



Staff Report to the Zoning Administrator

Application Number: **07-0219**

Applicant: Slatter Construction

Owner: Pentacostal Church of God of
America

APN: 029-071-40

Agenda Date: July 20, 2007

Agenda Item #: 1.__

Time: After 10:00 a.m.

Project Description: Proposal to operate a 45-student day care center in an existing classroom building at an existing church **as** a temporary **use**. Requires amendment to Use Permit 4257-U and Design Review permit D-73-6-6.

Location: East side of 17th Avenue, approximately 450 feet south of Mattison Lane. Live *Oak* Area

Supervisory District: First District (District Supervisor: J. Beautz)

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 07-0219, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	41730 sf.
Existing Land Use - Parcel:	Church
Existing Land Use - Surrounding:	Residential
Project Access:	17 th Avenue
Planning Area:	Live <i>Oak</i>
Land Use Designation:	PF (public and Community Facilities)

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

Zone District: PF (Public and Community Facilities)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate; no new impervious surfacing proposed
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The Pentacostal Church building has existed on the site for many years (no records were found regarding when it was built). In 1973, Use Permit 4257-U and design review permit D-73-6-6 were issued to allow the construction of a fellowship hall and Sunday school room adjacent to the existing church. Building permits were issued in 1973 and the structure was built. In 1981, a permit was issued (81-661-U) to allow the use of this building for a 64-student day care center. In 1982, the church abandoned the permit.

In the past couple of years, three Methodist churches have come together to form a new congregation that intends to build a new church facility at the site of the existing United Methodist Church at 2091-17th Avenue. One of the ancillary uses of the existing facility at 2091-17th Avenue is a day care center. The proposed plans for the new church will provide a new home for this day care center but in the interim period of construction, they are seeking a temporary place to operate. They are, therefore, seeking to operate at the Pentacostal Church's site until the new facility is completed. **This** facility is located on the opposite side of 17th Avenue and about 400-feet south of the current and future location.

Proposed Project

The applicant wishes to establish, as a temporary use, a children's day care center in the first

floor area of the existing fellowship hall of the Pentacostal Church. As noted above, this day care center will be re-located from the United Methodist Church during the period when that church is undergoing demolition of the existing facility and construction of a new facility. This is estimated to be 2 years. The day care center, Loving and Learning, is licensed for 45 children, K-6th grade. It is primarily an after-school day care center. Children from 5 different schools are either transported by van or escorted on foot by the center's employees from the schools to the day care center. Roughly half of the students walk to the center. Pick-up times vary from 4:00 to 6:00 p.m., with most of the children being picked up by 5:30. According to the information from the center, they rarely have more than 3 parents at a time on the property.

Project Setting

The site is a level site with two structures: a sanctuary and a fellowship hall/Sunday school facing 17th Avenue. A narrow courtyard separates the two buildings. Access is by a single lane loop driveway that enters the property at the south side of the fellowship hall and exits by way of a driveway on the north side of the sanctuary. The driveway on the north side of the sanctuary is shared with another building owned by the church (a mission). The rear area of the property contains an existing paved parking lot with 35 standard parking spaces and 1 accessible space. Six additional parking spaces are delineated along the south side of the entry driveway. At the current time, additional parking is provided along the front of the property, backing onto 17th Avenue. At the very back of the property, a play structure exists as well as some picnic pavilions and landscaped areas. Surrounding land uses include single and multi-family residential uses to the north, south and across 17th Avenue to the west. The land to the east is undeveloped property on large lots, much of it in County ownership for future development as a park site.

Zoning & General Plan Consistency

The subject property is a 41,730 square foot lot, located in the PF (Public and Community Facilities) zone district, a designation that allows day care centers. The proposed use in an existing church is consistent with the site's (PF) Public and Community Facilities General Plan designation.

Design Review

The proposed change of use in an existing church is exempt from Design Review.

Environmental Review

The project is categorically exempt from CEQA (Section 1805).

