



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

0723

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

August 29, 2012

AGENDA: September 25, 2012

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

SUBJECT: Public hearing to consider the recommendation of the Planning Commission to approve Application Number 101027, the Aptos Village Project, a Mixed-Use Commercial and Residential Development in Aptos Village.

Members of the Board:

This letter transmits the recommendations of the Planning Commission on June 13, 2012 for the Aptos Village Project, a mixed-use commercial and residential development in the core area of the Aptos Village, per the guidelines of the Aptos Village Plan (AVP), approved by your Board on February 10, 2010. This public hearing has been set to consider the Planned Unit Development application and related requests.

Background

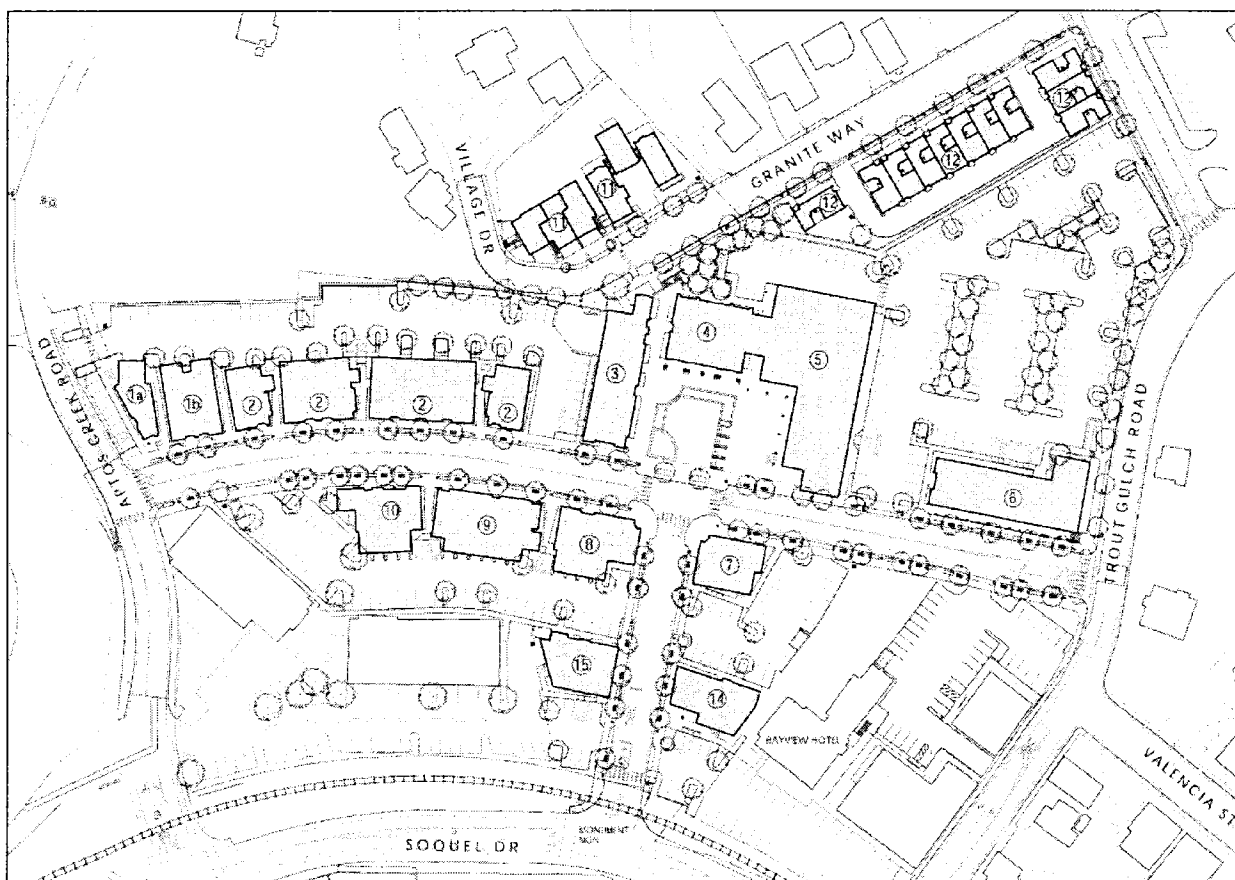
The Aptos Village Community Design Framework was originally adopted by your Board on April 17, 1979. Although the upper residential areas of this earlier plan were largely developed by the year 2000, the vacant commercial properties within the village core were not improved. In order to encourage infill development within the village, starting in 2001, the Planning Department began working with the community to develop a revised plan for the area. Multiple community meetings were held, and a group of partners came together to shape a renewed vision of what the Aptos Village could become. The process was carried out over a number of years, and your Board adopted the more detailed Aptos Village Plan (Exhibit I of the Planning Commission staff report) on February 23, 2010 to help realize this vision. The current application is a proposal to implement the development envisioned in the revised Aptos Village Plan adopted by your Board in 2010.

Project Summary

The subject property includes approximately 11.5 acres located in the core area of Aptos Village (roughly bounded by Soquel Drive, Aptos Creek Road, Trout Gulch Road, and Cathedral Drive). The majority of the subject property is undeveloped, with an existing historic Apple Barn (currently an antique shop), the former Aptos firehouse/VFW hall, and miscellaneous structures located on the project site.

The applicant proposes the construction of a mixed-use commercial and residential development including 63 residential units and up to 75,000 square feet of commercial space,

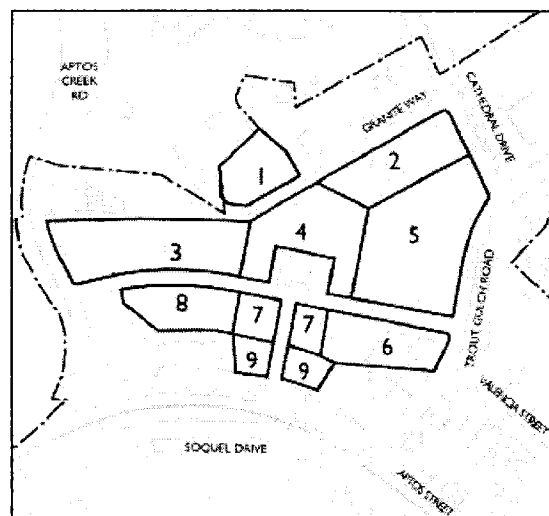
per the requirements of the AVP. This proposal includes the construction of a new east-west roadway (tentatively referred to as "Valencia Street"), a new north-south roadway (tentatively referred to as "Parade Street"), the relocation of the existing historic Apple Barn and construction of new mixed-use commercial buildings fronting on the new roadways and around the village common area. Parking areas would be located to the rear of the proposed buildings. Additional residential development is proposed on the hillside above the mixed-use portion of the project (accessed via Granite Way). Existing rail crossings at Trout Gulch Road and Aptos Creek Road would be improved, with a new rail crossing proposed at the intersection of the new north-south street and Soquel Drive, to provide access to the project.



Site Plan - Proposed Development

The project includes construction per the requirements of the AVP, which specifies nine separate building areas within the village core area (Figures 23 & 24 of the AVP - Exhibit I of the Planning Commission staff report).

For additional site specific details, including a breakdown of commercial square footage and residential units by building site, please see the Planning Commission staff report (Attachment 9).



Aptos Village Plan - Building Areas

Subdivision

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A subdivision approval is required for the division of the property into separate condominium and townhouse parcels. Given the mixed-use nature of the project, separate parcels are proposed for each tenant space and residential unit within the mixed use buildings, for the attached and detached residential townhouse buildings, and for common areas. The internal roadways are proposed to be offered for dedication to the County, from curb to curb, with sidewalk and landscape areas to be retained by the developer as part of the common area.

The subject property is located within the C-2 (Community Commercial) and RM-2 & RM-3 (Multi-family Residential - 2,000 & 3,000 square feet minimum) zone districts and the property is designated C-C (Community Commercial) and R-UH (Urban High Density Residential) in the General Plan. The subject property is located within the village core area of the AVP, which is the governing document for new commercial square footage and residential density for this proposal. The proposed subdivision and the resulting parcels are consistent with the commercial building area and residential density standards of the AVP.

Planned Unit Development

As specified in the AVP, a Planned Unit Development (PUD) is required for this project. A PUD can allow the project to vary from the requirements of the Zoning Ordinance to achieve an improved project design. In order to implement the development envisioned in the AVP, this proposal includes modifications to typical zone district site standards, allowed commercial uses and occupancies, and parking requirements. A discussion of PUD modifications is provided below.

Site Standards

In order to allow the construction of an urban environment in the core area of the Aptos Village, and to achieve the residential densities specified in the AVP, it is necessary to modify the site standards for the commercial (C-2) and residential (RM-2 & RM-3) zone districts. Application of typical zone district site standards would result in a series of detached buildings set back from the primary pedestrian walkways. A reduction in setbacks to allow mixed use commercial buildings to front on the sidewalk, and an increase in height requirements to allow residential units above commercial areas (which require fairly high ceilings) are necessary to implement the vision of the AVP.

Commercial Use & Occupancy

Modifications to the allowed uses within the C-2 (Community Commercial) zone district are proposed as a part of the PUD to establish use and occupancy standards for the commercial portions of the project. The proposed commercial uses in the PUD are similar to the uses currently allowed within the C-2 zone district, although the proposed uses are more up to date than the current C-2 zoning use chart (which originated in 1960s). The PUD use and occupancy standards would provide flexibility for the future commercial tenants, while also ensuring the proper mix of retail, restaurant, and office uses on the project site, consistent with the goals of the AVP.

Parking

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A total of 488 parking spaces will be provided on the project site for the proposed mixed use commercial development and residential units. The village core area includes shared parking areas that will be used by a mixture of commercial businesses as well as residential tenants and visitors. County Code requires a total of approximately 445 parking spaces for the proposed residential units and commercial development. Using the County Code to calculate parking requirements would result in a surplus of 40+ parking spaces in the proposed development. However, the actual parking demand would likely be much less since the proposal is a mixed use development with shared parking facilities.

A parking study has been prepared that estimates total parking demand for the project. The results of the study indicate that a total of 352 parking spaces would be required (at the peak periods of parking demand) to serve the proposed residential and commercial development. The parking study estimates that the shared parking facilities will provide sufficient parking, with a surplus of over 100 additional parking spaces available for special events and to accommodate shared parking demand from surrounding uses in the Aptos Village.

Historic Resource Review

The Historic Resources Commission (HRC) reviewed this application on August 5, 2011. The primary areas of concern were the relocation of the historic Apple Barn and the proposed demolition of the Aptos Firehouse/VFW building. The HRC discussed the changes to the Apple Barn and decided that it would result in the long term preservation of the structure. The HRC also recommended that the Aptos Firehouse/VFW building be demolished due to its dilapidated condition and lack of notable historic elements. Potential impacts to the historic Bayview Hotel were also analyzed and project conditions were developed to ensure that this historic structure would not be impacted by the proposed development.

The relocation of the Apple Barn on the project site, and the demolition of the Firehouse/VFW building require rezoning the existing "-L" (Historic) combining district (Attachment 3) to conform to the proposed location of the Apple Barn and the removal of the Firehouse/VFW building. No other rezonings are proposed as a component of this project.

Aptos Village Plan Amendment

The project has been designed to comply with the requirements and goals of the AVP. However, three amendments to the AVP are proposed to facilitate development of the project. Two of the three amendments would allow additional flexibility for the applicant, and the third would recognize that the historic Firehouse/VFW hall is in a condition that would not allow relocation or restoration.

Residential Units & Square Footage

The applicant has requested an allowance for flexibility of up to 10% for the total number of residential units in order to allow the project to adapt to fluctuating market conditions. An amendment to the AVP (Attachment 2) is proposed to allow an increase in the number of residential units and the amount of residential square footage relative to the commercial area (more than 50% of the mixed use project as residential square footage). Given the current

market conditions and the overall scope of the project this request would allow the developer to better respond to future market fluctuations.

Second Anchor Tenant

The applicant has also requested additional flexibility to allow a second commercial anchor tenant in excess of 7,500 square feet. An amendment to the AVP (Attachment 2) is proposed to allow a second anchor of up to 13,000 square feet. The re-allocation of square footage within the mixed-use portion of the development is consistent with the overall commercial square footage allowed by the AVP. The construction of a second commercial anchor tenant would lead to a more vibrant village atmosphere by creating a draw for pedestrians and to balance the commercial activity across the project site.

Demolition of Firehouse/VFW Hall

At the time of adoption of the AVP, it was assumed that the firehouse/VFW building could be moved to an alternate location within the village and the AVP requires this relocation. During the review process for this application, a structural engineer evaluated the structural integrity of the building, with additional review by the project historian and the Historic Resources Commission, with the resulting determination that the firehouse/VFW building should be demolished as a component of the project. The demolition of the firehouse requires an amendment to the AVP (Attachment 2) and approval of the demolition of this historic structure by your Board.

Affordable Housing

The proposed development is subject to the affordable housing requirements specified in Chapter 17.10 of the County Code. The applicant is required to provide 11.6 affordable housing units and is proposing to provide 12 affordable units. With this increase in the number of designated affordable housing units the applicant has requested the ability to cluster the units in the mixed-use portion of the project (as allowed in the AVP) with reduced average unit size and bedroom counts. The requested concessions are considered as reasonable due to the current economic conditions, the layout and style of development, and the provision of additional affordable units or their in-lieu fee equivalent.

Park Dedication

The AVP requires the dedication of a public park area for active recreation. A .74 acre park site has been designated in the northwest corner of the project site, and is offered for dedication to the County of Santa Cruz by the developer for the creation of a public park. No improvements to the park parcel are proposed as a part of this dedication. The proposed dedication of the park parcel is consistent with the requirements of the AVP.

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North-South Street Rail Crossing

A new railroad crossing at the proposed north-south street is necessary to access the project from Soquel Drive. The improvements to this intersection, along with improvements to two existing rail crossings at Trout Gulch Road and Aptos Creek Road will require review and approval by the California Public Utilities Commission (CPUC).

If the new at-grade rail crossing (at the proposed north-south street) can not be approved by the CPUC, a secondary option that terminates the north-south street at the parking area for Buildings 14 and 15 would allow for functional circulation through the project and adjacent common easements to Aptos Creek Road and Trout Gulch Road.

Bayview Hotel Crossing

The existing rail crossing in front of the Bayview Hotel and Trout Gulch Crossing is a private crossing that does not meet current CPUC or County standards (lacking crossing arms or traffic control devices) and the crossing is located in close proximity to the Trout Gulch Road intersection with Soquel Drive (75 feet to the east). The CPUC will require the closure of two at-grade rail crossings in exchange for a new at-grade rail crossing at the proposed north-south street. In this case, the Bayview Hotel crossing and a crossing north of Davenport have been selected for closure. In both instances, other existing rail crossings are available nearby for access across the railroad tracks.

For the reasons listed above, and to promote general transportation safety, the Department of Public Works recommended closure of access to Soquel Drive at the private crossing in front of the Bayview Hotel. The new rail crossing at the intersection of the proposed north-south street and Soquel Drive would replace the Bayview Hotel rail crossing. The new rail crossing would also be more appropriately spaced from existing intersections at Aptos Creek and Trout Gulch Roads and would include complete safety features in compliance with current codes. Access to businesses would continue to be available from the north-south street to the west and Trout Gulch Road to the east.

Secondary Site Plan Option - Realignment of East-West Street

At the time of preparation of the AVP it was understood that the applicant would need to acquire a small portion of the Bayview Hotel property for the construction of the new east-west street. Negotiations regarding the acquisition of this triangular piece of property (approximately 2,800 square feet) have been ongoing for a number of years, with little progress. As stated at the Planning Commission hearing, the owners of the Bayview Hotel are not currently interested in selling the rear portion of their property. In response, the project applicant (Barry Swenson Builder) has prepared a revised plan for the east-west street. This secondary site plan (Exhibit A1) jogs the new east-west street to the north about 50 feet and avoids the Bayview Hotel property entirely. The representatives of the Bayview Hotel expressed their support for the secondary site plan (Exhibit A1) at the Planning Commission hearing.

Planning Commission Hearing

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The Planning Commission discussed the application at a noticed public hearing and received testimony from the project applicant and neighbors on June 13, 2012. Letters and testimony from the neighbors included numerous individuals expressing support for the project and a few individuals expressing concerns related to the Bayview Hotel property and the closure of the existing rail crossing at the Bayview Hotel. After hearing public testimony, staff responses, and then discussing the project, the Planning Commission recommended this application to your Board for approval (Attachment 7) and requested that the following items be addressed prior to your Board's public hearing:

- Add a condition to expressly require transfer ownership of the park parcel at the end of a 5 year deferral period.
- Direct the applicant to actively support the park improvement process.

Park Dedication

The Planning Commission wanted to ensure that ownership of the park parcel was received at the end of the 5 year period after the subdivision map is recorded. This requirement has been added to the recommended conditions for this project, per the direction of the Planning Commission. (Attachment 5 - Conditions VI.A.1.a & VII.C.3.c.i)

Park Improvements

The Planning Commission was concerned about the loss of the two existing informal bicycle parks in the project area and wanted the applicant to actively support the park improvement process in advance of the 5 year time frame at which time the parcel would be transferred. Although the Parks section of the Department of Public Works does not have any current plans to improve the park, the other two existing bicycle parks have been developed informally by residents of the area and bicycle enthusiasts. Both of the two informal bicycle parks have been developed with the permission and support of Barry Swenson Builder (the project applicant). Although Planning staff cannot recommend a project condition that requires installation of informal improvements on the parcel that is to be dedicated as a park, it is understood that the installation of informal bicycle improvements could occur on the lower portion of the park parcel in advance of its dedication to the County.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). An Initial Study was prepared and a preliminary determination to issue a Negative Declaration with Mitigations (Attachment 1) was made by the Environmental Coordinator. During the public comment period, two letters were received (Exhibit J of the Planning Commission staff report) which oppose the project based primarily on land use issues (closure of the existing railroad crossing at the Bayview Hotel and acquisition of the right of way for the new east-west street). Planning staff has reviewed the comment letters and determined that the basis of the environmental review continues to be valid with the appropriate recommendation to adopt a Negative Declaration with Mitigations.

Conclusion

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The proposed project implements the vision created in the Aptos Village Plan adopted by your Board on February 23, 2010. The mixed-use commercial and residential development is of an appropriate scale and pattern of design for the village area. The proposed infill project will complete the remaining undeveloped section of the core area of Aptos Village and will provide additional amenities and services to complement the existing commercial and residential uses in the project area. Approval and construction of the project will bolster economic activity in the County and the surrounding region at a time when construction projects and new development are scarce.

