

ORDINANCE NO. 5027

ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT AS ALLOWED BY SANTA
CRUZ COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS
FOR APN: 029-021-47

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

A Planned Unit Development is hereby granted to the property located on the south side of Soquel Avenue about 575 feet fi-om the intersection of Mattison Lane and Soquel Avenue, also known as the PAZ, LLC Site, and shown on Exhibit A attached hereto and subject to the conditions shown on Exhibit B, attached hereto.

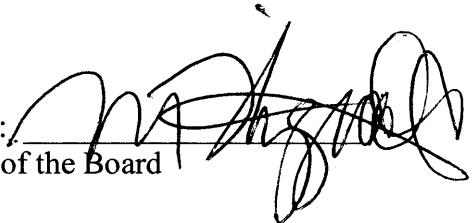
SECTION II

This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this 9th day of December 2008 by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Coonerty, Beautz, Stone and Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	Campos


Chairman of the Board of Supervisors

Attest: 
Clerk of the Board

APPROVED AS TO FORM:

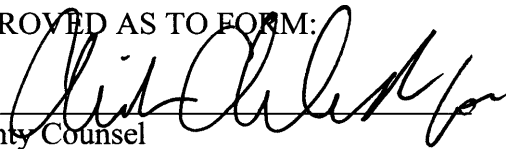

County Counsel

EXHIBIT A

Planned Unit Development
Conditions of Approval

Property located on the south side of Soquel Avenue about 575 feet west of the intersection of Soquel Avenue and Mattison Lane; Live Oak Planning Area.

APN: 029-021-47

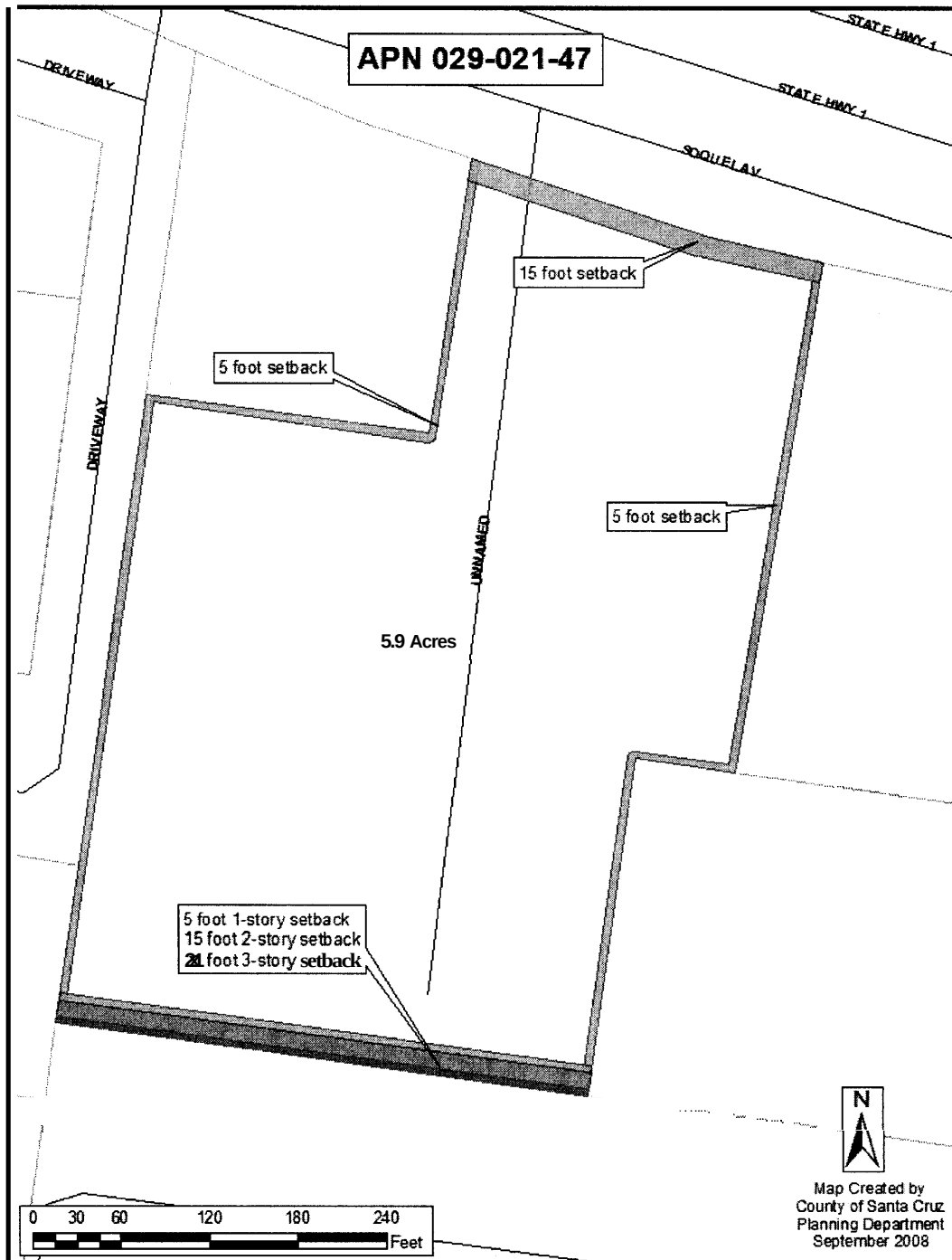


EXHIBIT B

Planned Unit Development
Conditions of Approval

Property located on the south side of Soquel Avenue about 575 feet west of the intersection of Soquel Avenue and Mattison Lane; Live Oak Planning Area.

