



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

Agenda Date: December 15, 1998

December 4, 1998

BOARD OF SUPERVISORS
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz CA 95060

Subject: Requirements and Procedures for Projects Subject to Design Review

Members of the Board:

As your Board is aware, recent development projects approved by the County may not have met with the expectations of the original approvals. Concerns expressed include the loss of privacy of adjacent residents and the visual impact of the development from surrounding neighborhoods.

To insure that these issues are addressed and fully understood in the future, and to improve the quality of information pertinent to land use decision-making, we are recommending revisions to submittal requirements for projects subject to Design Review. We are also recommending revisions to the process of approving changes to approved plans, as well as mechanisms to heighten awareness of the terms of project approval on the part of developers. Finally, we are recommending increased coordination between the Planning Department and the Department of Public Works to insure conformity between tentative and final land division approvals.

The regulatory mechanism for project design is found in the County's "Site, Architectural and Landscape Design Review" ordinance. Section 13.11.040 of the County Code specifies which projects are subject to Design Review. Included are projects within coastal special communities, all commercial projects, County-sponsored projects, all subdivisions, and minor land divisions within the Urban Services Line. Sections 13.11.051 and 18.10.210 of the County Code, lists the submittal requirements for projects subject to Design Review. Specifically, Section 18.10.210(a)9., requires the submittal of a "(f)ull set of construction drawings (building plans) if appropriate: Scaled architectural drawings showing all structural details and all elevations of the proposed structures." Further, Section 13.11.051, specifies that the Planning Director may request "other information deemed . . . necessary for a complete design analysis."

In the past, the Planning Department has required the submittal of preliminary architectural plans in addition to a tentative map for all proposed divisions of land. It was believed that this approach to the approval of the preliminary plans would allow a project sponsor some degree of flexibility to provide for custom home designs in response to market demands or design changes to fit sites specific conditions. This concept had worked reasonably well in the past when new development was proposed on vacant parcels surrounded by little or no existing development. Many new developments, however, may currently be characterized as "in-fill projects" and are proposed for vacant sites typically surrounded by existing development. When such projects are proposed, they are often accompanied by such issues as loss of privacy, adverse visual impact, inadequate buffering etc., as efforts are made to fit the new development in and make it compatible with existing development. Evidence of such has occurred in connection with recently approved projects presently under construction such as the Rio Highlands and Pacific Pointe developments.

In response to the concerns noted above, Planning staff has recently developed a more comprehensive list of submittal requirements for projects subject to Design Review. Staff believes that enhanced submittal requirements will lend to increased comprehension of issues that are often not readily apparent. They will also provide greater opportunity to ensure that conditions of approval are properly depicted for subsequent inspections and evaluations. If your Board agrees, we will begin to implement this requirement for more detailed plans including perspective drawings to better gauge the impact of new development on surrounding neighborhoods (Attachment 1). As in the past, the plans will become exhibits to project approvals. Any proposed changes as described in the Conditions of Approval (Attachment 2, page 4), would be placed on the Consent Agenda of the decision making body at its next available meeting in the form of a public hearing setting letter. The letter would describe the change and staffs' evaluation and recommended response to it. If necessary, the decision making body could pull the item, discuss it and if deemed appropriate, vote to set the matter for hearing; otherwise, it would via action on the Consent Agenda, vote not to set it for hearing the effect of which would be to treat the matter as an information item.

Land divisions are occasionally submitted and guided through the planning process by the owner or their representative and subsequently sold to a developer or contractor after project approval. The new owner then proceeds with preparation of the final building plans and commences actual project construction. To insure full notification to potential buyers of approved projects, we are recommending that conditions of approval be required to be recorded by the property owner in the Office of the County Recorder (Attachment 2, page 1). Recorded conditions would serve as constructive notice during any future title search of the property. Planning staff will work with representatives of the Recorder's Office to decide recordation format.

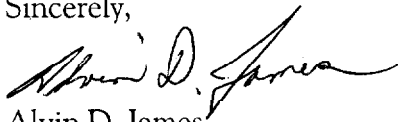
We are also recommending that the conditions of project approval be revised to require that the set of conditions be included on all construction plans (Attachment 2, page 7). This should alert contractors and developers to be more conscious of their responsibility for compliance with project conditions specified by the decision-making body. It will also facilitate the efforts of inspectors to ensure full compliance with all approved conditions.

Finally, Planning and Public Works management staffs, in conjunction with the CAO's office, have held a meeting to review County procedures during that period of time when a Tentative Map for a land division is approved to the point when construction of subdivision improvements begin. A subsequent meeting has been scheduled with relevant review staff from both Public Works and Planning to work out the specific coordination details required to ensure conformity between final and tentative land division approvals.

