



## Staff Report to the Zoning Administrator

Application Number: **08-0538**

**Applicant:** Betty Cost Planning & Permit Services  
**Owner:** Oneto Enterprises Inc.  
**APN:** 025-071-19

**Agenda Date:** April 3, 2009  
**Agenda Item #:** **5**  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to allow the sales of beer and wine at an existing gas station convenience store. Requires a Level 5 Amendment to Commercial Development Permit 08-0228.

**Location:** Property located at the corner of Soquel Drive and Commercial Way (1500 Soquel Drive).

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Commercial Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0538, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	24,470 square feet (.6 acres)
Existing Land Use - Parcel:	Gas station and mini-mart
Existing Land Use - Surrounding:	Commercial
Project Access:	Via Soquel Drive and Commercial Way
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)
Zone District:	C-2 (Community Commercial)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

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

Appealable to Calif. Coastal Comm.    ☐ Yes        ☒ No

### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Not a mapped constraint
Fire Hazard:	Not a mapped constraint
Slopes:	None, flat parcel
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Highway 1 scenic viewshed; no exterior improvements proposed
Drainage:	No new impervious surface proposed
Archeology:	Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	City of Santa Cruz
Sewage Disposal:	County Department of Sanitation
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

### History

A gas station was permitted on the subject property in 1969 under permit 3283-U and associated building permits #11321 and #11322. Subsequently in 1994, the gas station was permitted by the County to sell soft drinks and food under permit 94-0117.

In 1995, the property owner applied for a building permit to make several tenant improvements which included the installation of new dispensers, new islands, and new accessible ramps and accessible bathrooms. The improvements were approved and the property owner was issued a building permit (#12521M) in 1995, however, the permit was not finalized until 2006 by special inspection (#107661).

In 2006, a Minor Variation to Use Permit 3283-U was approved for additional improvements to the gas station and service center to revise and update the colors and logos consistent with recent corporate changes and new signage (06-0363). This permit included requirements to reduce the amount of miscellaneous signage on the property, which the property owner fulfilled prior to final building permit (#146384).

Finally, in 2008, under new ownership, the property owner received a Minor Variation to Use Permit 3283-U to construct a two story, 930 square foot addition onto the existing building to expand the existing mini-mart, and create a second story office. The permit includes removal of an existing illegal pole sign, installation of two monument price signs, canopy redesign, new landscaping, and other miscellaneous site improvements. A building permit has been issued for the project (#67852G) but has not yet been finalized.

### **Parcel Setting**

The parcel is approximately 24,470 square feet and is located between Commercial Way at the south property line and Soquel Drive at the north property line and takes access from both streets. The parcel is located adjacent to the Soquel Drive exit ramp off of northbound Highway 1, which is a designated scenic corridor in the County General Plan. The east adjacent parcel is also zoned C-2 (Community Commercial) and developed with a commercial use and the north adjacent parcel (across Soquel Drive) is zoned PA (Professional Administrative Office) and is developed with medical buildings. Further to the northeast is Dominican Hospital.

A gas station currently exists on the subject property, the use and design of which was reviewed and approved for compliance with County Code under permit 08-0228.

### **Project Analysis**

The applicant is proposing to sell beer and wine at the recently permitted expanded convenience market. County Code Section 13.10.657 requires a Level V Use Approval for the concurrent sale of motor vehicle fuel and beer and wine for off-site consumption in order to ensure that public health, safety and welfare is not compromised by increased noise, traffic and/or other violations of traffic and other laws.

The applicant will not provide advertisement of the alcoholic beverages and no outdoor displays or additional signage are permitted as conditions of this permit. Display of beer and wine will not be permitted to be located within 5 feet of the cash register or front door. In addition, employees on duty who sell beer or wine will be at least 21 years of age.

The location of the mini-mart is in a commercial area and the sales of beer and wine is consistent with a gas station mini-mart use where food and other drinks will be served for off-site consumption.

No new development or site improvements are proposed as a part of this application.

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

The subject property is a 24,470 square foot lot, located in the C-2 (Community Commercial) zone district, a designation which allows commercial uses. The existing gas station/mini-mart is a permitted use within the zone district and is consistent with the site's (C-C) Community Commercial General Plan designation. The proposed beer and wine sales is consistent with County Code Section 13.10.657 for the concurrent sales of beer, wine, and vehicle motor fuel, as demonstrated in the findings below.

