



Staff Report to the Planning Commission

Application Number: **101088**

Applicant: Hamilton Swift & Associates Inc.
Owner: Redtree Properties LP
APN: 025-151-19 & 20

Agenda Date: February 23, 2011
Agenda Item #: 10
Time: After 9:00 a.m.

Project Description: This is a proposal to allow the internal illumination of a storefront façade sign at an existing retail business (Marshalls).

Location: The property is located on the south side of Commercial Way at its intersection with Commercial Crossing (1664 Commercial Way).

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

Permits Required: A Variance to allow the illumination of a sign adjacent to a scenic road and an Amendment to Commercial Development Permits 96-0006 and 07-0222

Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101088, based on the attached findings and conditions.

Exhibits

- | | |
|---|--|
| A. Project plans | F. General Plan Maps |
| B. Findings | F. Comments & Correspondence |
| C. Conditions | G. Applicant's Photos |
| D. Categorical Exemption (CEQA determination) | H. Conditions of Approval of Permits 96-0006 and 07-0222 |
| E. Assessor's, Location, Zoning and | |

Parcel Information

Parcel Size:	1.98 acres
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial
Project Access:	Commercial Way
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)

Zone District: C-2 (Community Commercial)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Highway 1 Scenic Corridor
Drainage: N/A
Archeology: N/A

Services Information

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

Project Setting & History

The subject parcel is part of a triangular shopping center composed of two commercial buildings currently occupied by Toys R Us / Babies R Us and Marshalls (formerly Circuit City). The two parcels forming this shopping center are, together, about 5.3 acres and are bound by Highway 1 to the south; Commercial Way to the north; and the northerly extension of 17th Avenue to the east. Both commercial buildings face west. A line of evergreen trees and some deciduous trees mostly screen the shopping center from Highway 1, a designated scenic road in the General Plan.

Commercial Development Permit 96-0006 authorized the construction of the shopping center. Included in the permit was the approval of a Variance to increase the maximum allowed signage, increase the number of allowed signs and permit an off-site sign along Soquel Drive. This original permit was approved by the Planning Commission on May 10, 1996.

Since then, Minor Variation 07-0222 was approved allowing for the modification of the entrance of the Toys R US / Babies R Us building, the installation of replacement signage, minor modifications to the parking area, and the refurbishment of the existing landscaping. In early 2009, Circuit City's bankruptcy resulted in the closure of its Santa Cruz store. In May 2010, Marshalls, a discount clothing retailer, occupied the space with a Level 1 Change of Use permit which included the replacement of the Circuit City sign with the Marshalls sign. The Marshalls sign is consistent with the size approved for Circuit City under the original permit.

The area surrounding the shopping center is commercially zoned and characterized by a somewhat confusing street arrangement. As a part of the shopping center's development, the County's Redevelopment Agency approved the construction of Commercial Crossing to provide direct access from Soquel Drive to the shopping center. Despite this improvement, the shopping center is not readily visible or accessible from any major surface road.

The Marshalls sign is visible from a distance to drivers travelling south on Soquel Drive as they cross the Highway 1 bridge and pass the Highway 1 on and off ramps. An additional glimpse of the sign is possible if drivers look directly down Commercial Crossing as they cross its intersection with Soquel Drive. From Highway 1 southbound, the sign becomes visible about one-half mile after the Morrissey Exit. The Soquel Drive bridge over Highway 1 blocks the view of the sign, after which the sign is briefly visible. From Highway 1 northbound, the sign is not visible.

The section of Highway 1 between the Soquel Drive and 41st Avenue exits is, perhaps, the most visually degraded section of the highway within the County's jurisdiction given the numerous businesses lining the highway and the absence of a complete vegetative screen. In contrast to many of the nearby properties, the Marshalls shopping center is mostly screened from the highway by a row of evergreen and deciduous trees.

The current application seeks to allow the internal illumination of the existing Marshalls sign. This requires a Variance to allow the illumination of a sign along a scenic road and an Amendment to Commercial Development Permits 96-0006 and 07-0222.

Zoning and General Plan Consistency

The subject property is a 1.98 acre lot, located in the C-2 (Community Commercial) zone district, a designation which allows commercial uses. The proposed illuminated sign is attached to a commercial retail use which is an allowed use within the zone district and is consistent with the site's (C-C) Community Commercial General Plan designation. Because the County's General Plan designates Highway 1 as a scenic road (Policy 5.10.10) and County Code 13.10.581(h) prohibits illuminated signs within a scenic corridor, a Variance and an Amendment to Commercial Development Permits 96-0006 and 07-0222 are required to allow the sign's illumination.

Variance

The proposed Variance request is reasonable because of the subject parcel's location, the fact that the approval of the proposed Variance would not be a grant of special privilege, and the location and appearance of the illuminated sign will be in harmony with the general intent and purpose of zoning objectives.

The location of the store at a distance from an arterial road and the fact that the shopping center is mostly screened from Highway 1 provide support for a Variance. Most C-2 (Community Commercial) property in the County has frontage along an arterial road. Although the Marshalls shopping center has frontage along Highway 1, General Plan policies as implemented by the conditions of approval of Commercial Development Permit 96-0006, require that the shopping

center be screened from the highway. This leaves Soquel Drive as the audience for the shopping center's signage. Soquel Drive is, however, located about one-fifth of a mile from the Marshalls sign at the point where the sign is most visible. Storefront visibility is a critical component of a successful retail business and, in the absence of arterial frontage, an illuminated sign will amplify the store's presence from the few available viewpoints. Without the illuminated sign the store will be difficult to identify in low light conditions and at night. Given the parcel's locational disadvantages, a Variance to allow an illuminated sign is reasonable.

Approving this Variance would not be a grant of special privilege as any similarly zoned and situated parcel would be eligible for a Variance as well. Few commercial parcels which are adjacent to a scenic road, however, have the same combination of being adequately screened from the scenic road and located at a distance from an arterial roadway as is the case with the Marshalls store.

Finally, the granting of this Variance will be in harmony with the general intent and purpose of the zoning objectives. County Code 13.10.331 details the purposes of the commercial districts in general and the Community Commercial zone district specifically. The subject use and proposed illuminated sign comply with these purposes in that the development is and will continue to be compatible with adjacent development; the impact to residential areas will be negligible; and the store, facilitated by the illuminated sign, provides a range of commodities to meet the needs of County residents and visitors.

Amendment

Condition I. A.6.a of Commercial Development Permit 96-0006 states, "No sign visible from State Route 1 shall be illuminated." Although the shopping center is mostly screened from Highway 1 by a line of evergreen trees, there is one gap in the line of vegetation. The Marshalls team understands that Highway 1 is a scenic road and that they are required to maintain the vegetative screen. To that end, the retailer planted three trees (two 60-inch box and one 48-inch box redwood trees) in the gap. Once these trees have matured, the Marshalls sign will be adequately screened. Drivers will, however, still be able to see the sign when driving southbound on Highway 1. Because of this, staff recommends changing the above condition to, "All illuminated signs must be adequately screened from Highway 1 as determined by Planning Department staff."

In addition, a condition of approval is included to limit the hours of illumination. The sign would be illuminated only when the store is open which means that the sign would be off for most of the night (the store closes at 8 PM on Sunday and 9:30 PM Monday – Friday).

Design Review

All commercial projects as well as all project sites located adjacent to a scenic road are subject to Chapter 13.11, the County's design review ordinance. This project complies with the requirements of the chapter in that the illuminated sign will be adequately screened from the scenic road by the existing trees and the three recently planted redwood trees (see attached photos, Exhibit G). In addition, the sign is in scale with the existing structure, a large commercial retail building and is appropriately sized given its distance from the nearest arterial roadway. The County's Urban Designer reviewed and accepted this proposal (see attached memo, Exhibit F).

Conclusion

The previous findings and conditions for Commercial Development Permits 96-0006 and 07-0222, except as modified by this proposal, continue to be valid in that the regulations or site conditions have not changed in a manner that would affect the prior decision. Therefore, as proposed and conditioned and with the requested Variance, the project is consistent with the 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 **101088**, 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

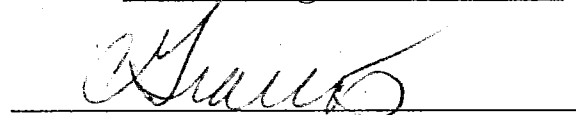
Report Prepared By:



Annette Olson

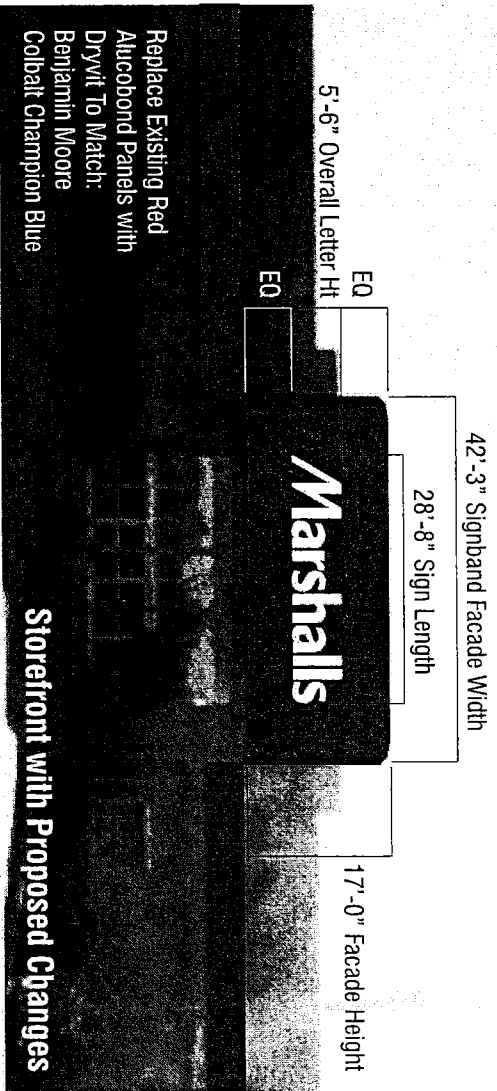
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3134
E-mail: annette.olson@co.santa-cruz.ca.us

Report Reviewed By:



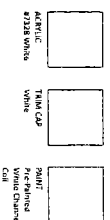
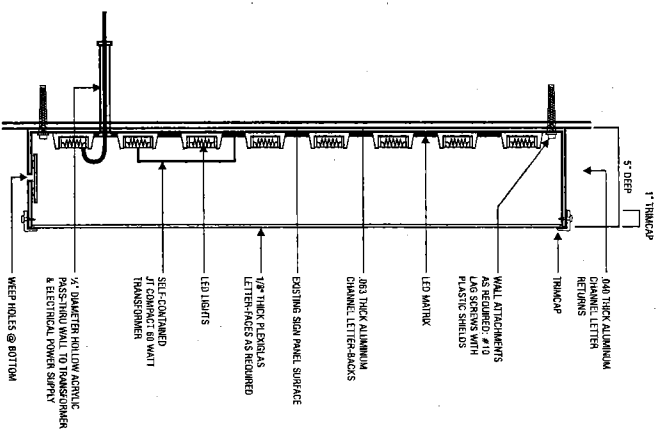
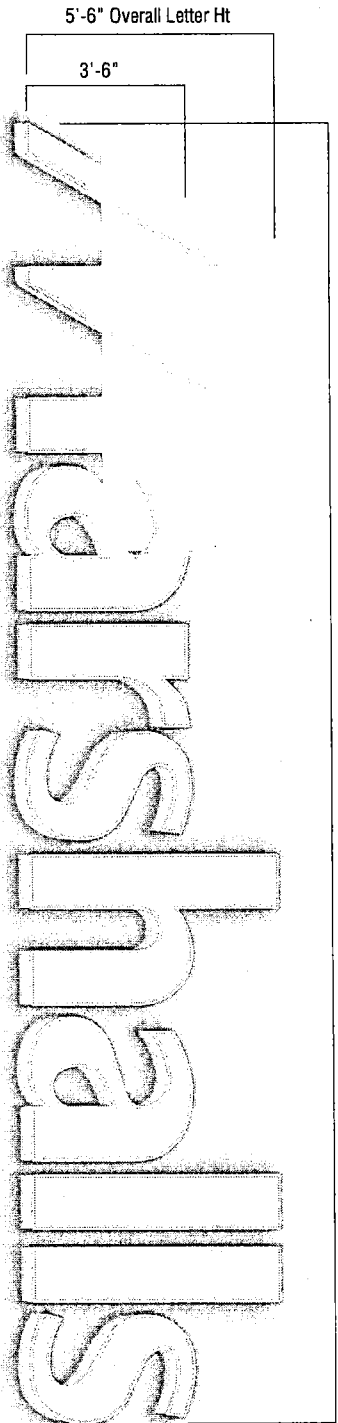
Cathy Graves
Principal Planner
Santa Cruz County Planning Department

A Attachment Detail & LED Illuminated Channel Letter Color Specifications
Scale: NTS



NOTE: The electrical components of logo sign (ID A) are not to be hooked up and operated until all necessary sign approvals have been obtained.
28'-8" Overall Channel Letter Sign Length

Storefront with Proposed Changes



SIGNS & SERVICES
COMPANY, INC.
"Exceeding Expectations"

10980 Boatman Ave.
Stanton, California 90680
T 1-800-743-6942
F 714-761-2451
signsandservicesco.com

Representative:
Dave Terrace
Date: Designer:
04/09/10 R. Schaffer
Drawing:
10-346 r10

Revision:
1/08/12/10 RCS / Add Monument Sign Reface to Design Package
Make Letters Face Illuminated with LEDs
1/08/17/10 RCS / Reverse-Out Monument Sign Coloration

Project:

Marshalls
1664 Commercial Way / Santa Cruz, CA 95065
(Store: #M-1100)

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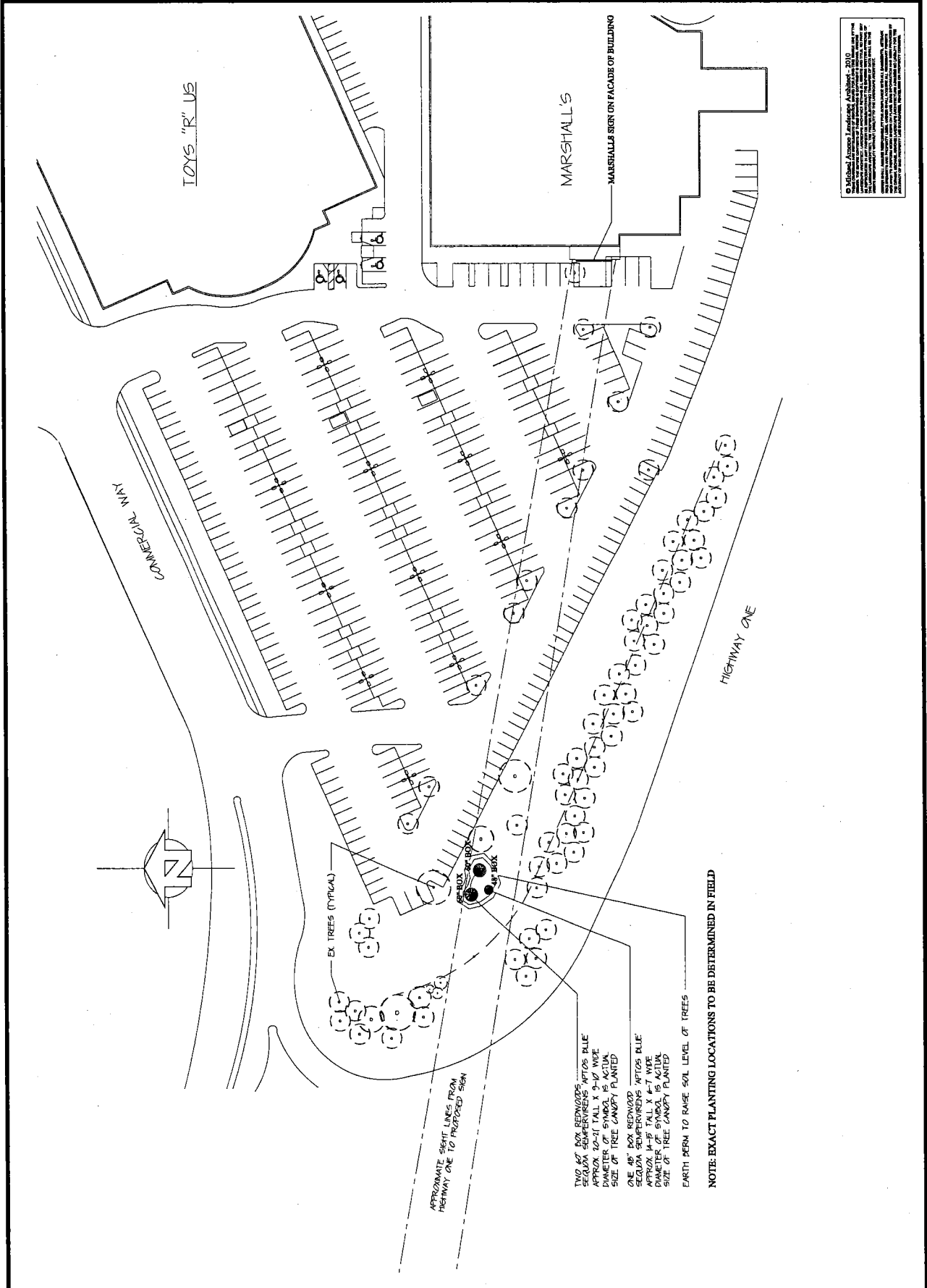


DATE	PURPOSE	BY
10.10.10	Final Review	MAA

scale:
1" = 30' - 0"

sheet title:
planting

sheet number:
L - 1
of one



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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.

This finding can be made, in that the special circumstance warranting a Variance from County Code 13.10.581(h) which prohibits the illumination of signs within a scenic corridor is the parcel's location at a distance from an arterial roadway and next to Highway 1. The subject parcel is one of the County's few commercially-zoned parcels which is large enough to accommodate a large retailer such as Marshalls, yet it has no arterial frontage and must be screened from Highway 1. Soquel Drive is located about one-fifth of a mile from the Marshalls sign at the point where the sign is most visible. Since storefront visibility is a critical component of a successful retail business, the illumination of the Marshalls sign will help compensate for the parcel's locational disadvantages. By lighting the sign, the few views available from Soquel Drive will be maximized, particularly at night and in low-light conditions. Without the illuminated sign, it will be difficult for drivers to identify the store at night. Given these locational characteristics, a Variance from County Code 13.10.581(h) which prohibits sign illumination within the scenic corridor is considered appropriate.

Although the sign is adequately screened from Highway 1, a scenic road, the strict interpretation of the County Code would prohibit its illumination. Other retailers in the vicinity under the identical zoning classification and mapped as being within the scenic corridor are allowed to illuminate their signs because their signs are not visible from Highway 1. Given that the Marshalls sign is adequately screened from the highway, it would deprive the retailer of a privilege enjoyed by other property in the vicinity under identical zoning classification.

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.

As conditioned, the granting of the Variance to allow the illumination of the Marshalls sign will be in harmony with general intent and purpose of zoning objectives. County Code 13.10.581(h) states that, "No illuminated signs shall be permitted within a scenic corridor." The Code does not identify the purpose or intent of this prohibition, but it is reasonable to assume that it is to preserve the visual integrity of the scenic road (Highway 1). The proposed illumination of the sign will be in harmony with this intent and purpose in that the sign will be adequately screened by the existing and recently planted vegetation which will adequately mitigate impacts to the scenic resource. Since the impact to the scenic road will be adequately mitigated, the proposed illumination will meet the general intent and purpose of the zoning objective. In addition, no impact to public health, safety or welfare, or injury to property or improvements is anticipated with the illumination of the sign.

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.

This finding can be made, in that other properties that are not visible from Highway 1, a scenic road, but are mapped as being part of the scenic corridor are not required to obtain a Variance to illuminate their sign. Since the Marshalls shopping center and store are adequately screened from Highway 1, it would not be a grant of special privilege to allow the illumination of the Marshalls sign. In addition, any similarly zoned and located parcel would be eligible for a Variance as well. Few commercial parcels which are adjacent to a scenic road, however, have the same combination of being adequately screened from the scenic road and located at a distance from an arterial roadway as is the case with the Marshalls store.

