



## Staff Report to the Planning Commission

Application Number: **111075**

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**Applicant:** Michele Eveland  
**Owner:** Cappel Management XXIII  
**APN:** 030-061-26

**Agenda Date:** July 13, 2011  
**Agenda Item #:** 9  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to amend the Conditions of Approval of Commercial Development Permits 05-0252, 07-0244 and 08-0178 for Ocean Honda, to allow for the servicing of vehicles at weekends and to limit the hours of operation of the blowers at the car wash bay.

**Location:** Property located on the north side of Soquel Drive at about 375 feet west of the intersection with 41<sup>st</sup> Avenue.

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

**Permits Required:** Amendment to Commercial Development Permits 05-0252, 07-0244 and 08-0178.

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111075, based on the attached findings and conditions.

**Exhibits**

- |   |   |
|---|---|
| A. Project plans (on file with the Planning Department) | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings   | F. Comments and correspondence                        |
| C. Conditions   | G. Conditions of Approval of 05-0252, and 08-0178.    |
| D. Categorical Exemption (CEQA determination)           |   |

**Parcel Information**

Parcel Size:	4.08 acres
Existing Land Use - Parcel:	Car dealership
Existing Land Use - Surrounding:	Commercial (storage facility, contractors yard, car repair) and residential (mobile home park, two single-family dwellings)

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Project Access:	Soquel Drive
Planning Area:	Soquel
Land Use Designation:	C-S (Service Commercial)
Zone District:	C-4 (Commercial Service)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	City of Santa Cruz Water Department
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire
Drainage District:	Zone 5

### History

Commercial Development Permit 05-0252 allowed for the construction of three commercial buildings, an automobile dealership (Ocean Honda) and two self storage buildings (Store More America, Soquel, LLC). The self storage facility was ready to commence construction ahead of the proposed automobile dealership and therefore Minor Variation 07-0244 was approved to allow for the phasing of construction and also to allow changes to the previously approved drainage improvements so that Phase One could proceed independently, without the shared facilities that were previously approved. At the point where the automobile dealership was ready to proceed, Minor Variation, 08-0178, was approved to further modify the approved drainage improvements approved under 07-0244 and also for a minor increase in height and changes to the façade of the car dealership building. The car dealership was constructed under Building Permits #15076, #15077 and #15078 in accordance with the final approved plans and has been in operation since mid 2009.

The Conditions of Approval for the approved Commercial Development Permits restricted the hours of business for the dealership to 7:00 am - 7:00 pm daily. Auto service operations were further restricted to Monday through Friday only, and weekend repair and service was prohibited.

Earlier this year a complaint was received from an adjacent residential parcel regarding the unacceptable levels of noise disturbance from the car dealership that were associated with blow dryers at the car wash bay. It was reported that the car wash blowers were running frequently throughout the day from 7:00 am - 7:00 pm seven days a week. Following investigation into this complaint it was discovered that the dealership had commenced vehicle service operations on weekends and was not operating in compliance with all of the Conditions of Approval of Commercial Development Permits 05-0252, 07-0244 and 08-0178.

The restriction on service hours and days of operation was specifically imposed on the proposed car dealership by your Commission, thus there is the need for your review to amend this condition.

### **Proposal and Analysis**

This application seeks to amend the Conditions of Approval to allow for weekend servicing of vehicles at the existing automobile dealership and to also place limits on the operation of the car wash bay to mitigate disturbance to neighboring residential properties, from air blowers used for drying vehicles.

The project is located within the existing approved automobile dealership that fronts on Soquel Drive, just west of the intersection with 41<sup>st</sup> Avenue in Soquel. Vehicle servicing operations are all carried out within a completely enclosed service area that is located towards the rear of the dealership and behind the sales area. Additional service bays that open out to the rear of the building are used less frequently and are reserved for car detailing, wheel alignments and for the repair and re-conditioning of used trade-in vehicles. The car wash bay is located towards the rear, on the west side of the building, with the entrance facing an adjacent storage building at Store More America and also, obliquely, Carriker Lane, an adjacent street with single family residences.

To address initial noise concerns from the dealership and the storage facility, a sound wall was constructed along the property line at the rear of the dwellings on Carriker Lane where there is an opening between buildings on the Store More America property. This wall has been effective in reducing the noise impacts on adjacent residences from the storage facility and there have been no complaints received about noise disturbance from the vehicle service operations or car sales operations at the automobile dealership. However, this wall has proved insufficient to adequately deflect the sound of the blow dryers that are located at the entrance to the car wash.

The provision of weekend service hours is an extremely important component of the automobile dealership, enabling Ocean Honda to provide the best possible customer service for its clients and ensuring the continued success of the business. Since vehicle servicing is carried out entirely within enclosed service areas and does not create a significant noise disturbance to neighboring properties, no significant impacts are anticipated from this amendment to the original approval to allow for extended service operations. Proposed weekend service hours are to be limited to 7:00 am - 5:00 pm and all neighboring properties within 300 feet of the automobile dealership have been noticed as to this proposed change in operations, including the residential properties on Carriker Lane.

Use of the car wash was originally considered to be a service operation and was therefore limited to the hours of 7:00 am – 7:00 pm Monday through Friday. Along with the servicing of vehicles, use of the car wash is proposed to be extended to allow for weekend use during normal operating hours, since all vehicles that are serviced at the dealership receive a car wash. In addition, complimentary use of the car wash is also available for owners of cars purchased at the dealership. However, in order to address the noise concerns, use of the blow dryers after 5:00 pm on weekdays will no longer be allowed and use of the blow dryers at any time on weekends will be prohibited. Therefore the proposed amendment to the Commercial Development Permit will effectively reduce the excessive noise impacts from the dealership previously experienced by neighboring residential properties on weekday evenings and also ensure that there is no disturbance from the blow dryers on weekends.

### **Zoning & General Plan Consistency**

The subject property is a 4.08 acre lot, located in the C-4 (Commercial Service) zone district, a designation which allows commercial uses. The existing car dealership is a principal permitted use within the zone district and is consistent with the site's (C-S) Service Commercial General Plan designation. The proposed change to the operational conditions of the approved Commercial Development Permits for the property, to allow for servicing of vehicles at weekends will not significantly change or intensify the existing use of the site.

### **Design Review**

The existing approved car dealership complies with the requirements of the County Design Review Ordinance and no exterior changes are proposed as a part of this project.

### **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA) under Class 5: Minor Alterations to Land Use Limitations. The proposed modification of the Conditions of Approval for the car dealership, to allow for the servicing of vehicles at weekends in addition to the approved sales operations, is a minor modification to the Conditions of Approval for an existing approved Commercial Development Permit that will not significantly alter or intensify the existing use of the site. The car dealership, including for both car sales and the servicing of vehicles, is an allowed use in the C-4 zone district.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

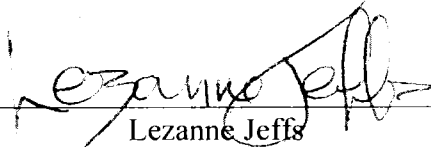
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

- **APPROVAL** of Application Number **111075**, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

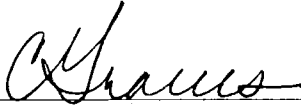
Report Prepared By: \_\_\_\_\_



Lezanne Jeffs

Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-2480  
E-mail: [lezanne.jeffs@co.santa-cruz.ca.us](mailto:lezanne.jeffs@co.santa-cruz.ca.us)

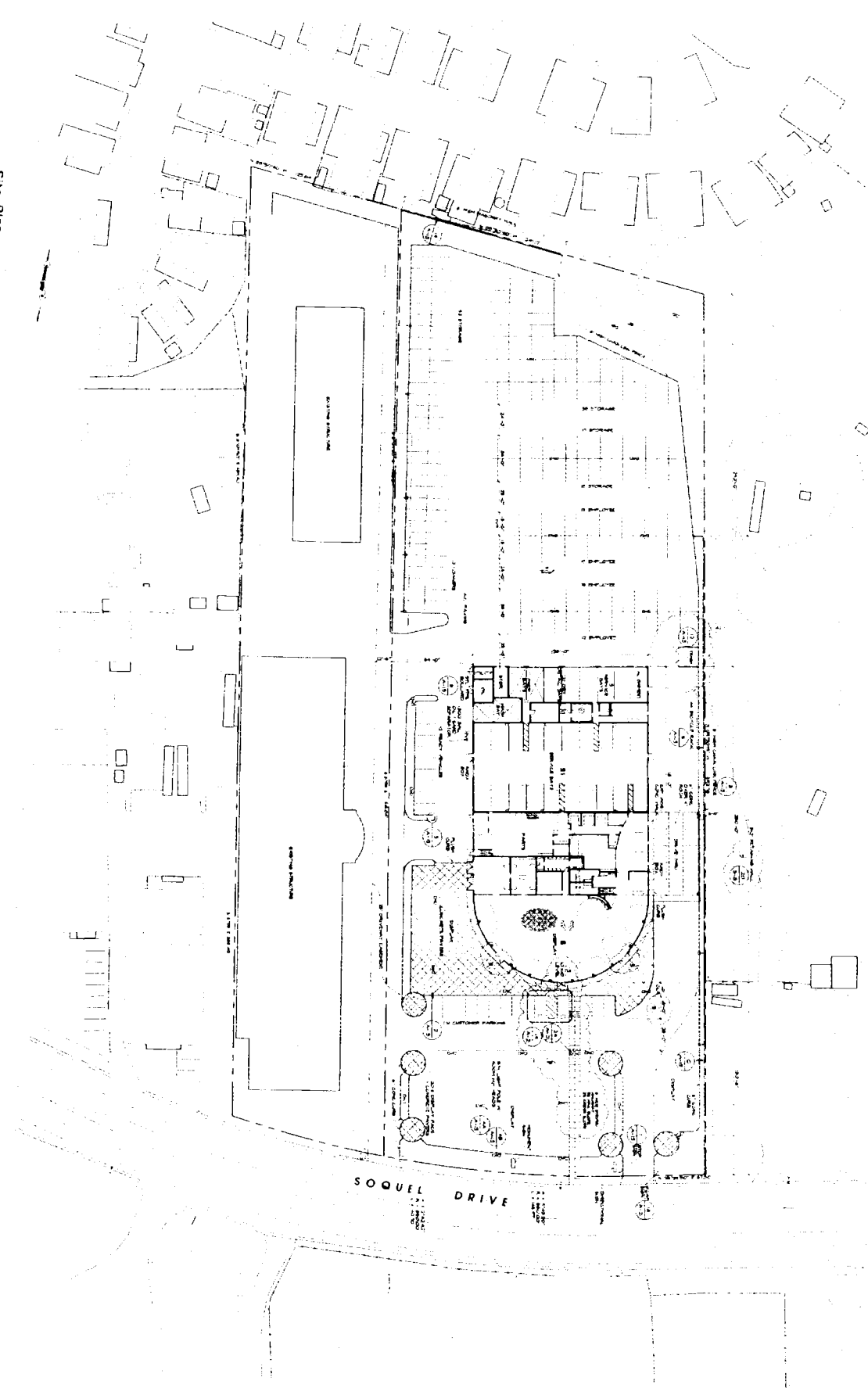
Report Reviewed By: \_\_\_\_\_



Cathy Graves  
Principal Planner  
Santa Cruz County Planning Department

Site Plan

1" = 50'-0"