APN: 029-021-47

This site contains 5.0 useable (developable) acres, equating to 100 dwelling units, of these, 15 affordable units are required under County Code Section 17.10.030(b)(1) and 25 affordable units are required by this Planned Unit Development (PUD). Development of this site is by-right in that the use and density for the site are not discretionary. A Level VII design review hearing is required.

I) General Site Standards

- A) All requirements and standards contained in Section 13.10.475 through 13.10.478 of the County Code (Regional Housing Needs “R” Combining District) shall be applicable unless expressly modified by the conditions of this Planned Unit Development.
- B) Site Standards. The following development standards supersede the development standards in the County Code. Unless specifically defined below, developments must meet all required development standards in the County Code at the time the Design Review application is deemed complete. All of the site standards contained within Chapter 13.10 regarding the Multi-Family (RM) zone district shall be applicable unless modified by this Planned Unit Development.
 - 1) Circulation and Parking Requirements
 - (a) Parking Requirements.
 - (i) 1.5 spaces per studio or one-bedroom unit;
 - (ii) 2.0 spaces for two-bedroom unit;
 - (iii) 2.5 spaces for three-bedroom unit; and
 - (iv) 3.0 spaces per four-bedroom unit.
 - (v) An additional 20% of the total number of parking spaces to accommodate guest parking.
 - (vi) A reduction to the required on-site parking standard may be considered by the Board of Supervisors as part of the Design Review Permit. Any request shall include an on-site parking management plan prepared by a traffic engineer.
 - (vii) The maximum number of required parking spaces that may be compact in size is specified in County Code Section 13.10.553(e) or its successor ordinance.

PAZ, LLC PUD
11/21/2008

- (viii) The standards for off-street parking facilities as outlined in County Code Section 13.10.554 at the time of application is deemed complete shall apply.
 - (b) Circulation Requirements. All interior driveways shall be a minimum of 20 feet in width for two-way circulation and 12 feet in width for one-way circulation. A minimum 50-foot centerline radius on all access routes is required.
 - (c) Bicycle Storage. At least one lockable storage space for bicycle storage shall be provided for each dwelling unit. This lockable storage area may be located within the storage area, as required in III.D.1(d).
 - (d) Accessibility. Developments must meet accessibility requirements of Title 24 of the Building Code or successor code in effect at the time the Building Permit application is submitted. Building Permit applications will not be processed concurrently with the Level VII Design Review application.
 - (i) Accessible parking shall be provided consistent with California State Law. This applies to the design of the parking spaces, location of the parking spaces, number of accessible spaces provided, and accessible path of travel through the development and to the public right-of-way.
- 2) Requirements for Structures
- (a) Number of Stories. A maximum of three (3) stories as defined by the County Code exclusive of subsurface parking is allowed.
 - (i) Three stories are allowed except in areas restricted to a two-story maximum due to visual impacts. These areas are delineated in Exhibit A and are described below in Section I.B.4(c)(i).
 - (b) Height. Height of three-story structures may be up to 35 feet, exclusive of sub-surface parking, and the height of two-story structures may be up to 28 feet, exclusive of subsurface parking. In order to minimize grading on site, heights of buildings shall be measured only from finished grade, and in no case shall finished grade exceed natural grade by more than 3 feet.
 - (i) For any structure proposed to be within 2 feet of the maximum height limit, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure above preconstruction natural grade and finished grade.
- 3) Developable Area Requirements
- (a) Site Standards. Lot Coverage Site Standards and Floor Area Ratio Site Standards do not apply.
 - (b) Setbacks. The following setbacks are established from the perimeter of the property to the structures in aggregate and are as follows:
 - (i) North: 15 feet

- (ii) East 5 feet
- (iii) West: 5 feet
- (iv) South: 5 feet to single story structures, 15 feet to two-story structures, 20 feet to three-story structures.
- (v) For projects involving a tentative map, the interior setbacks and lot size shall be established through the Design Review process and are not subject to obtaining a Residential Development Permit under County Code Section 13.10.323(d)(1)(A) or its successor ordinance.

(c) Site Design

- (i) In order to promote the development of smaller “villages” within the project site, and to prevent large, unbroken building frontages, buildings shall be clustered into groups around the site.
- (ii) To the extent feasible, buildings should take advantage of solar opportunities for roof pitch and building orientation.
- (iii) Structures shall be oriented and designed to create useable open space areas for each building cluster.
- (iv) The Open Space requirements specified in County Code Section 13.10.323e(6)F shall not apply to this site. Instead, useable open space, including space for a community garden, shall be provided on site as specified by the Design Review permit. If family units are proposed for this site, the developer is encouraged to include one larger open space area for active use.
- (v) Screening shall be installed along the eastern, western, and southern property lines consisting of masonry, wood fencing or a combination, and including vegetation, as appropriate to adjoining uses on either side of the property boundary, with materials and height to be established during the Level VII Design Review process taking into account noise and privacy issues.
- (vi) The street frontage at Soquel Avenue shall include a single entrance, and should be characterized by articulated building facades or an appropriately and attractively designed sound barrier.
- (vii) The developer is encouraged to separate parking areas and driveways from open space and units in order to promote pedestrian safety.
- (viii) The developer is encouraged to incorporate significant landscape features in order to augment the livability of the project.

