

# Staff Report to the Zoning Administrator

Application Number: 111019

**Applicant:** Jerry Yates **Owner:** Dolores Beam **APN:** 068-091-18

Agenda Date: 4/15/2011 Agenda Item #: **2** Time: After 10:00 a.m.

ATN. 000-031-10

**Project Description**: Proposal to change the use of an existing residential care facility to a spiritual meditation and retreat center. Requires an Amendment to Commercial Development Permits 97-0135, 92-0385, 89-0477 and

84-71-CDP.

Location:

Property located on the southwest side of Glen Canyon Road (1906 Glen

Canyon Road) at the intersection with Sunny Acres Drive.

Supervisoral District: First District (District Supervisor: John Leopold)

Permits Required: Amendment to Commercial Development Permit.

#### **Staff Recommendation:**

• Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

• Approval of Application 111019, based on the attached findings and conditions.

#### **Exhibits**

A. Project plans
 B. Findings
 C. Conditions
 D. Categorical Exemption (CEQA
 E. Assessor's, Location, Zoning and General Plan Maps
 F. Comments & Correspondence
 G. Program Statement and parking plan

Parcel Information

Parcel Size:

2.94 acres

Existing Land Use - Parcel:

determination)

Residential Care Facility

Existing Land Use - Surrounding:

Single-family Residential, timber production.

Project Access:

Glen Canyon Road/Sunny Acres Drive

Planning Area:

Carbonera

Land Use Designation:

R-R (Rural Residential)

Zone District:

RA (Residential Agriculture)

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

Coastal Zone:

Appealable to Calif. Coastal

Inside X Outside

Yes X No

Comm.

#### **Environmental Information**

Geologic Hazards: Not

Not mapped/no physical evidence on site

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes:

Less than 15% at project site to around 70%.

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed.

Scenic:

Not a mapped resource Existing drainage adequate

Drainage: Archeology:

Existing facility, minimal site disturbance proposed.

#### **Services Information**

Urban/Rural Services Line:

\_ Inside \_X Outside

Water Supply:

Well Septic

Sewage Disposal:

Scotts Valley Fire Protection District

Fire District:
Drainage District:

Out

#### History

"The Mansion", a residential care facility specializing in patients with Alzheimer's disease, was originally established under Commercial development Permit 84-71-CDP which approved the conversion of an existing single-family dwelling to a residential facility for the elderly. This approval was considered to be a Master Occupancy Permit and approved the use for 12 resident seniors and two managers. Improvements were constructed and "The Mansion" opened for business in 1986.

Since that time three separate amendments to the Master Occupancy Permit have been approved and the facility has been expanded. In 1989 the Master Permit was amended by the approval of 89-0477 to expand the facility from 12 to 24 patients by allowing 2 beds per habitable room; in 1992 amendment 92-0385 allowed for expansion from 24 to 36 residents by the creation of new bedrooms at the existing unfinished second floor, and in 1997 one further amendment, 97-0135, approved and expansion of the facility from 36 to 40 patients. This permit also approved the conversion of the manager's unit at the second floor to guest rooms, the installation of a manufactured dwelling on the property for use as a caretaker's unit, and for an expansion of the dining room. In addition to the 40 residents, 97-0135 allowed for 5-6 staff members including an on-site caretaker, full time managers, working shifts to cover a 24 hour day, and additional nursing staff.

At the present time, "The Mansion" is not operating at full capacity since the owner is planning to retire and because the proposed rooms at the second floor were never completed. However, the approved Commercial Development Permits for the expansion of the use are still valid since

Building Permits were issued to commence the approved work and required inspections were made. Building Permit #108570 was issued September of 1994 for the first phase of the remodel of the attic (shell improvements only) that was approved under 92-0385 and work was commenced to add dormers and to construct other improvements in readiness for the addition of non-bearing partitions to create the additional bedrooms. Subsequently, a Change Order to this Building Permit was issued on October 21, 1998, following approval of 97-00135, to include the expansion of the dining room and to expand the 2 units at the second floor above the dining room as approved by 97-0135. In addition, BP# 117523 was issued April 6, 1998 for the installation of a manufactured dwelling to be used as the manager's quarters. These Building Permits all received final inspection clearance and the residential care facility continues to operate in substantial compliance with the approved Development Permits.

#### **Project Setting**

The property is a 2.94 acre parcel located in a neighborhood characterized by rural homes of substantial size on large parcels, and a large vacant parcel zoned for timber production. "The Mansion" is a large attractive residential facility set within landscaped grounds, much of which is heavily wooded with existing native evergreens. The gated facility is very private, with mature vegetation that screens and separates the property from surrounding properties. The closest neighboring residence is located approximately 500 feet to the east separated from "The Mansion" by a vineyard and several mature trees.



Aerial view of the parcel, showing mature trees that screen The Mansion from the neighborhood, including a redwood grove in the front yard.



View looking down Sunny Acres Drive from in front of the property.



View across Sunny Acres Drive from the front yard of The Mansion, taken from outside the screen of the redwood grove.



The Mansion viewed from the front entry gate on Sunny Acres Drive, close to the intersection with Glen Canyon Road.

#### **Meditation Retreat Center**

The proposal is to change the use of the existing care facility to a meditation retreat center run by the Insight Meditation Center. The Insight Meditation Center (IMC) is a community-based urban meditation center, based in Redwood City, for the practice of Vipassana or Insight meditation, dedicated to the study and practice of Buddhist teachings. The IMC currently leases various facilities for the purposes of holding retreats and is purchasing the subject property for their sole use as a meditation retreat. The center will operate up to 34 retreats per year and each retreat will be held for a duration of between 3 and 14 nights at a time, up to a maximum of 220 nights per year. The maximum number of retreat participants will be limited to 40 people, plus a staff consisting of one full time on-site manager during retreats, one to two teachers and a cook who will commute to the center for retreats on a daily basis. In addition, there will be one full time live in caretaker who will reside on-site in the existing caretaker's dwelling. If either the teachers or the cook are to stay overnight, the number of retreat participants will be reduced accordingly.

Retreat days are spent mostly in silent meditation with alternating periods of sitting and walking meditations, which are typically slow, and will take place either within a walking meditation room or around the grounds. Retreat participants also attend a daily teaching, participate in silent work sessions helping to run the retreat, and meet with teachers in private or small group sessions every other day.

The Insight Meditation Center arranges carpooling during registration, around three weeks prior to each retreat, and helps to co-ordinate rides in order to conserve fuel and limited parking space. Participants are strongly encouraged to carpool and once participants arrive they do not use their cars until they leave.

#### **Analysis and Discussion**

The subject parcel is zoned RA (Residential Agriculture) a zone district that allows the current use of the site as a residential care facility as a Conditional Use, and the zoning is consistent with the site's R-R (Rural Residential) General Plan designation. This zone district also allows for organized camps, established for the purpose of conducting a supervised program to provide spiritual and educational elements, such as the proposed meditation retreat center. An organized camp is also a Conditional Use subject to Development Permit approval at the same level of review as for a residential care facility.

The current approval for a residential care facility allows for up to a maximum of 40 patients on a full time basis 365 days a year, a full time live in caretaker, and for 5-6 staff members that are required to be on duty daytime 7 am to 7 pm and one person 7pm to 7am, working in shifts. The proposed meditation retreat center will require a maximum of 40 retreat participants and a proposed retreat staff of 1 full time manager and a daytime only staff of 1 to 2 teachers and a cook, for up to a maximum of 220 nights per year with 1 year round caretaker, residing in the caretaker's unit. Since the proposed use of the property will be a less intense use than the currently approved residential care facility, the change to a silent meditation retreat center is consistent with the intent of the original approvals for the use of the property and with the purposes of the zone district, and therefore is not subject to the Rural Density Matrix.

The existing residential care facility has operated at this location without conflict with the

adjacent residential development for around 25 years and no complaints have been received. The proposed change of use to allow for a silent meditation retreat center will reduce the number of days that the facility is in use and does not pose any significant negative impacts to the surrounding neighborhood, given the nature of the proposed use. In fact, letters of support for the proposed meditation center have been received from neighbors (attached as Exhibit F.)..

#### **Parking**

There is no written parking standard in the zoning ordinance specifically for a retreat center, however, with regard to parking the use could be considered closest to visitor accommodations. Since all occupancy is proposed to be single occupancy bedrooms, there are no "units" proposed and the parking standard would therefore be 1 space per habitable room, resulting in a requirement for 41 spaces (40 guest rooms plus 1 manager's room). In addition, 3 spaces are required for a two bedroom dwelling (caretaker's unit), so the total parking requirement would be 44 spaces.

