



## Staff Report to the Zoning Administrator

Application Number: **08-0209**

**Applicant:** Miquel Podolski  
**Owner:** Diego Hernandez  
**APN:** 032-081-52

**Agenda Date:** 3/06/09  
**Agenda Item #:** 4  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to demolish an existing 1,740 square foot convenience market and replace with a 3,560 square foot two story commercial building with an approximately 2,264 square foot first floor convenience store comprised of a grocery, meat market, take-out deli, and continued beer and wine sales; and an approximately 1,296 square foot residential unit on the second floor. The project requires amendment to 84-0293 (Commercial Development Permit to change the use of an existing commercial building to a grocery store-convenience market to include the sale of beer and wine and including a coastal development permit) including a Coastal Development Permit Amendment, Commercial Development Permit Amendment, Residential Development Permit, a Parking Plan, and a Variance to reduce the required 30 foot setback (for development abutting residential zoned property) to 25 feet.

**Location:** The property is located on the south side of Portola Drive at the southwest corner of Portola Drive and 38<sup>th</sup> Avenue (3790 Portola Drive)

**Supervisory District:** 1<sup>st</sup> District (District Supervisor: John Leopold)

**Permits Required:** Coastal Development Permit, Commercial Development Permit, Residential Development Permit

**Technical Reviews:** None

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0209, based on the attached findings and conditions.

### Exhibits

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

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

### Parcel Information

Parcel Size: 9,350 square feet  
Existing Land Use - Parcel: Retail Market  
Existing Land Use - Surrounding: Residential-south and southwest, Commercial, East, North and West of site  
Project Access: Portola Drive, 80 foot right-of-way  
Planning Area: Live Oak  
Land Use Designation: Community Commercial (Community Commercial)  
Zone District: C-2 (Community Commercial, 10,000 square feet per commercial unit)  
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, the site is flat  
Env. Sen. Habitat: Site mapped biotic (Santa Cruz Tarplant, Zayante Band-Winged Grasshopper) though the site is fully developed and paved. No evidence on site.  
Grading: No grading proposed  
Tree Removal: Two trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate, project conditioned to comply with Public Works drainage requirements prior to issuance of a building permit  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

The subject property contains a 1,720 square foot single story convenience store that includes a meat market, deli (preparation of sandwiches), and off-site sale of beer and wine. Use Permit 84-293-CDP authorized the convenience store use and the off-site sale of beer and wine. Later, use permit 93-0315 authorized a take-out deli in conjunction with the existing use, though this permit was not exercised. A memo by Dave Johnston, dated August 5, 1997, included in the use permit

file of 93-0315 indicated that the meat market was allowed under the original use permit 84-293-CDP, but that a deli was not allowed. The proposed project will address the deli use.

### **Project Setting**

The subject property is located at the southwest corner of 38<sup>th</sup> Avenue and Portola Drive within the Pleasure Point area of the Live Oak Planning Area. The subject property is a 9,350 square foot rectangular shaped lot, located in the C-2 (Community Commercial, 10,000 square feet per commercial unit) zone district with a Community Commercial General Plan Designation. The property contains an existing 1,720 square foot one story building located toward the south central portion of the site and an attached metal canopy adjacent to the Portola Drive frontage. Most of the existing site parking is located on the corner of Portola Drive and 38<sup>th</sup> Avenue, though a few spaces are located on the northwest corner of the site adjacent to Portola Drive. Access to the property is via Portola Drive and also 38<sup>th</sup> Avenue. Existing street trees are located at the corner of Portola Drive and 38<sup>th</sup> and elsewhere along the Portola Drive street frontage within the County right-of-way. Two trees are situated on the subject property at the corner of Portola and 38<sup>th</sup> Avenue and within an existing planter along the western edge of the property line.

Big Creek Lumber is located across 38<sup>th</sup> Avenue to the east of the subject property. The use directly to the west is a liquor store. Uses across Portola Drive include an auto repair at the northeastern corner of Portola Drive and 38<sup>th</sup> and the El Rancho commercial shopping center located on the Northwestern corner. These properties are all zoned C-2. R-1-5 residentially zoned property is located directly to the south and southwest of the subject property.

### **Project Description**

The applicant proposes to demolish the existing convenience store and to construct a 3,560 square foot two story commercial building on the northwestern portion of the site. An approximately 2,264 square foot first floor convenience store is proposed to replace the existing convenience store. This floor area, 1,770 square feet, attributed to the proposed market (minus storage and stairway) is approximately the same size as current building. The convenience store will include the meat market, take-out deli use, and continued sale of beer and wine. A 1,296 square foot residential unit is proposed on the second floor of the building. A 200 square foot outdoor seating area is proposed in front of the building adjacent to Portola Drive to accommodate the few patrons that might want to sit and eat a sandwich on site.

12 parking spaces are proposed for the entire use and are located between the building and corner of Portola Drive and 38<sup>th</sup> Avenue. The two existing trees are proposed for removal. Landscaping plans are provided. Proposed architectural plans are attached as Exhibit A and a photo-simulation is provided as Exhibit F. The plans include two proposed signs. A 1' x 9' sign along the corner of the building adjacent to Portola Drive and a 1' x 20' sign on the building façade located on the north elevation of the proposed building.

The proposed project requires an amendment to Use Permit 84-293-CDP and includes a commercial development amendment and coastal development permit amendment for the commercial market and take-out deli, and a Residential Development Permit for the proposed

residential unit. The deli use, which is mostly the preparation of take-out sandwiches, is included in the project description since it was never permitted. The continued sale of beer and wine does not require a use permit as it was originally approved under Use Permit 84-293-CDP. A parking plan is included in this permit to address a variation to the required site parking. This includes a parking survey and additional analysis. A variance has been included to reduce the required 30-foot setback to 25 feet.

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

The proposed mixed Commercial/Residential use is an allowed use within the C-2 zone district and the project is consistent with the site's Community Commercial General Plan designation. Development of residential units are required to comply with the development density established by the Urban High General Plan designation, which requires a minimum of 2500 square feet per unit. The proposed project provides 1 unit, consistent with the minimum standards given the approximately 10, 000 square foot parcel size.

### **Setbacks and Rear Yard Setback Variance**

The following setbacks apply to the subject property based on the C-2 standards enumerated under County Code Section 13.10.333. Please note that typically a 0 foot rear yard setback applies to commercial properties. However, pursuant to County Code Section 13.10.333 (b), a 30-foot setback is required for commercially zoned property abutting residentially zoned property. A residentially zoned property is located to the rear of the site to the south.

	Front (Portola Drive)	Side Yard (West and East Side of Site)	Rear yard abutting residential district (South)
Required	10'	0'	30'
Existing Building	33'	West side-36' East Side-41'	13'
Proposed Building	10'	West side-0', East Side-64'	30' to commercial building, 25 feet to residential stairway and trash enclosure

The required setback from a commercial (C-2) district to a residential (R) zone district is thirty feet. The applicant is proposing to locate a stairway and a trash enclosure within the 30-foot commercial setback, with a setback of approximately 25 feet. Because the trash enclosure is uncovered and is, essentially, a six-foot high fence, it is not subject to setback requirements. Covered stairways, however, are subject to a setback, though uncovered stairways are excluded from setback requirements in the residential zone district. This requires a Variance to the 30-foot requirement.

Even though the portion of the commercial property closest to the residential parcel is proposed to be developed with a residential use (stairway to residential), the code does not specify application of residential setbacks for residential uses within the commercial district. If the



residential use were developed according to the corresponding Urban High Residential, per County Code Section 13.10.332, a Zoning designation of RM-1.4 to RM-4 would apply and require a rear setback of 15-feet. The residential component of the project (proposed stairway) complies with the corresponding residential 15 foot rear yard setback required for the RM-1.4 to RM-4 and is shy of the required 30 foot commercial setback by only 5 feet. The proposed 25-foot setback is a vast improvement over the existing 13-foot setback and does not present additional issues and the overall commercial development respects the required 30-foot setback.

Granting this variance would deprive this property a 15-foot rear yard setback typically applied to other residentially developed property and enjoyed by other residential developed properties throughout the county. Because the proposed residential building meets the residential standards typically applied to residential development, findings for approval of a Variance are included.

#### Floor Area

Pursuant to County Code Section 13.10.332 (Commercial Use Chart), residential uses are allowed uses within the C-2 zone district provided that they do not exceed 50 percent of the entire floor area of the development. As noted in the floor area chart below, the proposed residential area is approximately 36 percent of the square footage of the entire development.

Commercial (First Floor)		
Floor Area	2164	square feet
Stairs	96	square feet
Commercial Subtotal	2260	(2264 square foot footprint)
Residential (Second Floor)		
Floor Area	1,200	square feet
Stairs	96	
Residential Subtotal	1296	
<b>Total Floor area</b>	<b>3556</b>	<b>square feet (3560)</b>
Percentage of Residential Area		
<b>1296 square feet (residential) / 3560 square feet (total floor area) = 36 % (50% maximum)</b>		

#### Building Height

The building is proposed to be approximately 24'6" in height. The proposed structure complies with the maximum 35 foot building height allowed within the C-2 zone district.

## Parking

County Code section 13.10.550 dictates the required parking based on the floor area of the commercial use less storage area. The following chart provides a breakdown of the floor area attributed to the site to establishing required parking.

### Commercial (First Floor)

Floor Area	2260	square feet
Stairs	- 96	square feet*
Storage	394	square feet

Commercial Subtotal 1770

\*Please note that the stairs are provided for the residence and therefore are not included. The area below the stairs is proposed as storage area, which is also not included.

The original use permits required 7 parking spaces, though 10 are provided on site. Current parking standards establish that retail markets such as the proposed convenience stores/take-out deli require 1 parking space per 200 square feet, while residential parking is based on the number of bedrooms proposed. Outdoor seating is typically considered restaurant seating and calculated at a rate of 1/100 square feet. A 200 square foot patio is located between the building and the Portola Drive sidewalk and is proposed as outdoor seating area for the patrons that might want to sit and eat a sandwich.

A 1,770 square foot commercial building requires 9 spaces (1/200 parking ratio). 2 additional spaces are required for the outdoor seating area (1/100 parking ratio). The proposed residence parking can be calculated at either the single family parking rate or the multi-family rate. In either case, the unit requires 3 spaces for the 3 bedroom residential unit. Thus, 14 parking spaces would normally be required for the proposed use. The project provides 12 parking spaces.

A parking plan has been submitted to support consideration of a reduction of the number of required parking spaces from 14 to 12 based on site-specific needs of the use pursuant to 13.10.553. This parking plan includes a parking survey, attached as Exhibit H and provides use specific evidence to support a parking reduction.

The parking survey evaluated parking during the peak use hours of the site, which occur during the weekdays during the lunch hour at 12 p.m. and dinner hour at 6 p.m. The average, as shown, indicates that there is a 60 percent vacancy rate during peak hours of use. Specific figures also show that the current use does not demand more than 6 of the 10 parking spaces at any time during peak hours of use, which equates to 4 or more of the existing parking spaces vacant during peak use periods. Numerous site visits during these hours of operation support these conclusions as only a few parking spaces were occupied.

The proposed use is substantially the same size and same use (approximately 1,740 square feet)

as the existing convenience market and deli with exception of the added outdoor patio. The proposed use is not expected to demand more than the 12 spaces provided on site, including 7 for the proposed market/deli, 3 spaces for the proposed residential use, and 2 spaces for the outdoor seating area. Please note that the 7 spaces for the market allow for the maximum 6 space parking demand shown by the parking survey currently. This should provide substantially more parking than the historic use has demanded.

County Code section 13.10.553 allows parking to be modified where a parking plan demonstrates that parking complies with the purpose of the district or in order to allow a significant public amenity. In this case, the proposed parking does not exceed the expected demand of the proposed use as demonstrated by the parking survey. Furthermore, the site provides outdoor seating, a public amenity encouraged by the Pleasure Point Commercial Area Plan, which states on page 14, "New or remodeled buildings should be located at or near the sidewalk, or should incorporate public areas, such as outdoor eating areas, at the front of the building." Both of these commercial requirements are being met.

County Code section 13.10.553 (b) also requires that a specific coastal zone finding be provided and supports that "visitor access and parking will not be preempted." Please note that all necessary parking, as discussed above, will be provided on site and the market should not reduce or otherwise affect on-street parking. Moreover, this site is almost a ½ mile north of East Cliff Drive, and beach goers do not typically park that far away from the beach. The parking modification it therefore not expected to result in a reduction in available parking for coastal public access given these circumstances. This finding is included in the Coastal Findings.

In summary, the benefits of moving the market toward the street and providing street side outdoor seating, which include adding vitality to this section of the Portola commercial area, must be weighed against the fact that there are two fewer spaces than are calculated according to the ordinance as being necessary. Given the fact that the current business is very similar and it uses significantly less parking than the ordinance projects, and that beach access will not be impacted, on balance the market is considered to have adequate parking at 12 spaces.

#### Pleasure Point Commercial Area Plan

The proposed development is also subject to the Pleasure Point Commercial Area Plan, which directs development throughout this area. The subject property is identified at the "Gateway" to the Pleasure Point Commercial area as it is located at the corner of Portola Drive and 38<sup>th</sup> Avenue. As such, frontage and street improvements have been constructed along the street frontage by the Redevelopment Agency to reinforce this location as an "arrival" place or "entry" to the Pleasure Point area. The subject development includes additional improvements to further reinforce the landscape entry feature situated at the corner of Portola Drive and 38<sup>th</sup> Avenue. This area already includes a corner landscape island. The proposed project further develops this feature by placement of the building adjacent to the existing building facing Portola drive, removing and replacing the existing curb cut along Portola Drive with sidewalk, addition of a walkway connection between the proposed building and the sidewalk, additional landscaping behind the sidewalk along Portola Drive, as well as a proposed outdoor public gathering patio along Portola Drive. These features are all consistent with the Pleasure Point Commercial Plan. The inclusion of a residential unit will also improve the economic vitality of the commercial

corridor by adding more pedestrian traffic, which is consistent with the intent of the plan to "revitalize" the district. The proposed patio along Portola Drive is also consistent with the requirement that, "New or remodeled building should be located at or near the sidewalk, or should incorporate public areas, such as outdoor eating areas, at the front of the building" as previously noted.

### Signage

County Code Section 13.10.581 allows uses within the commercial zone districts one business or identification sign and one small pedestrian sign not to exceed 50 square feet or ½ square foot of sign area per foot of building width. The proposed building is 58 feet in width and allows a total signage of 29 square feet. The proposed signage (a 1' x 9' sign along the corner of the building adjacent to Portola Drive and a 1' x 20' sign on the building façade located on the north elevation of the proposed building) equal 29 square feet in total and comply with this standard. The 9-foot pedestrian sign is located at the corner of the building to allow people to see it from either 38<sup>th</sup> Avenue or Portola Drive direction given the corner location. The larger 20 square foot sign is affixed to the façade of the building and provides a general business identification sign for traffic along Portola Drive.

### Hours of Operation

The existing hours of operation posted on the door are between 8:30 a.m. and 8:30 p.m., though the applicant has indicated the hours are between 8 a.m. and 8 p.m. The difference may be attributed to the difficulty staff had reading the posted sign. In any case, the hours of operation are not proposed to differ from current hours, which are 8 a.m. to 8 p.m. daily, unless otherwise specified during the hearing.

### Local Coastal Program Consistency

The proposed Commercial/Residential is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood by emulating the existing roof line of the existing facility. Developed parcels in the area contain commercial uses on the most part. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### Design Review

The proposed Commercial/Residential complies with the requirements of the County Design Review Ordinance, in that the proposed project received a positive design review and will incorporate the suggested site lighting suggestions prior to issuance of a building permit. See attached Exhibit G. Colors and materials are reflected in the visual simulation on file. They include natural sandstone color siding with grey-green trim, a coral red roof, and copper green awnings.

## **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The categorical exemption is attached as Exhibit D.

## **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 **08-0209**, 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.**

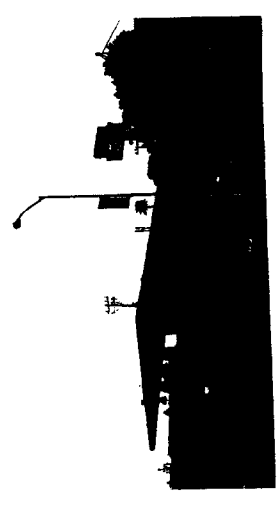
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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Santa Cruz CA 95060  
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**HERNANDEZ MARKET**  
3740 PORTOLA DRIVE, SANTA CRUZ, CA 95062  
APN NUMBER 052-081-52



**PROPOSED BUILDING**

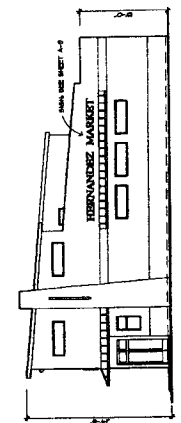


**EXISTING BUILDING**

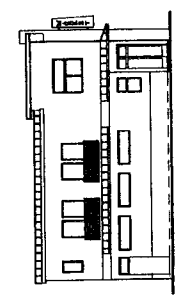
VICINITY		MTR		PROJECT DATA	
				PROJECT: DEVELOPMENT PERMIT AND CONSTRUCTION APPLICATION FOR NEW COMMERCIAL CONSUMERS STORE / MARKET BUILDING WITH RESIDENTIAL UNIT ABOVE TO REPLACE EXISTING COMMERCIAL CONSUMERS STORE/MARKET	

**BILBOA.**  
**LOCATION:** "NORMANDEZ MARKET"  
5750 PORTOLA DRIVE SANTA CRUZ CA 95062  
**APN NO.:** 032-081-25  
**BLDG TYPE:** V/A SPRINKLERED  
**DESIGN:** AND MARIA ELBA NERVADEZ  
3807 HATTON LANE SANTA CRUZ CA 95062  
**OWNERS:** PH 753-0850 CEE JEFFREY FAX 753-0754  
**APPLICANT:** PH 753-0850 FAX 753-0754  
e-mail: mrodriguez@comcast.net  
**GENERAL PLAN:** PH 753-0850 FAX 753-0754  
C-2 COMMUNITY COMMERCIAL  
**ZONING:** C-2 COMMUNITY COMMERCIAL  
**PARCELS:** 4000 SQFT  
**AREA:** 10000 SQFT  
**NEARBY:** 10000 SQFT 10000 SQFT 10000 SQFT

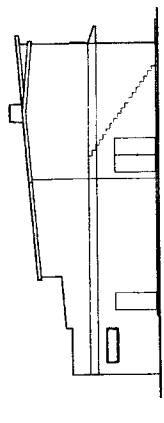
DRAWING INDEX	
A1	PHOTO MONTAGE - EXISTING AND PROPOSED BUILDINGS IMPROVED SITE PLAN WITH FIRST STORY COMMERCIAL FLOOR PLAN - SECOND STORY RESIDENTIAL FLOOR PLAN NET BUILDING ELEVATIONS
A2	SITE PLAN - EXISTING CONDITIONS
A3	NET FLOOR ROOF PLANS AND SECTIONS AT 1/8" = 1' SCALE
A4	NET BUILDING ELEVATIONS AT 1/8" = 1' SCALE
L1	LANDSCAPE PLAN
C1	EXISTING CONDITIONS - BOUNDARY - TOPOGRAPHY
C2	DESIGN CONTROL
C3	LANDING - TERRACE - UTILITY PLAN



