

CALIFORNIA COASTAL COMMISSION

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original staff report

Th24c

Prepared February 9, 2016 for February 11, 2016 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, District Manager
Rainey Graeven, Coastal Planner

Subject: STAFF REPORT ADDENDUM for Th24c
Appeal Number A-3-SCO-16-0003 (Northpoint Investments Fund, LLC)

The purpose of this addendum is to replace pages 65-79 of Exhibit 3 (County's Final Local Action Notice) of the staff report dated prepared January 29, 2016. At the Santa Cruz County Planning Commission hearing on December 9, 2015, the Planning Commission approved the CDP subject to changes to several special conditions related to parking. While the staff report included the County's approved CDP conditions in Exhibit 3, the Exhibit did not include all of these Planning Commission-approved parking condition modifications. Thus, this addendum replaces pages 65-79 of Exhibit 3 of the staff report (which reflected the pre-modified parking conditions) with the final Planning Commission-approved conditions (attached).

The staff report's analysis was based on the Planning Commission's final approved condition language; thus, this addendum does not change staff's recommendation, which is still that the Commission finds No Substantial Issue with respect to the County-approved project's conformity with the Santa Cruz County LCP.

Conditions of Approval

Minor Land Division and Development Permit for the construction of a mixed use building with one commercial condominium unit at the lower floor and eight residential condominium units at the second and third floors above - 141157

Applicant: Hamilton Swift and Associates, Attn. John Swift

Property Owner: NORTHPOINT INVESTMENT FUND, LLC.

Assessor's Parcel Number: 032-092-01 & 032-092-05

Property Address and Location: The property is located at 3800 Portola Drive, Santa Cruz, at the southeastern corner of the intersection with 38th Avenue.

Planning Area: Live Oak

Exhibit D: Tentative Map (1 sheet) and Preliminary Improvement Plans (4 sheets) - prepared by Ifland Engineers, dated June 15, 2015, Architectural and design plans (9 sheets) - prepared by Thatcher and Thompson Architects, dated January 9, 2015; Landscape plans (2 sheets) - prepared by bfs Landscape Architects, dated January 13, 2015 and a Photometrics Study (1 sheet) - prepared by Prime Design Group, dated March 26, 2015.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Pay the required fee to the Clerk of the Board of the County of Santa Cruz for posting the Negative Declaration as required by the California Department of Fish and Wildlife mitigation fees program. Currently, the fee is \$2,210, but is subject to change.
 - B. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
 - C. Record the Conditions of Approval with the Parcel Map. The Conditions of Approval shall be applicable to all resulting parcels.
 - D. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - E. Obtain a Building Permit and, if also required, a Grading 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.
 - F. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

II. A Parcel Map for the land division must be recorded prior to the expiration date of the Tentative Map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division).

A. The Parcel Map shall meet the following requirements:

1. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
2. This land division shall result in no more than one (1) commercial condominium unit, eight (8) residential condominium units and a common area parcel in conformance with the Tentative Map.
3. The minimum aggregate parcel area for the commercial condominium shall 10,000 square feet per unit and for the residential units shall be 2,500 square feet of net developable land per unit.
4. The following items shall be shown on the Parcel Map:
 - a. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the C-2 zone district of 10 feet for front yards, 10 feet for side yards opposite a residential district, 0 feet for interior side yards and 0 feet for rear yards.
 - b. Show the gross and net area of each condominium unit to nearest square foot.
 - c. All easements and dedications to be recorded prior to recordation of the Parcel Map.
5. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - a. New parcel numbers for all of the parcels must be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division.

B. The following items are required for submission before the approval of the Parcel Map:

1. Engineered Sewer Plans: Prior to applying for approval of the Final Map, provide a complete engineered sewer plan, addressing all issues required

by District staff and meeting CDC standards (unless a variance is requested and allowed). District approval of the Final map must be withheld until it can be demonstrated that the plan meets all the requirements.

- C. All future construction shall conform to the approved Development Permits and Design Review for the proposed mixed use building and residential garages associated with this land division.
 - D. All future development on the lots shall comply with the requirements of the approved geotechnical report(s) for this project.
 - E. Meet all drainage requirements of the Department of Public Works, Stormwater Management Services section including, without limitation, the following conditions, before the approval of the Final Map:
 - 1. The detention system for Area 1 runoff to the Portola Drive drainage area shall be designed to detain the 10-year storm and to discharge to an existing 12 inch storm drain pipe in Portola Drive. The detention system for Area 2 runoff to 38th Avenue drainage area shall be designed to detain the 25-year storm and to discharge via overland release from the driveway onto 38th Avenue. The project stormwater management design submitted with the building plans shall be prepared to satisfy the requirements of County of Santa Cruz Design Criteria Part 3-Stormwater Management.
 - F. Prior to recordation of the Parcel Map, the following requirements shall be met:
 - 1. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- III. Prior to issuance of a Building Permit for the construction of the proposed mixed use building or detached residential garages, 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 - 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

3. Grading, drainage, and erosion control plans.
4. 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 38 feet 4 inches at the peak of the main roof and 40 feet 10 inches at the ventilation shafts.
5. Details showing compliance with fire department requirements.
6. *Final plans shall be revised to include for the provision of two additional parking spaces in the area of the proposed rear plaza.*
7. A Landscape Plan prepared in accordance with the requirements of the City of Santa Cruz Water Department's Water Efficient Landscape Ordinance (Chapter 16 of the Santa Cruz Municipal Code) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager.
 - a. In addition to all tree, shrub, groundcover and vines shown on the Landscape plan prepared by bfs Landscape Architects, dated January 13, 2015, the Landscape Plan shall include a minimum of three additional trees adjacent to the southern elevation of the proposed building and/or adjacent to the driveway access from 38th Avenue.
8. All requirements of the Environmental Planning Section of the Planning Department shall be met, including the following:
 - a. Plans shall reference the soils report and include a statement that the project shall conform to the report's recommendations.
 - b. The applicant shall provide a plan review letter from the project soils engineer approving the final revised plans once all agency comments have been addressed.
 - c. The applicant shall provide a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at www.ccoplanning.com by navigating to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
9. All site, building, security and landscape lighting, including all exterior lighting for the residential condominium units, shall be directed onto the site and away from adjacent properties. Light sources may be shielded by landscaping, structure, fixture design of other physical means.

10. *The plans submitted for the residential garage structure shall include details to show that a portion of all interior partition walls will be open or transparent to an extent that will allow for visibility between garage spaces to enable easy verification that these spaces are available for vehicle parking.*
- B. Any changes from the approved Exhibit "D", including but not limited to the Tentative Map or Preliminary Improvement Plans, must be submitted for review and approval by the Planning Department. Changes may be forwarded to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
- C. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
1. Silt and grease traps shall be installed according to the approved improvement plans.
 2. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 3. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- D. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
1. Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvement prior to submission for building permits.
- E. Driveway Encroachment: Submit final details of the ramp at the termination of sidewalk.

Note: it may be requested that some of the landscaping proposed near the driveway approaches be removed due to maintenance issues, this may be further reviewed at the time of the building permit application or Encroachment Permit application reviews.

- F. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management:
1. With the building plans, provide final analysis for water quality treatment demonstrating compliance with either the State Water Resources Control Board Municipal General Permit or the Central Coast Regional Water Quality Control Board Post Construction Requirements that has just become incorporated into County criteria as of March 2014. Revise the proposed discretionary level mitigations if needed to comply.
 2. Provide arrangements for ongoing maintenance of BMP mitigation facilities.
 - a. Include maintenance instructions on the development plans and in any CC&Rs or similar document.
 - b. Include private easements as necessary
 - c. Provide for effective property transfers
 3. The applicant will need to complete Part 3, Section C, item 3h of the CDC governing long term maintenance of BMP mitigation measures and legal documentation of this requirement, recording form Fig.SWM-25B, or equivalent documents, fully addressing all issues included in item 3h.
 4. A drainage fee will be assessed if there is any net increase in impervious area over the currently existing pre-development situation. Fee credits will be available for existing impervious surfaces. The fees are currently \$1.17 per square foot, and are subject to increase based on the amount applicable at permit issuance date. Reduced fees (50%) are assessed for semi-pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.
- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
1. Prior to BP approval, submit food facility plans for review and approval, and, obtain EH permits to operate any proposed food facilities.
- H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- I. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- J. Pay the current fees for Parks and Child Care mitigation for 16 bedrooms. Currently, these fees are, respectively, \$750 and \$109 per bedroom.
- K. Pay the current fees for Roadside and Transportation improvements:
1. The project will be subject to Live Oak Transportation Improvement Area (TIA) fees at a rate of \$600 (\$300 for roadside improvement fees + \$300 for transportation improvement fees) per daily trip-end generated by the proposed non-residential development use and \$4,200 (\$2,100 roadside

improvement fees + \$2,100 transportation improvement fees) per multi-family residential unit. Table 3 Project Trip Generation included with the Traffic Impact Study, dated January 14, 2015, prepared by Kimley Horn provides the trip-ends generated by the development as well as the number of proposed residential units. The TIA fees for the project are estimated as follow:

New trip-ends (commercial) = 353 (412 – 59 (residential uses) = 353).

TIA fees (commercial) = \$211,800.00 (353 X \$600).

TIA fees (residential) = \$33,600 (8 units x \$4,200 = \$33,600).

Total TIA fees = \$211,800 + \$33,600 = \$245,400.

Note: The above TIA fee estimate was calculated using the current fee rate. The rate in effect at the time of filing a final map or acquiring a commercial building permit will be used to determine the actual TIA fees for the project.

2. *A total of up to \$40,000 of the TIA fees shall be allocated specifically for the construction of drainage improvements along 38th Avenue.*

L. Meet the requirements of the Affordable Housing Guidelines adopted by the Board of Supervisors:

1. Enter into an Affordable Housing Participation Agreement that will identify how you will meet the affordable housing obligation for both the residential and non residential development.
 - a. Developers may choose to provide 15% of the units on site as affordable as defined by the Affordable Housing Guidelines or pay an impact fee for all the new residential units set at \$15 per square foot.
 - b. If you decide to provide the unit on site then all 17.10.032 requirements of onsite affordable units are applicable regarding unit size, bedroom count, exterior design, etc.
2. A Non residential affordable impact fee will be charged for all non-residential square footage, currently this is \$2 per square foot.

M. Provide required off-street parking for ~~50~~ 52 cars as follows: ~~36~~ 38 regular parking spaces; 4 compact parking spaces and 2 accessible parking spaces, together with 8 residential spaces located within a residential garage for the exclusive use of condominium tenants. Regular parking spaces must be a minimum of 8.5 feet wide by 18 feet long, compact spaces must be a minimum of 7.5 feet wide by 16 feet long and accessible spaces must comply with CBC 1109A. All parking spaces must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

N. Provide required off-street parking for 24 bicycles. Parking spaces must be 2 feet wide by 6 feet long and must be located entirely outside vehicular rights-of way. In addition, within the sidewalk along 35th Avenue provide 4 decorative/sculptural bicycle racks.

- O. Provide 8 striped on-street parking spaces along the 38th Avenue frontage of the project, one of which shall be designated as a Loading Zone between the hours of 7:00am and 1:00pm Monday through Friday.
- P. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- Q. *Submit a detailed master sign program for the Shopping Center specifying the final sign designs, dimensions, materials, colors, illumination, and placement of all proposed signs. The final sign program shall include a name sign containing the name of the center, "The Lumberyard", which may be either separate or combined with a name sign or signs for a business(es), and one small pedestrian-oriented sign for each shop. If desired, a directory sign may be provided to show all of the businesses located in the building. The following additional conditions shall apply:*
1. *The total area of the center's name sign or signs, together with a directory sign if proposed, may not exceed 50 square feet. Individual shop signs with an aggregate additional area of up to 18 square feet may also be provided.*
 2. *All proposed signs will be designed to be an integral part of the building design.*
 3. *All lighted signage shall include indirect illumination only and no signs shall include flashing lights.*
 4. *No lighting of any signs, including "open/closed" signs in store windows, shall be permitted at the southern elevation of the building (tenant space 6) or at the western elevation of the building fronting onto 38th Avenue (tenant spaces 6-15)*
- R. *Submit for Planning Director review and approval, a Transportation and Parking Demand Management Plan, prepared by a qualified professional, detailing measures that may be employed to reduce parking demand for the project, or provide additional parking facilities. The plan may include such measures as: The deletion of the rear plaza to allow for additional on-site parking spaces; the provision of new off-site parking areas; restrictions on condominium resident parking within the open parking lot; the provision of special transit incentives for employees; the operation of effective pooling programs; a valet parking plan, flexible work hours; or any other method that can be demonstrated to be effective for the reduction and management of parking demand.*

IV. Prior to demolition of existing structures:

- A. **(Mitigation Measure AQ-1):** Prior to the commencement of work, a survey for asbestos would be required and written notification for asbestos removal and/or demolition would be provided 10 working days prior to commencing any regulated activities.

- B. **(Mitigation Measure HAZ-1):** A comprehensive survey for the presence of lead based paint shall be performed prior to the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to lead based paint.

Ongoing monitoring for the presence of lead based paint shall continue through the entire demolition process.

- C. **(Mitigation Measure HAZ-2):** A comprehensive survey for the presence of asbestos containing materials shall be performed prior to the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to asbestos containing materials.

Ongoing monitoring for the presence of asbestos shall continue through the entire demolition process.

- D. **(Mitigation Measure NOI-5):** Prior to demolition of the existing structure or construction of the proposed commercial mixed-use building, require construction of a permanent masonry sound wall with a minimum height on 6 feet along the property boundary with 718 38th Avenue.

- E. **(Mitigation Measure NOI-6):** Construct a masonry sound wall with a minimum height of 6 feet along the southern property boundary adjacent to the southern driveway access from 38th Avenue where it borders the adjacent residential property at 718 38th Avenue.

V. Prior to and during construction:

- A. **(Mitigation Measure AQ-2):** Contracted Diesel Control Measures: In addition to the use of Tiered engines and California ultralow sulfur diesel fuel, the following requirements will be incorporated into contract specifications:

- To minimize potential diesel odor impacts on nearby receptors (pursuant to MBUAPCD Rule 402, Nuisances), construction equipment will be properly tuned. A schedule of tune-ups will be developed and performed for all equipment operating within the project area. A written log of required tune-ups will be maintained and a copy of the log will be made available to the County of Santa Cruz Planning Department for inspection upon request.
- Fixed temporary sources of air emissions (such as portable pumps, compressors, generators, etc.) will be electrically powered unless the contractor submits documentation and receives written approval from the County of Santa Cruz Planning Department that the use of such equipment is not practical, feasible, or available (generally contingent upon power line proximity, capacity, and accessibility). California ultralow sulfur diesel fuel with maximum sulfur content of 15 ppm by weight (ppmw S), or an approved alternative fuel, will be used for on-site fixed equipment not using line power.
- To minimize diesel emission impacts, construction contracts will require off-road compression ignition equipment operators to reduce unnecessary idling with a 2-minute time limit, subject to monitoring and written documentation.

- On-road material hauling vehicles will shut off engines while queuing for loading and unloading for time periods longer than 2 minutes, subject to monitoring and written documentation.
- Off-road diesel equipment will be fitted with verified diesel emission control systems (e.g., diesel oxidation catalysts) to the extent reasonably and economically feasible.
- Utilize alternative fuel equipment (i.e., compressed or liquefied natural gas, biodiesel, electric) to the extent reasonably and economically feasible.
- Feasibility will be determined consistent with Best Available Control Technology (BACT) general criteria: 1) achieved in practice; 2) contained in adopted control measures; 3) technologically feasible; and 4) cost-effective.

VI. During Construction

A. **(Mitigation Measure AQ-3): Diesel Particulate Matter Emissions Control Measures:** In addition, the project will implement the following measures to reduce particulate matter emissions from diesel exhaust:

- Grid power will be used instead of diesel generators where it is feasible to connect to grid power (generally contingent upon power line proximity, capacity, and accessibility).
- The project specifications will include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to 30 seconds at a school or 5 minutes at any location. In addition, the use of diesel auxiliary power systems and main engines will be limited to 5 minutes when within 100 feet of homes or schools while the driver is resting.
- The project specifications will include 17 CCR Section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements; emission standards for operation of any stationary, diesel-fueled, compression-ignition engines; and operation restrictions within 500 feet of school grounds when school is in session.
- A schedule of low-emissions tune-ups will be developed and such tune-ups will be performed on all equipment, particularly for haul and delivery trucks.
- Low-sulfur (≤ 15 ppmw S) fuels will be used in all stationary and mobile equipment.

B. **(Mitigation Measure AQ-4): Dust Control Measures:** The following controls will be implemented at the construction and staging sites as applicable:

- Water all active construction areas at least twice daily as necessary and indicated by soil and air conditions.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, will be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads will be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities will be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off site, all material will be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
- All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles will be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout will be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day will prevent carryout and trackout.
- Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 miles per hour.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

- C. **(Mitigation Measure NOI-1):** Limit construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours. Prohibit construction activity on Sundays.
- D. **(Mitigation Measure NOI-2):** Require that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- E. **(Mitigation Measure NOI-3):** Prohibit gasoline or diesel engines from having unmuffled exhaust.
- F. **(Mitigation Measure NOI-4):** Use noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.
- G. **(Mitigation Measure NOI-7):** Construct fencing or other solid barrier with a minimum height of 6 feet, together with landscape plantings that include large shrubs/small trees with dense woody foliage along the southern property boundary adjacent to the proposed residential garages.
- H. 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:
- I. All site improvements shown on the final approved Building Permit plans shall be installed.
- J. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- K. The project must comply with all recommendations of the approved soils reports.
- L. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

VII. Operational Conditions

A. Master Occupancy Program

All uses listed in the current C-2 (Community Commercial) use charts are allowed in conformance with the following requirements:

Allowed Uses:

1. Uses that require higher levels of parking such as restaurants, coffee houses, craft beer establishments, wine bars, and ice cream shops are limited to a maximum total combined area of 3,200 square feet.

2. Non food service uses including a market style use that incorporates smaller vendors selling a variety of goods such as locally grown produce, artisan cheeses, meats, art and crafts etc; retail stores for clothing/skin care products/jewelry; retail food related uses such as a candy or chocolate shop, wine shops, flower shops and art stores are limited to a maximum total combined area of 3,200 square feet.
 3. Office and service commercial type uses such as a beauty salon, computer repair store or pet grooming are limited to a maximum total combined area of 3,200 square feet.
 4. Physical culture studios (sports clubs, yoga and pilates studios etc) are not permitted unless it can be demonstrated that the demand for additional parking can be met or that the proposed combination of uses on site would not require more than the total number of spaces available.
- B. Outdoor use areas: Outdoor areas not used for parking, driveways or pedestrian circulation (approximately 1,218 square feet), may include public seating, tables etc. ~~These outdoor use areas~~ *The outdoor area along Portola Drive at the north end of the building may be used for the exclusive use of the adjacent tenant.* Other outdoor use areas shall at all times be kept open for the use of all members or the public using the shopping center.
- C. Occupancy Permits: All tenants within the commercial portion of the project shall obtain an Occupancy Permit issued over-the counter by the Planning Department in accordance with the following requirements and the above mix of uses:
1. All new uses within individual tenant spaces require the issuance of an Initial Occupancy Permit. Subsequent changes in use require the approval of a Change of Occupancy Permit.
 2. For open, market style areas the commercial management for the building shall apply for an Initial Occupancy Permit for the area as a whole, listing the total area of the use and all of the vendors/businesses that will lease space within the larger area. An annual update of this Occupancy shall then be submitted for review to ensure ongoing compliance with the allowed mix of uses on an ongoing basis.
- Note: If it can be shown that the area of the use and mix of vendors remains stable over time, this requirement for an annual accounting may subsequently be waived at the discretion of the Planning Director.
- D. All uses on the site will be required to be properly licensed and inspected as may be required by Federal, State or County standards.
- E. Any business involving the sale of alcoholic beverages, either for on-site or off-site consumption, must meet all requirements of the California Alcoholic Beverage Control (ABC) and also obtain all necessary County Permits

- F. A minimum four foot wide clear width shall be maintained at all times within the sidewalk areas along the site's frontage with 38th Avenue, to allow for pedestrian circulation.
- G. Hours of Operation: The hours of operation for businesses *within the front two thirds of the building (tenant spaces 1 through 4 and 11 through 13)* shall be between 8:00am and 10:00pm Sunday through Thursday and between 8:00am and 11:00pm on Friday and Saturday. *The hours of operation for the rear portion of the building (tenant spaces 5 through 10) shall be restricted to be between 8:00am and 8:00pm daily. (Tenant space numbers referred to above are those shown on the First Floor Plan, sheet A3 of the project plans included as Exhibit D).*
- H. Property management and business owners are to take all measures as required to prevent customers from loitering on the sidewalk at 38th Avenue after the close of business and causing disturbance to residential properties. If there are any documented incidents of violence, disturbance of the peace or any other deleterious impacts to the surrounding community or if complaints are submitted to the business owners or their staff, to the County of Santa Cruz Planning Department or to the Sheriff's Department the business owner may be required to hire an independent security officer to patrol the parking area and areas in the vicinity in order to maintain a peaceful and orderly environment and to ensure that such disturbances do not continue. The property management are to accept full responsibility for instigating these measures
- I. Parking: The property management company shall monitor parking on site to ensure that sufficient parking is made available for patrons and employees of the proposed development and for residents of the residential units and their guests as follows:
1. The Covenants Codes and Restrictions (CC&Rs) for the property shall restrict the use of residential garages to ensure that they are maintained in a condition that allows for vehicular parking *at all times* and that residential storage does not encroach into the parking area. *In addition, the CC&Rs shall include a restriction on the number of additional vehicles owned by tenants of condominium units that may be parked on site within the within the unenclosed surface parking area. The maximum number of allowed additional vehicles shall be one per condominium unit.*
 - a. *Internal visibility between individual garages shall be maintained such that compliance with residential parking requirements may be verified.*
 - b. *No enlargement of the residential garage or conversion of any part of the structure to any other use will be permitted.*
 - c. *The property management shall monitor the use of the within the unenclosed surface parking area by residential tenants, and enforce the CC&R requirement that a maximum of only one additional car per condominium unit may be parked on site.*

- d. *The management company may adopt measures such as paid permits, or other methods as deemed appropriate, to allow for monitoring of residential vehicles associated with the condominiums and to discourage ownership of additional vehicles by condominium tenants.*
 2. *One year following the completion of construction and/or when stabilized occupancy of "The Lumberyard" has been achieved, the applicant shall submit for review by the Planning Commission, a parking analysis for the project, based upon the actual observed parking demand for the site. The parking analysis shall be prepared by a qualified professional and must include on-site studies of actual parking demand, overflow parking needs (if any) and daily/weekly use patterns for the site. At a minimum the study is required to include, analysis of the use of the site during both mid-week and weekend hours and in particular, must include data collected during the summer months. In addition, if the study identifies that insufficient on-site parking is available for the day-to-day operations of "The Lumberyard", the report shall, include recommendations as to which methods from the approved Transportation and Parking Demand Management Plan would best resolve the conflicts. If problems have been identified, the report must also set up procedures for a future review of parking demand to evaluate whether the management of parking demand has been achieved.*
 3. *Based upon, review of the parking analysis and a recommendation by the Planning Director, the Planning Commission may require the implementation of additional measures from the approved Transportation and Parking Demand Management Plan to ensure that the parking demands created by the project can be effectively managed. The Planning Commission may also determine whether future ongoing review of the parking demand will be required.*
 2. ~~If ongoing substantiated complaints are received from neighboring property owners that there is consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to this Permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours, or any other method that can be demonstrated to be effective for the reduction and management of parking demand.~~
- I. Loading: The property management company shall monitor deliveries to commercial tenants and must ensure that the following conditions are met at all times:
1. One parking space along 38th Avenue shall be maintained as a loading zone between the hours of 7:00am to 1:00pm.

2. Between the hours of 8:00pm to 8:00am daily, no truck parking or loading shall be permitted on along 38th Avenue, along the southern driveway access from 38th Avenue or at any point lying south of the commercial building. All night and early morning deliveries are required to be made from within the main parking area east of the building.
 - J. 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.
- VIII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

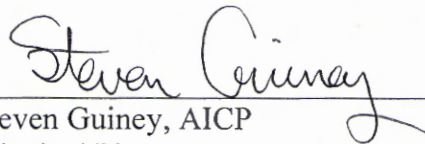
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

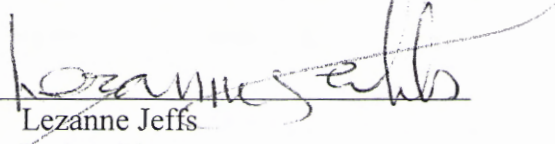
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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: December 9, 2015

Effective Date: December 15, 2015 + Coastal Commission appeals period

Expiration Date: December 15, 2018 + Coastal Commission appeals period


Steven Guiney, AICP
Principal Planner


Lezanne Jeffs
Project Planner

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

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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SANTA CRUZ, CA 95060
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Th24c

Appeal Filed: 1/6/2016
49th Day: 2/24/2016
Staff: Rainey Graeven - SC
Staff Report: 1/29/2016
Hearing Date: 2/11/2016

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SCO-16-0003

Applicant: Northpoint Investments Fund, LLC

Appellants: Charles Paulden; Save Pleasure Point

Local Government: Santa Cruz County

Local Decision: Coastal development permit (CDP) application number 141157 approved by the Santa Cruz County Planning Commission on December 9, 2015.

Location: 3800 Portola Drive (APNs 032-092-01 & 032-092-05) at the intersection of 38th Avenue and Portola Drive in the Pleasure Point area of Santa Cruz County.

Project Description: Demolish and replace an existing vacant former lumberyard building with an approximately 20,800 square foot mixed-use building (including a commercial condominium unit on the lower floor with 9,600 square feet of office/service commercial space, eight residential condominium units on the second and third floors totaling 9,600 square feet, and 1,600 square feet of shared services area) and construction of a detached 2,033-square-foot residential parking structure.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. (*See generally* 14 CCR § 13115.) Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. (*Id.* § 13117.) Others may submit comments in writing. (*Id.*) If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (*Id.* § 13115(b).)

SUMMARY OF STAFF RECOMMENDATION

The County of Santa Cruz approved a coastal development permit (CDP) to demolish and replace an existing vacant former lumberyard building with an approximately 20,800 square-foot mixed-use building including 9,600 square feet of office/service commercial space on the lower floor; eight residential condominium units on the second and third floors totaling 9,600 square feet; and 1,600 square feet of shared service areas including a trash enclosure, public restrooms, mechanical equipment rooms, hallways, and access/circulation areas. The project also includes the construction of a detached 2,033 square-foot single-story residential parking structure. The project is located at 3800 38th Avenue at the intersection of Portola Drive in the Pleasure Point area of Santa Cruz County.

The Appellants contend that the approved project is inconsistent with the Santa Cruz County Local Coastal Program (LCP) policies related to community character, parking/traffic, and water quality/water supply. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

Specifically, in terms of community character, the project constitutes infill redevelopment of a vacant, former industrial lumberyard site into a mixed-use commercial and residential building within an urban community, and within walking distance to the neighborhood's primary commercial districts along Portola Drive and 41st Avenue. The County-approved project is consistent with applicable site standards, and the necessary findings were made to support both an LCP-allowed Height Exception for slightly increased building heights for architectural design purposes, and a Variance for the residential parking structure's reduced setback from adjacent residences due to an irregularity in the parcel's configuration. In terms of the parking/traffic contentions, the LCP allows for an alternate parking plan in lieu of the number of spaces typically required for each individual type of use in order to ensure that parking is provided in an efficient manner for mixed-use developments, and the Planning Commission implemented numerous special conditions to mitigate potential parking congestion. Based on all of the required parking measures, the project will not result in negative impacts to traffic flow in the surrounding area, and, due to the project's location inland from coastal accessways and beaches, will not impact public access to the coast. Finally, in terms of water quality and water supply, the approved project adheres to the LCP through the implementation of required best management practices (BMPs) and an approved drainage plan to protect against water quality impairment, and the applicable water purveyor has stated that there is adequate water to serve the project and has provided a will-serve letter.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Map
Exhibit 2 – Project Site Images and Photographic Simulations
Exhibit 3 – County’s Final Local Action Notice
Exhibit 4 – Approved Project Plans
Exhibit 5 – Appeals of Santa Cruz County’s CDP Decision
Exhibit 6 – City of Santa Cruz Water Department Will Serve Letter
Exhibit 7 – Commission Staff Comment Letters to Santa Cruz County Planning Staff
Exhibit 8 – Applicable LCP Policies and Standards
Exhibit 9 – Applicant’s Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SCO-16-0003 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-SCO-16-0003 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project is located at the northern edge of the Pleasure Point community in Santa Cruz County. Pleasure Point is a unique, mostly residential community that is part of the larger unincorporated area of Santa Cruz County known as Live Oak. The Pleasure Point neighborhood is an approximately 320-acre area bounded roughly by the 41st Avenue commercial corridor on the east, the Portola Drive commercial corridor on the north, the eastern shore of Corcoran Lagoon on the west, and Monterey Bay on the south. Over the years, the Pleasure Point neighborhood has developed into a unique and eclectic enclave of irregular lots, modest homes, lush landscaping, and a network of neighborhood streets. Pleasure Point contains a high proportion of relatively small and/or narrow residential lots that contribute to its informal, eclectic, surf town-type character.

The County-approved project is located at 3800 Portola Drive at the intersection with 38th Avenue, approximately four blocks north of East Cliff Drive and the Pacific Ocean. The surrounding area includes residential, commercial, and mixed uses. The commercial core of the area is focused on Portola Drive and 41st Avenue, with some commercial development located farther inland (or north) on 38th Avenue. Most of the remaining development in the Pleasure Point area is residential, composed of a combination of single-family dwellings, multi-family dwellings, and mobile home parks. A Public Storage facility is located directly adjacent to the project site on Portola Drive. Additional neighboring commercial development includes restaurants, markets, yoga and gym studios, a coffee shop, auto shops, and retail shops.

The subject property is comprised of two parcels (APNs 032-092-01 & 032-092-05) with a combined total area of 35,365 square feet. Both parcels are zoned C-2 (Community

Commercial), which also allows for commercial and residential “mixed-use” onsite with discretionary approval from the Planning Commission. The proposed project would consist of 9,600 square feet of commercial space on the first floor, with eight residential condominium units on the second floor and on the third floor, totaling 9,600 square feet. The project would also include 1,600 square feet of shared service areas including a trash enclosure, public restrooms, mechanical equipment rooms, hallways, and access/circulation areas. The specific uses that will take place in the 9,600 square feet of first floor commercial space remain undetermined at this time. The County’s approval also authorizes a Height Exception to allow a height increase from 35 feet to approximately 38 feet 4 inches. The approval also includes Variances to reduce the required 30-foot setback from residential development to 5 feet along the southern property boundary (which borders a mobile home park), and to 27.5 feet along the western property boundary (which borders a single-family residence), to accommodate an eight-space garage parking structure for the condominium units.

See **Exhibit 1** for a location map; see **Exhibit 2** for photographs of the site and surrounding area, as well as photo-simulations of the proposed project; and see **Exhibit 4** for the approved project plans.

B. SANTA CRUZ COUNTY CDP APPROVAL

On December 9, 2015 the Santa Cruz County Planning Commission approved a CDP for the project. The County’s Final Local Action Notice was received in the Coastal Commission’s Central Coast District Office on Monday, December 28, 2015. See **Exhibit 3** for the County’s Final Local Action Notice. The Coastal Commission’s ten-working day appeal period for this action began on Tuesday December 29, 2015 and concluded at 5pm on Tuesday, January 12, 2016. Two valid appeals (see below) were received during the appeal period.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. (*See* Pub. Res. Code § 30603(a)(1)-(4).) In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. (*Id.* § 30603(a)(5).) This project is appealable because the residential components of the project are not a principally permitted use in the Community Commercial zoning district.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. (*Id.* § 30603(b).) Therefore, the standard of review for this appeal is the Santa Cruz County LCP and

the public access policies of Chapter 3 of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ (*Id.* § 30625(b)(2).) Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea and thus this additional finding would not need to be made if the Commission were to approve the project following the de novo portion of the hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project and who made their views known before the local government (or their representatives), and the local government. (14 CCR § 13117.) Testimony from other persons regarding substantial issue must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal, if there is one.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project raises LCP consistency questions relating to community character, parking/traffic, water supply and water quality, as well as other miscellaneous contentions. Specifically, the Appellants contend that the County-approved project would violate applicable LCP policies and standards because: 1) the project provides insufficient parking, which may result in neighboring residents bearing the burden of overflow parking and hindering visitor’s coastal access due to the inability to park; 2) the project is visually obtrusive and out of scale with the surrounding neighborhood; 3) the height exception and the setback variances appear unwarranted; 4) the project will result in new water use which is not appropriate given the County’s ongoing water shortages; and 5) the project’s water quality protection components are insufficient given the project’s proximity to the coast and the Monterey Bay National Marine Sanctuary (Sanctuary). Please see **Exhibit 5** for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Community Character and Neighborhood Compatibility

The Appellants contend that the project is inconsistent with LCP standards related to Community Character and Neighborhood Compatibility, particularly with respect to the standards of the

¹ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. (*See* Pub. Res. Code § 30801.)

Pleasure Point Community Design Combining Zone District (PP District). The Appellants also contend that the Height Exception and the Reduced Setback Variance granted by the County for the project are unwarranted. Please see **Exhibit 5** for the Appellants' contentions and **Exhibit 8** for the LCP provisions cited by the Appellants.²

The standards of the Pleasure Point Community Design Combining Zone District (PP District – see Exhibit 8) are intended to provide residential design standards to protect and enhance the special character of the Pleasure Point community. These overlay design standards only apply to parcels zoned R-1 (Single Family Residential), RM (Multi-Family residential), and also apply to residential development on parcels zoned PR (Parks, Recreation and Open Space). However, the project site is zoned C-2 (Community Commercial), and thus, the standards of the PP District do not apply to this project. Therefore, the Appellants' contentions in this regard do not raise a substantial issue of LCP conformance.

With regard to “Community Character and Neighborhood Compatibility,” Implementation Plan (IP) Section 13.20.130 (Visual Compatibility) states, “All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building façade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).” The County-approved project would provide “an interesting and built environment” with the varied roofs and open project design (see photographic simulations in **Exhibit 2**); however, the project does raise potential consistency issues with the LCP as it seeks a *maximum-sized* development rather than a development intended to mirror the surrounding character of the neighborhood.

Indeed, the adjacent Pleasure Point neighborhood is largely single-story and two-story residential development, with a single low-level, two-story mixed-use development on the corner of 32nd Avenue and East Cliff Drive and a variety of commercial and mixed-use developments along Portola Drive. The mixed-used developments in the Pleasure Point area³ are two-stories rather than three, and are not “maximum-sized” to the extent of the County-approved development at issue here. Thus, the Appellants have raised a legitimate potential concern regarding whether the project aligns with the overarching objectives of IP Section 13.20.130 (i.e. to regulate the scale of new development and to ensure that new development corresponds to the surrounding neighborhood in terms of scale, style, and character).

In terms of scale, the maximum height allowed in the C-2 zoning district is 35 feet. The County's approval includes a Height Exception to allow a height increase to approximately 38 feet 4

² In addition, the Appellants contend that the project is not consistent with the guidelines set forth in the County's “Guidelines for Commercial Development in Our Neighborhoods.” However, this document is not a part of the certified LCP and therefore is not part of the standard of review.

³ Specifically, Point Market at 23040 East Cliff Drive, Rip Curl surf store at 753 41st Avenue, Walt Eller Center at 3912 Portola Drive, and Neil Simmons Photography at 745 41st Avenue.

inches. IP Section 13.10.510(D)(2)(General Site Standards) allows an additional 5 feet beyond the maximum building height in any commercial or industrial zone district if the following findings can be made: 1) the additional height complements or completes the architectural design; and 2) for properties located in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds. The County found that the additional 3 feet 4 inches in height will create a more open design with varied roof heights, high ceilings, and glass roll-up doors (for first-floor commercial vendors), and that these additional features will help create a more open and inviting outdoor commercial area. Thus, the County could reasonably find that the additional height approved under the Height Exception “complements or completes the architectural design” of the proposed development.

In addition, the County found that the additional height will allow for pitched roofs, which are more visually appealing and which will ensure that the building does not appear bulky and boxy in shape. With respect to protecting important coastal views, the project site is located on Portola Drive, which is a highly urbanized commercial corridor located about 1,600 feet from the ocean. Thus, the approved project will not impact any coastal views. Even though the approved project will have a greater height than any development in the immediately adjacent area, because the necessary findings for the additional height were made (i.e., the additional height “completes the architectural design” and “protects scenic corridors and public viewsheds”) the Height Exception is allowable under the LCP. In other words, although the project as proposed would exceed the maximum height limit allowed in the C-2 zoning district, the County made adequate findings supported by substantial evidence to approve a discretionary Height Exception to the maximum height limit for this project, as allowable under the LCP. Thus, the Appellant’s contention does not raise a substantial issue of LCP conformance.

The County’s approval also includes variances to reduce the 30-foot required commercial setback from adjacent residential development to 5 feet (a 25-foot reduction) along the southern property boundary (which borders a mobile home park) and to 27.5 feet (a 2.5-foot reduction) along the western property boundary (which borders a single-family residence) to accommodate an eight-space single-story garage structure for the condominium units. The LCP allows for such variance approvals if the following findings can be made: (1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; (2) That the granting of such 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; and (3) The granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated⁴.

The County made each of the aforementioned findings. With respect to special circumstances, the County identified the peculiar lot configuration (i.e., the lot is not rectangular), as a reason that the strict application of zoning setback requirements is not warranted. The County also noted

⁴ IP Section 13.10.230 (Variance approvals) discusses the variance findings that must be made in order to grant a variance.

that an existing adjacent Public Storage Facility (also on C-2 zoned land) has a reduced setback from adjacent residential development. The County highlighted the relatively large size of the storage facility compared to the proposed single-story residential garage structure for which the setback variances are being applied in this case, suggesting that the impact of the residential parking garage upon adjacent residential development (a mobile home park) will be insignificant compared to the Public Storage Facility's impact to its adjacent residential development. For the second required finding, the County determined that the granting of a reduced setback variance would be in harmony with the intent of the zoning objectives because the C-2 zoning is a broad zoning category that encourages mixed-use development, such as the County-approved project. Finally, the County found that the granting of the reduced setback variance will not constitute the granting of "special privilege" since the adjacent Public Storage facility benefits from a reduced setback to its adjacent residential development despite its large size relative to the proposed residential garages.

Although County staff made the findings to support a Reduced Setback Variance for the residential parking structure, it is possible that the County's findings may not be supported by substantial evidence. With respect to the "special circumstance" finding, it could be argued that the unique lot configuration was a known feature of the property when the current owner (Northpoint Investments Fund, LLC) purchased the subject property in 2013. In addition, the existing lumberyard structure will be demolished, leaving the Applicant with a large developable area (i.e. 35,365 square feet) and a blank slate for new development that would ideally conform to all zoning requirements, thus avoiding the need for a setback variance. Similarly, with respect to the "special privilege" finding, it could likewise be argued that a variance in this case constitutes a special privilege because there is a substantial developable area within which a new project could meet all zoning requirements.

However, the purpose of the 30-foot commercial setback requirement from residential development is to ensure that residential structures do not suffer the negative consequences of massive and looming commercial development. In this case, the commercial components of the project are located outside of the 30-foot setback from adjacent residential properties. The structure located within the residential setback will be a relatively small, 10-foot-tall, one-story garage intended to serve the residential condominiums on this commercially-zoned site. The County found that a 30-foot setback is not necessary because the residential parking structure is relatively compact, and will not deprive adjacent residential properties or the neighborhood in general of light, air, or open space. In this case and for this project, these are reasonable conclusions to allow for mixed-use redevelopment of an existing, vacant, former industrial lumberyard site that will activate and enliven this particular portion of an eclectic, mixed-use community.

In addition, the Commission nonetheless concludes that any potential LCP inconsistency issues resulting from reduced setbacks do not arise to the level of a "Substantial Issue" for the following reasons: first, the relatively-small, 10-foot high, one-story garage is relatively compact and will not significantly impact adjacent residential properties or the neighborhood in general with respect to visual resources, or access to light, air, and open space; second, the granting of the Reduced Setback Variance for the residential garage structure is consistent with the general intent and purpose of the zoning district's objective, because although the 30-foot setback is

targeted at buffering encroaching commercial development, the C-2 zoning district allows the possibility of mixed residential use onsite, and the garage structure is specifically provided for the residential condominium uses, not the commercial uses (so the rationale for a 30-foot setback is not as relevant); third, the granting of the Reduced Setback Variance will not significantly impact the health, safety, or welfare of neighboring residential properties or the neighborhood generally; and fourth, the granting of the Reduced Setback Variance does not implicate any public coastal access, recreation, or impact issues relevant to the LCP, as the proposed development is approximately 1,600 feet inland from the ocean in a dense, urban area.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to Community Character and Neighborhood Compatibility.

Parking and Traffic

The Appellants contend that the project is inconsistent with LCP standards related to parking and traffic for the following reasons: 1) the project does not provide sufficient onsite parking and designated offsite parking, which will negatively impact adjacent residents and visitor access to the coast; 2) the project does not provide a safe traffic flow pattern to support access and egress to the multi-use project, specifically with respect to commercial truck deliveries; and 3) the project does not increase and/or improve parking as required by the LCP; rather, it increases the demand for parking in an already impacted area. Please see **Exhibit 5** for the Appellants' contentions and **Exhibit 8** for the applicable LCP standards with respect to parking and traffic.

The County-approved project provides 24 bicycle spots; 52 off-street parking spaces including 38 regular parking spaces, four compact spaces, two accessible spaces, and eight residential spaces in the residential parking structure; and eight on-street striped spaces along 38th Avenue. There are two entrances/exits, one accessible from 38th Avenue, and the other accessible from Portola Drive. One of the proposed striped spaces along 38th Avenue will be designated as a limited-term loading zone between the hours of 7:00am and 1:00pm, Monday through Friday.

With respect to truck deliveries to the commercial components of the project, the Appellants contend that the proposed loading zone (a single on-street space along 38th Avenue) is insufficient, particularly if the delivery trucks' size ranges from 25 feet to 45 feet in length. IP Section 13.11.074 (Access, Circulation, and Parking) states that pedestrian, bicycle, and vehicle circulation and parking shall be safe, convenient, and readily understandable to users. Section 13.11.074(2) specifically states that "loading spaces shall be provided [...] for commercial and industrial uses," and that these loading areas "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." The analysis provided in the project's traffic study, along with the Department of Public Work's approval of the project's Traffic Plan, indicates that the loading vehicles will be able to safely maneuver within the footprint of the project site and be able to unload in the designated loading zone and behind the building without issues. Furthermore, the Applicant's response (see **Exhibit 9**) and the parking study (see Appendix A) indicates that most deliveries are expected to take place within the off-street surface parking area at the rear of the property in the early morning before business hours, thus avoiding on-street traffic impacts. The loading zone along 38th will serve as a secondary loading zone available for smaller delivery vehicles during business operating hours. In addition, the traffic study found that the project will not have

an adverse impact to traffic, specifically finding that the existing four-way stop at the corner of 38th Avenue and Portola Drive will facilitate appropriate and safe egress and ingress at the site. The project is therefore consistent with IP Section 13.11.074 and thus this contention does not raise a substantial LCP conformance issue.

An Appellant contends that the approved project does not contain adequate parking and will result in negative impacts to the adjacent residential neighborhood due to parking spillover onto adjacent residential streets, and will also impact parking for coastal visitors. IP Section 13.10.552 (Schedule of Off-Street Parking Requirements) sets the standard for parking requirements for new development, including the number of required spaces per use (and if applicable, the intensity of use). Alternatively, Section 13.10.553 allows for a “parking plan,” which, if approved by the appropriate approving body, may supersede the parking requirements identified in Section 13.10.552 if certain findings are made, including that parking for visitor access will not be preempted. In this case, the Applicant prepared a detailed parking plan that was approved by the Planning Commission which reduces the number of parking spaces required by IP Section 13.10.552. Nevertheless, there were substantial concerns expressed during the local planning process regarding insufficient parking for the project; specifically, that the number of parking spaces provided was not adequate considering the project’s size.

Under the standards set forth in IP Section 13.10.552, an estimated 75 to 83 off-street parking spaces would have been required to accommodate the proposed mixed-use development, absent the parking plan “override.” This number is conservative, and excludes the .3 spaces per employee required for “high-level parking,” which accounts for approximately 3,200 square feet or 1/3 of the proposed commercial space⁵. The County-approved project will provide only 52 off-street parking spaces, which amounts to a conservative estimate of 23 to 31 spaces short of the number that would be required by IP Section 13.10.552. However, as stated above, the County approved a parking plan under IP Section 13.10.553, which allows for a reduction in parking requirements if certain findings are made (i.e. if visitor access and parking will not be preempted). The Parking Plan prepared for the project determined that 52 off-street parking spaces would be sufficient given the diversity of the commercial businesses, and that a person that parks their vehicle for one use is likely to visit another use on the same site (therefore negating the need for both uses to provide a parking spot). Specifically, the parking analysis illustrated that peak parking demand will vary by business, and that 50 spaces would be sufficient to accommodate parking for all businesses throughout the day. The County made the requisite findings per IP Section 13.10.553, including that the parking will not interfere with public access to the beach, ocean, or any nearby body of water, and will not reduce visitor access or parking within the area (in part, because the development is located on a commercially-zoned site approximately 1,600 feet from the ocean). The significant distance between the approved development and the ocean limit the likelihood that the project will adversely impact coastal access and recreation.

⁵ IP Section 13.10.552 outlines the number of space required per commercial and residential use. Based on IP Section 13.10.552, the proposed mixed-use building would require 24 off-street residential spaces, 32 spaces for 3,200 square feet of high-level commercial uses, between 10.67 to 16 spaces for non-food services uses, and 10.67 spaces for office/ service commercial uses.

In addition, it is important to note that the Planning Commission modified the parking conditions, providing stricter and more responsive parking regulations in an effort to better manage the parking situation. Specifically, the Planning Commission required the following: 1) the addition of two regular off-street spaces; 2) a partially open interior design of the residential parking structure to ensure that the spaces are used for parking, and a specification that residential storage shall not encroach into the parking area of the residential garages; 3) a restriction that only one additional vehicle per condominium unit may be parked onsite within the unenclosed parking area; 4) the preparation of a Transportation and Parking Demand Management Plan that must be submitted for Planning Director review and approval, which will detail measures that may be employed to reduce parking demand for the project or provide additional off-site parking areas; 5) a requirement that the property management company shall monitor parking on site to ensure that sufficient parking is available for patrons, employees, and residents; 6) the management company may also adopt additional measures such as paid permits (or other methods as deemed appropriate) to allow for monitoring of residential vehicles associated with the condominium tenants; 7) one year following the completion of construction, and when occupancy has stabilized, the Applicant shall submit for review a parking analysis project, based upon the actual observed parking demand for the site, which will use mid-week and weekend parking figures (if the study identifies that there is insufficient parking, the report shall include recommendations in order to alleviate the identified parking insufficiency); and 8) a condition denoting that the Planning Director/Planning Commission has the ability to implement additional measures from the approved Transportation and Parking Demand Management Plan to ensure that the parking demands created by the project can be effectively managed. The above special conditions will help alleviate any potential parking congestion and parking issues that may arise.

Although the County-approved project will increase both on- and off-street parking opportunities, it is worth noting that the project will also increase the *demand* for parking in the area. The Appellants contend that this could potentially result in parking spillover in the adjacent Pleasure Point residential neighborhood, especially along 38th Avenue⁶, and may negatively impact parking access to the coast for visitors. The Appellants cite LUP Objectives 7.7a (Coastal Recreation) and 7.7b (Shoreline Access), and LUP Programs 7.7a and 7.7b. These LUP policies establish that existing parking shall be improved (via fencing, striping, landscaping, bike racks, and safety improvements). The intent of these LCP provisions is to ensure the maximization of coastal recreation opportunities, including through ensuring adequate coastal parking. However, the County-approved development is located on a commercially-zoned site approximately 1,600 feet from the ocean. Given this distance, it is highly unlikely that the approved project will result in parking impacts for coastal visitors. Thus, this contention does not raise a substantial issue with respect to the LCP's requirements to protect parking for coastal visitors.

In conclusion, absent the parking plan "override" provision allowed by IP Section 13.10.553, significant questions would exist regarding whether the project provides adequate off-street parking, but IP Section 13.10.553 specifically allows for approval of a Parking Plan as an alternative to establishing otherwise applicable off-street parking requirements, and the special

⁶ It is important to note that parking along 38th Avenue is public parking; i.e., the parking spaces are not owned by the residential property owners on 38th Avenue.

conditions added by the Planning Commission further provide additional measures to monitor and mitigate any parking impacts that may arise due to the project as well as additional mitigations to address any identified parking impacts over time. In this case, the County determined that the Parking Plan met the requirements of 13.10.553 and the Parking Plan was approved by the Planning Commission.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to parking and traffic.

Water Quality and Water Supply

An Appellant contends that the project is inconsistent with numerous LCP policies and standards related to water quality and water supply (see **Exhibit 5** for the appeal contentions and see **Exhibit 8** for the applicable LCP policies and standards).⁷ The Appellant's water quality contentions mirror staff's comments in the comment letter to the County dated October 9th, 2015 (see **Exhibit 7**); these comments strongly encouraged the County to ensure that the project protects water quality through the use of a variety of Best Management Practices (BMPs), as explicitly required by the LCP.

LUP Policies 5.4, 5.4.14, 5.7.4 and 7.23.5, and IP Sections 7.70.220 and 16.22.070 establish standards to limit runoff through the implementation of BMPs. These policies are rooted in Coastal Act Sections 30230 and 30231 and require that erosion control measures be implemented to prevent siltation of streams and coastal lagoons, that discharge of polluted runoff be minimized, and that on-site detention and other appropriate storm water best management practices be used to reduce pollution from urban runoff.

The County-approved project appears to comply with the technical requirements of the Water Quality policies in the LCP. Specifically, the project is conditioned to meet all drainage requirements of the Department of Public Works, Stormwater Management Services section including: 1) mandating that the detention system for runoff to the Portola Drive drainage area shall be designed to detain the 10-year storm; 2) requiring that the drainage be designed to discharge to an existing 12-inch storm drain pipe on Portola Drive; and 3) requiring that the detention system for 2 runoff to 38th Avenue be designed to detain the 25-year storm and that it will discharge via overland release from the driveway onto 38th Avenue.

In addition, the project is conditioned so that prior to the issuance of a building permit or any ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. The erosion control plans shall specifically include: 1) silt and grease traps; 2) an effective sediment barrier that will be placed

⁷ The Appellant contends that the County-approved project is inconsistent with the following LCP policies and standards: LCP Objective 5.4 (Monterey Bay and Coastal Water Quality), LCP Policy 5.4.14 (Water Pollution from Urban Runoff), LCP Policy 5.7.4 (Coastal Surface Runoff), LCP Policy 7.23.5 (Control Surface Runoff), LCP Policy 7.18.1 (Linking Growth to Water Supplies), LCP Policy 7.18.2 (Written Commitments Confirming Water Service Required for Permits), LCP Policy 7.18.3 (Impacts of New Development on Water Purveyors), and IP Sections 7.79.110 (Requirement to prevent, control, and reduce stormwater volume, runoff rate and pollutant load), and 16.22.070 (Runoff control). Section 7.79.110, however, is not part of the certified LCP.

along the perimeter of the disturbance area; and 3) spoils management that prevents loose material from clearing, excavation, and other activities from entering the drainage channel. The project is also conditioned to meet all requirements of the County Department of Public Works, Stormwater Management including providing analysis for water quality treatment and demonstrating compliance with either the State Water Resources Control Board Municipal General Permit or the Central Coast Regional Water Quality Control Board Post Construction Requirements. In addition, the project is conditioned to require the Applicant to provide arrangements for ongoing maintenance of BMP mitigation facilities. Finally, the project as conditioned requires the collection of a drainage fee if there is any net increase in impervious area over the currently existing pre-development situation.

Moreover, the County addressed Commission staff's water quality comments by detailing that: 1) drain rock filtration/storage will filter stormwater prior to leaving the site; thereby improving the water quality of any runoff from the project site; 2) the extensive retention system proposed will significantly reduce the rate and amount of stormwater runoff compared with the existing pre-development state (and explained the infeasibility of biofiltration and infiltration BMPs given the low filtration rates in the top 11 feet of the soil); and 3) the retention/detention system will provide adequate filtration to remove pollutants before water is released into the existing storm drain systems that eventually outfall to Moran Creek, Moran Lake, and the ocean. The County staff report also noted that roof runoff catchment systems are not required by the General Plan, Zoning Code, or LCP.

That said, there are aspects of water quality and drainage plans that could better comply with: 1) the overarching intent of these policies and 2) some of the broader policies that call for the implementation of "Best Management Practices" (BMPs), for which Commission staff notified the County, but which the County did not adopt as part of this project. Indeed, during the local review process, Commission staff's comment letters to the County provided specific examples of potential best management practices (such as a roof runoff catchment system and parking lot runoff catchment system for storage and reuse on site for landscaping irrigation; underground retention/detention units that include additional pre-filtration to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas and prior to discharge into the County's storm drain system) that could be implemented in order to incrementally help to improve the water quality of Moran Creek, Moran Lake, and the adjacent waters of the Pacific Ocean (see **Exhibit 7**). For example, rain catchment and reuse systems (e.g. rain barrels) could be incorporated into the project design to further reduce runoff (including potential runoff into the Sanctuary) and to offset impacts to water supply. The installation of water catchment systems could also reduce water use and runoff through the reuse of stormwater for landscape irrigation. Though catchment systems are not required elements of new development under the LCP, they are commonly integrated into projects that call for the implementation of BMPs. Given that the project site offers a blank slate for new development on a relatively large site, it would be possible to incorporate any and all BMPs in order to minimize the impact of the development, and to help set a precedent of responsible and ecologically minded new development in Santa Cruz County with respect to water reuse and protecting water quality. However, though additional improvements to the project would *better* protect water quality and water supply, the absence of the above-suggested additional BMPs, which are not specific requirements of the LCP, does not raise a substantial issue of LCP conformance. Because all technical LCP water

quality requirements appear to be met, and a number of Commission staff's water quality comments were addressed through the County process as explained above, this project, as conditioned, can nonetheless be found consistent with the LCP's water quality policies and standards.

In addition to contentions regarding water quality, the Appellant also contends that the County-approved project is inconsistent with LUP Policies 7.18.1 (Linking Growth to Water Supplies), 7.18.2 (Written Commitments Confirming Water Service Required for Permits), and 7.18.3 (Impacts of New Development on Water Purveyors). These LUP policies require that new development does not adversely impact water supply, and require written evidence of the water purveyor's ability to provide water to proposed development.

In this case, the City of Santa Cruz is the water purveyor for the Pleasure Point area. The City provided a "will-serve" letter dated July 16th, 2015 (see **Exhibit 6**) stating that there is adequate water to serve the project. This letter provides the required written evidence of the purveyor's ability to provide water as required by LUP Policy 7.18.2. With respect to the requirement for linking growth to water supplies (LUP 7.18.1) and determining adequate water supply (7.18.3), the County-approved Mitigated Negative Declaration states that although the project will incrementally increase water demand, the City of Santa Cruz Water Department has indicated that the current water supply is sufficient and will be able to adequately serve the new development (see Appendix A).

Given that there is confirmation of adequate water supply, and written evidence of sufficient water supply to support the development, the project is therefore consistent with LUP Policies 7.18.1, 7.18.2, and 7.18.3. For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to water supply.

Other Contentions

In addition to the contentions regarding Community Character & Design, Parking/Traffic, and Water Quality/Supply, an Appellant also contends that the County-approved development is inconsistent with several non-applicable LCP Sections and one Coastal Act Section.

Specifically, the Appellant contends that the County-approved project is inconsistent with Coastal Act Section 30213, which requires the provision of lower cost visitor-serving and recreational facilities along the coast. However, this allegation does not raise a substantial issue with respect to public access consistency under the Coastal Act because the proposed development is 1,600 feet inland of the ocean on a commercially-zoned site in a dense, urban area.

The Appellant also contends that the County-approved project is inconsistent with LUP objectives and policies that pertain to property designated Neighborhood Commercial. However, the subject parcel is designated Community Commercial, and, therefore, the policies and objectives of the Neighborhood Commercial designation do not apply.

Lastly, the Appellant raises contentions regarding the historic significance of the site. A Historic Assessment was completed by Reubén Menodoza, PhD (see Appendix A). The report concluded

that the property does not have historic significance and that the site was found not to be eligible for the National Register of Historic Places, the California Register of Historic Resources, or for listing in the Santa Cruz County Historic Resources Inventory. Although the project was not found to have historical significance, the Applicant has made an effort to retain some of the history of the site by naming the project “The Lumberyard” and by using some of the redwood framing from the original warehouse structure within the commercial area of the approved development. The appeal contentions thus do not raise a substantial LCP conformance issue with IP Chapter 16.42 (Historic Preservation).

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. First, in terms of the parking/traffic contentions, the LCP allows for an alternate parking plan in lieu of the number of spaces typically required for each type of development, and the County conditioned the project to address any future parking deficiencies that may arise. In terms of the Appellant’s water quality contentions, the approved project adheres to the water quality protection requirements of the LCP through the implementation of BMPs and an approved drainage plan. In terms of the Appellant’s water supply contentions, the City of Santa Cruz Water Department has stated that there is adequate water to supply the project and has provided a will-serve letter for the development. In terms of community character, the project constitutes infill development and is generally consistent with all applicable site standards, and the necessary findings were made to support a Height Exception and a Variance for a Reduced Setback from adjacent residential development. To the extent the County’s findings for the Reduced Setback Variance were not supported by substantial evidence, any LCP inconsistency did not arise to the level of a “Substantial Issue” as discussed above. With regard to the explicit language of the LCP, the project is found to be overall consistent.

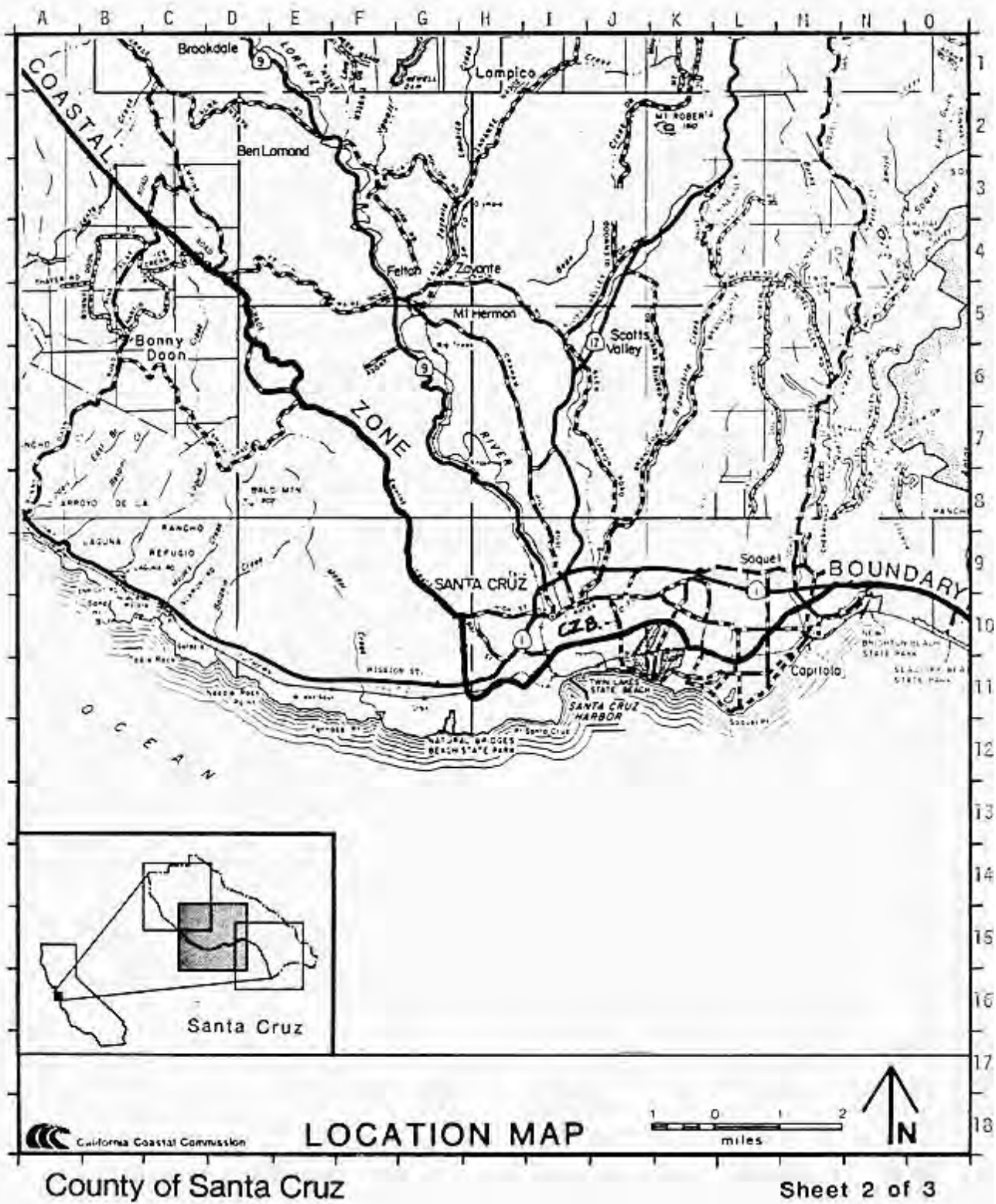
Thus, regarding the first factor, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP. Though the proposed project could have better exemplified some of the broader LCP objectives relating to community character and BMPs and water quality, the project can be found consistent with the LCP, and therefore the Commission finds that the County-approved project raises No Substantial Issue. Regarding the second factor, the approved project, although near the limit of appropriately-designed development in some regards, nonetheless represents an adequately-

scaled infill, multi-use project situated in a commercially-zoned, dense, urban area of the County. Regarding the third and fourth factors, because the approved project is located four blocks and about 1,600 feet from the coastline, it is not anticipated that approval of this project will pose future LCP interpretation issues or have a significant impact to coastal resources. Finally, regarding the fifth factor, the project does not raise issues of regional or statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-16-0003 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

1. Initial Study and Mitigated Negative Declaration prepared for Northpoint Investments Fund, LLC by Santa Cruz County (September 2015)
2. Traffic Impact Study prepared for Hamilton Swift and Associates by Kimley Horn (January 2015)
3. Shared Parking Analysis prepared for Hamilton Swift and Associates by Marquez Transportation Engineering (July 2014)

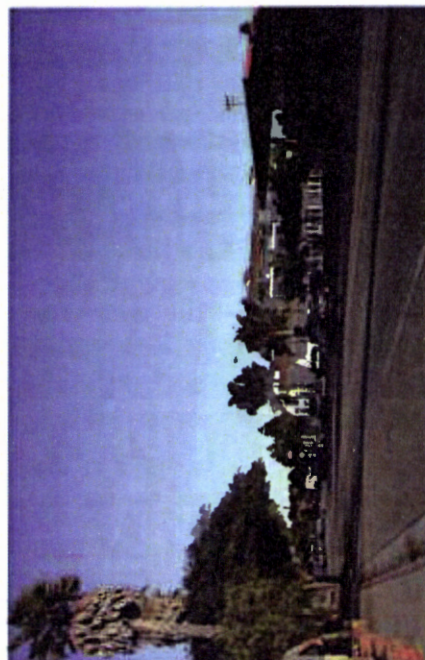
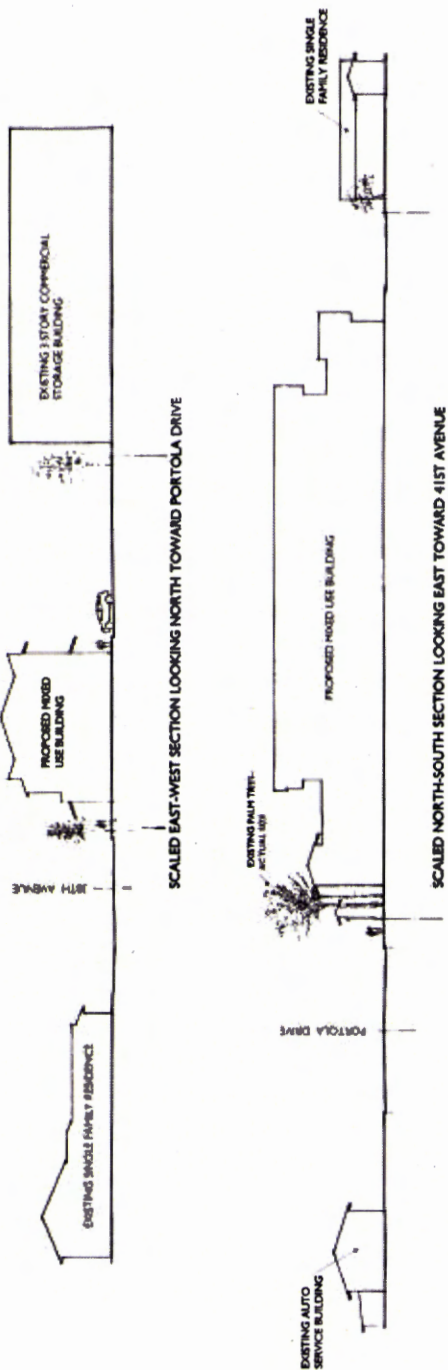




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NORTHPOINT
PORTOLA DR
& 38TH AVE

**BUILDING
HEIGHT
CONTEXT**



VIEW LOOKING EAST DOWN PORTOLA DRIVE SHOWING
THE NEW MIXED USE BUILDING AT THE CORNER



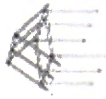
VIEW LOOKING NORTH UP 38TH AVENUE TOWARD PORTOLA DRIVE
SHOWING THE NEW MIXED USE BUILDING AT THE CORNER

DRAWING DATE
JANUARY 9, 2011
DESIGNED BY
THACHER & THOMPSON
DATE PREPARED
JANUARY 9, 2011
PROJECT NAME
NORTHPOINT 101A



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**SHADING
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SHADING STUDY
JANUARY 1, 2011

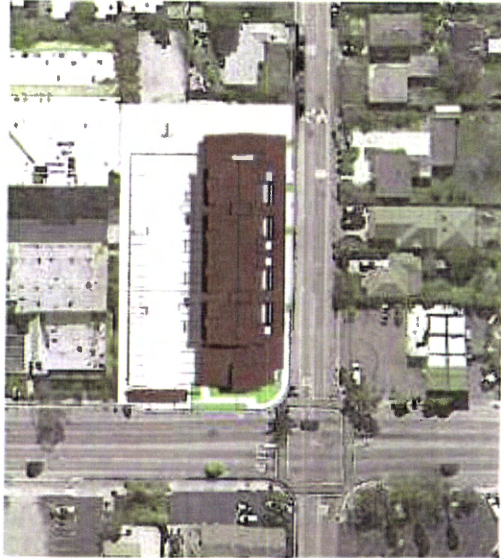
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SCHOOL OF ARCHITECTURE
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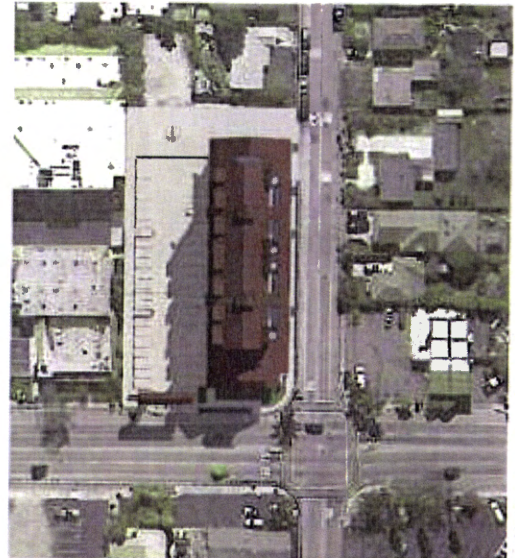