As proposed and conditioned, the project is consistent with all applicable codes and policies of the zoning ordinance and General Plan. Please see Attachment 6 ("Findings") for a complete listing of findings and evidence related to the above discussion.

Recommendation

It is therefore, RECOMMENDED that your Board take the following actions:

1. Conduct a public hearing to consider Application No. 101027 for the Aptos Village Project and the Demolition of the Aptos Firehouse/VFW Hall; and
2. Adopt the attached Resolution (Attachment 1) making findings and certifying the Mitigated Negative Declaration and Mitigation Monitoring Program as complying with the requirements of the California Environmental Quality Act (Attachment 1); and
3. Adopt the attached Resolution (Attachment 2) making findings and amending the Aptos Village Plan to allow demolition of the Aptos Firehouse/VFW building, to allow flexibility in the total number and square footage of residential units to be constructed, and to allow a second anchor tenant; and
4. Adopt the attached Resolution (Attachment 10) making findings and authorizing the demolition of the historic Aptos Firehouse/VFW Hall; and
5. Adopt the attached Ordinance (Attachment 3) making findings and amending Chapter 13.10 of the Santa Cruz County Code to rezone the locations of historic properties resulting from this project; and
6. Adopt the attached Ordinance (Attachment 4) making findings and establishing the Planned Unit Development conditions for this project; and
7. Approve findings and conditions (Attachments 4, 5 & 6) for Planned Unit Development, Subdivision, Commercial and Residential Development Permit, and Roadway Abandonment Number 101027.

Sincerely,



Wanda Williams
Assistant Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

WW:RA\G:\Board Letters\Pending

Attachments (on file with the Clerk of the Board):

1. Resolution Certifying the [Mitigated Negative Declaration](#) (CEQA Determination)
2. Resolution Amending the Aptos Village Plan
3. Ordinance Amending Chapter 13.10 of the County Code
4. Planned Unit Development Ordinance & Conditions
5. Subdivision and Development Permit Conditions
6. Planned Unit Development, Rezoning, Subdivision, and Development Permit Findings
7. Planning Commission Resolution No. 2012-06
8. Planning Commission Minutes, 6/13/12 public hearing
9. [Planning Commission Staff Report](#), 6/13/12 agenda date, with attached Exhibits, including:
 - [Exhibit A](#) - Project Plans
 - [Exhibit A1](#) - Project Plans (E-W street option)
 - [Exhibit I](#) - Aptos Village Plan

This attachment is on file with the Clerk of the Board and may also be viewed online at:
www.sccoplanning.com (under [Aptos Village Project Documents](#) link)
10. Resolution Authorizing Demolition of the Aptos Firehouse/VFW Hall, with attached [Exhibits](#) (on file with the Clerk of the Board).

Cc: Applicant: Barry Swenson Builder - 2400 Chanticleer Avenue, Suite H, Santa Cruz, Ca 95062
 Aptos Village Partners - 4375 Capitola Road, Capitola, Ca 95010

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**Mitigated Negative Declaration
(CEQA Determination)**

**Mitigations attached to Subdivision and Development Permit
Conditions of Approval - Attachment 5**

**Application Number 101027
Board of Supervisors Hearing**

**(Initial Study & attachments on file with the
Planning Department)**

**Documents may be viewed online at:
www.sccoplanning.com (Aptos Village Project Documents)**

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

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RESOLUTION NO. _____

On the motion of Supervisor:

Duly seconded by Supervisor:

The following Resolution is adopted:

RESOLUTION CERTIFYING THE MITIGATED NEGATIVE DECLARATION FOR THE APTOS VILLAGE PROJECT (Application Number 101027)

WHEREAS, on June 13, 2012, the Planning Commission of the County of Santa Cruz held a public hearing on Application No. 101027, involving property located within the Aptos planning area and forwarded recommendations to the Board of Supervisors for further consideration; and

WHEREAS, the Board of Supervisors for the County of Santa Cruz has convened a duly noticed public hearing to consider the proposed project and proposed adoption of a Mitigated Negative Declaration, and considered public testimony prior to taking action.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby makes the following findings and hereby adopts the attached California Environmental Quality Act (CEQA) Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) related to the proposed project.

1. The Project that was the subject of environmental review includes but is not limited to the following components: A mixed-use commercial and residential development, including the following approvals: Planned Unit Development, Subdivision, Rezoning, General Plan Amendment, Commercial Development Permit, Residential Development Permit, Roadway Abandonment, and Demolition of the Historic Aptos Firehouse/VFW Hall.
2. Environmental review completed for the proposed project determined that the proposed project, as mitigated with identified mitigation measures, will not have a significant impact on the environment, and therefore a Mitigated Negative Declaration has been prepared in accordance with CEQA, which was circulated for public comment and review as required. An Initial Study was prepared and the project was reviewed by the County's Environmental Coordinator on 9/8/11. A preliminary determination to issue a Negative Declaration with Mitigations was made and the Mitigated Negative Declaration was circulated on 9/13/11. The mandatory public comment period ended on 10/13/11. Comments were received and reviewed by staff. The Planning Commission reviewed the project and the Mitigated Negative Declaration at a noticed public hearing on 6/13/2012 and recommended approval of the project and certification of the Mitigated Negative Declaration to the Board of Supervisors. Furthermore, all public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project.
3. The Board of Supervisors in adopting the Mitigated Negative Declaration and MMRP is requiring that mitigation measures (listed in Attachment 5) be incorporated into the Project, and the Board of Supervisors finds that implementation of these mitigation measures will reduce any potentially significant effects of the proposed ordinance to a less than significant level.
4. In adopting the Mitigated Negative Declaration, the Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the project, as revised, will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

5. The material which constitutes the record of proceedings upon which the Board's decision is based shall be located in the offices of the Clerk of the Board, located at 701 Ocean Street, Santa Cruz, California.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20____ by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

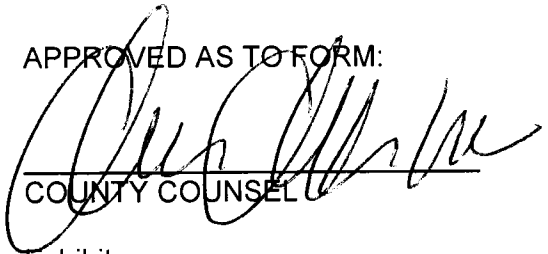
ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

Exhibits:

- Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program (attached to Subdivision and Development Permit Conditions of Approval - Attachment 5)

DISTRIBUTION: County Counsel
Planning-Randall Adams



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

<http://www.sccoplanning.com/>

MITIGATED NEGATIVE DECLARATION

Project: Aptos Village Project

APN(S): 041-011-03, 09, 20, 24, 33; 041-561-01, 02

Project Description: The project proposes to construct a mixed-use commercial and residential development (including a maximum of 63 residential units and 75,000 square feet of commercial space) for the core area of the Aptos Village, as identified in the Aptos Village Plan, adopted February 23, 2010.

The project would require the following: Planned Unit Development; Subdivision and Commercial Development Permit; Residential Development Permit; General Plan Amendment; Roadway Abandonment; Historic Preservation Plan Review; Archaeological Report Review; Soils Report Review; and Preliminary Grading Review.

The proposed project site is located within the partially undeveloped portions of the core area of Aptos Village between Aptos Creek Road, Trout Gulch Road, and Soquel Drive. Two historic structures, the Apple Barn and the Aptos Firehouse/Veterans of Foreign Wars (VFW) Hall are located within the project area. The Apple Barn would be relocated and the Firehouse/VFW Hall would be demolished as part of the proposed project.

Project Location: Aptos Village, located in the Aptos Planning area within the unincorporated portion of Santa Cruz County, lies about six miles east of the City of Santa Cruz and about eight miles northwest of the City of Watsonville. The site is located just north of Highway 1 between the State Park Drive and Rio Del Mar Boulevard interchanges. The Village is 80 feet in elevation above the confluence of Aptos and Valencia Creeks and about one-half mile inland from the Monterey Bay.

Applicant: Barry Swenson Builder

Staff Planner: Todd Sexauer, email: pln459@co.santa-cruz.ca.us

This project will be considered at a public hearing by the Board of Supervisors. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and, that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Planning Department located at 701 Ocean Street, 4th Floor, Santa Cruz, California.

Required Mitigation Measures or Conditions:

- ☐ None
☒ Are Attached

Review Period Ends: October 12, 2011

Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body

Date: Aug 9, 2011

Matt Johnston
MATT JOHNSTON, Environmental Coordinator
(831) 454-3201

0736

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following Resolution is adopted:

RESOLUTION ADOPTING AN AMENDMENT TO THE APTOS VILLAGE PLAN

WHEREAS, on June 13, 2012, the Planning Commission of the County of Santa Cruz held a public hearing on Application No. 101027, involving property located within the Aptos planning area and forwarded recommendations to the Board of Supervisors for further consideration; and

WHEREAS, the Board of Supervisors for the County of Santa Cruz has held a public hearing on Application No. 101027, involving property located within the Aptos planning area, and the Board of Supervisors has considered the proposed General Plan Amendment, all testimony and evidence received at the public hearing, and the attached staff report; and

WHEREAS, minor modifications to the Aptos Village Plan, a General Plan document approved by the Board of Supervisors on 2/23/2010, are necessary to facilitate the infill development of the core area of the Aptos village; and

WHEREAS, the Board of Supervisors finds that the proposed General Plan Amendment, as shown on the attached Exhibit, is consistent with State Law and all other portions of the County of Santa Cruz General Plan; and

WHEREAS, the Board of Supervisors has reviewed the Mitigated Negative Declaration associated with this project and finds that the General Plan Amendment has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby certifies the environmental determination and adopts the General Plan Amendment (as indicated in the attached Exhibit) by changing the language of the Aptos Village Plan to allow demolition of the Aptos Firehouse/VFW building, to allow flexibility in the total number and square footage of residential units to be constructed, and to allow a second anchor tenant.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20____ by the following vote:

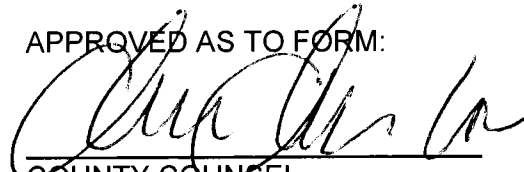
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

0757



COUNTY COUNSEL

Exhibit: Amendment to the Aptos Village Plan

DISTRIBUTION: County Counsel
 Planning-Randall Adams

Amendment to the Aptos Village Plan

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New/additional language in **Bold Underline** type
 Deleted language in **~~Bold Underline Double Strikethrough~~** type

Demolition of the Aptos Firehouse/VFW Hall

The language on page 34 of the Aptos Village Plan shall be modified as follows:

To facilitate the new north-south street and the development of additional buildings, the historic Aptos Firehouse/VFW Hall will need to be ~~relocated within the Village Plan area demolished~~. Technical studies and inspections have determined that ~~the structure is unsound and could not be relocated or restored without complete reconstruction of the building a portion of the rear of the building has been added since its period of significance. This Plan assumes that this newer area will be removed to restore the structure to its more original size. Any exterior changes must be sensitive to the historic significance and architectural features of the building and any relocation must follow the Secretary of the Interior standards for relocation such that the NR 5 rating is not compromised. If relocated, the building must be located on a prominent street within the Village and present to the street in its current narrow side configuration. Before moving this building, t~~ The County's Historic Resources Commission ~~must~~ **has** approved the ~~relocation and associated reconstruction work~~ **demolition of this structure.**

When future developers submit Historic Resource Preservation Plan applications to relocate the Apple Barn ~~and/or Aptos Firehouse/VFW Hall~~, the Historic Resources Commission will determine if the relocations can be accomplished in a manner that preserves the building's historic integrity and NR ratings and impose appropriate conditions. If the Historic Resources Commission finds that this cannot be accomplished, the Aptos Village Plan will need to be amended to address the land use of the structures ~~in their~~ **its** current location.

Flexibility in number and total square footage of residential units

Page 59 of the Aptos Village Plan shall be modified to include the following additional language:

Once those elements are defined, a series of possible development sites become defined. These are illustrated and numbered in Figure 23, with development potential within each site described below in Figure 24. Altogether, these sites, if developed to the maximum allowed by Figure 24, would add 75,000 gross square feet of new commercial space and 63 residential units to the Village Core area. While there may be some minor variations to what is laid out in that figure, for the purpose of this Plan, it defines the upper limit of possible development.

At the time of initial construction, the total number of residential units, and the residential square footage, may be modified up to 10% to allow minor flexibility in the construction of the project.

- A. **Increases in the residential square footage and the total number of units can only occur within the building sites defined by the Aptos Village Plan. No increase in building height or overall square footage is allowed.**
- B. **Residential units are not allowed within the first floor or second floor of Building 4, or on the first floor of any mixed-use commercial building.**

- C. The maximum increase in residential units is not allowed to exceed 6 additional residential units.
- D. Any increase in residential square footage shall replace approved commercial square footage in the mixed use portion of the development. No additional commercial square footage is authorized.

0739

Second Anchor Option

The language on page 32 of the Aptos Village Plan shall be modified as follows:

In order to respond to the economic report conclusions, the Village Core must include an anchor store (such as a specialty grocery store) in the Apple Barn building. In order to reinforce the Plan goal of attracting small-scale businesses to the area, only one ~~new sub-~~ **additional** anchor use not exceeding ~~7,500~~ **13,000** square feet in size is allowed, **subject to review by the Board of Supervisors. In order for a second anchor use to be considered, the developer shall be required to provide an update to the original market study that indicates a second anchor of up to 13,000 square feet is necessary for commercial viability of the project; and that without a second anchor use the project will not be economically viable.** The size and type of other individual commercial uses will be determined by the Planned Unit Development (PUD) for the Village Core.

Figure 24 on Page 61 of the Aptos Village Plan (Site # 3) shall be modified as follows:

3	10,500	17	2 with lofts	Buildings must appear as 2 stories along the new east-west street frontage. <u>A second commercial anchor, not to exceed 13,000 square feet (10,500 sq. ft. + 2,500 sq. ft. from Site # 6) may be constructed in this area to create a draw of pedestrian activity along the new east-west street.</u>
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ORDINANCE NO. _____

0740

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the historic properties located between Aptos Creek Road and Trout Gulch Road in the Aptos Village; finds that the zoning established herein, as shown on the attached exhibit, is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Mitigated Negative Declaration for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

SECTION III

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows and as depicted on the attached Rezoning Map:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
041-011-03 (portion)	RM-2	C-2-L
041-011-20 (portion)	C-2	C-2-L

041-011-24
041-011-33 (portion)

C-2-L
C-2-L & RM-2-L

C-2
C-2-L

0741

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____, 20__, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

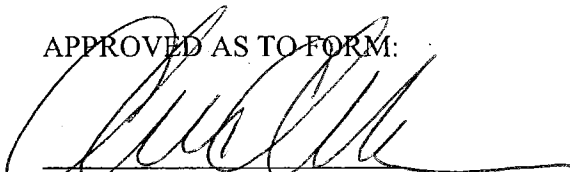
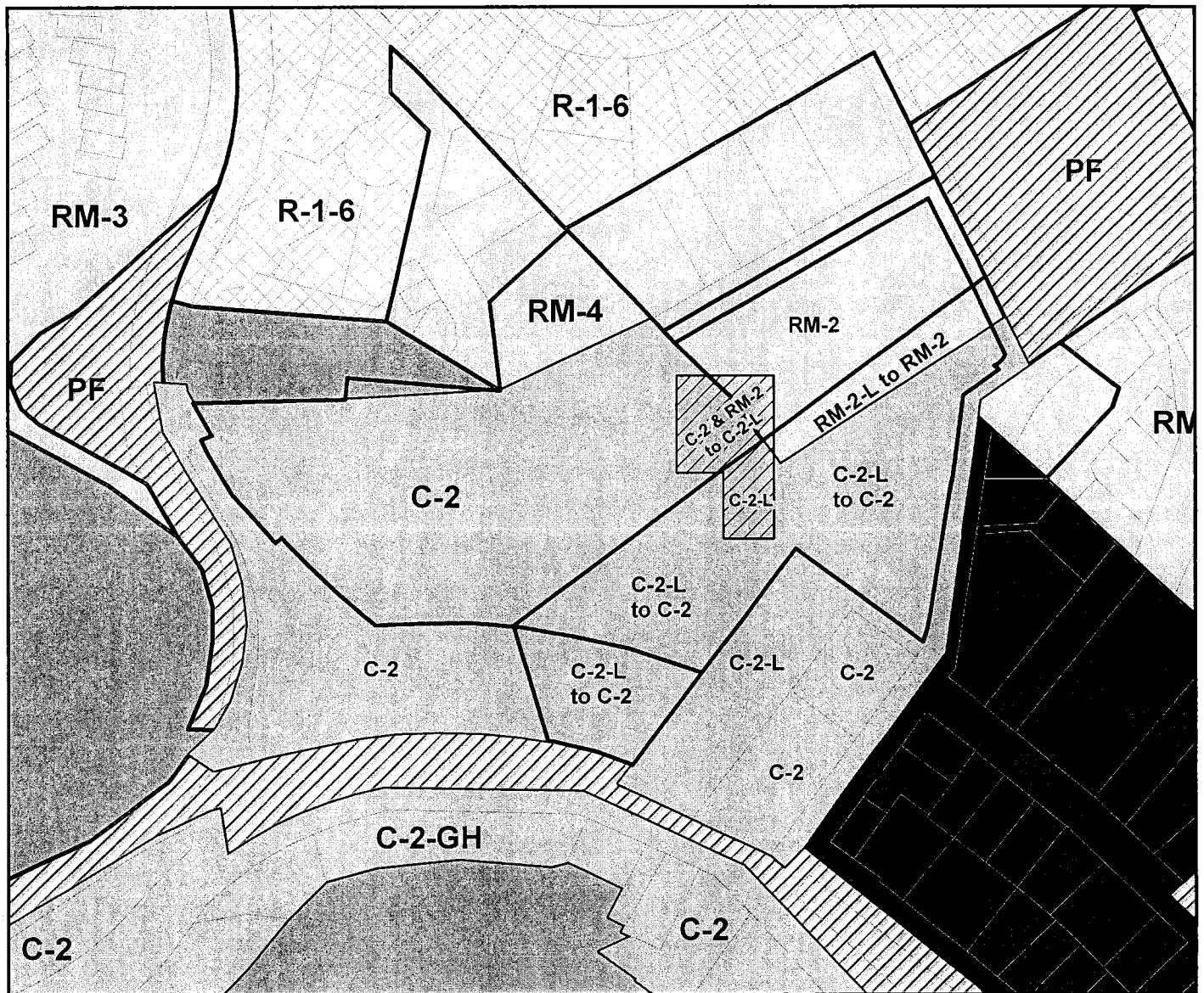

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning-Randall Adams
Assessor
County GIS

Rezoning Map

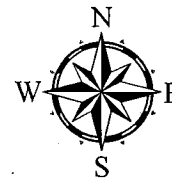
0742



REZONING

- 041-011-03 (portion) RM-2 to RM-2-L
- 041-011-20 (portion) C-2 to C-2-L
- 041-011-24 C-2-L to C-2
- 041-011-33 (portion) C-2-L to C-2 & RM-2-L to RM-2

 Rezone from C-2 & RM-2 to C-2-L
Retain indicated portion of C-2-L on
APN 041-011-33



Map Created by
County of Santa Cruz
Planning Department
September 2011

ORDINANCE NO. _____

0743

ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT AS ALLOWED BY SANTA
CRUZ COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS
FOR APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

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

SECTION I

A Planned Unit Development Permit and Development Permit are hereby granted to the property located in the core area of the Aptos Village north of Soquel Drive, east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area, as shown on the map attached hereto and subject to the conditions attached hereto.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Planned Unit Development as described in Section I, and adopts their findings in support thereof as set forth below:

1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.
2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.
4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.
5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
6. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.
7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.
8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION III

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Development Permit as described in Section I, and adopts their findings in support thereof as set forth below:

0744

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.
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.
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.
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.
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.
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.

