



Staff Report to the Zoning Administrator

Application Number: **04-0095**

Applicant: Hamilton-Swift • Michael Bethke
Owner: Aptos Village Partners LLC
APN: 041-042-05, 43, 44

Agenda Date: 9/17/04
Agenda Item #: 5
Time: After 10:00 a.m.

Project Description: Proposal to construct an approximately 9,971 square foot commercial building, a ten foot high retaining wall, and a trash/recycling enclosure, to grade approximately 719 cubic yards of material, and to transfer approximately 112 square feet from APN 041-042-43 to 041-042-05 to resolve an existing structural encroachment.

Requires a Commercial Development Permit and Master Occupancy Program, a Variance to reduce the required 10 foot front and street side yard setbacks to zero feet to allow for the construction of covered walkways, a Preliminary Grading Review, a Lot Line Adjustment, a Soils Report Review, a Biotic Pre-Site Review, a Riparian Exception, and an Archaeological Report Review.

Location: Property located on the south-west corner of the intersection of Trout Gulch Road and Soquel Drive (8060 Soquel Drive) in Aptos.

Supervisory District 2nd District (District Supervisor: Ellen Pine)

Permits Required: Commercial Development Permit and Master Occupancy Program, Variance Preliminary Grading Approval, Lot Line Adjustment, Riparian Exception, Soils Report Review, Archaeological Report Review

Staff Recommendation:

- Approval of Application 04-0095, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|---------------------------------|
| A. | Project plans | E. | Assessor's parcel map |
| B. | Findings | F. | Zoning & General Plan maps |
| C. | Conditions | G. | Aptos Village Specific Plan map |
| D. | Categorical Exemption (CEQA determination) | H. | Comments & Correspondence |

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Parcel Information

Parcel Size: 142,273 square feet (approx.) - resulting from combination of APNs 041-042-43 & 44 & boundary adjustment with APN 041-042-05.

Existing Land Use - Parcel: Vacant (previous service station site)

Existing Land Use - Surrounding: Commercial development (Aptos Village)

Project Access: Post Office Drive (off Soquel Drive)

Planning Area: Aptos

Land Use Designation: C-C (Community Commercial)

Zone District: C-1 (Neighborhood Commercial) & PA-GH (Professional & Administrative Office - Geologic Hazards)

Coastal Zone: — Inside X Outside

Environmental Information

Geologic Hazards: Mapped geologic hazard (landslide) on southern portion of subject property – away from building site.

Soils: Report reviewed & accepted

Fire Hazard: Not a mapped constraint

Slopes: 2-5% at building site

Env. **Sen.** Habitat: Riparian corridor on southern portion of subject property – away from building site.

Grading: 640 cubic yards (cut) & 719 cubic yards (fill)

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource

Drainage: New development will drain to existing facilities in Soquel Drive

Traffic: Traffic report reviewed & accepted

Roads: Roadside improvements to Soquel Drive proposed

Parks: Existing park facilities adequate

Archeology: Archaeological report reviewed & accepted

Services Information

Urban/Rural Services Line: — Inside X Outside

Water Supply: Soquel Creek Water District

Sewage Disposal: Santa **Cruz** County Sanitation District

Fire District: Aptos/La Selva Fire Protection District

Drainage District: Zone 6 Flood Control District

Project Setting

The proposed commercial building will be constructed on the site of a previous service station on the south east corner of the intersection of Soquel Drive and Trout Gulch Road. The project access is located off Post Office Drive, which is opposite Trout Gulch Road at the intersection with Soquel Drive. The project site is vacant and is partially surrounded by a temporary construction fence which will be removed as a part of this project.

The subject property includes additional property extending off to the southwest, towards the confluence of Aptos and Valencia Creeks. Previous instability of the slopes of the creeks has caused landslides, but this instability is located away **from** the proposed building. The south portion of the proposed building site terminates at a steep slope down to Valencia Creek, where a retaining wall is proposed to prevent future instability.

Lot Line Adjustment

A structure on the adjacent parcel (APN 041-042-05) encroaches onto a portion of the subject property (APN 041-042-43). The owner of the subject property (APNs 041-042-43 & 44) proposes to transfer approximately 112 square feet from APN 041-042-43 to APN 041-042-05 to resolve the structural encroachment. Additionally, the two parcels (APNs 041-042-43 & 44) will be required to be combined as a result of this project.

Zoning & General Plan Consistency

The subject property is an approximately 142,273 square foot parcel, located in the C-1 (Neighborhood Commercial) & PA-GH (Professional & Administrative Office - Geologic Hazards) zone districts, these designations allow commercial uses. The remaining **portion** of the subject property is zoned PR-GH (Parks, Recreation & Open Space - Geologic Hazards), but no development is proposed within this area. The proposed commercial building is an allowed use within the commercial zone districts and the project is consistent with the site's (C-C) Community Commercial General Plan designation.

Commercial Uses

The project site is split into two separate commercial zone districts, C-1 (Neighborhood Commercial) & PA-GH (Professional & Administrative Office - Geologic Hazards). This application includes a proposal for both retail and office uses. Due to the nature of the split zoning and a desire to allow for a variety of uses within the commercial structure, staff recommends that the Master Occupancy Program allow both (C-1) Neighborhood Commercial uses and PA (Professional & Administrative Office) uses within the structure in the same percentages that exist on the project site. The current breakdown of area of each zone district on the project site is approximately 45% C-1 (Neighborhood Commercial) and 55% PA (Professional & Administrative Office). This arrangement allows for a flexible use of the interior square footage without restricting certain types of uses to one side of the building or the other. The project site is appropriate for both commercial retail and professional office uses.

The project site is located within the Aptos Village Specific Plan area. The project site is located on the edge of the A3 & A4 (~~Mixed~~ Commercial Use) land use areas. The proposed commercial retail and professional office uses are consistent with the requirements of the current Aptos Village Specific Plan. In addition to the current Aptos Village Specific Plan, a revised Aptos Village Specific Plan is currently being prepared by the County and outside consultants. Staff recommends that the Master Occupancy Plan be flexible and able to incorporate other potential uses allowed by the revised specific plan and appropriate to the project site.

Parking

The applicant has provided 55 parking spaces to accommodate the tenants and customers of the proposed commercial building. This is considered as an appropriate number of parking spaces to allow for a mixture of (C-1) Neighborhood Commercial uses and PA (Professional & Administrative Office) uses, but not commercial uses due to the increased parking demand associated with such uses. Staff recommends that the mixture of uses within the proposed development comply with the current parking ordinance (or any parking standards in the revised Aptos Village Specific Plan) for the total number of parking spaces required at initial occupancy and for each proposed change of use within the structure.

Signage

The sign plan provided does not comply with the requirements of the County Code and no variance to these requirements has been included as a component of this application. Staff recommends that the proposed signage be limited to the maximum amount allowed within the County Code for shopping center uses. The current standard for shopping center signage is one 50 square foot monument sign and one small business sign (maximum of 18 square feet, based on width of building) for each business within the shopping center. Staff recommends that the sign plan incorporate alternate signage standards allowed by the Aptos Village Specific Plan.

Variance – Covered Walkways

The design of the proposed commercial building includes covered walkways as an architectural feature which is common within Aptos Village. The covered walkways are intended to function as covered sidewalks and they encroach into the required front and street side yard setbacks as a result. The proposed reduction in the required yard setbacks is considered as appropriate due to the riparian corridor to the rear of the property and the character of existing commercial development within Aptos Village.

Design Review

The proposed commercial building complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as pitched roofs, varied facades, and covered porch walkways to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Site Grading & Retaining Walls

The preparation of the project site will require grading for the installation of the parking area, retaining wall, and drainage improvements. The subject property had previously contained a service station, which required the removal of the existing fuel tanks and remedial over-excavation and recompaction of a portion of the project site. Additional over-excavation and recompaction will be necessary to ensure the stability of the proposed building. The over-excavation and recompaction is not considered as a part of the total grading volumes proposed.