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DECEMBER 20TH 2 PM



JUNE 20TH 10 AM



DECEMBER 20TH 10 AM



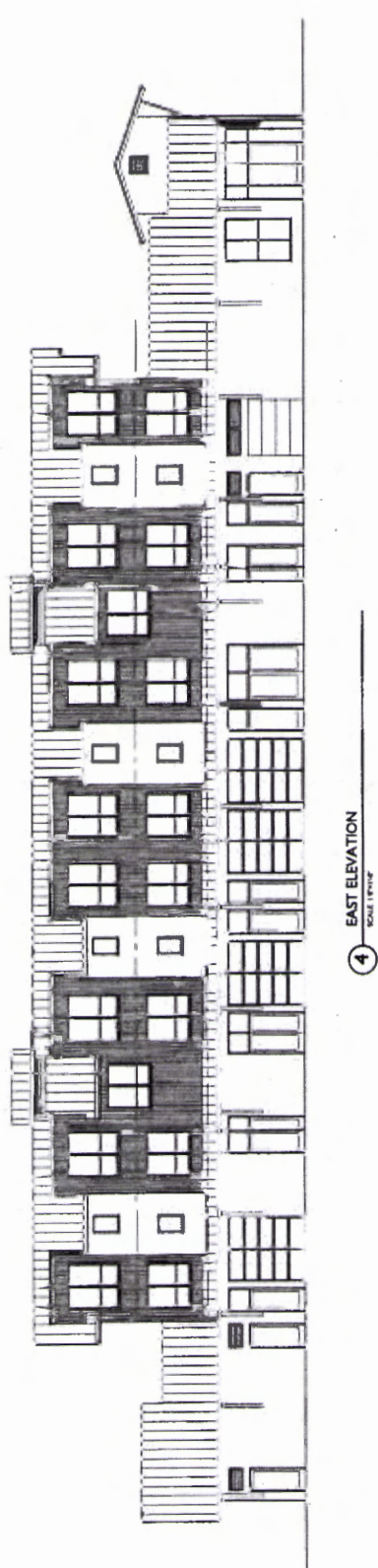
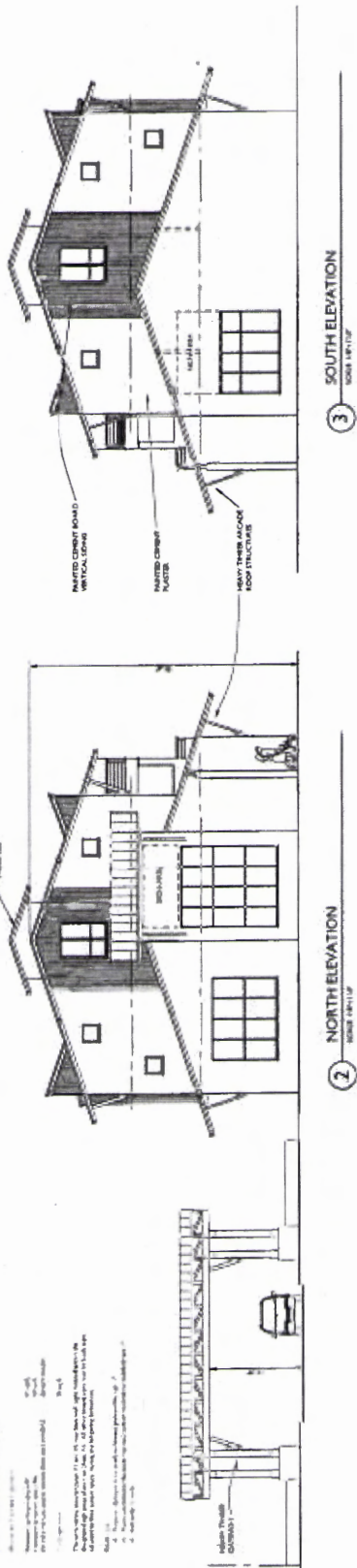
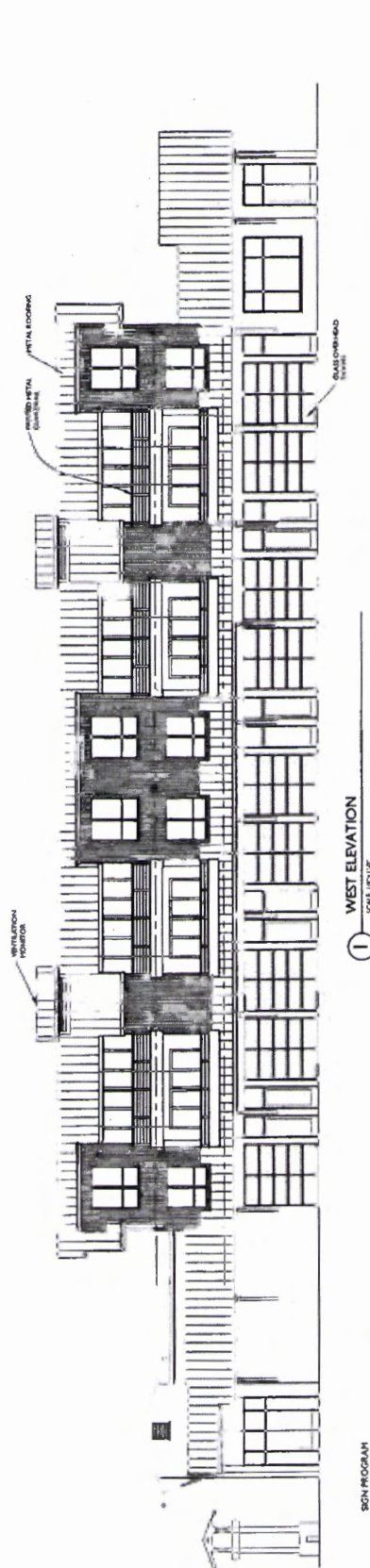
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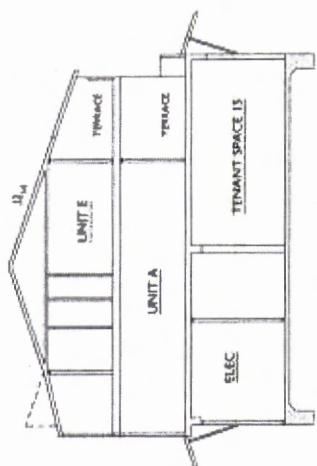
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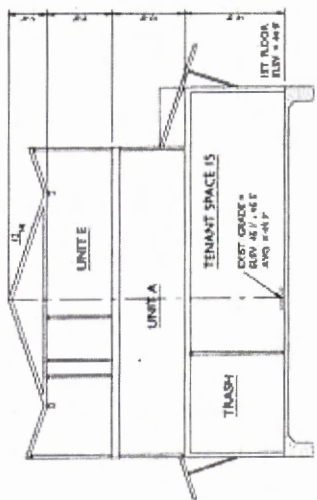
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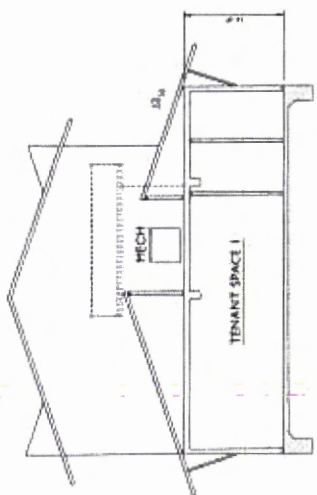




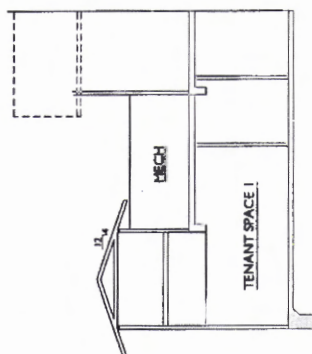
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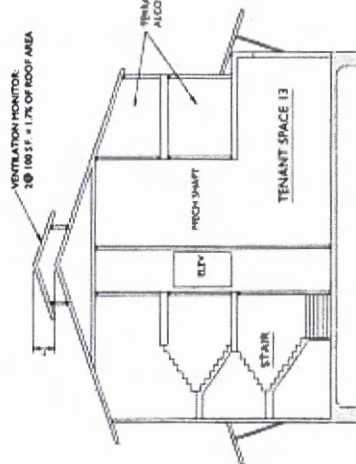
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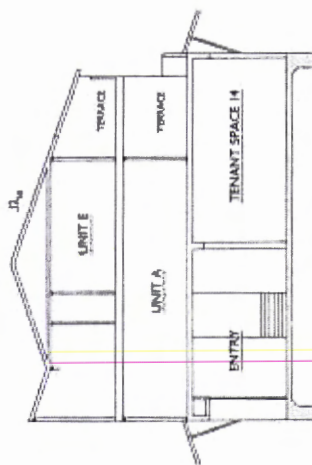
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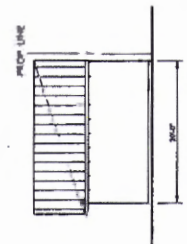
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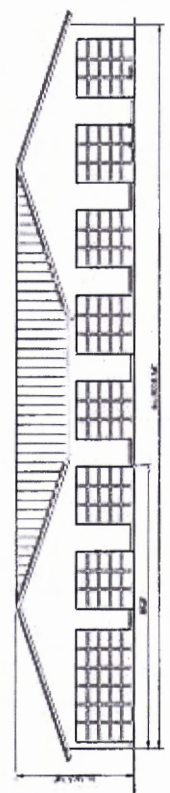
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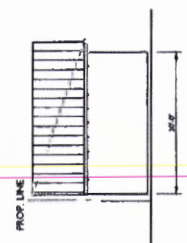
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8 WEST ELEVATION GARAGES
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7 NORTH ELEVATION GARAGES
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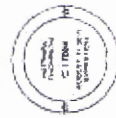


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COVER SHEET

PROJECT NO. 1001
CLIENT: NEW POINT
CONSTRUCTION
DATE: 01/10/2004
PROJECT: NEW BUILDING
PHASE: PRELIMINARY

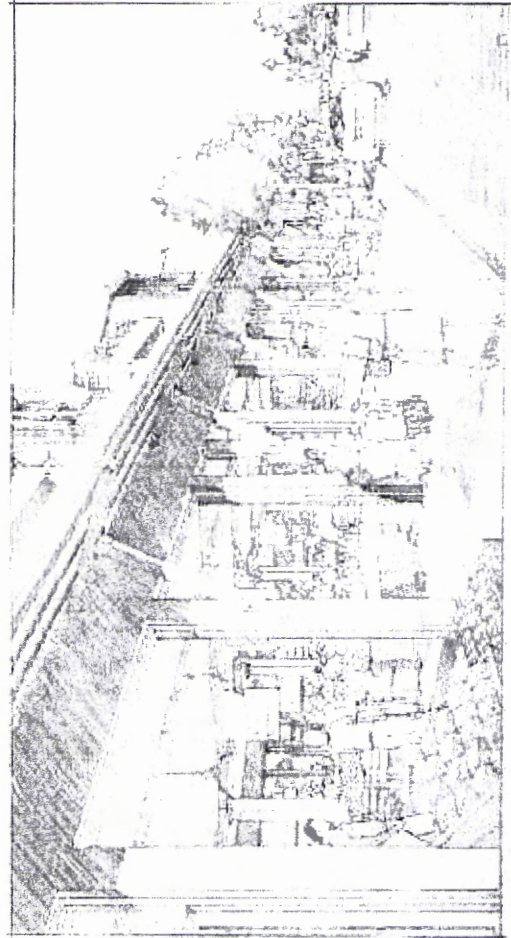


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AI



VIEW FROM PORTOLA DRIVE



LOOKING DOWN 38TH AVENUE

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: December 24, 2015

Notice Sent (via certified mail) to:

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SC0-15-1175
APPEAL PERIOD 12/29-1/12/2016

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application No.: **141157**
Project Applicant: Northpoint Investments Fund, LLC
Address: PO Box 470577, San Francisco, CA 94147
Phone/E-mail: (415) 613 5200 / patrickfoy@gmail.com
Applicant's Representative: Hamilton Swift and Associates, Attn John Swift
Address: 500 Chestnut Street, suite 100, Santa Cruz, CA 95006
Phone/E-mail: (831) 459 9992 / john@hamiltonswift.com

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DEC 28 2015

CALIFORNIA
COASTAL COMMISSION

Project Location: Property located on the south of Portola Drive (3800 Portola Drive) at the intersection with 38th Avenue

Project Description: Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure. This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, Design Review and the approval of a Parking Plan (141157). The application also includes a Soils Report Review (REV141076).

Final Action Information

Final Local Action: Approved with Revised/Added Conditions

Final Action Body:

- ☐ Zoning Administrator
☒ Planning Commission
☐ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	X	
Adopted Findings	X	
Adopted Conditions	X	
Site Plans	X	
Elevations	X	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	X	
Other: Historic Report,	X	
Other: Initial study and attachments (staff report includes list of attachments)	X	See enclosed disc. Also available online www.sccoplanning.com

Coastal Commission Appeal Information

- ☐ This Final Action is Not Appealable to the California Coastal Commission, the Final County of Santa Cruz Action is now effective.
- ☒ This Final Action is appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:

- Applicant
- Interested parties who requested mailing of notice



Staff Report to the Planning Commission

Application Number: **141157**

Applicant: Hanilton Swift and Associates,
Attn. John Swift
Owner: Northpoint Investments Fund LLC
APNs: 032-092-01 and 05

Agenda Date: December 9, 2015
Agenda Item #: 7
Time: After 9:00 a.m.

Project Description: Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure. This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, a Variance to reduce the 30 foot setback to a residential zone district to around 5 feet from the southern property boundary and 27 feet 6 inches from the western property boundary for the residential parking structure, the approval of a Parking Plan, Design Review and Environmental Review. The application also includes a Soils Report Review.

Location: Property located on the south side of Portola Drive (3800 Portola Drive) at the intersection with 38th Avenue.

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

Permits Required: Tentative Map Approval, Commercial Development Permit, Master Occupancy Program, Coastal Development Permit, Height Exception, Parking Plan.

Technical Reviews: Soils Report Review (REV141076)

Staff Recommendation:

- Adopt the attached resolution (Exhibit A), certifying the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act (CEQA).
- Approval of Application 141157, based on the attached findings and conditions.

Exhibits

- | | | | |
|-----|--|----|--|
| A. | Resolution certifying the Initial Study/Mitigated Negative Declaration (CEQA). | B. | Findings |
| A1. | IS/MND / List of Attachments | C. | Conditions |
| A2. | IS/MND Comments received. | D. | Project plans |
| A3. | Response to comments on the IS/MND from the California Coastal Commission dated October 9, 2015 and Public Utilities Commission, dated September 14, 2015. | E. | Assessor's, Location, Zoning and General Plan Maps |
| A4. | Addendum to the Negative Declaration, dated November 20, 2015 | F. | Results of neighborhood meeting held June 23, 2014 |
| | | G. | Historical Assessment Report and DPR prepared by Ruben Mendoza Ph.D., RPA, dated October, 24, 2015 |
| | | H. | Comments & Correspondence |

Parcel Information

Parcel Size (combined):	35,365 square feet
Existing Land Use - Parcel:	Vacant lumberyard warehouse and office
Existing Land Use - Surrounding:	Commercial and residential
Project Access:	Portola Drive and 35 th Avenue
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)
Zone District:	C-2 (Community Commercial)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes ___ No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Soils report submitted
Fire Hazard:	Not a mapped constraint
Slopes:	Parcel is roughly level
Env. Sen. Habitat:	Previously disturbed site/no physical evidence
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Preliminary drainage plan reviewed and accepted
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u>X</u> Inside ___ Outside
Water Supply:	City of Santa Cruz Water Department
Sewage Disposal:	County of Santa Cruz Sanitation District
Fire District:	Central Fire Protection District

Drainage District: Zone 5

History

The existing approximately 13,000 square foot lumberyard building on the parcel and the surrounding site were developed by the Pleasure Point Lumber Company, which began operations on the site in 1948. However, the lumberyard building was not developed on the site until around 1955. At this time most of the surrounding area was developed with scattered residential properties, open farm fields and other agricultural uses including a chicken ranch that was located to the south of the site in the area of Floral Park and the current apartment complex. Much of the lumber that was used in the subsequent development of the Pleasure Point area was brought to the lumberyard from lumber mills in the area and subsequently provided to the builders from this property. The lumberyard use operated continuously at this location until around 2010 although the ownership transferred in the early 1970s to the San Lorenzo Lumber Company and more recently to the Big Creek Lumber Company. Starting in the spring of 2010, soon after the Big Creek Lumber Company ceased operations, and continuing through the fall of 2013, the site was leased by Wellington Energy as a storage and service depot. During this time the building was used for the storage and inventory of Smart Meters and as office space with the remainder of the parcel used for employee parking and the overnight storage of service trucks.

Project Setting

The topography of the parcel and surrounding area is an almost level coastal terrace that extends inland from the coastal bluff that is located between 1,080 and 1,350 feet to the south and east of the project site. The site is completely developed with impervious surfaces, the only vegetation present being around the boundaries of the parcel, within the public right-of-way or on adjacent parcels. Parcels to the north and to the east and west along Portola Drive are all developed for a wide variety of commercial uses that include retail office and service uses. Adjacent to the project site to the east there is a mini-storage facility that includes one, two and three-story buildings, while across 38th Avenue and Portola Drive there are mostly retail and small office uses within one and two story buildings. South of the project site along 38th Avenue and also west of the southern portion of the site across the street there are single family homes and also a Mobile Home Park, accessed from 38th Avenue just south of the project site, which borders the southwestern corner of the property. The entrance to Floral Park is located around 300 feet south of the parcel.

Zoning & General Plan Consistency

The subject property is comprised of two existing parcels that have a combined total area of 35,365 square feet, located in the C-2 (Community Commercial) zone district, a designation which allows commercial and residential mixed use uses. The proposed commercial building with eight condominium units at the second and third floors above is a permitted use within the zone district subject to the approval of a Commercial Development Permit and the project is consistent with the site's C-C (Community Commercial) General Plan designation.

The proposed project replaces the site's original lumberyard, a service commercial use that was nonconforming to the site's C-2 zone district, with a proposed mixed use building. Mixed use

developments are allowed in the C-2 zone district when the residential portion of the project does not exceed 50% of the total use area. In this case, 9,600 square feet of commercial space is proposed at the ground floor, and 9,600 square feet of residential space is proposed on the second and third floors. In addition the proposed 20,800 square foot building will include approximately 1,600 square feet of shared service areas that include a trash enclosure, public bathrooms, mechanical equipment rooms, hallways and other access and circulation areas. Density for mixed use developments is based upon the Urban High Residential General Plan designation which allows a maximum density of one unit for every 2,500 square feet of developable land. In this case, eight units are proposed, but a total of fourteen could be allowed.

The proposed project will meet the site standards of the C-2 zone district with the approval of an Exception to allow for additional building height in accordance with County Code section 13.10.510(D)(2), as shown below.

SITE STANDARDS CHART		
	C-2 Requirements	Proposed Project
Minimum Parcel Size	10,000 square feet	35,365 square feet
Minimum Parcel Frontage	60 feet.	+/- 400 feet
Minimum Front Yard	10 feet.	11 feet 6 inches (Portola Drive.)
Minimum Street Side Yard	10 ft. across from residential	10 feet (35 th Avenue)
Minimum Side Yard	0 feet.	70 feet (Mixed Use building) 1 foot (Residential garages)
Minimum Rear Yard	0 feet.	38 feet 6 inches (Mixed Use) 5 feet 1.5 inches (Garages)
Maximum Building Height	3 stories, not to exceed 35 ft.	3 stories *See below
Height Exceptions 13.10.510(D)(2)		
Features such as elevators, cooling towers and similar structures not used for human habitation and not covering more than 10% of the ground area covered by the structure	Not to exceed 25 feet above the height limit allowed in the zone district (35 feet)	Roofed ventilation shafts: 5 feet 10 inches above the height allowed in the zone district (40 feet 10 inches)
Additional height within any commercial or industrial zone	Up to 5 additional feet subject to design review	*38 feet 4 inches

Master Occupancy Program

The proposed commercial building includes two fixed tenant spaces, one at the corner of Portola Drive and 38th Avenue of approximately 1,720 square feet and a smaller tenant space at the southern end of the building of approximately 1,005 square feet. The remainder of the building has been designed to be open and flexible but could potentially be divided into as many as 13 additional separate businesses with a floor area ranging from as small as 350 square feet to

around 510 square feet. It is envisioned that the central portion of this building may be kept open to accommodate a market style use incorporating a variety of small vendors doing business from small carts or stands rather than being contained within separate walled off tenant spaces. It is however likely that the building will include a mixture of both enclosed tenant spaces and an open free-style use as described above.

This application includes a Master Occupancy Program to guide both the initial occupancy of the proposed commercial building and to also allow a streamlined review process for potential future changes of use for of all or part of the commercial area. The Master Occupancy Program is designed to allow a range of uses that are permitted in the zone district and for which sufficient parking will be available.

Initial occupancy of the building and future changes that comply with the approved Master Occupancy Permit will be allowed under the following criteria where conforming to the mix of uses set out below: For proposed enclosed tenant spaces where businesses are likely to be established for longer periods of time, both initial and subsequent occupancies will be subject to a requirement for the issuance of an over-the-counter Change of Occupancy Permit from the Planning Department. For open, market style areas, where individual tenants may vary from week to week and the area of the use may change over time, the commercial management for the building shall apply for an Initial Occupancy Permit for this area as a whole, listing the total area of the use and all of the types of vendors/businesses that will lease space within the larger area. An annual update of this Occupancy shall then be submitted for review to ensure compliance with the allowed mix of uses on an ongoing basis. If it can be shown that the area of the use and mix of vendors remains stable over time, this requirement for an annual accounting may subsequently be waived at the discretion of the Planning Director.

Allowed Uses The approximately 9,600 square feet of commercial use area may be occupied according to the following criteria:

Uses that require higher levels of parking such as restaurants, coffee houses, craft beer establishments, wine bars, and ice cream shops will be limited to a maximum total combined area of 3,200 square feet.

Non food service uses, including a market style use that incorporates smaller vendors selling a variety of goods such as locally grown produce, artisan cheeses, meats, art and crafts etc, and also retail stores for clothing/skin care products/jewelry; retail food related uses such as a candy or chocolate shop, wine shops, flower shops and art stores will be limited to a maximum combined area of 3,200 square feet.

The remaining commercial area, an additional approximately 3,200 square feet, will be for office and service commercial type uses such as a beauty salon, computer repair store or pet grooming.

In addition the project includes approximately 1,218 square feet of outdoor use areas that may include public seating. These are available for non-exclusive use by any of the patrons of any of the businesses within the commercial area, including the allowed higher level uses such as restaurants and coffee shops (as set out above), and also the tenants of the onsite condominiums, subject to the provision that no outdoor use areas may be designated for the exclusive use for any one business or entity.

Physical culture studios (sports clubs, yoga and pilates studios etc) will not be permitted unless it can be demonstrated that the demand for additional parking can be met or that the proposed combination of uses on site would not require more than the total number of spaces available.

All uses on the site will be required to be properly licensed and inspected as may be required by Federal, State or County standards. Any business involving the sale of alcoholic beverages, either for on-site or off-site consumption, must meet all requirements of the California Alcoholic Beverage Control (ABC) and also obtain all necessary County Permits.

Design Review and Height Exception

The ground floor commercial area of the proposed building has been designed to be open and inviting, with high ceilings, extensive multi-paned storefront glazing facing Portola Drive and with full-height glass roll-up doors that open directly onto the sidewalk at 38th Avenue and onto a paved plaza area set within the parking area located east of the building. The intention is that the space, when opened up to the tree lined street and parking area, would bring the inside out and the outside in. To further this concept, the project also includes outdoor seating areas that would be open for use by all patrons of the center. It is envisaged that a café coffee house or bakery would anchor the commercial corner of Portola Avenue and 38th Avenue with the central portion of the space designed to be flexible and to allow for small shops and an open market type use with small stalls selling produce or other locally produced merchandise. A similar second anchor tenant would be located at the southern end of the building.

The modestly sized residential condominium units at the second and third floors, that are located above the central portion of the commercial space, have each been designed to include two bedrooms. All of the units have comfortable private terraces that open off the living areas. These units are accessed via two separate private stairwells as well as by two private elevators. The private garages that accompany each unit allow for both secure parking areas for residents as well as for additional storage.

The proposed mixed-use building and residential garages would be constructed using a variety of materials that include cement plaster walls, paired with vertical siding elements over portions of the residential units and a metal standing-steel roof. The color palette includes soft off-white and muted grey shades, broken up by the use of natural wood at canopies extending out over the entrances to the commercial spaces at the first floor. It is intended that re-used wood from the original lumberyard be re-purposed for the decorative canopy areas. The height of the central portion of the building would be 38 feet 4 inches measured to the peak of the roof, with two roofed ventilation shafts that, combined, cover less than ten percent of the roof area and are approximately 2 feet 6 inches taller. Commercial spaces at each end of the building have a reduced height. At the northern end of the building, adjacent to the corner of Portola Drive and 38th Avenue, the commercial space has been designed to include a small decorative tower that has a height of approximately 27 feet. At the southern end of the building, so as to better relate to the residential neighborhood located to the south the maximum height to the peak of the roof would be reduced to approximately 23 feet.

The proposed additional 3 feet 4 inches in height over the maximum 35 feet that is allowed in the zone district has been requested to allow for a design that incorporates high ceilings, and a light and airy feel at the ground floor commercial area, which is an important part of the outside-in, inside-out concept as described above, while at the same time allowing for a pitched roof that is broken up by clerestory style windows at the upper floor. If the height were reduced to be 35 feet this design concept would be compromised, resulting in either a less inviting commercial use area or a flat roofed, more blocky structure. It should be noted that the high point at the ridge will be set back from the wall line of the structure and that the height at the eave would be around 31 feet 6 inches in height, less than the maximum allowed. The topmost extent of the clerestory windows would be about 36 feet at their peak, only one foot over the maximum height allowed and the same height as the adjacent three story portion of the mini-storage facility on the adjacent parcel and only 6 feet taller than the existing lumberyard building. The two roofed ventilation shafts that will extend above the peak of the roof, which are allowed without additional design review, will serve to further break up the roofline of the proposed building.

New landscaping is proposed throughout the project site and also within the public and private sidewalk areas along both Portola Drive and 38th Avenue. Fourteen new trees are included in the plan that also includes new shrubs, vines and perennials. As a condition of approval of this project, three additional trees will be required to be added, adjacent to the southern elevation of the building and/or adjacent to the driveway access from 38th Avenue. The street frontage of the site (Portola Drive and 38th Avenue) would be planted in accordance with the County street tree program. Existing landscaping that includes two mature Queen Palm trees at the corner of Portola Drive and 38th Avenue will be maintained as a decorative landscape element that matches similar plantings at other intersections in the neighborhood. No trees have been removed to facilitate the development. The parcel is proposed to be fenced along its eastern boundary, adjacent to the mini-storage facility and also along the southern and western boundaries adjacent to the proposed residential garages, with a five foot high redwood fence. Along the southern boundary of the project, adjacent to the driveway access from 38th Avenue, a minimum 6 foot high masonry sound wall is proposed to be constructed which would mitigate potential noise impacts from traffic and from patrons using the site. Climbing vines would be planted along the wall and also fences where they face the parking lot, to screen and soften these structures.

A decorative roofed entrance arch has been proposed over the main driveway access to the site from Portola Drive, which would enclose and screen the parking area as well as continue the architectural character of the development across the primary frontage of the site. The applicants intend to construct improvements that would include new sidewalks with street tree planting along the entire frontage with both Portola Drive and 38th Avenue. Decorative bicycle racks would also be included within the broad sidewalk running along 38th Avenue.

The proposed commercial building with eight condominium units at the second and third floors above therefore complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as reduced building heights at the corner of Portola Drive and 38th avenue and adjacent to residential properties, articulated facades, open and inviting commercial storefronts, elements from the original lumberyard building and new landscaping and tree planting to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Further, the proposed Height Exception will allow for a superior design that incorporates both a pitched roof

together with a light, airy and inviting commercial area and is therefore appropriate for the setting of the project along an arterial road and within an important and upcoming commercial

Circulation, Parking and Loading

Primary access to the site would be from Portola Drive at a point approximately 90 feet east of the corner of 38th Avenue, together with a secondary access point from 38th Avenue that is approximately 240 feet south of Portola Drive. Circulation between these two entrances would pass through the proposed parking area and has been designed to accommodate a two-way flow of traffic.

The proposed parking area for the project includes a total 36 regular parking spaces, 4 compact parking spaces and 2 accessible parking spaces together with 8 residential spaces located within a residential garage that are for the exclusive use of condominium tenants. In addition to these 50 off-street spaces, the project will also provide 8 striped on-street parking spaces along the 38th Avenue frontage of the project. Parking will also be provided onsite for a minimum of 24 bicycles, with 12 bicycle racks located within the commercial area and 8 private spaces within the residential garages. Decorative bicycle in the sidewalk at 38th Avenue will provide additional bicycle parking.

As set out in county Code section 13.10.553(A), a specific parking plan initiated by the County and approved by the appropriate approving body may supersede those parking standards contained within County Code section 13.10.552, if the purposes of that section are met. At the request of staff, a Shared Parking Analysis for the proposed project was prepared by Marquez Transportation Engineering. The submitted report, dated July 29, 2014 with updates prepared June 19, 2015 and July 29, 2015 concludes that the proposed parking will meet the projected parking demand for the proposed commercial and retail uses, flexible market style use, outdoor shared seating areas and the eight condominium units. The analysis further concludes that the parking that will be provided on the parcel will include reserve capacity. Therefore the Shared Parking Analysis has shown that the proposed onsite parking will meet the projected demand for the proposed development and that the project will not result in an increased demand for on-street parking within the adjacent residential neighborhoods.

As set out in County Code section 13.10.570, for commercial uses that exceed 5,000 square feet, a loading area is required to be provided onsite. However, because the proposed mixture of commercial tenants will include no large retail shopping outlets, only a collection of small-scale retail and market type uses, together with other service commercial uses, the need for the provision of a large dedicated loading zone was considered to be unnecessary and this requirement was waived. It is anticipated that most deliveries will be made using smaller vans and trucks and that these will occur mostly at times when the use of the center will be at its lowest demand, particularly during the morning hours. Therefore the parking lot will be able to accommodate the additional short term parking demand by delivery vehicles without compromising the availability of parking for customers. Further, one of the proposed striped parking spaces on 38th Avenue will be designated as a limited term loading zone between the hours of 7:00am and 1:00pm, Monday through Friday.

Lighting

Lighting for the project parking areas would consist of approximately four light standards within the parking area; one light standard at the corner of Portola Drive and 38th Avenue; approximately 90 decorative strip-lights located along each side of the commercial building adjacent to 38th Avenue and fronting the parking lot; Approximately 10 motion sensor floodlights mounted on the front of the residential garages and at the entrance arch on Portola Drive, and two bollard lights located within the small outdoor plaza along the eastern frontage of the building facing the parking lot. All light standards are planned to be a maximum of 15 feet high in order to reduce off-site illumination. Strip lighting for the commercial spaces would be mounted beneath the canopy overhang and would utilize diffuse lenses to minimize any glare for adjacent and nearby residential properties. In addition, cut-off shields would be used on all light fixtures where they are close to the south site perimeter adjacent to residential uses, to prevent direct illumination of adjacent homes.

Shopping Center Signs

As shown on the submitted plans, the application proposes the installation of two larger shopping center/business name signs, one of 15 square feet located on the north elevation of the building facing onto Portola Drive and one of 10 square feet on the south facing elevation, with all other tenant spaces having a combined total sign area of 25 square feet. As a condition of approval of this application a detailed sign program will be required to be submitted specifying the final sign designs, dimensions, materials, colors, lighting, if any, and placement of all proposed signs. All proposed signs will be designed to be an integral part of the building design.

In conformance with County Code section 13.10.581, the final sign program will be required to include a name sign containing the name of the center, "The Lumberyard", which may be either separate or combined with a name sign or signs for a business, and one small pedestrian-oriented sign for each shop. In addition a directory sign may be provided to show all of the businesses located in the building. The total area of the center's name sign or signs, together with a directory sign may not exceed 50 square feet with up to an additional 18 square feet for individual shop signs. Alternatively, if a directory sign is not included, a total of 50 square feet of signage will be allowed for the center.

Improvement Plans

As currently developed, the site includes no drainage facilities and all runoff is discharged directly to either Portola Drive or to 38th Avenue.

As shown on the surveyed drainage map of the existing property prepared by Ifland Engineers, dated April 23, 2015, the site is almost level. However, runoff currently drains into two separate catchment areas: The northern portion of the site currently drains to the north and into storm water systems along Portola Drive that outflow into Moran Creek. The southern portion of the site drains towards the southwest and into storm water systems located along 38th Avenue that drain directly into the ocean. These two drainage areas are divided by a line that runs from the eastern property boundary, across the existing lumberyard building at the change in roofline and then towards 38th Avenue in a roughly southeast to northwest direction.

Two separate underground retention/detention systems are therefore required to be constructed, one for each of the existing drainage catchment areas and will be located beneath the proposed parking areas. These pits, excavated through the less permeable surface clayey soils to more pervious soil layers below, would provide temporary storage of storm water and will be designed to retain rainwater from regular storm events within the site and to allow it to percolate into the groundwater basin without entering the existing public storm water system. Once at capacity the systems would gradually meter to the off-site storm drainage systems to release runoff at pre-development rates. The northern system has been designed in accordance with the County's Design Criteria to detain all runoff on-site up to a minimum 10 year storm event and, once at capacity, the system would then release excess runoff to the existing storm drain system along Portola Drive, with the rate of outflow restricted by limiting the diameter of outfall pipes. The southern system has been designed, to exceed County requirements and to detain all runoff up to a minimum 25 year storm event before runoff would be discharged into the existing surface system along 38th Avenue. The rate of outflow would be restricted at the driveway entrance on 38th Avenue by a raised area that would cause water to puddle to a depth of around six inches within the southern driveway of the site before releasing excess runoff as a controlled sheet flow to the street.

Revised percolation test results prepared by the Geotechnical Engineers, Dees and Associates, dated February 12, 2015, and addendum letter dated June 29, 2015, will be utilized in the design of the proposed detention systems to ensure that the proposed detention systems will meet or exceed the County's Design Criteria requirements.

The site has been shown by the Soils Report prepared by the Geotechnical Engineers, Dees and Associates, dated July 31, 2014, to have an 18 to 24 inch thick layer of highly expansive clay located approximately two feet below the ground surface. To adequately address the risks associated with developing the site two alternative design approaches could be employed, these include either: a mat slab foundation designed to resist movement associated with shrinking and swelling of the subsoils, together with compaction of the top twelve inches of the sub-grade below the foundation; or the removal of the top three feet of soil, including the clay, which would be replaced with an engineered fill consisting of a non-expansive, well graded soil with low permeability. This option would then allow for a conventional foundation system embedded into the engineered fill to support the building.

All recommendations contained in the geotechnical report will be implemented as part of the project design. If the preferred final design of the project requires removal of the top three feet of soil and replacement with an engineered fill, a grading permit would be required to be approved prior to the issuance of a Building Permit.

In addition, water, sewer, and electrical utilities are available to the subject property. The existing water and sewer mains are capable of handling the additional volume necessary to serve the proposed development. A will-serve letter from the City of Santa Cruz Water Department and a sewer availability letter from the County Sanitation District are attached.

Local Coastal Program Consistency

The proposed commercial building with eight condominium units at the second and third floors above is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible and integrated with the character of the

surrounding neighborhood. Developed parcels in the area contain a mixture of one, two and three-story commercial buildings and also one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles for other commercial buildings located within nearby commercial areas. The proposed additional height of the structure, as previously described in this report, will allow for an open and inviting commercial space and also a pitched roof that is broken up by clerestory windows, which will enhance the overall appeal of the proposed building. The project is not located within any specific plan or village plan area and is not along a designated scenic road or within any scenic viewshed. Further, the proposed mixed use building will not be visible from the nearby coastline.

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. The approval of a Parking Plan based upon the shared parking study for the proposed project, prepared by Marquez Transportation Engineering the project will not reduce visitor access or parking within the area.

Variance

As set out in County Code section 13.10.333(A) the side and rear setbacks on commercially zoned parcels may be zero feet. However, County Code section 13.10.333(B)(4) requires that a 30 foot setback be applied to commercial parcels that are adjacent to a residential zone district. Although the main commercial building meets all of the required setbacks, the proposed residential garage would not meet these additional setback requirements. As shown on the plans the structure would have a setback of just over 5 feet to the southern property boundary and around 27 feet 6 inches to the western property boundary. The setback of around 1 foot to the eastern property boundary adjacent to the mini-storage facility does however meet County Code requirements.

The approval of a Variance with this Permit will allow for the construction of private garages to serve the allowed residential units, that will be located within a narrow and restricted portion of the site, in an area that will be away from the general vehicular and pedestrian circulation around the site and in an area that will minimize the potential conflicts between the residential and commercial parking uses. Further, if the residential garage were not located in this area the alternate use would most likely be for parking to serve the commercial uses, which would result in greater potential disturbance of the neighboring homes from vehicle noise and from members of the public within the parking lot. Although it would be possible to delete the residential garage, the provision of secure and private parking areas for the on-site condominiums is considered to be desirable to ensure that residents in the condominium units will always have available parking as well as bicycle and other storage. Further, the residential garages create a buffer between the commercial parking area and the residences to the south of the project site and in particular for the residence at 718 38th Avenue that is surrounded on two sides by the development.

The proposed residential garage will not deprive adjacent properties or the neighborhood of light, air, or open space or result in any loss of privacy for adjacent residential structures. The garage is located north of adjacent homes and does not include any windows that could overlook

adjacent properties. Further, the reduced setbacks for the residential garage are similar to those of commercial structures on other commercially zoned parcels in the immediate vicinity of the project site including parcels that lie immediately to both the east and west of the project site. A complete list of Variance findings is included with this report.

Affordable Housing Obligation

Per County Code section 17.10.030, "Inclusionary housing requirements for residential development projects", developers may choose to either provide 15% of the units on site as affordable as defined by the Affordable Housing Guidelines or pay an impact fee for all the new residential units based upon the area of the residential use. In addition, a lesser non-residential affordable impact fee will be charged for all non-residential square footage.

As a condition of approval of this application, the project developers will be required to enter into an Affordable Housing Participation Agreement that will identify how they will meet the affordable housing obligation for both the residential and non residential development. If an affordable unit is to be provided within the development then this will be required to meet all of the requirements for onsite affordable units regarding unit size, bedroom count, exterior design, etc. as set out in County Code section 17.10.032.

Historic Resources

Due to the location of the parcel within an archaeologically and historically sensitive zone, and because of the age and potential historical significance of the lumberyard site, the applicant has submitted a Historic Assessment Report, prepared by Reuben Mendoza Ph.D., RPA, dated October 24, 2015 (Exhibit G). This report shows that the property does not have historic significance and the site was not found eligible for the National Register of Historic Places, the California Register of Historic or local listing in the Santa Cruz County Historic Resources Inventory. However, the proposed project has been named "The Lumberyard" which will mean that the sites past use will not be forgotten. Further, some of the redwood framing from the original warehouse structure will be re-purposed within the commercial portion of the proposed building as an attractive design feature that will enhance the overall appearance of the new structure.

Neighborhood Meeting

A neighborhood meeting was held on June 23, 2014 at the Fairfield Inn and Suites, Capitola. Twelve neighbors attended. The questions ranged from the potential effects of the project on traffic patterns and other safety concerns to the provision of bathrooms for the use of customers and problems with homelessness in the area. The meeting notes, including a summary of the issues, are included as Exhibit F.

Environmental Review

To comply with the California Environmental Quality Act (CEQA), Environmental Review was required for Permit 141157. The Environmental Review determined that the project, as mitigated with identified mitigation measures and Mitigation Monitoring and Reporting Program (MMRP) (Exhibit A), will not have a significant impact on the environment. Therefore, a

Mitigated Negative Declaration (MND) has been prepared in accordance with the California Environmental Quality Act (CEQA).

The environmental review process focused on the potential impacts of the project in the areas of noise, both during construction and also potential ongoing noise generated by traffic entering and exiting the site. The environmental review also focused on the potential for hazardous materials on site. The required mitigation measures to reduce potential impacts from the proposed development and adequately address these issues included in the MMRP have also been included as conditions of approval of this project.

The initial study and MND were circulated for public review and comment from September 14, 2015 through October 13, 2015. All public comments (Exhibit A1) received regarding the environmental review and comment period have been considered and do not change the determination that no significant impacts will result from this project.

With specific regard to concerns expressed as to the potential historic significance of the site, the applicant submitted a Historical Resources report prepared by XX, dated XX. As detailed above, this report shows that the project will not have any significant impact on a site of historical or cultural importance.

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

- Adopt the CEQA Mitigated Negative Declaration and Mitigation Measures and Reporting Program (Exhibit A) related to the proposed project (Exhibit A), certifying the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act; and
- **APPROVE** Application Number **141157**, based on the attached findings (Exhibit B) and conditions of approval (Exhibit C).

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

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

Report Prepared By: _____

Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
E-mail: lezanne.jeffs@santacruzcounty.us

Report Reviewed By: _____

Steven Guiney, AICP
Principal Planner
Development Review
Santa Cruz County Planning Department

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
ADOPTING THE MITIGATED NEGATIVE DECLARATION
FOR A MIXED USE BUILDING, APPLICATION 141157

WHEREAS, at its regular meeting on November 18, 2015, the Planning Commission convened a duly noticed public hearing to consider the proposed project and proposed adoption of a Mitigated Negative Declaration, and considered public testimony prior to taking action.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Planning Commission hereby makes the following findings and hereby adopts the attached CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) related to the proposed project.

1. The Project that was the subject of environmental review includes but is not limited to the following components:

Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure.

Requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, Design Review the approval of a Parking Plan and Environmental Review. The application also includes a Soils Report Review.

2. Environmental review determined that the proposed project, as mitigated with identified mitigation measures, will not have a significant impact on the environment, and therefore a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review for 30 days, ending on October 12, 2015, as required. Notice of the circulation was provided through an advertisement in the newspaper, notice on the project site, and by posting the initial study on the County of Santa Cruz website.

EXHIBIT A

3. The Planning Commission, in adopting the Mitigated Negative Declaration and MMRP, is requiring that the following mitigation measures be incorporated into the Project, and the Planning Commission finds that implementation of these mitigation measures will reduce any potentially significant effects of the proposed project to a less than significant level.

Mitigation AQ-1. Condition IV.A.

Monitoring Program: Air Quality

Prior to the commencement of work, a survey for asbestos would be required and written notification for asbestos removal and/or demolition would be provided 10 working days prior to commencing any regulated activities.

Mitigation AQ-2. Condition V.A.

Monitoring Program: Air Quality

Contracted Diesel Control Measures: In addition to the use of Tiered engines and California ultralow sulfur diesel fuel, the following requirements will be incorporated into contract specifications:

- To minimize potential diesel odor impacts on nearby receptors (pursuant to MBUAPCD Rule 402, Nuisances), construction equipment will be properly tuned. A schedule of tune-ups will be developed and performed for all equipment operating within the project area. A written log of required tune-ups will be maintained and a copy of the log will be made available to the County of Santa Cruz Planning Department for inspection upon request.
- Fixed temporary sources of air emissions (such as portable pumps, compressors, generators, etc.) will be electrically powered unless the contractor submits documentation and receives written approval from the County of Santa Cruz Planning Department that the use of such equipment is not practical, feasible, or available (generally contingent upon power line proximity, capacity, and accessibility). California ultralow sulfur diesel fuel with maximum sulfur content of 15 ppm by weight (ppmw S), or an approved alternative fuel, will be used for on-site fixed equipment not using line power.
- To minimize diesel emission impacts, construction contracts will require off-road compression ignition equipment operators to reduce unnecessary idling with a 2-minute time limit, subject to monitoring and written documentation.
- On-road material hauling vehicles will shut off engines while queuing for loading and unloading for time periods longer than 2 minutes, subject to monitoring and written documentation.
- Off-road diesel equipment will be fitted with verified diesel emission control systems (e.g., diesel oxidation catalysts) to the extent reasonably and economically feasible.
- Utilize alternative fuel equipment (i.e., compressed or liquefied natural gas, biodiesel, electric) to the extent reasonably and economically feasible.

Feasibility will be determined consistent with Best Available Control Technology

EXHIBIT A

(BACT) general criteria: 1) achieved in practice; 2) contained in adopted control measures; 3) technologically feasible; and 4) cost-effective.

Mitigation AQ-3. Condition VI.A.

Monitoring Program: Air Quality

Diesel Particulate Matter Emissions Control Measures: In addition, the project will implement the following measures to reduce particulate matter emissions from diesel exhaust:

- Grid power will be used instead of diesel generators where it is feasible to connect to grid power (generally contingent upon power line proximity, capacity, and accessibility).
- The project specifications will include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to 30 seconds at a school or 5 minutes at any location. In addition, the use of diesel auxiliary power systems and main engines will be limited to 5 minutes when within 100 feet of homes or schools while the driver is resting.
- The project specifications will include 17 CCR Section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements; emission standards for operation of any stationary, diesel-fueled, compression-ignition engines; and operation restrictions within 500 feet of school grounds when school is in session.
- A schedule of low-emissions tune-ups will be developed and such tune-ups will be performed on all equipment, particularly for haul and delivery trucks.
- Low-sulfur (≤ 15 ppmw S) fuels will be used in all stationary and mobile equipment.

Mitigation AQ-4. Condition VI.B.

Monitoring Program: Air Quality

Dust Control Measures: The following controls will be implemented at the construction and staging sites as applicable:

- Water all active construction areas at least twice daily as necessary and indicated by soil and air conditions.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

EXHIBIT A

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, will be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads will be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities will be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off site, all material will be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
- All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles will be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout will be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day will prevent carryout and trackout.
- Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 miles per hour.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

Mitigation HAZ-.1 Condition IV.B.

Monitoring Program: Hazards and Hazardous Materials

A comprehensive survey for the presence of lead based paint shall be performed prior to

EXHIBIT A

the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to lead based paint.

Mitigation HAZ-2. Condition IV.C.

Monitoring Program: Hazards and Hazardous Materials

A comprehensive survey for the presence of asbestos containing materials shall be performed prior to the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to asbestos containing materials.

Mitigation NOI-1 Condition VI.C.

Monitoring Program: Noise

Limit construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours. Prohibit construction activity on Sundays.

Mitigation NOI-2 Condition VI.D.

Monitoring Program: Noise

Require that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.

Mitigation NOI-3 Condition VI.E.

Monitoring Program: Noise

Prohibit gasoline or diesel engines from having unmuffled exhaust.

Mitigation NOI-4 Condition VI.F

Monitoring Program: Noise

Use noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.

Mitigation NOI-5 Condition IV.D.

Monitoring Program: Noise

Prior to demolition of the existing structure or construction of the proposed commercial mixed-use building, require construction of a permanent masonry sound wall with a minimum height on 6 feet along the property boundary with 718 38th Avenue.

EXHIBIT A

Mitigation NOI-6 Condition IV.E.

Monitoring Program: Noise

Construct a masonry sound wall with a minimum height of 6 feet along the southern property boundary adjacent to the southern driveway access from 38th Avenue where it borders the adjacent residential property at 718 38th Avenue.

Mitigation NOI-7 Condition VI.G.

Monitoring Program: Noise

Construct fencing or other solid barrier with a minimum height of 6 feet, together with landscape plantings that include large shrubs/small trees with dense woody foliage along the southern property boundary adjacent to the proposed residential garages.

4. In adopting the Mitigated Negative Declaration, the Planning Commission finds, on the basis of the whole record before it, that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

5. The material which constitutes the record of proceedings upon which the Commissions' decision is based shall be located in the offices of the Clerk of the Board, located at 701 Ocean Street, Santa Cruz, California.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 20____ by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson of the Planning Commission

ATTEST: _____
Planning Commission Secretary

APPROVED AS TO FORM:



Assistant County Counsel

EXHIBIT A

Initial Study/ Mitigated Negative Declaration (IS/MND) and Attachments:

(All documents may be found via the Planning Department website at www.sccoplanning.com
Go to Planning Commission >> Agendas >> Year 2015 >> November >> 11/18/2015 [[Agenda](#)]
>> Scheduled Item # 8 (click the underlined number)

Initial Study/Mitigated Negative Declaration

- Attachment 1:** Mitigation and Monitoring Reporting Program
- Attachment 2:** Location, Assessors, Zoning and General Plan Maps
- Attachment 3:** Project Plans
- Attachment 4:** Bat Survey Results, Prepared by the Central Coast Bat Research Group, dated February 28, 2015
- Attachment 5:** Geotechnical (soils) Investigation Report prepared by Dees and Associates, Inc. dated July 31, 2014
- Attachment 6:** Addendums to the Geotechnical Report by Dees and Associates, Inc. dated February 12, 2014 and June 9, 2015
- Attachment 7:** Planning Department letter of acceptance of the Geotechnical Report, prepared by Carolyn Burke, dated September 12, 2015
- Attachment 8:** Water Will Serve Letter from the City of Santa Cruz Water Department, dated July 16, 2014
- Attachment 9:** Drainage calculations prepared by Ifland Engineers
- Attachment 10:** Traffic Impact Study Report prepared by Kimley Horn, dated January 14, 2015
- Attachment 11:** Shared Parking Analysis prepared by Marquez Transportation Engineering, dated July 29, 2014 with addendums dated June 19, 2015 and July 29, 2015
- Attachment 12:** Sewer Availability and Conditions of Service letter from the County of Santa Cruz Sanitation District, dated July 18, 2014
- Attachment 13:** Phase I Environmental Site Assessment , prepared by Remedian Risk Management (RMR) dated December 4, 2013 and Phase II Shallow Soil Gas and Groundwater Investigation, prepared by RMR , dated may 21, 2014
- Attachment 14:** California Emissions Estimator Model (CalEEMod) (8.15)
- Attachment 15:** Monterey Bay Unified Air Pollution Control District (MBUAPCD) Consistency Determination

EXHIBIT A1



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

October 13, 2015

Todd Sexauer
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060

Subject: The Lumberyard Mixed Use Development
SCH#: 2015092034

Dear Todd Sexauer:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 12, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015092034
Project Title The Lumberyard Mixed Use Development
Lead Agency Santa Cruz County

Type MND Mitigated Negative Declaration

Description The proposal is to demolish an existing Lumberyard building and to construct a 9,600 sf commercial, retail building with one commercial condominium unit at the lower floor that includes 3,200 sf of restaurant use and 3,200 sf of retail use and 3,200 sf of office/service commercial use, and eight residential condominium units totaling 9,600 sf at the second and third floor, together with a detached 2,033 sf residential parking structure with eight separate garages, one for each condominium unit. This requires a Commercial Development permit including a Master Occupancy Permit; the approval of a Tentative Map; a Coastal Development Permit; a Height Exception to allow for an increase in height from 35 feet to around 38 feet 4 inches; a Variance to allow for two name signs for the center; Design Review, and the approval of a Parking Plan.

Lead Agency Contact

Name	Todd Sexauer		
Agency	Santa Cruz County		
Phone	831 454 3511	Fax	
email			
Address	701 Ocean Street		
City	Santa Cruz	State CA	Zip 95060

Project Location

County	Santa Cruz				
City					
Region					
Lat / Long	36° 58' 39.94" N / 122° 1' 21.06" W				
Cross Streets	Portola Drive and 38th Avenue				
Parcel No.	032-092-01 & 05				
Township	11S	Range	1W	Section	21
				Base	MDB&M

Proximity to:

Highways	Hwy 1
Airports	No
Railways	Santa Cruz Branch
Waterways	Moran Creek
Schools	Various
Land Use	GP: Community Commercial Z: Community Commercial

Project Issues Air Quality; Biological Resources; Coastal Zone; Drainage/Absorption; Other Issues; Geologic/Seismic; Noise; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Wildlife

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Air Resources Board; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 09/11/2015 **Start of Review** 09/11/2015 **End of Review** 10/12/2015

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVE
SAN FRANCISCO, CA 94102
(415) 703-3722

CUTAR

10-12-15

E



September 14, 2015

Todd Sexauer
County of Santa Cruz
701 Ocean St, 4th Floor
Santa Cruz, CA 95060
todd.sexauer@santa.clara.county.us
(831) 454-3511



Re: Notice of Completion
Lumberyard Mixed Use Development
SCH # 2015092034

Mr. Sexauer:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project is located near the 38th Avenue (CPUC No. 017B-16.90, DOT No. 768250L) and 41st Avenue (CPUC No. 017B-16.75, DOT No. 768251T) at-grade highway-rail crossings. Please ensure the crossing complies with applicable federal and state requirements. Applicable state requirements include:

- California Manual on Uniform Traffic Control Devices – Chapter 8 (<http://www.dot.ca.gov/hq/traffops/engineering/mutcd/>)
- CPUC General Order 26-D
- CPUC General Order 72-B
- CPUC General Order 75-D
- CPUC General Order 88-B
- CPUC General Order 118

A link to the Commission's General Orders can be found here
<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/crossingsgo.htm>.

While there are currently few train movements at this location, the Santa Cruz County Regional Transportation Commission, which owns the rail line, is planning future rail service. The future rail service may include a dinner train to Davenport or commuter rail from Watsonville to Santa Cruz. The CPUC recommends additional pedestrian treatments be included as part of the project at the two at-grade railroad crossings

38th Avenue:

- Replace the existing incandescent flashing light signals with Light Emitting Diode (LED) flashing light signals with 24 inch surrounds to improve visibility and reduce power requirements.
- Complete the sidewalk through the east side of the crossing. The sidewalk in the southeast quadrant currently ends prior to the railroad crossing. The sidewalk should extend through the crossing to accommodate passengers using the bus stop in the southeast quadrant.
- Install detectable warning on all sidewalk approaches.
- Relocate the sidewalk in the northwest quadrant to the rear of the Commission Standard 9 (flashing light signal assembly with automatic gate). The existing design with the sidewalk in front of the Commission Standard 9 can trap pedestrians traveling northbound within the crossing upon gate activation.

41st Avenue:

- Replace the existing incandescent flashing light signals with Light Emitting Diode (LED) flashing light signals with 24 inch surrounds to improve visibility and reduce power requirements.
- Install detectable warning on all sidewalk approaches.

If you have any questions in this matter, please contact me at (415) 703-3722,
felix.ko@cpuc.ca.gov.

Sincerely,



Felix Ko, P.E.
Acting Senior Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division

C: State Clearinghouse

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**October 9, 2015**

Todd Sexauer
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: The Lumberyard Mixed Use Project
Coastal Commission Staff Comments on Initial Study/MND**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (IS/MND) pertaining to the Lumberyard Mixed Use Project (Project). The Project proposes to demolish an existing lumberyard building and to construct a 9,600 square foot mixed-use building. Specifically, the Project proposes one commercial condominium unit on the lower floor that includes 3,200 square feet of restaurant use, 3,200 square feet of retail use, and 3,200 square feet of office/service commercial use. The Project includes eight residential condominium units totaling 9,600 square feet on the second and third levels, together with a detached 2,033-square-foot residential parking structure with eight separate garages, once for each condominium unit. According to the IS/MND, the Project requires a Coastal Development Permit; a Height Exception to allow for an increase in height from 35 feet to 38 feet, 4 inches; a Variance to allow for two name signs for the Center; Design Review, and the approval of a parking plan.

As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive. Our comments below are primarily intended to ensure that the project is designed to minimize impacts on protected coastal resources.

Comment 1: Water Quality

Erosion Control and Drainage Plan; Water Quality BMPs

Based on new/increased impervious surface and use, the project should include detailed erosion control and runoff control plans. (IP Sections 16.22.060 and 070.)

The project proposes to maintain the existing drainage pattern and two underground retention/detention systems with silt and grease traps for each and implementation of a maintenance agreement for same. We would recommend the following water quality elements be incorporated into the project for LCP consistency (see LUP Policies 5.4.14; 5.7.5):

1. Provide an updated drainage plan that shows drainage patterns across the entire site, as well as how the project will incorporate Low Impact Design standards, and meet the post-

construction stormwater requirements for runoff retention in projects of this size, including minimizing storm water runoff, and onsite infiltration, retention and reuse of up to the 95th percentile rainfall event, including alteration of the existing drainage pattern to meet these standards;

2. Ensure that the project will meet the peak stormwater runoff management requirement of meeting pre-project peak flows for the two- through ten-year storm events, and included appropriate Best Management Practices (BMPs) to achieve this standard on the site drainage plan sheet(s);
3. Incorporate a roof runoff catchment system and parking lot runoff catchment system for storage and reuse on site;
4. Include biofiltration and infiltration BMPs in conjunction with the landscaping plan, *particularly around the perimeter of the proposed parking lot*, to minimize runoff and the pollutants carried in the runoff;
5. Provide a current soils engineering report for the entire site in support of any exception to meeting the infiltration requirement;
6. To the extent that biofiltration and infiltration might not be feasible (given that the existing soil condition may not be suitable for infiltration due to a high clay layer), the project should utilize a catchment system for storage and reuse of surface run-off from the parking areas;
7. The proposed underground retention/detention units should include additional pre-filtration (prior to entry into the catchment system) to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, and prior to discharge into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the ocean.

The final project should reflect these criteria and include a complete set of plans and narrative of the Water Quality BMPs, including treatments prior to discharge to Moran Creek (and Lake) and the ocean (runoff destinations per the Negative Declaration) as the lake is impaired for nutrients and bacteria, and the Pacific Ocean at Moran Lake/County Beach is 303(d) listed for indicator bacteria (Ocean at Moran Lake: Total and Fecal coliforms, *E. coli* and *Enterococcus*). As the project is further refined, it should include good housekeeping BMPs employed during construction, as well as the post-construction strategies for water quality and water conservation identified above. The Project should also include an Operations & Management component for all the permanent/post-construction BMPs in the final Water Quality documentation.

Comment 2. Public Access

Parking Plan

The site is located near a public park and heavily-used beach access area. The IS/MND states that the project requires a Parking Plan but it is unclear whether County Parking requirements

will be met by the project because the proposed commercial uses have not been adequately identified. (IP Section 13.10.552). The Parking analysis appears to base project parking demand on generic standards as opposed to Implementation Plan requirements. (Id.) How does the Applicant propose to ensure that the condominium garages will be used for parking? Please ensure that the project will not impact visitor access and parking. (IP Section 13.10.553.)

Public Right of Way

The IS/MND states that the Applicants intend to construct improvements that would include new sidewalks with street planting along the entire frontage of both Portola Drive and 38th Avenue, and that decorative bike racks would be included within the broad sidewalk running along 38th Avenue. Please ensure that the entire County right-of-way is used for public access improvements, including appropriate sidewalk areas and full-size bike lanes.

Comment 3: Aesthetics/Community Character

Height Exception and Variance appear unwarranted

The Applicant is seeking a Height Exception and Variance for proposed signage. The parcel is zoned C-2, which imposes a maximum height limit of 35 feet. (IP Section 13.10.333.) Given the substantial lot size and the fact that the Applicant proposes to demolish the existing building, we do not believe that the required findings for a variance to the height standard can be made. (IP Section 13.10.235(C)(4); 13.10.230(C)). Similarly, we do not understand the basis for a variance from the sign ordinance to allow two name signs for the center. (IP Section 13.10.581).

Minimize/Mitigate Lighting Impacts

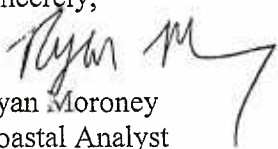
The project proposes substantial new lighting for the property and the IS/MND acknowledges that the project would contribute to offsite and night lighting. Please consider conditioning the project to include appropriate lighting control requirements, including, but not limited to 1) automatic switching requirements; 2) automatic lighting reduction requirements; 3) total site lumen limits; 4) limits to offsite impacts (e.g. all parking lot lights shall have no light emitted above 90 degrees).

Analyze consistency with LCP

The Land Use and Planning section of the IS/MND does not discuss the Project's consistency with the Local Coastal Program, including with respect to the issues identified above.

Thank you for the opportunity to comment on the MND. We look forward to continuing to work with the County and Applicant as this project moves through the local review process. If you would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,


Ryan Moroney
Coastal Analyst
California Coastal Commission

October 12, 2015

Lezanne Jeffs
County of Santa Cruz Planning Department
701 Ocean Avenue, 4th Floor
Santa Cruz, CA 95060
Lezanne.Jeffs@santacruzcounty.us

Re: Comments on The Lumberyard Mixed Use Development Mitigated Negative Declaration

Dear Ms. Jeffs:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has no comments.

Please let me know if you have any questions. I can be reached at (831) 647-9418 ext. 227 or aclymo@mbuapcd.org.

Best Regards,



Amy Clymo
Supervising Air Quality Planner

RESPONSE TO COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

COMMENTS OF THE CALIFORNIA COASTAL COMMISSION OCTOBER 9, 2015.

COMMENT 1: WATER QUALITY

1. Provide an updated drainage plan that shows drainage patterns across the entire site, as well as how the project will incorporate Low Impact Design standards, and meet the post construction stormwater requirements for runoff retention in projects of this size, including minimizing storm water runoff, and onsite infiltration, retention and reuse of up to the 95th percentile rainfall event, including alteration of the existing drainage pattern to meet these standards:

The current plans include a detailed drainage plan that shows drainage patterns across the entire site and incorporates LID design features. In addition, the proposed drainage facilities meet the post construction storm water requirements for runoff retention and detention for projects of this size. This property currently is 100% covered with impervious surfaces. This project will reduce the amount of impervious surface and provide retention/detention for up to the 25 year storm for the drainage flowing towards 38th Avenue and up to 10 year retention/detention to the watershed flowing towards Portola Drive where there is an underground storm drainage system. Pervious pavement with drain rock filtration/storage will serve to filter the storm water prior to leaving the site.

2. Ensure that the project will meet the peak stormwater runoff management requirement of meeting pre-project peak flows for the two- through ten-year storm events, and included appropriate Best Management Practices (BMPs) to achieve this standard on the site drainage plan sheet(s):

This requirement is shown in detail on the plans and in the drainage calculations which were provided to and reviewed by the County engineers.

3. Incorporate a roof runoff catchment system and parking lot runoff catchment system for storage and reuse on site:

There is no requirement in the General Plan, LCP or zoning code that requires a catchment system for the reuse of storm water on site. An extensive retention system is proposed which will significantly reduce the rate and amount of storm water flows off the site compared to the predevelopment condition.

4. Include biofiltration and infiltration BMPs in conjunction with the landscaping plan, particularly around the perimeter of the proposed parking lot, to minimize runoff and the pollutants carried in the runoff;

This is infeasible given the very low infiltration rates in the top 11 feet of the soil. This has been documented in detail by the geotechnical engineer in the Soils Report prepared by Dees and

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Associates, Inc., dated July 31, 2014, and in addenda to the soils report dated October 6, 2015 and June 29, 2015 (See attachment 7 of the Mitigated Negative Declaration included as Exhibit A). Filtration will be achieved via the areas of pervious pavement and the retention/detention systems which include a minimum of 11 feet of drain rock, which will provide sufficient capability for the filtration of storm water.

4. Provide a current soils engineering report for the entire site in support of any exception to meeting the infiltration requirement:

A Soils Report prepared by Dees and Associates, Inc., dated July 31, 2014, and in two addenda to the soils report dated October 6, 2015 and June 29, 2015 (specific to the issue of infiltration) have been submitted for the entire site (See attachment 7 of the Mitigated Negative Declaration included as Exhibit A1). This report and addendums were reviewed and accepted by the Environmental Planning section of the County Planning Dept. and the Drainage section of the County Public Works Dept.

5. To the extent that biofiltration and infiltration might not be feasible (given that the existing soil condition may not be suitable for infiltration due to a high clay layer), the project should utilize a catchment system for storage and reuse of surface run-off from the parking areas:

The infiltration and storage systems that have been designed for the proposed project and account for the high clay layer/low permeability in the upper soil layers by penetrating into the more permeable soils at a depth of 11 feet. Storm water will be retained/detained on site and allowed to infiltrate into the ground. The feasibility of this design has been demonstrated in the civil plans and the geotechnical reports and the system will be designed to meet the infiltration requirements contained in the County Design Criteria..

6. The proposed underground retention/detention units should include additional prefiltration (prior to entry into the catchment system) to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, and prior to discharge into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the ocean:

The retention/detention systems each include areas of pervious pavement and a minimum of 11 feet of drain rock, which will provide adequate filtration to remove pollutants before the water is released into the existing storm drain systems that eventually outfall to Moran Creek, Moran Lake and the ocean. It should also be noted that there will be no storm water runoff from the site into these natural catchment areas unless, for the northern catchment area (Area 1), rainfall exceeds a 10 year storm event and for the southern area (Area 2) rainfall exceeds a 25 year storm event. All storm events at levels below these thresholds will be retained on site and additionally filtered through the underlying geologic layers before entering into the underlying groundwater system. This is a significant improvement to the presently un-retained/detained and unfiltered runoff generated from the present site which is currently 100% covered in impervious surfaces. As designed the system complies with the drainage requirements of the County.

COMMENT 2: PUBLIC ACCESS

PARKING PLAN

The site is located near a public park and heavily-used beach access area. The IS/MND states that the project requires a Parking Plan but it is unclear whether County Parking requirements will be met by the project because the proposed commercial uses have not been adequately identified. (IP Section 13.10.552). The Parking analysis appears to base project parking demand on generic standards as opposed to Implementation Plan requirements. (Id.) How does the Applicant propose to ensure that the condominium garages will be used for parking? Please ensure that the project will not impact visitor access and parking. (IP Section 13.10.553.)

A detailed shared parking analysis and subsequent letters , prepared by Marquez Engineering, dated July 2014, June 19, 2015 & July 29, 2015 were submitted and reviewed by County staff. This analysis details the complimentary hours of operation/parking demand of the different types of uses that are proposed for the building; residential that includes restaurant, retail/service commercial and office uses. This type of mixed use project will experience reduced parking demand compared to the parking normally associated with stand alone single type of use development due to the different peak parking demands, internal trip capture and linked trips as explained in these reports and letters by Marquez Engineering.

As a condition of approval the CC&Rs will require that the enclosed garages must be available for use as parking for the occupants of the residential units. The Home Owner's Association will be responsible to ensure that this is carried out. There will be a high degree of motivation on the part of the HOA to ensure that parking is maintained within the garages. An additional condition of approval requires that if ongoing substantiated complaints are received from neighboring property owners substantiating consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to the Permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours, or any other method that can be demonstrated to be effective for the reduction and management of parking demand.

PUBLIC RIGHT OF WAY

1. The IS/MND states that the Applicants intend to construct improvements that would include new sidewalks with street planting along the entire frontage of both Portola Drive and 38th Avenue, and that decorative bike racks would be included within the broad sidewalk running along 38th Avenue. Please ensure that the entire County right-of-way is used for public access improvements, including appropriate sidewalk areas and full-size bike lanes.

The County Right of way is being improved per County standards to facilitate auto, bike and pedestrian circulation. A 4 foot wide dedication along 38th Ave to increase the R/W is being proposed. Sidewalks are provided along the project frontage. Bike Lanes have not been provided

on the project side of 38th Avenue, consistent with the adopted Plan Line and the Pleasure Point Community Plan.

A condition of approval is included that requires that a minimum four foot wide clear width shall be maintained at all times within the sidewalk areas along the site's frontage with 38th Avenue, to allow for pedestrian circulation. These sidewalks, the proposed tree planting and bicycle racks will all be developed within the property boundary and not within the public right of way.

COMMENT 3: AESTHETICS/COMMUNITY CHARACTER

HEIGHT EXCEPTION AND VARIANCE APPEAR UNWARRANTED

1. The Applicant is seeking a Height Exception and Variance for proposed signage. The parcel is zoned C-2, which imposes a maximum height limit of 35 feet. (IP Section 13.10.333.) Given the substantial lot size and the fact that the Applicant proposes to demolish the existing building, we do not believe that the required findings for a variance to the height standard can be made. (IP Section 13.10.235(C)(4); 13.10.230(C)). Similarly, we do not understand the basis for a variance from the sign ordinance to allow two name signs for the center. (IP Section 13.10.581).

The proposed additional 3 feet 4 inches in height over the maximum 35 feet that is allowed in the zone district has been requested to allow for a commercial space that is designed to be open and inviting, with high ceilings and full-height glass roll-up doors that open directly onto the sidewalk. The intention is that the space, when opened up to the tree lined street, would have an outdoor, airy feel where the distinction between the inside and the outside is lessened. The current floor-to-floor height for the first floor is 14' - a dimension considered minimum for contemporary retailing. The second and third floor ceiling height of nine feet is the minimum needed to provide natural lighting of these residential rooms during the day. However, without the approval of a Height Exception, these ceiling heights would mean that the upper floor of the building would need to be designed to have a flat roof which would result in a blocky and less aesthetically pleasing structure. Therefore, to allow for both an attractive and varied roofline, together with an inviting commercial area, a Height Exception is being recommended for approval.

Additional design features have also been included to further break up and reduce the massing of the structure. The proposed pitched roof has been broken up by clerestory style windows at the upper floor and should also be noted that the high point at the ridge will be set back from the wall line of the structure so that the height at the eave would be around 31 feet 6 inches in height, less than the maximum allowed. The topmost extent of the clerestory windows would be about 36 feet at their peak, only one foot over the maximum height allowed. The two roofed ventilation shafts that will extend above the peak of the roof, which are allowed without additional design review, will serve to further break up the roofline of the proposed building.

Adjacent to Portola Drive and to residential structures on 38th Avenue, the impact of the building is further reduced by one story elements that will create a transition between the proposed structure and the existing setting in which it will be located.

With regard to the request for a Variance to signage, an analysis of the proposal has determined that the proposed signs are consistent with the requirements for signs pertaining to Shopping Centers as set out in County Code section 13.10.581((K)).

MINIMIZE/MITIGATE LIGHTING IMPACTS

1. The project proposes substantial new lighting for the property and the IS/MND acknowledges that the project would contribute to offsite and night lighting. Please consider conditioning the project to include appropriate lighting control requirements, including, but not limited to 1) automatic switching requirements; 2) automatic lighting reduction requirements; 3) total site lumen limits; 4) limits to offsite impacts (e.g. all parking lot lights shall have no light emitted above 90 degrees).

A lighting plan and details of proposed light fixtures has been submitted that shows that all of the proposed lighting for the project will comply with the provisions of County Code section 13.11.074(D)(1). All lighting will be directed onto the site and away from adjacent properties. Where the proposed development fronts onto 38th Avenue and is opposite existing homes, light sources on the building will not be visible. At the lower floor they will be located beneath the proposed decorative awning so that the light illuminates only the lower portion of the building and sidewalk. The design of light fixtures at the second and third floor residential condominiums will also be required direct light downwards and away from the street to ensure that no light source is visible.