### **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 **08-0538**, 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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## PROJECT DATA

[illegible]

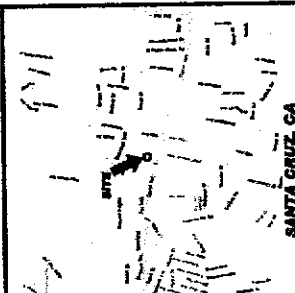
## SCOPE OF WORK

THE NATIONAL SECURITY AGENCY HAS REQUESTED THAT YOU ADVISE THE AGENCY OF ANY INFORMATION THAT MAY BE OF INTEREST TO THE AGENCY. THIS INFORMATION MAY BE OBTAINED FROM ANY SOURCE, INCLUDING YOURSELF, AND MAY BE USED FOR ANY PURPOSE, INCLUDING THE CONDUCT OF THE AGENCY'S OPERATIONS. YOU WILL BE ADVISED OF ANY INFORMATION THAT IS OBTAINED FROM YOUR SOURCE, AND YOU WILL BE ADVISED OF ANY INFORMATION THAT IS OBTAINED FROM YOUR SOURCE. YOU WILL BE ADVISED OF ANY INFORMATION THAT IS OBTAINED FROM YOUR SOURCE, AND YOU WILL BE ADVISED OF ANY INFORMATION THAT IS OBTAINED FROM YOUR SOURCE.

## KEY POINTS

- [illegible]

## VICINITY MAP

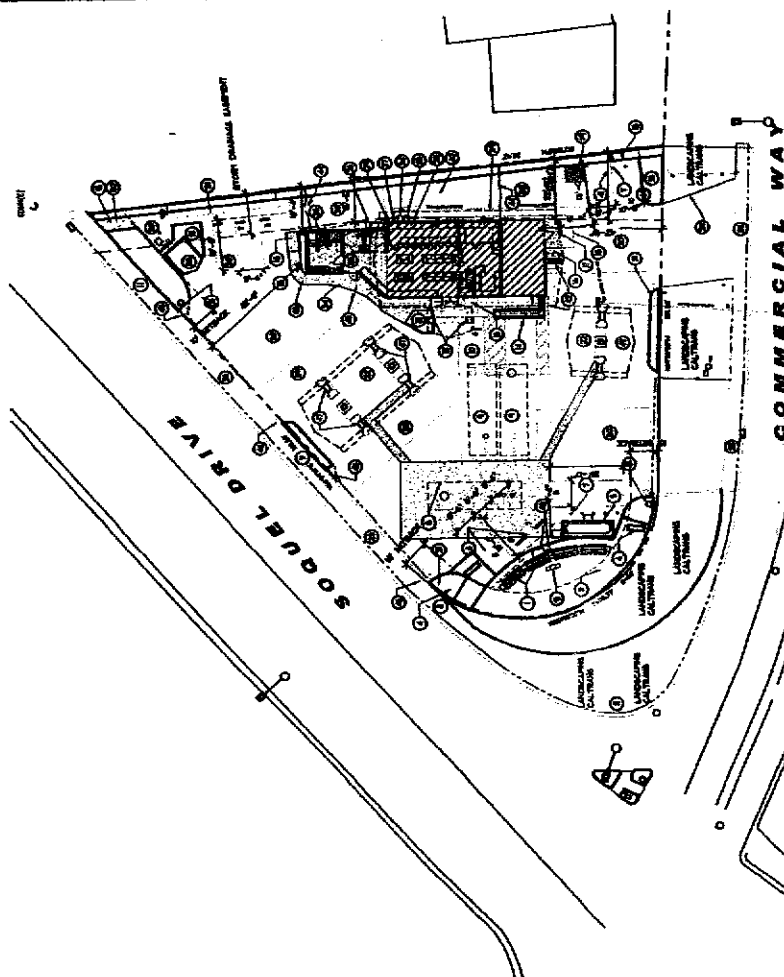


## **SIGNAGE INFORMATION**

CONCRETE WORK 12.50' x 12' = 24 S.F.  
 24 S.F. x \$1.00 = \$24.00  
 FORMWORK SIGNAGE 17' x 14' = 238 S.F. = 13 S.F.  
 13 S.F. x \$1.00 = \$13.00  
 TOTAL AREA OF SIGNAGE 14.50' x 14.50' = 210 S.F. = 14 S.F.  
 14 S.F. x \$1.00 = \$14.00  
 TOTAL AREA OF SIGNAGE 14.50' x 14.50' = 210 S.F. = 14 S.F.

