



Staff Report to the Zoning Administrator

Application Number: **10-0126**

Applicant: Frank Phanton
Owner: Fredric Feldner
APN: 033-112-27

Agenda Date: December 3, 2010
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing commercial building and to construct a two story commercial building of approximately 3248 square feet in size with associated site improvements. Requires a Commercial Development Permit, establishment of a Master Occupancy Program, a Coastal Permit, a Variance to allow signage to exceed 50 square feet, and Preliminary Grading Review for 330 cubic yards of cut and 30 cubic yards of fill.

Location: Property located on the north side of 41st Avenue at the corner of 41st and Gladys Avenue (1030 41st Avenue).

Supervisory District: 1st District (District Supervisor: Leopold)

Permits Required: Coastal Permit, Commercial Development Permit, & Variance
Technical Reviews: Preliminary Grading Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0126, based on the attached findings and conditions.

Exhibits

- | | |
|---|------------------------------|
| A. Project plans | F. General Plan Maps |
| B. Findings | G. Trip Generation Analysis |
| C. Conditions | H. Arborist Report |
| D. Categorical Exemption (CEQA determination) | I. Water Will-Serve Letter |
| E. Assessor's, Location, Zoning and | I. Comments & Correspondence |

Parcel Information

Parcel Size:	10,951 square feet (.25 acres)
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial and Residential

Project Access: Via 41st Avenue and Gladys Avenue
Planning Area: Live Oak
Land Use Designation: C-C (Community Commercial)
Zone District: C-2 (Community Commercial)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils report review required prior to building permit issuance.
Fire Hazard: Not a mapped constraint
Slopes: Topography of parcel is flat.
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 330 cubic yards of cut and 30 cubic yards of fill proposed
Tree Removal: Some trees proposed for removal; 14 trees to be planted.
Scenic: Not a mapped resource
Drainage: Proposed development results in a net decrease in impervious area and a net decrease in 10-year runoff leaving the site. Improvements include pervious concrete, a landscape percolation swale and a subdrainage system to the sidewalk drains.
Archeology: Not mapped

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire District
Drainage District: Zone 5

History

There have been change of use permits for uses within the existing building and building permits finalized for improvements to the structure, however, no significant alterations have been permitted at the site within the past 20 years.

Project Setting

The subject parcel is approximately 10,951 square feet (.25 acres) and is located at the northeast corner of the 41st Avenue and Gladys Avenue intersection. The parcel is zoned C-2 (Community Commercial), as are the north, west, and south adjacent parcels. A Betty Burger restaurant is located on the south adjacent parcel across Gladys Avenue and a commercial office building is located across 41st Avenue. A single family residential neighborhood is located behind the subject parcel to the east.

The parcel is bound by Gladys Avenue, which is a public street with a 50 foot right of way that

serves the adjacent single family neighborhood, and 41st Avenue which is a public street with a 60 foot right of way.

The parcel is flat and is developed with an approximately 1,095 square foot structure which is currently used as Monkey Girl Beads, a bead retail store. There are four trees on the parcel which are proposed to be removed as a part of the project.

There is an existing four foot wide sidewalk with street improvements at the parcel frontage along 41st Avenue, however, the improvements do not continue along Gladys Avenue.

Project Description and Analysis

The proposal is to construct a 3,248 square foot commercial building with a 1,624 square foot first floor for retail uses and a 1,624 square foot second floor for offices.

Zoning and General Plan Consistency

The subject property is an approximately .25 acre lot, located in the C-2 (Community Commercial) zone district, a designation which allows retail and office uses and the project is consistent with the site's (C-C) Community Commercial General Plan designation.

The proposed structure meets all of the site standards and structural dimensions for a commercial building located in a C-2 (Community Commercial) zone district, as per the following table:

	Required as per County Code 13.10.333	Proposed
Front Yard	10'	10'
Side Yards	0' and 10' (street)	0' and 10'
Rear Yard	30' (abuts an "R" zone district)	30'
Maximum Height	35'	35' max

Parking

Both office and retail uses require the same parking ratio as per County Code Section 13.10.552. Based on the square footages proposed for each use, the project is required to provide 12 parking spaces, which are shown on Exhibit A and which meet the dimensions of a standard parking space at 8.5' x 18', with the exception of one accessible parking space. Four bicycle parking spaces are also provided on the plans.

Traffic

A Trip Generation Analysis was prepared by Hexagon Transportation Consultants, Inc. (Exhibit F) which indicates the following net increase in trips:

	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Gross Estimate of proposed use	4	6
Gross Estimate of existing use	2	2
Estimated Net Increase	2	4

The estimated net increase in traffic associated with the proposed use has been reviewed by the County Department of Public Works Road Engineering Division and was not determined to be a significant increase that would require additional mitigations. Conditions are included which require the payment of Transportation and Roadside Improvement Fees based on the estimated net increase in traffic.

The proposed site design allows vehicles to enter the site from Gladys Avenue and provides an "exit-only" driveway onto 41st Avenue. This is the preferred design in that Gladys Avenue is located approximately 80 feet south of the driveway and an additional right turn across traffic for vehicles traveling south would impact the traffic flow on 41st Avenue.

Tree Removal

The proposal includes removing four existing trees and planting 14 trees.

An arborist report was prepared by Ruth Stiles (Exhibit G), which evaluates the proposed tree removal including a 31" DBH Black Locust, a 14" DBH Black Locust, a 6" DBH Grecian Laurel, and an 11" multi-trunk Wild Plum. The report indicates that the 31" Black Locust is not a good candidate for preservation given that the removal of such a large percentage of the tree roots could kill or weaken the tree. The 14" Black Locust and the Wild Plum are located within the proposed driveway areas and must be removed to preserve the site design, and although the Grecian Laurel could be saved, the report supports the proposal to replace the tree with a coast live oak for greater community benefit.

Signage Variance

The proposed sign for the structure is located on the west elevation which faces 41st Avenue and is approximately 90 square feet in area. County Code Section 13.10.581 provides a maximum allowed sign area of 50 square feet; therefore, the applicant is requesting approval of a Variance to exceed the maximum 50 square foot sign area limitation. A Variance can be supported by staff in that 41st Avenue is a commercial corridor where many storefront signs exceed 50 square feet in size. Also, given the high traffic volume on 41st Avenue, the architectural features on the front elevation of the structure, and the proposed landscaping along the parcel frontage, a larger sign is necessary to be clearly visible from the street. The proposed signage will contain a logo and letters installed onto the building, therefore the sign will be integrated into the architectural design of the structure and will not have a clearly defined border which would accentuate the size of the sign.

Local Coastal Program Consistency

The proposed commercial building is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain commercial buildings and single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed

project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed commercial building complies with the requirements of the County Design Review Ordinance, in that the proposed architectural design features include stucco and corrugated cement siding, rusted steel columns, and steel roofing to create a modern commercial design that will blend in with the variety of old and new architecture along 41st Avenue.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **10-0126**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made in that the property is zoned C-2 (Community Commercial), a designation which allows commercial uses. The proposed commercial building is a permitted use within the zone district, and the zoning is consistent with the site's (C-C) Community Commercial General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made in that the proposal does not conflict with any existing easements or development restrictions such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made in that the architectural design of the proposed development is consistent with the variety of new and old architectural styles in the surrounding neighborhood; the site is surrounded by lots developed to an urban density; the colors and materials will be complementary to the site and to the modern commercial architectural design; and the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road; consequently, the commercial building will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial uses are allowed uses in the C-2 (Community Commercial) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain commercial buildings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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 subject parcel is located on 41st Avenue which accommodates a high volume of traffic and the applicant is proposing a modern commercial architectural style that incorporates a variety of materials and architectural features on the front elevation as well as trees along the building frontage to buffer the view of the structure from the street; therefore, a larger storefront sign is necessary to ensure that the name of the business is clearly visible from 41st Avenue. In addition, signage associated with other commercial development in the vicinity of the subject parcel exceeds the 50 square foot size limitation imposed by County Code Chapter 13.10.581.