REVISIONS	
NO.	DESCRIPTION
1	1.00
2	2.00
3	3.00
4	4.00
5	5.00
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Automobile Sales and Service

**OCEAN HONDA**

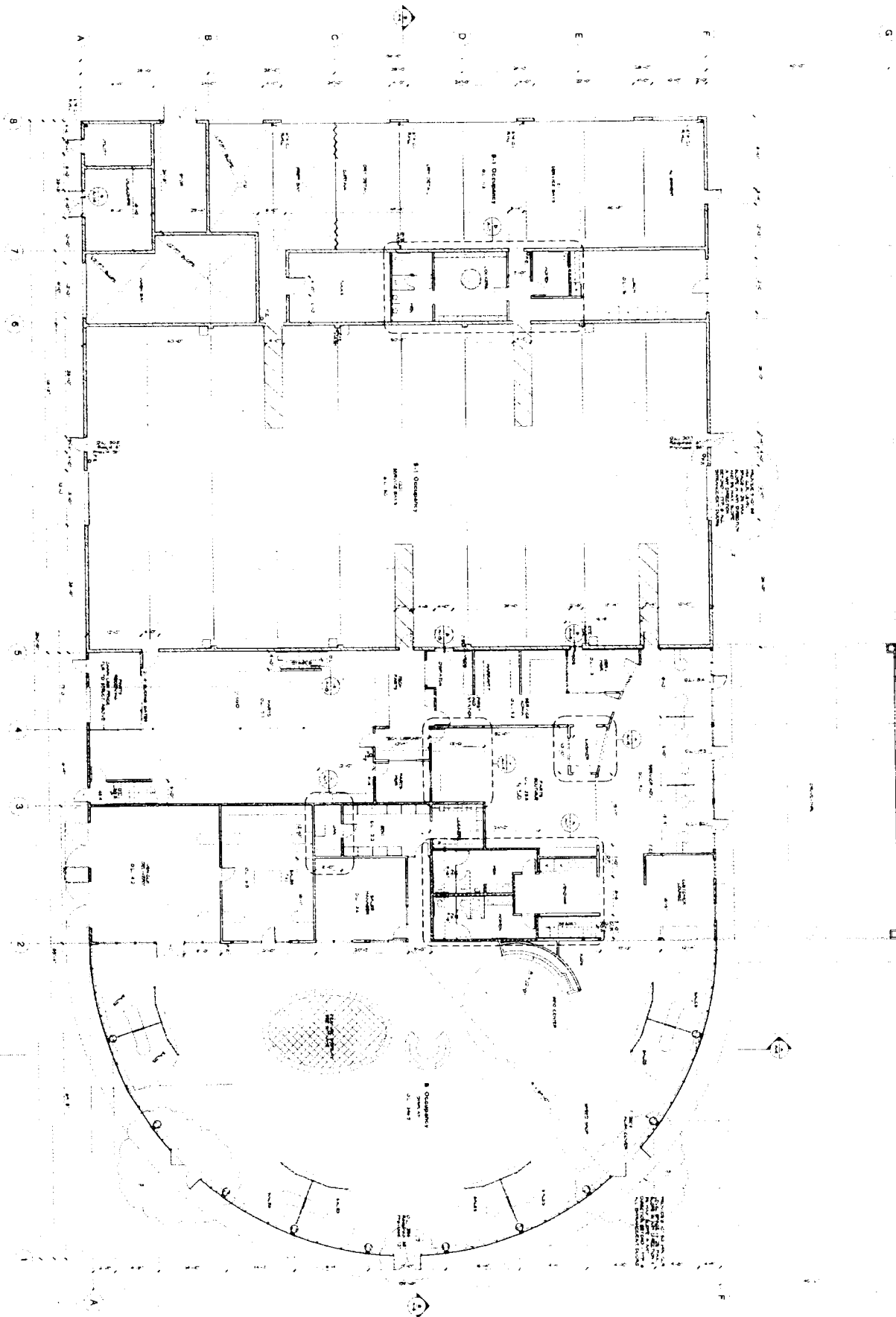
Soquel Drive, Soquel, CA



**AVANESSIAN ASSOCIATES**

ARCHITECTS

1000 GYSTER ROAD, SUITE 100  
SANTA MONICA, CALIF. 90405  
PHONE: (310) 394-7344  
FAX: (310) 394-1074  
E-MAIL: AVANESSIAN.COM



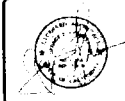
DRAWING SHEET A-2	Ground Floor Plan	DATE Feb. 26, 2008	1018	REVISIONS
				1. 2-26 2. 2-26 3. 2-26



Automobile Sales and Service

# OCEAN HONDA

Soquel Drive, Soquel, CA



**AVANESSIAN  
ASSOCIATES  
ARCHITECTS**  
CALIF. REG. C 4094  
400 OYSTER POINT BLVD. SUITE 110  
SOUTH SAN FRANCISCO, CA 94080  
VOICE: (650) 563-7144  
FAX: (650) 683-0978  
E-MAIL: AVASOC@AOL.COM

EXHIBIT A

## **Development Permit Findings**

- 1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.**

This finding can be made, in that the project is located in an area designated for service commercial uses and the proposed weekend hours for the servicing of vehicles at the car dealership will be carried out entirely within the existing approved car dealership. The structure was constructed in compliance with prevailing building technology, the California Building Code, and the County Building ordinance that insured the optimum in safety and the conservation of energy and resources. The proposed operational changes at the car dealership to allow for weekend servicing of vehicles, will not be materially injurious to properties or improvements in the vicinity in that no significant noise or other impacts will result from the service operations since all work is to be carried out within the existing service bays that are located in an enclosed area that retain any potentially detrimental sound levels within the building. In addition, use of the car wash will be restricted to minimize the noise impacts on neighboring properties. Air blow dryers will be required to be turned off during the weekend hours of operation and additional restrictions are to be imposed on the use of the blow dryers between 5:00 – 7:00 pm weekdays to further reduce noise impacts from those currently permitted. Use of the car wash with the blow dryers turned off will not be materially detrimental to neighboring properties since there is very little sound associated with washing operations.

- 2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.**

This finding can be made, in that the amended conditions under which the existing car dealership will be operated or maintained, to allow for the addition of weekend hours for the servicing of vehicles and restrictions on the use of the blow dryers at the car wash, will be consistent with all pertinent County ordinances and the purpose of the C-4 (Commercial Service) zone district. The primary use of the property will continue to be one car dealership with on-site vehicle sales and service operations that meets all current site standards for the zone district.

- 3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.**

This finding can be made, in that the proposed amendment to the existing commercial use is consistent with the use and density requirements specified for the Service Commercial (C-S) land use designation in the County General Plan.

The proposed weekend hours for the servicing of vehicles and the restrictions of the use of the blow dryers at the car wash will not impact the light, solar opportunities, air, and/or open space currently available to other structures or properties in the area as no physical changes are proposed to the car dealership building. Careful attention was given to landscaping, signage,

access, site and building design, drainage, on-site parking and circulation, sound walls, and the mitigation of anticipated nuisance factors, during the approval process for the existing car dealership. No physical changes are proposed to the structure and no significant nuisance will result from the amendment to the operational conditions to allow weekend hours for the servicing of vehicles. Excessive noise and other nuisance associated with the use of the blowers was unanticipated at the time of the original permit processing and this is to be addressed by the amendment to the permit to limit the hours that the blowers may be used to 7:00 am – 5:00 pm weekdays and use of the blowers is to be prohibited on weekends.

A specific plan has not been adopted for this portion of the County.

**4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

This finding can be made in that the expected level of traffic generated by the addition of weekend service hours is not anticipated to significantly increase existing levels of use at the dealership, although there may be some redistribution of traffic arrival and departure times. Therefore the proposed amendment to the operational conditions will not adversely impact existing roads and intersections in the surrounding area.

**5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.**

This finding can be made, in that the proposed change in the operational conditions of the approved car dealership will not alter the existing structure and will not materially intensify the existing use of the site.

**6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.**

This finding can be made, in that no physical changes are proposed to the existing approved car dealership.

## Conditions of Approval

Exhibit A. Project plans, 2 sheets, prepared by Avanessian Associates, Architects, dated 5/12/08.

I. This permit authorizes an amendment to the Conditions of Approval of 05-0252, 07-0244 and 08-0178 for an existing car dealership (Ocean Honda), to allow for the servicing of vehicles at weekends and to set a limit on the hours of operation of the blowers at the car wash bay. 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. Other than condition V.D. of the recorded Conditions of Approval, concerning hours of operation for vehicle sales and service operations, all conditions of permit numbers 05-0252, 07-0244 and 08-0178 are incorporated herein by reference and are also conditions of this approval.

II. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

B. The hours of business for the car dealership shall be between the hours of 7:00am to 7:00pm daily. Auto repair and service operations are limited to 7:00am to 7:00pm Monday through Friday and to 7:00am to 5:00pm on weekends.

C. Use of the blow dryers at the car wash is limited to between 7:00am to 5:00pm Monday through Friday. Use of the blowers is prohibited on weekends.