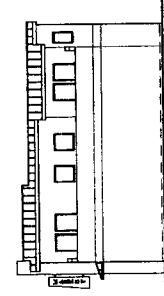
ORTH (FACING PORTOLA) ELEVATION



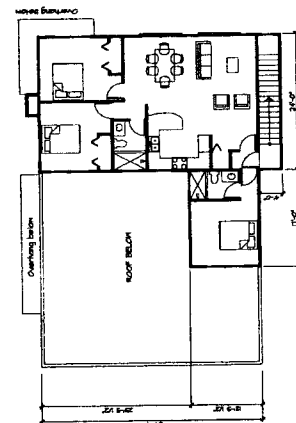
EAST (FACING 30TH) ELEVATION



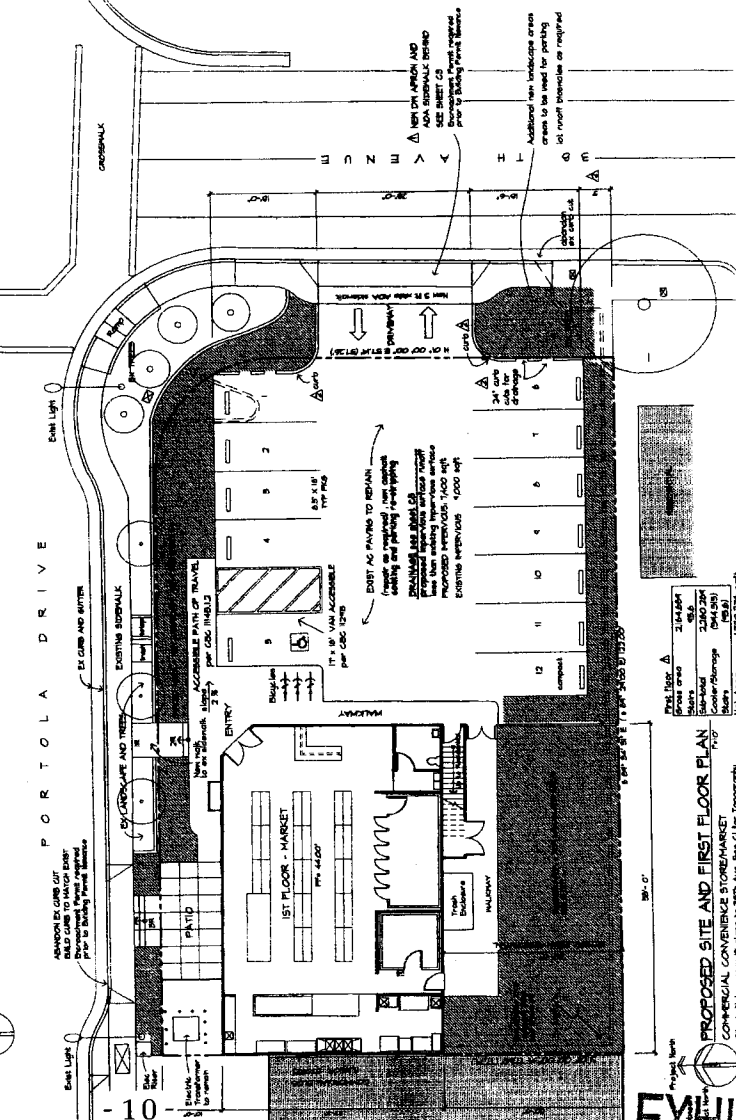
SOUTH ELEVATION



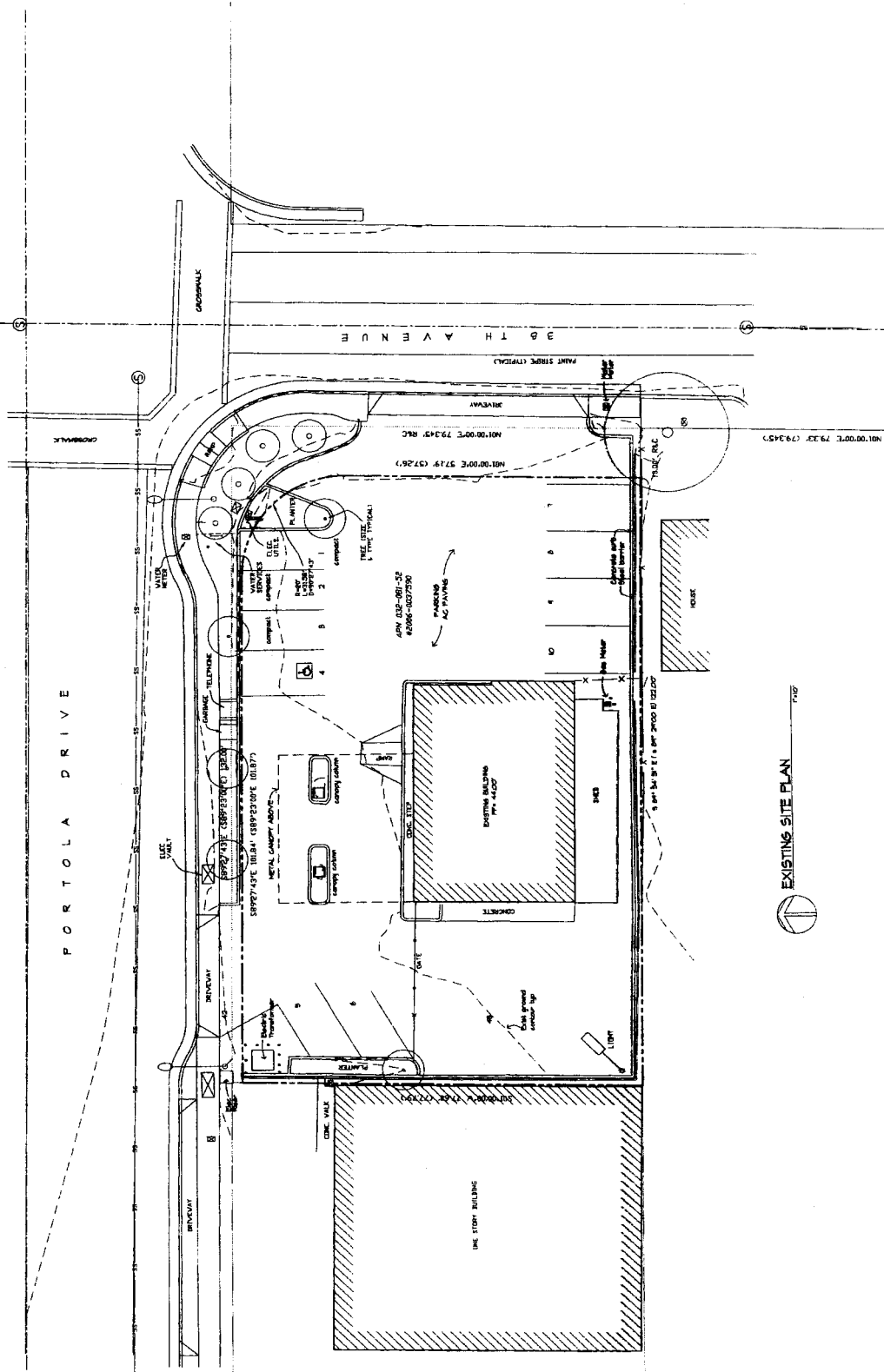
## WEST EVALUATION



SECOND FLOOR - RESIDENTIAL



PROPOSED SITE AND FIRST FLOOR PLAN	
P. 10	
67008 0740	2.14.2004
Shops	55.6
Sub-total	2260.204
Cooler/Storage	(241.515)
Shops	(195.6)



EXISTING SITE PLAN

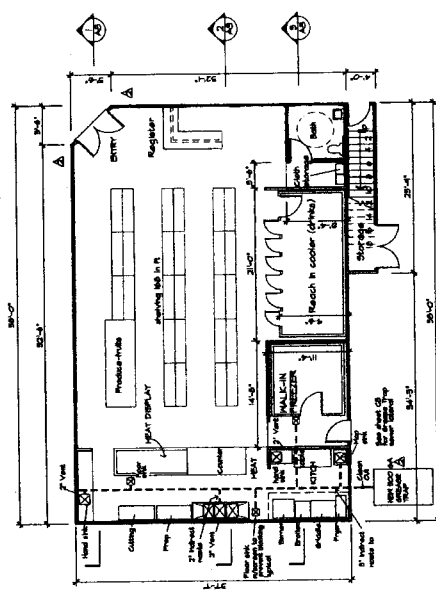
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**HERNANDEZ MARKET**  
 3740 PORTOLA DRIVE, SANTA CRUZ, CA 95062  
 APN NUMBER: 032-051-52

DAVID HERNANDEZ  
 MECHANICAL ENGINEER  
 ARCHITECT

PROJECT: AS  
 DATE: 5-9-06  
 SCALE: AS NOTED  
 DRAWN: JPL/MS  
 JOB: CDDA HERNANDEZ

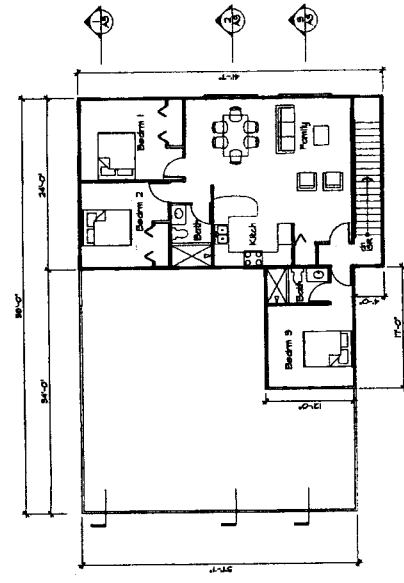
AS  
 OF SHEETS



**PROPOSED FIRST FLOOR / PARTIAL PUMPING PLAN**  
 KITCHEN PUMPING PLAN  
 TO GROUND FLOOR

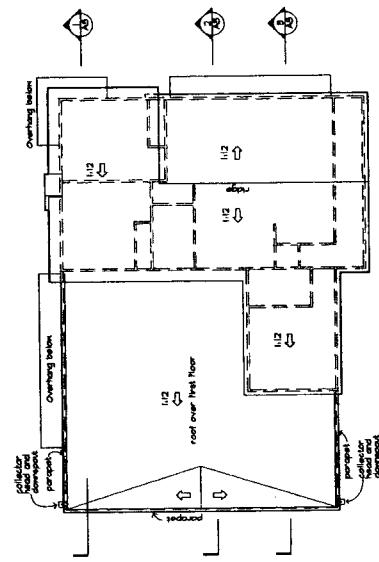
First Floor	
Room Name	Area (sq ft)
Kitchen	10.00
Dining	10.00
Living	10.00
Bedroom	10.00
Bath	10.00
Storage	10.00
Total Storage	30.00 sq ft

Net Area: 170,576 sqft

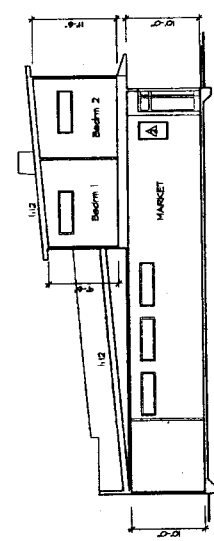


**PROPOSED SECOND FLOOR PLAN**

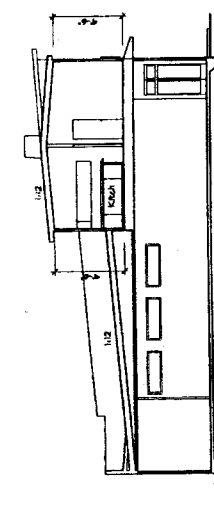
Second Floor  
 Gross Area: 1200 sq ft



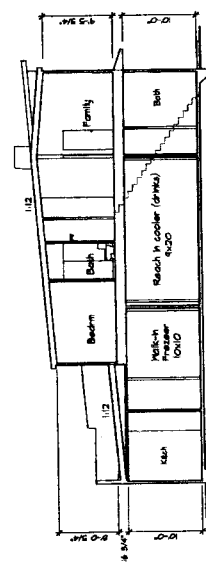
**PROPOSED ROOF PLAN**



**SECTION 1**



**SECTION 2**



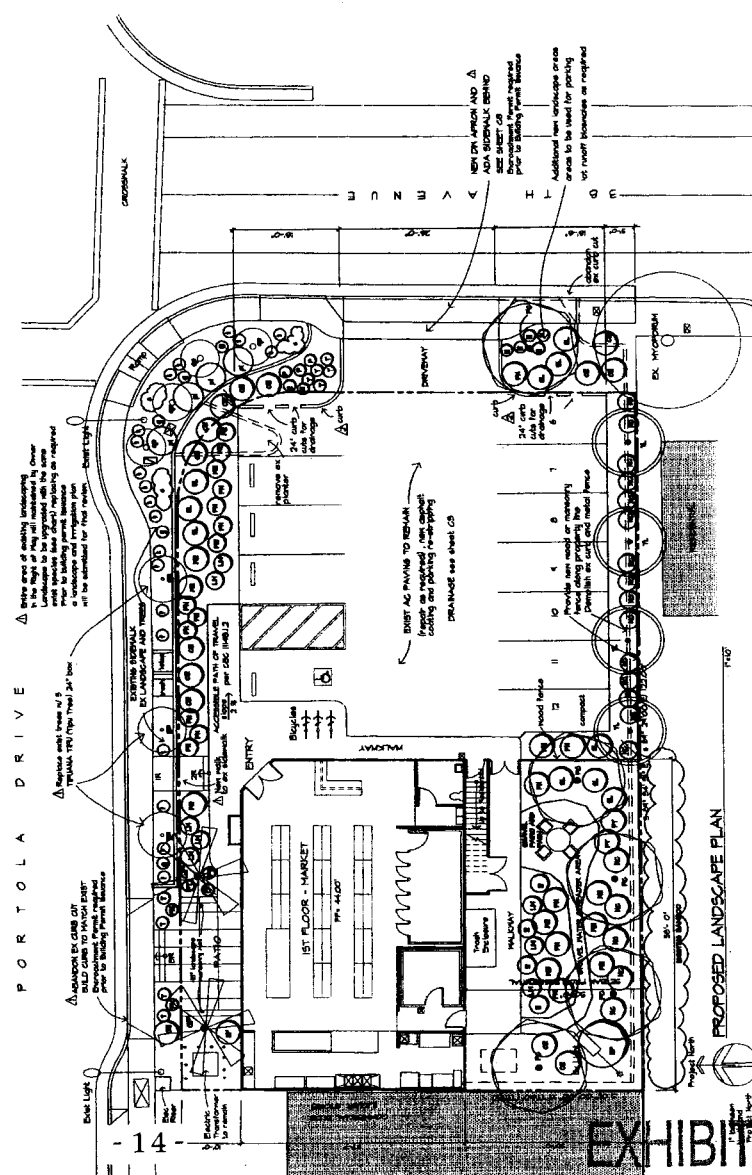
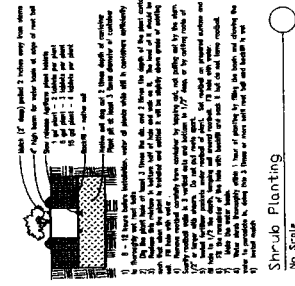
**SECTION 3**

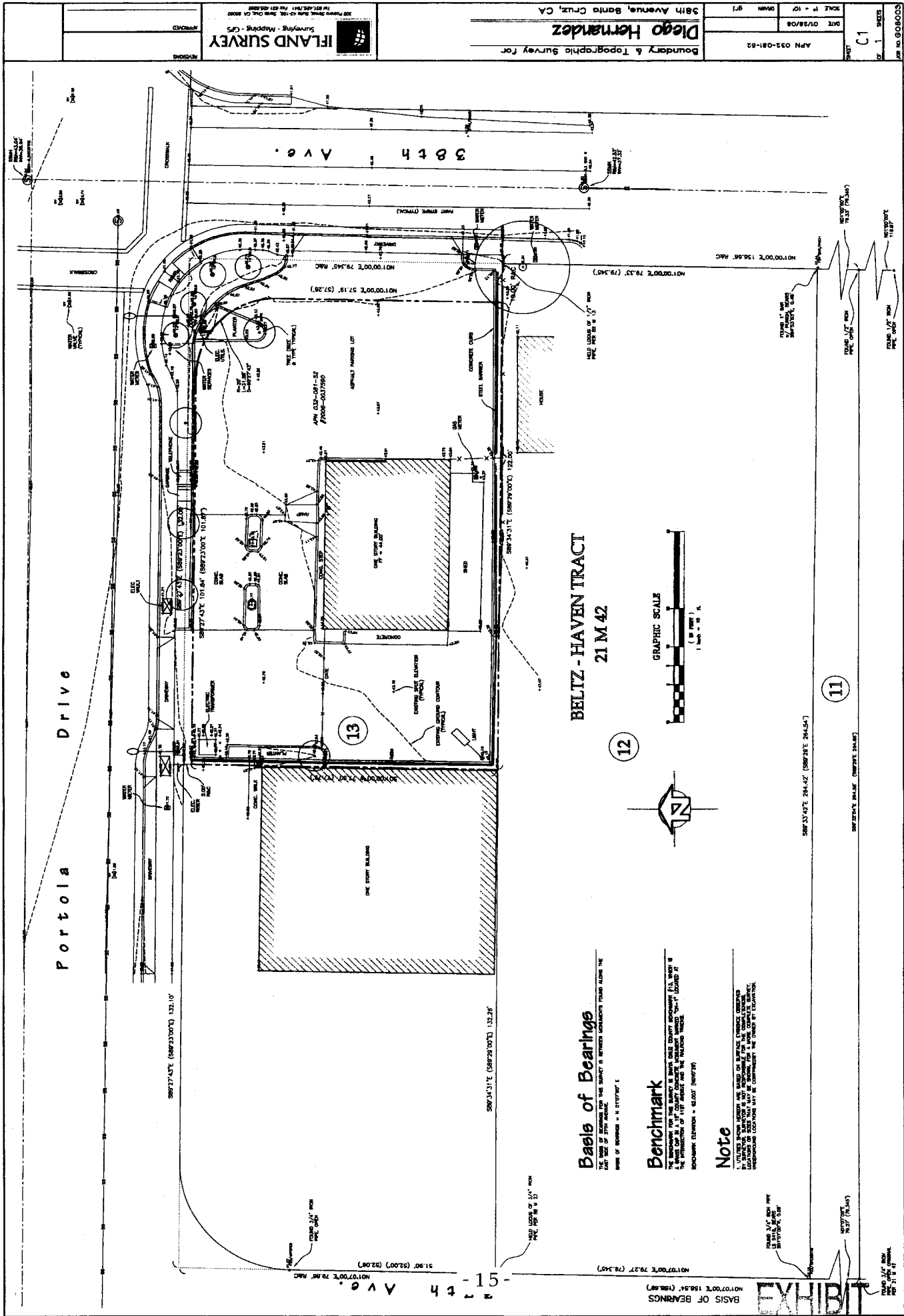


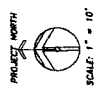


2176  
36 Park Way  
Santa Cruz, CA 95065  
(831) 425-4747  
FAX (831) 425-1107

## EXISTING PLANTS

[illegible]



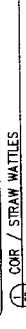


ROBERT L. DEWITT

is in accordance with generally accepted construction practices and is designed to ensure that the structure will be able to resist the full design loads under all possible combinations of loading conditions and will be able to remain in service without undue deformation and will be able to remain in service without undue deformation and will be able to remain in service without undue deformation.

12. IT IS THE DEVELOPER'S RESPONSIBILITY TO SEE THAT ADDITIONAL MEASURES, NECESSARY TO CONTROL, SITE EROSION AND PREVENT SEDIMENT TRANSPORT OFF-SITE, ARE IMPLEMENTED.

13. 48 HOUR NOTICE SHALL BE GIVEN TO ENVIRONMENTAL PLANNING AT 464-3108 PRIOR TO COMMENCING WORK AND UPON COMPLETION OF GRADING AND EROSION CONTROL. FAILURE TO COMPLY WILL RESULT IN ISSUANCE OF A STOP WORK ORDER.





## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned C-2 (Community Commercial, 10,000 square feet per commercial unit), a designation that allows Commercial/Residential uses. The proposed Commercial use is a permitted use within the zone district, consistent with the site's (Community Commercial) Community Commercial General Plan designation. Residential uses are permitted within the C-2 zone district provided that they do not exceed 50% of the floor area of the entire development. The proposed residential unit is approximately 1200 square feet in size and is approximately 36 percent of the entire development, consistent with this standard. The proposed residential density does not exceed the minimum of 1 unit per per 2,500 square feet established by the Urban High General Plan standards required under County Code section 13.10.332 given the approximately 10,000 square foot size.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding development in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

The project was subject to design review and received a positive recommendation. The project is conditioned to comply with the recommended conditions of approval regarding site lighting to ensure that adjacent residential uses are not impacted by the proposed development.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the Commercial/Residential use will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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County Code section 13.10.553 (b) requires that a specific coastal zone finding be provided and supports that visitor access and parking will not be preempted. Please note that all necessary parking will be provided on site and will not reduce or otherwise affect on-street parking. Moreover, this site is almost a ½ mile north of East Cliff Drive, and beach goers do not typically park that far away from the beach. In no case shall parking related to this use result in a reduction of available parking for coastal public access given these circumstances.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, Commercial/Residential uses are allowed uses in the C-2 (Community Commercial, 10,000 square feet per commercial unit) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain commercial and residential uses. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

## **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 mixed Commercial/Residential use and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed mixed use 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. Additionally, the structure complies with the required 30-foot setback required for commercial development abutting residentially zoned property. A new fence and site landscaping will also be provided along the south property line, which will provide a privacy barrier between the proposed parking and existing residential use. The project is conditioned to comply with the accessibility requirements of the California Building Code prior to issuance of a building permit.