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.

This finding can be made in that the proposed signage will be a maximum of 90 square feet and will consist of a logo and cut-out rusted steel letters which are attached to the structure and will not have a defined border, therefore the sign will blend in with the architectural style of the commercial structure. The installation of the sign will comply with all building code requirements and will therefore not be detrimental to public health, safety or welfare. The sign will be larger than the maximum of 50 square feet in order to ensure that the name of the business is clearly visible for vehicles traveling along 41st Avenue, which will create a safer environment for motorists.

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 41st Avenue is a commercial corridor where many commercial businesses have signage that exceeds 50 square feet in size.

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 commercial building will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood, including an increased 30 foot setback from the rear adjacent single family dwelling.

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 commercial building and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district in that the primary use of the property will be one commercial building that meets all current site standards for the 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.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

The proposed commercial building will be used for offices and retail and will therefore provide service and office needs for the community. A master occupancy program is included as a condition of approval which will ensure that a wide variety of uses may take place within the structure while maintaining compatibility with the site constraints.

Further, the proposed site design complies with General Plan policy 2.14.6 in that the on-site circulation, landscaping, parking, drainage, and access is appropriate for the site and has been reviewed by the applicable agencies, and the proposed building design is compatible with adjacent commercial land uses and will complement the scenic and natural setting of the site by adding interest.

41st Avenue is a designated commercial corridor and the proposed office and retail building is an appropriate use for the site.

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 commercial building will be constructed on an existing developed lot and a Trip Generation Analysis was prepared for the project (Exhibit F) which indicates that the net increase in traffic as a result of the new building will only be an estimated 2 a.m. peak hour trips and 4 p.m. peak hour trips, which is not expected to adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made in that the proposed structure will be located in an urban, commercial area containing a variety of architectural styles and the proposed modern, commercial building is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed commercial building will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties by providing visual interest and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project Plans, 16 pages; architectural plans prepared by The Envirotechs, dated 6/8/10; civil plans prepared by Luke Beautz, dated July 2010; and landscaping plan prepared by Sally Stoik, LA, dated 7/1/10.

- I. This permit authorizes the construction of a two story, approximately 3248 square foot commercial building for office and retail use and the establishment of a Master Occupancy Program. 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. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 2. Plans shall indicate that the interior sign lighting will be low-intensity. Mercury vapor, metal halide, laser lighting and high pressure sodium lighting are not permitted.

3. Grading, drainage, and erosion control plans.
 - a. The erosion control plan shall indicate how sediment will be kept onsite during and after construction. The plans shall include the location of all erosion control measures as well as installation details. The plans shall include construction entrances, staging areas, and street sweeping notes.
 - b. Drainage plans shall specify required maintenance procedures for the pervious concrete to assure proper long term functioning.
 - c. Drainage plans shall include a tabulation of new impervious and semi-pervious (gravel, base rock, paver block, pervious pavement) areas both on and off site resulting from the project. The plans shall clearly indicate (by shading or hatching) the limits of both the existing and new impervious areas.
4. Submit a final landscaping plan.
5. Plans shall include an exterior lighting plan. The plan shall show all site, building, landscaping and security lighting directed onto the site and away from adjacent properties. Exterior lighting shall be limited to the minimal amount necessary. All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light sources shall not be visible from adjacent properties.
6. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 35 feet.
7. Plans shall show compliance with Department of Public Works Design Criteria, specifically FIG ST-4b.
8. Details showing compliance with fire department requirements.
9. Project plans must comply with the most current California building code. Reference to the 2001 CBC shall be corrected on the accessibility plan.
10. Plans shall show the occupancy and construction type.
11. Plans shall provide details for the restrooms in compliance with CBC 1115B.3.2 for single occupancy restrooms. Details for showers shall also

be shown on the plans.

- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
- C. Submit an Accessible Parking and Path of Travel Agreement form.
- D. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management.
 - 1. Drainage fees will be assessed on the net increase in impervious area.
 - 2. The property owner shall deposit 2% of the estimated construction cost for the drainage improvements or a minimum of \$580 to cover inspection costs.
 - 3. Documentation of existing impervious surfaces (such as Assessor's records, survey records, or aerial photos) must be submitted in order to receive mitigation credit for existing impervious surfaces.
 - 4. Submit a copy of a recorded maintenance agreement for the proposed silt and grease traps. The form can be picked up at the Department of Public Works office or found online at:
http://www.dpw.co.santa-cruz.ca.us/Storm_Water/StormDesign.htm
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Meet all requirements and pay any applicable fees of the County Department of Public Works Sanitation District.
- G. Meet all requirements and pay all applicable fees of the Soquel Creek Water District.
- H. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. Prior to building permit issuance, a geotechnical plan review letter shall be required which states that the final project plan set is in conformance with the recommendations of the soils report.
- I. Pay the current fees for the Live Oak Transportation Improvement Area (TIA), which equals \$34,220. The total TIA fee of \$34,220 is to be split evenly between transportation improvement fees and roadside improvement fees.
- J. Provide required off-street parking for 12 cars. 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.

- 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. Submit a letter prepared by the project civil engineer which specifically states which drainage features were inspected (invert elevations, pipe sizing, size of mitigation features, etc.) and which confirms that the work was completed as per the plans. Notes of general conformance to plans are not sufficient. An as-built plan may be submitted in lieu of the letter.
 - E. All landscaping must be installed as per the approved landscaping plans.
 - 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.
- IV. The following conditions, A-H, constitute the Master Occupancy Program.
- A. Future uses are limited to those allowed in the C-2 zone district.
 - B. Any future proposed use which creates additional parking demands requires a Level V Amendment to the Master Occupancy Program to review the potential impacts on the existing parking and circulation conditions.
 - C. Any future proposed use which creates additional impact/contribution to the sanitation system requires a Level V Amendment to the Master Occupancy Program to review impacts.
 - D. Only changes in tenancy that do not result in physical changes to the building or grounds may be processed as a Level 1 Change of Use.
 - E. No changes to the sign plan are permitted unless they are "in-kind" changes conforming to existing dimensions, materials, design, light intensity, and location.

- F. Any proposed changes to the parking and circulation plan will be subject to a Level V Amendment to the Master Occupancy Program to review potential off-site impacts.
 - G. Any proposed changes to exterior lighting will be subject to a Level V Amendment to the Master Occupancy Program to review potential off-site impacts.
 - H. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Application #: 10-0126
APN: 033-112-27
Owner: Fredric Feldner

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: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

Samantha Haschert
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 10-0126
Assessor Parcel Number: 033-112-27
Project Location: 1030 41st Avenue

Project Description: Proposal to demolish an existing commercial building and construct a two story commercial building of approximately 3248 square feet with associated site improvements and to establish a Master Occupancy Program.

Person or Agency Proposing Project: Frank Phantom

Contact Phone Number: (831) 475-5841

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Construct one commercial building under 10,000 square feet in an urbanized area where all public services and facilities are available.

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

Samantha Haschert, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSURES ANY LIABILITY FOR OTHER DEETS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1995

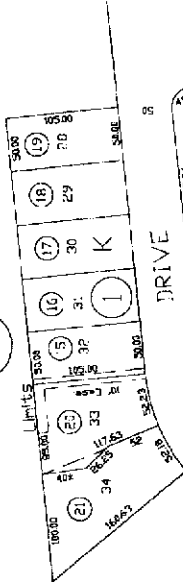
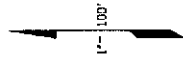
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Rev. 4/9/95 (C) CEA (computerized)
Rev. 4/9/95 (C) (changed map) (ref.)