III. 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.

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In accordance with Chapter 18.10 of the County Code, 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 three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Cathy Graves

\_\_\_\_\_  
Lezanne Jeffs  
Principal Planner  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 111075  
Assessor Parcel Number: 030-061-26  
Project Location: 3801 Soquel Drive

**Project Description: To amend the Conditions of Approval and to allow for weekend servicing of vehicles.**

**Person or Agency Proposing Project: Michele Eveland**

**Contact Phone Number: (831) 464 1500**

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. \_\_\_\_\_ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. \_\_\_\_\_ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E.   X   **Categorical Exemption**

Specify type: Class 5: Minor Alterations to Land Use Limitations

**F. Reasons why the project is exempt:**

Amendment to the Conditions of Approval of prior Commercial Development approvals to allow for the servicing of vehicles at weekends and limit the hours of operation for blow dryers at the car wash bay.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

Date: \_\_\_\_\_

# FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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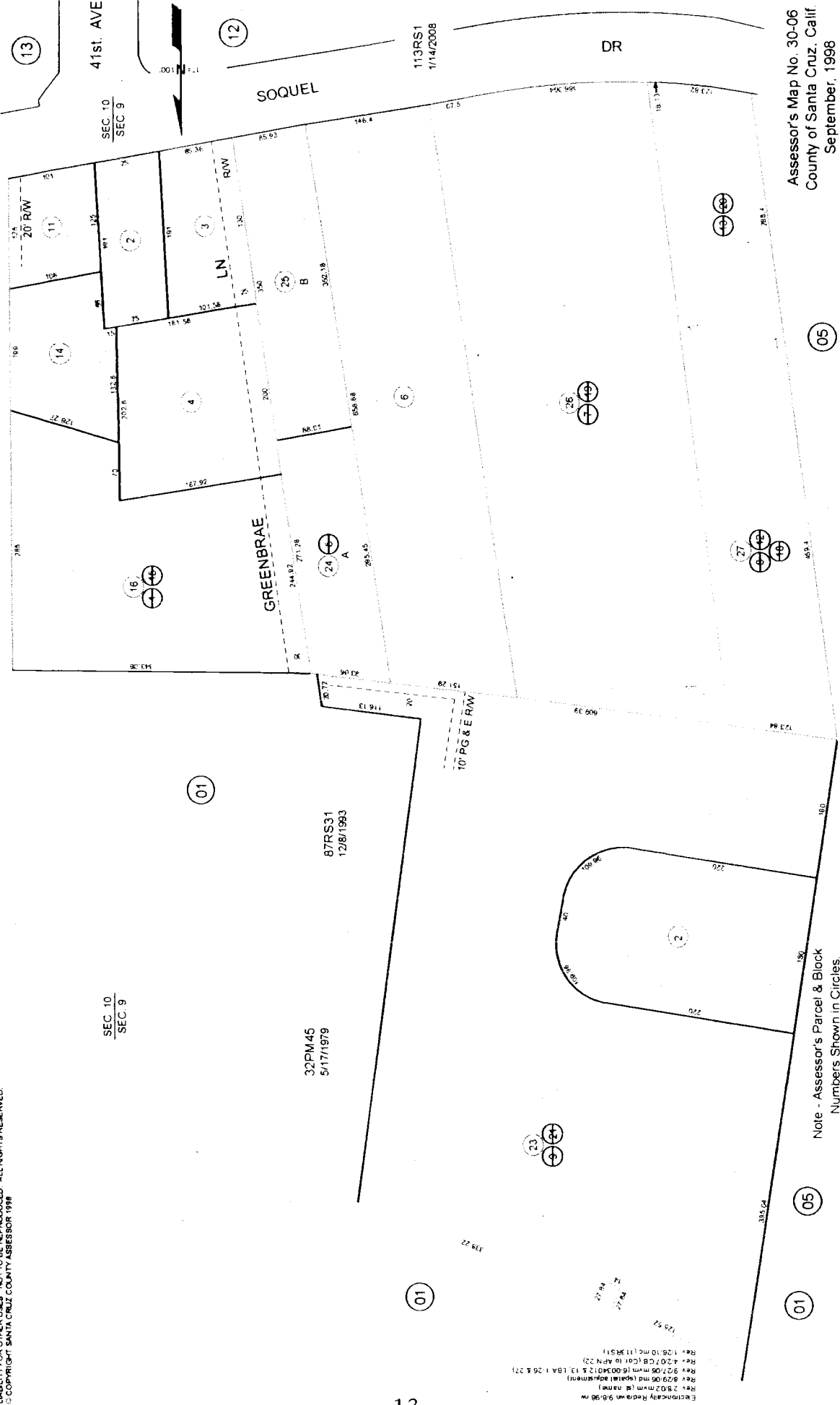
## POR. RANCHO ARROYO DEL RODEO

SEC. 9 & 10, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
96-103

(34)

30-06

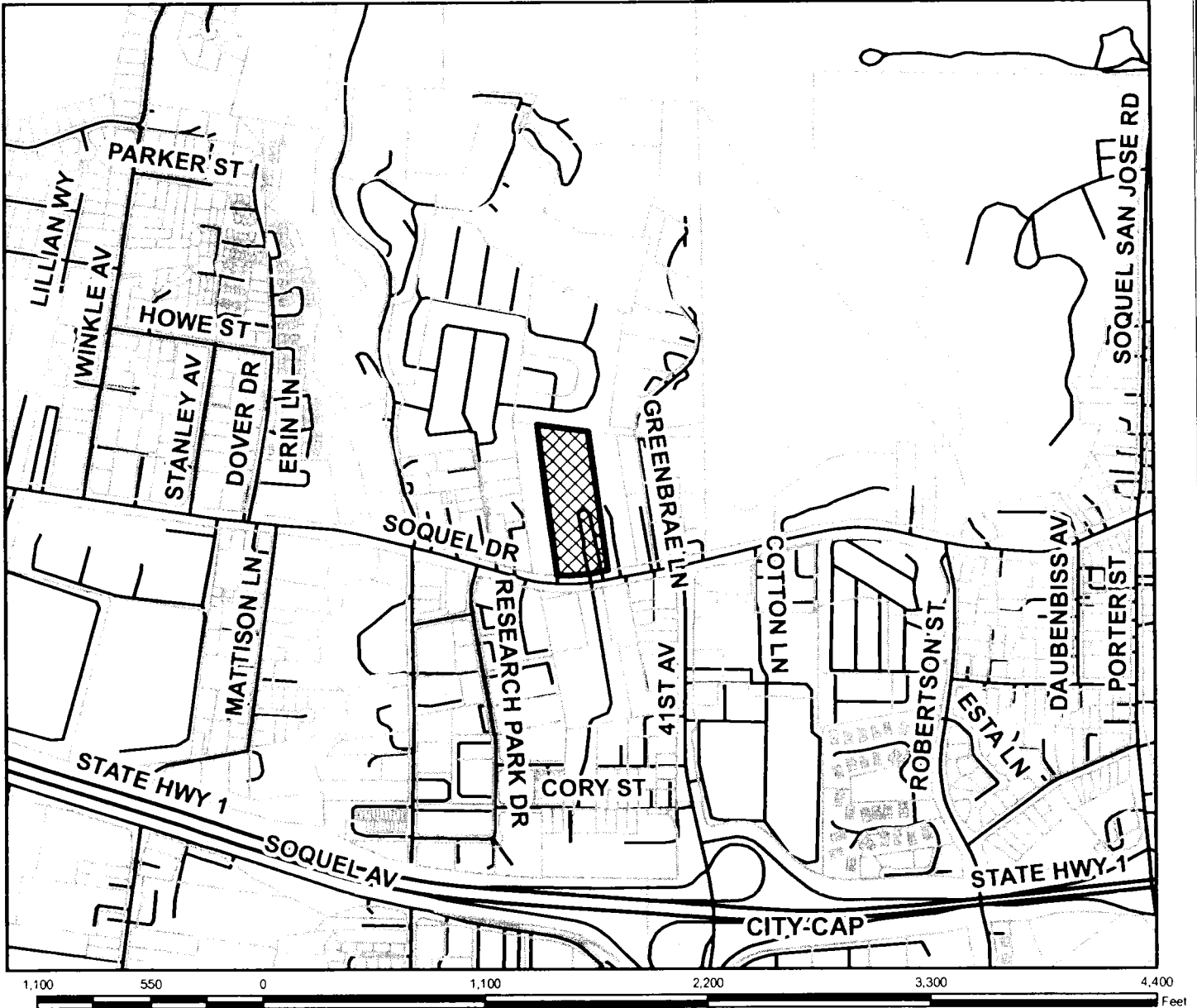


Assessor's Map No. 30-06  
County of Santa Cruz, Calif  
September, 1998

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.