(d) Roadway Design. The following standards shall apply to internal roadways on the project site and along the Soquel Avenue frontage:

- (i) Paved road width for internal two-way roads: Minimum 20’
- (ii) Improvements: On Soquel Avenue, match the improvements to the west, in front of Live Oak Business Park which include a 69 foot right-of-way for the length of the site frontage, a 5 foot westbound bike lane, 12 foot travel lane, 11 foot center turn lane, 12 foot travel lane, 5 foot eastbound bike lane, 4.625 foot landscaping strip, and 6 foot sidewalk. The sidewalk shall connect to the

existing sidewalk to the west of the site, subject to the conditions of County Code Section 18.10.240(d).

- When planting the landscaping strip, street trees shall conform to Redevelopment Agency standards, and plantings shall be arranged such that a METRO transit shelter could be incorporated at a future date.
- (iii) Secondary access to the site shall be provided as Emergency Only, and negotiated as an easement with the owner of APN 029-021-59, directly to the west, subject to the conditions of County Code Section 18.10.240(d).

4) Building Design Standards

- (a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.
- (b) Due to the required development density of this project, the requirements of Chapter 13.10 relating to distance between structures is not applicable.
- (c) To reduce the potential bulk and mass of buildings, efforts shall be made to provide articulation and architectural features and to provide a transition from the adjacent properties. This transition shall be achieved by the following:
 - (i) Restricting buildings to 28 feet and two stories in height and set back a minimum of 15 feet adjacent to the southern property line.
 - (ii) Requiring that buildings facing public roads incorporate features such as step-back heights, articulation, variations in finishes, glazing, building separation and varied roof heights.

II) Project Review

- A) Entitlements. All entitlements, with the exception of the building permit application review shall be processed concurrently at Level VII, subject to the processing provisions of 18.10.210, 18.10.332, and 18.10.211.
- B) Tentative Map. If a tentative map approval is required, it must be included in the Level VII Design Review application. A Residential Development Permit, normally required by Section 13.10.323(d)(1)(A) is not required.
 - 1) Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Chapter 14.01. Where a tentative map is proposed, the public hearing shall be expanded to address findings necessary under the Subdivision Map Act. Wherever possible the environmental review performed at the time this PUD was adopted will be utilized in the processing of the Tentative Map unless the Environmental Coordinator determines that additional California Environmental Quality Act (CEQA) review is required based upon the available information.

III) Affordable Housing

- A) Affordability Level. All development proposals for this parcel are required to provide a minimum of forty percent (40%) of the total number of units as affordable:
 - 1) A minimum of 15% of the 100 units shall be affordable under the requirements for all development projects in Chapter 17.10.030(b)(1).

PAZ, LLC PUD
11/21/2008

- 2) An additional minimum of 25% of the 100 units shall be affordable under the requirements for Enhanced Affordable units as described in Chapter 17.10.030(b)(6). For fractional numbers in the 25% Enhanced Affordable category, affordable housing obligation will be derived by rounding to the nearest whole number, such that 0.5 will be rounded up.
- 3) For the purpose of this PUD the following terms shall have the following meanings:
 - (a) "Enhanced Affordable" refers to the additional 25% affordable units required. These units may be rented at Enhanced Low Income levels or sold at Enhanced Moderate Income levels.
 - (i) For Enhanced Affordable units, the income and assets of owner-occupant households shall not exceed the limits for an Enhanced Moderate income household, and for tenant households, shall not exceed the limits for an Enhanced Low income household, unless more stringent limits are required by funding sources.
 - (b) "Enhanced Low Income" means a household earning up to 100% of median income. Rental pricing for units designated as affordable to Enhanced Low Income households is based on 80% of median income, as adjusted for household size.
 - (c) "Enhanced Moderate Income" means a household earning up to 150% of median income. Sales pricing for units designated as affordable to Enhanced Moderate Income households is based on 120% of median income, as adjusted for household size.

B) Financial Liability

- 1) In the event that a developer believes that the affordable housing requirements for a project proposed for this site renders the project financially infeasible, the developer may request relief from a proportional amount of the affordability requirements. That request shall be submitted to the Planning Director with all supporting information, including the development pro forma for the project. The Planning Director shall analyze that request and make suitable recommendations to the Board of Supervisors. In the event that the Board finds that the developer has provided evidence that fulfillment of the affordable housing requirements renders the project financially infeasible, the Board shall grant an increase in the allowed unit resale price, above the price restrictions contained in Sections 17.10.030(b)(1) and 17.10.030(b)(6) of the County Code, in an amount equal to that required to render the project financially feasible. In the event that such price modifications are granted, the developer shall grant the County Redevelopment Agency the option to purchase units at the revised sales price for the purpose of writing them down to suitable levels of affordability, consistent with the intent of this PUD.

C) Participation Agreement

- 1) Prior to Building Permit issuance or prior to filing of the Final Map, if one is required, the developer shall enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code and as noted in Section III.A. 1 and 2.

D) Affordable Unit Standards

- 1) The following standards supersede the standards of the County Code and Affordable Housing Guidelines regarding affordable units. Where not superseded by the provisions

PAZ, LLC PUD
11/21/2008

below, affordable units shall be comparable to market rate units and must meet the requirements of Chapter 17.10 of the County Code and the Affordable Housing Guidelines and shall be subject to all affordable housing standards, with the following exceptions.