It is therefore, RECOMMENDED, that your Board take the following actions:

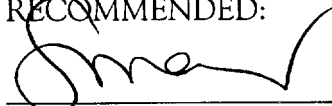
1. Direct Planning staff to immediately begin requesting from applicants, the materials specified by the "Submittal Requirements: Design Review," form (Attachment 1). These items shall be deemed the minimum submittal requirements for a project to be deemed complete for processing,
2. Following project approval, require the recordation of permit conditions in the Office of the County Recorder,
3. Require that any changes to approved projects be returned to the decision-making body in the form of a hearing setting letter and placed on such body's Consent Agenda for appropriate consideration and action,
4. Require that the final Conditions of Approval be included on all construction plans. A complete set of plans including the final Conditions of Approval shall be provided by the project sponsor prior to issuance of building permits, and
5. Direct the Planning Director and the Director of Public Works to continue working together to improve coordination and condition compliance relative to tentative and final land division review and approvals.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Submittal Requirements: Design Review
2. Conditions of Approval (Boilerplate)

CONDITIONS OF APPROVAL

Land Division No.
 Applicant and Property Owner:
 Tract No.
 Assessor's Parcel No.
 Property Location and Address:
 ___ planning area

Exhibits:

- A. Tentative Map, prepared by _____, and dated _____
 - B. Preliminary Engineered Improvement plans, prepared by _____, and dated _____
 - C. _____ Architectural and Landscape plans, prepared by _____, and dated _____
 - D. _____
 - E. _____
-

All correspondence and maps relating to this land division shall carry the land division number and tract number (if applicable) noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
 - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- II. A Parcel or Final Map for this 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 or Final 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 or Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel or Final Map shall meet the following requirements:
 - A. The Parcel or Final Map shall be in general conformance with the approved tentative map and shall conform with 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.

- B. This land division shall result in no more than _____ () total lots.
- C. The minimum lot size shall be _____ (acres/square feet), net developable land.
- D. The following items shall be shown on the Parcel or Final Map:
1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 2. On lots containing less than 0.50 acre, show net area to nearest square foot. On lots containing 0.50 acre or more, show net area to nearest hundredth acre.
 3. The owner's certificate shall include:
 - a. An irrevocable offer of dedication to the County of Santa Cruz for the right-of-way and improvements noted on the attached Tentative Map. When the offer of dedication is accepted by the County, this road is to be County maintained. Right-of-way width shall be ____ feet and road section width shall be ____ feet.
 - b. An easement for public use of the access road shown on the attached tentative map, to expire when the offer of dedication is accepted by the County.
 - c. An irrevocable offer of dedication to the County of Santa Cruz for land as shown on the attached Tentative Map for purposes of an open space easement/park/right-of-way.
 4. The following statement shall be placed on the Parcel Map and shall be included in any deed conveying subject lots: "The property described herein is adjacent to land used for agricultural purposes. Residents of this property may be subject to inconveniences or discomforts arising from the use of agricultural chemicals, including herbicides, pesticides and fertilizers, and from the pursuit of agricultural operations including plowing, spraying, pruning and harvesting which occasionally generates dust, noise, smoke, and odor. Santa Cruz County has established

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agriculture as a priority use on productive agricultural lands. Residents of adjacent property should be prepared to accept such inconveniences or discomforts resulting from normal, necessary farm operations."

- E. The following requirements shall be noted on the Parcel or Final Map as items to be completed prior to obtaining a building permit on lots created by this land division:
1. Lots shall be connected for water service to _____
 2. Lots shall be connected for sewer service to _____
 3. Deed of conveyance shall include a statement of common ownership of water system.
 4. All future construction on the lots shall conform to the design guidelines and/or architectural plans contained in Exhibit __ and shall meet the following additional conditions:
 - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans (Exhibit “_”), shall be permitted without a major amendment to this permit that consists of the review and approval by the decision-making body at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
 5. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards set forth by the “R-__” zoning district.
 6. All future development on the lots shall comply with the requirements of the geologic hazards assessment (dated _____, Exhibit __) and biotic assessment (dated _____, Exhibit __).
 7. All future development on the lots shall comply with the requirements of the geotechnical/geologic/biotic report (preparer, date, Exhibit #).
 8. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of

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all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of the Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.

- F. Any changes between the approved Tentative Map, including, but not limited to the attached Exhibits for preliminary grading, drainage, erosion control, architectural, and landscaping plans, and the Parcel or Final Map and final plans must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision-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 that in any way 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.

III. Prior to recordation of the Parcel or Final Map, the following requirements shall be met:

- A. Pay a Negative Declaration/EIR filing fee of \$25.00/850.00/1,250.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- C. Sign and submit the attached form requesting the Assessor to combine Assessor's Parcels.
- D. Meet all requirements of the Santa Cruz/Freedom County Sanitation District as stated in the District's letter dated _____ (Exhibit __), including, without limitation, the following standard conditions:
1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
 2. Pay all necessary bonding, deposits, and connection fees.
 3. Where a Homeowners' or Property Owners' Association is established, the applicant shall furnish a copy of the C.C. & R.'s to the District. This

4.