## SUBJECT INDEX

- A1 SITE PLAN PROJECT INFORMATION  
 C1 CIVIL PLANS: TOPO  
 C3 CIVIL: GENERAL, HOTEL, DRIVEWAY DETAIL  
 A1.1 ACCESSIBILITY PATH OF TRAVEL  
 A1.3 ACCESSIBILITY DETAILS  
 A2 FLOOR PLAN  
 A3 EXTERIOR ELEVATIONS

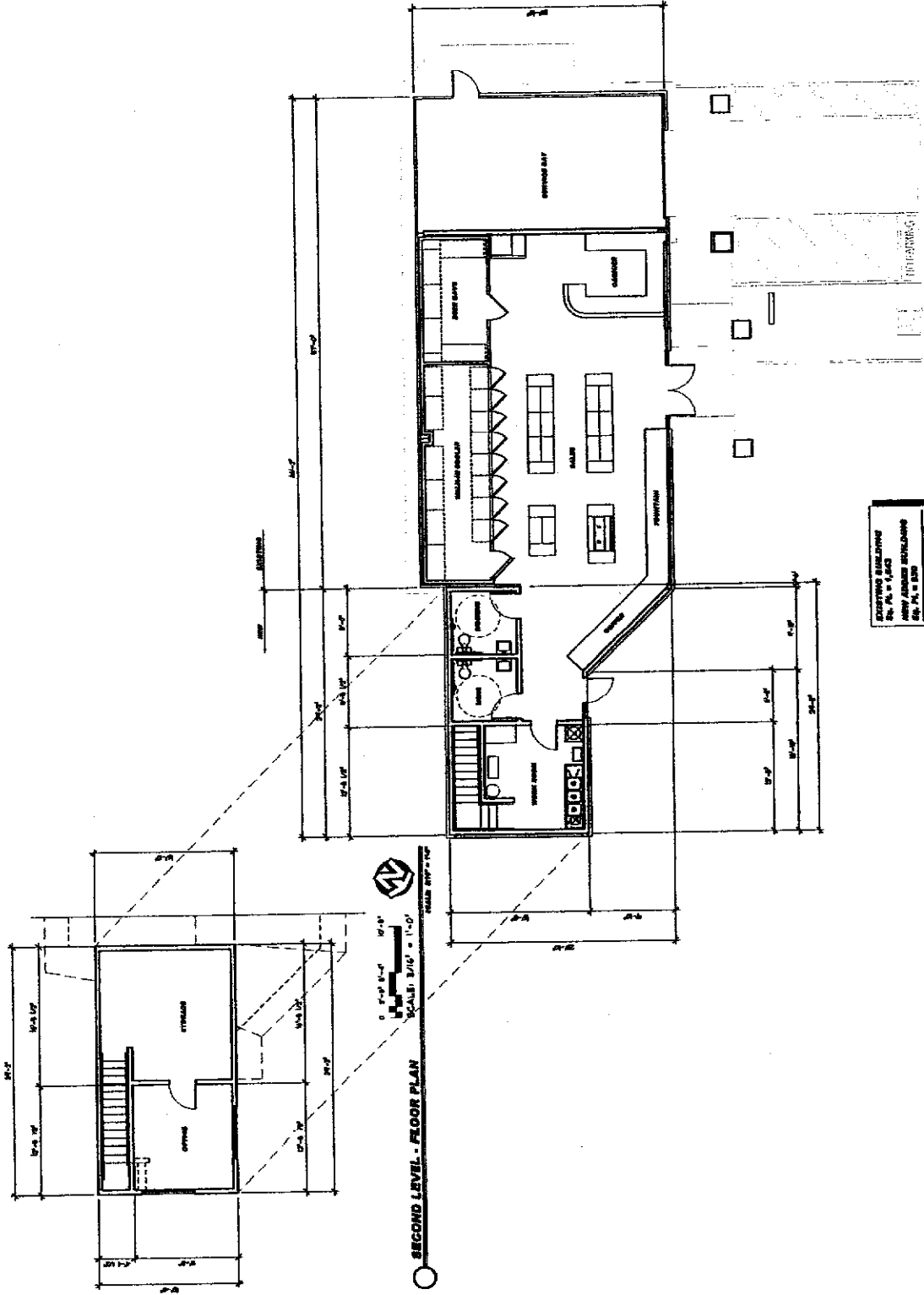


## WARNING ON THERMISTORS

THE NEW YORK STOCK EXCHANGE, INC. HAS ADOPTED A NEW BY-LAW WHICH PROVIDES THAT THE BOARD OF DIRECTORS SHALL HAVE THE AUTHORITY TO MAKE SUCH CHANGES IN THE CHARTER OF THE EXCHANGE AS MAY BE NECESSARY TO CARRY OUT THE POLICY OF THE BOARD.

### **GENERAL NOTES**


[illegible]



EXISTING BUILDING	NEW ADDED SCHEDULE	TOTAL GROSS BUILDING
Sq. Ft. = 1,543	Sq. Ft. = 1,390	Sq. Ft. = 2,933

0 2'-0" 1'-0" 10'-0"

SCALE: 3/8" = 1'-0"



DATE: 10/1/10

BY: [Signature]

### MAIN LEVEL - FLOOR PLAN

**Required Findings for Concurrent Retailing of Motor Vehicle Fuel with Beer and Wine for Off-Site Consumption (County Code Section 13.10.657)**

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

This finding can be made in that the property owner will not be permitted to install or locate beer or wine sales signage on the property including, but not limited to sidewalk signage, window signage, and gas dispenser/canopy signage. In addition, under this permit, outdoor display of beer or wine is prohibited in addition to indoor displays within 5 feet of the counter.

The above stated prohibitions of this permit are in accordance with the required conditions of County Code Section 13.10.657, which are intended to reduce the instances of alcohol impulse purchases by motorists visiting the site to purchase vehicle fuel. Beer and wine will likely be purchased primarily by patrons also purchasing groceries from the mini-mart, and, similar to that of a grocery store or convenience store without a gas station, no beer or wine will be consumed on site; therefore, noise levels will be consistent with that of a regular gas station/mini-mart and will not be increased by the ability to purchase beer and wine.

Employees selling beer or wine in the mini-mart are required by condition of this permit to be at least 21 years of age and, in addition, employees are required by California state law to ensure that a patron is at least 21 years of age before selling them an alcoholic beverage. On-site consumption of beer or wine is strictly prohibited under this permit and there are