



Staff Report to the Zoning Administrator

Application Number: **101126**

Applicant: Reid Shantz
Owner: Cross Properties LLC
APN: 028-062-37

Agenda Date: July 1, 2011
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Proposal to establish a Master Occupancy Program for changes of use within an existing commercial building and to recognize a parking area that is located partly within the public right of way. Requires a Commercial Development Permit and a Variance to recognize the existing nonconforming parking and also to allow for more than one name sign. Property located on the north side of Portola Drive (1701 Portola Drive) at the intersection with 17th Avenue.

Location: Property located on the north side of Portola Drive (1701 Portola Drive) at the intersection with 17th Avenue.

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

Permits Required: Commercial Development Permit and Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101126, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Parking Agreement |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size: 9,420 square feet
Existing Land Use - Parcel: Neighborhood serving Commercial
Existing Land Use - Surrounding: Neighborhood serving Commercial; Multi-Family and Single-Family Residential, Visitor Accommodations.
Project Access: Portola Drive, East Cliff Drive and 17th Avenue
Planning Area: Live Oak
Land Use Designation: C-1 (Neighborhood Commercial)
Zone District: C-C (Community Commercial)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 0 – 15%
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
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The original approximately 3,200 square foot commercial structure was constructed in 1960 and was an “L- shaped” strip mall with four retail units. Permit 81-745-PD, approved September 15, 1981, changed the use from dental manufacturing to an ice cream parlor and from a real estate office to a florist. This application also established an occupancy program to allow for permitted uses in the CC (Community Commercial) zone district, and also to allow for three video arcade games within the ice cream parlor. Parking for 14 cars was provided around the outside of the “L”, requiring vehicles to back out directly into Portola Drive or 17th Avenue. An additional small parking area for 4 cars existed within the interior of the lot resulting in a total of 18 parking spaces.

Application 87-0652, was approved by the Zoning Administrator on September 4, 1987 for a Commercial Development Permit and a Variance, to construct an 884 square foot addition to the existing commercial building with a reduced setback to the north side yard of 2 feet 6 inches. The addition included 682 square feet of retail space and 202 square feet for storage. The proposed addition was for a surf shop, with no change to the florist, the ice cream parlor, or a new hair salon in a formerly vacant unit. The parking area at the rear was thereby reduced by 2 spaces leaving a total of 16 spaces for the building. Building Permit # 86503 was issued for the construction of the addition and received all inspections to final inspection clearance but the permit went void due to failure to release a departmental hold.

In 1988 the County of Santa Cruz commenced a road improvement project at the intersection of Portola Drive and 17th Avenue. As a result of the road widening the parking and access were required to be re-designed and the property owner, Jack Cross, and the County signed an agreement that shows, in essence, the current parking layout (see Exhibit G.) Included within the agreement was the condition that Mr. Cross was to be responsible for obtaining all the necessary permits to complete his property improvements.

A Minor Variation to 88-0712, which approved the demolition of structures to facilitate a County road improvement project, was approved October 12, 1989. This allowed for the demolition of a portion of the commercial building on the subject parcel. Demolition Permit # 91446 was issued October 13, 1989 to remove that portion of the building occupied by the hair salon. The Building Permit went void due to departmental holds that were not released but all other required improvements were completed, including the installation of the revised parking layout and required landscaping.

Subsequently, the 3 units that remained on the parcel changed from the previously recognized uses to a video store, and interior remodeling was done to result in a single commercial space. No Development Permits or Building Permits were issued for this change. A citizen complaint in 1991, that the ice cream parlor was being remodeled to a video store, resulted in a Code Compliance investigation of the parcel but no action was taken to enforce compliance and this case was closed in April 1998. In 2008 the video store relocated and since that time the property has been vacant. As a result all previous Development Permit approvals have lapsed.

