



## Staff Report & Development Permit Level 3 – Administrative Review

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Application Number: **231436**

APN: **028-041-55**

Applicant: **Rolando Rodriguez**

Owner: **Carlos Castro**

Site Address: **740 17<sup>th</sup> Avenue, Santa Cruz CA 95062**

### Proposal & Location

Proposal to remodel an existing 4,229 square foot nursing facility by reconfiguring the interior through the addition of new separating walls; and to reduce the total number of beds and residents from 20 to 14. Requires a Minor Variation to Use Permits 1246-U, 3080-U, 98-0382 and 99-0474

The project site is located on the east side of 17th Avenue (740 17th Avenue), approximately 300 feet north of its intersection with Merrill Street in Live Oak.

### Analysis

This application is a proposal to change the scope of approved Use Permits 1246-U, 3080-U, 98-0382 and 99-0474 for the existing facility on the parcel, to allow the construction of new separating walls to divide existing bedrooms. The proposed project will also reduce the maximum number of allowed patients as determined under 3080-U, from 20 to 14. These changes require a Minor Variation to Use Permits 1246-U, 3080-U, 98-0382 and 99-0474.

The operation of this facility was originally permitted in 1964 through Use Permit 1246-U and a maximum occupancy limit of 20 persons was subsequently added under 3080-U in 1973. Modifications to the facility have been granted since this date, the most recent being Use Permits 98-0382 and 99-0474. Use Permit 98-0382 authorized the construction of a 1,550 square foot addition, a Variance to maintain approximately 38% lot coverage, and a Minor Variation to change the roof design from pitched to a flat roof over the proposed addition. Subsequent minor modifications to the site authorized under Use Permit 99-0474 included the reorientation of the existing entryway, construction of an accessibility ramp, repair in kind of a 6-foot wood fence and a modification of the parking area permitted under Use Permit 98-0382.

The proposed new separating walls would completely divide two bedrooms, partially divide one bedroom, and create a new laundry room. Additionally, the maximum patient occupancy and number of beds would be reduced from 20 to 14 patients. The new bedroom configuration will reduce overcrowding and provide a greater level of privacy for clients. As proposed the project would maintain the nursing facility's existing footprint and result in a deintensification of use.

All findings remain valid as approved for Use Permit 98-0382. Based on the findings for permit number 98-0382, which are hereby incorporated by reference, Santa Cruz County Planning staff recommends approval of the requested Minor Variation including the conditions contained in this permit.

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### Staff Recommendation

Santa Cruz County Planning has taken administrative action on your application as follows:

- Approved (if not appealed).  
 Denied (based on the attached findings).


NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.  
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact John Hunter at:  
(831) 454-John Hunter or [John.Hunter@santacruzcountyca.gov](mailto:John.Hunter@santacruzcountyca.gov)

Report Prepared By: \_\_\_\_\_  
John Hunter  
Santa Cruz County Planning  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060

Report Reviewed By:  \_\_\_\_\_  
Lezanne Jeffs  
Principal Planner  
Santa Cruz County Planning

Mail to: Rolando Rodriguez  
444 Airport Blvd. Ste 209  
Watsonville, CA 95076

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### Appeals

In accordance with Section 18.10 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

## Conditions of Approval

Exhibit A: Project plans, prepared by Gabriel Noh, dated 11/30/2020.

- I. This permit authorizes the construction of new separating walls to divide existing bedrooms, as indicated on the approved Exhibit "A" for this permit, and the reduction of the maximum number of patients from 20 to 14. 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 Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof. All conditions of permit 98-0382 not related to maximum patient occupancy are incorporated herein by reference and are also conditions of this approval.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to Santa Cruz County Planning 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with Santa Cruz County Planning. 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. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    2. Details showing compliance with fire department requirements.
  - B. Meet all requirements of the Santa Cruz County Sanitation District.
  - C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

#### IV. Operational Conditions

- A. This care facility shall be limited to a 14-patient occupancy. An increase in the patient number requires an amendment to this development permit.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

#### V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The “applicant/owner” shall include the applicant and/or the owner and the successor’(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**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: 1/17/2024

Effective Date: 1/31/2024

Expiration date: 1/31/2027

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: **231436**

Assessor Parcel Number: **028-041-55**

Project Location: **740 17<sup>th</sup> Avenue, Santa Cruz CA 95062**

Project Description: **Remodel an existing 4,229 square foot Nursing Home (Assisted Living Facility) to reconfigure interior (add walls) and to reduce the total number of beds/residents from 20 to 14.**

Person or Agency Proposing Project: **Rolando Rodriguez**

Contact Phone Number: **(831) 809-1495**

- 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).
- E.  **Categorical Exemption**

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

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

Interior alterations involving interior partitions and a deintensification of use at an existing facility.

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

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John Hunter, Project Planner

Date: 1/18/2024



## County of Santa Cruz Community Development & Infrastructure - Planning Division

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Approval of application **231436** (Carlos Castro)

Your Minor Variation Permit has been administratively approved by Santa Cruz County Planning.

In order to validate this approval, you must sign the permit, affirming that you have reviewed the permit and agree to the conditions imposed by it. Until this occurs, the permit is not active. **This means that no building permit will be issued, nor can the use begin unless and until the permit is signed and returned.** Within this mailing is a separate page which requires your signature to validate this permit. Please sign, detach, and return the separately labeled “Signature Page” for our files. **This approval is for the discretionary review of this project only and any additional permits required as Conditions of Approval of this permit (i.e. Building Permits, Grading Permits, Encroachment Permits, etc.) must be obtained prior to beginning construction.** You should carefully review the attached conditions, as these are the terms under which your project can proceed. If you are the agent for the property owner, you may sign the permit only if you provide proof of service by mail that the signed conditions have been provided to the owner.

Please contact the project planner at (831) 454-3170 or [John.Hunter@santacruzcountyca.gov](mailto:John.Hunter@santacruzcountyca.gov) should you have further questions about the processing of your application.



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# County of Santa Cruz

## Community Development & Infrastructure - Planning Division

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### Signature Page

(To be signed and returned to Santa Cruz County Planning to demonstrate acknowledgement of the issuance of this permit and the acceptance of all permit conditions)

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **231436** (APN 028-041-55) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 028-041-55) must sign this form.

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Signature of Owner	Print Name	Date
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Signature of Owner	Print Name	Date
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Signature of Owner	Print Name	Date
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Signature of Owner	Print Name	Date
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Please return to:

John Hunter  
Santa Cruz County Planning  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060

\*(Records room staff: Please file this page with the discretionary application listed above.)