existing legal limits established by California State Law regarding drinking alcohol and driving a motor vehicle. In addition, the property is subject to existing County ordinances regarding alcohol consumption (Section 8.02) and to the requirements of the California Department of Alcoholic Beverage Control. Therefore, the sales of beer and wine at the existing gas station/mini-mart facility will not increase violations of traffic or other laws.

This permit shall be valid for 5 years, after which time, the applicant shall be required to apply for a Permit Renewal to extend the length of approval for an additional 5 years. Prior to Permit Renewal approval, the County Planning Department shall determine that the use granted under this permit did not significantly impact the public health, safety, or welfare from increases in noise and/or violations of traffic or other laws.

2. The findings specified in Section 18.10.230 of this Code.

See below for Development Permit Findings.

## 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 sales of beer and wine for consumption off-site at an existing gas station and mini-mart will not be detrimental to the health, safety, or welfare of the general public because on-site consumption of alcoholic beverages is prohibited as well as any on site beer and wine advertising or outdoor displays to reduce impulse buying. The expansion of the mini-mart was previously approved under permit 08-0228 and no new development, demolition, or site improvements are proposed as a part of the current permit, therefore, the sales of beer and wine will not result in inefficient or wasteful use of energy and will not be materially injurious to properties or improvements in the vicinity because refrigeration units and indoor storage and display area have already been approved under permit 08-0228.

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 location of the proposed use and the conditions provided herein regarding sales of beer and wine are consistent with the conditions required under County Code Section 13.10.657 (Regulation of sale of alcoholic beverages at gas stations). The use of the property as a gas station/mini-mart is an allowed use in the C-2 (Community Commercial) zone district and is consistent with the purpose and site standards for the zone district and will not be changed as a result of this permit.