The Insight Meditation Center already operates a carpooling program for their retreats, which are currently held at other facilities in the area, and, based upon the submitted information (see Exhibit G.), this program has been successful in reducing parking demand. Under County code section 13.10.533 "Variations to Requirements" (d) "Transportation and Parking Alternatives", a reduction of the required parking by 20% can be approved based upon the projected effectiveness of the carpooling program. Therefore the total number of parking spaces can be reduced by 9 spaces. The total number of spaces that will be required is therefore 35 spaces, 2 of which are required to be accessible.

Conditions of the current approval for 97-0135 require 17 spaces and 2 accessible spaces, (19 total) and the approved plans on file show 21 spaces plus 2 in the garage. The current proposal recognizes the deletion of the parking in the garage that has been converted to a workshop, and the addition of 14 new parking spaces, including recognition of an existing parking area with 5 spaces installed to serve the managers unit, not on the previously approved plans. The existing parking is to be revised and re-organized and small additional paved areas are to be added to result in the required 35 spaces. These 35 spaces are shown on the project plans for this proposal (see Exhibit A.)

#### **Design Review**

The proposed residential facility complies with the requirements of the County Design Review Ordinance, in that the proposed project will require only minimal alterations to the existing residential facility which will not change the overall appearance of the structure. Proposed changes to the parking and addition of emergency egress staircases from the upper floor will not impact the existing mature landscaping on the property and no trees are proposed to be removed. In addition, areas of paving are to be removed and new planting is to be added to mitigate the changes. Parking areas are not readily visible from outside the parcel and, as proposed, the project will not be detrimental to the surrounding land uses and the natural landscape.

#### **Environmental Review**

The proposed project has been reviewed to ensure compliance with the California Environmental Quality Act (CEQA). The proposed change of use of the existing residential care facility to a

meditation retreat center requires only minor alterations to an existing structure and the proposed use will not increase the density or intensity of the use. Approval of a categorical exemption (class 1 – Existing Facilities) is therefore recommended.

#### 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 111019, 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: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

