



Staff Report to the Zoning Administrator

Application Number: **05-0438**

Applicant: David & Barbara Smith
Owner: David & Barbara Smith
APN: 031-021-70

Agenda Date: 12/2/05
Agenda Item # 5
Time: After 10:00 a.m.

Project Description: Proposal to construct two monument signs at an existing commercial building. Requires an Amendment to Commercial Development Permit 98-0281, and a Variance to the sign ordinance to increase the maximum sign area allowed to exceed the 50 square foot limit by six square feet and to exceed the limit of one business sign by having two.

Location: Located at the northeast corner of the intersection of Soquel Avenue and **Gross** Road (9035 Soquel Ave.)

Supervisory District: First District (District Supervisor: Janet Beautz)

Permits Required: Commercial Development Permit, Variance.

Staff Recommendation:

- Approval of Application 05-0438, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|---------------------------|
| A. | Project plans | E. | Assessor's parcel map |
| B. | Findings | F. | Zoning map |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	14,679 square feet
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial and Residential
Project Access:	Soquel Ave.
Planning Area:	Live Oak

Land Use Designation: **C-0 (Office)**
Zone District: PA (Professional and Administrative Office)
Coastal Zone: Inside X Outside

Environmental Information

Geologic Hazards: Not mappedno physical evidence on site
Soils: No soils report required
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mappedno physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mappedno physical evidence on site

Services Information

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

History

Permit 98-0281 allowed the demolition of a single-family dwelling and construction of a 4,300 square foot, two-story office building. Part of this approval was a variance granting a reduction in the front yard setback from 20 to 11 feet. The current proposal is to add two single-sided monument signs, one on Gross Road and one on Soquel Avenue, to indicate the tenants of the office building.

Project Setting

The subject parcel is located on the northeast ~~corner~~ of the intersection of Soquel Avenue and Gross Road. Surrounding land uses include residential uses to the south, southwest and west, and commercial uses to the northwest, north and east. The property abuts the City of Capitola to the east.

Zoning & General Plan Consistency

The subject property is a 14,680 square foot lot, located in the PA (Professional and Administrative Office) zone district, a designation which allows commercial uses. The proposed monument signs are ancillary to the principal permitted use within the zone district and the project is consistent with the site's (C-0) Office General Plan designation. Because this property

is directly across the street from a residential zone district, each sign shall be limited to 30 square feet in area and will not be illuminated.

Variance

The parcel's location on a corner lot warrants a variance to the sign regulation limiting businesses in the PA (Professional Administrative Office) zone district to one business sign not exceeding 50 feet. Because the site is a corner lot fronting two arterial roadways, there is a need to have signs in two different directions to provide adequate visibility.

Two single-sided monument signs of **28** square feet each are proposed which will together exceed the 50 square foot maximum by six square feet. This is considered reasonable, as smaller signs would be difficult for vehicular traffic to discern. The signs, as proposed, will meet all other standards for signs in the PA (Professional-Administrative Office) zone district.

Design Review

The County's Urban Designer reviewed **this** project and found it to be in compliance with the requirements of the County Design Review Ordinance, in that the signs will be painted to match the existing office building and will be sized in proportion to the existing office building. In addition, the signs have been sited in such a way as to partially screen an existing air conditioning unit on Soquel Avenue and to preserve all existing street trees.

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

- **APPROVAL** of Application Number **05-0438**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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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Owner: David & Barbara Smith

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Report Prepared By: Annette Olson
Santa Cruz County Planning Department
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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 site is located on the corner of a major intersection of two arterial roadways, thus there is a need to have two signs oriented in different directions to provide adequate sign visibility. This constitutes a special circumstance. Chapter Section 13.10.581(a)2 allows signage to be calculated on the basis of street frontage along corner parcels based on the following formula: 0.5 square feet of signage per linear foot of building length along each frontage. For this project, this would allow $123.5 \times 0.5 = 61.75$ square feet, however, Section 13.10.581(a)2 limits the maximum signage at 50 square feet. Although the two proposed signs will exceed the maximum square footage by six square feet, this is considered reasonable since smaller signs within the limitations of the sign regulations would be more difficult to discern for passing traffic. Therefore, the strict application of the zoning ordinance would deprive the property of the privilege of adequately visible signage for a vehicle-oriented use that is enjoyed by other properties that are not located on corner lots.

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 individual signage will be limited in size to a maximum of 28 square feet on any side of the structure and to 56 square foot maximum. This meets the intent of the signage regulations to keep signage in proportion to the structure and use.

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.

A variance such as this one would be granted for other similarly developed parcels with similar corner configurations. Due to the parcel configuration (corner lot), it is reasonable to permit two signs, one for each street frontage. The granting of the variance to allow two signs is compatible with the development pattern of the neighborhood and is consistent with the privileges enjoyed by other properties in the vicinity.