Project Setting

The property is located within a beach community that is characterized by a mixture of commercial, residential and visitor serving uses in mostly single story or small scale two story buildings. The proposed Master Occupancy Program is to be established for an existing one story commercial building that is located on the corner of Portola Drive and 17th Avenue and at the intersection with East Cliff Drive, all heavily travelled local streets. The property lies close to the beach and ocean and is therefore within a popular tourist serving area that attracts both out-of-town and local visitors. The property is only two blocks from Johann's beach that lies immediately to the south, and is also situated on the main thoroughfare between the popular Twin Lakes beach to the southwest and Corcoran Lagoon beach to the east.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 9,420 square feet, located in the C-1

(Neighborhood Commercial) zone district, a designation which allows commercial uses. The proposed Master Occupancy Program will preclude the need for Commercial Development Permits for future changes in tenancy, so long as the uses proposed are allowed in the zone district, and by this Master Occupancy Program approval. Such future changes in use will be accomplished through the issuance of a Change of Occupancy Permit. The property is also located within the East Cliff Tourist Area Special Community. The purpose of this district is to recognize the unique characteristics and/or popularity of the area as a visitor destination point and to preserve and enhance the community through design review ensuring the compatibility of new development with the existing character of the area. The proposed Master Occupancy Program will allow for the establishment of new uses that serve both the local residents and visitors to the area. The proposal is therefore consistent with the Zoning Ordinance and the County General Plan.

Master Occupancy Program

This application recognizes the existing conversion of three retail units, as approved by Development Permits 87-0652 and 88-0712, to a single tenant space and also allows for future re-division of the space, if required. In addition, this application seeks to set up a Master Occupancy Program to allow for potential future changes of use of all or part of the existing commercial building, to a range of uses that are permitted in the zone district. Uses that will be allowed are those that can be accommodated by the limited parking available on the site. All initial occupancy of the building and future changes that comply with the approved Master Occupancy Permit will then be allowed following issuance of a Change of Occupancy Permit. Due to the limited parking area that exists, uses that require higher levels of parking, such as restaurants and physical culture studios (yoga, pilates etc) or other uses where group classes are to be held, will not be permitted unless it can be demonstrated that the demand for additional parking can be met or that the proposed combination of uses on site would not require more than the total number of spaces available. Further, location sensitive uses such as a marijuana dispensary or cooperative or any use that includes the sale of alcohol will not be allowed without an Amendment to this Permit and will require a public hearing.

Parking and loading

The existing parking layout for the property was approved by the County following the construction of improvements at the intersection of Portola Drive and 17th Avenue. The agreement that was drawn up allowed for the provision of up to 14 regular parking spaces for the commercial use of the site, some of which are completely or partially within the public right-of-way. Per section 13.10.551(a) of the County Code, off-street parking must be provided for all uses of a property. This application therefore includes a proposal for a Variance to recognize the existing parking layout, which does not include for the provision of the required number of parking spaces within the boundaries of the property, and to recognize spaces that are completely or partially within the County right-of-way. This layout is consistent with the original signed agreement with the County. However, in order to provide required accessible parking for the site, a reduction of one parking space is required. Therefore, the number of spaces that is to be recognized will be a total maximum of 13 spaces, one of which is to be van accessible, and these spaces will be potentially available for all future uses of the site.

Uses allowed under the proposed Master Occupancy Program currently require one space per

200 feet of floor area, not including areas used for storage, as set out in County Code section 13.10.552(b). Based on the plans submitted, the floor area for the commercial building is 3,026 square feet. Therefore, a maximum of 2,626 square feet of the structure is to be allowed to be utilized for commercial uses, with the remaining 400 square feet required to be used only for storage. In addition to the required vehicle parking, a minimum of three bicycle parking spaces are to be provided.