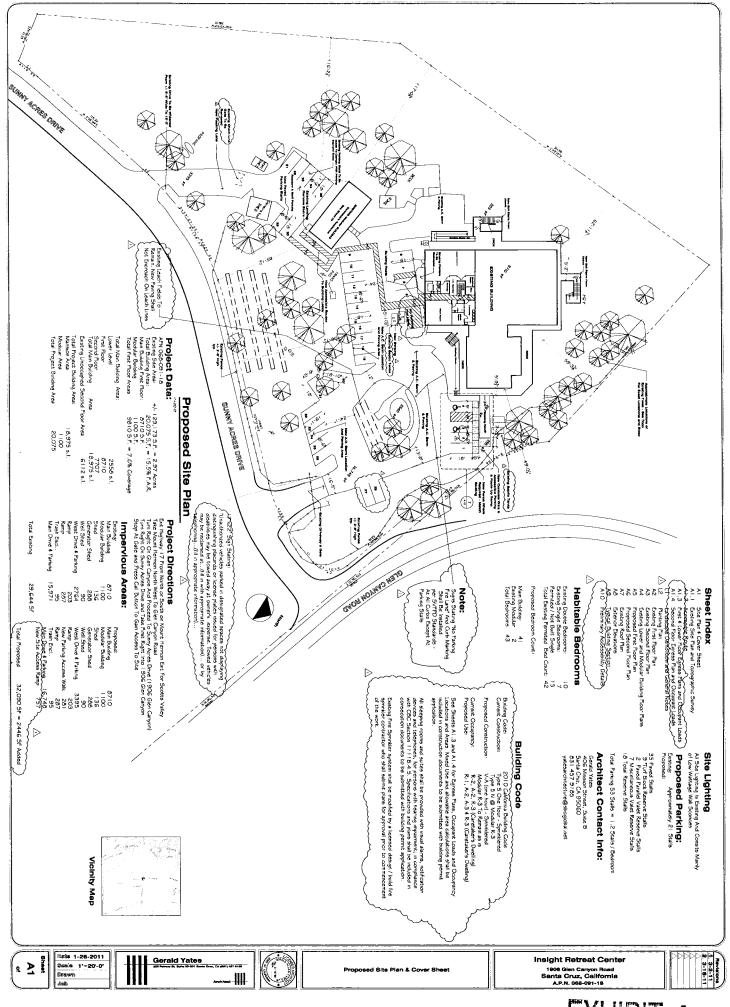
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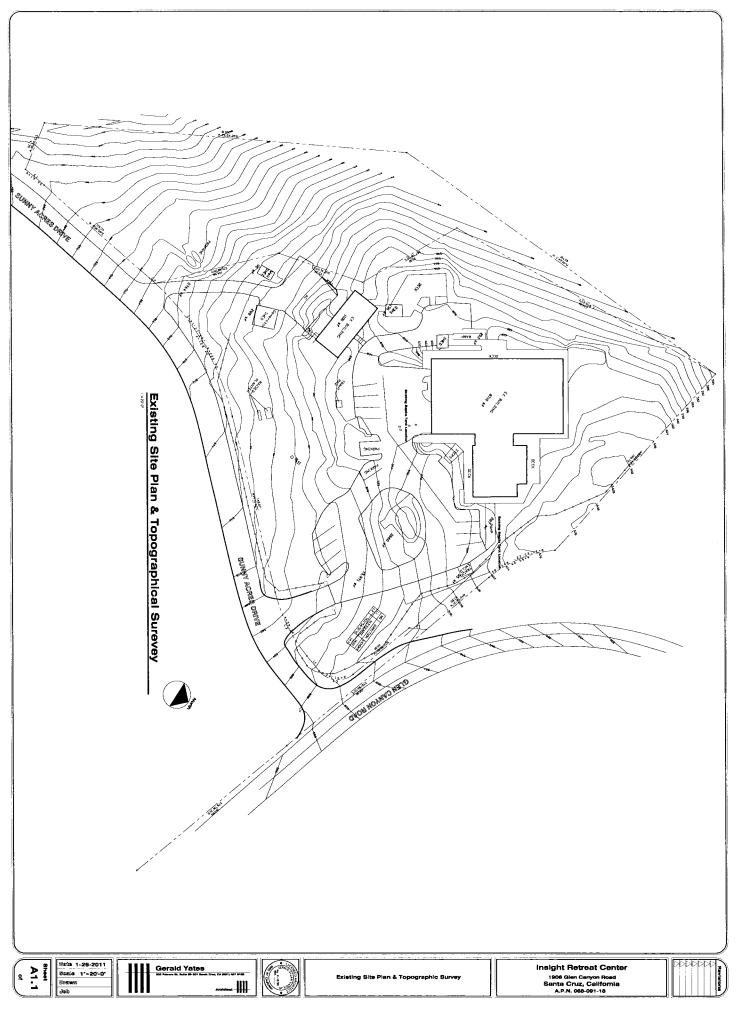
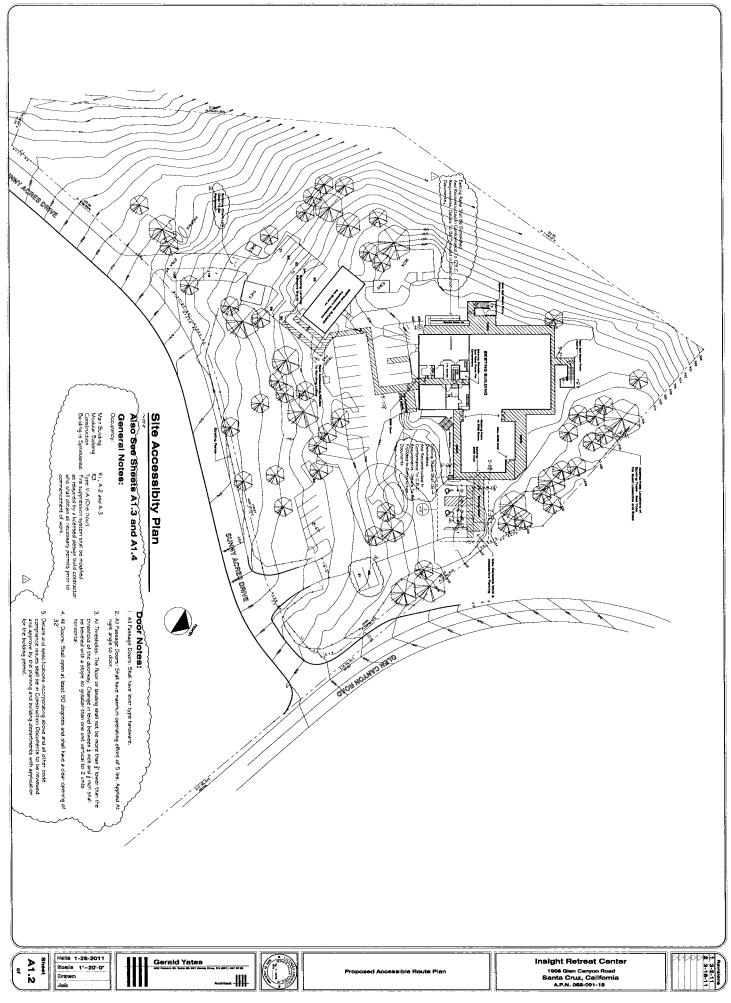
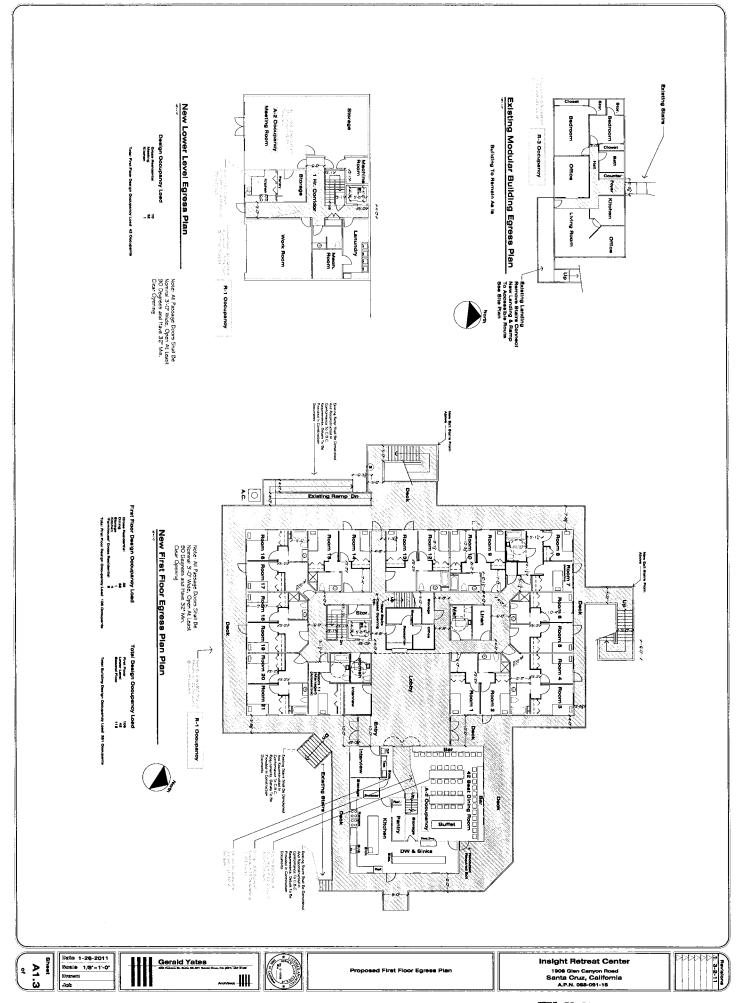
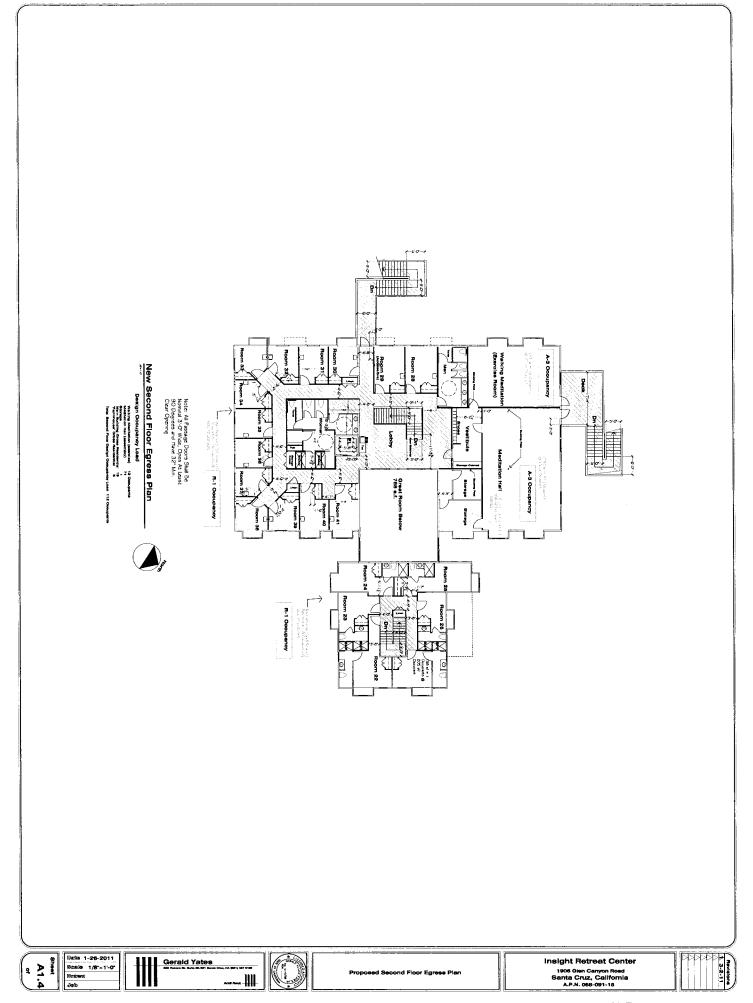
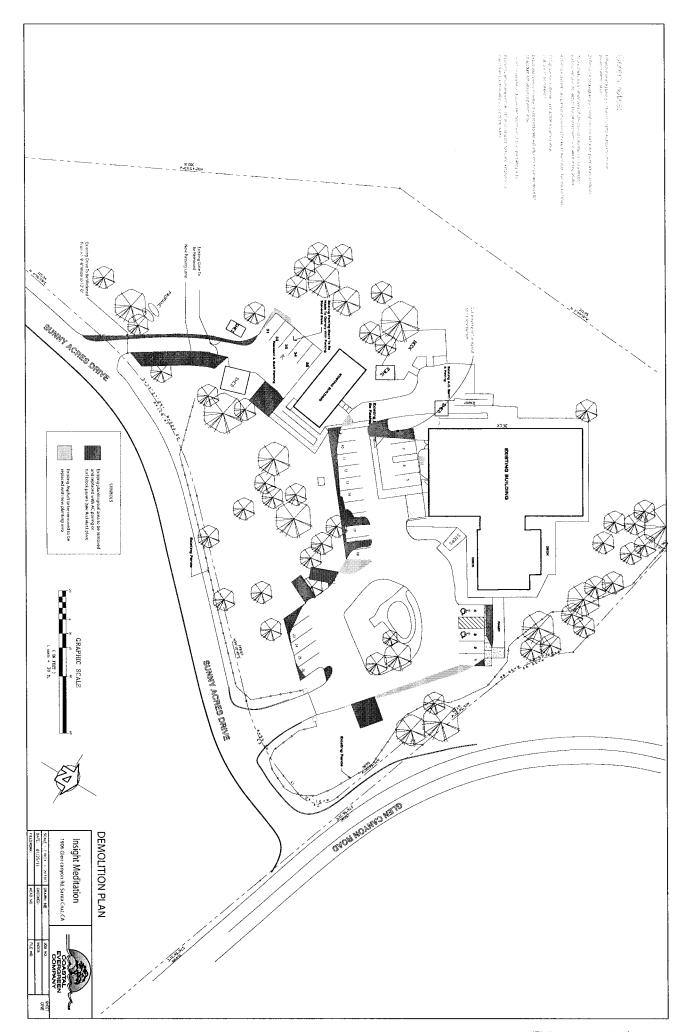


