



## Staff Report to the Zoning Administrator

Application Number: **07-0023**

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**Applicant:** Kevin Fennimore  
**Owner:** Audrey & Emmett Fennimore  
**Trustees**  
**APN:** 108-191-28

**Agenda Date:** 8/22/08  
**Agenda Item #:** 0.1  
**Time:** After 8:30 AM

**Project Description:** Proposal to revise Master Occupancy Program (83-320 -U) to recognize existing commercial uses, recognize changes to vehicular access, circulation, parking and signage and adding a weekly farmer's market with 40 vendors. Specifically, the revised Master Occupancy Program would recognize a new real estate office operating within Building 1, a gym operating in Building 3, a restaurant (Cadillac Café) operating in Building 2, a chiropractic office operating within Building 1, the conversion of a portion of the market/coffee house from storage to retail use, and the installation of outdoor patio and seating areas at Building 2 and 4.

**Location:** Property located at the intersection of Freedom Boulevard and Corralitos Road (2904-2908 Freedom Boulevard).

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Amendment to Commercial Development Permit 83-320-U

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0023, based on the attached findings and conditions.

**Exhibits**

- |   |                              |
|---|------------------------------|
| A. Project plans                              | E. Assessor's parcel map     |
| B. Findings                                   | F. Zoning map                |
| C. Conditions                                 | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | H. Permit 83-320-U           |

### Parcel Information

Parcel Size: 1.92 acres  
Existing Land Use - Parcel: Neighborhood Commercial  
Existing Land Use - Surrounding: Commercial Agriculture, Commercial and Residential  
Project Access: Freedom Boulevard and Corralitos Road  
Planning Area: Eureka Canyon  
Land Use Designation: C-N (Neighborhood Commercial)  
Zone District: C-1 (Neighborhood Commercial)  
Coastal Zone: ☐ Inside ☒ Outside

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: 129-Elder Sandy loam, 0 to 2% slopes  
Fire Hazard: Not a mapped constraint  
Slopes: 0-5%  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Corralitos Road is listed as a scenic road, however no significant physical changes are proposed to the site  
Drainage: No changes to existing drainage patterns are proposed  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Public  
Sewage Disposal: Private Septic System  
Fire District: Pajaro Valley Fire Protection  
Drainage District: Zone 7

### History

Permit 4617-U was issued in 1973 to allow an art and crafts gallery and workshop within an existing building. Permit 74-414-U was approved in 1974 to permit the operation of a food market and public truck scales at Bldg. 4 (this permit superceded Permit 74-51-U, which was never exercised). In 1977 Permit 77-14-U was issued, allowing the continued use of the art and craft gallery and workshop in Bldg. 3. Permit 81-373-U was approved in 1981 to allow a restaurant in an existing commercial building to serve beer and wine within 200 feet of a residential district (Bldg. 1)

In 1982, permit 82-143-PD was approved, amending 74-414-U to allow a 500-square foot addition to the existing food market. Condition III.5 states "no further permits shall be issued until an overall comprehensive Development Plan is applied for."

Permit 83-320-U, issued in 1984, Amended Permit 74-414-U by incorporating a Master Use Program for the existing commercial buildings as well as authorizing four open air sales/art show events per year, with a limit of 16 total days allowed. Subsequent determinations were made, in conjunction with code enforcement proceedings, that Permit 83-320-U included a Master Occupancy Approval for all uses allowed in the C-1 zone district, in addition to the four open air shows per year.

The site plan included with Use Permit 83-320-U does not match current conditions on the site, with discrepancies between building and improvement locations, signage and other physical modifications. Therefore, while the approved permit allows the current uses on the site, which are all allowed within the C-1 zone district, the modifications that have been made to the buildings and circulation have been made without benefit of proper permits. Code violations were recorded and a Stipulation is currently in effect, requiring the property owner to obtain an Amendment to the existing Master Occupancy Program to recognize the changes that have occurred that are not covered under the existing approvals for the site. The current proposal would rectify the code violations on the property.

### Project Setting and Description

The property is approximately two acres in size and is located at the northeastern corner of the intersection of Freedom Boulevard and Corralitos Road. The site takes access from both County-maintained roads. This site is developed with four commercial buildings, one of which has historically been known as the 5-Mile House. The buildings and uses that occupy the site are characterized as follows:

**Table 1**

#### Building 1

Tenant	Approx Interior Area	Approx Exterior Area	Required Parking*
El Azteca Restaurant	1,540 sq ft	400 sq ft	19
Corralitos Chiropractic	220 sq ft	0	7
Corralitos Homes & Land	990 sq ft	0	5
Total	2,750 sq ft	400 sq ft	31

#### Building 2

Tenant	Approx Interior Area	Approx Exterior Area	Required Parking*
Cadillac Café	970 sq ft	100 sq ft	11
Total	970 sq ft	100 sq ft	11

### Building 3

Tenant	Approx Interior Area	Approx Exterior Area	Required Parking*
Curves (Fitness Center)	2,280 sq ft	0	14
Arts & Crafts (gallery/workshop)	1,295 sq ft		5
Total	3,575 sq ft	0	19

### Building 4

Tenant	Approx Interior Area	Approx Exterior Area	Required Parking*
Pony Espresso Market	1,700 sq ft	350 sq ft	10
*Total	1,700	350	10

\*These are the maximum numbers of spaces required under Section 13.10.552 (b) of the County Code. Typically areas devoted to storage would be deducted from the square footage, leading to fewer required spaces. A parking management plan that documents overlapping visits to businesses, non-overlapping business hours or other such conditions could also reduce the overall parking requirements. The numbers provided above therefore are quite conservative.

While a Master Occupancy Program (MOP) typically establishes the future uses which will be allowed on a site, in this case the MOP is being revised to confer legality on the *existing* uses on the site, as well as providing guidance as to future allowed uses.

