changes proposed to the exterior are two window size changes, two door location changes, and an accessible ramp at the front.

The Felton Town Plan includes recommendations to add an outdoor cafe to the existing restaurant as well as adding the "original" side porch and restoration of the structure to its "1920's appearance." The "original" side porch was added after Historic Resources Commission approval in late 2004 –early 2005 and is proposed to be used for outdoor restaurant seating.

The proposed remodel maintains a continuous and harmonious streetscape along Highway 9 and otherwise conforms to the Highway 9 Design Criteria included in the Felton Town Plan. No changes are proposed to the existing color, material or design of the existing structure other than the minor changes mentioned above.

Improvements in the Caltrans Highway 9 Right-of-way and Accessibility

The eastern edge of the right-of-way for Highway 9 and the western property line of the subject parcel coincide at the western edge of the existing building. The proposed planter and the new accessible parking space and ramp (as well as the existing accessible parking space) are located in the Caltrans right-of-way. The County cannot give approval for the development proposed in that right-of-way without proof of approval for the work from Caltrans. Therefore, this approval is conditioned to require that the applicant obtain an encroachment permit from Caltrans for that development and provide the County with a copy of the encroachment permit, before exercising this approval.

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 06-0433, 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

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Commercial Development Permit Findings

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

This finding can be made, in that the project is located in an **area** designated for Commercial uses and is not encumbered by physical constraints to development. Remodeling will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed restaurant will not deprive adjacent properties **or** the neighborhood of light, air, or open space, in that it will be located in an existing structure. No additions are proposed that would compromise access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the restaurant 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-L (Community Commercial, Historic Landmark) zone district in that the primary use of the property will be a use (restaurant) that meets all current use Standards for the zone district.

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

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

A specific plan has not been adopted for this portion of the County, but there is an adopted Felton Town Plan. The subject site is included in the Community Commercial District within the Felton Town Plan. The site is also located within Scenic View Corridor #1. The proposal adheres to the guidelines contained within the Felton Town Plan in that the design harmonizing with existing scenic and historic vistas of the Felton Village. The design also conforms to the Felton Town Plan Design Guidelines. The only exterior changes proposed to the exterior are two window size changes, two door location changes, and an accessible ramp at the front.

The Felton Town Plan includes recommendations to add an outdoor cafe to the existing restaurant as well as adding the “original” side porch and restoration of the structure to its “1920’s appearance.” The “original” side porch was added in late 2004 – early 2005 and is proposed to be used for outdoor restaurant seating.

The proposed remodel maintains a continuous and harmonious streetscape along Highway 9 and otherwise conforms to the Highway 9 Design Criteria included in the Felton Town Plan. No changes are proposed to the existing color, material or design of the existing structure other than the minor changes mentioned above.

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 restaurant use is re-creating a use that existed for many decades in the existing building before ceasing several years ago. Water supply is available; no new connection is needed. Environmental Health has reviewed the proposal and has issued a clearance to apply for a building permit. There would be no increase in employees from the number that previously existed, so no increase in septic system capacity is needed. According to the 7th Edition of Trip Generation, published by the Institute of Transportation Engineers, a restaurant of the size proposed here would generate an average of approximately 28 peak hour trips (any one hour between 7:00 a.m. and 9:00 a.m. and any one hour between 4:00 p.m. and 6:00 p.m.) and an average of approximately 318 trips per day; such an increase 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 restaurant use is located in an existing building to which only minor changes will be made. The land uses in the vicinity are a mix of commercial uses, mostly retail. The neighborhood contains a variety of architectural styles, and the proposed restaurant use 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 the proposed restaurant use will be located in an existing building to which only minor changes will be made. Those changes will be of an appropriate scale and type that will have no impact on the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Sheets A-1 and **A-2** of plans revised 1/15/07, and sheet **A-3** of plans dated 1/15/07, all by John Craycroft and Associates Design and Planning

- I. This permit authorizes the development of a **2500** square foot restaurant with **360** square feet of storage. 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.
 - C. Obtain an Encroachment Permit from Caltrans for all off-site work performed in the State highway right-of-way and provide the Planning Department with a copy of any such Encroachment Permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 - 2. Location, size, type of material, and wording of all signs.
 - 3. Grading, drainage, and erosion control plans.
 - 4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.