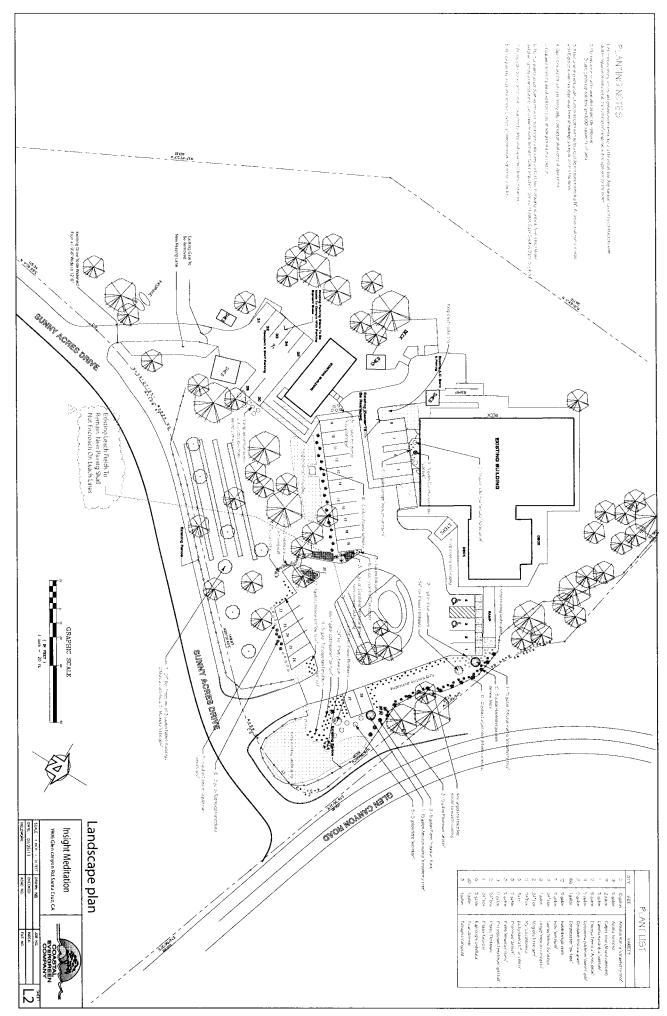
EXHIBIT A



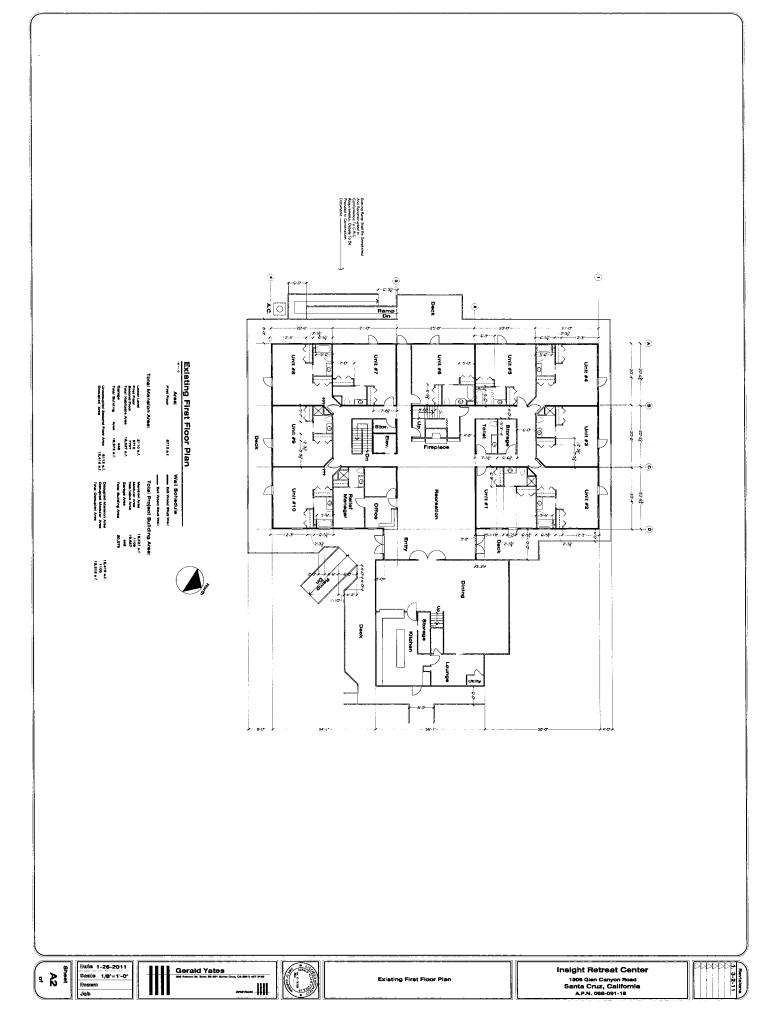


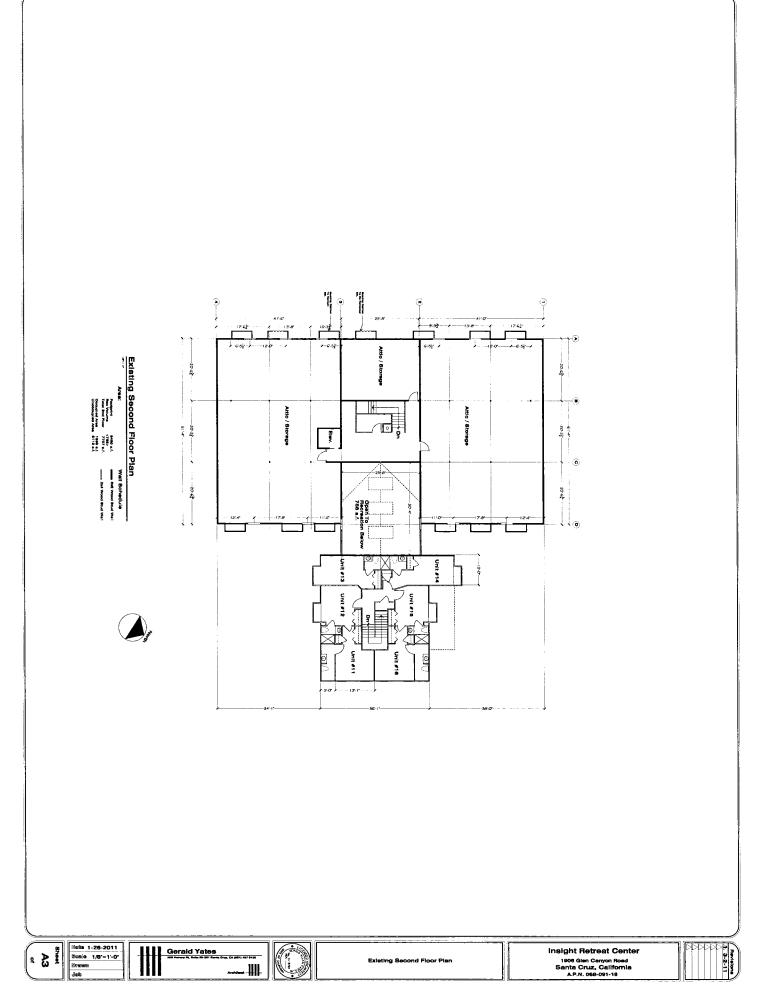


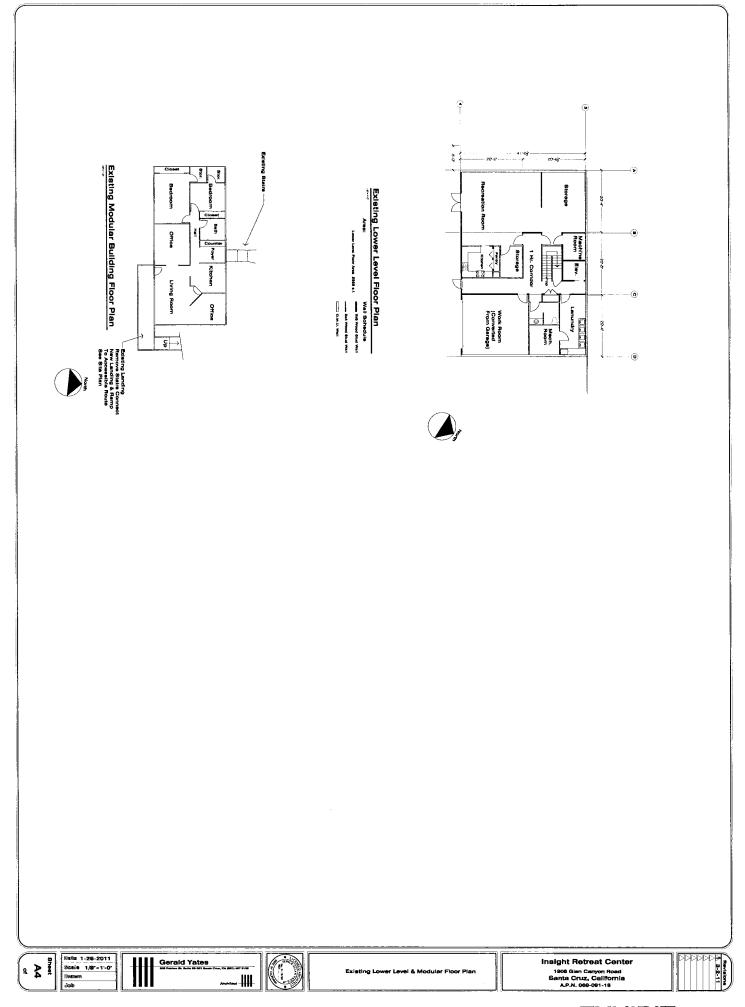


