



Staff Report to the Zoning Administrator

Application Number: 121213

Applicant: Jim Dias
Owner: Moreno
APN: 051-191-17

Agenda Date: 3/1/13
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to install a 1,150 gallon propane tank for retail propane sales on a site with an existing produce stand. Requires an Amendment to Commercial Development Permit 81-155 PD on a parcel zoned Neighborhood Commercial (C-1).

Location: Site is located on the east side of East Lake Avenue approximately 100 feet south of the intersection of Holohan Road and East Lake Ave (2202 East Lake Ave).

Supervisory District: 4th District (District Supervisor: Caput)

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 121213, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size: 1.97 Acres
Existing Land Use - Parcel: Neighborhood Commercial
Existing Land Use - Surrounding: Mixed Commercial, Agriculture, and Residential
Project Access: East Lake Avenue
Planning Area: Pajaro Valley
Land Use Designation: C-N (Neighborhood Commercial, Urban Open Space)
Zone District: C-1 (Neighborhood-Serving small scale commercial services)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm.: ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Flood Plain - AO, AE
County Fault Zone
Liquefaction
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Mapped with 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: Watsonville Water Service Area - Public
Sewage Disposal: Salsipuedes Sanitation District - Sewer
Fire District: Pajaro Valley Fire Protection District
Drainage District: Flood Control District 7

History

The subject parcel was approved for use as a produce stand under Commercial Development Permit 81-155-PD. Subsequent Development Permits have been approved to expand the existing retail area (91-0583) and minor alterations to the existing store front (96-0682). Currently, the existing use of the site complies with all conditions of approval.

Project Setting

Project is located in an area of mixed commercial, residential and agricultural uses. The subject parcel is zoned Neighborhood Commercial (C-1) with a General Plan Designation of Neighborhood Commercial and Urban Open Space.

The majority of the two acre parcel is relatively undeveloped and located entirely within a mapped 100-year floodplain. Corralitos Creek and levee bisect the north east portion of the property. The only portion of the subject parcel with a General Plan Designation of Urban Open Space lies to the northeast of the levee, approximately 90 feet from any proposed improvements.

The existing 3,948 square foot produce stand is situated along the East Lake Avenue to the south of the paved parking area. The location of the proposed tank is within an existing parking space approximately 100 feet from the entrance to the paved parking area and nearly 70 feet from the produce stand.

Zoning & General Plan Consistency

The subject property is a parcel of approximately two acres in size, located in the C-1 (Neighborhood-Serving small scale commercial services) zone district, a designation which allows Commercial uses. The proposed propane tank is an allowed use and is ancillary to the primary use of the property. The zoning is consistent with the site's (C-N) Neighborhood Commercial, Urban Open Space General Plan designation.

Parking

Commercial Development permit 81-155-PD required 22 parking spaces (2 accessible spaces and 20 standard spaces). The parking requirement was originally calculated at a rate of 1 space/200 square feet of floor area as required under the Retail Store and Service Establishments in County Code Section 13.10.552 (Commercial Parking Standards).

Since the approval of application 81-155-PD, County parking standards for Retail Store and Service Establishments have changed so that now parking is calculated at a rate of 1 space per 300 square feet of gross floor area (13 standard spaces and 1 accessible space).

As proposed the existing parking area meets County parking requirements by providing 18 standard spaces and 1 accessible space. Additional parking is available on site in the way of a gravel area which can accommodate up to 30 standard size vehicles. The gravel area is well suited for parking of larger vehicles that are expected to purchase propane at this site.

Design Review

The proposed development complies with the requirements of the County Design Review Ordinance, in that an existing landscape island immediately to the east of the proposed tank will serve as screening from the levee drive and pedestrian path. In order to further reduce the visual impact of the propane tank as seen from East Lake Avenue, a condition of approval will require the installation of a solid wood fence to serve as screening along the west side of the tank.

Environmental Review

The proposed development qualifies for a Class 3 Categorical Exemption - New Construction or Conversion of Small Structures (Section 15303) and not subject to further Environmental Review.