SECTION IV

This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this _____ day of _____ 20____ by the Board of Supervisors of the County of Santa Cruz by the following vote:

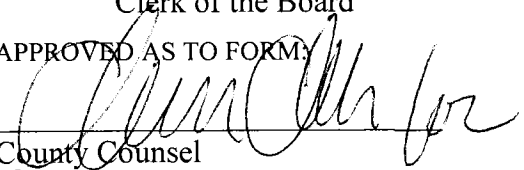
AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

 Chairperson of the Board of Supervisors

Attest: _____

Clerk of the Board

APPROVED AS TO FORM:



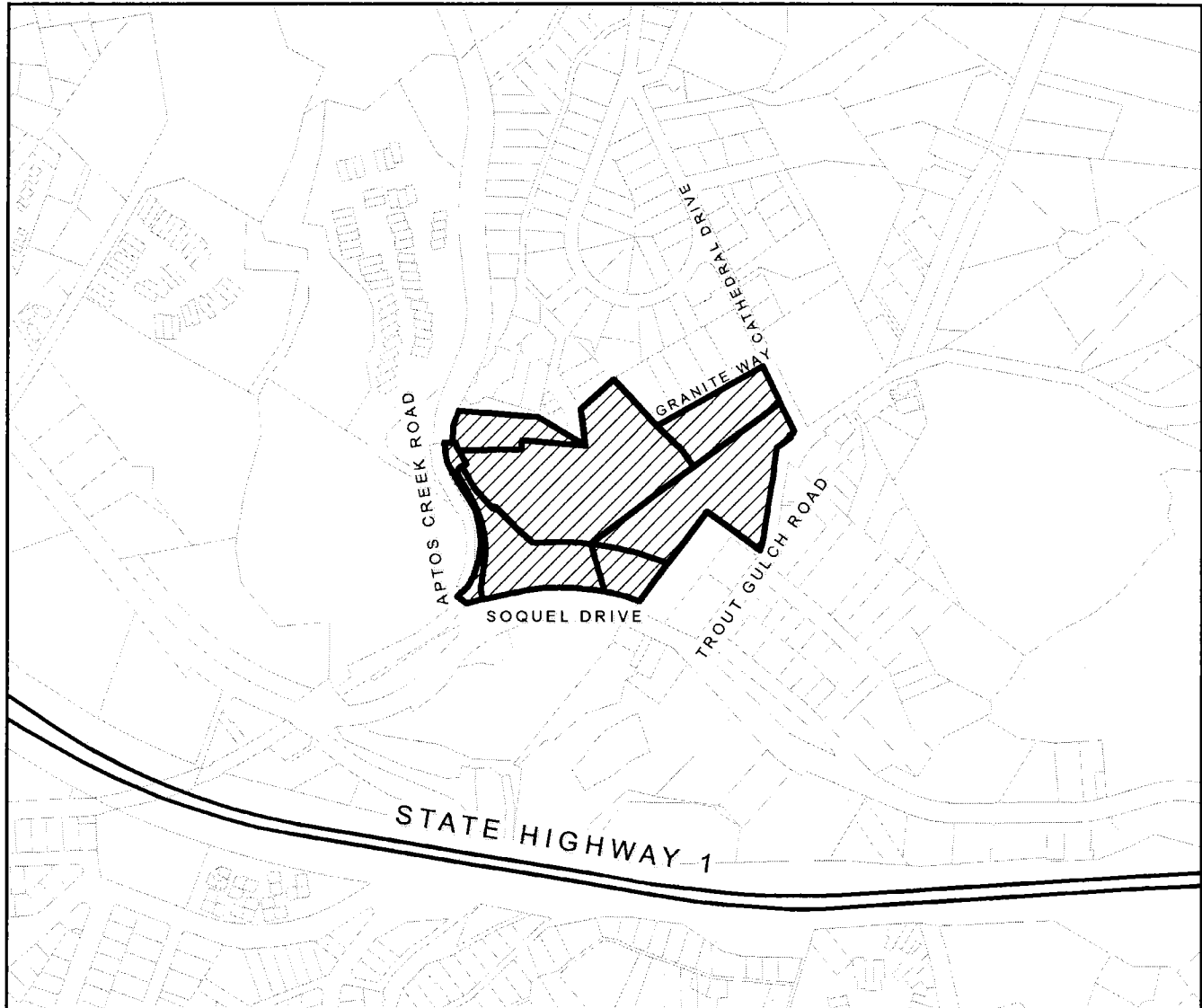
 County Counsel

**Planned Unit Development Permit
Conditions of Approval**

0745

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02



**Planned Unit Development Permit
Conditions of Approval**

0746

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Planned Unit Development 101027

Applicant: Barry Swenson Builder

Property Owner(s): Multiple (Green Valley Corporation/Barry Swenson Builder, et al.)

Assessor's Parcel Number(s): 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Property Address and Location: Core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road.

Planning Area: Aptos

Exhibit A: Architectural Plans entitled "Aptos Village", prepared by Thacher & Thompson Architects, Tentative Map & Preliminary Improvement Plans, prepared by Ifland Engineers, and Landscape Plans, prepared by Joni Janecki.

- I. This permit authorizes a mixed-use commercial and residential Planned Unit Development and Subdivision (including a maximum of 63 residential units and no more than 75,000 square feet of commercial space) as depicted in the approved Exhibit "A" for this permit and as modified by these conditions of approval. This approval implements the improvement of the village core area of Aptos Village, as described in the Aptos Village Plan (adopted by the Board of Supervisors on 2/23/10).
- II. Subdivision & Planned Unit Development
 - A. This subdivision, the mixed-use commercial and residential development, and all improvements associated with this project, shall be subject to the requirements of the Subdivision conditions of approval and the Planned Unit Development conditions of approval for this project.
- III. Maximum Commercial Area & Residential Density
 - A. A maximum of 75,000 gross square feet of commercial space is authorized by this permit.
 1. The locations of the commercial development and the allocation of the commercial square footage on the project site shall be consistent with the development sites indicated in Chapter 6 of the Aptos Village Plan and the approved Exhibit "A" for this permit.
 - a. Prior to Final Map recordation, the number and location of commercial anchor spaces may be modified as specified in the resolution attached to

this approval amending the language of the Aptos Village Plan and these Planned Unit Development conditions of approval.

0747

- b. A second commercial anchor, not to exceed 13,000 square feet may be proposed for the north-west portion of the site (Building Sites 1 & 2 on the approved Exhibit "A" for this permit), as specified for Site 3 in the amended language of the Aptos Village Plan.
 - i. All site standards and design guidelines specified in the Aptos Village Plan and these Planned Unit Development conditions of approval shall apply to the design and layout of the proposed second commercial building.
 - ii. Updated architectural plans, updated improvement plans, and a revised traffic circulation studies and parking analysis shall be provided for staff review of the proposed second anchor building.
 - iii. The design and location of the proposed second commercial anchor building (and associated mixed-use residential units) shall be subject to review and approval or disapproval by the County of Santa Cruz at a noticed public hearing before the Board of Supervisors.
- B. A maximum of sixty three (63) residential units are authorized by this permit, except as specified below.
 - 1. The locations of the residential units and the allocation of the residential units on the project site shall be consistent with the development sites indicated in Chapter 6 of the Aptos Village Plan, the approved Exhibit "A" for this permit, and the Planned Unit Development conditions of approval.
 - 2. Total residential square footage shall not exceed 50% of the total combined square footage within the mixed-use portion of the project (including the square footage of commercial buildings that do not contain residential units) and shall be limited by Lot Coverage and Floor Area Ratio for stand alone residential sites, except as specified in the resolution attached to this approval amending the language of the Aptos Village Plan.
 - 3. At the time of Final Map recordation, the total number of residential units, and the total percentage of residential square footage, may be modified as specified in the resolution attached to this approval amending the language of the Aptos Village Plan. This language is also incorporated as conditions of approval, as follows:
 - a. At the time of Final Map recordation, the total number of residential units, and the residential square footage, may be modified up to 10% to allow minor flexibility in the construction of the project.
 - b. Increases in the residential square footage and the total number of units can only occur within the building envelopes approved by this Planned

Unit Development. No increase in building height or overall square footage is allowed.

- c. Residential units are not allowed within the first floor or second floor of Building 4, or on the first floor of any mixed-use commercial building.
- d. The maximum increase in residential units is not allowed to exceed 6 additional residential units, for a total of 69 residential units.
- e. Any increase in residential square footage shall replace commercial square footage in the mixed use portion of the development as approved by this Planned Unit Development. No additional commercial square footage is authorized.

IV. Site Standards

- A. Unless specifically defined below, development must meet all required development standards in the County Code and Aptos Village Plan at the time of Building Permit submittal. All of the site standards contained within Chapter 13.10 applicable to the zone districts of the properties, shall be applicable unless modified by this Planned Unit Development. The following development standards supersede the development standards in the County Code.
 - 1. **Commercial and mixed-use commercial/residential buildings (located within the C-2 : Community Commercial zone district):** These regulations apply to Building sites 1a through 10 and 14 through 15 as indicated on the approved Exhibit "A".
 - a. Setbacks Minimum setback requirements for structures may be reduced as indicated in the approved Exhibit "A" for this permit. These reduced setbacks include the following:
 - i. Street Facing Yard Setbacks: Structures shall be allowed adjacent to the rear of the sidewalk along street facing frontages. No setback from rear of sidewalk is required. This results in setbacks ranging between 3.5 feet (where arcades exist) and 8.5 feet (where no arcades exist) from the rear of the curb (edge of right of way) as indicated on Exhibit "A".
 - ii. Side and Rear Yard Setbacks: There shall be no minimum setbacks at the rear and side of the commercially zoned properties. All requirements of the California Building Code shall be met for the separation of structures.
 - iii. Arcades, awnings, and other projections over and within sidewalk areas are allowed as specified in Chapter 6 of the Aptos Village Plan. Eaves, bay windows, and second story balconies may encroach over the sidewalk area.

- iv. There shall be no interior minimum setbacks shall between structures, and no interior minimum setbacks between structures and parcel boundaries interior to the development. All requirements of the California Building Code shall be met for the separation of structures.
- 0749
- b. Lot Coverage and Floor Area Ratio Lot coverage and Floor Area Ratio requirements do not apply to the commercial and mixed-use buildings. Commercial square footage and residential density requirements shall be as established in Chapter 6 of the Aptos Village Plan.
- c. Residential Size Limitation The total residential square footage within the mixed-use portion of the project shall not exceed 50% of the total square footage (including all commercial buildings, whether or not they contain residential units) for the mixed-use portion of the project. Common areas identified on the approved Exhibit "A" and shared between commercial and residential uses shall not be counted as residential square footage for this purpose.
- i. Prior to recordation of the Final Map, the total number of residential units, and the total percentage of residential square footage, may be modified as specified in the resolution attached to this approval amending the language of the Aptos Village Plan.
- d. Height and Number of Stories Commercial buildings shall not exceed three stories in height, as specified in the Aptos Village Plan. Buildings shall comply with the zone district maximum height of 35 feet except as follows:
- i. Buildings located around the Village Green (Buildings 3 & 4) shall not exceed 45 feet in height. One small cupola, or other architectural feature, shall be allowed to exceed this requirement by 6 feet on the building north of the Village Green (Building 4).
- ii. Other buildings along the east-west street shall not exceed 40 feet in height, with building height decreasing further away from the intersection with the north-south street. Specific maximum building heights are as follows:
- (1) Building 2 - Maximum height of 40 feet.
- (2) Building 8 - Maximum height of 38 feet.
- (3) Building 9 - Maximum height of 37 feet.
- iii. All other commercial and mixed use buildings (Buildings 1a, 1b, 6, 7, 10, 14 & 15) shall be limited to the zone district maximum of 35 feet in height.

- e. Usable Open Space Usable open space requirements (County Code section 13.10.323(f)) do not apply to the residential portion of the mixed-use development. Open space amenities are incorporated into the Aptos Village Plan and approved Exhibit "A" for this permit.

0750

2. **Residential buildings (located within the RM-2 & RM-3 : Multi-family Residential zone districts):** These regulations apply to Building sites 11 & 12 as indicated on the approved Exhibit "A".

- a. Setbacks Minimum setback requirements for structures are reduced as indicated in the approved Exhibit "A" for this permit. These reduced setbacks include the following:

- i. **Street Facing Yard Setbacks:** The minimum street facing yard setback for residential structures shall be as depicted on the approved Exhibit "A" for this permit. Specific minimum setbacks for residential structures are as follows:

- (1) The six residential units located north of Granite Way (Building 11) shall comply with the following street facing setbacks, as measured from the edge of the right of way:

- (a) Granite Way: 6 feet (Unit 4), 10 feet (Units 1 & 2), 12 feet (Unit 3), and 15 feet (Units 5 & 6)

- (b) Village Drive: 6 feet to building corner (Unit 1)

- (c) Street facing garage doors shall be located a minimum of 16 feet from the edge of the right of way.

- (d) Uncovered staircases may project into the required street facing yard setbacks.

- (e) Eaves may project into required yards no more than 3 feet. Eaves shall not extend into vehicular rights of way.

- (2) The eleven residential units located on the south side of Granite Way (Building 12), shall comply with the following street facing setbacks, as measured from the edge of the right of way:

- (a) Granite Way: 8 feet

- (b) Cathedral Drive: 3 feet

- (c) Uncovered staircases may project into the required street facing yard setbacks.

- (d) Eaves may project into required yards no more than 3 feet. Eaves shall not extend into vehicular rights of way.

0751

- (3) Cantilevered living space (Building 12) and bay windows (Building 11 - Unit 3) located above the lowest floor may project up to 2 feet into the required street facing setback, as depicted on the approved Exhibit "A".

- ii. Side Yard Setback: The minimum building setback at the exterior non-street side of residentially zoned property (northeast of Building 11) shall be 5 feet.

- iii. Rear Yard Setbacks: The minimum building setback at the exterior rear side of residentially zoned property (northwest of Building 11) shall be 15 feet.

- (1) Decks, balconies, and other similar features may extend into the rear yard setback a maximum of 6 feet. Any such features located above the first floor shall be cantilevered within the 15 foot rear yard.

- iv. There shall be no interior minimum setbacks between structures, and no minimum setbacks between structures and parcel boundaries interior to the development. All requirements of the California Building Code shall be met for the separation of structures.

- b. Lot Coverage and Floor Area Ratio Lot coverage and Floor Area Ratio requirements apply to the residential buildings as specified below. Residential density requirements shall be as established in Chapter 6 of the Aptos Village Plan.

- i. The following requirements apply to the six residential units located north of Granite Way (Building 11):

- (1) Maximum lot coverage shall not exceed 40%.
- (2) Maximum Floor Area Ratio shall not exceed 0.80 (80%).

- ii. The following requirements apply to the eleven residential units located on the south side of Granite Way (Building 12):

- (1) Maximum lot coverage shall not exceed 45%.
- (2) Maximum Floor Area Ratio shall not exceed 0.75 (75%).

c. Height and Number of Stories

- i. The following requirements apply to the six residential units located north of Granite Way (Building 11):

0752

- (1) Maximum height shall not exceed 36 feet.
- (2) Buildings shall not exceed three stories, with two stories allowed above a parking/garage level.

- ii. The eleven residential units located on the south side of Granite Way (Building 12) shall comply with the height and story requirement for the RM-2 zone district (maximum height of 28 feet and 2 stories).

- d. Usable Open Space: Usable open space requirements (County Code section 13.10.323(f)) do not apply to the residential development. Open space amenities are incorporated into the Aptos Village Plan and approved Exhibit "A" for this permit.

V. Commercial Use and Occupancy

- A. Master Occupancy Program: The following uses shall be allowed in various combinations on the project site when consistent with the approved parking study (prepared by Marquez Transportation Engineering, dated July 2010) and as described below:

Retail sales
Personal & household services
Professional & administrative offices
Medical offices
Restaurants

1. The distribution of the above listed uses shall be limited, based on parking demand, as follows:
 - a. Retail sales, personal & household services, and professional & administrative offices (not including medical offices) are considered as low-intensity uses, and are allowed in all commercial spaces on the project site, except as specified below:
 - i. The use of the historic Apple Barn (Building 5) shall be limited to a single retail grocery sales tenant. This space is intended to function as the primary commercial anchor for the project as a retail grocery sales establishment. Any use other than a retail grocery store in this location shall require an amendment to this permit per County Code section 18.10.
 - (1) The lower floor of the building adjacent to the historic Apple Barn (Building 4) may be connected with the Apple

Barn (Building 5) to allow for increased retail space for the primary commercial anchor. If not used for this purpose, a minimum of 50 percent of the lower floor tenant space of Building 4 shall be reserved for a restaurant space facing the Village Common. If the use of this space as a restaurant is not feasible, a request for a Minor Variation to this approval shall be required in order to allow another use in this location.