CONSISTENCY WITH THE LCP

1. The Land Use and Planning section of the IS/MND does not discuss the projects consistency with the Local Coastal Program, including with respect to the issues identified above:

A complete analysis and findings for consistency with the LC, including the issues that have been identified, is included in the staff report for this project.

COMMENTS OF THE PUBLIC UTILITIES COMMISSION SEPTEMBER 14, 2015.

1. The project is located near the 38th Avenue and 41st Avenue at-grade highway-rail crossings. Please ensure the crossings comply with applicable federal and state requirements.

The at-grade highway-rail crossings at 38th Avenue and 41st Avenue are located approximately 0.32 miles and 0.4 miles respectively from the project site. Since there is no demonstrable nexus between the proposed development and a requirement that the applicant provide the requested upgrades to these crossings, this request has been determined to be an unreasonable exaction and will therefore not be included as a condition of approval of the project.

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County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
www.sccoplanning.com

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ENVIRONMENTAL REVIEW INITIAL STUDY

Date: November 20, 2015

Application Number: 141157

Staff Planner: Lezanne Jeffs

Project: Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure. This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, a Variance to reduce the 30 foot setback to a residential zone district to around 5 feet from the southern property boundary and 27 feet 6 inches from the western property boundary for the residential parking structure, the approval of a Parking Plan, Design Review and Environmental Review. The application also includes a Soils Report Review.

Applicant: County of Santa Cruz

APN(s): 032-092-01 and 05

Owner: Northpoint Investment Fund, LLC

Supervisory District: First

Project Location: Property located on the south side of Portola Drive (3800 Portola Drive) at the intersection with 38th Avenue.

I. USE OF AN ADDENDUM TO A NEGATIVE DECLARATION

This document is prepared as an Addendum to the Initial Study/Negative Declaration prepared for Application number 141157, dated September 8, 2015 which resulted in a preliminary determination to issue a Negative Declaration with Mitigations. The mandatory public comment period expired on October 13, 2015.

The Addendum has been prepared according to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which provides for the use of this form of environmental documentation when minor technical changes or additions are necessary. Guidelines indicate that an Addendum need not be circulated for public review but can be included in or attached to the

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adopted Mitigated Negative Declaration. This Addendum addresses the addition of a Variance to the project which would not cause any new significant environmental impacts requiring mitigation.

This document evaluates the differences, if any, in potential environmental impacts evaluated in the previous CEQA document. This Addendum is an administrative action to update the existing xx 2015 Initial Study/Mitigated Negative Declaration.

California Environmental Quality Act Requirements

The California Environmental Quality Act (CEQA) Guidelines, allow “[a]n addendum to an adopted negative declaration [to] be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” (14 CCR 15164(b).)

Section 15162, subdivision (a), of the CEQA Guidelines establishes the following circumstances that would require the preparation of a subsequent EIR:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the

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environment, but the project proponents decline to adopt the mitigation measure or alternative.

- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

II. PROJECT BACKGROUND

Application 141157 for the demolition of an existing lumberyard building and the construction of a three story mixed use building and a detached one story residential garage was initially scheduled for the November 18, 2015 Planning Commission hearing. Because the Variance request to reduce the required increased setbacks for commercial zone districts where a parcel is located adjacent to residentially zoned parcels was not included in the advertising for the project, and because no Variance findings had been provided, staff requested a continuance to address these issues.

The special circumstance warranting a Variance is the shape of the subject parcel and also that the Variance is for the construction of a low-impact residential accessory structure that does not include any commercial use. While the main portion of the parcel is open and easily accessible for public use, the site includes a narrow projection, with no direct access to the surrounding streets that extends southward from the parcel. This restricted portion of the lot runs behind an existing single-family residence and terminates at the property boundary with a mobile home park. As set out in County Code section 13.10.333(A) the side and rear setbacks on commercially zoned parcels may be zero feet. However, County Code section 13.10.333(B)(4) requires that a 30 foot setback be applied to commercial parcels where they are abutting a residential zone district. Based upon the strict application of the zoning ordinance the only feasible use for this narrow southern portion of the parcel would be as a paved parking lot serving the proposed commercial development. As a result, the residential garages, which are desirable to provide for secure private vehicle parking and bicycle storage for the proposed condominium units, would be required to be located further north, close to the proposed commercial use and in an area that is best utilized for commercial parking. As a result the commercial parking lot would be required to extend southwards into the narrow extension of the parcel adjacent to residential properties. This would likely create greater disturbance for neighboring homes than the proposed residential garages. The approval of a Variance for a reduced setback will therefore allow for the construction of private residential garages in an area that will be away from the general vehicular and pedestrian circulation around the commercial portion of the site and in an area that will minimize the potential conflicts between the residential and commercial parking uses. Further, although it would be possible to delete the residential garages, this structure will create a buffer between the proposed commercial parking and the homes to the south of the project site and in particular for the residence at 718 38th Avenue.

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The proposed residential garage which has a maximum height of 16 feet at the peak of the roof and a height of only 10 feet at the south-facing wall where it is closest to the neighboring property boundary to the south, will not deprive adjacent properties or the neighborhood of light, air, or open space or result in any loss of privacy for adjacent residential structures. Further the approval of a Variance is not a grant of special privilege in that the proposed reduced setbacks for the residential garage are similar to those of other commercial structures on parcels in the immediate vicinity of the project site, including the commercially zoned parcels that lie immediately to both the east and west of the project site.

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

The project site is located in an established commercial neighborhood on Portola Drive within the Urban Services Line. Portola Drive is an arterial roadway maintained by the County of Santa Cruz that connects neighborhoods within the Live Oak area of Santa Cruz to the City of Capitola, Capitola Village and more concentrated commercial use areas located close to and along 41st Avenue.

The existing site is developed with a now abandoned warehouse building that was originally constructed in conjunction with the site's use as a lumberyard. The remainder of the parcel is completely developed with impervious surfaces, the only vegetation present being around the boundaries of the parcel, within the public right-of-way or on adjacent parcels. Parcels to the north and to the east and west along Portola Drive are all developed for a wide variety of commercial uses that include retail office and service uses. Adjacent to the project site to the east there is a mini-storage facility that includes one, two and three-story buildings, while across 38th Avenue and Portola Drive there are mostly retail and small office uses within one and two story buildings. South of the project site along 38th Avenue and also west of the southern portion of the site across the street there are single family homes and also a Mobile Home Park, accessed from 38th Avenue just south of the project site, which borders the southwestern corner of the property. The entrance to Floral Park is located around 300 feet south of the parcel.

The topography of the parcel and surrounding area is an almost level coastal terrace that extends inland from the coastal bluff that is located between 1,080 and 1,350 feet to the south and east of the project site.

III. ENVIRONMENTAL EVALUATION

Project Description

This Addendum addresses the addition of a Variance to allow for a reduction in the setbacks required on a commercially zoned parcel that is adjacent to residentially zoned parcels to allow for the construction of a one-story accessory building housing residential garages that are for the

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private use of the proposed condominiums that are located at the second and third floor of the main building.

Evaluation of Environmental Impacts from Amended Proposal

The analysis below provides an assessment of the net effect of the revisions on the analysis contained within the adopted Initial Study/Mitigated Negative Declaration.

Agriculture and Forestry Resources

The amended proposal to include a Variance would not impact agricultural or forestry resources or land zoned for agricultural uses in that the subject parcel is located in the C-2 (Community commercial) zone district, within the Urban Services Line where there are no agriculture or forestry resources. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Air Quality

No significant impacts to air quality would be anticipated to result from the addition of a Variance to the project. There are no additional structures or uses proposed. Given this, no mitigation measures or project revisions are necessary.

Biological Resources

No sensitive habitats were identified on the subject parcel. Although three known special status plant or animal species were mapped at the site according to the California Natural Diversity Data Base (CNDDDB), maintained by the California Department of Fish and Wildlife, these were shown to not be present at the site. The Variance will therefore have no effect on any sensitive habitats and no trees are proposed to be removed as a part of the project.

Cultural Resources

Since there is no change to the plan that was presented with the Initial Study dated September 8, 2015 and the same area would be disturbed, no new significant impacts would be anticipated to occur. Any future development would be subject to County Code Section 16.40.040, i.e. if at any time in the reparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or 100 years of age are discovered, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in the County Code Section 16.40.040. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Geology and Soils

The proposed Variance would have no significant impacts related to site geology and soils since the entire site was evaluated as a whole by the soils engineer and the Variance is to a setback located

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within the development envelope. Site conditions remain the same, and no mitigation measures or project revisions are necessary.

Greenhouse Gas Emissions

The proposed Variance would have no additional impact on Greenhouse Gas Emissions as the same vehicles and equipment would be used during construction with or without the inclusion of a Variance. Given this, no mitigation measures or project revisions are necessary.

Hazards and Hazardous Materials

The inclusion of a Variance would not create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials in that no such materials are a part of the original or amended project. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Hydrology, Water Supply, and Water Quality

The proposed Variance would have no effect on hydrology, water supply or water quality in that the rear and side yard setback Variances are for an area already shown to be within the development envelope. No additional runoff would be generated, in that the addition of a Variance to setbacks would not result in a requirement for the revision of any of the existing drainage plans and calculations for the proposed development. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Land Use and Planning

The proposed Variance would not conflict with any regulations or policies adopted for the purposes of avoiding or mitigating an environmental effect or conflict with an adopted conservation plan. As set out in County Code the side and rear setbacks on commercially zoned parcels may be zero feet except that a 30 foot setback is required where such parcels are directly abutting a residential zone district. The increased setbacks are intended to preserve access to light, air, and open space and to minimize potential impacts of new commercial developments on adjacent residential users from noise, and other disturbances related to commercial uses, including factors such as shading by structures, and loss of privacy. These additional setback requirements however, relate only to structures and do not restrict the location of other commercial features such as parking or fenced trash enclosures. In this case, because the Variance is for a one-story residential accessory structure this will restrict the use of the southerly portion of the project site to be only for residential use, and will minimize the potential conflicts with neighboring parcels by creating a buffer between the proposed commercial use and the homes that lie adjacent to the south and east of the proposed garages.

The following findings must be made in order to support the proposed Variance.

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance

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deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The proposed project is located at the corner of Portola Drive and 38th Avenue in an area that is zoned C-2 (Community Commercial), a designation that allows for mixed use commercial and residential projects. While the main portion of the parcel is open and easily accessible for public use, the site includes a narrow projection with no direct access to the surrounding streets that extends 58 feet southward from the parcel. This restricted portion of the lot runs behind an existing single-family residence at 718 38th Avenue and terminates at the property boundary with a mobile home park that lies south of the project site at 692 38th Avenue. This portion of the site has a width of only 48.45 feet.

As set out in County Code section 13.10.333(A) the side and rear setbacks on commercially zoned parcels may be zero feet. However, County Code section 13.10.333(B)(4) requires that a 30 foot setback be applied to commercial parcels where they directly abut a residential zone district. The purpose of this provision is to minimize potential impacts of new commercial developments on adjacent residential users from noise, and other disturbances related to commercial uses, including factors such as shading by structures, and loss of privacy. These additional setback requirements however, relate only to structures and do not restrict the location of other commercial features such as parking or fenced trash enclosures.

The proposed mixed use commercial and residential building complies with all of the required site and development standards for the C-2 zone district in which it will be located, including the required increased setbacks to adjacent residential parcels in that it will have a setback of around 38 feet 6 inches from the closes residential parcel at 718 38th Avenue. In addition the proposed structure will also meet the required increased side yard setback required by 13.10.333(B)(5) for parcels that are across the street from any residentially zoned parcels. However, the residential garage that is has been proposed would not meet the additional setback requirements. As proposed the structure would have a setback of around 5 feet to the southern property boundary and a setback of around 27 feet 6 inches to the western property boundary. The setback of around 1 foot to the eastern property boundary adjacent to the mini-storage facility does however meet County Code requirements.

Based upon the strict application of the zoning ordinance the only feasible uses for this narrow southern portion of the parcel would be as a paved parking lot serving the proposed mixed use project. As a result, the residential garages, which are considered desirable to provide for secure, dependable private vehicle parking and bicycle storage for the proposed condominium units, would be required to be located further north closer to the main structure. This would place them in an area close to the proposed mixed use building that is best utilized for commercial parking, resulting in an inefficient layout of the commercial parking lot. Moreover, the relocated structure would

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require vehicles backing from the residential garages to pull out into high traffic areas, thereby restricting traffic movements within the commercial parking lot and potentially creating an unnecessary hazard to both the residents and to customers. In addition, the use of the southern portion of the parcel for commercial parking would likely result in greater noise and disturbance for the adjacent residential homes than the residential garages which would generate less frequent vehicle movements. Although it would be possible to delete the residential garages and to just provide surface parking for both the commercial and residential needs, the residential garages create a buffer between the commercial parking and the adjacent homes to the south of the project site and for the residence at 718 38th Avenue.

Moreover, the strict application of the Zoning Ordinance deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The adjacent parcel to the east, which is also zoned C-2, is legally developed with a mini-storage facility that includes a two and three story commercial storage building that has been constructed to within 15 feet of the southern property boundary. This structure, due to its increased size has a significantly greater impact on the adjacent to the mobile home park than would the proposed one-story residential garage with a 10 foot high wall at its southern end. Further, whereas the adjacent building includes a commercial use, the proposed garage is for residential use only.

Therefore this finding can be made.

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.

The intent and purpose of the C-2 zone districts is to provide centers of concentrated commercial uses accommodating a broad range and mixture of commercial activities, including residential uses, that serve the general shopping and service needs of community wide service areas. The approval of a Variance with this Permit will allow for the construction of private garages to serve the allowed residential units, that will be located within a narrow and restricted portion of the site, in an area that will be away from the general vehicular and pedestrian circulation around the site and in an area that will minimize the potential conflicts between the residential and commercial parking uses. The proposed residential garage will not deprive adjacent properties or the neighborhood of light, air, or open space in that the proposed one-story, structure will lie to the north of the adjacent mobile homes and around 60 feet west of the dwelling at 718 38th Avenue that lies to the west. Along its southern elevation closest to adjacent residential structures, the wall of the proposed garage will be only 10 feet in height and the total maximum height of the building at the peak of the roof would be less than 17 feet in height and therefore the visual impact of the proposed building would be minimal, especially since it is located immediately adjacent to a three story structure on the adjacent parcel. The garage will not include any windows facing adjacent residential parcels to

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Noise

As proposed by previously adopted Initial Study/Mitigated Negative Declaration (NOI-6), fencing or some other solid barrier with a minimum height of 6 feet, together with landscape plantings that include large shrubs/small trees with dense woody foliage, is required to be constructed/installed along the southern and western property lines between the proposed garages and the adjacent homes. The required addition of a Variance will not result in any change to the location, layout or design of the proposed residential garages that were found to have no significant noise impact and the proposed buffer will continue to be required. The addition of a Variance to the project would not result in a any additional noise impact and will allow for the location of the residential garages in a manner that would create a buffer between the commercial parking and the adjacent residential properties that surround the narrow southern projection of the project site. The project would continue to be subject to the noise limits as outlined in Chapter 6 (Public Safety and Noise) of the County of Santa Cruz 1994 General Plan and the previous environmental document. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Recreation

The addition of a Variance to the project would have no effect on recreational facilities as no increase in the number of dwellings would result from the Variance. Therefore, no increase in demand on recreational facilities would occur. No new significant effects have been identified and no mitigation measures or project revisions are necessary.

Population and Housing

The addition of a Variance to the project would have no effect on population growth. Therefore, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Public Services

The addition of a Variance would not lead to an increase in demand for public services as no additional residences would result from it. Therefore, the proposed Variance would not result in any new significant effects.

Transportation/Traffic

The proposed Variance would have no effect on the traffic generated by the project as no additional commercial uses or dwelling units would result from the inclusion of the Variance in the project. No new significant effects have been identified and no mitigation measures or project revisions are necessary.

Utilities and Service Systems

The proposed Variance would not increase the demand on utilities or service systems in that no change in the proposed project would occur and no additional commercial uses or dwelling units

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Visual Resources and Aesthetics

The proposed one-story residential garages would be located within a narrow portion of the parcel, that extends southwards behind an existing residence. Further, the structure would be immediately adjacent to an existing two and three story commercial building. As stated in the previous environmental document, given the location of the project within an established commercial area and because of the location of the garage behind the main structure on the parcel in views from the street, the structure would not affect any public scenic resources, as designated in the County's General Plan (1994). Because the amended project is in the same location, no new significant effects have been identified and no mitigation measures or project revisions are necessary.

Mandatory Findings of Significance

Analysis of the proposed project did not identify the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Analysis of the proposed project did not identify the potential to have impacts that are individually limited, but cumulatively considerable.

Analysis of the proposed project did not identify the potential to have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

IV. CONCLUSION

The inclusion of a Variance is within the scope of the September 8, 2015 Initial Study and Mitigated Negative Declaration. Therefore, no further environmental review is required.



Todd Saxauer
Environmental Coordinator

11/23/15

Date

Subdivision Findings

- 1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.**

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance.

- 2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.**

The proposed division of land, its design, and its improvements, will be consistent with the General Plan. The project creates one commercial condominium unit, eight residential condominium units and a common area parcel, and is located in the Community Commercial (C-C) General Plan designation. Mixed use developments are allowed in the C-C General Plan designation when the residential portion of the project does not exceed 50% of the total use area. In this case, 9,600 square feet of commercial space is proposed at the ground floor, and 9,600 square feet of residential space is proposed on the second and third floors and therefore the proposed mixed use building conforms to this requirement.

Density for the residential portion of mixed use developments is based upon the Urban High Residential (R-UH) General Plan designation, which allows a maximum density of one unit for every 2,500 square feet of developable land. In this case, eight units are proposed, but a total of fourteen could be allowed.

The project is consistent with the General Plan in that the project is located inside the Urban Services Line and the full range of urban services is available, including public water and sewer service. Each condominium parcel will be accessed from both Portola Drive and 38th Avenue and the proposed two-way driveway and circulation between these entrances through the associated parking area will provide adequate and safe access to all portions of the project. The proposed land division is similar to the pattern and density of other surrounding mixed use developments along Portola Drive, and is located in an area that has been specifically zoned to allow for commercial and mixed use development.

The land division, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed mixed use development will be consistent with the pattern of the surrounding commercial developments, and the design of the proposed structure, as conditioned is, with the approval of a Height Exception with Design Review, consistent with the site and development standards of the implementing C-2 (Community Commercial) zone district.

Therefore this finding can be made.

- 3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.**

The project proposes the development of one commercial condominium unit, eight residential condominium units and a common area to be developed on two existing parcels that will be

combined to have a total area of 35,365 square feet. Mixed commercial and residential developments are an allowed use on a commercially zoned parcel and, within the Urban Services Line, the minimum parcel size for the creation of new commercial parcels is 10,000 square feet as required by the C-2 zone district. The commercial condominium unit and associated common area parcel will exceed the required 10,000 square foot minimum parcel size and therefore this finding can be made. Further, the proposed residential condominium units meet the minimum lot size and dimensional standards for the RM-2.5 (Multi-family residential – 2,500 square foot minimum) zone district, that applies to residential developments within the C-2 zone district, and the project, with the approval of a Height Exception, will be consistent with the all of the required site standards of the C-2 zone district as set out in 13.10.333 – Development standards for commercial districts.

County Code section 13.10.510(D)(2) (Height Exceptions) allows that, within a commercial zone district, any commercial building may exceed the height limit as established by the zone district by up to 5 feet subject to Design Review and approval by the Planning Commission following a public hearing. The required findings for a Height Exception are included with this report.

The proposed mixed use development also complies with the parking requirements set out in section 13.10.553(A) of the zoning ordinance, in that a specific parking plan prepared by a Professional Traffic Engineer has been submitted for the project that shows that the proposed parking lot for the development will be adequate to serve the approved mix of uses within the proposed building and that meets the purposes of County Code section 13.10.552. Signs for the proposed commercial uses will comply with County Code section 13.10.581 - Signs in C, CT, VA, PA, PF and M Districts.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made, in that the site is almost entirely flat and no challenging topography affects the building site. To adequately address the risks associated with developing the site which has an 18 to 24 inch thick layer of highly expansive clay located approximately two feet below the ground surface, all recommendations of the Soils Report prepared by the Geotechnical Engineers, Dees and Associates, dated July 31, 2014 will be followed.

The proposed commercial and residential condominium units within a common area parcel will be properly configured to allow for development that, with the approval of a Height Exception, is in compliance with the required site standards. Also, no environmental resources exist which would be adversely impacted by the proposed development.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

To comply with the California Environmental Quality Act (CEQA), Environmental Review was required for Permit 141157. The project was reviewed by the County's Environmental Coordinator and a preliminary determination to issue a Negative Declaration with Mitigations (Exhibit A) was made on August 24, 2015. The mandatory public comment period expired on October 13, 2015, with XX comments received.

The environmental review process focused on the potential impacts of the project in the areas of noise, both during construction and also potential ongoing noise generated by traffic entering and exiting the site, and also on the potential for hazardous materials on site. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues.

The proposed development will not injure fish or wildlife or their habitat. According to the California Natural Diversity Data Base (CNDDB), maintained by the California Department of Fish and Wildlife, there are three known special status plant or animal species mapped in the site vicinity. These include a species of insect, *Trimeropteris infantilis* (Zayante band-winged grasshopper), a species of native grass, *Pentachaeta bellidiflora* (white-rayed pentachaeta) and a native bat, *Antrozous pallidus* (pallid bat). However, both the white-rayed pentachaeta and Zayante band-winged grasshopper are species that are generally only found in association with the Sandhills habitat. The Santa Cruz Sandhills are a unique community of plants and animals found only on outcrops of Zayante sand soil that does not exist at the project site. Furthermore, the lack of suitable habitat and the disturbed nature of the site make it unlikely that either of these special status species occur at the project site.

To conclusively rule out the potential presence of pallid bats within the disused lumberyard building, a Bat Study Report was prepared for this project. Based upon the bat Study, no sign of use of the existing barn-like structure by bats was observed and no echolocation calls were recorded at the building. Therefore, it was concluded that there are no species of bat, including the pallid bat, existing on the parcel, and that no protective measures for bats are necessary during the demolition of the existing structures.

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made in that municipal water and sewer are available to serve the proposed units on all three parcels. In addition, mitigations included within the Mitigated Negative Declaration for Permit 141157 includes mitigations regarding the potential for hazardous materials on site so that no public health problems will occur.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

This finding can be made in that no existing easements are known to encumber the property.

8. The design of the proposed land division provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the commercial condominium at the first floor and residential condominium units at the second and third floors of the proposed development have been located so as to take advantage of an unobstructed eastern and western exposure and each of the residential condominium units has open deck areas located at the western elevation that have been oriented to the fullest extent possible in a manner to take advantage of solar opportunities.

9. 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.

The ground floor commercial area of the proposed building has been designed to be open and inviting, and has a sense of human scale and pedestrian interest as required by County Code section 13.11.073(D). The commercial area will have high ceilings, extensive multi-paned storefront glazing facing Portola Drive and full-height glass roll-up doors that open directly onto the sidewalk at 38th Avenue and onto a paved plaza area set within the parking area located east of the building. An open market type use with stalls is also proposed within the central area and open to the street, so that the pedestrian circulation will extend seamlessly from the inside out and from the outside in. The project also includes outdoor seating areas that would be open for use by all patrons of the center which will enhance the pedestrian environment and further increase the sense of human scale.

The modestly sized residential condominium units at the second and third floors, located above the central portion of the commercial space, have been designed to include two bedrooms. In accordance with County Code sections 13.11.072(H)(1)b) and 13.10.323(F), all of the units have comfortable private terraces that open off the living areas.

In accordance with the objectives of County Code section 13.11.073(D)(1), the proposed mixed-use building and residential garages would be constructed using a variety of materials that include cement plaster walls, paired with vertical siding elements over portions of the residential units and a standing-steel roof to break up the bulk and mass of the structure. The color palette includes soft off-white and muted grey shades, broken up by the use of natural wood at canopies extending out over the entrances to the commercial spaces at the first floor to blend the proposed building into the surrounding neighborhood.

The height of the central portion of the building would be 38 feet 4 inches measured to the peak of the roof, with two roofed ventilation shafts that, combined, cover less than ten percent of the roof area and are approximately 2 feet 6 inches taller. However, as is encouraged by in section 13.11.073(B)(1), and to provide a better relationship with the surrounding area, the northern and southern ends of the building have a reduced height. At the northern end of the building, adjacent to the corner of Portola Drive and 38th Avenue, the commercial space has also been designed to include a small decorative tower with a height of approximately 27 feet to add a focal point and visual interest. At the southern end of the building, so that the scale of the building will relate to the adjacent residential neighborhood, the maximum height to the peak of the roof would be reduced to approximately 23 feet, which is lower than the 28 foot maximum height limit that is allowed for residential structures.

The proposed additional 3 feet 4 inches in height over the maximum 35 feet height for the zone district can be permitted in accordance with County Code section 13.10.510(D) - "Height Exceptions". This has been requested to allow for a design that incorporates high ceilings, and a light and airy feel at the ground floor, while at the same time allowing for a pitched roof that is broken up by clerestory style windows at the upper floor. This conforms to the objectives set out in section 13.11.073(D)(1)(a) which encourages variation in wall planes and roof line to reduce the bulk and scale of buildings. If the height were reduced to be 35 feet this design concept would be compromised, resulting in either a less inviting commercial use area or a flat roofed,

blocky structure. It should be noted that the high point at the ridge will be set back from the wall line of the structure and that the height at the eave would be around 31 feet 6 inches in height, less than the maximum allowed. The topmost extent of the clerestory windows would be about 36 feet at their peak. The two roofed ventilation shafts that have been designed to be an integral part of the building as required by 13.11.073(E)(1)(a), will extend above the peak of the roof. These taller features, which are allowed without additional design review in accordance with County Code section 13.10.510(D)(2), will serve to further break up the roofline of the proposed building.

New landscaping is proposed throughout the project site and also within the public and private sidewalk areas along both Portola Drive and 38th Avenue as required by County Code section 13.11.075 and 13.11.074(C). No trees have been removed to facilitate the development and a minimum of seventeen new trees are to be planted, along with shrubs, vines and perennials. As encouraged in 13.11.07(C)(1) trees within the parking areas will be large canopy trees to break up the parking area and reduce heat and glare. The street frontage of the site (Portola Drive and 38th Avenue) will also include tree planting in accordance with the County street tree program. The two existing Queen Palm trees at the corner of Portola Drive and 38th Avenue will be maintained as a decorative landscape element that matches similar plantings at other intersections in the neighborhood. Additional improvements including sidewalks with street tree planting will also be constructed along the entire frontage with both Portola Drive and 38th Avenue. Decorative bicycle racks will be included within the broad sidewalk running along 38th Avenue.

All of the proposed lighting for the project will comply with the provisions of County Code section 13.11.074(D)(1) and will be directed onto the site and away from adjacent properties. Where the proposed development fronts onto 38th Avenue and is opposite existing homes the light sources on the building will not be visible. At the lower floor they will be located beneath the proposed decorative awning so that the light illuminates only the lower portion of the building and sidewalk. The design of light fixtures at the second and third floor condominiums will ensure that no light source is visible.

Along the southern boundary between the driveway access and the adjacent home, a minimum 6 foot high masonry sound wall is proposed to mitigate potential noise impacts as encouraged by 13.11.072G)(2). Climbing vines would be planted along the wall and also along other fences where they face the parking lot, to screen and soften these structures.

To preserve the integrity of the surrounding commercial area, as encouraged in County Code section 13.11.072(A)(1), a decorative roofed entrance has been proposed over the main driveway access to the site from Portola Drive. This feature would enclose and screen the parking area as well as continue the architectural character of the development across the primary frontage of the site.

The proposed commercial building with eight condominium units at the second and third floors above therefore complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as reduced building heights at the corner of Portola Drive and 38th avenue and adjacent to residential properties, articulated facades, open and inviting commercial storefronts, elements from the original lumberyard building and new landscaping and tree planting to reduce the visual impact

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of the proposed development on surrounding land uses and the natural landscape. Further, the proposed Height Exception will allow for a superior design that incorporates both a pitched roof together with a light, airy and inviting commercial area and is therefore appropriate for the setting of the project along an arterial road and within an important and upcoming commercial area.

Therefore this finding can be made.

Coastal Development Permit Findings

1. **That the project is a use allowed in one of the basic zone districts 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 and residential mixed use uses. The proposed commercial building with eight condominium units at the second and third floors above is a permitted use within the zone district, subject to approval following a public hearing and the proposed development is consistent with the site's C-C (Community Commercial) General Plan / LCP land use 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 easement or development restriction such as public access, utility, or open space easements as 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 and 13.20.140 et seq.**

This finding can be made, in that in that the proposed mixed use structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain a mixture of one, two and three-story commercial buildings and also one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles for other commercial buildings located within nearby commercial areas. The proposed additional height of the structure will allow for an open and inviting commercial space and also a pitched roof that is broken up by clerestory windows, which will enhance the overall appeal of the proposed building. A complete list of findings for a Height Exception is included with this report.

The project is not located within any specific plan or village plan area and is not along a designated scenic road or within any scenic viewshed. The development site is not on a prominent ridge, beach, or bluff top and will not be visible from the nearby coastline.

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 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. The approval of a Parking Plan based upon the shared parking study for the proposed project, prepared by Marquez Transportation Engineering shows that adequate parking will be provided for the proposed commercial and residential uses. Consequently, the commercial building with eight condominium units at the second and third floors above will not interfere with public access to the beach, ocean, or any nearby body of water and will not reduce visitor access or parking within the area. 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 with, and integrated with the character of the surrounding neighborhood. Additionally, commercial and residential mixed use 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 a mixture of one, two and three-story commercial buildings and also one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles for other commercial buildings located within nearby commercial areas..

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 where mixed uses are allowed. The site is not encumbered by physical constraints to development, and to adequately address the risks associated with developing the site which has an 18 to 24 inch thick layer of highly expansive clay located approximately two feet below the ground surface, all recommendations of the Soils Report prepared by the Geotechnical Engineers, Dees and Associates, dated July 31, 2014 will be followed. 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 mixed use development 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. Further, shadow studies of the proposed development included within Exhibit D of this report, show that the location of the development, close the northwestern corner of Portola Drive and 38th Avenue will mean that shading from the proposed three story building will be mostly over the existing travelled roads and the parking lot for the development. No nearby residential structures will be negatively impacted by adverse shading by the proposed building.

- 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 mixed use development 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 as the primary use of the property will be one mixed use development that, with the approval of a Height Exception, meets all current site standards for the zone district. For mixed use projects, the County Code limits the residential portion of a mixed use development to a maximum of 50% of the total floor. The proposed project meets this maximum and also meets the parking requirements for both the commercial and residential uses as shown by the Shared Parking Analysis that was prepared for the proposed project by Marquez Transportation Engineering.

- 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 mixed use use is consistent with the use requirements specified for the C-C (Community Commercial) land use designation in the County General Plan. In addition, the project complies with General Plan Policy 2.12.3 (Residential Uses in Commercial Designations) which calls for allowing a mix of residential and commercial uses

in areas designated as Community Commercial. The Policy limits the residential portion of the project to 50% of the building's floor area and requires the residential use to be secondary to the commercial use. This project complies with these requirements in that the residential portion of the structure is less than 50% of the floor area and, because all of the residential units are located on the second and third floors, the residential component of the project will be secondary to the commercial component.

The project will also comply with General Plan 2.13.6 (Compatibility with Adjacent Development) in that there is a broad range of development in the vicinity. Parcels to the north and to the east and west along Portola Drive are all developed for a wide variety of commercial uses that include retail office and service uses. Adjacent to the project site to the east there is a mini-storage facility that includes one, two and three-story buildings, while across 38th Avenue and Portola Drive there are mostly retail and small office uses within one and two story buildings. South of the project site along 38th Avenue and also west of the southern portion of the site across the street there are single family homes and also a Mobile Home Park, accessed from 38th Avenue just south of the project site, which borders the southwestern corner of the property. The proposed additional height of the structure will allow for an open and inviting commercial space and also a pitched roof that is broken up by clerestory windows, which will enhance the overall appeal of the proposed building. A complete list of findings for a Height Exception is included with this report. The proposed mixed use development will therefore be compatible within this broad range of uses and architectural styles. The project also complies with the County Code Chapter 13.11 (Design Review) and parking requirements for both the commercial and residential uses as shown by the Shared Parking Analysis that was prepared for the proposed project by Marquez Transportation Engineering.

The proposed commercial condominium further complies with General Plan 8.5.2 (Commercial Compatibility with Other Uses) in that the building has been located in the northwestern corner of the parcel where it is closest to Portola Drive and 35th Avenue. This allows for a design that places the main parking and circulation areas for the commercial use between the proposed building and the adjacent storage facility where they will have the least impact on nearby residential properties. The main access to the site will be from Portola Drive, a busy arterial street that is developed with other commercial uses, to reduce traffic impacts on 38th Avenue. The secondary access driveway from 38th Avenue will allow for two-way circulation through the project site to ensure that traffic can flow freely on the project site. A landscaped sound wall will be constructed along this driveway to reduce traffic impacts on adjacent residential properties and also screen the development. Careful attention has been given to the design of the building and landscaping, particularly along the street facing façade of the commercial building to provide an open and inviting feel. This includes the provision of roll-up glass doors and also a covered awning that will be constructed using reclaimed timbers from the lumberyard building. Further, the building has been lowered to one story in height at its southern end where it relates directly to the adjacent residential neighborhood and also where it abuts Portola Drive. Extra wide sidewalks are proposed adjacent to the streets, both within the public right-of-way and within the project site. This will allow for pedestrian circulation that does not disrupt traffic flow. These areas will include tree planting landscaping and decorative street furniture to upgrade the existing street scene, which is currently open and entirely paved. The proposed trees and landscaping around the building and within the parking areas will also break views of the proposed building and screen and soften it in views from the surrounding neighborhood.

Further, all of the proposed lighting for the project will comply with the provisions of County Code and will be directed onto the site and away from adjacent properties. Where the proposed development fronts onto 38th Avenue and is opposite existing homes, the light sources on the building will not be visible. At the lower floor they will be located beneath the proposed decorative awning so that the light illuminates only the lower portion of the building and sidewalk. The design of light fixtures at the second and third floor residential condominiums will also be required direct light downwards and away from the street to ensure that no light source is visible.

The proposed mixed use development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and, with the approval of a Height Exception, meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the mixed use development will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. shadow studies of the proposed development included within Exhibit D of this report, show that the location of the development, close the northwestern corner of Portola Drive and 38th Avenue will mean that shading from the proposed three story building will be mostly over the existing travelled roads and the parking lot for the development. No nearby residential structures will be negatively impacted by adverse shading by the proposed building.

Finally, the project complies with Objective 2.14 (Community Commercial Designation (C-C)) which states, "To provide well designed centers of concentrated commercial use accommodating a mix of activities serving the general shopping, service and office needs of community-wide market areas". The proposed development, which is sited along Portola Drive, a major arterial street within a community commercial district at the intersection of 38th Avenue, will serve the surrounding residential neighborhoods which extend to the north, east, and west. Although commercial tenants have not yet been identified, given the parking requirements, they are likely to be mixture of uses that include restaurants, coffee houses, and ice cream shops; non food service uses such as a market style use that incorporates smaller vendors selling a variety of goods and other retail stores, together with office and service commercial type uses. The occupancy and mix of businesses that will be allowed will be guided by a Master Occupancy Program for the site.

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.

The mixed use project would create a small incremental increase in traffic on nearby roads and intersections, as indicated in the focused traffic study prepared by Kimley Horn, dated January 14, 2015, with revised calculations prepared in May 2015. However, given the small number of new trips created by the project (24AM peak hour trips and 22 PM peak hour trips), this increase would be less than significant. Further, the increase would not cause the Level of Service at any nearby intersection that currently operates at a Level of Service (LOS) of D or higher, to drop below Level of Service (LOS) D, consistent with General Plan Policy 3.12.1. At the intersection of Portola Drive and 41st Avenue that currently operates at an unacceptable LOS during the PM

peak hour, the project would not further reduce the LOS below levels that would otherwise be experienced without the project.

This area contains a diversity of land uses all within close proximity to one another, which creates opportunities for people to walk to destinations. The Pleasure Point area, which is level, also encourages the extensive use of bicycle transportation. There is an extensive network of bicycle lanes along the major streets, including Portola Drive, and bicycle paths, such as along East Cliff Drive running adjacent to the coast, and neighborhood streets are easily navigable by cyclists. Further, there are two available bus routes that currently run along Portola Drive with two bus stops located within easy walking distance of the site. Concentrations of housing and jobs support frequent transit service while the transit service would help to support the proposed mixed-use center.

Utilities will not be overloaded in that the water department and sanitation district have provided will-serve letters for the revised project. The project will conform to the requirements of the California Building Code and the County Building ordinance to insure the optimum in conservation of energy and resources.

Therefore this finding can be made.

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 development is located on Portola Drive in the Pleasure Point area, close to the intersection with 41st Avenue, an area that has been identified in the County's Sustainable Santa Cruz County Plan as an area where new mixed-use infill or redevelopment would be appropriate due to the concentrations of existing development and the ease of accessibility. The proposed development is located in a mixed neighborhood containing a mixture of one, two and three-story commercial buildings and also one and two-story single-family dwellings. Size and architectural styles of buildings vary widely in the area, and the design submitted is not inconsistent with the existing range of styles for other commercial buildings located within nearby commercial areas. The project is therefore 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 development will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The proposed mixed use building complies with the County Code 13.11.070 in that the project was designed to create a pedestrian-friendly streetscape by locating the project parking behind the buildings, creating approachable commercial units with large windows, landscaping, and a distinctive tower corner element.

The bulk, massing and scale of the building is minimized by using varied roof and wall planes and different finish materials. The building is designed to provide visual interest along the

Portola Drive frontage which is an arterial roadway. Closer to Portola Drive the height of the building has been reduced and the commercial space has been designed to include a small decorative tower. A decorative roofed entrance arch has also been proposed over the main driveway access to the site from Portola Drive, which would enclose and screen the parking area as well as continue the architectural character of the development across the primary frontage of the site. Existing Queen Palm trees at the corner of Portola Drive and 38th Avenue will be retained and additional tree planting will be included within the sidewalk along Portola Drive to further break up the massing of the proposed development.

Along 38th Avenue the ground floor commercial area has been designed to be open and inviting, with high ceilings, with full-height glass roll-up doors that open directly onto the sidewalk. The intention is that the space, when opened up to the tree lined street, would bring the inside out and the outside in.

The modestly sized residential condominium units at the second and third floors have been located so that they will be above only the central portion of the commercial space to reduce the impact of the three-story portion of the building on the adjacent residential neighborhoods. These units have been designed to with varied wall planes and each have comfortable private terraces that open towards 38th Avenue, so that the walls of the residential units will be further from the street in the area of the decks and so that the west facing façade of the building will be further broken up and varied to help reduce the overall mass. Tree planting along the frontage with 38th Avenue will further break up and soften the proposed development.

The surrounding structures are varied, with a mixture of one, two and three-story commercial buildings and also one and two-story single-family dwellings. Given this range of architectural styles, the submitted style is compatible with the existing built environment and the project is therefore consistent with the land use intensity and density of the neighborhood.

Access and parking for the project was thoughtfully designed to minimize the impact of vehicles on the streetscape. The parking lot is located behind the building, away from the residential neighborhood, and will have include trees, shrubs and vines within the parking areas and around the building to soften the visual impact of the paved areas. Only the required parking has been provided, so that the project will not include large and unnecessary expanses of paved areas that would be visually detrimental to the area.

All of the proposed lighting for the project will be directed onto the site and away from adjacent properties. Light sources for the proposed commercial use will not be visible from adjacent residential properties as they will be located beneath the proposed decorative awning so that the light illuminates only the lower portion of the building and sidewalk.

Height Exception Findings

The following additional findings are required as set out in County Code section 13.10.510(2), "Height Exceptions"

1. The additional height complements or completes the architectural design.

The proposed additional 3 feet 4 inches in height over the maximum 35 feet that is allowed in the zone district has been requested to allow for a commercial space that is designed to be open and inviting, with high ceilings and full-height glass roll-up doors that open directly onto the sidewalk. The intention is that the space, when opened up to the tree lined street, would bring the inside out and the outside in. However, without the approval of a Height Exception, these high ceilings would mean that the upper floor of the building would need to be designed to have a flat roof which would result in a blocky and less aesthetically pleasing structure. Therefore, to allow for both an attractive and varied roofline, together with an inviting commercial area, a Height Exception is required to be approved.

Additional design features have also been included to further break up and reduce the massing of the structure. The proposed pitched roof has been broken up by clerestory style windows at the upper floor and should also be noted that the high point at the ridge will be set back from the wall line of the structure so that the height at the eave would be around 31 feet 6 inches in height, less than the maximum allowed. The topmost extent of the clerestory windows would be about 36 feet at their peak, only one foot over the maximum height allowed. The two roofed ventilation shafts that will extend above the peak of the roof, which are allowed without additional design review, will serve to further break up the roofline of the proposed building.

2. For Properties in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds.

The proposed mixed use development complies with LCP Policies including policies protecting scenic corridors and public viewsheds. A complete list of Coastal Development Findings is included with this report.

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.**

The proposed project is located at the corner of Portola Drive and 38th Avenue in an area that is zoned C-2 (Community Commercial), a designation that allows for mixed use commercial and residential projects. While the main portion of the parcel is open and easily accessible for public use, the site includes a narrow projection with no direct access to the surrounding streets that extends 58 feet southward from the parcel. This restricted portion of the lot runs behind an existing single-family residence at 718 38th Avenue and terminates at the property boundary with a mobile home park that lies south of the project site at 692 38th Avenue. This portion of the site has a width of only 48.45 feet.

As set out in County Code section 13.10.333(A) the side and rear setbacks on commercially zoned parcels may be zero feet. However, County Code section 13.10.333(B)(4) requires that a 30 foot setback be applied to commercial parcels where they directly abut a residential zone district. The purpose of this provision is to minimize potential impacts of new commercial developments on adjacent residential users from noise, and other disturbances related to commercial uses, including factors such as shading by structures, and loss of privacy. These additional setback requirements however, relate only to structures and do not restrict the location of other commercial features such as parking or fenced trash enclosures.

The proposed mixed use commercial and residential building complies with all of the required site and development standards for the C-2 zone district in which it will be located, including the required increased setbacks to adjacent residential parcels in that it will have a setback of around 38 feet 6 inches from the closes residential parcel at 718 38th Avenue. In addition the proposed structure will also meet the required increased side yard setback required by 13.10.333(B)(5) for parcels that are across the street from any residentially zoned parcels. However, the residential garage that is has been proposed would not meet the additional setback requirements. As proposed the structure would have a setback of around 5 feet to the southern property boundary and a setback of around 27 feet 6 inches to the western property boundary. The setback of around 1 foot to the eastern property boundary adjacent to the mini-storage facility does however meet County Code requirements.

Based upon the strict application of the zoning ordinance the only feasible uses for this narrow southern portion of the parcel would be as a paved parking lot serving the proposed mixed use project. As a result, the residential garages, which are considered desirable to provide for secure, dependable private vehicle parking and bicycle storage for the proposed condominium units, would be required to be located further north closer to the main structure. This would place them in an area close to the proposed mixed use building that is best utilized for commercial parking, resulting in an inefficient layout of the commercial parking lot. Moreover, the relocated structure would require vehicles backing from the residential garages to pull out into high traffic areas, thereby restricting traffic movements within the commercial parking lot and potentially creating an unnecessary hazard to both the residents and to customers. In addition, the use of the southern portion of the parcel for commercial parking would likely result in greater noise and

disturbance for the adjacent residential homes than the residential garages which would generate less frequent vehicle movements. Although it would be possible to delete the residential garages and to just provide surface parking for both the commercial and residential needs, the residential garages create a buffer between the commercial parking and the adjacent homes to the south of the project site and for the residence at 718 38th Avenue.

Moreover, the strict application of the Zoning Ordinance deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The adjacent parcel to the east, which is also zoned C-2, is legally developed with a mini-storage facility that includes a two and three story commercial storage building that has been constructed to within 15 feet of the southern property boundary. This structure, due to its increased size has a significantly greater impact on the adjacent to the mobile home park than would the proposed one-story residential garage with a 10 foot high wall at its southern end. Further, whereas the adjacent building includes a commercial use, the proposed garage is for residential use only.

Therefore this finding can be made.

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.**

The intent and purpose of the C-2 zone districts is to provide centers of concentrated commercial uses accommodating a broad range and mixture of commercial activities, including residential uses, that serve the general shopping and service needs of community wide service areas. The approval of a Variance with this Permit will allow for the construction of private garages to serve the allowed residential units, that will be located within a narrow and restricted portion of the site, in an area that will be away from the general vehicular and pedestrian circulation around the site and in an area that will minimize the potential conflicts between the residential and commercial parking uses. The proposed residential garage will not deprive adjacent properties or the neighborhood of light, air, or open space in that the proposed one-story, structure will lie to the north of the adjacent mobile homes and around 60 feet west of the dwelling at 718 38th Avenue that lies to the west. Along its southern elevation closest to adjacent residential structures, the wall of the proposed garage will be only 10 feet in height and the total maximum height of the building at the peak of the roof would be less than 17 feet in height and therefore the visual impact of the proposed building would be minimal, especially since it is located immediately adjacent to a three story structure on the adjacent parcel. The garage will not include any windows facing adjacent residential parcels to the south and therefore will not result in any loss of privacy. Further, if the residential garage were not located within the southern extension of the site, then this area would most likely be used for commercial parking to serve the commercial uses within the proposed mixed use building, and this would result in greater potential disturbance of neighboring homes from vehicle noise and from members of the public within the parking lot.

Therefore the finding can be made that the proposed garage will not be materially detrimental to public health safety and welfare or injurious to property or improvements in the vicinity.

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.**

The granting of a Variance to the required 30 foot setback for commercial buildings adjacent to residentially zoned parcels, to allow for a residential garage to be constructed with a rear setback of around 5 feet and west side setbacks of around 27 feet 6 inches, will not constitute a grant of special privilege. The adjacent two and three story commercial storage building is developed to within 15 feet of the property boundary and due to the scale of the building it has a greater impact on adjacent homes to the south than the proposed residential garage. Further, many of the commercial developments along Portola Drive in the vicinity of the project site such as on APNs 032-081-52 and 032-081-50 west of the project site include commercial buildings that are developed at less than the required 30 foot setback to adjacent residentially zoned parcels. On these parcels the commercial structures are developed to within less than 5 feet from the property boundary. In addition, within a residential zone district garages are allowed to be constructed to a zero setback to the side and rear property line where it can be shown that the structure will not be materially injurious or detrimental to the surrounding residential uses. The one-story residential garage structure associated with the proposed mixed use development will have a similar impact to a residential garage located on a residential parcel and will not negatively impact surrounding residential homes.

Therefore this finding can be made.

Conditions of Approval

Minor Land Division and Development Permit for the construction of a mixed use building with one commercial condominium unit at the lower floor and eight residential condominium units at the second and third floors above - 141157

Applicant: Hamilton Swift and Associates, Attn. John Swift

Property Owner: NORTHPOINT INVESTMENT FUND, LLC.

Assessor's Parcel Number: 032-092-01 & 032-092-05

Property Address and Location: The property is located at 3800 Portola Drive, Santa Cruz, at the southeastern corner of the intersection with 38th Avenue.

Planning Area: Live Oak

Exhibit D: Tentative Map (1 sheet) and Preliminary Improvement Plans (4 sheets) - prepared by Ifland Engineers, dated June 15, 2015, Architectural and design plans (9 sheets) – prepared by Thatcher and Thompson Architects, dated January 9, 2015; Landscape plans (2 sheets) - prepared by bfs Landscape Architects, dated January 13, 2015 and a Photometrics Study (1 sheet) - prepared by Prime Design Group, dated March 26, 2015.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Pay the required fee to the Clerk of the Board of the County of Santa Cruz for posting the Negative Declaration as required by the California Department of Fish and Wildlife mitigation fees program. Currently, the fee is \$2,210, but is subject to change.
 - B. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
 - C. Record the Conditions of Approval with the Parcel Map. The Conditions of Approval shall be applicable to all resulting parcels.
 - D. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - E. Obtain a Building Permit and, if also required, a Grading 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.
 - F. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

II. A Parcel Map for the land division must be recorded prior to the expiration date of the Tentative Map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division).

A. The Parcel Map shall meet the following requirements:

1. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
2. This land division shall result in no more than one (1) commercial condominium unit, eight (8) residential condominium units and a common area parcel in conformance with the Tentative Map.
3. The minimum aggregate parcel area for the commercial condominium shall 10,000 square feet per unit and for the residential units shall be 2,500 square feet of net developable land per unit.
4. The following items shall be shown on the Parcel Map:
 - a. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the C-2 zone district of 10 feet for front yards, 10 feet for side yards opposite a residential district, 0 feet for interior side yards and 0 feet for rear yards.
 - b. Show the gross and net area of each condominium unit to nearest square foot.
 - c. All easements and dedications to be recorded prior to recordation of the Parcel Map.
5. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - a. New parcel numbers for all of the parcels must be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division.

B. The following items are required for submission before the approval of the Parcel Map:

1. Engineered Sewer Plans: Prior to applying for approval of the Final Map, provide a complete engineered sewer plan, addressing all issues required

by District staff and meeting CDC standards (unless a variance is requested and allowed). District approval of the Final map must be withheld until it can be demonstrated that the plan meets all the requirements.

- C. All future construction shall conform to the approved Development Permits and Design Review for the proposed mixed use building and residential garages associated with this land division.
 - D. All future development on the lots shall comply with the requirements of the approved geotechnical report(s) for this project.
 - E. Meet all drainage requirements of the Department of Public Works, Stormwater Management Services section including, without limitation, the following conditions, before the approval of the Final Map:
 - 1. The detention system for Area 1 runoff to the Portola Drive drainage area shall be designed to detain the 10-year storm and to discharge to an existing 12 inch storm drain pipe in Portola Drive. The detention system for Area 2 runoff to 38th Avenue drainage area shall be designed to detain the 25-year storm and to discharge via overland release from the driveway onto 38th Avenue. The project stormwater management design submitted with the building plans shall be prepared to satisfy the requirements of County of Santa Cruz Design Criteria Part 3-Stormwater Management.
 - F. Prior to recordation of the Parcel Map, the following requirements shall be met:
 - 1. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- III. Prior to issuance of a Building Permit for the construction of the proposed mixed use building or detached residential garages, 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 - 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

3. Grading, drainage, and erosion control plans.
4. 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 38 feet 4 inches at the peak of the main roof and 40 feet 10 inches at the ventilation shafts.
5. Details showing compliance with fire department requirements.
6. A Landscape Plan prepared in accordance with the requirements of the City of Santa Cruz Water Department's Water Efficient Landscape Ordinance (Chapter 16 of the Santa Cruz Municipal Code) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager.
 - a. In addition to all tree, shrub, groundcover and vines shown on the Landscape plan prepared by bfs Landscape Architects, dated January 13, 2015, the Landscape Plan shall include a minimum of three additional trees adjacent to the southern elevation of the proposed building and/or adjacent to the driveway access from 38th Avenue.
7. All requirements of the Environmental Planning Section of the Planning Department shall be met, including the following:
 - a. Plans shall reference the soils report and include a statement that the project shall conform to the report's recommendations.
 - b. The applicant shall provide a plan review letter from the project soils engineer approving the final revised plans once all agency comments have been addressed.
 - c. The applicant shall provide a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at www.ccoplanning.com by navigating to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
8. All site, building, security and landscape lighting, including all exterior lighting for the residential condominium units, shall be directed onto the site and away from adjacent properties. Light sources may be shielded by landscaping, structure, fixture design of other physical means.

- B. Any changes from the approved Exhibit "D", including but not limited to the Tentative Map or Preliminary Improvement Plans, must be submitted for review and approval by the Planning Department. Changes may be forwarded to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
- C. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
1. Silt and grease traps shall be installed according to the approved improvement plans.
 2. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 3. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- D. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
1. Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvement prior to submission for building permits.
- E. Driveway Encroachment: Submit final details of the ramp at the termination of sidewalk.
- Note: it may be requested that some of the landscaping proposed near the driveway approaches be removed due to maintenance issues, this may be further reviewed at the time of the building permit application or Encroachment Permit application reviews.
- F. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management:
1. With the building plans, provide final analysis for water quality treatment demonstrating compliance with either the State Water Resources Control Board Municipal General Permit or the Central Coast Regional Water Quality Control Board Post Construction Requirements that has just become incorporated into County criteria as of March 2014. Revise the proposed discretionary level mitigations if needed to comply.

2. Provide arrangements for ongoing maintenance of BMP mitigation facilities.
 - a. Include maintenance instructions on the development plans and in any CC&Rs or similar document.
 - b. Include private easements as necessary
 - c. Provide for effective property transfers
 3. The applicant will need to complete Part 3, Section C, item 3h of the CDC governing long term maintenance of BMP mitigation measures and legal documentation of this requirement, recording form Fig.SWM-25B, or equivalent documents, fully addressing all issues included in item 3h.
 4. A drainage fee will be assessed if there is any net increase in impervious area over the currently existing pre-development situation. Fee credits will be available for existing impervious surfaces. The fees are currently \$1.17 per square foot, and are subject to increase based on the amount applicable at permit issuance date. Reduced fees (50%) are assessed for semi-pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.
- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
1. Prior to BP approval, submit food facility plans for review and approval, and, obtain EH permits to operate any proposed food facilities.
- H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- I. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- J. Pay the current fees for Parks and Child Care mitigation for 16 bedrooms. Currently, these fees are, respectively, \$750 and \$109 per bedroom.
- K. Pay the current fees for Roadside and Transportation improvements:
1. The project will be subject to Live Oak Transportation Improvement Area (TIA) fees at a rate of \$600 (\$300 for roadside improvement fees + \$300 for transportation improvement fees) per daily trip-end generated by the proposed non-residential development use and \$4,200 (\$2,100 roadside improvement fees + \$2,100 transportation improvement fees) per multi-family residential unit. Table 3 Project Trip Generation included with the Traffic Impact Study, dated January 14, 2015, prepared by Kimley Horn provides the trip-ends generated by the development as well as the number of proposed residential units. The TIA fees for the project are estimated as follow:

New trip-ends (commercial) = 353 (412 – 59 (residential uses) = 353).

TIA fees (commercial) = \$211,800.00 (353 X \$600).

TIA fees (residential) = \$33,600 (8 units x \$4,200 = \$33,600).

Total TIA fees = \$211,800 + \$33,600 = \$245,400.

Note: The above TIA fee estimate was calculated using the current fee rate. The rate in effect at the time of filing a final map or acquiring a commercial building permit will be used to determine the actual TIA fees for the project.

- L. Meet the requirements of the Affordable Housing Guidelines adopted by the Board of Supervisors:
 - 1. Enter into an Affordable Housing Participation Agreement that will identify how you will meet the affordable housing obligation for both the residential and non residential development.
 - a. Developers may choose to provide 15% of the units on site as affordable as defined by the Affordable Housing Guidelines or pay an impact fee for all the new residential units set at \$15 per square foot.
 - b. If you decide to provide the unit on site then all 17.10.032 requirements of onsite affordable units are applicable regarding unit size, bedroom count, exterior design, etc.
 - 2. A Non residential affordable impact fee will be charged for all non-residential square footage, currently this is \$2 per square foot.
- M. Provide required off-street parking for 50 cars as follows: 36 regular parking spaces; 4 compact parking spaces and 2 accessible parking spaces, together with 8 residential spaces located within a residential garage for the exclusive use of condominium tenants. Regular parking spaces must be a minimum of 8.5 feet wide by 18 feet long, compact spaces must be a minimum of 7.5 feet wide by 16 feet long and accessible spaces must comply with CBC 1109A. All parking spaces must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- N. Provide required off-street parking for 24 bicycles. Parking spaces must be 2 feet wide by 6 feet long and must be located entirely outside vehicular rights-of way. In addition, within the sidewalk along 35th Avenue provide 4 decorative/sculptural bicycle racks.
- O. Provide 8 striped on-street parking spaces along the 38th Avenue frontage of the project, one of which shall be designated as a Loading Zone between the hours of 7:00am and 1:00pm Monday through Friday.
- P. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

IV. Prior to demolition of existing structures:

- A. **(Mitigation Measure AQ-1):** Prior to the commencement of work, a survey for asbestos would be required and written notification for asbestos removal and/or demolition would be provided 10 working days prior to commencing any regulated activities.
- B. **(Mitigation Measure HAZ-1):** A comprehensive survey for the presence of lead based paint shall be performed prior to the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to lead based paint.

Ongoing monitoring for the presence of lead based paint shall continue through the entire demolition process.

- C. **(Mitigation Measure HAZ-2):** A comprehensive survey for the presence of asbestos containing materials shall be performed prior to the demolition of the building on the parcel and all such materials shall be properly identified and removed in accordance with applicable laws pertaining to asbestos containing materials.

Ongoing monitoring for the presence of asbestos shall continue through the entire demolition process.

- D. **(Mitigation Measure NOI-5):** Prior to demolition of the existing structure or construction of the proposed commercial mixed-use building, require construction of a permanent masonry sound wall with a minimum height on 6 feet along the property boundary with 718 38th Avenue.
- E. **(Mitigation Measure NOI-6):** Construct a masonry sound wall with a minimum height of 6 feet along the southern property boundary adjacent to the southern driveway access from 38th Avenue where it borders the adjacent residential property at 718 38th Avenue.

V. Prior to and during construction:

- A. **(Mitigation Measure AQ-2):** Contracted Diesel Control Measures: In addition to the use of Tiered engines and California ultralow sulfur diesel fuel, the following requirements will be incorporated into contract specifications:
- To minimize potential diesel odor impacts on nearby receptors (pursuant to MBUAPCD Rule 402, Nuisances), construction equipment will be properly tuned. A schedule of tune-ups will be developed and performed for all equipment operating within the project area. A written log of required tune-ups will be maintained and a copy of the log will be made available to the County of Santa Cruz Planning Department for inspection upon request.
 - Fixed temporary sources of air emissions (such as portable pumps, compressors, generators, etc.) will be electrically powered unless the contractor submits documentation and receives written approval from the County of Santa Cruz

Planning Department that the use of such equipment is not practical, feasible, or available (generally contingent upon power line proximity, capacity, and accessibility). California ultralow sulfur diesel fuel with maximum sulfur content of 15 ppm by weight (ppmw S), or an approved alternative fuel, will be used for on-site fixed equipment not using line power.

- To minimize diesel emission impacts, construction contracts will require off-road compression ignition equipment operators to reduce unnecessary idling with a 2-minute time limit, subject to monitoring and written documentation.
- On-road material hauling vehicles will shut off engines while queuing for loading and unloading for time periods longer than 2 minutes, subject to monitoring and written documentation.
- Off-road diesel equipment will be fitted with verified diesel emission control systems (e.g., diesel oxidation catalysts) to the extent reasonably and economically feasible.
- Utilize alternative fuel equipment (i.e., compressed or liquefied natural gas, biodiesel, electric) to the extent reasonably and economically feasible.
- Feasibility will be determined consistent with Best Available Control Technology (BACT) general criteria: 1) achieved in practice; 2) contained in adopted control measures; 3) technologically feasible; and 4) cost-effective.

VI. During Construction

A. **(Mitigation Measure AQ-3): Diesel Particulate Matter Emissions Control Measures:** In addition, the project will implement the following measures to reduce particulate matter emissions from diesel exhaust:

- Grid power will be used instead of diesel generators where it is feasible to connect to grid power (generally contingent upon power line proximity, capacity, and accessibility).
- The project specifications will include 13 CCR Sections 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to 30 seconds at a school or 5 minutes at any location. In addition, the use of diesel auxiliary power systems and main engines will be limited to 5 minutes when within 100 feet of homes or schools while the driver is resting.
- The project specifications will include 17 CCR Section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements; emission standards for operation of any stationary, diesel-fueled, compression-ignition engines; and operation restrictions within 500 feet of school grounds when school is in session.
- A schedule of low-emissions tune-ups will be developed and such tune-ups will be performed on all equipment, particularly for haul and delivery trucks.
- Low-sulfur (≤ 15 ppmw S) fuels will be used in all stationary and mobile equipment.

- B. **(Mitigation Measure AQ-4): Dust Control Measures:** The following controls will be implemented at the construction and staging sites as applicable:
- Water all active construction areas at least twice daily as necessary and indicated by soil and air conditions.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, will be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
 - All on-site unpaved roads and off-site unpaved access roads will be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities will be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - When materials are transported off site, all material will be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
 - All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
 - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles will be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - Within urban areas, trackout will be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
 - Any site with 150 or more vehicle trips per day will prevent carryout and trackout.
 - Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
 - Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - Limit traffic speeds on unpaved roads to 15 miles per hour.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
 - Replant vegetation in disturbed areas as quickly as possible.

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
 - Install wind breaks at windward side(s) of construction areas.
 - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 miles per hour.
 - Limit the area subject to excavation, grading, and other construction activity at any one time.
- C. **(Mitigation Measure NOI-1):** Limit construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours. Prohibit construction activity on Sundays.
- D. **(Mitigation Measure NOI-2):** Require that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- E. **(Mitigation Measure NOI-3):** Prohibit gasoline or diesel engines from having unmuffled exhaust.
- F. **(Mitigation Measure NOI-4):** Use noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.
- G. **(Mitigation Measure NOI-7):** Construct fencing or other solid barrier with a minimum height of 6 feet, together with landscape plantings that include large shrubs/small trees with dense woody foliage along the southern property boundary adjacent to the proposed residential garages.
- H. 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:
- I. All site improvements shown on the final approved Building Permit plans shall be installed.
- J. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- K. The project must comply with all recommendations of the approved soils reports.
- L. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

VII. Operational Conditions

A. Master Occupancy Program

All uses listed in the current C-2 (Community Commercial) use charts are allowed in conformance with the following requirements:

Allowed Uses:

1. Uses that require higher levels of parking such as restaurants, coffee houses, craft beer establishments, wine bars, and ice cream shops are limited to a maximum total combined area of 3,200 square feet.
2. Non food service uses including a market style use that incorporates smaller vendors selling a variety of goods such as locally grown produce, artisan cheeses, meats, art and crafts etc; retail stores for clothing/skin care products/jewelry; retail food related uses such as a candy or chocolate shop, wine shops, flower shops and art stores are limited to a maximum total combined area of 3,200 square feet.
3. Office and service commercial type uses such as a beauty salon, computer repair store or pet grooming are limited to a maximum total combined area of 3,200 square feet.
4. Physical culture studios (sports clubs, yoga and pilates studios etc) are not permitted unless it can be demonstrated that the demand for additional parking can be met or that the proposed combination of uses on site would not require more than the total number of spaces available.

B. Outdoor use areas: Outdoor areas not used for parking, driveways or pedestrian circulation (approximately 1,218 square feet), may include public seating, tables etc. These outdoor use areas shall not be designated for the exclusive use of any of the commercial businesses and shall at all times be kept open for the use of all members or the public using the shopping center.

C. Occupancy Permits: All tenants within the commercial portion of the project shall obtain an Occupancy Permit issued over-the counter by the Planning Department in accordance with the following requirements and the above mix of uses:

1. All new uses within individual tenant spaces require the issuance of an Initial Occupancy Permit. Subsequent changes in use require the approval of a Change of Occupancy Permit.
2. For open, market style areas the commercial management for the building shall apply for an Initial Occupancy Permit for the area as a whole, listing the total area of the use and all of the vendors/businesses that will lease space within the larger area. An annual update of this Occupancy shall then be submitted for review to ensure ongoing compliance with the allowed mix of uses on an ongoing basis.

Note: If it can be shown that the area of the use and mix of vendors remains stable over time, this requirement for an annual accounting may subsequently be waived at the discretion of the Planning Director.

- D. All uses on the site will be required to be properly licensed and inspected as may be required by Federal, State or County standards.
- E. Any business involving the sale of alcoholic beverages, either for on-site or off-site consumption, must meet all requirements of the California Alcoholic Beverage Control (ABC) and also obtain all necessary County Permits
- F. A minimum four foot wide clear width shall be maintained at all times within the sidewalk areas along the site's frontage with 38th Avenue, to allow for pedestrian circulation.
- G. Hours of Operation: The hours of operation for business shall be between 8:00am and 10:00pm Sunday through Thursday and between 8:00am to 11:00pm on Friday and Saturday.
- H. Property management and business owners are to take all measures as required to prevent customers from loitering on the sidewalk at 38th Avenue after the close of business and causing disturbance to residential properties. If there are any documented incidents of violence, disturbance of the peace or any other deleterious impacts to the surrounding community or if complaints are submitted to the business owners or their staff, to the County of Santa Cruz Planning Department or to the Sheriff's Department the business owner may be required to hire an independent security officer to patrol the parking area and areas in the vicinity in order to maintain a peaceful and orderly environment and to ensure that such disturbances do not continue. The property management are to accept full responsibility for instigating these measures
- I. Parking: The property management company shall monitor parking on site to ensure that sufficient parking is made available for patrons and employees of the proposed development and for residents of the residential units and their guests as follows:
 - 1. The Covenants Codes and Restrictions (CC&Rs) for the property shall restrict the use of residential garages to ensure that they are maintained in a condition that allows for vehicular parking and that residential storage does not encroach into the parking area.
 - 2. If ongoing substantiated complaints are received from neighboring property owners that there is consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to this Permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours, or any other method that can be demonstrated to be effective for the reduction and management of parking demand.

J. Loading: The property management company shall monitor deliveries to commercial tenants and must ensure that the following conditions are met at all times:

1. One parking space along 38th Avenue shall be maintained as a loading zone between the hours of 7:00am to 1:00pm.
2. Between the hours of 8:00pm to 8:00am daily, no truck parking or loading shall be permitted on along 38th Avenue, along the southern driveway access from 38th Avenue or at any point lying south of the commercial building. All night and early morning deliveries are required to be made from within the main parking area east of the building.