Firstly, the project consists of recognizing the conversion of a portion of a former residence to a commercial business (currently operating as the Cadillac Café), the conversion of a portion of the 5-Mile House/Pony Espresso Market from storage to retail use, the creation of outdoor seating areas for the Cadillac Café and the 5 Mile House and the alteration of parking and circulation configurations. Secondly, it consists of recognizing the real estate office, the gym and chiropractor's office. Insofar as these uses are allowed in the C-1 zone district they are considered to have been created legally under the previously approved MOP for this site. They are included in the description for this permit for clarity and to establish a baseline for future reference. Lastly, the project includes a request to increase the approved "open air" use from 4 times a year to every weekend for the purpose of hosting a Farmer's Market and other special events. The vacant space to the northeast has been used to accommodate special events and would continue to do so under this proposal.

### Zoning & General Plan Consistency

The subject property is a 1.92-acre lot, located in the C-1 (Neighborhood Commercial) zone district, a designation, which allows commercial uses. The building and use changes proposed to be recognized are principal permitted use within the zone district and are not inconsistent with the Master Occupancy Program previously approved for the site under Permit 83-320-U. Each of the businesses is an allowed use under the C-1 zone district and the proposed changes are similarly consistent with the purpose of the C-1 zone district, which is to provide compact and conveniently

located shopping and service uses to serve local neighborhoods. The project is consistent with the site's (C-N) Neighborhood Commercial General Plan designation, in that the shopping center is compact and conveniently located relative to the surrounding rural community.

### **Parking**

The site contains two parking areas with a total of 58 parking spaces shown on the plans. This total does not include two (2) spaces that encroach into the Corralitos Road right-of-way (#39 and #61). Additionally two spaces are shown (#48 and 49) that appear to have compromised maneuvering space for backing out and therefore only one space will be counted as an adequate parking space. Two spaces are depicted as handicapped spaces. Approximately 15 parking spaces are depicted along Freedom Blvd, but are not counted toward the total of 58 spaces as they encroach into the right-of-way and cannot be used to satisfy the required off-street parking requirements. The remainder of the site is undeveloped and unpaved. The vacant area to the northeast of the parcel has been used to provide space for the farmers markets on the weekends, while a gravel area to the northwest contains several cars. The breakdown of uses and parking demand provided in Table 1 shows a maximum demand of 71 parking spaces, resulting in a shortfall of 13 spaces.

However, 71 spaces represent a worst-case scenario, calculated without the benefit of a detailed floor plan showing how much area is allotted to storage and without a detailed parking plan or analysis, both of which would lower parking demand for the site. Additionally, the site has additional space that could readily be converted to parking, if needed. While the 71 maximum required spaces does *not* include the parking demand generated by the special events that occur four times a year, it is assumed that the relative infrequency and available vacant land on the site adequately accommodate the parking demand for these events.

For the reasons given above, it appears that the demand for parking spaces can be accommodated without significant design changes or modifications to any existing structures. However, the number and location of the handicapped spaces does not meet the parking requirements of the County Code, nor the accessibility requirements contained in the Building Code. A Condition of Approval has been added, which requires a revised parking plan to be approved, which complies with all applicable standards. The revised parking plan must be submitted within 90 days of approval of the Master Occupancy Program.

### **Accessibility**

As stated above, the number and location of handicapped parking spaces shown on the plans does not meet zoning or building regulations and must be revised to comply with these regulations as a Condition of Approval for this permit. Additionally, there is no adequate accessible path of travel identified on the submitted plans, as required by the building codes. Because the site is flat and there appears to be ample safe space to provide the required accessible paths of travel, this requirement is not expected to generate significant design changes. A Condition of Approval is included which states that revised plans shall be submitted that provide an adequate path of travel and otherwise meet accessibility regulations. The plans shall be reviewed and approved by the Building Plan Check staff within 90 days of approval of this Master Occupancy Program, and in advance of building permit issuance.

### Special Events/Farmer's Market

The application includes a proposal to increase the number of special events from four times a year, as is currently allowed under the prior Master Occupancy Program, to 52 times a year, or every weekend. Based on the parking and circulation limitations and the lack of accessibility, this proposal is not consistent with County policies and ordinances. While four events were allowed per year under Permit 83-320-U, the accompanying plans for that approval showed a completely different circulation and parking plan than that which exists today. Additionally, rules governing accessible paths of travel require such public events to provide accessible surfaces for all areas where the public would be allowed to travel. The location of the weekly Farmer's Market, as proposed on the submitted plans for this revised Master Occupancy Program, do not depict adequate parking, accessible surfaces, or safe circulation. Therefore, this Permit will be conditioned to limit the special events to the four per year that are currently allowed.

### Master Occupancy Plan

Any future uses which are allowed by County Ordinance in the C-1 zone district, shall be allowed on this site, with the exception of any uses that increase the parking demand above that which currently exists. Examples of uses that would be expected to increase parking include medical offices, or additional space for restaurant use. A Condition of Approval is included which requires any future application for changes of use, which potentially increases the parking demand, be subject to a Level V Amendment and public hearing. The conditions also requires any changes to the shopping center that would increase demand for sewage treatment (septic system) to be pre-approved by the Environmental Health Services Department in advance of being implemented.