The retaining wall to the rear of the subject property will be approximately 10 feet in height, and is necessary to ensure stability of the proposed parking area. This height is below the level of the roadways and parking areas on and surrounding the project site and does not require an exception to the site standards as a result.

The retaining wall at the front of the property will be approximately 4 feet in height, and is necessary to allow for the construction of a sidewalk along Soquel Drive, due to the change in grade between the proposed structure and bus stop. The proposed retaining wall is located within the right of way of Soquel Drive and is considered appropriate considering the project design and the location of the existing and proposed improvements.

Riparian Exception

The proposed retaining wall and parking area is located above the riparian corridor of Valencia Creek and is within the required riparian setback and buffer area. The proposed improvements are necessary for an economic use of the property, in that commercial uses are required to provide adequate parking areas based on their commercial square footage. The commercial square footage proposed is appropriate to the project site, which is located at a prominent corner within Aptos Village. Staff recommends the requirement of a restoration and tree protection plan in order to adequately preserve and protect the riparian resource.

Archaeological Report Review

An archaeological report was submitted during the review of the proposed development. The report was reviewed by Planning Department staff and accepted. Due to the potential presence of archaeological resources on the project site, the requirements of report acceptance include conditions to ensure protection of such archaeological resources.

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

- APPROVAL of Application ~~Number~~ **04-0095**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review ~~under~~ the California Environmental Quality Act.

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

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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 commercial uses. 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 proposed commercial building will be an improvement (both visually and in terms of real estate value) in comparison to the existing vacant parcel within the commercial area of Aptos Village.

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 proposed commercial development will be limited to commercial uses that are allowed within the C-1 (Neighborhood Commercial) & PA-GH (Professional & Administrative Office - Geologic Hazards) zone districts and that comply with the parking requirements applicable to the subject property.

The proposed commercial building will comply with all site standards for the zone districts in which it is situated, with the exception of the reduced front and street side yard setbacks for the construction of covered walkways.

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 commercial use is consistent with the use requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

The project site is located within the Aptos Village Specific Plan area. The project site is located on the edge of the A3 & A4 (Mixed Commercial Use) land use areas. The proposed commercial retail and professional office uses are consistent with the requirements of the current Aptos Village Specific Plan.

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 proposed commercial building is to be constructed on an existing vacant parcel. The expected level of traffic generated by the proposed project is anticipated to be 368 new trips per day. The developer will be required to pay Transportation

Improvement Area (TIA) fees for the proposed development to fund additional roadway improvements in the project area. Additionally, the Department of Public Works **has** plans to signalize the intersection of Trout Gulch Road and Soquel Drive adjacent to the subject property, which will result in improved traffic flow on 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 structure **is** located at a prominent corner within the Aptos Village, the design of the structure is compatible with the existing surrounding commercial development, and the proposed commercial building is consistent with the land **use** intensity and density of the neighborhood.

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 the proposed project will incorporate site and architectural design features such as pitched roofs, varied facades, and covered porch walkways to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the *strict* application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the structure is proposed to be located at the front portion of the property to maximize the separation between the structure and the riparian comdor, and associated steep slopes, at the south side of the project site.

Additionally, the subject property is located within the Aptos Village, which has a unique architectural style. Commercial buildings located immediately **across** Post Office Drive include a covered walkway that he proposed improvements will visually line up with along the Soquel Drive frontage. The subject property is located within the Aptos Village Specific Plan area and the Aptos Village Specific Plan is currently being revised. All versions of the proposed revisions to the Aptos Village Specific Plan include porches that extend out into the street facing yards and this project will be in compliance with such requirements even though it precedes the revised Aptos Village Specific Plan.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that street yard setbacks are intended to provide both visual and usable public space within commercial districts and the proposed covered walkways achieve both of these intents. The design of the covered walkways are sufficiently separated from the traveled way of Soquel Drive and Post Office Drive to prevent vehicular collisions or injuries to pedestrians or vehicle passengers.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other structures within the **Aptos** Village include covered walkways **as** design features, some of which are located within the required yard setbacks from the adjacent rights of way.

Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding *can* be made, in that there were **3** parcels prior to the adjustment and there will be 2 parcels subsequent to the adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as all parcels are currently developed, none **of** the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', none of the parcels are zoned 'TP' or have a designated Timber Resource **as** shown on the General Plan maps, technical studies are not necessary as all lots are suitable for commercial development and the proposal complies with the General Plan designation **of** the parcels (C-C – Community Commercial) per 13.10.673(e).

3. No affected parcel may be reduced or **further** reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that none **of** the parcels included in the proposal will be reduced below the minimum parcel size required by the zone district **as** a result of this lot line adjustment.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that the subject property is constrained by an over steepened slope associated with an urban arroyo to the south of the proposed building site. The buildable area of the subject property represents less than **10%** of the total land area.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made, in that The parcel is a legal parcel of record, is zoned for commercial use and **has** historically been the site of a commercial development (a service station). The Riparian Exception is necessary in order to facilitate the construction of a retaining wall and adjacent parking area which will serve the proposed development. The **proposed** improvements are necessary for an economic use of the property, in that commercial uses are required to provide adequate parking areas based on their commercial square footage. The commercial square footage proposed is appropriate to the project site, which is located at a prominent corner within Aptos Village.

3. That the granting of the exception will not be detrimental to the public welfare or injurious **to** other property downstream or in the area in which the project is located.

This finding can be made, in that erosion control measures and approved landscape plan are required as an element of this approval. The landscape plan will allow the area **to** be planted with appropriate riparian vegetation that will enhance the quality of the riparian corridor.

4. That the **granting** of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

This finding does not apply, in that the project is not located in the Coastal Zone.

5. That the granting of the exception **is** in accordance with the purpose of this chapter, and with the objectives of **the** General Plan and elements thereof, and the Local Coastal Program land use plan.

This finding can be made, in that the proposed project will provide protection of the riparian habitat through erosion control and revegetation.

Conditions of Approval

Exhibit A: Project plans, entitled, "Aptos Village Partners LLC", architectural plans prepared by Thatcher & Thompson, dated 5/25/04 with revisions through 7/30/04; engineered plans prepared by Bowman & Williams, dated 3/3/04; landscape plans prepared by Michael Arnone, dated 7/28/04.

- I. This permit authorizes the construction of a commercial building, and the installation of a parking area, retaining walls, and associated improvements; a Lot Line Adjustment between APNs 041-042-43 & 44 and APN 041-042-05 per the approved Exhibit "A" for this project; and a variance to reduce the required front and street side yard setbacks to **zero** feet.

Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the 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. Obtain final water service approval from the Soquel Creek Water District.
- F. Obtain final **sewer** service approval from the Santa Cruz County Sanitation District.
- G.** Combine APNs 041-042-43 & 44 into one parcel, prior to submittal for any Building Permit or any site disturbance.
- H. Complete and record the deeds reflecting the Lot Line Adjustment, per the approved Exhibit "A" for this permit, prior to beginning physical construction on the proposed commercial building.