- (a) The size of affordable units may be smaller than market rate units. At a minimum, the average size of the affordable units must be 70% of the average size of the market rate units (see County Code Section 17.10.032(a)(4)).
- (b) The affordable units may average 0.5 of a bedroom less than the average number of bedrooms per unit in the market rate units.
- (c) Affordable units may be clustered on-site.
- (d) Where garages are provided for market rate units, garages are not required for affordable units. Where garages are not provided for any unit, that unit (market rate or affordable unit) shall have a minimum of 218 cubic feet of private storage space per unit which shall be accessed outside the unit and may not encroach into the required parking space dimensions.

E) Applicability of Density Bonus

- 1) Density Bonus provisions do not apply to developments meeting the minimum 40% requirements of the Regional Housing Need Combining District.
- 2) For projects eligible for concessions under State density bonus law due to an appropriate incremental increase in the number of affordable units as set forth in State law beyond those required by the Regional Housing Need Combining District, a project developer may request additional concessions as set forth in Chapter 17.12. No increase in the number of units on the site is allowed.

IV) Design Review

A) Public Hearings

- 1) Development proposals shall undergo a Design Review process and public hearing limited to design issues only. No discretionary permit is required for the density or use of the site. For development proposals under these "by-right" provisions, applicants must apply for a Level VII Design Review, which requires review at public hearing by the Planning Commission and Board of Supervisors. The Design Review Permit is valid for a maximum of two (2) years. The building permit shall be issued within the two-year period for the Design Review Permit to be exercised.
- (a) Requests for an extension of time for the Design Review Permit shall be processed as a Level VII permit review. The permit may be extended for one year up to five (5) times for a total permit life of seven (7) years.

B) Development Standards

- 1) All requirements of the Site, Architectural and Landscape Design Review (Chapter 13.11) or successor ordinance in effect at the time a Design Review Application is deemed complete for processing shall be applicable unless modified by this PUD.
- 2) All applicable requirements and standards of the Zoning Regulations (Title 13, Chapter 13.10) and Environmental and Resource Protection Regulations (Title 16) in effect at the

PAZ, LLC PUD
11/21/2008

time a Design Review Application is deemed complete for processing shall apply unless modified by this PUD.

- 3) All requirements of Section IX of this PUD shall be met during the review and construction of a housing project on this site. In particular the following requirements shall be met:
 - (a) All future development on the site shall comply with the requirements of the traffic study prepared by Fehr and Peers dated April 13, 2007, or an update thereof.
 - (b) All future development on the site shall comply with the requirements of the noise study prepared by Charles M. Salter Associates dated April 24, 2007, included as Exhibit C, or an update thereof.
 - (c) In fulfillment of Section IX, HYD-3 and HYD-4, of this PUD, improvements to the existing drainage system along Soquel Avenue from the culvert that drains across Highway 1 north of the project site, up to the box culvert in Rodeo Gulch, are required to address drainage from the site and the existing sub-standard system. Stormwater from the site shall be directed to a new drainage system installed along Soquel Avenue and emptying into Rodeo Gulch. All improvements shall meet Department of Public Works (DPW) Design Standards, and shall be constructed within the roadway up to the existing box culvert beneath Soquel Avenue and Highway 1. Alternative drainage proposals will require an amendment to this PUD.
 - (i) A Riparian Exception is granted with this PUD for installation and maintenance of drainage outlets and energy dissipaters in Rodeo Gulch under the following conditions:
 - No disturbance is allowed below the average high-water mark of Rodeo Gulch.
 - Prior to issuance of the final building permit, drainage plans shall be reviewed and approved by both DPW Drainage and Environmental Planning.
 - Prior to issuance of the final building permit, the applicant shall provide the County a copy of the California Department of Fish and Game (CDFG) 1602 permit, or a statement from the CDFG that no permit is required.

C) Minor Variations

- 1) Minor variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff.

D) Level VII Design Review Submittal Requirements

- 1) A Geotechnical Report shall be prepared for the site, as required by Section IX, Mitigation GEO-4, and meeting all requirements of that Section. Four copies of the report shall be submitted to the County for review at the time of project application and accepted prior to the application being determined complete. All requirements and recommendations of the approved report shall be incorporated into the project design. A Plan Review letter shall be submitted as part of the Design Review submittal and Building Permit Application submittal. All future development on the site shall comply with the requirements of the geotechnical report prepared by a licensed geotechnical engineer.
- 2) Preliminary Architectural and Site Plans

PAZ, LLC PUD
11/21/2008

- (a) Preliminary architectural and site plans, prepared by a licensed architect, meeting the standards established by the Planning Department for multi-family residential application submittal, shall be submitted. The plans shall incorporate, but not be limited to, all requirements contained in this PUD.
- (b) The site plan shall clearly delineate all useable and non-usable areas, including but not limited to:
 - (i) Noise Buffer. The area of noise concern and an appropriate noise buffer area must be shown on the site plan. Please refer to the April 2007 report by Charles M. Salter Associates for guidelines regarding the required buffer and noise-reducing construction techniques.
 - All interior spaces must meet County noise standards, but may also include operable windows.
 - Exterior open space areas shall be sheltered by two or three story structures or by an adequate sound wall in order to reduce noise impacts.
 - A soundwall at the Soquel frontage is not preferred, and if proposed should be designed in such a way as to incorporate vegetation, articulation, and visual interest.