POR. RANCHO ARROYO DEL RODEO
SECS. 15 & 22, T.11S., R.1W M.D.B. & M.

Tax Area Code
96-100

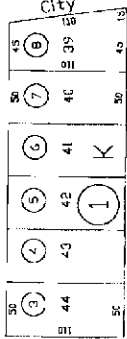
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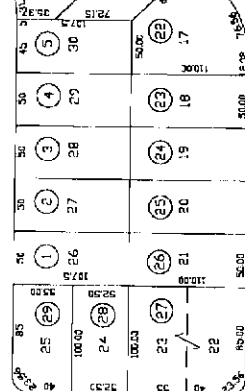


DRIVE

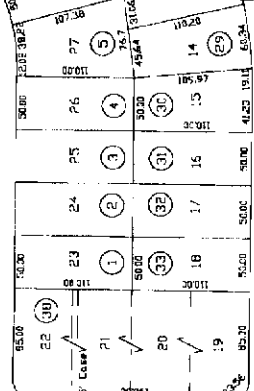
Capitol



NEVA



GLADYS



PORTY FIRST

AVE

12

BK34
09

IRACI NUL 15, DIFAL CLIFFS UN.I NUL 2
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6/5/37

14

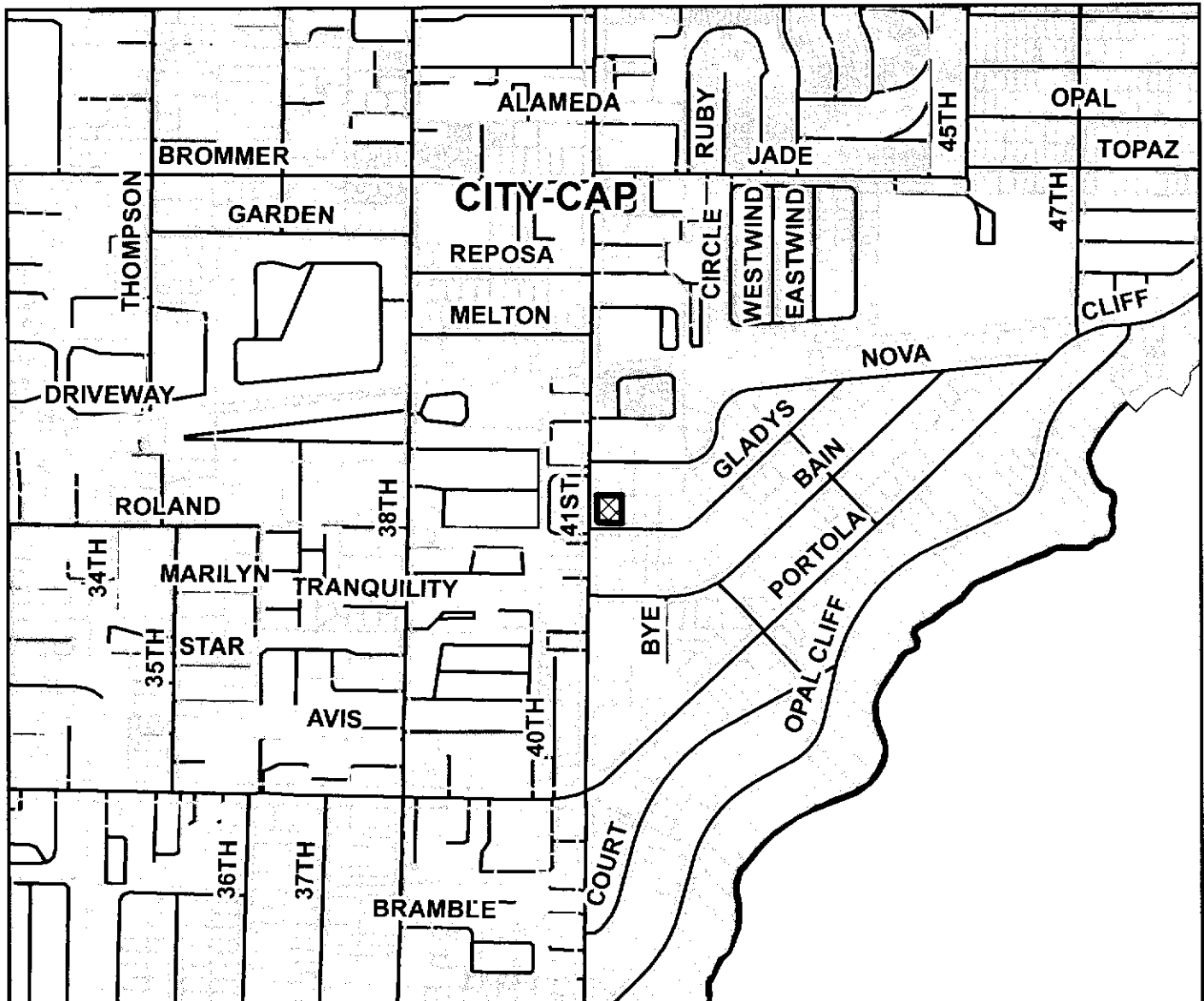
Assessor's Map No. 33-11
County of Santa Cruz, Calif
June 1995

Assessor's Parcel Block &
Lot Numbers Shown in Circles.