- 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. The final plans must 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. A final sign plan for the proposed commercial building. Signage for the proposed commercial building must comply with the current requirements of the County Code. If the adopted version of any revised Aptos Village Specific Plan includes signage standards, those standards will supercede the requirements of the County Code for this development.
3. Grading, drainage, and erosion control plans, that are prepared, wet-stamped, and signed by a licensed civil engineer. Grading and drainage plans must include estimated earthwork, cross sections through all improvements, existing and proposed cut and fill areas, existing and proposed drainage facilities, and details of devices such as back drains, culverts, energy dissipaters, detention pipes, etc. **Verify** that the detention facilities are adequate to meet County requirements for release rates.
4. Engineered improvement plans for all on-site and off-site improvements. All improvements shall be submitted for the review and approval by the Department of Public Works.
5. A restoration plan which details the extent of the proposed disturbance, appropriate erosion control measures, protection measures for all existing trees, and a revegetation schedule for proposed native tree and shrub species must be indicated on the project plans for review and approval by the Environmental Planning section.
6. A lighting plan for the proposed development. Lighting for the proposed development must comply with the following conditions:
 - a. All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
 - b. All 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.
 - c. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
7. All rooftop mechanical and electrical equipment shall be designed **to** be an integral part of the building design, and shall be screened.

8. Utility equipment such as electrical and gas meters, electrical panels, junction boxes, and backflow devices shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.
 9. Details showing compliance with fire department requirements.
- B. Meet all requirements of and pay all applicable fees to the Soquel Creek Water District.
 - C. Meet all requirements of and pay all applicable fees to the Santa Cruz County Sanitation District.
 - D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - F. Submit 3 copies of a final plan review letter prepared and stamped by a licensed Geotechnical Engineer.
 - G. Pay the current fees for Child Care mitigation for 9,971 square feet of general commercial space. Currently, these (Category II) fees are \$0.23 per square foot, but are subject to change.
 - H. Pay the current Aptos Transportation Improvement Area (TIA) fees for Roadside and Transportation improvements. Currently, these fees can be calculated as follows, but are subject to change:
 1. The development is subject to Aptos Transportation Improvement (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use. The traffic report submitted indicates a total of 368 new trips generated by the proposed commercial use. The fee is calculated as 368 trip ends multiplied by \$400 per trip end equals \$147,200. The total TIA fee of \$147,200 is to be split evenly between transportation improvement fees and roadside improvement fees.
 - I. Provide required off-street parking for a minimum of 55 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.
 - J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

- K. Complete and file a silt and grease trap maintenance agreement with the Department of Public Works. The final plans shall specify the location of an **EPA** approved silt and grease trap on site, through which storm runoff must pass. The trap shall be inspected to determine if it **needs** cleaning or repair prior to October 15 of each year, at minimum intervals of one year. A brief annual report shall be prepared by the trap inspector at the conclusion of each inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of the inspection. **The** report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
 - L. Obtain authorization from the adjacent property owner (APN 041-042-39) for all off site improvements located on the adjacent private property, or relocate all such improvements to the subject property if authorization is not granted.
- 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. A qualified archaeological monitor shall be on site to monitor excavation and ground disturbing activities. If any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age or if human remains are exposed, activity shall cease and desist until an Archaeological Site Development Approval **can** be issued under County Code sections 16.40.040 and 16.40.050.
 - C. All **new** utilities to serve the proposed development shall be installed underground.
 - 1. Pad-mounted transformers (as part of the underground electrical service distribution system) shall not be located in the front setback or area visible from public view, unless they are completely screened by walls and/or thick landscaping, and shall not obstruct views of traffic from tenant spaces or driveways, or views to monument signs. Underground vaults may be located in the front setback area for aesthetic purposes.
 - D. Back flow devices and other landscape irrigation valves shall not be located in the front setback or area visible from public view, **unless** they are completely screened by walls and/or thick landscaping, and shall not obstruct views of traffic from tenant spaces or driveways, or views to monument signs.
 - E. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

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

IV. Operational Conditions

- A. **Master Occupancy Program (New Commercial Building):** Given the location of the project with respect to existing residential and commercial uses, all change of use requests shall be processed at Level 3 to permit a thorough review of possible impacts. Only the uses listed below may be processed at Level 1, based on the parking available on site:

All of the uses listed in the in the current C- 1 (Neighborhood Commercial) use charts in up to a maximum of 45% of the total floor area of the commercial building.

All of the uses listed in the in the current PA (Professional & Administrative Office) use charts in up to a maximum of 55% of the total floor area of the commercial building, with the following restrictions.

If the above listed zone districts are changed to another district, or if the adopted version of any revised Aptos Village Specific Plan allows alternate uses, this Master Occupancy Permit shall automatically allow such uses (which are still subject to the following restrictions) at the time the zone district is changed and/or the revised specific plan is adopted.

The following additional restrictions apply to all uses:

Any proposal for initial occupancy as, or conversion to, medical offices will require a Level 3 review and approval and proof of adequate parking availability.

Any proposal for initial occupancy as, or conversion to, retail alcohol beverage sales will require a Level 3 review and approval.

No outdoor storage is permitted.

- B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

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Owner: Aptos Village Partners LLC

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.

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: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
Project ~~Planner~~

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.

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: 04-0095

Assessor Parcel Number: 041-042-05, 43, 44

Project Location: 8060 Trout Gulch Road, Aptos

Project Description: Proposal to construct a 9,971 square foot commercial building and associated improvements.

Person or Agency Proposing Project: Hamilton-Swift - Michael Bethke

Contact Phone Number: (831) 459-9992

- 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. ☒ **Categorical Exemption**

Specify type: New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of a commercial building not exceeding 10,000 square feet where all necessary public services and facilities are available.

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

Randall Adams, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

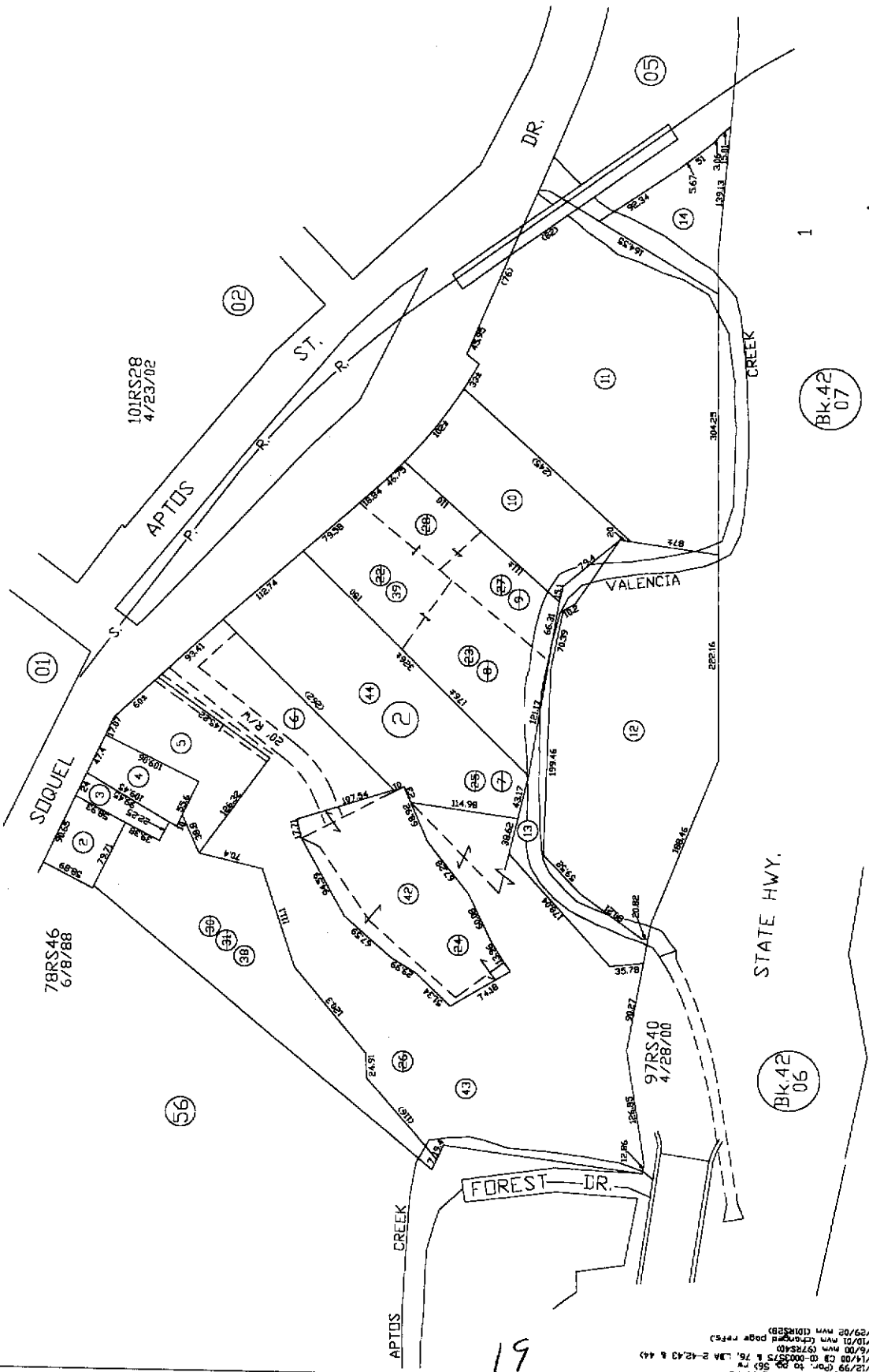
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. APTOS RANCHO

N. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-273

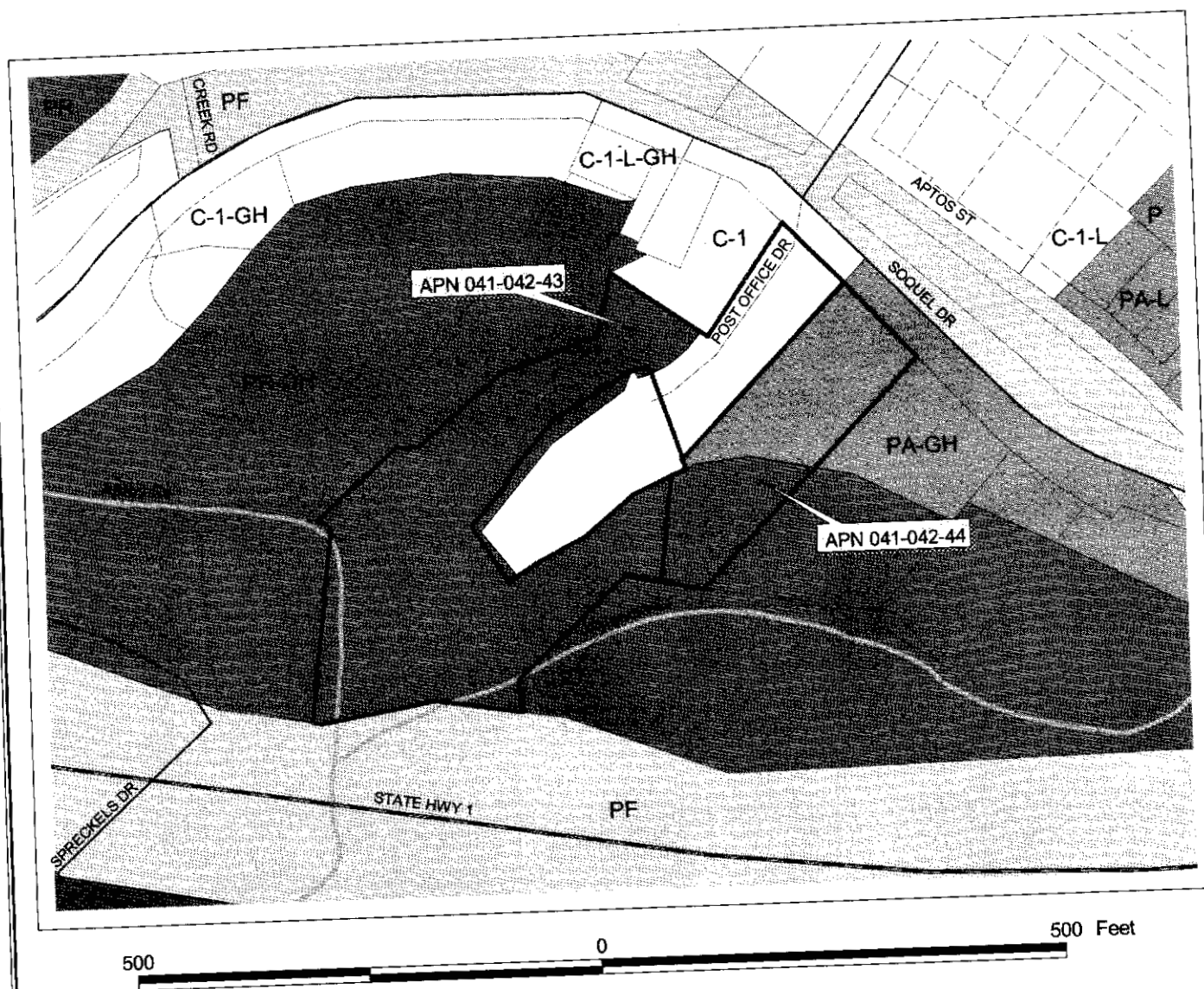
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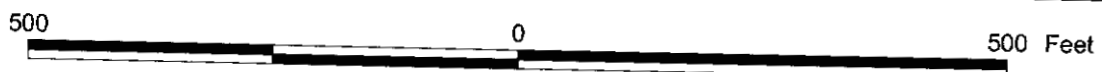
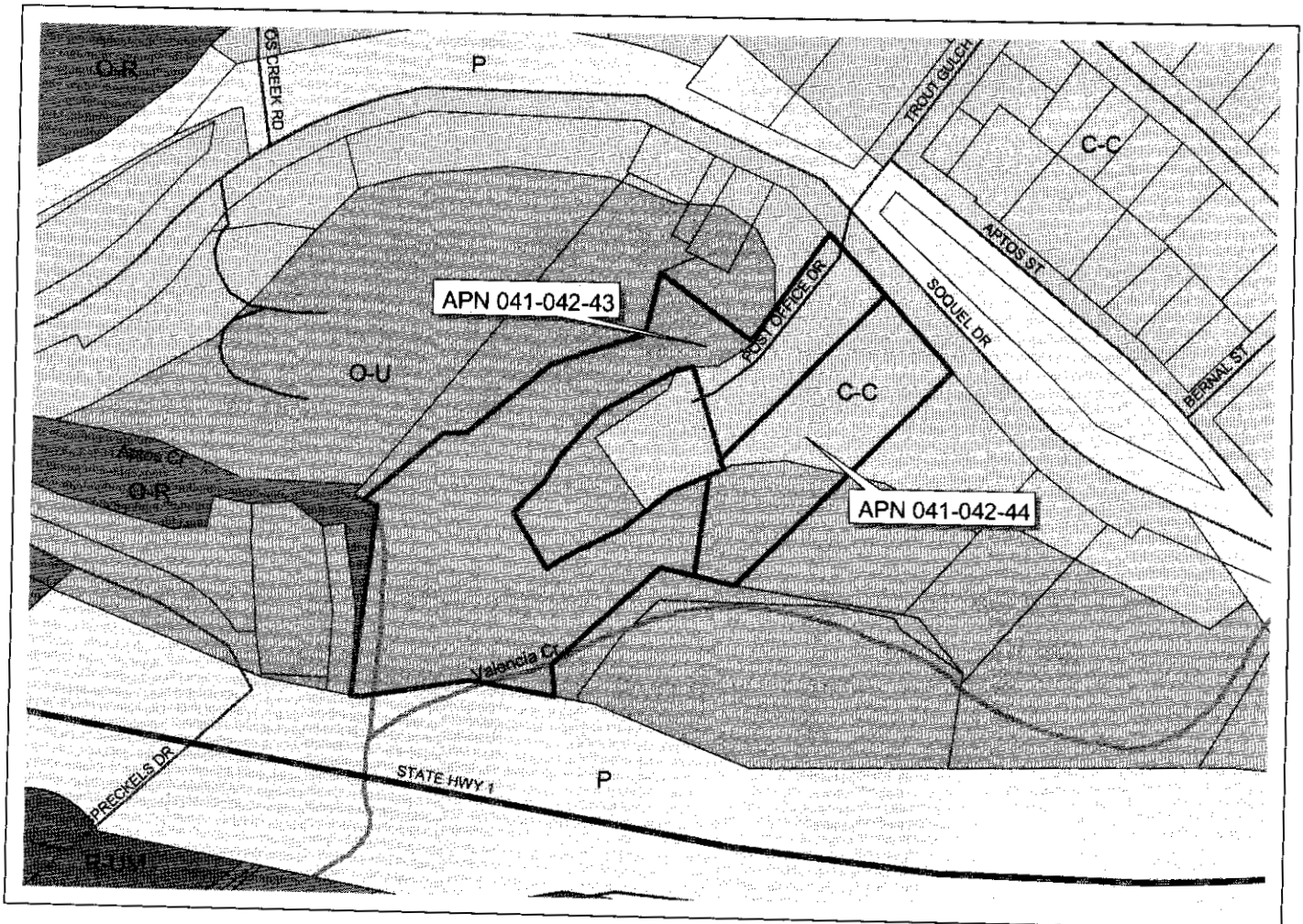
Note - Assessor's Parcel & Block