As set out in County Code section 13.10.570, for commercial uses that are less than 5,000 square feet, a loading area is not required. However, due to the location of the proposed convenience store at a busy intersection, on-street parking by delivery trucks would create a potential hazard and interrupt the smooth flow of traffic. Therefore, for proposed uses that will require regular access for delivery trucks, a loading area is to be provided on the parcel. In order to achieve this, the three spaces shown on the parking agreement that lie immediately adjacent to the north elevation of the building may be deleted and replaced with a 12 foot by 45 foot loading area. This would result in a parking layout that includes just 9 regular parking spaces, 1 van accessible space and also a loading area. However, in this eventuality the area available for retail use will be required to be reduced to a maximum 1,826 square feet with the remaining 1,200 square feet to be utilized only for storage.

The available square footage for retail and other allowed uses of the building as set out above, are based upon current parking standards as set out in the zoning ordinance. If at some time in the future different parking standards are adopted, these new standards shall apply and the ratio of available commercial space to storage space may be amended to be in compliance with the then current regulations.

Signage

For future use of the property, up to a maximum of four small signs are allowed, these to be mounted on the existing mansard roof, a maximum of two facing Portola Drive, one facing 17th Avenue and a third sign on the angled corner of the store that faces East Cliff Drive. In a commercial zone district only one business identification sign and one small pedestrian oriented sign is allowed without the approval of a Variance. The placement of up to four signs for the future use or uses of the commercial building, even where there is only a single tenant, is justified by the special circumstances of this parcel, in that the lot is located at the intersection of three major streets. Because of the design of the building, the natural location for a single sign would be over the main entrance which is located at the angled corner of the building facing the intersection. However, a sign in this location would not be clearly visible from either Portola Drive or 17th Avenue. Additional signs are therefore required in order that business identification signs can also be visible from these two streets. Further, a monument sign located at the corner of 17th Avenue and Portola drive would be problematic as it would be required to be located within the County right of way and would therefore have the potential to block sight lines and create a safety hazard.

The maximum allowed area for signage is one quarter square foot for every one foot of site frontage or one half square foot per building width, to a total maximum sign area of 50 square feet. The subject property, because of its location on a corner, has a frontage of 206 feet and the maximum aggregate sign area allowed for proposed uses is therefore is 50 square feet, this to be divided between up to four separate signs.

Local Coastal Program Consistency

The proposed Master Occupancy Program is in conformance with the County's certified Local Coastal Program, in that the allowed uses will have the potential to serve the business needs of both out of town and local tourists that come to this popular visitor destination area, as well as serving the people that reside or are staying in the neighborhood. No significant changes are proposed to the building and this existing structure is visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain a mixture of commercial uses, visitor accommodations and single-family dwellings and the proposed uses allowed under the Master Occupancy Permit are compatible with this mixed use area. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. All proposed changes of use will be within this existing commercial building precluding the need for a Coastal Development Permit is required.

Design Review

The proposed establishment of a Master Occupancy Permit complies with the requirements of the County Design Review Ordinance, in that the proposed project will be located within an existing commercial building. The exterior of existing structure is not proposed to be changed except for minor upgrades that include re-painting and the placement of new signage on the roof fascia. The proposed colors are substantially the same as existing colors for the building.

Environmental Review

The proposed project is eligible for a Categorical Exemption, per the requirements of the California Environmental Quality Act (CEQA) under Class 1 - Existing Facilities (Section 15301), since the proposed uses allowed under the Master Occupancy Permit will occupy an existing commercial building and the proposed use is allowed within the parcel's C-1 (Neighborhood Commercial) zone district.

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 101126, 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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Variance Findings

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

Signs: This finding can be made, in that signage for a commercial business needs to be visible from all major traffic routes and that, due to the location of the subject property at a street corner which is also at the intersection of three major local streets, additional signage is required. In order that signs be visible from all major roads up to four signs are therefore required, one over the main entrance located at the angled corner of the building facing East Cliff Drive, up to two signs facing Portola Drive, one per tenant, and one facing 17th Avenue.

