



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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 ALVIN JAMES, DIRECTOR

BOARD OF SUPERVISORS AGENDA: MARCH 19, 2002

March 14, 2002

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz CA 95060

SUBJECT: ADOPTION OF FINAL CONDITIONS OF APPROVAL FOR APPLICATION
 NUMBER 98-0148, ATHERTON PLACE, APN'S 037-25 1-21& -22.

Members of the Board:

On March 12th, 2002 your Board took action to approve Application Number 98-0148, Atherton Place, and directed staff to revise the project findings and conditions pursuant to public testimony, testimony from the applicant, and Board discussion. The revisions have been completed and are attached for final Board action.

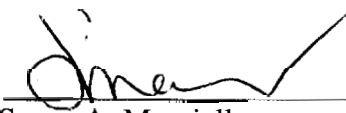
It is, therefore, recommended that your Board:

Approve the revised findings and conditions of Application Number 98-0148, Atherton Place, Attachment 1.

Sincerely,


 Alvin D. James

Planning Director

RECOMMENDED 
 Susan A. Mauriello
 County Administrative Officer

Board Agenda 3/19/02
Atherton Place

Attachments:

1. Revised Findings and Conditions of Approval

cc: Brad Bowman, First Federal, 25 16 Samaritan Drive, Suite K, San Jose, CA 95124
Richard Beale, Land Use Planning, Inc. 100 Doyle St., Suite E, Santa **Cruz** 95060
Charlene B. Attack, Law Offices of Bosso, Williams P.O. Box 1822, Santa Cruz CA 95061
Wendy Richardson, 6362 Baseline Drive, Aptos CA 95003
Ken Hart, Environmental Coordinator, County of Santa Cruz
Tom Burns, Redevelopment Director, County of Santa Cruz
Rahn Garcia, County Counsel
Bud Carney, City of Capitola, 420 Capitola Ave., Capitola CA 95010

SUBDIVISION FINDINGS

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision 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 subdivision is consistent with the General Plan policy regarding infill development in that the proposed architectural style and density of the proposed development area is consistent with the adjacent single-family development of the Imperial Star, while the riparian area is left in a protected status consistent with the Urban Open Space General Plan designation. The subdivision is not in a hazardous area, the preservation of open space protects the most environmentally sensitive portions of the property, and the project is sited in an area designated for this type of development, although not the proposed density of development.

The proposed division of land, its design, and its improvements, may be inconsistent with the General Plan in that the proposed density of approximately 4,100 square feet per net developable parcel area per unit is in substantial compliance with the minimum General Plan density range designation for the location. The project creates twenty-six homes and is located in the Residential, Urban High Density (R-UH) and Urban Open Space (O-U) General Plan designations, which allows a density of one dwelling for each 2,500 to 4,000 square feet of net developable parcel area. The proposed project density is 4,100 square feet per unit. General Plan Policy 2.10.4 allows the developer to voluntarily file an initial application for development at less than the lower limit of the density range, but does not require that the decision making body approve the lower density. Development within the R-UH density range of 2,500-4,000 square feet is limited by environmental constraints associated with the parcel including sensitive grasslands, riparian areas, slopes more than 30 percent, freeway noise impacts, and scenic corridor protection standards. Up to 85 units could be constructed on the entire project site given the net developable land available and using the minimum threshold density specified by the General Plan. This would be consistent with existing patterns of some development in the project vicinity such as Willowbrook

Village condominiums, and would increase opportunities for affordable housing on a large, existing multi-family zoned property.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcels created, including municipal water and sewer service. The subdivision is on an existing street, which can potentially provide satisfactory access to the project once access to Cabrillo Drive over APN 037-241-39 has been obtained for the 19 southern lots. APN 037-241-39 is currently under separate ownership. The proposed subdivision is similar to the pattern and density of some surrounding development, is near commercial shopping facilities and recreational opportunities, and, with proposed road improvements, will have adequate and safe vehicular access. The revised project is now consistent with General Plan grading policies in that grading has been significantly reduced from the original project submittal of 10,000 cubic yards to approximately 5,628 cubic yards, including a reduction in the access roads required.

Retention of 8.25 acres of open space is consistent with the Urban Open Space designation of the General Plan for the eastern portion of the parcel. General Plan policy 5.11 aims to preserve in open space those uses which are not suited to development due to the presence of natural resource values, i.e. the riparian corridors and buffer areas.

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 proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the "RM-3" Zone District where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new dwellings will comply with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, minimum site width and minimum site frontage. Density is determined by the General Plan and not by the zoning classification.