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 use to sell beer and wine at an existing gas station/mini-mart is consistent with the use requirements specified for the Community Commercial (C-C) land use designation in the County General Plan and the density and intensity of the site will not be altered by the proposed use.

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

This finding can be made, in that no new development or site improvements are proposed as a part of this permit and the proposal to sell beer and wine within the gas station mini-mart will not generate more than the acceptable level of traffic on streets in the vicinity because the beer and wine will be just one of the products sold within the mini-mart and will therefore not increase the intensity of the use.

5. That the proposed project will complement and harmonize with the existing and proposed



Application #: 08-0538  
APN: 025-071-19  
Owner: Oneto Enterprises Inc.

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 expansion of the building, exterior design and other site improvements were previously approved under permit 08-0228 and the proposal to sell beer and wine within the store will not impact the physical design aspects of the previously approved building or the land use intensity.

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 proposal to sell beer and wine within a previously approved store will not impact the physical design aspects of the building; therefore, this permit is not subject to Chapter 13.11 of the County Code.

## Conditions of Approval

Exhibit A: Project plans, 2 pages, prepared by K12 Architects, Inc., dated May 29, 2008.

- I. This permit authorizes the sale of beer and wine at an existing gas station mini-mart for a period of five years from the effective date. 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.
- II. Within 30 days of this approval, 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).
- III. Operational Conditions
  - A. The following items/actions are strictly prohibited:
    1. On-site consumption of beer and/or wine.
    2. Displays of beer and/or wine within five feet of the cash register or the front door.
    3. Advertisements of beer and/or wine on or at motor vehicle fuel islands.
    4. Drive-through window sales of beer and/or wine. A drive through window requires previous approval from the County Planning Department in the form of a Minor Variation to this permit and permit 08-0228.
    5. Ice tubs used for the sale or display of beer and/or wine.
    6. Self-illuminated advertising for beer and/or wine located on buildings or in windows.
  - B. Employees on duty who sell beer and/or wine shall be at least 21 years of age.
  - C. The property owner shall obtain the appropriate license and comply with all other requirements of the California Alcoholic Beverage Control Department (ABC) prior to any alcohol sales on the property.
  - D. If there is a finding that a licensee or his or her employee has sold any alcoholic beverages (including beer and/or wine) to a minor, the alcoholic beverage license at the establishment shall be suspended for a minimum period of 72 hours. This

shall not constitute the exclusive remedy for such violation, but rather shall be cumulative to all other enforcement methods available to the County, including, without limitation, those enforcement methods available where the County Zoning Ordinance has been violated.

- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
  - F. This permit shall be valid for a period of five years from the effective date listed below and shall expire unless an application for a permit renewal is submitted to the County Planning Department prior to the expiration date. The permit renewal shall be processed as a Level 4 Amendment to this permit.
- IV. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, 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.

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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.

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

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

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

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

\_\_\_\_\_  
Samantha Haschert  
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: 08-0538  
Assessor Parcel Number: 025-071-19  
Project Location: 1500 Soquel Drive

**Project Description:** Proposal to sell beer and wine at an existing gas station mini-mart.

**Person or Agency Proposing Project:** Betty Cost Planning and Permit Services

**Contact Phone Number:** (831) 725-4597

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

Specify type:

E. ☒ Categorical Exemption

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

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

Proposal to sell beer and wine at an existing gas station mini-mart. No new development, demolition, or site improvements are proposed.