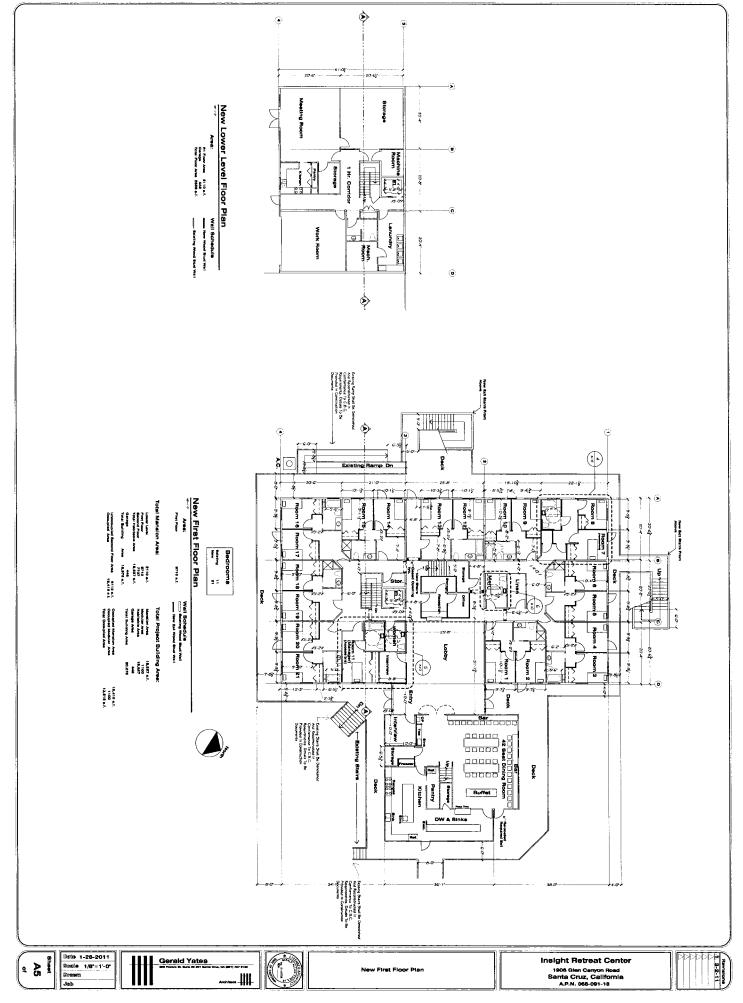


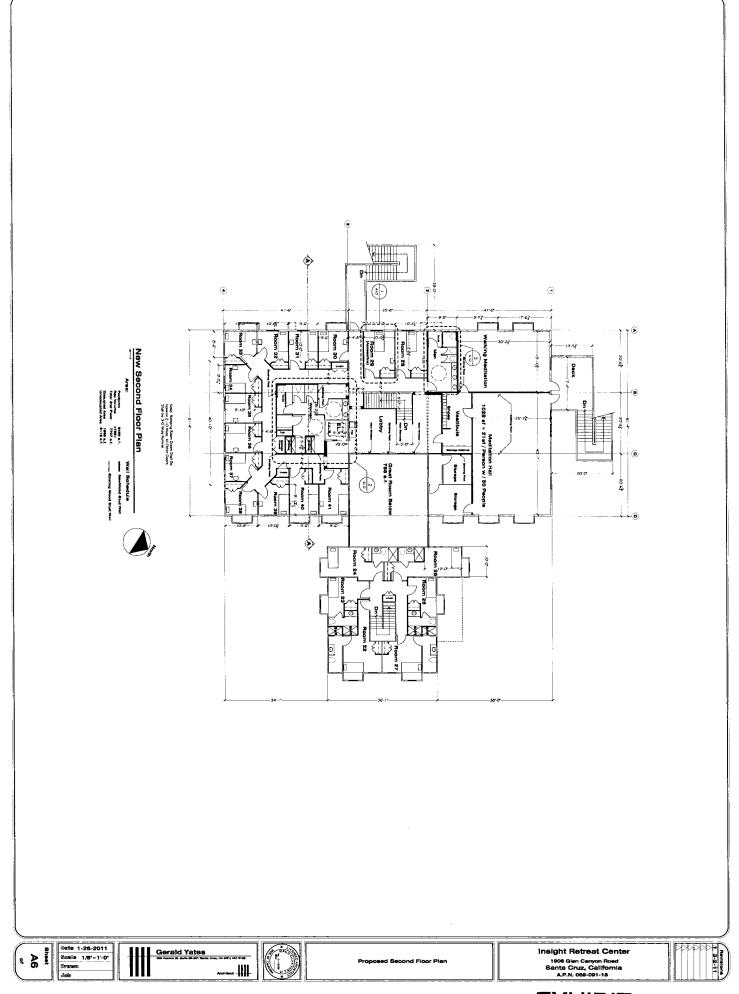
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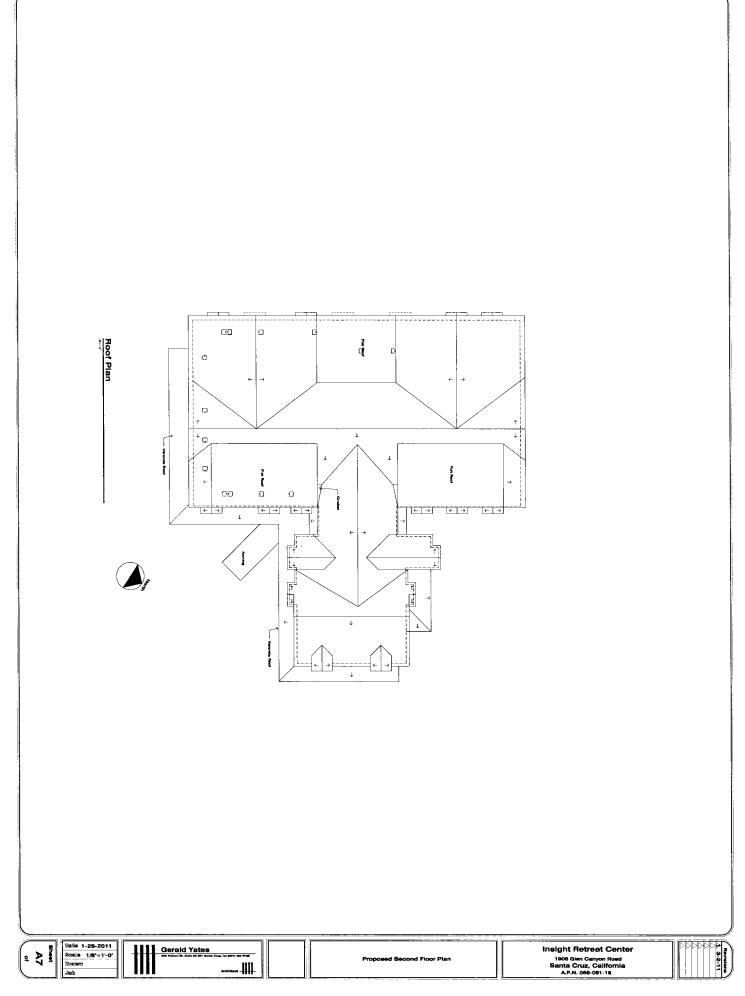


