

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.:** 01-0010

**APN:** 026-311-32 and 026-311-05

**APPLICANT:** Timothy Morgan

**OWNER** Larry Van Den Heuval

**PROJECT DESCRIPTION** Proposal to maintain and expand an existing landscape contractor's storage yard to include a Master Occupancy Plan.

**LOCATION:** Property located on the south side of Brommer Street, about 500 feet west from 17th Avenue, Live Oak.

**PERMITS REQUIRED:** Commercial Development Permit and a Master Occupancy Permit

**ENVIRONMENTAL DETERMINATION:** Exempt - Category 1

**COASTAL ZONE:** —Yes ☒ No

**APPEALABLE TO CCC:** \_\_\_Yes ☒ No

### PARCEL INFORMATION

**PARCEL SIZE:** (026-311-05 0.92 acres) and (026-311-32 0.5 acres)

**EXISTING LAND USE:**

**PARCEL:** Landscape contractors yard

**SURROUNDING** Residential, warehouse, various industry

**PROJECT ACCESS:** Brommer Street

**PLANNING AREA** Live Oak

**LAND USE DESIGNATION:** C-S (Service Commercial/Light Industry)

**ZONING DISTRICT:** C-4 (Commercial Services)

**SUPERVISORIAL DISTRICT:** First District (Jan Beautz)

### ENVIRONMENTAL INFORMATION

- |                       |  |
|-----------------------|--|
| a. Geologic Hazards   | a. Not mapped/no physical evidence on site |
| b. Soils              | b. 176 Watsonville Loam                    |
| c. Fire Hazard        | C Not a mapped constraint                  |
| d. Slopes             | d. 0-2%                                    |
| e. Env. Sen. Habitat  | e. Not mapped/no physical evidence on site |
| f. Grading            | f. No grading proposed                     |
| g. Tree Removal       | g. No trees proposed to be removed         |
| h. Scenic             | h. Not a mapped resource                   |
| i. Drainage           | i. Not enough information provided         |
| j. Traffic            | j. N/A                                     |
| k. Roads              | k. Existing roads adequate                 |
| l. Parks              | l. Existing park facilities adequate       |
| m. Sewer Availability | m. Existing system adequate                |
| n. Water Availability | n. Existing system adequate                |
| o. Archeology         | o. Not mapped/no physical evidence on site |

## **SERVICES INFORMATION**

Inside Urban/Rural Services Line: X Yes \_\_\_ No

Water Supply: Santa Cruz Sanitation District

Sewage Disposal: Santa Cruz Waste Water Management District

Fire District: Central Fire Protection District

Drainage District: Zone 5

## **HISTORY**

The project includes 2 parcels, one of which (026-311-32) has been recognized for use as a contractor's storage yard for more than 30 years. A County Planning Department Design Review Permit (D-72-4-11) was issued in 1972 for a Roofing Contractor's Storage Yard. The approved exhibit, site and landscaping plan on file in the Planning Department for the Design Review represents the entire parcel absent of buildings and including equipment and material storage. No permits are on record for the second parcel 026-311-05. The current use, Paradise Landscaping, operates on both parcels (totaling about 61,736 sq. ft.) utilizing one parcel separately for service vehicles, equipment storage buildings, and office buildings (026-311-32). The other parcel (026-311-05) is used for debris storage, wood cutting for resale, and employee and equipment parking. The existing use was issued a red tag for Zoning Code Violations on January 3<sup>rd</sup>, 2000 for conducting an expanded commercial use without a Commercial Development Permit. The owner submitted an application for a Commercial Development Permit on January 8<sup>th</sup>, 2001 in response to the violation notices. The application material was reviewed by various County agencies and the planning staff.

## **ANALYSIS AND DISCUSSION**

The properties are 0.92 acres (026-311-05) and 0.5 acres (026-311-32), located in the C-4 (Commercial Services) zone district, a designation which allows commercial services uses. The proposed expansion of the existing contractor's storage yard is a principal permitted use within the zone district and the project is consistent with the site's (C-S) Service Commercial/Light Industry General Plan designation.

The existing contractor's yard, as conditioned, will be sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single and multi-family dwellings and various commercial development. Size and architectural styles vary widely in the area, and the design submitted, as conditioned, will be not inconsistent with the existing range.

Parcel 026-311-32 currently has an existing office building and approximately nine modular storage buildings, in addition to employee and equipment parking. The existing use on parcel 026-311-05 is over flow employee and equipment parking, storage for debris and a staging and storage area for firewood.

### **Parking**

The proposed employee “valet” parking plan does not meet County parking criteria as defined in Section 13.10.554 of the County Code and must be redesigned to meet County standards as a condition of approval prior to issuance of a building permit. Per Section 13.10.552 (b), parking requirements for warehouses, storage buildings and storage facilities combined with commercial or industrial uses, the parking requirement is 1 per 1,000 sq. ft. Both parcels combined are approximately 61,000 sq. ft., this equates to **60** parking spaces.

The current number of employees is approximately 35. Subsequently, the number of employee parking spaces equates to a minimum of 35 and the number of work trucks used by the contractor’s storage yard is 18. Since customers rarely visit the site, the working hours of the employees vary through out the day, and the number of vehicles moving in and out of the site changes daily, the maximum of number of parking spaces (60) is not needed for this use. Operational vehicles and employee vehicles can share the same parking spaces when not in use. Therefore 45 parking spaces are required for employees, work trucks and potential clients. The parking plan submitted does not meet the County design criteria and is required to be redesigned. Prior to issuance of a building permit, a revised parking plan clearly indicating the location of the 45 parking stalls must be submitted and approved by the Planning Department.