Parking: This finding can be made in that the property is located at the corner of a busy intersection where parking historically has been provided by spaces that required vehicles to back out directly into the public right-of-way. When improvements and upgrades were completed at the intersection, this necessitated the revision of the original parking layout. The revised layout resulted in driveway entrances that restricted ingress and egress points onto the parcel and also prevented vehicles from backing directly into the street. Due to the restricted size of the site and the location of the existing building, in order to maintain a similar number of parking spaces to what had previously been available, it was necessary that spaces be provided partially or completely within the public right-of-way. This parking layout was approved by the Road Engineering section of the Department of Public Works and an agreement was signed by the property owner and the County allowing parking within the right-of-way. Without this provision for parking within the right-of-way, the ability to establish a viable commercial use in the existing commercial building would have been substantially diminished.

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

Signs: This finding can be made, in that the proposed signage will be designed to be an integral part of the building and will be located on or below the upper line of the roof fascia. Individually the signs are small and are compatible with the size and scale of the existing building. The proposed signage will not obscure sight lines for traffic or be visually obtrusive to the surrounding neighborhood.

Parking: This finding can be made in that the revised parking layout was a requirement of the Road Engineering section of the Department of Public Works in order to construct traffic safety-related improvements at the adjacent intersection.

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

Signs: This finding can be made, in that all other commercial buildings along East Cliff Drive,

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Portola Drive and 17th Avenue have signs that are visible from the roadway onto which they front. The location of the property, with frontage on three streets, requires that signage be placed to allow for visibility from these roadways. Therefore, the addition of signage that faces each of the surrounding roads will not be a grant of special privilege.

Parking: The provision of a revised parking layout that allows for parking within the public right-of-way does not constitute a grant of special privilege in that, prior to the construction of improvements at the adjacent intersection by the County, adequate parking existed on the property. Further, there is a similarly revised parking layout, also a result of the intersection improvements, at 1700 Portola Drive, a commercial property that is located directly opposite the subject parcel. Other commercial businesses in the vicinity have adequate on-site parking that has not been required to be redesigned to accommodate street improvement projects.

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 existing commercial building is located in an area designated for neighborhood serving commercial uses and the proposed Master Occupancy Program will allow a range of uses that are allowed in the zone district. The proposed uses will be located in an existing commercial building which includes a parking lot that was laid out by the Road Engineering section of the Department of Public Works to allow for improved traffic safety at the intersection. This parking lot complies with the requirements of County Code section 13.10.552(b), "off-street parking for non-residential uses," in that it provides the required number of parking spaces for the proposed uses and establishes restrictions on total area of the building that may be used. For any proposed uses of the building that require regular access to the property by delivery trucks, a loading zone will be required to ensure that these vehicles do not create a potential traffic hazard. Provision of a loading zone will result in a required reduction in the building area available for commercial use, with an increase in designated storage space, in order to compensate for the reduction in parking.

Construction of tenant improvements, including the recognition of previous remodeling to create one single tenant space and the demolition of a portion of the original building, and also any future tenant improvements to re-divide the space, will be required to 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 occupancies will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed uses are to be located in an existing single story building that complies with all current setbacks and approved Variance 87-0652, 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 Master Occupancy Permit and the conditions it will implement will be consistent with all pertinent County ordinances and the purpose of the C-1 (Neighborhood Commercial) zone district, in that the proposed uses to be allowed at the subject property will be neighborhood and tourist serving commercial uses. The allowed uses under the Master Occupancy Permit will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. The existing structure complies with County Code section 13.10.333(a) (Site and Structural Dimensions), in that the building complies with an approved Variance for a reduced setback to the neighboring residential parcel and all other current setback requirements for C-1 zoned parcels.

The proposed parking area design complies with County Code section 13.10.552(b), in that the required number of parking spaces will be provided for the proposed use. In addition, a loading

area for use by delivery trucks that complies with the requirements of 13.10.571(a) will be required to be provided for future uses that require frequent access for delivery vehicles. The layout of the parking and the driveway entrances and exits conform to a design approved by the Road Engineering section of the Department of Public Works for the purposes of constructing improvements at the intersection of Portola Drive and 17th Avenue.

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.