# Location Map



## LEGEND



APN: 030-061-26



Assessors Parcels

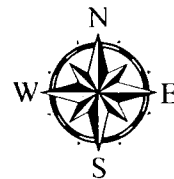


Streets



State Highways

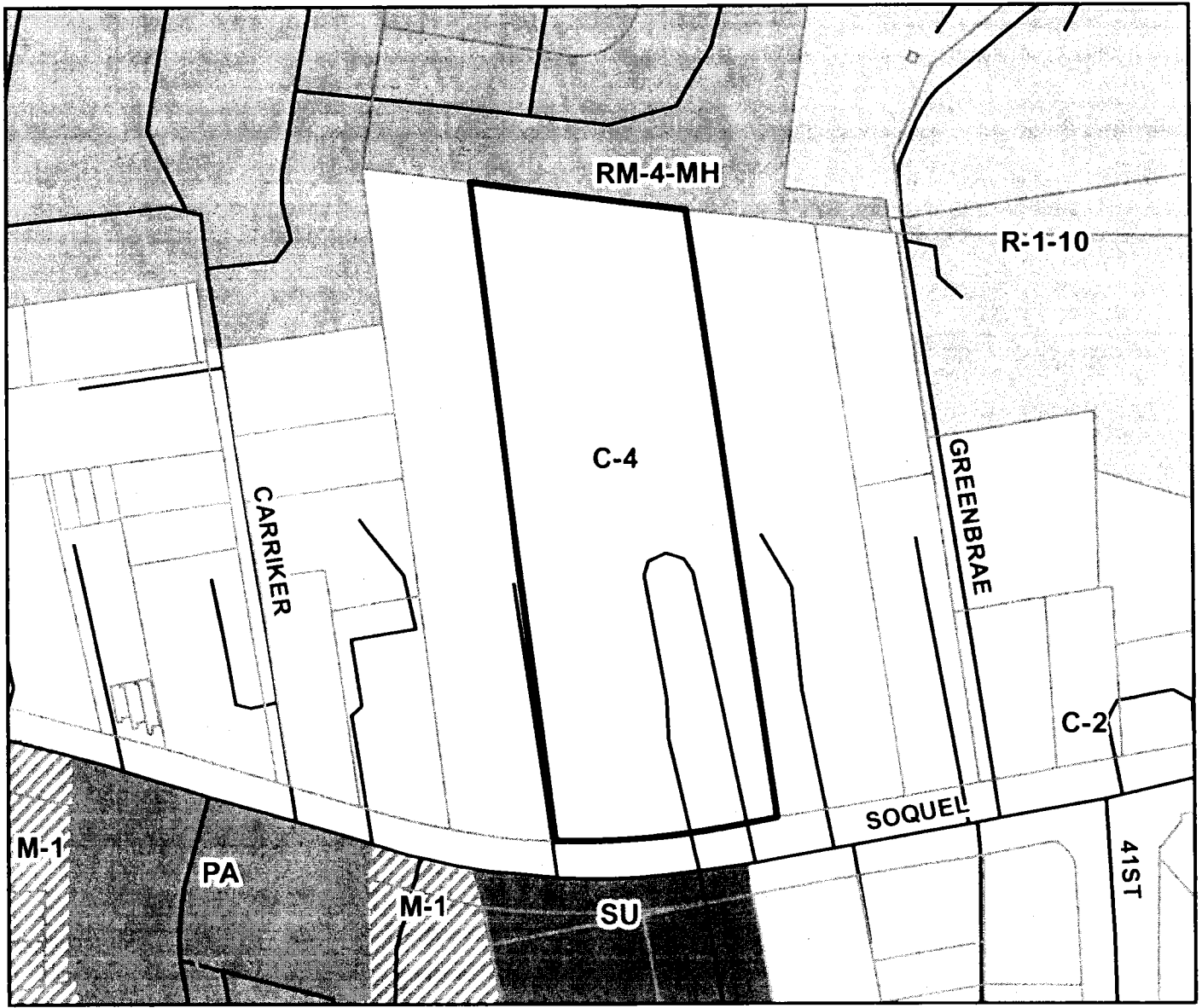
CAPITOLA



Map Created by  
County of Santa Cruz  
Planning Department  
May 2011

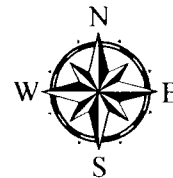


# Zoning Map



## LEGEND

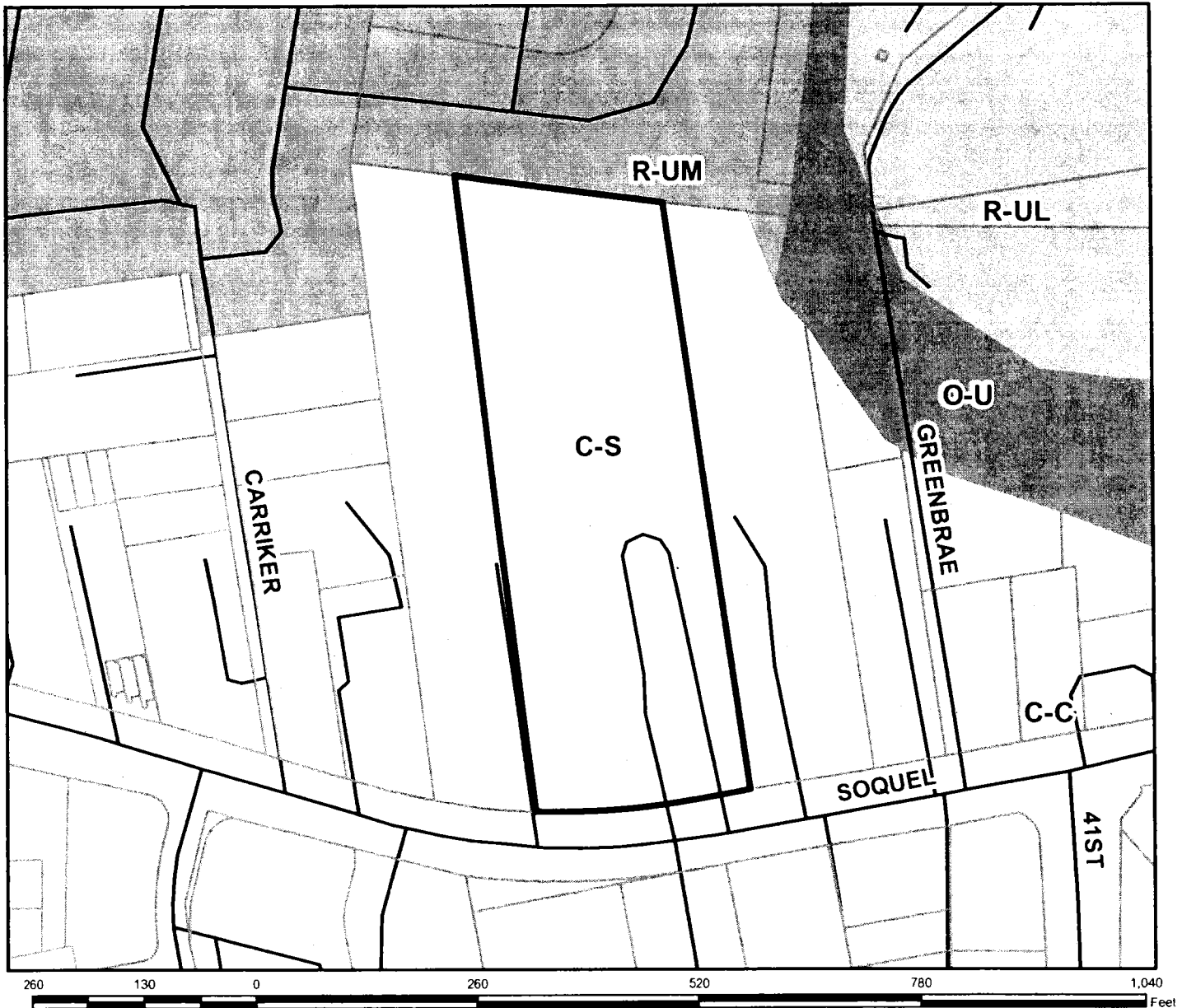
- APN: 030-061-26
- Assessors Parcels
- Streets
- COMMERCIAL-SERVICE
- COMMERCIAL-COMMUNITY
- RESIDENTIAL-SINGLE FAMILY
- RESIDENTIAL-MULTI FAMILY
- COMMERCIAL-PROF OFFICE
- SPECIAL USE
- LIGHT INDUSTRIAL



Map Created by  
County of Santa Cruz  
Planning Department  
May 2011

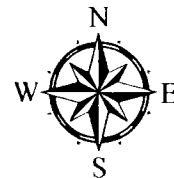


# General Plan Designation Map



## LEGEND

- APN: 030-061-26
- Assessors Parcels
- Streets
- Commercial-Service
- Commercial-Community
- Residential - Urban Low Density
- Residential - Urban Medium Density
- Urban Open Space



Map Created by  
County of Santa Cruz  
Planning Department  
May 2011



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

April 7, 2011

Jeff Cappel  
Cappel Properties LLC  
3939 Holden Drive  
Ann Arbor, MI 48103

Subject: **Ocean Honda**, 3801 Soquel Drive, Soquel CA 95073  
Compliance with the Conditions of Approval of Development Permit #: **05-0252**,  
Assessor's Parcel #: **030-061-26**

Dear Mr. Cappel,

I am writing to you with regard to recent complaints that have been received by the Planning Department from neighboring property owners, concerning noise from the car wash at your car dealership. It has been reported that jet air dryers at the car wash bay are running frequently throughout the day, 7 days a week from 7 a.m. to 7 p.m. and that the noise levels experienced by neighboring residential properties are excessive and unacceptable.

As a result we have looked into the Conditions of Approval for the Development Permit for the Dealership and believe that you are currently out of compliance with the original approval. Specifically, condition D. of the Operational Conditions (V.) states that "Auto repair and service operations are limited to 7 a.m. to 7 p.m. Monday through Friday. Weekend repair and service is prohibited." Use of the car wash bay would be considered to be a service operation and therefore weekend use would not be allowed. In addition, it appears that the use of a jet air dryer at the car wash bay was unanticipated at the time that the Development Permit was processed and therefore no specific mitigations were required to address potential noise concerns that might arise from that use.

In order to address the noise complaints and to be in compliance with the Development Permit, you will need to cease using the jet blow dryers at the car wash on weekends and also discontinue the unauthorized servicing and repair of vehicles on Saturdays. If you would like to continue the daily use of the dryers and/or to extend the allowed hours for vehicle servicing to allow for weekend use, an Amendment to the Development Permit would be required. This application would need to address all potential noise concerns and propose mitigation measures as recommended by a noise consultant that would adequately reduce noise output from the car wash bay and service bays.

Please feel free to visit our Zoning Counter during normal business hours, 8 a.m. to 12 p.m. and 1 p.m. to 3 p.m. Monday through Thursday, for information on the submittal requirements and fees to submit for an amendment to your permit. If you have any questions concerning this information, please contact me at your convenience, I would be happy to discuss this further.

Regards

Cathy Graves  
Principal Planner, Development Review  
(831) 454-3141  
[cathy.graves@co.santa-cruz.ca.us](mailto:cathy.graves@co.santa-cruz.ca.us)

April 5, 2011

Barbara Carriker  
3074 Carriker Lane  
Soquel, CA 95073  
831 818-5855

January 28, 2011

To whom it may concern:

I'm writing to express a concern over a noise issue. I live at 3074 Carriker Lane in Soquel .

A few years ago the Santa Cruz County Redevelopment Agency allowed a storage company to start a business on Soquel Drive near 41<sup>st</sup> Ave. They were required to build a 6' sound wall between their business and all the residences that abutted their property. The storage business has minimal, nonintrusive noise.

Shortly afterwards, Ocean Honda built their new auto dealer beside the storage company. Perhaps the redevelopment agency didn't realize that their car wash would be facing the yards of several residences on Carriker Lane and Rodeo Gulch Mobile Estates. The car wash has a blower feature that sounds a lot like a jet plane taking off. It runs about 30 seconds then stops.

