

CONDITIONS OF APPROVAL

Rezoning, Minor Land Division, and Roadway/Roadside Exception
Permit No.: 98-0857

0356

Applicant: Kathy Casey, Casey Consulting

Property Owner: Frank and Grace Ann Verduzco

Assessor's Parcel No.: 041-233-50

Property Location and Address: Property located on the south side of Jaunell Road about 600 feet north from Soquel Drive, at 220 Jaunell Road, Aptos.

Planning Area: Aptos

Exhibits:

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- A. Site and Landscape Plan by Casey Consulting, dated 3/14/00; Tentative Parcel Map by Dunbar and Craig, dated 8/98; Preliminary Improvements Plans by Freitas and Freitas, dated 3/00; Axonometric Plan by Casey Consulting, dated 12/16/99; Architectural Plans by Alan Mascord
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All correspondence and maps relating to this land division shall carry the land division number

- I. Prior to exercising any rights granted by this Approval, the owner shall sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
- II. A Parcel 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 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). The Parcel Map shall meet the following requirements:
 - A. The Parcel 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 four (4) total lots.
 - C. The minimum lot size shall be 10,000 square feet, net developable land.
 - D. The following items shall be shown on the Parcel Map:
 1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 2. The net area of each lot to nearest square foot.
 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 shown on the tentative map. When this offer of dedication is accepted by the County, the roads are to be

County maintained. Right-of-way width for Jaunell Road shall be 40 feet and road section width shall range in width from 20-feet to 30-feet, as shown on the preliminary improvement plans.

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- b. An easement for public use of the roadway and roadside improvements, shown on the tentative map, to expire when the offer of dedication is accepted by the County.
- E. 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:
 1. Lots shall be connected for water service to Soquel Creek Water District.
 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
 3. All future construction of the lots shall conform to the Architectural Floor Plans and Elevations as stated or depicted in Exhibit "A" and shall also 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, shall be permitted without review and approval by the Planning Commission.
 - b. Exterior finishes shall incorporate stucco and wood siding. T-1 - 11 type siding is not allowed. Exterior color combinations shall be interspersed throughout the development.
 - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1 -10 zone district. No structures shall exceed a 30% lot coverage or a 50% floor area ratio, or other standard as may be established for the R-1-10 zone district.
 4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meeting the following criteria:
 - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
 - b. Plant Selection, At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
 - c. 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. 0358

- d. 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.

The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. 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. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

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 used to maximize the efficiency of water applied to the landscape.

Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

- e. All planting shall conform to the landscape plan shown as part of Exhibit "A". The following specific landscape requirements apply:
 - i. One 24-inch box size Coast Live Oak and one five-gallon size Coast Live Oak replacement tree shall be planted for each oak tree that is removed by construction. The new trees shall be located away from the building areas where they will extend the existing oak woodland.
 - ii. The owner/applicant shall implement the approved restoration plan for the riparian woodland, dated February 3, 2000, and shall permanently maintain the plantings. The existing drainage regime that favors the success of the plantings, with the exception of removal of the greywater discharge, shall not be altered such that the riparian plantings will not receive adequate water. The restoration work shall be inspected and approved by Environmental Planning Staff prior to issuance of building or grading permits on any parcels.

5. All future development on the lots shall comply with the requirements of the geotechnical report prepared Haro, Kasunich and Associates, dated 9/4/98. 0359
6. 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.
7. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for preliminary grading, drainage, erosion control, preliminary improvement plans, architectural and landscaping 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 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 Map, the following requirements shall be met:

- A. 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.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- C. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated January 7, 2000, 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.
- D. Submit and secure approval of engineered improvement plans from the Department of Public Works for all roads, curbs and gutters, storm drains, erosion control, 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 Department of Public Works Design Criteria Manual except as modified i5

these conditions of approval. The road surface shall be three inches of paving over nine inches of compacted base material.