- ii. Retail sales and/or personal and household services are preferred over professional and administrative offices on the lower floors of commercial buildings. A mix of retail sales uses, personal and household services uses, and professional and administrative office uses are allowed on the lower floors of commercial buildings. However, professional and administrative offices may not exceed 25 percent of the total lower floor gross commercial square footage on the project site.
 - (1) Residential units (other than access and parking features) are not allowed to occupy the lower floor of commercial buildings.
 - (2) For the three story building at the north side of the Village Common (Building 4), residential units shall only occupy the upper (third) floor of the building. The lower two floors of the building shall be reserved for commercial uses.
- iii. Retail sales, for the purpose of this Planned Unit Development include small, over-the-counter, food service establishments (with or without limited seating) that provide specialty foods for on or off site consumption. An example of a small, over-the-counter, food service establishment would be an ice cream parlor, sandwich shop, doughnut shop, coffee house, bakery, or to-go pizza shop that provides counter service and where seating does not exceed 25% of the net floor area (excluding storage and/or bathroom facilities) of the tenant space.
- iv. Personal and household services, for the purpose of this Planned Unit Development, include business establishments providing non-medical services to individuals or households. Examples of uses in this category include but are not limited to: beauty salons, barber shops, spa treatments and massage, yoga studios, fitness centers, dry cleaners, laundry, tailor/seamstress and other similar uses.
 - (1) Practitioners providing physical therapy, acupuncture, chiropractic, or other medical-related services are not considered as personal and household services for the purpose of this Planned Unit Development. These uses shall be considered as medical office uses and are subject to

the requirements for medical office uses as specified in these conditions of approval.

0754

- b. Medical offices and restaurants are considered as high-intensity uses for parking generation purposes. These uses also need to be balanced in respect to the amount of retail and personal service uses available within the Village. For these reasons, medical offices and restaurants are allowed in a limited amount of commercial space and in limited locations within the commercially zoned portion of the project site, as specified below:
 - i. Medical offices may not be located on the lower floor of any building and are limited to no more than 6,000 gross commercial square feet.
 - ii. Restaurant floor area is limited to no more than 25,000 gross commercial square feet.
 - iii. Updates to the approved parking study that indicate sufficient parking is available on site for additional medical office or restaurant (high-intensity) square footage may be submitted for review and approval by Planning Department staff. In all cases the combined restaurant and medical office uses are limited to no more than 50% of the total gross commercial square footage on the project site.
 - c. In order to encourage a variety of commercial uses along the pedestrian frontages of the village, the combination of multiple tenant spaces into one large tenant space is discouraged in any building other than the Apple Barn (Building 5). Commercial tenant spaces that are combined within the same building are required to retain multiple exterior doorways and windows as depicted on the approved Exhibit "A" for this permit.
2. Initial occupancy of each commercial space and all future change of use requests, consistent with the allowed list of uses above, shall be processed at Level 1. In order to accommodate future changes of use, updates to the parking study to show conformance with the original combination of uses and available parking may be required.
 3. The following additional restrictions apply to all uses:
 - a. No outdoor storage is permitted.
 - b. Outdoor displays are limited to dooryard areas only, as specified in Chapter 6 of the Aptos Village Plan. Outdoor displays shall only be allowed during regular open business hours and shall be removed and stored within the tenant space when the business is closed.
 4. Outdoor uses, fairs, farmer's markets, parades, concerts and similar outdoor uses may be authorized in the village common and on the streets within the village

subject to a Level 1 review and approval by the County of Santa Cruz Planning Department.

0755

5. Commercial uses within the residential areas of the project are limited to those allowed under the Home Occupation ordinance (County Code 13.10.613).

VI. Design

- A. Structure design, site layout, and pedestrian and landscape improvements shall conform to the requirements specified in Chapter 6 of the Aptos Village Plan. All requirements of Chapter 6 of the Aptos Village Plan shall be met, including the specific requirements for each building site, the required details for architectural design, pedestrian and landscape improvements, arcades, building projections, and storefronts facing the street.
- B. All street signs, street lighting, site elements, and associated common improvements shall be consistent throughout the project site and shall include the details as depicted on the approved Exhibit "A" for this permit.

VII. Signs

- A. All commercial signage shall meet the sign requirements (sign types, locations, lighting, and maximum areas) as specified in Chapter 6 of the Aptos Village Plan. Sign plans that do not conform to the sign standards specified in Chapter 6 of the Aptos Village Plan, except as specified in these Planned Unit Development conditions of approval, shall require review and approval by the Planning Director.
- B. In addition to the signage allowed by the Aptos Village Plan, one monument sign may be placed on the project site (north of the railroad right of way at the proposed north-south street) to identify businesses that do not front on Soquel Drive, subject to the following requirements:
 1. The monument sign may be freestanding or attached to one of the two buildings to either side of the north-south street (Building 14 or 15). The monument sign shall be located in a manner to not create vehicular sight distance issues at the intersection of the proposed north-south street and the adjacent parking areas.
 2. The maximum size for monument signage shall not exceed 50 square feet (on each side, if double sided) and, if freestanding, the sign shall not exceed 12 feet in height. The sign area for this one monument sign shall be in addition to the sign area allowed by the Aptos Village Plan.
 3. The design and location of the monument sign shall be subject to review and approval by the County of Santa Cruz Planning Department and the Department of Public Works.
- C. Advertising for commercial businesses is limited to the sign areas depicted in the approved Building Permit.

VIII. Parking Requirements

A. Commercial and mixed use residential parking requirements:

0756

1. Parking shall be provided consistent with the approved parking plan for this development. Based on the intensity of commercial and residential uses proposed the parking provided within the commercial and mixed use residential portion of the project site shall be a minimum of 400 parking spaces.
 - a. New on street parking spaces created along the proposed east-west and north-south streets shall be counted towards satisfying the parking requirements.
 - b. The number of compact spaces within the off-street parking areas may not exceed 40 percent of the total number of off-street parking spaces.
 - c. The reduction in length of standard off-street parking spaces by up to two feet to allow the creation of additional landscape area (overhang) in front of the parking space is allowed. On-street and compact spaces may not be reduced in length for this purpose.
2. A minimum of one reserved parking space shall be provided for each residential unit in a mixed-use building. Garage or surface parking spaces may be provided to satisfy this requirement. The reserved spaces shall be located in general proximity to the building in which the unit is located and shall be clearly labeled as reserved spaces for this purpose.
3. Lockable storage sheds or lockable garage spaces shall be provided for on site bicycle storage. In addition to garage spaces, a minimum of 12 enclosed bicycle parking spaces and a minimum of 69 unenclosed bicycle parking spaces shall be provided for the mixed use portion of the project. Bicycle parking spaces shall be made available to employees, customers, residents, and visitors.
4. Accessible parking shall be provided on site per the requirements of the California Building Code.
 - a. This requirement 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.
5. Management of parking to ensure compliance with these conditions and to ensure that sufficient parking is available to residents, guests, and customers of the commercial businesses shall be the responsibility of the Common Interest Development (CID) association as specified in the conditions of approval for this permit. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential and commercial uses on the project site consistent with the Planned Unit Development conditions of approval for this permit.

6. Future modifications to the minimum parking requirements may be authorized for good cause, consistent with an updated parking study, subject to review and approval by the County of Santa Cruz Planning Department.

0757

B. Residential parking requirements for residential units accessed off of Granite Way (Buildings 11 & 12)

1. A minimum of 2 off-street parking spaces shall be provided per residential unit.
2. Additional on-street parking spaces shall be created through widening Granite Way (as depicted on the approved Exhibit "A"). The on-street spaces will be located within a public right-of-way and shall be available for use by residents and guests of the proposed residential development as well as residents and guests of the existing residential properties along Granite Way and the general public.
3. Lockable storage sheds or lockable garage spaces shall be provided for on site bicycle storage. At least one bicycle space shall be provided for each dwelling unit.
4. The Common Interest Development (CID) association or Homeowner's Association (HOA) shall be responsible for ensuring that garage spaces are kept available for parking and not used for storage in a manner that would prevent the parking of vehicles.
5. Management of parking to ensure compliance with these conditions and to ensure that sufficient parking is available to residents shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential uses on the project site consistent with the conditions of approval for this permit.

IX. Affordable Housing

A. Participation Agreement

1. Prior to filing of the Final Map, the applicant 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 (as amended at the time of entering into the agreement) and as specified in the Subdivision conditions of approval for this project.

B. Applicability of Density Bonus

1. Density bonus provisions do not apply to developments meeting the minimum affordable housing requirements.

X. Amendments

- A. Future amendments or changes to the approved project, including structure designs, structure locations, and associated infrastructure shall be processed per the levels of

review specified in Chapter 18.10 of the County Code or its successor ordinance, unless otherwise specified by these Planned Unit Development conditions of approval.

0758

1. Future façade changes and/or modifications to the designs for the proposed buildings, that do not reduce setbacks or increase height beyond the zone district standards or other standards approved by this Planned Unit Development, shall be processed as a Level IV Design Review permit.
- B. 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 or its successor ordinance.

**Subdivision, Commercial & Residential Development Permit
Conditions of Approval (Revised at 6/13 PC Hearing)**

0759

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Subdivision, Commercial & Residential Development Permit 101027

Tract No. : 1561

Applicant: Barry Swenson Builder

Property Owner(s): Multiple (Green Valley Corporation/Barry Swenson Builder, et al.)

Assessor's Parcel Number(s): 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Property Address and Location: Undeveloped core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road.

Planning Area: Aptos

Exhibit A: Architectural Plans entitled "Aptos Village", prepared by Thacher & Thompson Architects, Tentative Map & Preliminary Improvement Plans, prepared by Ifland Engineers, and Landscape Plans, prepared by Joni Janecki.

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

- I. This permit authorizes a mixed-use commercial and residential Planned Unit Development and Subdivision (including 63 residential units and no more than 75,000 square feet of commercial space) as depicted in the approved Exhibit "A" for this permit and as modified by these Subdivision conditions of approval and the Planned Unit Development conditions of approval (under separate heading). This approval implements the improvement of the Village core area of Aptos Village, as described in the Aptos Village Plan (adopted by the Board of Supervisors on February 23, 2010).
- II. Prior to exercising any rights granted by this permit 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. Pay the required fee to the Clerk of the Board of the County of Santa Cruz for posting the Mitigated Negative Declaration as required by the California Department of Fish and Game mitigation fees program.
- III. Subdivision & Planned Unit Development
 - A. This subdivision, the mixed-use commercial and residential development, and all improvements associated with this project, shall be subject to the requirements of the

Subdivision conditions of approval and the Planned Unit Development conditions of approval for this project.

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IV. Capital Improvement Fees

The following capital improvement fees are required to be paid by the applicant for the approved subdivision and mixed-use development:

- A. Prior to recordation of the Final Map, Aptos Transportation Improvement Area (TIA) transportation and roadside improvement fees shall be paid as follows:
 1. The project is subject to payment of Aptos Transportation Improvement Area (TIA) fees at the current rate per the Unified Fee Schedule at the time of map recordation. These fees are currently \$600 (\$300 for roadside improvement fees + \$300 for transportation improvement fees) per daily trip-end generated by the proposed commercial development and \$4,200 (\$2,100 roadside improvement fees + \$2,100 transportation improvement fees) per multi-family residential unit.
 - a. TIA fees for the entire project are due at the time that the first phase of the Final Map is recorded.
 - b. Current TIA fees are estimated at approximately \$1,327,200 dollars subject to the technical memorandum from TJKM dated August 15, 2011. This fee estimate is required to be updated to include current TIA fees based on the total commercial building square footage and residential unit counts by the applicant, with shared trip reductions in consideration that the project is mixed-use, at the time fees are paid.
 - c. A credit for the TIA fees shall be allowed, per the Unified Fee Schedule, for the construction of off-site improvements. Qualified off-site improvements include improvements to Soquel Drive as required by the approved traffic study prepared by TJKM, dated November 3, 2009. More specifically, these improvements include the intersections of Soquel Drive with Trout Gulch Road and Aptos Creek Road, including rail crossings at these intersections. The intersection of the new north-south street (tentatively identified as Parade Street) and Soquel Drive (including rail crossing) is not authorized for fee credit if constructed by the applicant.
 - i. Aptos TIA fees may be credited in advance for the construction of the qualified off-site railroad, intersection, and roadway improvements by the applicant, as described above.
- B. With the dedication of the .74 acre park parcel (Lot 9 on the approved Exhibit "A" for this permit) the payment of Aptos park dedication in-lieu fees for the sixty-three (63) multi-family dwelling units (at \$750 per bedroom) is not required.
- C. Prior to recordation of the Final Map, Child Care development fees shall be paid for:
 1. Sixty-three (63) multi-family dwelling units. These fees are \$36 per bedroom.

2. Up to 75,000 square feet of (Category II) commercial development. These fees (Category II) are \$0.23 per square foot.

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- D. The capital improvement fees do not include applicable Building Permit fees. Additional Building Permit review and permitting fees shall be paid for the proposed development as specified in the Unified Fee Schedule and per the standards of the applicable reviewing agencies. The fees in effect at the time of Building Permit issuance shall apply.
- E. The inclusion of up to 6 additional residential units (as specified in the Planned Unit Development conditions of approval) shall require the payment of additional capital improvement fees for the additional residential units.

V. Affordable Housing

- A. Prior to recordation of the Final Map, the applicant 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 Santa Cruz County Affordable Housing Guidelines.
 1. The applicant shall provide twelve (12) designated affordable unit(s) for sale to low and moderate income households as indicated on the approved Exhibit "A" for this permit. Per the provisions of County Code section 17.10.030(b)(5), for conversion of non-residential to residential uses, at least two (2) of the twelve (12) affordable units must be provided for sale to lower income households. The sales price for these units shall be in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines.
 - a. The applicant may choose to retain ownership of the affordable housing units and rent the units as an investor-owner at affordable rental rates as specified by Chapter 17.10.050 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines. Priority shall be given to participants of the Federal Housing Choice Voucher Program.
 - b. As an alternative to the sale of affordable housing units, the applicant may submit a formal written request to change the affordable housing option to the Planning Director (to pay an in-lieu fee for each affordable unit instead of providing the designated unit as an affordable housing unit) as specified by Chapter 17.10 of the County Code.
 - i. The payment of the in-lieu fee shall be in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines.
 - c. Any increase in the total number of units constructed, as specified in the amended language of the Aptos Village Plan, will result in a corresponding increase in the total number of affordable units required and/or in-lieu fees paid to comply with affordable housing requirements.

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2. If the residential units in Buildings 14 and/or 15 are mapped as for-sale units (residential condominium units mapped separately from the commercial space below), the applicant shall pay in-lieu fees for the fractional equivalent of 0.15 unit for each for-sale residential unit at the time of Building Permit issuance, in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code.
 - a. The in-lieu fee requirement shall apply if the units are mapped as a part of the Final Map for this project, or if a later condominium conversion application is submitted for these units.
 - B. Phasing of affordable housing is allowed, per the terms of the Certification and Participation Agreement with the County of Santa Cruz.
 - C. Affordable Unit Standards
 1. Per Chapter 4 of the Aptos Village Plan, the required affordable residential units may be clustered into one area of the proposed development and do not need to be spread throughout the project site as required by County Code section 17.10.032(a)1.
 2. As a concession for provision of an additional affordable residential unit for sale (12 units provided when only 11.6 are required, not including Buildings 14 & 15), the average affordable unit size and bedroom count may be modified as follows:
 - a. The average size (in square feet) of affordable residential units may be 71% of the average size of market rate units.
 - b. The average bedroom count of affordable residential units may be reduced consistent with the approved Exhibit "A" for this permit (1.58 average bedroom count for affordable residential units, in contrast to the 1.98 average bedroom count of market rate units).
 - D. Density Bonus
 1. Density bonus provisions do not apply to this development which meets the minimum affordable housing requirements as specified in these conditions of approval.
- VI. Park Dedication
- A. The applicant shall offer the .74 acre park parcel for dedication (Lot 9 as depicted on the approved Exhibit "A" for this permit) to the County of Santa Cruz at the time of Final Map Recordation as indicated on the approved Tentative Map for this subdivision.
 1. The timeline for the acceptance of the offer of dedication of the park parcel to the County of Santa Cruz may be extended for a period not to exceed five years from the date of Final Map recordation.

- a. If the park parcel can not be offered for dedication with recordation of the Final Map, a performance bond for the appraised value of the park parcel shall be provided to the County for a period of up to 5 years. The park parcel shall be provided to the County at the end of the 5 year period. 0763
 - b. During the 5 year period after the recordation of the Final Map, the County shall have access to, and use of, the park parcel subject to a use agreement between the applicant and the County.
2. A drainage easement through County Parks property for drainage improvements (in a location mutually agreed upon by the County and the applicant, and as indicated on the improvement plans prior to Final Map recordation) shall also be provided to the applicant at no cost to the applicant, in exchange for park fee credits and dedication of the park parcel.

VII. Final Map

- A. Prior to submittal of the Final Map for this land division, the following conditions must be met:
 1. All approvals needed from the California Public Utilities Commission (CPUC) shall be obtained for the construction of railroad crossing improvements at the Trout Gulch Road, the north-south (Parade) street, and Aptos Creek Road intersections with Soquel Drive. All requirements of the CPUC within the project limits shall be incorporated into the approved improvement plans for this project and provided to the County of Santa Cruz with the Final Map for review and approval. Any modifications to the approved improvement plans that prevent construction of the project, or improvements associated with and necessary to serve the project as proposed will require an amendment to this permit per County Code section 18.10.
 - a. The County shall re-submit the CPUC applications on behalf of the applicant. The applicant shall pay for the cost of outside counsel to represent the County and applicant in front of the PUC. The applicant shall not be required to pay for County Counsel time. The applicant shall also complete an indemnification agreement with the County in advance of the County making the CPUC applications to indemnify the County for any challenges to the CPUC applications.
 - b. In recognition that the CPUC's approval of any or all of the three necessary applications for at grade crossings are not certain (due to the CPUC's stated policies disfavoring new at-grade crossings), if any or all of the rail crossings are not approved by the CPUC (or approved with conditions unacceptable to the County and/or the applicant in their respective sole and independent judgment), a modified proposal which may include ending the north-south street at the edge of the southern parking area for Buildings 14 & 15 (as indicated on the approved Exhibit "A" for this permit) may be considered by the Planning Department and the Department of Public Works. The modified proposal shall include updated improvement plans, and a revised traffic circulation and parking

analysis. The review of the revised north-south street design (terminating at the parking area of Buildings 14 & 15) shall be performed by Planning Department and Department of Public Works staff prior to recordation of the Final Map and shall be approved or disapproved by the County with the improvement plans for this project.