### **Noise**

The existing use does generate some noise, which is caused by the activities of the landscape yard. All noise generated on site must be less than an average of 50 db during the daytime and 45 db at night, at the property line. As a condition of approval (condition IV.b and IV.c), all noise created on-site must remain below that specified by General Plan policy 6.9.4. This may require elimination of woodcutting on site, unless the applicant can demonstrate that this specific activity is consistent with County noise policies.

A condition of approval (condition IV.d) states that the maximum number of employee vehicles is limited to 18 and that any increase in the number of employee vehicles will require a public hearing. In addition, another condition of approval (condition IV.e) restricts operation hours of the landscaping yard to 7:00 A.M to 5:00 P.M. The combination of these three conditions of approval will minimize the noise impacts to adjacent properties. Any violations will be referred to County Code Compliance for enforcement action.

### **Traffic**

The site has been historically a commercial use since 1972 but has not, prior to this use, generated significant traffic. The proposed recognition of the existing contractor’s storage yard will result in additional vehicle trips that could cause traffic impacts to the adjacent neighborhood. In addition, as a condition of approval (condition IV.e), operational hours of the landscape yard will be limited to 7:00 A.M. to 5:00 P.M.

The existing operation currently uses 18 vehicles, for day-to-day operation. **As** a condition of approval (condition IV.d), the number of vehicles used for the landscaping yard will be limited to 18. If additional need for vehicles arises, the proposed use will require either a Minor Variation or an amendment to be reviewed at a public hearing before the Zoning Administrator.

### **Sanitation**

The applicant is requesting the use of "porta-potties" to be located on site. General Plan Policy 7.38.035 states "every person owning, leasing, occupying or using any building designed or used for human habitation or commercial activities shall be required either to provide and maintain a properly functioning individual sewage disposal system or to provide and maintain an adequate connection to a public sewer for such building. All sewage disposal systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition at all times. The owner, lessee, occupant, user, or his or her designated agent, shall be responsible for the maintenance of such systems." The existing contractor's storage yard is located within two hundred feet of a public sewer and connection to the sewer has been determined to be feasible in that sewer service is available by contract with the County Sanitation District, and connection is technically feasible based on engineering and technical factors. Therefore County staff has determined that the use of "porta-potties" is unnecessary and therefore permanent toilets(s) facility is required. **As** a condition of approval (condition II.e), revised sanitation plans approved by DPW Sanitation must be submitted prior to issuance of a building permit.

DPW Sanitation District staff analyzed the proposed use and determined that revised and approved engineered sanitation plans were needed prior to issuance of a building permit. (See condition II.e).

### **Site Design**

To minimize the amount of mud and dirt conveyed to public streets and sidewalks when employees leave the contractor's storage yard, a 50-foot long paved apron will be required at both entrances and exits for both parcels. The remainder of the parcels shall use granite rock as a base to help prevent vehicles from tracking mud and dirt from the site.

**A** revised landscaping plan is required for the frontage along the Brommer Street corridor. The revised landscaping plan must incorporate drought resistant, native plants and must be approved by the Planning Department and the Redevelopment Agency prior to issuance of a building permit.

Any proposed or existing signs located on the parcel shall conform to the County's Design Criteria and meet the County's Sign ordinance, 13.10.581. 4.c in that signs directly across from a residential zone district shall be limited to **30** square feet in area and shall not be directly illuminated or flashing.

The County's Urban Designer reviewed the proposed project on February 3<sup>rd</sup>, 2004 and added the following requirements; retain existing planting; submit details of the proposed and existing signage, elevations and floor plans of the modular office; re-set boulders in groups of three;

include additional planting on the frontage along Brommer Street; add another gate opening in the fence; **show** that light sources will not be visible from adjacent properties and that all lighting emitted from the site will be directed onto the site and away from adjacent properties. Please see Urban Designer comments as Exhibit "E."

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.

## RECOMMENDATION

Staff recommends:

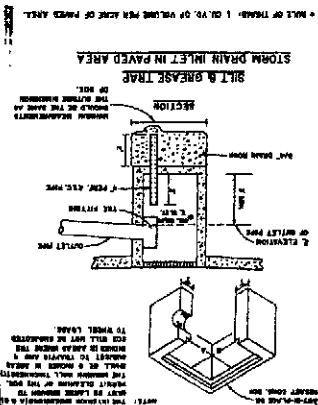
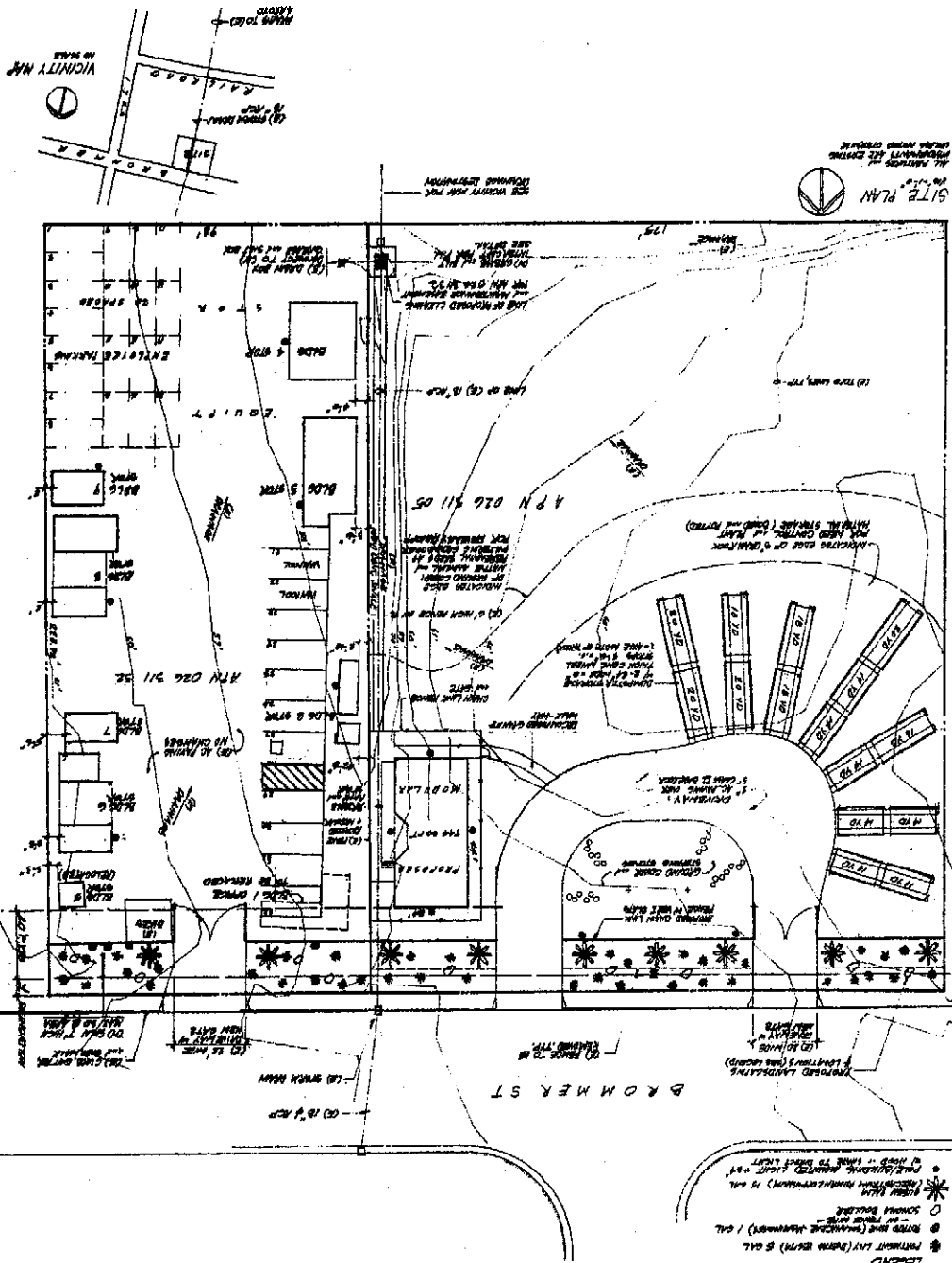
1. **APPROVAL** of Application Number **01-0010**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

## EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Urban Designer Comments
- F. Zoning map
- G. General Plan map
- H. Comments & Correspondence

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.

Report Prepared By: David Heinlein  
Santa Cruz County Planning Department  
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Santa Cruz CA 95060  
Phone Number: (831)454-5321 (or, david.heinlein@co.santa-cruz.ca.us )



1. The first step in the process of planning is to determine the purpose of the plan. This is done by asking the question, "What do we want to achieve?"
2. The second step is to identify the resources available to us. This includes a thorough analysis of our current situation, including our strengths and weaknesses.
3. The third step is to develop a strategy. This involves determining the best way to achieve our goals, given the resources available to us.
4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress.
5. The fifth step is to evaluate the results. This involves comparing the actual results with the expected results and making adjustments as needed.
6. The sixth step is to communicate the results. This involves sharing the results with the relevant stakeholders and providing feedback.
7. The seventh step is to review the plan. This involves evaluating the plan as a whole and making any necessary changes.
8. The eighth step is to update the plan. This involves incorporating any new information or changes in the environment into the plan.
9. The ninth step is to re-evaluate the results. This involves repeating the evaluation process to ensure that the plan is still on track.
10. The tenth step is to re-implement the plan. This involves putting the updated plan into action and monitoring progress.

## GENERAL LANDSCAPING NOTES

- [illegible]

## **DEVELOPMENT PERM      FINDING**

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.

As conditioned, the location of the existing contractor's storage yard 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 in that the project is located in an area designated for commercial uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The existing contractors storage yard and the conditions under which it will be operated will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structures meet all current setbacks that ensure access to light, air, and open space in the neighborhood.

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.

The project site is located in the C-4 (Commercial Services) zone district. The existing location of the contractor's storage yard and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-4 zone district in that the primary use of the property will be commercial 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.

The project is located in the Service Commercial/Light Industry (C-S) land use designation. The proposed Commercial use is consistent with the General Plan in that it meets the intensity of use specified in General Plan Objective (Service Commercial/Light Industry).

