



Staff Report to the Zoning Administrator

Application Number: **07-0138**

Applicant: Teall Messer
Owner: Thorensen
APN: 107-121-66

Agenda Date: 6/5/09
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Reconsideration of Conditions II.K and IV.A.4 requiring the licensee of the residential care facility to reside on the subject property for Development Permit 07-0138.

Location: Property located at the southeast corner of Eureka Canyon Road and Las Colinas Road, in Corralitos. (460 Eureka Canyon Rd.)

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

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0138, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|------------|----|--|
| A. | Findings | C. | Categorical Exemption (CEQA determination) |
| B. | Conditions | | |

Discussion

The Zoning Administrator approved Development Permit 07-0138 to expand the existing residential care facility on the subject property to accommodate 25 residents. As a component of this review, two conditions were added (II.K and IV.A.4) which required the owner and licensee of the facility to reside on site. As the previous approvals had not included this requirement and the owner/licensee does not live on site, the Zoning Administrator has been asked by the applicant and owner to reconsider these two conditions.

County code allows a property owner and their family to reside within a residential care home or group home, but it is unclear as to whether or not they are required to live within the facility. For this reason, staff recommends deletion of Condition II.K. and modification to Condition IV.A.4 (Exhibit B) to remove the requirement that the owner/licensee live within the residential care facility.

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 "A" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0138**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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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 residential uses. The existing residence and proposed addition are located outside of the 100 year floodplain of Corralitos Creek. 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.

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 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 RA (Residential Agriculture) zone district in that the primary use of the property will be a residential care facility, which is allowed as a principal permitted use in all residential zone districts. The existing residence and proposed additions meet all current site standards for the zone district and the large dwelling findings (required per County Code section 13.10.325(b)) have been made for this project.

The project complies with the requirements of County Code sections 13.10.552 & 13.10.553 (Parking), in that the parking plan includes 9 formal parking spaces provided on the project site, which will be sufficient to serve the existing residential care facility and the proposed expansion. The residents typically do not drive or have vehicles of their own, and the parking is adequate for staff and visitors. Additional informal parking, if needed, is available in a number of different locations on the 11 acre property.

The project complies with the requirements of County Code section 16.10.070(f) (Geologic Hazards - Floodplains), in that the existing residence and the proposed addition are located outside of the 100 year floodplain, as mapped in the hydrologic study (reviewed and accepted under application number 00-0774). A letter has been provided by the project civil engineer which concludes that the proposed project is located outside of the 100 year floodplain, as mapped in the hydrologic study.

The project complies with the requirements of County Code chapter 16.30 (Riparian Protection), in that the existing structure and proposed addition will be located outside of the riparian corridor and riparian buffer setback. For a perennial stream in a rural area, the riparian buffer is 50 feet from the stream bank. The existing structure and proposed addition will be located a minimum of 60 feet from the stream bank of Corralitos Creek. Riparian woodlands are also mapped on the southern portion of the subject property. The existing and proposed development are located outside of the riparian woodland area.

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan.

The proposed expansion of the existing use will be consistent with the recommendations for residential care facilities stated in General Plan policy 4.3.7 (Elderly - Residential Care Facilities), in that the addition to the existing residential care facility will allow for an increase in the number of assisted living housing opportunities for seniors.

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

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

This finding can be made, in that the proposed expansion of an existing residential care facility is not anticipated to generate a noticeable number of additional trips due to the fact that the majority of the residents will not drive or own vehicles. Although the number of on-site staff and visitors to the site may increase by a small amount as a result of the expansion, 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 existing residential use is located in a rural residential neighborhood and is set back from the roadway on an 11 acre parcel. The residential care facility use are allowed in all residential zone districts, and the intensity of use is compatible with the surrounding pattern of development.

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 addition is consistent with the design of the existing residence, existing grades will be maintained, the structure is articulated to reduce building mass, and the structure is located away from the roadway, with a tree backdrop on the eastern edge of the 11 acre parcel, to further reduce the visibility of the project from surrounding rural residential properties.

Large Dwelling Review Findings

1. The proposed structure is compatible with its surroundings given the neighborhood, locational and environmental context and its design is consistent with the large dwelling design guidelines in County Code section 13.10.325(d); or

This finding can be made, in that the proposed addition is consistent with the design of the existing residence, existing grades will be maintained, the structure is articulated to reduce building mass, and the structure is located away from the roadway, with a tree backdrop on the eastern edge of the 11 acre parcel, to further reduce the visibility of the project from surrounding rural residential properties.