Note



Location Map



LEGEND



APN: 033-112-27

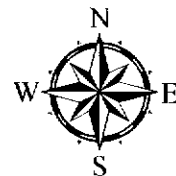
Assessors Parcels

Streets

CAPITOLA



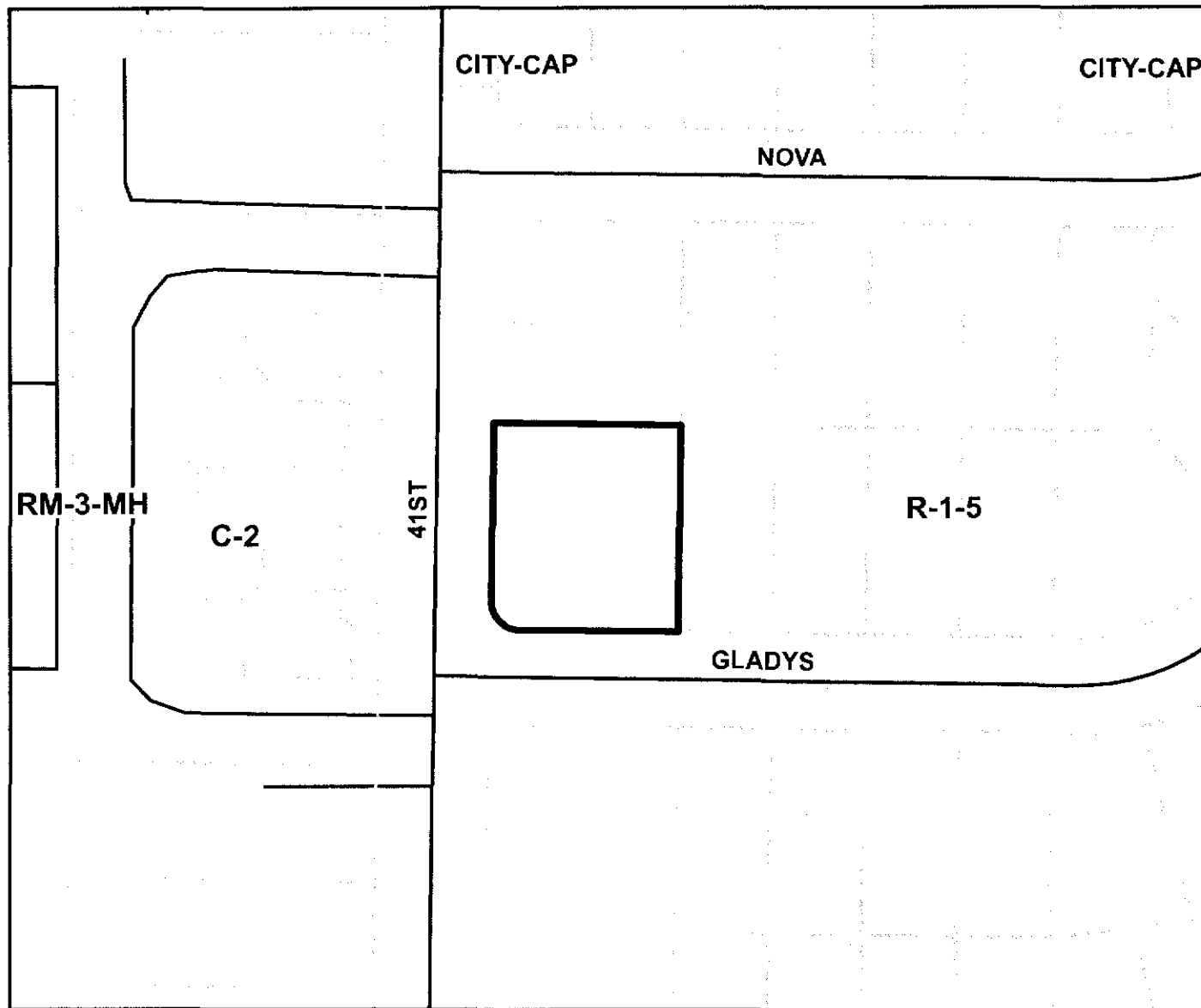
County Boundary



Map Created by
County of Santa Cruz
Planning Department
April 2010



Zoning Map



LEGEND



APN: 033-112-27

Assessors Parcels

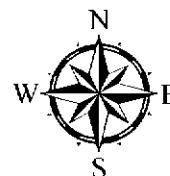
Streets

CAPITOLA

COMMERCIAL-COMMUNITY

RESIDENTIAL-MULTI FAMILY

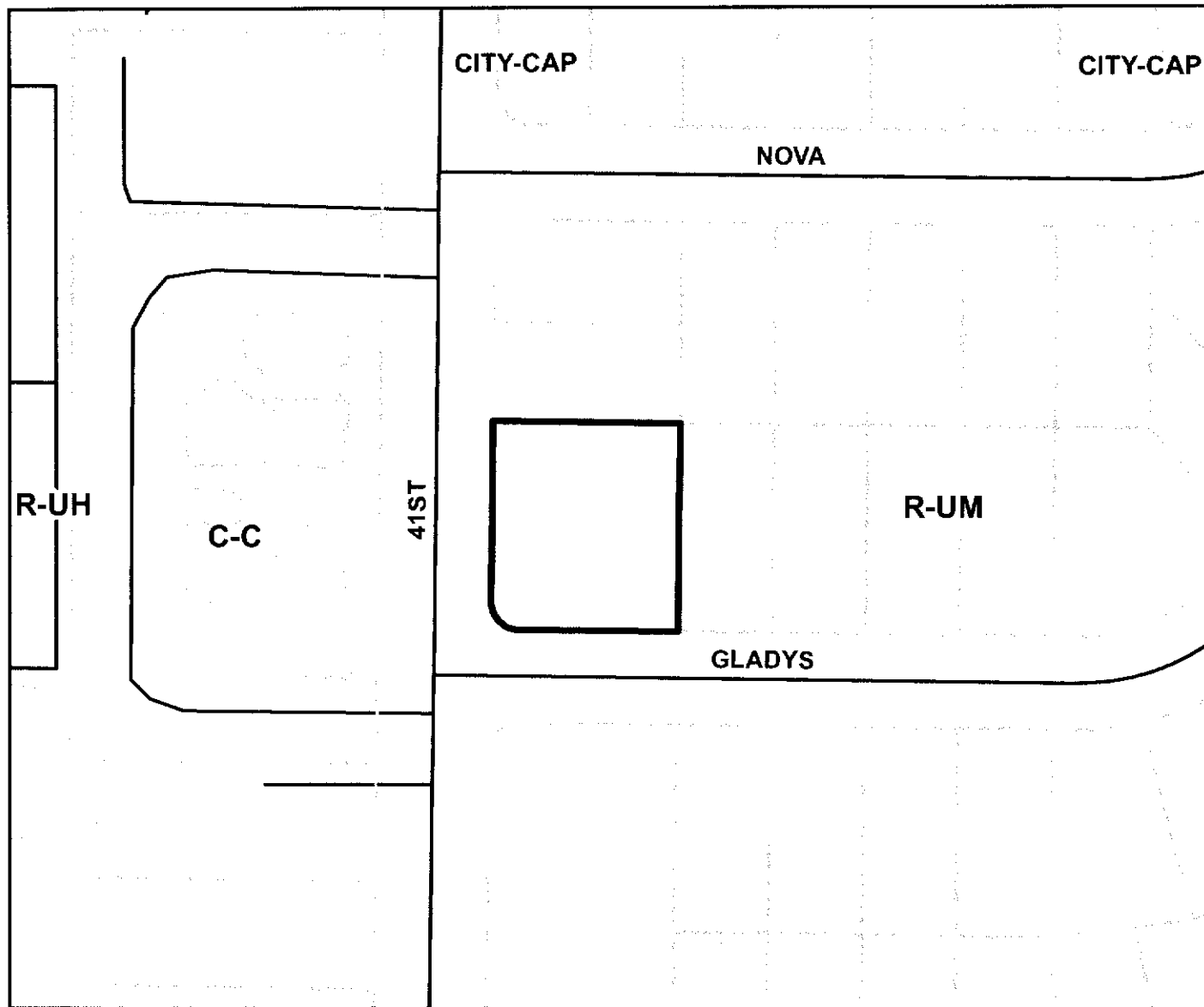
RESIDENTIAL-SINGLE FAMILY



Map Created by
County of Santa Cruz
Planning Department
April 2010



General Plan Designation Map



LEGEND



APN: 033-112-27

Assessors Parcels



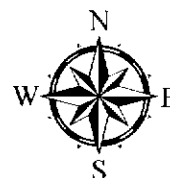
Streets

CAPITOLA

Commercial-Community

Residential - Urban Medium Density

Residential - Urban High Density



Map Created by
County of Santa Cruz
Planning Department
April 2010



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

To: Bob duMont, The Envirotechs
From: Gary Black & Robert Del Rio
Date: June 11, 2010
Subject: Trip Generation Analysis for the Proposed Mixed Use Building at 1030 41st Avenue

Hexagon Transportation Consultants, Inc. has completed a trip generation analysis for the proposed mixed use building at 1030 41st Avenue in Capitola, California. The project as proposed will consist of a two-story building that includes 1,318 s.f of ground floor retail space with 1,104 s.f of office space above.

The purpose of the trip generation analysis is to provide Santa Cruz County staff an estimate of trips to be generated by the proposed project which are used to calculate appropriate traffic impact fees. The trip generation analysis includes trip generation estimates for the proposed project as well as the existing uses for the site.

Trip Generation

The magnitude of traffic generated by the proposed project was estimated by applying to the size of the development the applicable trip generation rates recommended by the ITE *Trip Generation Manual*, 8th Edition. On the basis of the ITE rates, it is estimated that the proposed project will generate 4 AM peak-hour trips (2 inbound trips and 2 outbound trips) and 6 PM peak-hour trips (3 inbound trips and 3 outbound trips).

Traffic generated by the existing uses on the site was subtracted from the aforementioned gross project trips (trips estimated to be generated solely by the proposed project) to calculate the additional traffic that would be generated by the proposed project, or the net project trips. Based on the ITE rates, the existing uses on site currently generate 2 AM peak-hour trips (1 inbound trip and 1 outbound trip) and 2 PM peak-hour trips (1 inbound trip and 1 outbound trip).