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2. A detailed erosion and sediment control plan for the subdivision shall be integrated with the improvement plans and shall be submitted to the Planning Department, Environmental Planning Section, for review and approval prior to submittal to the Department of Public Works and approval of the Parcel Map. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization, details of temporary drainage control including lined swales, erosion protection at the outlets of pipes, sediment barriers around drain inlets, etc.
3. A landscape plan for areas designated on the 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, stub outs for water service shall be shown on the improvement plans. The landscape plan shall be compared to the utility plan to prevent placement conflicts. No change in the landscape plan shall be granted without County review.
4. Plans shall comply with the requirements of the geotechnical report by Haro, Kasunich and Associates, dated 9/4/98. A plan review letter from the geotechnical engineer 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 report.
5. Engineered drainage plans shall be reviewed and approved by the Zone 6 drainage district. The drainage plans shall include the drainage improvements to Jaunell Road shown on the improvement plans and any improvements to the drainage system on Soquel Drive, required to increase the capacity for the increase in runoff created by the project. Appropriate fees for new impervious surface shall be paid.
6. 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.
7. 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 Map.
8. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
9. The following details shall be included on the final improvement plans:
 - a. ~~Street lighting design and placement.~~ *Removed by Planning*

Commission

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- b. A Roadside Exception shall be permitted to reduce Jaunell Road from the required 56-foot right of way and 36-foot roadway to a 40-foot right-of-way and a roadway ranging in width from 20-feet to 30-feet, to eliminate the required four-foot planting strip, and to eliminate sidewalks on the southeastern portion of the property from the driveway to Lot 3 to the southeastern parcel boundary.
 - E. Engineered improvement plans for all water line extensions required by the Soquel Creek Water District shall be submitted for the review and approval of the water agency.
 - F. All requirements of the Aptos/La Selva Fire District shall be met as set forth in the District's letter dated January 2, 2000.
 - G. Park dedication in-lieu fees shall be paid for three (3) new single-family dwelling units. On December 13, 2000 these fees were \$3,000 per unit (which assumes three bedrooms/unit at \$1,000 per bedroom), but are subject to change.
 - H. Transportation improvement fees shall be paid for three (3) new single-family dwelling units. December 13, 2000 these fees were \$2,000 per unit, but are subject to change.
 - I. Roadside improvement fees shall be paid for three (3) new dwelling units. On December 13, 2000, these fees were \$2,000 per unit, but are subject to change.
 - J. Child Care Development fees shall be paid for three (3) new single-family dwelling units. On December 13, 2000 these fees were \$327 per unit (which assumes three bedrooms/unit at \$109 per bedroom), but are subject to change.
 - K. Submit one reproducible copy of the Parcel 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.D. 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.
 - B. 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.
 - C. 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).
 - D. 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.

- E. Construction of improvements shall comply with the requirements of the geotechnical report prepared by Haro, Kasunich and Associates, dated September 4, 1998. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- F. To minimize noise, dust, and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall, or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction-related activities to the time between 8:00 A.M. and 5:00 P.M. weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department 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. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
 - 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 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.
 - 4. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
- G. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E.
- 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.

- 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.
- 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.

VIII. 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: Riparian Woodland (Condition II.E.4.e.ii)

Monitoring Program: The restoration plan for the riparian woodland shall be implemented. No building permits will be issued until compliance has been approved by the Planning Department. 0364

B. Mitigation Measure: Tree Removal (Condition II.E.4.e.i)

Monitoring Program: A landscape plan shall be approved that includes replacement trees for any mature trees removed. The final map shall not be approved until the plan has been submitted, and final approval of improvements shall not be granted until compliance has been verified.

C. Mitigation Measure: Pedestrian Easement

Monitoring Program: This mitigation measure has already been addressed by a revised tentative map.

**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 14-day appeal period. The 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Glenda Hill, AICP
Principal Planner

Cathy Graves
Principal Planner