The project is located in the Community Commercial (C-C) land use designation. The proposed Master Occupancy Program is consistent with the General Plan, in that the proposed uses are allowed within the Community Commercial (C-C) land use designation as specified in General Plan Policy 2.14.2 (Allowed Uses – Community Commercial) and within the implementing C-1 (Neighborhood Commercial) zone district.

The proposed project will result in a quality commercial design as specified in General Plan Policies 2.14.6 (Quality of Commercial Design), 8.5.2 (Commercial Compatibility with Other Uses) and 8.5.3 (Commercial Design – Areas with Unique Design Guidelines) in that the proposed uses as set out in the Master Occupancy Program will be located within an existing commercial building which includes adequate and appropriate circulation, parking and landscape design for the proposed development and where proposed signs will be appropriately sized to complement the scale of the structure. Upgrades and improvements to the existing building that include re-painting and also the incorporation of window art decorations, will also serve to enhance the existing facades.

Further, the proposed Master Occupancy Program complies with 8.8.1 (Villages, Towns and Special Communities), 8.8.2 (Coastal Special Community Design) and 8.8.3 (Tourist Commercial Concessions) in that the proposed uses that are allowed under the Master Occupancy Program will, in addition to serving local neighborhoods, provide tourist serving commercial services within the East Cliff Village Tourist Area.

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 Master Occupancy Program is for future changes of use that are to be located within an existing commercial building. The proposed allowed uses will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity, in that the expected level of traffic generated by the allowed uses are not anticipated to exceed the former level of traffic generated by previous uses of the property and therefore 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 commercial building is located in a mixed

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neighborhood containing a variety uses and architectural styles, and the proposed local and visitor serving uses allowed under the Master Occupancy Program are 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 Master Occupancy Permit will allow for changes of occupancy within an existing commercial building that is of an appropriate scale and type of design that is consistent with the aesthetic qualities of the surrounding properties and that the proposed uses will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Three sheets dated February 25, 2011, as revised June 8, 2011, prepared for Jack Cross Properties LLC.

- I. This permit establishes a Master Occupancy Program for future change of use/occupancy of all or part of the existing commercial building to specified uses allowed in the C-1 zone district. The permit also recognizes the existing parking layout that includes for parking spaces in the public right-of-way and also allows for the erection of up to four business identification signs. 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 Special Inspection to final Building Permit #86503 and Demolition Permit #91446 from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official for tenant improvements to recognize the deletion of pre-existing interior partitions between tenant spaces.
 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.
 - E. 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 Building Permits 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 and shall be prepared in compliance with the Business and Professions Code and with the California Building Code. 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. If no prior application has recognized the conversion of the three former tenant spaces to a single occupancy store, the initial Building Permit submittal for Tenant Improvements for any new use is to include for this work. The application shall include three floor plans: one to show the original recognized layout that included the division of the building into three separate tenant spaces; one to show the current interior layout of the building and one to show proposed tenant improvements.
- 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, if applicable.
- C. For uses that include food handling or use or storage of hazardous materials, obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- 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. Sign locations, dimensions and height shall be consistent with the approved Exhibit A for this permit.
 - a. For all future uses, total signage shall not exceed a maximum of four signs with an aggregate size of 50 square feet and shall be mounted on the roof fascia as depicted on the approved Exhibit "A" for this permit.
 - b. Only indirect illumination or low-intensity interior illumination shall be used. Any sign lighting shall be unobtrusive to adjacent properties and any glare shall be directed onto the site.
 - c. Temporary signage is limited to a maximum of 20% of the available window area and shall not be displayed for a period exceeding two weeks.
 - d. Moving signs, flags, banners, sandwich board signs or flashing signs shall not be permitted.
 - D. Provide a lighting plan for the proposed development. Lighting for the property