3) Utilities, Roads and Services

- (a) Preliminary engineered improvement plans shall be submitted to the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements proposed or required by this PUD. Form and content of the plans shall meet the standards established by the Planning Department for multi-family residential application submittal.
- (i) Preliminary improvement plans shall meet the following requirements, as well as those specified in Section IX, TRA-1 of this PUD:
 - All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified herein. Plans shall also comply with applicable provisions of Title 24 (Accessibility) of the State Building Code.
 - Preliminary drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils. This includes off-site work as described in Section IV. B. 5, and Section IX, PSU-1 and HYD-3, HYD-4, HYD-5, and HYD-6.
 - 1. The drainage system shall be designed such that there is no substantial change to the drainage feature on APN 029-021-46.
 - Preliminary grading plans must be submitted at time of application. An objective of the project design shall be to minimize the grading on site and off site to the maximum extent possible. This includes designing the grading and foundations to follow existing topography as much as possible, while still meeting the conditions of Section IX GEO-1, GEO-2, GEO-3, and GEO-4 of this PUD. The grading plans shall include existing and proposed contours, plan views and centerline profiles of all driveway improvements, locations,

and heights of all retaining walls, preliminary drainage design, grading cross sections through proposed building pads, and all volumes of excavated and fill soils. This includes all on-site and off-site work. In no case shall final finished grade exceed 3' above pre-construction existing grade.

- Preliminary Sanitation plans shall be submitted to DPW for all sanitary improvements proposed or required by this PUD, either on site or off site.
- (ii) All road plans shall comply with all requirements of the DPW Road Engineering and shall be consistent with the County's Design Criteria and any adopted Plan Line, as well as Section IX, TRA-1 of this PUD.
- (iii) A sign plan indicating the location and size of all signs on the site shall be submitted. The signs shall be consistent with the provisions of this PUD.

V) Final Map Requirements and Timing.

If the project includes a Map, the following requirements shall be met prior to the final map filing:

- A) Drainage. Final engineered drainage details shall be submitted to the County Planning and Public Works departments for both on- and off-site drainage work. Drainage plans shall show that the release rate from the site will not exceed the pre-development 10-year storm level, as required by Section IX, HYD-4 and PSU-1 of this PUD. Drainage from road improvements shall be filtered and released into the new drainage system along Soquel Avenue. A Construction Activities Stormwater General National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the State Water Resources Control Board.
- B) Roads. Final engineered road improvement plans shall be submitted to the County Planning and Public Works departments for both on- and off-site road improvements.
- C) Recorded Conditions. Proof must be submitted that the conditions of all required permits (such as Design Review, NPDES) have been recorded in the official records of the County Recorder.
- D) Affordable Housing. The developer must enter into an Affordable Housing Participation Agreement with the County of Santa Cruz.
- E) Fees. All applicable in-lieu fees shall be paid.
 - 1) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.01 or its successor ordinance, park dedication in-lieu fees shall be paid for each dwelling unit. The fees in effect at the time of filing of a Final Map, if applicable, shall be paid.

VI) Building Permit Requirements and Timing:

Prior to the issuance of any building permit, all of the following conditions shall be met, some of which may have been met at the Final Map Stage:

- A) Plans shall be consistent with the Design Review approved project and all requirements of this PUD.
- B) Final engineered drainage details shall be submitted to DPW Drainage for both on-site and off-site drainage work.

PAZ, LLC PUD
11/21/2008

- 1) The allowable release rate from the site shall be limited to the 10-year predevelopment flow rates or less based on the assessment performed by Ifland Engineers dated August, 2008. The safe overflow paths for the proposed mitigation system shall be described and analyzed, and techniques such as minimizing site disturbance, minimizing impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development shall be considered.
 - 2) All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site.
 - 3) Depending on the nature of the proposed development DPW staff may inspect the construction of the drainage related items.
 - 4) Zone 5 fees will be assessed on the net increase in impervious area due to the development project. Semi-pervious surfaces will be charged at a 50% rate.
- C) Final engineered road improvement plans shall be submitted to the County for both on-site and off-site road improvements.
- D) Proof that the conditions of all required permits (such as Design Review, Tentative Map) and all required Declarations of Restriction and Statements of Acknowledgment have been recorded in the official records of the County Recorder shall be submitted to the Planning Department prior to the issuance of Building Permits.
- E) All applicable in lieu fees shall be paid.
- 1) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.01 or its successor ordinance, park dedication in-lieu fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.
 - 2) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.04 or its successor ordinance, Child Care Development fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.
 - 3) Transportation improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit may be allowed for installation of improvements off-site that are part of the Capital Improvement Program.
 - 4) Roadside improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit may be allowed for installation of improvements off-site that are part of the Capital Improvement Program.
 - 5) 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 said school district in which the project is located shall be submitted to the Planning Department prior to building permit issuance. The applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities.