Assessor's Map No. 41-04
County of Santa Cruz, Calif.

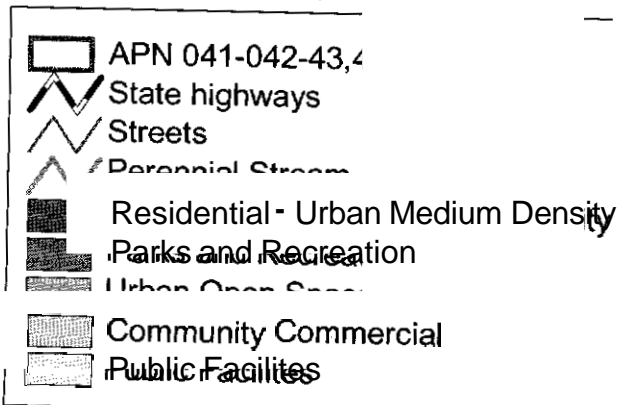
Zoning Map



General Plan Map



Legend



Map created by Santa Cruz County
Planning Department:
March 2004

EXHIBIT F 1

APTOS VILLAGE COMMUNITY DESIGN FRAMEWORK

LAND USE PLAN

A MIXED COMMERCIAL USE:
Retail, Services, Offices
and Apartments.

B COMMUNITY FACILITY:
U.S. Post Office

C RESIDENTIAL SINGLE FAMILY:
Urban Low Density.

D RESIDENTIAL MULTI FAMILY:
Urban Medium Density.

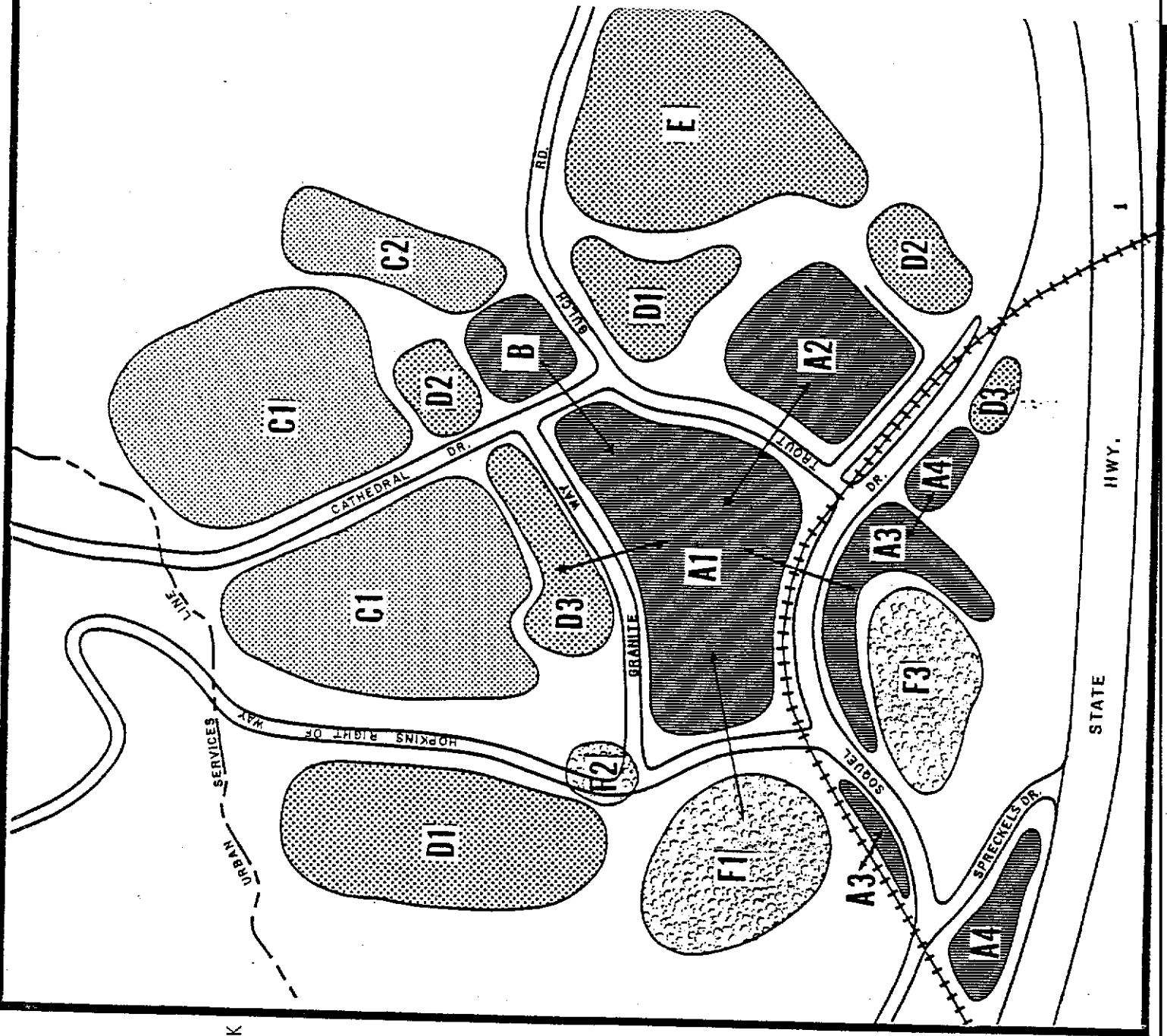
E MOBILE HOME PARK:
Urban Medium Density.