The existing contractor's storage yard will not adversely impact the light, solar opportunities, air,

and/or open space available to other structures or properties, and has been conditioned to meet all current site and development standards for the zone district **as** specified in Policy 8.5.2 (Commercial Compatibility With Other Uses Ordinance), given that careful attention was given to landscaping, signing, access, site and building design, visual impacts, drainage, parking, onsite circulation, fencing and mitigation of potential nuisance factors, visual aspects and traffic impacts.

The existing contractor's storage yard will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy **8.6.1** (Maintaining a Relationship Between Structure and Parcel Sizes), in that the existing contractor's storage yard will comply with the site standards for the **C-4** zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The existing contractor's storage yard, **as** conditioned will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

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.**

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is an existing contractor's storage yard on an existing developed lot. Public Works Road Engineering staff concluded that the Level of *Service* (LOS) for the vicinity is acceptable and since the parcels involved with the existing contractor's storage yard have historically been used for commercial service (for the past **30-years**), the increased traffic impacts to the area will be minimal and such an increase will not adversely impact existing roads and intersections in the surrounding area.

**As** a condition of approval (condition IV.b and IV.c) all noise generated on the parcels must be contained on the parcels. Noise includes all noise generated from day-to-day operations and the cutting of firewood on site. If the applicant can not demonstrate that the noise from firewood cutting onsite can not be contained to the parcels, then the cutting of firewood will be eliminated from the operations.

**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.**

As conditioned, the existing contractor's storage yard 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 in the vicinity, in that the proposed structures are one story modulars and recycling bins, in a mixed neighborhood



of one and two-story homes and other commercial uses and the proposed commercial use is consistent with the land use intensity and density of the neighborhood.

The County's Urban Designer reviewed the proposed project on February 3<sup>rd</sup>, 2004 and added the following requirements; retain existing planting; submit details of the proposed and existing signage, elevations and floor plans of the modular office; re-set boulders in groups of three; include additional planting on the frontage along Brommer Street; add another gate opening in the fence; show that light sources will not be visible from adjacent properties and that all lighting emitted from the site will be directed onto the site and away from adjacent properties.

Please see Urban Designer comments as Exhibit "E."

**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.**

The proposed recognition of the existing contractor's storage yard, as conditioned, is consistent with the Design Standards and Guidelines of the County Code in that the contractor's storage yard is of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

The County's Urban Designer reviewed the proposed project on February 3<sup>rd</sup>, 2004 and added the following requirements; retain existing planting; submit details of the proposed and existing signage, elevations and floor plans of the modular office; re-set boulders in groups of three; include additional planting on the frontage along Brommer Street; add another gate opening in the fence; show that light sources will not be visible from adjacent properties and that all lighting emitted from the site will be directed onto the site and away from adjacent properties.

See Urban Designer comments as attachment "E."

## **CONDITIONS OF APPROVAL**

Exhibit A: Sheet 1, prepared by William De Ess Studios on March 18<sup>th</sup>, 2003.

- I. **This** permit authorizes the recognition of an existing contractor's storage yard. Prior to exercising any rights granted by this permit including without limitation, any construction or site disturbance, the applicant/owner shall within: (14 calendar days of permit approval)
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. If needed, obtain a Grading Permit from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. Apply for permits to recognize all unpermitted structures within 60 days of permit approval. Structures must meet all required site standards, including a 20' front setback.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit Final Architectural Plans for all structures, for review and approval by the Planning Department. The final plans shall include the following additional information:
    - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    - 2. Grading, drainage, and erosion control plans.
    - 3. Details showing compliance with fire department requirements.
  - C. 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.
  - D. An erosion control plan, a drainage plan, and preliminary grading information (including total volume of earthwork, the disposal of fill and/or excavated material, and cross-sections that include existing and finished grade) will be

**EXHIBIT C**

required. **(Environmental Planning)**

- E. Engineered sanitation plans including the location of the permanent restroom facilities and the sewer connections shall be provided to DPW Sanitation prior to issuance of the building permit. **(DPW Sanitation)**
- F. Submit engineered drainage plans that demonstrate that the on-site 18" reinforced concrete pipe and the downstream facilities are adequate in capacity and condition to handle the added runoff from this project. If facilities are not adequate, plans shall be revised to incorporate facility upgrades. **(DPW Drainage)**
- G. Add notes to the plan describing how the modular building will drain (sheet flow off roof, downspouts to splashblocks). **(DPW Drainage)**
- H. Clearly delineate the extent of the proposed baserock ~~areas~~. Baserock is charged as semi-imperious. A zone 5 drainage fee will be assessed on the net increase in impervious area. **(DPW Drainage)**
- I. All runoff from parking and driveway areas shall be treated with a silt and grease trap or other water quality treatment device prior to leaving the site. Revise the plan accordingly. A signed and recorded maintenance agreement for the water quality treatment device(s) is required prior to building permit issuance. **(DPW Drainage)**
- J. Show property lines on plot plan drawn to scale. **(DPW Driveway Encroachment)**
- K. Show existing roadside improvements. **(DPW Driveway Encroachment)**
- L. Show driveway plan view and centerline profile. Driveway shall conform to the County Design Criteria Standards **(DPW Driveway Encroachment)**
- M. Show existing ground and driveway elevations on profile. **(DPW Driveway Encroachment)**
- N. Indicate on all plans that all fencing and signage is outside the County road, all fence signage shall be removed and that all unofficial signs relating to parking shall be removed. **(DPW Driveway Encroachment)**
- O. Submit circulation plans that indicate that all driveway entrances of both parcels shall have a 50-foot wide apron paved with ~~minimum~~ 1.5" asphalt concrete over 6" aggregate baserock, and the remainder of the parcels covered with granite baserock to a minimum depth of 6".
- P. Submit landscape plans for landscape encroachment within the County road right-of-way and dedication areas. **(DPW Driveway Encroachment)**