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document shall include a clause providing for the upkeep and maintenance of all on-site sanitary sewers.

- E. Submit and secure approval of engineered improvement plans from the Department of Public Works for all roads, curbs and gutters, sidewalks, storm drains, erosion control, street lighting, street trees and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.5 10 and 5 11 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.
 2. An erosion control plan for the subdivision and a landscape plan for areas designated on the attached Tentative Map shall be submitted for Planning Department review and approval prior to submittal to the Department of Public Works. Wherever irrigation for landscaping is required, stubouts for water service shall be shown on the improvement plans.
 3. Provide proof of legal access along any private road(s) (existing or proposed) to be used for primary or secondary access to the subdivision,
 4. Plans shall provide for construction of a secondary access road as shown on the tentative map.
 5. Plans shall comply with all requirements of the geologic hazards assessment/biotic assessment (date & Exhibit #) and all requirements of the geotechnical/geologic report (preparer, date, Exhibit #). A plan review letter from the geotechnical engineer/geologist shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical/geologic report.
 6. Engineered drainage plans shall be reviewed and approved by the Zone _ drainage district. Appropriate fees for new impervious surface shall be paid.
 7. All new utilities shall be constructed underground. All facility relocations,

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- upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
8. Acquire all rights of way and easements and make all dedications thereof as needed for construction of required improvements. Any and all costs incurred by the County of Santa Cruz to obtain title to any property in the event that condemnation proceedings are necessary to implement this condition, shall be paid in full by the applicant/subdivider prior to the recording of the Parcel or Final Map.
 9. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 10. Improvements shall comply with the the requirements of the Santa Cruz Metropolitan Transit District as set forth in the District's letter dated _____
 11. The following off-site improvements are required:
 - a.
- F. Engineered improvement plans for all water line extensions required by the _____ Water District shall be submitted for the review and approval of the water agency.
 - G. An agreement for shared maintenance of roads and drainage facilities by owners of all lots in this land division shall be submitted and recorded with the Parcel or Final Map.
 - H. All requirements of the _____ Fire District shall be met as set forth in the District's letter dated _____
 - I. A Homeowners Association shall be formed for maintenance of all areas under common ownership. (Condominium or townhouse projects.)
 - J. Park dedication in-lieu fees shall be paid for _____ single-family _____ multiple-family dwelling units. On _____ (date) these fees were _____ per unit, but are subject to change.

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- K. Transportation improvement fees shall be paid for single-family multiple-family dwelling unit. On _____ these fees were _____ per unit, but are subject to change. A fee credit, in an amount established by the fee schedule in effect at the time of Parcel or Final Map recordation, shall be granted for the following off-site transportation improvements required by this permit:
1. (list improvements for which fee credit is given)
- L. Roadside improvement fees shall be paid for single-family multiple-family dwelling unit. On _____ these fees were _____ per unit, but are subject to change. A fee credit, in an amount established by the fee schedule in effect at the time of Parcel or Final Map recordation, shall be granted for the following off-site roadside improvements required by this permit:
1. (list improvements for which fee credit is given)
- M. Child Care Development fees shall be paid for single-family multiple-family dwelling unit. On _____ these fees were _____ per unit, but are subject to change.
- N. Submit one reproducible copy of the Parcel Map or Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.E. For reference in the field, a copy of these conditions shall be included on all construction plans. The construction of subdivision improvements shall also meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
 - C. No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.

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- D. Obtain a permit from the State Department of Fish and Game for all work proposed in or adjacent to _____, and comply with all conditions thereof.
 - E. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
 - F. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
 - H. Construction of improvements shall comply with the requirements of the geologic hazards assessment (dated _____, Exhibit __) and biotic assessment (dated _____, Exhibit __).
 - I. Construction of improvements shall comply with the requirements of the geotechnical/geologic/biotic report (preparer, date, Exhibit #). The geotechnical engineer/geologist shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical/geologic report.
 - J. All required off-site improvements shall be substantially complete to the satisfaction of the County Director of Public Works prior to the granting of occupancy for any new unit.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- VI. In the event that future County inspections of the subject property disclose non-compliance 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 Approval revocation.

- VII. 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.
1. 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.
 2. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - a. COUNTY bears its own attorney’s fees and costs; and
 - b. COUNTY defends the action in good faith.
 3. 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.
 4. Successors Bound. “Development Approval Holder” shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
 5. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

VIII. MITIGATION MONITORING PROGRAM

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The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 2108 1.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

1. Mitigation Measure:
 Monitoring Program:
2. Mitigation Measure:
 Monitoring Program:
3. Mitigation Measure:
 Monitoring Program:
4. Mitigation Measure:
 Monitoring Program:

AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 10-day appeal period. The Parcel or Final Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

cc: County Surveyor

Applicant
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Approval Date: _____

Effective Date: _____

Expiration Date: _____

Martin Jacobson, AICP
Principal Planner

name
Project Planner

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