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, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed illumination of the Marshalls sign will not deprive adjacent properties or the neighborhood of light, air, or open space, as the sign is not a structure. The sign and structure to which it is affixed 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 location of the illuminated sign and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances, except for County Code 13.10.581(h) which prohibits illuminated signs within a scenic corridor. A Variance to this prohibition is included in this application (see attached Variance findings). The sign is attached to an existing large retail building, which meets all current site standards for the zone district, and is an allowed use with the C-2 (Community Commercial) zone district.

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 complies with the requirements of General Plan policies 5.10.2 (Development within Visual Resource Areas), 5.10.3 (Protection of Public Vistas), and 5.10.12 (Development Visible from Urban Scenic Roads), in that the proposed illuminated sign will be adequately screened from Highway 1 by the existing row of evergreen trees, several deciduous trees and the recently planted redwood trees (two 60-inch box and one 48-inch box). This will ensure that the visual impact of the illuminated sign will be adequately mitigated.

The General Plan distinguishes between urban and rural portions of Highway 1. For rural portions (Policy 5.10.11), the General Plan is more restrictive, prohibiting all signs except Caltrans standard directional, access and business identification signs. In contrast, signs within urban areas adjacent to Highway 1 may be to the maximum specifications allowed by the sign ordinance (Policy 5.10.20). This distinction acknowledges the difference between visual resources in the rural areas, such as the North Coast, and the more degraded visual resources in urban areas. This is relevant for this application because the section of Highway 1 abutting the shopping center is, perhaps, the most visually degraded section within the County's jurisdiction given the numerous businesses lining the highway and the absence of a complete vegetative

screen.

The addition of lighting to the existing sign will improve the visibility and ready identification of the store by drivers from Soquel Drive. Storefront visibility is critical to the success of a retail business. A successful retail business generates tax revenue which supports local government services. General Plan Policy 2.14.4 (Provision of Commercial Development Sites) identifies revenue sources for local government services as a priority. The bankruptcy of Circuit City translated to a significant loss in tax revenue for the County which Marshalls may now fill. This proposal balances the visibility needs of the retailer with protection of the Highway 1 scenic corridor.

Finally, the illumination of the existing sign will allow for ease of identification by the motoring public along Soquel Drive while not significantly degrading the scenic resource, consistent with scenic resource policies 5.10.21 (Illuminated Signs Visible from Scenic Roads) of the County General Plan.

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 illuminated sign is ancillary to the primary use of the property as a retail store and therefore will use only an insignificant amount of energy relative to the use of the existing store. The illuminated sign will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in the conservation of energy and resources. No significant increase in the level of traffic is anticipated as a result of the illumination of the sign, as no additional retail area is 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 development will illuminate an existing sign on the subject property which is located in a commercial zone district. As such, the sign will harmonize with the existing commercial uses located along Commercial Way, Commercial Crossing and the southerly extension of Mission Drive. Although there are residential uses east of the subject parcel, they will not be affected by the illumination of the sign as the sign faces west.

The County's Urban Designer has reviewed and accepted this proposal as complying with County Code 13.11 (Site, Architectural and Landscape Design Review) in that the sign is adequately screened, is in scale with the building to which it is attached, and is appropriately sized given the structure's location at a distance from an arterial roadway.

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 illuminated sign will comply with requirements in 13.11.072 (Site Design) such as adequate landscaping to screen the sign. In addition, the illumination is appropriate given the weak relationship between the subject building and the nearest arterial roadway (Soquel Drive). The project also complies with County Code 13.10.072(f) which states that it is an objective that signage provides adequate, attractive identification and direction consistent with the area and use. Given that the subject parcel is located in a commercial district, the proposed sign is consistent with the area and uses. The illumination of the sign will improve the ready identification of the business. Without the illumination of the sign, the Marshalls store will be difficult to identify at night and in low-light conditions.

County Code 13.11.072(b)2 requires that development protect the public viewshed where possible. In this case, the existing evergreen and deciduous vegetative screen and the recently planted redwood trees adequately protect the public viewshed as the sign is only visible for a few seconds when travelling south on Highway 1.

Conditions of Approval

Exhibit A: 5 sheets, "Marshalls Conceptual Design package" by R. Scheffer of Signs & Services Company, Inc, dated 4/9/10. 1 sheet, "Planting" by Michael Arnone, Landscape Architect, dated 10/5/10.

I. This permit is a Variance and an Amendment to Commercial Development Permits 96-0006 and 07-0222 to allow the illumination of the Marshalls sign. All required conditions of approval for Permits 96-0006 and 07-0222 are hereby incorporated into these conditions of approval by reference with the following exceptions. 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. Pay any outstanding balance due to the Planning Department prior to illuminating the sign.
- 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. Operational Conditions

- A. All illuminated signs must be adequately screened from Highway 1 as determined by Planning Department staff.
- B. The subject sign shall only be turned on when the store is open.
- C. The subject sign may be internally illuminated. Any sign lighting which creates off-site glare, as determined by the Planning Director, shall be addressed through:
 - 1. Reduction of the total effective light emitted (change in wattage or bulb intensity);
 - 2. Change in the type or method of sign lighting (change in bulb or illumination type);
 - 3. Removal of the lighting creating the off-site glare.
- D. 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.

III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless

- III. 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.

Application #: 101088
APNs: 025-151-19 & 20
Owner: Redtree Properties LP

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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Annette Olson
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 Planning Commission, may appeal the act or determination to the Board of Supervisors 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: 101088
Assessor Parcel Number: 025-151-19 & 20
Project Location: P.O. Box 1041, Santa Cruz

Project Description: Proposal to allow the internal illumination of a storefront facade sign at an existing retail business.

Person or Agency Proposing Project: Hamilton Swift & Associates Inc.

Contact Phone Number: (831) 459-9992

- 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: 15301. Class 1 Existing Facilities

F. Reasons why the project is exempt:

This project consists of illuminating an existing sign attached to an existing retail business and involves no expansion of use.

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



Annette Olson, Project Planner

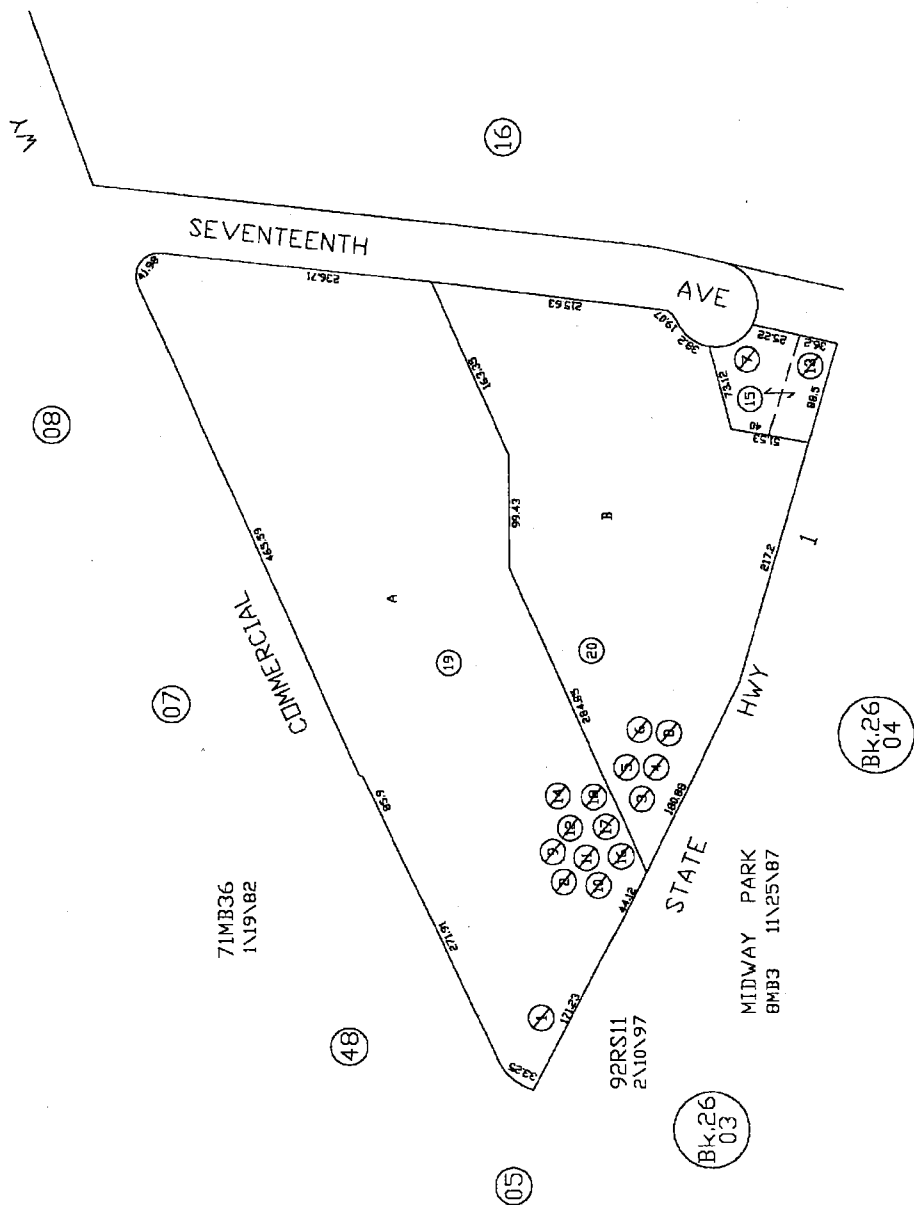
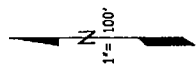
Date: 2/9/11

FOR TAX PURPOSES ONLY
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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR SEC 8 & 9,
 T.11S., R.1W., M.D.B. & M.