4. **THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.**

The site of the proposed subdivision is physically suitable for the type of development in that no challenging topography affects the portion of the site to be developed adjacent to Atherton Drive, and subsequent to the proposed lot line adjustment, the majority of the parcel shall remain in open space in perpetuity consistent with the Urban Open Space General Plan designation. The development area is adequately shaped to ensure efficiency in the

conventional development of the property, and the proposed site plan offers an arrangement and shape that insures development without the need for variances or site standard exceptions. No environmental constraints exist which would necessitate that the area remain completely undeveloped, although 8.25 acres of the adjacent 14.917 acre parcel must remain as open space due to environmental constraints such as slope, native grasslands, riparian areas, and the scenic corridor.

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.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No mapped or observed sensitive habitat or threatened species impede development of the site as proposed.

The project received a mitigated Negative Declaration on April 13, 2000, and a second revised mitigated Negative Declaration on October 31, 2001 pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (Initial Studies on file with the Planning Department).

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve all proposed parcels, and these services will be extended as part of the improvement plan for the subdivision. Noise impacts associated with traffic volumes along adjacent Highway One are required to be mitigated for Lots 19 and 20 by a combination of design elements in the building shells. Impacts associated with increases in traffic volume in the neighborhood, estimated at an additional 260 trips per day, are to be mitigated with off-site improvements and the payment of Transportation Improvement Area fees.

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.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property.

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Access to all lots will be from existing public roads or from the proposed new private road, Bowers Court. Access to Bowers Court is proposed as an easement over APN 037-241-39 at 2505 Cabrillo College Drive. The Subdivision Map Act in Government Code Section 66462.5 expressly authorizes a County to condition a subdivision on the provision of off-site improvements, including, if necessary, all costs involved in an eminent domain action. The County Code expressly provides for such off-site improvement agreements for subdivisions in Section 14.01.513 and for other development projects in Section 18.10.240(d). The authority of a jurisdiction to use eminent domain is limited by the provisions of the Code of Civil Procedure, Section 1240.010 – 050, however, and may not be appropriate in this case. Secondary access from Bower Court to Atherton Drive is provided by the proposed project.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All proposed residences are conventionally configured and meet the minimum setbacks as required by the zone district for the property and County code.

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 proposed development may not be consistent with the Design Standards and Guidelines of the County Code in that the proposed development density, although complying with the standards for the "RM-3" zone district, substantially meets the minimum General Plan density threshold for the Urban High Density Residential (R-UH) land use designation nor does it maximize housing opportunities by utilizing high density housing types such as zero lot line homes, duplexes, garden apartments, mobile home parks or congregate senior housing as stated in Objective 2.10 of the County General Plan. The project is consistent with some adjacent single-family residential development and preserves existing urban open space.

Homes are proposed to be two-story with a variety of siding and accent treatments. Proposed materials include stucco, horizontal wood siding, and wood shingles. Roofing materials are proposed to be composition shingle and shall be a neutral color. The proposed paint palette is earth tones for the wall, trim and accent colors. The size of the proposed homes ranges from 1,330 square feet to 1,665 square feet (exclusive of the garage). All plans include design features such as porches and varied roof -lines for additional visual interest.

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The proposed project has been designed to complement and harmonize with some of the existing and proposed land uses in the vicinity. The adjacent neighborhood is a mixed-use area with both detached single-family residences and high-density condominiums. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the single-family residences in the neighborhood.

The proposed development is consistent with Section 13.11.072 of the County Code as it relates to site design. The current proposal reduces the amount of grading relative to the previous proposal which was 10,000 cubic yards, a total of 5,628 cubic yards by reducing the number of houses from 58 to 26 houses and by eliminating Bowman Court, a private road. The current proposal would still result in a need for retaining walls from four to seven feet in height to accommodate the proposed home design and usable open space. The proposed homes would be located on the most level portion of the site so that the housing type would result in the appearance of a more conventional single-family development. The new development preserves the integrity of existing land use patterns of the immediately adjacent single-family residential development of the Imperial Courts subdivision, while preserving the open space amenity of the riparian corridor of Porter Gulch, consistent with General Plan policy 5.2.

Street trees are proposed that meet the requirements of the County Urban Forestry Master Plan. The Landscape Plans specify a mix of 15-gallon size street trees, including Flowering Plum, Golden Rain Tree, Brisbane Box, and Strawberry Tree. Native coast live oaks and redwoods shall be planted along the southernmost extremity of development to mitigate visual impacts from the Highway One scenic corridor. The Landscape Plans also includes a variety of shrubs and groundcover throughout the development, and a densely planted vegetative privacy screen along the western boundary of the southern parcel comprised of Strawberry Trees and tall-growing shrubs.

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ROADWAY/ROADSIDE EXCEPTION FINDINGS
Section 15.10.050(f) Santa Cruz County Code

1. IMPROVEMENTS ARE NOT APPROPRIATE BECAUSE THE REQUIRED IMPROVEMENTS WOULD ENCROACH ON PRIVATE PROPERTY IN WHICH THE COUNTY WOULD NOT HAVE AN INTEREST SUFFICIENT TO ALLOW THE IMPROVEMENT TO BE CONSTRUCTED OR INSTALLED (COUNTY CODE SECTIONS 15.10.050(f)5.