0764

2. The excess right of way along Trout Gulch Road (as depicted on the approved Exhibit "A" for this permit) shall be acquired from the County of Santa Cruz, per the standard appraisal and sale procedures of the Department of Public Works, Real Property section.
 3. The deed evidencing the boundary adjustment with the adjacent APN 041-561-01 (as depicted on the approved Exhibit "A" for this permit) shall be recorded with the County of Santa Cruz Recorder's office.
 4. An easement for the construction of roadway and roadside improvements across the northern portion of adjacent APN 041-011-34 (as depicted on the approved Exhibit "A" for this permit) shall be acquired by applicant, or the applicant may elect to install the roadway improvements shown on the optional site plan (with the realignment of the proposed east-west street as depicted on the approved Exhibit "A1" for this permit).
- B. Prior to the recordation of the Final Map, the applicant shall enter into a Subdivision Improvement Agreement with the Department of Public Works, Surveyor regarding the phasing of improvements and the bonding of improvements for each phase of construction.
1. Phasing of the Final Map is allowed in conformance with the approved Exhibit "A" and as modified by these conditions:
 - a. The east-west street (pavement, curbs, gutters, and below ground utilities) shall be constructed in the first phase of the project.
 - b. All required transportation and utilities infrastructure shall be in place prior to the completion of each phase, including adequate roadways, rail crossings, and traffic control devices.
 - i. Final occupancy of any building shall not be allowed until all required utilities and transportation infrastructure (including all streets and parking) necessary to serve the building have been installed.
 2. Modifications to the project phasing may be authorized subject to review and approval by the County of Santa Cruz Planning Department.
- C. A Final Map for this land division must be recorded pursuant to the terms and provisions of these conditions of approval and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and/or vegetation removal, shall be done prior to recording the Final

Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division) or otherwise authorized by these conditions of approval. The Final Map shall meet the following requirements:

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1. The Final Map shall be in substantial conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
2. Except as specified in the Planned Unit Development conditions of approval, this land division shall result in no more than sixty-three (63) multi-family residential units, commercial tenant spaces, and common areas for access, parking, utilities, and landscaping.
3. The following items shall be shown on the Final Map:
 - a. Building envelopes, common areas and/or building setback lines shall be located according to the approved Tentative Map.
 - i. All requirements of the Planned Unit Development shall be met in the Final Map.
 - b. Show the net area of each lot to nearest square foot.
 - c. The owner's certificate shall include:
 - i. A dedication of the park parcel as depicted on the approved Exhibit "A" for this permit. If the park parcel cannot be offered for dedication with recordation of the Final Map, a performance bond for the appraised value of the park parcel shall be provided to the County for a period of up to 5 years from the date of Final Map recordation. The park parcel shall be provided to the County at the end of the 5 year period.
 - ii. A dedication for roadway and roadside improvements along the new north-south street, the new east-west street, Trout Gulch Road, and Aptos Creek Road.
 - iii. A dedication of the common area(s) as a public utilities easement.
- D. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 1. New parcel numbers for all of the parcels must be assigned by the Assessors Office prior to application for a Building Permit on any parcel created by this land division. An exception to this requirement may be granted, after recordation of the Final Map, for any air space condominium units in the commercial mixed-use portion of the project.

2. Building permits are required for all applicable structures and improvements per Chapter 12 of the County Code and the California Building Code. 0766
3. Lots shall be connected for water service to Soquel Creek Water District. All regulations and conditions of the water district shall be met.
4. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met.
 - a. Annexation of the park parcel to the Santa Cruz County Sanitation District is not required prior to the development of the remainder of the project.
5. All construction approved by this permit on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawings as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
 - a. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the zone district (C-2, RM-2, RM-3) where the property is located, except as authorized by the Planned Unit Development conditions of approval.
 - b. Future façade changes and/or modifications to the approved designs for the proposed buildings, shall be processed per the levels specified in the Planned Unit Development conditions of approval.
6. All development approved by this permit on the property shall comply with the requirements of the approved geotechnical reports.
7. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
8. Zone 6 Flood Control District storm water drainage impact fees shall be paid based on the square footage of impervious and pervious surfaces.
 - a. A fee credit may be applied for existing improved surfaces on the project site.
9. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. Silt and grease traps shall be installed according to the approved improvement plans.

- 0767
- b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- E. Any changes from the approved Exhibit "A", including but not limited to the Tentative Map, Preliminary Improvement Plans, or the attached exhibits for architectural and landscaping plans, must be submitted for review and approval or disapproval by the Planning Department. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
- 1. Optional Site Plan: The optional site plan, including the re-alignment of the new east-west street, relocation and redesign of Building 6 into two separate buildings, and associated site improvements (as depicted on the approved Exhibit "A1" for this permit) shall require additional review and approval or disapproval by Planning and Department of Public Works staff (to determine compliance with all applicable standards and requirements) prior to recordation of the Final Map for this project.
 - a. Revised improvement plans shall be submitted for review prior to Final Map recordation.
 - b. Revised building plans for the two new buildings (in place of the former Building 6) shall be submitted for review prior to Final Map Recordation.
 - i. The revised building designs shall be processed per the review levels specified in the Planned Unit Development conditions of approval for this project.
 - c. These requirements are waived if the optional site plan is not implemented.
 - 2. North-South Street Intersection with Soquel Drive: If the rail crossing at the intersection of the new north-south street (tentatively identified as Parade Street) and Soquel Drive is not approved by the CPUC (or approved with conditions unacceptable to the County and/or the applicant in their respective sole and independent judgment), a modified proposal which may include ending the north-south street at the edge of the southern parking area for Buildings 14 & 15 (as indicated on the approved Exhibit "A" for this permit) may be considered by the Planning Department and the Department of Public Works. The modified proposal shall include updated improvement plans, and a revised traffic circulation and parking analysis. The review of the revised north-south street design (terminating at the parking area of Buildings 14 & 15) shall be performed by Planning Department and Department of Public Works staff prior to recordation of the Final Map and shall be approved or disapproved by the County with the improvement plans for this project.

3. Improvements (temporary) for temporary construction detours across adjacent properties shall be installed by applicant as necessary for construction of the development along with obtaining permission or interest as necessary for such detours. The design and location of such detours shall be mapped by the project engineer and approved by County Public Works Department.

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F. Prior to recordation of the Final Map, the following requirements shall be met:

1. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
2. Enter into a Subdivision Improvement Agreement with the Department of Public Works Surveyor regarding the phasing of improvements and the bonding of improvements for each phase of construction.
3. A Common Interest Development (CID) association shall be formed for maintenance of all areas under common ownership including, sidewalks, roadways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. Separate Common Interest Development (CID) associations (or Homeowners Associations) may be created for the stand alone residential units accessed off of Granite Way, and separate divisions of the CID association may be created under a single Master CID association for the residential and commercial elements of the mixed use portion of the project. CC&R's shall be provided to the Planning Department prior to the recordation of the Final Map and shall include the following, which are permit conditions:
 - a. All landscaping and improvements within the project site (including the Village Common and the sidewalks and planting areas within the development and along the new north-south street and east-west street) and all landscaping and improvements fronting the project within the adjacent public rights of way of Aptos Creek Road, Trout Gulch Road, Cathedral Drive, and Granite Way/Village Drive shall be permanently maintained by the Common Interest Development (CID) association.
 - b. All parking areas, driveways, sidewalks, retaining walls, fencing, lighting, bicycle lockers, cart returns, and other street furniture on the project site shall be permanently maintained by the Common Interest Development (CID) association.
 - c. All street and roadside improvements constructed to serve the project (that are not otherwise accepted into the County of Santa Cruz road maintenance system) shall be permanently maintained by the Common Interest Development (CID) association.
 - i. A request to form a County Service Area (CSA) to collect funds for maintenance of the proposed roadways within public rights of way may be directed to the Department of Public Works for consideration and approval or disapproval.

- d. All drainage structures, including rain gardens, silt and grease traps, detention/retention facilities, outlets, and dissipaters constructed to serve the project shall be permanently maintained by the Common Interest Development (CID) association. 0769
 - i. Annual inspection of the drainage structures shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Common Interest Development (CID) association.
 - ii. A brief annual report shall be prepared by the inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the drainage structures to function adequately.
- 4. Include a notation on Lot 37 (well site) that states: "well site, not a building site".
 - a. If an alternate well site is identified prior to recordation of the Final Map (that is acceptable to both the applicant and Soquel Creek Water District) the location of the well site may be relocated, subject to review and approval or disapproval by the Planning Department and Department of Public Works.
- 5. In exchange for the dedication of the Park Parcel, County shall provide an executed right of entry with right to construct drainage improvements (from the development to Aptos Creek) from the County Department of Parks, Open Space, and Cultural Services. Applicant shall construct the offsite drainage improvements through the park with the associated phase of the project. The drainage easement through County Parks property shall be delineated by the applicant on a surveyed plan and recorded upon completion of the drainage system (to ensure the easement is in the correct location).
- 6. Provide evidence that there are no easements or rights of way that cross the property in a manner that is in conflict with the approved Tentative Map.
 - a. Any rights of way crossing the property in a manner that is in conflict with the approved Tentative Map shall be abandoned or extinguished, at the applicant's expense, prior to recordation of the Final Map.
- 7. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
 - a. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each lot.

- b. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the Common Interest Development (CID) documents/CC&R's to the district.
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8. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval by the District.
9. All new utilities shall be underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material. All rooftop mechanical and electrical equipment shall be an integral part of building designs and shall be screened from view by architectural features. Backflow prevention devices shall be located in a visually unobtrusive location.
10. All requirements of the Aptos/La Selva Fire Protection District shall be met.
11. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements) or other form of security or bonding acceptable to the Department of Public Works, per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
- a. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the Aptos Village Plan and the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the State Building Code regarding accessibility.
- i. The construction of the proposed east-west road shall include a 36 foot wide paved road section, 6 inch wide curbs, and a 12 foot wide sidewalk and planting strip (as indicated on the approved Exhibit "A") on both sides of the roadway.
- ii. The construction of the proposed north-south road (Parade Street) shall include a 36 foot wide paved road section, 6 inch wide curbs, and a 10 foot wide sidewalk and planting strip (as indicated on the approved Exhibit "A") on both sides of the roadway.

- iii. Sidewalk and frontage improvements for Trout Gulch Road shall be as indicated on the approved Exhibit "A" for this permit.
 - iv. Roadway, sidewalk, and frontage improvements for Granite Way⁰⁷⁷¹ and the extension thereof shall be as indicated on the approved Exhibit "A" for this permit.
 - v. Roadway, sidewalk, and frontage improvements for Aptos Creek Road shall be as indicated on the approved Exhibit "A" for this permit.
- b. The improvement plans shall indicate that Aptos Creek Road, from the intersection with Soquel Drive to the northern edge of the project boundary, will be repaved across the entire roadway width, per Department of Public Works Road Engineering standards. This work shall be performed after utilities and all other roadway improvements have been installed. Paint striping and traffic markings shall be replaced after repaving, if applicable.
 - c. Details for the design and construction of the proposed Village Common, an open/green space in the central area of the project site, as specified in Chapter 4 of the Aptos Village Plan and as depicted on the approved Exhibit "A" for this permit.
 - d. Details for the design and construction of improvements in all common areas, sidewalks, and seating areas. Improvements shall be as specified in the Aptos Village Plan and as depicted on the approved Exhibit "A" for this permit.
 - e. Details for the design and construction of entry improvements for Nisene Marks State Park. These improvements shall consist of signage at the intersection of Aptos Creek Road and Soquel Drive, an informational kiosk, pavement widening, and associated roadside improvements, as depicted on the approved Exhibit "A" for this permit.
 - i. Design details shall be reviewed and approved by California State Parks prior to submittal of the improvement plans. Modifications to the approved design for the Nisene Marks entry improvements to satisfy the requirements of California State Parks is authorized by this permit.
 - f. Complete 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.
 - g. The design and construction of the drainage structures shall comply with the Department of Public Works discretionary application comments.

- h. Details for the installation of required storm-water detention and retention facilities, and silt and grease traps, and other drainage facilities to treat and filter runoff from roadways, parking areas, and buildings. Submit a maintenance agreement to the Department of Public Works for maintenance of these facilities.
 - i. A detailed erosion control plan shall be submitted which includes the following: a clearing and grading schedule that limits grading to the period of April 15 to October 15, clearly marked disturbance envelope, revegetation specifications, silt barrier locations, temporary road surfacing and construction entry stabilization, sediment barriers around drain inlets, etc. This plan shall be integrated with the improvement plans that are approved by the Department of Public Works, and shall be submitted to Environmental Planning staff for review and approval prior to recording of the final map.
 - j. In order to ensure that the one hour air quality threshold for the pollutant acrolein is not exceeded during demolition, paving, and construction, prior to the issuance of the grading permit, the applicant shall modify the grading plans to include notes incorporating the construction conditions given by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) as follows:
 - i. All pre-1994 diesel equipment shall be retrofitted with EPA certified diesel oxidation catalysts or all such equipment shall be fueled with B99 diesel fuel;
 - ii. Applicant shall retain receipts for purchases of catalysts or B99 diesel fuel until completion of the project;
 - iii. Applicant shall allow MBUAPCD to inspect receipts and equipment throughout the project.
 - iv. Alternatively, the applicant may submit a health risk assessment to the MBUAPCD for review and approval. Any recommendations and requirements of the MBUAPCD will become conditions of constructing the project.
12. Submit a final lighting plan for the entire site for review and approval by the Planning Department. Lighting for the proposed development shall comply with the following conditions:
- a. All exterior street and parking area lighting fixture types shall be consistent throughout the project area and shall include the lighting details as depicted on the approved Exhibit "A" for this permit, subject to review and approval by Department of Public Works.
 - b. All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties, second and third story residences and the night sky. Light sources shall be shielded by landscaping,

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structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.

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- c. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans shall indicate the location, intensity, and variety of all exterior lighting fixtures. All lighting shall be consistent with the energy efficiency standards of the California Building Code.
13. Submit a final Landscape Plan for the entire site for review and approval by the Planning Department. The landscape plan shall specify plant species, size and location, and shall include irrigation plans, which meet the following criteria and must conform to all water conservation requirements of the local water district and the following conservation regulations:
- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue. The turf area of the Village Common complies with this requirement as less than 25 percent of the total landscaped area.
- b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation system, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
- e. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

- f. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape. 0774
- g. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
- h. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- i. All planting shall conform to the landscape plan shown as part of the approved Exhibit "A", with the following exception(s):
- i. Trees planted in the County right-of-way must be approved by the Department of Public Works and must be installed according to provisions of the County Design Criteria.
- j. A physical barrier, in the form of a low fence, hedge, or combination of these two features, shall be installed along between the railroad track and the parking areas to the north between Aptos Creek Road and Trout Gulch Road. An agreement by the adjacent property owners shall be obtained for the installation of such a physical barrier.

VIII. Historic Resources

- A. All requirements of the approved historic resource preservation plan shall be met in the relocation and reconstruction of the historic Apple Barn and all future development on the property shall comply with the conditions listed in Table 2-1 of the Historic Preservation Plan relating to protection of the Bayview Hotel. These requirements shall include the following conditions approved by the Historic Resources Commission:
1. Protection of existing historic materials and character-defining features: A qualified preservation architect or architectural conservator shall evaluate all of the existing historic materials of the Apple Barn, identifying which materials may be repaired, and which require replacement. Detailed plans prepared by a preservation architect or an architectural conservator shall be provided prior to the issuance of a permit for relocation, noting which materials are to be retained, repaired, replaced, or relocated for use on another part of the building. An architectural conservator shall make period observations and shall also be retained on site during relocation and rehabilitation to ensure that the detailed plans are followed. A copy of the contract with an architectural conservator shall be submitted prior to the issuance of a building permit.
 2. Historic Skirting: Existing wood skirting material shall be retained to the greatest extent feasible, and shall be used to cover the concrete stem wall in an area or areas retaining the greatest visibility, such as the loading dock area adjacent to the

Village Common. Plans showing proposed location of historic skirting materials shall be submitted with the building permit application for moving the building.

3. Future repairs: Consistent with the Preservation Plan, all wood siding removed from the Apple Barn to accommodate the new link building, and wood floor planks that are removed to allow for the installation of new interior flooring, shall be used as materials for the rehabilitation, with the remaining materials stored and used for future building repairs to the greatest extent feasible.
4. Preservation of interior wood flooring: Existing wood floorboards at the building interior, identified as a character-defining feature, shall be used throughout the building to the greatest extent feasible as allowed under state codes and local environmental health regulations relating to the grocery store use. The texture and finish of the existing floor boards shall be retained to the greatest extent feasible as is consistent with relevant state codes and local regulations. Plans for use of flooring shall be submitted to the HRC prior to the issuance of the building permit.
5. Preservation of interior single-wall construction as an historic feature: Existing single-wall construction at the building interior, identified as a character-defining feature, shown to be retained near the main entrance of the building, shall be retained in other areas of the building as allowed under state codes and local environmental health regulations relating to the grocery store use. Plans for retention of single-wall construction shall be submitted to the HRC prior to the issuance of the building permit.
6. Loading dock design: Design of the loading dock along the west side of the Apple Barn shall be revised to include only the minimum number of ramps required to comply with accessibility requirements in the California Historical Building Code.
7. Roofing material: Corrugated roofing shall be a matte finish.
8. Exterior paint color: Consistent with County Code Requirements in section 16.42.060(c)(1)(I) regarding alterations to a historic resource, the exterior color of the rehabilitated apple barn shall be similar to the current color of the building, or another color appropriate for an apple packing shed during the period of significance for the building (early 1890's to the 1950's)
9. Relocation: As indicated in the preservation plan, Kelly Brothers Movers or another qualified contractor shall work with the engineer to relocate the Apple Barn to the new proposed location.
10. Interpretive Display: Consistent with the recommendations in the preservation plan prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are relocated, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Apple Barn in the context of the history and development of Aptos Village. Submittal of a contract with a qualified professional with experience preparing similar types of interpretative displays for

historic purposes shall be used. Installation of the interpretive display shall be required prior to final occupancy certificate.

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The display shall include historic materials and objects that are removed from the building during relocation and rehabilitation, as well as historic photographs and text documenting the history of the building, its use as a packing shed, the relationship of the building to the site, including the rail line and road, as well as documenting the association with Frederick Hihn. The display will include historical data and photos from the documentation requirement, or other cited archival sources. These displays will be integrated into the design of Aptos Village, and will be installed outdoors in highly visible areas. Interpretive displays and the signage/ plaques installed on the exterior of this property will be sufficiently durable to withstand typical weather conditions. At least one sign shall be included on or near the retained loading dock, illustrating how the loading docks functioned as part of the apple packing operations. Displays and signage/ plaques will be of adequate size to attract the public. Installation of the interpretive display shall be required prior to issuance of the final occupancy certificate.