Tax Area Code
 96-103

25-15



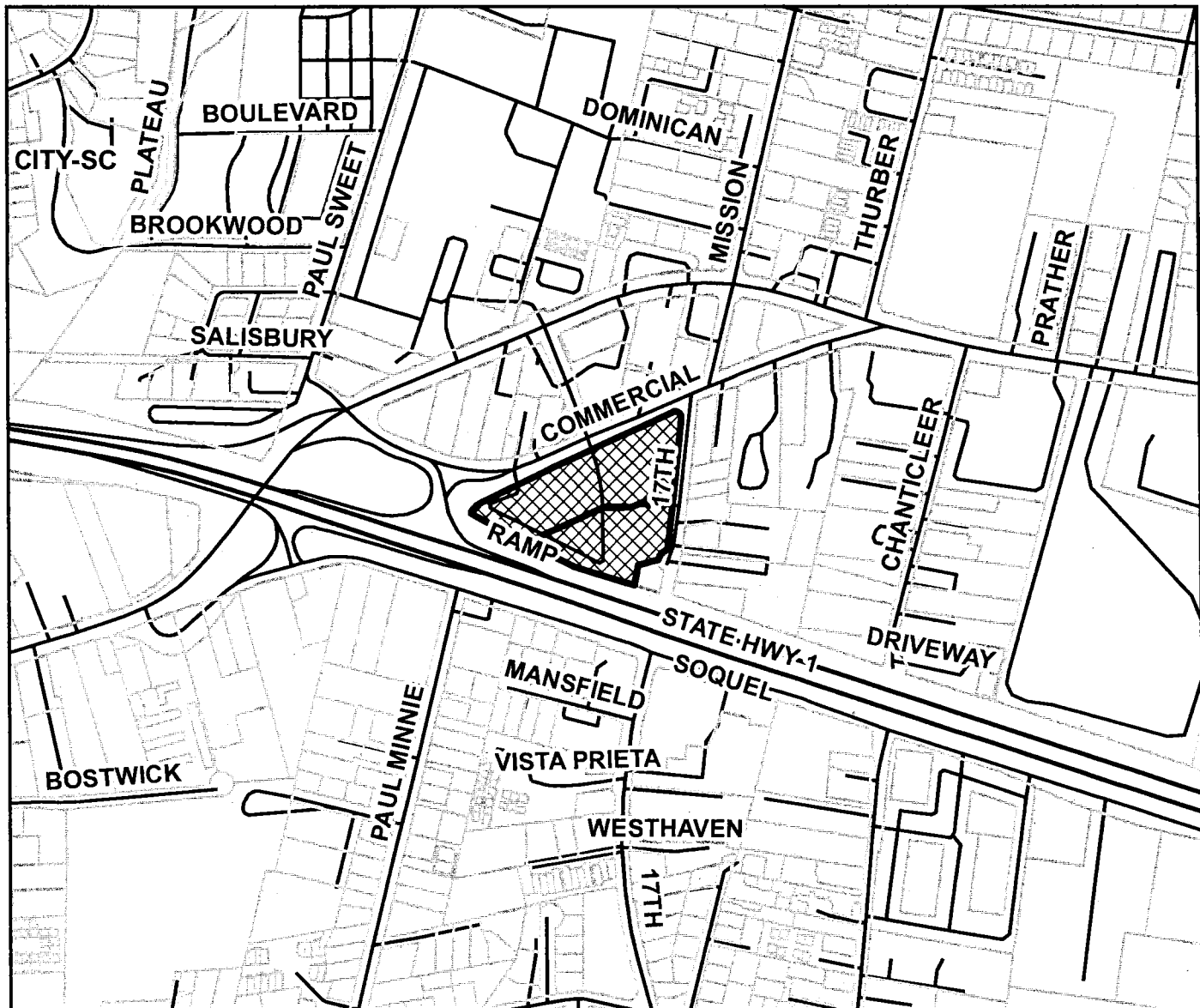
Assessor's Map No. 25-15
 County of Santa Cruz, Calif.
 July 1996

Note - Assessor's Parcel & Block
 Numbers Shown in Circles.







Electronically drawn 7/23/96 CB
 Rev. 7/23/96 CB 03827.287, 1-12
 Rev. 9/15/96 CB 03827.212, 1-13 & 14
 Rev. 11/21/96 CB 03827.256, 1-15 & 16
 Rev. 6/4/97 CB 03900.3 to 57, 1-17
 Rev. 4/23/97 CB 03827.212 to 57, 1-18
 Rev. 1/30/97 CB 03827.212, 1-19 & 20
 Rev. 10/1/97 CB 03827.212, 1-21 & 22
 Rev. 4/2/98 CB 03827.212, 1-23 & 24
 Rev. 3/22/01 rev (changed page refs.)

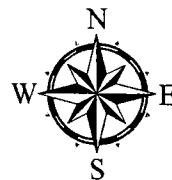


Location Map



LEGEND

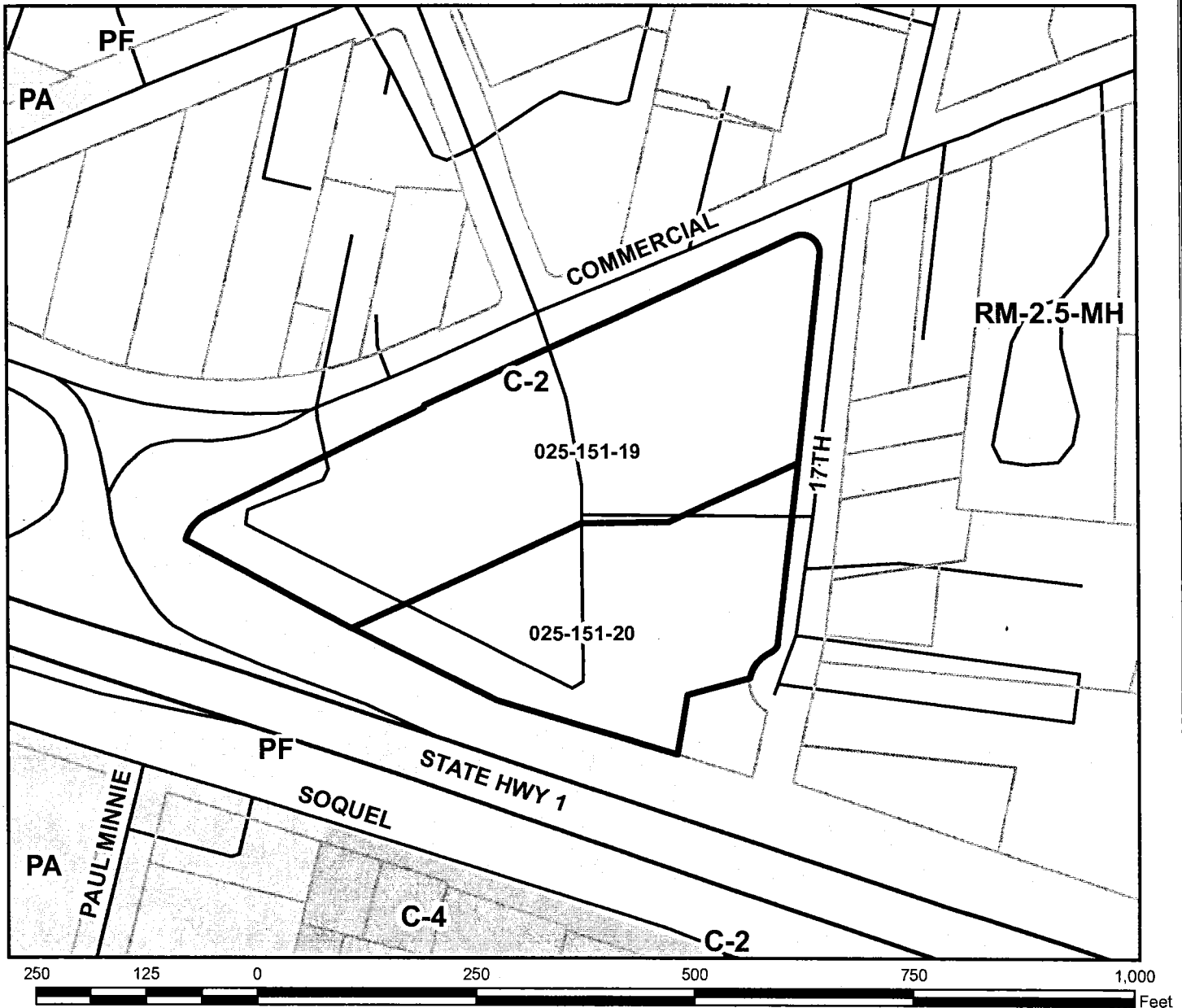
-  APN: 025-151-19
-  APN: 025-151-20
-  Assessors Parcels
-  Streets
-  State Highways
-  SANTA CRUZ