Bowers Court is proposed as a 40-foot wide right-of-way with separated sidewalk on both sides for most lengths of the proposed roadway and a 24-foot paved roadway. There shall be a vegetative screen between the proposed and existing residential development along the emergency access road between the Bowers Court cul-de-sac and Atherton Drive. A right-of-way less than 56 feet in width requires a roadway exception. Additionally, elimination of a segment of separated sidewalk and a landscaping strip less than 4 feet in width requires a roadside exception. The applicant submitted comparative cross-sections which show the full roadway/roadside cross-section required by County Design Standards, and the roadway/roadside cross-section as proposed; and a letter from the project landscape architect demonstrating that the proposed, reduced width landscape strip will support the plantings specified.

Bowers Court is proposed to gain access to Cabrillo Drive by means of access across APN 037-241-39. The Subdivision Map Act in Government Code Section 66462.5 expressly authorizes a County to condition a subdivision on the provision of off-site improvements, including, if necessary, all costs involved in an eminent domain action. The County Code expressly provides for such off-site improvement agreements for subdivisions in Section 14.01.513 and for other development projects in Section 18.10.240(d). The County has previously utilized such agreements for the acquisition of right-of-ways for development projects.

County Code Section 15.10.050(f)(4) allows for an exception to roadway and roadside improvement standards when the improvements would be located in an environmentally sensitive area as shown by information on file with the Planning Department, where construction of full improvements would cause impacts which could not be satisfactorily mitigated if the project is developed to a density which approaches the zoning of "RM-3" on the lands outside of the open space area.

An emergency access road is proposed as a 12-foot wide turf block right-of-way which would connect Bowers Court with Atherton Drive (see Attachment A, Ifland Sheet 4 of 8). The west side of this emergency access will be landscaped to provide a visual screen for the

existing residential development. Removable bollards would be placed at both ends of the emergency access.

The applicant has provided evidence that an easement will be obtained from the owner of adjacent parcel No. 037-241-39, for the proposed road that would connect Bowers Court with Cabrillo College Drive. Although the County does have authority to acquire, through eminent domain, land for road construction, there are certain requirements for exercise of that authority. Pursuant to Section 1240.030 of the Code of Civil Procedure (Attachment 12) the power of eminent domain may be exercised only if the public interest and necessity require the project, the project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury, and the property to be acquired is necessary for the project.

It cannot be determined at present if the above requirements could be satisfied for the proposed project. The proposed road easement, for which eminent domain may be required, would serve a total of nineteen single-family dwellings, three of which would be affordable. This road would not provide access to surrounding development, would not improve circulation in the area, and would not provide additional fire safety access. It appears that the public necessity and interest may not be served by the access road.

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RIPARIAN EXCEPTION FINDINGS (County Code Section 16.30.060(d))

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

The special circumstance that affects this property is the location of the adjacent riparian corridor which serves as the drainage collector for this area. The only development and disturbance proposed within the riparian corridor and biotic reserve is the installation and maintenance of a drainage system.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

This exception is necessary for the proper design and function of the drainage system.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED.

Granting this exception will not be detrimental to the public welfare or injurious to downstream properties as all drainage from the project will be diverted to the natural course utilized in the area, thereby directing run-off away from neighboring properties.

4. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF CHAPTER 16.30 OF THE COUNTY CODE, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF.

The granting of this exception is in accordance with the purpose of Chapter 16.30, to minimize impacts to the riparian corridor as placement of the storm drain within the riparian corridor and buffer has been sited avoid significant riparian vegetation. In addition, the exception is consistent with Chapter 16.30, in that a purpose of the Riparian Corridor Protection Ordinance is to protect these areas for the transportation and storage of floodwaters.

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LOT LINE ADJUSTMENT FINDINGS (County Code Section 14.01.107.4(c))

1. THE LOT LINE ADJUSTMENT WILL NOT RESULT IN A GREATER NUMBER OF PARCELS THAN ORIGINALLY EXISTED.

The proposed lot line adjustment will occur between two existing parcels, APN's 037-251-21 and -22, both vacant parcels. The proposed transfer will not result in the creation of an additional parcel or an additional building site.

2. THE LOT LINE ADJUSTMENT CONFORMS WITH THE COUNTY ZONING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 13.10.673) AND THE COUNTY BUILDING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 12.01.070).

In accordance with County Code Sections 13.10.300 and 13.10.320, the proposed lot line adjustment is consistent with the Single-family Residential (RM-3) zoning designation which requires a minimum 3,000 square foot parcel size required by the zone district. The lot line adjustment transfers approximately 6.481 acres of land from APN 037-251-22 to APN 037-251-21, resulting in two parcels of 14.917 acres (APN 037-251-21) and 2.965 acres (APN 037-251-22). The proposed project for 26 dwelling units is consistent with the county zoning ordinance in that the 2.965 acre site will be developed at an average density of approximately 4,100 square feet per parcel per unit, which exceeds the minimum 3,000 square foot parcel size. No development has been proposed for the 14.917 acre Parcel A (APN 037-251-21) at this time.