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

\_\_\_\_\_  
Samantha Haschert, Project Planner

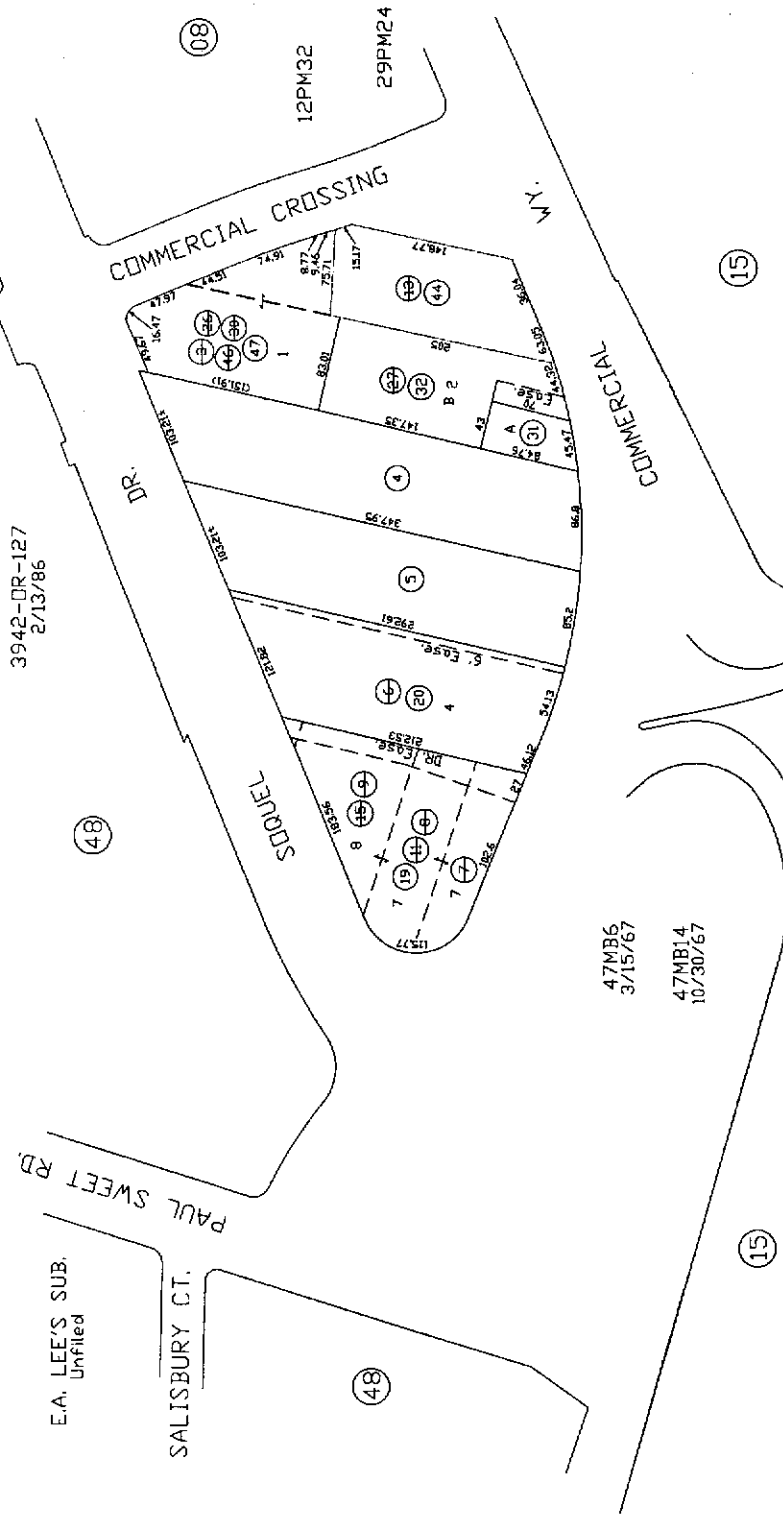
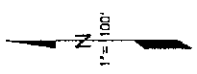
Date: \_\_\_\_\_

FOR TAX PURPOSES ONLY  
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY AND ASSUMES ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. OF SEC. 8 & 9, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
 96-103