Allowed Use	Parking Demand
Animal Grooming	1 space per 300 square feet. (1:300)
Banks	1 space per 200 square feet
Private Clubs	0.25 per fixed seat or 30 per 1000 sq.ft.
Neighborhood Commercial Services (e.g. copy service, locksmith, frame shop, etc.)	1:300 square feet.
Community Facilities (e.g. church, library, museum, etc.)	1:200 square feet
Business Offices (e.g. travel agency, insurance office, title company, etc.)	1:200 square feet
Radio and Television Broadcasting Station	1:300 square feet
Physical Culture Facilities (e.g. spa, gym, etc)	1:200 square feet
Neighborhood Retail Sales (e.g. bookstore, antique store, flower shop, etc.)	1:200 square feet
Wineries	1:200 square feet for retail, (no tasting room allowed as this will intensify parking demand)

## **Design Review**

The proposed Commercial Use complies with the requirements of the County Design Review Ordinance, in that the proposed project will not significantly change any of the physical characteristics of the existing buildings, which were approved under the original Master Occupancy Program. The structures within the shopping center are characterized by a western-themed design, which reflects the local history of the area and is repeated in the design and architecture of many structures in Corralitos. This proposal will not alter the existing design or compatibility of the structures on the site with the surrounding neighborhood.

The signage at the site is an eclectic mix of colors, materials and sizes, with many plastic or cloth signs draped haphazardly around two or three prominent buildings. A revised sign plan will be required to be submitted and approved by the Urban Designer and the Zoning Administrator as a Condition of Approval for this permit, in order to provide a more uniform and visually appealing landscape.

## **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 07-0023, 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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## **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 proposal to recognize the changes to existing commercial uses represent minor changes on a parcel that is designated for commercial uses and is not encumbered by physical constraints to development. The lot is situated on the corner of two heavily traveled County roads and has historically functioned as a local neighborhood shopping center. There are no other nearby shopping areas serving this part of the County. The intersection is traffic controlled and the site has adequate visibility to continue to function safely as a neighborhood shopping center. The proposed changes will not affect the continued operation as a safe commercial destination.

Conditions of Approval are included for this permit, which will require that the applicant obtain building permits to recognize physical alterations to several buildings. Additionally, revised parking, circulation and accessibility plans are required as part of this revised Master Occupancy Program, each of which shall be reviewed by Planning Department staff to ensure conformance with all applicable ordinances and codes.

The revised Master Occupancy Program will not deprive adjacent properties or the neighborhood of light, air, or open space in that very few minor structural changes are proposed to be recognized. The revised parking and circulation plans that will be required will provide greater pedestrian and handicapped visitor safety to those using the shopping center than that, which has historically been provided on the site. Uses that increase parking demand are not authorized by this Master Occupancy Program.

- 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 commercial development 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-1 (Neighborhood Commercial) zone district in that the primary use of the property will be a mix of neighborhood-serving retail and service establishments. These uses will continue to operate in a way that is consistent with the historical neighborhood shopping center that has existed on this site.

- 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 residential use is consistent with the use and density requirements specified for the Neighborhood Commercial (C-N) land use designation in the County General Plan.



The proposed revision to the Master Occupancy Program 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 Objective 8.5 (Commercial and Industrial Design), in that the commercial development will harmonize and complement the unique characteristics of the Corralitos neighborhood, will maintain commercial uses in designated areas while minimizing impacts on adjacent roads, and property, and on the scenic setting of the County.

The proposed commercial development will not be improperly proportioned to the parcel size or 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 proposal will not result in any appreciable change in existing building size and extent of commercial use and will maintain structures that are consistent with designs that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. **That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

This finding can be made, in that the proposed commercial development is to be maintained on an existing developed lot.

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 commercial structures are located on a parcel surrounded by lots containing a variety of architectural styles, and the proposed modifications to commercial buildings on the site is consistent with the land use intensity and density of the neighborhood. The proposed revised Master Occupancy Program will maintain the existing rustic, western-themed design that has historically characterized the shopping center.

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 revised Master Occupancy Program will maintain an appropriate scale and type of design that will enhance 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: Site and Drainage Plans (2 Sheets) prepared by Robert D. Corbett, dated June 4, 2006 and January 25, 2005, Septic Plan (1 Sheet) prepared by Titus Septic Tank Service, undated.

- I. This permit authorizes the recognition of a real estate business in Building 1, a physical fitness club in Building 3, a café in Building 2, a chiropractic office in Building 1, the conversion of the interior space of Building 4 from storage to retail use, the installation of a 680 square foot outdoor patio and seating area adjacent to Building 4, the installation of a 260 square foot outdoor patio and seating area at Building 3, changes to existing signage, and changes to the parking and circulation, subject to the following conditions I-VI. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit(s) from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way. Parking spaces shall not be located within the County right-of-way.
- II. Within 90 days of Master Occupancy Program approval and before Building Permit application:
  - A. Submit a signage plan for the entire site, subject to review and approval by the Zoning Administrator and the County Urban Designer.
  - B. Submit an accessibility plan prepared by an architect, which shows an accessible path of travel and which meets all accessibility requirements of the Building Code. The accessible path of travel must be shown for users of all retail and service establishments on the site and must include the three required handicapped parking spaces. The location of the handicapped parking spaces and paths of travel must be reviewed and approved by the Zoning Administrator and Planning Department.
  - C. Submit parking plan showing off-street parking for 71 cars, OR a detailed Alternate Transportation and Parking Program, that documents why less than 71 spaces is adequate. Such a plan would include, but not be limited to, provision of special transit incentives for employees, the operation of effective carpooling programs, staggered or variable work hours or other measures which, upon certification by the County, may reduce the off-street requirement by up to twenty (20) percent. The Alternate Transportation and Parking Program must be reviewed

and approved by the Zoning Administrator. A parking study that provides data about the demand for specific types of businesses may be required to demonstrate that the Alternate Transportation and Parking Program is feasible.

- D. If the revised parking plan and accessibility plans are not both submitted within 90 days of Master Occupancy Program (MOP) approval, the MOP will go void. A request for a time extension of an additional 60 days may be granted by the Zoning Administrator upon receipt of a written request for such extension prior to the end of the 90 day period.