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 mixed Commercial/Residential use 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 (Community Commercial, 10,000 square feet per commercial unit) zone district in that the primary use of the property will be a convenience store that meets all current site standards for the zone district. The residential portion of the structure is also an allowed use within the C-2 zone district and does not exceed the maximum 50 percent of the commercial floor area. The structure meets all the required setbacks. Also, the project complies with the additional 30-foot setback (along the south property line) required for commercial development abutting residentially zoned property with exception of a stairway, which provides a 25-foot setback. Variance Findings are attached. The building is less than 25 feet in height and complies with the maximum 35 foot building height allowed by the commercial zone district.

12 parking spaces are provided for the parking needs of the site for both the residential and commercial portion of the site, including the outdoor patio area. Normally, a 1,800 square foot commercial building requires 9 spaces (1/200 parking ratio), and 3 spaces for the 3 bedroom residential unit, plus 2 additional spaces for the outdoor seating area (1/100 parking ratio). Thus, 14 parking spaces would normally be required for the proposed use. However, this project includes a parking program attached as Exhibit H and provides a parking survey, which substantiates a parking reduction for this site. The analysis evaluated parking during the peak use hours of the site, which occur during the weekdays during the lunch hour and dinner hour at 12 p.m. and 6 p.m. As shown, the current use does not demand 6 of the 10 parking spaces (60



percent) during peak hours of use, on average. The maximum number of spaces this site has utilized has been 6 spaces at any time of the parking survey.

The proposed use is substantially the same size and same use (approximately 1,740 square feet) as the existing convenience market and deli. The proposed use is not expected to demand more than the 12 spaces provided on site, including 7 for the proposed market/deli, 3 spaces for the proposed residential use, and 2 spaces for the outdoor seating area. Please note that the 7 spaces for the market allow for the maximum 6 space parking demand shown by the parking survey. It should also be noted that the residential use would most likely utilize less parking during the day, which will open up more parking for the proposed use during peak use hours if they are needed in the future. With this survey in mind and different peak use times for residential and commercial areas, the proposed parking is consistent with the parking ordinance, which allows for parking programs that demonstrate that parking meets expected demand.

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/Residential use is consistent with the use and density requirements specified for the Community Commercial (Community Commercial) land use designation in the County General Plan.

The proposed Commercial/Residential 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 mixed Commercial/Residential use will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. The site also provides a 30-foot setback along the south property line, which complies with the required setback between a commercial use abutting a residential zone district.

The proposed mixed Commercial/Residential use 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 proposed mixed Commercial/Residential use will comply with the site standards for the C-2 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The proposed development is also subject to the Pleasure Point Commercial Area Plan, which directs development throughout this area. The subject property is identified at the "Gateway" to the Pleasure Point Commercial area as it is located at the corner of Portola Drive and 38<sup>th</sup> Avenue. As such, frontage and street improvements have been constructed along the street frontage by the Redevelopment Agency to reinforce this location as an "arrival" place or "entry" to the Pleasure Point area. The subject development includes additional improvements to further reinforce the landscape entry feature situated at the corner of Portola Drive and 38<sup>th</sup> Avenue. This area already includes a corner landscape island. The proposed project further develops this feature by placement of the building adjacent to the existing building facing Portola drive,

removing and replacing the existing curb cut along Portola Drive with sidewalk, addition of a walkway connection between the proposed building and the sidewalk, additional landscaping behind the sidewalk along Portola Drive, as well as a proposed outdoor public gathering patio along Portola Drive. These features are all consistent with the Pleasure Point Commercial Plan. The inclusion of a residential unit will also improve the economic vitality of the commercial corridor by adding more pedestrian traffic, which is consistent with the intent of the plan to "revitalize" the district. The proposed patio along Portola Drive is also consistent with the requirement that, "New or remodeled building should be located at or near the sidewalk, or should incorporate public areas, such as outdoor eating areas, at the front of the building."

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 mixed Commercial/Residential use is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed replacement project is not anticipated to increase trip ends because the square footage and use of the proposed commercial structure will remain the same approximate size, with exception of trips associated with the proposed dwelling. (1 peak trip per dwelling unit), and 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed mixed Commercial/Residential use is consistent with the land use intensity and density of the neighborhood. Moreover, the proposed structure meets all the required setbacks and also complies with the additional 30-foot setback (along the south property line) required for commercial development abutting residentially zoned property. A new fence and site landscaping will also be provided along the south property line, which will provide a privacy barrier between the proposed parking and existing residential use. Furthermore, windows are not provided along the second story south elevation facing the adjoining residential use, which will provide greater privacy for existing residences to the south. The proposed structure will improve the circumstances for adjoining residential uses by increasing property line setbacks and further insulating the residential use to the south.

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 mixed Commercial/Residential use will be of 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. The Design Review is incorporated into the findings by reference. The project is conditioned to comply with the lighting recommendations included in the Design Review.

## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The special circumstances applicable to this parcel relate to the adjacent residential zoned property to the south and the residential unit above the market. The required setback from a commercial (C-2) district to a residential (R) zone district is thirty feet. However, even though the portion of the commercial property closest to the residential parcel is proposed to be developed with a residential use (stairway to residential), the code does not specify application of residential setbacks for residential uses within the commercial district. If the residential use were developed according to the corresponding Urban High Residential, per County Code Section 13.10.332, a Zoning designation of RM-1.4 to RM-4 would apply and require a rear setback of 15-feet. The adjoining residential unit provides a 5-foot setback. The residential component of the project (proposed stairway) complies with the corresponding residential 15 foot rear yard setback required for the RM-1.4 to RM-4 and is shy of the required 30 foot commercial setback by only 5 feet. The proposed 25-foot setback is a vast improvement over the existing 13-foot setback and does not present issues typically associated with commercial properties. Not granting this variance would deprive this property of the benefits of the 15-foot rear yard setback that is typically applied to residentially developed property and enjoyed by other residential developed properties throughout the county.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

The proposed variance would be in harmony with the general intent of the zoning ordinance to protect residential property from commercial uses by virtue that the proposed portion of the building requiring a variance is a residential use and will not create issues of a non-residential nature dissimilar from the adjacent residential property requiring the full 30-foot setback. Residential standards typically require a 5-foot and an 8-foot side yard setback. The adjacent property provides a 5-foot setback, whereas the proposed residential building (stairway) is 25 feet from the property line, a setback more than enough to address the proposed residential building stairway.

County Code Section 13.11.072 notes that reasonable protection for adjacent properties from noise may be achieved by several methods, including site planning, building siting and building orientation. As such, the entry to the stairway faces the east side and not the south side and will therefore provide adequate protection to the adjacent residential use.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in

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which such is situated.

Portola Drive is typical of a commercial strip; the commercial zone is one lot deep on both sides of the road and is surrounded to the north and south by residential zoning, which requires an extremely deep setback of 30 feet and limits the ability of the property to meet the building needs and development requirements. The granting of the variance to the required south side yard setback will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity in that other properties within the Pleasure Point Commercial Area Plan have been issued variances to the 30-foot rear yard setback. There are numerous examples of commercial buildings built closer than the current required thirty feet setback. More recently, application 04-0292, located at 40<sup>th</sup> and Portola drive was issued a variance to allow a carport in the rear setback area.

## **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned C-2 (Community Commercial, 10,000 square feet per commercial unit), a designation that allows Commercial/Residential uses. The proposed Commercial use is a permitted use within the zone district, consistent with the site's (Community Commercial) Community Commercial General Plan designation. Residential uses are permitted within the C-2 zone district provided that they do not exceed 50% of the floor area of the entire development. The proposed residential unit is approximately 1200 square feet in size and is approximately 36 percent of the entire development, consistent with this standard. The proposed residential density does not exceed the minimum of 1 unit per per 2,500 square feet established by the Urban High General Plan standards required under County Code section 13.10.332 given the approximately 10,000 square foot size.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding development in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

The project was subject to design review and received a positive recommendation. The project is conditioned to comply with the recommended conditions of approval regarding site lighting to ensure that adjacent residential uses are not impacted by the proposed development.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the Commercial/Residential use will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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County Code section 13.10.553 (b) requires that a specific coastal zone finding be provided and supports that visitor access and parking will not be preempted. Please note that all necessary parking will be provided on site and will not reduce or otherwise affect on-street parking. Moreover, this site is almost a ½ mile north of East Cliff Drive, and beach goers do not typically park that far away from the beach. In no case shall parking related to this use result in a reduction of available parking for coastal public access given these circumstances.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, Commercial/Residential uses are allowed uses in the C-2 (Community Commercial, 10,000 square feet per commercial unit) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain commercial and residential uses. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

## 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 mixed Commercial/Residential use and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed mixed use 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. Additionally, the structure complies with the required 30-foot setback required for commercial development abutting residentially zoned property. A new fence and site landscaping will also be provided along the south property line, which will provide a privacy barrier between the proposed parking and existing residential use. The project is conditioned to comply with the accessibility requirements of the California Building Code prior to issuance of a building permit.

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 mixed Commercial/Residential use 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 (Community Commercial, 10,000 square feet per commercial unit) zone district in that the primary use of the property will be a convenience store that meets all current site standards for the zone district. The residential portion of the structure is also an allowed use within the C-2 zone district and does not exceed the maximum 50 percent of the commercial floor area. The structure meets all the required setbacks. Also, the project complies with the additional 30-foot setback (along the south property line) required for commercial development abutting residentially zoned property with exception of a stairway, which provides a 25-foot setback. Variance Findings are attached. The building is less than 25 feet in height and complies with the maximum 35 foot building height allowed by the commercial zone district.

12 parking spaces are provided for the parking needs of the site for both the residential and commercial portion of the site, including the outdoor patio area. Normally, a 1,800 square foot commercial building requires 9 spaces (1/200 parking ratio), and 3 spaces for the 3 bedroom residential unit, plus 2 additional spaces for the outdoor seating area (1/100 parking ratio). Thus, 14 parking spaces would normally be required for the proposed use. However, this project includes a parking program attached as Exhibit H and provides a parking survey, which substantiates a parking reduction for this site. The analysis evaluated parking during the peak use hours of the site, which occur during the weekdays during the lunch hour and dinner hour at 12 p.m. and 6 p.m. As shown, the current use does not demand 6 of the 10 parking spaces (60

percent) during peak hours of use, on average. The maximum number of spaces this site has utilized has been 6 spaces at any time of the parking survey.

The proposed use is substantially the same size and same use (approximately 1,740 square feet) as the existing convenience market and deli. The proposed use is not expected to demand more than the 12 spaces provided on site, including 7 for the proposed market/deli, 3 spaces for the proposed residential use, and 2 spaces for the outdoor seating area. Please note that the 7 spaces for the market allow for the maximum 6 space parking demand shown by the parking survey. It should also be noted that the residential use would most likely utilize less parking during the day, which will open up more parking for the proposed use during peak use hours if they are needed in the future. With this survey in mind and different peak use times for residential and commercial areas, the proposed parking is consistent with the parking ordinance, which allows for parking programs that demonstrate that parking meets expected demand.

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/Residential use is consistent with the use and density requirements specified for the Community Commercial (Community Commercial) land use designation in the County General Plan.

The proposed Commercial/Residential 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 mixed Commercial/Residential use will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. The site also provides a 30-foot setback along the south property line, which complies with the required setback between a commercial use abutting a residential zone district.

The proposed mixed Commercial/Residential use 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 proposed mixed Commercial/Residential use will comply with the site standards for the C-2 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The proposed development is also subject to the Pleasure Point Commercial Area Plan, which directs development throughout this area. The subject property is identified at the "Gateway" to the Pleasure Point Commercial area as it is located at the corner of Portola Drive and 38<sup>th</sup> Avenue. As such, frontage and street improvements have been constructed along the street frontage by the Redevelopment Agency to reinforce this location as an "arrival" place or "entry" to the Pleasure Point area. The subject development includes additional improvements to further reinforce the landscape entry feature situated at the corner of Portola Drive and 38<sup>th</sup> Avenue. This area already includes a corner landscape island. The proposed project further develops this feature by placement of the building adjacent to the existing building facing Portola drive,



removing and replacing the existing curb cut along Portola Drive with sidewalk, addition of a walkway connection between the proposed building and the sidewalk, additional landscaping behind the sidewalk along Portola Drive, as well as a proposed outdoor public gathering patio along Portola Drive. These features are all consistent with the Pleasure Point Commercial Plan. The inclusion of a residential unit will also improve the economic vitality of the commercial corridor by adding more pedestrian traffic, which is consistent with the intent of the plan to "revitalize" the district. The proposed patio along Portola Drive is also consistent with the requirement that, "New or remodeled building should be located at or near the sidewalk, or should incorporate public areas, such as outdoor eating areas, at the front of the building."

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 mixed Commercial/Residential use is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed replacement project is not anticipated to increase trip ends because the square footage and use of the proposed commercial structure will remain the same approximate size, with exception of trips associated with the proposed dwelling. (1 peak trip per dwelling unit), and 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed mixed Commercial/Residential use is consistent with the land use intensity and density of the neighborhood. Moreover, the proposed structure meets all the required setbacks and also complies with the additional 30-foot setback (along the south property line) required for commercial development abutting residentially zoned property. A new fence and site landscaping will also be provided along the south property line, which will provide a privacy barrier between the proposed parking and existing residential use. Furthermore, windows are not provided along the second story south elevation facing the adjoining residential use, which will provide greater privacy for existing residences to the south. The proposed structure will improve the circumstances for adjoining residential uses by increasing property line setbacks and further insulating the residential use to the south.

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 mixed Commercial/Residential use will be of 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. The Design Review is incorporated into the findings by reference. The project is conditioned to comply with the lighting recommendations included in the Design Review.

## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The special circumstances applicable to this parcel relate to the adjacent residential zoned property to the south and the residential unit above the market. The required setback from a commercial (C-2) district to a residential (R) zone district is thirty feet. However, even though the portion of the commercial property closest to the residential parcel is proposed to be developed with a residential use (stairway to residential), the code does not specify application of residential setbacks for residential uses within the commercial district. If the residential use were developed according to the corresponding Urban High Residential, per County Code Section 13.10.332, a Zoning designation of RM-1.4 to RM-4 would apply and require a rear setback of 15-feet. The adjoining residential unit provides a 5-foot setback. The residential component of the project (proposed stairway) complies with the corresponding residential 15 foot rear yard setback required for the RM-1.4 to RM-4 and is shy of the required 30 foot commercial setback by only 5 feet. The proposed 25-foot setback is a vast improvement over the existing 13-foot setback and does not present issues typically associated with commercial properties. Not granting this variance would deprive this property of the benefits of the 15-foot rear yard setback that is typically applied to residentially developed property and enjoyed by other residential developed properties throughout the county.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

The proposed variance would be in harmony with the general intent of the zoning ordinance to protect residential property from commercial uses by virtue that the proposed portion of the building requiring a variance is a residential use and will not create issues of a non-residential nature dissimilar from the adjacent residential property requiring the full 30-foot setback. Residential standards typically require a 5-foot and an 8-foot side yard setback. The adjacent property provides a 5-foot setback, whereas the proposed residential building (stairway) is 25 feet from the property line, a setback more than enough to address the proposed residential building stairway.

County Code Section 13.11.072 notes that reasonable protection for adjacent properties from noise may be achieved by several methods, including site planning, building siting and building orientation. As such, the entry to the stairway faces the east side and not the south side and will therefore provide adequate protection to the adjacent residential use.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

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Portola Drive is typical of a commercial strip; the commercial zone is one lot deep on both sides of the road and is surrounded to the north and south by residential zoning, which requires an extremely deep setback of 30 feet and limits the ability of the property to meet the building needs and development requirements. The granting of the variance to the required south side yard setback will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity in that other properties within the Pleasure Point Commercial Area Plan have been issued variances to the 30-foot rear yard setback. There are numerous examples of commercial buildings built closer than the current required thirty feet setback. More recently, application 04-0292, located at 40<sup>th</sup> and Portola drive was issued a variance to allow a carport in the rear setback area.

### **Conditions of Approval**

Development Permit No. 08-0209  
Property Owner: Diego Hernandez  
Assessor's Parcel No.: 032-081-52

- Exhibit A: Architectural Plans, prepared by Miguel Podolski, dated 5/5/08 with revisions dated 1/29/08 through 8/19/08  
Landscape Plans, prepared by Gregory Lewis and Miguel Podolski, dated 5/5/08 with revisions dated 1/29/08 through 8/19/08  
Property Survey Plan, sheet C-1, prepared by Ifland Survey, dated 1/28/08  
Civil Engineering Plan sheets C-2 and C-3, prepared by Robert Dewitt and Associates, Inc., dated 8/08
- I. Proposal to demolish an existing 1,740 square foot convenience market and replace with a 3,560 square foot two story commercial building with an approximately 2,264 square foot first floor convenience store comprised of a grocery, meat market, take-out deli, and continued beer and wine sales; and an approximately 1,296 square foot residential unit on the second floor. The project requires amendment to 84-0293 (Commercial Development Permit to change the use of an existing commercial building to a grocery store-convenience market to include the sale of beer and wine and including a coastal development permit) including a Coastal Development Permit Amendment, Commercial Development Permit Amendment, Residential Development Permit, a Parking Plan, and a Variance to reduce the required 30 foot setback (for development abutting residential zoned property) to 25 feet. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - F. Obtain approval for an Environmental Health Plan Review prior to submittal of building plans.
- 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval. Color shall consistent with the colors and materials reflected in the visual simulation on file. They include natural sandstone color siding with grey-green trim, a coral red roof, and copper green awnings.
  - 2. Grading, drainage, and erosion control plans.
  - 3. The building plans shall include site lighting consistent with the recommendations of the Urban Designer. The plans shall be reviewed and approved by Planning Staff prior to approval and shall comply with the following:
    - 1. All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.
    - 2. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
    - 3. All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
    - 4. Building and Security lighting shall be integrated into the building design.
    - 5. Light sources shall not be visible from adjacent properties.
  - 4. The building plans shall be revised to be consistent throughout. This shall

include windows proposed for each side of the entrance and shall be shown on the floor plans and sections on sheet A-3.

5. Building plans shall include utility box enhancement for the existing utility box located along Portola Drive by provision of a mural design or painting to enhance or mask the appearance of the box. The Urban Designer shall review and approve selected enhancement design.
- 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 the Public Works Sanitation District.
  - E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
  - F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - G. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$3000.00 and are \$1000.00 per bedroom.
  - H. Pay the current fees for Roadside and Transportation improvements for a new single-family dwelling. Currently, these fees are, respectively, \$2,540.00 and \$2,540.00 and total 5,080.00
  - I. Provide required off-street parking for 12 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. 3 parking spaces shall be labeled "Residence Parking Only".
  - J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - K. Comply with all Environmental Health Department requirements, including plan check approval and a requirement for a Food Establishment Health Permit. This shall include removal of any pre-existing fuel storage tanks and hazardous site mitigation related to the previous gas station use at this location.
- 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.
- B. The market hours of operation shall be between 8 a.m. to 8 p.m. daily. All outdoor activities related to the retail business, including deliveries to the site and the break-down of boxes and deposition of trash into the outdoor trash enclosure shall be conducted during the scheduled hours of operation to minimize disturbance to the adjacent residential neighbor located to the south.
- C. The site shall be maintained free of debris (boxes and pallets, etc.) including the landscape area to the rear of the residential unit. The landscape area shall be dedicated for use by the residential unit only and closed to the public to minimize impacts to the residential property to the south.