- C. 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.
- D. Meet all requirements of and pay any applicable Zone 8 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of the Felton Fire Protection District.
- G. Provide required off-street parking for 35 cars and record an easement on the parcel as described below. All parking spaces must be located entirely outside vehicular rights-of way with the exception of those in the Caltrans right-of-way if Caltrans approves an encroachment permit for that parking. Parking must be clearly designated on the plot plan.

Two of the required 35 spaces must be accessible.

Up to 10 percent, or **4**, of the 35 spaces may be compact spaces.

Because some of the parking is proposed to be located on the abutting parcel (APN 065-081-20), an easement in perpetuity, attached to APN 065-081-21, granting off-site parking for a minimum of 15 cars on APN 065-081-20 shall be recorded in the office of the County Recorder. The easement shall designate the off-street parking area and the uses or structures to be served, with legal descriptions of the sites involved, and shall specify the hours of operation, provide for maintenance, and certify that the easement shall not be terminated and that the off-street parking area shall not be used for any other purposes unless a Development Permit amendment has been approved pursuant to County Code Chapter 18.10 either eliminating the requirement for the parking area or approving alternative parking facilities.

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

satisfaction of the County Building Official.

- C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- 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.

- 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~~ that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or ~~staff~~ in accordance with Chapter 18.10 ~~of~~ the County Code.

Please note: This permit expires two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: May 18.2007

Effective Date: June 2.2007

Expiration Date: June 2,2009

Don Bussey
Deputy Zoning Administrator

Steven Guiney
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: 06-0433
Assessor Parcel Number: 065-081-21
Project Location: 6256 Highway 9, Felton

Project Description: Proposal to re-establish a restaurant in an existing commercial building to include conversion of an existing 700 square foot apartment to a storage and food preparation area, interior remodeling, relocation of the existing front door, and the addition of a new side door. The project will result in a 2,500 square foot restaurant with 360 square feet of storage space.

Person or Agency Proposing Project: John Craycroft

Contact Phone Number: (831) 427-3048

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

Specify type:

- E. ☒ **Categorical Exemption**

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

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

Proposal is an interior/exterior alteration to an existing commercial structure. No additions are proposed.

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

Steven Guiney
Steven Guiney, Project Planner

Date: May 3, 2007

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PDR RANCHO ZAYANTE
 SEC. 22, T.10S, R.2W, M.D.B. & M.