F RECREATION OR LEISURE
Public and Private

MAJOR ACTIVITY CONNECTION



EXHIBIT G



Application # 04-0095; Assessor's Parcel Number: 041-042-43 & 44
Owner: Aptos Village Partners LLC

Master Occupancy Program (*Proposed*)

The master occupancy program includes three groups of uses:

Retail Use Group:

Alcohol Beverage Sales
Alterations/Tailoring
Antique Shop
Appliance Sales and Service
Art Galleries
Artist Supply Sales
Automotive Accessories Sales
Barber
Bicycle Shop
Bookstore, Newstands,
Stationers
Clothing and Accessories Sales
Coin Dealers
Computer Sales and Service
Convenience Store/ Nhd.
Market
Dance Studios
Drug Stores
Electronics Sales and Service
Floor Covering Sales
Florist Gift Shop
Furniture, Retail: New and
Used

Gift Shop
Grocery/ Health Food Store
Hair Salon
Hardware
Hobby & Crafts Shop
Nail Salon
Pet Shops & Grooming
Photo Studios
Physical **Fitness:** Health Clubs
Physical Fitness: Personal
Trainer
Recreation/ Fitness/ Dance
Centers
Shoe Repair
Sporting *Goods:* Retail
Tobacco Shops
Toy Stores
Video Sales & Rentals
Wines & Spirits Sales

Office Use Group:

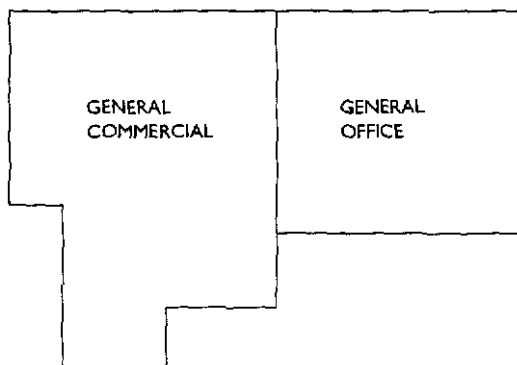
Mailbox Facility
Police Dispatch/ Storefront
Private Schools, Religious

Advertising Agencies
Computer Consulting &
Software
Employment Agencies
Professional Offices
Architect, CPA, *Lawyer*, etc.
Astrology & Related Practices
Banks / Savings and Loans
Copy Centers
Loan/ Mortgage Companies
Real Estate Sales
Schools: Service & Vocational
Title/ Escrow Companies
Travel Agencies

Dining Use Group:

Bakery/ Café/ Coffee Shop
Ice Cream Parlor
Restaurants
Sidewalk Café
Snack Shops

The building is partially in a C-1 zone district. This portion of the building is denoted as "General Commercial." The remaining portion is in a PA zone district, and is denoted as "General Office."



Master Occupancy Rules

1. **Any** use in any of the use groups may be used in the “General Commercial” portion of the building.
2. Uses in the “General Office” portion of the building are limited to the list of uses in the Office use group at this time. If the zoning for this site should change in the future to become a commercial or mixed use zone, then uses within the retail and dining use groups will also be allowed without amendment to these Master Occupancy Rules.
3. Dining Use Group uses are limited to 4,000 square feet within the building based on parking demand.

Sample Parking Based on Master Occupancy Plan:

Use Type	SqFt Gross	15% Storage	SqFt Net	Park Ratio	Park Space
Bank (Bay Federal)	3,800	570	3,230	1:200	16.1
Retail or Office	2,200	330	1,870	1:200	9.4
Restaurant	4,000	600	3,400	1:100	34
Sub-Total	10,000	1,500	8,500		59.5
Less 10% for Shared Parking					5.95
Total					53.55
Total Required Parking					54
Assume 5 Tenant Spaces					
Total Parking Provided					55

Application # 04-0095; Assessor's Parcel Number: 041-042-43 & 44
Owner: Aptos Village Partners LLC

Sign Program (Proposed)

1. Sign size limits based on 0.5 sq. ft. per ln. ft.

North	57 sq. ft.	Max all signs
South	57 sq. ft.	
West	24 sq. ft.	
East	24 sq. ft.	

2. Sign locations

a. Wall signs must be located within the boundaries of the dashed-line rectangles noted on the elevation drawings.

b. A blade sign of 8 sq. ft. per side may be provided on the Westerly arcade. Blade signs may extend from the façade or hang from porch and arcade soffits. There must be at 7 feet of headroom to the bottom of the sign. The sign is limited to 24 inches extending from a wall or hanging from a soffit. Blade signs cannot be internally illuminated.

c. Windows signs are allowed in storefront windows except in any portion of the window between 3 feet and 6 feet above the sidewalk. Window sign area must not exceed 10% of the glass area of the window in which it is located.

d. Four inch high street address numbers must be provided directly above each street facing entrance.

3. Sign Materials

Wall signs and blade signs may be opaque, painted or printed signboards such as overlay plywood or an equal substrate. Wall signs may also include individual solid letters or logo. Individual letters may be made of any non-reflective material.

4. Sign Lighting

Wall and blade signs may be lit by floodlights from above. Individual letters may be lit indirectly by lights behind the letters. Internally lit and box signs are not allowed. Neon signs are not allowed.

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Randal Adams
Application No. : 04-0095
APN: 041-042-05

Date: August 4, 2004
Time: 11:03:34
Page: 1

Environmental Planning Completeness Comments

===== UPDATED ON AUGUST 4, 2004 BY KENT M EDLER ===== Previous Completeness
Comments have been adequately addressed in the revised plans.
===== UPDATED ON AUGUST 4, 2004 BY KENT M EDLER =====

Environmental Planning Miscellaneous Comments

===== REVIEW ON MARCH 31, 2004 BY KENT M EDLER =====

1. Submit a site specific erosion and sediment control plan that shows how sediment and erosion will be controlled during the winter season. Include a plan view drawing and details. The plan should include specific items like: rock construction entrance to prevent tracking of material onto adjacent roads, name and phone number of person in charge of maintaining erosion control. approximate construction schedule, etc.

2. A plan review letter from the soils engineer will be required

===== UPDATED ON JUNE 22, 2004 BY ROBIN M BOLSTER =====

All recommendations made in the 5/13/04 arborist's report must be reflected in the site plan and grading plan for the site.

A preconstruction meeting including the general contractor, the soils engineer, the project arborist and Environmental Planning staff must be held prior to any construction activity.

A Restoration Plan must be submitted for the riparian corridor, detailing the extent of the proposed disturbance, appropriate erosion control measures, protection measures for all existing mature trees, and revegetation schedule for proposed native tree and shrub species. Plan must include location, size and species of existing and proposed trees and shrubs.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 2, 2004 BY DAVID W SIMS =====

A thorough engineered drainage plan was submitted with the application, and was reviewed for completeness of discretionary development, and compliance with County policies. The plan was found to need the following additional development prior to approving discretionary Storm Water Management review.

1) New development requires additional elements of drainage control be provided before the use of detention (G.P. 7.23.1 New Development), and that reductions/alternatives to impervious surfaces be implemented (G.P. 7.23.2 Minimizing Impervious Surfaces). These features are not apparent in the current drainage plan.

Discretionary Comments - Continued

Project Planner: Randal Adams
Application No.: 04-0095
APN: 041-042-05

Date: August 4, 2004
Time: 11:03:34
Page: 2

2) Indicate on the plans the manner in which building downspouts will be discharged. The manner selected may offer means to meet requirements from item #1.

3) Known flood hazards along Aptos Creek downstream of this development will require that runoff levels be maintained at pre-development rates for a design storm smaller than the County standard. The allowable site runoff release rate required of this project will be the 5-year, 15-minute pre-development storm event. Analysis of detention volume requirements needed to store the 25, 50 and 100-year events is to be submitted so that the on-site potential to provide such storage protection can be decided in the next review.

4) No information was provided beyond the detention discharge point at the front east corner of the parcel. The flow path to a point of discharge into a County inlet or natural channel should be inspected and described on the plans, or in a report, for purposes of review. Further analysis and improvements could be required (7.23.4 Downstream Impact Assessments) depending on conditions found.

5) The adjacent parcel APN 041-042-39 may be subject to some drainage impacts from the proposed development. It should be made clear that adverse impacts are avoided. About 1400 sq. ft. of paved surface at the common driveway passage drains towards the rear of this neighboring parcel. Are inlets or curb cuts available to remove this runoff and prevent ponding?

Please see miscellaneous comments.