K. 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.

VIII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
-

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

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, AICP
Principal Planner

Lezanne Jeffs
Project Planner

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



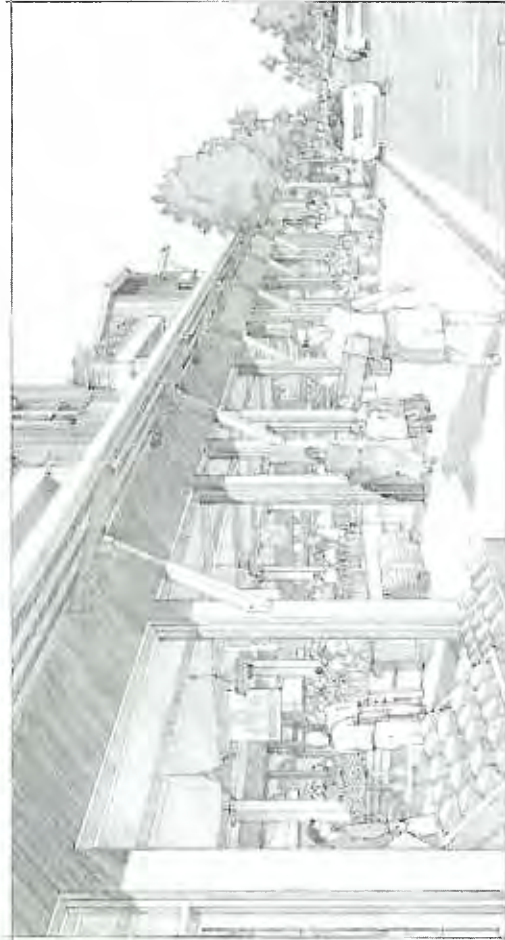
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NORTHPOINT
PORTOLA DRIVE
& 38TH AVE

COVER SHEET



VIEW FROM PORTOLA DRIVE



LOOKING DOWN 38TH AVENUE

PREPARED BY
THACHER & THOMPSON
ARCHITECTS

DATE: 01/11/2011
PROJECT: NORTHPOINT
SHEET: COVER SHEET

PROJECT NO: 11-0003
SHEET NO: 01



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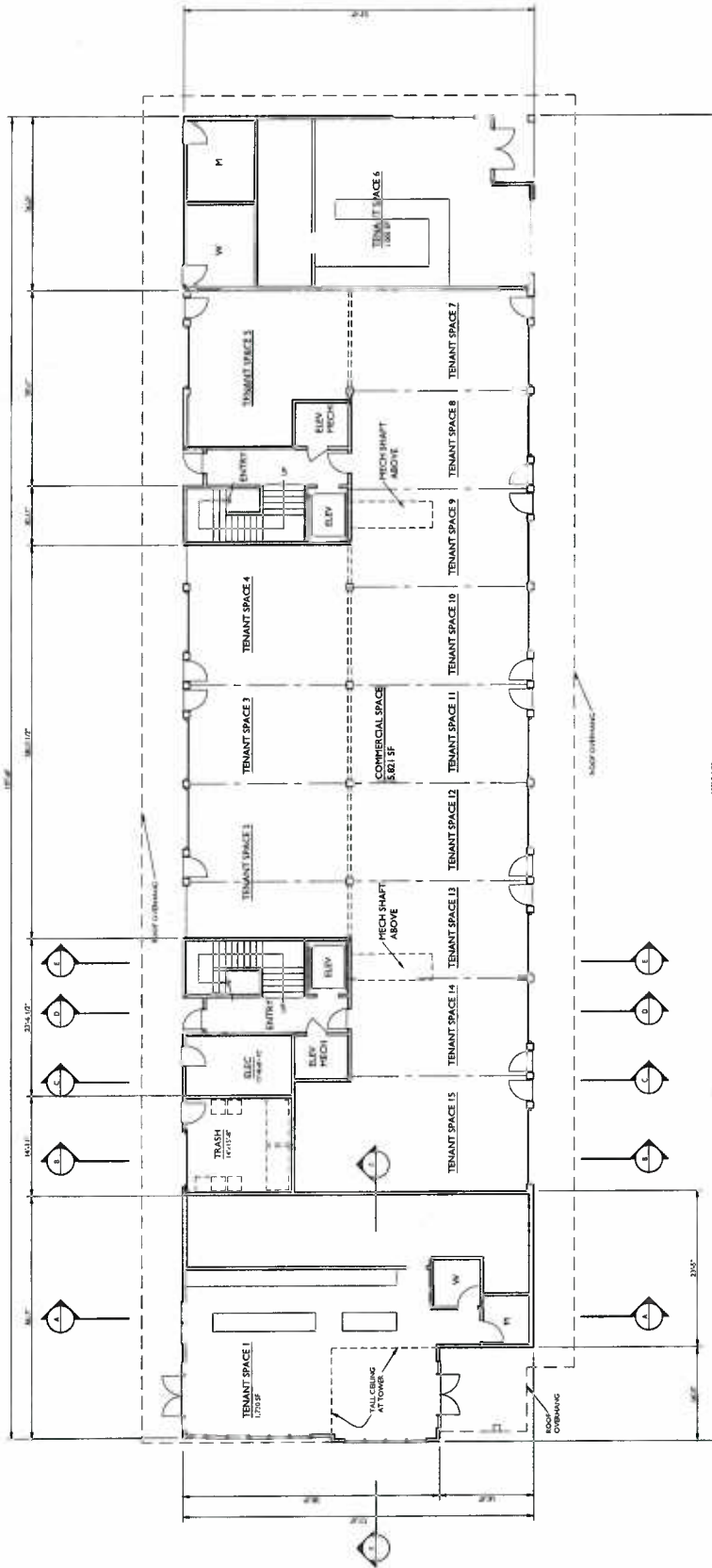
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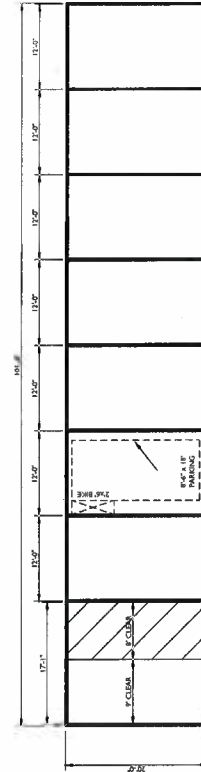
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NORTHPOINT
PORTOLA DR
& 38TH AVE

FIRST
FLOOR PLANS



1 FIRST FLOOR PLAN
SCALE 1/8"=1'-0"



2 GARAGE FLOOR PLAN
SCALE 1/8"=1'-0"

DRAWING DATE
REVISIONS
CONSTRUCTION
PROJECT NO.
SHEET NO.
DATE
BY
CHECKED
APPROVED
PROJECT MANAGER
ARCHITECT
SEAL
REGISTERED PROFESSIONAL ARCHITECT
STATE OF MICHIGAN
NO. 0000000000
EXPIRATION DATE 12/31/2025

A3



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NORTHPOINT
PORTOLA DR
& 38TH AVE

SECOND
FLOOR PLANS

DRAWING DATE
JANUARY 2, 2013

PROJECT NO. 16-0003
SHEET NO. 10-100

PROJECT NAME
NORTHPOINT 10-100

PROJECT LOCATION
PORTOLA DR & 38TH AVE

PROJECT TYPE
RENOVATION

PROJECT STATUS
PENDING

PROJECT OWNER
THACHER & THOMPSON

PROJECT ARCHITECT
THACHER & THOMPSON

PROJECT ENGINEER
THACHER & THOMPSON

PROJECT LANDSCAPE ARCHITECT
THACHER & THOMPSON

PROJECT INTERIOR DESIGNER
THACHER & THOMPSON

PROJECT FURNITURE DESIGNER
THACHER & THOMPSON

PROJECT LIGHTING DESIGNER
THACHER & THOMPSON

PROJECT SOUND DESIGNER
THACHER & THOMPSON

PROJECT VIDEO DESIGNER
THACHER & THOMPSON

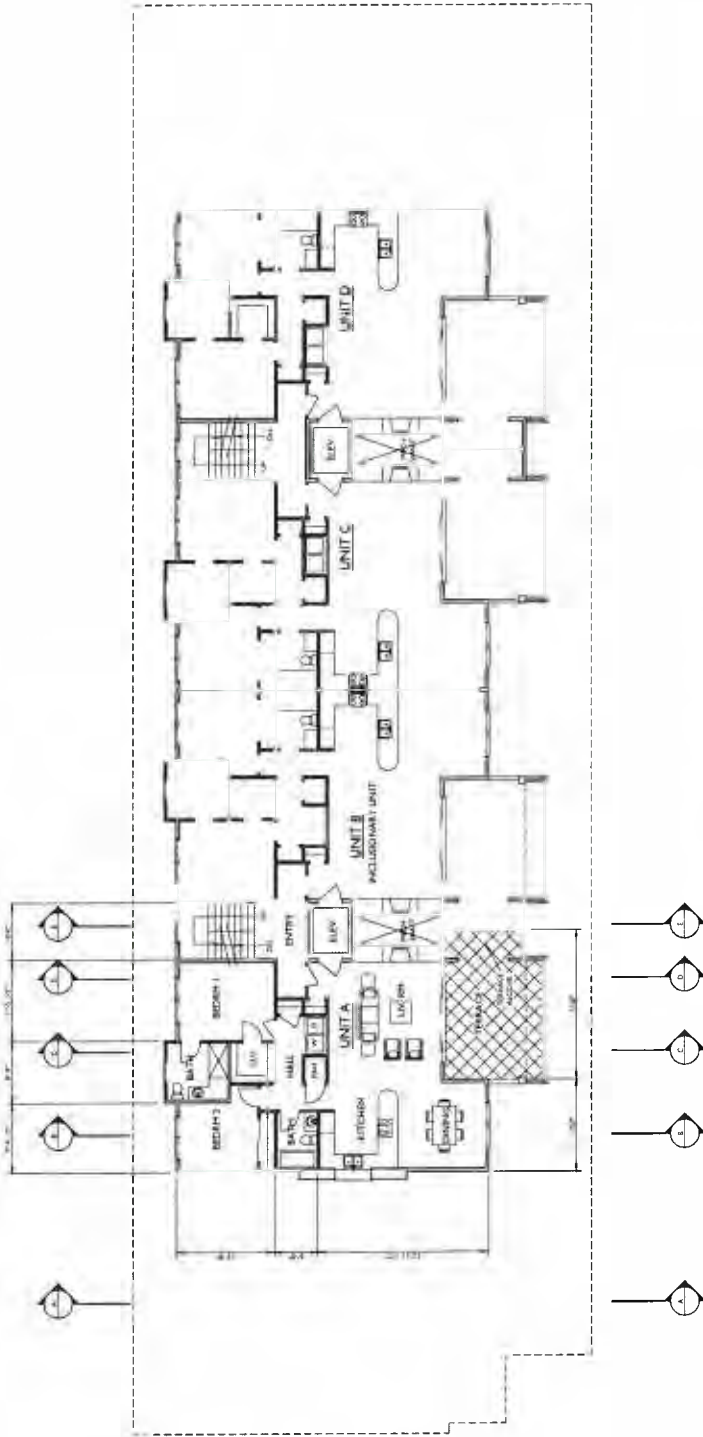
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2 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

A4



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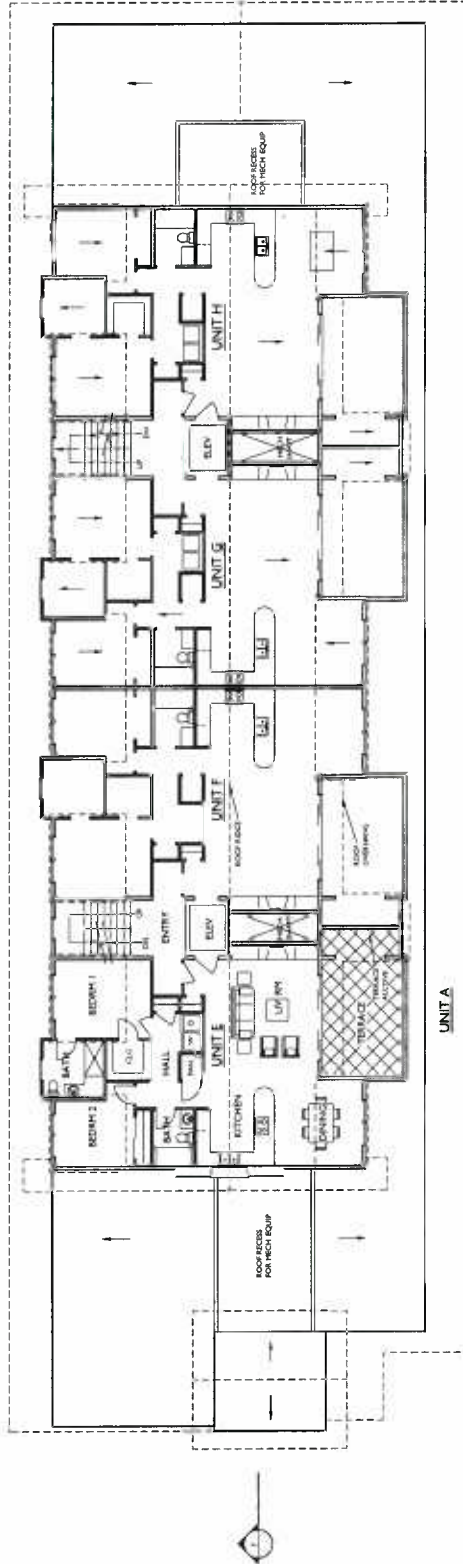
THIRD FLOOR PLANS

DRAWING DATE
JANUARY 1, 2015
ISSUED TO FACILITATE
CONSTRUCTION
UNIT 1000
NORTHPOINT
NORTHPOINT SD 1



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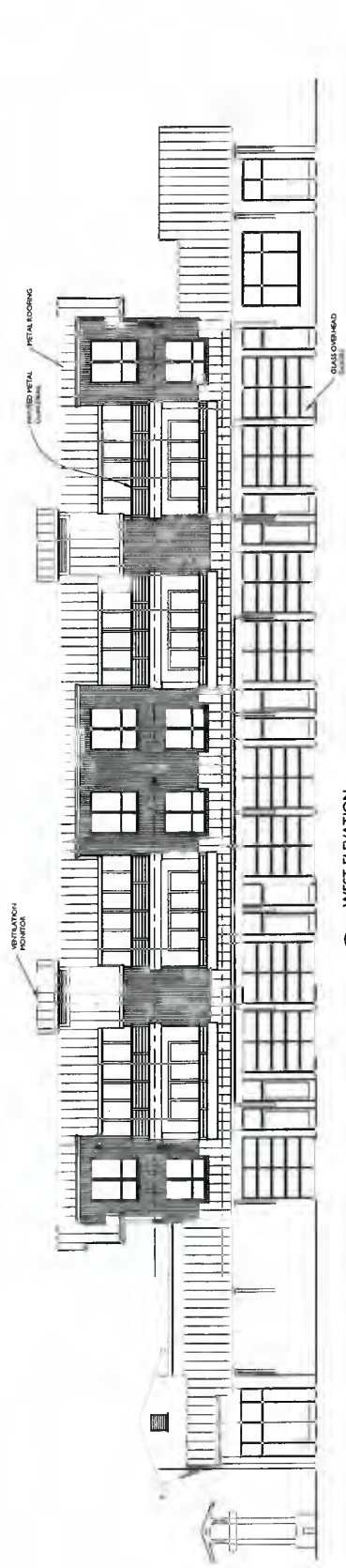
2 3RD FLOOR PLAN
SCALE 1/8"=1'-0"



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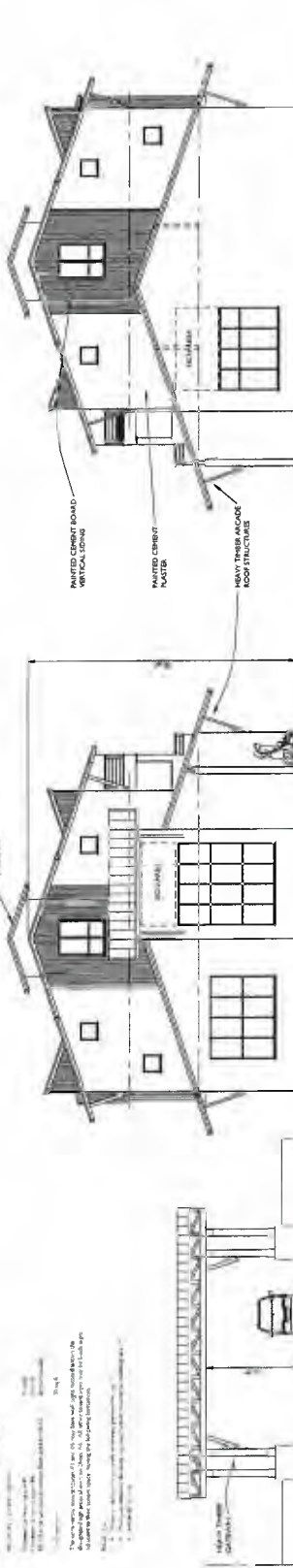
NORTHPOINT
PORTLAND
& 3RD AVE

ELEVATIONS



1 WEST ELEVATION
SCALE: 1/4"=1'-0"

SECTION PROGRAM
The building is a three-story office building with a total area of approximately 10,000 square feet. The program includes:
- Ground Floor: Reception, Conference Room, and Office Space.
- Second Floor: Office Space and Conference Room.
- Third Floor: Office Space and Conference Room.
The building is designed to be a modern, efficient office space that meets the needs of a growing company. The design includes a variety of office environments, from open-plan offices to private offices, and a range of amenities, including a reception area, conference rooms, and a parking garage.



2 NORTH ELEVATION
SCALE: 1/4"=1'-0"

3 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



4 EAST ELEVATION
SCALE: 1/4"=1'-0"

DRAWING DATE
JANUARY 1, 2011
DESIGNED BY
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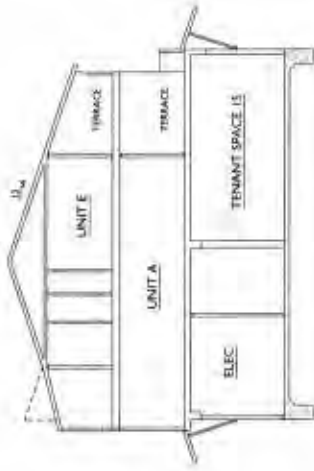
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EXHIBIT

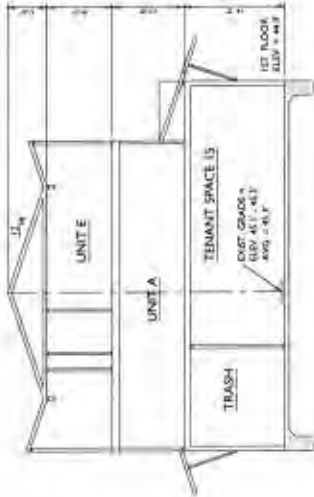


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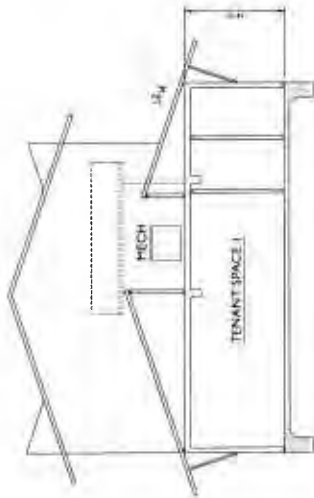
NORTHPOINT
1000 CALIFORNIA BLVD
SUITE 100
SAN FRANCISCO, CA 94109



3 SECTION C
SCALE 1/8\"/>

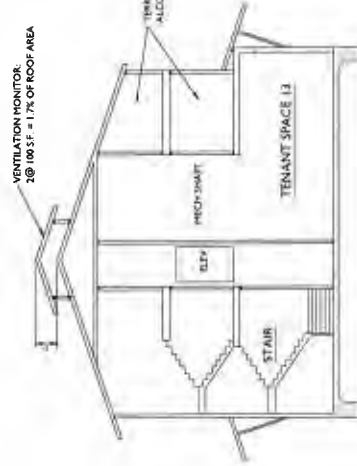


2 SECTION B
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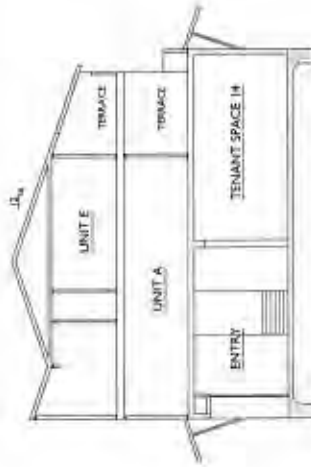


1 SECTION A
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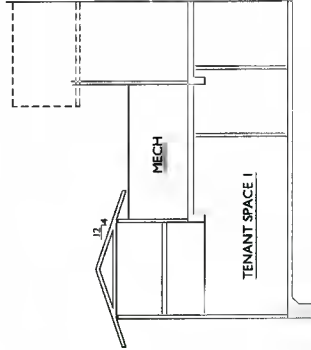
VENTILATION MONITOR
2@ 100 SF = 17% OF ROOF AREA



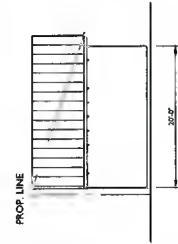
5 SECTION E
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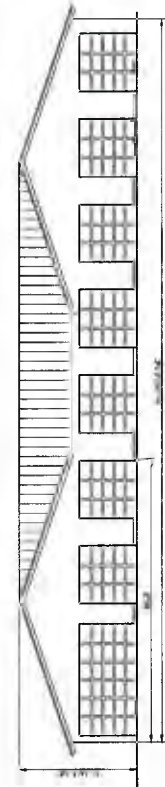
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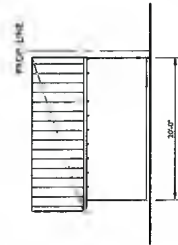
6 SECTION F
SCALE 1/8\"/>



7 NORTH ELEVATION GARAGES
SCALE 1/8\"/>



8 WEST ELEVATION GARAGES
SCALE 1/8\"/>



9 SOUTH ELEVATION GARAGES
SCALE 1/8\"/>

DATE: 01/11/2017
PROJECT: NORTHPOINT
DRAWN BY: J. THOMPSON
CHECKED BY: J. THOMPSON
APPROVED BY: J. THOMPSON

DATE: 01/11/2017
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EXHIBIT D



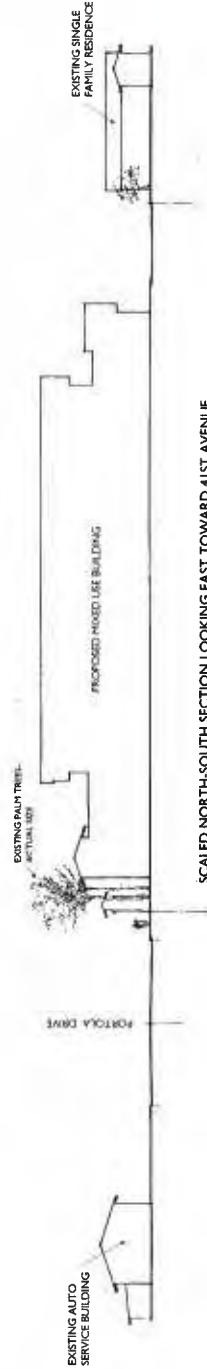
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NORTH-POINT
PORTOLA DR.
& 38TH AVE.

BUILDING
HEIGHT
CONTEXT



SCALED EAST-WEST SECTION LOOKING NORTH TOWARD PORTOLA DRIVE



SCALED NORTH-SOUTH SECTION LOOKING EAST TOWARD 41ST AVENUE



VIEW LOOKING EAST DOWN PORTOLA DRIVE SHOWING THE NEW MIXED USE BUILDING AT THE CORNER



VIEW LOOKING NORTH UP 38TH AVENUE TOWARD PORTOLA DRIVE SHOWING THE NEW MIXED USE BUILDING AT THE CORNER

DRAWING DATE
JANUARY 8, 2015
ISSUED TO FACILITATE
COMMUNITY REVIEW
DATE PREPARED
PROJECT FILE NAME
NORTHPOINT SD 14



A9



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PORTLAND, ME 04106
(207) 761-2200
www.thacherandthompson.com

NORTHPOINT
PORTLAND, ME
& 38TH AVE

SHADING DIAGRAMS



JUNE 20TH 2 PM



DECEMBER 20TH 2 PM



JUNE 20TH 10 AM



DECEMBER 20TH 10 AM

DRAWING DATE
JANUARY 9, 2015

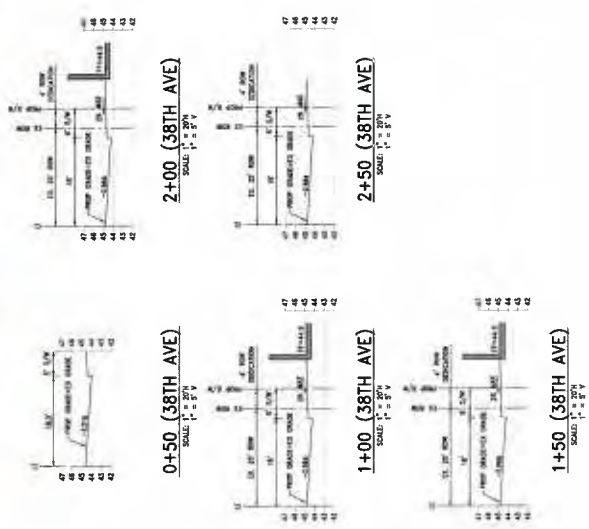
ISSUED TO FACILITATE
THE REVIEW OF THE
DESIGN AND
DATE FINANCING

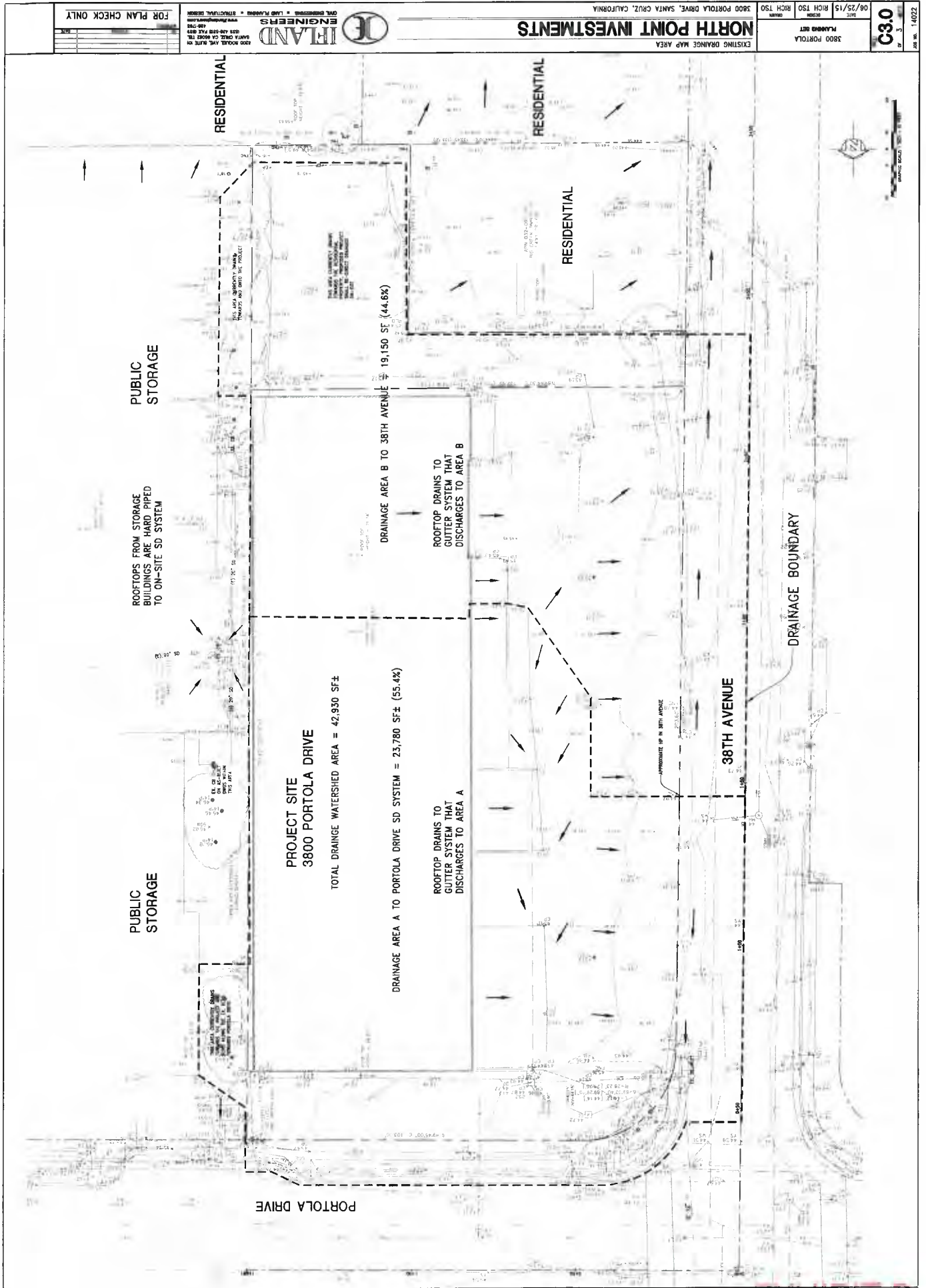
PROJECT: 38th Ave
NORTHPOINT 2015

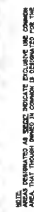
THACHER &
THOMPSON
ARCHITECTS
874 CHESA STREET SUITE 200
PORTLAND, ME 04106
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A10

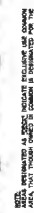








Third Floor Plan



Second Floor Plan

- GENERAL NOTES:
1. MAP PREPARED BY: WPA MAP SERVICES, INC.
BAY AREA DISTRICT, SUITE 100
BAYVIEW AVE. #200
SANTA ROSA, CA 95405
2. SUBVENDOR:
WPT PLUMBING, LLC
10000 WILSON AVENUE
SAN FRANCISCO, CA 94137
CONTACT: FRANKLIN LUMPER
PHONE: (415) 434-0877
3. OWNER:
WPT INC. LLC
1205 LOMBARD STREET, #40077
SAN FRANCISCO, CA 94114
PHONE: (415) 434-2500
CONTACT: FRANKLIN LUMPER
4. A/P, 02-08-01, APR. 02-08-02
5. FISCAL YEAR: COMMERCIAL
6. FISCAL YEAR: COMMERCIAL
7. FISCAL YEAR: COMMERCIAL
8. WATER SUPPLY: CITY OF SANTA CRUZ
9. WASTEWATER: SAN JUAN COUNTY WASTEWATER DISTRICT
10. STORM SEWER FACILITY: COUNTY OF SANTA CRUZ
11. STORM SEWER FACILITY: COUNTY OF SANTA CRUZ
12. PROPOSED UNIT 1: COMMERCIAL UNIT 1 RESIDENTIAL UNIT
13. PROPOSED UNIT 2: COMMERCIAL UNIT 2 RESIDENTIAL UNIT
14. ALL RESIDENTIAL UNITS ARE TO BE HELD UNDER SEPARATE TITLE.
15. COMMERCIAL PLANT SPACE IS TO BE HELD UNDER A SINGLE TITLE. ALL



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THOMPSON
ARCHITECTS
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NORTHPOINT
PORTOLA DR.
& 38TH AVE.



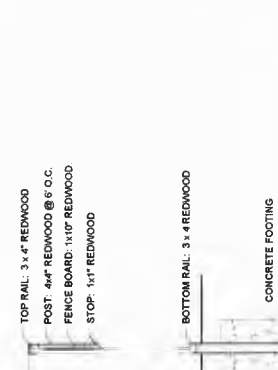
hfs
LANDSCAPE
ARCHITECTS
625 Pacific Street, Suite 200
Berkeley, CA 94710
949.481.1353, 949.481.1127
www.hfs-landscapes.com

LEGEND

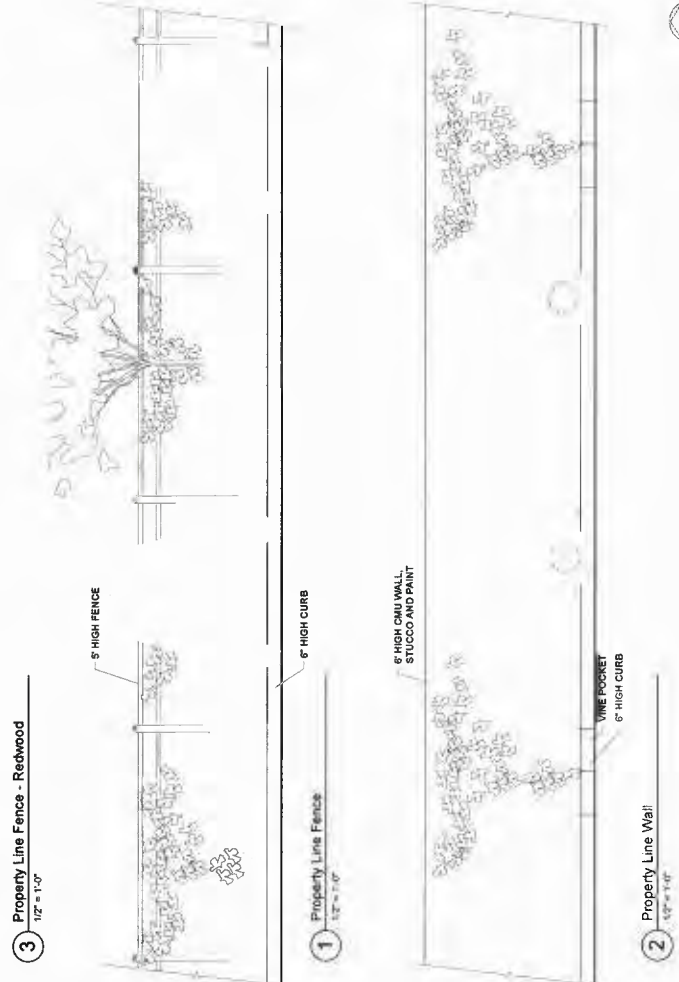
- Pedestrian Concrete Paving
- Vehicular Concrete Paving
- AC Paving
- Planting Area: See Planting Plan

- GENERAL NOTES**
1. Walling surfaces shall comply with CBC 11B-403 Walling Surfaces. All finishes shall be slip resistant.
 2. Curb ramps shall be in compliance with CBC 11B-408 Curb Ramps, Standard Transitions and Islands.
 3. Ramps, including handrails, shall be in compliance with CBC 11B-403 Ramps.
 4. Steps, including handrails, shall be in compliance with CBC 11B-504 Stairways.
 5. Accessible parking stalls shall be in compliance with CBC 11B-502 Parking spaces.
 6. Detectable walling surfaces shall be in compliance with CBC 11B-705 Detectable Warning and Detectable Circulation Feature.

- REFERENCE NOTES**
- 1 Accessible Parking Space
 - 2 Parallel parking
 - 3 Tree Grate: 4' square
 - 4 New Entry Sign
 - 5 Blue Ramps
 - 6 Existing Concrete - Preserve and protect
 - 7 Existing Tree - Preserve and protect
 - 8 Property Line Fence: 5' high. See **L-1.0**
 - 9 Property Line Wall: 6' high. See **L-1.0**
 - 10 Property Line Fence: 6' high. See **L-1.0**
 - 11 Vine Pocket



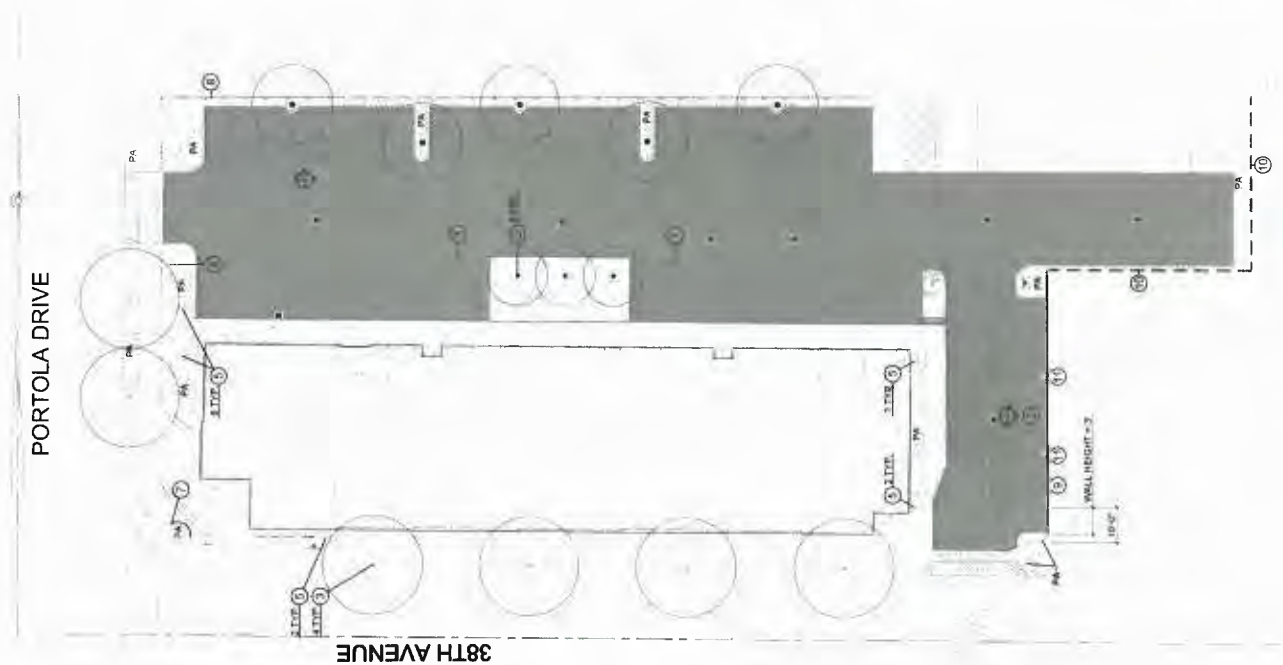
Construction Plan

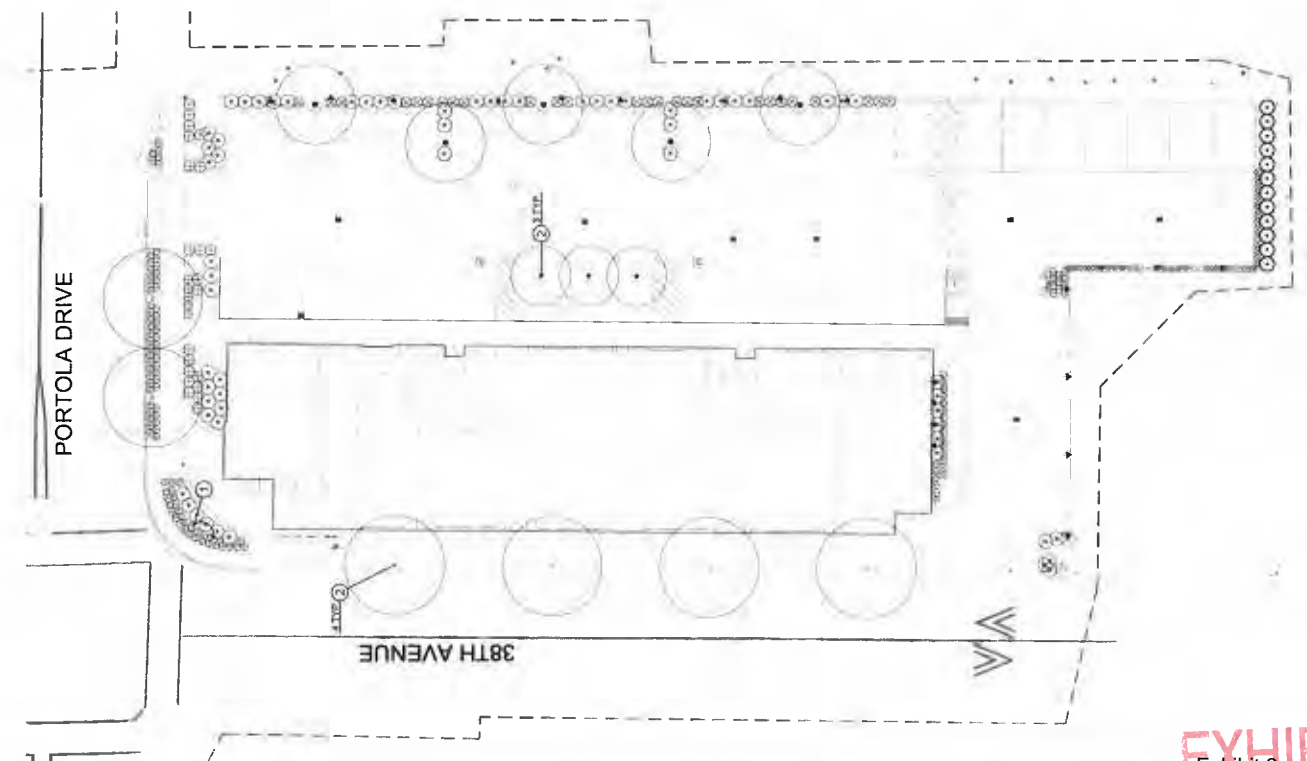


DRAWING DATE: JANUARY 11, 2013
DESIGNER: [Signature]
CHECKED: [Signature]
DATE: [Signature]
PROJECT: 11111 11111
11111 11111
11111 11111



L-1.0





PLANT LEGEND

WUC	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
Street Trees				
M	<i>Taxodium laurum</i> 'Elegant'	Elegant Baldcypress	24" Box	
M	<i>Thouasia sp.</i>	Tight Tree	24" Box	
Parking Trees				
L	<i>Abutilon maritima</i>	Marina Madroña	24" Box	
M	<i>Jacaranda mimosifolia</i>	Jacaranda	24" Box	
M	<i>Paspalum acutifolium</i> 'Columbia'	London Plane	24" Box	
M	<i>Pinus californica</i>	Flowering Pear	24" Box	
Accent Shrubs				
L	<i>Agave attenuata</i> 'Nova'	Blue Fossil Agave	5 Gall.	
L	<i>Agave attenuata</i> 'Big Red'	Big Red Kangaroo Paw	5 Gall.	
Background Shrubs				
L	<i>Leptospermum scoparium</i>	Tea Tree	15 Gall.	
L	<i>Rhipidolobos indica</i>	Indie Hawthorn	15 Gall.	
Grasses				
M	<i>Carex panicea</i>	California Dune Sedge	Pugil 6" o.c.	
L	<i>Chlorocalymum tridatum</i>	Cape Rush	Pugil 6" o.c.	
L	<i>Helictotrichon sempervirens</i>	Blue Oat Grass	Pugil 6" o.c.	
Groundcovers				
M	<i>Arctostaphylos 'Emerald Carpet'</i>	Emerald Carpet Manzanita	5 Gall.	
L	<i>Rozennia officinalis 'Prostratus'</i>	Creeping Rosemary	5 Gall.	
Vines				
L	<i>Bougainvillea 'San Diego Red'</i>	San Diego Red Bougainvillea	5 Gall.	
L	<i>Ficus pumila</i>	Creeping Fig	5 Gall.	
	Crushed Gravel		110 SF	

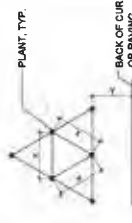
NOTE: ALL PLANTING AREAS TO BE IRRIGATED WITH AN AUTOMATICALLY TIMED IRRIGATION SYSTEM CONSISTING OF SPRAY AND DRIP COMPONENTS.

*** WATER USE CATEGORY (WUC) KEY**

WUCOLS Region Applicable to this Project: REGION 1
 H = High, M = Moderate, L = Low, VL = Very Low, NL = Species Not Listed
 * from: Water Use Classification of Landscape Species.
 A Guide to the Water Needs of Landscape Plants (WUCOLS)
 Revised August 2003, University of California Cooperative Extension, U.C. Cooperative Extension, K.S. Jones

REFERENCE NOTES

- ① Existing Tree: Preserve and Protect
- ② Tree Galls: 4" square.



GROUNDCOVER SPACING AND PLANTING SETBACK DIAGRAM



THACHER & THOMPSON ARCHITECTS
 1000 CALIFORNIA STREET
 SUITE 100
 SAN FRANCISCO, CA 94109
 415.398.1100
 www.thacher.com

NORTHPOINT
 PORTOLA DRIVE
 & 38TH AVENUE



LANDSCAPE ARCHITECTS
 425 PIERCE STREET, SUITE 200
 SAN FRANCISCO, CA 94109
 415.398.1100
 www.hfs.com

Planting Plan

DRAWING DATE: JANUARY 11, 2013
 PROJECT NAME: NORTHPOINT
 COUNTY: ALameda
 SHEET NO.: 101
 SHEET TITLE: LANDSCAPE
 DRAWN BY: J. JONES



15' 0' 15'

L-2.0



ALL POLE MOUNTED LUMINAIRES SHALL BE ON POLE OF 15' HEIGHT MAXIMUM.

Plan View
Scale - 1" = 10'

[illegible]

FOR TAX PURPOSES ONLY

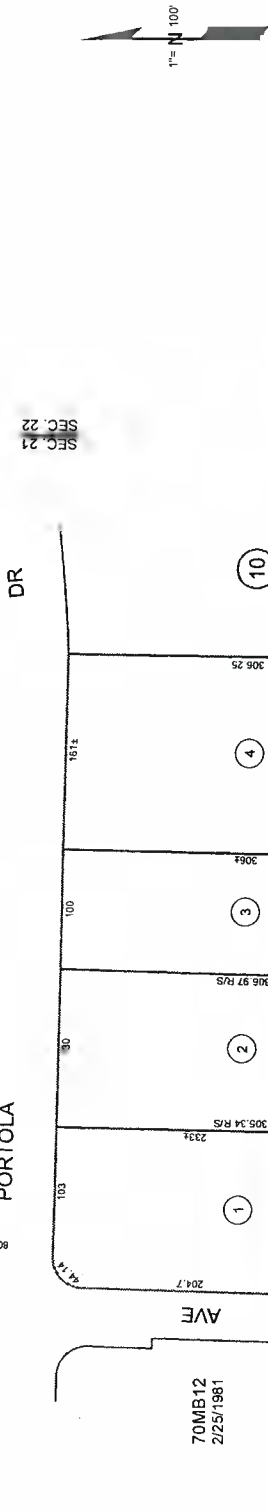
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05 POR. RANCHO ARROYO DEL RODEO
N.E. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

8 PORTOLA

Tax Area Code
96-103

32-09










Location Map



LEGEND

-  APN: 032-092-01
-  Assessors Parcels
-  Street
-  CITY OF CAPITOLA
-  County Boundary






Map Created by
County of Santa Cruz
Planning Department
June 2014



Zoning Map



LEGEND

-  APN: 032-092-01
-  Assessors Parcels
-  Street

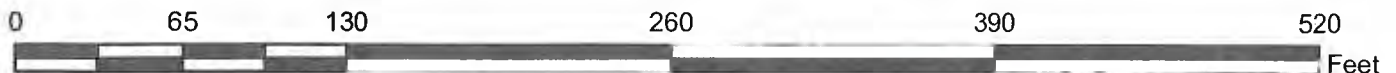
COMMERCIAL-COMMUNITY
RESIDENTIAL-SINGLE FAMILY
RESIDENTIAL-MULTI FAMILY



Map Created by
County of Santa Cruz
Planning Department
September 2014



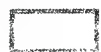
General Plan Designation Map



LEGEND



APN: 032-092-01



Assessors Parcels



Street

Commercial-Community

Residential - Urban Medium Density



Map Created by
County of Santa Cruz
Planning Department
September 2014



Neighborhood Meeting

August 12, 2014

Meeting Location: Fairfield Inn & Suites – Capitola

Project Location: 3800 Portola Drive

Project Description: Mixed-use building: APN 032-092-05 & 01

Notes from Neighborhood Meeting June 23, 2014

Presentors:

- Matt Thompson – Thacher & Thompson Architects
- Patrick Foy – North Point Investments Group, LLC
- John Swift – Hamilton Swift & Associates Land Use Planning Services
- John Leopold & Analyst David Reid – Santa Cruz County Board of Supervisors

Notes prepared by John Swift

Presentation:

Project Architect, Matt Thompson, presented the project. The property is zoned C-2; Community Commercial. The mixed-use project proposes approximately 9,420 sq. ft. of groundfloor commercial/retail allotted to 15 tenant spaces. The groundfloor tenant spaces are noted to have a farmers market intentionality. The second and third story of the project consist of 8-condominium units estimated at 1,215 sq.ft. per unit. The site design includes private, single-car parking garages for each of the eight condominiums units, and 41 additional surface parking spaces. In total, there are 49 parking spaces on site.

The project features a design that will contribute to the walkability of the existing neighborhood. Design considerations feature a wide, pedestrian-friendly sidewalks along the property frontage of both Portola Drive and 38th Avenue. The presenter notes that detailed attention has been paid to designing a building that will contribute to the vision and goals of the community and directly act as an amenity for the existing neighborhood. It was noted that the project shares similar characteristics to recent successful development projects along Swift Street in the City of Santa Cruz. One direct project comparable was the "Swift Street Courtyard," where ground floor commercial businesses share public space and create a vibrant community gathering space.

The presenter emphasized that the project is currently at the beginning of the design phase, and the function of the neighborhood meeting is to receive stakeholder input on the preliminary design and site plan of the project. Following the conclusion of the neighborhood



meeting, the project design must be finalized and then it must be submitted to county staff for review, then to the planning commission for review, and lastly would be presented to the Board of Supervisors for final approval.

Questions/Comments

1. Questions related to entrance and exit and the effects on traffic patterns.

Explained the need for two points of egress and that the main point of entrance/exit should filter on or off Portola Drive. A traffic and parking analysis by a Traffic Engineer will evaluate the traffic impacts.

2. Residents expressed excitement about something new and vital to the area but had concerns over both vehicle and pedestrian safety coming from newly generated traffic.

There will be more people and arguably more congestion, but the new tenants themselves will have an interest in maintaining the walkable nature of the street. There will be a traffic analysis of the site, but we believe that the capacity of the surrounding streets will be considered sufficient to handle the additional traffic. A 10' sidewalk is proposed along 38th Avenue.

3. What are the sewage/utility capabilities of the site?

John Swift explained that these details will be coordinated with Public Works as part of the application process. Preliminary review has shown that these facilities are adequate to support the project.

4. Concern over new tenants/visitors using the parking spaces in front of neighbors homes.

Each condominium unit is designed to have a detached private parking garage. In response to concerns over residents using their garages purely for storage, it is noted that the garages are built large enough to provide ample overhead storage areas. In addition to the garages, each condominium unit has an additional surface parking space that will be shared during the day with prospective customers.

5. No sidewalks on 38th. Not much space to walk.

The project will be constructing sidewalks along the projects frontage on both 38th Avenue and Portola Drive. Supervisor John Leopold noted that in the Pleasure Point Plan and other studies, residents expressed that they were not interested in creating sidewalks. No additional sidewalks are planned to be built within the area.

6. Why should sidewalks exist in front of the property when the rest of the street does not have sidewalks?

The creation of sidewalk areas are voluntary in design, and are built within the boundaries of the property. The design team believes that the sidewalk areas will contribute to the immediate walkability of the open groundfloor commercial areas. The sidewalk will feature tree wells and function for the benefit of the public.

7. A lot of children ride bikes/travel around around the neighborhood, will this project negatively impact their safety?

Research has shown that streets which mix pedestrian, bicycle, and vehicle traffic without seperation on the street are the safest because speed is reduced and drivers are more cautious. The existing neighborhood plan is the safest based on walkability. The area has had few accidents between pedestrians and cars, and the project is not considered to have adverse effects on safety. It is reiterated that there will be a traffic study conducted by a licensed traffic engineer.

8. The existing area has a lot of issues with vagrants and homelessness, will this project draw more homeless people to the area?

It is commonly believed that it is beneficial to have more eyes on the street. The project team believes that the new development will act to improve the neighborhood. It is not believed that the project will contribute to vagrancy.

9. **Concerns over the new development's residents and business patrons using the existing vacant lots across Portola Drive for parking.**

We will work with a transportation engineer to ensure that the project parking is adequate.

10. **Are there restrictions on the amount of restaurants that can use the groundfloor commercial space.**

Parking demand restrictions may limit the ability for potential tenants. It is believed that there will not be substantial restaurants operating in the tenant spaces, rather smaller scale food/beverage usages such as coffee shops, and frozen yogurt shops. The nature of the floor plan will likely contribute to tenants operating with non-food oriented uses.

11. **What is the estimated development timeframe?**

It could likely take about a year or more to do the public review process, and then 15 months to build the project. It is noted that this project has not been submitted yet, and is still in the design phase.

12. **Will there be public bathrooms on site, and what will there hours of availability be? Concern that the project may draw more vagrants to the area through amenity availability.**

There will be shared public bathrooms included on site, but the bathrooms are intended for patrons of the groundfloor commercial businesses. The bathrooms will be closed at night.

Notes:

- There were **no** comments regarding the 3-story building height proposal in the design.
- Multiple residents expressed their favor of the project concept and it seemed like a very positive meeting.



- There were no meeting participants expressing outright opposition to the project.

Resident Participant List:

Name	Address	Phone #
Belinda Garza	690 38 th Avenue	(831) 217-0117
John Ella	3912 Portola Drive	(831) 818-8119
Mary Anne Gabay	3811 Portola Drive	(831) 247-0160
Robert Ninters	720 37 th Avenue	(831) 471-8370
Marilyn Ninters	720 37 th Avenue	(831) 471-8370
Brenda Null	3850 Bramble Lane	(831) 465-6616
Michael Null	3850 Bramble Lane	(831) 465-6616
Steven Gabay	3811 Portola Drive	(831) 475-1600
S. A. Cunningham	747 38 th Avenue	(831) 464-0929
Carol Blake	703 38 th Avenue	(831) 214-9074
James Rivoir	3634 Floral Drive	-na-
Camila Rivoir	3634 Floral Drive	-na-

Archives & Archaeology

Rubén G. Mendoza PhD., RPA, Project Archaeologist/Historian

**1645 Beacon Hill Drive
Salinas, California 93906**

**Phase One Historic Assessment of the 3800 Portola Drive Property, Santa Cruz, California
APN#: 032-092-01 & 032-092-05**

Submitted By

Archives & Archaeology

Rubén G. Mendoza Ph.D., RPA, Project Archaeologist/Historian

Jennifer A. Lucido, MA, Research Associate

**1645 Beacon Hill Drive
Salinas, CA 93906
831.320-9360**

Prepared for:

Mr. John and Ian Swift

Hamilton Swift & Associates, Inc.

**500 Chestnut St, Suite 100
Santa Cruz, CA 95060
831.459.9992 | Fax 831.459.9998**

and

County of Santa Cruz Planning Department

**701 Ocean Street, 4th Floor
Santa Cruz, CA 95060**

October 24, 2015

Results: Negative Declaration

Construction: Circa 1955

Property Type: Industrial

Other Resources: None

Map: N 36.9630 W 121.9671

APN: 032-092-01 & 032-092-05

Address: 3800 Portola Drive. Santa Cruz, CA 95062

Introduction

This document, and the attached OHP DPR 523a/b forms, constitutes that reporting requested by the County of Santa Cruz, and required of the property owners for compliance with the required Phase One Historic Assessment of the property located at 3800 Portola Drive, Santa Cruz, CA 95062. Listed as Assessor's Parcel Number 032-092-01 and 032-092-05, this report is mandated pursuant those requirements established by the County of Santa Cruz Planning Department.

The warehouse structure formerly identified with the Pleasure Point Lumber Company is located within the community of Santa Cruz, California. The property under consideration is located within the County of Santa Cruz, within the purview of the California Coastal Commission, and is thereby construed as lying within one of the most archaeologically and historically sensitive resource zones in the State of California. Therefore, this report is required for compliance with the California Environmental Quality Act (CEQA). Moreover, the region more generally is considered both historically and archaeologically sensitive, and likely to produce archaeological and historical resources. As such, it was determined that because the building dates to circa 1955, and thereby falls beyond the minimum 45-year age for those buildings or structures that trigger such historical studies and assessments, this study was undertaken as per compliance protocols.

The following review of findings establishes that (a) both the location of the parcel within an archaeologically and historically sensitive zone, and the building's construction in circa 1955 justify the County of Santa Cruz Planning Department's request for the preparation of this Phase One Historic Assessment, (b) findings requested from the NWIC Records Search of the parcel resulted in no listings from the OHP Historic Properties Directory, the CA Inventory of Historic Resources (1976), archived Historical Literature, and no extant structures were identified from the GLO and/or Rancho Plat Maps archives of the NWIC; and finally, (c) for those reasons enumerated below, the former Pleasure Point Lumber Company warehouse was not found eligible for the National Register of Historic Places, the California Register of Historical Resources, or local listing in the Santa Cruz County Historic Resources Inventory. As such, this investigation found that the property does not have historic significance (see Criteria for Evaluation below for further discussion).

Background Research

Location

The property formerly identified with the Pleasure Point Lumber Company is located at 3800 Portola Drive, Santa Cruz, California, in the northwestern area of the commercial community of Pleasure Point. The property is within the historical boundaries of the former "Rancho Arroyo del Rodeo." The property is situated approximately two miles northwest of California State Route 1 (Cabrillo Highway). To reach the property from CA-1 N, take exit 438 for 41st Avenue toward Capitola (0.3 miles). Follow 41st Avenue to Portola Drive for 1.5 miles. 3800 Portola Drive is located on the left-hand side of the street.

P3a. Description:

The Pleasure Point Lumber Company property consists of a one-and-one-half-story commercial warehouse and lumberyard located in the Pleasure Point Community of Santa Cruz, California. The warehouse is characterized by a low-pitched, front-gabled roof. The building was constructed in circa 1955 and consists of a redwood frame structure situated atop a concrete slab foundation and mixed concrete and asphalt pavement. The warehouse is situated in a neighborhood of single-family residences to the south and other commercial businesses to the west, north, and east. The warehouse has a rectangular massed plan. The main facade (north elevation) of the warehouse constitutes the facing to a mixed lumber storage area and storefront. The walls of both the warehouse and main storefront facade are covered with horizontal wood cladding. In addition, the main facade is covered with both vertical and horizontal corrugated fiberglass siding.

HP6. 1-3 story commercial building

HP8. Industrial building

Narrative Description

Exterior - Main Facade - North Elevation (continued from Primary Record)

The main facade is oriented to Portola Drive (north). The principal entrance on the main facade is accessible through an oversized suspended sliding wood door. The main facade is covered with vertical and horizontally-oriented siding of both wood and corrugated fiberglass. Both types of cladding are painted in a dark military green. Both the eastern and western sides of the lower register of the principal entrance are situated elongated storage containers faced with vertical wood cladding.

Exterior - West Elevation

The west elevation fronts 38th Avenue and consists of multiple bays and a second large suspended sliding double-door access way to the warehouse similar to the principal entrance on the main facade. This portion of the building is similarly painted military green consistent with the main facade and east elevation. The west elevation is divided into seven bays trending north to south. The two northernmost bays are divided by two pairs of 6x6 inch redwood uprights with concrete footers. The third bay is partitioned by a composite ply board wall, and the bay contains asphalt flooring. The fourth bay is divided by two composite ply board walls, and is floored with a concrete pad. The fifth bay is situated between a composite ply board wall and a second such barrier, and contains asphalt flooring. The sixth and seventh bays are partially enclosed by a ply board and corrugated fiberglass barrier. Flooring of this last bay consists of a concrete pad.

The west elevation includes three access ways or entrances. One entrance is located on the north end within the first bay, the second entryway is located within the second bay at the midpoint of the west elevation, and the third entryway is situated on the south end. The north entrance consists of a modern composite wood door panel with a sheet metal veneer. The second entrance is similarly modern (< 20 years), and consists of a wood frame plate glass door with a brass push plate and lock assembly. The south entrance duplicates the large suspended sliding door on the north elevation, but in this instance consists of a double-door access way to the warehouse.

The west elevation includes two window piercings. One window is situated immediately south and adjacent to the north entrance door, and the second window is located just south and adjacent to the second entryway. Both windows consist of modern aluminum (vertical) sliders.

Exterior - East Elevation

The exterior of the east elevation of the property was inaccessible as the elevation was bordered by a wall and covered with foliage that separated the warehouse from an adjacent property. Extant siding consists of horizontal wood cladding painted military green and consistent with decorative scheme of the main facade and west elevation. From the interior of the warehouse, six window piercings were observed. The south end of the east elevation consists of two large windows piercings covered with vertical fiberglass panels. The central portion of the east elevation includes three pairs of small, fixed pane, windows. One pair of the windows contains six individual glass window panes, whereas the other two consist of on the one hand of a casement window with six glass window panes, and the other a single large glass pane. The sixth window is situated at the northernmost end of the east elevation.

Exterior - South Elevation

The south elevation is faced with horizontal redwood cladding painted a greyish-blue with a dark turquoise trim. The blue-grey color reflects one of the earlier or original paint schemes identified with the Pleasure Point Lumber Company warehouse. The south elevation includes twelve window piercings. A horizontal ribbon of ten sequential piercings covered with corrugated fiberglass is situated immediately beneath the pitch of the roof. These windows measure approximately two-by-two feet square. The other two windows are located in the lower register of the elevation. These include a vertical (bathroom) casement (or sash) window at the southwest corner, and a horizontal fixed pane window at the center of the elevation. The bathroom window-piercing measures 24 inches by 42 inches. The fixed window is divided in half by a muntin and measures approximately 42 inches square. A horizontal PVC drain pipe trends from the east side of the south elevation to the west side, and connects with a vertical pipe that trends north to south.

B6. Construction History:

The Pleasure Point Lumber Company was founded by Carl Van Valkenberg (Kreiger 1993: B-5). Van Valkenberg "opened his doors at Portola and 38th avenues in 1948" (Kreiger 1993: B-5). However, county assessor records date construction of the Pleasure Point Lumber Company warehouse to circa 1955, although a picket fence installed to enclose the property was completed in 1951 (Santa Cruz County 1955a, 1955b). Van Valkenberg retired in 1980, and Ken DeFrees subsequently assumed ownership of the Company (Kreiger 1993: B-5).

In 1993, Big Creek Lumber, one of the last lumber mills in Santa Cruz County, occupied the former Pleasure Point Lumber Company warehouse (Gumz 2009; Kreiger 1993: B-5; LocalWiki 2015). Big Creek Lumber (formerly Big Creek Timber Company) was established in 1946, founded by Frank McCrary, Sr., his brother-in-law Homer Trumbo, and two sons, Frank "Lud" McCrary Jr., and Homer "Bud" McCrary (Big Creek 2015; Gumz 2009; LocalWiki 2015). The new owners of the warehouse undertook modifications to the warehouse, including the removal of the Pleasure Point Lumber Company sign atop the warehouse roof, replacement and removal of original windows and skylights, the installation of new workspaces, and bathroom, etcetera (Kreiger 1993: B-5).

In 2009, Big Creek Lumber closed its business at the former Pleasure Point Lumber Company warehouse (Gumz 2009). Since that time, the property has been used for parking, storage, and as a staging area by Wellington Energy for PG&E's Smart meter replacement project. Wellington Energy leased the property for the period spanning the spring of 2010 to the fall of 2013 (Swift 2015). As of 2015, Big Creek Lumber

maintains retail sales yards in Santa Cruz, Watsonville, Atwater, Paso Robles, and Half Moon Bay (Big Creek 2015). As such, the former Big Creek Lumber / Pleasure Point Lumber Company warehouse has been deployed as a mixed-use facility since the lumber company's closure in 2009.

B10. Significance

Historical Context

County of Santa Cruz

The County of Santa Cruz is characterized by three historic contexts that span the period from 1850 to 1940. These historic contexts include 1) economic development; 2) residential, commercial and institutional architecture; and 3) institutions (Lehmann 1994: ii-iii). Of these contexts, the Pleasure Point Lumber Company warehouse is most closely associated with 1) the economic development, and 2) commercial architecture of Santa Cruz County.

In northern and central California, the development of redwood lumber mills and the shipment of redwood to San Francisco prompted the development of many coastal towns in the mid to late 19th century (HARD 2007: 57-58). In Santa Cruz County, the industrial development of lumber began in 1840 with the arrival of Francisco Lajeunesse, a French Canadian, and two Americans, Isaac Graham and Henry Neale (Lehmann 1994: 12, 2000: 8-9). The men partnered with Joseph L. Majors, a Mexican citizen by marriage to the Castro family, and were granted Rancho Zayante in 1841 (Lehmann 2000: 9). Within four months, they had built the area's first sawmill located at what later became Mount Hermon (Lehmann 1994: 12, 2000: 9). In order to transport lumber from the mills to markets, a 20-mile long flume from San Lorenzo River to the Pacific Ocean was constructed in 1847 (Lehmann 2000: 19-21). The Santa Cruz harbor developed into a port with the construction of a wharf in 1851. This facilitated the shipping of lumber and other raw materials (Lehmann 2000: 19-21). By 1864, 28 sawmills were constructed in the County of Santa Cruz. With the increase in demand for lumber, Santa Cruz became one of the major suppliers for builders in San Francisco through the 1800s (Lehmann 2000: 9).

During the early 20th century, large-scale industries failed due to the depletion of natural resources (Lehmann 2000: 32). In contrast, small industries such as the Sash Mill (located at 303 Potrero Street) owned by John Sinkinson and sons (1910-1925) persisted (Lehmann 2000: 29). Several surviving industrial structures from that time in Santa Cruz have been adapted or converted for new uses.

Significantly, while the Pleasure Point Lumber Company is related to both the commercial and industrial development of Santa Cruz County, its construction date of 1955 situates the property outside of the period of significance (1850-1940) for historic context consideration. Moreover, the County of Santa Cruz Historic Context Statement contains no references to the Pleasure Point Lumber Company.

Pleasure Point Community

The Pleasure Point Community Plan (SCCPD 2008:15) describes Pleasure Point as an agricultural area for small farms and orchards during the 19th and 20th centuries. The area also attracted tourism focused on coastal fishing and hunting, which in turn prompted the development of small residential units along

the same coast (SCCPD 2008:15). Following the Great Depression, tourist cottages and year-round luxury homes continued to develop in Pleasure Point (SCCPD 2008:15). The Pleasure Point Community Plan (SCCPD 2008: 21) identifies the Pleasure Point Lumber Company warehouse with the commercial community of Pleasure Point.

Statement of Historical Significance

The Pleasure Point Lumber Company warehouse was not found eligible for the National Register of Historic Places, the California Register of Historical Resources, or local listing in the Santa Cruz County Historic Resources Inventory.

National Register of Historic Places Criteria for Evaluation

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion A because the property is not associated with events that have made a significant contribution to the broad patterns of our history.

B. Property is associated with the lives of persons significant in our past.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion B because the property is not associated with the lives of persons significant in our past.

C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion C because the property does not embody the distinctive characteristics of an architectural type or period. The building is not representative of its time in its current configuration as a mid-century industrial complex that has been adaptively reused for commercial and light industrial purposes.

D. Property has yielded, or is likely to yield, information important in prehistory or history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion D because the property does not demonstrate information, or the potential to yield information, important to understanding the prehistory or history of Santa Cruz or California more generally.

Aspects of Integrity for Listing on the National Register

The Pleasure Point Lumber Company warehouse retains its integrity of **location** because the property was originally constructed at 3800 Portola Drive, Santa Cruz, California.

The Pleasure Point Lumber Company warehouse does not retain integrity of **design**. The property's design as a warehouse and lumberyard has undergone recurrent changes through time, including

replacement of original doors and windows as an introduction of modern materials that detract from the property's integrity of design.

The Pleasure Point Lumber Company warehouse does not retain its integrity of **setting** because it is inconsistent with Santa Cruz's small town, or beach town character of single-family residences and commercial businesses.

The Pleasure Point Lumber Company warehouse does not retain its integrity of **materials**. While the redwood frame remains largely intact, there have been a host of modifications to its original design and construction.

The Pleasure Point Lumber Company warehouse does not retain integrity of **workmanship**, as there is no physical evidence of the crafts of a particular culture or people during any given period in history.

The Pleasure Point Lumber Company warehouse does not retain integrity of **feeling** because the property does not embody Santa Cruz's small town, beach town character of single-family residences and commercial businesses nor does it reflect the 1850-1950 economic or commercial development of the city.

The Pleasure Point Lumber Company warehouse does not retain integrity of **association** because there is no direct link between the property and an event or person for which the property is significant.

California Register of Historical Resources Criteria for Evaluation

1. Is associated with events that have made a significant contribution to the broad patterns of our history

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 1 because the property is not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

2. Is associated with the lives of persons important in our past.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 2 because the property is not associated with the lives of persons significant in our community.

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 3 because the property does not embody the distinctive characteristics of an architectural type or period.

4. Has yielded, or may be likely to yield, information important in prehistory or history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 4 because the property does not demonstrate information, or the potential to yield information, important to understanding the prehistory or history of Santa Cruz or California more generally.

Local Listing Criteria for Designation (S 16.42.050(C); SCCPD and Shaw 1994)

1. The resource is associated with a person of local, state or national historical significance.

The Pleasure Point Lumber Company warehouse is not associated with a person of local, state or national historical significance.

2. The building is associated with a historic event or thematic activity of local, state, or national importance.

The Pleasure Point Lumber Company warehouse is not associated with a historic event or thematic activity of local, state, or national importance.

3. The resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life, or the resource represents the work of a master builder or architect or possesses high artistic value.

The Pleasure Point Lumber Company warehouse is not representative of a distinct architectural style and/or construction method of a particular historic period or way of life, nor does the building represent the work of a master builder or architect or possess high artistic value.

4. The resource has yielded, or may likely yield information important to history or prehistory.

The Pleasure Point Lumber Company warehouse does not retain sufficient integrity to accurately convey its significance.

B12. References

Archives & Architecture, LLC

- 2013 City of Santa Cruz Historic Building Survey List, Volume III. Available at <http://www.cityofsantacruz.com/home/showdocument?id=32595> (accessed 29 September 2015).

Big Creek Lumber Company (Big Creek)

- 2015 History. Available at <http://www.big-creek.com/> (accessed 8 October 2015).

California Department of Transportation (Caltrans)

- 2010 *A Historical Context and Archaeological Research Design for Townsite Properties in California*. Division of Environmental Analysis, California Department of Transportation.

County of Santa Cruz. Santa Cruz County Code (SCCC)

- 2015 Chapter 16.42 Historic Preservation. Available at <http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty16/SantaCruzCounty1642.html#16.42> (accessed 19 October 2015).

Gumz, Jondi

- 2009 Big Creek Lumber opening larger yard on Soquel Avenue. *Santa Cruz Sentinel* (March 11, 2009). Available at <http://www.santacruzsentinel.com/general-news/20090311/big-creek-lumber-opening-larger-yard-on-soquel-avenue> (accessed 9 October, 2015).

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- 2007 *Townsites: Historic Context and Archaeological Research Design*. June Draft. Division of Environmental Analysis, California Department of Transportation (Caltrans).

Kreiger, Kathy

- 1993 Big Creek Lumber expands to Pleasure Point. *Santa Cruz Sentinel* (July 21, 1993). Available at <http://www.newspapers.com/newspage/66378554/> (accessed 12 October 2015).

Lehmann, Susan

- 1994 County of Santa Cruz Survey of Historic Resources Update and Context Statement. Santa Cruz County Historic Resources Commission.

Lehmann, Susan

- 2000 City of Santa Cruz Historic Context Statement. Available at <http://www.cityofsantacruz.com/departments/planning-and-community-development/area-plans-planning-documents-projects/historic-context-statement> (accessed 29 September 2015).

LocalWiki

- 2015 Big Creek Lumber, Santa Cruz. Available at https://localwiki.org/santacruz/Big_Creek_Lumber (accessed 9 October, 2015).

Rebagliati, Juliana

- 2012 City of Santa Cruz 2030 General Plan. Available at

<http://www.cityofsantacruz.com/home/showdocument?id=33418> (accessed 6 October 2015).

Santa Cruz City Council Resolution (SCCCR)

- 2008 City of Santa Cruz Historic Building Survey List, Volume I/II. Available at <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/historic-preservation-in-santa-cruz/historic-building-survey> (accessed 29 September 2015).

Santa Cruz County

- 1955a Commercial Building Record: APN: 032-092-01. Sheet 1.

- 1955b Commercial Building Record: APN: 032-092-01. Sheet 2.

Santa Cruz County Historical Trust (SCCHT)

- 1990 Every Structure Tells A Story: How to Research the History of a Property in Santa Cruz County. Santa Cruz County Historical Trust Publications Committee. Available at <http://www.santacruzmah.org/wp-content/uploads/2015/07/EveryStructureTellsAStory-ocrMd-red.pdf> (accessed 9 October 2015).