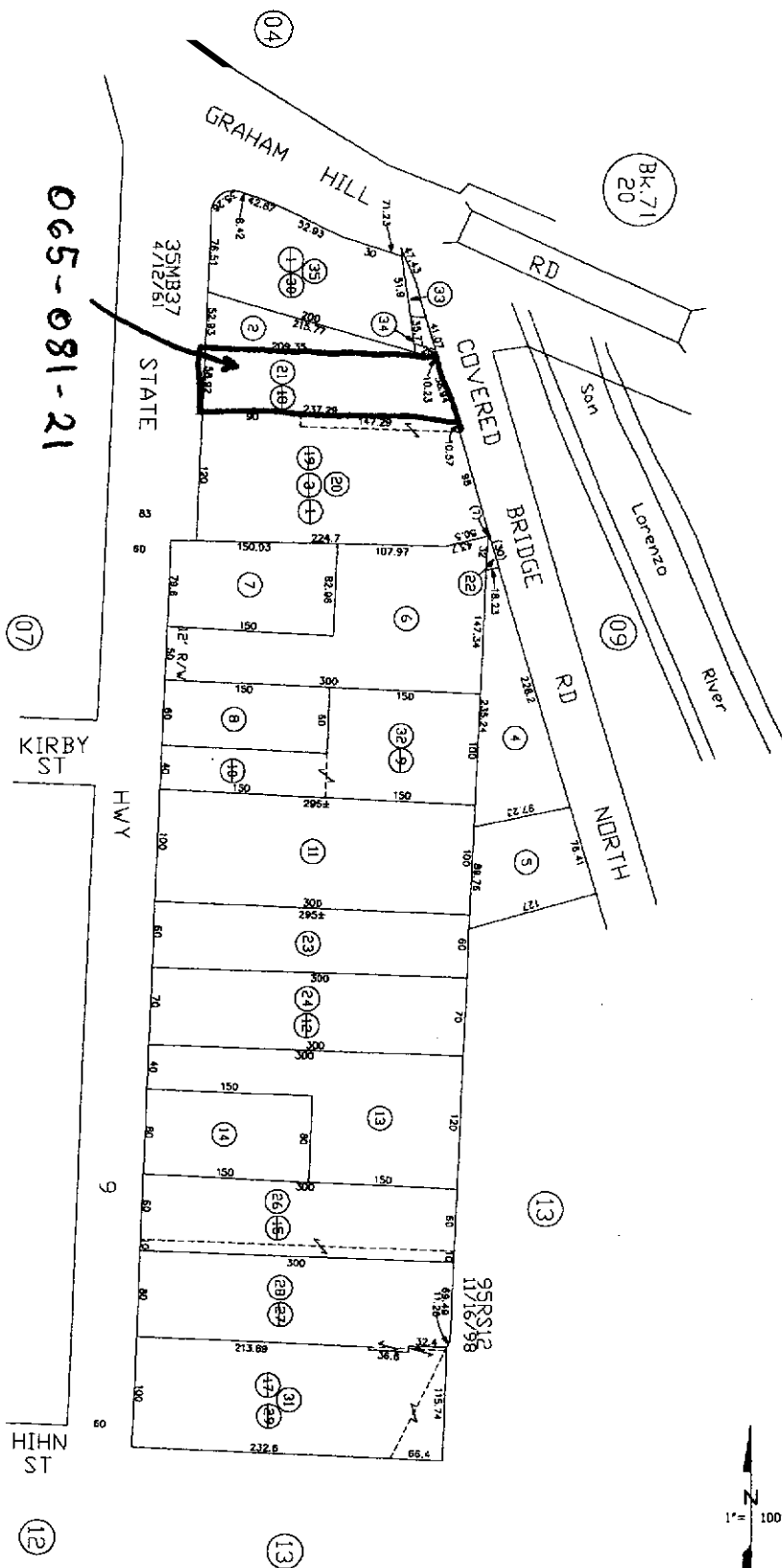
Tax Area Code
 90-010

65-08

Electronically Redrawn 4/7/00 avn

LOT NUMBERS SHOWN IN CIRCLES.