PAZ, LLC PUD
11/21/2008

- F) Plan review letters shall be obtained from the technical report authors indicating that the plans comply with the County approved technical reports and all of their recommendations have been incorporated into the project plans.
- G) All requirements of the Central Fire Protection District shall be met with respect to access, turnarounds, fees, water availability and design features.
- H) The units shall be connected for sewer service to the Sanitation District. All regulations, conditions and hookup charges of the Sanitation District shall be met. Currently the site is not connected to the sewer lines and off-site improvements will be required to access either the main line in Mattison Lane, or in Chanticleer Avenue. Final engineered plans shall be submitted complying with all requirements and standards of the Sanitation District, as specified in Section IX.
 - 1) Payment equivalent to the required flow metering and odor control equipment will be collected at the time sewer connection permits are obtained.
- I) All units shall be served by the Santa Cruz Water District. All requirements of that water district including the payment of connection charges shall be met. Engineered improvement plans for all water line extensions required by the Santa Cruz Water District shall be submitted for the review and approval of the water agency. Off site improvements may be required.
- J) Final engineered plans shall be submitted complying with all requirements and standards of the Santa Cruz Water District.
- K) The developer shall enter into the Affordable Housing Participation Agreement with the County.
- L) One (1) "construction security trailer" (maximum 12 feet by 60 feet) is allowed on the site during construction. The size and location of the unit conforming to all yard setbacks contained in the PUD shall be shown on the plot plan. Compliance with Section 13.10.683 or any successor ordinance is required. A building permit is required for installation of the construction trailer.
- M) Any signs shall comply with Section 13.10.580 or any successor ordinance and the location and design shall be reviewed and approved as part of the Design Review process. The following signs are allowed:
 - 1) A non-illuminated temporary sign pertaining to the sale, lease or rental of a dwelling and limited to six square feet in size or less.
 - 2) A permanent identification sign, in-directly illuminated, of 12 square feet or less.
- N) Prior to the final inspection or clearance of the building permit, all of the site improvements shown on the approved building permit plans and Design Review Approval shall be installed/implemented.

VII) Construction Phase Requirements

- A) Prior to any site disturbance or physical construction on the subject property the following condition shall be met:
 - 1) Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the

PAZ, LLC PUD
11/21/2008

site. The following parties shall attend: applicant, grading contractor supervisor, and Santa Cruz County Environmental Planning staff. The receiving site for any exported fill will also be identified and County approved grading permits presented.

- B) All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. An Encroachment Permit from DPW shall be obtained for any work performed in the public right-of-way. All work shall be consistent with the DPW Design Criteria unless otherwise specifically excepted by this PUD.
- C) No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter grading approval is granted by the Planning Director, which may or may not be granted.
- D) No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by the conditions of an entitlement permit).
- E) 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 human remains of any age or any artifact or other evidence of an archaeological resource or a Native American cultural site which reasonably appears to exceed 100 years of age 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.
- F) To minimize noise and nuisance impacts on surrounding properties during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1) All construction shall be limited to the time between 7:30 am and 4:30 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation; and
- G) The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site, and visible from Soquel Avenue. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

VIII) Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of this approval in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the mitigations is hereby adopted as a condition of approval. The purpose of this monitoring is to ensure compliance with the environmental mitigations during implementation and operation. Failure to comply with the conditions contained within the PUD, including the terms of the adopted mitigation monitoring program, may result in the revocation of the PUD pursuant to section 18.10.136 of the Santa Cruz County Code.

IX) Mitigation Measures

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Geology/Soils					
GEO-1	Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving seismic ground shaking.	Residential structures shall be supported on post-tensioned slabs that are designed for expansive soils unless the geotechnical engineer specifies alternative designs. The slab foundations shall bear entirely on the properly prepared compacted structural fill or native soils. In no case shall a slab foundation bear upon more than one of these materials. A soils report shall be required to confirm the design criteria for the project site. The recommendations of the soils report shall be implemented to adequately mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
GEO-2	Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, subsidence, liquefaction, or structural collapse.	Constructing with post-tensioned slab foundations and following the recommendations of the geotechnical engineer will be required to mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
GEO-3	Result in soil erosion or the substantial loss of topsoil.	Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan, which will specify detailed erosion and sedimentation control measures (County Code Chapter 16.22.060). The plan will include provisions for disturbed areas to be planted with groundcover and to be maintained to minimize surface erosion.	County Planning Department	Building/Grading Permit	Prior to issuance of Building Permit
GEO-4	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994), creating substantial risks to property.	A geotechnical investigation and soils report shall be required to determine appropriate design criteria for the project site. The recommendations of the geotechnical investigation and soils report shall be implemented to adequately mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
Hydrology/Water Supply/Water Quality					
HYD-1	Deplete groundwater supplies or interfere substantially with groundwater recharge	A water main extension will be required for the City of Santa Cruz Water Department, along with fire, domestic, irrigation meters and fire hydrants. Connection fees will be required per number and type of residential unit. Connection fees for irrigation will be calculated based on fixture points and/or	City of Santa Cruz Water Department	Water Service	Prior to Construction

ATTACHMENT 3

ATTACHMENT 3

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table.	gallon per minute demand. All public water facilities shall be installed within a designated utility easement per Santa Cruz Water Department Standard Specifications and Details.			
HYD-2 Degrade a public or private water supply. (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).	Potential siltation from the proposed project will be mitigated through implementation of an Erosion Control Plan (see Geology and Soils). A silt and grease trap, and a plan for maintenance, will be required to reduce this impact to a less than significant level.	County Planning Department	Building/Grading Permit	Ongoing
HYD-3 Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that could result in flooding, erosion, or siltation on or off-site.	The proposed project would comply with Chapter 16.22.070 (Runoff Control) of the County Code. The following measures shall be used for runoff control, and shall be adequate to control runoff from a 10-year storm: (a) To the extent that that onsite percolation is not sufficient, all runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Onsite detention may be required by the Planning Director where excessive runoff would contribute to downstream erosion or flooding. (Any policies and regulations for any drainage zones where the project is located will also apply.) Detention facilities included in future development shall be designed not to exceed predevelopment flows in order to avoid downstream effects. (b) Any concentrated runoff that cannot be effectively dispersed without causing erosion, shall be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Director or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge. (c) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area. (d) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.	County Planning Department	Building/Grading Permit	During Construction and Ongoing