#### 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.

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

**Please note: This permit expires 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, unless there are special circumstances as determined by the Planning Director.**

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

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

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

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

\_\_\_\_\_  
Sheila McDaniel  
Project Planner

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



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 08-0209

Assessor Parcel Number: 032-081-52

Project Location: 3790 Portola Drive

**Project Description: Proposal to demolish an existing 1,740 square foot market and replace with a two-story, 2,264 square foot market with 1, 210 square foot second story dwelling unit.**

**Person or Agency Proposing Project: Miquel Podolski**

**Contact Phone Number: (831) 763-1550**

- 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 2 - replacement of existing commercial building, Class 3-new residential unit

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

15302-replace with essentially same use, 15303- new residential unit

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

\_\_\_\_\_  
Sheila McDaniel, Project Planner

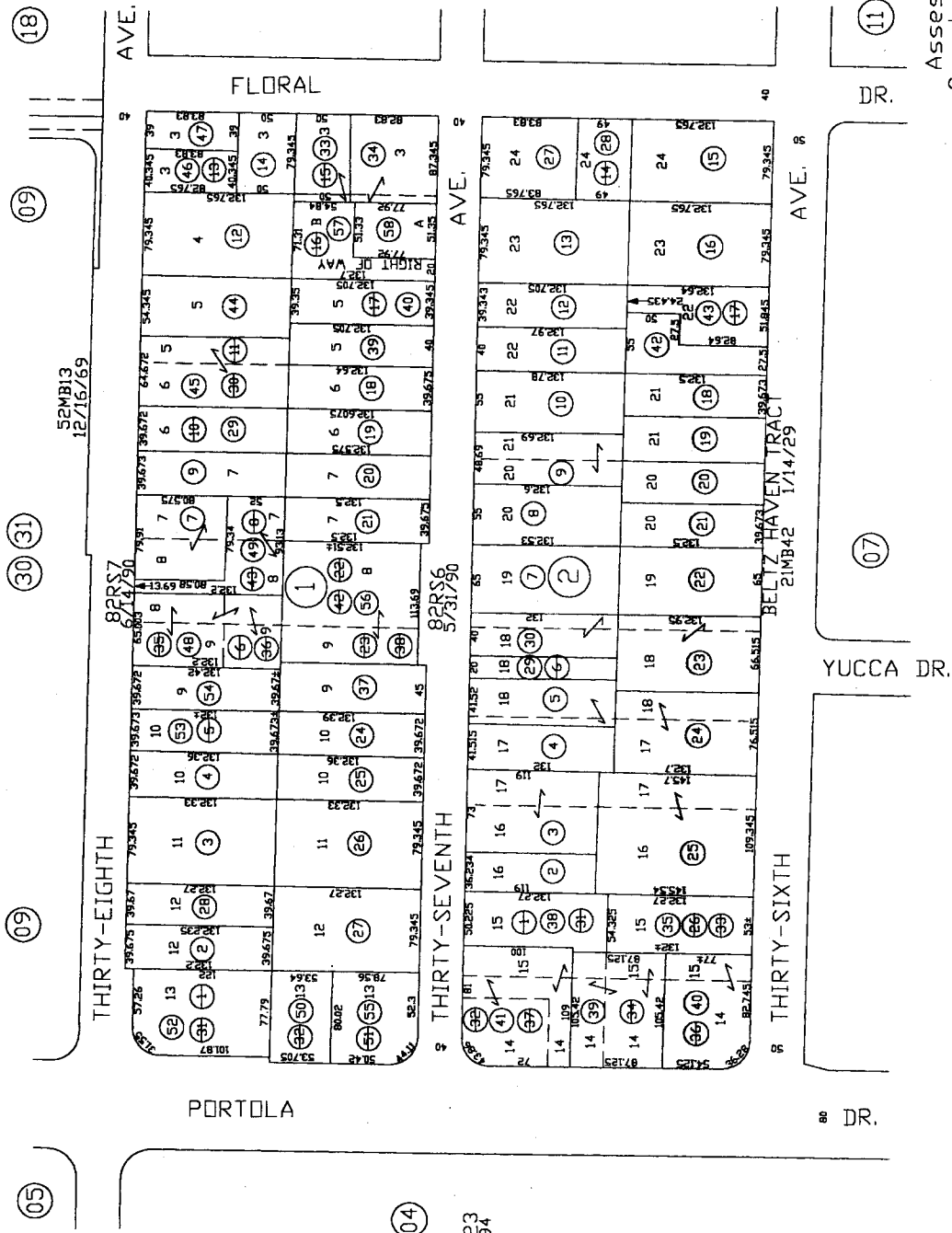
Date: \_\_\_\_\_

FOR TAX PURPOSES ONLY  
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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POR, RANCHO ARROYO DEL RODEO  
N.E. 1/4 SEC.21, T.11S, R.1W, M.D.B. & M.

Tax Area Code  
82-040

32-08



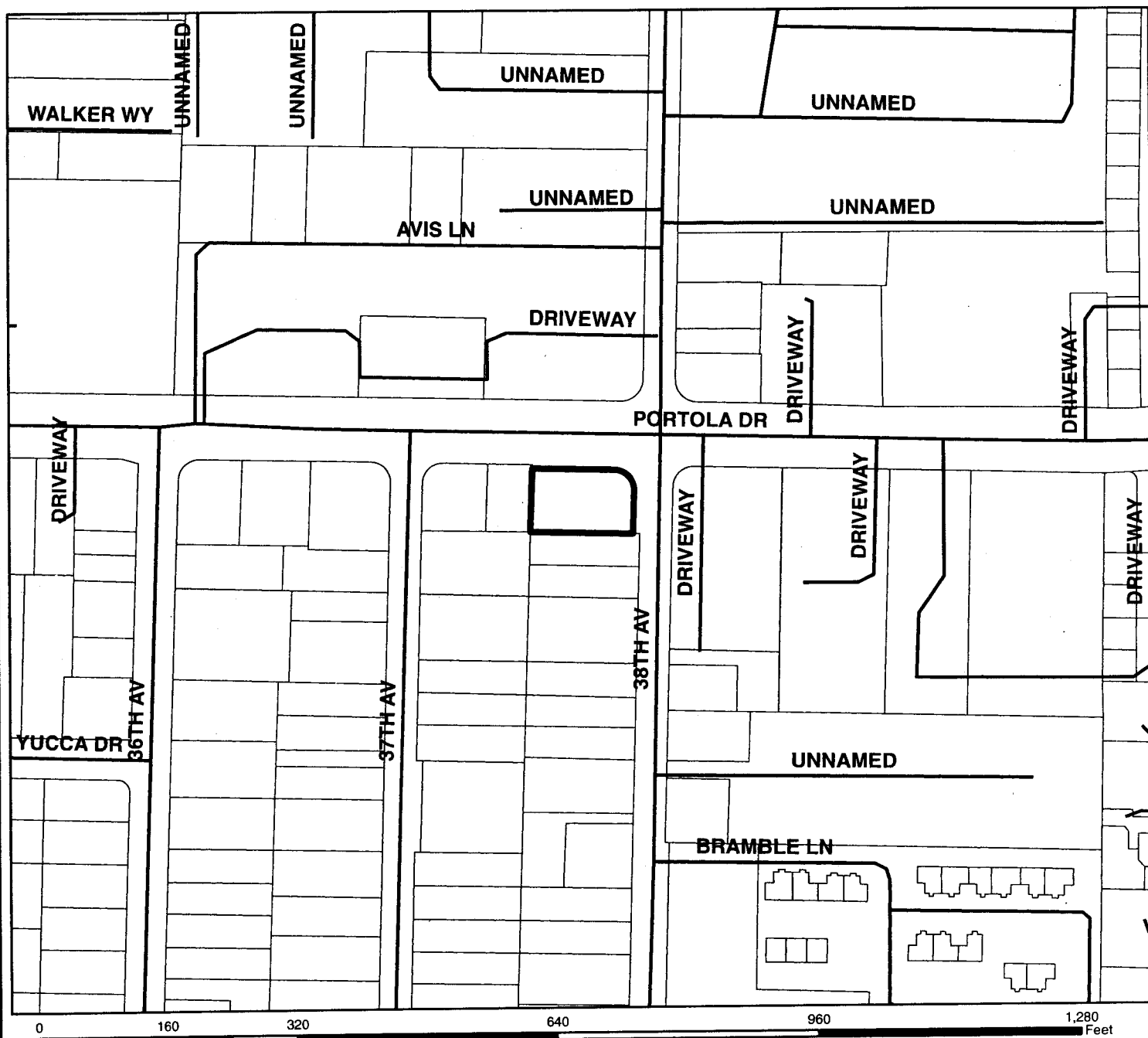
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 32-08  
County of Santa Cruz, Calif.  
August, 1996




EXHIBIT E

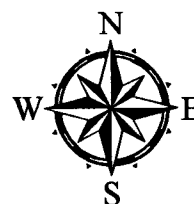


# Location Map



## LEGEND

-  APN: 032-081-52
-  Assessors Parcels
-  Streets

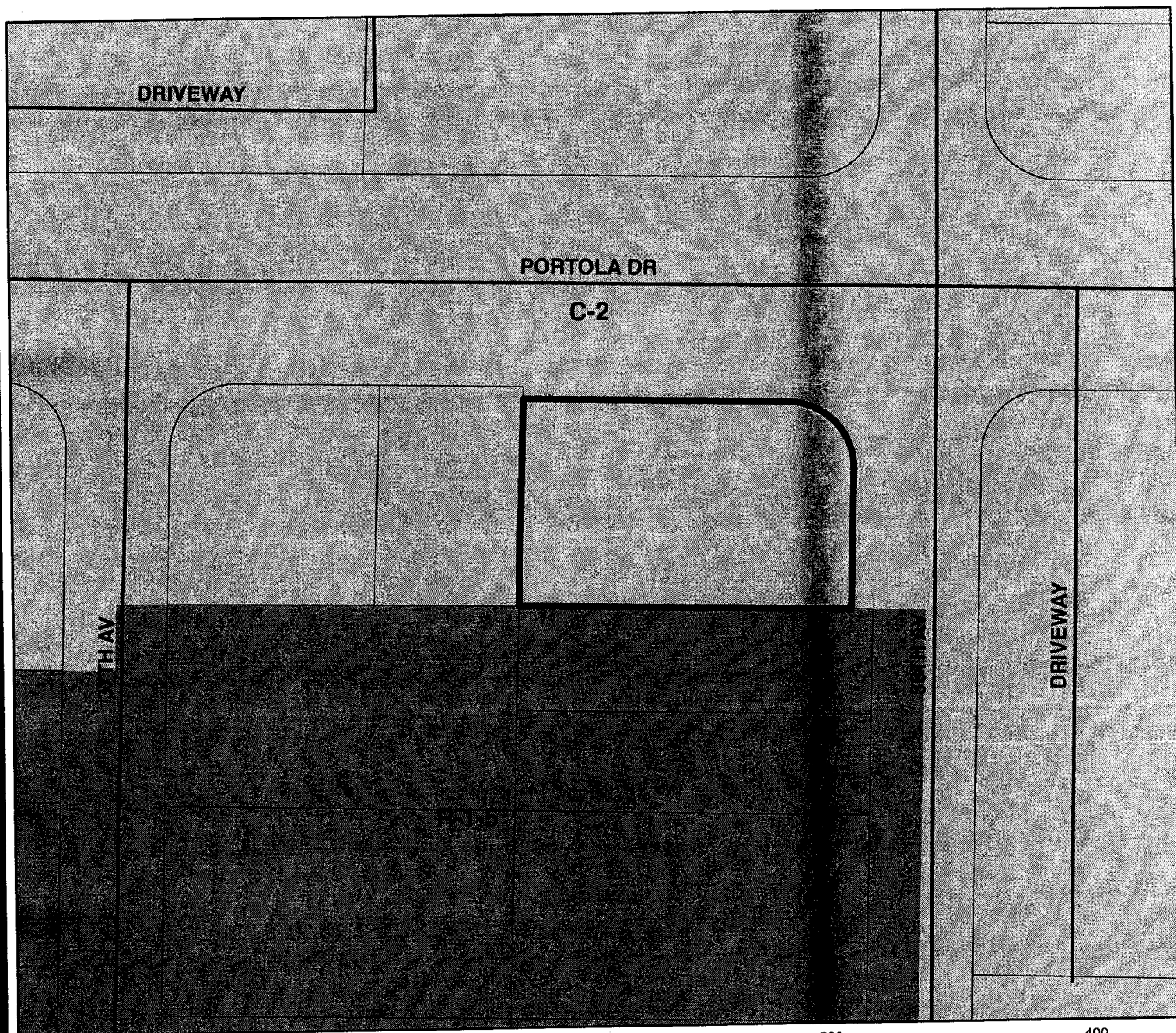


Map Created by  
County of Santa Cruz  
Planning Department  
June 2005

**EXHIBIT E**



# Zoning Map



## LEGEND



APN: 032-081-52



Assessors Parcels



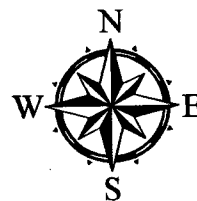
Streets



COMMERCIAL-COMMUNITY



RESIDENTIAL-SINGLE FAMILY



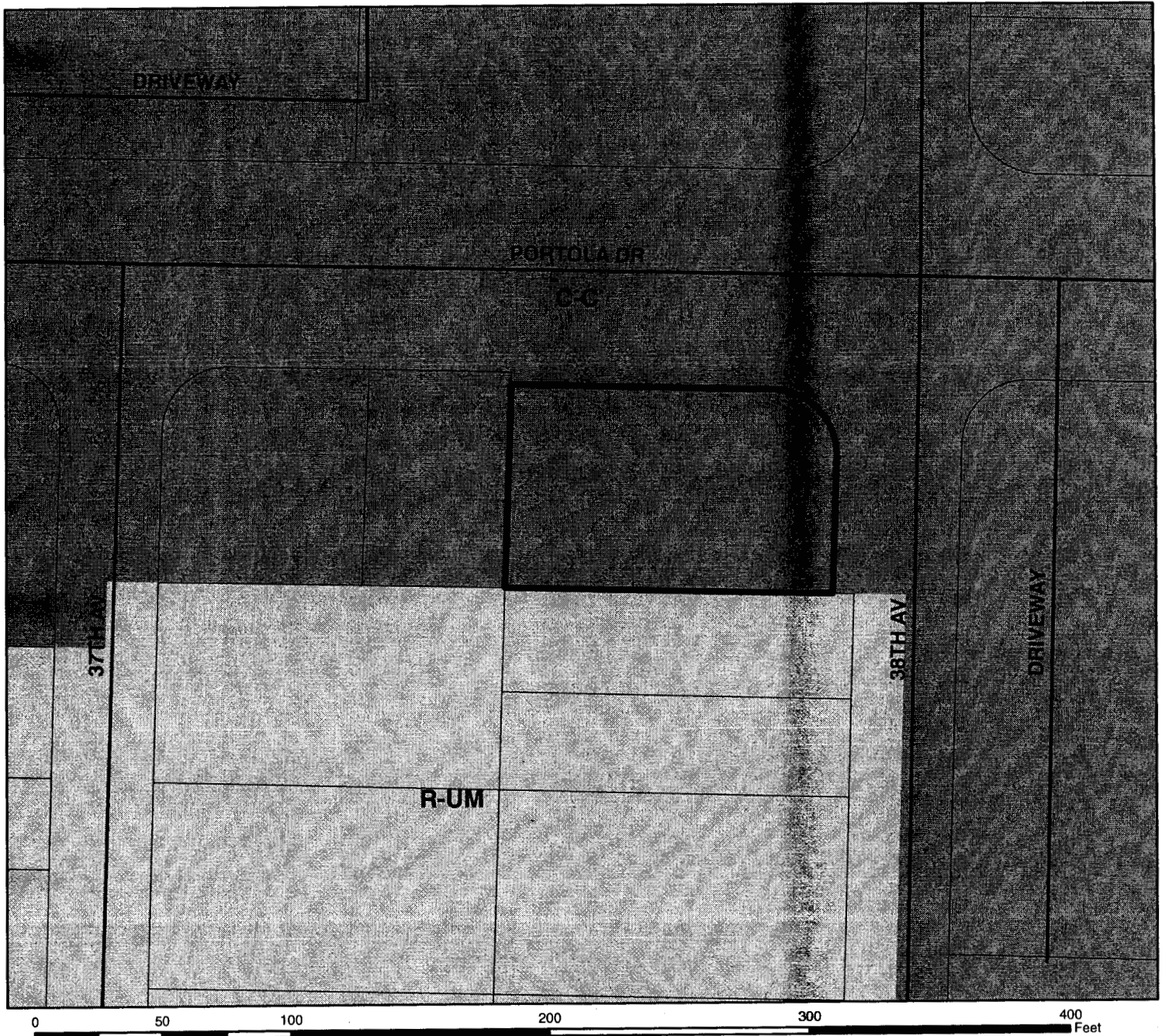
Map Created by  
County of Santa Cruz  
Planning Department  
June 2006

EXHIBIT E








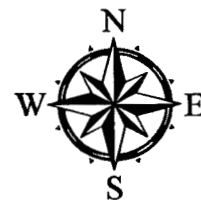


# General Plan Designation Map

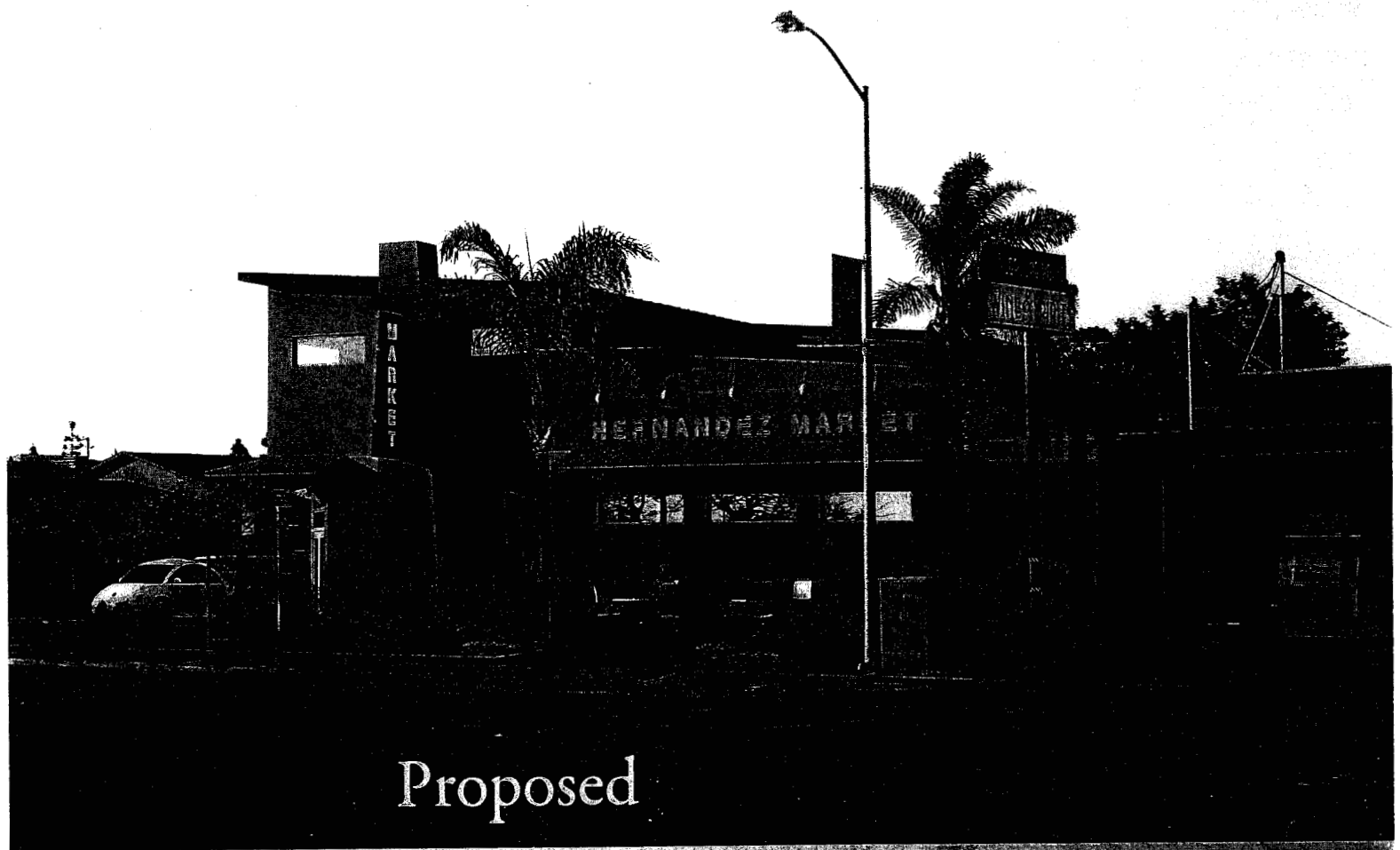


## LEGEND

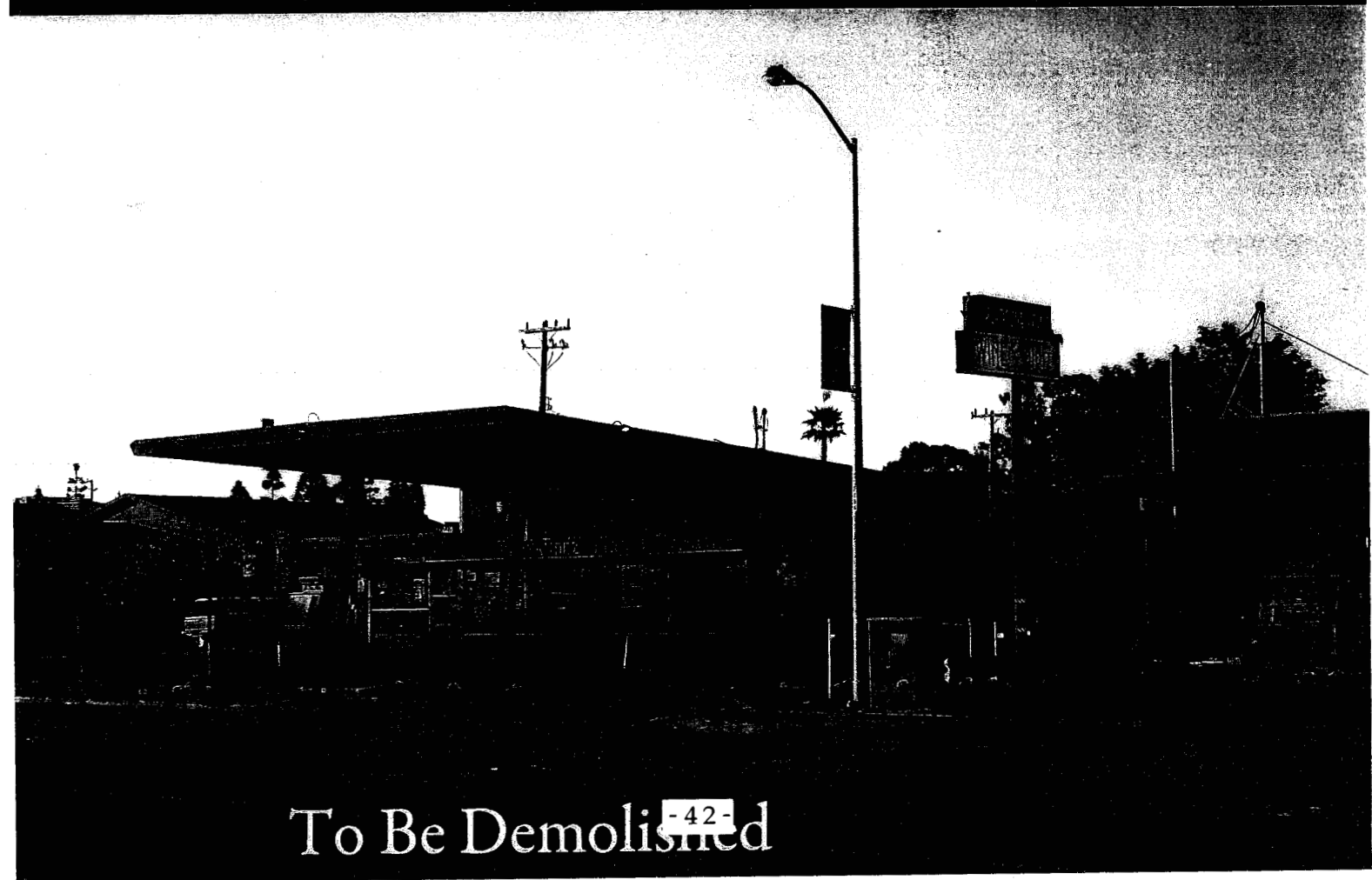
-  APN: 032-081-52
-  Assessors Parcels
-  Streets
-  Commercial-Community
-  Residential - Urban Medium Density