Initially it wasn't too bothersome because it didn't come on that often and never on weekends. Now, the Honda business is doing very well and the jet blowers run frequently with excessive noise - 7 days a week from 7 a.m. to 7 p.m. Apparently every vehicle that is serviced gets washed , plus occasionally the whole fleet of the "for sale" vehicles gets washed if the wash truck is out of service.

I talked to the owner of Ocean Honda in August, 2010 (Steve John at that time) and he realized there was a problem. He had an insulation piece put above the top of the car wash opening. It didn't help but I appreciated the effort. There is a new owner now and I contacted the manager (Jonathan Davenport) when the insulation was knocked down. He had something installed but the noise is still horrendous.

I'm sure that when the Ocean Honda development was approved no one considered the loudness factor of car wash blowers. Changes need to be made. The level of noise is unacceptable.

Possible solutions:

- Close the car wash
- Use the car wash but not the blowers
- Move the car wash so it faces no residences
- Put a barricade outside the car wash to bounce the noise toward Soquel Dr.
- Limit usage of the car wash 9 - 5 and not on weekends
- Extend the height of the sound barrier

Sincerely,

  
Barbara Carriker

On Jan. 31, 2011 I called Ocean Honda to find out the name of the new owner – Jeff Cappel – so I could send him a copy of my letter. He happened to be on site at that moment ( I believe he lives in the eastern U.S.) I walked over and asked to meet with him. He was pleasant and listened to my comments, took a copy of the letter and said he'd check with the car wash manufacturer and see if there was a muffler available. He took my phone number, said to give him a little time, and he'd call me back.

March 17, 2011

I've waited about 6 weeks and haven't hear from him. So my next step is to contact agencies that have some control over excessive noise issues.

I'll add another possible solution to my list:

Use the truck wash-mobile that keeps the for sale cars clean. Mr. Cappel said that it's cheaper than using the car wash but perhaps slower.

Please check on the noise level and give me some input.

Thank you.

Barbara Carriker

Dropped a copy of this off at county building – secretary at building code dept.

March 23, 2011 I received a call (message) from Maureen at code compliance. She said that Honda is permitted to repair/service vehicles M – F from 7 a.m. to 7 p.m. I called Ocean Honda and asked about their weekend service/repair schedule. I was told that they're open from 8 – 4:30 on Saturdays which might explain why the carwash runs so often on Saturdays.

March 31, 2011 I called Maureen to pass along that info.

April 1 She returned my call and referred me to Kathy Graves at zoning.

## Lezanne Jeffs

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**From:** Lezanne Jeffs  
**Sent:** Monday, June 27, 2011 8:51 AM  
**To:** 'Barbara Carriker'  
**Subject:** RE: Ocean Honda

Barbara,

Thank you for your inquiry.

I wanted to let you know in advance of the public hearing that, in addition to allowing weekend service hours, this Amendment to the Development Permit for the Honda dealership includes for a restriction on the hours that the dryers at the car wash may be used. Although vehicle service hours during the week will remain the same, 7am – 7pm, the car wash blowers will now be required to be disabled after 5pm. At weekends the proposed service hours will be 7am – 5pm, but use of the car wash blowers will be prohibited. It is my understanding that the dealership has already voluntarily enacted these restrictions on the use of the blowers, ahead of the approval for increased vehicle servicing hours.

Best Regards,

*Lezanne*

Lezanne Jeffs  
Planner III, Development Review  
(831) 454 2480  
[lezanne.jeffs@co.santa-cruz.ca.us](mailto:lezanne.jeffs@co.santa-cruz.ca.us)

**From:** Barbara Carriker [mailto:[blcarriker@sbcglobal.net](mailto:blcarriker@sbcglobal.net)]  
**Sent:** Saturday, June 25, 2011 8:06 PM  
**To:** Lezanne Jeffs  
**Subject:** Ocean Honda

To Lezanne Jeffs:

I'm one of the residents near Ocean Honda who is concerned about the noise from the jet blowers in the car wash.

I see that you're applying for permits to service cars on weekends. I have no problem with the service or sales departments working every day. My only concern is car wash noise. Has anyone researched a noise dampening system for the blowers? I believe that Honda is responsible for being a good neighbor and should make every effort to reduce or eliminate the noise pollution caused by their jet blowers.

Sincerely, Barbara Carriker

## Lezanne Jeffs

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**From:** Lezanne Jeffs  
**Sent:** Monday, June 27, 2011 8:52 AM  
**To:** 'Gary Harrold'  
**Subject:** RE: Ocean Honda commercial development permit

Gary,

Thank you for your inquiry.

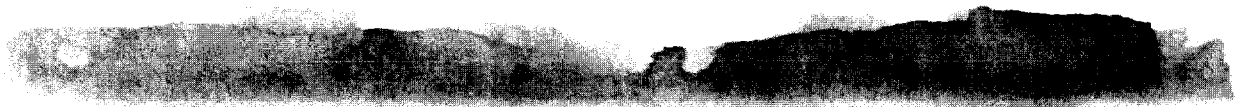
I wanted to let you know in advance of the public hearing that, in addition to allowing weekend service hours, this Amendment to the Development Permit for the Honda dealership includes for a restriction on the hours that the dryers at the car wash may be used. Although vehicle service hours during the week will remain the same, 7am – 7pm, the car wash blowers will now be required to be disabled after 5pm. At weekends the proposed service hours will be 7am – 5pm, but use of the car wash blowers will be prohibited. It is my understanding that the dealership has already voluntarily enacted these restrictions on the use of the blowers, ahead of the approval for increased vehicle servicing hours.

Best Regards,

*Lezanne*

Lezanne Jeffs  
Planner III, Development Review  
(831) 454 2480  
[lezanne.jeffs@co.santa-cruz.ca.us](mailto:lezanne.jeffs@co.santa-cruz.ca.us)

**From:** Gary Harrold [mailto:ghsoquel@yahoo.com]  
**Sent:** Sunday, June 26, 2011 8:16 AM  
**To:** Lezanne Jeffs  
**Subject:** Ocean Honda commercial development permit



**As a resident in Rodeo Mobile Estates, directly behind Ocean Honda, I am very concerned about the additional noise from the washing - and drying - and repairing of cars behind the facility. The noise pollution issue must be addressed. To help reduce the transfer of noise from Ocean Honda, perhaps the dealership could plant a bank of trees along the border between their property and the mobile home park. Thank you kindly for considering this important environmental issue. Gary Harrold 100 N. Rodeo Gulch Rd. #205 Soquel CA 95073 (831)462-1944 PS: I am contacting my supervisor, John Leopold, about this issue.**



2007-0004560

Recorded  
Official Records  
County of  
Santa Cruz  
GARY E. HAZELTON  
Recorder

REC FEE 61.00  
CC CONFORMED COP 2.00

09:40AM 25-Jan-2007 JRS  
Page 1 of 19

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor

Attention: Cathleen Carr  
Application #: 05-0252

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor

Attention: Cathleen Carr  
Application #: 05-0252

### CONDITIONS OF APPROVAL

Development Permit No. 05-0252  
Property Owner: Steven and Lesa John, Trustees  
Assessor's Parcel No.: 030-061-18, 19 and 20

- I. This permit authorizes the combination of Assessor's Parcel Numbers 030-061-18 and 030-061-20, to transfer about 28,102 square feet from APNs 030-061-18 and 20 to APN 030-061-19 the construction of a mini-storage complex comprised of two structures of 80,753 square feet (3 stories and a basement) and 20,832 square feet, a car dealership building of 38,800 square feet, to remove a grove of eucalyptus trees and invasive plants from a riparian corridor, to construct velocity dissipators for drainage outlets within the riparian buffer and restore the corridor using native species to grade about 16,000 cubic yards, and to install parking and access driveways, drainage improvements, curb, gutters and separated sidewalks and landscaping and to install more than one sign per parcel and exceed the aggregate allowable area of signs. 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. The effective date of this Commercial Development Permit is 31 days after the approval of the Board of Supervisors, which is the effective date of the C-4 zoning. Building and/or grading permits related to the Commercial Development Permit cannot be issued prior to the effective date.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

G. Pay a Negative Declaration De Minimis fee of \$25 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, and file the Notice of Determination.

H. Obtain the Construction Activities Storm Water General NPDES Permit from the State Water Resources Control Board for the site land clearing and grading.

I. Complete the Lot Line Adjustment. No parcel map is required. File the deeds of conveyance with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership.

1. The deed of conveyance from APN 030-061-20 to APN 030-061-18 must contain the following statement after the property description:

*"The purpose of the deed is to combine the above described portion of Assessors Parcel No. 030-061-20 with Assessors Parcel No. 030-061-18 as approved by the County of Santa Cruz under Application No. 05-0252. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."*

2. The deed of conveyance from APN 030-061-18 and 20 to APN 030-061-19 must contain the following statement after the property description:

*"The purpose of the deed is to combine the above described portion of Assessors Parcel No. 030-061-18 and 20 with Assessors Parcel No. 030-061-19 as approved by the County of Santa Cruz under Application No. 05-0252. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."*

3. The boundary adjustment and related reconveyance of the three subject parcels (APNs 030-061-18, 19 and 20) shall result in no more than two parcels of record.

II. Prior to issuance of a Building Permit the applicant/owner shall:

A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. Identify finish of exterior materials and color of roof covering for each building Planning Department approval. Any color boards must be in 8.5" x 11" format – two copies of each color board are required.