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.
 - b. All lighted parking and loading areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
 - c. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
- E. Provide required off-street parking for 13 cars, of which one space must be van accessible. Regular parking spaces must be 8.5 feet wide by 18 feet long and must be located in accordance with the plans marked Exhibit A and comply with the parking agreement signed by the County and the property owner, June 30, 1989. The van accessible space must be a minimum of 9 feet wide by 18 feet long with a striped access aisle of 8 feet wide. Parking must be clearly designated on the plot plan.
- F. For uses that require regular access by delivery trucks such as a convenience store/local market, provide parking for 10 cars, of which one space must be van accessible and one off-street loading area. The loading area shall be a minimum of 12 feet wide and 45 feet long with wheel stops as necessary to protect the subject property.
- G. Provide bicycle parking spaces for three bicycles of a minimum of 6 feet by 2 feet.

IV. Operational Conditions

- A. Master Occupancy Program: Change of use requests of all or of any portion of the subject property that do not intensify the use may be processed with a Change of Occupancy Permit. This includes all of the uses listed in the current C-1 (Neighborhood Commercial) use charts, with the exception of eat-in restaurants, and physical culture studios or other uses where group classes are to be held. **Additional restrictions are as follows:**
- a. A maximum of 2,626 square feet of the total building area is available for uses that are allowed by the Master Occupancy Program, with all remaining square footage to be maintained for storage use only (see d. below).
 - b. A loading bay is required for any use within the subject building such as a convenience store, local market or other use that requires regular deliveries of

goods involving delivery trucks. If a use requiring a loading zone is required the total maximum floor area available for retail or commercial use for one, two, or three tenant spaces, shall not exceed 2,026 square feet with all remaining floor area restricted for use as storage only (see d. below).

- c. The available square footage for retail and other allowed uses of the building as set out in a. and b. above, are based upon current parking standards as set out in the zoning ordinance (one space per 200 feet of commercial use). If at some future time different parking standards are adopted, these new standards shall apply and the ratio of available commercial space to storage space may be amended to be in compliance with the then current regulations.
- d. For proposed uses where the applicant does not want to reduce the available commercial square footage in order to comply with the adopted parking standards, additional square footage may be converted from storage for an allowed use subject to a Minor Variation to this Permit. At a minimum the submittal materials must include a parking plan to show that sufficient parking exists within the existing parking lot for the proposed use or uses. No use or combination of uses on the property shall require more than 13 spaces (or 10 spaces and 1 loading zone as required above). A minimum of one van accessible space is required to be maintained for all proposed uses.
- e. No alcohol sales or any medical marijuana dispensaries or cooperatives shall be allowed without an Amendment to this permit and a Public Hearing shall be required.

B. Conditions that apply to all uses:

- a. No outdoor storage is permitted.
- b. The hours of operation shall not exceed 6:00am to 10:30pm daily.
- c. Store delivery hours shall be limited to the hours of 7:00am to 6:00pm Monday through Friday. No weekend deliveries will be allowed.
- d. The property owner or store manager(s) shall be responsible for maintaining the premises over which they have control, free of litter and graffiti. Any graffiti painted or marked on the property shall be removed or painted over within 24 hours.
- e. Noise and disturbance to neighboring properties is to be kept to a minimum. Trash shall not be emptied into outside trash containers between the hours of 6:00pm and 8:00am daily. The use of any amplifying system or device is prohibited outside the premises and the use of any such system inside the building shall not be audible from the outside.
- f. All landscaping is to be maintained

- C. In the event that future County inspections of the subject property disclose non-compliance 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.
- 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

Application #: 101126
APN: 028-062-37
Owner: Jack Cross

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: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Lezanne Jeffs
Planner
Project

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: 101126

Assessor Parcel Number: 028-062-37

Project Location: 1701 Portola Drive, Santa Cruz

Project Description: Proposal to establish a Master Occupancy Program for changes of use within an existing commercial building and to recognize a parking area that is located partly within the public right of way.

Person or Agency Proposing Project: Reid Shantz for Jack Cross Properties

Contact Phone Number: (831) 425 1986

- 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:

Re-establish a commercial use within an existing structure.

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

Lezanne Jeffs, Project Planner

Date: _____