The net new trips added by the proposed project are calculated by subtracting the existing trips from the trips generated by the proposed development. This procedure indicates that the proposed project would generate more traffic than the existing uses on site during both the AM and PM peak hours. The proposed project would result in a net increase of 2 AM peak-hour trips (1 inbound trip and 1 outbound trip) and 4 PM peak-hour trips (2 inbound trips and 2 outbound trips). The project trip generation estimates are presented in Table 1.

Table 1
Trip Generation Estimates

Land Use	Size	Daily Trip Rates	Daily Trips	AM Peak Hour						PM Peak Hour					
				Pk-Hr Rate	Splits		Trips			Pk-Hr Rate	Splits		Trips		
					In	Out	In	Out	Total		In	Out	In	Out	Total
Existing Uses															
General Office (710)	1,097 s.f.	11.0	12	1.55	88%	12%	1	1	2	1.49	17%	83%	1	1	2
Proposed Uses															
Specialty Retail (814)	1,318 s.f.	44.3	58	1.35	48%	52%	1	1	2	2.71	44%	56%	2	2	4
General Office (710)	1,104 s.f.	11.0	12	1.55	88%	12%	1	1	2	1.49	17%	83%	1	1	2
Sub-Total Proposed			71				2	2	4				3	3	6
Net Difference Between Existing & Proposed			58				1	1	2				2	2	4
/a/ Rates based on trips per 1,000 s.f. for retail/office uses.															
Source: ITE Trip Generation, 8th Edition															

Ruth Stiles

Horticultural Consultant
Board Certified Master Arborist
#WE-6613B

372 Hacienda Drive
Scotts Valley, CA 95066
ruths@cruzio.com
831.479.7960



Construction Impacts on Trees

Proposed Mixed Use Building

1030 41st Avenue

Santa Cruz, CA

Rickey Feldner, Owner

Prepared at the request of:

Frank Phantom, Architect

The Envirotechs

150 Felker Street, Santa Cruz, CA

July 5, 2010

Summary

There are currently four trees larger than 6" diameter at breast height (DBH) on this site. Two are located in the proposed driveway and would need to be removed for the project to proceed. One large black locust (*Robinia pseudoacacia*) would lose most of its roots on the windward side due to construction and would be at risk of failure. In addition, the root loss would be so extensive that the tree's health would be severely impaired. This tree is not recommended for retention. A fourth small tree is right at the threshold for County review. The landscape architect has proposed that it be replaced with an oak tree that will grow faster and larger, and will give greater benefits to the community.

In total, four trees are proposed to be removed as a part of this project, and 14 trees are proposed to be planted as mitigation. Four of these trees would be large stature native oaks.

Background

An application was submitted to the County of Santa Cruz to remove the existing building at 1030 41st Avenue and replace it with a new mixed use building, with new parking lots and landscaping. Comments from the County dated May 11, 2010 required that:

"(A) report be prepared by a certified arborist which describes the health, size, and species of each tree over 6" in diameter at breast height (DBH) and provides recommendations for the preservation and replacement of trees.... Additionally, the Arborist Report should discuss the required separation between the tree trunks and the sidewalk."

Limitations

This discussion refers to architectural plans developed by Frank Phantom of Envirotechs dated October 10, 2009 and updated June 8, 2010 and landscape plans by Sally Stoik, dated January 25, 2010 and updated July 1, 2010.

Observations

The property contains four trees over 6" DBH. Details are in the chart below.

Tree	Common name	Scientific name	DBH	Condition
Tree 1	Black locust	<i>Robinia pseudoacacia</i>	31"	good health, mature age
Tree 2	Black locust	<i>Robinia pseudoacacia</i>	14"	good
Tree 3	Grecian Laurel	<i>Laurus nobilis</i>	6"	good, young
Tree 4	Wild plum	<i>Prunus</i> sp.	multi-trunk; 6 major trunks up to 11"	fair



The Trees

Tree 1 is a 31" DBH black locust (*Robinia pseudoacacia*). This species is a fast growing tree which has both benefits and substantial disadvantages. It can be a handsome tree with attractive white flowers in late spring, but it is also considered an invasive weed in California (Bossard 2000). It has brittle wood and shallow roots which can be seen heaving pavement at this site. It reproduces rapidly via suckers, which invade adjacent gardens. Suckers were widespread at this site until the garden was recently cleaned up.

On the positive side black locust is tough, and needs neither supplemental water nor fertilizer once established.

According to Charles Hatch in *Trees of the California Landscape* (Hatch 2007), black locust will typically live 50-80 years. Mr. Feldner states that Tree 1 was large when he bought the property 40 years ago, and he estimates the tree is 60-70 years old.



Tree 1 - Black Locust



Tree 2 is a 14" DBH black locust. It is likely a seedling or stump sprout of the large locust tree and has the same advantages and disadvantages. In addition, it is located in an area proposed to become a driveway.

Tree 3 is a Grecian laurel (*Laurus nobilis*). It is a small tree with a 6" DBH. Currently it has many suckers and looks rather like a small tree buried in a large shrub. This could be fixed with pruning and training.

Tree 4 is a wild plum tree (*Prunus* sp.). It was probably a wild seedling and has grown into a large multi-trunk tree. There are six major trunks, ranging up to 11" diameter. The fruit appears to be typical of seedling plums, which have small fruit of varying quality. This tree is not native to California and could be considered invasive in some circumstances. The tree is in fair condition.

Discussion

If Tree 1 (the biggest locust) were to be retained, construction would remove a substantial portion of the tree's roots. According to Matheny and Clark in *Trees and Development*, black locust has a good tolerance for root loss. However a locust of this age would be classified as "overmature". With these factors, the recommended tree protection zone would be a radius of 31' from the trunk. With the current plan only about 60% of that zone would be preserved if rigorous tree protection measures were enforced.

According to Harris et al. (2004) "It is commonly thought that a healthy tree tolerates the removal of approximately one third of its roots". Root removal with this plan would exceed that amount and would likely cause the tree serious harm.

In addition, all of the root removal would be on the windward side, raising serious questions as to the future stability of the tree. If the tree were to fail, it would most likely fall opposite the prevailing winds, falling onto the adjacent building, with the potential for serious harm to people and property.

Trees 2 and 4 are located in the proposed driveway areas, and would not be able to be saved with the proposed project.

Tree 3 is a small tree that grows slowly. While it could be saved, the landscape architect has proposed to replace this tree with a coast live oak (*Quercus agrifolia*). Coast live oak is a large stature tree that is native to Santa Cruz County. Due to its size and other characteristics, it would provide greater benefits to the community when it is mature.

Mitigation

The landscape plan calls for planting four new coast live oak trees. These large trees are native to Santa Cruz County, and probably once grew naturally on this site. In addition to the usual ben-



efits of trees, coast live oaks provide excellent wildlife habitat, storm water interception and will shade the parking lot.

The project team has revised the parking lot layout to allow for a coast live oak to be planted near the large locust tree that is recommended for removal. This will provide the community a large tree to replace the locust.

Two Brisbane box trees (*Lophostemon confertus*) are proposed. These are small to medium sized trees that are very adaptable. They can tolerate most any soil, a little to a lot of water, and many more difficult situations.

Four crape myrtles (*Lagerstoeimia 'Natchez'*) are also proposed. These are white-flowering relatives of the crape myrtles that have done so well on 17th Avenue. They have summer flowers, brilliant fall color, and interesting bark. This cultivar is one of the new hybrids that resists powdery mildew, a disease that used to decimate crape myrtles at the coast.

Four black peppermint trees (*Agonis flexuosa 'Jervis Bay Afterdark'*) are proposed for the planting areas adjacent to the public sidewalk. This is a newer cultivar of the Australian peppermint tree with dark burgundy foliage. It is a small tree that should grow to 18' according to early reports. (San Marcos Nursery 2010).