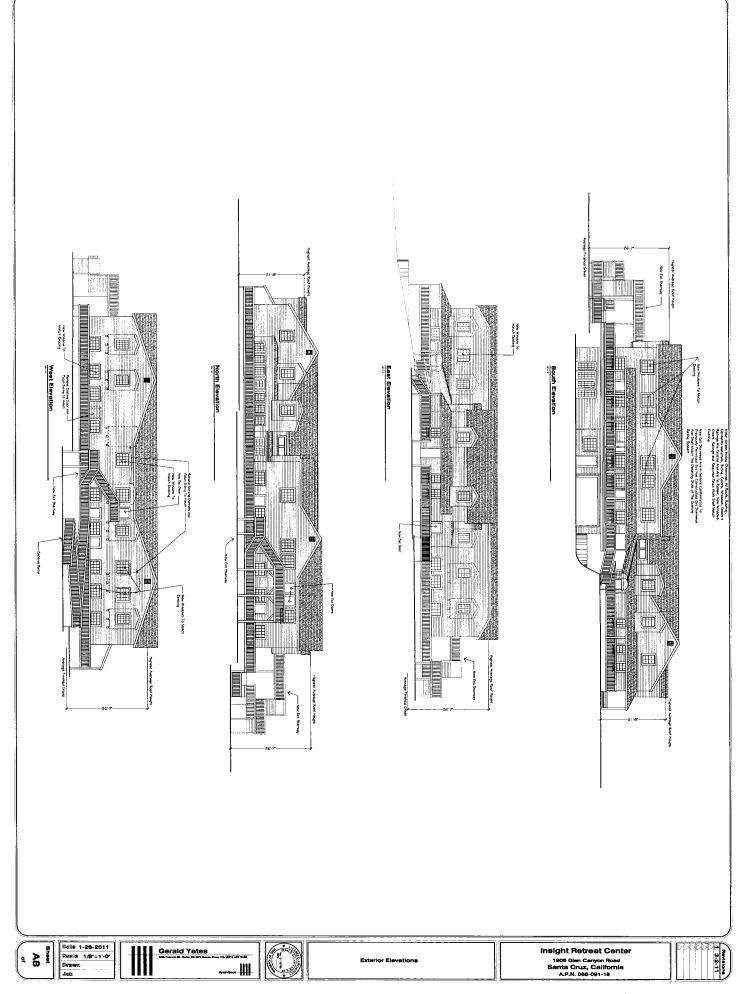


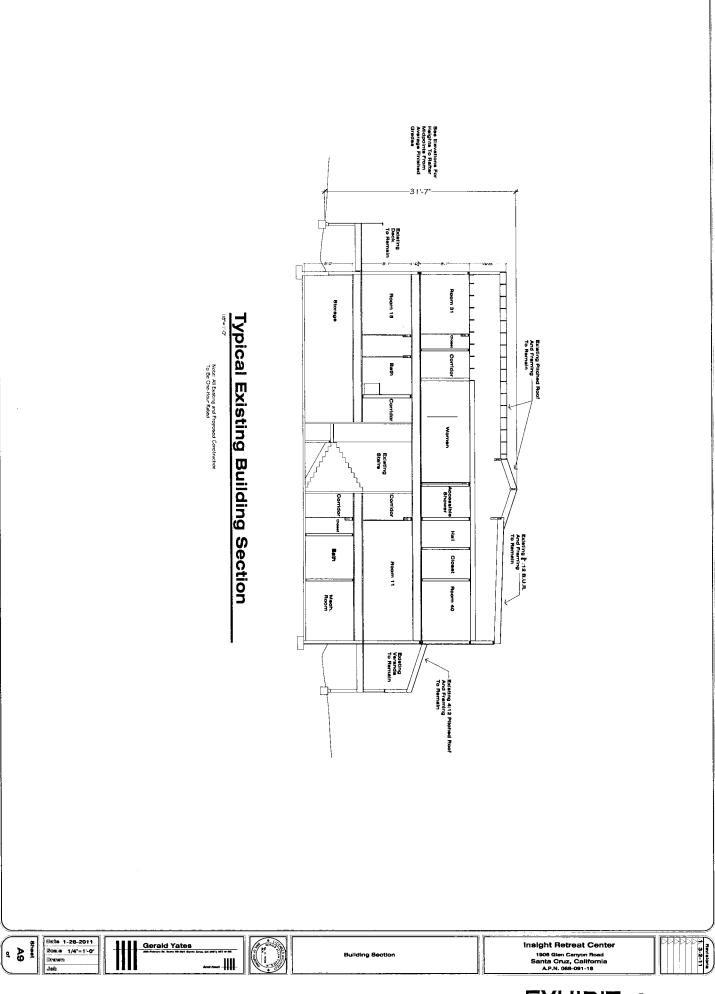


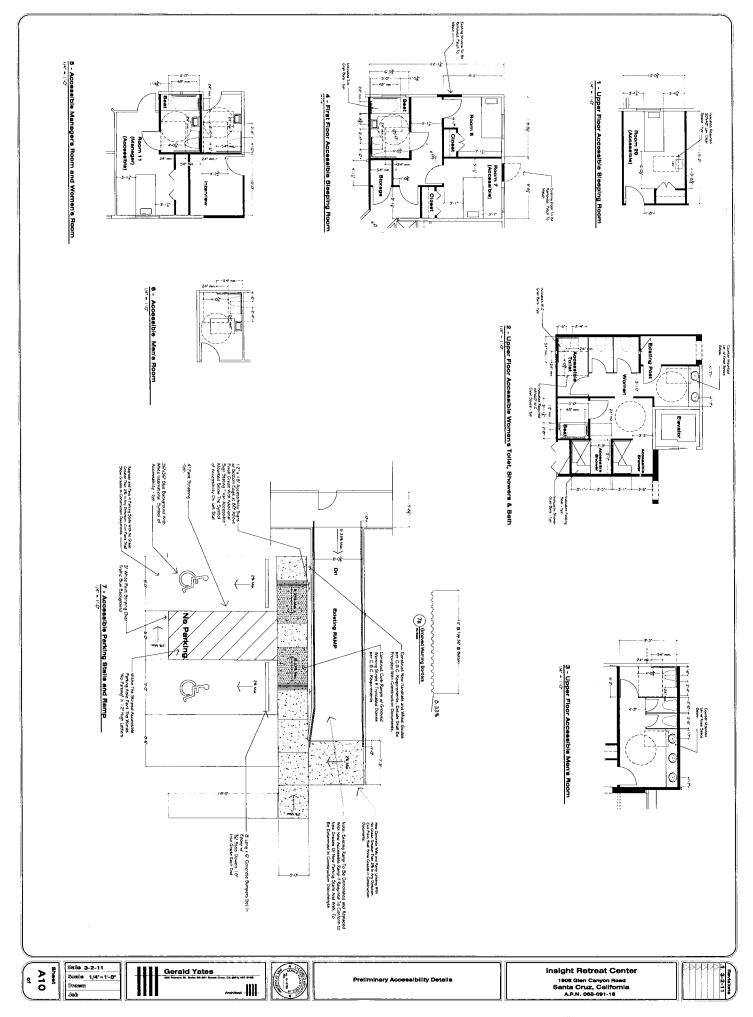












#### **Development Permit Findings**

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 that allows for residential care facility uses and also organized camps as Conditional Uses. The proposed change of use from a residential care facility to a meditation retreat center will not require the construction of new structures or habitable additions to the existing structure. The construction of proposed interior improvements and new emergency exit stairs 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 residential facility will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed meditation facility and the conditions under which it would be operated or maintained will be consistent with all previous Development Permit approvals for the property as a residential care facility. The subject parcel is zoned RA (Residential Agriculture) a zone district that allows the current use of the site as a residential care facility as a Conditional Use, and the zoning is consistent with the site's R-R (Rural Residential) General Plan designation. This zone district also allows for organized camps, established for the purpose of conducting a supervised program to provide spiritual and educational elements, such as the proposed meditation retreat center. An organized camp is also a Conditional Use subject to Development Permit approval at the same level of review as for a residential care facility. The establishment of an organized camp would, in addition, normally be subject to the Rural Density matrix as set out in 13.10.350 et. seq. of the zoning ordinance. However, the current proposal will result in a reduction in the intensity of the use from that currently approved for the property

The current approval allows for up to a maximum of 40 beds/patients. If a residential care facility were subject to a rural matrix determination a 40 bed facility would require 4 matrix points (assuming 40 beds 365 days per year, 14,600 user nights) and in addition the caretaker's unit would require 1 matrix point to a total of 5 matrix points required for the existing approved use. This matrix calculation does not take into account the additional requirement for 5-6 staff members that are required to be on duty daytime 7 am to 7 pm and one person 7pm to 7am, working in shifts.

The proposed meditation retreat center will require a maximum of 220 nights per year for up to 40 retreat participants, (8,800 user nights) and also includes 1 full time live in on-site caretaker. This proposed use would equate to only 4 matrix units, 3 for the facility and 1 for the managers unit, a reduction of 1 matrix unit. The proposed retreat staff requirement is similar to that of the care facility and would include 1 full time manager residing in the main residential facility and 1

to 2 teachers and a cook who would live off-site and commute on a daily basis. Since the proposed use of the property as a silent meditation retreat will be less intense than the currently approved residential care facility, the change of use is consistent with the intent of the original approvals for the use of the site and the purposes of the zone district and it is therefore not subject to the Rural Density Matrix.

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 meditation retreat center use is consistent with all original development approvals for a residential care facility and will not be an intensification of the existing approved use. The proposed meditation center is therefore consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan.

The proposed residential facility 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 meditation facility will be located within an existing residential building and no significant additions are proposed. This structure does not adversely shade adjacent properties, and meets current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed use as a residential meditation retreat will be located within an existing structure that is properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes). The structure that will be used for the proposed residential meditation center complies with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and the structure is consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made in that the proposed residential facility is to be consistent with all previous development permit approvals and there will be no increase in the intensity of the use. The proposed change of use from a residential care facility to a residential meditation retreat center was reviewed by the Road Engineering section of the County of Santa Cruz Department of Public Works, and it was determined that the proposed change of use 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 structure is located in a mixed neighborhood

containing a variety of architectural styles, and the proposed meditation center is to be operated within an existing approved structure which is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed meditation retreat facility will be located within an existing building and the change of use will not require significant exterior changes to the structure or grounds. The proposed change of use will not reduce or visually impact available open space in the surrounding area.

#### **Conditions of Approval**

Exhibit A: Architectural Plans (14 sheets) prepared by Gerald Yates, Architect, dated 1/26/2011 as revised 2/3/2011 and 3/16/2011.

Parking lot alteration plans and landscape plan, prepared by Coastal Evergreen Company, dated 1/25/2011.