Discussion and Conclusion

The proposed day care center for 45 children will operate as it has operated for the past 14 years as an after-school day care center for children from the Live Oak community. The temporary re-location of the day care center to the Pentacostal Church, located 400-feet south of the current site, will mean that there will be very little change in the character of the traffic generated from the project. As occurs now, children will either be brought in by the center's van or the children

will walk from nearby schools. Adequate parking exists on the site for the center's instructors and the van, and as conditioned, appropriate striping and safety areas will be provided **so** that the children can safely cross **the** parking lot **to** the playground.

The use is being considered as a temporary **use**. As such, some of the requirements that a permanent use would be required to do, such **as** roadside improvements and parking lot improvements, **are** not being required. It also means that after the term of the permit has elapsed, the Pentacostal Church will have no authorization to use the fellowship hall for anything other than the uses permitted under the original **use** permits (4257-U and **D-73-6-6**). Should the Church wish to extend the day care center permit and make this use available to another day care provider, a new commercial development permit will be required.

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 **07-0219**, 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:

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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 public facility uses and is not encumbered by physical constraints to development. **The** proposed change of use in an existing church will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure 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 day care center in an existing church and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purposes of the PF (Public and Community Facilities) zone.

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 Public and Community Facilities (PF) land **use** designation in the County General Plan.

The proposed day care use in an existing church will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district **as** specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the day care center will not require any new construction and will not change the existing church, therefore not adversely shading adjacent properties.

The proposed day care center in an existing church will not affect the character of the neighborhood as specified in General Plan Policy **8.6.1** (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed day care center will not change any of the existing setbacks, lot coverage, floor area ratio, height, and number of stories.

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 day care use in an existing church is moving from another church located approximately 400 feet to the north. The expected level of traffic

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generated by the proposed project will be identical to the existing situation and should not create traffic conflicts nor 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 day care use in an existing church is a **use** usually associated with churches, is a temporary use and 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 is not applicable to the proposed land use.

Conditions of Approval

Exhibit A: Site Plan, Slatter Construction, dated April 18. 2007
Floor Plan, Slatter Construction, dated April 18.2007

- I. This permit authorizes a 45-child day care center use in an existing church for a period of two (2) years. This authorization is for the use of the first floor and exterior playground/grass area for childcare purposes only. One office on the second floor for the director of the day care center may be used.

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 sewer permits from the County Sanitation District
- II. Prior to commencement of the use, the following shall be completed:
- 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. Meet all Environmental Health Services requirements for the use of the facility (kitchen, etc).
- C. Submit copies of all required licenses for the operation, including but not limited to the license from the California Department of Social Services.
- D. Meet all requirements and pay any applicable plan check fee of ~~the~~ Central Fire Protection District.
- E. Provide a revised site plan for review and approval. Plan shall show the items that are addressed in the Conditions II F, IIG, and IIH.
- F. Provide required off-street parking for **15** 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. A van drop-off zone shall be designated on the site plan and on the property for **use** by the day care center when dropping off children.
- H. A striped crosswalk between the building and the playground area shall be provided to designate a safe zone for children crossing the parking lot.
- I. A sign plan shall be submitted fro review and approval. **The** sign is limited to **12**

square feet in area.

III. Operational Conditions

- A. All fences shall be maintained in good condition.
- B. Any change to the current practice of delivering children to the day care center by van and by walking in good weather shall required a review of this permit.
- C. This permit expires 2 years from the effective date. One time extension of 1 year may be granted if construction of the United Methodist Church is delayed. No further time extensions are permitted. Further use of this facility for day care center purposes or any other purpose not permitted by 4257-U shall require a new permit.
- 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.

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

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

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

Please note: This permit expires two years from the effective date Ion the expiration date listed below).

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Mark Deming
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: 07-0219
Assessor Parcel Number: 029-071-40
Project Location: 2008-17th Avenue

Project Description: Proposal to operate a 64 student day care center in an existing classroom building at an existing church as a temporary use. Requires an amendment to Use Permit 4257-U and D-73-6-6..

Person or Agency Proposing Project: Slatter Construction

Contact Phone Number: (831) 425-5425

- 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. X _____ Cateeorical Exemption

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

F. Reasons why the project is exempt:

Proposal to temporarily re-locate a day care center for 45 children from an existing church to another existing church located 400 feet south on the sam eroadway with no change in operations. No change to the intensity of use or the type of land use.

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

Mark Deming, Project Planner

Date: _____