Santa Cruz County Planning Department (SCCPD)

- 2008 Pleasure Point Community Plan. Available at <http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/TownVillageSpecificPlans/PleasurePointCommunityPlan.aspx> (accessed 29 September 2015).

Santa Cruz County Planning Department (SCCPD) and Daniel Shaw

- 1994 County of Santa General Plan and Local Coastal Program Land Use Plan. <http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/GeneralPlan.aspx> (accessed 19 October 2015).

Swift, John

- 2015 Personal communication of October 16, 2015 from Swift to Mendoza. Swift cites former property owner Ken DeFrees regarding mixed-use of parcel during period noted.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 13

*Resource Name or #: Pleasure Point Lumber Co. Warehouse

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County: Santa Cruz

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Soquel, CA

Date:

T

R

1/4 of

1/4 of Sec

; M.D.

B.M.

c. Address: 3800 Portola Drive

City: Santa Cruz

Zip: 95062

d. UTM: Zone: 10 ;

mE/

mN (G.P.S.)

e. Other Locational Data: APNs: 032-092-01 and 032-092-05 Elevation:

The property is located at 3800 Portola Drive, Santa Cruz, California, in the northwestern area of the commercial community of Pleasure Point. The property is within the historical boundaries of the former "Rancho Arroyo del Rodeo." The property is situated approximately two miles northwest of California State Route 1 (Cabrillo Highway). To reach the property from CA-1 N, take exit 438 for 41st Avenue toward Capitola (0.3 miles). Follow 41st Avenue to Portola Drive for 1.5 miles. 3800 Portola Drive is located on the left-hand side of the street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Pleasure Point Lumber Company property consists of a one-and-one-half-story commercial warehouse and lumberyard located in the Pleasure Point Community of Santa Cruz, California. The warehouse is characterized by a low-pitched, front-gabled roof. The building was constructed in circa 1955 and consists of a redwood frame structure situated atop a concrete slab foundation and mixed concrete and asphalt pavement. The warehouse is situated in a neighborhood of single-family residences to the south and other commercial businesses to the west, north, and east. The warehouse has a rectangular massed plan. The main facade (north elevation) of the warehouse constitutes the facing to a mixed lumber storage area and storefront. The walls of both the warehouse and main storefront facade are covered with horizontal wood cladding. In addition, the main facade is covered with both vertical and horizontal corrugated fiberglass siding.

*P3b. Resource Attributes: HP6. 1-3 story commercial building; HP8. Industrial building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. P5b-

03.Oblique889A1249v2.jpg Main
façade.

*P6. Date Constructed/Age and

Sources: ☒ Historic

☐ Prehistoric ☐ Both

*P7. Owner and Address:

NPI FUND II, LLC

PO Box 470577

San Francisco, CA 94147

415-613-5200

*P8. Recorded by:

R. Mendoza and J. Lucido

Archives & Archaeology

1645 Beacon Hill Drive, Salinas,
CA, 93906

*P9. Date Recorded: 10/03/2015

*P10. Survey Type: Site-specific
survey

*P11. Report Citation: None

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☒ Photograph Record ☐ Other (List):

DPR 523A (1/95)

*Required Information

Exhibit 3
A-3-SCO-16-0003

Page 115 of 260

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 13

*NRHP Status Code 6Z

*Resource Name or # Pleasure Point Lumber Co. Warehouse

B1. Historic Name: Pleasure Point Lumber Company

B2. Common Name:

B3. Original Use: Lumberyard

B4. Present Use: Lumberyard

*B5. Architectural Style: Vernacular

*B6. Construction History: (Construction date, alterations, and date of alterations)

The Pleasure Point Lumber Company was founded by Carl Van Valkenberg (Kreiger 1993: B-5). Van Valkenberg "opened his doors at Portola and 38th avenues in 1948" (Kreiger 1993: B-5). However, county assessor records date construction of the Pleasure Point Lumber Company warehouse to circa 1955, although a picket fence installed to enclose the property was completed in 1951 (Santa Cruz County 1955a, 1955b). Van Valkenberg retired in 1980, and Ken DeFrees subsequently assumed ownership of the Company (Kreiger 1993: B-5). Continued on Continuation Sheet Page.

*B7. Moved? ☒No ☐Yes ☐Unknown Date:

Original Location:

*B8. Related Features: N/A

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme: Industrial and economic development

Area: Pleasure Point

Period of Significance: 1850-1940

Property Type: Industrial

Applicable Criteria: None

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

County of Santa Cruz

The County of Santa Cruz is characterized by three historic contexts that span the period from 1850 to 1940. These historic contexts include 1) economic development; 2) residential, commercial and institutional architecture; and 3) institutions (Lehmann 1994: ii-iii). Of these contexts, the Pleasure Point Lumber Company warehouse is most closely associated with 1) the economic development and 2) commercial architecture of Santa Cruz County. Continued on Continuation Sheet Page.

B11. Additional Resource Attributes: (List attributes and codes)

*B12. References:

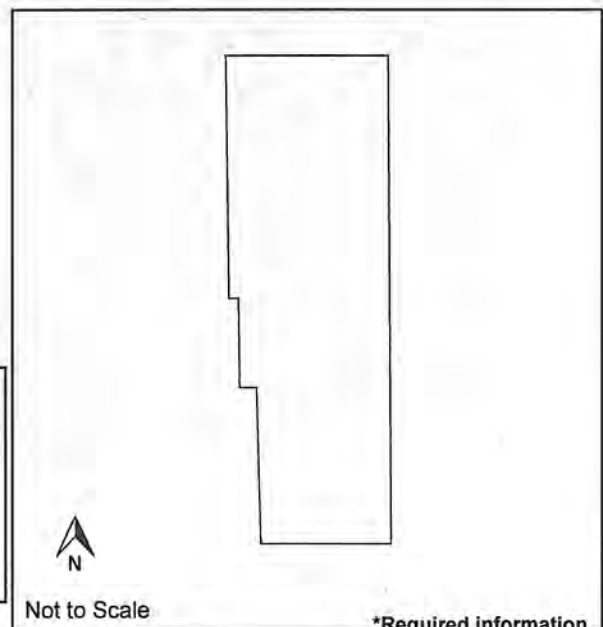
See Continuation Sheet, Page

B13. Remarks:

*B14. Evaluator: R. Mendoza

*Date of Evaluation: 10/03/2015

(This space reserved for official comments.)



*Required information

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

Page 3 of 13

*Resource Name or #: Pleasure Point Lumber Co. Warehouse

*Map Name: Soquel, California

*Scale: 1:24000 *Date of Map: 2015



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PHOTOGRAPH RECORD

Primary #
HRI#
Trinomial

Page 4 of 13

Resource Name or #: Pleasure Point Lumber Co. Warehouse

Year 2015

Camera Format: 35mm Digital

Lens Size: 17-40mm

Film Type and Speed: Digital

Negatives Kept at:

Mo.	Day	Time	Exp./Frame	Subject/Description	View Toward	Accession #
10	3		01	Main Façade	Southeast	P5b-03.Oblique889A1249v2.jpg
			02	West elevation. South bay and double-door entrance	North	P5b-02.Oblique_ViewNorth889A1030.jpg
			03	South elevation	North	P5b-04.SouthFace889A1017v2.jpg
			04	West elevation. Northern bays with concrete pads	Southeast	P5b-01.WestBays889A1300v2.jpg
			05	Warehouse interior	North	P5b-05.WarehouseInteriorViewNorth889A1176v2.jpg
			06	Warehouse interior	South	P5b-06.Warehouse_Interior_ViewSouth889A1286v2

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

☒ Continuation

☐ Update

B6. Construction History: (continued from BSO Record, Page 2)

In 1993, Big Creek Lumber, one of the last lumber mills in Santa Cruz County, occupied the former Pleasure Point Lumber Company warehouse (Gumz 2009; Kreiger 1993: B-5; LocalWiki 2015). Big Creek Lumber (formerly Big Creek Timber Company) was established in 1946, founded by Frank McCrary, Sr., his brother-in-law Homer Trumbo, and two sons, Frank "Lud" McCrary Jr., and Homer "Bud" McCrary (Big Creek 2015; Gumz 2009; LocalWiki 2015). The new owners of the warehouse undertook modifications to the warehouse, including the removal of the Pleasure Point Lumber Company sign atop the warehouse roof, replacement and removal of original windows and skylights, the installation of new workspaces, and bathroom, etcetera (Kreiger 1993: B-5).

In 2009, Big Creek Lumber closed its business at the former Pleasure Point Lumber Company warehouse (Gumz 2009). Since that time, the property has been used for parking, storage, and as a staging area by Wellington Energy for PG&E's Smart meter replacement project. Wellington Energy leased the property for the period spanning the Spring of 2010 to the fall of 2013 (Swift 2015). As of 2015, Big Creek Lumber maintains retail sales yards in Santa Cruz, Watsonville, Atwater, Paso Robles, and Half Moon Bay (Big Creek 2015). As such, the former Big Creek Lumber / Pleasure Point Lumber Company warehouse has been deployed as a mixed-use facility since the lumber company's closure in 2009.

B10. Significance: (continued from BSO Record, Page 2)

In northern and central California, the development of redwood lumber mills and the shipment of redwood to San Francisco prompted the development of many coastal towns in the mid to late 19th century (HARD 2007: 57-58). In Santa Cruz County, the industrial development of lumber began in 1840 with the arrival of Francisco Lajeunesse, a French Canadian, and two Americans, Isaac Graham and Henry Neale (Lehmann 1994: 12, 2000: 8-9). The men partnered with Joseph L. Majors, a Mexican citizen by marriage to the Castro family, and were granted Rancho Zayante in 1841 (Lehmann 2000: 9). Within four months, they had built the area's first sawmill located at what later became Mount Hermon (Lehmann 1994: 12, 2000: 9). In order to transport lumber from the mills to markets, a 20-mile long flume from San Lorenzo River to the Pacific Ocean was constructed in 1847 (Lehmann 2000: 19-21). The Santa Cruz harbor developed into a port with the construction of a wharf in 1851. This facilitated the shipping of lumber and other raw materials (Lehmann 2000: 19-21). By 1864, 28 sawmills were constructed in the County of Santa Cruz. With the increase in demand for lumber, Santa Cruz became one of the major suppliers for builders in San Francisco through the 1800s (Lehmann 2000: 9).

During the early 20th century, large-scale industries failed due to the depletion of natural resources (Lehmann 2000: 32). In contrast, small industries such as the Sash Mill (located at 303 Potrero Street) owned by John Sinkinson and sons (1910-1925) persisted (Lehmann 2000: 29). Several surviving industrial structures from that time in Santa Cruz have been adapted or converted for new uses.

Significantly, while the Pleasure Point Lumber Company is related to both the commercial and industrial development of Santa Cruz County, its construction date of 1955 situates the property outside of the period of significance (1850-1940) for historic context consideration. Moreover, the County of Santa Cruz Historic Context Statement contains no references to the Pleasure Point Lumber Company.

Pleasure Point Community

The Pleasure Point Community Plan (SCCPD 2008:15) describes Pleasure Point as an agricultural area for small farms and orchards during the 19th and 20th centuries. The area also attracted tourism focused on coastal fishing and hunting, which in turn prompted the development of small residential units along the same coast (SCCPD 2008:15). Following the Great Depression, tourist cottages and year-round luxury homes continued to develop in Pleasure Point (SCCPD 2008:15). The Pleasure Point Community Plan (SCCPD 2008: 21) identifies the Pleasure Point Lumber Company warehouse with the commercial community of Pleasure Point.

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

☒ Continuation

☐ Update

Statement of Historical Significance (continued from Continuation Sheet, Page5)

The Pleasure Point Lumber Company warehouse was not found eligible for the National Register of Historic Places, the California Register of Historical Resources, or local listing in the Santa Cruz County Historic Resources Inventory.

National Register of Historic Places Criteria for Evaluation

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion A because the property is not associated with events that have made a significant contribution to the broad patterns of our history.

B. Property is associated with the lives of persons significant in our past.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion B because the property is not associated with the lives of persons significant in our past.

C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion C because the property does not embody the distinctive characteristics of an architectural type or period. The building is not representative of its time in its current configuration as a mid-century industrial complex that has been adaptively reused for commercial and light industrial purposes.

D. Property has yielded, or is likely to yield, information important in prehistory or history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion D because the property does not demonstrate information, or the potential to yield information, important to understanding the prehistory or history of Santa Cruz County or California more generally.

Aspects of Integrity for Listing on the National Register

The Pleasure Point Lumber Company warehouse retains its integrity of **location** because the property was originally constructed at 3800 Portola Drive, Santa Cruz, California.

The Pleasure Point Lumber Company warehouse does not retain integrity of **design**. The property's design as a warehouse and lumberyard has undergone recurrent changes through time, including replacement of original doors and windows as an introduction of modern materials that detract from the property's integrity of design.

The Pleasure Point Lumber Company warehouse does not retain its integrity of **setting** because it is inconsistent with Santa Cruz's small town, or beach town character of single-family residences and commercial businesses.

The Pleasure Point Lumber Company warehouse does not retain its integrity of **materials**. While the redwood frame remains largely intact, there have been a host of modifications to its original design and construction.

The Pleasure Point Lumber Company warehouse does not retain integrity of **workmanship**, as there is no physical evidence of the crafts of a particular culture or people during any given period in history.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 7 of 13

*Resource Name or # Pleasure Point Lumber Co. Warehouse

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

☒ Continuation

☐ Update

Statement of Historical Significance (continued from Continuation Sheet, Page 6)

The Pleasure Point Lumber Company warehouse does not retain integrity of **feeling** because the property does not embody Santa Cruz's small town, beach town character of single-family residences and commercial businesses nor does it reflect the 1850-1940 economic or commercial development of the county.

The Pleasure Point Lumber Company warehouse does not retain integrity of **association** because there is no direct link between the property and an event or person for which the property is significant.

California Register of Historical Resources Criteria for Evaluation

1. Is associated with events that have made a significant contribution to the broad patterns of our history

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 1 because the property is not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

2. Is associated with the lives of persons important in our past.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 2 because the property is not associated with the lives of persons significant in our community.

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 3 because the property does not embody the distinctive characteristics of an architectural type or period.

4. Has yielded, or may be likely to yield, information important in prehistory or history.

The Pleasure Point Lumber Company warehouse does not appear to be eligible under Criterion 4 because the property does not demonstrate information, or the potential to yield information, important to understanding the prehistory or history of Santa Cruz or California more generally.

Local Listing Criteria for Designation (S 16.42.050(C); SCCPD and Shaw 1994)

1. The resource is associated with a person of local, state or national historical significance.

The Pleasure Point Lumber Company warehouse is not associated with a person of local, state or national historical significance.

2. The building is associated with a historic event or thematic activity of local, state, or national importance.

The Pleasure Point Lumber Company warehouse is not associated with a historic event or thematic activity of local, state, or national importance.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 8 of 13

*Resource Name or # Pleasure Point Lumber Co. Warehouse

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

☒ Continuation ☐ Update

Statement of Historical Significance (continued from Continuation Sheet, Page 7)

3. The resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life, or the resource represents the work of a master builder or architect or possesses high artistic value.

The Pleasure Point Lumber Company warehouse is not representative of a distinct architectural style and/or construction method of a particular historic period or way of life, nor does the building represent the work of a master builder or architect or possess high artistic value.

4. The resource has yielded, or may likely yield information important to history or prehistory.

The Pleasure Point Lumber Company warehouse does not retain sufficient integrity to accurately convey its significance.

B12. References (continued from BSO Record, Page 2)

Archives & Architecture, LLC. 2013. City of Santa Cruz Historic Building Survey List, Volume III. Available at <http://www.cityofsantacruz.com/home/showdocument?id=32595> (accessed 29 September 2015).

Big Creek Lumber Company (Big Creek). 2015. History. Available at <http://www.big-creek.com/> (accessed 8 October 2015).

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County of Santa Cruz. Santa Cruz County Code (SCCC). 2015. Chapter 16.42 Historic Preservation. Available at <http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty16/SantaCruzCounty1642.html#16.42> (accessed 19 October 2015).

Gumz, Jondi. 2009. Big Creek Lumber opening larger yard on Soquel Avenue. Santa Cruz Sentinel (March 11, 2009). Available at <http://www.santacruzsentinel.com/general-news/20090311/big-creek-lumber-opening-larger-yard-on-soquel-avenue> (accessed 9 October, 2015).

HARD Townsites Team. 2007. Townsites: Historic Context and Archaeological Research Design. June Draft. Division of Environmental Analysis, California Department of Transportation (Caltrans).

Kreiger, Kathy. 1993. Big Creek Lumber expands to Pleasure Point. Santa Cruz Sentinel (July 21, 1993). Available at <http://www.newspapers.com/newspage/66378554/> (accessed 12 October 2015).

Lehmann, Susan. 1994. County of Santa Cruz Survey of Historic Resources Update and Context Statement. Santa Cruz County Historic Resources Commission.

Lehmann, Susan. 2000. City of Santa Cruz Historic Context Statement. Available at <http://www.cityofsantacruz.com/departments/planning-and-community-development/area-plans-planning-documents-projects/historic-context-statement> (accessed 29 September 2015).

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

☒ Continuation

☐ Update

B12. References (continued from Continuation Sheet, Page 8)

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DEPARTMENT OF PARKS AND RECREATION
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Primary #
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*Resource Name or # Pleasure Point Lumber Co. Warehouse

*Recorded by: R. Mendoza, J. Lucido

*Date: 10/03/15

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P5b-01. West elevation. Northern bays with concrete pads (WestBays889A1300v2.jpg). October 3, 2015.



P5b-02. West elevation. South bay and double-door entrance. (Oblique_ViewNorth889A1030.jpg). October 3, 2015.



P5b-03. Main façade (Oblique889A1249v2.jpg). October 3, 2015.



P5b-04. South elevation (SouthFace889A1017v2.jpg). October 3, 2015.



P5b-05. Warehouse Interior (WarehouseInteriorViewNorth889A1176v2.jpg). October 3, 2015.



P5b-06. Warehouse Interior (Warehouse_Interior_ViewSouth889A1286v2.jpg). October 3, 2015.

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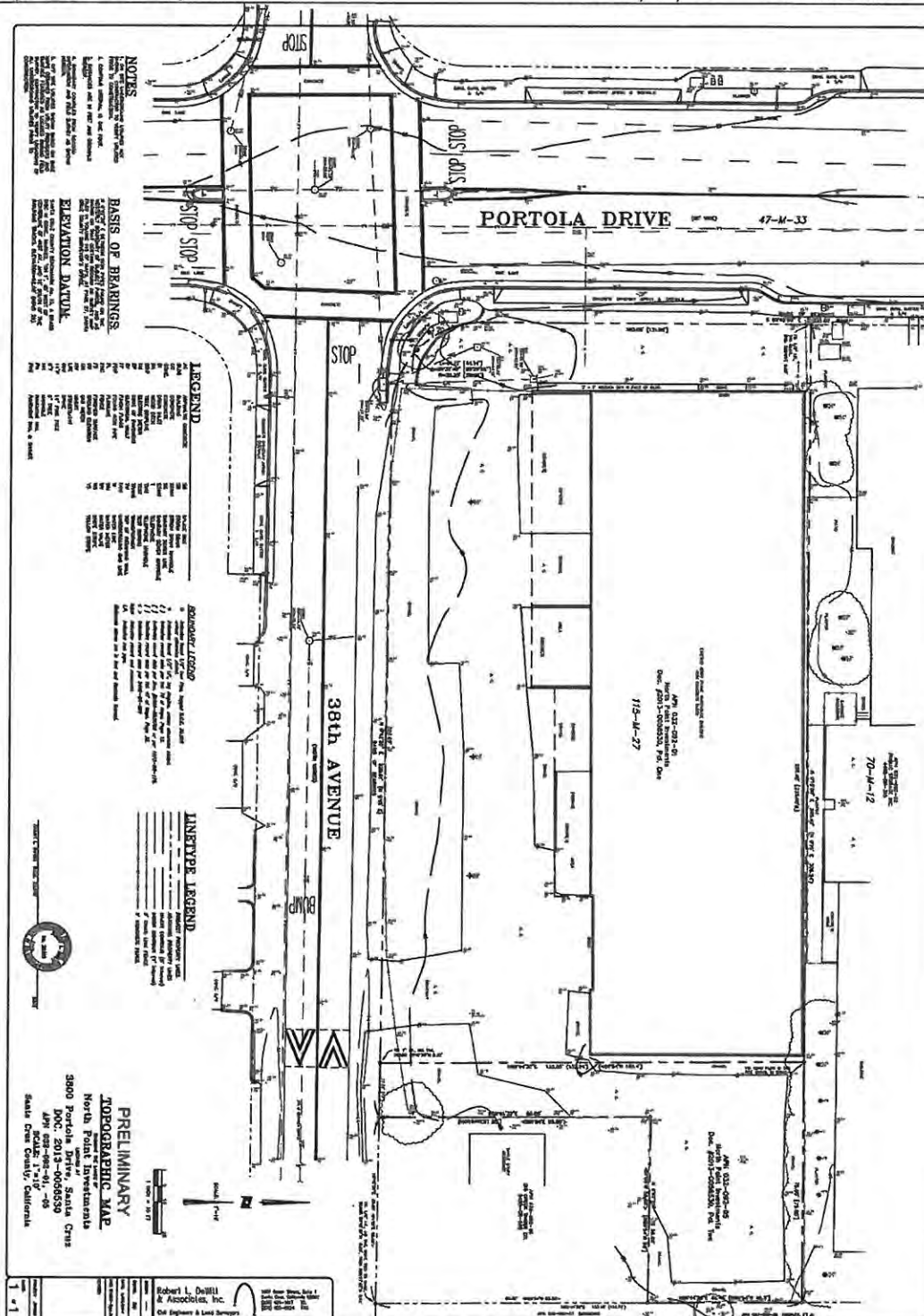
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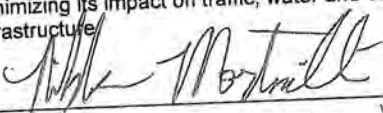

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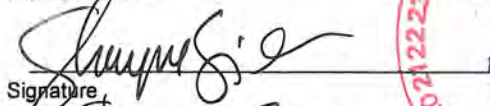
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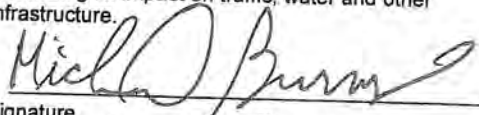
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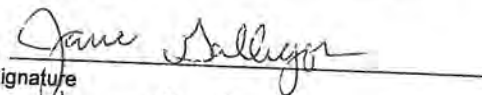
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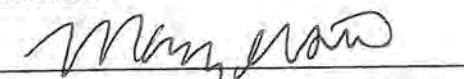

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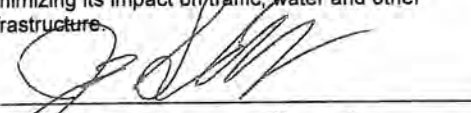

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Jordy Pastor
Signature
Jordy Pastor
Name

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

minimizing its impact on traffic, water and other infrastructure.

Alisha Acosta
Signature
Alisha Acosta
Name

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Cameron Lack
Signature
Cameron Lack
Name

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Ronald Scott Lappin
Signature
Ronald Scott Lappin
Name

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To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Planning Department
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Santa Cruz, CA 95062



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SAN CRUZ, CA 95062



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Signature

BRIAN SEARS

Name

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Signature

Colleen Berlin

Name

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Katherine Berlin

Name

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Signature

11.1.2015

Name

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Name

Kelly Ray
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Name

Christopher Jackson
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infrastructure.

Signature

Name

Hailey Johnson
Hailey Johnson

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Signature

Name

Arzu Dent
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Signature
Rosa Hansen
Name

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Signature
Sam Smith
Name

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NOV 2015
RECEIVED
Planning Dept. Admin
County of Santa Cruz
Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060



Planning Department
701 Ocean Street
Santa Cruz, CA 95060

NOV 2015
RECEIVED
Planning Dept. Admin
County of Santa Cruz

Lezanne Jeffs

From: jeanette natcher [silvercreek354@outlook.com]
Sent: Saturday, October 31, 2015 9:54 AM
To: Lezanne Jeffs
Subject: Fw: Lumberyard project

Hi Lezanne, Please add these comments to the collection. Are we still on for the meeting on the 18th of November? Thanks Jeanette

From: Patrick Williams <pwiliams1331@gmail.com>
Sent: Friday, October 30, 2015 11:45 PM
To: jeanette natcher
Subject: Re: Lumberyard project

this looks great and straight to the point!
Patrick

On Thu, Oct 29, 2015 at 4:01 PM, jeanette natcher <silvercreek354@outlook.com> wrote:
Hello Mr Moroney,

I read on Next Door site the response you sent to Charles Paulden. 3 items you discussed are of particular interest to me as we are directly across the 38th Ave. residential street which will face the strip mall in front of our home.

#1 The public use of the sidewalk right-of-way appears to be compromised by the plan. They claim the 10 foot sidewalk will be used "to bring the inside out" as the artist sketch depicts. It appears that bike racks and patron seating as well as a loading zone will virtually dominate the full 10 foot width even though 4 feet is the normal width of a county sidewalk it seems the businesses want to take over that space.

#2 The water run-off concerns are potentially a major problem. On the west side of 38th we have so much water accumulation in our street when it rains that we can not step across it, often 6 feet wide. The study claims that the run off will be the same but the current gravel storage yard area is full of weeds and water clearly can permeate to a degree contrary to the 100% paved over/ roofed over plan proposed. We met with developers on Oct. 9th and they claimed there would be no difference. Also good idea to include catchment tanks.

#3 The broad C1-C2 zoning is definitely a problem as the businesses facing 38th have not been specified. In addition, the zoning is off a commercial corridor on Portola but it is unprecedented to add storefronts facing single story residences. Historically there was NEVER customer access to the Lumberyard from 38th Avenue. There was a gate that was locked and only open when lumber trucks made deliveries. In addition the proposed 24 foot driveway which is proposed directly across from our home has never been used as a driveway though the developers are claiming the opposite.

Parking too is potentially a nightmare as most likely condo garages will be used for storage.

Not sure if any of this can involve the coastal commission, but we are looking for rationale to urge the County to scale back this too big development .

Lezanne Jeffs

From: Terry and Sandy Eisnaugle [teisnaugle@sbcglobal.net]
Sent: Tuesday, October 27, 2015 1:35 PM
To: John Leopold; Lezanne Jeffs
Subject: Proposed condos and retail building of 38th & Portola

We object to the building project on 38th and Portola for the following reasons:

1. Putting a large commercial building in a residential neighborhood is not good for anyone. There is much foot traffic on 38th with people of all ages walking and riding bikes to the beach. This commercial building will detract from the neighborhood and make 38th look like 41st. Plus there are several empty spaces available on 41st for retail that no one seems to want.
2. The building is too tall for the neighborhood. It will tower over current homes.

Terry & Sandy Eisnaugle
3855 Melton St
Santa Cruz, CA 95062

Lezanne Jeffs

From: Lynne Lane [lyne@nativeamerican.net]
Sent: Thursday, October 15, 2015 7:55 AM
To: Lezanne Jeffs
Subject: Portola and 38th Lumberyard Project

Dear Ms. Jeffs

I am concerned about the proposed development at 38th and Portola in the Live Oak District of Santa Cruz, in the area which was formerly the Big Creek Lumberyard.

I am a resident of this area and would like consideration of a development that would be more in keeping with the surrounding area, such as a mission style 2 story structure, similar to the office building at 41st and Jade (1260 41st Ave).

I definitely do not support the multi-story/multi-use building plan that I have seen so far that will overshadow our small village type environment. Parking and traffic will surely be a problem in this area if this development is approved.

Lynne Lane
550 Madrone Ave.: Pleasure Pt.
Santa Cruz, CA

Lezanne Jeffs

From: Dawn Imbrie [cdawnimbrie@yahoo.com]
Sent: Tuesday, October 13, 2015 11:27 AM
To: Lezanne Jeffs
Subject: Fw: Dawn imbrie, Concerns Re: 38th Development, former Lumber Co.

On Tuesday, October 13, 2015 10:55 AM, Dawn Imbrie <cdawnimbrie@yahoo.com> wrote:

Dear Lezanne,

I am a concerned resident in the Pleasure Point neighborhood; I have lived here for 30 years.

I am very concerned about over development & too dense building practices.

We value the coastal, country, natural feel of desirable Pleasure Point.

Our community has a needed peaceful, less developed feel that is important to us.

> It is my understanding that the former lumber co. on 38th is zoned for 2 stories; I Advocate for keeping within this restriction especially when it is right within a residential neighborhood street.

I do not see other 3 story buildings in this area.

> As our planning department, I ask you to please watch out & take care of our neighborhoods. The developers

have a lot of money & power. They will make a lot of money on developing our neighborhood. We need

our planning department to help Protect & Preserve our neighborhoods. We are the people who live, reside

and make our home, work & communities here!

Please be very careful, thoughtful, watchful of protecting & preserving our neighborhoods & communities for

present & future generations. We need the power of our planning department to advocate strongly & wisely on our

behalf for what we have & want to protect!!

Please seriously consider the project at hand & respect & work with the community's concerns;

please preserve a

smaller development imprint & protect our coastal, country, natural community of Pleasure Point.

Thank you,

Dawn Imbrie

From. munozmaelena@gmail.com

subject. Lezanne Jeffs

Sent october 13 2015

Ms Jeffs.

Los vecinos de la 38th y Portola ave hemos platicado acerca del proyecto que se planea hacer en la propiedad lumberyard y creemos que seria muy incomodo e inconveniente este proyecto para nosotros los del vecindario por lo siguiente;

- a) demasiado trafico en estas calles tan pequenas
- b) demasiado ruido todo el dia incluyendo la noche
- c) no habria suficiente estacionamiento para todo lo que se proponen construir y quiza algunos ocuparian nuestros estacionamientos
- d)dejaria de ser un lugar tan tranquilo como lo ha sido por largo tiempo y asi nos gusta vivir a todos los vecinos con paz y tranquilidad

esas son solo algunas razones por las que no estamos de acuerdo con ese proyecto

Gracias por su atencion a la presente

Seguiremos en contacto

Ma Elena

vecina de Pleasure Point

Lezanne Jeffs

From: Dawn Imbrie [cdawnimbrie@yahoo.com]
Sent: Tuesday, October 13, 2015 5:00 PM
To: Lezanne Jeffs
Subject: Dawn Imbrie, Brief Addendum to Development 38h Ave. Lumber Co.

Dear Lezanne,

Please add to my earlier comments:

> Please consider the setback from the neighborhood street is ample enough to support and enhance livability of the neighborhood

Thank You

Dawn Imbrie

Lezanne Jeffs

From: caretaking@msn.com
Sent: Tuesday, October 13, 2015 4:32 PM
To: Lezanne Jeffs
Subject: Development on 38th avenue

Mrs. Lezanne Jeffs,

I am writing to recommend that the approval of proposal for development of the lumberyard project **be denied** until the developers modify the plan.

The report does not address the following:

- 1.) impact of the project on the 4 family residences to the West of the building; 75% are owned by seniors.
- 2.) the effects on the existing neighborhood businesses
- 3.) failure to comply with setbacks required for residents on 38th Ave.
- 4.) effects of the buildings height on light and noise pollution.
- 5.) Zoning of C-2 which allows storefronts facing residences on the street without a single business entrance facing Portola Drive.
- 6.) The effect on the project on existing minority owned businesses adjacent to the development.
- 7.) The lack of adequate off street parking for condo residents. (One off street spot per bedroom.)
- 8.) Total disregard for neighborhood compatibility guidelines.

The plan should be modified to only allow C-1 zoning. C-2 zoning allowing for hotels, inns, furniture showrooms, theatres, etc. is absolutely inappropriate for a residential area. Delivery vehicles alone for such allowed C-2 uses would overwhelm the neighborhood. The building needs to be setback at least 20 feet from 38th avenue as existing residents are required to do.

Our family has owned our home on 38th Avenue since it was built in 1939. We are not located on a business corridor, yet this proposal extends that to a neighborhood that doesn't deserve such treatment.

Cliff Nutter

Lezanne Jeffs

From: jeanette nutcher [silvercreek354@outlook.com]
Sent: Tuesday, October 13, 2015 3:59 PM
To: Lezanne Jeffs
Subject: Extension for comment period on ap# 141157

Dear Ms. Jeffs,

As per your reply regarding the planning commission meeting being moved ahead it seem appropriate to also move the comment period ahead. At this time it seems counter productive to deny residents of the area a chance to submit comments. There are many in our neighborhood with concerns that received no notification of the development. Please advise

Thanks, Jeanette Nutcher

Lezanne Jeffs

From: Patrick Williams [pwilliams1331@gmail.com]
Sent: Tuesday, October 13, 2015 2:49 PM
To: Lezanne Jeffs
Subject: Proposed Development at Portola and 38 Ave.

Dear Ms. Jeffs,

I am writing in regards to the proposed development at the corner of Portola and 38th

Ave. I think that it is ill-conceived and does not take in the interests and well-being of the families who live in Pleasure Point. It sets a bad precedent by allowing intensive commercial development on a residential st., under the pretense that it is actually a commercial development on Portola, although the majority of the businesses will face onto 38th Ave.

The building footprint is far too close to the street and the height of 38 feet is far too high for buildings so close to the neighbors. Another issue is the effect that it will have on traffic and street safety, as the number of cars and trucks will exacerbate an already congested street situation and will create a safety hazard for families and children. I was also told by the representatives for the North Point investment group that loading and unloading will primarily take place on 38th Ave. which will negatively impact neighborhood adding yet another layer of congestion on the street. In addition, the intersection at this corner is already difficult and dangerous to traverse.

As to the eight \$800,000.00 condominiums that are proposed will not address the real needs of our housing in our community as they will be far too expensive for the average family, especially those with children, that live in our community.

All in all I think that this is a bad development for the Pleasure Point community and I hope that you will review and rethink permitting this development from going forward with it as it is now.

Thank you very much for your consideration on this important matter.

Thank you very much

Patrick Williams
711 38th Ave. Santa Cruz Ca.



Lezanne Jeffs

From: Jeff Maxwell [JeffM@centralcpd.com]
Sent: Tuesday, October 13, 2015 12:23 PM
To: Jeanette Nutter; Lezanne Jeffs
Cc: John Leopold; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; ryan.moroney@coastal.ca.gov
Subject: RE: Letter to Lezanne Jeffs

Ms. Nutter, Thank you for your correspondence. I understand your request for agendaizing this topic is addressed to the Santa Cruz County Board of Supervisors. The Fire District is aware of this project and monitoring its progress. Thank you for sharing your concerns with the Central Fire Protection District. The Fire District shares a fire code with the City of Capitola for consistency in application and is quite similar to many agencies in the County. The issues raised appear to be zoning and planning issues and not fire code issues. We will continue to monitor the project.

Thank you for your feedback,

Jeff Maxwell, Fire Chief
Central Fire Protection District
930 17th Ave. Santa Cruz, CA 95062

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This e-mail transmission, and any documents, files or previous e-mail messages attached to it contains information that is confidential, and may be legally privileged, and is intended for the use of the individual or entity named above. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you

From: Jeanette Nutter [mailto:SILVERANVIL@msn.com]
Sent: Tuesday, October 13, 2015 11:52 AM
To: lezanne.jeffs@co.santa-cruz.ca.us
Cc: john.leopold@co.santa-cruz.ca.us; zach.friend@co.santa-cruz.ca.us; ryan.coonerty@santacruzcounty.us; greg.caput@co.santa-cruz.ca.us; bruce.mcpherson@co.santa-cruz.ca.us; Jeff Maxwell; ryan.moroney@coastal.ca.gov
Subject: Fw: Letter to Lezanne Jeffs

Dear Ms. Jeffs,

A number of 38th Avenue residents and business owners adjacent to 38th now called "The Pleasure Point Neighborhood Group" met on October 9th and October 12th 2015 to discuss their concerns with the proposed development APP# 141157. The attached letter is a summary of our concerns. Please add this to the public record for review prior to the public hearing.

Jeanette Nutter, Chairperson Pleasure Point Neighborhood Group

From: Pamela Robinson <pamrobin316@yahoo.com>
Sent: Tuesday, October 13, 2015 5:55 PM
To: Jeanette Nutter
Subject: Letter to Lezanne Jeffs

To: Lezanne Jeffs, Project Planner
Santa Cruz Planning Department

Dear Ms. Jeffs:

The Pleasure Point Neighborhood Group met again last night regarding the 38th and Portola Lumberyard Project. The neighborhood welcomes a new use of the lumberyard property. However, we do not approve of the proposed current plan. The following are points that we would like fully addressed at the upcoming meeting in October:

- 1) Lack of on-site parking and overflow of car parking onto 38th Avenue, which will infringe on residential parking (which is already critically scarce), and on other business parking in the immediate area.
- 2) The height and setback of the proposed building.
- 3) Commercial vendors on a residential street.
- 4) Increase in traffic density.
- 5) Truck loading, diesel pollution and increase in noise adjacent to residential homes 20 feet away.
- 6) Onslaught of large truck deliveries traversing through the neighborhood to 15 businesses will cause safety issues, as 38th Avenue is a narrow street with no sidewalks and many pedestrians, bicyclists, skateboarders, beach-goers, surfers, children, and mothers with strollers.
- 7) High-end residential project does not meet real housing needs of Santa Cruz County.
- 8) Lack of communication and timely notification by the County Planning Department.
- 9) Intrusion of glorified strip malls in changing the nature of our beach neighborhoods.

It is unclear when is the actual date of the meeting. Some of us were told by you that the Lumber Yard Project would be discussed on 10/28/15. But we understand that the County Board of supervisors meets on Tuesday, which means the actual date would be 10/27/15. Please clarify the actual date.

Thank you for your consideration.

Jeanette Nutter
Pleasure Point Neighborhood Group

cc: Santa Cruz County Board of Supervisors
john.leopold@co.santa-cruz.ca.us
zach.friend@co.santa-cruz.ca.us
ryan.coonerty@santacruzcounty.us
greg.caput@co.santa-cruz.ca.us
bruce.mcpherson@co.santa-cruz.ca.us

Central Fire District, Fire Chief Jeff Maxwell:

jeffm@centralfpd.com

California Coastal Commission Planner Ryan Moroney:
ryan.moroney@coastal.ca.gov

Lezanne Jeffs

From: Aileen Boyd [aiboyd@yahoo.com]
Sent: Tuesday, October 13, 2015 12:29 PM
To: Lezanne Jeffs
Subject: Development at the former location of Big Creek Lumberyard at Portola and 38th in Santa Cruz

Dear Ms. Jeffs,

I am concerned about the proposed development at 38th and Portola in the Live Oak District of Santa Cruz, in the area which was formerly the Big Creek Lumberyard. I am a resident of this area and would like consideration of a development that would be more in keeping with the surrounding area, such as a mission style 2 story structure, similar to the office building at 41st and Jade (1260 41st Ave). I definitely do not support the multi-story/multi-use building plan that I have seen so far that will overshadow our small village type environment. Parking and traffic will surely be a problem in this area if this development is approved.

Regards,
Aileen Boyd
2663 Placer Street
Santa Cruz, CA 95062

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Tuesday, October 13, 2015 12:10 PM
To: 'jeanette natcher'; 'pamrobin316@yahoo.com'
Subject: RE: Letter to Lezanne Jeffs

Dear Jeanette and Pam,

Thank you for your comments. Your e-mail setting out your, and your neighborhood group's concerns will be included within the package of information that is to be presented to the Planning Commission at the upcoming public hearing for this project.

At this time the date of the hearing, which will be in front of the Planning Commission (not the Board of Supervisors), still has not been confirmed. However, at this time I am anticipating a date in mid November. It does not seem likely that the previously aimed for date of October 28 will now be possible. However, a notification to neighbors will be sent out prior to the hearing which will confirm the date and time..

Sincerely,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel:(831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: jeanette natcher [<mailto:SILVERANVIL@msn.com>]
Sent: Tuesday, October 13, 2015 11:52 AM
To: Lezanne Jeffs
Cc: John Leopold; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jeffrey Maxwell;
ryan.moroney@coastal.ca.gov
Subject: Fw: Letter to Lezanne Jeffs

Dear Ms. Jeffs,

A number of 38th Avenue residents and business owners adjacent to 38th now called "The Pleasure Point Neighborhood Group" met on October 9th and October 12th 2015 to discuss their concerns with the proposed development APP# 141157. The attached letter is a summary of our concerns. Please add this to the public record for review prior to the public hearing.

Jeanette Natcher, Chairperson Pleasure Point Neighborhood Group

From: Pamela Robinson <pamrobin316@yahoo.com>
Sent: Tuesday, October 13, 2015 5:55 PM

To: Jeanette Nutter
Subject: Letter to Lezanne Jeffs

To: Lezanne Jeffs, Project Planner
Santa Cruz Planning Department

Dear Ms. Jeffs:

The Pleasure Point Neighborhood Group met again last night regarding the 38th and Portola Lumberyard Project. The neighborhood welcomes a new use of the lumberyard property. However, we do not approve of the proposed current plan. The following are points that we would like fully addressed at the upcoming meeting in October:

- 1) Lack of on-site parking and overflow of car parking onto 38th Avenue, which will infringe on residential parking (which is already critically scarce), and on other business parking in the immediate area.
- 2) The height and setback of the proposed building.
- 3) Commercial vendors on a residential street.
- 4) Increase in traffic density.
- 5) Truck loading, diesel pollution and increase in noise adjacent to residential homes 20 feet away.
- 6) Onslaught of large truck deliveries traversing through the neighborhood to 15 businesses will cause safety issues, as 38th Avenue is a narrow street with no sidewalks and many pedestrians, bicyclists, skateboarders, beach-goers, surfers, children, and mothers with strollers.
- 7) High-end residential project does not meet real housing needs of Santa Cruz County.
- 8) Lack of communication and timely notification by the County Planning Department.
- 9) Intrusion of glorified strip malls in changing the nature of our beach neighborhoods.

It is unclear when is the actual date of the meeting. Some of us were told by you that the Lumber Yard Project would be discussed on 10/28/15. But we understand that the County Board of supervisors meets on Tuesday, which means the actual date would be 10/27/15. Please clarify the actual date.

Thank you for your consideration.

Jeanette Nutter
Pleasure Point Neighborhood Group

cc: Santa Cruz County Board of Supervisors
john.leopold@co.santa-cruz.ca.us
zach.friend@co.santa-cruz.ca.us
ryan.coonerty@santacruzcounty.us
greg.caput@co.santa-cruz.ca.us
bruce.mcpherson@co.santa-cruz.ca.us

Central Fire District, Fire Chief Jeff Maxwell:

jeffm@centralfpd.com

California Coastal Commission Planner Ryan Moroney:
ryan.moroney@coastal.ca.gov

Lezanne Jeffs

From: jeanette nutter [silvercreek354@outlook.com]
Sent: Sunday, September 20, 2015 2:03 PM
To: Lezanne Jeffs
Subject: Lumberyard Project

Dear Ms. Jeffs,

After reviewing the 600+ page file on line for the lumberyard project I have a few questions and comments. We are Senior citizens and owners of the home at 737 38th Ave directly West of the spot where the driveway/ parking lot exits onto 38th. Our home has been in the family since it was built in 1939. The history of the project property does not explain the years 1939 to 1948 so let me tell you. During that period there were only 5 residences on 38th between Portola and East Cliff Drive; the street was not paved until the early 50's. Most acreage in the area was open fields. The current location of Floral Park and the apartment complex was a chicken ranch including a farm house and numerous outbuildings. We have definitely seen Pleasure Point change and understand that progress is inevitable.

Our primary concerns are regarding our privacy at our home, as well as traffic, noise, and light pollution. We are also concerned that there was no mention whatsoever of the current foot, bicycle, local surfers, and beach goers from out of town nor the impact of water usage at the project.

Let's start with privacy issues. The plans indicate that the development will be build right at the sidewalk and will be over 3 stories high. In addition the 8 condominiums will have large balconies that directly overlook our front yard, front door and windows. The second and third floors seem to be sheer vertical height with no set back at all. The balcony users would be about 50 feet from our private property. The balconies would be so close the residents could toss items into our yard. Because of the condominiums proximity to a popular beach and surf area there will inevitably be large numbers of vacationers and "partiers" on these balconies. The plan indicates that the project would build a sound barrier wall at the residence to the South of the project. **We believe the project should also build a privacy/ sound barrier wall at the front of our property as well.**

Regarding increased traffic and parking issues, it appears the traffic study underestimates the traffic impact and makes no mention whatsoever of on street parking plans. Currently we have a steady stream of beachgoers parking in front of our property. We have had our decorative planters moved and damaged and our mailbox hit and destroyed.(police report available). We have a large amount of garbage left along the street. Yesterday I collected a soiled baby diaper, soda bottle and food wrappers. We have also witnessed strangers entering our property and back yard. Our property was robbed April 2014 (police report available) We also have ongoing occasions of several cars per day using our driveway as a turn-around. The inclusion of a loading zone adjacent to the West side of the proposed building will increase noise and traffic. There is no mention of whether parking will be restricted on either side of 38th adjacent to the project. **A privacy/sound barrier wall with driveway and entry gate to our property would help to alleviate some of these issues. We believe the developers should cover that expense.**

Issues of noise and light pollution include patrons of the businesses as well as condo residents and their vehicles and audio devices, and the lighting and signage associated with the project. Those vehicles exiting the driveway onto 38th would shine their headlights directly into our living room window. The plan calls for moving the speed bump to the North of its existing location. That would add additional noise to our property.

We suggest the speed bump be placed just North of the Loading Zone, near the property line of the existing business "Hernández Market". Another problem is the height of the building. The sunrise would be a shadow on our property later into the morning than now. We recently did extensive landscaping with drought tolerant plants and trees. The amount of light these plants lose may affect their viability. **Developers should be prepared to compensate us for mitigation of these damages .**

Because of the drought and the fact that local residents are being charged more for using less water, it seems short-sighted to add as many as 32 new residents (4 per 2 bedroom condo) and a water dependent business development (restaurant, bakery, coffee shop, etc.) I believe the planners should expect businesses to face the same restrictions and fees as the established residents. When I called the water department they said that businesses are not subject to the same restrictions as individual property owners.

It is our belief that the property developers have an obligation to accommodate the needs of adjacent residential properties. We hope we can resolve these issues amicably so we don't need to take legal action.

Please contact us ASAP to let us know our next step in reaching a satisfactory outcome.

406-465-4929 voice or text

Jeanette and Cliff Nutter
737 38th Avenue
Santa Cruz, CA 95062

Lezanne Jeffs

From: charles paulden [yogacharles@yahoo.com]
Sent: Saturday, September 19, 2015 3:39 PM
To: Lezanne Jeffs; John Leopold; john@hamiltonswift.com; Dan.Carl@coastal.ca.gov; Annie Murphy
Subject: Historic Pleasure Pt Lumber Co in Pleasure Pt Planning district

To whom it may concern
In relation to Application 141157

The Historic Pleasure Pt Lumber Company has been a part of the Community for over 50 yr and Provided much of the Lumber for the cottages in Pleasure Pt and the Surrounding area.
Commercial sites are eligible for Historic Designation and even though the County seems to not care about our history its significance needs to be noted and explored before its demolition.
This site adds to the Character of Pleasure Pt and is in the Pleasure Pt planning area as it is on the Ocean side of Portola.

The Pleasure Pt area is a Special Coastal Community and is to be protected by the Coastal Commission as such.
The P Pt Plan says we are a small coastal village.
This project is not in keeping with the plan and it is not Compatible with the Community .
It is too big.
The fact that they are requesting exemptions makes this obvious.
The surrounding area is 1 story.

This is not a taking in denying this project that does not meet the criteria for this area.
Their are other projects that have been suggested for this site preserving and re-purposing the existing historic structure.
Art studios with restaurant, Brew Bar and Farmers Market for two examples.

Please respect the long process and many people who have worked to preserve the Character of Pleasure Pt.

This type of development needs to be concentrated up by the Freeway and Capitola Mall.
It definitely does not belong in the P Pt Planning area on the Ocean side of Portola.

Charles Paulden
People for the Preservation of Pleasure Point

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Wednesday, November 04, 2015 3:17 PM
To: 'ELLERCOSC@aol.com'
Subject: RE: Application #141157-APN 031-091 01

Hi Patti,

It was nice to meet you yesterday and to have the opportunity to explain the proposed project in greater detail.

To confirm, there are 42 parking stalls available on the parcel, together with 8 residential garages (a total of 50 spaces on site). In addition there are 8 parking spaces located within the public right-of-way along 38th Avenue, one of which will be a designated loading zone from 7am to 1pm daily.

The following language, which is the same language that Dee Murray showed you yesterday, has been included as a condition of approval of 141157. I am very glad that this addresses your concerns.

1. If ongoing substantiated complaints are received from neighboring property owners that there is consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to this Permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours, or any other method that can be demonstrated to be effective for the reduction and management of parking demand.

Please do not hesitate to contact me if you have any additional questions.

Best regards,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel:(831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: ELLERCOSC@aol.com [<mailto:ELLERCOSC@aol.com>]
Sent: Wednesday, November 04, 2015 3:00 PM
To: Lezanne Jeffs
Cc: deeInduse@yahoo.com
Subject: Application #141157-APN 031-091 01

Hello, Lezanne

RE: Application #141157
APN #031-091-01

Attention: Lezanne Jeffs, Project Planner

Its Patti Eller here, I met you yesterday Tue 11/3/2015 with Dee Murray.

Thank you for your time yesterday, I know County of Santa Cruz Project Planner time is always very busy & appreciate the time you gave us.

Dee, provided me with the clause that County Planning is considering for use permit for the lumber yard project. Copy included in this email.

That clause would be the perfect safe guard/precaution & strongly support the clause as a condition of the use permit for this project.

As explained, we support the project, hope it is very successful, and sincerely hope no substantiated parking over flow problems occur, lets hope the Traffic Engineering Study/Expert is correct.

However, if a problem does occur, then this safe guard/precaution clause is already in the use permit, to protect us and the other neighboring property owners. I feel this is very fair & reasonable condition.

In closing our goal is and always will be to be a good neighbor & we hope there are no problems, but we have experienced problems in the past & this clause is very beneficial, not only to us but other property owners too.

Also, can you please kindly confirm, my understanding

1. There is 52 parking stalls total, which is 42 on the lot, 8 single car garages, & 2 additional parking stalls. For a total of 52 ? In addition, 8 on street parking stalls ?
Look forward to hearing from you on this question.

Again, thank you for your time, sorry to have to burden you with this parking confirmation question.

Best, Patti

Patti Eller Robb

Patti Eller Robb, Senior Vice President
El Rancho Shopping Center
Walt Eller Company
831 475-0460 Ext #100
831 475-0189 Fax

Lezanne Jeffs

From: Jean Brocklebank [jeanbean@baymoon.com]
Sent: Wednesday, November 04, 2015 7:15 PM
To: Lezanne Jeffs
Cc: John Leopold
Subject: Planning Commission/3800 Portola Drive

Dear Planning Staff ~

I submit my **strong opposition** to the proposed Height Exception for this project. At a minimum this project must conform with existing height restrictions. Allowing another virtually four feet in height allows a foot in the door to more and more height exceptions, until there may as well not be any. "...around 38 feet 4 inches" ??? All due respect, what the heck does "around" mean anyway?

Please send this project back to the developer's drawing board and ask the them to abide with the specifications that reflect our community's wishes. Even 35 feet is **too high for this location**. It is **completely out of scale** with the rest of this commercial area. Nothing else along this Portola corridor is that high. This project is simply not acceptable.

Sincerely,
Jean Brocklebank
1190 7th Ave
Santa Cruz, CA 95062

141157 3800 Portola Drive, Santa Cruz APN: 032-092-01, -05**

Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure.

This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, Design Review and the approval of a Parking Plan. The application also includes a Soils Report Review.

(*) This project requires a Coastal Development Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

(**) This project requires a Coastal Development Permit. Denial or approval of the Coastal Development Permit is appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission. After all local appeal periods have ended (grounds for appeal are listed in the County Code Section 13.20.110), approval of a Coastal Development permit is appealable to the California Coastal Commission. The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of final local action.

Lezanne Jeffs

From: charles paulden [yogacharles@yahoo.com]
Sent: Tuesday, October 13, 2015 4:53 PM
To: Lezanne Jeffs; Lezanne Jeffs
Cc: ohn@hamiltonswift.com; John Leopold; Dan.Carl@coastal.ca.gov; Annie Murphy
Subject: Pleasure Pt Lumber Co. Portola and 38th Ave App # 141157

lezanne.jeffs@co.santa-cruz.ca.us

john@hamiltonswift.com

john.leopold@co.santa-cruz.ca.us

Dan.Carl@coastal.ca.gov

pln400@co.santa-cruz.ca.us

To whom it may concern

In relation to Application 141157

The Historic Pleasure Pt Lumber Company has been a part of the Community for over 50 yr and Provided much of the Lumber for the cottages in Pleasure Pt and the Surrounding area.

Commercial sites are eligible for Historic Designation and we hope the County cares about our history so its significance needs to be noted and explored before its demolition.

This site adds to the Character of Pleasure Pt and is in the Pleasure Pt planning area as it is on the Ocean side of Portola.

The Pleasure Pt area is a Special Coastal Community and is to be protected by the Coastal Commission as such.

The P Pt Plan says we are a small coastal village.

This project is not in keeping with the plan and it is not Compatible with the Community .

It is too big.

The fact that they are requesting exemptions makes this obvious.

The surrounding area is 1 story.

This is not a "taking", in denying this project that does not meet the criteria for this area.

Their are other projects that have been suggested for this site, preserving and re-purposing the existing historic structure.

Art studios with restaurant, Brew Bar and Farmers Market for two examples.

Please respect the long process and many people who have worked to preserve the Character of Pleasure Pt.

This type of development needs to be concentrated up by the Freeway and Capitola Mall.

It definitely does not belong in the P Pt Planning area.

The moving of the development to the Neighborhood street will drastically change the Character and the livability of this Neighborhood.

Parking is a big issue as well.

\$800,000 Condos do not provide "Affordable" housing

Second story setbacks are addressed in the P Pt Plan and this Bulky, Out of Scale and out of Style Project is Incompatible as defined by Neighborhood Compatibility.

Move the Development back to the existing foot print, next to the Storage Lockers.

Reduce the housing to one Story.

Do not allow any exemption for height.

Keep the Commercial development on Portola and not in the Residential Neighborhood

Respect the Pleasure Pt Plan and the Neighborhood Character

Please send this back to the drawing board and try for a project that improves the area, rather than overwhelm it for Windfall Profits

Thank you in helping to Preserve and Protect our Neighborhoods and the Pleasure Point Plan

Charles Paulden

Lezanne Jeffs

From: Kimberly Quinn [kimba@me.com]
Sent: Tuesday, October 13, 2015 11:38 PM
To: Lezanne Jeffs
Cc: John Leopold; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson; Jeffrey Maxwell; ryan.moroney@coastal.ca.gov; Kimberly Quinn
Subject: Letter regarding APP#141157

Dear Ms. Jeffs,

I have a few concerns I would like to submit to be discussed at the meeting regarding the proposed development APP# 141157. Please add this to the public record for review prior to the public hearing.

- 1) Lack of on-site parking and overflow of car parking onto 38th Avenue.
- 2) The 4 way stop sign on 38th and Portola Ave. is very dangerous and adding additional foot and car traffic I would like to ask for the addition of a button to push with the yellow lights on the ground to assist in crossing.
- 3) I would like to have the commercial loading zone be on Portola Ave not 38th for the Truck loading and unloading.

my concerns are my children navigating around big trucks, increase noise and air pollution. I currently can hear the ocean from my home and I am afraid that will be lost.

I do support the project and would like a nice development.

I don't want to end up with bar's, vap houses, Pot shops across the street from my home. Not sure what business are slotted to go in their, but would like to discuss restrictions for the mentioned businesses.

Could you please confirm the date of the meeting so my family can attend.

Thank you,
Kimberly Quinn

cc: Santa Cruz County Board of Supervisors
john.leopold@co.santa-cruz.ca.us
zach.friend@co.santa-cruz.ca.us
ryan.coonerty@santacruzcounty.us
greg.caput@co.santa-cruz.ca.us
bruce.mcpherson@co.santa-cruz.ca.us

Central Fire District, Fire Chief Jeff Maxwell:

jeffm@centralfpd.com

California Coastal Commission Planner Ryan Moroney:
ryan.moroney@coastal.ca.gov

Lezanne Jeffs

From: Karen Kaplan [kaplanks@hotmail.com]
Sent: Sunday, October 04, 2015 12:58 AM
To: Lezanne Jeffs
Subject: Oppose proposed complex on 38th Ave. & Portola

Dear Board of Supervisors & Lezanne Jeffs:
RE: Oppose proposed complex on 38th Ave. & Portola

Any proposed complex should consider on site parking for their residents and their guests. 38th Avenue is already too congested with commercial traffic on 41st Avenue passing by and mobile home parks with high density housing. Ingress and egress of homeowners in the neighborhood will be negatively impacted by increased population. During the drought, there is not enough water to consider adding more occupants. Large apt. complexes may also increase the risk of crime and increase noise.

An apartment complex next to existing single family dwellings will decrease property values for homeowners. Current property owners may file petitions for a reduction in property taxes to compensate them for the loss of appraised value, which would negatively impact revenues for Santa Cruz County.

Thank you for your consideration.
Karen Kaplan

Lezanne Jeffs

From: Sola Sarmiento [solasarmiento@yahoo.com]
Sent: Friday, October 02, 2015 4:07 AM
To: Lezanne Jeffs
Subject: proposed complex on 38th and Portola

Friday 10/2/15

Dear Lezanne Jeffs

I live two houses down from the proposed complex project at 38th & Portola. To have a huge building and with many occupants residing there, would have a negative impact on our neighborhood. We already have too many cars on 38th. With a mobile home park behind my house, it makes street parking challenging, especially on the weekends. There is also already too much traffic at the corner of 38th and Portola. As a homeowner who will be greatly impacted by this complex, I am asking that you do not support this proposal.

Thank you,
Sola Sarmiento
710 38th Ave
Santa Cruz, CA 95062

Lezanne Jeffs

From: Judith or Buck [judithorbuck@gmail.com]
Sent: Thursday, October 01, 2015 11:00 PM
To: Lezanne Jeffs
Subject: Lumberyard development

As a 16yr resident of the Pleasure Point area I hope you will understand why we feel that an almost 4-story building is totally out of character for our bungalow beach neighborhood.

A few years ago, i got a permit to build a 27' non-habitable building for work and storage in my backyard on 35th. I was told 3 times by the planning department that we could build up to 28 feet tall. When it was 80% complete, one of the neighbors got the previous supervisor to halt construction on a bogus parking technicality that had never been an issue during the permitting process. They coerced us to LOWER the building 6', destroying my top floor, because most of the supervisors thought was TOO TALL for the neighborhood.

If 27' was too tall, what is 38'??? Please consider our neighborhood character that has only one building over 2 stories tall, and that home got built because of a loophole, and that we neighbors were promised it would never happen again.

I am looking forward to having a nice commercial & living space where the Lumberyard is currently, but not one that is soooooooo tall.

Thank you for your help

Judith Buck
831-212-4435
bucksjbh@gmail.com

Lezanne Jeffs

From: Kyle Zipes [kzipes@gmail.com]
Sent: Thursday, October 01, 2015 5:10 PM
To: Lezanne Jeffs
Subject: Application 141157

Dear Ms. Jeffs,

I was recently informed of the proposed development on 38th and Portola. My wife and I live almost directly across the street (on 38th Street) so, as I'm sure you can understand, we are very concerned.

I do understand that something will have to replace the old lumberyard, and in fact I think a retail/residential complex is a reasonable option, however I think the current plan would be a tremendous mistake and is unfair to the current neighbors. There is no nearby building on our street that is even 2 stories, let alone 3! The new complex will certainly and dramatically increase the amount of traffic and noise, exacerbate an already existing parking problem, and tower over its neighbors blocking light and eliminating privacy. Compromise is necessary in these things and I think the developer should and could accept a less invasive plan.

It's not entirely clear to me whether the public still has an opportunity to weigh in on this plan, or whether complaints are best addressed to you, but if you are the correct person, can you please let me know what I can do to oppose the current plan?

Thanks very much,
Kyle Zipes

Lezanne Jeffs

From: pleasure_point_1@yahoo.com
Sent: Thursday, November 05, 2015 5:50 PM
To: Jean Brocklebank; Lezanne Jeffs
Cc: John Leopold
Subject: Re: Planning Commission/3800 Portola Drive

I am in agreement with Jean Brocklebank

It is also too close to the Street and introduces more Commercial to a Neighborhood street. It is an affront to the Pleasure Pt Plan that the County and the Community spent so much effort to create

If it were back against the Storage Lockers where the existing Foot print of the Historic Plasure Pt Lumber Co is now

A better use would be to re-purpose the Historic building as has been proposed by other who had the Business Plan the would work for this parcel

Please do respect our Plan, Our Community and our History

Charles Paulden\

From: Jean Brocklebank <jeanbean@baymoon.com>
To: Lezanne.Jeffs@santacruzcounty.us
Cc: John Leopold <John.Leopold@santacruzcounty.us>
Sent: Wednesday, November 4, 2015 7:15 PM
Subject: Planning Commission/3800 Portola Drive

Dear Planning Staff ~

I submit my **strong opposition** to the proposed Height Exception for this project. At a minimum this project must conform with existing height restrictions. Allowing another virtually four feet in height allows a foot in the door to more and more height exceptions, until there may as well not be any. "...around 38 feet 4 inches" ??? All due respect, what the heck does "around" mean anyway?

Please send this project back to the developer's drawing board and ask the them to abide with the specifications that reflect our community's wishes. Even 35 feet is **too high for this location**. It is **completely out of scale** with the rest of this commercial area. Nothing else along this Portola corridor is that high. This project is simply not acceptable.

Sincerely,
Jean Brocklebank
1190 7th Ave
Santa Cruz, CA 95062

141157 3800 Portola Drive, Santa Cruz APN: 032-092-01, -05**

Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure.

This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, Design Review and the approval of a Parking Plan. The application also includes a Soils Report Review.

3800 Portola Drive
Santa Cruz, CA 95062

I have reviewed the plans for this mixed use project at 3800 Portola Drive, Santa Cruz 95062 consisting of approximately 9,000 sf of retail space and eight 2 bedroom residential condominiums on the second and third floor. I support this project and feel it will add to the vitality of the Pleasure Point community. This retail/residential mix of uses will complement the walkable nature of this community and the transportation options which currently exist. This project will make efficient use of an underutilized property and provide much needed housing while minimizing its impact on traffic, water and other infrastructure.

Signature

Name

Feel free to email in support of the project:

1st District Supervisor

John Leopold

john.leopold@santacruzcounty.us

County Planning Director

Cathy Previsich

cathy.previsich@santacruzcounty.us

Project Planner

Lezanne Jeffs

lezanne.jeffs@santacruzcounty.us

infrastructure.

Signature

Name

Feel free to email in support of the project:

1st District Supervisor

John Leopold

john.leopold@santacruzcounty.us

County Planning Director

Cathy Previsich

cathy.previsich@santacruzcounty.us

Project Planner

Lezanne Jeffs

lezanne.jeffs@santacruzcounty.us

infrastructure.

Signature

Name

Feel free to email in support of the project:

1st District Supervisor

John Leopold

john.leopold@santacruzcounty.us

County Planning Director

Cathy Previsich

cathy.previsich@santacruzcounty.us

Project Planner

Lezanne Jeffs

lezanne.jeffs@santacruzcounty.us

property and provide much needed housing while minimizing its impact on traffic, water and other infrastructure.

Signature

Name

Feel free to email in support of the project:

1st District Supervisor

John Leopold

john.leopold@santacruzcounty.us

County Planning Director

Cathy Previsich

cathy.previsich@santacruzcounty.us

Project Planner

Lezanne Jeffs

lezanne.jeffs@santacruzcounty.us



To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Planning Department
701 Ocean Street
Santa Cruz, CA 95060

701 Ocean Street
Santa Cruz, CA 95060

Planning Department
701 Ocean Street
Santa Cruz, CA 95060

3800 Portola Drive
Santa Cruz, CA 95062

I have reviewed the plans for this mixed use project at 3800 Portola Drive, Santa Cruz 95062 consisting of approximately 9,000 sf of retail space and eight 2 bedroom residential condominiums on the second and third floor. I support this project and feel it will add to the vitality of the Pleasure Point community. This retail/residential mix of uses will complement the walkable nature of this community and the transportation options which currently exist. This project will make efficient use of an underutilized property and provide much needed housing while minimizing its impact on traffic, water and other infrastructure.

Ana Karina Garcia
Signature

Ana Karina Garcia
Name

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

minimizing its impact on traffic, water and other infrastructure.

[Signature]
Signature

Tom Aver
Name

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[Signature]
Signature

Jennifer Fountain
Name

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[Signature]
Signature

STACEY KOCK
Name

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County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us



To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

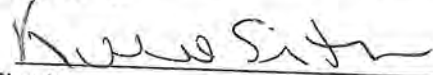
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

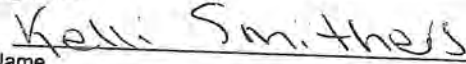
701 Ocean Street
Santa Cruz, CA 95060

Planning Department
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3800 Portola Drive
Santa Cruz, CA 95062

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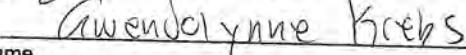

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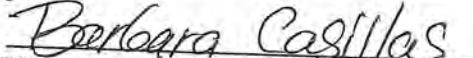

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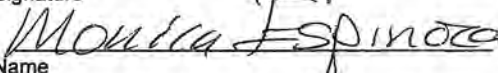

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To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

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Santa Cruz, CA 95062

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Signature

Hunter Griffith

Name

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Signature

Robin Balowitz

Name

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County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

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Signature

DANIELLE JULIEN

Name

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Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Proposed development for the Lumberyard on 38th..txt
From: David Harnish [dharnish.01@gmail.com]
Sent: Saturday, November 07, 2015 2:38 PM
To: Lezanne Jeffs
Subject: Proposed development for the Lumberyard on 38th.

Dear Mr. Jeffs,

The proposed development for the Lumberyard parcel on 38th should not be granted a variance for the height limit. The proposed development is oversized for the parcel and too dense, and needs to be shrunk in height and scale. The surrounding neighbors are small single-family homes and it is not right to have that much height at that location. I love the idea of a fresh and well-designed development at that location, but this initial proposal over-reaches with it's proposed height modification to put 3 stories there. I am sure the developer will say it needs three stories to be economical. Don't believe it; a good developer can get the right product in there and make money if it's a good fit for the neighborhood and desirable space. Rents are crazy and we don't need to sacrifice the character of the neighborhood with an out-of-scale beast.

Again, love the idea of an attractive mixed use development here. Would love to see us encourage it happening, but the initial application is crazy too big.

David Harnish
3020 Calla Drive
Santa Cruz

Lezanne Jeffs

From: Terry & Doug Hutmacher [bnmike@sonic.net]
Sent: Monday, November 09, 2015 2:53 PM
To: Lezanne Jeffs
Subject: 38th Avenue Project at old Lumberyard

Ms. Lezanne,

Please reconsider your recommendation of a 3 story development on 38th Avenue. That is totally out of character with the rest of the neighborhood. We are already struggling with heavy traffic and water shortages here. We do not have the infrastructure to support such a project. Please do not approve this!

Terry
A Live Oak Resident

Lawnae Hunter
695 SW Mill View Way ▪ Bend, OR ▪ 97702
541-388-0404 ▪ Fax 541-389-7915
lhunter@hunterproperties.info

November 13, 2015

Peter Kennedy, Chair
County of Santa Cruz Planning Commission
County Government Center
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

RE: APN 032-092-10,-05
3800 Portola Drive

I am a property owner within 30 feet of the proposed development at 3800 Portola Drive. My property is at 711 38th Ave.

After reviewing the application materials, I object to the approval of this development. It is not in character with the surrounding residential neighborhood and will cause several problems in the area.

This applicant seeks to substantially exceed the height limitations, plus construct too close to the street. The project is out of scale with the surrounding neighborhood because of its height and mass.

Another major issue is traffic on 38th Street, a narrow residential street. Additional traffic is a problem, and truck delivery traffic is simply dangerous for pedestrians including children in the neighborhood. Cars are allowed to park on both sides of 38th St. effectively narrowing that street to virtually one lane. Commercial and delivery traffic will cause congestion and hazardous conditions for motorists and pedestrians.

Parking that is planned for the development is simply inadequate. Inadequate parking combined with already over burdened on-street parking will cause the area to be congested and dangerous.

I request that the application for this project be denied.

Sincerely,



Lawnae Hunter
C: 541-550-8635
O: 541-388-0404



November 11th, 2015

Dunlap Donuts
3791 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
Application Number-141157
APN #031 091 01 & #032 091 05

Dear Ms. Jeffs,

This letter is to voice my concern, in reference to parking, regarding the above proposed new development.

My business is located in The El Rancho Shopping Center, located across the street north west of this proposed new development. Our complex The El Rancho Shopping Center is 95% full, we only have one small unit for lease.

Thus, we need all of parking in the El Rancho Shopping Center for all of our customers and employees. We are very concerned the above proposed new development will not have enough parking & thus, will spill over into our complex. This can cause serious problems to our business & hurt our business revenues.