===== UPDATE@ ON JUNE 9, 2004 BY DAVID W SIMS =====

2nd Routing:

The applicant has submitted revisions to address all of the items 1 through 5 of the first routing. These revisions are sufficient to give approval of discretionary stage review. Items to be addressed at the time of the building application are provided in the miscellaneous comments.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 2, 2004 BY DAVID W SIMS =====

Submittal of full calculations and drawings for determining the hydraulic control structure configuration for the detention system will be required in the building permit application.

Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the Construction Activities Storm Water General NPDES Permit from the State Water Resources Control Board. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. For more information see:
<http://www.swrcb.ca.gov/stormwtr/constfaq.html>

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently 90.85 per square foot, and are assessed upon permit issuance.

EXHIBIT H

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No. : 04-0095
APN: 041-042-05

Date: August 4, 2004
Time: 11:03:34
Page: 3

All resubmittals of plans, calculations, reports, faxes, extra copies, etc-shall be made through the Planning Department. Materials left with Public Works may be returned by mail, with resulting delays.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON JUNE 9, 2004 BY DAVID W SIMS =====

Miscellaneous Comments:

Some items discussed with Jeff Naess by phone 6/9/04

- 1) From previous: Submittal of full calculations and drawings for determining the hydraulic control structure configuration for the detention system will be required in the building permit application.
- 2) Submitted detention volume sizing calculations appear to have an error that estimates too large a detention volume. Please review, revise and resubmit. It is anticipated that the structure size will be significantly smaller.
- 3) The common driveway between parcels has been revised (prior item #5), but may still have a minor ponding/routing drainage problem. Revise as necessary.
- 4) Because the pre-development condition already has rather extensive impervious coverage, the allowed post-project release rate is rather high. (Higher than indicated in the submitted detention calculations due to the error). The concentrated release at the frontage parcel corner is more than is desired to route across a swale subject to traffic crossing and pedestrians. The proposed proximity of the new GO inlet permits piping the detained project runoff into the street inlet. The Storm Water Management section will require this piping rather than surface routing across the driveway entrance, conditioned on the acceptance of this configuration from the neighboring land owner. While the land area needed for the pipe is in the County right-of-way, owners of driveway encroachments are required to maintain any crossing drainage structures. No formal maintenance agreement is needed.
- 5) Provide construction details of the proposed sumps connected to the building downspouts, and confirm acceptability of this mitigation measure with the project geotechnical engineer,
- 6) Note all pipe materials on the plans.
- 7) Provide a profile of the storm drain in the County right-of-way, with nearby utilities shown and cross-sections as needed to clarify utility crossings.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON MARCH 16, 2004 BY RUTH L ZADESKY =====
NO COMMENT

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 04-0095
APN: 041-042-05

Date: August 4, 2004
Time: 11:03:34
Page: 4

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON MARCH 16, 2004 BY RUTH L ZADESKY =====
No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON APRIL 9, 2004 BY GREG J MARTIN =====

The layout plan, Sheet C2, should show the easements on the land and the adjacent property to the northwest of the project that is utilized for access. The adjacent property to the southeast should be clearly shown so that circulation can be evaluated.

The road section for the northbound approach to the intersection of Soquel Drive and Trout Gulch Road should consist of a curb, 5-foot bike lane, three 12-foot travel lanes, a 5-foot bike lane, a 5-foot bus turnout, and 10-foot curb, gutter, sidewalk and landscaping.

The preliminary budget for Public Works includes funds for the design of a traffic signal at Soquel Drive and Trout Gulch Road. A preliminary layout of the traffic signal, to locate the standards, will be required in order to ensure road improvements constructed as part of this project will work with the proposed signal.

A traffic study is required when pm peak hour trips exceed 20 trips. It is recommended that the applicant contact Public Works to discuss the extent of a traffic study. Please contact Greg Martin at 831-454-2811.

The development is subject to Aptos Transportation Improvement Area (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use. The fee will be calculated when the project submittal is complete. ===== UPDATED ON JUNE 25, 2004 BY GREG J MARTIN =====
NO COMMENT-

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON APRIL 9, 2004 BY GREG J MARTIN =====

===== UPDATED ON JUNE 25, 2004 BY GREG J MARTIN =====

1. Curb, gutter, landscaping, and separated sidewalk at street grade is a standard requirement for developments. The project plans do not currently indicate a an ADA accessible sidewalk adjacent to Soquel Drive. A sidewalk is required along the project frontage to the eastern driveway accessing the adjacent parcel. A standard return with an accessible ramp is also required to meet ADA standards. There are substantial reasons (necessary road widening, bus pull-out area, steep embankment) to waive the required separated sidewalk along this frontage. The applicant has agreed to provide a non-separated sidewalk along the frontage of the project. It is therefore recommended that the project be conditioned to include the sidewalk as part of the building permit application plans.

2. The conceptual design of the left turn pocket, bay taper, and transition from two lanes to three lanes are acceptable as indicated on the plans. However, in order to avoid potential conflicts with railroad equipment, the proposed curb line along the

Discretionary Comments - Continued

Project Planner: Randal1 Adams
Application No. : 04-0095
APN: 041-042-05

Time: 11:03:34
Page: 5

project frontage will need to be relocated approximately four feet south toward the property line and the building envelope. Preliminary review of this adjustment indicates that the modification can be accommodated, but the bus stop may need to be relocated further to the east. The full road widening to accommodate the left turn lane and bike lanes will be constructed as part of the future traffic signal improvements by the County. Road profile and typical sections for Soquel Drive along the project frontage will be required for the encroachment/building permit process.

3. The crash gate that limits access from the project site to the adjacent property (APN 041-042-39) should be treated as a temporary issue only, with the intent that easements will ultimately be obtained to provide access across this site in order to provide additional access to/from Soquel Drive.

4. A loading zone is proposed on the architectural plans adjacent to the crash gate. Loading areas shall be 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. The current loading zone proposal may interfere with circulation if the crash gate is removed. The loading zone may need to be modified to ensure proper circulation during the building permit process.

5. The approved FY 2004/05 budget for Public Works includes funds for the design of a traffic signal at Soquel Drive and Trout Gulch Road. Construction of this signal is anticipated the following fiscal year. A preliminary layout of the traffic signal to locate the standards and other equipment will be required for the building permit application process to ensure road improvements will accommodate the proposed signal. It is also recommended that appropriate pull boxes and conduit be installed under the new roadside improvements to accommodate new traffic signal wiring.

6. The development is subject to Aptos Transportation Improvement Area (TIA) fees at a rate of \$400 per daily trip-end generated by the proposed use (\$200 for transportation fees and \$200 for roadside fees). The transportation fees were calculated to be \$73,600 by Ron Marquez in a letter to Mathew Thompson dated May 7, 2004. The letter was submitted with the second routing of the plan set. The roadside fees are equivalent; therefore, the total TIA fee is estimated to be \$147,200 based upon the land uses described in the letter.

Aptos-La Selva Beach Fire Prot Dist Completeness C

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 5, 2004 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. Approved:

Exiting for spaces 2.3 and 4 is questionable and should be corrected prior to submitting for building plan review.

All Fire Department building requirements and fees will be addressed in the Building Permit phase

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

===== UPDATED ON JUNE 22, 2004 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept APPROVED

All Fire Department building requirements and fees will be addressed in the Building

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 04-0095
APN: 041-042-05

Date: August 4, 2004
Time: 11:03:34
Page: 6

Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON APRIL 5, 2004 BY ERIN K STOW =====

NO COMMENT

===== UPDATED ON JUNE 22, 2004 BY ERIN K STOW =====

NO COMMENT



County of Santa Cruz

COPY

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR. SANTA CRUZ, CA 95060-4000
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123
Tom Bums, DIRECTOR

June 29, 2004

Michael Bethke for Palisades ~~Gas~~ and Wash
1509 Seabright Avenue, Suite A1
Santa Cruz, CA 95062

RE: Application # 04-0095
APN 041-042-43,44

Dear Mr. Bethke:

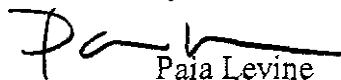
You have submitted an archaeological report for the above mentioned application ("Preliminary Archaeological Assessment of 041-042-43 and 44, Aptos Village, County of Santa Cruz, California", Susan Morley, May 2004). The purpose of this letter is to inform you that the review has been completed and the report has been accepted.