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		In an effort to reduce runoff, implement techniques where feasible such as minimizing site disturbance, minimizing proposed impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development, etc.			
HYD-4	Create or contribute runoff that would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff.	All project runoff in excess of predevelopment levels for a 10-year storm event shall be detained on the site. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site (e.g., outslping driveways to drain to landscaped areas for filtering prior to discharge from the site). If structural treatment is proposed, a recorded maintenance agreement will be required. This agreement shall be signed, notarized, and recorded, and a copy of the recorded agreement shall be submitted to the County DPW. The Developer shall provide permanent markings at each drainage inlet that reads "NO DUMPING-DRAINS TO BAY," or equivalent. The property owner will be responsible for maintaining these markings.	County Planning Department of Public Works	Building/Grading Permit	Design and Construction
HYD-5	Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff.	All runoff in excess of predevelopment levels for a 10-year storm event shall be detained on the site.	County Planning Department	Building/Grading Permit	Design and Construction
HYD-6	Otherwise substantially degrade water supply or quality.	Silt and grease traps, and a plan for maintenance will be required to minimize the effects of urban pollutants. In addition, an Erosion Control Plan as specified in Section 16.22.060 of the County Code, and a Storm Water Pollution Prevention Plan will be required during construction. Because the proposed project would result in a land disturbance of one acre or more, a Construction Activities Storm Water General NPDES Permit shall be obtained from the State Water Resources Control Board. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement.	County Planning Department	Building/Grading Permit	Design and Construction, and ongoing
Biological Resources					
BIO-1	Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.	All work during installation of the drainage outfall shall occur from Soquel Avenue. Construction equipment is not allowed to enter Rodeo Creek Gulch during project construction. All drainage work adjacent to Rodeo Creek Gulch shall be completed outside of the breeding season for migratory birds (February 15 through August 15).	County Planning Department; California Department of Fish and Game	Building/Grading Permit	Design and Construction

ATTACHMENT

31

Environmental Impacts		Mitigation Measures		Responsibility for Compliance	Method of Compliance	Timing of Compliance	
Visual Resources and Aesthetics							
VIS-1	Create a new source of light or glare that would adversely affect day or nighttime views in the area.	The following project conditions to reduce night lighting impacts shall be implemented: (a) It shall be an objective of lighting design to relate to the site and building design and reduce off-site impacts. (b) 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. (c) 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. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.			County Planning Department	Building/Grading Permit	Design and Construction
Cultural & Archeological Resources							
CUL-1	Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5.	No archaeological resources are known to occur or expected within the project area. However, the potential for archaeological resources exists within and adjacent to Rodeo Gulch. Therefore, construction of the drainage outfall proposed immediately south of Soquel Avenue shall occur entirely within the elevated roadway prism composed entirely of fill material.			County Planning Department	Building/Grading Permit	Project Construction
CUL-2	Disturb any human remains, including those interred outside of formal cemeteries.	Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.			County Planning Department	Building/Grading Permit	During Construction
Hazards and Hazardous Materials							
HAZ-1	Be located on a site	Based on the findings of the 2007 Phase I ESA, the following mitigation			County Planning	Building/Grading	During Construction

ATTACHMENT

52

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
TRA-1	which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	measures shall be implemented: - Prior to renovation or demolition, sampling shall be conducted to assess if asbestos is contained in the construction materials of the building. The California Health and Safety Code requires owners of structures with asbestos containing material (ACM) to notify tenants and employees that the building has ACM. - All hazardous materials on the project site shall be stored in appropriate secondary containment to prevent spills or leaks. - Based on the surface staining near hazardous materials, the improper storage noted in the 1999 Phase I ESA, and the potential collection and drainage of motor fuel and oil by the sump formerly located on the project site, several soil borings and soil samples shall be taken to assess potential subsurface impacts. - All fluids shall be drained and batteries removed from non-functioning vehicles on the project site and disposed of properly to prevent leaking and spilling. - The waste oil tank shall be removed from the project site, if no longer in use, or, if the tank is not removed from the project site, it shall be stored in appropriate secondary containment to prevent further leaking and spilling. - The automobile parts cleaner shall be removed from the project site, if no longer in use, and the remaining solvent shall be disposed of properly.	Department	Permit	
Transportation/Traffic					
TRA-1	Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways.	The following mitigation shall be implemented: Soquel Avenue/SR1 Southbound Ramps: Intersection operations can be improved by modifying the eastbound lane configuration and signal timings. The eastbound approach would be re-striped to provide a dedicated left-turn lane and one through lane (from a shared left-turn/through lane and one through lane). The signal timings will be modified to provide protected phasing for the eastbound left-turn movement. No changes are proposed for other approaches. The applicant shall pay fair share fees to the County of Santa Cruz for the required intersection improvements. Soquel Avenue/Chanticleer Avenue: Peak-hour signal warrants are met at the Soquel Avenue/Chanticleer Avenue intersection during both peak hours. This intersection improvement is currently in the County's plan for improvements along Soquel Avenue. The applicant shall pay fair share fees to the County of Santa Cruz for the required intersection	County Planning Department	Building/Grading Permit	Prior to Construction