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. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The two proposed monument signs will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structures will meet all current sign setbacks that ensure access to light, air, and open space.

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 two monument signs and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the PA (Professional and Administrative Office) zone district in that the primary use of the property will continue to be one office building that meets all current site standards for the zone district other than as discussed above in the variance findings and the variance to front yard setbacks which was approved as a part of an earlier application.

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 requirements specified for the Office (C-0) land use designation in the County General Plan.

The two proposed monument signs will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district, other than as discussed in the variance findings, as specified in Policy 8.5 (Commercial and Industrial Design), in that the two monument signs will not adversely shade adjacent properties, and will ~~meet~~ current sign setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The two proposed monument signs will be compatible with adjacent land uses through the application of the Site, Architectural and Landscape Design Review Ordinance (County Code 13.11) as specified in General Plan Policy 8.5.2 (Commercial Compatibility With Other Uses), in that the proposed two monument signs will comply with the sign setback standards for the PA zone district, will be painted to match the existing office building, and will result in two signs consistent with a design that could be approved on any similarly configured lot in the vicinity.

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 two proposed monument signs require no utilities. No change in the level of traffic is anticipated ~~as~~ a result of the proposed project.

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 monument signs are to be located in an area containing a variety of uses and architectural styles, and the proposed design is not inconsistent with the existing range. **No** intensification of use or change in density is proposed.

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 two proposed monument signs will be of an appropriate scale and type of design that will match the existing office building. The proposed signs will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: 1 Sheet by Central Pacific Engineering, Inc., dated 9/1/05 and revised 9/14/05.

- I. This permit authorizes the construction of two monument signs of a maximum of 30 square feet each. 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, if required.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, if required.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. 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. The final plans shall include the following additional information:
 1. Identify finish of exterior materials for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - D. Meet all applicable requirements and pay any applicable plan check fee of the Central Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. No trees may be moved or damaged during construction, and no construction may occur within the root zone of any existing trees.
 - B. The signs must be setback five feet from the right-of-way.
 - C. All site improvements shown on the final approved Building Permit plans shall be

- D. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at anytime 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.

N. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The signs may not be illuminated.
- C. The maximum square footage of lettering and logos may not exceed **30** square feet per sign.

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:

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Owner: David & Barbara Smith

1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator



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 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: 05-0438
Assessor Parcel Number: 031-021-70
Project Location: 9035 Soquel Avenue

Project Description: Proposal to construct two monument signs at an existing commercial building.

Person or Agency Proposing Project: David & Barbara Smith

Contact Phone Number: (831) 476-1525

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

Specify type:

E. ☒ **Categorical Exemption**

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

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

Construction of two monument signs for an existing commercial building within an area designated for professional and administrative office uses.

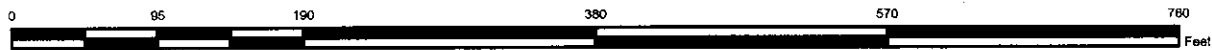
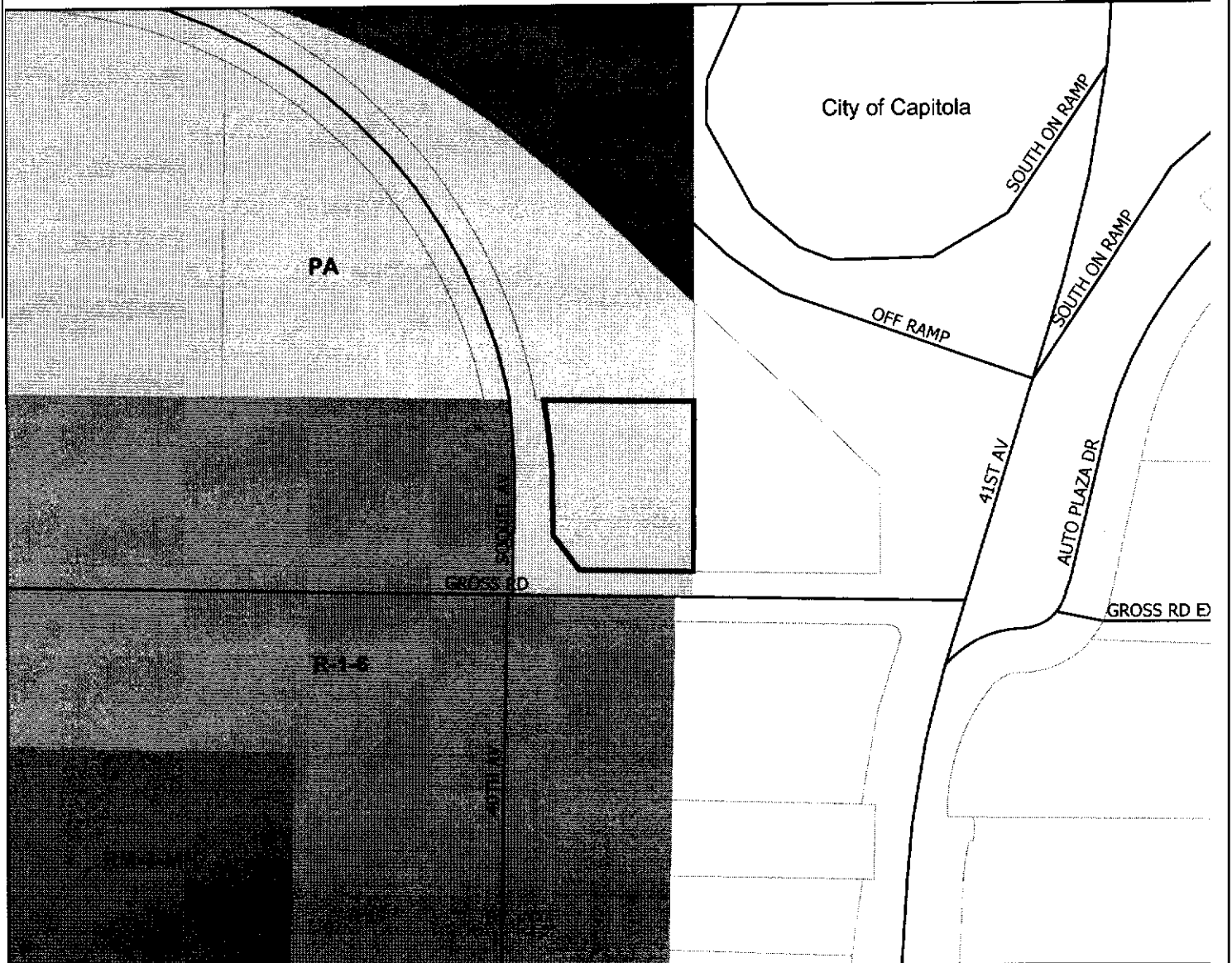
In addition, none of the conditions described in Section 15300.2 apply to this project.