2. The proposed structure, due to site conditions, or mitigation measures approved as part of this application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access, and its design is consistent with the large dwelling design guidelines set forth in County Code section 13.10.325(d).

This finding can be made, in that the existing structure and proposed additions are located below the grade of the roadway and are well set back with a tree backdrop on the eastern edge of the 11 acre parcel. As a result, the project will not adversely impact public viewsheds, neighboring property privacy, or solar access.

Conditions of Approval - 6/5/09 ZA Hearing
(Changes in bold, underline and strikeout text)

Exhibit A: Project Plans "Addition to De Un Amor Residential Care Facility", prepared by Teall Messer Architect, 10 sheets, revised 5/20/08.

- I. This permit amends Commercial Development Permit 95-0175 and authorizes the expansion of the existing residential care facility use from 10 residents up to 25 residents, and the construction of an addition to the existing structure, per the approved Exhibit "A" for this permit. 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 Grading Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. 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.
 - D. Obtain an Encroachment Permit from the Department of Public Works for any off-site work performed in the County road right-of-way.
- 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.

2. Grading, drainage, and erosion control plans. An engineered grading plan, prepared by a licensed civil engineer, is required. The grading plan will include an accurate topographic map of the property and all site grading, drainage, and erosion control shall be shown.
 3. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
 4. A sign plan showing the location, dimensions, and total sign area of the proposed signage for the residential care facility, consistent with the Sign Plan submitted with this application. The signage is limited to one sign that shall not exceed 12 square feet of sign area.
 5. Details showing compliance with fire department requirements. The proposed structure is located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 6. Details showing compliance with the requirements of the Department of Public Works, Stormwater Management and the County Design Criteria.
 7. Details showing compliance with accessibility requirements.
 8. Parking on site per the parking ordinance (.3 spaces per bed and .2 spaces per employee). All parking shall be an all weather surface.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of CalFire (County Fire Department).
- G. Submit 3 copies of a wet stamped and signed plan review letter from the project

civil engineer. The plan review letter shall reference the final set of plans and shall indicate compliance with the approved geotechnical and hydrologic reports.

1. The plan review letter shall clearly state that the proposed structure and use are located outside of the 100 year floodplain of Corralitos Creek.
 - H. Pay the current fees for Parks and Child Care mitigation for 9 new bedroom(s). Currently, these fees are, respectively, \$578 and \$109 per bedroom.
 - I. Provide formal off-street parking for 9 cars, as shown on the approved Exhibit "A" for this permit. All accessible parking requirements shall be met on site.
 - 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. ~~Delineate on the floor plan, the exclusive residence area within the facility. The plan shall be submitted to staff for review and approval.~~
- 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. The project must comply with all recommendations of the approved soils and hydrologic reports.
 - D. 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. A current license from the State of California, Department of Social Services (or other successor administrative body) shall be maintained as long as the residential care facility is in operation. All applicable requirements of the license shall be met in the operation of the facility, in addition to the following requirements:

1. Prepare an Emergency and Evacuation Plan consistent with current state requirements, for use by the operator of the facility, that provides for the care and evacuation of all 25 residents in cases of any emergency (fire, flood, or other natural disaster). The plan shall be submitted to staff for review and approval.
 2. Sufficient staff shall be present on site to supervise the residents at all times when the residential care facility is occupied.
 3. A vehicle, or multiple vehicles, or a long term contract for vehicles, capable of transporting all of the residents away from the subject property in a time of emergency shall be maintained in proper mechanical condition and be located on the subject property. Sufficient staff to evacuate all the residents and to operate the vehicle, or multiple vehicles, shall be on site at all times when the residential care facility is occupied.
 4. ~~The licensee, their family, and a~~ Any staff residing on site shall reside within the residence. No trailers shall be allowed for habitation.
 5. A maximum of 25 patients and 17 bedrooms shall be allowed for the facility.
- B. 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.
- C. A follow-up review of this permit shall be required every 3 years for a total of 6 years.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or

cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit 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 three 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

Randall Adams
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 07-0138

Assessor Parcel Number: 107-121-66

Project Location: 460 Eureka Canyon Road

Project Description: Proposal to expand an existing residential care facility.

Person or Agency Proposing Project: Teall Messer

Contact Phone Number: (831) 462-4721

- 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 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Addition to an existing residential building in an area designated for residential development.

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

Randall Adams, Project Planner

Date: _____