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 **121213**, 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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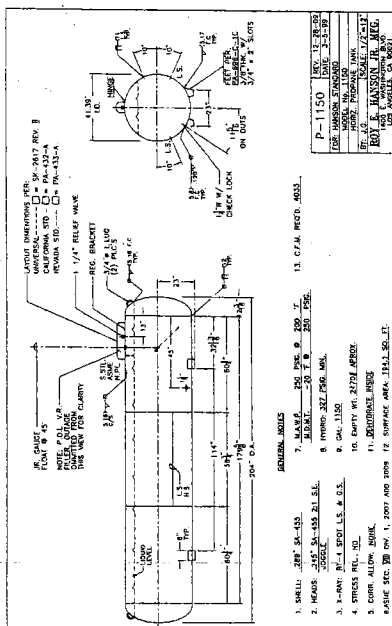
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PARCEL ATTRIBUTES

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PARKING INFORMATION
 148 CAR PARKING SPACES
 1 HANDICAP PARKING SPACE
 5 BICYCLE SPACES
 ALL PARKING SPACES TO MEET
 SANTA CRUZ COUNTY STANDARDS

LANDSCAPE INFORMATION
ALL PLANTS ARE DROUGHT RESISTANT
ALL PLANTS ARE EXISTING

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Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for Commercial uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, the County Building ordinance and Federal Emergency Management Agency (FEMA) guidelines (regarding placement of structures in the floodplain) to insure the optimum in safety and the conservation of energy and resources.

Pajaro Valley Fire Protection District has reviewed this application and had no objections to the proposed development and compliance with Fire requirements will be addressed at the Building Permit stage.

The proposed propane tank 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 these amenities.

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

This finding can be made, in that the proposed location of the propane tank and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-1 (Neighborhood-Serving small scale commercial services) zone district. The commercial sale of propane will be ancillary to and compliment the primary use of the property which will continue to be that of a produce stand.

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

This finding can be made, in that the proposed Commercial use is consistent with the use and density requirements specified for the Neighborhood Commercial (C-N), Urban Open Space (O-U) land use designations in the County General Plan.

The location of the proposed propane tank is entirely outside the portion of the subject parcel designated Urban Open Space and 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 propane tank is to be constructed on an existing

developed lot. This project has been reviewed by Department of Public Works Transportation and Road Engineering and it has been determined that no transportation or road improvements will be required as a result of this project. The expected level of traffic generated by the proposed project is not expected to increase above existing levels and will not adversely impact existing roads or intersections in the surrounding area.

Previous parking regulations require 22 parking spaces; current parking regulations require 14 spaces and 18 will be provided. Therefore, even though the proposed development would result in the deletion of one paved parking space, sufficient parking exists on site. The existing circulation pattern for vehicles entering and exiting the property meets County standards as approved under Commercial Development 96-0682 and no changes are proposed.

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 project is located in a mixed neighborhood containing commercial, residential and agricultural uses and a variety of architectural styles. Although the propane tank is a unique structure in the neighborhood, the proposed propane tank is adequately set back from the travelled road and shall be screened from public views.

The subject parcel is located in on the edge of the Urban Services Line and surrounded by both urban and rural properties many of which will benefit from the convenient location of the proposed use. The commercial sale of propane is an allowed use in the C-1 zone district and will compliment to existing approved uses on site.

As proposed, the project 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 size of the parcel, approximately 1.97 acres or 85,800 square feet, and the size of the existing development, approximately 3,948 square feet, will not be adversely impacted by the addition of the propane tank, approximately 200 square feet and about 4-6 feet above grade because the tank will be screened by existing landscaping and a new wood fence.

Conditions of Approval

Exhibit A: Project plans, 2 sheets, prepared by Pamela Dias, revised 10/20/12.

- I. This permit authorizes the construction of a 1,150 gallon propane tank. 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. Details showing the material and location of the screening for the propane tank. Screening shall be located along the west side of the tank as viewed from East Lake Ave. Screening shall consist of a solid wood fence high enough to sufficiently screen the propane tank.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements.
 4. The propane tank shall be elevated at least one foot above the base flood elevation and meet all FEMA requirements.

- 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. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Obtain a HazMat permit from County Department of Environmental Health Services and clearance for this project.
- E. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
- F. Provide required off-street parking for 1 accessible parking space and 13 standard parking spaces. Standard spaces must be 8.5 feet wide by 18 feet long and 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. All outdoor storage must be contained within the existing fenced storage area.
- D. Signage and equipment associated with the UHaul rental facility shall be removed from the site.
- E. 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.

- 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.

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APN: 051-191-17
Owner: Moreno

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Nathan MacBeth
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 121213

Assessor Parcel Number: 051-191-17

Project Location: 2202 East Lake Ave, Watsonville

Project Description: Proposal to install a 1,150 gallon propane tank for retail propane sales at an existing produce stand.

Person or Agency Proposing Project: Jim Dias

Contact Phone Number: (831) 750-0346

- 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. X **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Installation of a propane tank on site with an existing produce stand in an area designated for commercial use.

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

Nathan MacBeth, Project Planner

Date: _____