3. NO AFFECTED PARCEL MAY BE REDUCED OR FURTHER REDUCED BELOW THE MINIMUM PARCEL SIZE REQUIRED BY THE ZONING DESIGNATION, ABSENT THE GRANT OF A VARIANCE PURSUANT TO COUNTY CODE SECTION 13.10.230.

County Code Section 13.10.323 requires minimum developable lot size in the RM-3 zone district to be 3,000 square feet. The transfer of 6.481 acres of land from APN 037-251-22 reduces that parcel from 9.446 acres to 2.965 acres and increases APN 037-251-21 from 8.436 acres to 14.917 acres, leaving both parcels above the minimum 3,000 square feet per dwelling unit required by the RM-3 zone district. The proposed 26-unit subdivision on APN 037-251-22 is consistent with the minimum parcel size in that the net developable parcel size is 4,100 square feet per dwelling unit. No development has been proposed for APN 037-251-21.

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CONDITIONS OF APPROVAL

Subdivision, Roadway/Roadside Exceptions & Riparian Exception No.: 98-0148

Tract No. 1409, Atherton Place Subdivision

Applicant: Richard Beale Land Use Planning

Property Owners: Atherton Place Development LLC

Assessor's Parcel No.: 037-25 1-21 & -22

Property Location: On the north side of Cabrillo Drive and the south side of Soquel Drive, just east of Atheron Drive.

Planning Area: Soquel

Exhibits:

A. Proiect Plans:

Architectural Plans prepared by Thatcher & Thompson, Sheets AO-A11, dated 2-12-02;
Tentative Map and Preliminary Improvement plans prepared by Ifland Engineers, Sheets 1-8 dated 01/16/02; Sight Distance Study Sheet SD-1 dated 1/16/02;
Lot Line Adjustment by Thatcher & Thompson, Sheets AI & A2 dated 2/12/02;
Landscape Plans, prepared by Gregory Lewis, Sheets L1-L2 dated 1/23/02, 3/01/02.

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

PROJECT ENTITLEMENTS. This Permit authorizes the construction of 26 detached townhomes in two phases, construction of a new private street "Bowers Court", two parking areas, drainage systems and retaining walls; a preliminary grading approval for approximately 5,628 cubic yards of cut and fill balanced on site; and a lot line adjustment transferring 6.481 acres resulting in APN 037-25 1-21 becoming 14.917 acres and 037-25 1-22 becoming 2.965 acres.

I. Prior to exercising any rights granted by this Approval:

- a) The owner shall sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
- b) The Lot Line adjustment shall be recorded. File deed(s) of conveyance with the County Recorder. Parcels/portions of parcels to be combined must be in identical ownership. The deed(s) of conveyance for the lot line adjustment must contain the following statement after the property description:

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“The purpose of the deed is to combine the above-described portion of Assessor’s Parcel Number 037-25 1-22 with Assessor’s Parcel Number 037-25 1-21, as approved by the County of Santa Cruz (14 days after permit approval date) under Application #98-0148. This Conveyance may not create a separate parcel, and is null and void unless the property is combined as stated.”

11. A Final Map for each of the two phases of 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 within their respective phases. Each 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 Final Maps unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:
 - A. The 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 development shall result in no more than twenty-six (26) total units.
 - C. Net area shall be shown to the nearest square foot.
 - D. The following items shall be shown on the Final Map:
 1. Building footprints located according to the approved Tentative Map
 2. A minimum average net developable area of 3,000 square feet per unit .
 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. If this offer of dedication is accepted by the County, this road would be County maintained. Unless the right-of-way and improvements are accepted, the Homeowners’ Association shall be responsible for all maintenance.

Right-of-way width for “Bowers Court” shall be a minimum of 40 feet, and the road section shall be 24 feet. The approved roadway/roadside exception allows a right-of-way less than 56 feet, elimination of separated sidewalk along the west side of the entrance, and a landscape strip less than 4 feet in width.