Map Created by
County of Santa Cruz
Planning Department
October 2010

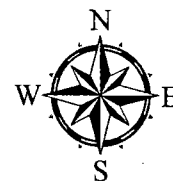


Zoning Map



LEGEND

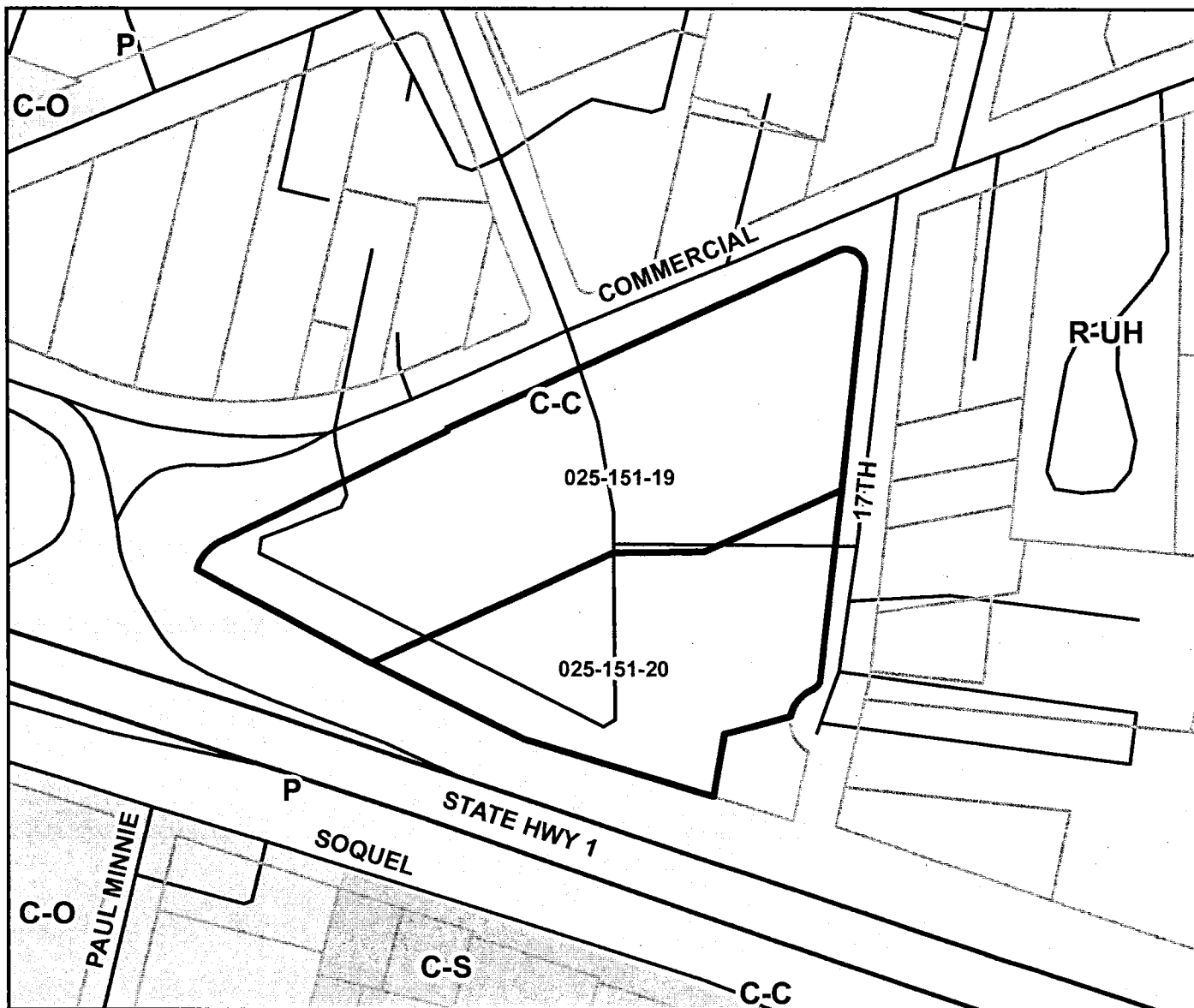
- APN: 025-151-19
- APN: 025-151-20
- Assessors Parcels
- Streets
- State Highways
- COMMERCIAL-COMMUNITY
- RESIDENTIAL-MULTI FAMILY
- PUBLIC FACILITY
- COMMERCIAL-PROF OFFICE
- COMMERCIAL-SERVICE



Map Created by
County of Santa Cruz
Planning Department
October 2010

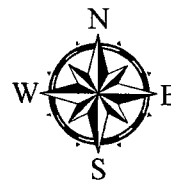


General Plan Designation Map



LEGEND

- APN: 025-151-19
- APN: 025-151-20
- Assessors Parcels
- Streets
- State Highways
- Commercial-Community
- Residential - Urban High Density
- Public Facilities
- Commercial-Office
- Commercial-Service



Map Created by
County of Santa Cruz
Planning Department
October 2010

INTEROFFICE MEMO

APPLICATION NO: 101088

Date: January 14, 2011
 To: Annette Olson, Project Planner
 From: Larry Kasparowitz, Urban Designer
 Re: Signage for Marshall's, Commercial Crossing, Santa Cruz

Design Review Authority

13.11.040 Projects requiring design review.

- (e) All commercial remodels or new commercial construction.

13.11.040 Projects requiring design review.

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and **sensitive sites** as defined in this Chapter.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property located **adjacent to a scenic road** or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria in code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site			N/A
Building siting in terms of its location and orientation			N/A
Building bulk, massing and scale			N/A
Parking location and layout			N/A
Relationship to natural site features and environmental influences			N/A
Landscaping	✓		
Streetscape relationship	✓		
Street design and transit facilities			N/A
Relationship to existing structures	✓		

Natural Site Amenities and Features			
Relate to surrounding topography			N/A
Retention of natural amenities			N/A
Siting and orientation which takes advantage of natural amenities			N/A
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		

13.11.073 Building design.

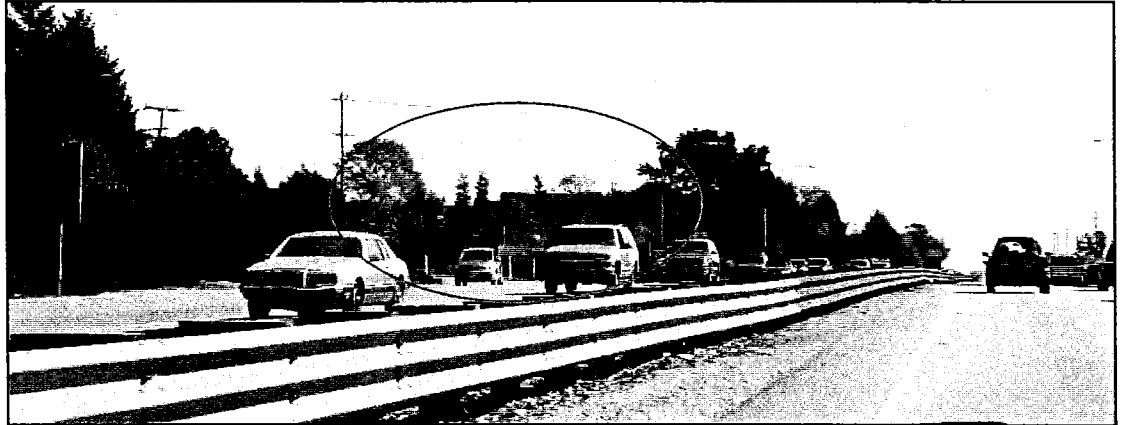
Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form			N/A
Building silhouette			N/A
Spacing between buildings			N/A
Street face setbacks			N/A
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways			
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting.	✓		

URBAN DESIGNER's COMMENTS:

- *The face of this sign only points to the west and is not seen by the westbound lane of Highway 1.*
- *The existing screening along the highway is quite extensive, and the new sign is only visible for seconds.*
- *The new planting of Coast Redwoods will screen the sign within five years.*
- *The sign replaces the Circuit City signage at approximately the same sign area.*
- *The area does contain other illuminated signs which are visible within the scenic corridor.*

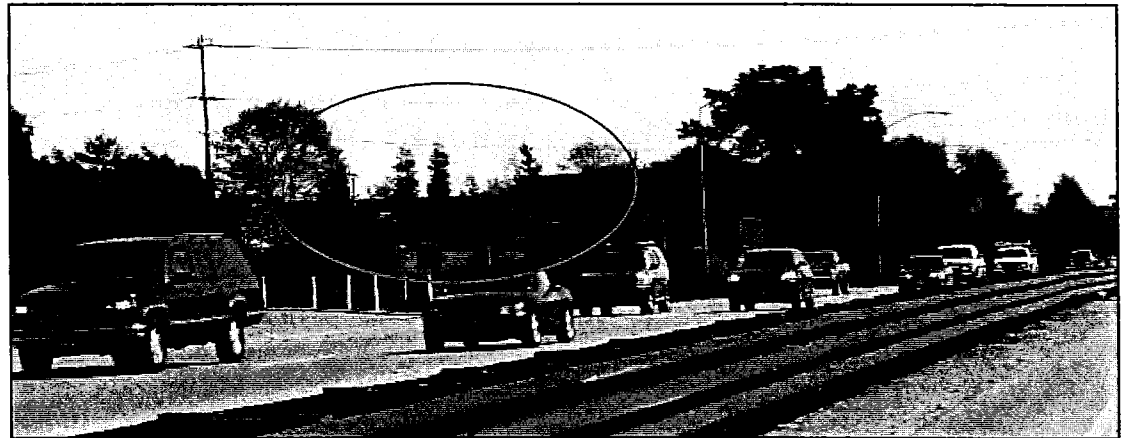
MARSHALLS FACADE SIGN - PHOTO ANALYSIS | POST PLANTING

Marshalls facade sign is screened by new and existing trees, rendering the sign not visible from Highway 1



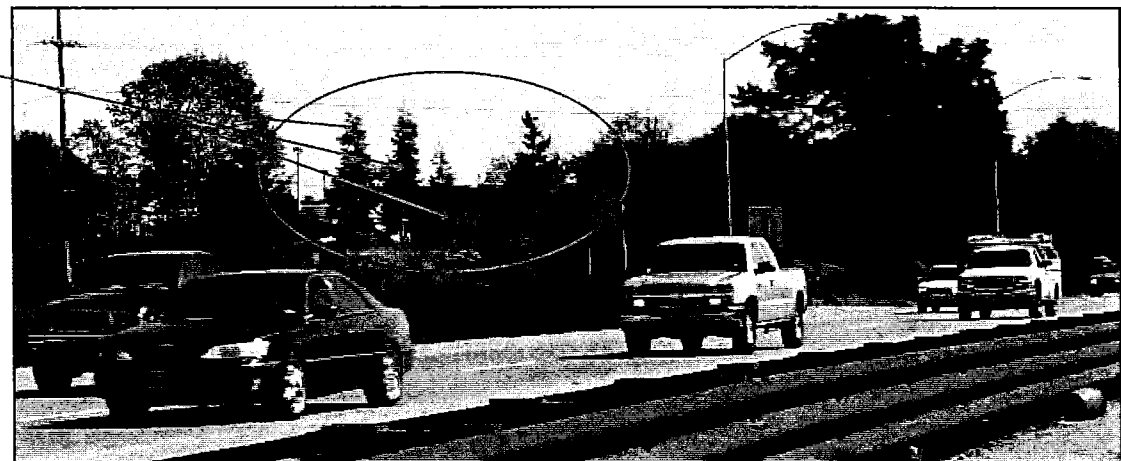
HEADING SOUTHBOUND ON HIGHWAY 1, #1 LANE

