

CONDITIONS OF APPROVAL

Commercial Development Permit 99-0044

0373

Applicant: Ken Rogers, Architect

Property Owner: J.E. and Donna Edwards

Assessor's Parcel No. 077-104-o 1

Property location and address: Northern intersection of Mill Street and Highway 9

San Lorenzo Valley Planning Area

Exhibits:

- A. Engineering Plans by Bob Dewitt, dated November 1999, Architectural Plans by Ken Rogers, Architect, dated September 11, 2000, Landscape Plans by Gregory Lewis, dated June 3, 1999, and Improvement Plan by Michael Beautz, dated October 1997
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- I. This permit authorizes the construction of a 4,000 square foot commercial building with two 2-bedroom apartments on the first floor and a 2,000 square foot commercial space on the second floor, and filling of about 450 cubic yards of earth. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the County of Santa Cruz Planning Department. Prior to obtaining the grading permit, the owner/applicant shall:
1. **Identify** the specific locations(s) to receive export material; and
 2. Provide valid grading permit(s) for any site that receives greater than 100 cubic yards of fill, or where fill will be placed greater than two feet thick or on slopes steeper than 20%. If the fill is intended to go to a municipal landfill, the applicant/owner shall provide receipts from the grading contractor that **verify** the fill was received at the landfill. Receipts must be received prior to building permit final.
- D. Submit Evidence that these Conditions of Approval have been recorded in the Official Records of the Recorder of Santa Cruz County.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit Final Architectural Plans prepared by a qualified professional for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes between the approved Exhibit "A," including, but not limited to the attached exhibits for site, architectural and landscaping plans, and the final Architectural 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-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 that 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. The final plans shall include, but not be limited to, the following:

1. Exterior elevations identifying **finish** materials and colors. All exterior materials and colors shall conform to the colors and materials board submitted. The structure shall be permanently maintained according to the approved colors and materials board, and the board shall be made an exhibit to the approved permit for this project.
2. Floor plans **identifying** each room and its dimensions.
3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, turnarounds, trash and recycling enclosures, utility connections, and existing and proposed curbs, gutters, and sidewalks.
4. A final sign plan showing dimensions, location, materials, colors, and type. Illumination of the sign is prohibited.
5. The parking, circulation and loading areas shall be surfaced with a minimum of 2 inches of asphalt concrete over 5 inches of Class II base rock or other approved equivalent surface.
6. The parking area shall include at least 14 parking spaces (of which 10% may be designed to compact space standards (7-1/2' x 16') and appropriately marked, 1 accessible parking space(s) (14' x 18'), and 3 bicycle spaces, designed in accordance with Sections 13.10.550 - .560 of the County Code. All spaces and loading berths shall be striped and defined by wheel stops.
7. All parking and circulation areas shall be lighted per the lighting plan by Ken Rogers, Architect, dated May 1998 (Exhibit "A").
8. A final Landscape Plan for the entire site, which implements the landscape plan prepared for this project by Gregory Lewis, dated June 3, 1999 (Exhibit "A"), and includes the following:
 - a. Three, 24-inch box size Coast Live *oak*, or *other appropriate tree species*, and three, 24-inch box size sycamore trees shall be planted to replace the removal of the oak and locust trees, respectively.
 - b. All acacia and Scotch broom shall be removed **from** the property. The landscape maintenance contract shall include provisions to maintain the property **free** of non-native, invasive species.
 - c. Only native plant species, including oaks, shall be installed on the site

- d. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to **all non-turf** areas to retain moisture, reduce evaporation and inhibit weed growth. 0375
 - e. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source **of water** which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

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

The irrigation plan shall be submitted with the building permit application. The irrigation plan shall show the location, size and type of components of the irrigation system the point of connection to the public water supply and designation of hydrozones. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
9. Final plans shall note that the San Lorenzo Valley Water District will provide water service and shall meet all requirements of the District including payment of any connection and inspection fees. Final plans for water connection shall be reviewed and accepted by the District.
 10. Final plans shall note that all requirements of the Environmental Health services shall be met for the installation of the septic system including payment of all permit and inspection fees.
 11. Meet all requirements and pay the appropriate plan check fee of the Ben Lomond Fire Protection District.
 12. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 13. Meet the requirements of the Acoustic Study, prepared by Edward L. Pack Associates, dated June 10, 1999.
- B. Submit a brief building, grading and drainage plan review letter **from** the soil engineer to Environmental Planning stating that the plans and foundation design are in general compliance with the recommendations of the soils report by Reynolds and Associates, dated September 25, 1997. **If**, upon plan review, the engineer requires revisions or additions, the applicant shall submit to Environmental Planning two copies of the revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations. 42