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- b. An easement for public use of the access road ("Bowers Court") shown on the tentative map, to expire when the offer of dedication is accepted by the County.
 - c. An easement for drainage infrastructure of the maintenance thereof on and across the open space and areas of common drainage improvements, specifically for lots ~~2-9 and 11-21~~. 1-7 and 8-26.
 - d. In order to prevent conflicts with adopted General Plan policies regarding noise, the following elements are necessary to meet County requirements for a maximum interior noise of 45 dBA Ldn and outdoor protected areas of 60 DBA Ldn:
 - 1. Rear deck enclosures as shown on Exhibit "A", Sheets A3, and A4 and as specified in General Notes, Project Acoustical Requirements #2. (CEQA G).
- E. The following requirements shall be noted on the 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 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, and the Site Analysis as stated or depicted in Exhibit "A" and shall also meet the following additional conditions:
 - 1. 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.
 - 2. Exterior finishes shall incorporate wood siding, including horizontal wood siding, and/or stucco. T-1-11 type siding is not allowed. Exterior color combinations shall be interspersed throughout the development.
 - 3. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for

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the "RM-3" zone district. No residence shall exceed a 40% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. In the case of this project, because all land is held in common ownership, lot coverage and FAR are calculated as the applicable total development square footage as the numerator and the total net developable area as the denominator.

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.
 - b. 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.
 - c. 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

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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 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.

5. All planting shall conform to the landscape plan shown as part of Exhibit "A". The following specific landscape requirements apply:
 - a. Street trees, including Golden Rain, Flowering Plum, Brisbane Box, Strawberry Tree and CA Live Oak shall be planted as per Exhibit A. A drip irrigation system shall be installed in the required landscape strip, which may be connected to the adjacent individual lot. The species, quantities and placement shall conform to Exhibit "A", Landscape Plans, prepared by Gregory Lewis.
 - b. Street trees shall be installed according to provisions of the County Design Criteria.
 - c. Notes shall be added to the final improvement plans that indicate the manner in which existing trees, which will be retained, shall be protected during construction. Include a letter from a licensed arborist verifying that the protection measures are adequate to protect the trees during construction of drainage improvements within the riparian buffer and corridor to prevent damage to the root zones of trees to be maintained.
 - d. ~~To mitigate impacts from the loss of three mature trees, prior to public hearing, the landscape plan shall be revised to show the placement of (3) fifteen-gallon and (6) five-gallon Coast Live Oaks within the riparian woodland.~~

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- d. In order to mitigate the loss of the Chinese curly leafed willow on the proposed access road, one 24-inch box CA Live oak shall be planted in that vicinity adjacent to the road
 - 6. All future development on the lots shall comply with the requirements of the project geotechnical report.
 - 7. 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.
 - 8. 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.
 - 9. Construction of the access road onto Cabrillo College Drive.
111. Prior to recordation of each Phase of the Final Map, the following requirements shall be met:
- A. Pay a Negative Declaration filing fee of \$1,275.00 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 May 1, 1998, including, without limitation, the following standard conditions:

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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 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Phase One improvements (including line of sight improvements at Soquel Drive/Atherton Place and curb, gutter and sidewalk along Soquel Drive) shall be installed prior to construction of units 1-7, and Phase 2 improvements shall be installed prior to construction of Units 10 8-26 (including line of sight improvements at Cabrillo College Drive and Willowbrook Lane). A Plan Line study from Cabrillo College Drive to Park Avenue is required, with TIA fee credit extended for plan line costs (Attachment 6). Improvement plans shall meet the following requirements:
1. All improvements shall meet the requirements of the County of Santa Cmz Department of Public Works Design Criteria Manual except as modified in these conditions of approval. The improvement plans shall include a bus stop and bus turn out on Soquel drive at the Sesnon House.
 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 Final Map. In order to prevent erosion, off site sedimentation, and pollution of creeks, the erosion control plan shall be revised to include the following items: a clearing and grading schedule that limits grading to the period of April 15 - October 15, clearly marked disturbance envelope, revegetation specifications, silt barrier installed to protect the riparian area, temporary road surfacing and construction entry stabilization, sediment barriers around drain inlets, etc. [CEQA D]
 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

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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. A full soils engineering investigation has been reviewed and accepted by the County Planning Department. 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 5 drainage district. In order to offset the incremental addition of drainage to Porter Gulch the applicant shall pay drainage improvement fees to Drainage Zone 5. A plan review letter from the Geotechnical engineer accepting the final drainage plan is required and must confirm that the plan will not cause any erosion or stability problems on site or downstream from the site.
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. If acquisition of the off-site property interest required for the access road onto Cabrillo College Drive has not been completed prior to the filing of the final map, the owner shall enter into an agreement with the County in compliance with the provisions of County Code Section 14.01.513 to acquire the interest. The owner shall reapply for approval of Phase II of the land division should the owner or the County fail to acquire the necessary off-site easement for the access road onto Cabrillo College Drive. ~~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 Final 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. To prevent drainage discharges from carrying silt, grease, and other contaminants into Sesnon Pond or Porter Gulch, the silt and grease trap(s) and detention systems shown on the improvement plans shall be maintained

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by the Homeowners Association according to the following monitoring and maintenance schedule: [CEQA E]

- a. The trap(s) shall be inspected to determine if they need cleaning or repair prior to October 15 of each year;
- b. The applicant shall provide manufacturer's recommended maintenance procedures for the "Stormceptor" model to Department of Public Works staff;
- c. A brief annual report shall be prepared by the inspector to at the conclusion of the October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. The report shall specify any repairs that have been done or that are needed for the trap to function well.