It is my understanding 50 car parking will be located on this site, Considering 16 car parking is needed for the 8-2 bedroom units. Every 2 person household has 2 cars. Then up to approx 15 retail/office/ restaurant uses are proposed, 2 cars for each unit for employee/owner parking=30 car parking. $16 + 30 = 46$ parking stalls in use. This leaves only approx 6 car parking on site for customers. Even with 8 additional car parking along 38th avenue in the right of way, this leaves this project extremely short on parking.

It is my understanding that a clause protecting adjacent property owners pertaining to parking has been added to the staff report, this said clause is slated to be a condition of the applicants use permit. **The clause reads:**

If ongoing substantiated complaints are received from neighboring property owners that there is consistent unauthorized overflow parking from the site and or its tenants onto their land, then the property owner shall be required to develop an alternate parking demand management plan subject to an amendment to this permit. This may include such measures as the provision of additional off-site parking areas, the provision of special transit incentives for employees, the operation of effective pooling programs, a valet parking plan, flexible work hours or any other method that can be demonstrated to be effective for the reduction and management of parking demand.

I, strongly support this clause & urge for this clause to remain in the final approved use permit, to insure our and neighboring property owners parking rights are preserved.

Thank you for your consideration of this important matter.

Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Good Life Ceramics
3717 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

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Signed: _____

Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Mountain Mike's Pizza
3715 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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APN #031 091 01 & #032 091 05

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Thank you for your consideration of this important matter.

Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Pleasure Point Yoga
3707 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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APN#031 091 01 & #032 091 05

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Thank you for your consideration of this important matter.

Signed **Aimee Joy Nitzberg**

Aimee Joy Nitzberg

Business Owner, Pleasure Point Yoga

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Korean Martial Arts Academy
3702 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Coffeetopia
3701 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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Thank you for your consideration of this important matter.

Signed:  David Larkin, Coffeeopia Inc.
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Portola Hair
3699 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Studio R Santa Cruz
3673 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

APN #031 091 01 & #032 091 05

Dear Ms. Jeffs,

This letter is to voice my concern, in reference to parking, regarding the above proposed new development.

My business is located in The El Rancho Shopping Center, located across the street north west of this proposed new development. Our complex The El Rancho Shopping Center is 95% full, we only have one small unit for lease.

Thus, we need all of parking in the El Rancho Shopping Center for all of our customers and employees. We are very concerned the above proposed new development will not have enough parking & thus, will spill over into our complex. This can cause serious problems to our business & hurt our business revenues.

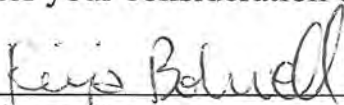
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I, strongly support this clause & urge for this clause to remain in the final approved use permit, to insure our and neighboring property owners parking rights are preserved.

Thank you for your consideration of this important matter.

Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Perfect Nail
3625 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

APN #031 091 01 & #032 091 05

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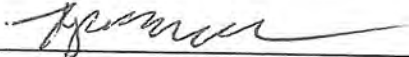
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Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Castaways
3623 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
Application Number-141157
APN #031 091 01 & #032 091 05

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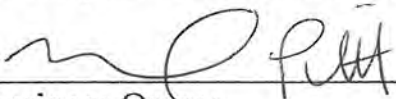
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Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Irie Motivations
3617 A Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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Application Number-141157

APN #031 091 01 & #032 091 05

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Thank you for your consideration of this important matter.

Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Diving Dream Inc,
3615 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

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Application Number-141157

APN #031 091 01 & #032 091 05

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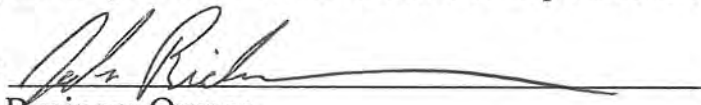
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Signed: 
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Crossfit Amundson
3603 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

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Thank you for your consideration of this important matter.

Signed: _____

Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Dynasty Restaurant
3601 Portola Drive
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

APN #031 091 01 & #032 091 05

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Thank you for your consideration of this important matter.

Signed: Lisi Yang
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

November 11th, 2015

Laundry Works
3621 Portola Drive
Santa Cruz, CA 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

APN #031 091 01 & #032 091 05

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I, strongly support this clause & urge for this clause to remain in the final approved use permit, to insure our and neighboring property owners parking rights are preserved.

Thank you for your consideration of this important matter.

Signed: Mil G. Lopez Laundry owner
Business Owner

El Rancho Shopping Center Complex: APN#032-041-67,032-041-44

**GARY PAUL
ATTORNEY AT LAW**

P.O. Box 642
Aptos, CA 95001
(831) 662-3920
FAX (831) 662-3928

COPY

November 10, 2015

County Of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, CA 95060
Attention: Lezanne Jeffs

Re: APN #031-091-01 & 031-091-05
Application #141157

Dear Ms. Jeffs:

I represent the Walt Eller Company. Patti Eller Robb, Vice President of Walt Eller Company, and her land use consultant, Dee Murray, had the opportunity to meet with you on November 3, 2015. Ms. Robb voiced concerns regarding parking, in reference to this application. This letter represents my client's public comments, concerns, and requests regarding this application.

The Walt Eller Company owns two complexes near the project site: the El Rancho Shopping Center, is located at the corner of 38th Avenue and Portola Drive, across from the above proposed project. My client also owns the complex at 3910, 3912, and 4000 Portola Drive (including Suda Restaurant), just east of the above proposed project. Both of these complexes range between 30,000 sq feet to 40,000 sq feet. Both complexes are at full occupancy, with a very small vacancy factor. Thus, all parking available at these sites is needed for their tenants, and their tenants' customers and employees.

My client has owned these complexes since 1973, and periodically, as was explained to you, has been burdened with nearby single parcel business operators, who don't have adequate parking within their parcel. As a consequence, parking for these types of businesses will over flow into the parking lot of my client's complexes.

For example, a group of doctors own a building at 749 37th Avenue, near the proposed project. A few years back, my client discovered that these doctors had posted a notice on their front door directing their customers to park at El Rancho Shopping Center. This is an example of a newer building, which complies with current County parking standards, but after employees park there is inadequate parking for customers.

Also, in past years my client has been burdened with parking in the complexes, caused by a used car lot located west of the current proposed project. The car lot parked their inventory, as well as employee cars in my client's parking lots.

The majority of the El Rancho tenants have been there at least ten years, have worked very hard, are local mom and pop type business owners, and need their parking. It would not be fair to my client, or their tenants to be burdened with a parking problem generated from the proposed new lumber yard project. Limited parking causes loss of business revenues.

In viewing the plans for the proposal, it is our understanding there is 9,600 sq feet of commercial space planned, which can be up to fifteen individual small units with roll up doors. Also planned is 9,600 sq feet of residential space, which includes eight two bedroom, 1200 square foot condominium units.

Our understanding is that there are 42 parking spaces available on the parcel, together with eight residential garages for a total of 50 spaces on site. In addition there are eight parking spaces located within the public right-of-way along 38th Avenue, one of which will be a designated loading zone from 7am to 1pm daily. Further, we also understand that the proposed parking meets the traffic engineering study that was done for this project. In reality, it seems that this project could be very short on parking spaces.

The condominiums are proposed with just a one-car garage. We believe this is deficient. Two person households rarely have only one car. Two cars for a two person household is more the norm. If this is the case, then sixteen cars need parking for the condominiums. This would leave 34 parking spaces for the fifteen commercial spaces. If each of the commercial units uses two spaces for owner/operators and employees, that leaves four total spaces for customers and guests of the residences.

It is my client's understanding that the following clause has been added to the Staff report, to serve as a condition in the applicant's use permit:

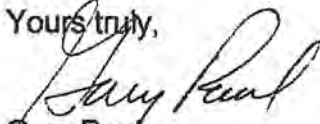
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My client, as well as the tenants of El Rancho & the Suda Restaurant/ Retail / Office /Apartment complex, highly support this clause. In the future, should a substantiated parking problem occur, this clause is very important to preserve my client's parking, and neighboring owner's property as well.

A number of my client's tenants have also indicated that they will also be expressing their concerns about parking to the Planning Department, in connection with this application.

Please direct any future correspondence to Walt Eller Company (Attn: Patti Eller Robb 3912 Portola Drive, #4, Santa Cruz, CA 95062) and to myself.

Yours truly,



Gary Paul

cc: Kathleen Molloy Previsich, Planning Director
Wanda Williams, Assistant Planning Director
Supervisor John Leopold - 1st District Supervisor

November 11th, 2015

Suda Restaurant
3910 Portola Drive
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

Application Number-141157

APN #031 091 01 & #032 091 05

Dear Ms. Jeffs,

This letter is to voice my concern, in reference to parking, regarding the above proposed new development.

My business is located in Commercial Retail/Office/Apartment Complex Center located at 41st Ave & Portola Drive, our complex is located East of this proposed new development. Our complex is at approx 90% occupancy.

Thus, we need all of parking in our Center for all of our customers and employees. We are very concerned the above proposed new development will not have enough parking & thus, will spill over into our complex. This can cause serious problems to our business & hurt our business revenues.


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Thank you for your consideration of this important matter.

Signed: 
Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

JuneBug's GYM
3910 #2 and #3 Portola Drive
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
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I, strongly support this clause & urge for this clause to remain in the final approved use permit, to insure our and neighboring property owners parking rights are preserved.

Thank you for your consideration of this important matter.

Signed: 
Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

LaRiviere Stamps and Coins
3912 Portola Drive Suite 7
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
Application Number-141157
APN #031 091 01 & #032 091 05

Dear Ms. Jeffs,

This letter is to voice my concern, in reference to parking, regarding the above proposed new development.

My business is located in Commercial Retail/Office/Apartment Complex Center located at 41st Ave & Portola Drive, our complex is located East of this proposed new development. Our complex is at approx 90% occupancy.

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Thank you for your consideration of this important matter.

Signed: _____

Business Owner

JOHN ELPHEGE LA RIVIERE
STAMPS AND COINS
3912 PORTOLA DR. #3
SANTA CRUZ CA 95062
(831) 477-1788

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

Santa Cruz Waves, LLC
3912 Portola Drive Suite 7
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
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Signed: 
Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

Healthy Message Center
3912 Portola Drive Suite 8
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
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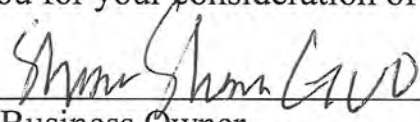
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Signed: 
Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

HairCuts LTD
3912 Portola Drive Suite 11 and 12
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062
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Signed: _____

Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

November 11th, 2015

Pleasure Point Computers
3912 Portola Drive Suite 13
Santa Cruz, Ca 95062

County Of Santa Cruz Planning Department
701 Ocean Street, 4th Floor,
Santa Cruz, Ca 95060

Attention: Lezanne Jeffs, Project Planner

Re: Proposal to Establish approx 20,800 sq feet mixed use building with one commercial condominium unit at the Lower Floor that includes 3,200 sq feet of restaurant use & 3,200 square feet of retail use & 3,200 sq feet of office/service commercial use & 8-2 Bedroom Residential Condominium units consisting of approx 9,600 sq feet at 3800 Portola Drive, Santa Cruz, Ca 95062

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Signed: 
Business Owner

41st Ave & Portola Drive Complex- APN#032-092-02,032-092-03

Lezanne Jeffs

From: jeanette natcher [silvercreek354@outlook.com]
Sent: Tuesday, November 17, 2015 11:09 AM
To: Lezanne Jeffs; Lezanne Jeffs
Subject: Traffic study for previous business at 3800 Portola

Hello Lezanne, This is the trip model that I called Rodolfo about. He did not appear to have recall of this. Here it is as copied from the 618 page document. Jeanette

Trip Generation Previous Use

The previous use of the site was a lumber yard with a total site area of approximately 30,500 square feet and a building of 13,900 square feet. For purposes of estimating the trip generation for this facility Land Use Code 812 for Building Materials and Lumber Store from the Institute of Transportation Engineers "Trip Generation" 9th Edition was used. The average weekday trip generation rate for this land use is 45.16 trips per day per 1,000 square feet of gross floor area. The am peak hour rate is 2.60 trips per hour. The pm peak hour rate is 4.49 trips per hour. The peak hour time periods analyzed are from between 7 and 9 am and between 4 and 6 pm. Using these trip rates the previous use of the site generated 628 trips per day, 36 trips during the am peak and 62 trips during the pm peak hour.

This estimate is absurd and should in no way be used as a justification for the comparability to the proposed project. This square footage model (Trip generation 9th edition) does not address the reality of the actual business generated. There is no way this business generated 628 trips per day. It was essentially a lumber storage building. Any customers used the only entrance on Portola.

Just one of the many aspects of the study that do not account for reality.

Jeanette

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Tuesday, November 17, 2015 5:05 PM
To: 'Scott McGilvray'
Subject: RE: Application 141157, 3800 Portola Dr.

Dear Mr. McGilvray,

In answer to your questions regarding "the Lumberyard"

1. The application was submitted on August 12, 2014.
2. A public hearing is scheduled for December 9, 2015
3. An initial Study and Negative Declaration were prepared for this project, this is available on the Planning Department website at www.sccoplanning.com, follow the Environmental Review tab. The public comments period for the CEQA documents ended on October 12, 2015. A public hearing has now been scheduled to be heard by the Planning Commission (see above).
4. No decision has been made at this time.

Regards,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel: (831) 454 2480
lezanne.jeffs@santacruzcounty.us

-----Original Message-----

From: Scott McGilvray [<mailto:scottm@wateraware.net>]
Sent: Tuesday, November 17, 2015 1:42 PM
To: Lezanne Jeffs
Subject: Application 141157, 3800 Portola Dr.

Dear Ms. Jeff,

I noticed the enclosed at the vacant site on 38th and Portola.

I would like some information about the proposed project.

1. Date of Application:
2. Have there been any public hearings scheduled?
3. A brief outline summary of where this project is in the process of moving forward.
4. What actions, if any, have been taken by the County regarding this application.

Thank you,

Scott McGilvray

Lezanne Jeffs

From: showalterjon@gmail.com
Sent: Tuesday, November 17, 2015 10:31 AM
To: Lezanne Jeffs
Subject: Re: RE:

Thank you

Sent from my iPhone

On Nov 17, 2015, at 10:27 AM, Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us> wrote:

Mr. Jon,

At this time the plans identify that an inclusive affordable unit will be provided on site (unit B) however, the applicant will have the option of either providing this unit or paying the fee.

As condition of approval of the application the property owners are required to enter into an Affordable Housing Participation Agreement that will identify how they will meet the affordable housing obligation for both the residential and non residential development. If they decide to provide the unit on site then all 17.10.032 requirements of onsite affordable units are applicable regarding unit size, bedroom count, exterior design, etc.

Regards,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel:(831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: Jon Showalter [<mailto:showalterjon@gmail.com>]
Sent: Tuesday, November 17, 2015 8:45 AM
To: Lezanne Jeffs
Subject:

Mr. Lezanne,

Does the project at 3800 Portola have a inclusive affordable housing component or did they opt to pay the 15% fee?

Thank you for your attention to the matter.

Jon Showalter
COPA Housing Team

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Friday, November 13, 2015 9:29 AM
To: 'Jondi Gumz'
Subject: RE: Is the 3800 Portola Ave on the PC agenda for Nov. 18 or in December?

Hi Jondi,

The hearing has been re-scheduled for December 9, 2015 due to a required revision to the project description. Notices are being sent to neighboring property owners to alert them of this change. The revised description now reads:

Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure. This requires a Commercial Development Permit including a Master Occupancy Program, the approval of a Tentative Map, a Coastal Development Permit, a Height Exception to allow for an increased height from 35 feet to around 38 feet 4 inches, a Variance to reduce the 30 foot setback to a residential zone district to around 5 feet from the southern property boundary and 27 feet 6 inches from the western property boundary for the residential parking structure, the approval of a Parking Plan, Design Review and Environmental Review. The application also includes a Soils Report Review.

Thank you for your inquiry.

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel: (831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: Jondi Gumz [<mailto:jgumz@santacruzsentinel.com>]
Sent: Thursday, November 12, 2015 6:52 PM
To: Lezanne Jeffs
Subject: Is the 3800 Portola Ave on the PC agenda for Nov. 18 or in December?

Thanks,
Jondi Gumz
Business housing healthcare Capitola reporter
Santa Cruz Sentinel
www.santacruzsentinel.com
831-706-3253

Follow me at www.twitter.com/jondigumz & www.tout.com/jgumz
1,500 followers 7,000 tweets 650 videos 124,000 views
Tip#1 Put your announcement in the body of the email
Tip#2 Put date of your event FIRST in the subject line

Lezanne Jeffs

From: Lezanne Jeffs
Sent: Monday, November 09, 2015 5:18 PM
To: 'Dave Renkens'
Subject: RE: 3800 Protola Drive SC

Dave,

The rear property boundary for 718 38th Avenue will back onto the forecourt area/access to a proposed residential garage with 8 separate garages, one for each of the proposed condominium units to be above the retail space. This is a dead-end driveway with no through traffic and it is not anticipated that this would be a high traffic area or generate any significant noise. Therefore, along the rear property boundary at 718 38th Avenue a 6 foot solid board fence and plantings have been required but not a masonry sound barrier. I believe that there is a detail of the fence and planting on the Landscape plans.

Best,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel:(831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: Dave Renkens [<mailto:DaveR@big-creek.com>]
Sent: Monday, November 09, 2015 12:27 PM
To: Lezanne Jeffs
Subject: RE: 3800 Protola Drive SC

Lezanne

Thank you so much for the info and link. I have one question if the back wall to our lot is not masonry what type of wall – barrier is slated to be constructed?

Best,

Dave Renkens
Big Creek Lumber
3564 Hwy 1
Davenport, CA 95017
831-457-5029 Office
831-331-3510 Cell
daver@big-creek.com



Serving you since 1946

From: Lezanne Jeffs [<mailto:Lezanne.Jeffs@santacruzcounty.us>]
Sent: Monday, November 09, 2015 11:06 AM
To: Dave Renkens
Subject: RE: 3800 Protola Drive SC

Hi Dave,

The plans are currently available via the Planning Department website at www.sccoplanning.com through the EIRs / Initial Studies tab (left side). In addition, the plans will shortly be posted with the Planning Commission Agenda for November 18, 2015.

I'm guessing that your concern would be regarding the residence at 718 38th Avenue? The proposed mixed use building will be located away from this structure in the northwest corner of the site and extending southwards to about 40 feet north of the southern property boundary. There is both a driveway access and some parking between the house and the mixed use building. The plan also includes for the construction of a 6 foot high masonry sound wall along the southern property boundary adjacent to 718 38th and this is required to be constructed prior to any work on the new building, including demolition of the existing structure.

I hope that this answers your questions but please feel free to ask me any other questions that you may have.

Regards,

Lezanne

Lezanne Jeffs
Project Planner
Development Review
Tel:(831) 454 2480
lezanne.jeffs@santacruzcounty.us

From: Dave Renkens [<mailto:DaveR@big-creek.com>]
Sent: Monday, November 09, 2015 7:57 AM
To: Lezanne Jeffs
Subject: 3800 Protola Drive SC

Lezanne:

Big Lumber owns property on 38th Ave. and I would like to look at the foot print of the proposal. Is there online access of the proposal or other ways to look at the layout?

Many thanks,

Dave Renkens
Big Creek Lumber
3564 Hwy 1
Davenport, CA 95017
831-457-5029 Office
831-331-3510 Cell
daver@big-creek.com



Serving you since 1946

Lezanne Jeffs

From: Sola Sarmiento [solasarmiento@yahoo.com]
Sent: Friday, November 20, 2015 4:08 AM
To: mguth@guthpatents.com; caseyhernard@yahoo.com; Rachel Dann; judilazenby@aol.com; renee@reneesgarden.com
Cc: john.leopld@santacruzcounty.us; Ryan Coonerty; Greg Caput; Lezanne Jeffs; Kathy Previsich
Subject: Letter to Planning Commissioners - 38th & Portola Lumberyard

November 20, 2015

To: Santa Cruz County Planning Commissioners:

Michael Guth,	1st district	mguth@guthpatents.com
Casey Hernard	2d district	caseyhernard@yahoo.com
Rachel Dann	3d district	Rachel.Dann@santacruzcounty.us
Judith Lazenby	4th district	judilazenby@aol.com
Renee Shepherd	5th district	renee@reneesgarden.com

Dear Planning Commissioners:

The Sustainable Santa Cruz County Plan was prepared & accepted 10/28/14 by the County Board of Supervisors, SC Planning Commission, Advisory Board and community members. I am writing regarding the North Point Investment's plans to replace the 38th and Portola lumberyard. The current NPI plan does not meet SSCCP goals, nor follows rules of the Santa Cruz County General Plan.

The Pleasure Point Neighborhood Group met with North Point Investment developers, who showed and discussed their proposed plan for the lumberyard. Their plan for a three story building is not consistent with Chapter 3, page 7 of the SSCCP, which specifically states: "... Buildings that adjoin single family areas adjacent to homes are limited to two stories at the transition area and respect the surrounding residential character".

Under the current SC County General Plan, Policy 8.63 states: "residential structures shall be limited to two stories in urban areas..."

PPNG has been conducting an online poll on opalcliffs.nextdoor.com. As of this date, of 111 neighbors, 86% voted that the development was too big.

The NPI plan also does not meet the parking standards set by the SSCCP.

Chapter 8, page 20 Table 8-3 required commercial parking space:

3200 sq ft restaurant space = 32 parking spaces

3200 sq ft retail space = 11 parking spaces

3200 sq ft office space = 11 parking spaces

Total = 54 commercial parking spaces required

Chapter 8, page 21 Table 8-4 required multi-residential parking space:

9600 sq/ft of residential space with 8 planned units

9600/ 8 = 1200 sq/ft for each unit

1.5 parking space required for each unit = 12 total residential parking spaces required

SSCCP requires 54 commercial + 12 residential = 66 total required onsite parking spaces
North Point Investments plans a total of 50 on-site parking spaces. Based on above SSCCP requirements - The NPI plan is short 12 on-site parking spaces.

The 7/29/14 Marquez parking study, accepted by the planning department, is theoretically flawed. Page 2 discusses weekend onsite parking decreasing after 11 am, when most customers would be out shopping and dining between 12 noon and 9 pm.

On page 2 of the Marquez study, it estimates a weekend peak demand of 37 parking spaces, excluding 8 residential spaces. With 50 planned onsite parking spaces, minus 8 residential spaces, there would be only 32 spaces available during peak parking demand. Theoretically, an overflow of 5 cars would always occur. The Marquez study does not examine the actual street parking realities of 38th and Portola avenues and the impact of overflow parking on the neighborhood.

Does this study also take into account the number of employees who will be parking at the facility? With 15 projected vendors, a conservative estimate in the number of employee cars would be 15 spaces. Peak parking spaces of 37 minus 15 spaces would reduce the amount to 22 spaces available to customers. If there is to be a food market or restaurant, those available 22 spaces would be insufficient to share with other commercial vendors on the property (1.5 customer parking space for each vendor). This parking scenario would not be sufficient for businesses, which depend on a large influx of customers.

NPI's plan assumes that one residential car space is adequate, when most homes these days have two cars. There would likely be an overflow of 8 resident cars onto 38th Avenue at any given time.

Numerous residents have expressed their concerns with street parking and traffic congestion near the corner of 38th and Portola. This is particularly worse in the summer and on weekends, when most residents are at home, and the increase of surfers and out of town visitors to the Pleasure Point area. There is also a mobile home park behind 710 38th Ave. Many times their additional cars park on to 38th avenue near Portola. An overflow of cars onto 38th would add to already existing neighborhood frustrations.

When the PPNG met with NPI developers, they clearly stated their intention was to sell each residential unit for \$800,000. Their plan is not in alignment with SSCCP goals to create affordable housing. If anything, it adds to the affordable housing crisis that already exists in Santa Cruz County. This NPI project does not also meet the current General Plan Affordable Housing objectives.

The PPNG has been told by the County Planning department representative, that they support the NPI plan. I am asking that you honor the intentions of the SSCCP. Creating sustainable building projects is vital to maintaining the beauty and viability of the Santa Cruz area. The many hours put into creating the SSCCP should be upheld by any succeeding zone modernization project by the County Planning Department.

At this point PPNG has a petition, signed by over 100 Pleasure Point residents against approving the existing NPI plan. We will be presenting this petition at the re-scheduled 12/9/15 meeting.

Please closely examine the proposed NPI plan before it is put up for approval. From what I have studied, it does not meet General Plan rules, nor the accepted goals of SSCCP and Pleasure Point residents.

Thank you,

Sola Sarmiento
710 38th Ave. Santa Cruz, CA

cc: john.leopold@santacruzcounty.us
zach.friend@santacruzcounty.us
ryan.coonerty@santacruzcounty.us
greg.caput@santacruzcounty.us
lezanne.jeffs@santacruzcounty.us
kathy.previsich@santacruzcounty.us

Lezanne Jeffs

From: Pauline Buck [pmbuck@sbcglobal.net]
Sent: Wednesday, November 25, 2015 9:57 AM
To: Lezanne Jeffs
Subject: 38th & Portola Project

To the Board of Supervisors:

We are writing in support of the property development for 38th Avenue and Portola Drive.

We own property on 38th Avenue and although we understand the concerns expressed regarding the possibility of increased traffic on 38th Avenue, we think this proposal is far better than continuing to look at an abandoned warehouse and chain link fence eyesore.

Thank you for your time and consideration.

Peter & Pauline Buck

Sent from my iPad

TIME RELEVANT

Att: Elizabeth Hayward, Planning Dept.

Date: 12/1/2015

From: Pleasure PT Residents

Re: Late correspondence for Planning Commissioner's re:
12/9/2015 hearing - NPI Project Plan for 38th Ave/Portola

Dear Elizabeth,

Per our phone conversation earlier today, enclosed please find:

1. A cover letter and attachment of 13 petitions/205 signatures (copies; the originals will be available at the hearing)
2. A letter from Jeanette Nutter of 737 38th Avenue

As you mentioned, you will get these documents to the Planning Commissioners this week - in time for their review prior to the hearing.

In advance, thank YOU for your time!

Sincerely, Patti Brady
476-6464

TO: PLANNING COMMISSIONERS:

- Michael Guth, 1st district mguth@guthpatents.com
- Casey Hernard 2d district caseyhernard@yahoo.com
- Rachel Dann 3d district Rachel.Dann@santacruzcounty.us
- Judith Lazenby 4th district judilazenby@aol.com
- Renee Shepherd 5th district renee@reneesgarden.com

FROM: RESIDENTS OF PLEASURE POINT

DATE: 11/30/2105

RE: SIGNED PETITIONS OPPOSING SIZE - SCOPE OF 38TH AVE & PORTOLA DEVELOPMENT PROJECT

Attached please find 13 petitions/205 signatures opposing North Point Investment's (NPI) current project plans for replacing the lumberyard at 38th and Portola.

The current NPI plan does not meet SSCCP goals, nor follow the rules of the Santa Cruz County's General Plan. Issues of objection include but are not limited to added traffic on already congested neighborhood streets, the height of 3 stories being out of sync with other developments and homes on Portola and 38th Ave. and a lack of adequate on-site parking. Note: at a recent hearing re: issues on 35th Ave neighbor's spoke to the fact that our streets are narrow and already dense with people, cars, etc.; the Planning Department's representative relayed they had observed the same.

We feel residential and commercial designs - developments coming into our vibrant, close-knit neighborhood should be in "harmony and not be materially detrimental to the vicinity". This project plan does not yet "respect and retain the eclectic and historic character of Pleasure Point".

Residents in opposition/seeking adjustments to this project plan will speak at the 12/9/2015 hearing. The originals of these petitions will be available at the hearing should you wish to see them.

In advance, we greatly appreciate your time and attention to our concerns!

Cc: John Leopold, Supervisor 1st District

October 2015

Dear County Board of Supervisors

We are residents in the Pleasure Point area. The proposed complex project at 38th & Portola, would have a negative impact on our neighborhood.

The proposed three story building with a commercial market and residential occupants, would increase density in the amount of cars and traffic. There are already plenty of commercial markets on 41st Ave that adequately meet the needs of this area. The height of such a commercial building is too intrusive and would change the quality of our neighborhood.

There is already a lack of street parking, especially on the weekends and during the summer months. There is also too much congestion at the corners of 38th and Portola. We are asking that you do not support this proposal.

Thank you

NAME	ADDRESS	DATE
Sola Sarmiento	710 38th Ave. SC, CA	10/3/2015
Beverly Bender	721 38th Ave. SC, CA	10/3/2015
Michelle Lujan	745 38th Ave SC, CA	10/12/2015
MARSHALL KRAKE	692 38th Ave #9 SC, CA	10/12/2015
ARI WOLVEN	692 38th Ave #4 SC, CA	10/3/2015
CORRINA WOLVEN	692 38th Ave #14 SC, CA	10/3/2015
Waylon Olsen	692 38th Ave Unit B SC, CA	10/3/2015
Chile Molina	692 38th Ave. #4	10-3-15
ELIZABETH HIDALGO	" " #8	" "
Tami Lechner	692 38th Ave #5	10-3-15
Brenda Bantate	7850A Bramble Lane	10-3-15
Kathleen D. O'Brien	651-38th Ave SC CA 95062	10-3-15
Rox Ann McMillin	631 38th Ave, SS	10-3-15
PATRICK CLIFFORD	605 38th Ave, SC	10-3-15
Allen Clifford	605A 38th Ave. SC	10-3-15
LORETA E. ROSENDA	534 38th Ave SC.	10-3-15
DAN GRANT	515 38th Ave SC	10-3-15
Beth Stewart	330 36th Ave S.C.	10-3-15.
PATRICK WILLIAMS	711 38th Ave SC.	10-3-15
RICHARD C. KNIGHT	3975A BRAMBLE LANE SC 95136	10/3/15

7918-13

October 2015

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Thank you

NAME	ADDRESS	DATE
Aly Trinh	3791 Portola Drive	
MARTINE S S NORDS	2481 NEOLAND DR ADUS	10/23-2015
Erica Godshall	3712 Moana Lane	10/25/2015
Shanna Gunderson	558 38th Ave	10/25/2015
BRENT WARD	690 37th Ave #A	11/1/15
Christine	3201 Portola dr.	11/1/15
Melissa Vannoy	1701 48th Ave Capitola	11/2/15
John van Se GGERN	3840 Melton St.	11/2/15
Shi Dergam	881 35th Ave SC	11/3/15
Scott Rasmussen	541 37th Ave SC	11.4.15
Kia West	1199 38th Ave SC	11.4.15
Roberto Salez	59800 Heath St. SC	11.4.15
Elizabeth Landaker	52651 Forest St H3 S.C.	11.6.15
Andrea Thippel	2435 Fort St #65	11.6.15
Barbara W. Hamm	700 36th	11.8.15
Micah Powell	682 35th Ave. SC	11/7/15
John Mether	2151 Destiny way	11-9-15
John Melzeret	731 36th Ave	11/7/15
JEFF TAYLOR	850 Rosevale Ave	11/8/15
LuAnne Keller	2620 Quartz St. Santa Cruz CA	11/8/15

Pg 2 of 13

October 2015

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Thank you

NAME	ADDRESS	DATE
BRANDEN IRWIN	2960 Packer Ave 95073	10/21/15
Marc Daxel	675 36 th Ave 95062	10/21/15
B. Ruggiana	1260 G. Nelson Ave	10/21/15
Bryce Silva	Nova St	10/21/15
ROB HANSON	427 36 th Ave 95062	10-23-15
Shuntik Wertz	940 25 th Ave 95062	10-23-15
Scott Rasmussen	547 37 th Ave 95062	10.23.15
Michael Roberts	528 38 th Ave 95062	10.23.15
W/ Maxwell Priest-Radofski	710 Cayuga St 95062	10-23-15
Ryan Lessing	3728 Floral Drive, 95062	10.24.15
BRIAN OWEN	1630 MERCY ST. SC 95062	10.24.15
JoAnne Bailey	2417 Shoreview Dr. SC 95062	10/24/15
Katinka Huning	1025 Lewis Circle SC 95062	10/25/15
Robert Sjaastrom	2333 Portola Dr	10/25/15
Bruce Bentley	1021 Lewis Circle Santa Cruz 95062	10/25/15
Sharon Anderson	250 Whispering Pines 95073	10/26/15
Scott Rasmussen	1362 Lower Hillman 95076	10/26/15
Jana Noms	1255 38 th Ave spc 7 95062	10/26/15
Scott Wood	1255 38 th Ave Spc 7 Santa Cruz	10/26/15
Parvinder Stafford	425 34 th Ave 95062	10/26/15

Sigh it! 7/30/13

October 2015

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Thank you

NAME ADDRESS DATE

Devon Caroselli 3850 Bramble Ln #B Santa Cruz, CA 95062 10/17/15

Mike Caroselli 3850 BRAMBLE LN #B 10/17/15

Christa Martin 500 38th Ave, SC, 10/17/15

Matt Strutter 500 38th Ave SC 10/17/15

Eva McPhee 3830 Floral Ct SC 10/17/15

H. Monroe Howser III 3813 Floral Ct, SC 95062 10/18/15

K Howser 3813 Floral Ct, Santa Cruz 95062 10/18/15

Bill Linch 3815 Floral Ct, SC 95062 10/18/15

Nancy Shown 3815 Floral Ct, SC, 95062 10/18/15

KATHLEEN CHURCH 3845 FLORAL CT SC 95062

Sue Uchiyama 3880 Floral Ct. SC. 95062

Justin Bartz 3865 Floral Ct Santa Cruz 95062

Lindsey Anderberg 3850 Floral Ct. Santa Cruz 95062

Karl Johnsons 3840 Floral Ct " "

Brian Chaves 3850 Bramble Lane SC 95062

Jim Dixon 3870 BRAMBLE SC 95062

Quinn Doughty 3870-C Bramble Lane S.C. 95062

Larry Thronson 3870-D Bramble Ln S.C. 95062

Alex Brown 3900 Bramble Ln S.C 95062

Debra Hines 3900 Bramble Ln S.C 95062

Page 4 of 13

October 2015

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Thank you

NAME	ADDRESS	DATE
Shelagh Munn	3840 Melton St	10/26/15
Phil Whitty	Rollins Dr	10/26/15
Daniel Sues	2650 Warren St. SC. CA 95062	10/26/2015
Tyler Corwin	621 55th Ave	10/26/15
Kevin Barker	1056 90	10/26/15
Camilo Arana	621 35th Ave	10/26/15
RACHAEL LYNN	881 35th Ave	10/26/15
Patricia Washko	formerly 3813 Floral Ct	10/26/15
Seann Petersen	35th Ave Santa Cruz CA 95062	10/27/15
Jessica Brown	1840 41st Ave Suite 102 #286 Capitola	10/28/15
Ram Mathews	2355 Brunner, SC 95062	10/28/15
David (Uma)	1755 30th Ave	10/28/15
Felix Blanco	3750 Portola Drive	10/28/15
ETHAN VANSEGERN	3840 MELTON ST	10/28/15
Katie Wilbur	219 Central Ave #3	10/28/15
DAVID HANSEN	3608 FLORAL DR	10/29/15
Robert Hansen	529 30th Ave	10/30/15
CHRISTIAN CUEVAS-BADILLA	6015 PRINGLE LN	10/29-2015
Celine Ruff-Silberberg	621 35th ave	10/29/15
Vanessa Wennstrom	4300 Nova Dr, SC 95062	10/29/15
Ashley Kern	1995 Maciel Ave	10/29/15

795813

October 2015

Dear County Board of Supervisors

We are residents in the Pleasure Point area. The proposed complex project at 38th & Portola, would have a negative impact on our neighborhood.

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Thank you

~~Sten Thompson~~ 328 34th Ave S.C. 11/2015
Clare Sawyer 560 30th Ave #25 11-29-
~~Lee Dyer~~ 385 34th Ave 11/29/15
Pam Dyer 319 35TH Ave S.C.
Helen San Miguel 331 35TH AV SC 95062
STEPHEN PIERCE 320 35TH AVE, SC, 95062
Lee Mfg 2911 Calla Dr Santa Cruz
Anthony Fegan 2911 Calla Dr Santa Cruz
Claire Cerruti 165 Anchorage Ave Santa Cruz
Michelle Kiehl MKiehl 162 Anchorage Ave
Lee Solomon 162 Anchorage Ave
Bill Shea 2919 Calla Drive
Joyce C Shea 2919 Calla Dr. S.C.
Anne Stewart 171 30th Ave, Santa Cruz, CA

Pg 7 of 13

October 2015

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Thank you

Nancy G Gasta
2301-30th Ave.
Santa Cruz Ca 95062
831-818-9202

Peter J Stiers 230 30th Ave S.C. CA 95062

Stacy Kim 428 34th Ave SC CA 95062 26 Nov 2015

Vera Zim 679 30th Ave. Santa Cruz, CA 95062

Dan Schuy 679 30th Ave Santa Cruz, CA 95062

Julie Rogers 511 34th Ave, Santa Cruz, CA 95062

Ray Zim 511 34th Ave, Santa Cruz CA 95062

Paula Desquiere 655- 34th Ave. Santa Cruz CA 95062

Richard Desquiere 685 34th Ave Santa Cruz, CA 95062

Kimberlee Key 670 34th Ave Santa Cruz CA 95062

Brenda 601 38th Ave Santa Cruz CA 95062

DEBORAH A. DENNING 601 38th Ave. SANTA CRUZ, CA. 95062

Shannon Woods 530 34th Ave Santa Cruz, CA 95062

Janet Dollar 412 34th Ave Santa Cruz CA 95062

Chais Dollar 412 34th Ave Santa Cruz CA 95062 11/29/15

798 8/13

October 2015

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Thank you

	NAME	ADDRESS	DATE
1	John Berry	500 34 th Ave	11/21/2015
2	Linda Matus	501 37 th Ave	11/21/2015
3	Kevin McKern	440 38 th Ave	11/21/2015
4	DBMCK	440 35 th	11/21/2015
5	RACIA J. STEINBERG	43 ROCKVIEW DRIVE S.C.	11/21/15
6	Cesrey McCollum	500 34 th	11/21/15
7	Dulaine Schuchman	591 34 th Ave	11/22/15
8	Thomas Schuchman	591 34 th Ave	11/22/2015
9	Catherine Romero	3708 Holad Dr.	11-22-2015
10	KATHLEEN CHURCH	3845 FLORAL CT. SANTA CRUZ	11-22-2015
11	William Rumpalos	599 35 th Ave Santa Cruz	11/22/2015
12	Catherine Rumpalos	599 35 th Ave Santa Cruz	11/22/2015
13	Alexandra Rumpalos	599 35 th Ave Santa Cruz	11/22/2015
14	JEAN BROCKLEBANK	1190 7 th Ave S.C. 95062	11/22/2015
15	Michael A. Lewis	1190 7 th Ave S.C. 95062	11/22/2015
16	Lowell Stancus	501 37 th Ave S.C. 95062	11-22-15
17	Lisa Williams	550 26 th Ave SC 95062	11-22-15
18	George R Williams	550 26 th Ave SC 95062	11/22/15
19	BARBARA SCHAGER	3885 FLORAL CT 95062	11-23-
20	BARBARA SPENCER	670 37 th Ave 95062	11-25-15
21	KEVIN WALTER	670-37 th Ave S.C. 95062	11-25-15
22	Lyn Hood	635-36 th Ave S.C. 95062	11-25-15

7790X-13

October 2015

Dear County Board of Supervisors

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Thank you

NAME	ADDRESS	DATE
Christine Helm	540 36 th Ave SC.	11/22/15
MICHAEL HELM	540 36 th Ave. SC	11/23/15
DAVE WILSON	554 36 th Ave. SC	11/23/15
Sandy Beck	3113 Roland DR	11/27/15
Marie Yoon	915 32nd Ave	11/27/15
DANA JONES	300 VANESSA LN.	11-27-15
Kathleen Jones	380 Van Ness Ln	11-27-15
Dean Khambatta	308 35 th Ave	11/27/15
Madelyn Conroy	308 35th Ave	11/27/15
Sherrice McAlpin	1435 Bullb Ave	11-27-15
Mike Butcher	132 25 th Ave	11-27-15
JANET LEINSTER	953 36 th AVE	11-27-15
Jennie Kaufman	874 35 th Ave	11/27/15
Kathy Quella	1255 38 th Ave #118	11/27/15
John Miller	215 32nd Ave	11/27/15
Joe Bladen	3603 AVE WAY	11/28/15
Tom Bladen	3603 AVE WAY	11/28/15
BUC FARRINGTON	192 38 th AVE #21	11/28/15
Tanya Mashnick	3608 MAGNOLIA WAY	11-27-15
KIMBALL JONES	3400 PORTOLA #1	11-27-15

20

Page 10 of 13

October 2015

Dear County Board of Supervisors

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Thank you

NAME	ADDRESS	DATE
SUE YVANOVICH	154 ANCHORAGE Santa Cruz, CA 95062	Nov 27 2015
Daniel Roman	148 34th Ave 95062	Nov. 27 2015
Laureen Shipley	1055 Lewis Circle 95062	Nov 27 2015
Thustan Hana	1959 NEWPORT NEWS ANCHORAGE 95062	Nov-27/2015 Nov 27 2015
Tara Ireland	529 36th Ave	11/28/15
Rebecca Chama	529 36th Ave.	11/28/15

PA 11/08/15

October 2015

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Thank you

Pat Tevel Dahl 415 34th Ave S.C.

GREGG KOCH 415 34TH AVE SC,

Debra Harris 462 Hampstead Wy SC 11-29

Barbara Alston 465 Hampstead Way SC

Leslie Fellows 2630 Portola Mth SC

Janet D. Halma 700 36th Ave 95062

Jean Kibben 700 36th Ave 95062

Yoshihara Kuroiwa 640 34th Ave

Rose Kuroiwa 640 34th Ave

7912913

November 29, 2015

Dear Santa Cruz County Planners and Supervisors,

Let's take a look into the future from 737 38th Avenue. **It's Monday morning December 11th 2017.** I am awakened at 6:00 AM as the garbage trucks empty my household and yard waste bins. As I wheel them up my driveway I greet my neighbor from the condos across the street. He's in his motorized wheelchair as he rolls down toward East Cliff Drive with his leashed canine companion.

On the same property a little bakery/restaurant is just opening its doors. Customers enter from a parking lot off Portola located where the former lumberyard customers parked in 2009. I'm happy to look over to a group of gardens and patio areas attached to 6 condos on the first floor and 6 more condos on the second floor. The developers included 4 Americans with Disabilities compliant 1 bedroom condos and 2 studio condos on the ground floor. They decided that one business tenant was appropriate based on the fact that there were plenty of thriving businesses in the shopping centers along Portola. The Hernandez Market was remodeled last year and now has a larger produce and meat section so we are able to get most of our groceries from this convenient location.

As I close the gate to my driveway I watch as several residents leave for work. They exit from a driveway on the Southern end of the property, just across from our home. Their garages and resident only parking spaces are off street to the South of the building. From those I've met, most are working in nearby areas rather than commuting to Silicon Valley. Because there were smaller condo units that sold for reasonable prices we have a variety of new neighbors from many professions as well as retired and handicapped folks. My gate and fencing was built from wood recycled from the old lumberyard building. All neighbors in Pleasure Point were given priority to purchase the redwood at fair prices. Condos are now on the original lumberyard footprint.

When our recycle bin is picked up around 10:00, the fog has gone out. After wheeling it in I add some outgoing mail to my box at the curb and see folks walking dogs, surfers, and people walking or biking to and from local businesses. We still have a very busy street, but not as busy as we had feared should a strip mall have been built. Also the traffic onto 38th is not impacted with through traffic circulating from the parking lot from Portola as proposed. With only one business at the Portola address the residents have addresses on 38th.

This is the win-win scenario that my husband and I would envision for our busy neighborhood. I hope that the County Planners can embrace this vision. The current proposal being discussed for 3800 Portola Drive is not in line with reality and would be a disservice to the neighborhood compatibility. By reducing the size to 2 stories and setting the units 20 feet back as other homes on the street the residential feeling is preserved. By placing only 20% of total square footage for business space and 80% for housing the best of both is achieved. We believe the plan outlined here will also appeal to most residents of the Pleasure Point Neighborhood. **It's time to go back to the drawing board and re-design the original proposal.**

So dear planners, if our narrative did not clarify the changes we propose for the development, here is a summary.

1. Business should only face Portola; residences face 38th.
2. Eliminate traffic circulation via parking lots between Portola and 38th.
3. Parking access off 38th is for condo residents only.
4. Follow a 20% business/ 80% housing model. We already have plenty of businesses within walking distance.
5. Design six condos which can be priced lower due to smaller size.
6. Build six 2 bedroom condos. (An increase of 4 condos over the original proposal should compensate for fewer business units with similar revenues).
7. Assure that residential construction along 38th is set back 20 feet from the curb as are existing residences.
8. Build no higher than two stories.
9. Recycle redwood from the existing lumberyard building among local buyers.

Our home has been in the family since its construction in 1939. We know progress is inevitable, but we beseech you to respect our neighborhood with a design that is more compatible with existing homes.

Thank You for your consideration,

Cliff and Jeanette Nutcher

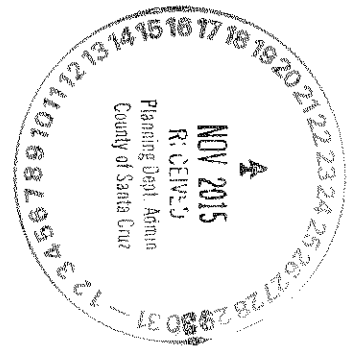
737 38th Avenue

cc to Planning Commissioners

November 20 ,2015

To: Santa Cruz County Planning Commissioners:

Michael Guth,	1st district	mguth@guthpatents.com
Casey Hernard	2d district	caseyhernard@yahoo.com
Rachel Dann	3d district	Rachel.Dann@santacruzcounty.us
Judith Lazenby	4th district	judilazenby@aol.com
Renee Shepherd	5th district	renee@reneesgarden.com



Dear Planning Commissioners:

The Sustainable Santa Cruz County Plan was prepared & accepted 10/28/14 by the County Board of Supervisors, SC Planning Commission, Advisory Board and community members. I am writing regarding the North Point Investment's plans to replace the 38th and Portola lumberyard. The current NPI plan does not meet SSCCP goals, nor follows rules of the Santa Cruz County General Plan.

The Pleasure Point Neighborhood Group met with North Point Investment developers, who showed and discussed their proposed plan for the lumberyard. Their plan for a three story building is not consistent with Chapter 3, page 7 of the SSCCP, which specifically states: "... Buildings that adjoin single family areas adjacent to homes are limited to two stories at the transition area and respect the surrounding residential character".

Under the current SC County General Plan, Policy 8.63 states: "residential structures shall be limited to two stories in urban areas..."

PPNG has been conducting an online poll on opalcliffs.nextdoor.com. As of this date, of 111 neighbors, 86% voted that the development was too big.

The NPI plan also does not meet the parking standards set by the SSCCP.

Chapter 8, page 20 Table 8-3 required commercial parking space:

3200 sq ft restaurant space = 32 parking spaces

3200 sq ft retail space = 11 parking spaces

3200 sq ft office space = 11 parking spaces

Total = 54 commercial parking spaces required

Chapter 8, page 21 Table 8-4 required multi-residential parking space:

9600 sq/ft of residential space with 8 planned units

9600/ 8 = 1200 sq/ft for each unit

1.5 parking space required for each unit = 12 total residential parking spaces required

SSCCP requires 54 commercial + 12 residential = 66 total required onsite parking spaces North Point Investments plans a total of 50 on-site parking spaces. Based on above SSCCP requirements - The NPI plan is short 12 on-site parking spaces.

The 7/29/14 Marquez parking study, accepted by the planning department, is theoretically flawed. Page 2 discusses weekend onsite parking decreasing after 11 am, when most customers would be out shopping and dining between 12 noon and 9 pm.

On page 2 of the Marquez study, it estimates a weekend peak demand of 37 parking spaces, excluding 8 residential spaces. With 50 planned onsite parking spaces, minus 8 residential spaces, there would be only 32 spaces available during peak parking demand. Theoretically, an overflow of 5 cars would always occur. The Marquez study does not examine the actual street parking realities of 38th and Portola avenues and the impact of overflow parking on the neighborhood.

Does this study also take into account the number of employees who will be parking at the facility? With 15 projected vendors, a conservative estimate in the number of employee cars would be 15 spaces. Peak parking spaces of 37 minus 15 spaces would reduce the amount to 22 spaces available to customers. If there is to be a food market or restaurant, those available 22 spaces would be insufficient to share with other commercial vendors on the property (1.5 customer parking space for each vendor). This parking scenario would not be sufficient for businesses, which depend on a large influx of customers.

NPI's plan assumes that one residential car space is adequate, when most homes these days have two cars. There would likely be an overflow of 8 resident cars onto 38th Avenue at any given time.

Numerous residents have expressed their concerns with street parking and traffic congestion near the corner of 38th and Portola. This is particularly worse in the summer and on weekends, when most residents are at home, and the increase of surfers and out of town visitors to the Pleasure Point area. There is also a mobile home park behind 710 38th Ave. Many times their additional cars park on to 38th avenue near Portola. An overflow of cars onto 38th would add to already existing neighborhood frustrations.

When the PPNG met with NPI developers, they clearly stated their intention was to sell each residential unit for \$800,000 . Their plan is not in alignment with SSCCP goals to create affordable housing. If anything, it adds to the affordable housing crisis that already exists in Santa Cruz County. This NPI project does not also meet the current General Plan Affordable Housing objectives.

The PPNG has been told by the County Planning department representative, that they support the NPI plan. I am asking that you honor the intentions of the SSCCP. Creating sustainable building projects is vital to maintaining the beauty and viability of the Santa Cruz area. The many hours put into creating the SSCCP should be upheld by any succeeding zone modernization project by the County Planning Department.

At this point PPNG has a petition, signed by over 100 Pleasure Point residents against approving the existing NPI plan. We will be presenting this petition at the re-scheduled 12/9/15 meeting.

Please closely examine the proposed NPI plan before it is put up for approval. From what I have studied, it does not meet General Plan rules, nor the accepted goals of SSCCP and Pleasure Point residents.

Thank you,



Soia Sarmiento

710 38th Ave. Santa Cruz, CA

cc: john.leopold@santacruzcounty.us
zach.friend@santacruzcounty.us
ryan.coonerty@santacruzcounty.us
greg.caput@santacruzcounty.us
lezanne.jeffs@santacruzcounty.us
kathy.previsich@santacruzcounty.us

3800 Portola Drive
Santa Cruz, CA 95062

I have reviewed the plans for this mixed use project at 3800 Portola Drive, Santa Cruz 95062 consisting of approximately 9,000 sf of retail space and eight 2 bedroom residential condominiums on the second and third floor. I support this project and feel it will add to the vitality of the Pleasure Point community. This retail/residential mix of uses will complement the walkable nature of this community and the transportation options which currently exist. This project will make efficient use of an underutilized property and provide much needed housing while minimizing its impact on traffic, water and other infrastructure.

Signature

Natnael Essayas

Name

Feel free to email in support of the project:

1st District Supervisor

John Leopold

john.leopold@santacruzcounty.us

County Planning Director

Cathy Previsich

cathy.previsich@santacruzcounty.us

Project Planner

Lezanne Jeffs

lezanne.jeffs@santacruzcounty.us

To:

Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

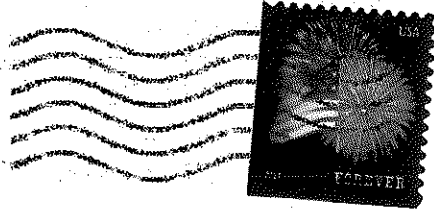
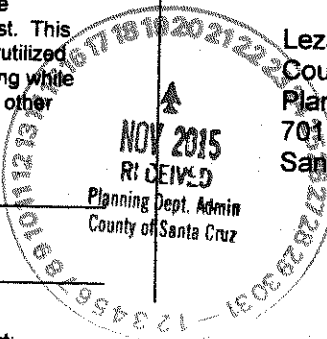


EXHIBIT H

Lezanne Jeffs

From: Paul Rodrigues [prdesign@cruzio.com]
Sent: Tuesday, December 01, 2015 11:14 AM
To: Lezanne Jeffs
Subject: Fwd: 38th & Portola Project (apn:032-092-01,05)

Begin forwarded message:

From: Paul Rodrigues <prdesign@cruzio.com>
Date: November 29, 2015 at 7:02:22 PM PST
Cc: "john.leopold@co.santa-cruz.ca.us" <john.leopold@co.santa-cruz.ca.us>, "mguth@guthpatents.com" <mguth@guthpatents.com>
Subject: 38th & Portola Project (apn:032-092-01,05)

Dear Lezanne,

I would like to express my support for the proposed project on Portola Drive scheduled for the Planning Commission on December 9. Unfortunately prior appointments make it impossible to attend in person.

As a resident of the Pleasure Point area for more than 35 years I have seen many proposals for commercial projects along Portola Drive, but this one in particular has the potential to expand commercial activities which reflect the energy and spirit of the lower 41st Avenue and Pleasure Point.

Also, there's the opportunity for Portola Drive to serve as an incubator for more suitable commercial uses along the street. This site needs to be upgraded to reflect the activities and people of Live Oak and Pleasure Point rather than remain neighboring on a cast-off zone of auto repair shops, small seemingly meaningless office spaces and kitschy old single story commercial buildings providing limited retail or other services.

Having the opportunity to walk to this development represents an important plus in these energy conscious times, and for me outweighs any negative concerns regarding traffic, or congestion or other issues. Some might object to the size or scale of the project, but I find that there are few negative impacts to local residents to the development of this site. There are no shading issues which would affect surrounding residential properties and traffic is easily controlled by the existing four-way stop at the adjacent 38th Ave. intersection. Street trees and a sidewalk along 38th Ave should be encouraged to connect to 38th Avenue park.

We live in an area which is urban and should be developed as such with multiple kinds of businesses and residences. Opportunities for this site for both smart and intelligent commercial development should be encouraged, not lost to a suburban mindset that poses every new idea as too big or too dense or too out of character with the community. It is about time the character and architecture of Portola Drive be changed to reflect the era we live in, not remain some left over throwback to the nineteen forties or fifties.

In the 1980's I used to buy wood and hardware at Pleasure Point Lumber and for a time it served a need in the community. Before the days of Home Depot, it was a great community resource. Its air dried redwood was a treasure for local builders. I remember with a hint of nostalgia the old guy who worked there in his baggy khaki pants with a cigarette hanging out of his mouth, he walked around all day with his pet parakeet perched on his faded fedora hat. He didn't seem to mind the occasional droppings on his shoulder. In those days the Point was a different place, but that time is gone and people and things have moved on.

It's time for something new and vital to take its place. Something to add new meaning to the area and the community. Maybe there will even be someone who walks around with a bird perched on his hat once in awhile. Just enough to create the kind of eclecticism we all love to identify with..... well, maybe just a feather in his hat would be eccentric enough.

I'd settle for a cup of coffee at the "Parakeet Cafe"!

I look forward to seeing this project approved by the Planning Commission!

Paul Rodrigues
560 34th Avenue
Santa Cruz, CA. 95062

Lezanne Jeffs

From: Kathleen San Miguel [ksmiguel@icloud.com]
Sent: Tuesday, December 01, 2015 11:44 AM
To: John Leopold
Cc: Lezanne Jeffs
Subject: Property at 301 35th Avenue, Santa Cruz. APN:028-431-09

Dear Mr. Leopold,

This is to advise that i do not have any objection to the proposed building plan for 301 35th Avenue, Santa Cruz. I am a neighbor at 331 35th Ave. and consider the proposed plan for 301 35th Ave. to be a lovely enhancement to the neighborhood.

Sincerely,

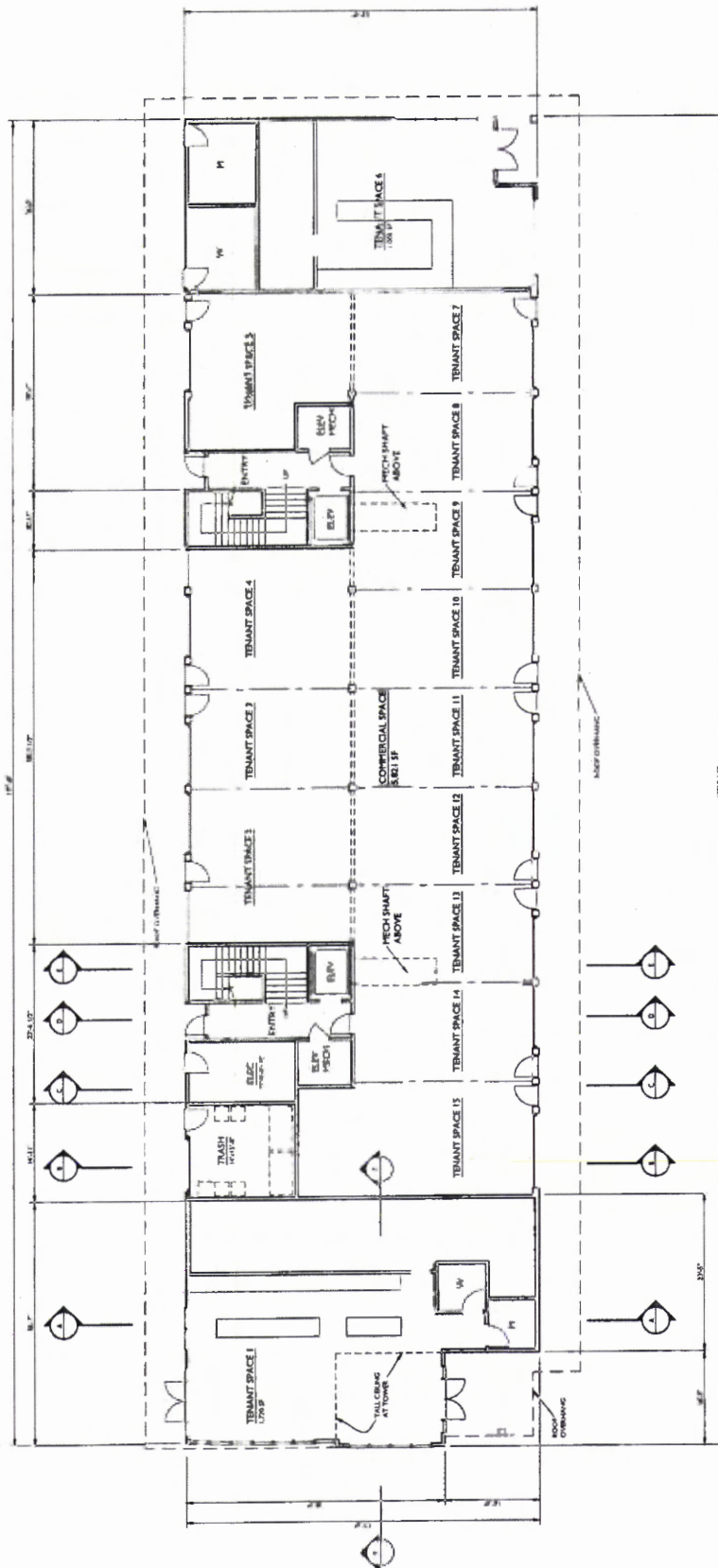
Kathleen S. San Miguel
331 35th Ave.
Santa Cruz
831 566-2564



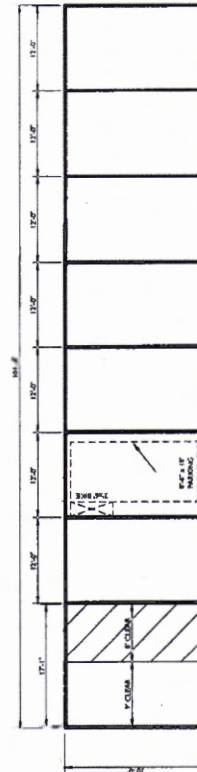
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1000 BROADWAY, SUITE 200
NEW YORK, NY 10018
TEL: 212-691-1000
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NORTHPOINT
PORTOLA DE
& 8TH AVE

FIRST
FLOOR PLANS



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 GARAGE FLOOR PLAN
SCALE: 1/8" = 1'-0"

DATE: 01/11/11
PROJECT: NORTHPOINT
DRAWN BY: J. THOMPSON
CHECKED BY: J. THOMPSON
APPROVED BY: J. THOMPSON
PROJECT NO: 1000
SHEET NO: 1001
SHEET TITLE: FIRST FLOOR PLAN
SHEET SCALE: 1/8" = 1'-0"

A3



NORTHPOINT
PORTOLA DR.
& 38TH AVE.

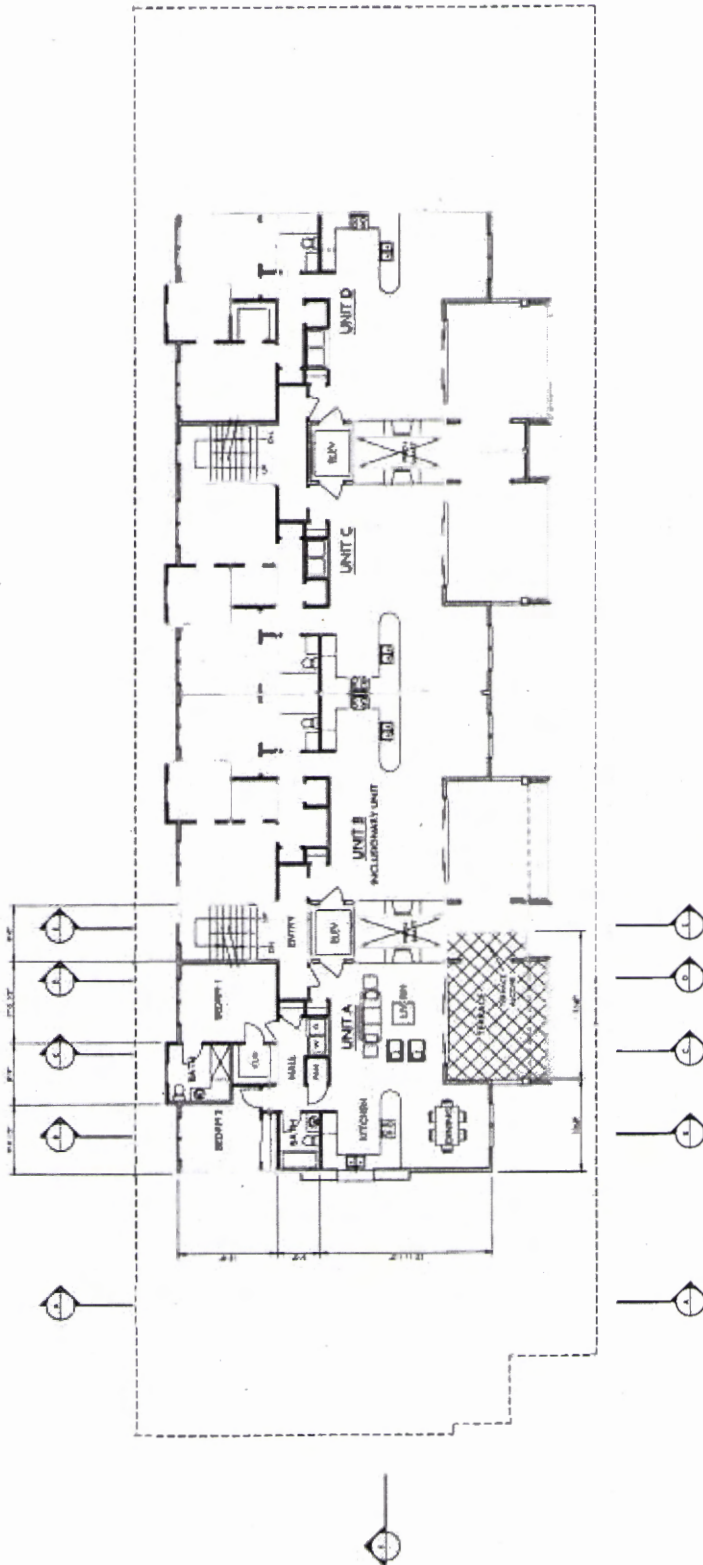
SECOND FLOOR PLANS

DRAWING DATE
JANUARY 9, 2015



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Journal of Internal Medicine 250: 105-112

A4



2 2ND FLOOR PLAN
SCALE: 1/8"=1'-0"



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FARMINGTON, CT 06030
(860) 646-1000
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NORTHPOINT
PORTOLA DR
& BETH AVE

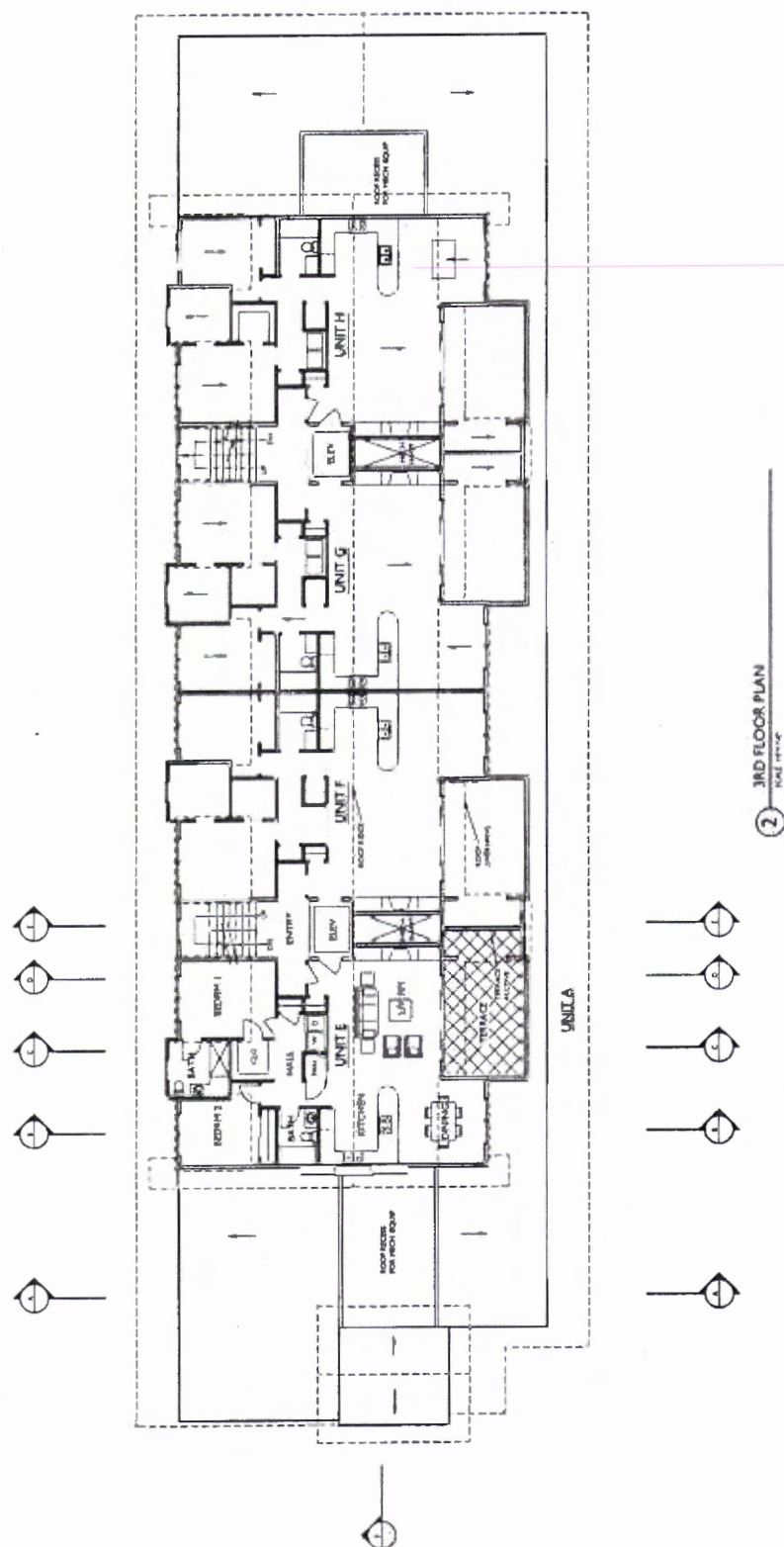
THIRD FLOOR PLANS

DRAWING DATE
JANUARY 1, 2019
HOW TO LOCATE
THIS DRAWING
DATE PREPARED
PROJECT FILE NAME
NORTHPOINT 03.14



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A5





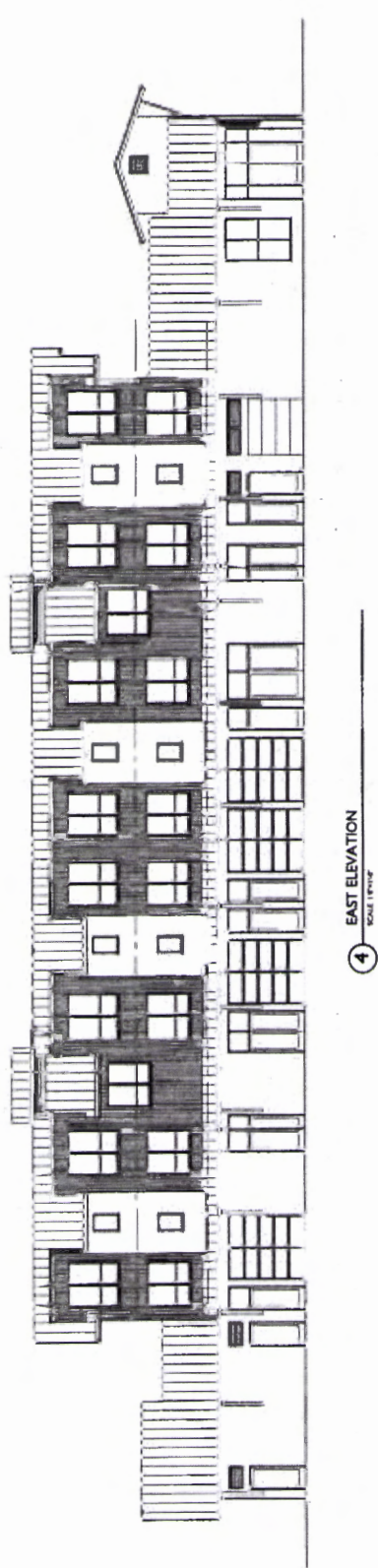
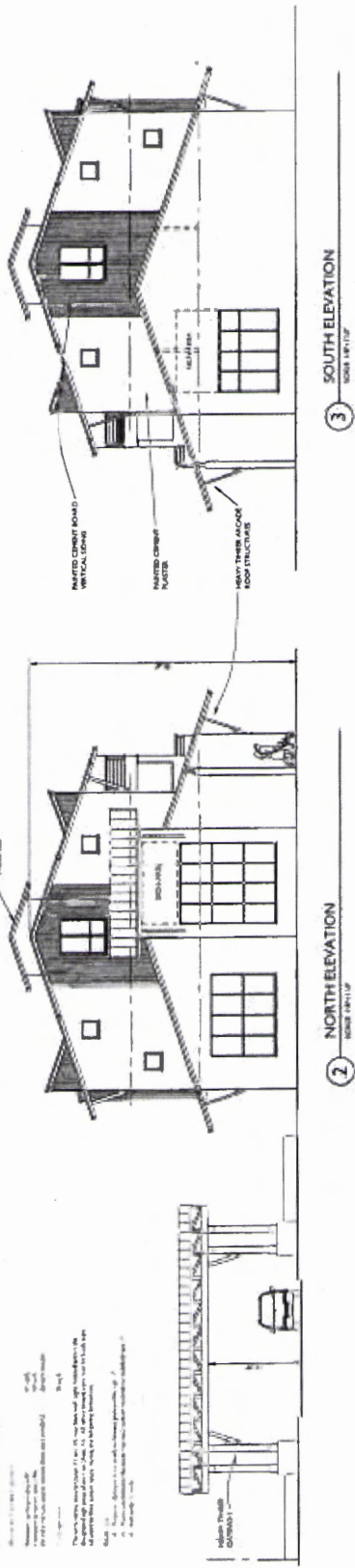
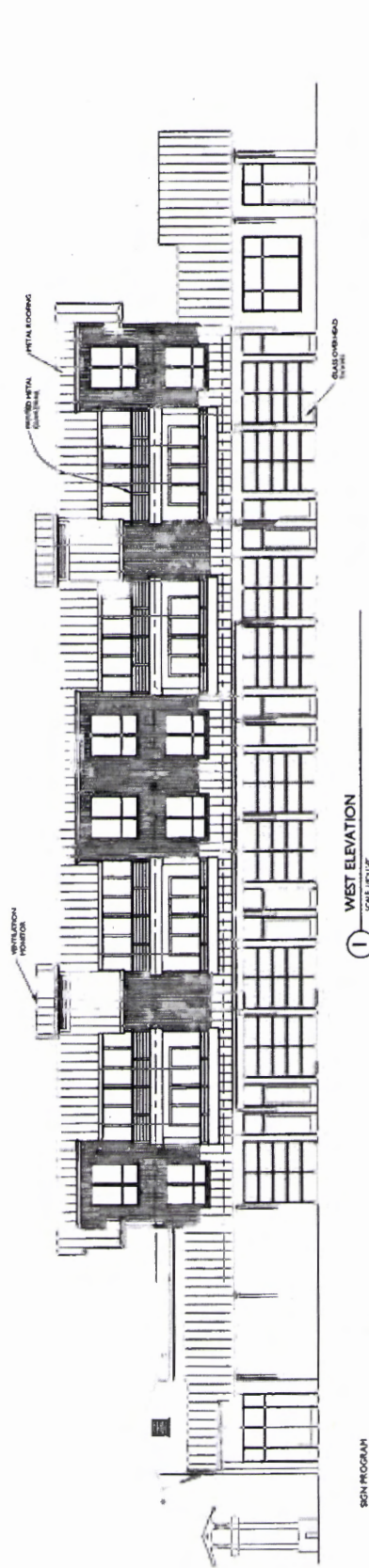
ELEVATIONS

DRAWING DATE JANUARY 9, 2015	ISSUED TO FACILITATE CONSTRUCTION DATE PENDING	PROJECT FILE NAME NORTHPOINT SD 14
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It is also possible that the observed differences in the response to the two treatments may be due to differences in the baseline characteristics of the two groups. For example, the patients in the treatment group may have had a higher baseline level of anxiety or depression, which could have led to a greater response to the treatment.