2. The final plans shall show the square footage for each story and the total square footage of each structure. The maximum allowed building area for each building is the following: mini-storage building 1 - 80,753 square feet total (3 stories and a basement including one 1,850 square foot office), Building 2 - 20,832 square feet (2 stories) and a car dealership building of 38,800 square feet (2 stories).
  3. Final grading, drainage, and erosion control plans.
  4. Show all improvements and specify all parking spaces (numbers and dimensions). The parking display pads shall not exceed 18 inches above grade.
  5. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.
  6. Provide construction details for the masonry sound wall.
- B. Submit four copies of the approved Discretionary Permit. The final plans shall include the Conditions of Approval. The Conditions of Approval shall be recorded on the property deeds prior to submittal.
- C. Submit 4 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, and pay any applicable review fees.
1. The soils report that includes detailed foundation preparation and design and site grading.
  2. The final plans shall incorporate the soils engineer's recommendations and shall reference the project soils report.
  3. The project soils engineer shall review the final building, grading and erosion control plans and shall approve the plans in writing. The soil engineer's review and approval letter shall reference the specific plans (dates and pages) reviewed. Submit 4 copies of the plan review and approval letter.
- D. Submit a final Grading and Erosion Control Plan. The final grading and erosion control plans shall include, but is not limited to, the following:
1. A schedule for accomplishing the earthwork and for complying with any Regional Water Quality Control Board and/or Monterey Bay Air Pollution

Control District requirements that limit the amount of area that is open for grading at any one time, specifically all land clearing, grading (except excavation work) and leveling is limited to 8.1 acres per day, and excavation work is limited to 2.2 acres per day.

2. A temporary sediment basin or other structure as required by Regional Water Quality Control Board and the Planning Department, shall be constructed where the northern section of permeable pavement is planned to go, and shall remain until the permeable pavement is ready to be installed.
  3. Notes indicating that the gravel bed and permeable pavement material at the north and south ends of the Honda property shall not be placed until other earthwork is completed and most of the site has vegetative or other cover. Pipes that lead to the permeable pavement areas shall remain capped until the filter material is installed.
  4. Temporary chain link fence demarcating the riparian setback boundary.
  5. Details of the destination for all exported material. Material may only go to a municipal landfill or other permitted receiving site. The plan shall include submittal of landfill tickets and grading permits that together account for all exported material.
  6. The final grading and erosion control plans shall specify that the land clearing and restoration of area "D" (the riparian corridor and buffer area) must start after April 15 (conditions allowing) and no later than August 1 to ensure completion prior to the onset of the rainy season.
  7. Earthwork is prohibited during the winter rain season (October 15 through April 15), unless a separate winter grading permit is approved by the Planning Director. Only earthwork located outside of the riparian setbacks may be considered for winter grading.
- E. Submit a final detailed riparian restoration plan for review and approval by Environmental Planning staff. The final restoration plan shall include, but is not limited to, the following:
1. The final plan shall include more diverse and more numerous native riparian understory plantings in Area "D".
  2. The plan shall include a specific maintenance plan to achieve long term control of non native invasive plants in the riparian areas, the timing of installation, chemical treatment of Eucalyptus stumps or complete removal of same, and an attempt to receive permission to remove any Eucalyptus close enough to influence the restoration area even if they occur on the adjacent property.
  3. Six (6) redwood trees shall be a minimum 48-inch box size, four (4) Coast

Live oak trees shall be a minimum 24-inch box size and five (5) Coast Live oak trees shall be a minimum 15-gallon size.

F. Submit a final Landscape Plan for the entire site specifying the species, their size, and irrigation plans, meeting the following criteria and conforming to all water conservation requirements of the Santa Cruz City Water Department water conservation regulations. The final landscape plan shall be consistent with the landscape plan in Exhibit A, with modifications to be consistent with the increased front setback and the patio design for the mini-storage parcel:

- 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. The street trees shall be a minimum size of 24-inch box trees of the species specified in Exhibit A, except that at least six (6) trees shall be 48-inch box size. The street trees shall be planted at 20-foot intervals within the landscape strip. **Crape Myrtles may be used as street trees immediately adjacent to the driveways, all other street trees shall be a mix of London Plane Tree and Brisbane Box.** Substitute species must be reviewed and approved by the project planner and Urban Designer.
- 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.
- 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.
- i. 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.

- ii. Irrigation within the critical root zones established in the Arborist's Report is prohibited. Irrigation outside of the critical root zone, but under the dripline of each existing oak shall be limited to very low flow drip-type emitters.
  - iii. 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.
  - iv. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - v. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- f. All planting shall conform to the preliminary plan shown as part of Exhibit A. Twenty-five percent (25%) of all trees in the landscaped areas (not including the restoration area D) shall be a minimum of 24-inch box size. The larger sized trees shall be distributed throughout the landscaping, with the exception of the street trees, which must be 24 and 48-inch box sizes.
- i. All landscaping shall be permanently maintained by the property owner including any plantings within the County right of way along the frontage of the property.
  - ii. Any trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
- g. The final landscape plan shall incorporate a minimum of 10 additional trees with a minimum 24-inch box size in the parking area next to the mini-storage and parallel to the driveway on the west side of the Honda dealership.

G. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. The final Drainage Plans shall include, but is not limited to, the following:

1. The final drainage plan must include silt and grease traps on all catch basins, and a monitoring and maintenance plan for these silt and grease traps.
2. Provide notation on the plans for permanent bold markings at each inlet that read: "NO DUMPING - DRAINS TO BAY".
3. The final plan shall show that through-curb drains are to be built. The plans shall conform with Figure ST-4B of the County Design Criteria.
4. Final plans shall utilize a clearer display of H:V ratio of the section views on Sheet C6.
5. Submit manufacturer's specifications for pervious pavement. A plan for maintenance of the pervious pavements shall be submitted with the drainage plan. The plan shall include periodic power washing and vacuuming, environmental remediation to encourage the breakdown of hydrocarbons (if recommended by the manufacturer), and any other periodic maintenance recommended by the manufacturer to assure the pavement remains pervious.

H. The applicant shall submit two copies of a final letter from the Environmental Health Services Hazardous Materials staff indicating that the hazardous materials remediation is complete. These copies shall be sent with the Zoning and Environmental Planning plan sets.

I. Meet all requirements of the Central Fire Protection District in their letter dated November 8, 2005 and pay any applicable plan check fee. The site plans shall show the following:

1. A public hydrant meeting the minimum 1,875 gallons per minute fire flow within 150 feet of any portion of any building.
2. Additional fire hydrants shall be installed at the car dealership at the front of the building, the right side of the main driveway, the rear of the dealership at the northeast corner along the fence line, 20 feet from the trash enclosure.
3. Additional fire hydrants shall be installed at the mini-storage facility on the island at the rear of the first building and at the rear of the second building.

J. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans must

indicate the location, intensity, and variety of all exterior lighting fixtures.

1. All lighting must be consistent with Title 24, Part 6, California Code of Regulations, Energy Efficiency Standards for Non-Residential Buildings.
  2. All lighting shall be directed downward onto the site and shielded such that there is no overspill onto adjacent properties. The lighting plan shall show that all lights shall be directed away from the riparian corridor and any lights close enough to illuminate the corridor shall be shielded in that direction.
  3. To minimize excess lighting and energy use a 2 or 3 tier light timing system is required. This system shall turn off a minimum of  $\frac{1}{2}$  and up to  $\frac{2}{3}$  of all parking lot lights after business hours to minimize energy use.
  4. Copies of the catalog sheet(s) depicting the proposed parking lot lights shall be submitted with the building plans.
- K. Submit a final signage program that reflects the following limitations, and is otherwise constant with the submitted preliminary sign program:
1. A maximum of two signs on the mini-storage parcel. The sign at the Soquel frontage shall advertise the business in the 1,850 square foot office space and shall not exceed 40-square feet total. The vertical dimension of this sign shall not exceed 3.5 feet. The proposed mini-storage sign on the eastern façade shall not exceed 50 square feet with maximum dimensions of 4 feet by 12.5 feet.
  2. Final designs, coloration and sample materials of the mini-storage signs shall be submitted for review and approval of the Urban Designer.
  3. The Honda car dealership signs shall meet the following criteria:
    - a. No more than two (2) Honda icon signs with a maximum of 30 square feet each (5'x 6' each, 60 square feet total).
    - b. One "Honda" sign at 36 square feet maximum (2'x18').
    - c. One Dealership name (Ocean) sign at 20 square feet maximum (~2'x10').
    - d. Three (3) service reception signs at 12 square feet maximum each (36 square feet total).
    - e. One Directional sign at 48 square feet maximum. The sign shall not exceed seven (7) feet in height and shall meet the 10-foot setback from the travel lane specified in the traffic report and a minimum setback of 5 feet from the right-of-way. The monument sign shall not obstruct vehicular sight distance or pedestrian

circulation.

- f. One Monument sign – Honda, 50 square feet maximum. The monument shall not exceed seven (7) feet in height and shall meet the 10-foot setback from the travel lane specified in the traffic report and a minimum setback of 5 feet from the right-of-way. The monument sign shall not obstruct vehicular sight distance or pedestrian circulation.
- L. Pay the current fees for Child Care mitigation. For the Honda dealership current fees are \$0.23 per square foot (38,800 square feet x \$0.23 is \$8,924). For the Store More facility these fees are \$0.12 per square foot for the mini-storage facilities and \$0.23 per square foot for the business office, respectively (99,785 x \$0.12 and 1,850 x \$0.23 is \$12,399.70)
- M. Pay the current fees for Roadside and Transportation improvements for the project. Currently, the Soquel TIA fee is \$208 per trip end for transportation improvement fees and \$208 per trip end for roadside improvement fees (a total of \$416 per trip). The total anticipated Soquel TIA fees for Ocean Honda is \$181,792 (437 daily trips x \$416), and for Store More is \$64,064 (154 daily trips x \$416).
- N. Provide all required off-street parking. Parking spaces shall meet County standards for the dimensions and numbers of compact, regular and ADA accessible parking set forth in County Code section 13.10.550. All parking must be located entirely outside vehicular rights-of way. Parking must be clearly designated and numbered on the plot plan. The plan must comply with all provisions of the ADA and State law regarding the number and size of accessible parking spaces. The number of required spaces are as follows:
  - 1. For the mini-storage and business office facility provide parking for 51 cars. Nine (9) of the 51 parking spaces shall be reserved for the business at the Soquel frontage.
  - 2. For the car dealership, 129 parking spaces are required for employees, customers and cars in for repair. An additional 92 parking spaces are permitted for additional stock and display. Bicycle parking for up to 39 bicycles shall be provided on site.
- O. Final plans shall meet all requirements of the Santa Cruz County Sanitation District.
- P. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- Q. Submit an Encroachment Permit application to the Department of Public Works for all off-site work performed in the County road right of way. The Encroachment Permit application may be filed prior to the building permit

application.

1. The Encroachment Permit plans shall include all frontage improvements for APNs 030-061-18, 19 and 20, and
2. The final Encroachment Permit plans shall include the bus turnout sidewalk and shelter on APNs 030-061-06 and 25.
3. This work is eligible for TIA fee credit.