- Q.** Pay Live ~~Oak~~ Transportation Improvement (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use. The project plans show approximately **59,787** square feet for a contractor's yard on the two parcels. The estimated trip generation for ~~fee~~ purposes is 1 trip-end per 1,000 **gross** square feet (ksf) for a contractor's yard. Therefore the total trips may be calculated, ~~as~~ **59.79** ksf of contractor's yard multiplied by 1 trip ends/ksf equals **60** trips ends being generated by the project. The ~~fee~~ is calculated as **60** trip ends multiplied by **\$400 per** trip end equals **\$24,000**. The total **TIA** fee ~~of~~ \$24,000 is to be split evenly between transportation improvement fees and roadside improvement fees. (**DPW Road Engineering**)
- R.** Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- S.** Submit **3** copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- T.** Provide a revised plan indicating required off-street parking for **45** cars. Parking spaces must be **8.5** feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan. "Valet style" parking is prohibited.
- U.** Submit a lighting plan to be approved by the Planning Department. All lighting shall be screened and directed on the parcels **026-311-32** and **026-311-05**.
- V.** Submit a sign plans for business identification sign and any directional signs. All signage shall be consistent with Section **13.10.580**.
- III.** 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 Permit plans shall be installed.
- B.** All inspections required by the building 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.** 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.

N. 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. All noise generated from day to day activity must be contained on site.
- C. All noise generated from the cutting of firewood must be contained onsite. If noise ~~can~~ not be contained onsite, this portion of the operations shall be abandoned.
- D. The maximum number of employee vehicles shall be **18** and any increase in the number of employee vehicles will require a level V public hearing.
- E. Operational hours shall be limited to 7:00 A.M. – 5:00 P.M.
- F. Approved landscaping must be regularly maintained.
- G. All operations from Paradise Landscaping will be contained on parcels **026-3 11-32** and **026-311-05**.

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

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (**60**) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- 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 attorneys fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of **this** development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or **this** development approval shall become null and void.

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**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: \_\_\_\_\_

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

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

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Don Bussey  
Deputy Zoning Administrator

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David Heinlein  
Project Planner

**EXHIBIT C**

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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 Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**The** County of Santa Cruz has reviewed the project described below and has determined that it is exempt **from** the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.: 01-0010

Assessor Parcel No.: 026-311-32 and 026-311-05

Project Location: 1500 Brommer St. Santa Cruz

Project Description: Proposal to maintain and expand an existing landscape contractors storage yard

Person or Agency Proposing Project: Timothy Morgan

Contact Phone: 831-429-9841

- A. ☐ **The** proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. ☐ Ministerial Project involving only the **use** of **fixed standards** or objective measurements without personal judgment.
- C. ☐ Statutory Exemption other than a Ministerial Project.  
Specify type:

**D. Categorical Exemption**

- |  |   |
|--|---|
| <input type="checkbox"/> 1. Existing Facility  | <input type="checkbox"/> 20. Changes in Organization of Local Agencies  |
| <input type="checkbox"/> 2. Replacement or Reconstruction                                    | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies   |
| <input checked="" type="checkbox"/> 3. New Construction of Small Structure                   | <input type="checkbox"/> 22. Educational Programs   |
| <input type="checkbox"/> 4. Minor Alterations to Land  | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings  |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations                              | <input type="checkbox"/> 24. Regulation of Working Conditions   |
| <input type="checkbox"/> 6. Information Collection   | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space   |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs   |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | <input type="checkbox"/> 27. Leasing New Facilities   |
| <input type="checkbox"/> 9. Inspection   | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities  |
| <input type="checkbox"/> 10. Loans   | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities   |
| <input type="checkbox"/> 11. Accessory Structures  | <input type="checkbox"/> 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales                                    | <input type="checkbox"/> 31. Historical Resource Restoration/Rehabilitation   |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation <b>Purposes</b>   | <input type="checkbox"/> 32. In-Fill Development Projects   |
| <input type="checkbox"/> 14. Minor Additions to Schools                                      |   |
| <input type="checkbox"/> 15. Minor Land Divisions  |   |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks                   |   |
| <input type="checkbox"/> 17. Open Space Contracts or Easements                               |   |
| <input type="checkbox"/> 18. Designation of Wilderness Areas                                 |   |
| <input type="checkbox"/> 19. Annexation of Existing Facilities Lots for Exempt Facilities    |   |

E. ☐ Lead Agency Other Than County:

\_\_\_\_\_  
David Heinlein, **Project Planner**

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

**EXHIBIT D**



## COUNTY OF SANTA CRUZ

Planning Department

## INTEROFFICE MEMO

APPLICATION NO: 01-0010

Date: February 2, 2004

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a landscape contractors yard at Brommer Street, Santa Cruz (Paradise Landscaping/ applicant)

**GENERAL PLAN / ZONING CODE ISSUES****Design Review Authority****13.11.040** Projects requiring design review.

(e) All commercial remodels or new commercial construction.