10. The following details shall be included on the final improvement plans:

- a. Street lighting design and placement.
- b. Roadside/Roadway Exceptions shall be permitted as described in Condition II.D.3.a.
- c. A permanent split rail or ~~welded wire~~ fence with openings for access placed along the boundary line of the biotic reserve, to be in place prior to final clearance of the project by the Planning Department.
- d. An operational conditional note as follows: "Ground disturbance within the riparian area for the drainage pipes and dissipaters shall occur between April 15th and October 15th, erosion control and replanting shall be in place prior to October 15th, and the work shall comply with the conditions given in the riparian exception".
- e. A note on the improvement plans indicating that there are restrictions regarding bird populations and referring to the required pre-construction survey. [CEQA A]
- f. To prevent accidental incursion into the riparian buffer, riparian corridor, and areas of native grass, the improvement plans shall clearly show temporary, four foot chain link fencing placed along the boundary of the riparian buffer and a minimum of twenty feet

outward from the edge of native grass areas. Fencing shall be in place prior to the start of grading and construction activities and shall remain until subdivision improvements are completed, revegetation is in place and the improvement bond is released by the Department of Public Works. [CEQA C]

- g. In order to increase traffic safety the owner/applicant shall, prior to public hearing, revise the project plans as follows: [CEQA H]
 - i. The entrances on "Atherton Drive" and "Bowers Court" to reflect County design criteria for driveways (no curb returns);
 - ii. Place stop signs at each end of "Bowers Circle"/Atherton Drive;
 - iii. Improve sight distance at the southwest corner of Atherton Drive and Soquel Drive and at the north side of Cabrillo College Drive at Willowbrook as shown on Ifland, Sheet SD-1, 1-16-02.
- 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. A Homeowners Association (HOA) shall be formed to administer the Covenants, Conditions, and restrictions (CC&Rs) for this subdivision and assume responsibility for maintenance of all areas under common ownership including streets and emergency access roads. A final copy of the CC&Rs containing all revisions required by the California Department of Real Estate shall be provided to the Planning Department for review and approval prior to recordation. The CC&Rs shall include the following project-specific requirements.
 - ~~1. To minimize erosion problems on the biotic reserve, pedestrian and pet access shall be prohibited.~~
 - 1. The exterior elevations contained in Exhibit "A" shall be incorporated onto the CC&Rs.
 - 2. All requirements of the Conditions of this permit shall be included in the CC&Rs.

3. All common area landscaping, landscaping within the separated sidewalk, and associated irrigation required by these conditions of approval shall be maintained by the HOA.
 4. All fencing within the subdivision shall remain graffiti-free at all times.
 5. The silt and grease trap associated with the storm drain system shall be maintained by the HOA as specified by condition of approval III(D)(10).
 6. In order to preserve native grass areas and encourage the spread of native grasses into grasslands dominated by non natives, the HOA shall: [CEQA F]
 - a. Adhere to the maintenance and mowing plan, prepared by the project biologist, that includes spring and fall mowing schedule, and also includes an estimate of the cost of implementing the plan;
 - b. Provide language in the HOA Agreement that specifies how the maintenance and mowing plan will be funded and implemented by the Association.
 7. Maintenance of Adjacent Riparian and Buffer Easement Area – The Homeowners’ Association shall pay for and maintain the riparian and buffer area located adjacent to the easterly boundary line of the project as shown and labeled on the attached map as “Riparian and Buffer Easement Area” and meet all obligations and requirements set forth in the conditions of approval for the project pertaining to the area.
- G. All requirements of the Central Fire District shall be met as set forth in the District’s letter dated March 24, 1998.
- H. Park dedication in-lieu fees shall be paid in two phases for twenty-six (26) new single-family dwelling units. On February 26, 2002 these fees were \$800.00 bedroom, but are subject to change. Park fees are waived for the four affordable units.
- J. Transportation improvement fees shall be paid in two phases for twenty-six (26) new single-family dwelling units. On February 26, 2002 these fees were \$2,000 per unit, but are subject to change. (CEQA I)
- K. Roadside improvement fees shall be paid in two phases for twenty-six (26) new dwelling units. On February 26, 2002, these fees were \$2,000 per unit, but are

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subject to change.

L. Child Care Development fees shall be paid in two phases for twenty-six (26) new single-family dwelling units. On February 26, 2002 these fees were \$109 per bedroom, but are subject to change.

M. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. Four units (Units 6, 18, 20 and 26) are shown on the tentative map as the designated affordable units. These units will be the designated affordable units and they shall be constructed within the project site unless the Board of Supervisors exercises its discretion and approves the use of an alternative authorized under Section 17.10.030(c) of the Santa Cruz County Code.