III. 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. A complete and detailed floor plan for each building, calling out the use of each building.
  2. Plans must indicate demolition of all non-permitted structures, such as the four storage sheds adjacent to Bldgs 2 and 3, which were not included in the original Master Occupancy Permit (83-320-U).
  3. Details showing compliance with fire department requirements.
  4. Plans must show an accessible path of travel, which meets all accessibility requirements of the Building Code. The accessible path of travel must be shown for users of all retail and service establishments on the site and must include the three required handicapped parking spaces. The location of the handicapped parking spaces must be reviewed and approved by the Planning Department.
- 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 Zone 7 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 Pajaro Valley Fire Protection District.
  - G. Submit approved parking plan. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. The parking plan must include 3 handicapped spaces, which must be located in areas approved by Planning Department staff. The parking plan must also show the proposed location for all delivery parking and must include the required number of bicycle spaces.
  - H. Pursuant to conditions II.A, B, and C, the sign plan, accessibility plan and parking plan must all be consistent with those approved by the Zoning Administrator prior to the issuance of any building permits.
- IV. 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.
- V. The following conditions, A-I, constitute the revised Master Occupancy Program:
- A. A total of four open air sales/art shows per year are allowed, with a maximum of 16 days per year allowed for these temporary events. These uses shall be governed by the conditions contained in Permit 83-320-U (incorporated here by reference) with the following revisions:

1. The parking plan permitted under Permit 83-320-U shall be revised to accommodate the changes that have occurred to the parking and circulation plan for the site.
  2. No amplified music is permitted.
- B. Any proposed changes to the number of events held per year are subject to all current accessibility and parking requirements and shall require approval of an amendment to the Master Occupancy Program by the Zoning Administrator.
- C. Future uses are limited to those allowed in the C-1 zone district.
- D. Any future proposed uses, which create additional parking demands, require a Level V Amendment to the Master Occupancy Program (public hearing) to review the potential impacts on the existing parking and circulation conditions.
- E. Any future proposed uses, which create additional demands on the septic system, require a Level V Amendment to the Master Occupancy Program (public hearing) to review potential impacts on the existing septic system.
- F. Any changes in tenancy only that do not result in physical changes to buildings or grounds, require only a Level 1 Change of Use Permit.
- G. No changes to the approved sign plan are allowed unless they are "in kind" changes conforming to existing dimensions, materials, designs, and locations. No lighted signs are permitted.
- H. Any proposed changes to the approved parking and circulation plan will be subject to a Level V Amendment to the Master Occupancy Program (public hearing) to review the potential impacts to the site.
- I. 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.
- VI. 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.

Application #: 07-0023

APN: 108-191-28

Owner: Audrey and Emmett Fennimore Trustees

**Please note: This permit expires two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). 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.**

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

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

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

\_\_\_\_\_  
Glenda Hill  
Deputy Zoning Administrator

\_\_\_\_\_  
Robin Bolster-Grant  
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: 07-0023

Assessor Parcel Number: 108-191-28

Project Location: 2904 Freedom Boulevard

**Project Description:** Proposal to revise an existing Master Occupancy Program to recognize existing uses, the conversion of storage space into retail, and installation of outdoor seating and patio areas, and the expansion of existing Special Events from 4 times a year to 52 times.

**Person or Agency Proposing Project:** Kirsten Powell

**Contact Phone Number:** 408 395 1350

- 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:

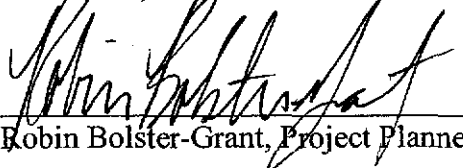
E. ☒ Categorical Exemption

Specify type: 15301(a) Existing Facilities

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

Minor alterations and additions to existing structures.

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

  
Robin Bolster-Grant, Project Planner

Date: 5/17/08



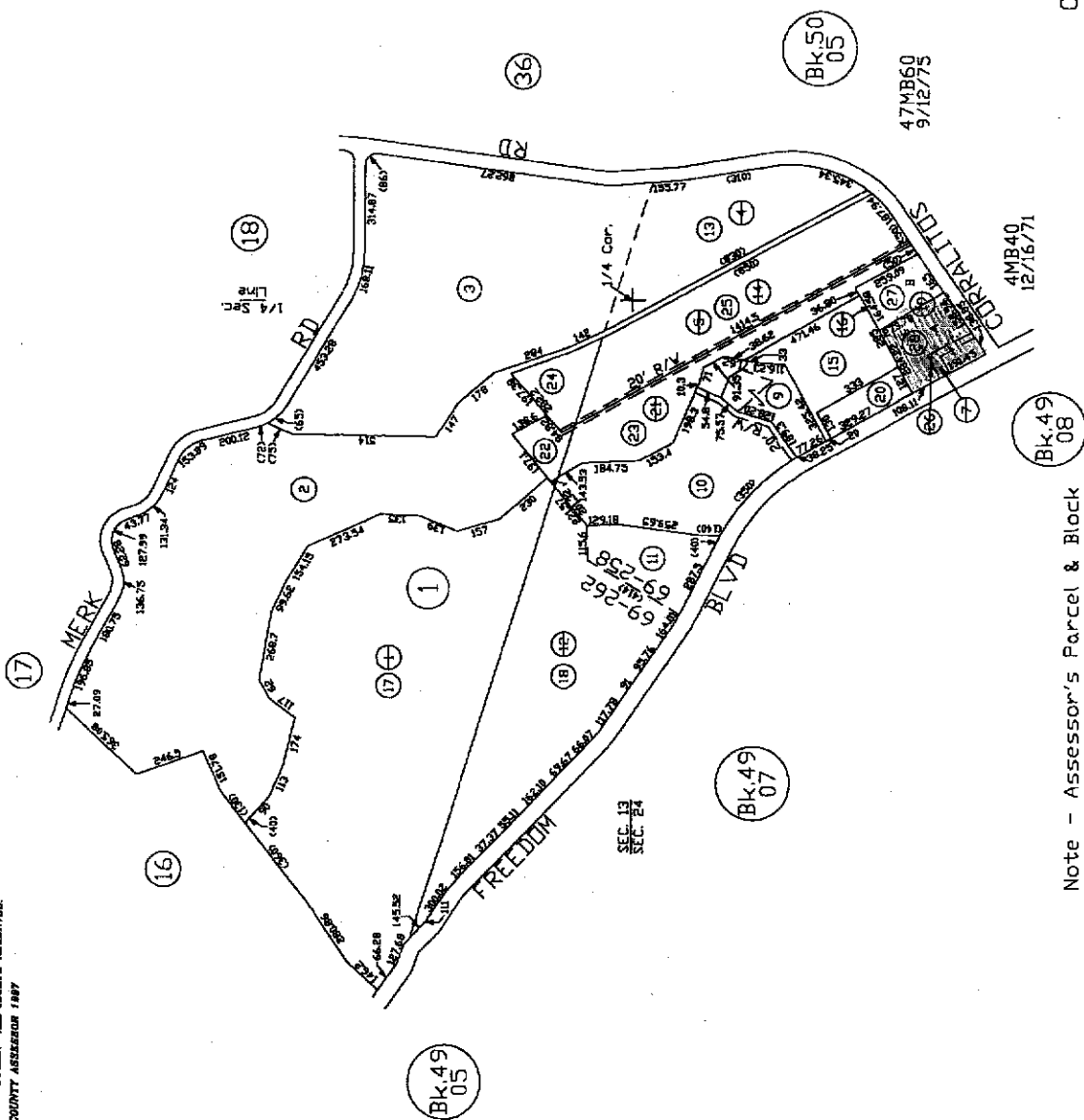
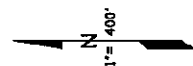
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POR, SECS. 13 & 24, T.11S., R.1E., M.D.B. & M.