Assessor's Map No. 65-08
 County of Santa Cruz, Calif.
 April, 2000

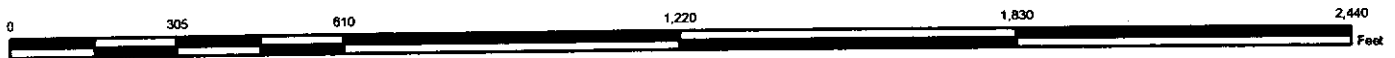
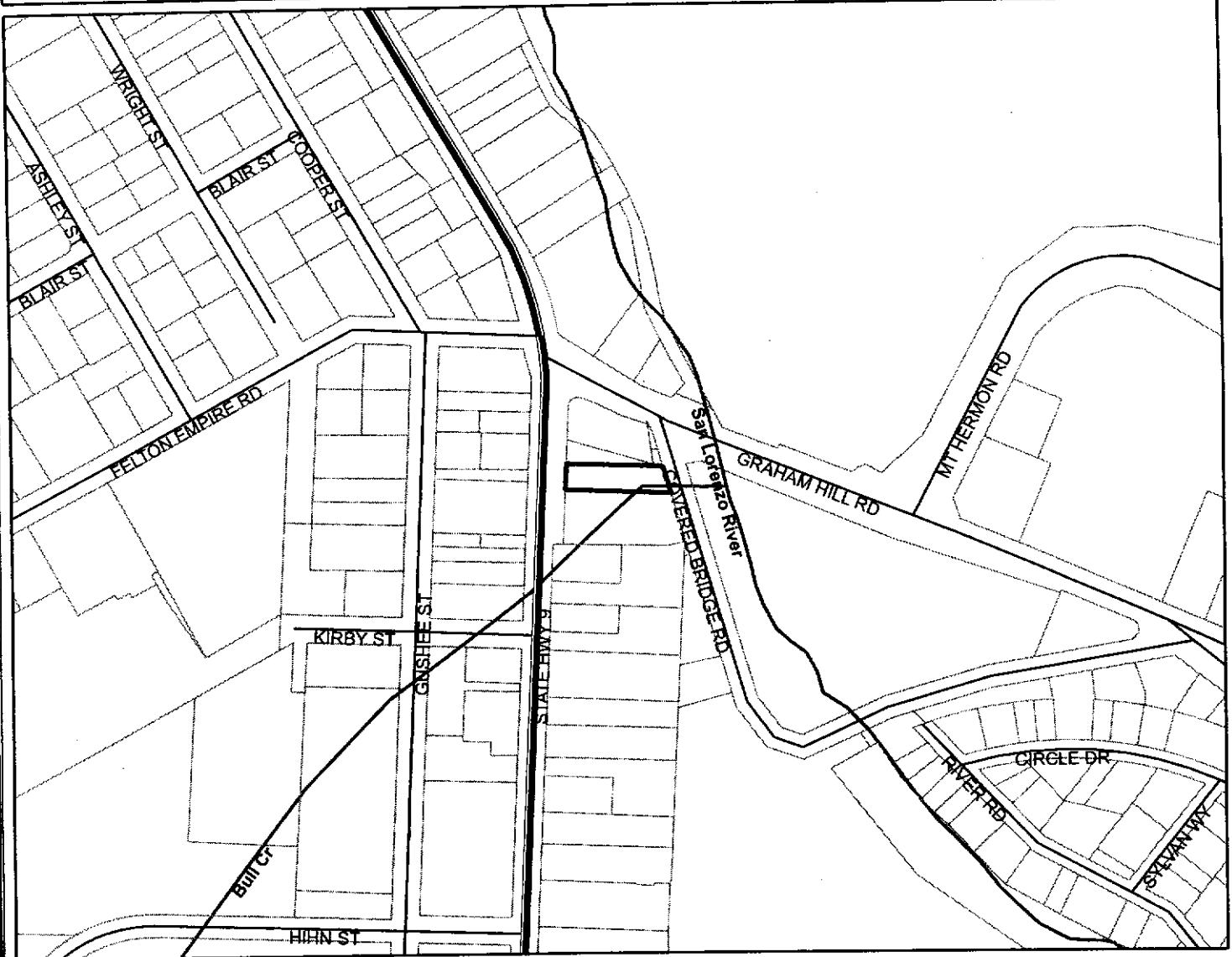


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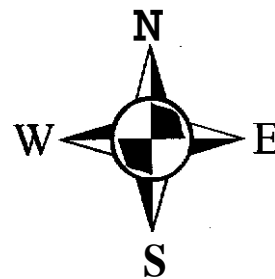
Location Map

06-0433



Legend

- Assessors Parcels
- State Highways
- Streets
- INTERMITTENT STREAM
- LAKE
- PERENNIAL STREAM