Attachment 3

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		improvements.			
Air Quality					
AQ-1	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	Construction activities (e.g., excavation, grading, on-site vehicles) that directly generate 82 pounds per day or more of PM10 would result in a significant impact on local air quality if located nearby and upwind of sensitive receptors. Although project construction may result in a short-term, localized decrease in air quality due to generation of dust, the implementation of standard best management practices would reduce PM10 levels well below 82 pounds per day. The following mitigation measures will reduce construction-related emissions to a less than significant level. • All active construction areas shall be watered at least twice daily. Frequency will be based on the type of operation, soil, and wind exposure. • All grading activities will be prohibited during periods of high wind (over 15 mph). • Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Non-toxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut and fill operations and to hydroseed areas. • Haul trucks shall maintain at least 2'0" of freeboard. • All trucks hauling dirt, sand, or loose materials shall be covered. • Vegetative ground cover shall be installed in disturbed areas as soon as possible. • Inactive storage piles shall be covered. • Wheel washers shall be installed at the entrance to construction-sites for all exiting trucks. • Streets shall be swept if visible soil material is carried out from the construction site. • A publicly visible sign shall be posted that specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). • Limit the area under construction at any one time (MBUAPCD 2008).	County Planning Department and Monterey Bay Unified Air Pollution Control District	Building/Grading Permit	During Construction
AQ-2	Expose sensitive receptors to substantial	There would be a short-term air quality impact from emissions generated during site preparation (including soil stabilization efforts) and building	County Planning Department and	Building/Grading Permit	During Construction

52

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
pollutant concentrations.		construction. Dust from grading and emissions from heavy equipment would incrementally increase emissions over the short-term. There would be a long-term incremental decrease in air quality resulting from vehicle emissions generated by the proposed project. However, this impact is not considered to be significant with implementation of the above mitigation.	Monterey Bay Unified Air Pollution Control District	Permit	
Public Services and Utilities					
PSU-1	Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	The proposed project would comply with Chapter 16.22.070 (Runoff Control) of the County Code. The following measures shall be used for runoff control, and shall be adequate to control runoff from a 10-year storm: (a) To the extent that onsite percolation is not sufficient, all runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Onsite detention may be required by the Planning Director where excessive runoff would contribute to downstream erosion or flooding. (Any policies and regulations for any drainage zones where the project is located will also apply.) Detention facilities included in future development shall be designed not to exceed predevelopment flows in order to avoid downstream effects. (b) Any concentrated runoff that cannot be effectively dispersed without causing erosion, shall be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Director or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge. (c) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area. (d) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water. (e) In an effort to reduce runoff, techniques such as minimizing site disturbance, minimizing proposed impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development, etc., shall be implemented to the extent feasible.	County Planning Department and County Department of Public Works	Building/Grading Permit	During Construction
PSU-2	Result in the need for construction of new water or wastewater treatment facilities or	The proposed project is located within the Rodeo Gulch impacted sewer basin in which the Santa Cruz County Sanitation District Board of Directors (Board) has placed development restrictions. No development shall occur until the development restriction is lifted or the following mitigation measures	County Department of Public Works	Building/Grading Permit	During Construction

0676

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
expansion of existing facilities, the construction of which could cause significant environmental effects.	are implemented. - A sewer extension, pump station and area-wide study of the properties in the area that currently do not have sewer service. If the project engineer determines that the project parcel is the only parcel to be connected to a pump station, the pump station will be privately maintained and located on private property. Housing for any required on-site generator and controls shall match the architecture of the subdivision or complex. A response and maintenance manual shall be prepared by the developer, submitted to the Santa Cruz County Sanitation District for review and approval at the building permit phase. - If it is necessary for the project to sewer via Mattison Lane, three segments of public sewer main downstream of the project site would experience capacity problems, and 816 linear feet of sewer shall be upgraded. - If it is necessary for the project to sewer via Chanticleer Avenue, sewer capacity will become available following the planned upgrades for the 2009 construction season. Sewer connection via Chanticleer Avenue will not be available prior to completion of the upgrades. - A sewer connection of \$3,000 per individual dwelling unit will be required unless any of the units qualify by the Board as a) low income senior rental units, or b) below average-income ownership units.			

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz



CERTIFICATE OF PUBLICATION

Ad No.: 01541758

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 5027, adopted on Dec. 9, 2008, has been duly published in accordance with Section 25124 of the Government Code.

Tess E. Fitzgerald,
Supervising Board Clerk

By: Cure

PUBLIC NOTICE

**ADOPTED ORDINANCE NO. 5027
(SUMMARY)**

(Paste c) NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting on December 9, 2008, the Board of Supervisors of the County of Santa Cruz adopted Ordinance No. 5027 granting a Planned Unit Development as allowed by Santa Cruz County Code relating to establishment of development standards for Assessors Parcel Number (APN) 029-021-47. This Ordinance was passed by the following vote:

AYES: Coonerty, Beautz, Stone and Pine
NOES: None
ABSENT: None
ABSTAIN: Campos

Copies of the full text of this ordinance are available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California 95060.

Date: December 12, 2008
December 17, 2008
01541758

I, Mary Pipo,
hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

Legal Notice; Public Notice
Ordinance No 5027

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit:

December 17, 2008

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the December 17, 2008

Mary Pipo
Mary Pipo, Legal Clerk

"Proof of Publication must be filed with the County Clerk's Office within 30 days of the last publication date, pursuant to Civil Code Section 2466."