- C. No land clearing, grading or excavating shall take place between October 15 and April 15, unless winter gradii approval is obtained from the County Planning Department.
- D. Submit a final Road Improvement, Grading, Drainage, and Erosion Control Plan for review and approval by the Department of Public Works and the Planning Department. The final Road Improvement, Grading, Drainage and Erosion Control Plan shall be prepared by a qualified professional and contain the following:
1. Details of the site drainage system, paving, curb, gutters, etc. including any measures necessary to intercept uphill runoff and runoff which would otherwise encroach on adjacent properties.
 2. Details of the roadside, parking lot and driveway improvements, including the driveway plan view and centerline profile, and existing ground and driveway elevations on profile. The driveway must conform to County Design Criteria Standards.
 3. Existing and proposed contours and calculations for the volumes of excavated and fill soils.
 4. A detailed erosion control plan that includes a clearing and grading schedule, clearly marked disturbance envelope, protection of trees designated as remaining that are in proximity to disturbance, revegetation specifications, temporary road surfacing and construction entry stabilization, etc. The plans shall be integrated with the grading plan.
 5. All new utilities shall be constructed underground. All facility relocations, 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.
- E. Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance. On October 10, 2000, the fee would total \$144 for the residential units and \$460 for the commercial space, but is subject to change without notice.
- F. Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- G. Pay the Santa Cruz County Park dedication fee for two multi-family units (this fee for the San Lorenzo Valley is \$600 per unit; total fee = \$1200).
- H. Submit engineered improvement plans for the improvements to the Mill Street and Highway 9 frontage improvements per Exhibit "A" for review and approval by the Department of Public Works. Obtain any Encroachment Permits from the Department of Public Works, as necessary, for any work performed in the public right-of-way. All work shall be consistent with the Department of Public Works Design Criteria Manual. The frontage improvements to Mill Street shall be implemented as a part of the building permit. Improvements to Highway 9 shall be deferred, subject to the provisions of Condition 11.1 (below).

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- I. The County shall record the “Agreement for Construction of Frontage Improvements Associated with California Highway 9”. The applicant shall submit the security referenced in the Agreement ($\$21,731 \times 150\% = \$32,596.50$) to the County to ensure the completion of the improvements pursuant to the Agreement. 0377
- J. 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 in which the project is located.
- III. All construction shall be performed in accordance with the approved plans. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:
- A. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to Environmental Planning and your building inspector prior to pour of concrete.
- B. All site improvements shown on the final approved Building Permit plans shall be installed.
- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- D. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or **affecting** a County road shall be coordinated with any planned County-sponsored construction on that road. To minimize disruption to traffic during grading and installation of road and drainage improvements, the applicant shall ensure that one lane of Mill Street remain open to **traffic** at all times.
- E. The soils engineer must submit a final letter report to Environmental Planning and your building inspector regarding the compliance with all technical recommendations of the soil report prior to final inspection.
- F. To minimize noise and dust impacts of surrounding properties, comply with the following measures during all construction work:
1. Limit all construction-related activities to the time between **8:00 A.M.** and **5:30 P.M.** weekdays, unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation;
 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 3. The owner/developer shall designate a disturbance coordinator to respond

to citizen complaints and inquiries from area residents during construction. A **24-hour** contact number shall be conspicuously posted on the job site. The name, phone number, and nature of the disturbance shall be recorded 0378 by the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions.

- G. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all **further** site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions.

- A. All landscaping and site improvements shall be permanently maintained.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Condition 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.
- C. To prevent drainage discharges from carrying silt, grease and other contaminants into the storm drain system, the two silt and grease traps in the parking areas shall be maintained according to the following monitoring and maintenance schedule:
 - 1. The traps shall be inspected to determine if they need cleaning and/or repair prior to October 15 of each year;
 - 2. A brief annual report shall be prepared by the inspector at the conclusion of the October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of the inspection. The report shall specify any repairs that have been done or that are needed for the trap to function well.
- D. In accordance with Section 18.10.132(d) of the County Code, if the exercise of the use permitted by this permit ceases or is abandoned for a continuous period of one year, then without **further** action by the County, this permit shall become null and void.

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

Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to **notify** the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to **notify** or cooperate was significantly prejudicial to the Development Approval Holder. 0379
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

VI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 2 108 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.

- A. Mitigation Measure: Erosion Control (Condition No. II.D)

Monitoring Program: The Resource Planner will not approve the building and grading permits until all erosion control plans have been approved. That planner will place a hold on final occupancy and electrical service until an inspection has confirmed that all

erosion control has been completed.

- B. Mitigation Measure: Drainage system maintenance (Condition No. IV.C).

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Monitoring Program: Annual inspection and reporting program required

- C. Mitigation Measure: Noise (Condition No. II. A. 13)

Monitoring Program: Prior to public hearing, the applicant must provide an acoustic study for review and approval. Report submitted and approved. Conditions included in conditions of approval to provide noise reduction through building design.

- D. Mitigation Measure: Road Improvements (Condition Nos. II. H and I)

Monitoring Program: The applicant shall submit a signed agreement that legal binds the property owner to construct the improvements to Highway 9 in a timely manner. Agreement submitted.

- E. Mitigation Measure: Landscaping (Condition No. II.A.8)

Monitoring Program: The Resource Planner will not approve the building and grading permits until all erosion control plans have been approved. That planner will place a hold on final occupancy and electrical service until an inspection has **confirmed** that all erosion control has been completed.

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.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT, COMMENCE CONSTRUCTION AND OBTAIN YOUR FIRST INSPECTION.

Approval Date:

Effective Date:

Expiration Date:

Mark Deming, AICP
Project Planner

Cathy Craves
Development Review Manager