Public Sidewalks and Private Trees

There is two to three feet of clearance between the black peppermint trees on the west side of the building and the public sidewalk, and five feet of clearance on the south side. While any tree has the potential to damage paving, this appears to be a low risk situation. The 'Afterdark' cultivar of the peppermint tree is said to reach only half the size of the parent species, so it can be expected that its root system will be smaller as well. This cultivar is new to California and long-term results are not yet available. The green-leaved parent variety is recommended for growing in pots (Brenzel 2001), so it is unlikely that dwarf variety will have problems with the restricted root room in these planters.

On the west side of the property there is five feet of clearance between the Brisbane box tree and the public sidewalk. Brisbane box is becoming widely used as a street tree. Sunset Western Garden Book (Brenzel 2001) recommends it as a street tree and Hatch (2007) recommends it for large containers. However, Selectree (www.selectree.calpoly.edu) lists it as having moderate root damage potential. This tree is located five feet from the county right of way, and is closer to private paving than it is to public paving.

Conclusions

Tree 1 is not a good candidate for preservation. The removal of such a large percentage of the trees roots and could either kill the tree outright or, more likely, weaken it so severely that it could easily be damaged or killed by other problems in the years immediately following construction.



In addition, this project would remove most of the roots on the windward side of the tree, making it unstable and raising its chances for failure. This tree is a species that is considered weedy and invasive in California. It has several other characteristics that make it undesirable.

It is an attractive tree, but unfortunately it is not compatible with this development.

The project team has revised the parking lot layout to allow for a coast live oak to be planted near the current location of Tree 1. This will provide the community with a large tree to replace the locust.

Trees 2 and 4 are incompatible with the development and are recommended for removal. Tree 3 could be saved, but the proposed coast live oak would provide the community greater benefits.

In total, fourteen trees are proposed to be planted to offset the four that would be removed. This is two more than the 3:1 ratio that is usually required.

Respectfully submitted,

Ruth Stiles
Board Certified Master Arborist #WE-6613B



References

Bossard, Carla C., John M. Randall, and Mark C. Hoshovsky, eds. 2000. *Invasive Plants of California's Wildlands*. Berkeley CA: University of California Press.

Brenzel, Kathleen N. ed. 2001 *Sunset Western Garden Book*. Menlo Park, CA. Sunset Publishing Corporation.

Hatch, Charles R. 2007. *Trees of the California Landscape*. Berkeley CA: University of California Press.

Harris, Richard W., James R. Clark, and Nelda P. Matheny. 2004. *Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines*. Upper Saddle River, NJ: Pearson Education, Inc.

Matheny, Nelda P. and James R. Clark, 1998. *Trees and Development: A Technical Guide to Preservation of Trees During Land Development*. Champaign, IL: International Society of Arboriculture.

San Marcos Nursery. 2010 www.sanmarcosgrowers.com/products/plants/plantdisplay.asp?plant_id=2900.





SOQUEL CREEK WATER DISTRICT

5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

PROJECT COMMENT SHEET

Date of Review: 04/28/10
Reviewed By: Carol Carr

Returned	Samantha Haschert
Project	County of Santa Cruz
Comments to:	Planning Department 701 Ocean St., Ste. 410 Santa Cruz, CA 95060-4073 Email: Samantha.haschert@santa-cruz.ca.us

Owner: Fredric Feldner
164 Main St., 2nd Floor
Los Altos, CA 94022

Applicant: Frank Phanton
150 Felker St., Ste. G
Santa Cruz, CA 95060

Type of Permit: Development Permit
County Application #: 10-0126

Subject APN: 033-112-27

Location: 1030 41st Ave., at the corner of 41st Ave. and Gladys Ave.

Project Description: Proposal to demolish an existing commercial building and construct an approximately 3600 sq. ft. two story commercial building with associated site improvements.

Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District has adopted policies to mitigate the impact of development on the local groundwater basins. The proposed project will be subject to these and any other conditions of service that the District may adopt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

Requirements

The developer/applicant, without cost to the District, shall:

- 1) Destroy any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:
 - a) All applicants for new water service from Soquel Creek Water District shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.
 - b) Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;
 - c) All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;



SOQUEL CREEK
WATER DISTRICT

5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

PROJECT COMMENT SHEET

District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;

- 4) Complete LAFCO annexation requirements, if applicable;
- 5) All units shall be individually metered with a minimum size of 5/8-inch by 3/4-inch standard domestic water meters;

Soquel Creek Water District Project Review Comments:

1. SCWD has reviewed the project plans, specifically sheet C6 "Improvement Plan" dated August 2009 by Luke Beautz for The Envirotechs, and made comments. 1) The applicant shall follow the *Procedures for Processing Water Service Requests for Subdivisions, Multiple Unit Developments, and Commercial Developments* (attachment), and the *Water Use Efficiency Requirements for Developments other than Single-Family Lots*; however, please be advised that additional conditions may be imposed as per the above Notice. 2) A *New Water Service Application Request* shall be completed and submitted to the SCWD Board of Directors. **The applicant shall be required to offset the expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area. Applicants for new service shall bear those costs associated with the retrofit.** Note: a Will Serve Letter, which is the first step in the application process, was issued for this project. Calculations for the expected increase in water demand for this project were generated upon request for the Will Service Letter. Final calculations are pending finalization of the project plans. 3) All interior plumbing fixtures shall be low flow and have the EPA Energy Star label. 4) The landscape and irrigation plans have been reviewed and approved. 5) A *Fire Protection Requirements Form* will need to be completed and reviewed by the appropriate Fire District.

Attachments:

- ☒ Procedures for Processing Water Service Requests for Subdivisions and Multiple Unit Developments and Commercial Developments

Accessibility: Project Comments for Development Review
County of Santa Cruz Planning Department

Date: 5/4/2010
Planner: Samantha Haschert
Project: New Commercial Building

Application Number: 10-0126
APN: 033-112-27

Dear:

A preliminary review of the above project plans was conducted to determine accessibility issues. The following comments are to be applied to the project design.

Please refer to the brochure entitled Accessibility Requirements - Building Plan Check which can be found at the County of Santa Cruz Planning Department website: http://www.sccoplanning.com/brochures/access_plancheck.htm
This document is an information source for the designer when preparing drawings for building plan check.

Completeness Items:

- None

Compliance Issues:

- Indicate wheel guides at the 1:20 ramp per CBC 1133B.5.6
- Detectable warnings shall be shown at the accessible parking access aisle. CBC 1133B.8.5

Permit Conditions/Additional Information:

- The accessibility plan indicates compliance with the 2001 CBC. Correct this to comply with the current 2007 CBC. If the application is made for a permit after January 1, 2011, please be aware that the plans will be subject to compliance with the 2010 CBC.
- Provide occupancy and construction type.
- Provide detailing for the restrooms in compliance with CBC 1115B.3.2 for single accommodation restrooms. Include detailing for the showers that are shown on the plans.
- An Accessible Parking and Path of Travel Agreement Form is required to be submitted with the permit application.

Please contact me with any questions regarding these comments.

Robin Woodman
Building Plans Examiner
County of Santa Cruz Planning Department
(831) 454-3249
pln450@co.santa-cruz.ca.us

C O U N T Y O F S A N T A C R U Z
Discretionary Application Comments

Project Planner: Samantha Haschert
Application No.: 10-0126
APN: 033-112-27

Date: October 20, 2010
Time: 15:55:31
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON MAY 4, 2010 BY ANTONELLA GENTILE =====

1. Provide a report prepared by a certified arborist describing the health, size and species of each tree over 6" diameter at breast height (DBH) and making recommendations for protection of each tree to be preserved and replacement of each tree to be removed.

Awaiting comments from the County Civil Engineer on the grading and soils report review. ===== UPDATED ON MAY 10, 2010 BY CAROLYN I BANTI =====

+++ First Review +++ Soils and Grading +++

The soils report review has been deferred to the building permit application. Please see Conditions of Approval for additional information.