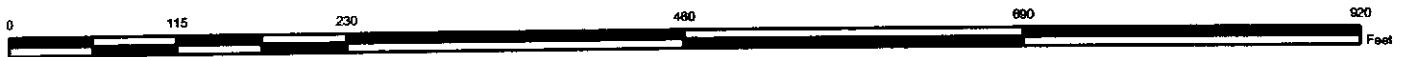
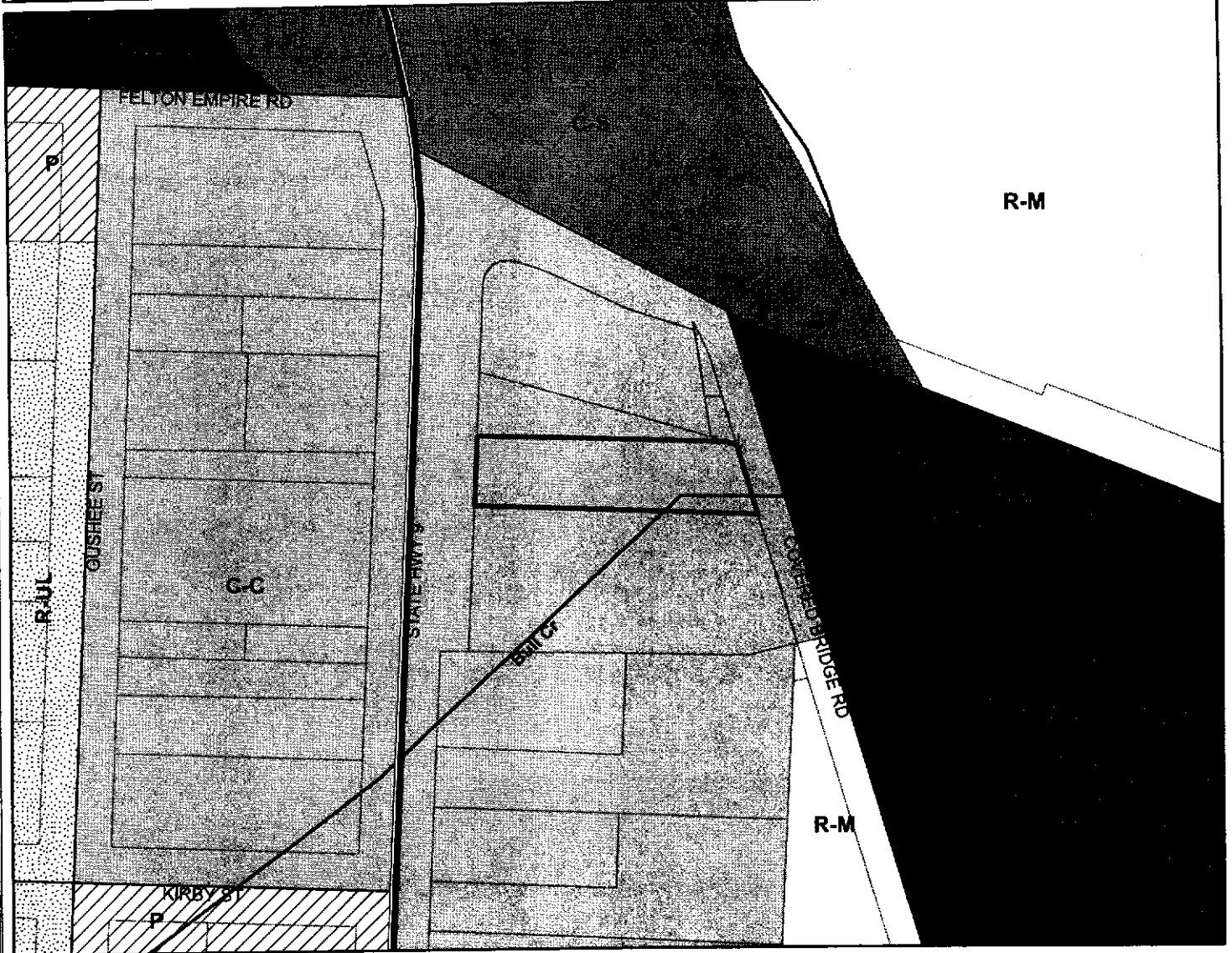


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Planning Department
August 2006



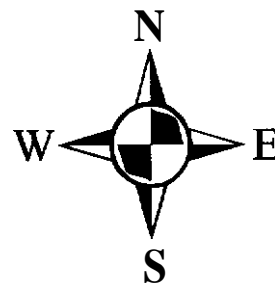
General Plan Designation Map

06-0433



Legend

- Assessors Parcels
- State Highways
- Streets
- PERENNIAL STREAM
- Commercial-Community(C-C)
- Parks and Recreation(O-R)
- Residential-Suburban (R-S)
- Residential-Mountain(R-M)
- Public Facilities (P)
- Residential- Urban Low Density (R-UL)