The following condition(s) regarding archaeological resources will be attached to the project:

1. A qualified archaeological monitor shall be on site to monitor excavation and ground disturbing activities. If any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age or if human remains are exposed, activity shall cease and desist until an Archeological Site Development Approval can be issued under County Code sections 16.40.040 and 16.40.050.

Please contact me if you have any questions about this letter.

Sincerely,



Paia Levine

Resource Planner

FOR: Ken Hart
Principal Planner
Environmental Planning

CC: Randall Adams, Project Planner

EXHIBIT H



Board of Directors
Bruce Daniels, President
Dr. Thomas R. LaHue, Vice President
John W. Beebe
Dr. Bruce Jaffe
Daniel F. Kriege

Laura D. Brown, *General Manager*

April 13, 2004

Mr. Michael Bethke
Hamilton Swift
1509 Seabright Avenue, Suite A1
Santa Cruz, California 95062

SUBJECT Water Service Application for a Commercial Building to be located at
8060 Soquel Drive, Aptos, APN 041-042-43 & 44,
Project Owner Joe Appenrodt

Dear Mr. Bethke,

In response to the subject application, the Board of Directors of the Soquel Creek Water District at their regular meeting of April 6, 2004 voted to serve your proposed development subject to such conditions and reservations as may be imposed at the time of entering into a final contract for service. Neither a final contract for service nor a service installation order will be issued until such time as all approvals from the appropriate land-use agency and any other required permits from regulatory agencies have been granted and all conditions for water service have been met to the satisfaction of the District.

This present indication to serve is valid for a two-year period from the date of this letter; however, it should not be taken as a guarantee that service will be available to the project in the future or that additional conditions, not otherwise listed in this letter, will not be imposed by the District prior to granting water service. Instead, this present indication to serve is intended to acknowledge that, under existing conditions, water service would be available provided the developer, without cost to the District:

- 1) Destroys any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfies all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfies all conditions of Resolution No. 03-31 Establishing a Water Demand Offset Policy for New Development, which states that all applicants for new water service shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative

and inspection costs in accordance with District procedures for implementing this program. Water Demand Offset factors for office buildings range from **0.032** acre feet/1,000 sq. ft. to 0.21acre feet/1,000 sq. ft. of *gross* floor area. If the office size or type of office use changes, the water demand offset factors will also change accordingly to match the changes made to the project.

- 4) Satisfies all conditions for water conservation required by the District at the time of application for service, including the following:
 - a) Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval. Water Use Efficiency Requirements are enclosed with this letter;
 - b) All interior plumbing fixtures shall be low-flow and all Applicant-installed water-using appliances (e.g. dishwashers, clothes washers, etc.) shall have the EPA Energy Star label;
 - c) District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing domestic water service;
- 5) Completes LAFCO annexation requirements, if applicable;
- 6) All units shall be individually metered with a minimum size of 5/8-inch by %-inch standard domestic water meters;
- 7) A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

Future conditions which negatively affect the District's ability to serve the proposed development include, but are not limited to, a determination by the District that existing and anticipated water supplies are insufficient to continue adequate and reliable service to existing customers while extending new service to your development. In that case, service may be denied.

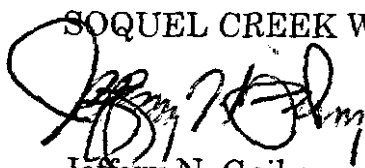
You are hereby put on notice that the Board of Directors of the Soquel Creek Water District is considering adopting additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's only source of supply. Such actions are being considered because of concerns about existing conditions that threaten the groundwater basins and the lack of a supplemental supply source that would restore and maintain healthy aquifers. The Board may adopt additional mandatory mitigation measures to further address the impact of development on existing water supplies, such as the impact of impervious construction on groundwater recharge. Possible new conditions of service that may be considered include designing and installing facilities or fixtures on-site or at a specified location as prescribed and approved by the District which would restore groundwater recharge potential as determined by the District. The proposed project would be subject to this and any other conditions of service that the District may

Water Service Application – APN 041-042-43 & 44
Page Two

adopt prior to granting water service. As policies are developed, the information will be made available.

Sincerely,

SOQUEL CREEK WATER DISTRICT

A handwritten signature in black ink, appearing to read "Jeffery N. Gailey", is written over the printed name.

Jeffery N. Gailey

Engineering Manager/Chief Engineer

Enclosure; Water Use Efficiency Requirements

SANTA CRUZ COUNTY SANITATION DISTRICT
INTER-OFFICE CORRESPONDENCE

DATE: June 21, 2004

TO: Planning Department, ATTENTION: RANDALL ADAMS

FROM: Santa Cruz County Sanitation District

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE FOR THE FOLLOWING PROPOSED DEVELOPMENT:

APN: 041-042-43, -44 APPLICATION NO.: 04-0095

PARCEL ADDRESS: 8060 SOQUEL DRIVE, APTOS, CA 95003

PROJECT DESCRIPTION: PROPOSAL TO CONSTRUCT A 9,999 SQUARE FOOT COMMERCIAL BUILDING, TEN FOOT HIGH RETAINING WALL, AND A TRASH/RECYCLING ENCLOSURE. PROPERTY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF TROUT GULCH ROAD AND SOQUEL DRIVE IN APTOS.

Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, the applicant must obtain a new sewer service availability letter. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Change the 15.5 lineal feet of sewer extension from a 6-inch sewer pipe to an 8-inch sewer line.

Water use data (actual or projected), and other information as may be required for this project, must be submitted to the District for review and use in fee determination and waste pretreatment requirements before sewer connection permits can be approved.

A backflow prevention device may be required on the sewer lateral.

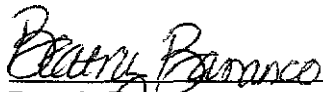
No downstream capacity problems or other issue is known at this time. However, downstream sewer requirements will again be studied at time of Planning Permit review, at which time the District reserves the right to add or modify downstream sewer requirements.

In addition the Santa Cruz County Sanitation District Environmental Compliance Division has reviewed the plans and has the following requirements:

Food Service Facility Operations:

- It is understood that possibly a Starbucks coffee shop will occupy one of the tenancies. An exterior grease trap is illustrated in the plans and should be adequate.
- If another food service facility is planned for the new development, a District-approved grease interceptor will be required to remove fats, oils, and grease from sanitary sewer water emanating from the kitchen prior to discharge. All sinks and floor drains in the kitchen must be routed through the interceptor. The interceptor size must be approved by the District. Attached are sizing criteria and design criteria for grease interceptors. Prior to approval of plans, the District must be allowed to review any proposed plans for grease interceptors.
- Floor ~~drains~~ must be installed with screens that prevent solids from blocking the facility's pipes and from entering the sanitary sewer.

Any other industrial use of the proposed building may require other pretreatment of sanitary wastes prior to discharge. For instance, a sampling manhole may be required if any industrial facilities are planned at the site. It is difficult to specify any requirements during the planning phase if it is unclear what the intended use of the property is. Any questions regarding these requirements should be directed to the Santa Cruz County Sanitation District Environmental Compliance Division (831) 464-5462.



Beatriz Barranco
Sanitation Engineering

BB:abc/410

Attachments

c: Property Owner/Applicant: PALISADES GAS & WASH INC.
3010 AGOURA CT. # 200
AGOURA, CA 91301

MICHAEL BETHKE
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