N. Owner shall record a Declaration of Restrictions and provide Planning Staff with proof of recordation, that the newly adjusted vacant parcel which is not part of the proposed subdivision, is transferred to a third party with the following deed restriction:

All future development proposals for this parcel shall be at a density that is no less than the lowest end of that density range set by the Urban High Residential designation of the **1994** General Plan/Local Program Land Use Plan, unless the land use designation for the parcel is revised by amendment of the General Plan/Local Coastal Program Land Use Plan. This restriction shall be binding upon all purchasers, and each and every successor in interest thereto and shall run with the land affected thereby. This restriction shall be enforceable whether or not this restriction is cited in future deeds or in any other document at time of transfer. This restriction shall be enforceable by the County of Santa Cruz. This parcel may not be encumbered in a manner that would be inconsistent with this restriction.

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

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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 project geotechnical report. 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 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 prescription of additional Operational Conditions.

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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.
 5. The six-foot masonry wall, as shown on Ifland Sheet 4 of 8, shall be installed as part of the site grading, and prior to the start of construction of any of the units in Phase Two.
- G. All required subdivision improvements for each phase shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- H. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map or the engineered improvement plans.
- I. A preconstruction meeting between the developer and the Department of Public Works shall be held to conduct a survey of the existing condition of Atherton Drive. This survey shall be submitted in written form to the Planning Department prior to any site disturbance. Prior to final of the last residence, a postconstruction survey of Atherton Drive shall be prepared in the same manner. Damage done to Atherton Drive which can reasonably be attributed to the construction activity of this project shall be repaired by the developer under the direction of and specification by the Department of Public Works. Capital improvement bonds will be held for these repairs. Bonds shall be released by the Department of Public Works upon completion and acceptance of any required repairs.
- J. In order to mitigate disturbance to three types of bird that are of special concern, Loggerhead shrike (*Lanius Ludovicianus*) , Yellow warbler (*Dendroica petechia brewsteri*) and various species of raptor, the following shall occur: (CEQA A.)
1. Between thirty days and twenty one days prior to the start of disturbance on the property the project biologist shall conduct pre-construction surveys to determine whether any nests of the above types of birds are present. The biologist shall submit this survey to the Environmental Coordinator for review at least 14 days prior to site disturbance.
 - a. If nest(s) are found, the location shall be plotted on the improvement plans along with a 200 foot radius no-disturbance zone around each nest. To avoid accidental incursion into the no

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disturbance zone chain link fencing with "no entry" signs shall be installed on the perimeter of the zone. Prior to site disturbance, the applicant/owner shall arrange for field inspection by Environmental Planning staff to verify proper installment of the fencing. The no-disturbance zone signs and fencing shall remain in place until the Environmental Coordinator approves written documentation from the project biologist that certifies that the young in the nest(s) have fledged and the nest(s) are no longer active; If none of the above listed birds are nesting on site, the owner/applicant shall obtain written acceptance of the survey and permission to begin site disturbance from the Environmental Coordinator.

2. Prior to site disturbance the applicant/owner shall organize a pre-construction meeting on site among the contractor, Department of Public Works inspector, and Environmental Planning staff to ensure that all parties are aware of restrictions to mitigate impacts to birds.
- K. To minimize disturbance in the riparian buffer and corridor the following shall occur: (CEQA B)
1. The proposed location of the drainage pipes and dissipaters shall be staked in the field and shall be inspected by the project biologist prior to any ground disturbance. The project biologist shall submit a letter to Environmental Planning staff verifying that the drainage works are located such that the minimum possible amount of vegetation is being removed and that no mature trees are being removed. The biologist shall calculate the amount of lost vegetation and shall provide a plan for replacement at 3:1 of in-kind native species. Non-native vegetation need not be replaced;
 2. Ground disturbance for the installation of drainage pipes and dissipaters shall not occur after October 1st. Erosion control and replanting shall be in place prior to October 15th.
- 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.

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- 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.

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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 21081.6 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: Protection of Birds [Conditions III.D.10.e, IV.J.1 & IV.J.2]

Monitoring Program: Prior to commencement of any site disturbance, the project site will be field surveyed for three types of birds that are of special concern: Loggerhead shrike (*Lanius Ludovicianus*), Yellow warbler (*Dendroica petechia brewsteri*) and various species of raptor. Failure to conduct these studies prior to the commencement of any site disturbance will result in the suspension or delay of issuance of any grading or building permit. If nests are found, a 200-foot radius no disturbance zone shall be established around each nest. No-disturbance zone signs and fencing shall remain in place until the Environmental Coordinator approved written documentation from the project biologist that certifies that the young have fledged and the nests are no longer active. If none of the above listed birds are nesting on site, the owner/applicant shall obtain written acceptance of the survey and permission to begin site disturbance from the Environmental Coordinator. Inspections will be conducted to verify that all construction has been performed in accordance with the recommendations of the biotic report and the approved plans. Correction notices will be issued in the event of noncompliance.