Map Created by  
County of Santa Cruz  
Planning Department  
June 2008



Proposed



To Be Demolished

## INTEROFFICE MEMO

APPLICATION NO: 08-0209 (second routing)

Date: August 22, 2008

To: Sheila McDaniel, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New market with residential unit above, Portola Drive, Santa Cruz

## COMPLETENESS ITEMS

- None

## COMPLIANCE ISSUES

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Visual Compatibility</b>			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
<b>Minimum Site Disturbance</b>			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be	✓		

retained.			
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<b>Ridgeline Development</b>			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A

<b>Rural Scenic Resources</b>			
<b>Location of development</b>			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
<b>Site Planning</b>			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is			N/A



located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			
<b>Large agricultural structures</b>			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
<b>Restoration</b>			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
<b>Signs</b>			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
<b>Beach Viewsheds</b>			
Blufftop development and landscaping			N/A

(e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred.			N/A

**Design Review Authority**

13.11.040 Projects requiring design review.

(e) All commercial remodels or new commercial construction.

**Design Review Standards**

13.11.072 Site design.

Evaluation Criteria	Meets criteria in code ( ✓ )	Does not meet criteria ( ✗ )	Urban Designer's Evaluation
<b>Compatible Site Design</b>			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✓		
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		

Ridgeline protection			N/A
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**Views**

Protection of public viewshed	✓		
Minimize impact on private views	✓		

**Safe and Functional Circulation**

Accessible to the disabled, pedestrians, bicycles and vehicles	✓		
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**Solar Design and Access**

Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		

**Noise**

Reasonable protection for adjacent properties	✓		
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**13.11.073 Building design.**

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Building Design</b>			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
<b>Scale</b>			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting.	✓		

<b>Solar Design</b>			
Building design provides solar access that is reasonably protected for adjacent properties.	✓		
Building walls and major window areas are oriented for passive solar and natural lighting.			N/A

**13.11.074 Access, circulation and parking.**

<b>Parking</b>			
Minimize the visual impact of pavement and parked vehicles.	✓		
Parking design shall be an integral element of the site design.	✓		
Site buildings toward the front or middle portion of the lot and parking areas to the rear or side of the lot is encouraged where appropriate.	✓		
<b>Lighting</b>			
All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.			<i>Suggest as Condition of Approval</i>
Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.			<i>Suggest as Condition of Approval</i>
All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.			<i>Suggest as Condition of Approval</i>
Building and security lighting shall be integrated into the building design.			<i>Suggest as Condition of Approval</i>
Light sources shall not be visible from adjacent properties.			<i>Suggest as Condition of Approval</i>
<b>Loading areas</b>			
Loading areas shall be designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.	✓		

<b>Landscape</b>			
A minimum of one tree for each five parking spaces should be planted along each single or double row of parking spaces.	✓		
A minimum of one tree for each five parking spaces shall be planted along rows of parking.	✓		
Trees shall be dispersed throughout the parking lot to maximize shade and visual relief.	✓		
At least twenty-five percent (25%) of the trees required for parking lot screening shall be 24-inch box size when planted; all other trees shall be 15 gallon size or larger when planted.	✓		
<b>Parking Lot Design</b>			
Driveways between commercial or industrial parcels shall be shared where appropriate.			N/A
Avoid locating walls and fences where they block driver sight lines when entering or exiting the site.	✓		
Minimize the number of curb cuts	✓		
Driveways shall be coordinated with existing or planned median openings.	✓		
Entry drives on commercial or industrial projects greater than 10,000 square feet should include a 5-foot minimum net landscaped median to separate incoming and out going traffic, where appropriate.			N/A
Service Vehicles/Loading Space. Loading space shall be provided as required for commercial and industrial uses.			N/A
Where an interior driveway or parking area parallels the side or rear property line, a minimum 5-foot wide net landscape strip shall be provided between the driveway and the property line.	✓		
Parking areas shall be screened from public streets using landscaping, berms, fences, walls, buildings, and other means, where appropriate.	✓		
Bicycle parking spaces shall be provided as required. They shall be appropriately located in relation to the major activity area.	✓		
Reduce the visual impact and scale of interior driveways, parking and paving.	✓		

<b>Parking Lot Landscaping</b>			
It shall be an objective of landscaping to accent the importance of driveways from the street, frame the major circulation aisles, emphasize pedestrian pathways, and provide shade and screening.	✓		
Parking lot landscaping shall be designed to visually screen parking from public streets and adjacent uses.	✓		
Parking lots shall be landscaped with large canopy trees.	✓		
A landscape strip shall be provided at the end of each parking aisle.	✓		
A minimum 5-foot wide landscape strip (to provide necessary vehicular back-out movements) shall be provided at dead-end aisles.	✓		
Parking areas shall be landscaped with large canopy trees to sufficiently reduce glare and radiant heat from the asphalt and to provide visual relief from large stretches of pavement.	✓		
Variation in pavement width, the use of texture and color variation is paving materials, such as stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize the visual impact of large expanses of pavement.			N/A
As appropriate to the site use, required landscaped areas next to parking spaces or driveways shall be protected by a minimum six-inch high curb or wheel stop, such as concrete, masonry, railroad ties, or other durable materials.	✓		
<b>Pedestrian Travel Paths</b>			
On-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other design techniques.	✓		
Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features to achieve access for the physically disabled.	✓		

Separations between bicycle and pedestrian circulation routes shall be utilized where appropriate.			N/A
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**COUNTY OF SANTA CRUZ**  
**INTER-OFFICE CORRESPONDENCE**

**DATE:** August 29, 2008  
**TO:** Sheila McDaniel, Project Planner  
**FROM:** Steve Guiney, Planning Department Liaison to the Redevelopment Agency  
**SUBJECT:** 2<sup>nd</sup> Routing Application # 08-0209, Proposal to demolish an existing 1740 sq.ft. market and replace with a two-story, 2264 sq.ft. market with 1210 sq.ft. second story dwelling unit; APN 032-081-52, 3790 Portola Drive, Live Oak

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The Engineering Review Group considered this application on June 4, 2008. The Redevelopment Agency (RDA) provided comments on June 11, 2008, and met with the applicant on July 25, 2008, to discuss the issues raised.

All of the items RDA and the applicant agreed on are shown on the 2<sup>nd</sup> routing plans. We note, though, that the plan sheets are not consistent regarding the inclusion of windows on each side of the entrance. Specifically, the windows are not shown on the floor plans and sections on sheet A3. Final plans should be consistent throughout. RDA appreciates the cooperation of the applicant.

Thank you.





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

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

**Date:** August 26, 2008  
**To:** Diego Hernandez  
**Applicant:** Miguel Podolski  
**From:** Tom Wiley  
**Subject:** 08-0209  
**Address:** 3790 Portola Dr.  
**APN:** 032-081-52  
**OCC:** 1100  
**Permit:** 20080218

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

Prior to final inspection, provide to the Fire District a CD with a plot plan, building layout, exiting, riser location and knox box locations. The CD must be formatted in JPEG.

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2007) as amended by the Central Fire Protection District.

NOTE on the plans **construction classification** as determined by the building official and outlined in Part IV of the California Building Code.

NOTE on the plans the **occupancy classification** as determined by the building official and outlined in Part III of the California Building Code.

NOTE on the plans whether the building will be **SPRINKLERED** as outlined in the 2007 California Building Code and via District Amendment.

The **FIRE FLOW** requirement for the subject property is **1500 gallons per minute**.

NOTE, on the plans, the required FIRE FLOW and the available FIRE FLOW. This information can be obtained from the water company upon request.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 150 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to and during time of construction (CFC 901.3).

NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. NOTE that the WORKING DRAWINGS shall comply with the District UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT.

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13 currently adopted in Chapter 35 of the California Building Code.

NOTE The FDC shall be labeled with the address of the building that it serves, with 2" peel and stick plastic reflective numbers.

NOTE on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the automatic sprinkler system to this agency for approval. Installation shall follow our guide sheet.

NOTE on the plans requirements for other fire extinguishing systems (range hoods, spray booths, etc.).

SHOW location of fire extinguishers.

SHOW Occupant Load(s) and an Exiting Plan.

SHOW location of exit signs.

SHOW where address numbers will be posted and maintained, plainly visible from the street. Numbers shall be a minimum of four (4) inches in height and of a color contrasting to their background.

SHOW location of Knox Box and key.

NOTE roof coverings to be no less than Class "B" rated roof.

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

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

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

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.  
1100-082608

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

**Project Planner:** Sheila McDaniel  
**Application No.:** 08-0209  
**APN:** 032-081-52

**Date:** January 9, 2009  
**Time:** 16:08:58  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON JUNE 20, 2008 BY ROBIN M BOLSTER =====  
NO COMMENT

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON JUNE 20, 2008 BY ROBIN M BOLSTER =====  
NO COMMENT

**Dpw Driveway/Encroachment Completeness Comments**

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

===== REVIEW ON JUNE 10, 2008 BY DEBBIE F LOCATELLI =====  
See compliance comments. ===== UPDATED ON SEPTEMBER 9, 2008 BY DEBBIE F  
LOCATELLI =====  
Previous comments have been addressed. No further comments.

**Dpw Driveway/Encroachment Miscellaneous Comments**

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

===== REVIEW ON JUNE 10, 2008 BY DEBBIE F LOCATELLI =====  
COMPLIANCE: A portion of the proposed landscaping needs to be eliminated to provide  
ADA pathway behind driveway depression. Driveway is required to meet the County of  
Santa Cruz Design Criteria - FIG ST-6c  
Encroachment permit required for all off-site work in the County road right-of-way,  
i.e. curb replacement/repair, etc.  
Proposed and existing landscaping to be maintained by owner per County of Santa Cruz  
Design Criteria - FIG ST-3.

See Road Engineer's note regarding parking space within county maintained right-of-  
way.

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON JUNE 5, 2008 BY GREG J MARTIN =====  
Completeness

1) A section of the building to the flowline is required for the walkway from the  
building to the sidewalk to show the grades. It does not appear that the 1 percent  
slope is possible.

Compliance

2) The new driveway is required to have a 3 foot sidewalk behind the ramp in com-  
pliance with ADA requirements. Refer to Figure ST-6c of the County Design Criteria  
for details.

## Discretionary Comments - Continued

Project Planner: Sheila Mcdaniel  
Application No.: 08-0209  
APN: 032-081-52

Date: January 9, 2009  
Time: 16:08:58  
Page: 2

3) A small corner of one of the parking spaces is in the right-of-way. Parking spaces are not allowed to be placed in the right-of-way.

Greg Martin 831-454-2811 ===== UPDATED ON AUGUST 29, 2008 BY GREG J MARTIN  
=====

The plans are complete for a discretionary application. Two steps have been added between the sidewalk and the patio in front of the market. s

### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JUNE 5, 2008 BY GREG J MARTIN =====  
===== UPDATED ON AUGUST 29, 2008 BY GREG J MARTIN =====

### Dpw Sanitation Completeness Comments

===== REVIEW ON JUNE 10, 2008 BY AMY GROSS ===== Comments saved by Diane Thorsen in a separate document due to space. ===== UPDATED ON JUNE 18, 2008 BY DIANE ROMEO ===== Comments saved by Diane Thorsen in a separate document due to space. ===== UPDATED ON SEPTEMBER 19, 2008 BY DIANE ROMEO ===== Comments saved by Diane Thorsen in a separate document due to space. ===== UPDATED ON OCTOBER 9, 2008 BY AMY GROSS ===== Environmental Compliance Unit Review Comments Hernandez Market Application No: 08-0209

3rd Review Summary Statement: At this time, the Environmental Compliance Unit (ECU) requirements have been met and the plans are approved. However, please see policy compliance items for additional comments by the ECU. Any future changes to these plans shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements to meet District standards by the applicant and the plans are approved.

Policy Completeness Items: Policy Compliance Items: The plans indicate a hand sink routed to the grease trap. Hand washing sinks do not need to be routed through the grease trap. See Information items. Information Items:

1.) All grease traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria. See the design criteria at <http://www.dpw.co.santa-cruz.ca.us/environment.htm> 2.) All sinks and floor drains must be routed through a grease interceptor/ trap with the exception of hand washing sinks and bathroom drains 3.) A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed. 4.) All grease traps will meet the Santa Cruz County Design Criteria. Grease trap sizing specifications are detailed in the design criteria. 5.) Floor drains must be installed with screens that prevent solids from blocking the facility-s pipes and from entering the sanitary sewer.

Please call the Dept. of Public Works, Environmental Compliance Unit at 477-3907 if you have questions. ===== UPDATED ON OCTOBER 10, 2008 BY DIANE ROMEO =====  
No. 3 Review Summary Statement; APN 31-081-52; App. No. 08-0209: Sewer service is available for this project provided that the following completeness issues are addressed.

## Discretionary Comments - Continued

Project Planner: Sheila Mcdaniel  
Application No.: 08-0209  
APN: 032-081-52

Date: January 9, 2009  
Time: 16:08:58  
Page: 3

This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Completeness Items: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

1. Sanitation Engineering Review Comments: The sewer improvement plan submitted for the subject project is approved by e District based upon plans submitted for Third Review and revised to meet Sanitation District requirements. Any future changes to these plans shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements meet District standards.

The Sanitation Engineering section has no miscellaneous comments. Please contact Diane Romeo at 454-2160 for any questions regarding the above comments. =====  
UPDATED ON OCTOBER 21, 2008 BY DIANE ROMEO ===== No. 3 Review Summary Statement;  
APN 31-081-52; App. No. 08-0209:

Sewer service is available for this project provided that the following completeness issues are addressed.

This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

1. Sanitation Engineering Review Comments:

The sewer improvement plan submitted for the subject project is approved by e District based upon plans submitted for Third Review and revised to meet Sanitation District requirements. Any future changes to these plans shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements meet District standards.

The Sanitation Engineering section has no miscellaneous comments. Please contact Diane Romeo at 454-2160 for any questions regarding the above comments.  
===== UPDATED ON OCTOBER 30, 2008 BY DIANE ROMEO =====

## Discretionary Comments - Continued

Project Planner: Sheila Mcdaniel  
Application No.: 08-0209  
APN: 032-081-52

Date: January 9, 2009  
Time: 16:08:58  
Page: 4

### Dpw Sanitation Miscellaneous Comments

===== REVIEW ON JUNE 10, 2008 BY AMY GROSS =====

Miscellaneous: The Sanitation District must be allowed to review plans for the grease interceptor/trap(s) prior to issuance of a permit and to inspect the installation. Any questions regarding these criteria or to schedule an inspection should be directed to the Santa Cruz County Sanitation District Environmental Compliance Unit at (831) 477-3907

All resubmittals shall be made through the Planning Department. Materials left with Public Works will not be processed or returned. ===== UPDATED ON SEPTEMBER 19, 2008 BY DIANE ROMEO ===== There are no additional miscellaneous notes. There are no additional miscellaneous comments from Sanitation Engineering.

### Environmental Health Completeness Comments

===== REVIEW ON JUNE 11, 2008 BY JIM G SAFRANEK =====

NO COMMENT

### Environmental Health Miscellaneous Comments

===== REVIEW ON JUNE 11, 2008 BY JIM G SAFRANEK =====

Applicant must obtain approval for an Environmental Health Plan Review prior to submittal of building plans. Applicant must obtain Environmental Health Plan Check approval, a construction inspection final and a Food Establishment Health Permit prior to opening. Contact Environmental Health at 454-2741, A Strader

## Accessibility: Project Comments for Development Review: Review of 08-0209

Date: 06/10/08  
APN: 032-081-52  
Project: Hernandez Market  
3790 Portola Drive  
Santa Cruz, CA 95062

Planner: ~~Porcilla Perez~~ Sheila McDaniel

A review of the project plans was conducted to determine accessibility issues.

- This application is subject to the 2007 California Building Codes. The proposed effective date for the 2007 California Building Code, which is based on the 2006 International Building Code, is January 1, 2008.

### Completeness Items

Discretionary permit plans appear to be complete.

### Compliance Issues

No compliance issues at this time.

### Permit Conditions/Additional Information

To be submitted with the Building Permit Application:

- Plans for a building permit will need to be prepared, stamped and signed by a California licensed professional(s).
- Specify building occupancies and construction type.
- Path of Travel Verification Form (refer to brochure)
- Spot elevations for slope determination, curbs, pathway dimensions and door specifications along the paths of travel that serve entrances, exits, parking, and path to the public way per CBC 1127B and 1133B.
- Details for cashier and customer counter areas per CBC 1122B.
- Show compliance with mercantile occupancies per CBC 1110B
- Restroom details per CBC 1115B
- Signage specifications per CBC 1011.3 and 1117B.5

- 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.

Please note that this is only a preliminary review to determine major accessibility issues. This is not a complete accessible plan check. A complete accessible plan check will be conducted at the time of building permit application review. The plans submitted for building plan check review will need to include complete details and specifications for all of the accessible issues in the California Building code. Therefore, there may be additional comments when applying for a building permit and responding to the Building Plan Check process.

Please contact me with any questions regarding these comments.