- I. This permit authorizes the change of use of a residential care facility for the elderly to a meditation retreat center, including: revisions to the existing parking area; the construction of interior partitions and interior remodeling to create 40 single occupancy guest bedrooms and 1 single occupancy manager's bedroom, 2 meditation rooms, a vestibule, 1 interview room, accessible bathrooms, a revised kitchen and dining room area and a meeting room and storage room; and the construction of emergency egress stairs to the upper floor. 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 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.
  - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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. Specific materials and colors other than those existing for "The Mansion" have not been approved with this Discretionary Application. If a change in the existing approved colors is proposed, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department

#### 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 maximum number of participants at any one retreat staying within the main building is 40 guests with one full time manager. Additional staff members including 1 to 2 teachers and one cook are allowed during the daytime but shall not stay overnight unless the number of guests is reduced by the number of additional overnight staff. Special events that exceed this number of people are not allowed.
- C. Overnight stays during a retreat are limited to a total maximum of 220 nights in any one year. A full time caretaker may reside year round in the existing caretaker's unit on site.
- D. No outdoor use of the property by retreat participants is allowed between 10:00pm and 6:00am. Noise and disturbance to other properties in the vicinity shall be avoided and use of the property shall comply with the Noise Element of the County of Santa Cruz, General Plan, section 6.9.1 Land Use Compatibility Guidelines.
- E. All parking shall be within marked parking spaces and in no case will parking be permitted outside the gated premises by either participants or staff of the retreat. If the carpooling program is shown to be ineffective, additional spaces will be required to be provided on-site which may require approval of an amendment to this development permit.
- F. All arrival and departure times from the retreat shall be restricted to the hours of

#### **Conditions of Approval**

Exhibit A: Architectural Plans (14 sheets) prepared by Gerald Yates, Architect, dated

1/26/2011 as revised 2/3/2011 and 3/16/2011.

Parking lot alteration plans and landscape plan, prepared by Coastal Evergreen

Company, dated 1/25/2011.

- I. This permit authorizes the change of use of a residential care facility for the elderly to a meditation retreat center, including: revisions to the existing parking area; the construction of interior partitions and interior remodeling to create 40 single occupancy guest bedrooms and 1 single occupancy manager's bedroom, 2 meditation rooms, a vestibule, 1 interview room, accessible bathrooms, a revised kitchen and dining room area and a meeting room and storage room; and the construction of emergency egress stairs to the upper floor. 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 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.
  - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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. Specific materials and colors other than those existing for "The Mansion" have not been approved with this Discretionary Application. If a change in the existing approved colors is proposed, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department

review and approval.

- 2. A lighting plan for the proposed meditation center to show existing and any proposed exterior light fixtures. Lighting for the proposed retreat center must comply with the following conditions:
  - a. All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
  - If parking and circulation areas are to be lighted they shall utilize low-rise light standards or light fixtures attached to the building.
     Light standards to a maximum height of 15 feet are allowed.
  - c. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
- 3. Details showing compliance with fire department requirements.
- 4. Details showing compliance with all Accessibility requirements as set out in the 2010 California Building Code.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
- C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- D. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District.
- E. The parking area shall include at least 35 parking spaces, of which up to a maximum of 10% of spaces (max. 3 spaces) may be designed, and appropriately marked, as compact spaces (7.5' x 16') and 2 spaces must be accessible (9' x 18'), and 8 bicycle spaces (2' x 6'), designed in accordance with Sections 13.10.550 .560 of the County Code. One accessible space shall be served by an access aisle 96" wide minimum and shall be designated van accessible. All spaces and loading berths shall be striped and defined by wheel stops and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- 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 maximum number of participants at any one retreat staying within the main building is 40 guests with one full time manager. Additional staff members including 1 to 2 teachers and one cook are allowed during the daytime but shall not stay overnight unless the number of guests is reduced by the number of additional overnight staff. Special events that exceed this number of people are not allowed.
- C. Overnight stays during a retreat are limited to a total maximum of 220 nights in any one year. A full time caretaker may reside year round in the existing caretaker's unit on site.
- D. No outdoor use of the property by retreat participants is allowed between 10:00pm and 6:00am. Noise and disturbance to other properties in the vicinity shall be avoided and use of the property shall comply with the Noise Element of the County of Santa Cruz, General Plan, section 6.9.1 Land Use Compatibility Guidelines.
- E. All parking shall be within marked parking spaces and in no case will parking be permitted outside the gated premises by either participants or staff of the retreat. If the carpooling program is shown to be ineffective, additional spaces will be required to be provided on-site which may require approval of an amendment to this development permit.
- F. All arrival and departure times from the retreat shall be restricted to the hours of

8:00am to 6:00pm to avoid disturbance to neighboring properties.

- G. All landscaping and site improvements shall be permanently maintained.
- H. Outside storage is prohibited.
- In accordance with Section 18.10.132(d) of the County Code, if the exercise of the use permitted by this permit ceases or is abandoned for a continuous period of one year, then without further action by the County, this permit shall become null and void.
- 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, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
    - 1. COUNTY bears its own attorney's fees and costs; and
    - 2. COUNTY defends the action in good faith.
  - C. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the remodelling 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:	<del></del>
Effective Date:	
Expiration Date:	
Steven Guiney, AICP	Lezanne Jeffs
Steven Guiney, AICP Deputy Zoning Administrator	Lezanne Jeffs Proje

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.

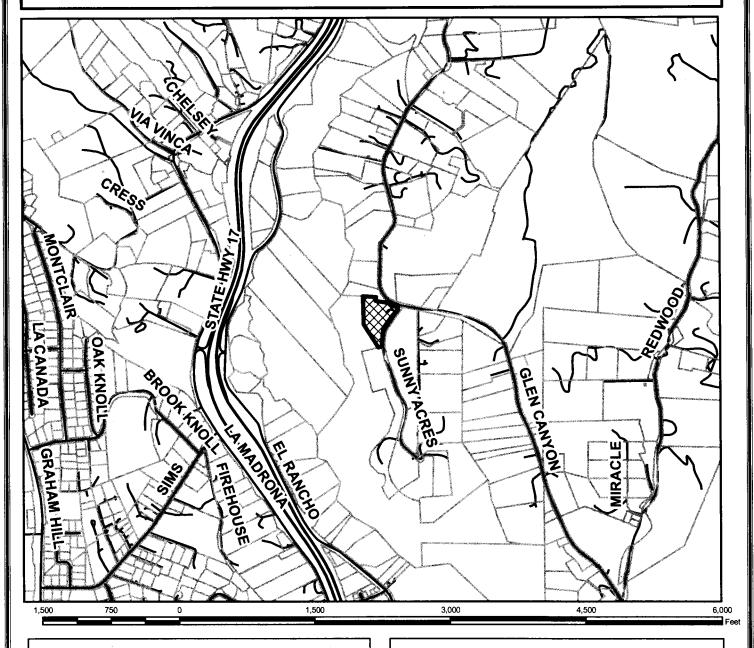
Application Number: 111019

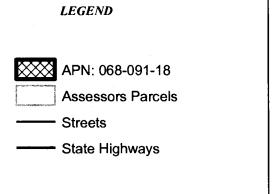
Assessor Parcel Number: 068-091-18

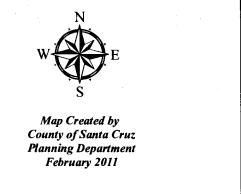
Project Location	on: 1906 Glen Canyon Road, Santa Cruz, CA	
Project Descr	iption: Proposal to change the use of an existing residential care facility to a spiritual meditation and retreat center. Requires an Amendment to Commercial Development Permits 97-0135, 92-0385, 89-0477 and 84-71 CDP.	
Person or Agency Proposing Project: Jerry Yates		
Contact Phone Number: (831) 457 9185		
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).	
C	<u>Ministerial Project</u> 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. <u>X</u>	Categorical Exemption	
Specify type:	Class 1 - Existing Facilities (Section 15301)	
F. Reason	ns why the project is exempt:	
Minor alteration	ons and change of commercial use within an existing structure.	
In addition, no	one of the conditions described in Section 15300.2 apply to this project.	
Lezanne Jeffs	Date:	
	,J <del></del>	