Continuing down south-bound Highway 1, Marshalls facade sign is not visible



HEADING SOUTHBOUND ON HIGHWAY 1, #1 LANE

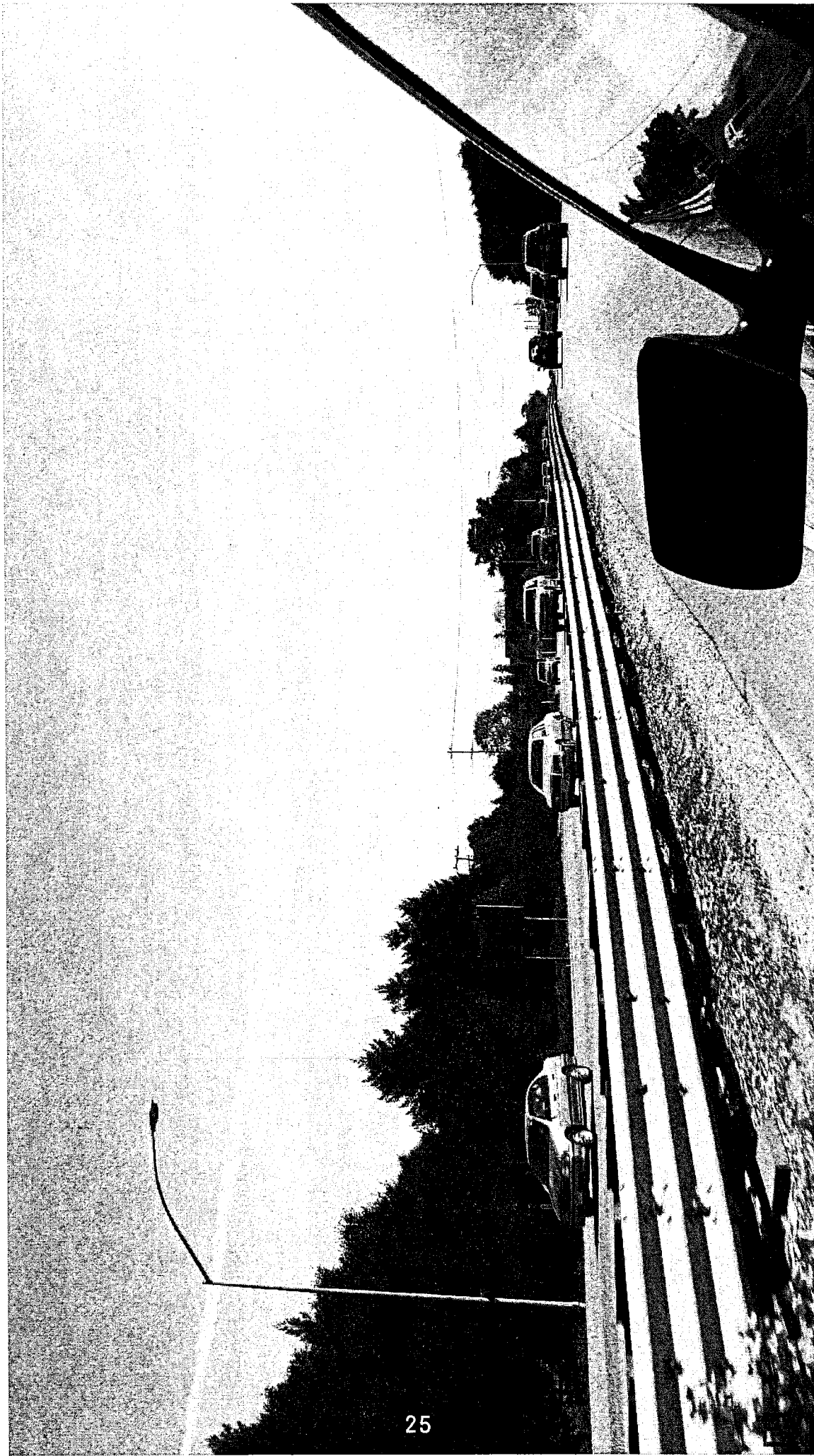
Replacement trees planted per Planting Plan prepared by Michael Arnone Landscape Architect

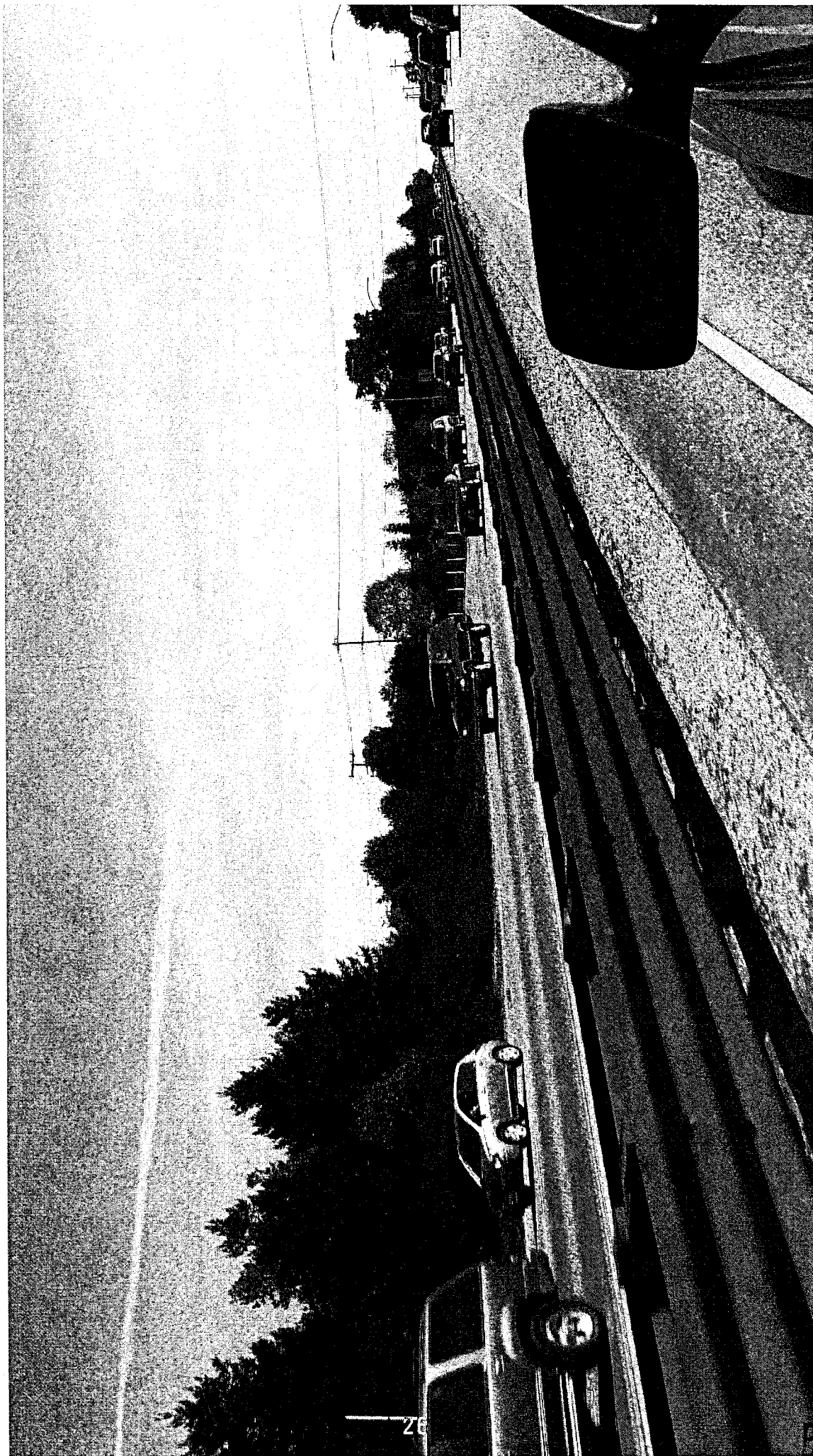


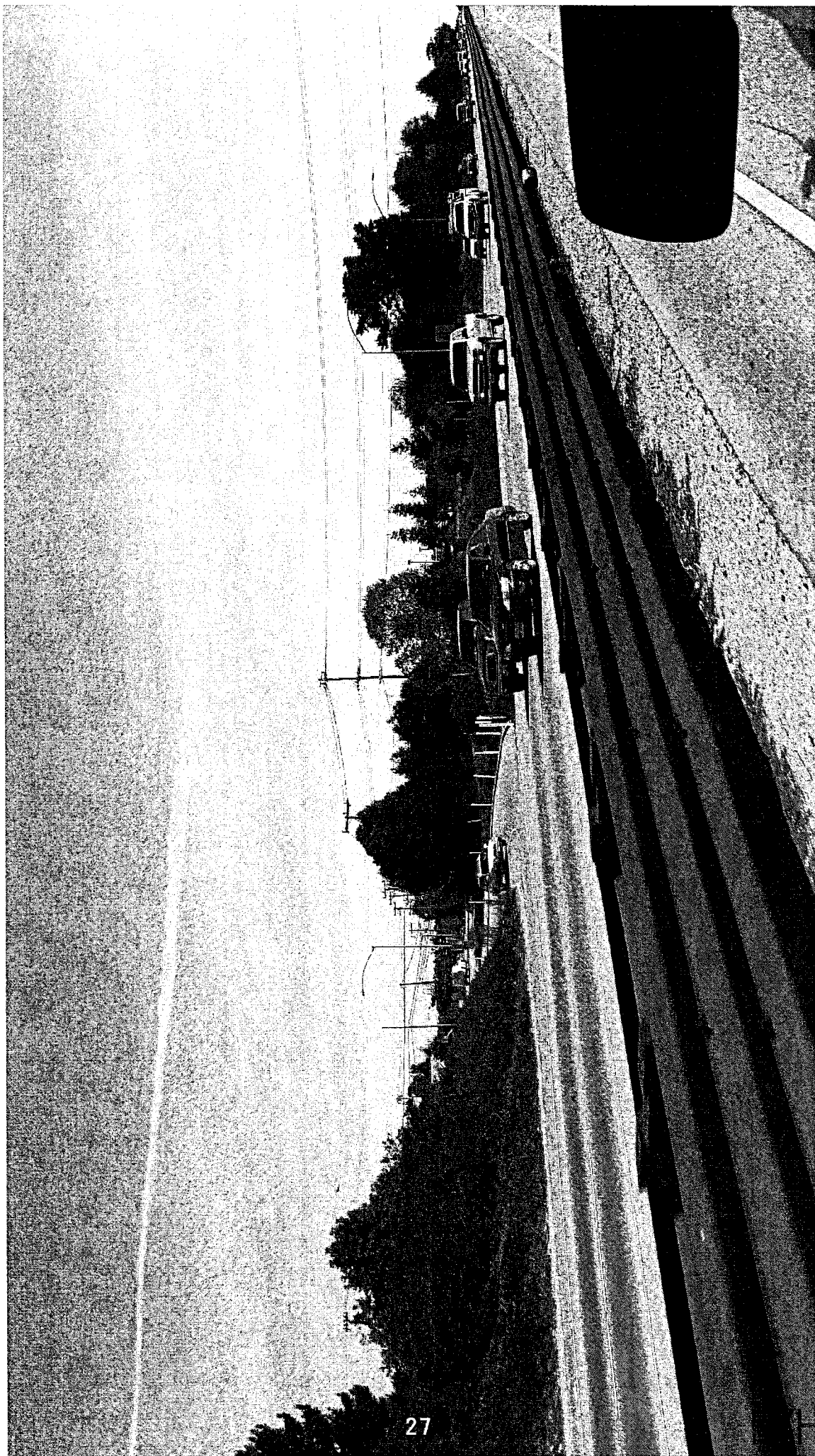
HEADING SOUTHBOUND ON HIGHWAY 1, #1 LANE