The grading and drainage plan has been reviewed and is deemed complete for discretionary review. ===== UPDATED ON AUGUST 2, 2010 BY ANTONELLA GENTILE =====
Project application complete per Environmental Planning.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MAY 4, 2010 BY ANTONELLA GENTILE =====

The current plan includes removal of a 12" DBH robinia, a 6" DBH unspecified tree, and a large multi-trunked plum. County Code requires that certain findings must be made in order to approve the removal of a significant tree. Once the arborist's report has been received, staff will make a determination as to whether any significant trees are proposed for removal.

In addition, Section 13.11 of County Code states that "mature trees over 6 inches in diameter shall be incorporated into the site and landscape design unless other provisions of this subsection allow removal." Please include such trees in the design or provide an explanation for their removal.

The landscape plan incorrectly labels the robinia to remain 12" and the robinia to be removed 6". Both trees are much larger than shown. Please revise the landscape plan to accurately reflect the size of each of the trees on the site, including the plum.

Please note that although this property is mapped for potential biotic resources, it is unlikely that any would occur on this property due to its developed nature and urban setting.

===== UPDATED ON MAY 10, 2010 BY CAROLYN I BANTI =====

+++ First Review +++ Soils and Grading +++

++ Miscellaneous Comments ++

None

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 10-0126
APN: 033-112-27

Date: October 20, 2010
Time: 15:55:31
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++ Conditions of Approval ++

1. Please submit two copies of the soils report with the building permit application for review and approval. Please note: Additional comments may be forthcoming after soils report review.

2. Prior to building permit issuance, please submit a geotechnical plan review letter that states the final project plan set is in conformance with the recommendations of the soils report.

3. Please submit an erosion control plan that shows how sediment will be kept onsite during and after construction. This plan shall include the location of all erosion control measures as well as installation details. The plan shall include construction entrances, staging areas, and street sweeping notes. ===== UPDATED ON AUGUST 2, 2010 BY ANTONELLA GENTILE =====

In addition to the Conditions listed above by Carolyn Banti on 5/10/2010, the following conditions shall apply to this project:

4. Submit the landscape plan with the building application.

5. All landscaping shall be installed prior to building permit final as shown on the landscape plan prepared by Sally Stoik dated 7/1/10.

Please note that this application includes the removal of a 31" black locust (a significant tree), a 14" black locust, a 6" Grecian laurel, and a multi-trunked wild plum. Four 15-gallon coast live oaks and 10 other landscape trees will be planted on the site.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MAY 3, 2010 BY TRAVIS RIEBER =====

The civil plans dated August 2009, proposing pervious concrete for all driveway and parking areas and downspouts being directed to percolation swales, has been received and is approved for the discretionary application stage.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MAY 3, 2010 BY TRAVIS RIEBER =====

1. To receive mitigation credit for the existing impervious surfaces to be removed please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built. Additional mitigation measures may be required based on the documentation provided.

2. Site plans shall specify required maintenance procedures for the pervious concrete to assure proper long term functioning.

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 10-0126
APN: 033-112-27

Date: October 20, 2010
Time: 15:55:31
Page: 3

3. A recorded maintenance agreement will be required for the proposed silt and grease traps. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>

4. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas both on and off site resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

5. The construction of drainage improvements must be inspected by Public Works staff or the project civil engineer. For inspection by Public Works staff, please deposit 2 percent of the estimated construction cost for the drainage improvements or a minimum of \$580. For inspection by the project civil engineer provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of -general conformance to plans- are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON MAY 7, 2010 BY DAVID GARIBOTTI =====
No Comment.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON MAY 7, 2010 BY DAVID GARIBOTTI =====
Please include thru curb detail, FIG ST-4b on plans. Note that all sidewalks, existing and proposed shall be 48" minimum width, and broken curb, gutter, or sidewalk shall be repaired at existing joints.

Dpw Road Engineering Completeness Comments

===== REVIEW ON MAY 3, 2010 BY RODOLFO N RIVAS =====
1) A traffic generation analysis prepared by a qualified engineer is required for this application in order to determine the required Transportation Improvement Area fees. Such analysis should provide an estimate of vehicular net trips (daily, AM peak and PM peak) increase between the previously approved facility use and the

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 10-0126
APN: 033-112-27

Date: October 20, 2010
Time: 15:55:31
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proposed use approved by the Planning Department. 2) Provide pavement arrow markings as well as "DO NOT ENTER" sign and arrow symbol sign for the exit driveway on 41st Avenue. 3) An encroachment permit is required for the installation of any landscape fixture within the County Right of Way. ===== UPDATED ON AUGUST 2, 2010 BY RODOLFO N RIVAS =====

Applicant submitted a Trip Generation Analysis report prepared by Hexagon Transportation, dated June 11, 2010. The report indicates that the project will consist of 1,104 sq. ft. of General Office Building and 1,318 sq. ft. of Special Retail. The report showed that vehicular trip-ends at peak hour will not exceed the 20 trip ends threshold to require a comprehensive analysis. The project will be subject to Live Oak Transportation Improvement Area (TIA) fees at a rate of \$590 (\$295 for roadside improvement fees + \$295 for transportation improvement fees) per daily trip-end generated by the proposed use. The proposed development as indicated on the Trip Generation Analysis prepared by Hexagon Transportation, dated June 11, 2010, will generate 58 new trip-ends. The fee is calculated as 58 trip-ends multiplied by \$590 per trip-end which equals \$34,220. The total TIA fee of \$34,220 is to be split evenly between transportation improvement fees and roadside improvement fees.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MAY 3, 2010 BY RODOLFO N RIVAS =====
NO COMMENT

===== UPDATED ON AUGUST 2, 2010 BY RODOLFO N RIVAS =====

Note: A Trip Generation Analysis report prepared by Hexagon Transportation, dated June 11, 2010 incorrectly applied the daily trip rates of 1.35 to AM peak and 2.71 to PM peak to the proposed Special Retail peak-hour calculations. After applying the correct AM peak (6.84) and PM peak (5.02) rates, the net increase in peak-hour trips for the subject project is expected to be 8 AM peak-hour trips and 7 PM peak-hour trips. These peak-hour traffic volumes are still below the 20 peak-hour trips threshold for a formal traffic impact study to be required.

Dpw Sanitation Completeness Comments

===== REVIEW ON APRIL 26, 2010 BY DIANE ROMEO =====

Application No: 10-0126 1st Review Summary Statement: Any industrial use of the proposed building may require pretreatment of sanitary wastes prior to discharge. Before plans can be approved, if any industrial uses are planned for the building, you must submit plans to the Sanitation District for review. Completeness Items: Plans indicating the plumbing outlay and fixture connections must be submitted to the District for approval. All plans for commercial kitchens must illustrate kitchen fixtures and grease trap size and design before they can be approved by the Sanitation District. Compliance Items: All Food Service Facilities must have a minimum 70 lb. District approved grease trap. A minimum 350 gal. exterior grease interceptor is required if a dishwasher or sanitizer is intended for use. Information Items: Industrial uses of the building will also require the installation of a sampling manhole on the property. The following activities may require pretreatment: photoprocessing, machine work, surfboard shaping, vehicle service, dentistry, medical facility, paint contractors, printers, and dry cleaners, and any other industrial sector that could potentially have an impact on the sewer system.