Annette Olson, Project Planner




Date: 10-31-05

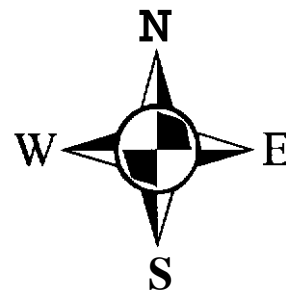


Zoning Map



Legend

-  APN 031-021-70
-  Assessors Parcels
-  Streets
- COMMERCIAL-PROFFICE (PA)
- PUBLIC FACILITY (PF)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- RESIDENTIAL-MULTIFAMILY (RM)
- CITY PROPERTY



Map Created by
County of Santa Cruz
Planning Department
July 2005

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EXHIBIT F

MEMOR

Application No: 05-0438 (second routing)

Date: October 11, 2005

To: Annette Olson, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for new signage at 9035 Soquel Avenue, Santa Cruz

- **No new comments.**

MEMORANDUM

Application No: 05-0438

Date: August 2, 2005

To: Annette Olson, Project Planner

From: Urban Designer

Re: Design Review for new signage at 9035 Soquel Avenue, Santa Cruz

- *Signage should use **materials and shapes** which are similar or the same **as** the building.*

***Stucco** should be used **as** a finish material.*

*The bulge **in** the sides should be removed*

*Colors should match that **of** the building.*

Aluminum reveals should be used to match the building.

Brushed aluminum letters may not be appropriate. Letters should have color designated.

*No trees should **be** removed **as** a part **of** this application.*

COUNTY OF SANTA CRUZ
Inter-Office Correspondence

DATE: July 26, 2005

TO: Tom Burns, Planning Director
✓ Annette Olson, Planner

FROM: Supervisor Jan Beautz *JB*

RE: COMMENTS ON APP. 05-0438, APN 031-021-70,
9035 SOQUEL AVENUE

Please consider the following areas of concern in your evaluation of the above application to construct two monument signs for an existing commercial building, amend Application 98-0281, and grant a variance to the sign ordinance.

The applicant is requesting a variance to Code Section 13.10.581(a) which restricts business signs to one business identification sign and a small pedestrian oriented sign. Code does allow exceptions due to special circumstances such as businesses located at corners. While a variance for a second monument sign for this corner lot may be appropriate, the location is not. The applicant is proposing to remove an existing landscape tree to install the monument sign adjacent to Gross Road. While this tree is still a young tree, it is well established and was planted as a landscape requirement for previously approved development. This 4'2" high monument will be below the tree's canopy and clearly visible without loss of this tree. Adjusting this monument sign's location outside the tree's root/drip line will meet the applicant's needs without loss of this tree. The landscape trees along Gross Road are well spaced. Alternative locations for this sign are available that will not impact any of the existing trees. How will this be addressed?

JKB:lg

3259A1