OCTOBER 13, 2010

HAMILTON SWIFT
& ASSOCIATES, INC.







CONDITIONS OF APPROVAL

Commercial Development Permit No. 96-0006

Applicant and Property Owner: Redtree Properties, L.P.

Assessor's Parcel No. 025-151-03, et al.

Property location: South side of Commercial Way,
east of the State Route 1/Soquel Drive/Soquel Avenue interchange,
and west of 17th Avenue.
Live Oak planning area

Exhibits:

- A. Architectural Plans prepared by Loving and Campos Architects Inc. dated March 29, 1996.
- B. Preliminary Engineered Improvement Plans (Utility, Grading, Drainage, and Cross Sections), dated January, 1996.

I. This permit authorizes the construction of two buildings with approximately 75,000 square feet of retail commercial space and associated site improvements and a lot line adjustment resulting in three parcels of approximately 6,300 square feet, 86,725 square feet, and 143,523 square feet. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the development permit holder 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.
- C. Prepare a record of survey for the review and approval of the Santa Cruz County Department of Public Works surveyor's office to reflect the new parcel boundaries. Record concurrently with the record of survey, an easement for reciprocal parking and ingress and egress. A note shall appear on the record of survey indicating the existence of reciprocal parking and ingress and egress easements.
- D. Obtain a National Pollutant Discharge Elimination System (NPDES), permit from the Regional Water Quality Control Board. All conditions of the NPDES permit are, by reference, hereby incorporated into the conditions of this permit.

1.

- E. Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. Prior to issuance of a Building Permit the development permit holder shall:
- A. Submit Final Architectural Plans prepared by a qualified professional 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. The final plans shall include, but not be limited to, the following:
 - 1. Exterior elevations identifying finish materials and colors. No structure shall exceed 35 feet in height.
 - 2. Floor plans identifying each room and its dimensions.
 - 3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, turnarounds, trash and recycling enclosures, and utility connections.
 - 4. All new electrical power, telephone, and cable television service connections shall be installed underground. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
 - 5. A final sign plan showing dimensions, location, materials, colors, and type and intensity of illumination. The allowed signage shall conform to the following:
 - a. No sign visible from State Route 1 shall be illuminated.
 - b. No sign(s) shall be affixed to the south elevation of the Circuit City building.
 - c. A car stereo installation sign (maximum of 9 square feet), may be located on the north elevation of the Circuit City building.
 - d. The only signage permitted on the west elevation of the Circuit City building shall be the customer pickup sign (to a maximum size of 16 square feet), and the wall sign (to a maximum size of 152 square feet).

- e. One off-site sign located as depicted on the site plan which shall not exceed an overall height of 3 feet (including the monument it is affixed to), and shall have a maximum area of 24 square feet.
 - f. Moving signs, flags, banners, sandwich board signs, or flashing signs are prohibited.
- 6. The final plans shall orient the rooftop mechanical equipment (package chillers) located on the Toys R Us building so that they face away from the residences. On each building, provide complete screening from public view of all rooftop mechanical and electrical equipment.
 - 7. The parking, circulation and loading areas shall be surfaced with a minimum of 2 inches of asphalt concrete over 5 inches of Class II base rock or other approved equivalent surface.
 - 8. The parking area shall include at least 320 parking spaces (of which 40% may be designed to compact space standards (7-1/2' x 16') and appropriately marked), 8 accessible parking space(s) (14' x 18'), and 50 bicycle spaces (2' x 6'), designed in accordance with Sections 13.10.550 - .560 of the County Code. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated van accessible. All spaces and loading berths shall be striped and defined by wheel stops.
 - 9. At least 3 offstreet loading spaces (45' x 14') shall be provided and designed in accordance with Section 13.10.570 - .571 of the County Code.
 - 10. All parking and circulation areas shall be lighted with low-rise light standards to a maximum height of 15 feet. Indicate the location, intensity, and variety of all exterior lighting fixtures. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures. All lighting shall be directed onto the site and away from adjacent properties, including State Route One.
 - 11. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria:
 - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.

- b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping, including the landscape strip between the curb and sidewalk along Commercial Way and 17th Avenue, shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be utilized to maximize the efficiency of water applied to the landscape.

Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit application. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

- e. In order to mitigate for the visual impacts of the structures and to increase the shading of paved surfaces, the landscape plan shall be modified prior to building permit issuance as follows:
 - i. All interior island oaks and all evergreen trees planted around the perimeter of the property (adjacent to Commercial Way and Highway 1) shall be 24 inch box size.
 - ii. Four additional trees (24 inch box size) shall be planted in the landscape strip along Commercial Way between the two entrances to the project.
 - iii. Two additional trees (24 inch box size) shall be planted in the landscape area located on Commercial Way to the west of the western project entrance.
 - iv. The landscape strip adjacent to Highway 1 shall be composed primarily of evergreen tree species. Small groupings of these evergreen trees shall be interspersed with occasional shrubs and deciduous trees. The evergreen trees shall be 24 inch box size and shall attain a minimum height of 40 feet at maturity.
 - v. Currently, the landscape plan depicts the installation of trees along the southern property line to a point about mid-way along the parking lot. The planting of trees in this area shall be extended to the southeast corner of the property. The tree species to be used here may be smaller than those used in the planting strip to the west (see iv. above) to allow a proposed sign on the south face of the Circuit City building to be visible. If placement of this sign is denied, however, the tree species used in this location shall attain a minimum height of 40 feet at maturity.
- 12. Final plans shall note that Santa Cruz Municipal Utilities will provide water service and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineered plans for water connection shall be reviewed and accepted by the City.
- 13. Final plans shall note that Santa Cruz County Sanitation District will provide sewer service and shall meet all re-

quirements of the District as stated in their memorandum dated January 16, 1996, including payment of any connection and inspection fees. Final engineered plans for the sewer system shall be reviewed and accepted by the District.

14. Meet all requirements and pay the appropriate plan check fee of the Central Fire Protection District as stated in their memorandum dated January 16, 1996.
 15. Follow all recommendations of the geotechnical report prepared by Kleinfelder, Inc., for this project dated November 16, 1995, regarding the construction and other improvements on the site. All pertinent geotechnical report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. All recommendations contained in the County acceptance letter shall be incorporated into the final design. A plan review letter from the geotechnical engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical report.
 16. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 17. Provide a pedestrian crosswalk at a location near where the two buildings make their closest approach. The crosswalk shall be striped and marked by stamped and colored paving/concrete or other similar material(s).
- B. Obtain a Grading Permit. This requires submittal of a grading permit application to the zoning counter of the Planning Department, including two copies of complete grading, drainage, and erosion control plans in conformance with minimum County standards. The permit fee in effect at the time of submittal shall be paid. The Grading Permit may be approved prior to building permit issuance. Engineered plans are required for this project. All requirements of the approved Grading Permit are, by reference, hereby incorporated into the conditions of this permit and shall include the following:
1. No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
 2. To ensure that the project does not significantly affect downstream drainage improvements, the final engineered grading and drainage plans shall reflect that the drainage divide which currently bisects the property shall be maintained in its present location following the installation of project improvements.

6.

3. Submit a final Drainage and Erosion Control Plan for review and approval by the Department of Public Works and the Planning Department. The final Drainage and Erosion Control Plan shall be prepared by a civil engineer. In order to reduce project-related water quality impacts to a less than significant level, the final engineered drainage plans shall depict the placement of appropriately sized silt and grease traps on each of the storm drains at the point where these drainage facilities leave the subject property. In addition, the final plans shall depict a silt and grease trap at the end of the cul-de-sac to be constructed on 17th Avenue at the southeastern portion of the property. These silt and grease traps shall be installed along with the other project improvements.
- C. Pay the Santa Cruz County Transportation Improvement fee in effect at the time of Building Permit issuance. On March 26, 1996, this fee would total \$343,600.00 (\$213,400.00 for Toy R Us and \$130,200.00 for Circuit City).
- D. Pay the Santa Cruz County Roadside Improvement fee in effect at the time of Building Permit issuance. On March 26, 1996, this fee would total \$343,600.00 (\$213,400.00 for Toy R Us and \$130,200.00 for Circuit City). A fee credit, in an amount established by the fee schedule in effect at the time of issuance of the building permit, shall be granted for the construction of off-site roadside improvements adjacent to the Carhart Rental property as required by this permit (Condition III.K.).
- E. Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance. On March 26, 1996, the fee would total \$17,227.92 (\$10,772.74 for Toy R Us and \$6,455.18 for Circuit City).
- F. Meet all requirements of the Department of Public Works and pay all fees for Zone 5 Santa Cruz County Flood Control and Water Conservation District including plan check and permit processing fees as stated in their memorandum dated February 1, 1996.
- G. Obtain an Encroachment Permit from the Department of Public Works, as necessary, for any work performed in the public right-of-way. All work shall be consistent with the Department of Public Works Design Criteria.
- H. Submit proof of payment of the school impact fee to the appropriate school district.
- I. Submit an irrevocable offer of dedication to the County of Santa Cruz for a strip of land along Commercial Way and 17th Avenue in conformance with the approved plan line studies for road widening purposes.