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

(file:Hernandez parking survey 7-25-08)								
Revised 1-18-09								
3790 Portola Drive, Santa Cruz, Ca 95062- APN 032-081-52								
<b>Hernandez Market existing parking survey</b>								
Parking lot =10 parking spaces, serving exist 1,740 sq ft Market. Attached photos document empty spaces								
Date	Day Number	Page	Hour	photo no.	Empty sub-total	Empty p/ hour	Empty Day Average	Total Survey (5days) Day Average
7/22/2008 (TUES)	1	1	9am	1	3			
		2	9am	2	3	6		
		3	4pm	1	2			
		4	4pm	2	3	5	5.5	
7/23/2008 (WEDS)	2	5	9am	1	2			
		6	9am	2	3	5		
		7	12pm	1	3			
		8	12pm	2	5	8		
		9	6pm	1	3			
		10	6pm	2	1	4	6	
7/24/2008 (THURS)	3	11	9am	1	5	5		
		12	12pm	1	5			
		13	12pm	2	4	9		
		14	6pm	1	2			
		15	6pm	2	4	6	6.6	
7/25/2008 FRIDAY	4	16	9am	1	4			
		17	9am	2	5	9		
		18	12pm	1	2			
		19	12pm	2	1			
		20	12pm	3	2	5	7	
1/18/2009 Sunday	5	21	9am	1	4			
		22	9am	2	1			
		23	9am	3	4	9		
		24	12pm	1	3			
		25	12pm	2	1			
		26	12pm	3	3	7		
		27	4pm	1	3			(5.5+6+6.6+7+7.6):5=
		28	4pm	2	1			
		29	4pm	3	3	7	7.6	6.5 Spaces out of 10 65% empty

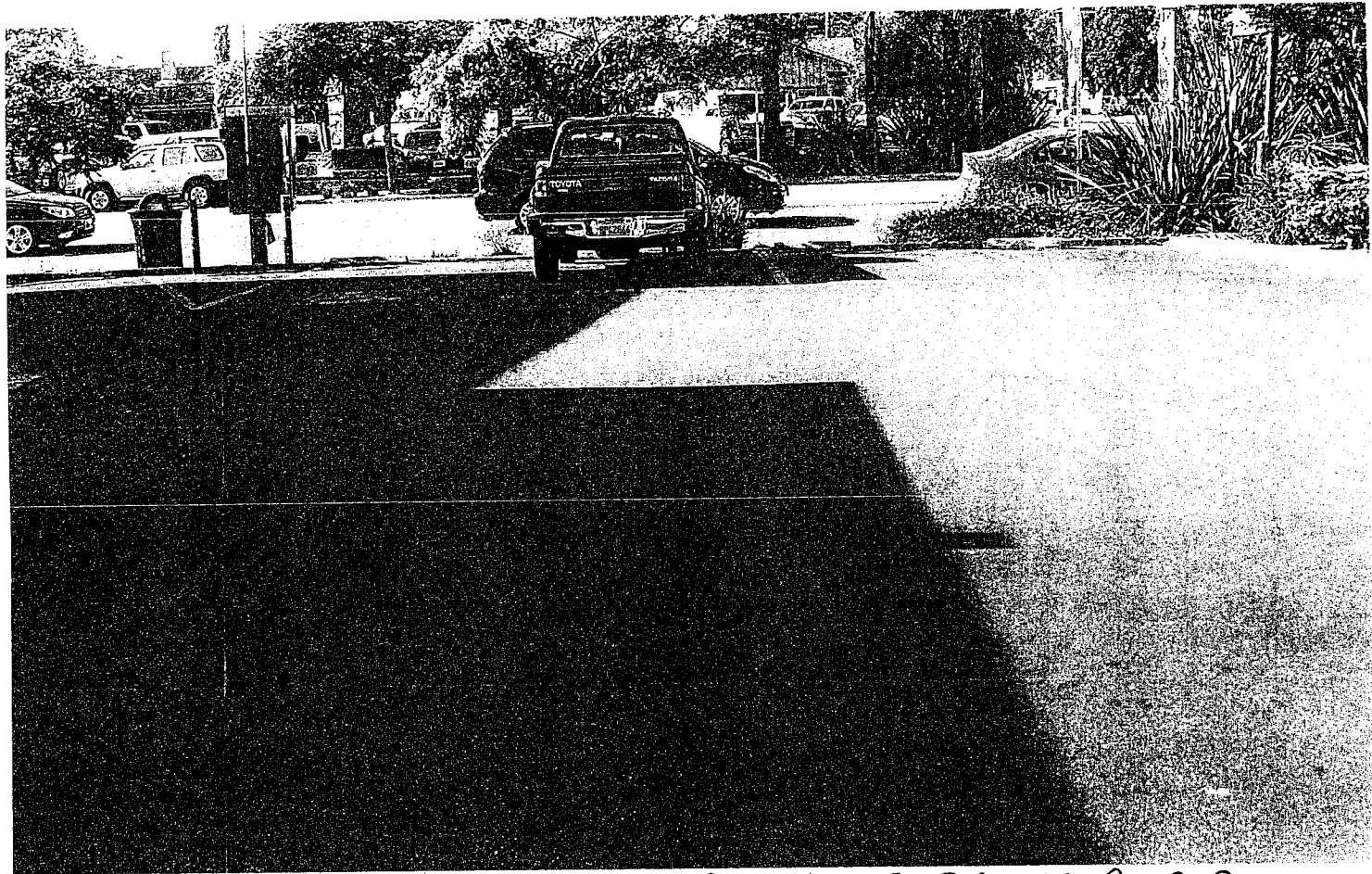




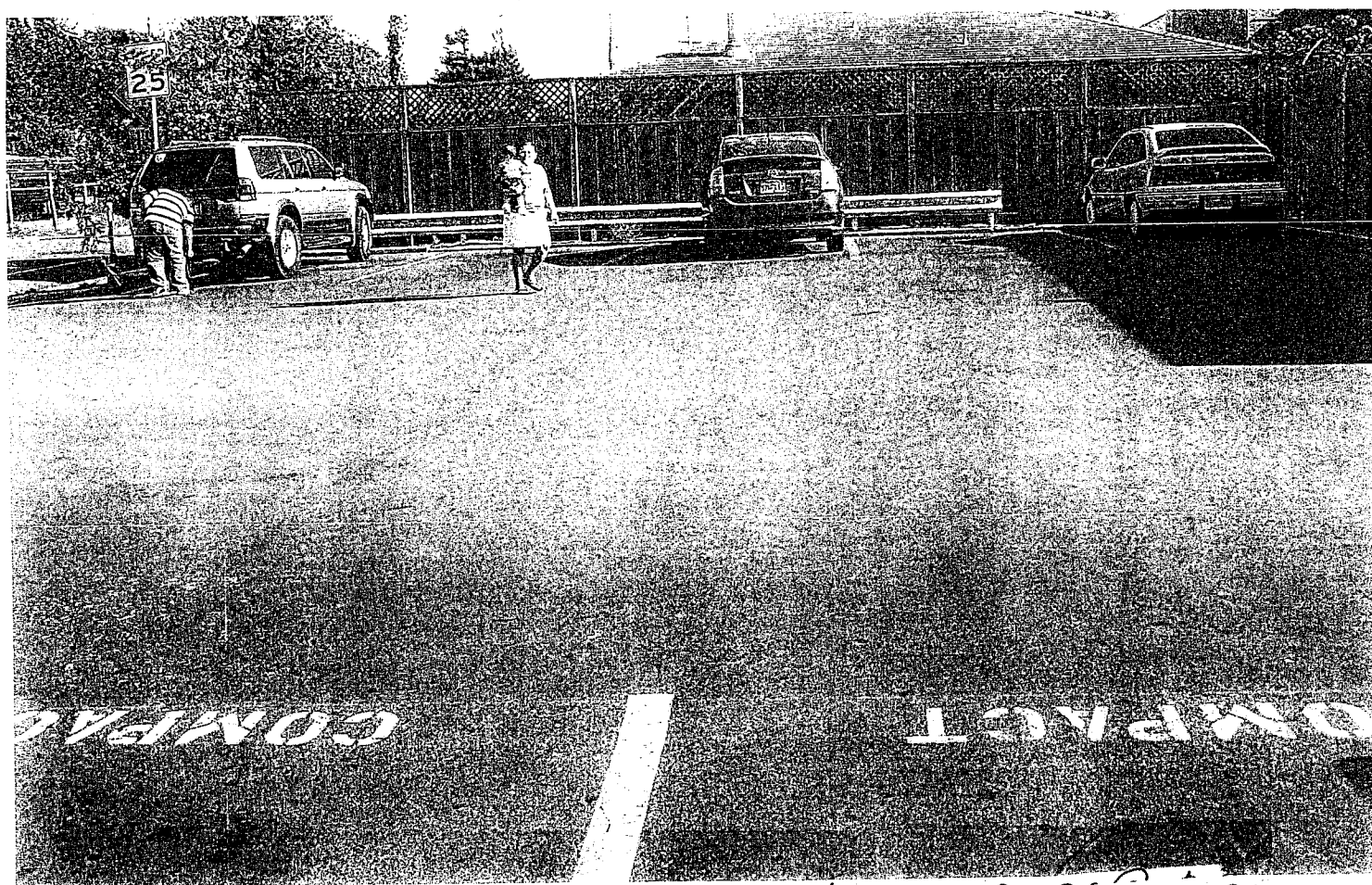
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7/22/08 DAY 1 photo 2<sup>-61-</sup> empty 3 spaces @ 9 AM



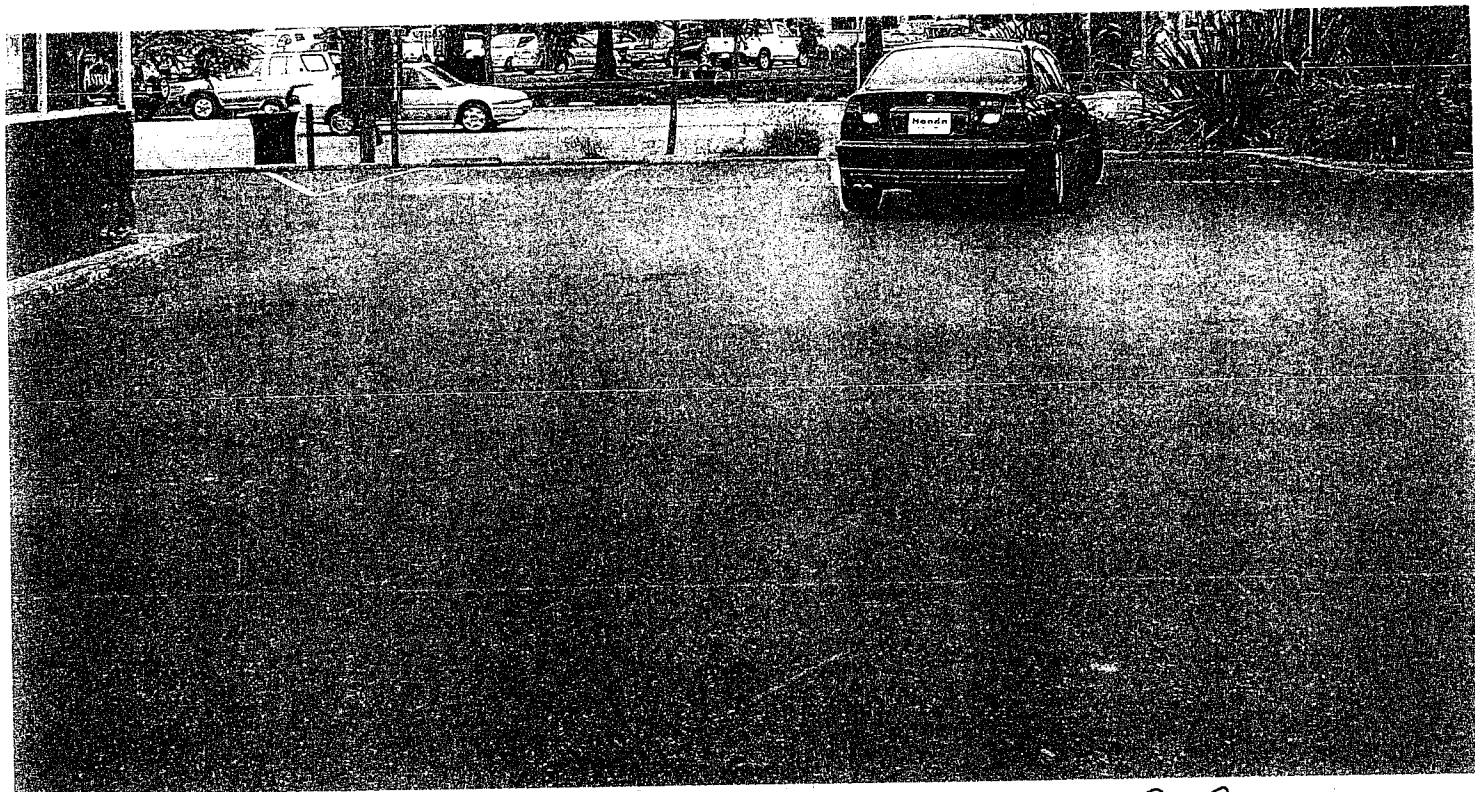
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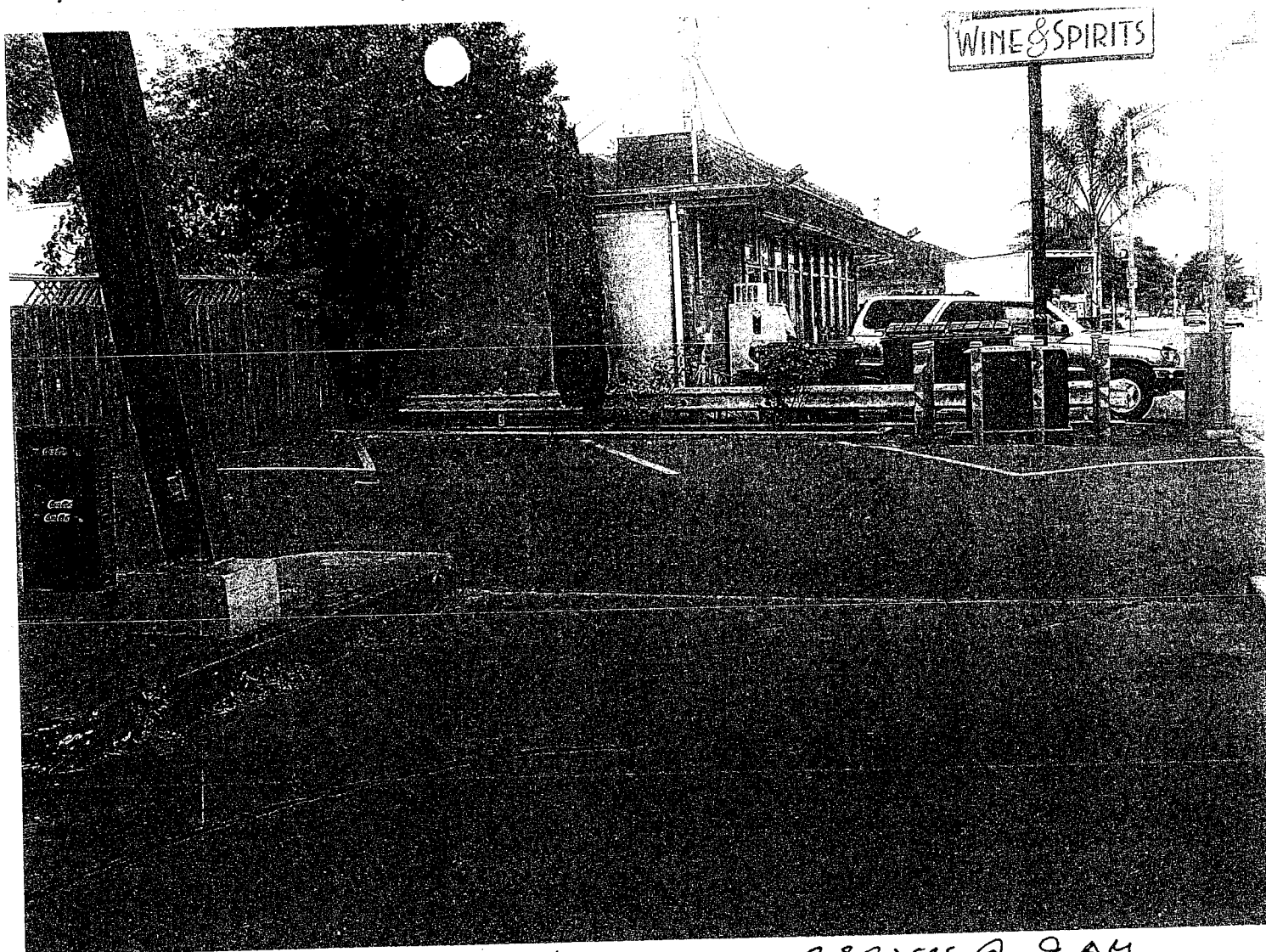
7/22/08 DAY 1 photo 1 - empty 2 spaces @ 4 PM