A6

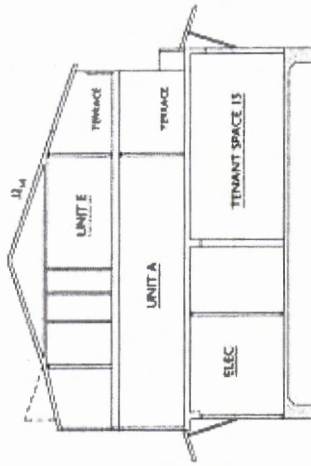




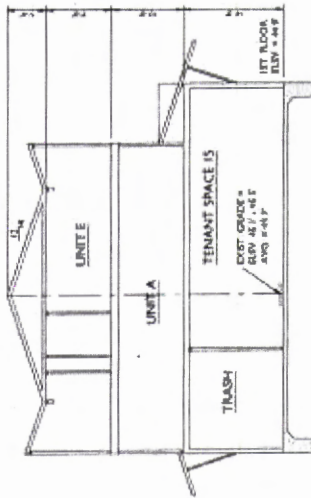
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SUITE 100
PORTLAND, OREGON 97204
503.228.1100
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NORTHPOINT
PORTLAND, OREGON
A BETHAVE

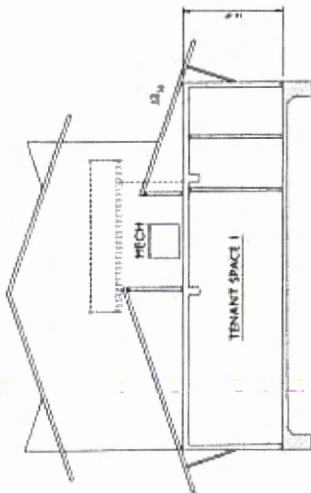
SECTIONS



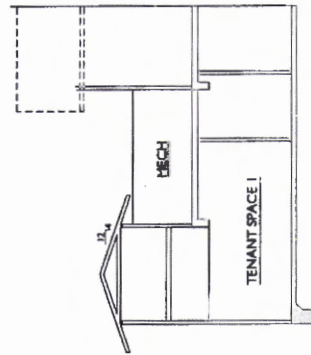
3 SECTION C
SCALE 1/8"=1'-0"



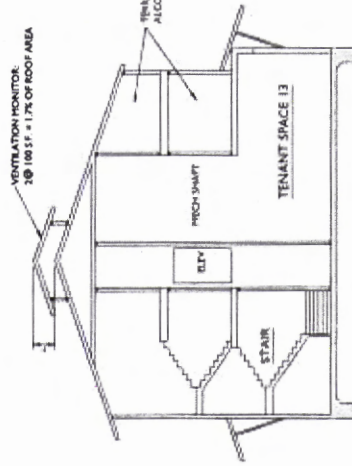
2 SECTION B
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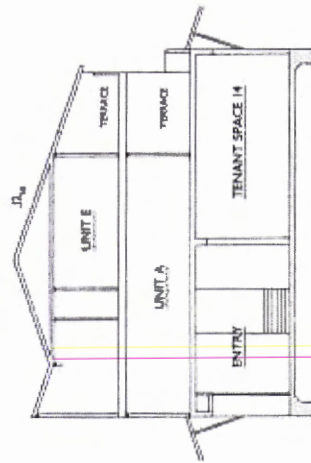
1 SECTION A
SCALE 1/8"=1'-0"



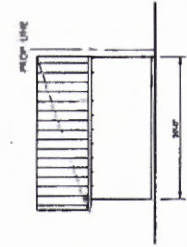
6 SECTION F
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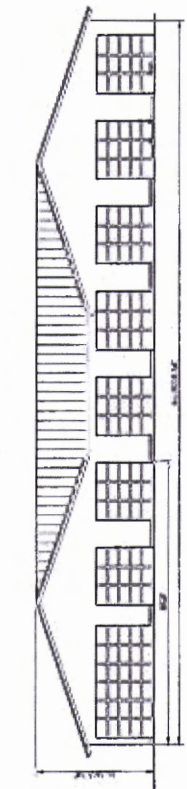
5 SECTION E
SCALE 1/8"=1'-0"



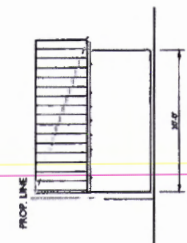
4 SECTION D
SCALE 1/8"=1'-0"



9 SOUTH ELEVATION GARAGES
SCALE 1/8"=1'-0"



8 WEST ELEVATION GARAGES
SCALE 1/8"=1'-0"



7 NORTH ELEVATION GARAGES
SCALE 1/8"=1'-0"



1/8"=1'-0"
1/4"=1'-0"
1/2"=1'-0"
3/4"=1'-0"
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100"=1'-0"

A7



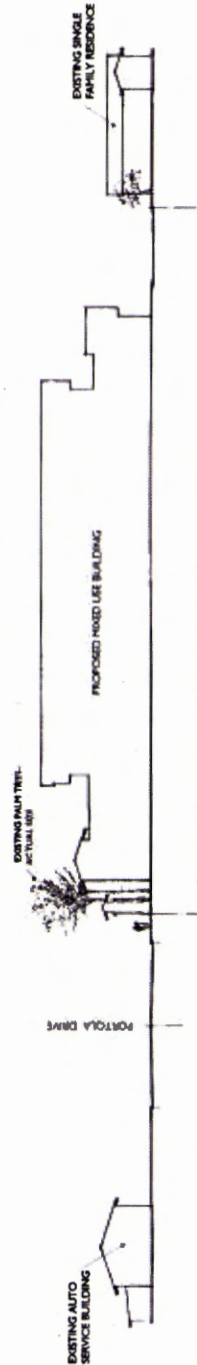
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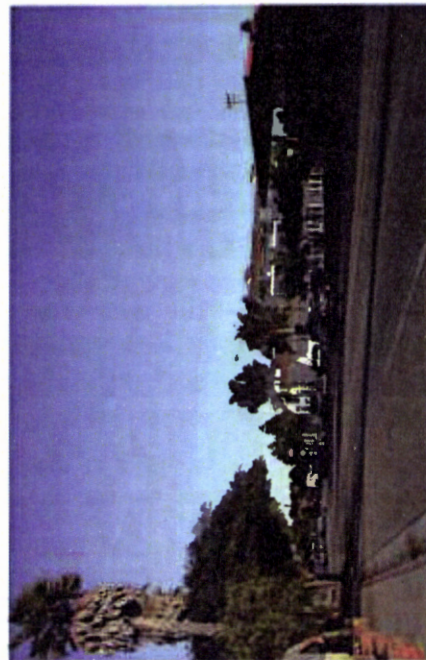
**BUILDING
HEIGHT
CONTEXT**



SCALED EAST-WEST SECTION LOOKING NORTH TOWARD PORTOLA DRIVE



SCALED NORTH-SOUTH SECTION LOOKING EAST TOWARD 41ST AVENUE



VIEW LOOKING EAST DOWN PORTOLA DRIVE SHOWING THE NEW MIXED USE BUILDING AT THE CORNER



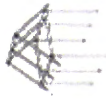
VIEW LOOKING NORTH UP 38TH AVENUE TOWARD PORTOLA DRIVE SHOWING THE NEW MIXED USE BUILDING AT THE CORNER

DRAWING DATE
JANUARY 9, 2014
DESIGNED BY
THACHER & THOMPSON
DATE REVISION
PROJECT NAME
NORTHPOINT 10-14



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A9



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**NORTHPOINT
PORTLAND, OR
& 30TH AVE**

**SHADING
DIAGRAMS**

SHADING STUDY
JANUARY 1, 2011

DESIGNED BY
THACHER & THOMPSON

CONTRACTOR
J. J. CONSTRUCTION

PROJECT NO. 11-01
REVISION NO. 1.0

PROJECT NO. 11-01
REVISION NO. 1.0

PROJECT NO. 11-01
REVISION NO. 1.0

PROJECT NO. 11-01
REVISION NO. 1.0

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PROJECT NO. 11-01
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PROJECT NO. 11-01
REVISION NO. 1.0

PROJECT NO. 11-01
REVISION NO. 1.0

A10



JUNE 20TH 2 PM



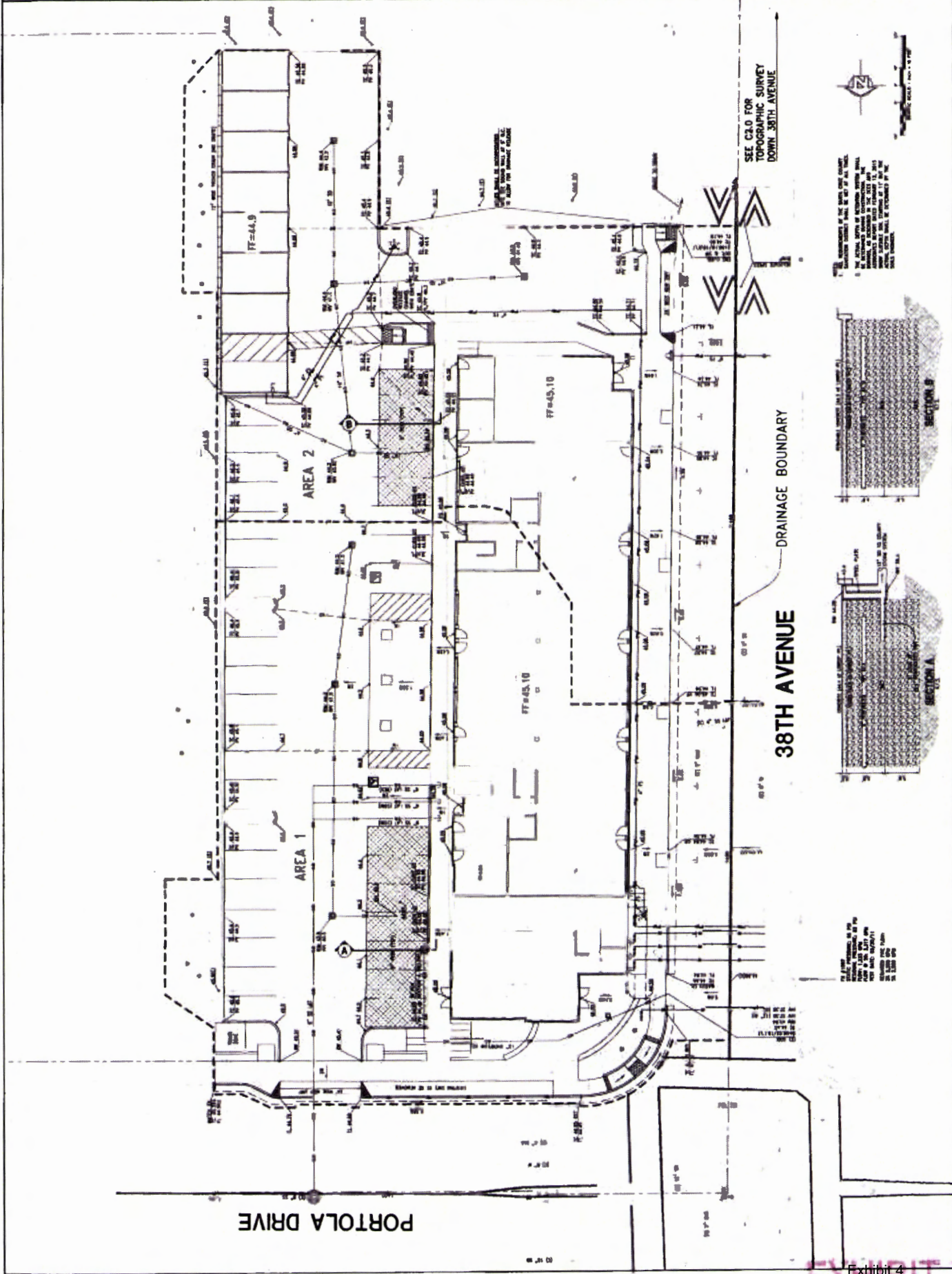
DECEMBER 20TH 2 PM



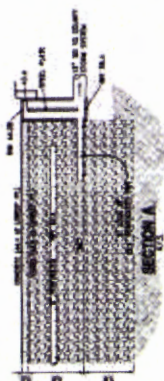
JUNE 20TH 10 AM



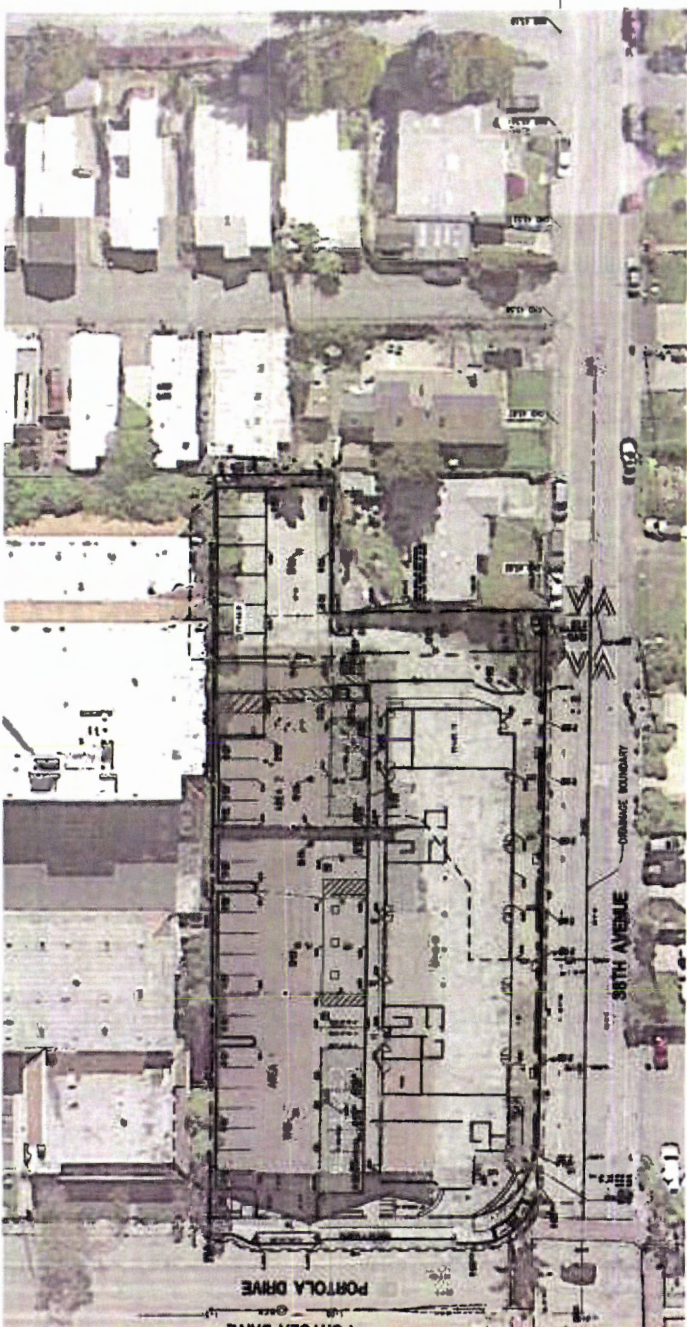
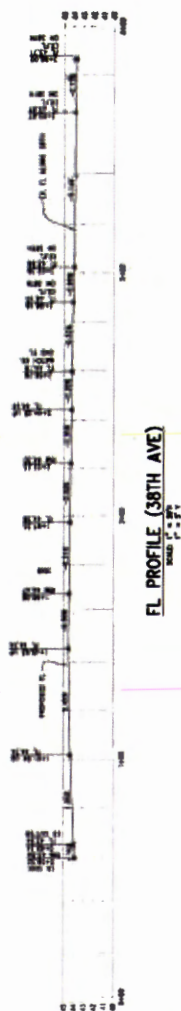
DECEMBER 20TH 10 AM



1. THE EXISTING GRADE IS SHOWN BY DASHED LINES.
 2. THE PROPOSED GRADE IS SHOWN BY SOLID LINES.
 3. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.
 4. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.
 5. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.







1. THE EXISTING GRADE IS SHOWN BY DASHED LINES.
 2. THE PROPOSED GRADE IS SHOWN BY SOLID LINES.
 3. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.
 4. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.
 5. THE PROPOSED GRADE IS BASED ON THE 2011 DATUM.



GENERAL NOTES

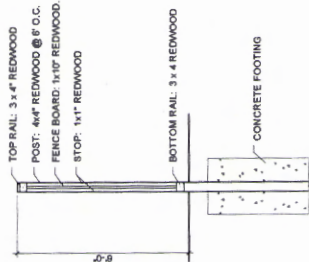
1. Walking surfaces shall comply with CBC 11B-403 Walking Surfaces. All frames that are wet resistant.
2. Girt nrips shall be in compliance with CBC 11B-409 Girt Ramps, Blended Transitions and Islands.
3. Ramps, including handrails, shall be in compliance with CBC 11B-405 Ramps.
4. Steps, including handrails, shall be in compliance with CBC 11B-504 Stairways.
5. Accessible parking stalls shall be in compliance with CBC 11B-902 Parking spaces.
6. Detectable walking surfaces shall be in compliance with CBC 11B-703 Detectable Warning and Detectable Directional Texture.

LEGEND

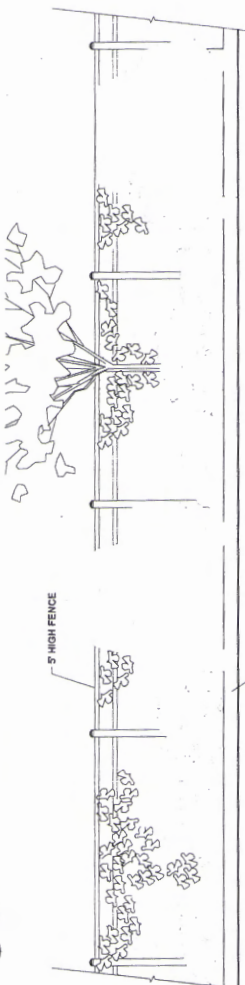
	Pedestrian Concrete Paving
	Vehicular Concrete Paving
	AC Paving
	Planting Area: See Planting Plan

REFERENCE NOTES

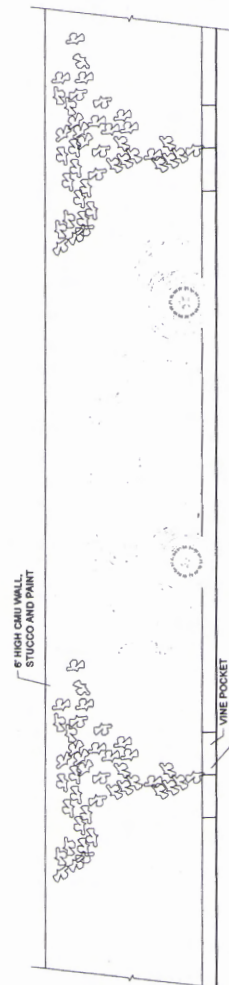
- 1 Accessible Parking Space
- 2 Parallel parking
- 3 Tree Canis: 4' square
- 4 New Entry Sign
- 5 Bike Racks
- 6 Existing Concrete - Preserve and protect.
- 7 Existing Trees - Preserve and protect.
- 8 Property Line Fence: 5' High. See **1/1-1.0**
- 9 Property Line Fence: 6' High. See **2/1-1.0**
- 10 Property Line Fence: 6' High. See **3/1-1.0**
- 11 Vine Pocket



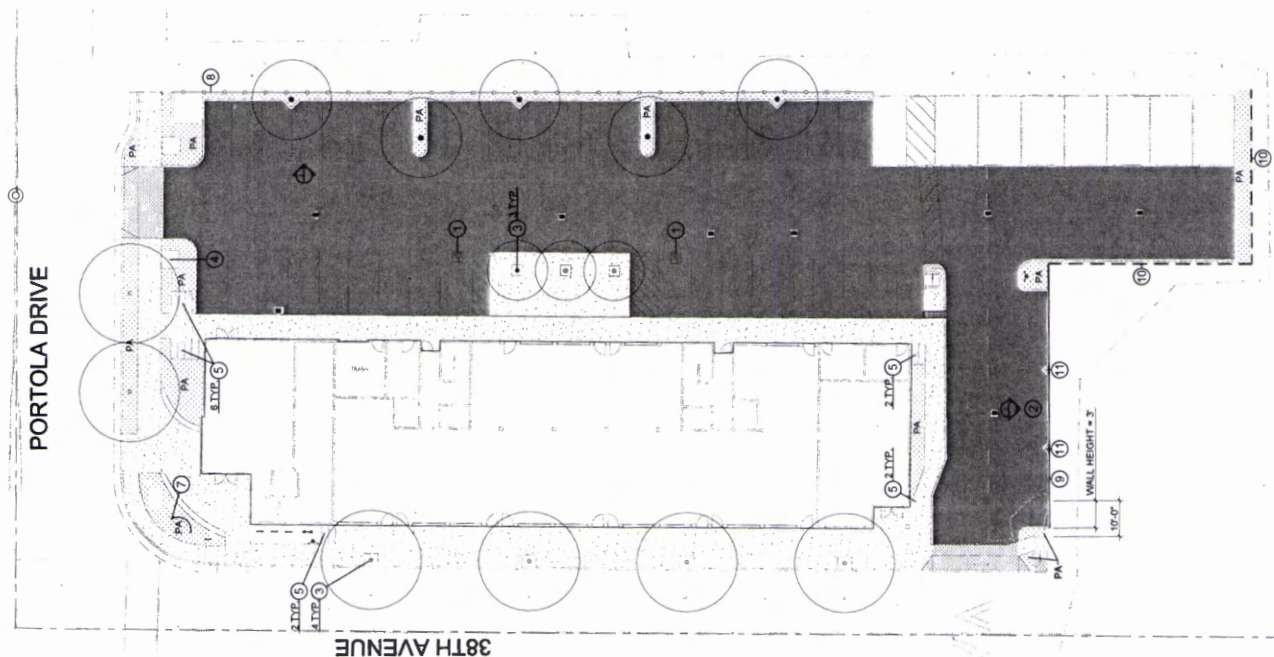
3 Property Line Fence - Redwood
1/2" = 1'-0"



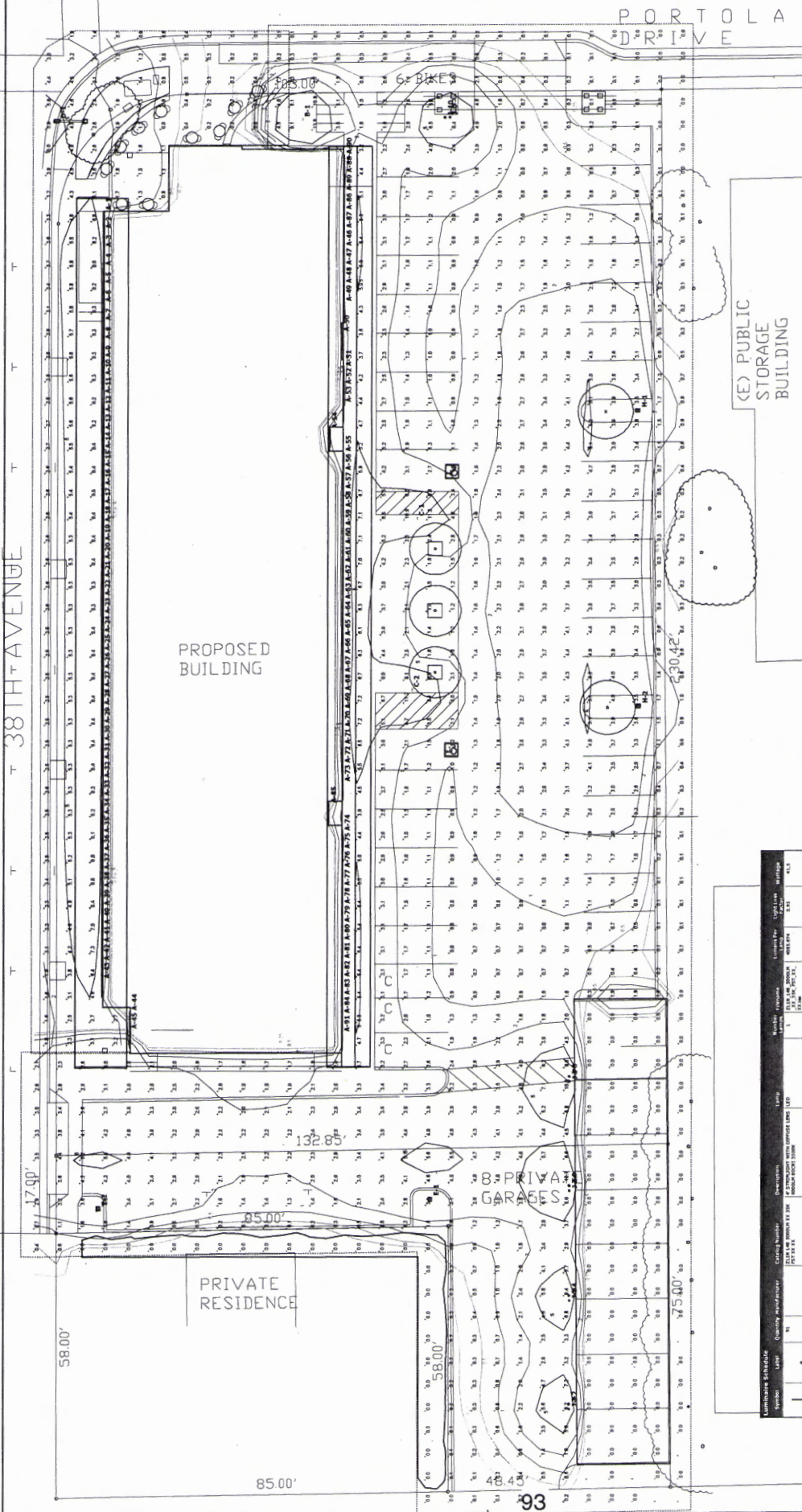
1 Property Line Fence
1/2" = 1'-0"



2 Property Line Wall
1/2" = 1'-0"







Plan View
Scale = 1" = 10'

ALL POLE MOUNTED LUMINAIRES SHALL BE ON
POLE OF 15' HEIGHT MAXIMUM.

Lighting Schedule	Quantity	Manufacturer	Capacity	Wattage	Notes	Comments	Lighting Schedule	Quantity	Manufacturer	Capacity	Wattage	Notes	Comments
A	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	A	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
B	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	B	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
C	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	C	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
D	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	D	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
E	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	E	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
F	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	F	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
G	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	G	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
H	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	H	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
I	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	I	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W
J	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W	J	1	OSRAM	150W	150W	OSRAM 150W 150V 150W	OSRAM 150W 150V 150W

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS MAP IS NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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05 POR. RANCHO ARROYO DEL RODEO
N.E. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code
96-103

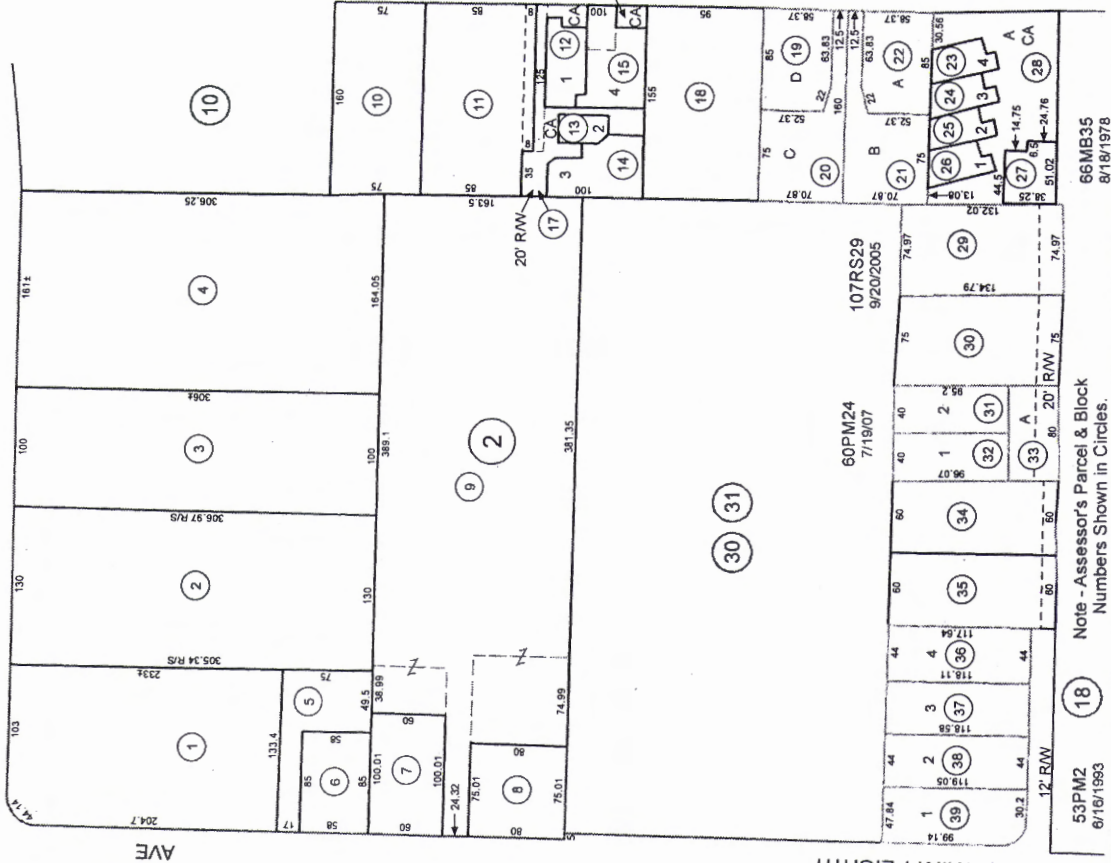
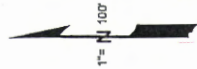
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8 PORTOLA

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SEC. 21
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OTTER'S LAIR
TR. NO. 914
66MB35 1/18/80
AMENDED MAP
66MB40 9/10/80

Assessor's Map No. 32-09
County of Santa Cruz, Calif.
Oct. 1998

EXHIBIT E

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4608
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Charles Paulden

Mailing Address: 415 Palisades

City: Santa Cruz

Zip Code: 95062

Phone: 831-462-3423

RECEIVED

JAN 06 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz Co

2. Brief description of development being appealed:

Demolition of Pleasure Pt Lumber Co and replacing with 3 story mixed used development on the Sidewalk in a small cottage neighborhood

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3800 Portola Drive, Santa Cruz, 95062

APN: 032-092-01, -05,

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-16-0003

DATE FILED: 1-6-2016

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: 12/09/2015

7. Local government's file number (if any): 141157**

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Hamilton Swift & Associates Inc
500 Chestnut St, Ste 100
Santa Cruz, CA 95060-3671

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Gary Paul
PO Box 642
Aptos Ca 96001

(2) Nutter's
737 38th Ave
Santa Cruz 95062

(3) Mr Harnish
3020 Calla Dr
Santa Cruz 95062

(4) Jean Brocklebank
1190 7th Ave
Santa Cruz 95062

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Out of keeping with the special coastal community plan for Pleasure Point

Does not have suitable parking in a parking constrained coastal community

Is not a coastal dependent development.

Does not provide affordable housing or visitor accommodations in the coastal zone

Does not follow the green guidelines for Bio Swalls and permeable pathways outlined in the Community planning which leads to water pollution in the MBMS

Exceeding height limits and out of Compatibility as expressed in the Special Coastal Community of Pleasure Point Plan

Does not meet setbacks from surrounding properties

It is in the Pleasure Pt Planning District, so it would seem that "Special Coastal Community" objective 8.8, would now apply.

Many of the Neighbors and the surround Community, do not think it meets those standards

see Santa Cruz Co General plan in reference to Local Coastal Plan (LCP)s 8.8, 8.5.2, 8.5.3 and 8.7c 2.13, 2.14.6, 2.22.1,

SEE ATTACHMENT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Charles Paudler

Signature of Appellant(s) or Authorized Agent

Date: 1.6.2016

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

This Project will be the largest Development In the Pleasure Point Plan Area, as well as the largest Project on the Counties new Development Plan for a Strip Mall, with up to 4 stories, from the Harbor, at 7th Ave, to the Shopping area at 41st Ave.

This will further impact our crowded Coastal Village Roads of East Cliff Dr and Portola Dr

It does not meet the guidelines for Neighborhood Compatibility in the Pleasure Point Plan or the Counties Guideline for Commercial Development in our Neighborhoods

It does not follow the General Plan protection of the Local Coastal Plan or the County Code Design criteria for Coastal Zone developments

It impacts Coastal Parking

It adds to Urban Runoff

It adds to demand for water in an already impacted area

It adds to traffic in an already crowded street

It does not provide affordable housing or visitor accommodation

It does not recycle existing Redwood Structure

It adds to Noise and Light Pollution in a neighborhood

What do we want to look at as Coastal Concerns?

Where community character is important,

Look to see whether the subdivision will create a density that is in keeping with the current development

Is the size and sitting consistent with surrounding development?

NO

It asks for an exemption to height and set backs. The surrounding Special Coastal Community Neighborhood is small Coastal Cottages

Will those uses be consistent with good coastal planning and/or consistent with protection of resources?

Does it promote land uses that are preferred under the coastal act, i.e. public recreation, visitor serving uses or is it residential?

Priority on lower cost visitor serving facilities

Priority on coastal dependent recreational or visitor serving uses

NO

Will the project block or in any way prevent or diminish existing access?

c. Will the project provide adequate parking or interfere in any way with the public's ability to park and use the beach?

d. Will the project create traffic that will interfere with the public's ability to get to and use the shoreline?

Policies that adequately protect public parking for beaches

YES

The Developer, John Swift stated that if they met the Parking requirement, "It could be a 'project killer'" (1)

Does it meet the Requirement for B.M.P.'s and filtration, limit on an increase in runoff?

NO

The project does not follow the Coastal Act Objective 8.3, Villages, Towns and Special Communities

The developers say that this is an area of Small town, Beach Town Character (2)

The Pleasure Point Plan does as well (3)

This proposal will be the biggest and most Massive Development in the Mid County Coastal Area

It is in the Pleasure Point Plan area and needs to preserve the Character of the Special Coastal Community of Pleasure Point

This project brings Commercial into a residential area and does not meet the County Guidelines for this type of Development

The County says it will be set back and two stories or less (4)

(1) Santa Cruz Sentinel Thursday Dec 10, 2015 p4

(2) Historic Review says

The Pleasure Point Lumber Company water base does not retain integrity of feeling because the property does not embody Santa Cruz's small town beach town character of single family residences and commercial businesses nor does it reflect the 1880-1960 economic or commercial development of the city.

(3)

<http://www.seccoplanning.com/PlanningHome/SustainabilityPlanning/TownVillageSpecificPlans/PleasurePointCommunityPlan.aspx>

(4)

"New development should minimize impacts on adjacent residential uses.

Taller and larger buildings should be located away from adjacent homes, as illustrated.

Landscaped buffers are shown between parking lots and adjacent homes.

Buildings that adjoin single family areas adjacent to homes are limited to two stories at the transition area and respect the surrounding residential character."

P 9

http://sustainableagriculturecounty.org/wp-content/uploads/2014/09/Chapter3_SustDevPattern_BN.pdf

LCP concerns and guidelines

Objective 8.8, Villages, Towns and Special Communities. To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

LUP Policy 8.8.1 Design Guideline for Unique Areas.

Develop specific design guidelines and/or standards for well-defined villages, towns and communities

LUP Program 8.7(c).

Develop and maintain tree planting standards for new development to ensure adequate screening and softening of the effects of new buildings and to reduce the linear appearance of streets, sidewalks, and building planes.

Design Criteria, Entire Coastal Zone

IP Section 13.20.130(b)(i) Entire Coastal Zone, Visual Compatibility. The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

What the County Plan say for the Commercial development Neighborhood Context

Impacts on residential uses, adjacent coastal and property, and other nearby uses or structures.

8.5.2 Commercial Compatibility With Other Uses

(LCP) Ensure the compatibility of commercial and industrial use with adjacent uses through application of the Site, Architectural and Landscape Design Review or similar ordinance. Give careful attention to landscaping, signing, access, site and building design, visual impacts, drainage, parking, on site circulation, traffic patterns, and where applicable, availability of water, sewage system capacity, fencing and mitigation of potential nuisance factors, visual aspects, and traffic problems.

8.5.3 Areas with Unique Design Guidelines

(LCP) Require commercial and industrial projects located within the boundaries of Coastal Special Communities, adopted village, town, community or specific plans to be consistent with the adopted criteria for these areas. (See Objective 8.8 and the related policies of this chapter and Village, Town, Community and Specific Plans within the Land Use chapter.)

2.14.6 Quality of Commercial Design

(LCP) Ensure quality commercial development through Commercial Development Permit procedures to regulate signage, landscaping, buffering, on-site circulation, parking, drainage, site and building design, and traffic patterns and access. Require commercial facilities to be compatible with adjacent land uses and neighborhood character, to utilize and complement the scenic and natural setting of the site and area, and to provide proper management and protection of the environment. (See chapter 8: Community Design)

LUP Objective 2.22 Coastal Dependent Development. To ensure priority for coastal-dependent and coastal-related development over other development on the coast.

LUP Policy 2.22.1 Priority of Uses within the Coastal Zone. Maintain a hierarchy of land use priorities within the Coastal Zone: First Priority: Agriculture and coastal-dependent industry Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities. Third Priority: Private residential, general industrial, and general commercial uses.

LUP Policy 2.22.2 Maintaining Priority Uses. Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.

Parking

LUP Objective 7.7a Coastal Recreation. To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.

LUP Objective 7.7b Shoreline Access. To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy

7.6.2. LUP Program 7.7a (Improve Parking). Improve existing parking areas through the use of fencing, striping, landscaping, bike racks, and safety improvements; provide safe stairways for beach access as part of the program to upgrade vehicular parking. (Responsibility: Public Works, Board of Supervisors)

LUP Program 7.7b (Increase Live Oak Parking). Increase parking opportunities to serve visitors to the Live Oak coastline in locations where such facilities are feasible and compatible with the neighborhood and the natural setting. Provide on- and off-street parking improvements and facilities within walking distance of the beaches and bluffs, or located at more remote locations and linked by shuttle transportation. Identify appropriate locations and improvements in cooperation with the local community. (Board of Supervisors, Planning Department, County Parks, Public Works)

Water

Objective 5.4 Monterey Bay and Coastal Water Quality. To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.

Policy 5.4.14 Water Pollution from Urban Runoff. Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

Policy 5.7.4 Control Surface Runoff. New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with urban street designs; and (b) oil, grease and

silt traps for parking lots, land divisions or commercial and industrial development. Policy 7.23.1 New Development. ... Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible. Policy 7.23.2 Minimizing Impervious Surfaces. Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of postdevelopment surface runoff.

Policy 7.23.5 Control Surface Runoff. Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: ... (b) construct oil, grease and silt traps from parking lots, land divisions or commercial and industrial development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

Best Management Practices, see

<http://richlandswed.net/services/water/stormwater/epa-best-practices>

Low cost housing

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred

See following for more supporting information that this project does not meet the Coastal Act Guidelines and Requirements

13.20.140 Special areas design criteria.

(A) Applicability. In addition to the criteria above that applies throughout the Coastal Zone; the criteria above that also applies within rural areas (as applicable); and the criteria above that also applies within beach viewsheds, the special area design criteria of SCCC et seq. are applicable to all developments requiring a coastal development permit within each applicable area below as mapped and designated by the LCP Land Use Plan.

(B) Exceptions. Exceptions to the special area design criteria may be allowed in conjunction with the granting of a coastal development permit after public hearing when the following findings can be made:

(1) The project meets the general intent of the Coastal Zone design criteria.

(2) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the physical and visual environments.

(3) The project will be consistent with the visual resource policies of the LCP Land Use Plan and this chapter.

[Ord. 5182 § 1, 2014; Ord. 4346 §§ 59, 60, 1994; Ord. 3480 § 4, 1983; Ord. 3435 § 1, 1983].

13.20.148 Pleasure Point Community residential design criteria.

All residential development on parcels zoned R-1, RM or PR that are also zoned with the "PP" (Pleasure Point Community Design) Combining District shall be subject to the residential development standards in SCCC unless granted an exception, as described in SCCC , or subject to SCCC (reconstruction of destroyed non-conforming structures). [Ord. 5182 § 1, 2014].

(B) This exclusion for commercial development does not include the following:

(1) Projects appealable to the Coastal Commission, including those projects that are not the principal permitted use under the applicable zone district;

(2) The construction, reconstruction, demolition, or alteration in the size of any commercial structure within a special area (see SCCC et seq.) or on property designated as a Coastal Priority Site in the General Plan and LCP Land Use Plan;

(3) A commercial change of use on property designated as a coastal priority site in the General Plan and LCP. [Ord. 5182 § 1, 2014; Ord. 4416 § 21, 1996; Ord. 4406 § 21, 1996; Ord. 4346 § 52, 1994; Ord. 3487 § 2, 1983].

Pleasure Point Plan

<http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/Town/VillageSpecificPlans/PleasurePointCommunityPlan.aspx>

13.20.130 Design criteria for Coastal Zone developments.

(B) Entire Coastal Zone. The following design criteria shall apply to projects located in the Coastal Zone:

(1) Visual Compatibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).

13.20.140 Special areas design criteria.

(A) Applicability. In addition to the criteria above that applies throughout the Coastal Zone; the criteria above that also applies within rural areas (as applicable); and the criteria above that also applies within beach viewsheds, the special area design criteria of SCCC et seq. are applicable to all developments requiring a coastal development permit within each applicable area below as mapped and designated by the LCP Land Use Plan.

(B) Exceptions. Exceptions to the special area design criteria may be allowed in conjunction with the granting of a coastal development permit after public hearing when the following findings can be made:

(1) The project meets the general intent of the Coastal Zone design criteria.

(2) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the physical and visual environments.

(D) Primary Public Shoreline Access Areas. The following requirements apply to primary public shoreline access areas as identified in Section 7.7 of the LCP Land Use Plan:

13.20.150 Special use standards and conditions.

Improvements at Primary Public Shoreline Access Areas. The following improvements, at a minimum, shall be provided at primary public shoreline access areas: path improvements; recycling and garbage collection facilities; bicycle parking; automobile parking, or in an impacted neighborhood, an acceptable alternative such as a beach shuttle, transit service stop;

13.10.553 Alternate parking requirements.

The off-street parking requirements of this chapter may be satisfied or modified in alternate ways:

(A) Parking Plan. A specific parking plan initiated by the County and approved by the appropriate approving body may supersede those parking standards contained in SCCC, if the purpose of this section is met, or in order to permit or preserve significant public amenities, and for either case in the Coastal Zone, a specific finding is made and supported that visitor access and parking will not be preempted.

(B) Shared Parking. Parking reductions for two or more uses that share parking may be authorized by a Level IV use approval. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required for the single use among those proposed which is required to provide the most parking. Where the shared parking involves two or more separately owned properties, the owners of the properties shall enter into a legal agreement that describes access, use and maintenance of the shared parking. The reduction(s) shall be quantitatively justified by one or more of the following criteria applied to the participating uses:

Stainable Santa Cruz county plan

<http://sustainablesantacruzcounty.org/documents/project-documents/>

RELATIONSHIP TO EXISTING PLANS AND POLICIES

Land use and transportation are regulated by a number of different plans and ordinances in Santa Cruz County.

The Sustainable Santa Cruz County Plan reflects the contents and requirements of these documents. Among the most important are the following: General Plan and Local Coastal Program Climate Action Strategy Zoning Ordinance (County Code Chapter 13.10) Growth Management System (Measure J) Economic Vitality Strategy (in public draft form, July 2014) Town and Community Plans (Aptos, Sequel,

Neighborhood Context New development should minimize impacts on adjacent residential uses. Taller and larger buildings should be located away from adjacent homes, as illustrated. Landscaped buffers are shown between parking lots and adjacent homes. Buildings that adjoin single family areas adjacent to homes are limited to two stories at the transition area and respect the surrounding residential character.

Unique Community Character. Enhance the unique characteristics of communities by investing in healthy, safe, attractive, and walkable neighborhoods and efficient transportation choices between communities.

Focus County investment within existing communities to increase community vitality, provide infrastructure efficiently, increase mobility, and promote social connections while protecting open space and existing community assets.

Community Character New development depicted by Figure 3-2 maintains and enhances the unique Santa Cruz character. Building and site design is eclectic, creative, and respectful of the surrounding neighborhood.

New development maintains the area's pedestrian scale and strengthens a sense of place

• **Mass, Proportion, and Façade** Detail. Subdivide horizontal mass into portions or segments compatible with the scale of adjacent buildings. Employ vertical architectural elements such as columns, piers, or pilasters to subdivide buildings into smaller increments at the ground floor and upper stories.

<http://www.sccoplanning.com/Portals/2/County/planning/policy/Final-Plan-Ch1-Ch4.pdf>

Objective 2.13 Neighborhood Commercial Designation (C-N)

- (LCP) To provide compact, conveniently-located, and well designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors.

Policies

2.13.1 Location of Neighborhood Commercial Uses

- (LCP) Designate on the General Plan and LCP Land Use Maps those areas existing as, or suitable for, Neighborhood Commercial uses to provide small-scale neighborhood and visitor serving businesses within walking distance of urban neighborhoods, visitor attractions, or centrally located to serve rural communities.

2.13.2 Location of Visitor Serving Neighborhood Commercial Uses

- (LCP) Designate on the General Plan and LCP Land Use Maps Neighborhood Commercial areas specifically suitable for visitor serving commercial uses, based on: proximity to public beaches, the yacht harbor, state parks, or other tourist or recreational attractions.

2.13.3 Allowed Uses in the Neighborhood Commercial Designation

- (LCP) Allow a variety of retail and service facilities, including neighborhood or visitor oriented retail sales, recreational equipment sales, personal services, limited offices, restaurants, community facilities including child care facilities, schools and studios, rental services, and similar types of retail and service activities.

2.13.4 Expansion of the Neighborhood Commercial Designation

- (LCP) Only allow Neighborhood Commercial uses that are small scale, appropriate to a neighborhood or visitor service area, and which will not have adverse traffic, noise, and aesthetic impacts on the adjacent residential areas. Allow the expansion of Neighborhood Commercial land use designations only where:

- a need and market exists, and
- the use will not adversely affect adjacent residential neighborhoods.

2.13.5 Visitor Services within Coastal Special Communities

- (LCP) Encourage the provision of visitor serving commercial services within Coastal Special Communities, as follows:

- (a) Davenport Highway 1 frontage.
- (b) Seachiff Beach Area: Entire Special Community.
- (c) Rio del Mar Flats/Esplanade Area: Esplanade frontage to Stephen Road.

2.13.6 Compatibility with Adjacent Development

Ensure compatibility between Neighborhood Commercial development and adjacent areas through Commercial Development Permit procedures to regulate siting, design, landscaping, signage, parking and circulation, drainage, and access. (See chapter 8: Community Design)

2.14.6 Quality of Commercial Design

- (LCP) Ensure quality commercial development through Commercial Development Permit procedures to regulate signage, landscaping, buffering, on site circulation, parking, drainage, site and building design, and traffic patterns and access. Require commercial facilities to be compatible with adjacent land uses and neighborhood character, to utilize and complement the scenic and natural setting of the site and area, and to provide proper management and protection of the environment. (See chapter 8: Community Design)

2.14.7 Expansion of Community Commercial Land Use Designations

Allow expansion of Community Commercial designations through a General Plan amendment only under an integrated development plan, and when large building sites or additional commercial space is required and cannot be located within one of the village centers.

- (LCP) c. Develop and maintain tree planting standards for new development to ensure adequate screening and softening of the effects of new buildings and to reduce the linear appearance of streets, sidewalks, and building planes. (Responsibility: Planning Department)

Objective 7.18b Water Supply Limitations

- (LCP) To ensure that the level of development permitted is supportable within the limits of the County's available water supplies and within the constraints of community-wide goals for environmental quality.

Objective 7.18c Water Conservation

- (LCP) To maximize the County's water conservation potential through a coordinated program with water purveyors and water management agencies involving public education, financial incentives to conserve, voluntary and mandatory conservation measures, retrofit programs, run-off management and water waste regulations and enforcement.

Policies

7.18.1 Linking Growth to Water Supplies

- (LCP) Coordinate with all water purveyors and water management agencies to ensure that land use and growth management decisions are linked directly to the availability of adequate, sustainable public and private water supplies.

7.18.2 Written Commitments Confirming Water Service Required for Permits

- (LCP) Concurrent with project application, require a written commitment from the water purveyor that verifies the capability of the system to serve the proposed development. Projects shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permits, or in the case of a subdivision, prior to filing the Final Map or Parcel Map. The County decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

7.18.3 Impacts of New Development on Water Purveyors

- (LCP) Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.

We share many of the Concerns of Coastal Staff and do not see that they are being addressed

Letter of Ryan Moroney Coastal Analyst (California Coastal Commission) **October 9, 2015**

STATE OF CALIFORNIA-NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Todd Sexauer

Santa Cruz County Planning Department
701 Ocean Street, 4111 Floor
Santa Cruz, CA 95060

Subject: The Lumberyard Mixed Use Project
Coastal Commission Staff Comments on Initial Study/MND

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (IS/MND) pertaining to the Lumberyard Mixed Use Project (Project). The Project proposes to demolish an existing lumberyard building and to construct a 9,600 square foot mixed-use building. Specifically, the Project proposes one commercial condominium unit on the lower floor that includes 3,200 square feet of restaurant use, 3,200 square feet of retail

use, and 3,200 square feet of office/service commercial use. The Project includes eight residential condominium units totaling 9,600 square feet on the second and third levels, together with a detached 2,033-square-foot residential parking structure with eight separate garages, once for each condominium unit. According to the IS/MND, the Project requires a Coastal Development Permit; a Height Exception to allow for an increase in height from 35 feet to 38 feet, 4 inches; a Variance to allow for two name signs for the Center; Design Review, and the approval of a parking plan.

As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive. Our comments below are primarily intended to ensure that the project is designed to minimize impacts on protected coastal resources.

Comment I: Water Quality

Erosion Control and Drainage Plan; Water Quality BMPs

Based on new/increased impervious surface and use, the project should include detailed erosion control and runoff control plans. (IP Sections 16.22.060 and 070.)

The project proposes to maintain the existing drainage pattern and two underground retention/detention systems with silt and grease traps for each and implementation of a maintenance agreement for same. We would recommend the following water quality elements be incorporated into the project for LCP consistency (see LUP Policies 5.4.14; 5.7.5):

1. Provide an updated drainage plan that shows drainage patterns across the entire site, as well as how the project will incorporate Low Impact Design standards, and meet the post Lumberyard Mixed Use

October 9, 2015

Page2

construction stormwater requirements for runoff retention in projects of this size, including minimizing storm water runoff, and onsite infiltration, retention and reuse of up to the 95th percentile rainfall event, including alteration of the existing drainage pattern to meet these standards;

2. Ensure that the project will meet the peak stormwater runoff management requirement of meeting pre-project peak flows for the two- through ten-year storm events, and included appropriate Best Management Practices (BMPs) to achieve this standard on the site drainage plan sheet(s);
3. Incorporate a roof runoff catchment system and parking lot runoff catchment system for storage and reuse on site;
4. Include biofiltration and infiltration BMPs in conjunction with the landscaping plan, particularly around the perimeter of the proposed parking lot, to minimize runoff and the pollutants carried in the runoff;
5. Provide a current soils engineering report for the entire site in support of any exception to meeting the infiltration requirement;
6. To the extent that biofiltration and infiltration might not be feasible (given that the existing soil condition may not be suitable for infiltration due to a high clay layer), the project should utilize a catchment system for storage and reuse of surface run-off from the parking areas;
7. The proposed underground retention/detention units should include additional prefiltration (prior to entry into the catchment system) to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, and prior to discharge into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the ocean.

The final project should reflect these criteria and include a complete set of plans and narrative of the Water Quality BMPs, including treatments prior to discharge to Moran Creek (and Lake) and the ocean (runoff destinations per the Negative Declaration) as the lake is impaired for nutrients

and bacteria, and the Pacific Ocean at Moran Lake/County Beach is 303(d) listed for indicator bacteria (Ocean at Moran Lake: Total and Fecal coliforms, *E. coli* and *Enterococcus*). As the project is further refined, it should include good housekeeping BMPs employed during construction, as well as the post-construction strategies for water quality and water conservation identified above. The Project should also include an Operations & Management component for all the permanent/post-construction BMPs in the final Water Quality documentation.

Comment 2: Public Access

Parking Plan

The site is located near a public park and heavily-used beach access area. The IS/MND states that the project requires a Parking Plan but it is unclear whether County Parking requirements Lumberyard Mixed Use
October 9, 2015

Page3

will be met by the project because the proposed commercial uses have not been adequately identified. (IP Section 13.10.552). The Parking analysis appears to base project parking demand on generic standards as opposed to Implementation Plan requirements. (Id.) How does the Applicant propose to ensure that the condominium garages will be used for parking? Please ensure that the project will not impact visitor access and parking. (IP Section 13.10.553.)

Public Right of Way

The IS/MND states that the Applicants intend to construct improvements that would include new sidewalks with street planting along the entire frontage of both Portola Drive and 38th Avenue, and that decorative bike racks would be included within the broad sidewalk running along 38th Avenue. Please ensure that the entire County right-of-way is used for public access improvements, including appropriate sidewalk areas and full-size bike lanes.

Comment 3: Aesthetics/Community Character

Height Exception and Variance appear unwarranted

The Applicant is seeking a Height Exception and Variance for proposed signage. The parcel is zoned C-2, which imposes a maximum height limit of 35 feet. (IP Section 13.10.333.) Given the substantial lot size and the fact that the Applicant proposes to demolish the existing building, we do not believe that the required findings for a variance to the height standard can be made. (IP Section 13.10.235(C)(4); 13.10.230(C)). Similarly, we do not understand the basis for a variance from the sign ordinance to allow two name signs for the center. (IP Section 13.10.581).

Minimize/Mitigate Lighting Impacts

The project proposes substantial new lighting for the property and the IS/MND acknowledges that the project would contribute to offsite and night lighting. Please consider conditioning the project to include appropriate lighting control requirements, including, but not limited to 1) automatic switching requirements; 2) automatic lighting reduction requirements; 3) total site lumen limits; 4) limits to offsite impacts (e.g. all parking lot lights shall have no light emitted above 90 degrees).

Analyze consistency with LCP

The Land Use and Planning section of the IS/MND does not discuss the Project's consistency with the Local Coastal Program, including with respect to the issues identified above.

Thank you for the opportunity to comment on the .MND. We look forward to continuing to work with the County and Applicant as this project moves through the local review process. If you would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above. Ryan Moroney Coastal Analyst (California Coastal Commission

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)**Section 1: "Save Pleasure Point" Appellants**

Please see attached page to this page 1 for list of ALL appellants:
name, address, city, zip, phone #

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Cruz - Planning Department

2. Brief description of development being appealed:

Proposal to demolish and replace an existing lumberyard building with an approximately 20,800 square foot mixed use building with one commercial condominium unit at the lower floor that includes 3,200 square feet of restaurant use, and 3,200 square feet of retail use and 3,200 square feet of office/service commercial use, eight residential condominium units at the second and third floors, together with 1,600 square feet of shared service/circulation areas, and the construction of a detached 2,033 square foot residential parking structure.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Location: Property located on the south side of Portola Drive (3800 Portola Drive) at the intersection with 38th Avenue. **APNs:** 032-092-01 and 05

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

RECEIVED

JAN 11 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-16-0003
DATE FILED: 1/11/16
DISTRICT: Central Coast

APPEAL FROM COASTAL COMMISSION DECISION OF LOCAL GOVERNMENT

ATTACHMENT TO SECTION I - APPELLANTS

Name, Address, Santa Cruz 95062 & Phone

1. **Patti Brady - George McCullough**
a. 500 34th Ave SC 95062 831 476-6464
2. **Carin Hanna - Glenn Hanna**
a. 650 37th Ave SC 95062 831 475-4724
3. **Kevin Walter - Barbara Spencer**
a. 670 37th Ave. SC 95062 831 345-8816
4. **Michael Dufresne - Pam Robinson**
a. 651 38th Ave SC 95062 831 462-3017
5. **Barbara Schlager**
a. 3885 Floral Ct. SC 95062 831 331-5427
6. **Norman Schutzberger - Pauline Takahashi**
a. 591 34th Ave SC 95062 310 710-9427
7. **Lowell Marcus - Linda Marcus**
a. 501 37th Ave SC 95062 831 475-2227
8. **Sola Sarmiento**
a. 710 38th Ave SC 95062 831 464-1088
9. **Eileen Fitzsimmons**
a. 2911 Calla SC 95062 650 743-4727
10. **Jeanette Nutter - Cliff Nutter**
a. 737 38th Ave SC 95062 406 465-4929
11. **Deborah Cohen-Davis John Davis**
a. 545 38th Ave SC 95062 831 475-1674
12. **Kathleen Church**
a. 3845 Floral Ct. SC 95062 831 477-8088
13. **McElena Hernandez - Olego Hernandez (Hdez)**
a. 3790 Portola Dr. SC 95062 831 475-8088
14. **Deborah Denning**
a. 601 38th Ave. SC 95062 831 479-7222
15. **Catherine Romero**
a. 3708 Floral SC 95062 831 476-9031
16. **Charmaine Ryan**
a. 546 38th Ave SC 95062 831 359-2665
17. **Roxanne McMillian**
a. 631 38th Ave SC 95062 831 331 0389

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision:

12/9/2015

7. Local government's file number (if any): SCC #14157 APNs: 032-092-01 and 05

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John Swift

Owner: Northpoint Investments Fund LLC

Hamilton Swift & Associates, Inc.

Real Estate Developer 500 Chestnut St Santa Cruz, CA 95060

Phone:(831) 459-9992

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

1. Patti Brady - George McCullough 500 34th Ave SC 95062 831 476-6464
2. Carin Hanna - Glenn Hanna 650 37th Ave SC 95062 831 475-4724
3. Kevin Walter - Barbara Spencer 670 37th Ave. SC 95062 831 345-8816
4. Michael Dufresne - Pam Robinson 651 38th Ave SC 95062 831 462-3017
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11. Kathleen Church 3845 Floral Ct. SC 95062 831 477-8088
12. Deborah Cohen-Davis - John Davis 545 38th Ave ScC 95062 831 475-1674
13. McElena Hernandez - Olego Hernandez (Hdez) 3790 Portola Dr. SC 95062 831 475-8088
14. Deborah Denning 601 38th Ave. SC 95062 831 479-7222
15. Catherine Romero 3708 Floral SC 95062 831 476-9031
16. Charmaine Ryan 546 38th Ave SC 95062 831 359-2665
17. Roxanne McMillian 631 38th Ave SC 95062 831 331 0389

SECTION IV. Reasons Supporting This Appeal

SECTION IV: REASONS SUPPORTING THIS APPEAL - form pg. 3: 6 pgs. + 2 attachments

In December 2015 the Santa Cruz County Planning Commissioners, on a 5-0 vote, approved The Lumberyard project on the corner of Portola Dr. and 38th Ave. in Pleasure Point. We hereby appeal to you to review this approval and determine if this project (The Lumberyard) should be permitted to move forward without significant modification to assure compliance with the Local Coastal Plan.

Application #141157 - APN 032-092-01 and 05: Significant issues were raised by the Pleasure Point neighborhood before and after approval. The current design of this project affects/diminishes local and visitor access to our shoreline - coast. Our fundamental objections are:

1. Failure of the project to provide **sufficient on-site parking and designated off-site parking** creating an immediate reduction of street parking available for resident and visitor access for their coast and beach access
2. Failure of the project to provide a **coherent, safe traffic flow pattern** to support access and egress to the multi-use project.
3. Approval of significant **height and set back variances** that we believe unwarranted.

PLEASURE POINT

10/9/2015 Coastal Commission letter: "site is near a public park and heavily used beach access area" (Planning staff report).

Pleasure Point is a high profile coastal access area. Pleasure Point's popularity has created limited street parking. 99% of the neighborhood's streets have no sidewalks and are less than 20 ft. wide. These narrow streets are the primary pedestrian access routes to East Cliff Dr.'s Pleasure Point Path, observation benches, small beaches and multiple well-known surfing spots: *parents with strollers or wagons filled children - beach gear, children and adults on bicycles, people walking dogs, surfers with boards, skateboarders, disabled people using canes or wheelchairs.* Pedestrian, car and delivery truck tension exists; blind corners present added hazards.

200+ residents signed petitions that The Lumberyard, as proposed, will have a negative impact on the neighborhood including parking (SC Co. Staff Report). We have no quarrel with the C-2 zoning. It must be noted that Big Creek Lumber conducted a commercial enterprise on this site for 30+ years without impacting neighborhood street parking - coast access or traffic flow.

It must be noted that the more recent East Cliff Drive seawall improvements and the expansion of the esplanade path, articles about Pleasure Point in Coastal Living, The NY Times, etc.

significantly increased Pleasure Point being a coastal destination. Unfortunately, no public parking areas were built to meet increased parking needs. Too many cars looking for too few spaces have made a bad situation worse; visitors have to park up 38th Avenue to Portola and thru the avenues to access the beach and surf.

INSUFFICIENT ON-SITE PARKING - NO DESIGNATED OFF-SITE PARKING

10/9/2105 Coastal Commission letter: ".... Parking plan appears to base project parking on generic standards in the conditions of approval as opposed to "implementation plan requirements".

12/9/2015 Developer's Project description: "20,800 mixed use project with 3,200 sq. feet of restaurant space, 3,200 of retail space, 3,200 office space/service and 8 residential use condos".

On 12/9/2015 Mr. Swift stated: the project could increase on-site parking spaces from 50 to 52 (2 new spaces could come from the "open plaza"); 2 spaces added by Staff = 52.

..."there will be more people and arguably more congestion..." J. Swift, Applicant (Page 100 Co. Planning Report)

Planning Commissioner Mike Guth: "I do have problems with the parking". "I don't think the parking as currently conditioned adds up.." (SC Sentinel)

The Planning Commission approved a project with only 80% of the required on-site parking.

Relative to the project's commercial and mixed use needs 52 spaces "under provide" for on-site parking. Current code requires 53.3 spaces - 3,200 ft. restaurant: 1 space - 100 gross sq. ft. = 32 spaces; 6,400 office - retail: 1 space - 300 gross sq. ft. = 21.3 spaces.

51 - 75 parking spaces: ADA regulations require 3 spaces: only 2 on-site spaces are ADA designated. There is no ADA van accessible parking: where is ParaCruz loading - unloading area? Where is employee parking (min. 6 - 10 a day)? Where is 2-bedrm condo 2nd car parking? Where is condo guest parking (20% = 4 additional spaces: 13.10.552 (4))?

After 12/9/2105 meeting, Planning Staff added this ludicrous "solution" (a study -review is not a solution); they eliminated a real solution > see original Pt. 2 language.

2. *"One year following the completion of construction and/or when stabilized occupancy of "The Lumberyard" has been achieved, the applicant shall submit for review by the Planning Commission, a parking analysis for the project, based upon the actual observed parking demand for the site...If problems have been identified, the report must also set up procedures for a future review of parking demand to evaluate whether the management of parking demand has been achieved."*

"Strike-outs" to the original #2 language clearly demonstrate that Planning - despite evidence there will be overflow parking out on 38th Ave and into the neighborhood - never intends to require The Lumberyard to provide designated off-site parking: ~~".....to develop an alternate parking demand management plan subject to an amendment to this Permit. This may include such measures as the provision of additional off-site parking areas...a valet parking plan...to be effective for the reduction and management of parking demand."~~

12/9/2015: Planning Commissioners back - forth discussion: "patrons and employees may use alternative transportation - such might reduce parking"

- There is NO evidence employees can easily utilize alternatives to cars
 - Bus service is limited option: A 30% countywide cut is proposed for 2016 bus service. Currently #66 & #68 buses drop off - pick-up on Portola Dr. every 30 minutes on the hour; these routes stop before 10pm. The last #69 to Watsonville bus leaves Capitola Mall at 9:30 pm (Cap. Mall is 3/4 mile away).
 - In poor weather or working to 11+pm driving will likely be the preferred option
 - Employees may have little interest in car-pooling including different shifts. An employee living nearby might use a bicycle.
 - Most employees will be unable to afford Uber
- *"There could be valet service": if there is no designated off-site parking where will valets park cars?*

Traffic congestion and parking problems begin at construction and continue afterwards

- Without designated off-street parking the project's interference to coastal access begins the 1st day of construction when the first shovel goes into the ground. For 15+ months construction crews will take limited on-street parking from locals, day-visitors and vacationers
- 20+ business owners in El Rancho Center and Walt Eller Center have notified County Planning Staff that their private on-site parking lots for patrons and employees are full; they tow (SC Co. Staff Report). Being towed is a strong reason why construction

workers, patrons, condo guests, employees will park on 38th Avenue and into the neighborhood

TRAFFIC FLOW - SITE ACCESS & CIRCULATION

The project site creates several significant access and traffic circulation problems. **The proposed Loading Zone** does not protect the public safety and it impacts coast access

- Current businesses having Portola Dr. addresses unload deliveries on Portola Dr.
- As approved, this 3800 Portola Dr. project does have daytime delivery on Portola Dr. - it should: being 2 lanes deliveries on Portola Dr. reduce street hazards
- The proposed plan calls for 8 on-street parking spaces N-bound on 38th Ave. with 1 space used Monday - Friday 7am - 1pm as a truck loading zone. This space is undersized for 25 - 45 ft. delivery trucks; code for off-street/on-site loading is 45ft x 12 ft.
- 5 days a week 25 ft. - 45 ft. trucks delivering wine, beer, meats, fish, bread, beer, soda, vegetables, laundry, retail goods, mechanical, etc. to The Lumberyard will drive on multiple residential streets to get to the N-bound 38th Ave. loading zone
 - Streets routinely impacted will include East Cliff, 34th, 35th, 36th, and 37th, Floral Dr.
 - 38th Ave is 20 ft. wide (10 ft. each lane): a driver cannot come from Portola Dr. and turn around on 38th Ave. to get back to this N-bound loading zone.
- Risk: Drivers on tight schedules may ignore speed limits. If a truck blocks the lane pedestrians and cars will have to cross 38th's double yellow line going around it; a car in either direction could cause an accident - injury.