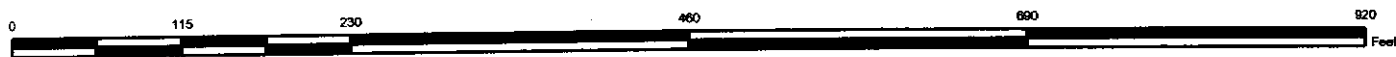
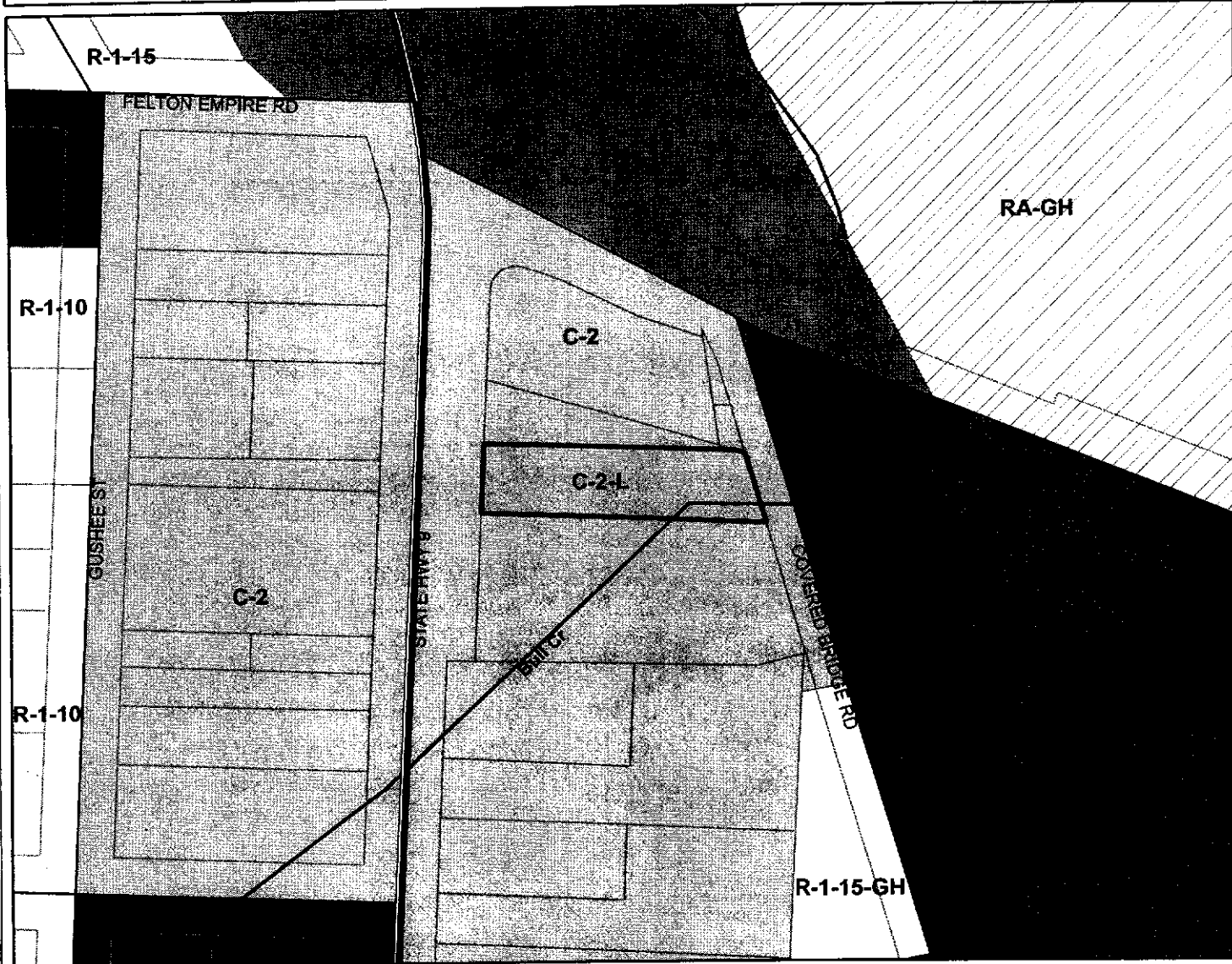


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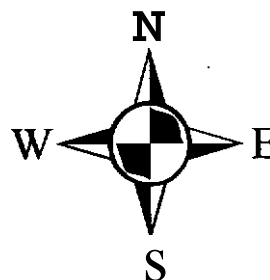
Zoning Map

06-0433



Legend

- Assessors Parcels
- State Highways
- Streets
- PERENNIAL STREAM
- COMMERCIAL-COMMUNITY (C-2)
- COMMERCIAL SERVICE (C-4)
- PARK (PR)
- PUBLIC FACILITY (PF)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- AGRICULTURE RESIDENTIAL(RA)



Map Created by
County of Santa Cruz
Planning Department
August 2006

INTEROFFICE MEMO

APPLICATION N O 06-0433

Date: August 24, 2006

To: Robin Bolster-Grant, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for remodel to an existing restaurant at 6250 Highway Nine, Felton

This project will probably trigger accessibility review. The current parking and the path of travel do not meet the requirements of Title 24.