11. Historical Marker: A permanent plaque will be installed at the existing historic location of the Apple Barn, describing the Apple Barn, its history as part of Aptos Village, and noting the new location of the building. Plans for the historic marker shall be submitted prior to the submittal of the building permit application. Installation of the marker shall be required prior to the issuance of the certificate for occupancy.
12. Documentation: Consistent with County requirements for relocation of historic resources (16.42.060 9b)1((B)(i), the applicant shall submit a plan to document the history of the building prepared by a qualified historian/ architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the issuance of the building permit for relocation. The documentation should approximate Historic American Buildings Survey Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available; and c) written data providing history and description of the property. The documentation shall include photographs and detailed architectural drawings of the historic materials, features and construction techniques that will be altered, removed or replaced by the relocation and rehabilitation of the building, including the construction methods and materials for the foundation system, the loading docks and their relation to the site and the door openings, the section of the wall that will be removed to accommodate the new link building, the relationship of the building to the site, and the flooring and single-wall construction at the interior. Photographs shall be taken of the building as it currently exists. Photographs shall also be taken during relocation and rehabilitation, documenting the construction techniques identified as the building is prepared for relocation, as well as documenting the relocation process. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Information from the documentation process shall be

included in the interpretive display for the Apple Barn building. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. The documentation shall be completed prior to issuance of the final certificate of occupancy.

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13. Conformance with project conditions: Building permit plans shall be submitted to the Historic Planner with the County of Santa Cruz for staff level review to ensure consistency with the conceptual plans submitted with the Historic Preservation Plan application and with Chapter 16.42 of the Santa Cruz County Code.
- B. All requirements of the approved historic resource preservation plan shall be met in the construction of improvements and structures adjacent to the historic Bayview Hotel. This shall include the following conditions approved by the Historic Resources Commission:
1. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel.
 2. Protection of Bayview Hotel Setting (magnolia tree): Prior to construction and demolition, an arborist shall evaluate the existing magnolia on the Bayview Hotel property and provide recommendations to protect the tree during construction and demolition. The report shall be submitted to the Planning Department for review and approval prior to the issuance of demolition or building permits.
 3. Landscape Buffer: Trees and shrubs shall be planted on the subject property to the east of proposed Building 14 (between Building 14 and the Bayview Hotel) to provide an appropriate buffer/transition between the proposed building and the historic structure. Landscape plans for this buffer area shall be submitted to the HRC for review prior to issuance of the building permit.
- C. All requirements of the approved historic resource preservation plan shall be met in the demolition of the Aptos Firehouse/VFW Hall adjacent to the historic Bayview Hotel. This shall include the following conditions approved by the Historic Resources Commission:
1. Provisions to offer the structure to the general public: Consistent with County Code Section 16.42.060(b) 1(C), provisions shall be made to offer the structure to the general public for removal or dismantling for salvage at no cost or remuneration to the applicant. The availability of the structure shall be advertised by means of a 1/8 page display ad in a paper of general circulation in the County of Santa Cruz, at least twice during a thirty-day period. The advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation (through moving

or dismantling) of the structure proposed for demolition, and the date after which a Demolition Permit may be issued. Evidence of this publication must be submitted prior to issuance of a Demolition Permit.

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2. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel.
3. Interpretive Display: Consistent with the recommendations in the documentation report prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are demolished, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Firehouse/VFW Hall in the context of the history and development of Aptos Village. The display shall include photographs of the building as it existed before demolition, as well as historic photos documenting the use of the building as a firehouse, residence, lumber office and VFW Hall, obtained during the documentation process noted below. These displays will be integrated into the design of Aptos Village, near the current location of the firehouse building, or included as part of a larger interpretive display involving the Apple Barn, and will be installed outdoors in highly visible areas. The display will include historical data from the documentation requirement, or other cited archival sources. Interpretive displays and the signage/ plaques installed on this property will be sufficiently durable to withstand typical weather conditions. Displays and signage/ plaques will be of adequate size to attract the public. Submittal of a contract with a qualified professional with experience preparing similar types of interpretative displays for historic purposes shall be required prior to issuance of the demolition permit. Installation of the interpretive display shall be required prior to final inspection for the demolition permit.
4. Historical Marker: A permanent plaque will be installed at the existing location of the firehouse, describing the firehouse and its history as part of Aptos Village. Plans for the historic marker shall be submitted prior to the issuance of the demolition. Installation of the marker shall be required prior to the final inspection for the demolition permit.
5. Documentation: HABS-like documentation shall be required to document the historic building prior to demolition. The documentation should approximate HABS Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available and c) additional archival research providing written data regarding the history and description of the property. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be

1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Documentation shall include preservation of significant historic materials or objects uncovered as part of the demolition process. The applicant shall submit a documentation plan prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the approval of the demolition permit. Completion of the documentation shall be required prior to the final building permit inspection.

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D. A Demolition Permit shall be obtained for the demolition of the Aptos Firehouse/VFW building prior to removal or deconstruction of the structure.

1. All requirements of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be followed in the demolition of the structure.

IX. Infrastructure Improvements

A. On-site and off-site infrastructure improvements shall be installed to serve the proposed development in conformance with the approved Exhibit "A" for this project and as specified below:

1. All improvements indicated on the approved Exhibit "A" shall be installed.
 - a. All transportation infrastructure shall be installed prior to occupancy of any given phase of the project, as specified in the approved traffic study for this project.
 - b. Rail crossings and traffic control improvements shall be installed at the Soquel Drive intersections with Trout Gulch Road, Aptos Creek Road, and the new north-south street (tentatively known as Parade Street), as specified in the approved traffic study for this project.
 - i. Roadside and roadway improvements shall be installed along Soquel Drive as necessary to accommodate the intersection improvements.
2. Aptos Rancho Road & Soquel Drive Intersection
 - a. Adjustment of timing/phasing of the traffic signal (as described in the approved traffic study) shall occur at the time that cumulative traffic volumes at the intersection warrant such improvements.
3. Soquel Drive, State Park, and Sunset Drive Intersection
 - a. Installation of an exclusive eastbound right-turn lane on Soquel Drive (as described in the approved traffic study) shall occur at the time that cumulative traffic volumes at the intersection warrant such improvement.
4. Fee Credits

- a. A TIA fee credit for any off-site improvements installed by the applicant, at the applicant's expense, may be considered if consistent with these conditions of approval.

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X. Infrastructure Phasing

- A. All of the improvements necessary to serve each phase of the project shall be installed prior to final inspection or occupancy of any of the structures proposed for each phase. Phasing of improvements is allowed as depicted on the approved Exhibit "A" for this permit. Modifications to the approved phasing plan to be reviewed and approved by Planning Department.

XI. Phasing of Construction

- A. All of the structures for each phase of construction, as depicted on the approved Exhibit "A" for this permit, may be constructed while the infrastructure for each phase is being installed. Buildings in each phase may be constructed as the market demands, with the exception of the following:
 1. All Phase Ia structures located around the Village Common (Buildings 3, 4, & 5) shall be constructed either before, or concurrently with, the construction of the multi-family residential structures (Buildings 11 & 12) accessed off of Granite Way.
 2. All of the improvements necessary to serve each phase of the project shall be installed prior to final inspection or occupancy of any of the structures proposed for each phase.
- B. Occupancy of any structure shall not occur until a final inspection and clearance for occupancy for that structure has been authorized by the County of Santa Cruz Planning Department.

XII. Construction and Site Development

- A. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:
 1. 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 site. The following parties shall attend: the applicant, grading contractor supervisor, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the disturbance envelope and silt fencing will be inspected at that time.
- B. All construction within the property approved under this permit shall meet the following conditions:
 1. 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 another of these conditions).

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2. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
3. Landfill receipts indicating proper disposal of all grading material removed from the project site shall be provided to Environmental Planning staff for review. Alternatively, adequate documentation of another approved construction site that will use the grading material as fill may be considered.
4. 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. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
5. 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.
6. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - a. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation.
 - b. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 - c. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. 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.

7. One construction/security trailer (maximum 12 feet by 60 feet) is allowed on the site during the construction. The location of the trailer shall conform to all yard setbacks contained in the Planned Unit Development conditions of approval and shall be shown on the site plan for each phase of construction. Compliance with County Code section 13.10.683 or any successor ordinance is required. A building permit is required for the installation of the construction trailer and the construction trailer shall be removed from the site prior to final inspection of the phase of construction for which it is installed. 0782
8. Construction of improvements shall comply with the requirements of the approved geotechnical report(s). The project geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report(s).
9. All required improvements shall be installed and inspected by the Department of Public Works and Planning Department prior to final inspection clearance for any new structure on the new lots.
10. No structure shall be occupied until the infrastructure serving the phase of the project in which the structure is located has been installed and is in operation.

XIII. Operational Conditions

- A. The use and occupancy of the project site shall comply with all requirements of these conditions of approval and the Planned Unit Development conditions of approval for this project.
- B. The applicant shall form a Common Interest Development (CID) association for management of the commercial and residential portions of the project and maintenance of all areas under common ownership. Separate Common Interest Development (CID) associations (or Homeowners Associations) may be created for the stand alone residential units accessed off of Granite Way, and separate divisions of the CID association may be created under a single Master CID association for the residential and commercial elements of the mixed use portion of the project. Common Interest Development (CID) association documents (CC&R's) shall be provided to the Planning Department prior to the recordation of the Final Map and shall include the following, which are permit conditions:
 1. Management of commercial uses & parking
 - a. Master Occupancy Program
 - i. Management of commercial tenants (and owners of individual commercial spaces) to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that the balance between retail, personal services, office, medical office, and restaurant uses is maintained shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of

commercial square footage on the project site consistent with the conditions of approval for this permit.

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- (1) The CID association shall comply with the maximum square footage limitations for medical office and restaurant uses as specified by the conditions of approval for this permit.
- (2) The CID association shall, monitor the various commercial uses within the project and shall notify the County of Santa Cruz Planning Department, in writing, of any change in tenancy or use (including the square footage and location) to ensure compliance with the Planned Unit Development conditions of approval. All commercial uses, and any changes thereof, shall comply with these conditions of approval and the Planned Unit Development conditions of approval. A Level 1 change of use approval shall be obtained, if required, prior to occupancy of any commercial space.

b. Parking

- i. Management of on-site parking to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that sufficient parking is available to residents, guests, and customers of the commercial businesses (and residents of the stand alone residential portions of the project) shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential and commercial uses on the project site consistent with the conditions of approval for this permit.

c. Storage

- i. Management of outdoor common spaces to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that outdoor common spaces are not used for storage of goods or materials (other than temporary storage of materials during permitted construction projects) shall be the responsibility of the Common Interest Development (CID) association.

2. Common Areas & Village Common

- a. Management of outdoor common spaces and the Village Common (at the center of the Village) to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that the common spaces are kept open and available

for use by the tenants, customers, and the general public shall be the responsibility of the Common Interest Development (CID) association.

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- i. The sidewalks, Village Common, and surrounding areas shall be privately owned and controlled but kept available for use by the general public during open business hours, and the CID association shall retain the right to protect the security and private interests of the commercial tenants and residents of the development at all times.
- ii. Village Common
 - (1) The use of the Village Common shall be reserved as an open space for use by the commercial and residential tenants of the project and the general public. The Village Common may also be used to hold public events, subject to reservation with the CID association.
 - (2) Public events at the Village Common, subject to reservation with the CID association, shall not be held in a manner that interferes with surrounding businesses and these public events shall be limited to the hours between 8AM and 10 PM.
 - (a) Any exception to the hours for public events shall require review and approval by the County of Santa Cruz Planning Department.
 - (3) All events to be held within the Village Common are subject to a Level 1 review and approval by the County of Santa Cruz Planning Department.
- iii. Outdoor Seating
 - (1) General outdoor seating that is shared within the development and available to the general public is allowed as depicted on the approved Exhibit "A" for this project. Modifications to shared outdoor seating areas may be authorized, subject to a Level 1 review and approval by the Planning Department.
 - (2) Outdoor seating (associated with or reserved for individual tenant spaces) within common areas (adjacent to sidewalks and areas surrounding the Village Common) may be authorized. In order to establish an outdoor seating area, a Level 1 application to request use of common area for outdoor seating shall be submitted to the Planning Department for review and approval. Outdoor seating areas shall be limited to those areas depicted on the approved exhibit on file with the Planning Department.

- (3) Outdoor seating areas shall not block or impede the flow of pedestrian traffic along any of the sidewalks.

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3. Maintenance

- a. All structures on the project site shall be permanently maintained by the Common Interest Development (CID) association. This includes routine maintenance such as the painting of structures, graffiti removal, and other repairs as needed to maintain the exterior appearance of the structures.
- b. All landscaping and improvements within the project site (including the Village Common and the sidewalks and planting areas within the development and along the new north-south street and east-west street) and all landscaping and improvements fronting the project within the adjacent public rights of way of Aptos Creek Road, Trout Gulch Road, Cathedral Drive, and Granite Way/Village Drive shall be permanently maintained by the Common Interest Development (CID) association.
 - i. All landscape areas and features shall be kept clean, trimmed, properly irrigated, and free of graffiti or litter.
- c. All parking areas, driveways, sidewalks, retaining walls, fencing, lighting, bicycle lockers, cart returns, and other street furniture on the project site shall be permanently maintained by the Common Interest Development (CID) association.
 - i. All structures and features shall be kept clean, painted, and free of graffiti or litter.
- d. All street and roadside improvements constructed to serve the project (that are not otherwise accepted into the County of Santa Cruz road maintenance system) shall be permanently maintained by the Common Interest Development (CID) association.
- e. All drainage structures, including rain gardens, silt and grease traps, detention/retention facilities, outlets, and dissipaters constructed to serve the project shall be permanently maintained by the Common Interest Development (CID) association.
 - i. Annual inspection of the drainage structures shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Common Interest Development (CID) association.
 - ii. A brief annual report shall be prepared by the inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days

of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the drainage structures to function adequately.

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4. Enforcement

- a. Management and maintenance responsibilities of the Common Interest Development (CID) association, to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project, shall not supersede or prevent the enforcement of project conditions (as specified in these conditions of approval and the Planned Unit Development conditions of approval for this project) by the County of Santa Cruz.

XIV. Expiration and Time Extensions

- A. This approval expires 24 months from the effective date of this permit, unless a Final Map (including improvement plans, and other requirements listed in these conditions of approval) is filed with the County of Santa Cruz Surveyor's office prior to the expiration date.
 1. The applicant shall comply with all applicable conditions and record the Final Map with the County Recorder's office within two years from the date of Final Map filing.
 2. Building Permits for the proposed development shall be obtained and construction shall commence within two years of the recordation of the Final Map for this project.
- B. The expiration date of this approval (as specified above) may be extended for a period of up to six years with a formal written request from the project applicant. Time extension requests for this approval shall be reviewed and approved on the consent agenda of a noticed public hearing before the Planning Commission.

XV. Amendments

- A. Future amendments or changes to the project, including structure designs, structure locations, and associated infrastructure shall be processed per the levels of review specified in Chapter 18.10 of the County Code or its successor ordinance, unless otherwise specified in the Planned Unit Development conditions of approval for this project.
- B. 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 or its successor ordinance.

XVI. Compliance

- A. In the event that future County inspections of the subject property disclose non-compliance with any conditions of this approval (including these conditions of approval,

and/or the Planned Unit Development conditions of approval for this project) or any violation of the County Code, the applicant 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 revocation of this permit.

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- XVII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

XVIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The

purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

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XIX. Mitigation measures

See attached pages.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE AND
THE PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL FOR THIS
PROJECT**

This Tentative Map is approved subject to the above conditions of approval and the Planned Unit Development conditions of approval for this project. The Final Map for this division, including improvement plans and other requirements as specified in these conditions of approval, shall be submitted to the County Surveyor for review prior to the expiration date listed below.

Approval Date: _____

Effective Date: _____

Expiration Date: _____



County of Santa Cruz

PLANNING DEPARTMENT

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

MITIGATION MONITORING AND REPORTING PROGRAM for the Aptos Village Project, September 2011

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Greenhouse Gas Emissions				
BIO-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?	<u>San Francisco Dusky-footed Woodrat</u> Prior to construction, a qualified biologist shall examine the project area including the outfall alignment into Aptos Creek for SFDWs and nest structures. For the outfall structure alignment, surveys shall include surveying outfall pipe alignment and the Aptos Creek channel for a minimum of 300 feet up and downstream of the proposed location of the outfall structure and along the banks. If a SFDW nest structure is encountered in the project area of impact, the nest shall be avoided. Exclusion zones shall be installed around the nest structures providing a minimum 25-foot buffer under the guidance of a qualified biologist. No work shall occur within these exclusion zones. Prior to initiating storm water conveyance construction activities above Aptos Creek, a wildlife barrier shall be installed to enclose the work area under the supervision of a qualified biologist. The barrier shall be a minimum of 36 inches tall and shall extend from the bank of Aptos Creek, parallel to and on both sides of the proposed alignment for the storm water conveyance pipe, up to the open manicured field of Aptos Village Park. The barrier can serve the dual functions of preventing wildlife from entering the work area and preventing excavated spoils from leaving the work area and entering the creek. A biological monitor shall be present during initial vegetation clearing, grading and trenching for installation of the flow-spreader and outfall structure to ensure that no special-status wildlife species enter the work area. After this time, the qualified biologist will designate and train a "construction monitor" to inspect on-site compliance with all avoidance/impact minimization measures. The designated construction monitor will inspect the wildlife barrier daily for the duration of the storm water conveyance installation. The construction monitor will have the authority to halt work that may result in impacts to the SFDW. The construction monitor will immediately notify the qualified biologist if a SFDW or nest structure is encountered. The construction monitor shall record the results of their inspections on a daily log that will be submitted to the biological monitor. The daily logs will be available for agency review. The qualified biological monitor will remain "on-call." To ensure a timely response, construction monitor shall provide a weekly project activity schedule for all "on call" project activities to the qualified biologist. The construction monitor will immediately notify the qualified biologist if a SFDW is encountered.	Project Applicant	Contract with qualified biologist	Prior to and During Construction