III. Prior to site disturbance and during construction:

- A. The applicant shall organize a pre-construction meeting prior to any site disturbance. The following parties shall attend this meeting: the applicant, grading contractor supervisor, Santa Cruz County Resource Planning and Grading staff, and the project geotechnical engineer. The temporary construction fencing demarcating the riparian setback boundary will be inspected at that time. A detailed list of properties that will receive exported fill will be collected and valid permits for each of the proposed sites will be inspected.
- B. The applicant shall complete a raptor nesting survey prior to tree removal in and around the riparian area. Two copies of this study shall be submitted to the Environmental Planning section of the Planning Department.
- C. 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. All land clearing, grading (except excavation work) and leveling is limited to 8.1 acres per day.
  2. Excavation work is limited to 2.2 acres per day.
  3. Grading activities are prohibited during periods of winds exceeding 15 mph.
  4. Each day it does not rain, wet all exposed soils frequently enough to prevent significant amounts of dust from leaving the site. The minimum watering schedule for graded/excavated areas shall be at least twice daily. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
  5. The temporary access driveway(s) and road(s) shall be surfaced with rock and wheel washers shall be installed at the entrance for all trucks leaving the site to avoid dirt and dust leaving the site.
  6. Chemical soil stabilizers shall be applied on inactive construction areas (disturbed lands within the construction project that are unused for at least

four consecutive days).

7. Non-toxic binders shall be applied to exposed cut and fill areas or exposed slopes after construction and shall be hydroseeded.
  8. All inactive stockpiles shall be covered at all times.
  9. During grading and construction, a temporary barrier shall be placed along the perimeter western and northern property lines to minimize dust, noise and trespass issues onto the adjacent developed properties.
  10. Limit all construction-related activities to the time between 8:00 AM and 5:00 PM weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation. 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; on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on site, and shall include the language "for construction noise and dust problems call the 24-hour contact number." The disturbance coordinator shall record the name, phone number, and nature of the disturbance. 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 the County staff from area residents may result in the inclusion of additional construction conditions, at the discretion of the Planning Director.
- D. The use of Soquel Drive between 41<sup>st</sup> Avenue and the Soquel Village by dump trucks, delivery trucks or heavy equipment is prohibited.
- E. Saw cuts within the traveled roadway that cause temporary depressions in the surfacing prior to repair shall be leveled with temporary measures and signage shall be posted noting such.

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.

- G. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site or enter the riparian corridor.
- H. All foundation excavations shall be observed and approved in writing by the

project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.

IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building and Grading Permit plans shall be installed.
- B. All inspections required by the building and grading permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. All riparian restoration shall be completed, inspected and approved by Environmental Planning staff.
- E. The bus pullout, sidewalk and shelter shall be constructed by the applicant/developer and fully operational prior to final clearance of the building permit and issuance of the Certificate of Occupancy for either the Honda or Store-More structures.
- F. If the bus stop/pull out improvements are not completed and operational prior to the building permit final/Certificate of Occupancy for the Honda and/or Store-More facilities, the project shall provide adequate securities as determined by the Planning Director, to guarantee construction of these improvements.
- G. The installation of the off-site bus pullout, sidewalk and shelter shall be eligible for TIA fee credit including fair market value reimbursement for necessary right-of-way acquisition, if the developer installs these improvements.

V. Operational Conditions

- A. To minimize excess lighting and energy use a 2 or 3 tier light timing system is required. This system shall turn off a minimum of 1/2 and up to 2/3 of all parking lot lights after business hours to minimize energy use.
- B. Outdoor supplemental advertising such as banners, streamers, temporary signs, flagging strung from the light standards, inflatable figures or other inflatable devices, large advertising balloons or the like (small helium balloons are excluded) is prohibited, with the exception that banners and 12-inch balloons are allowed to announce special sales events up to four times per year (maximum 7 days each) and are limited to corporate promotions only. Each banner shall not exceed 20 square feet in size.
- C. All signs shall utilize lighting in accordance with County Code Section 13.10.580.

D. The hours of business for the car dealership, mini-storage and the business office shall be between the hours of 7 am to 7 pm. Auto repair and service operations are limited to 7 am to 7 pm, Monday through Friday. Weekend repair and service is prohibited.

E. The use of public address systems or other loudspeakers are prohibited on both the mini-storage and car dealership sites.

F. Signs shall be posted and maintained at the mini-storage site stating that engines be turned off during loading and unloading and that loud music/radios are prohibited at all times.

G. A manager shall be on-site at the mini-storage facility during business hours.

H. The use of Soquel Drive between 41<sup>st</sup> Avenue and the Soquel Village by delivery trucks is prohibited.

I. The following uses are allowed on the mini-storage parcel:

1. Storage of commercial goods or self storage of personal goods.
2. Storage of items for sale via internet auctions.
3. On-site and/or live auctions are prohibited in the mini-storage and the business office areas.
4. A 1,850 square foot "business office" in the first mini-storage building. The initial use and future changes in use for this portion of the structure shall be processed at Level 1 review provided that:
  - a. The area does not exceed 1,850 square feet in size, and
  - b. The use is parcel shipping and private mailing/post office services, or
  - c. The use is an allowed use in the C-4 zone district under "Commercial Services, Neighborhood" in County Code Section 13.10.332, or
  - d. The use is an allowed use in the C-4 zone district under "Commercial Services, General" in County Code Section 13.10.332, or
  - e. The use is allowed ancillary in the C-4 zone district under "Offices" in County Code Section 13.10.332 except that medical, veterinary and dental offices are prohibited.

J. Community retail sales uses that are allowed as ancillary uses in the C-4 zone district under "Retail Sales, Community" in County Code Section 13.10.332 shall

require a Level 3 Use Approval.

- K. The uses allowed on the car dealership parcel are a Honda car dealership with related sales and service. Change of use to a different car manufacturer requires a Level 3 Use Approval.
- L. Significant amendments to this Use Permit, unless specifically addressed within these Conditions of Approval, shall be processed as a Level 6 application.
- M. All runoff shall be filtered through silt and grease traps prior to leaving the site. The traps shall be maintained according to the following monitoring and maintenance procedures:
1. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 of each year at a minimum.
  2. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- N. Pervious pavement shall be maintained per the plans submitted with the original drainage plan (reference Condition II.G.5). Manufacturer's specifications for power washing, vacuuming or other remediation shall be followed. A brief annual report shall be submitted to the Planning Department prior to October 15 of each year describing the maintenance that was completed in the previous year.
- O. All landscaped areas and related irrigation systems shall be permanently maintained. All irrigation shall conform to the required water conservation measures as regulated by the City of Santa Cruz Water Department. Dead plant material shall be removed and replaced consistent with the approved Exhibit A. The property owner(s) is responsible for the ongoing health and care of all landscaping on the site. Any dead or dying street trees shall be promptly removed and replaced with a minimum 24-inch box tree. Substitute species must be approved in advance by the Planning Director. Street trees shall not be topped or otherwise trimmed to shorten their height.
- P. Any dead or dying street trees within the riparian restoration area shall be promptly removed and replaced with a like-sized tree (minimum 15-gallon size).
- Q. Test drives are prohibited on North Rodeo Gulch Drive. All employees of the car dealership shall be advised of this operational condition.
- R. Display cars shall not be placed on platforms, trailers or similar items that exceed 18 inches above grade.
- S. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

T. The riparian restoration shall be monitored and inspected by the project biologist for a 5-year period. An annual inspection report shall be submitted to Environmental Planning staff. The report shall include recommendations for replacement or any maintenance needed. All recommendations shall be implemented by the developer.

IV. 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.

V. Mitigation Monitoring. The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effect on the environment. As required by Section 21081.6 of the California Public Resource Code, a monitoring and reporting program for the above mitigation is

hereby adopted as a condition of approval for this project. This 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: Pre-Construction Meeting (Condition III.A)

Monitoring Program: Prior to the commencement of construction, an on-site pre-construction meeting will be held to discuss the required mitigation measures as listed below (C and E) and the dust and sediment control requirements. The Environmental Planning Section of the Planning Department will be responsible for conducting the meeting.

B. Mitigation Measure: Supplemental Soils Report (Condition II.C)

Monitoring Program: Prior to approval of the building permit, Environmental Planning staff will be responsible to verify that a supplemental construction-specific soils report has been submitted with the building permit application, and that the project soils engineer has reviewed and provided written verification that the plans conform to the report's recommendations. In addition, the Environmental Planning Civil Engineer will review and determine if the soils report can be accepted as meeting the County's requirements for Soils Reports prior to approving the building plans.

C. Mitigation Measure: Erosion and Sediment Control (Conditions II.D.1-7, III.B.1-10 and III.F.)

Monitoring Program: Prior to issuance of a Grading Permit, detailed erosion control and grading plans will be reviewed and accepted by the Environmental Planning Section of the Planning Department. Inspections will be conducted to verify all erosion control measures are being used correctly. Correction notices will be issued in the event of noncompliance by the Environmental Planning Section's grading staff.

D. Mitigation Measure: Water Quality (Conditions II.G.1 and V.K.1-2)

Monitoring Program: The Department of Public Works will review the final drainage plans prior to building permit issuance. Prior to occupancy of the new car dealership and the mini-storage facility, the Department of Public works shall inspect and approve the installation of the required silt and grease traps. Correction notices will be issued for non-compliance with the approved construction plans.

E. Mitigation Measure: Riparian Protection and Restoration (Conditions II.J.2 and II.E.1-3, V.T.)

Monitoring Program: Prior to issuance of the Building Permit, the project planner and Urban Designer will review the lighting plan to verify that shielding is

proposed. If the lights are not properly shielded after operations, correction notices will be issued for non-compliance with the approved permit conditions. Prior to Building and Grading Permit approval and issuance, the revised restoration plans must be reviewed and accepted by the Environmental Planning Section of the Planning Department. Inspections will be conducted to verify all required plantings have been completed and that all invasive species have been eradicated prior to finaling the building permit and allowing occupancy of the car dealership building by the Environmental Planning Section staff. The riparian restoration shall be monitored and inspected by the project biologist for a 5-year period. An annual inspection report shall be submitted to Environmental Planning staff. The report shall include recommendations for replacement or any maintenance needed. Environmental Planning staff will be responsible for verifying that monitoring and maintenance are completed.