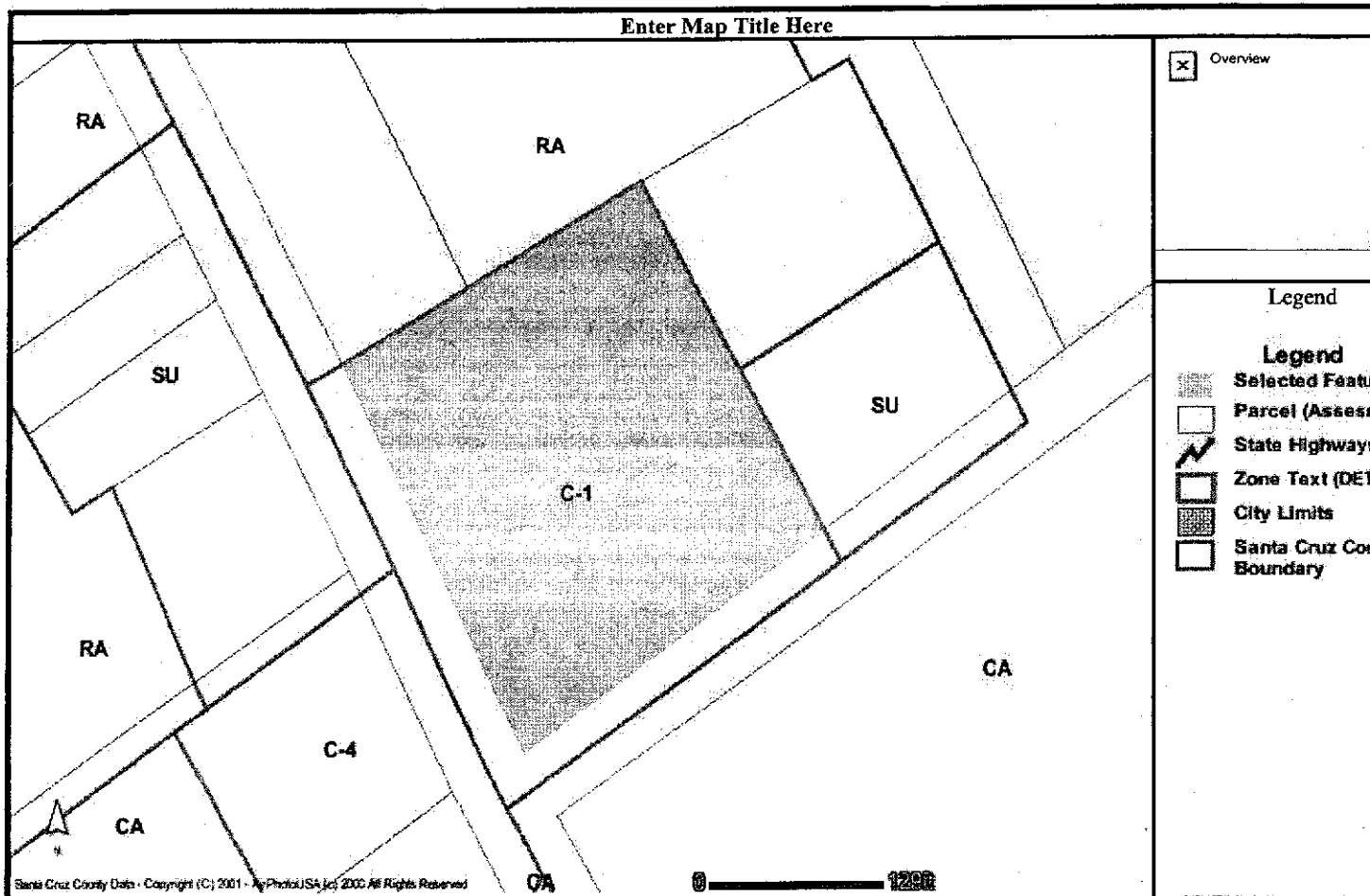
Tax Area Code  
69-258 69-262

108-19

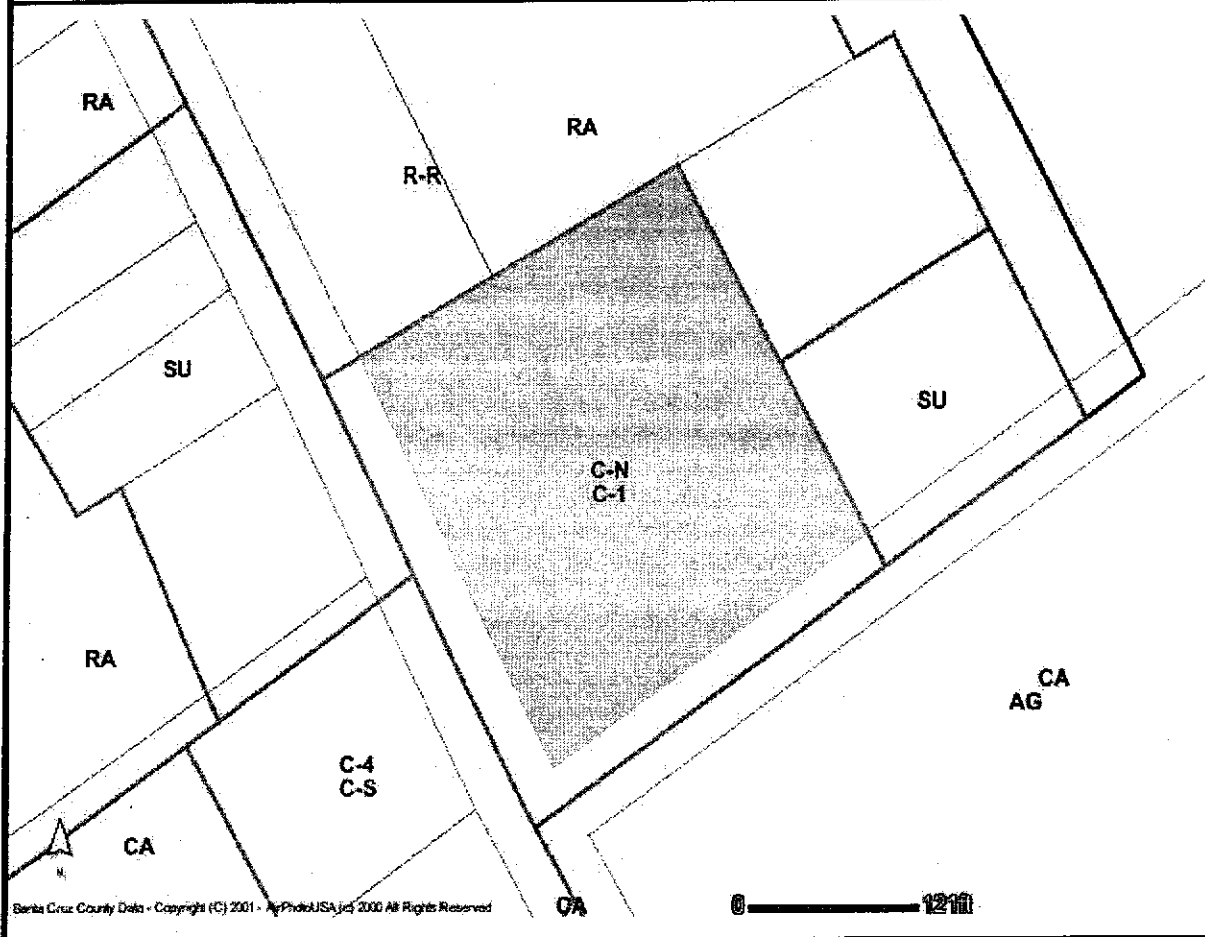


Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 108-19  
County of Santa Cruz, Calif.  
Nov. 1997



Enter Map Title Here



☒ Overview

**Legend**

- Selected Feature
- Parcel (Assess)
- State Highways
- Zone Text (DET)
- City Limits
- General Plan (E Text)
- Santa Cruz County Boundary

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EXHIBIT F

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

**Project Planner:** Robin Bolster  
**Application No.:** 07-0023  
**APN:** 108-191-28

**Date:** May 14, 2008  
**Time:** 18:14:50  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON FEBRUARY 2, 2007 BY ROBERT S LOVELAND =====  
NO COMMENT

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON FEBRUARY 2, 2007 BY ROBERT S LOVELAND =====  
NO COMMENT

**Code Compliance Completeness Comments**

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

===== REVIEW ON FEBRUARY 12, 2007 BY KEVIN M FITZPATRICK =====  
NO COMMENT  
This addresses all the code violations. (KMF)

**Code Compliance Miscellaneous Comments**

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

===== REVIEW ON FEBRUARY 12, 2007 BY KEVIN M FITZPATRICK =====

**Dpw Drainage Completeness Comments**

===== REVIEW ON FEBRUARY 5, 2007 BY CARISA R DURAN ===== Not enough drainage information has been given to consider acceptance of this application. To be approved by this division at the discretionary application stage, all potential off-site impacts and mitigations must be determined and compliance with the County Design Criteria (CDC) demonstrated.

Please address the following items:

1) It is not clear from the plans if the increase in runoff due to the as-built AC parking area (38 spaces) is maintained on-site. Development increasing impervious areas are required to show post-development rates do not exceed pre-development rates where feasible. Please clarify.

2) Please clarify if percolation pipe is throughout all swales or only at labeled locations.