0789

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	In order to prevent entrapment of potential CDFW or other wildlife species during construction of the storm water outfall into Aptos Creek, the open segments of the trench shall be backfilled at the end of each day. If backfilling the trench at the end of each day is not feasible, temporary escape ramps a minimum of 15 feet apart shall be provided. Escape ramps may be made from filled sandbags, sloping boards, temporary backfill, or other materials to avoid entrapment. If segments of trench are covered, the edges of the cover boards and/or steel plates shall be sealed. Prior to backfilling any segment of trench, a construction monitor shall examine the open trench to ensure no wildlife is trapped. If wildlife becomes entrapped, the construction monitor shall immediately notify the qualified biological monitor to free the animal. With implementation of the above mitigation, potential impacts to the SFDW would be reduced to a less than significant level. <u>Nesting Birds and Raptors</u> The breeding season for nesting birds occurs from February 1 through August 31 with a peak in breeding/nesting activity between April and June for most raptors and/or other birds (Ralph et al., 1993). All vegetation and tree removal activities shall occur between September and February to avoid impacts to breeding birds. If vegetation removal must occur during the breeding season, the following program shall be implemented. Prior to construction, a qualified biologist shall conduct surveys to identify nesting birds within the project area. The survey area will encompass the project area and a 250-foot wide buffer (where accessible) to examine tree stands and structures. Surveys shall be conducted within 30 days, but not less than 15 days, prior to staging equipment, structure demolition, relocation of the Apple Barn, vegetation clearing, and/or ground disturbing activities. In the event nesting bird species are observed, project activities shall be halted until a qualified biologist has determined if the nesting birds have fledged, or: (1) Raptors - Install a 250-foot buffer between project activities and the active nest site and have a qualified biologist monitor the nest site. (2) Passerine Birds - Install a 50-foot buffer/exclusion zone between project activities and the active nest and have a qualified biologist monitor the nest. <u>Roosting Bats</u> The bat breeding season occurs April through August and winter hibernacula are formed November through March. If feasible, relocate the apple barn, demolish existing structures, remove trees from the project area, and/or conduct loud construction activities (e.g. grading, excavation, and/or trenching) during September through October (outside of bat breeding and winter hibernacula seasons). Prior to initiating these activities, a qualified wildlife biologist will conduct preconstruction surveys of the known bat roost in the apple barn and of potential bat roosts in other buildings and large trees. Preconstruction surveys will take place for one day and two evenings to assess the site for year-round bat presence. The daytime survey will include the evaluation of trees and			0790

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	buildings for bat roost features (tree cavities, senescent limbs, peeling bark) and/or evidence of bats (guano). The nighttime surveys will consist of acoustic and emergence monitoring. If no bats are detected, crevices may be sealed to prevent re-entry of bats. In the unlikely event that year-round roosting bats are detected, the contractor will obtain an MOU with CDFG in order to have a qualified biologist install exclusion devices. If these actions do not result in exclusion, a qualified biologist in possession of an applicable CDFG MOU will remove and relocate the roosting bats to an appropriate alternate habitat (a roost with comparable spatial and thermal characteristics) (H.T. Harvey and Associates 2004). A qualified wildlife biologist shall be present to monitor for bats during apple barn relocation, building demolition, and tree removal. If scheduling work during September and October is not feasible, a qualified biologist shall conduct a bat survey. Surveys shall be conducted over four separate nights. If maternity or hibernacula roosting bats are detected, establish a minimum 100-foot buffer and avoid disturbances until a qualified biologist determines that bats are no longer roosting. If it is not feasible to halt activities within the buffer, then under the supervision of a biological monitor, permit the encroachment into the 100-foot buffer. If the monitor observes bats leaving the roost site during construction activities, then all work near the roost site will be halted and the appropriate buffer reinstated. All work involving direct removal or relocation of occupied roosts will take place after a qualified biologist has determined that bats are no longer occupying maternity roosts or winter hibernacula.			
BIO-2 Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Riparian vegetation shall be protected during construction activities. Protective fencing shall be installed for the duration of construction. All equipment shall be staged upslope and outside of the boundaries of the contiguous riparian canopy. It is anticipated that riparian vegetation would be directly impacted during construction of the flow spreader and outfall structure (temporary impact), replace riparian habitat at a ratio of 1:1 with native riparian vegetation. Replacement plantings shall include "in-kind" native riparian species similar in composition and abundance to those displaced by construction. In this area, plantings may include red alder (<i>Alnus rubra</i>), California blackberry (<i>Rubus ursinus</i>), California coffeeberry (<i>Rhamnus californica</i>), black cottonwood (<i>Populus balsamifera</i> ssp. <i>trichocarpa</i>), and Pacific willow (<i>Salix lucida</i> ssp. <i>lasianдра</i>). A revegetation plan shall be submitted to the County of Santa Cruz Planning Department for review and approval prior to commencement of ground disturbing activities.	Project Applicant	Contract with qualified biologist	Prior to, During and Post Construction

0791

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
CUL-1 Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<u>Hihn Apple Barn</u> 1. Protection of existing historic materials and character-defining features: A qualified preservation architect or architectural conservator shall evaluate all of the existing historic materials of the Apple Barn, identifying which materials may be repaired, and which require replacement. Detailed plans prepared by a preservation architect or an architectural conservator shall be provided prior to the issuance of a permit for relocation, noting which materials are to be retained, repaired, replaced, or relocated for use on another part of the building. An architectural conservator or preservation architect shall make period observations and shall also be retained on site during relocation and rehabilitation to ensure that the detailed plans are followed. A copy of the contract with an architectural conservator or preservation architect shall be submitted prior to the issuance of a building permit. 2. Historic skirting: Existing wood skirting material shall be retained to the greatest extent feasible, and shall be used to cover the concrete stem wall in an area or areas retaining the greatest visibility, such as the loading dock area adjacent to the village green. Plans showing proposed location of historic skirting materials shall be submitted with the building permit application for moving the building. 3. Future repairs: Consistent with the Preservation Plan, all wood siding removed from the Apple Barn to accommodate the new link building, and wood floor planks that are removed to allow for the installation of new interior flooring, shall be used as materials for the rehabilitation, with the remaining materials stored and used for future building repairs to the greatest extent feasible. 4. Preservation of interior wood flooring: Existing wood floorboards at the building interior, identified as a character-defining feature, shall be used throughout the building to the greatest extent feasible as allowed under state codes and local environmental health regulations relating to the grocery store use. The texture and finish of the existing floor boards shall be retained to the greatest extent feasible as is consistent with relevant state codes and local regulations. Plans for use of flooring shall be submitted to the HRC prior to the issuance of the building permit. 5. Preservation of interior single-wall construction as an historic feature: Existing single-wall construction at the building interior, identified as a character-defining feature, shown to be retained near the main entrance of the building, shall be retained in other areas of the building as allowed under state codes and local environmental health regulations relating to the grocery store use. Plans for retention of single-wall construction shall be submitted to the HRC prior to the issuance of the building permit. 6. Loading dock design: Design of the loading dock along the west side of the Apple Barn shall be revised to include only the minimum number of ramps required to comply with accessibility requirements in the California Historical Building Code.	Project Applicant	Contract with qualified architectural historian and architect to ensure compliance	Prior to and During Construction

07/22

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
63	7. Roofing material: Corrugated roofing shall be a mat finish. 8. Exterior paint color: Consistent with County Code Requirements 16.42.060(c)(1)(l) regarding alterations to a historic resource, the exterior color of the rehabilitated apple barn shall be similar to the current color of the building, or another color appropriate for an apple packing shed during the period of significance for the building (early 1890's to the 1950's). 9. Relocation: As indicated in the preservation plan, Kelly Brothers Movers or another qualified contractor shall work with the engineer to relocate the Apple Barn to the new proposed location. Use of any moving contractor other than Kelly Brothers Movers shall require approval by the Planning Department. 10. Interpretive Display: Consistent with the recommendations in the preservation plan prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are relocated, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Apple Barn in the context of the history and development of Aptos Village. Submittal of a contract with a qualified professional with experience preparing similar types of interpretive displays for historic purposes shall be required prior to issuance of the building permit. Installation of the interpretive display shall be required prior to final occupancy certificate. The display shall include historic materials and objects that are removed from the building during relocation and rehabilitation, as well as historic photographs and text documenting the history of the building, its use as a packing shed, the relationship of the building to the site, including the rail line and road, as well as documenting the association with Frederick Hihn. If available, include photographs from the Paul Johnston collection noted in the Historic Resources Inventory Sheet. The display will include historical data and photos from the documentation requirement, or other cited archival sources. The display will also include general information regarding the history of Aptos Village, and of the Bayview Hotel. These displays will be integrated into the design of Aptos Village, and will be installed outdoors in highly visible areas. Interpretive displays and the signage/ plaques installed on the exterior of this property will be sufficiently durable to withstand typical weather conditions. At least one sign shall be included on or near the retained loading dock of the Apple Barn, illustrating how the loading docks functioned as part of the apple packing operations. Displays and signage/ plaques will be of adequate size to attract the public. Installation of the interpretive display shall be required prior to issuance of the final occupancy certificate. 11. Historical marker: A permanent plaque will be installed at the existing historic location of the Apple Barn, describing the Apple Barn, its history as part of Aptos Village, and noting the new location of the building. Plans for the historic marker shall be submitted prior to the submittal of the			0795

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	building permit application. Installation of the marker shall be required prior to the issuance of the certificate of occupancy. 12. Documentation: Consistent with County requirements for relocation of historic resources (16.42.060 9b)1(B)(i), the applicant shall submit a plan to document the history of the building prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the issuance of the building permit for relocation. The documentation should approximate HABS Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available; and c) written data providing history and description of the property. The documentation shall include photographs and detailed architectural drawings of the historic materials, features and construction techniques that will be altered, removed or replaced by the relocation and rehabilitation of the building, including the construction methods and materials for the foundation system, the loading docks and their relation to the site and the door openings, the section of the wall that will be removed to accommodate the new link building, the relationship of the building to the site, and the flooring and single-wall construction at the interior. Photographs shall be taken of the building as it currently exists. Photographs shall also be taken during relocation and rehabilitation, documenting the construction techniques identified as the building is prepared for relocation, as well as documenting the relocation process. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Information from the documentation process shall be included in the interpretive display for the Apple Barn building. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. The documentation shall be completed prior to issuance of the final certificate of occupancy. <u>Aptos Firehouse/VFW Hall</u> 1. Documentation: HABS-like documentation shall be required to document the historic building prior to demolition. The documentation shall approximate Historic American Buildings Survey (HABS) Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the National Park Service (NPS) photo policy, of exterior and interior views, along with historic views, if available and c) additional archival research providing written data regarding the history and description of the property. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Documentation shall include preservation of			

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7 of 8

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	significant historic materials or objects uncovered as part of the demolition process. The applicant shall submit a documentation plan prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the approval of the demolition permit. Completion of the documentation shall be required prior to the final building permit inspection. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. <u>Bayview Hotel</u> 1. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel. 2. Protection of Magnolia Tree: A feature of the historic hotel's setting is the large Magnolia Tree located in front of the Bayview Hotel. This is the only landscape feature that has gained historic significance within the setting of the hotel. The Magnolia tree shall be protected during construction. A qualified arborist shall evaluate the tree prior to construction to determine the condition of the tree and to propose specific best management practices to avoid impacting the tree. An arborist report shall be provided to the Planning Department at least 6 months in advance of any ground disturbance in close proximity to the tree to allow sufficient time to implement potential avoidance measures.			
CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	All ground disturbing activity in the project area shall be monitored by a qualified archaeologist in the event a substantial intact deposit is found within the property. Pursuant to Section 16.40.040 of the Santa Cruz County Code, if archeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040. With implementation of the above mitigation, impacts to archaeological resources would be less than significant.	Project Applicant	Contract with qualified archaeologist to conduct required monitoring	During Construction

63

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
CUL-3	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. With implementation of the above mitigation, impacts to archaeological resources would be less than significant.	Project Applicant	Contract with qualified archaeologist to conduct required monitoring	During Construction
HAZ-1	Be located on a site 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?	Assessor Parcel Number 041-011-24 (Aptos Firehouse/VFW Hall Site) Due to the detection of elevated levels of PAHs in the initial site investigation by Toxichem Management Systems, Inc., soils across the parcel shall be sampled and evaluated for potential contaminants according to ASTM practice to determine if additional site remediation is required. If significant levels of PAHs are discovered, site remediation shall occur as recommended environmental specialist and the County of Santa Cruz Department of Environmental Health. Assessor Parcel Number 041-011-03 A subsurface investigation shall be conducted in the vicinity of the site identified as containing an oil underground storage tank in 1926 and 1929 Sanborn fire insurance maps. In addition, soils across the site shall be sampled and evaluated for potential contaminants based on the former presence of a cement plant and railroad spurs, as well as the presence of imported soils of unknown origin.	Project Applicant	Contract with qualified hazardous materials specialist	Prior to Construction
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 General Plan for designated intersections, roads or highways?	Soquel Drive/Aptos Rancho Road The Aptos Rancho Road signal phasing shall be modified to provide permissive left turn phasing. As a result, the intersection is expected to operate at an acceptable LOS D. Soquel Drive/State Park Drive/Sunset Way An exclusive eastbound right-turn lane shall be installed on Soquel Drive to improve the intersection LOS to an acceptable level. However, the installation of a right-turn lane has right-of-way issues on the southwest corner of the intersection if ideal lane widths are used. As a result, narrower lane widths are recommended. The analysis of this mitigation measure was also performed for the a.m. peak hour, and the intersection was found to operate acceptably at LOS D. However, a right-turn lane storage length of at least 300 feet plus transition will be required.	County of Santa Cruz Department of Public Works	Monitor LOS to determine when shall be implemented	When LOS E is reached.

0796

Planned Unit Development Findings

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1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.

This finding can be made, in that the C-2 (Community Commercial) and the RM (Multi-Family Residential) zone district standards indicate areas appropriate for commercial and residential uses, with even further specifics regarding commercial square footage and unit densities specified in the Aptos Village Plan (AVP) as approved by the Board of Supervisors on February 23, 2010. The Planned Unit Development (PUD) allows modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the requirements of the AVP.

2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed project is located on an urban infill site and will provide additional amenities and infrastructure to serve the existing and proposed development. The site is well-suited to development, located inside the Urban Services Line, adjacent to existing commercial and residential development and the existing infrastructure serving Aptos Village. The mixed-use nature of the project will reduce vehicle trips and the enhanced pedestrian and bicycle facilities will further improve safety. Furthermore, the project has undergone an environmental review that has identified and mitigated any impacts this project might have on the immediate vicinity or on the larger environment as a whole. The County maintains standard permit conditions that regulate construction practices in an effort to minimize construction impacts on neighbors, and all construction will comply with the California Building Code.

3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.

This finding can be made, in that the proposal has been processed with appropriate noticing for each of the public hearings as required by County Code Chapter 18.10. Development permit findings, as required by Chapter 18.10 have been made for this project.

4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.

This finding can be made, in that the Planned Unit Development (PUD) standards allow modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the AVP. The proposed modifications to setbacks, lot coverage, Floor Area Ratio, and height for commercial and residential structures will allow the development of the core area of Aptos Village, as specified in the AVP. The project will provide an opportunity for mixed uses and supporting amenities, arranged in such a manner to efficiently

meet the daily needs of residents and employees of the area. The design and layout of the proposed structures and associated improvements have been evaluated and will be consistent with the pattern of development in the Aptos Village and the surrounding area.

0798

5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.

This finding can be made, in that the traffic study conducted by TJKM Transportation Consultants indicates that the affected intersections will continue to function at acceptable levels of service with the installation of the required improvements. The proposed parking layout and configuration will provide sufficient parking, balance the parking needs of different tenants (based on hours of operation and peak demand), and make an efficient use of the land while enhancing the use of alternative transportation options. Additionally, per the parking study prepared by Marquez Transportation Engineering, the project will include sufficient parking for the proposed uses, with a surplus of up to 100 additional parking spaces available for special events and to accommodate additional on street parking demand from other surrounding uses.

6. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.

This finding can be made, in that the subject property will be developed with a mixture of commercial, residential, and mixed use structures, which will share parking and open space amenities on the site and the project will implement the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The AVP was developed as a community vision of what would best fill in the remaining vacant areas within the village and the implementation of the AVP will harmonize with the existing residential and commercial uses surrounding the site as a result of this community design effort. The combination and coordination of architectural styles, building forms, and materials will provide a more desirable development in the core area of the Aptos Village.

7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.

This finding can be made, in that this project will implement the Aptos Village Plan (AVP) and will provide urban amenities, pedestrian improvements, and a central open space on an urban infill site that has been undeveloped for some of time. The degree of departure from development standards (density is consistent with the AVP) is necessary to allow for an urban scale of development within the village core area and to allow for mixed use buildings (with adequate commercial space below and residential units above) to be constructed. These departures include reduced setbacks, increased height, modified commercial use charts, and modified parking requirements. The departures are consistent with the intent and goals of the AVP and will be consistent with the benefits provided by the construction of the urban infill project and the provision of a community center for the Aptos Village community. The proposed PUD will create a more desirable environment than would be possible through strict application of the C-2 and RM zone district standards.

8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan. 0799

This finding can be made, in that the project implements the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The AVP is the General Plan document for the subject property and the proposed development is consistent with the AVP, as amended. The AVP is consistent with the underlying General Plan land use designations of C-C (Community Commercial) & R-UH (Urban High Density Residential). The subject property is not located in the coastal zone and is not a part of the Local Coastal Program Land Use Plan.

Rezoning Findings

0300

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan.

This finding can be made, in that the subject property contains two historic structures, as indicated by the "-L" (Historic) Combining District. One of the two historic structures will be relocated on the project site and the other will be demolished. The proposed changes to the "-L" combining district reflect these changes.

2. The proposed zone district is appropriate to the level of utilities and community services available to the land.

This finding can be made, in that all utilities and community services are available to the serve the property. The project connects to existing water, wastewater treatment, electric and gas services and will not create a burden for these existing public services.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made, in that the "-L" combining district is related to the presence of historic resources and will be consistent with the locations of these historic resources as a result of this project.

Subdivision Findings

0801

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.

This finding can be made, in that the proposed division of land, its design, and its improvements, will be consistent with the Aptos Village Plan (AVP). The AVP is the General Plan document for the project area and the proposed development is consistent with the AVP, as amended. The AVP is consistent with the underlying General Plan land use designations of C-C (Community Commercial) & R-UH (Urban High Density Residential).

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed mixed use commercial and residential development will be consistent with the pattern of surrounding development within the village and the guidelines specified in the AVP.

3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

This finding can be made, in that the C-2 (Community Commercial) and the RM (Multi-Family Residential) zone districts indicate areas appropriate for commercial and residential uses, with even further specifics regarding commercial square footage and unit densities specified in the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The Planned Unit Development (PUD) allows modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the C-2 and RM zone districts and the requirements of the AVP.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for development, and the proposed structures, roadways, and site improvements are properly configured to allow development in compliance with the urban environment envisioned in the Aptos Village Plan. Road widths and surfaces are suitable to carry the quantity and kind of traffic that will be generated by the new development. No environmental resources would be adversely impacted by the proposed development.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife

or their habitat.

0802

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that municipal water and sewer services are available to serve all proposed parcels. No sanitation or other public health problems will be created as a result of this project.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

This finding can be made, in that access to all existing and proposed parcels will be provided in the proposed subdivision. Multiple private easements exist throughout the property (from many years of railroad and commercial use) and these easements will be properly abandoned and removed prior to recordation of the final map.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the resulting parcels are oriented to the extent possible in a manner to take advantage of solar opportunities.