F. Mitigation Measure: Hazardous Materials (Condition II.H.)

Monitoring Program: Prior to approval and issuance of the Building Permit, the project planner will verify that a final letter from the Environmental Health Services Hazardous Materials staff indicating that the hazardous materials remediation is complete has been received.

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

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

**Approval Date:** June 6, 2006

**Effective Date:** July 7, 2006 (Commercial Development Permit, C-4 zoning and C-S General Plan)

**Expiration Date:** July 7, 2008

By signing below, the owner agrees to accept the terms and conditions of approval of Application 05-0252 and to accept responsibility for payment of the County's cost for inspections and a "other action related to noncompliance with the permit condition. The approval of Application 05-0252 is null and void in the absence of the owner's signature below.

Executed on January 24<sup>th</sup>, 2007.  
(date)

Property Owner(s) signatures:

by Steve M. Americal Seguel, LLC  
(Signature) Robert J. Marani - chief Development  
(Signature) Robert J. Marani - chief Development  
(Print Name) officer

(Signature)

(Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT  
SHALL BE ATTACHED.**

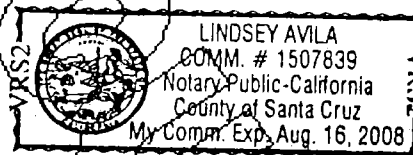
STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ } ss

On 01/24/2007 before me Lindsey Avila, notary public  
personally appeared Robert J. Marani personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or,  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Lindsey Avila  
(Signature of Notary Public)



This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

COUNTY OF SANTA CRUZ

By:

Chris S. [Signature]  
Planning Department Staff

Dated:

1/25/07

By signing below, the owner agrees to accept the terms and conditions of approval of Application 05-0252 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 05-0252 is null and void in the absence of the owner's signature below.

Executed on 1/23/07  
(date)

Property Owner(s) signatures:

(Signature)

STEVE JOAN

(Print Name)

(Signature)

(Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT  
SHALL BE ATTACHED.**

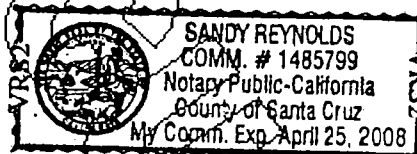
STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On January 23, 2007 before me Sandy Reynolds, Notary Public  
personally appeared Steven John personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or,  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Sandy Reynolds  
(Signature of Notary Public)



This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

COUNTY OF SANTA CRUZ

By:

Chris Sciacc  
Planning Department Staff

Dated:

1/25/07

## Conditions of Approval

Exhibit A. Architectural plans, five sheets, prepared by Avanessian Associates, dated 5/12/08  
Engineered plans, 12 sheets, prepared by Bowman & Williams, dated 4/22/08.

This permit authorizes the construction of an automobile sales and service building. The applicant shall address any remaining deficiencies for Building Permit 65492L, pay all applicable fees as required by Permit 05-0252 and pick up the building permit. The following conditions apply to construction and the operation of the use.

I. Prior to site disturbance and during construction:

- A. The applicant shall organize a pre-construction meeting prior to any site disturbance. The following parties shall attend this meeting: the applicant, grading contractor supervisor, Santa Cruz County Resource Planning and Grading staff, and the project geotechnical engineer. The temporary construction fencing demarcating the riparian setback boundary will be inspected at that time. A detailed list of properties that will receive exported fill will be collected and valid permits for each of the proposed sites will be inspected.
- B. The applicant shall complete a raptor nesting survey prior to tree removal in and around the riparian area. Two copies of this study shall be submitted to the Environmental Planning section of the Planning Department.
- C. 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. All land clearing, grading (except excavation work) and leveling is limited to 8.1 acres per day.
  - 2. Excavation work is limited to 2.2 acres per day.
  - 3. Grading activities are prohibited during periods of winds exceeding 15 mph.
  - 4. Each day it does not rain, wet all exposed soils frequently enough to prevent significant amounts of dust from leaving the site. The minimum watering schedule for graded/excavated areas shall be at least twice daily. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
  - 5. The temporary access driveway(s) and road(s) shall be surfaced with rock and wheel washers shall be installed at the entrance for all trucks leaving the site to avoid dirt and dust leaving the site.
  - 6. Chemical soil stabilizers shall be applied on inactive construction areas

(disturbed lands within the construction project that are unused for at least four consecutive days).

7. Non-toxic binders shall be applied to exposed cut and fill areas or exposed slopes after construction and shall be hydroseeded.
  8. All inactive stockpiles shall be covered at all times.
  9. During grading and construction, a temporary barrier shall be placed along the perimeter western and northern property lines to minimize dust, noise and trespass issues onto the adjacent developed properties.
  10. Limit all construction-related activities to the time between 8:00 AM and 5:00 PM weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation. 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; on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on site, and shall include the language "for construction noise and dust problems call the 24-hour contact number." The disturbance coordinator shall record the name, phone number, and nature of the disturbance. 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 the County staff from area residents may result in the inclusion of additional construction conditions, at the discretion of the Planning Director.
- D. The use of Soquel Drive between 41<sup>st</sup> Avenue and the Soquel Village by dump trucks, delivery trucks or heavy equipment is prohibited.
- E. Saw cuts within the traveled roadway that cause temporary depressions in the surfacing prior to repair shall be leveled with temporary measures and signage shall be posted noting such.
- F. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- G. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the

immediate construction site or enter the riparian corridor.

- H. All foundation excavations shall be observed and approved in writing by the project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.
- II. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building and Grading Permit plans shall be installed.
  - B. All inspections required by the building and grading permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. The applicant shall submit a detailed plan to accommodate the 2 or 3 tier light timing system as required by Permit 05-0252. This system shall turn off a minimum of  $\frac{1}{2}$  and up to  $\frac{2}{3}$  of all parking lot lights after business hours to minimize energy use.
  - E. Submit a final signage program that reflects the following limitations, and is otherwise constant with the submitted preliminary sign program:
    - 1. No more than two (2) Honda icon signs with a maximum of 30 square feet each (5'x 6' each, 60 square feet total).
    - 2. One "Honda" sign at 36 square feet maximum (2'x18').
    - 3. One Dealership name (Ocean) sign at 20 square feet maximum (~2'x10').
    - 4. Three (3) service reception signs at 12 square feet maximum each (36 square feet total).
    - 5. One Directional sign at 48 square feet maximum. The sign shall not exceed seven (7) feet in height and shall meet the 10-foot setback from the travel lane specified in the traffic report and a minimum setback of 5 feet from the right-of-way. The monument sign shall not obstruct vehicular sight distance or pedestrian circulation.
    - 6. One Monument sign – Honda, 50 square feet maximum. The monument shall not exceed seven (7) feet in height and shall meet the 10-foot setback from the travel lane specified in the traffic report and a minimum setback of 5 feet from the right-of-way. The monument sign shall not obstruct vehicular sight distance or pedestrian circulation.

- F. All riparian restoration shall be completed, inspected and approved by Environmental Planning staff.
- G. The bus pullout, sidewalk and shelter shall be constructed and fully operational prior to final clearance of the building permit and issuance of the Certificate of Occupancy for either the Honda or Store-More structures.
  - 1. If the bus stop/pull out improvements are not completed and operational prior to the building permit final/Certificate of Occupancy for the Honda and/or Store-More facilities, the project shall return to your Board on the consent agenda for consideration of waiving this requirement.
  - 2. The installation of the bus pullout and shelter shall be eligible for TIA fee credit, if these improvements are installed by the developer.

### III. Operational Conditions

- A. To minimize excess lighting and energy use, a 2 or 3 tier light timing system is required. This system shall turn off a minimum of 1/2 and up to 2/3 of all parking lot lights after business hours to minimize energy use. All lighting shall be directed downward onto the site and shielded such that there is no overspill onto adjacent properties. Lights shall be directed away from the riparian corridor and any lights close enough to illuminate the corridor shall be shielded in that direction.
- B. Outdoor supplemental advertising such as banners, streamers, temporary signs, flagging strung from the light standards, inflatable figures or other inflatable devices, large advertising balloons or the like (small helium balloons are excluded) is prohibited. Banners announcing sales are allowed up to four times per year and are limited to corporate promotions only. These banners shall not exceed 25 square feet in size.
- C. All signs shall utilize lighting in accordance with County Code Section 13.10.580.
- D. The hours of business for the car dealership shall be between the hours of 7 am to 7 pm. Auto repair and service operations are limited to 7 am to 7 pm, Monday through Friday. Weekend repair and service is prohibited.
- E. The use of public address systems or other loudspeakers are prohibited.
- F. The use of Soquel Drive between 41<sup>st</sup> Avenue and the Soquel Village by delivery trucks is prohibited.
- G. The uses allowed on the parcel are a Honda car dealership with related sales and service. Change of use to a different car manufacturer requires a Level 3 Use Approval.

- H. All runoff shall be filtered through silt and grease traps prior to leaving the site. The traps shall be maintained according to the following monitoring and maintenance procedures:
    - 1. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 of each year at a minimum.
    - 2. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
  - I. Pervious pavement shall be maintained per the plans submitted with the original drainage plan (reference Condition II.G.5 of Permit 05-0252). Manufacturer's specifications for power washing, vacuuming or other remediation shall be followed. A brief annual report shall be submitted to the Planning Department prior to October 15 of each year describing the maintenance that was completed in the previous year.
  - J. All landscaped areas and related irrigation systems shall be permanently maintained. All irrigation shall conform to the required water conservation measures as regulated by the City of Santa Cruz Water Department. Dead plant material shall be removed and replaced consistent with the approved Exhibit A. The property owner(s) is responsible for the ongoing health and care of all landscaping on the site. Any dead or dying street trees shall be promptly removed and replaced with a minimum 24-inch box tree. Substitute species must be approved in advance by the Planning Director.
  - K. Any dead or dying street trees within the riparian restoration area shall be promptly removed and replaced with a like-sized tree (minimum 15-gallon size).
  - L. Test drives are prohibited on North Rodeo Gulch Drive. All employees of the car dealership shall be advised of this operational condition.
  - M. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- IV. 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.

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In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, 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 the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit.**

Approval Date: June 27, 2008

Effective Date: July 11, 2008

Expiration date: July 11, 2010