3) Section A-A on sheet 3 of 3 does not depict the swale. Is this missing from the detail? Per this detail, the first 1-foot of soil is clay. Does the swale allow for percolation? Please include detail of swale.

4) Please clarify if there are drain lines directing runoff off-site from the two drain boxes shown adjacent to Freedom Blvd.

5) As indicated in the CDC, runoff from parking and driveway areas are required to

## Discretionary Comments - Continued

**Project Planner:** Robin Bolster  
**Application No.:** 07-0023  
**APN:** 108-191-28

**Date:** May 14, 2008  
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**Page:** 2

go through water quality treatment prior to discharge from commercial sites. If structural treatment is proposed, recorded maintenance agreements are required. Please clarify on the plans the method to be used for treatment.

This application is for development in Zone 7A Flood Control District. A drainage fee is assessed for increases in impervious area. The fees are currently \$0.95 per square foot.

Please call or visit the Dept. of Public Works, Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions.

===== UPDATED ON JANUARY 9, 2008 BY RACHEL J FATOOHI ===== App. # 07-0023  
Additional information received since the last submittal consists of: 1. Ifland's survey of 1/18/05 and a letter from Gary Ifland dated Nov. 28, 2007, 2. Letter from the project architect, Robert Corbett dated 11/29/07, 3. a copy of the existing topography for the southwesterly area of the parcel, dated 1/30/98, 4. a letter from the property owner, Mr. Fennimore dated 1/21/07. Based on reviewing the above material, the pavement in question has been in place prior to Zone 7A establishment. The paving drains toward undeveloped area on the site. No overflow from this pavement/parking area currently drains to the streets and no changes are proposed with this project. The property owner is responsible to maintain this condition. Zone 7A charges will not be assessed to the existing paving since it existed prior to the establishment of Zone 7A. Future changes to the exiting drainage pattern have to be reviewed and approved by Public Works Stormwater Management Section and appropriate mitigation measures will be required. The application may be considered complete.

===== UPDATED ON JANUARY 9, 2008 BY RACHEL J FATOOHI =====

### Dpw Drainage Miscellaneous Comments

===== REVIEW ON FEBRUARY 5, 2007 BY CARISA R DURAN =====  
No comment.

### Dpw Road Engineering Completeness Comments

===== REVIEW ON FEBRUARY 7, 2007 BY GREG J MARTIN =====  
Parking spaces in the right-of-way should not be recognized. The numbered parking spaces in the right-of-way should be removed from the plans. Building 1 encroaches in the right-of-way as well. Please contact Greg Martin at 454-2811 with any questions.

### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON FEBRUARY 7, 2007 BY GREG J MARTIN =====

### Environmental Health Completeness Comments

===== REVIEW ON JANUARY 29, 2007 BY JIM G SAFRANEK ===== Applicant must submit septic pumping reports for all septic tanks serving the establishments at this site. Required for EH approval of this Maser Occupancy Program proposal.

===== UPDATED ON MARCH 20, 2008 BY JIM G SAFRANEK ===== Reviewed 2006 septic pumper's report for grease and septic tank serving rest.; if no other septic tanks

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 07-0023  
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are part of this master occupancy change, then the project is now approved by EHS.

**Environmental Health Miscellaneous Comments**

===== REVIEW ON JANUARY 29, 2007 BY JIM G SAFRANEK =====  
NO COMMENT

**Pajaro Valley Fire District Completeness Comments**

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

===== REVIEW ON FEBRUARY 1, 2007 BY COLLEEN L BAXTER =====  
===== UPDATED ON FEBRUARY 1, 2007 BY COLLEEN L BAXTER =====  
DEPARTMENT NAME: PAJARO VALLEY FIRE

Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (2001) as amended by the authority having jurisdiction.

The job copies of the building and fire systems plans and permits must be onsite during inspections.

Building numbers shall be provided. Numbers shall be a minimum of \_\_\_\_\_ inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street.

The access road shall be 20 feet minimum width and maximum twenty percent slope.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the 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, and, to hold harmless and without prejudice, the reviewing agency.

**Pajaro Valley Fire District Miscellaneous Comments**

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

===== REVIEW ON FEBRUARY 1, 2007 BY COLLEEN L BAXTER =====

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

Date: 2/01/07  
Planner: Steve Guiney

Application Number: 07-0023  
APN: 108-191-28

Dear Steve Guiney,

A preliminary review of the above project plans was conducted to determine accessibility issues. The following comments are to be applied to the project design, **if any work is proposed or required at this site**. Comments are both general and **specific to the project plans**. The project description for this application did not indicate any work that would trigger accessibility requirements in the 2001 California Building Code. **Building permits to recognize as-built work will trigger accessibility requirements.**

Please refer to the attached brochure entitled Accessibility Requirements - Building Plan Check which can also be found at the County of Santa Cruz Planning Department website:

[http://www.sccoplanning.com/brochures/access\\_plancheck.htm](http://www.sccoplanning.com/brochures/access_plancheck.htm)

This document is an information source for the designer when preparing drawings for building plan check.

Project Description:      **Project Name – Corralitos Station**  
Existing Buildings – Commercial

Determination of Occupancy: Please apply specific requirements per CBC code sections 1104B thru 1111B. The occupancy and construction type are to be noted in the Project Data section on the cover sheet of the plans. **The occupancy classifications and construction type are not provided on the plans.**

CBC Section 1103B – Building Accessibility

Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified by this section. Occupancy requirements in this chapter may modify general requirements, but never to the exclusion of them. Multistory buildings must provide access by ramp or elevator.

**CBC, 1134B applies to renovations, structural repairs, alternations and additions to existing buildings. Qualified historical buildings shall comply with the State Historical Building Code, Part 8, Title 24 (CBC 1135B).**

CBC 1114B.1.2 Accessible Route of Travel

At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, other buildings on the site, and public streets or sidewalks, to the accessible building entrance they serve. Refer also to 1127B for Exterior Routes of Travel. Where more than one route is provided, all routes shall be accessible. All spot elevations, slopes, cross slopes, ramps, stairs, curb ramps, striping, signage and any other accessible requirements are to be shown on the plans.