EXHIBIT H





7/23/08 DAY 2 photo 2 empty 3 spaces @ 9 AM

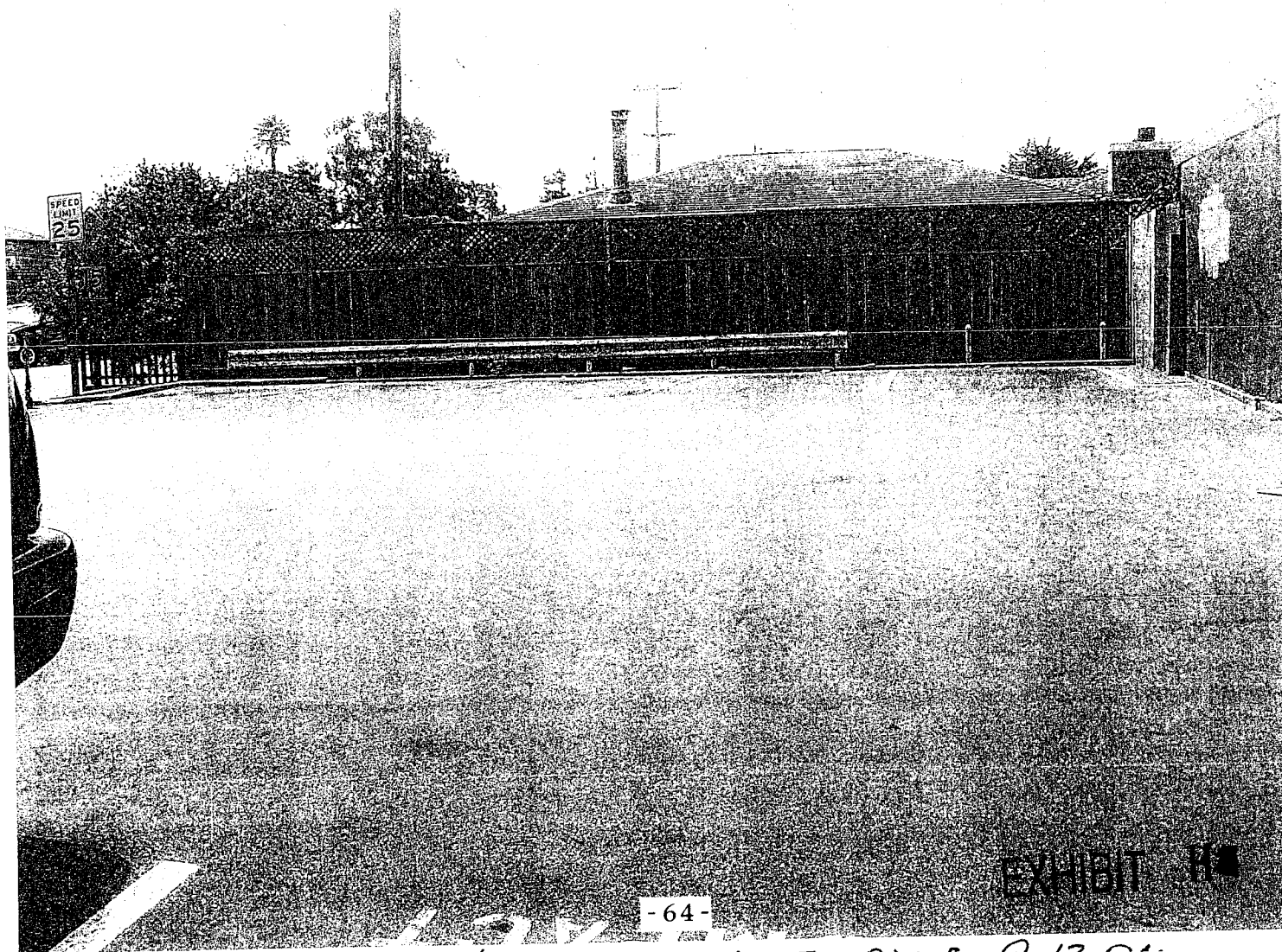


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EXHIBIT H



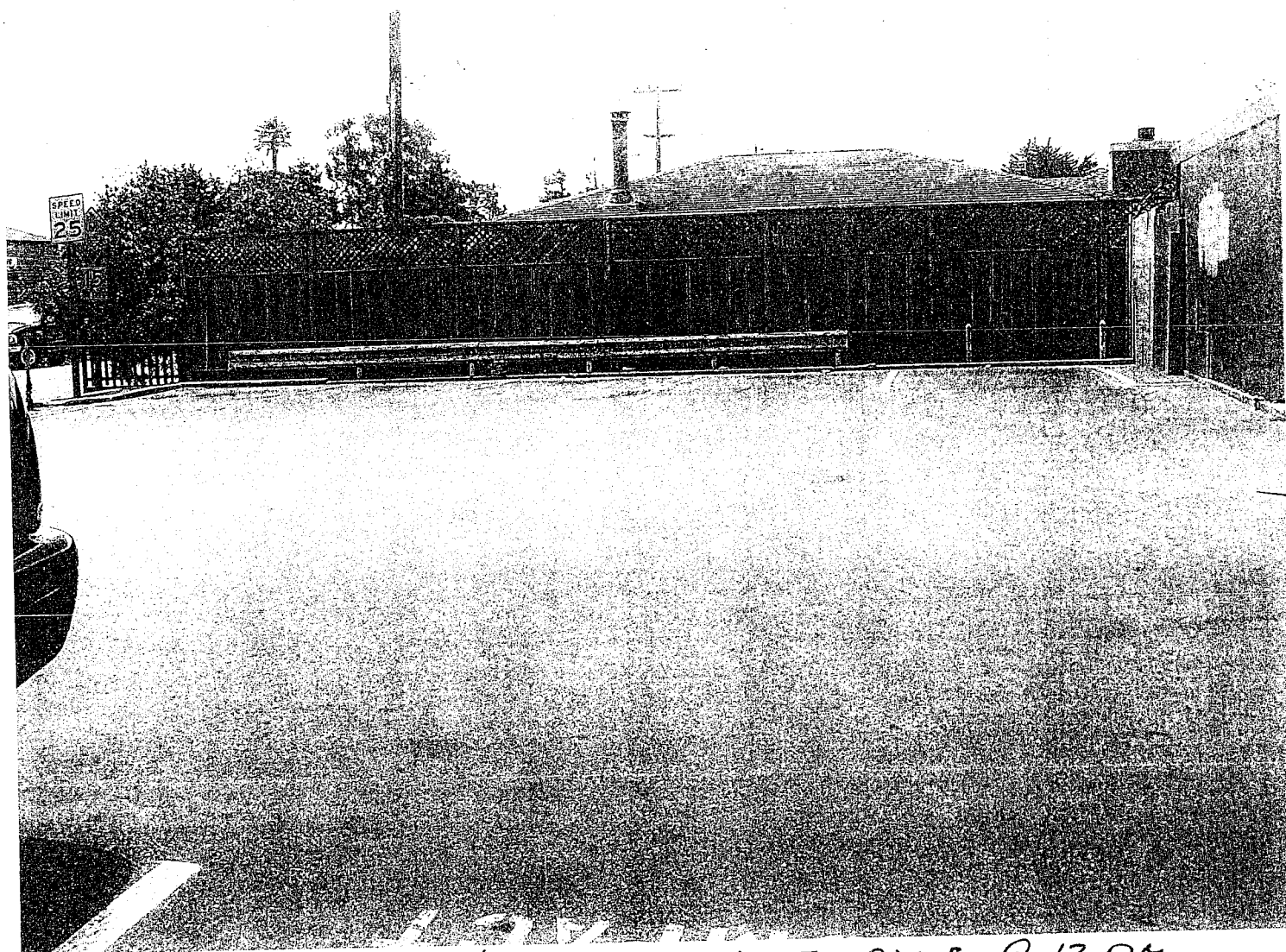
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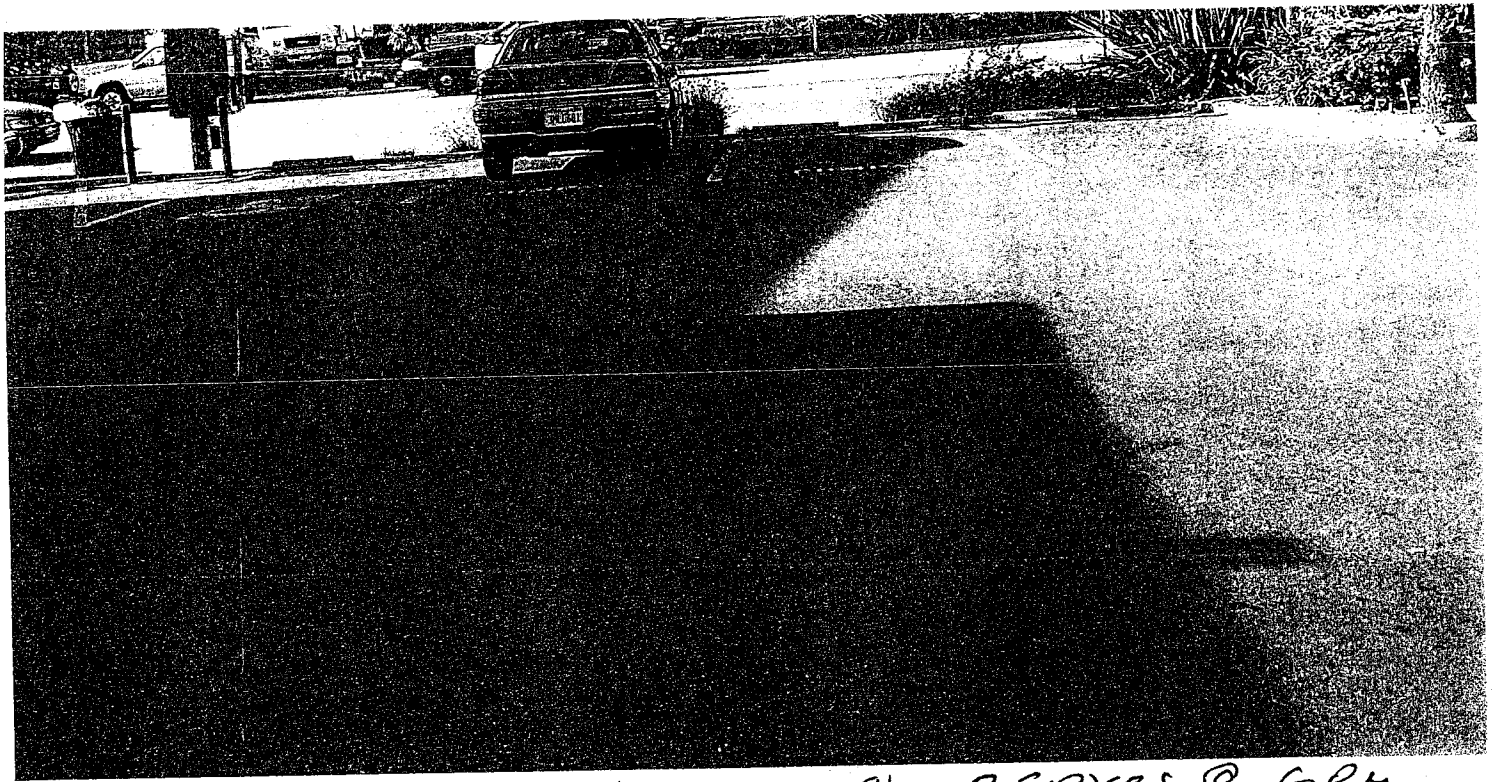




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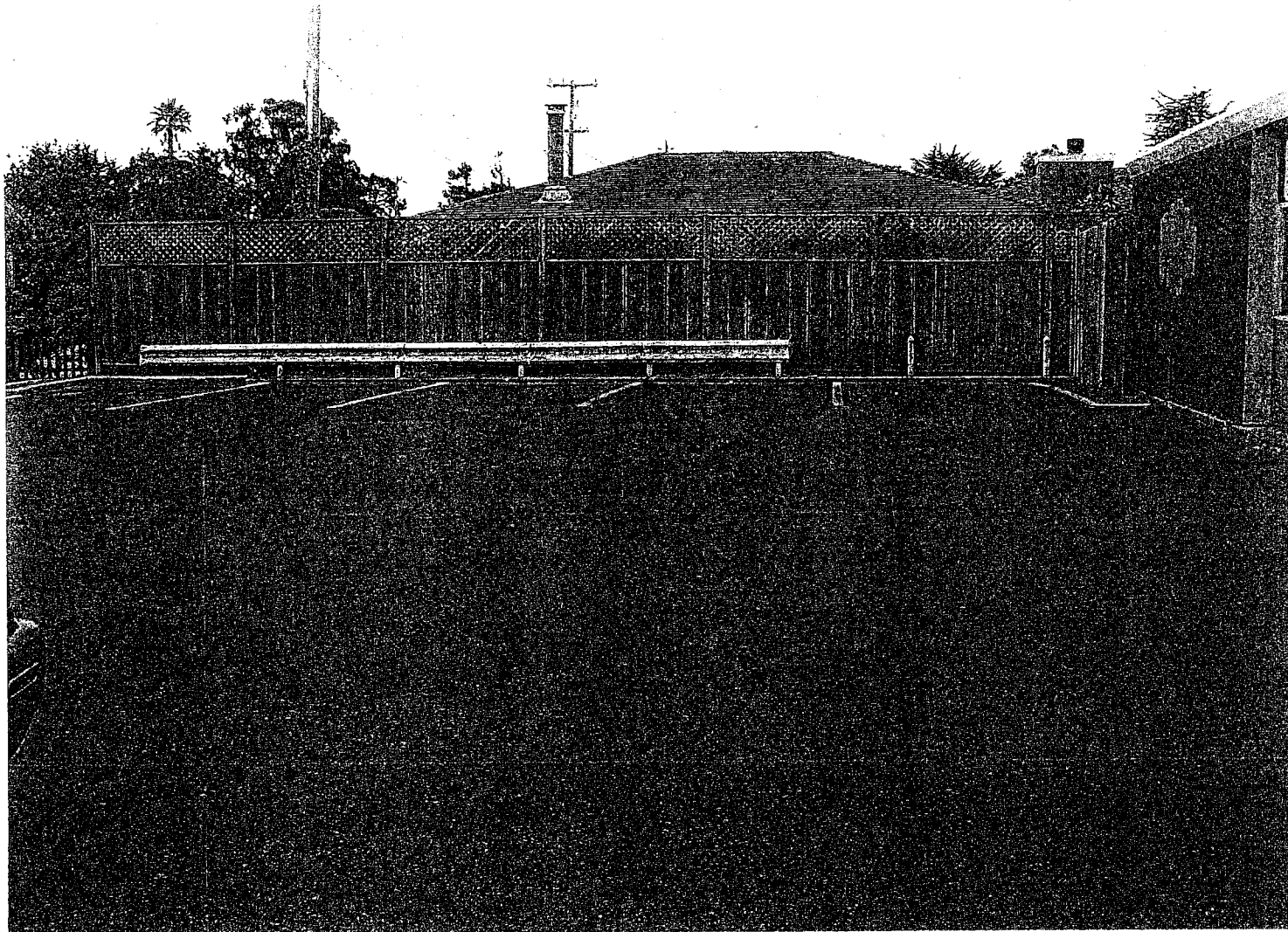
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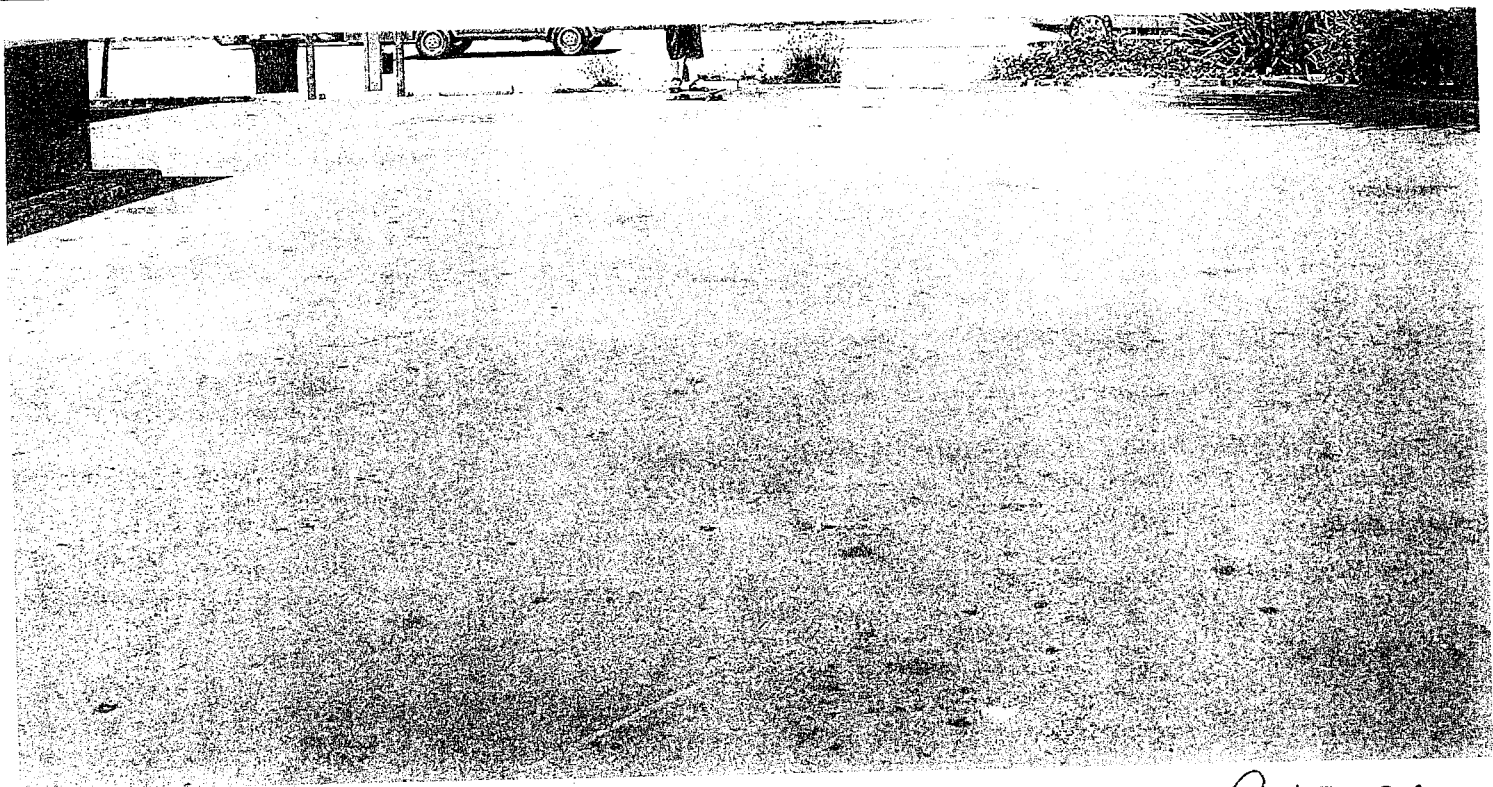


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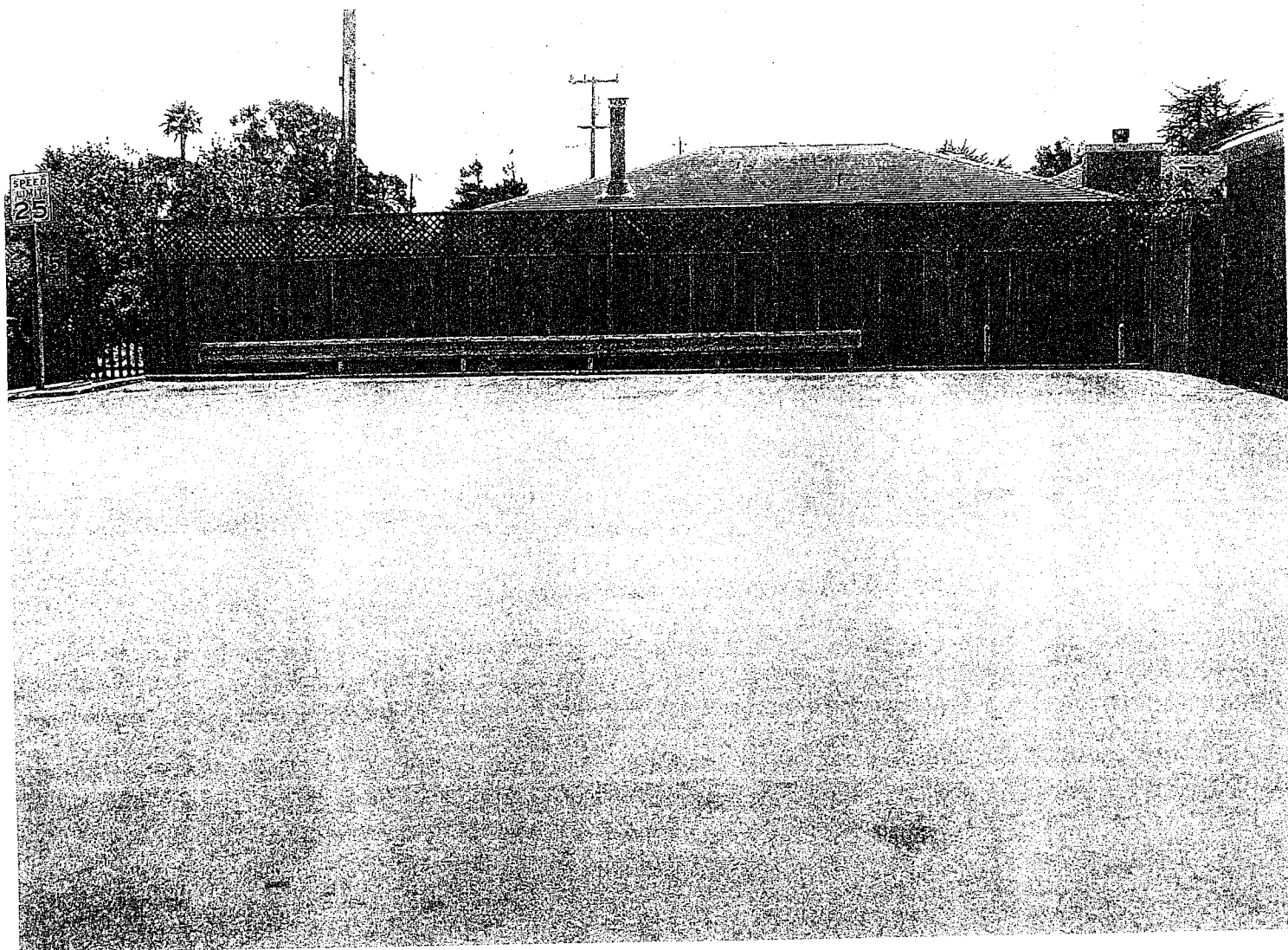


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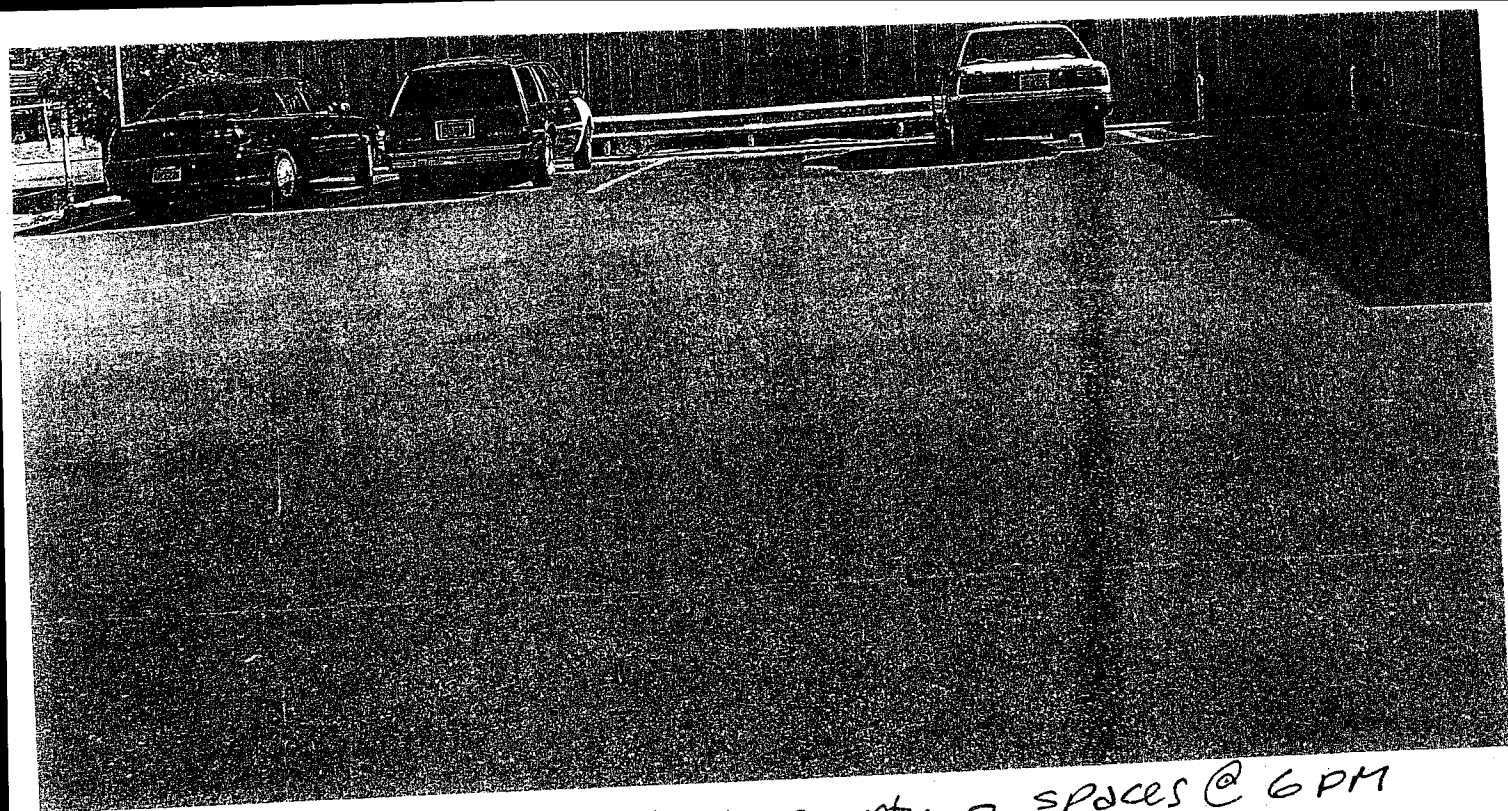