B. Mitigation Measure: Protection of Riparian Buffer and Corridor/Drainage Infrastructure [Conditions IV.K.1]

Monitoring Program: Prior to commencement of any site disturbance, the proposed location of the drainage infrastructure will be staked in the field for the project biologist's review and approval. The project biologist shall submit a letter to Environmental Planning staff verifying that the drainage works are located such that the minimum possible amount of vegetation is being removed and that no mature trees are being removed. The biologist shall calculate the amount of lost vegetation and shall provide a plan for replacement at a ratio of 3:1 of in-kind native species. Failure to obtain the approval of the project biologist prior to the commencement of

any site disturbance will result in the suspension or delay of issuance of any grading or building permit. Inspections will be conducted to verify that all construction has been performed in accordance with the recommendations of the biotic report and the approved plans. Correction notices will be issued in the event of noncompliance.

C. Mitigation Measure: Protection of Riparian Buffer and Corridor/Construction Impacts [Condition III.D.10.f]

Monitoring Program: Prior to commencement of any site disturbance, protective fencing shall be erected along the boundary of the riparian corridor and a minimum of twenty feet outward from the of the native grass land. Failure to erect the protective four-foot chain link fencing prior to the commencement of any site disturbance will result in the suspension or delay of issuance of any grading or building permit. Inspections will be conducted to verify that all construction has been performed in accordance with the recommendations of the biotic report and the approved plans. Correction notices will be issued in the event of noncompliance.

D. Mitigation Measure: Erosion Control [Condition III.D.2]

Monitoring Program: Prior to recordation of the Final Map, the improvement plans will be reviewed and accepted by the Environmental Planning Section of the Planning Department and the County Surveyor. The improvement plans will include a clearing and grading schedule that limits grading to the period of April 15 – October 15, clearly marking the disturbance envelope, re-vegetation specifications, silt barriers installed to protect the riparian area, temporary road surfacing and construction entry stabilization, and sediment barriers around drain inlets. Inspections will be conducted to verify that the construction of all subdivision improvements is performed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

E. Mitigation Measure: Protection of Riparian Areas/Drainage Discharge Quality [Condition III.D.9]

Monitoring Program: The HOA will maintain the "Stormceptor" silt and grease traps, and submit yearly maintenance reports to the Department of Pubic Works. Correction notices will be issued in the event of noncompliance.

F. Mitigation Measure: Native Grassland Maintenance [Conditions III.F.7.a & b]

Monitoring Program: The existing native grass stands which include purple needlegrass (*Nassella pulchra*), wild rye (*Elymus glaucus*) and California oatgrass (*Danthonia californica*) shall be protected from construction disturbance with four-

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foot tall chain link fencing placed at a minimum of 20-feet from the outward edge of the native grass stands. The open space grassland areas shall be perpetually maintained with seasonal mowing to encourage the growth of native grasses and forbs. Mowing shall be conducted in the spring and fall, mowing grass to four inches. The maintenance program shall be written by the project biologist and approved by the Environmental Coordinator and shall be funded by the Homeowner's Association. Annual reports shall be submitted to the Planning Department. Correction notices will be issued in the event of noncompliance.

G. Mitigation Measure: Acoustical Standards [Condition II.D.3.d]

Monitoring Program: Prior to obtaining a building permit for Units 19 and 20, the acoustical engineer shall submit a plan check letter verifying that the interior and exterior spaces will meet the noise thresholds specified by the General Plan. Inspections will be conducted to verify that all construction has been performed in accordance with the recommendations of the acoustical report and the approved plans. Furthermore, construction activity shall be limited to weekdays 8:00 AM - 5:00 PM. Correction notices will be issued in the event of noncompliance.

H. Mitigation Measure: Traffic Safety [Conditions III.D.10.g.i - iii]

Monitoring Program: Prior to occupancy of each phase, all required on- and off-site traffic improvements shall be complete. Inspections will be conducted by the Department of Public Works to verify that all improvements have been installed in accordance with the approved plans. Correction notices will be issued in the event of noncompliance.

I. Mitigation Measure: Incremental Traffic Impacts [Conditions III.F.8, III.J & III.K]

Monitoring Program: Prior to filing a Tentative Map, all required Transportation Area Improvement Fees will be paid in full to be used as a fair share contribution towards future traffic improvements. Correction notices will be issued in the event of noncompliance.

**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 phased Final Maps 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.

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Applicant: Richard Beale for Atherton Place Development LLC
Application No. 98-0148
APN: 037-251-21 & -22

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cc: County Surveyor

Approval Date: ____/____/2002

Effective Date: ____/____/2002

Expiration Date: ____/____/2004

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