**An accessibility plan for the site needs to be provided to verify existing conditions. Site access areas that do not comply will need to be addressed per CBC 1134B.**

CBC 1129B Accessible Parking Required

Each lot or parking structure where parking is provided for the public as clients, guests or employees, shall provide accessible parking as required by this section.

**Accessible parking spaces shall be dispersed to provide access to the nearest entrances. Based on the number of parking spaces in the lot, a minimum 3 accessible spaces need to be provided. At least one of these spaces needs to be van accessible. Sheet 1 and Sheet 3 do not correspond in terms of parking spaces. Existing parking spaces that do not comply will need to be addressed per CBC 1134B.**

Path of Travel Verification Form (refer to brochure)

To be submitted at the time of Building Permit application.

CBC 1133B General Accessibility for Entrances, Exits and Paths of Travel

Provide an Egress Plan showing maneuvering clearances at all doorways, passageways, and landings.

Plumbing Fixture Requirements – Accessible Restrooms

Please refer to the 2001 California Plumbing Code, Table 4-1 for plumbing fixture requirements for these occupancies.

**Projects that change the occupancy classification or occupant load will be required to comply with minimum number of fixtures in the CPC. The new bathrooms shall be detailed to comply with accessibility per CBC, 1115B. Existing bathrooms that do not comply will need to be addressed per CBC 1134B.**

COUNTY OF SANTA CRUZ

USE

**-PERMIT-**

3

6/10

NUMBER 83-320-U

ISSUED TO TAYLOR, HAROLD FOR LPC INVESTORS

91 Lael Lane

Watsonville, CA. 95076

PARCEL NO.(S) [REDACTED] 36

**LOCATION OF USE** Northeast corner of Freedom Boulevard (2904 Freedom Boulevard) and Corralitos Road. Eureka Canyon Area.

**PERMITTED USE** Use permit to amend Use Permit No. 74-414-U by incorporating a master use program for existing commercial building to include four open air sales/art shows a year according to Exhibit "A" and the following attached conditions.

DH/db

NOTE: A BUILDING PERMIT MUST BE OBTAINED (IF REQUIRED) AND CONSTRUCTION MUST BE INITIATED PRIOR TO THIS DATE IN ORDER TO EXERCISE THIS PERMIT.

THIS PERMIT WILL EXPIRE ON June 27, 1984 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN, ACCEPTING CONDITIONS, OR PERMIT BECOMES NULL & VOID.

SIGNATURE OF APPLICANT

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY Marc Eymard DATE 6-27-83  
MARC EYMARD  
ZONING ADMINISTRATOR



I. Prior to exercising the rights granted by this permit, the applicant shall:

- A. Submit to the Planning Department a letter from the Freedom Fire Department demonstrating compliance all fire code regulations.
- B. Submit to the Planning Department a parking and circulation plan demonstrating a capacity for 40 car spaces. The parking area and circulation area shall be surfaced with 5" of base rock.

II. Operating conditions:

- A. Temporary signing for the outdoor uses shall be as follows:
  - 1. Moving signs, flags, banners, sandwich board signs or flashing signs will not be permitted.
  - 2. Freestanding signs shall be a maximum of 7 feet high, and set back from the edge of the right-of-way a minimum of 5 feet.
  - 3. Temporary signs shall not exceed 4 square feet in area.
  - 4. Temporary signs shall be removed immediately following the event, and shall not be placed on the site for any longer than 4 days, maximum.
- B. Any debris or rubbish connected with this operation shall be removed by the property owner from this property or any additional properties effected by this use.
- C. Hours of operation shall be from 7:00 a.m. to 7:00 p.m.
- D. The proposed temporary uses shall be limited to a maximum of 16 days per year.
- E. The proposal shall be reviewed for condition compliance and nuisance after the first such event including the need for baserock in the parking area. At that time staff will evaluate the need for additional conditions. If such conditions are required, the minor variation shall be processed by staff to add any additional conditions which will insure the safe operation of the use in the future.

III. Use permit shall be reviewed by the staff one year from the date of issuance.

MINOR VARIATIONS TO THIS PERMIT WHICH DO NOT AFFECT THE OVERALL CONCEPT OR INCREASE THE DENSITY MAY BE APPROVED BY THE PLANNING DIRECTOR AT THE REQUEST OF THE APPLICANT OR STAFF.

DH/db

## OPEN AIR SALES/ART SHOW

1. Ingress and Egress to be blocked between building A and G on freedom Blvd. side and between building G and unit F on Corralitos Rd. side. Ingress and Egress to be rerouted one way from Corralitos road behind buildings through to Freedom Blvd. All customer parking on Freedom Blvd. will remain. Parking to be provided in dirt area behind buildings, will be flat and easily available. Number of parking spaces comparable to those in main lot.
2. 10feet x 10 feet squares drawn and numbered on map represent booths to be used for displays. Those marked "Reserved for " represent areas to be used for simultaneous parking lot sale. Large open area behind B will be left open or donated to non-profit organization for fund raiser such as car-wash etc.
3. Such open air sales will be on a short term but perpetual basis. They will occur on holidays and special occasions. Such events will not be longer than four (4) days in length and will not occur more often than ~~six (6)~~ <sup>four (4)</sup> times annually.
4. First such open air show will occur on May 28, 29, 30; 1983, this will be in conjunction with the Memorial day holiday.
5. Although structures are drawn to scale, they are drawn as perpindicular to each other, this is only an estimate of thier position used to show location of event. A more accurate drawing of structures may be found on site plan as approved 12/24/ 81.