**Design Review Standards****13.11.072** Site design.

Evaluation Criteria	Meets criteria In code( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Site Design</b>			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping		✓	<i>See comments below.</i>
Streetscape relationship		✓	<i>See comments below.</i>
Street design and transit facilities			N/A
Relationship to existing structures			N/A
<b>Natural Site Amenities and Features</b>			

Relate to surrounding topography	✓		
Retention of natural amenities			N/A
Siting and orientation which takes advantage of natural amenities			N/A
Ridgeline protection			N/A
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views			<i>See completeness comments.</i>
<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles	✓		
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties			N/A
Reasonable protection for currently occupied buildings using a solar energy system			N/A
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

## 13.11.073 Building design.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Building Design</b>			
Massing of building form			<i>See completeness comments.</i>
Building silhouette			<i>See completeness comments.</i>
Spacing between buildings			N/A
Street face setbacks			N/A
Character of architecture			<i>See completeness comments.</i>
Building scale			<i>See completeness comments.</i>
Proportion and composition of projections and recesses, doors and windows, and other features			<i>See completeness comments.</i>
Location and treatment of entryways			<i>See completeness comments.</i>
Finish material, texture and color			<i>See completeness comments.</i>
<b>Scale</b>			
Scale is addressed on appropriate levels			<i>See completeness comments.</i>

Design elements create a sense of human <b>scale</b> and pedestrian			<i>See completeness comments.</i>
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting.	✓		<i>See completeness comments.</i>
<b>Solar Design</b>			
Building design provides solar access <i>that is</i> reasonably protected for adjacent properties..			<b>N/A</b>
Building walls and major window areas are oriented for passive solar and natural lighting.			<b>N/A</b>

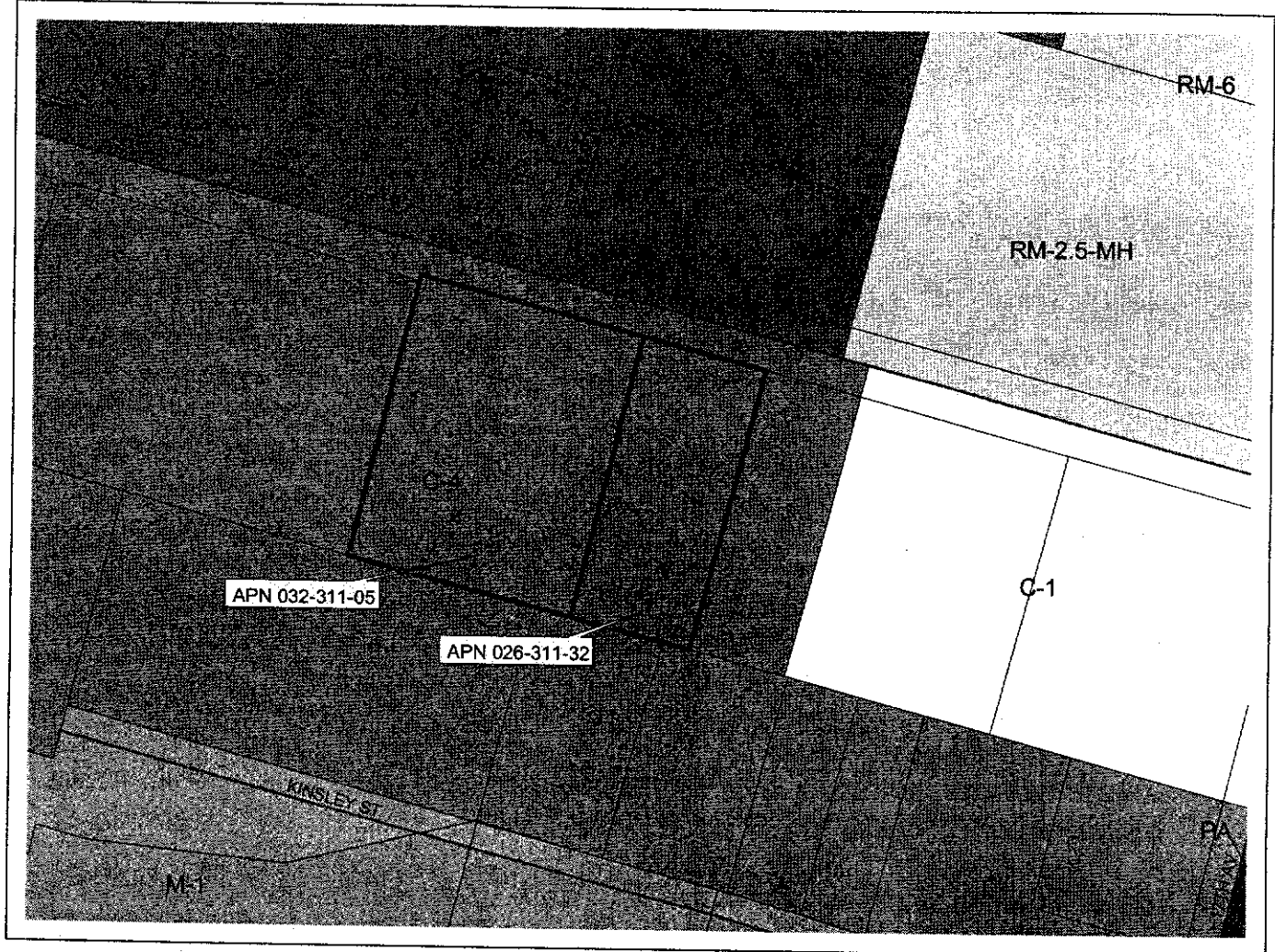
Minimize the visual impact of pavement and parked vehicles.			<b>NIA</b>
Parking design shall <b>be</b> an integral element of the site design.			<b>NIA</b>
Site buildings toward the front or middle portion of the lot and parking areas to <b>the</b> rear or <b>side</b> of the lot is encouraged where appropriate.			<b>NIA</b>
<b>Lighting</b>			
All site, building, <b>security</b> and landscape lighting shall <b>be</b> directed onto the <b>site</b> and away from adjacent properties.			<i>Suggested as Condition of Approval</i>
Area lighting shall <b>be</b> high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-			<b>?</b>
<b>All</b> lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.			<b>?</b>
Building and <b>security</b> lighting shall be integrated into the building design.			<b>?</b>
Light sources shall not be visible from adjacent properties.			<i>Suggested as Condition of Approval</i>
<b>Loading areas</b>			
Loading areas shall <b>be</b> designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.			<b>NIA</b>