## **Location Map**

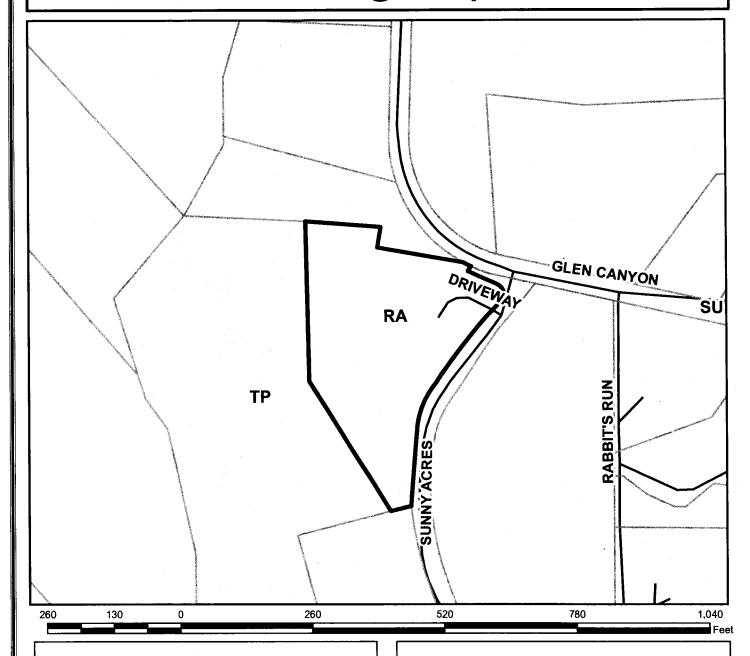


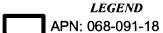






# Zoning Map





Assessors Parcels

Streets

AGRICULTURE RESIDENTIAL

TIMBER PRODUCTION

**SPECIAL USE** 

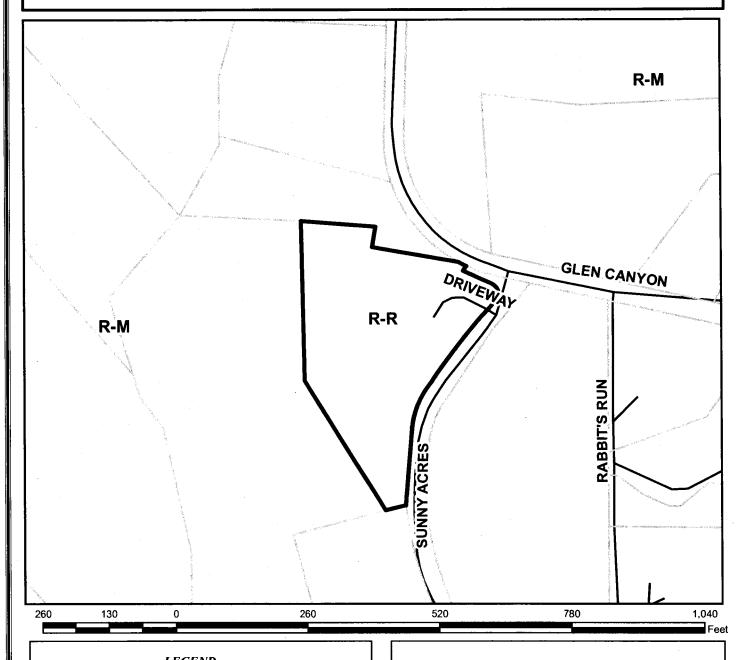


Map Created by County of Santa Cruz Planning Department February 2011

EXHIBIT E



# General Plan Designation Map





APN: 068-091-18

Assessors Parcels

Streets

Residential-Rural

Residential-Mountain



Map Created by County of Santa Cruz Planning Department February 2011

EXHIBIT E

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

I am a property owner and member of the Sunny Acres Homeowner's Association (SAHA). In regard to the 1906 Glen Canyon Rd. property, which is also part of the SAHA, I'd like to fully support the intended use of the property as a Meditation Retreat Center by the Insight Meditation Center.

Sincerely,

Signature: Muly John Name: DIXIE G. REES

Address: 2165 SUNNY ACRES DR

SANTA CRUZ, CA 95060

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

I am a property owner and member of the Sunny Acres Homeowner's Association (SAHA). In regard to the 1906 Glen Canyon Rd. property, which is also part of the SAHA, I'd like to fully support the intended use of the property as a Meditation Retreat Center by the Insight Meditation Center.

Sincerely,

Signature:	Gart (h)
Name:	Robert Wyan
Address:	105 millo Hollow Rd
	Felton (a 95018

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

Signature: Junda and
Linda Amald
Address: 2150 Sunny Acres Dr. Santa Cruz, Ca 95060
- Very glad to have them as our neighbors!

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

I am a property owner and member of the Sunny Acres Homeowner's Association (SAHA). In regard to the 1906 Glen Canyon Rd. property, which is also part of the SAHA, I'd like to fully support the intended use of the property as a Meditation Retreat Center by the Insight Meditation Center.

Sincerely,

Signature:	andn. Hor	
Name:	Ann Hogan	
Address:	2171 Sunny Acus A.	
	Sante Cruz CA. 95060	

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

I am a property owner and member of the Sunny Acres Homeowner's Association (SAHA). In regard to the 1906 Glen Canyon Rd. property, which is also part of the SAHA, I'd like to fully support the intended use of the property as a Meditation Retreat Center by the Insight Meditation Center.

Sincerely,

Signature:			
Name:	Jane Jaftok		
Address:	1918 Sunny Heres	SC CA	

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

Signature:	Dolores K. Bear	
Name:	DoloRes K. Beam	
Address:	1906 Glen Canyon Ad	
	Santa Cruz Ca. 95060	

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

Signature:	Both Dy Mauge
Name:	Beth Hix Mangan
Address:	2158 Sunny Acres Dr.
	Santa Cruz, CA 95060

Re: 1906 Glen Canyon Rd, Santa Cruz 95060

To the Santa Cruz County Planning Department,

Signature:	Glacie M. Ellis John C. U.
Name:	GLORIA M. ELLIS JOHN ELLIS
Address:	1998 GLEN CANYONRD.
	SANTA CRUZ, CA. 95060

This letter is a Program Statement describing the intended use of 1906 Glen Canyon Road as a Meditation Retreat Center. We offer 3 to 14 day retreats, where participants come to practice mindfulness meditation under the guidance of their teacher(s).

The project proposes a maximum of 40 overnight retreatants, up to 220 days a year. There will be 4-5 staff members: caretaker, manager, cook and 1-2 teachers. One staff member will live onsite as a caretaker. During retreats, there will be an overnight manager. The cook and teachers will either commute, or take the space of one or more retreatants.

#### **PROJECT DESCRIPTION:**

- 40 overnight retreatants, 220 days a year
- Staff:
  - o 2 Overnight Staff:
    - Caretaker will live onsite in the manufactured home
    - Manager will stay overnight during retreats
  - o 2-3 Commuting Staff:
    - 1 cook
    - 1 or 2 teachers

**Note**: On occasion, a cook or teacher may stay overnight for the duration of the retreat; in this case, we would have correspondingly fewer retreatants.

## **A TYPICAL 7 DAY RETREAT:**

- Participants arrive in the afternoon of day #1 and stay there until they leave in the afternoon of day
   #7. Once they arrive, they do not use their cars until they leave.
- The retreat days are spent mostly in silent meditation, alternating periods of sitting meditation with periods of walking meditation. The walking meditation is typically quite slow, and is done either on the grounds, or by walking back and forth in an inside walking meditation room.
- The teacher(s) give instruction and a daily talk (sermon).

1

- Each retreatant participates in a 45 min silent *work* session each day. They help run the retreat, including the cooking and cleaning.
- The retreatants meet with the teachers, either privately or in a small group, every other day.

# **NUMBER AND DISTRIBUTION OF RETREAT DAYS EACH YEAR:**

Number and length of Retreats: 220 days maximum

Number of Retreats	Length of Retreat	Total Days
Per Year		
3	14 day	42
9	7-10 day	90
11	5 day	55
11	3 day	33
Total Days per year:		220 days

## Average quarters would be similar to the first two sample quarters below:

(220 retreat days: average 18.3 days per month or 55 days per quarter)

Quarter 1: (52 days)

January: (18 days) one 10-day retreat, one 5- day retreat, one 3-day retreat

February: (19 days) one 14-day retreat, one 5-day retreat

March: (15 days) one 7-day retreat, one 5-day retreat, one 3-day retreat

Quarter 2: (55 days)

April: (17 days) two 7-day retreats, one 3-day retreat

May: (20 days) one 14 day retreat, two 3-day retreats

June: (18 days) one 10-day retreat, one 5-day retreat, one 3-day retreat

## **Insight Meditation Center Parking**

The following is the expected parking use for the Retreat Center at 1906 Glen Canyon Road. The participants park their cars on the first day of retreat and don't use them again until they depart at the end of the retreat.

We expect a *maximum* of 45 people present at any given time during a retreat, including all staff. We would use a *maximum* of 35 spaces for parking, with a *minimum* of 16 people carpooling to each retreat.

The average retreat includes:

Parking Spaces	Maximum Number of People
22 spaces	22 people driving singly
8 spaces	16 people carpooling (2 per car)
0 spaces	2 people flying in, taking shuttle
5 spaces	5 Staff: caretaker, manager, cook, 1-2
	Teachers
<b>Total Spaces: 35</b>	Total # of People: 45

## Carpooling

We arrange carpooling during registration, (three weeks prior), at which time we ask who is willing to offer rides, and who is looking for a ride, and help them coordinate. From our current FAQ:

"Carpooling is strongly encouraged to conserve both precious resources and limited parking space. Approximately three weeks before your retreat, you will receive an email from the Registrar with information on carpooling along with participant emails and phone numbers."