25-07



Assessor's Map No. 25-07  
 County of Santa Cruz, Calif.  
 July, 1998

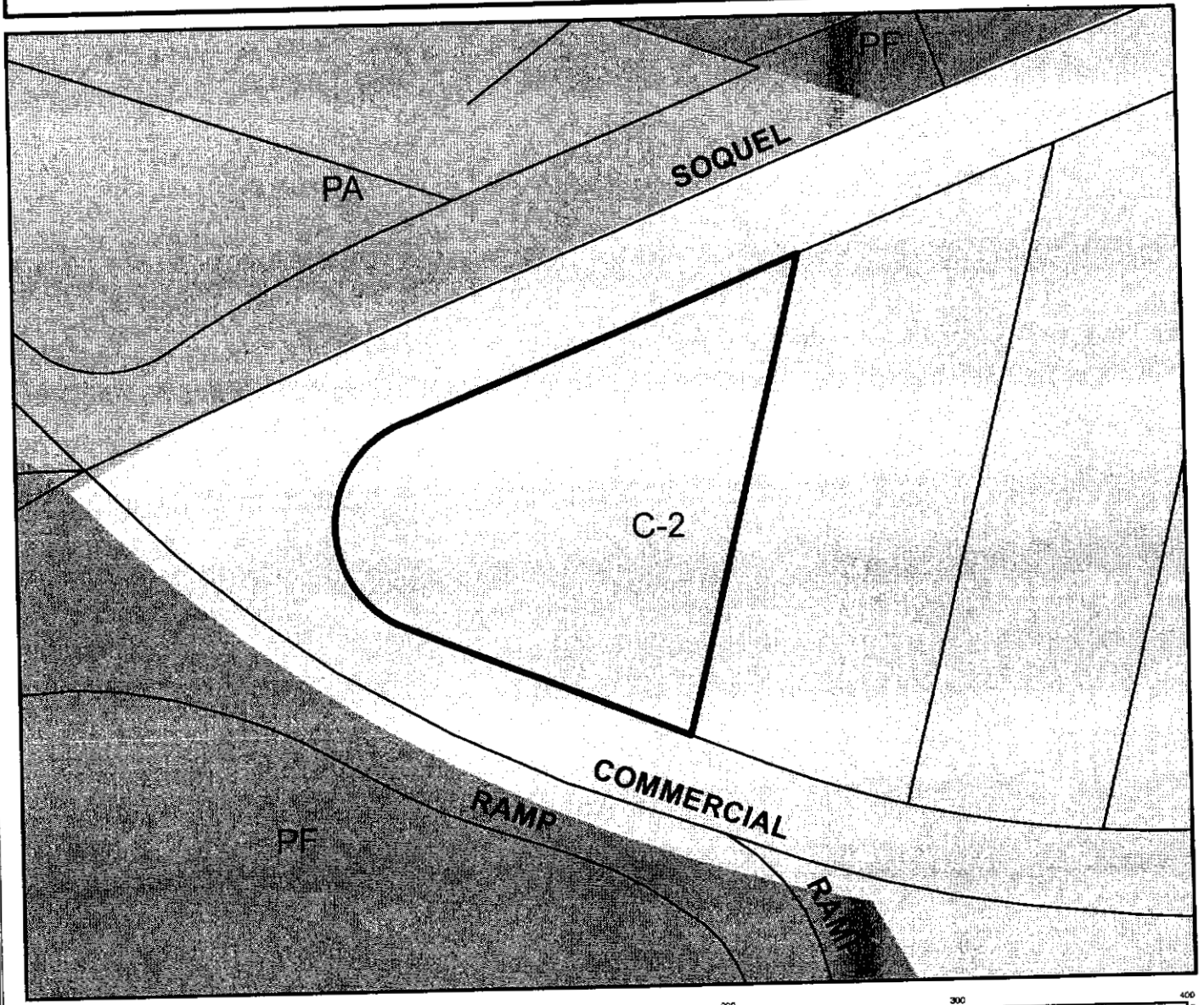
Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

**EXHIBIT E**







Electronically Redrawn 7/16/98 PM  
 Rev. 7/16/98 (from pg. 48) re  
 Rev. 2/22/01 NW (changed page refs)  
 Rev. 2/6/02 NW (C.R. notes)

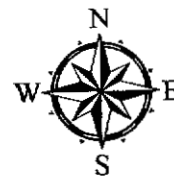


# Zoning Map



## LEGEND

-  APN: 025-071-19
-  Assessors Parcels
-  Streets
-  COMMERCIAL-COMMUNITY
-  COMMERCIAL-PROF OFFICE
-  PUBLIC FACILITY



Map Created by  
County of Santa Cruz  
Planning Department  
January 2009

EXHIBIT F

C O U N T Y   O F   S A N T A   C R U Z  
D I S C R E T I O N A R Y   A P P L I C A T I O N   C O M M E N T S

Project Planner: Samantha Haschert  
Application No.: 08-0538  
APN: 025-071-19

Date: March 12, 2009  
Time: 08:51:53  
Page: 1

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- 1) SUPERVISOR VOTED - NO COMMENTS REC'D
- 2) REDEVELOPMENT AGENCY - NO COMMENTS REC'D