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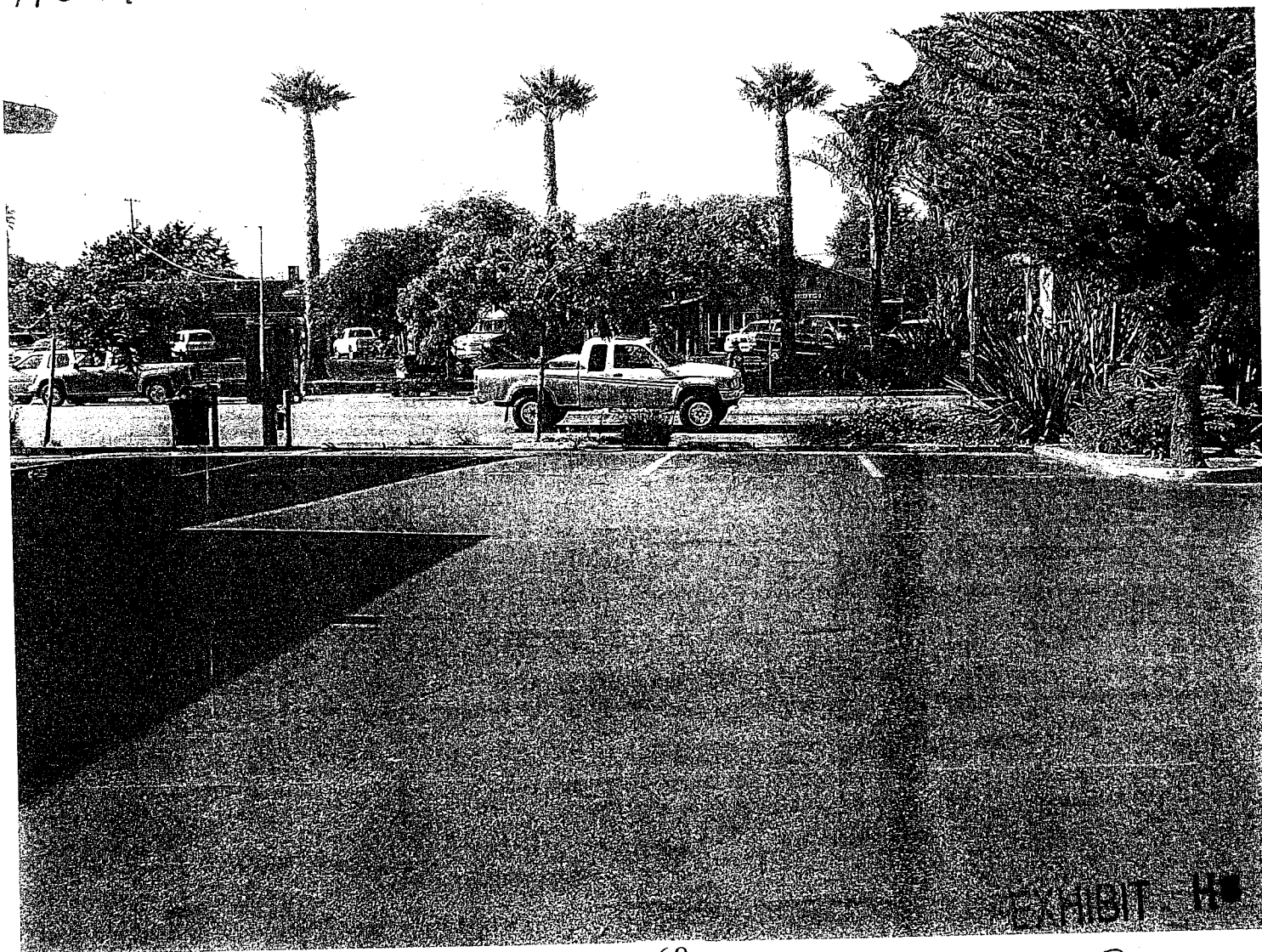


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EXHIBIT. H.



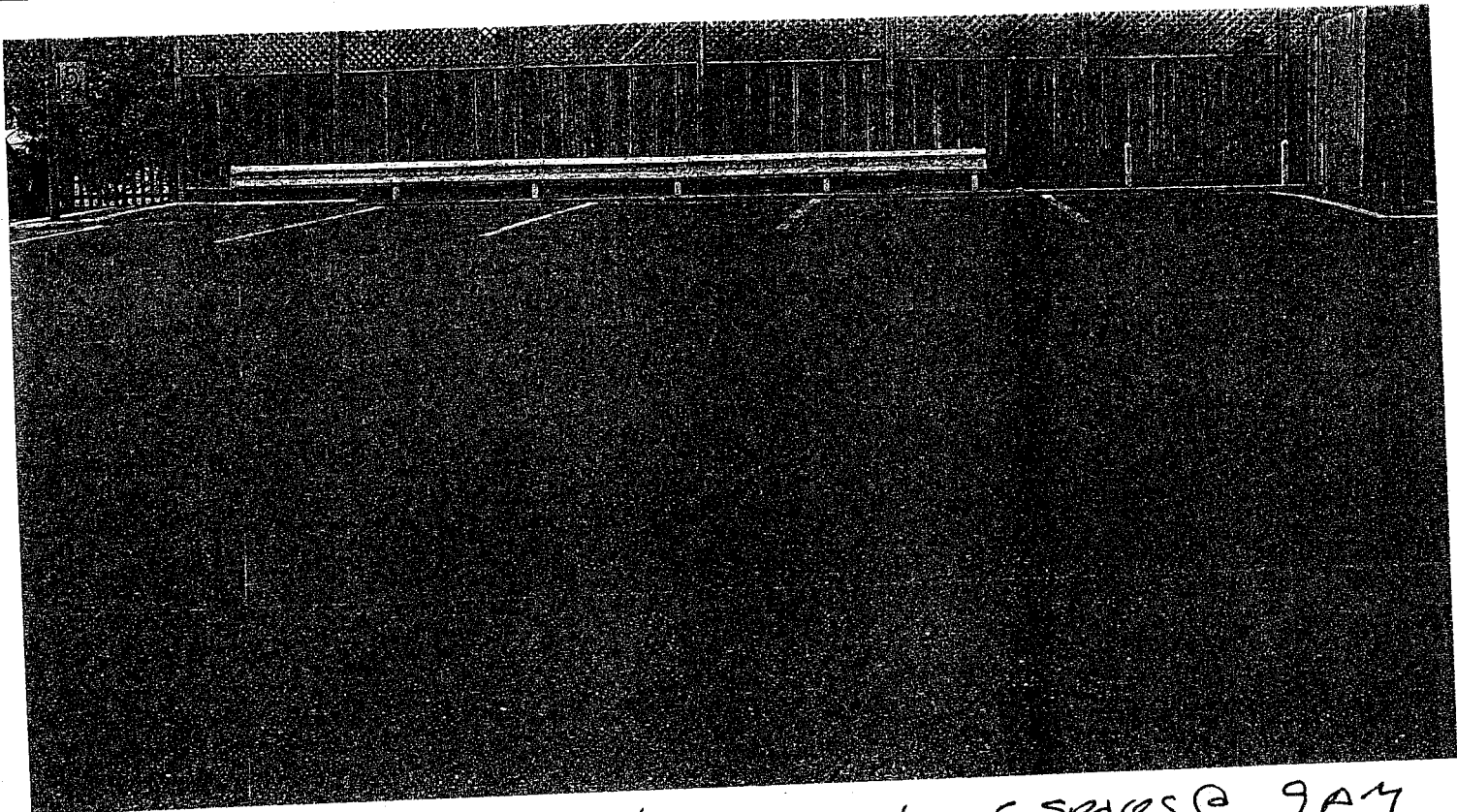


7/24/08 DAY 3 photo 1 empty 2 spaces @ 6 PM



7/24/08 DAY 3 photo 2<sup>-69-</sup> empty 4 spaces @ 6 PM

EXHIBIT H



7/25/08 DAY 4 photo 2 empty 5 spaces @ 9AM

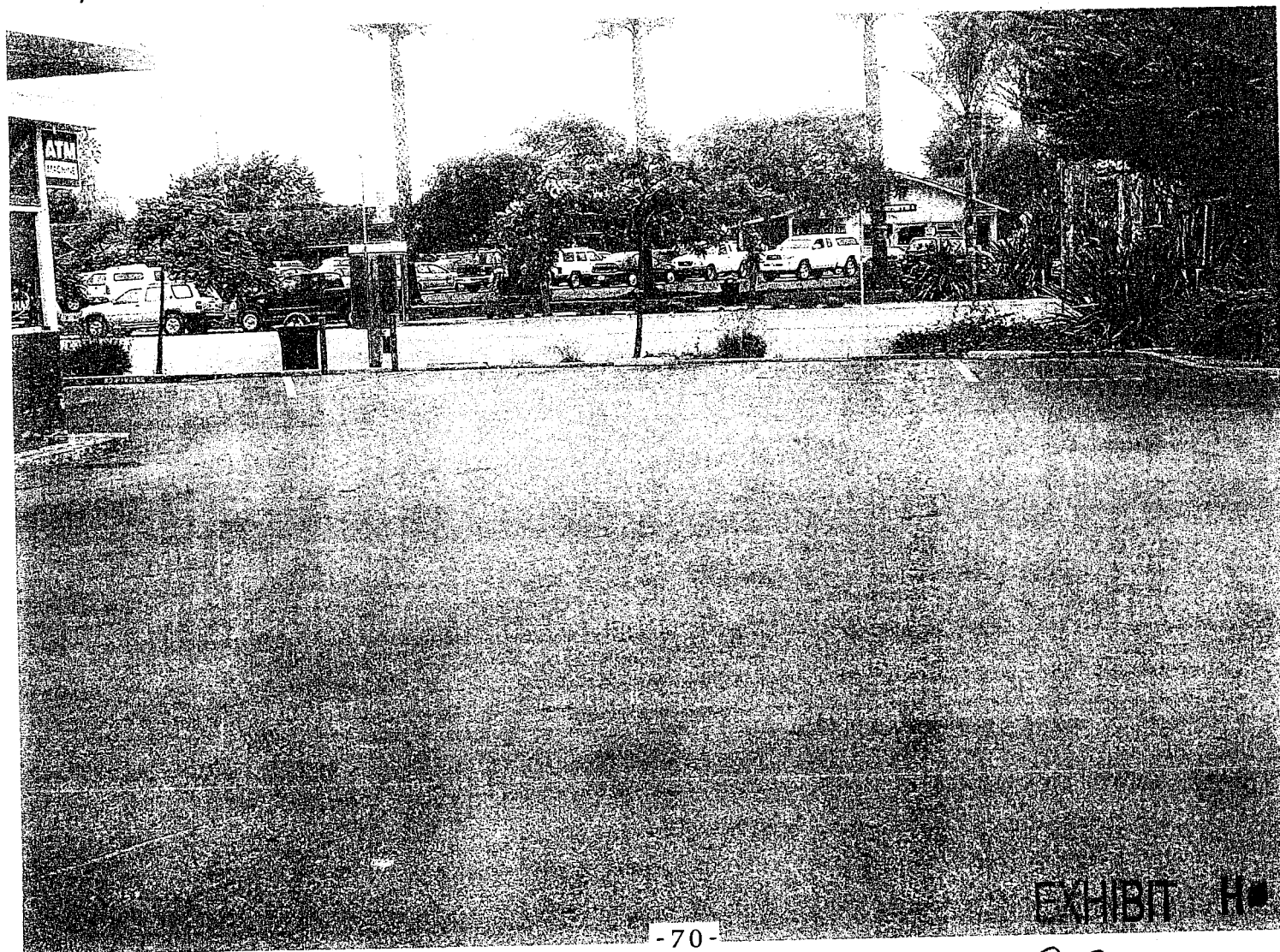
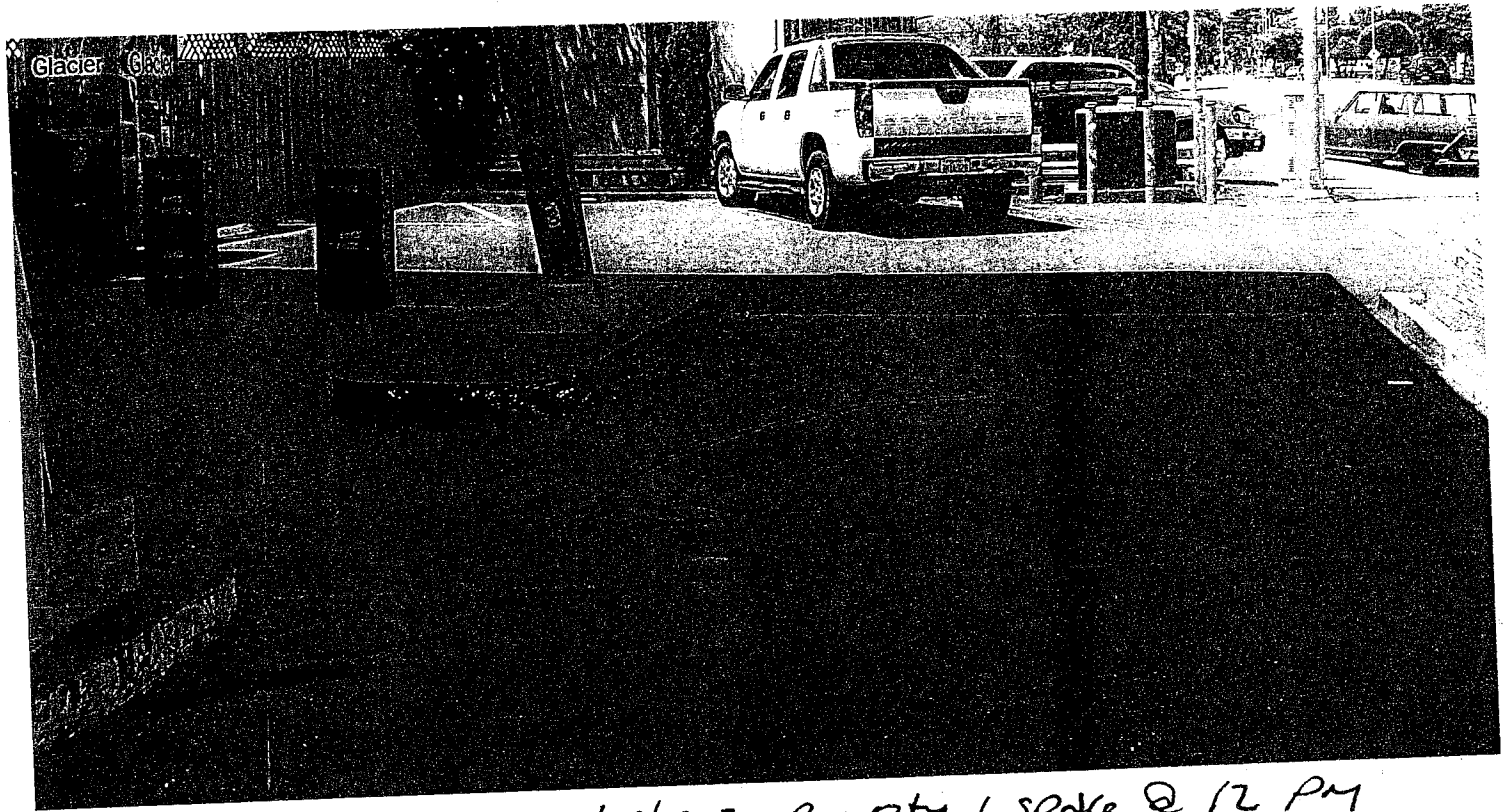


EXHIBIT H

-70-

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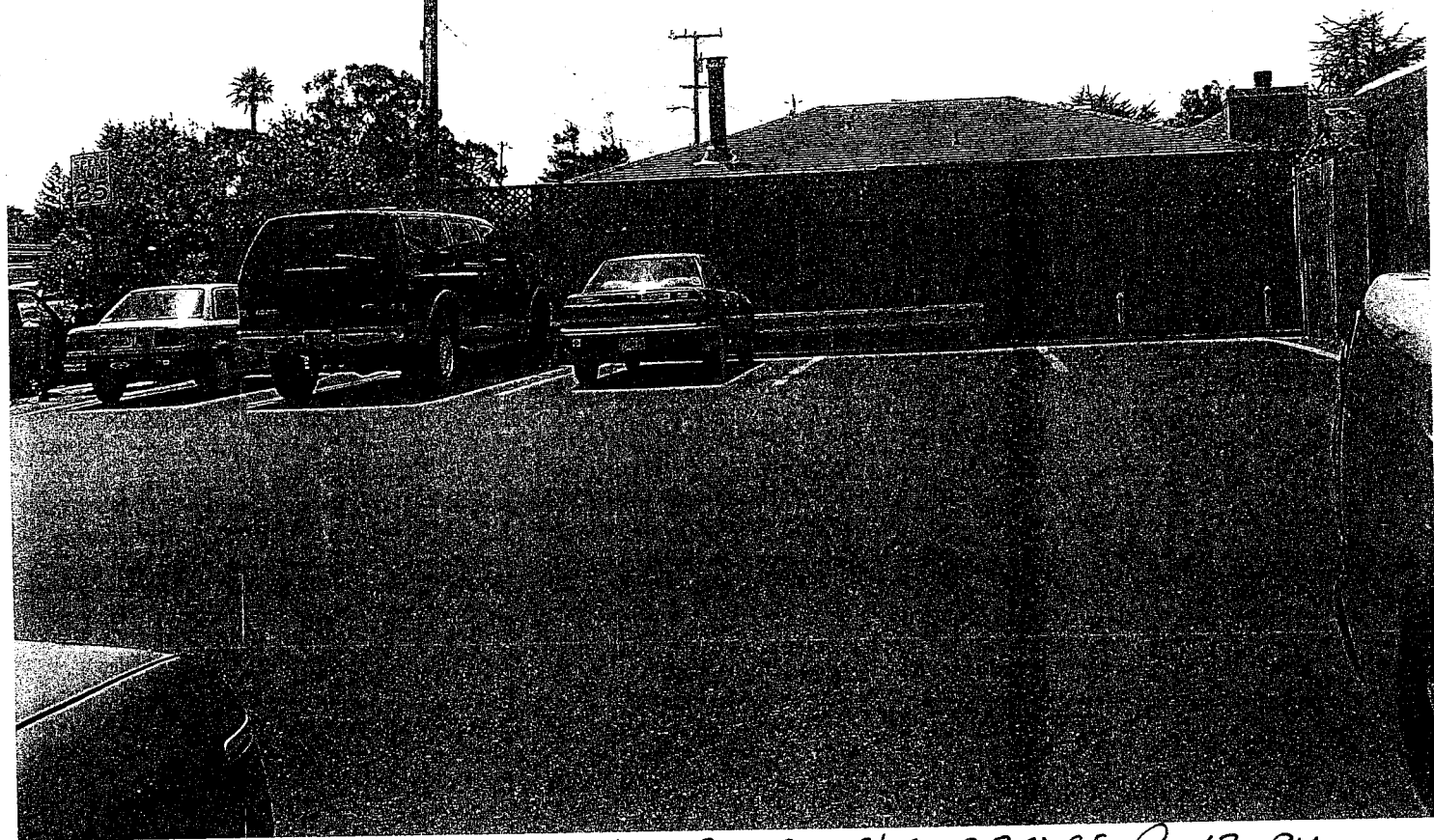


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EXHIBIT H

7/25/08 DAY 4 photo 1-7:12pm empty 2 spaces @ 12 PM



7/25/08 DAY 4 photo 3 empty 2 spaces @ 12 PM







VAY > TARI  
photo (3)  
page 23