<b>Pedestrian Travel Paths</b>			
On-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other design techniques			See completeness comments
Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features to achieve access for the physically disabled.	✓		
Separations between bicycle and pedestrian circulation routes shall be utilized where appropriate.			N/A

**The following should be included as Conditions of Approval:**

- *Plans for Building Permit shall clearly indicate the following*
  1. *Existing planting to remain and new planting.*
  2. *Details of proposed signage.*
  3. *Elevations and floor plans of modular office*
  4. *Boulders re-set in groups of three*
  5. *Additional planting in front of fence This should include larger shrubs and ground cover*
  6. *Another gate at opening in the fence.*
- *Light sources shall not be visible from adjacent properties.*
- *All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.*
- *A color board for the building shall be submitted for review and approval by the Planning Department.*

# Zoning Map



200 0 200 400 600 Feet

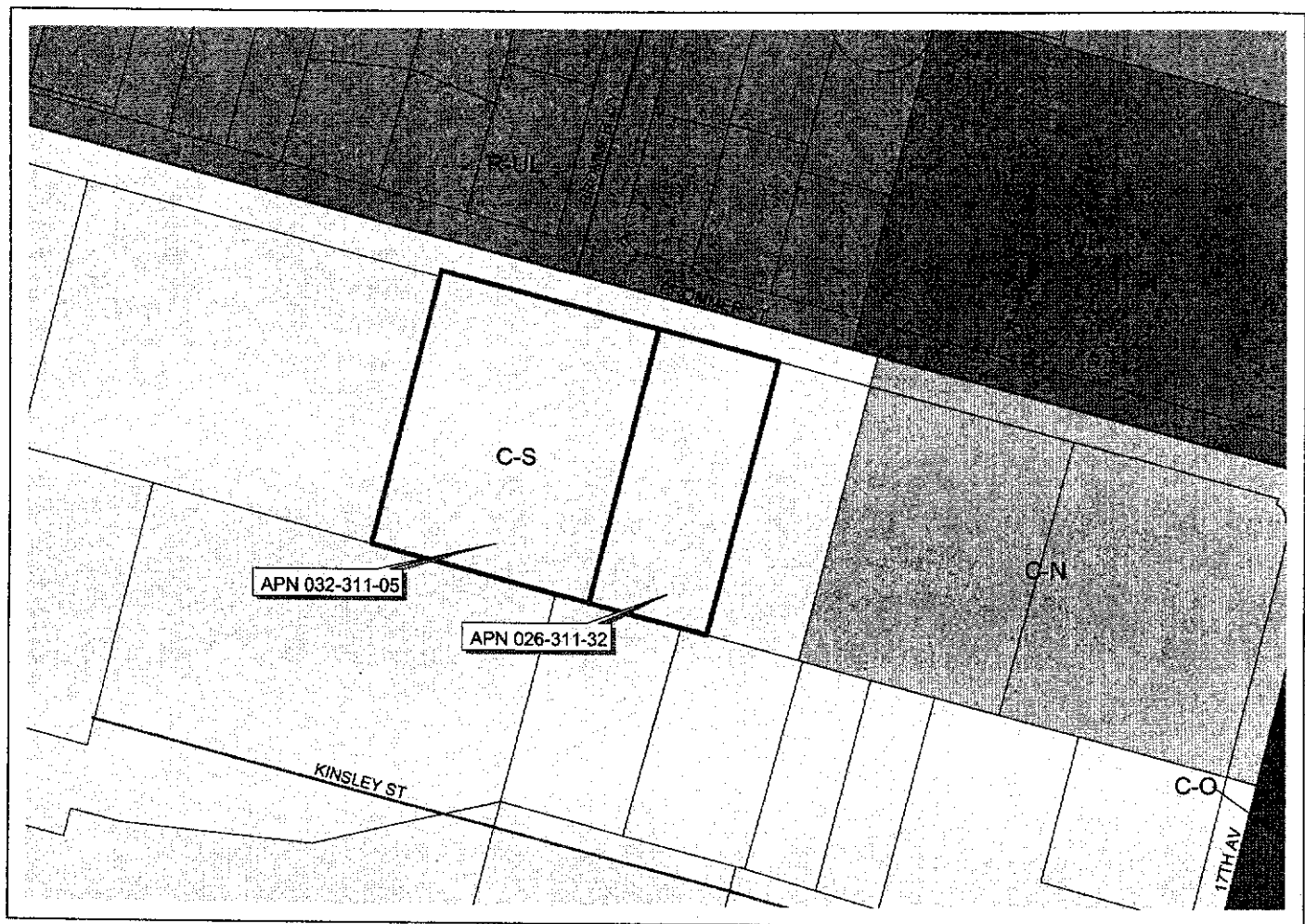
## Legend

	APN 026-311-05,32
	Streets
	PA
	R-1-X
	RM
	C-1
	M-1
	C-4

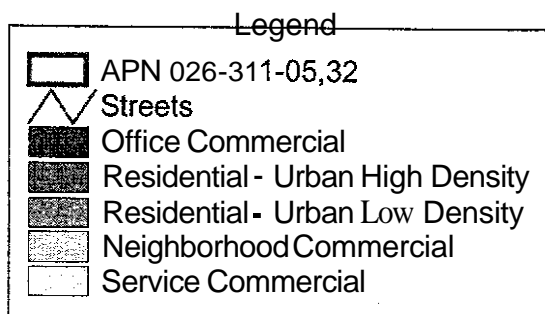


Map created by Santa Cruz County  
Planning Department:  
February 2004

## General Plan Map

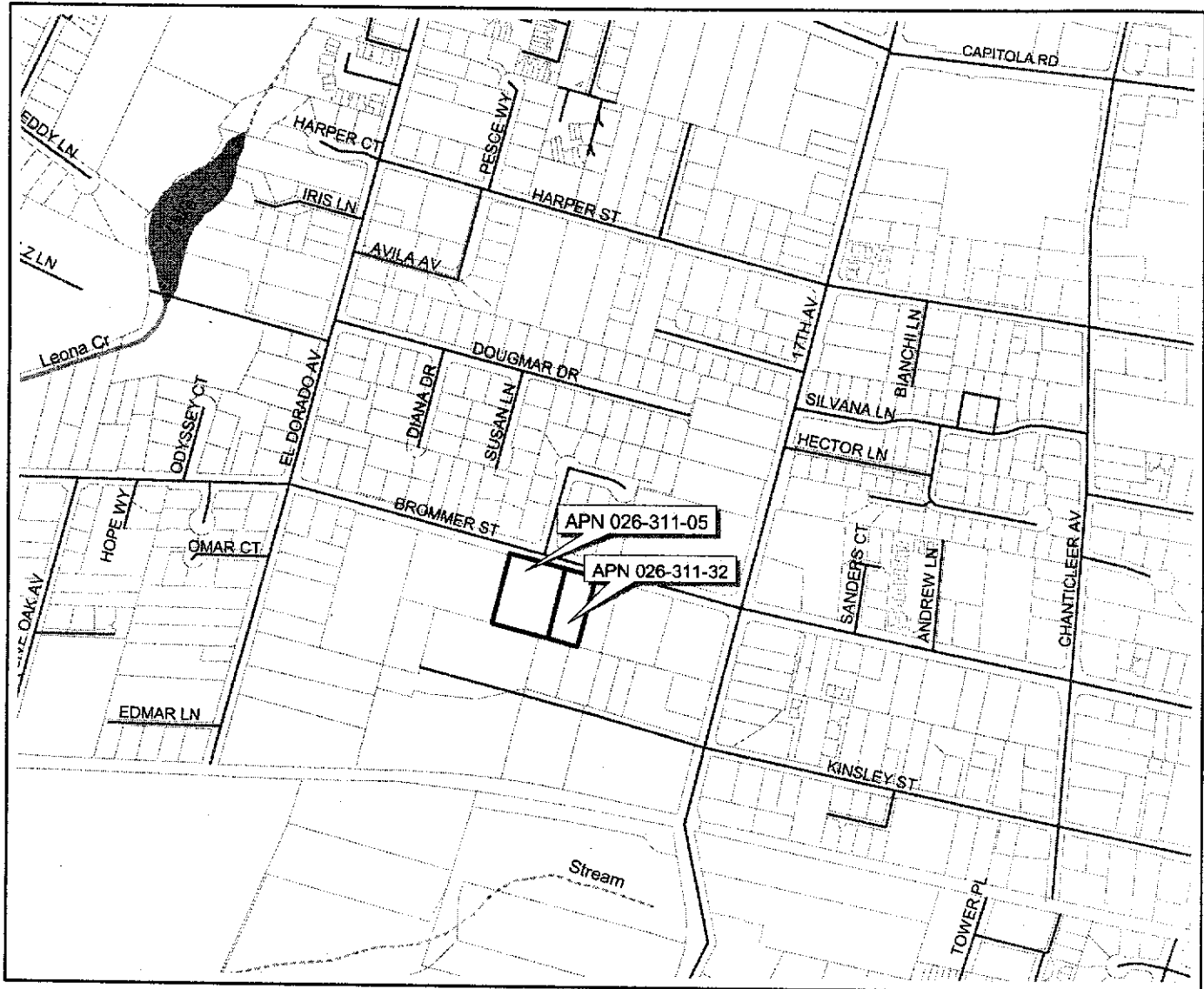


200 0 200 400 600 Feet



Map created by Santa Cruz County  
Planning Department:  
February 2004

# Location Map



1000 0 1000 2000 Feet

Map created by Santa Cruz County  
Planning Department:  
February 2004