Information Items Specific to Food Service Facilities: 1.) All grease traps will

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 10-0126
APN: 033-112-27

Date: October 20, 2010
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meet the Santa Cruz County Design Criteria. Grease trapping specifications are detailed in the design criteria. See the design criteria at <http://www.dpw.co.santa-cruz.ca.us/environment.htm> 2.) All sinks and floor drains must be routed through a grease interceptor/trap with the exception of hand washing sinks and bathroom drains 3.) A dishwasher is not permitted unless a minimum exterior 350-gallon grease interceptor is installed. 4.) Floor drains must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer. 5.) Grease additives or enzyme use in grease traps or lines, are not permitted in the County of Santa Cruz unless they have been approved for use by the District. 6.) The use of garbage grinders is strictly prohibited. ===== UPDATED ON APRIL 26, 2010 BY DIANE ROMEO =====

Sanitation Engineering Division No. 1 Review Summary Statement; Appl. No. 10-0126; APN: 33-112-27: Sewer service is available for this project based upon the plans submitted for the first review dependent upon the following being added to the plans. (Any future changes to these plans submitted for discretionary review shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements to meet District standards). This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires. Include District's -General Notes- on plans. Contact staff for electronic copy. On Sheet C6, revise note or arrow regarding sewer lateral abandonment to indicate abandonment shall be at property line. There are no Miscellaneous comments. Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160. ===== UPDATED ON APRIL 30, 2010 BY DIANE ROMEO =====

Sanitation District review complete and approval for plans submitted for second routing are complete. No additional review is necessary if change of use does not include food preparation, xray machine or

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON APRIL 26, 2010 BY DIANE ROMEO ===== There are no Miscellaneous requirements.

COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

DATE: April 28, 2010
TO: Samantha Haschert, Project Planner
FROM: Sheila McDaniel, Planning Department Liaison to the Redevelopment Agency
SUBJECT: Application 10-000126; 1st Routing; APN 033-112-27, 1030 41st Avenue, Santa Cruz, Live Oak Planning Area

Thank you for routing the plans to the Agency for review.

The property is located on the east side of 41st Avenue at the corner of 41st Avenue and Gladys Avenue (1030 41st Avenue) north of the intersection of 41st Avenue and Portola Drive. As a reference, this site is across the street from the recently approved Betty's Burger business.

The applicant is proposing to demolish an existing commercial building and to construct a two story commercial building of approximately 3600 square feet with associated site access, parking, landscaping, and other site amenities. The building is proposed to be situated toward the front corner of Gladys Avenue and 41st Avenue with a one way access entry provided off Gladys Avenue, located to the rear of the building. The one way site exit is proposed onto 41st Avenue to the north of the proposed building.

The Agency supports proposed commercial development on this site and has the following comments.

Arterial streets such as 41st Avenue are subject to a 6 foot sidewalk requirement as required by the County Design Criteria. The Agency recommends the full six feet of sidewalk in this location. The site plans show a four foot sidewalk along the property frontage with landscaping and hardscape improvements partially proposed within the existing right-of-way. The applicant may need to revise the plans to locate all improvements, except sidewalk, outside the right-of-way prior to application completeness. Any improvements within the right-of-way will require a DPW encroachment permit. A revision to this plan detail may also require modification to the landscaping plan to ensure that there is an adequate separation between the tree trunks and the sidewalk area. Many of the proposed trees along the frontage of 41st Avenue are extremely close to the edge of the property line.

Please note that there are also a few sheet discrepancies that require correction prior to approval. In particular, the location of the existing tree on sheet A-3 (Site Plan) is not consistent with Sheet C-2 (Site Survey). This tree is rather close to the proposed parking lot improvements. It is suggested that an arborist evaluate this tree to ensure that it can withstand the impacts of this proposed development. Also, the proposed steps located at the street corner area of the plan on Sheet A-3 do not match the Sheet C-3 (Improvement Plan) detail. Also, the current curb ramp will be a tripping hazard for pedestrians and does not comply with the current Design Criteria standard. The applicant may want to know that the existing ramp will require modification to the "Type D" curb ramp, contained in the attached County Design Criteria, to comply with the accessibility standard.

RDA appreciates this opportunity to comment. Thank you.

cc: Betsey Lynberg, RDA
Paul Rodrigues, RDA

INTEROFFICE MEMO

APPLICATION NO: 10-0126

Date: May 11, 2010

From: Larry Kasparowitz, Urban Designer

To: Samantha Haschert, Project Planner

Re: Abbey Road subdivision, Aptos

Design Review Authority

13.11.040 Projects requiring design review.

(e) All commercial remodels or new commercial construction.

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	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		

Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

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	✓		
Building silhouette	✓		
Spacing between buildings	✓		
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.	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties.	✓		

Building walls and major window areas are oriented for passive solar and natural lighting.	✓		
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13.11.074 Access, circulation and parking.

Parking			
Minimize the visual impact of pavement and parked vehicles.	✓		
Parking design shall be an integral element of the site design.	✓		
Site buildings toward the front or middle portion of the lot and parking areas to the rear or side of the lot is encouraged where appropriate.	✓		
Lighting			
All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.			<i>Suggest as Condition of Approval</i>
Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.			<i>Suggest as Condition of Approval</i>
All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.			<i>Suggest as Condition of Approval</i>
Building and security lighting shall be integrated into the building design.			<i>Suggest as Condition of Approval</i>
Light sources shall not be visible from adjacent properties.			<i>Suggest as Condition of Approval</i>
Loading areas			
Loading areas shall be designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.	✓		
Landscape			
A minimum of one tree for each five parking spaces should be planted along each single or double row of parking spaces.	✓		
A minimum of one tree for each five parking spaces shall be planted along rows of parking.	✓		
Trees shall be dispersed throughout the parking lot to maximize shade and visual relief.	✓		

At least twenty-five percent (25%) of the trees required for parking lot screening shall be 24-inch box size when planted; all other trees shall be 15 gallon size or larger when planted.	✓		
Parking Lot Design			
Driveways between commercial or industrial parcels shall be shared where appropriate.	✓		
Avoid locating walls and fences where they block driver sight lines when entering or exiting the site.	✓		
Minimize the number of curb cuts	✓		
Driveways shall be coordinated with existing or planned median openings.	✓		
Entry drives on commercial or industrial projects greater than 10,000 square feet should include a 5-foot minimum net landscaped median to separate incoming and out going traffic, where appropriate.	✓		
Service Vehicles/Loading Space. Loading space shall be provided as required for commercial and industrial uses.	✓		
Where an interior driveway or parking area parallels the side or rear property line, a minimum 5-foot wide net landscape strip shall be provided between the driveway and the property line.	✓		
Parking areas shall be screened from public streets using landscaping, berms, fences, walls, buildings, and other means, where appropriate.	✓		
Bicycle parking spaces shall be provided as required in. They shall be appropriately located in relation to the major activity area.	✓		
Reduce the visual impact and scale of interior driveways, parking and paving.	✓		
Parking Lot Landscaping			
It shall be an objective of landscaping to accent the importance of driveways from the street, frame the major circulation aisles, emphasize pedestrian pathways, and provide shade and screening.	✓		
Parking lot landscaping shall be designed to visually screen parking from public streets and adjacent uses.	✓		
Parking lots shall be landscaped with large canopy trees.	✓		
A landscape strip shall be provided at the end of each parking aisle.	✓		

A minimum 5-foot wide landscape strip (to provide necessary vehicular back-out movements) shall be provided at dead-end aisles.	✓		
Parking areas shall be landscaped with large canopy trees to sufficiently reduce glare and radiant heat from the asphalt and to provide visual relief from large stretches of pavement.	✓		
Variation in pavement width, the use of texture and color variation in paving materials, such as stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize the visual impact of large expanses of pavement.	✓		
As appropriate to the site use, required landscaped areas next to parking spaces or driveways shall be protected by a minimum six-inch high curb or wheel stop, such as concrete, masonry, railroad ties, or other durable materials.	✓		
Pedestrian Travel Paths			
On-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other design techniques.	✓		
Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features to achieve access for the physically disabled.	✓		
Separations between bicycle and pedestrian circulation routes shall be utilized where appropriate.	✓		