10/9/2015 Coastal Commission letter: Portola Dr. "is a heavily used transit corridor".

- The Lumberyard's Main Driveway (gateway) is on Portola Drive. It is likely the 38th Avenue driveway will become the project's main gateway because entering - exiting the Portola Dr. driveway can be challenging including
- Exiting on Portola to go N-bound: the driver has to cross 2 lanes mid-street and turn N-bound toward Santa Cruz. Cars going N-bound can stop at Portola - 38th Ave. U-turning back to enter this driveway. *Note: Big Creek Lumber did not allow customers to exit 38th Ave driveway; beyond the driveway 38th is a densely residential street.*
- **The 2014 Marquez traffic study is misleading.** It was conducted mid-week in the slow season. Portola/38th Ave 4-way intersection congestion and commute hour traffic levels are not accurately displayed. Portola Dr. photos posted at the Planning Commission meeting made Portola Dr. look serene. Yet from 30th - 41st Ave its local nickname is "the freeway".

COMMERCIAL STANDARDS - VARIANCES

10/9/2015 Coastal Commission letter: "Height exception and variance appear unwarranted".

Height: the approved project is posed to be 38'ft 4" + high. 35' is the maximum height allowed for C-2 zone/site standards. Commercial and mixed-use buildings within 3 - 4 blocks are all 2 stories. The Applicant notes 3 stories next door; the operational license for an enclosed cell tower requires a 3-story height.

Setback: A 30-foot setback is noted for commercial parcels where they are abutting a residential zone district. The residential garage proposed would not meet the setback requirements. As proposed The Lumberyard would have a setback of around 5 - 8 feet to the southern property boundary and a setback of around 27 feet 6 inches to the western property boundary.

NO special circumstances or conditions are applicable to this project that deprives it of any issue enjoyed by other C-2 commercial properties in this area. The size of the parcel provides the developer the ability to scale things down to meet the commercial zoning requirements for both height and setbacks. **Height variances and setback variances should NOT have been approved.**

SUMMARY

At no time, should The Lumberyard be allowed to compromise public access to the coast by diminishing/taking away Pleasure Point's limited on-street parking; this parking is used year round by locals, day-visitors and vacationers to enjoy beach - shoreline amenities.

We support mixed use development on the site provided the scale of the project is consistent with the applicable statutory planning criteria and does not negatively affect the surrounding Pleasure Point residential and coast recreational area.

This project, as currently designed, not only fails to improve coast access it puts further stress on public infrastructure for the financial benefit of a commercial developer at the expense of the broader Pleasure Point neighborhood community.

ATTACHMENTS

1. Map: Delivery truck routes on neighborhood streets that will be utilized for accessing The Lumberyard's 38th Ave N-bound on-street loading zone.

2. Postcard issue: 12/5/2015 Sentinel: Mr. P. Foy, Northpoint Investment Fund LLC (Owner) and at 12/9/2015 PC Meeting Mr. John. Swift (Applicant) mentioned 70 signed "support" postcards (SC Co. Staff report).

"Ballot stuffing?" (Example). These preprinted postcards have the identical message, were pre-stamped and pre-addressed to Project Planner L. Jeffs. There are no supporter addresses. **There are significant contradictions between the postcard's wording (implications) compared to the Applicant's statement in the SC Co. Staff Report:**

- **Postcard states:** "....will provide much needed housing while minimizing its impact on traffic, water and other infrastructure."
- **Page 100 SC Co. Staff Report,** ..."there will be more people and arguably more congestion..." J. Swift.

2. IDEAS for DESIGNATED OFF-SITE PARKING > lease the nearby used car lot and/or lease the nearby chiropractor office's large parking area (opposite side of Portola Dr.); purchase 38th Avenue residential property next door to 3800 and/or reduce the size of this project.

Attachment



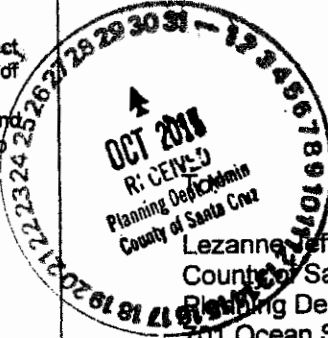
YELLOW = Pleasure Pt's. neighborhood street routes for 25 ft. - 45 ft. delivery trucks to access this proposed on-street 38th Ave. N-bound loading zone



3800 Portola Drive
Santa Cruz, CA 95062



I have reviewed the plans for this mixed use project at 3800 Portola Drive, Santa Cruz 95062 consisting of approximately 9,000 sf of retail space and eight 2 bedroom residential condominiums on the second and third floor. I support this project and feel it will add to the vitality of the Pleasure Point community. This retail/residential mix of uses will complement the walkable nature of this community and the transportation options which currently exist. This project will make efficient use of an underutilized property and provide much needed housing while minimizing its impact on traffic, water and other infrastructure.



Lezanne Jeffs
County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Signature
Name Hunter Braymer

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

infrastructure.

Signature
Name Susanna Nordrum

701 Ocean Street
Santa Cruz, CA 95060

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

infrastructure.

Signature
Name Zackary J. Boyd

Planning Dept. Admin
County of Santa Cruz
Santa Cruz, CA 95060

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

infrastructure.

Signature
Name Shayne Siegmund

Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Feel free to email in support of the project:

1 st District Supervisor	John Leopold	john.leopold@santacruzcounty.us
County Planning Director	Cathy Previsich	cathy.previsich@santacruzcounty.us
Project Planner	Lezanne Jeffs	lezanne.jeffs@santacruzcounty.us

Significant contradiction between postcard wording and the Applicant's:
Postcard reads: "...will provide much needed housing while minimizing its impact on traffic, water and other infrastructure."
Page 100 SC Co. Staff Report, "...there will be more people and arguably more congestion..." J. Swift.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

182 pages

The information and facts stated above are correct to the best of my/our knowledge.

[Signature]
Signature of Appellant(s) or Authorized Agent

Date:

1/8/2016 (PFB)

~~Note: If signed by agent, appellant(s) must also sign below.~~

Section VI. ~~Agent Authorization~~

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

~~Signature of Appellant(s)~~

Appellants' Signatures Date:

KEVIN WALTER

[Signature] 1-7-2016

Michael Dufresne [Signature] 1-7-2016

Eileen Fitzsimmons [Signature]

Linda Marscus 1/8/16

Jeanette G. Natcher 1/8/16 Jeanette G. Natcher

CLIFFORD NUTCHER 1-8-16 [Signature]

Catherine P. Romero 1-8-16 [Signature]

Ma. Elena Hdez 1/8/16

Diego Hdez 1-8-16

DEBORAH GLEN-DAVIS 1-8-16 [Signature]



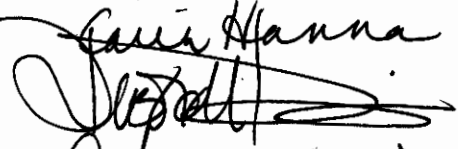
John M. Davis 1-8-16

BARBARA SCHLAGER 1-8-16 [Signature]

Kathleen F. Church 1-8-16 KATHLEEN F. CHURCH

Section V. - Certification of Appellants - Signatures:

Print name - sign name - date

George E. McCullough		1/8/2016 GM
Norman Schutzberger		1/9/2016
Pauline Schutzberger	Paul Schutzberger	1/9/2016
Pamela Robinson	Pamela Robinson	1/9/2016
RoxAnn McMillian	RoxAnn McMillian	1-9-2016
Sola Sarmiento	Sola Sarmiento	1/9/2016
Barbara Spencer	Barbara Spencer	1/9/2016
GLENN HANNA	Glenn Hanna	1/9/2016
CARIN HANNA	Carin Hanna	1/9/2016
DEBORAH DENNING		1/10/2016
Charmaine Ryan	Charmaine Ryan	1/10/2016
Lowell Marcus	Lowell Marcus	1-10-16



W A T E R D E P A R T M E N T

212 Locust Street, Suite C, Santa Cruz CA 95060 Phone (831) 420-5210 Fax (831) 420-5201

July 16, 2014

Hamilton Swift & Associates
500 Chestnut Street
Santa Cruz, CA 95060

Re: **PROPOSED CONSTRUCTION OF AN 8-UNIT CONDOMINIUM COMPLEX WITH BOTTOM FLOOR RETAIL SPACE AT 3800 PORTOLA DRIVE; TWO LOTS TO BE COMBINED (ONE WITH AN EXISTING WATER SERVICE); APNs 032-092-05 and 032-092-01**

Dear Mr. Swift:

This letter is to advise you that the subject parcel is located within the service area of the Santa Cruz Water Department and potable water is currently available for normal domestic use and fire protection. Service will be provided to the parcel upon payment of the fees and charges in effect at the time of service application and upon completion of the installation, at developer expense, of any water mains, service connections, fire hydrants and other facilities required for the development under the rules and regulations of the Santa Cruz Water Department. The development will also be subject to the City's Landscape Water Conservation requirements.

At the present time:

- the required water system improvements are not complete; and
- financial arrangements have not been made to the satisfaction of the City to guarantee payment of all unpaid claims.

This letter will remain in effect for a period of two years from the above date. It should be noted, however, that City Council may elect to declare a moratorium on new service connections due to drought conditions or other water emergency. Such a declaration would supersede this statement of water availability.

If you have any questions regarding service requirements, please call the Engineering Division at (831) 420-5210. If you have questions regarding landscape water conservation requirements, please contact the Water Conservation Office at (831) 420-5230.

Sincerely,

Rosemary Menard
Water Director

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



October 9, 2015

Todd Sexauer
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: The Lumberyard Mixed Use Project
Coastal Commission Staff Comments on Initial Study/MND**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (IS/MND) pertaining to the Lumberyard Mixed Use Project (Project). The Project proposes to demolish an existing lumberyard building and to construct a 9,600 square foot mixed-use building. Specifically, the Project proposes one commercial condominium unit on the lower floor that includes 3,200 square feet of restaurant use, 3,200 square feet of retail use, and 3,200 square feet of office/service commercial use. The Project includes eight residential condominium units totaling 9,600 square feet on the second and third levels, together with a detached 2,033-square-foot residential parking structure with eight separate garages, once for each condominium unit. According to the IS/MND, the Project requires a Coastal Development Permit; a Height Exception to allow for an increase in height from 35 feet to 38 feet, 4 inches; a Variance to allow for two name signs for the Center; Design Review, and the approval of a parking plan.

As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive. Our comments below are primarily intended to ensure that the project is designed to minimize impacts on protected coastal resources.

Comment 1: Water Quality

Erosion Control and Drainage Plan; Water Quality BMPs

Based on new/increased impervious surface and use, the project should include detailed erosion control and runoff control plans. (IP Sections 16.22.060 and 070.)

The project proposes to maintain the existing drainage pattern and two underground retention/detention systems with silt and grease traps for each and implementation of a maintenance agreement for same. We would recommend the following water quality elements be incorporated into the project for LCP consistency (see LUP Policies 5.4.14; 5.7.5):

1. Provide an updated drainage plan that shows drainage patterns across the entire site, as well as how the project will incorporate Low Impact Design standards, and meet the post-

construction stormwater requirements for runoff retention in projects of this size, including minimizing storm water runoff, and onsite infiltration, retention and reuse of up to the 95th percentile rainfall event, including alteration of the existing drainage pattern to meet these standards;

2. Ensure that the project will meet the peak stormwater runoff management requirement of meeting pre-project peak flows for the two- through ten-year storm events, and included appropriate Best Management Practices (BMPs) to achieve this standard on the site drainage plan sheet(s);
3. Incorporate a roof runoff catchment system and parking lot runoff catchment system for storage and reuse on site;
4. Include biofiltration and infiltration BMPs in conjunction with the landscaping plan, *particularly around the perimeter of the proposed parking lot*, to minimize runoff and the pollutants carried in the runoff;
5. Provide a current soils engineering report for the entire site in support of any exception to meeting the infiltration requirement;
6. To the extent that biofiltration and infiltration might not be feasible (given that the existing soil condition may not be suitable for infiltration due to a high clay layer), the project should utilize a catchment system for storage and reuse of surface run-off from the parking areas;
7. The proposed underground retention/detention units should include additional pre-filtration (prior to entry into the catchment system) to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, and prior to discharge into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the ocean.

The final project should reflect these criteria and include a complete set of plans and narrative of the Water Quality BMPs, including treatments prior to discharge to Moran Creek (and Lake) and the ocean (runoff destinations per the Negative Declaration) as the lake is impaired for nutrients and bacteria, and the Pacific Ocean at Moran Lake/County Beach is 303(d) listed for indicator bacteria (Ocean at Moran Lake: Total and Fecal coliforms, *E. coli* and *Enterococcus*). As the project is further refined, it should include good housekeeping BMPs employed during construction, as well as the post-construction strategies for water quality and water conservation identified above. The Project should also include an Operations & Management component for all the permanent/post-construction BMPs in the final Water Quality documentation.

Comment 2. Public Access

Parking Plan

The site is located near a public park and heavily-used beach access area. The IS/MND states that the project requires a Parking Plan but it is unclear whether County Parking requirements

will be met by the project because the proposed commercial uses have not been adequately identified. (IP Section 13.10.552). The Parking analysis appears to base project parking demand on generic standards as opposed to Implementation Plan requirements. (Id.) How does the Applicant propose to ensure that the condominium garages will be used for parking? Please ensure that the project will not impact visitor access and parking. (IP Section 13.10.553.)

Public Right of Way

The IS/MND states that the Applicants intend to construct improvements that would include new sidewalks with street planting along the entire frontage of both Portola Drive and 38th Avenue, and that decorative bike racks would be included within the broad sidewalk running along 38th Avenue. Please ensure that the entire County right-of-way is used for public access improvements, including appropriate sidewalk areas and full-size bike lanes.

Comment 3: Aesthetics/Community Character

Height Exception and Variance appear unwarranted

The Applicant is seeking a Height Exception and Variance for proposed signage. The parcel is zoned C-2, which imposes a maximum height limit of 35 feet. (IP Section 13.10.333.) Given the substantial lot size and the fact that the Applicant proposes to demolish the existing building, we do not believe that the required findings for a variance to the height standard can be made. (IP Section 13.10.235(C)(4); 13.10.230(C)). Similarly, we do not understand the basis for a variance from the sign ordinance to allow two name signs for the center. (IP Section 13.10.581).

Minimize/Mitigate Lighting Impacts

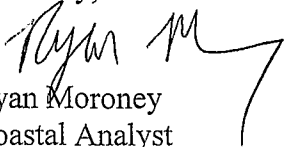
The project proposes substantial new lighting for the property and the IS/MND acknowledges that the project would contribute to offsite and night lighting. Please consider conditioning the project to include appropriate lighting control requirements, including, but not limited to 1) automatic switching requirements; 2) automatic lighting reduction requirements; 3) total site lumen limits; 4) limits to offsite impacts (e.g. all parking lot lights shall have no light emitted above 90 degrees).

Analyze consistency with LCP

The Land Use and Planning section of the IS/MND does not discuss the Project's consistency with the Local Coastal Program, including with respect to the issues identified above.

Thank you for the opportunity to comment on the MND. We look forward to continuing to work with the County and Applicant as this project moves through the local review process. If you would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,



Ryan Moroney
Coastal Analyst
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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December 7, 2015

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

**Subject: The Lumberyard Mixed Use Project
Coastal Commission Staff Comments on County Application No. 141157**

Dear Planning Commission:

Please consider this letter to be the Commission staff's comments on the above referenced project. This letter follows our comments on the Initial Study/Mitigated Negative Declaration (IS/MND) which are attached hereto and incorporated by reference. As a preliminary matter, we wish to reiterate that Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive, and that our comments below are intended to ensure that the project is designed and implemented in a way that avoids or minimizes impacts on protected coastal resources.

Our prior comment letter addressed issues related to: 1) water quality; 2) coastal access; and 3) aesthetics and community character. Based on our review of the staff report, it does not appear that the issues identified in our October 8, 2015 comment letter have been addressed through meaningful project revisions. We have therefore attached that letter hereto for the Planning Commission's consideration. We would also like to take this opportunity to expand on the prior comments with respect to the issue of water quality.

Water Quality

The IS/MND indicates that the site currently drains into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the Pacific Ocean. All three of these runoff destinations are impaired by nutrients and bacteria, and the Pacific Ocean at Moran Lake/County Beach is 303(d)¹ listed for indicator bacteria² (specifically for *E. coli* and *Enterococcus*). The project proposes to maintain the existing drainage pattern and to construct two underground retention/detention systems with silt and grease traps and to implement a maintenance agreement for same. However, we believe there are additional water quality protection measures that could be included as part of the project to improve the water quality of the above-mentioned water bodies.

¹ Section 303(d) of the Clean Water Act requires the identification of waterbodies that do not meet water quality standards (i.e., impaired waterbodies).

² Indicator bacteria are types of bacteria used to detect and estimate the level of fecal contamination of water.

The County's Land Use Plan includes several policies that require the protection and, where feasible, restoration of coastal water quality. These include:

5.4.14 Water Pollution from Urban Runoff

(LCP) Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

5.7.3 Erosion Control for Stream and Lagoon Protection

(LCP) For all new and existing development and land disturbances, require the installation and maintenance of sediment basins, and/or other strict erosion control measures, as needed to prevent siltation of streams and coastal lagoons. (Also see Erosion policies in section 6.3.)

5.7.4 Control Surface Runoff

(LCP) New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

5.7.5 Protecting Riparian Corridors and Coastal Lagoons

(LCP) Require drainage facilities, including curbs and gutters in urban areas, as needed to protect water quality for all new development within 1000 feet of riparian corridors or coastal lagoons.

These policies are rooted in Coastal Act Sections 30230 and 30231 and require that erosion control measures be implemented to prevent siltation of streams and coastal lagoons, that discharge of polluted runoff be minimized, and that on-site detention and other appropriate storm water best management practices be used to reduce pollution from urban runoff. Our prior letter listed examples of potential best management practices (such as a roof runoff catchment system and parking lot runoff catchment system for storage; and reuse on site and underground retention/detention units that include additional pre-filtration to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, and prior to discharge into the County's storm drain system, which leads to Moran Creek, Moran Lake, and ultimately the Pacific Ocean) that could be implemented in order for the project to be found consistent with these policies and incrementally help to improve the water quality of Moran Creek, Moran Lake, and the adjacent waters of the Pacific Ocean. We continue to believe that such measures could reasonably be incorporated into the project design.

Thank you for your consideration of these comments. We look forward to continuing to work with the County and Applicant as this project moves through the local review process. If you

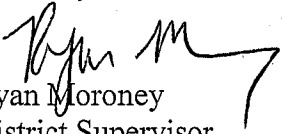
Lumberyard Mixed Use

December 7, 2015

Page 3

would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,


Ryan Moroney
District Supervisor
California Coastal Commission

Enclosure

CALIFORNIA COASTAL COMMISSION

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October 9, 2015

Todd Sexauer
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: The Lumberyard Mixed Use Project
Coastal Commission Staff Comments on Initial Study/MND**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (IS/MND) pertaining to the Lumberyard Mixed Use Project (Project). The Project proposes to demolish an existing lumberyard building and to construct a 9,600 square foot mixed-use building. Specifically, the Project proposes one commercial condominium unit on the lower floor that includes 3,200 square feet of restaurant use, 3,200 square feet of retail use, and 3,200 square feet of office/service commercial use. The Project includes eight residential condominium units totaling 9,600 square feet on the second and third levels, together with a detached 2,033-square-foot residential parking structure with eight separate garages, once for each condominium unit. According to the IS/MND, the Project requires a Coastal Development Permit; a Height Exception to allow for an increase in height from 35 feet to 38 feet, 4 inches; a Variance to allow for two name signs for the Center; Design Review, and the approval of a parking plan.

As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive. Our comments below are primarily intended to ensure that the project is designed to minimize impacts on protected coastal resources.

Comment 1: Water Quality

Erosion Control and Drainage Plan; Water Quality BMPs

Based on new/increased impervious surface and use, the project should include detailed erosion control and runoff control plans. (IP Sections 16.22.060 and 070.)

The project proposes to maintain the existing drainage pattern and two underground retention/detention systems with silt and grease traps for each and implementation of a maintenance agreement for same. We would recommend the following water quality elements be incorporated into the project for LCP consistency (see LUP Policies 5.4.14; 5.7.5):

1. Provide an updated drainage plan that shows drainage patterns across the entire site, as well as how the project will incorporate Low Impact Design standards, and meet the post-

construction stormwater requirements for runoff retention in projects of this size, including minimizing storm water runoff, and onsite infiltration, retention and reuse of up to the 95th percentile rainfall event, including alteration of the existing drainage pattern to meet these standards;

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The final project should reflect these criteria and include a complete set of plans and narrative of the Water Quality BMPs, including treatments prior to discharge to Moran Creek (and Lake) and the ocean (runoff destinations per the Negative Declaration) as the lake is impaired for nutrients and bacteria, and the Pacific Ocean at Moran Lake/County Beach is 303(d) listed for indicator bacteria (Ocean at Moran Lake: Total and Fecal coliforms, *E. coli* and *Enterococcus*). As the project is further refined, it should include good housekeeping BMPs employed during construction, as well as the post-construction strategies for water quality and water conservation identified above. The Project should also include an Operations & Management component for all the permanent/post-construction BMPs in the final Water Quality documentation.

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The site is located near a public park and heavily-used beach access area. The IS/MND states that the project requires a Parking Plan but it is unclear whether County Parking requirements

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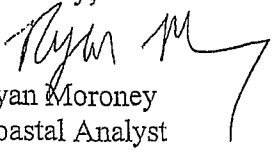
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Thank you for the opportunity to comment on the MND. We look forward to continuing to work with the County and Applicant as this project moves through the local review process. If you would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,


Ryan Moroney
Coastal Analyst
California Coastal Commission

APPLICABLE AND CITED COUNTY OF SANTA CRUZ LOCAL COASTAL PROGRAM POLICIES AND ZONING ORDINANCE SECTIONS

Community Character and Neighborhood Compatibility

13.10.444 *Purposes of the Pleasure Point Community Design PP Combining District*

The purposes of the Pleasure Point Community Design PP Combining District are to:

- (A) Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses;
- (B) Encourage community interaction and orientation towards the street by providing an incentive for the creation of more front porches in Pleasure Point; and
- (C) Reduce the visual impact of automobile-oriented features on residential building facades and in front yards. [Ord. 5063 § 3, 2010].

13.10.446 *Residential development standards in the Pleasure Point Community Design PP Combining District*

In addition to the residential site standards found in SCCC [13.10.323\(B\)](#), the following standards and incentives apply to residential development in the Pleasure Point Community Design PP Combining District. Where there are differences between this section and SCCC [13.10.323\(B\)](#), the provisions of this section shall apply:

- (A) Standards and Incentives Regarding Residential Building Mass and Height, and Access to Sun and Light.
 - (1) Second Story Setbacks. For new two-story residential structures or second story additions, or any new single-story structure or addition that exceeds 15 feet in height, the second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, shall be set back from the side yard property line as follows:

13.20.130(B) *Visual Compatibility*

All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).

13.20.140 *Special Areas Design Criteria*

Applicability. In addition to the criteria above that applies throughout the Coastal Zone; the criteria above that also applies within rural areas (as applicable); and the criteria above that also applies within beach viewsheds, the special area design criteria of SCCC [13.20.141](#) et seq. are applicable to all developments requiring a coastal development permit within each applicable area below as mapped and designated by the LCP Land Use Plan.

13.20.148 *Pleasure Point Community Residential Design Criteria*

All residential development on parcels zoned R-1, RM or PR that are also zoned with the “PP” (Pleasure Point Community Design) Combining District shall be subject to the residential development standards in SCCC [13.10.446](#), unless granted an exception, as described in SCCC [13.10.447](#), or subject to SCCC [13.10.448](#) (reconstruction of destroyed non-conforming structures).

13.10.510 *Application of site standards.*

In any commercial or industrial zone district, a building may exceed the height limit as established by the zone district by up to five feet, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. In addition to the findings required in Chapter [18.10](#) SCCC for discretionary approvals, the project shall be subject to the following additional findings:

- (a) The additional height complements or completes the architectural design.
- (b) For properties located in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds.

13.10.230 *Variance approvals.*

(A) Description. A variance approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including design standards and guidelines and regulations for special uses. The power to grant variance approvals does not allow changes in use which are affected only by use approvals pursuant to SCCC [13.10.220](#), rezoning of the property pursuant to SCCC [13.10.215](#), or amendment to the regulations of this chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

- (1) To facilitate certificates of compliance.
 - (2) To facilitate dedications of rights-of-way or other required improvements for public benefit.
 - (3) To allow the consideration of the creation of new lots when the size of the lot is within one percent of the zoning requirement and is consistent with the General Plan.
- (C) Findings. The following findings shall be made prior to granting a variance approval in addition to the findings required for the issuance of a development permit pursuant to Chapter [18.10](#) SCCC:
- (1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - (2) That the granting of such 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.
 - (3) That the granting of such variance 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.

Parking/ Traffic

13.11.74 Access, circulation and parking.

It shall be an objective to design pedestrian, bicycle and vehicle circulation, and parking, to be safe, convenient, and readily understandable to users. Access, circulation and parking design shall relate to the proposed development on adjoining properties

13.11.74 (2) Service Vehicles/Loading Space.

Loading space shall be provided as required in SCCC [13.10.570](#) through [13.10.578](#), inclusive, for commercial and industrial uses. 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.

13.10.552 Schedule of off-street parking requirements.

Off-street parking spaces for residential uses shall be provided according to the type and size of residence as described below:

(1) Resident Parking.

Number of Bedrooms	Parking Spaces Required for Single-Family Dwellings and Mobile Homes Used as SFDs Outside of Mobile Home Parks Pursuant to SCCC 13.10.682	Parking Spaces Required for Multifamily Dwellings
1	2	2
2	3	2.5
3	3	2.5
4	3	3
Additional	1 each	0.5 each

(B) Off-street parking for nonresidential uses shall be provided according to the use and size as described in the table below:

USE REQUIREMENTS

	Auto Parking Spaces	Bicycle Parking
	Spaces	
Business offices	1 per 300 square feet of gross floor area*	1 per 1,000 square feet of gross floor area*; 2 minimum
Retail stores and service	1 per 300 square feet of gross	1 per 1,000 square feet of gross

establishments	floor area*	floor area*; 2 minimum
Supermarkets, convenience stores	1 per 200 square feet of gross floor area*	1 per 1,000 square feet of gross floor area*; 2 minimum
Restaurants, bars, soda fountains, and similar establishments	1 per 100 square feet (9.3 square meters) of gross floor area*, and 0.3 per employee	1 per 400 square feet (37.2 square meters) of gross floor area*

13.10.553 Alternate parking requirements.

The off-street parking requirements of this chapter may be satisfied or modified in alternate ways:

(A) **Parking Plan.** A specific parking plan initiated by the County and approved by the appropriate approving body may supersede those parking standards contained in [SCCC 13.10.552](#), if the purpose of this section is met, or in order to permit or preserve significant public amenities, and for either case in the Coastal Zone, a specific finding is made and supported that visitor access and parking will not be preempted.

Objective 7.7a Coastal Recreation

To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.

Objective 7.7b Shoreline Access

To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2.

Programs 7.7a.

Improve existing parking areas through the use of fencing, striping, landscaping, bike racks, and safety improvements; provide safe stairways for beach access as part of the program to upgrade vehicular parking. (Responsibility: Public Works, Board of Supervisors)

Programs 7.7b. Increase parking opportunities to serve visitors to the Live Oak coastline in locations where such facilities are feasible and compatible with the neighborhood and the natural setting. Provide on-and-off-street parking improvements and facilities within walking distance of the beaches and bluffs, or located at more remote locations and linked by shuttle transportation. Identify appropriate locations and improvements in cooperation with the local community. (Responsibility: Board of Supervisors, Planning Department, County Parks, Public Works)

Water Quality/Supply

Objective 5.4 Monterey Bay and Coastal Water Quality

To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.

5.4.14 Water Pollution from Urban Runoff

Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

5.7.4 Coastal Surface Runoff

New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:

- (a) include curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and
- (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

7.23.2 Minimizing Impervious Surfaces

Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.

7.23.5 Control Surface Runoff

Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:

- (a) Construct curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and
- (b) Construct oil, grease and silt traps for parking lots, land divisions or commercial and industrial development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

7.18.1 Linking Growth to Water Supplies

Coordinate with all water purveyors and water management agencies to ensure that land use and growth management decisions are linked directly to the availability of adequate, sustainable public and private water supplies.

7.18.2 Written Commitments Confirming Water Service Required for Permits

Concurrent with project application, require a written commitment from the water purveyor that verifies the capability of the system to serve the proposed development. Projects shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a

letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permits, or in the case of a subdivision, prior to filing the Final Map or Parcel Map. The County decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

7.18.3 Impacts of New Development on Water Purveyors

Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.

7.79.110 Requirement to prevent, control, and reduce stormwater volume, runoff rate and pollutant load.

A) Requirement to Implement Best Management Practices (BMPs). All responsible parties shall implement appropriate BMPs, including any BMPs identified by the County, as needed to minimize contribution to pollution or contamination of the storm drain system, receiving waters, groundwater or a body of standing water.

(B) New Development and Redevelopment. All responsible parties shall mitigate impacts due to development and implement BMPs per the County Design Criteria adopted by the County of Santa Cruz and Chapters [16.20](#) and [16.22](#) SCCC to control the volume, runoff rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects to minimize the generation, transport, and discharge of pollutants, prevent runoff in excess of predevelopment conditions, and maintain predevelopment groundwater recharge. When such requirements are incorporated into the terms of land use entitlements or building permits, a violation of the conditions or construction specifications of such entitlement or permit is also a violation of this chapter.

16.22.070 Runoff control.

Runoff from activities subject to a building permit, parcel approval or development permit shall be properly controlled to prevent erosion. The following measures shall be used for runoff control, and shall be adequate to control runoff from a 10-year storm:

(A) On soils having high permeability (more than two inches/hour), all runoff in excess of predevelopment levels shall be retained on the site. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Planning Director determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control.

(B) On projects where onsite percolation is not feasible, all runoff should be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Onsite detention may be required by the Planning Director where excessive runoff would contribute to downstream erosion or flooding. Any policies and regulations for any drainage zones where the project is located will also apply.

(C) Any concentrated runoff which cannot be effectively dispersed without causing erosion shall be carried in nonerodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Director or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipators shall be installed to prevent erosion at the point of discharge.

(D) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area.

(E) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.



January 25, 2016

Rainey Graeven
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Appeal #A-3-SCO-16-0003/APN: 032-092-01, -05 3800 Portola Drive Santa Cruz, CA 95062
"Save Pleasure Point"

Following is our response to the appeal filed by "Save Pleasure Point". Contrary to the assertions of this appeal letter this project is consistent with the Local Coastal Plan, County General Plan, Zoning and the Pleasure Point Community Plan. The County Planning Commission confirmed the project's consistency with these land use policies with a 5-0 vote to approve the project. The Commission approved the project with amended conditions after extensive public testimony. Public testimony expressed both support for the project as well as concerns with the project.

The comments by "Save Pleasure Point" are in bold. Our responses are in italics.

Significant issues were raised by the Pleasure Point neighborhood before and after approval. "The current design of this project affects/diminishes local and visitor access to our shoreline." The fundamental objections are:

1. Failure of the project to provide sufficient on-site parking and designated off-site parking creating an immediate reduction of street parking available for resident and visitor access for their coast and beach access.

The Planning Commission found that the parking provided complies with the parking requirements set out in section 13.10.553 of the zoning ordinance. (See PC staff report 12/9/15, Exhibit B, pg. 47-Subdivision Finding 3). A shared parking analysis based on ULI and ITE industry standards was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two(2) additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits which may include the provision of additional parking within the area now designed as a plaza(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such

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that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking analysis of the parking demand/supply and may require additional parking demand management measures. (Condition VII.I 2.,3).

The project complies with ADA as follows:

There are three ADA compliant parking spaces: two uncovered parking spaces on the west side of the parking lot adjacent to the building. Of these two spaces, the southerly parking space is van accessible. The third accessible parking space is located in the garage space at the northerly end of the garage building. (When garage parking is provided, one must be ADA compliant, in this case)

2. Failure of the project to provide a coherent, safe traffic flow pattern to support access and egress to the multi-use project.

This site has been used since the 1940s as a retail lumber yard. Lumber and material deliveries were made in large trucks on a regular basis. Retail truck and auto traffic occurred on a regular basis including weekends. This project is not adding any additional driveways. It is improving the two existing driveways, one on Portola and one on 38th Ave. The intersection of 38th and Portola is stop controlled and will provide gaps for project ingress and egress. This driveway configuration is not untypical of such an urban setting.

The small neighborhood serving commercial uses that are anticipated to occupy this building will not require large delivery trucks. Delivery trucks are anticipated to be bobtail, UPS/Fed Ex style and pick-up trucks. The primary delivery area is expected to be within the surface parking area at the rear of the property. Delivery times are expected to occur primarily before the retail store or food businesses are in operation. This area is screened from the adjacent residences by the proposed building, detached garage structure, fencing and sound wall. The loading area on 38th provides a secondary loading zone that is available for smaller delivery vehicles during operating hours. The primary route for delivery trucks will be Hwy 1 to 41st Ave to the project site via Portola Drive. There is no reason to believe that truck drivers will chose a circuitous longer route through other narrow residential streets.

The Traffic Impact Study, prepared by Kimley Horn, found that the project will not generate significant impacts consistent with the standards and requirements of the County of Santa Cruz.

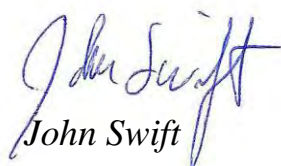
3. Approval of significant height and set back variances that we believe unwarranted.

The Planning Commission (5-0) made the findings to approve the set back variances and the height exception . Findings for a height exception to allow an additional 3'4" were recommended by County staff and confirmed with a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg. 58).

It should be noted that residential structures within the residential neighborhood are allowed to be 28' in height. Commercial structures in the C-2 zone district are allowed to be 35' in height by right unless a greater height is allowed with an exception. The roof eaves of the proposed structure will be 31', below the 35' standard height. The 38'4" occurs at the midpoint of the roof and will only be perceived from considerable distance from the building. This additional height facilitates a superior design: a more residential and softer appearing roof line and conventional retail ceiling heights of 14' in the ground floor commercial space. The existing lumber building on the subject property has a height of 30'. The mini storage building adjacent to the property is 36' above grade at the high point. The proposed building is compatible with the commercial buildings in the area and will integrate with the residential area to the south consisting of a mobile home park, condominiums and homes.

County Code section 13.10.333(A) requires side and rear setbacks of 0' for commercial zoned properties except where the property abuts a residentially zoned property in which case the setback is 30'. The mixed use building is setback 38' from the residential properties to the south at which point the building is one story. The three story portion of the building is setback 64'. A Variance for the setback from the proposed detached single story garage to the property line abutting a residentially zoned property was discussed extensively at the public hearing and approved with a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg. 60-62, Variance Findings) The garages are for residential use only and are limited in height to one story. This portion of the property proposed to be used for the residential garages is only 48.5 feet wide and thus limited in how it can be used. The County Code allows uncovered parking within the 30' setback. The enclosed 1 story residential garages were considered less impacting on adjacent residential properties than unenclosed parking spaces due to the reduction in noise and less frequent parking activity compared to general parking for the mixed use building.

Thank you for reviewing our responses to this appeal. Please let me know if you have any questions.


John Swift

January 25, 2016

Rainey Graeven
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Appeal #A-3-SCO-16-0003/APN: 032-092-01, -05 3800 Portola Drive Santa Cruz, CA 95062

Following is our response to the Appeal filed by Charles Paulden. Contrary to Mr. Paulden's assertions this project is consistent with the Local Coastal Plan, County General Plan, Zoning and the Pleasure Point Community Plan. The County Planning Commission confirmed the project's consistency with these land use policies with a 5-0 vote to approve the project. The Commission approved the project with amended conditions after extensive public testimony. Public testimony expressed both support for the project as well as concerns with the project.

Each issue raised by Mr. Paulden is in bold with our response in italics.

Out of keeping with the special coastal community plan for Pleasure Point.

The Pleasure Point Community Plan and Implementing Ordinances apply only to residential development. The Pleasure Point Community Design "PP" Combining District applies to residential zone districts of R-1, R-M and residential development in the PR district (Parks and Recreation).

However, although the Pleasure Point design guidelines do not apply to this mixed use project, located in the C-2 commercial zone district, the project team incorporated many design features consistent with the Pleasure Point Plan.

- The building is stepped down to one story on the south side where the property is adjacent to a residential zone property as well as on the north side.*
- The perceived mass of the building is reduced by a variety of roof lines, variations in the setback of the exterior walls on the 2nd & 3rd floors, provision of decks for the residential units, shed roof over the walk way on the first floor and other architectural features and details. .*

Does not have suitable parking in a parking constrained coastal community.

The Planning Commission found that the parking provided complies with the parking requirements set out in section 13.10.553 of the zoning ordinance. (See PC staff report 12/9/15, Exhibit B, pg. 47-Subdivision Finding 3). A shared parking analysis based on ULI and ITE industry standards was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would

be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two(2) additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits which may include the provision of additional parking within the area now designed as a plaza(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking analysis of the parking demand/supply and may require additional parking demand management measures. (Condition VII.I 2.,3)

Is not a coastal dependent development.

The LCP does not require that a project in this location be a coastal dependent development. The site has been used for a retail Lumber yard since the 1940s to 2010 and for a commercial storage, office and truck parking facility in recent years. It is located approximately 1/4 mile from the Ocean, separated from the Ocean bluffs by extensive medium to high density residential development including single family residences, condominiums, multi residential and a mobile home park. It is located on Portola Drive which is a major arterial corridor serving residential and commercial uses in the Live Oak, Pleasure Point and Capitola areas.

Does not provide affordable housing or visitor accommodations in the coastal zone.

Condition III.L of the County Permit 1415 requires the project to meet the Affordable Housing Guidelines and enter into an Affordable Housing Participation Agreement. The affordable housing obligation applies to both the residential and commercial portions of the project. This property is not required to provide visitor accommodations.

Does not follow the green guidelines for Bio Swalls and permeable pathways outlined in the Community planning which leads to water pollution in the MBMS.

The property is currently completely covered with 100% impervious surface consisting of asphalt and buildings. The project proposes to reduce the amount of impervious paving by adding landscaped areas and pervious paving. Storm water retention and detention facilities are incorporated per County drainage standards and accepted as compliant by the RWQCB.

Exceeding height limits and out of Compatibility as expressed in the Special Coastal Community of Pleasure Point Plan.

Pleasure Point Community Plan does not include height guidelines for commercially zoned property.

The C-2 zoning on this property allows a height of 35' and up to 5 additional feet (40') is allowed in this zone district if findings for a height exception can be made. Findings for a height exception to allow an additional 3'4" were recommended by County staff and confirmed with a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg. 58). The high point of the ridge, (38'4"), will be setback from the wall line and will only be perceived from a considerable distance. The height of the eave is 31'6". Residential properties to the south are allowed heights of 28'. The existing lumber building on the subject property has a height of 30'. The mini storage building adjacent to the property is 36' above grade at the high point. The additional height will allow for a pitched roof with a varied and attractive roof line while also providing ceiling heights of 14' on the ground floor that create an open, inviting and attractive commercial space. The proposed building is compatible with the commercial buildings in the area and will integrate with the residential area to the south consisting of a mobile home park condominiums and homes.

Does not meet setbacks from surrounding properties.

County Code section 13.10.333(A) requires side and rear setbacks of 0' for commercial zoned properties except where the property abuts a residentially zoned property in which case the setback is 30'. The main mixed use building is setback 38' from the residential properties to the south at which point the building is one story. The three story portion of the building is setback 64'. A Variance for the setback from the proposed detached single story garage to the property line abutting a residentially zoned property was discussed extensively at the public hearing and approved with a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg. 60-62, Variance Findings) The garages are for residential use only and are limited in height to one story. This portion of the property proposed to be used for the residential garages is only 48.5 feet wide and thus limited in how it can be used. The County Code allows uncovered parking within the 30' setback.

The enclosed 1 story residential garages were considered less impacting on adjacent residential properties than unenclosed parking spaces due to the reduction in noise and less frequent parking activity compared to general parking for the mixed use building.

It is in the Pleasure Point Planning District, so it would seem that "Special Coastal Community" objective 8.8 would now apply.

Objective 8.8 states:

*To recognize **certain** established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points...*

*The operative word in Objective 8.8 is "certain". The Pleasure Point community is not listed as a Coastal Special Community. Policy 8.8.2 explicitly lists the Coastal Special Community and does **not** include Pleasure Point. The communities listed include Davenport, Seacliff Beach Area, Rio del Mar Flats/Esplanade, Harbor Area, and East Cliff Village Tourist Area*

This project will be the largest Development in the Pleasure Point Plan Area, as well as the largest Project on the County's new Development Plan for a Strip Mall, with up to 4 stories, from the harbor at 7th Ave, to the Shopping area at 41st Ave.

It is speculative and inaccurate to allege that this will be the largest development in either the PPP Area or in the County's new "Development Plan for a Strip Mall..." We presume that the Mr. Paulden is alluding to the Sustainable Communities & Transit Corridors Plan accepted by the Board of Supervisors on Oct. 28, 2014. This plan seeks to integrate land use plans with transportation with the intention of reducing Vehicle Miles Traveled (VMT) and Green House Gases (GHG) as directed by State legislation. To achieve these reductions greater density, taller buildings with mixed uses are anticipated along transportation corridors where employment, services, retail, and restaurants are in close proximity. The Coastal Commission staff's comments regarding the Initial Study/MND, dated Oct.9,'15, states the following: " As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive."

This will further impact our crowded Coastal Village Roads of East Cliff Drive and Portola Drive. A traffic analysis was prepared per County and CEQA requirements and guidelines, and reviewed and approved by the County Traffic Engineer, Planning Dept and Planning Commission for this project and found that the impacts did not exceed the General Plan standards for the determination of a significant traffic increase. (See PC staff report 12/9/15, Exhibit B, pgs. 56,57, Development Permit Finding No.4). Traffic Mitigation Fees of \$245,400 are required to be paid for improvements to the County road network included in the County CIP (Condition III.K.)

It does not meet the guidelines for Neighborhood Compatibility in the Pleasure Point Plan or the Counties Guideline for Commercial Development in our Neighborhoods.

The property has been zoned for and used as a commercial lumber yard for many decades and used for a commercial storage, office and truck parking facility in recent years. There has been a long history of intense commercial use along Portola Drive that interface with adjacent residential properties. This project does not conflict with the Pleasure Point Plan and is consistent with the County guidelines and standards for Commercial Development that is adjacent to a residential area. This was affirmed by a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg.57&58, Development Permit Finding No.5&6).The building has been carefully designed to integrate with and compliment both the commercial corridor of Portola Dr. and the adjacent residential uses. The bulk, massing and scale of the building is minimized by the varied roof line, wall planes and different finish materials.

It does not follow the General Plan protection of the Local Coastal Plan or the County Code Design criteria for Coastal Zone developments.

It impacts Coastal Parking.

The Planning Commission found that the parking provided complies with the parking requirements set out in section 13.10.553 of the zoning ordinance. (See PC staff report 12/9/15, Exhibit B, pg. 47-Subdivision Finding 3). A shared parking analysis based on ULI and ITE industry standards was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two(2) additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits which may include the provision of additional parking within the area now designed as a plaza(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking analysis of the parking demand/supply and may require additional parking demand management measures. (Condition VII.I 2.,3)

It adds to Urban Runoff.

This project will reduce Urban Runoff. An engineered drainage plan was reviewed and approved by the County of Santa Cruz. The property is currently completely covered with

100% impervious surface consisting of asphalt and buildings. There is no storm water control on site presently. The project will reduce the amount of impervious paving by adding landscaped areas and pervious paving. Additionally storm water retention and detention up to the 25 year storm will be provided which does not currently exist on the property.

It adds to demand for water in an already impacted area.

The project is located within the Urban Services Line and the full range of urban services is available , including public water and sewer service. A water will serve letter was provided by the City of Santa Cruz Water Department. (See PC staff report 12/9/15, Exhibit B, pg.46, Subdivision Finding No.2)

It adds to traffic in an already crowded street.

A traffic analysis was prepared per County and CEQA requirements and guidelines and was reviewed and approved by the County Traffic Engineer, Planning Dept and Planning Commission. It was determined that the impacts did not exceed the General Plan standards for the determination of a significant traffic increase. (See PC staff report 12/9/15, Exhibit B, pgs. 56,57, Development Permit Finding No.4). Traffic Mitigation Fees of \$245,400 are required to be paid for improvements to the County road network included in the County CIP (Condition III.K.)

It does not provide affordable housing or visitor accomodation.

Condition III.L requires the project to meet the Affordable Housing Guidelines and enter into an Affordable Housing Participation Agreement. The affordable housing obligation applies to both the residential and commercial portions of the project. This property is not required to provide visitor accommodations.

It does not recycle existing Redwood structure.

Timber from the existing structure will be reused where posible in the new construction. Wood not used in the construction of the building on site will be recycled where possible. The CAL Green Building standards, enforced during the Building Permit process, require a minimum of 50% of the non hazardous construction and demolition material to be recycled or salvaged. A waste management and recycling plan for the demolition and construction is required to be reviewed and approved prior to issuance of the Building Permit..

It adds to Noise and Light pollution in a neighborhood.

Condition III.9. requires that all site and building lighting shall be directed onto the site and away from adjacent properties. Light standards will be a maximum of 15' high to reduce off-site illumination. Cut-off shields will be used on light fixtures to prevent direct

illumination of adjacent homes. Condition IV .D.&E. requires the construction of masonry sound wall along the boundary of the residential property at 718 38th Ave. Lighting design compliant with this condition will be confirmed during the Building Permit application stage. The County will enforce the noise and lighting standards during the operation of the building. (See PC staff report 12/9/15, Exhibit B, pg.9)

What do we want to look at as Coastal Concerns?

Where community character is important, look to see whether the subdivision will create a density that is in keeping with the current development. Is the size and sitting consistent with surrounding development? It asks for an exemption to height and set backs. The surrounding Special Coastal Community Neighborhood is small Coastal Cottages

This project is located on a transportation corridor which has been designated for and developed with commercial uses for many decades. The uses along Portola Dr. are a mix of retail and service commercial uses including auto repair, strip commercial shopping centers, mini storage, restaurants, bars, convenience stores, etc. This property was used as a lumber yard for over 60 years and for a commercial storage, office and truck parking facility recently. The surrounding neighborhood includes condominiums, multi residential, a mobile home park directly to the south and single family homes. This project will integrate and complement both the Portola Dr. commercial corridor and the residential area to the south. The architecture is sensitive to the residential nature of the properties to the south including residential uses on the upper floors, significant architectural articulation one story elements on both the south and north sides and a pedestrian friendly design on the first floor that will encourage casual interactions amongst residential neighbors and patrons of the commercial uses. (See PC staff report 12/9/15, Exhibit B, pgs.49-51, Subdivision Finding No.9)

Will those uses be consistent with good coastal planning and/or consistent with protection of resources?

The proposed building and neighborhood serving uses will be consistent with good coastal planning and the protection of resources. A thorough Initial Study was prepared and reviewed by multiple governmental agencies, and interest groups and a Mitigated Negative Declaration with extensive conditions was approved. (See PC staff report 12/9/15, Exhibit B, pgs.52,53, Coastal Development Findings)

Does it promote land uses that are preferred under the coastal act, i.e. public recreation, visitor servicing uses or is it residential?

This project is consistent with the Coastal Act. (See PC staff report 12/9/15, Exhibit B, pgs.52,53, Coastal Development Findings)

Priority on lower cost visitor serving facilities?

This project will provide a mixed use building consisting of neighborhood commercial uses and residential. This project will replace an intensive lumber yard that was in operation for many years and a subsequent commercial storage, office and truck parking facility. There is no requirement that this site be a low cost visitor serving facility.

Priority on coastal dependent recreational or visitor serving uses?

*Section 2.23.3 of the County GP & LUP designates Priority sites. This property is **not** included in Figure 2-5 which is a list of the designated Priority sites.*

Will the project block or in any way prevent or diminish existing access?

The project is located more than 1/4 mile from the coastal bluff on a heavily traveled commercial corridor, separated from the bluff by medium to high density residential development consisting of a mobile home park, condominiums and single family homes and will not in any way interfere with existing access to the bluff or beach.

Will the project provide adequate parking or interfere in any way with the public's ability to park and use the beach?

The Planning Commission found that the parking provided complies with the parking requirements set out in section 13.10.553 of the zoning ordinance. (See PC staff report 12/9/15, Exhibit B, pg. 47-Subdivision Finding 3). A shared parking analysis based on ULI and ITE industry standards was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two(2) additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits which may include the provision of additional parking within the area now designed as a plaza(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking analysis of the parking demand/supply and may require additional parking demand management measures. (Condition VII.I 2.,3)

Will the project create traffic that will interfere with the public's ability to get to and use the shoreline?

A traffic analysis was prepared per County and CEQA requirements and guidelines, and reviewed and approved by the County Traffic Engineer, Planning Dept and Planning Commission for this project and found that the impacts did not exceed the General Plan standards for the determination of a significant traffic increase. (See PC staff report 12/9/15, Exhibit B, pgs. 56,57, Development Permit Finding No.4). Traffic Mitigation Fees of \$245,400 are required to be paid for improvements to the County road network included in the County CIP (Condition III.K.)

Does it meet the Requirement for BMP's and filtration, limit on an increase in runoff?

This project will reduce Urban Runoff. An engineered drainage plan was reviewed and approved by the County of Santa Cruz. The existing property is 100% covered with impervious surface which includes an existing building and associated asphalt paving for parking. The current drainage condition of the site directs 100% of the run-off onto Portola Ave. and 38th Ave. There are no storm drain utilities or control measures presently on site. The project will reduce the amount of impervious paving by adding landscaped areas and pervious paving. Additionally storm water retention and detention measures as approved by the County and per the County's drainage manual was incorporated into the project.

The developer, John Swift stated that if they met the Parking requirement,"it could be a 'project killer'"

The Planning Commission found that the parking provided complies with the parking requirements set out in section 13.10.553 of the zoning ordinance. (See PC staff report 12/9/15, Exhibit B, pg. 47-Subdivision Finding 3). A shared parking analysis based on ULI and ITE industry standards was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two(2) additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits which may include the provision of additional parking within the area now designed as a plaza(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking

analysis of the parking demand/supply and may require additional parking demand management measures. (Condition VII.I 2.,3)

The developers say this is an area of Small town, Beach Town Character; the Pleasure Point Plan does as well.

This project is located on a transportation corridor which has been designated for and developed with commercial uses for many decades. The uses along Portola Dr. are a mix of retail and service commercial uses including auto repair, strip commercial shopping centers, mini storage, restaurants, bars, convenience stores, etc. This property was used as a lumber yard for over 60 years and for a commercial storage, office and truck parking facility recently. The surrounding neighborhood includes condominiums, multi residential, a mobile home park directly to the south and single family homes.

This proposal will be the biggest and most Massive Development in the Mid County Coastal Area.

It is speculative and inaccurate to allege that this will be the largest development in either the PPP Area or in the County's new "Development Plan for a Strip Mall..." We presume that the Mr. Paulden is alluding to the Sustainable Communities & Transit Corridors Plan accepted by the Board of Supervisors on Oct. 28, 2014. This plan seeks to integrate land use plans with transportation with the intention of reducing Vehicle Miles Traveled (VMT) and Green House Gases (GHG) as directed by State legislation. To achieve these reductions greater density, taller buildings with mixed uses are anticipated along transportation corridors where employment, services, retail, and restaurants are in close proximity. The Coastal Commission staff's comments regarding the Initial Study/MND, dated Oct.9,'15,states the following: " As a preliminary matter, Commission staff is highly supportive of mixed use projects on heavily used transit corridors such as Portola Drive."

This project brings commercial into a residential area and does not meet the County Guidelines for this type of development. The County says it will be set back and two stories or less.

This site has been a commercial use since at least the 1940s. This project is bringing residential uses into a commercial area and establishing a less intense commercial use where commercial use has existed for many decades . The County Code allows 3 stories and 35' by right in the C-2 Zone District with an additional 5' if a Height Exception is granted. The County Planning Commission made a very careful and deliberate evaluation of the Height Exception and approved the request 5-0. The main mixed use building is setback 38' from the residential properties to the south at which point the building is one story. The three story portion of the building is setback 64'.

Historical Review

"The Pleasure Point Lumber Company warehouse does not retain integrity of feeling because the property does not embody Santa Cruz's small town, beach town character of single-family residences and commercial businesses nor does it reflect the 1850 - 1950 economic or commercial development of the city"

New development should minimize impacts on adjacent residential uses.

The project minimizes impacts on adjacent residential structures in that the building is stepped down to one story on the south side of the building adjacent to the residential zoned property and is set back 38' from the residential property. The three story portion of the building is set back 64' from the residential property. Fencing, including a sound wall and landscaping will be constructed along the property lines.

Taller and larger building should be located away from adjacent homes, as illustrated.

This project is setback from adjacent residential homes and located on a commercially designated property. The building is stepped down to one story on the south side of the building adjacent to the residential zoned property and is set back 38' from the residential property. The three story portion of the building is set back 64' from the residential property.

Landscaped buffers are shown between parking lots and adjacent homes.

Landscaping is provided as shown on the approved plans.

Building that adjoin single family areas adjacent to homes are limited to two stories at the transition area and respect the surrounding residential character.

*There is no Zoning Code, General Plan Policy or Local Coastal policy that requires a commercial building adjacent to a single family residence to be limited to 2 stories. Policy 8.6.3 of the General Plan states that **residential** structures shall be limited to two stories in urban areas. The C-2 zoning allows 3 story structures. The proposed mixed use building has a one story element setback 38' and the 3 story element setback 64' from the adjacent home to the south. The detached garages are one story in height.*

LCP concerns and guidelines

Objective 8.8, Villages, Towns and special Communities. to recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

The operative word in Objective 8.8 is "certain". The Pleasure Point community is not listed as a Coastal Special Community.

*Policy 8.8.2 explicitly lists the Coastal Special Community and does **not** include Pleasure Point. The communities listed include Davenport, Seacliff Beach Area, Rio del Mar Flats/Esplanade, Harbor Area, and East Cliff Village Tourist Area*

LUP Policy 8.8.1 Design Guideline for Unique Areas

Develop specific design guidelines and/or standards for well-defined villages, towns and communities.

The Pleasure Point Plan does provide specific guidelines for residential development in the R-1, R-M and PR zone Districts. This property is zoned C-2 for which the PPP does not include design guidelines

LUP Program 8.7 (c).

Develop and maintain tree planting standards for new development to ensure adequate screening and softening of the effects of new buildings and to reduce the linear appearance of streets, sidewalks and buildings and to reduce the linear appearance of streets, sidewalks, and building planes.

A detailed landscape plan was reviewed and approved by the County Planning Dept and Planning Commission as integral to this project. This plan includes street trees along 38th Ave as well as within the parking area and around the perimeter of the site which will reduce the linear appearance of the street, sidewalk, building planes as well as provide screening and a softening effect on the building and hardscape..

Design Criteria, Entire Coastal Zone

LUP Sections 13.20.130 (b)(1) Visual Compatibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

It was the unanimous opinion of the County Planning Commission that this building will be visually compatible and integrated into this neighborhood which includes both commercial and residential uses. This project is located on a transportation corridor which has been designated for and developed with commercial uses for many decades. The uses along Portola Dr. are a mix of retail and service commercial uses including auto repair, strip commercial shopping centers, mini storage, restaurants, bars, convenience stores, etc. The residential area to the south includes single family homes, condominiums, multi residential and a mobile home park directly to the south. This property was used as a lumber yard for over 60 years and for a commercial storage, office and truck parking facility recently. This project will integrate and complement

both the Portola Dr. commercial corridor and the residential area to the south. The architecture is sensitive to the residential nature of the properties to the south including residential uses on the upper floors, significant architectural articulation and a pedestrian freindly design on the first floor that will encourage casual interactions amongst residential neighbors and patrons of the commercial uses. (See PC staff report 12/9/15, Exhibit B, pgs.49-51, Subdivision Finding No.9)

What the County Plan says for the Commercial development Neighborhood context.

8.5.2 Commercial Compatibility With Other Uses

(LCP) Ensure the compatibility of commercial and industrial use with adjacent uses through application of the Site, Architectural and Landscape Design Review or similar ordinance. Give careful attention to landscaping, signing, access, site and building design, visual impacts, drainage, parking, on site circulation, traffic patterns, and where applicable, availability of water, sewage system capacity, fencing and mitigation of potential nuisance factors, visual aspects, and traffic problems.

It was the unanimous opinion of the County Planning Commission that this building will be compatible with adjacent uses.

See answers above for further explanation.

8.5.3 Areas with Unique Design Guidelines

(LCP) Require commercial and industrial projects located within the boundaries of Coastal Special Communities, adopted village, town, community or specific plans to be consistent with the adopted criteria for these areas. (See Objective 8.8 and the related policies of this chapter and Village, Town, Community and Specific Plans within the Land Use chapter.)

See answers above

2.14.6 Quality of Commercial Design

(LCP) Ensure quality commercial development through Commercial Development Permit procedures to regulate signage, landscaping, buffering, on-site circulation, parking, drainage, site and building design, and traffic patterns and access. Require commercial facilities to be compatible with adjacent land uses and neighborhood character, to utilize and complement the scenic and natural setting of the site and area, and to provide proper management and protection of the environment. (See chapter 8: Community Design)

See answers above

LUP Objective 2.22 Coastal Development

(LCP) To ensure priority for coastal-dependent and coastal-related development over other development on the coast.

2.22.1 Priority of Uses within the Coastal Zone

(LCP) Maintain a hierarchy of land use priorities within the Coastal Zone:

First Priority: Agriculture and coastal-dependent industry

Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.

Third Priority: Private residential, general industrial, and general commercial uses.

This property has been used as a service commercial use for many decades . The

proposed use is consistent with the commercial General Plan, and zoning designations of the property. This Property will replace an existing Third Priority use with another Third Priority use.

2.22.2 Maintaining Priority Uses

(LCP) Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.

*This project does **not** convert an existing priority use to another lower priority use. It converts a site previously used for retail lumber yard to a mixed use development of neighborhood serving retail, service commercial and office along with 8 residential units. Both the previous and proposed uses are Third Priority uses.*

Parking

Objective 7.7a Coastal Recreation

(LCP) To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.

This project does not adversely affect coastal resources and will not result in their overuse.

Objective 7.7b Shoreline Access

(LCP) To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2. (Responsibility: Public Works, Board of Supervisors)

This project will not adversely affect shoreline access.

LUP Program 7.7b (Increase Live Oak Parking)

(LCP) b. Increase parking opportunities to serve visitors to the Live Oak coastline in locations where such facilities are feasible and compatible with the neighborhood and the natural setting. Provide on- and off-street parking improvements and facilities within walking distance of the beaches and bluffs, or located at more remote locations and linked by shuttle transportation. Identify appropriate locations and improvements in cooperation with the local community. (Responsibility: Board of Supervisors, Planning Department, County Parks, Public Works)

This project does not conflict with the provision of parking opportunities to serve visitors to the Live Oak coastline. This property has not provided parking for visitors to the coastline in the past. This site has not been identified in any planning document as an appropriate location for visitor parking

Water

Objective 5.4 Monterey Bay and Coastal Water Quality

- (LCP)** To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.

This project will reduce Urban Runoff. An engineered drainage plan was reviewed and approved by the County of Santa Cruz. The property is currently completely covered with 100% impervious surface consisting of asphalt and buildings. There is no storm water control on site presently. The project will reduce the amount of impervious paving by adding landscaped areas and pervious paving. Additionally storm water retention and detention up to the 25 year storm will be provided which does not currently exist on the property. Filtration will occur in the retention and detention systems. BMPs are complied with given the unique circumstances of the site.

5.4.14 Water Pollution from Urban Runoff

- (LCP)** Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

This Storm Water Management Plan was thoroughly reviewed and approved by the County Public Works engineers, Planning Dept. staff and the Planning Commission. the plan utilizes erosion control measures, on-site retention and detention and other best management practices including pervious pavement to reduce pollution from urban runoff.

5.7.4 Control Surface Runoff

- (LCP)** New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:
- (a) include curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and
 - (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

This project will reduce Urban Runoff. An engineered drainage plan was reviewed and approved by the County of Santa Cruz. The property is currently completely covered with 100% impervious surface consisting of asphalt and buildings. There is no storm water control on site presently. The project will reduce the amount of impervious paving by adding landscaped areas and pervious paving. Curbs and gutters are provided. Additionally storm water retention and detention up to the 25 year storm will be provided which does not currently exist on the property. Filtration will occur in the retention and detention systems. BMPs are complied with given the unique circumstances of the site.

7.23.1 New Development

Require new discretionary development projects to provide both on and off-site improvements to alleviate drainage problems before considering on-site detention of storm water. Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems, where applicable. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible.

Runoff from this project will be reduced below the present conditions of the site which is 100% covered with impervious pavement and buildings and has no storm water management facilities. The Planning Commission approved the allocation of \$40,000 in TIA fees (\$245,000 total) to the improvement of drainage on 38th Ave. (Condition III.K.2.

7.23.2 Minimizing Impervious Surfaces

Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.

The site is presently covered entirely with impervious pavement and buildings. The project will reduce the amount of impervious pavement by adding landscaping and pervious pavement and will thereby reduce post-development runoff compared to predevelopment runoff.

7.23.5 Control Surface Runoff

(LCP) Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:

- (a) Construct curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and
 - (b) Construct oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.
- Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

This project will reduce Urban Runoff. An engineered drainage plan was reviewed and approved by the County of Santa Cruz. The property is currently completely covered with 100% impervious surface consisting of asphalt and buildings. There is no storm water control on site presently. The project will reduce the amount of impervious paving by adding landscaped areas and pervious paving. Curbs and gutters are provided. Additionally storm water retention and detention up to the 25 year storm will be provided which does not currently exist on the property. Filtration will occur in the retention and detention systems. BMPs are complied with given the unique circumstances of the site.

Low Cost housing

Section 30213. Lower cost visitor and recreational facilities shall be protected, encourages and, where feasible, provided. Developments providing public recreational opportunities are preferred.

This project does not jeopardize lower cost visitor or recreational facilities. It is not feasible or desirable to provide such facilities at this location.

See following for more supporting information that this project does not meet the Coastal Act Guidelines and Requirements

13.20.140 Special areas design criteria

The project is consistent with the Design Criteria applicable in the Coastal Zone as discussed above in the numerous responses. The projects consistency was affirmed with a 5-0 vote by the Planning Commission. (See PC staff report 12/9/15, Exhibit B, pg. 52,53 Coastal Development Permit Findings).

The building is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood consisting of residential and commercial uses.

13.20.148 Pleasure Point Community residential design criteria

All residential development on parcels zoned R-1, RM or PR that are also zoned with the "PP" (Pleasure Point Community Design) Combining District shall be subject to the residential development standards in SCCC unless granted an exception, as described in SCCC or subject to SCCC (reconstruction of destroyed non-conforming structures.

*This property is **not** zoned R-1, RM or PR. this property is zoned C-2, commercial. This property is not subject to these development standards.*

(B) This exclusion for commercial development does not include the following:

- 1. Projects appealable to the Coastal Commission, including those projects that are not the principal permitted use under the applicable zone district.**
- 2. The construction, reconstruction, demolition, or alteration in the size of any commercial structure within a special area or on property designated as a Coastal Priority Site in teh General Plan and LCP Land Use Plan.**
- 3. A commercial change of use on property designated as a coastal priority site in the General Plan and LCP.**

Note: Section 13.20.148 does not include a subsection (B).

13.20.130 Design criteria for Coastal Zone Developments

(B) Entire Coastal Zone. the following design criteria shall apply to projects located in the Coastal Zone:

1. Visual Comptibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation thorough measure such as breaking up the design with some areas of indent, varied rooflines, offsets and projectinos that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.)

The building is designed to be compatible and with and integrated with the character of the surrounding neighborhood. the design includes varied rooflines, offsets and projections that will provide shadow paterns and visual interest. Second story elements are setback fromt the first.

13.20.150 Special Use Standards and conditions

(D)(1) Improvements at Primary Public Shoreline Access Areas. The following improvements, at a minimum, shall be provided at primary public shoreline access areas: path improvements; recycling and garbage collection facilities; bicycle parking; automobile parking, or in an impacted neighborhood, an acceptable alternative such as a beach shuttle, transit service stop;

Not relevant to this application. The project does not affect shoreline access.

13.10.553 Alternate parking requirements

The off-street parking requirements of this chapter may be satisfied or modified in alternate ways:

(A) Parking Plan. A specific parking plan initiated by the County and approved by the appropriate approving body may supersede those parking standards contained in SCCC 13.10.552, if the purpose of this section is met, or in order to permit or preserve significant public amenities, and for either case in the Coastal Zone, a specific finding is made and supported that visitor access and parking will not be preempted.

(B) Shared Parking. Parking reductions for two or more uses that share parking may be authorized by a Level IV use approval. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required for the single use among those proposed which is required to provide the most parking. Where the shared parking involves two or more separately owned properties, the owners of the properties shall enter into a legal agreement that describes access, use and maintenance of the shared parking. The reduction(s) shall be quantitatively justified by one or more of the following criteria applied to the participating uses:

A shared parking analysis was prepared by Marquez Transportation Engineering. This analysis demonstrates that the peak demand for parking from the different uses of the building will occur at different times and that the 50 parking spaces proposed would be adequate to meet the parking demand. The Planning Commission, to address concerns expressed regarding the parking, required two additional spaces to be added in an area previously designated for a plaza(Condition II.A.6& III.M.); the review and approval of a Transportation and Parking Demand Management Plan prior to the issuance of Building Permits,(Condition III.R); establishes a maximum of one additional vehicles per residential unit allowed to park in unenclosed surface parking area,(Condition VII.1); Internal visibility between the individual residential garages such that compliance with parking requirements may be verified,(Condition VII.I.a); one year after construction/stabilization requires a Planning Commission review of a parking analysis of the parking demand/supply and may require additional parking demand management measures.(Condition VII.I 2.,3)

Sustainable Santa Cruz County Plan

We presume that the Mr. Paulden is alluding to the Sustainable Communities & Transit Corridors Plan accepted by the Board of Supervisors on Oct. 28, 2014. This plan seeks to integrate land use plans with transportation with the intention of reducing Vehicle Miles Traveled (VMT) and Green House Gases (GHG) as directed by State legislation. To achieve these reductions, greater density, taller buildings with mixed uses are anticipated along transportation corridors where employment, services, retail, and restaurants are in close proximity

The Sustainable Communities & Transit Corridors Plan has not been reviewed by the Coastal Commission. The project is, however, consistent with this plan.

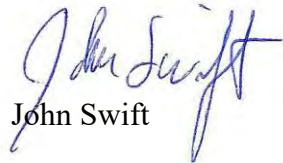
Objective 2.13Neighborhood Commercial Designation(C-N)

The property is designated as Community Commercial(C-C) not neighborhood Commercial(C-N) The Policies listed are not applicable to this project.

**We share many of the Concerns of Coastal staff and do not see that they are being addressed.
Letter of Ryan Moroney Coastal Analyst. October 9, 2015**

A detailed response to the concerns of coastal staff was provided by the County Planning Dept and was included in the Planning Commission staff report of 12/9/'15 as Exhibit A3, pgs 30-34. The Planning Commission considered these concerns and determined that the project, as conditioned, adequately addresses these concerns.

Thank you for reviewing our responses to this appeal. Please call me if you have any questions. We believe that the project, as approved and conditioned by the Planning Commission addresses the concerns of the appellant and is consistent with the Local Coastal Plan, County General Plan, Zoning and the Pleasure Point Community Plan.



John Swift