- J. Submit an irrevocable offer of dedication to the State of California, Department of Transportation, of a strip of land along State Route 1 for future road realignment purposes as specified in their letter dated February 8, 1996.
 - K. To accommodate increases in bus ridership, the development permit holder shall dedicate sufficient land area on APN: 025-084-17 adjacent to Soquel Drive for construction of a bus pull out by the Redevelopment Agency as part of the Commercial Way connector road project.
 - L. Provide a copy of an agreement, recorded in the Office of the Santa Cruz County Recorder, for the shared maintenance of all parking areas, on-site drainage facilities, and landscaping.
- III. All construction shall be performed in accordance with the approved plans. Prior to final building inspection and building occupancy, the development permit holder shall meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans, including landscaping, shall be installed.
 - B. All inspections required by the Building Permit shall be completed to the satisfaction of the County Building Official.
 - C. Construct roadside improvements in conformance with the Department of Public Works Design Criteria Manual along the entire frontage of Commercial Way and 17th Avenue in accordance with the adopted plan line studies. The final structural section of 17th Avenue shall consist of a minimum base course of six inches of Class 2 aggregate under two inches of asphalt concrete for the entire width and length of the roadway.
 - D. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
 - E. The geotechnical engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.
 - F. Outdoor construction activities shall be limited to the hours between 8:00 am and 5:00 pm on weekdays and between 10:00 am and 3:00 pm on Saturdays.

- G. The applicant shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during project construction. The name, phone number, and purpose of the disturbance coordinator shall be posted on a sign easily visible from off-site areas during the entire construction period. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- H. To reduce the generation of construction-related air-borne dust, the applicant shall ensure that, on non-rainy days, all exposed dirt surfaces are watered at a frequency which prevents significant amounts of dust from leaving the site. The engineered improvement plans shall contain a note to this effect.
- I. 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.
- J. To ensure that the project does not result in significant impacts to area traffic, the following shall occur prior to final occupancy of the commercial buildings:
 - 1. The County of Santa Cruz Redevelopment Agency shall complete the signal optimization and coordination work recommended by Korve Engineering in the "Soquel Drive Traffic Signal Coordination Report" dated February 1, 1996 for the following intersections: Soquel Drive/Thurber Lane, Soquel Drive/Mission Drive, and Soquel Drive at the location of the new connector road.
 - 2. The County of Santa Cruz Redevelopment Agency shall coordinate with CALTRANS to complete the signal optimization and coordination work recommended by Korve Engineering in the "Soquel Drive Traffic Signal Coordination Report" dated February 1, 1996 for the following intersections: Soquel Drive/Paul Sweet Road, Soquel Drive/ Soquel Avenue, and Soquel Avenue at the State Route 1 southbound offramp.
 - 3. Area circulation improvements are completed including the connector road between Soquel Drive and Commercial Way and the south-bound State Route 1 offramp.
- K. Construct a sidewalk on the Soquel Drive frontage of Carhart Rental (APNs: 025-083-01, -02, and -03).

- L. Install street lighting on Commercial Way between the freeway offramp and 17th Avenue.

IV. Operational Conditions.

- A. All landscaping and site improvements shall be permanently maintained.
 - B. Outside storage or display of stock-in-trade is prohibited.
 - C. Loading areas shall be maintained in good condition, and kept free of trash, debris, and display or advertising uses.
 - D. Temporary signs are limited to a maximum of 20% of the window area of each building and shall be displayed for not more than two weeks.
 - E. 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.
 - F. All deliveries of stock shall occur during normal business hours (10:00 a.m. to 9:00 p.m.).
- 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.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

VI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Soil stability (see Condition II.A.16.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that all recommendations of the geotechnical report have been incorporated into the final construction plans. County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance.

B. Mitigation Measure: Water quality (see Condition II.B.3.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that appropriately sized silt and grease traps have been incorporated into the final engineered drainage plans. County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance.

C. Mitigation Measure: Downstream drainage (see Condition II.B.2.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that the existing drainage divide have been maintained in its current location in the final engineered drainage plans. County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance.

D. Mitigation Measure: Noise impacts (see Conditions II.A.7, III.F., and III.G.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that all requirements of this mitigation have been incorporated into the final mechanical plans (heating, venting, and air-conditioning). County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance. County inspection will also confirm that construction activities observe the hours established by this mitigation and that posting of the disturbance coordinator is maintained throughout construction.

E. Mitigation Measure: Dust suppression (see Condition III.H.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that the required watering of dirt note appears on the final construction plans. County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance.

F. Mitigation Measure: Visual impacts (see Condition II.A.12.e.).

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that all requirements of this mitigation have been incorporated into the final landscape plan. County staff inspections will verify that all improvements are constructed in accordance with the approved plans. Inspection records will be maintained by the County. Correction notices will be issued to the contractor in the event of noncompliance.

G. Mitigation Measure: Traffic improvements (see Condition III.J.).

Monitoring Program: Prior to final inspection to authorize occupancy of the buildings, County staff will verify that all signalization improvements prescribed by the mitigation have been completed. Building occupancy will not be permitted until all affiliated roadway improvements are constructed.

H. Mitigation Measure: Transit improvement (see Condition II.K.)

Monitoring Program: Prior to issuance of a building permit, County staff will confirm that the necessary dedication of land has been made accommodate the bus pull out.

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 TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.

Conditions of Approval

Exhibit A. Project plans, 16 sheets, prepared by PAEP Architecture Engineering, Inc., dated 3/20/07 (including original sign plans) and Landscape Plan, 2 sheets, prepared by Michael Amone, Landscape Architect, dated 9/14/07.

- I. This permit authorizes modifications to and existing approved commercial structure (Toys-R-Us) to modify the existing entrance, install new signage (with no increase in the number of signs), make minor modifications to the parking area, and renovate the existing landscaping. All conditions of approval for permit 96-0006 remain in effect, unless modified by these conditions, and are herein incorporated by reference. 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.
- 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 plans submitted for the building permit shall be prepared, stamped and signed by a California licensed professional. 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. Exterior elevations identifying finish materials and colors. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 2. Floor plans identifying each room and /or area and its dimensions.
 3. A site plan showing the location of all site improvements including, but not limited to, points of ingress and egress, parking areas, turnarounds, trash and recycling enclosures and utility connections.
 4. A path of travel verification form (for accessibility) shall be submitted with the building permit application.
 5. Complete accessibility signage plans shall be included with the building permit application.

6. A final sign plan showing dimensions, locations, materials, colors, and type and intensity of illumination. The allowed signage shall conform to the following.
 - a. No sign visible from State Route 1 shall be illuminated.
 - b. A visual simulation of the new signage shall be submitted with the sign plan. The visual simulation shall be from the vantage point of southbound State Route 1 and shall adequately illustrate whether the proposed signage is visible from the highway.
 - c. Allowed signs include:
 - i. One "Toys-R-Us" sign with a maximum height of 3'-6" excluding the "R" which may be 6'-3/8" tall, with a maximum total width of 26'8."
 - ii. One "Babies-R-Us" sign with a maximum height of 3'-6" excluding the "R" which may be 6'-3/8" tall, with a maximum total width of 28'0."
 7. Details showing compliance with fire department requirements, including all requirements of the Urban Wild land Intermix Code, if applicable.
 8. The final landscape plan shall be included with the building permit plans and shall include the entire site, specifying the species and their size, and irrigation and renovation plans consistent with the landscape plan prepared by Michael Arnone, Landscape Architect, dated 9/14/07. Final Landscape plans are subject to review and approval by the Santa Cruz Municipal Utilities Department.
 9. All improvements must comply with the accessibility requirement in the California Building Code.
- B. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- C. Accessible parking spaces shall not include ramps into aisles, unless permitted under CBC 1134B as an exception.
- D. Detectable warnings are required at pedestrian pathways that cross vehicular ways.
- E. The "stork parking" for expectant mothers shall be moved one or two more aisles to the southeast so that those spaces are as close as possible to the "Babies-R-Us" entrance.
- F. Alternate paving areas shall be installed from the building entrance to the parking area to better define the pedestrian walkway and alert drivers to pedestrians crossing the entrance driveway.

- G. Provide required off-street parking for 320 cars (in the entire parking lot). Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of-way. Parking must be clearly designated on the plot plan.
 - H. The applicant shall submit a copy of the contract with the Landscape Architect, project arborist, and landscape maintenance contractor to implement Conditions III.B and IV.A, C and E. The contract shall be reviewed and approved by the Planning Department prior to building permit issuance.
- 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 landscape planting and renovation shall be completed, per the landscape plans prepared by Michael Arnone, Landscape Architect, dated 9/14/07. Tree planting and recommended pruning shall be completed by, or under the direction of a qualified arborist.
 - C. A letter shall be submitted by the Landscape Architect verifying that all plant materials have been installed consistent with the landscape plan. A letter shall also be submitted by the project arborist verifying that all trees have been installed and pruning has been completed as recommended by the Landscape Architect.
 - D. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - E. All work within a County road right-of-way shall require an encroachment permit. Any damage to Commercial Way improvements caused by construction activities shall be repaired to the satisfaction of the Department of Public Works.
 - F. 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.

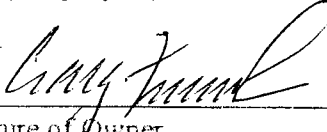


County of Santa Cruz Planning Department

Signature Page

(To be signed and returned to the Santa Cruz County Planning Department 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 07-0222 (APN 025-151-19, 20) 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 025-151-19, 20) must sign this form.

	CRAIG FREHLICH	7/21/18
Signature of Owner	Print Name	Date

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:

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

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