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

This finding can be made, in that the proposed development has been designed in a manner consistent with the County Design Review ordinance and the Aptos Village Plan (AVP) design standards. The proposal includes a mixed use commercial/residential component and a stand alone residential component on the hillside above. The mixed use area consists of taller buildings (and the historic Apple Barn) located around a common open space (village common) with lower buildings to the west, east, and south. The proposed buildings include a variety of facades and materials to allow for visual diversity, while retaining a consistent feel (through the use of similar setbacks, door placement, and signage) within the commercial core of the village. The residential component of the project is in the form of two and three story townhouses, including two story row houses on the south side of Granite Way. The visual mass of the proposed residential buildings will be reduced through the appropriate use of varied roof planes, bay windows, porches, and balconies. The surrounding neighborhood contains a variety of commercial and residential development. The mixed-use commercial and residential development is of an appropriate scale and pattern of design for the village area. The proposed infill project will complete the remaining undeveloped section of the core area of Aptos Village consistent with the requirements of the County Design Review ordinance and the Aptos Village Plan (AVP) design standards.

Development Permit Findings

0803

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 proposed project is located on an urban infill site and will provide additional amenities and infrastructure to serve the existing and proposed development. The site is well-suited to development, located inside the Urban Services Line, adjacent to existing commercial and residential development and the existing infrastructure serving Aptos Village. Furthermore, the project has undergone an environmental review that has identified and mitigated any impacts this project might have on the immediate vicinity or on the larger environment as a whole. The County maintains standard permit conditions that regulate construction practices in an effort to minimize construction impacts on neighbors, and all construction will comply with the California Building Code.

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 C-2 (Community Commercial) and the RM (Multi-Family Residential) zone districts designate areas appropriate for commercial and residential uses, with specific site standards regarding commercial square footage and unit densities specified in the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The Planned Unit Development (PUD) allows modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the C-2 and RM zone districts and the requirements of the AVP.

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 division of land, its design, and its improvements, will be consistent with the Aptos Village Plan (AVP). The AVP is the General Plan document for the project area and the proposed development is consistent with the AVP as amended. The AVP is consistent with the underlying General Plan land use designations of C-C (Community Commercial) & R-UH (Urban High Density Residential).

The project is consistent with the General Plan in that the full range of urban services is available to serve the project site, including public water and sewer service. The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed mixed use commercial and residential development will be consistent with the pattern of surrounding development within the village and the guidelines specified in the AVP.

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.

0304

This finding can be made, in that the traffic study conducted by TJKM Transportation Consultants indicating that the affected intersections will continue to function at acceptable levels of service with the installation of the required improvements. Additionally, per the parking study prepared by Marquez Transportation Engineering, the project will include sufficient parking for the proposed uses, with a surplus of up to 100 additional parking spaces available for special events and to accommodate additional parking demand from other surrounding uses.

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 subject property will be developed with a mixture of commercial, residential, and mixed use structures, which will share parking and open space amenities on the site and the project will implement the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The AVP was developed as a community vision of what would best fill in the remaining vacant areas within the village and the implementation of the AVP will harmonize with the existing residential and commercial uses surrounding the site as a result of this community design effort.

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 development has been designed in a manner consistent with the County Design Review ordinance and the Aptos Village Plan (AVP) design standards. The proposal includes a mixed use commercial/residential component and a stand alone residential component on the hillside above. The mixed use area consists of taller buildings (and the historic Apple Barn) located around a common open space (Village Common) with lower buildings to the west, east, and south. The proposed buildings include a variety of facades and materials to allow for visual diversity, while retaining a consistent feel (through the use of similar setbacks, door placement, and signage) within the commercial core of the Village. The residential component of the project is in the form of 2 and 3 story townhouses, including 2 story row houses on the south side of Granite Way. The visual mass of the proposed residential buildings will be reduced through the appropriate use of varied roof planes, bay windows, porches, and balconies. The surrounding neighborhood contains a variety of commercial and residential development. The mixed-use commercial and residential development is of an appropriate scale and pattern of design for the village area. The proposed infill project will complete the remaining undeveloped section of the core area of Aptos Village consistent with the requirements of the County Design Review ordinance and the Aptos Village Plan (AVP) design standards.

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0805

RESOLUTION NO. 2012-06

On the motion of Commissioner ARAMBURU
duly seconded by Commissioner DANN
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 101027, involving property located between Aptos Creek Road and Trout Gulch Road in the Aptos Village, and the Planning Commission has considered the proposed General Plan amendment, rezoning, subdivision, and mixed use commercial and residential development, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached resolution amending the Aptos Village Plan by changing the plan language to allow demolition of the Aptos Firehouse/VFW building, to allow flexibility in the total number and square footage of residential units to be constructed, and to allow a second anchor tenant;

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by relocating the Historic "-L" combining district to reflect the presence of historic structures;

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning, subdivision, and residential development as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 13 day of June, 2012, by the following vote:

AYES: COMMISSIONERS PERLIN, ARAMBURU, DANN, GARCIA, SHEPHERD

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ATTEST:
Ken Hart, Secretary

Chairperson

APPROVED AS TO FORM:

COUNTY COUNSEL



**County of Santa Cruz
Planning Commission Minutes**

Planning Department, 701 Ocean Street, Suite 400, Santa Cruz, CA
95060

Meeting Date : Wednesday, June 13, 2012 9:00 AM

Location : Board of Supervisors Chambers, Room 525
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

VOTING KEY

Commissioners: Chair: Perlin, ViceChair: Garcia, Shephard, Aramburu, Dann
Alternate Commissioners: Britton, Holbert, Lazenby

REGULAR AGENDA ITEMS

1. **Roll Call**
 2. **Planning Director's Report**
 3. **County Counsel Report**
 4. **Additions and Corrections to Agenda**
 5. **Report on Upcoming Meeting Dates and Agendas**
 6. **Oral Communications**
 7. **Declaration of Ex Parte Communications**
-

CONSENT ITEMS

8. **Approval of minutes**

To approve the minutes of the May 23, 2012 Planning Commission meeting as submitted by the Planning Department.

ACTION: TO APPROVE THE PLANNING COMMISSION MINUTES OF MAY 23, 2012 AS SUBMITTED BY THE PLANNING DEPARTMENT.

MOTION/SECOND: ARAMBURU/DANN

AYES: PERLIN, ARAMBURU, DANN, GARCIA, & SHEPHERD

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

0807

SCHEDULED ITEMS

- 9. 101027 APTOS VILLAGE APN(S): 041-011-03, -09, -20, -24, -33;
041-561-01, -02**

Proposal to construct a mixed-use commercial and residential development (including a maximum of 63 residential units and 75,000 square feet of commercial space) for the core area of the Aptos Village, per the requirements of the Aptos Village Plan.

Requires a Planned Unit Development, Subdivision, Rezoning, General Plan Amendment, Commercial Development Permit, Residential Development Permit, Roadway Abandonment, Historic Resource Review, Archaeological Report Review, Soils Report Review, and Preliminary Grading Review.

Property located in the undeveloped portions of Aptos Village (between Aptos Creek Road, Trout Gulch Road, and Soquel Drive).

SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454-3218

EMAIL: pln515@co.santa-cruz.ca.us

ACTION: TO RECOMMEND BOARD APPROVAL OF APPLICATION NO. 101027, BASED ON REPORT FINDINGS AND CONDITIONS WITH SOME MODIFICATIONS, AND RECOMMEND CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION PER CEQA REQUIREMENTS.

MOTION/SECOND: ARAMBURU/DANN

AYES: PERLIN, ARAMBURU, DANN, GARCIA, & SHEPHERD

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

**THE FOLLOWING ITEM WAS HEARD IN THE AFTERNOON BEGINNING AFTER
1:30 P.M.**

- 10. 111195 2261 7TH AVENUE, SANTA CRUZ APN(S): 026-051-17**

An appeal of the Zoning Administrator's approval of application #111195, an Amendment to Permit 107-U to allow for the operation of a Day Laborer Center in Live Oak. Property located on the west side of 7th Ave., north of Rodriguez Street in Live Oak (2261 7th Ave.).

SUPERVISORIAL DIST: 1

PROJECT PLANNER: SAMANTHA HASCHERT, 454-3214

EMAIL: pln145@co.santa-cruz.ca.us

ACTION: TO CONTINUE THE PUBLIC HEARING FOR APPLICATION NO. 111195 TO ALLOW THE OPERATION OF A DAY LABORER CENTER IN LIVE OAK TO JULY 25, 2012.

MOTION/SECOND: ARAMBURU/GARCIA

AYES: PERLIN, ARAMBURU, DANN, GARCIA, & BRITTON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

APPEAL INFORMATION

0808

Denial or approval of any permit by the Planning Commission is appealable to the Board of Supervisors. The appeal must be filed with the required appeal fee within 14 calendar days of action by the Planning Commission. To file an appeal you must write a letter to the Board of Supervisors and include the appeal fee. For more information on appeals, please see the "Planning Appeals" brochure located in the Planning Department lobby, or contact the project planner.

APPEALS OF COASTAL PROJECTS

(*) This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

(**) This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Denial or approval of the Coastal Zone Permit is appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

Note regarding Public hearing items: If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Agenda documents may be reviewed at the Planning Department, Room 420, County Government Center, 701 Ocean Street, Santa Cruz.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors chambers is located in an accessible facility. As a courtesy to those persons affected, please attend the meeting smoke and scent free. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the ADA Coordinator at 454-3137 (TTD number is 454-2123 or 763-8123 from Watsonville area phones) at least 72 hours in advance of the meeting to make arrangements. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

Staff Report to the Planning Commission
(from 6/13/12 Public Hearing)

Application Number 101027
Board of Supervisors Hearing

**(Planning Commission staff report & exhibits
on file with the Planning Department)**

Documents may be viewed online at:
www.sccoplanning.com (Aptos Village Project Documents)

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

0810

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following Resolution is adopted:

RESOLUTION AUTHORIZING DEMOLITION OF THE APTOS FIREHOUSE/VFW HALL

WHEREAS, on June 13, 2012, the Planning Commission of the County of Santa Cruz held a public hearing on Application No. 101027, involving property located within the Aptos planning area and forwarded recommendations to the Board of Supervisors for further consideration; and

WHEREAS, the Board of Supervisors for the County of Santa Cruz has held a public hearing on Application No. 101027, involving property located within the Aptos planning area, and the Board of Supervisors has considered the proposed project, all testimony and evidence received at the public hearing, and the staff report; and

WHEREAS, the Historic Resources Commission for the County of Santa Cruz held a public hearing on August 5, 2011, involving demolition of the Aptos Firehouse/VFW Hall structure, and as a result of that meeting the Historic Resources Commission recommended the proposed demolition to the Board of Supervisors; and

WHEREAS, the existing Aptos Firehouse/VFW Hall structure is extensively modified and lacking original historic architectural features; and

WHEREAS, the existing Aptos Firehouse/VFW Hall structure is in a dilapidated condition and is considered structurally unsound and unable to be safely relocated by an independent engineering firm; and

WHEREAS, the County of Santa Cruz Building Official has issued a notice that the structure is unsafe to occupy due to the dilapidated condition of the existing structure; and

WHEREAS, the Board of Supervisors finds that the proposed demolition, as recommended by the Historic Resources Commission, is consistent with State and Federal Law and the County of Santa Cruz Historic Preservation Ordinance (Chapter 16.42) and General Plan; and

WHEREAS, the Board of Supervisors has reviewed the Mitigated Negative Declaration associated with this project and finds that the proposed demolition has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby certifies the environmental determination and approves this resolution authorizing the demolition of the Aptos Firehouse/VFW Hall, subject to the conditions recommended by the Historic Resources Commission and requiring that the applicant obtain a Demolition Permit from the County of Santa Cruz Planning Department prior to demolition of the building.

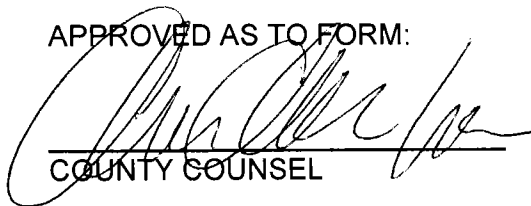
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20____ by the following vote: 0311

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

Exhibits:

- Historic Resource Commission Minutes, August 5, 2011 public hearing
- Historic Resource Commission Staff report, August 5, 2011 public hearing (on file with the Clerk of the Board)

DISTRIBUTION: County Counsel
Planning-Randall Adams



COUNTY OF SANTA CRUZ 0812

PLANNING DEPARTMENT

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

HISTORIC RESOURCES COMMISSION MINUTES

Friday, August 5, 2011

10:00 a.m.

SPECIAL MEETING

RDA Conference Room
 County Building, 5th Floor
 701 Ocean Street
 Santa Cruz CA 95060

1. CALL TO ORDER/ROLL CALL

Chair Orlando called the meeting to order at 10:07 AM

Commissioners Present: Orlando, Swift, Jenkins and Phillips

Commissioners Absent: Fisher (unexcused)

Staff Present: Annie Murphy, Todd Sexauer, Wanda Williams, Paia Levine, Supervisor Ellen Pirie

2. AGENDA APPROVAL OR MODIFICATION

No modifications to the Agenda were made.

3. PUBLIC HEARING ITEMS

1. APN: 041-011-33; 041-011-20;

Situs: 417 Trout Gulch Road, Aptos; Unspecified (Soquel Drive)

Supervisory District: 2nd

Owner: Various

Applicant: Barry Swenson Builder

Project: Public hearing to consider approval of an Application for an Historic Resource Preservation Plan, submitted as part of the development application for Aptos Village, to relocate the historic "Apple Barn" (Hihn Apple Packing Sheds) (rated NR-3), to another location on the same site, and to rehabilitate the historic building to allow for a contemporary use, while preserving the essential character-defining features and the historic integrity of the building in accordance with the Aptos Village Plan and Santa Cruz County Historic Preservation Ordinance (Chapter 16.42 of the Santa Cruz County Code). The Historic Preservation Plan would also preserve the setting for the historic Bayview Hotel (NR-1) listed on the National Register. No changes are proposed to the Bayview Hotel Building. The Historic Preservation Plan requires a public hearing and approval by the Historic Resources Commission.

ACTION: APPROVE STAFF RECOMMENDATION, WITH THE FOLLOWING CONDITIONS:

1. The magnolia tree on the Bayview Hotel parcel shall be evaluated by an arborist prior to construction to determine whether additional measures are needed to protect the tree during construction.
2. The applicant shall provide a copy of a landscape plan to the HRC for approval, providing landscape screening between the Bayview Hotel and the proposed building on the adjacent parcel to the west.

0813

MOTION/ SECOND: Swift/ Orlando
AYES: Swift, Orlando, Phillips, Jenkins
NOES: None
ABSENT: Fisher

2. APN: 041-011-24
Situs: 8037 Soquel Drive, Aptos
Supervisory District: 2nd
Owner: Aptos Ventures
Applicant: Joe Appenrodt

Project:

Public hearing to consider a recommendation to the Board of Supervisors to approve the Application to demolish the Aptos Fire House/ VFW Hall, listed in the County's Historic Resources Inventory as an NR-5 resource (local historical significance) in accordance with Chapter 16.42 of the Santa Cruz County Code, based upon evidence that preservation of the structure is not feasible due to the deteriorated condition of the building, and due to the dangerous condition of the building. The application for demolition of an historic structure requires a public hearing and recommendation by the Historic Resources Commission, and a public hearing and final action by the Santa Cruz County Board of Supervisors.

ACTION: APPROVE STAFF RECOMMENDATION
MOTION/ SECOND: Swift/ Jenkins
AYES: Swift, Orlando, Phillips, Jenkins
NOES: None
ABSENT: Fisher

4. ADJOURNMENT

**Staff Report to the Historic Resources Commission
(from 8/5/11 Public Hearing)**

**Application Number 101027
Board of Supervisors Hearing**

**(Historic Resources Commission staff report &
exhibits on file with the Clerk of the Board)**

Tess Fitzgerald

From: Ellen Pirie
Sent: Monday, September 17, 2012 5:13 PM
To: Tess Fitzgerald
Subject: FW: Aptos Village Plan

0815

From: Coastbiz@aol.com [<mailto:Coastbiz@aol.com>]
Sent: Tuesday, September 11, 2012 7:08 AM
To: John Leopold
Cc: Ellen Pirie
Subject: Aptos Village Plan

Mr. Leopold and Mrs. Pirie and Board of Supervisors,

As 12-year residences of Aptos and former local business owners, we strongly encourage the Board to endorse the Aptos Village Plan and allow the construction to begin. Our business community needs the opportunities expand locally and employee locally.

Thanks for your consideration.

Bob and Pat Norton

Tess Fitzgerald

From: Ellen Pirie
Sent: Monday, September 17, 2012 2:22 PM
To: Tess Fitzgerald
Subject: FW: Aptos Village Project

0816

From: John Hibble [<mailto:john@aptoschamber.com>]
Sent: Monday, September 17, 2012 1:27 PM
To: Ellen Pirie; 'Jesse Nickell'
Subject: Aptos Village Project



September 12, 2012

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

Re: Aptos Village Project

Dear Supervisors;

I am writing on behalf of the Aptos Chamber of Commerce Board of Directors to express our strong support for the Aptos Village Project. The planning process has been very lengthy and many people have been involved. We believe that the result is a project that balances development with recognition of the needs of residents and the limitations of the site.

Please approve the Aptos Village Project.

Brent Dunton
President

JONI L. JANECKI
& ASSOCIATES

0817

September 13, 2012

Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project: Aptos Village Plan
Regarding: Santa Cruz County Board of Supervisors Meeting September 25, 2012

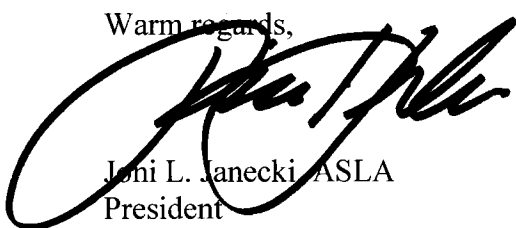
Dear Honorable Board Members,

As Project Landscape Architect, I am writing to express my support for the Aptos Village Plan and to thank you for considering approval of the project. While I will unfortunately not be able to attend the September 25th meeting at which the Aptos Village Plan will be addressed, my belief in its benefits is unwavering. Our team has designed a project that is sensitive to the site and context, particularly in the ways in which it responds to environmental and community needs.

Through incorporating two landscape types, woodland and village, we have created a design that complements its context on both a large and small scale. The "woodland" areas will weave the project into neighboring tree canopies, in addition to shading paving, reducing heat gain, and providing habitat for birds and butterflies. The "village" zones will focus on deciduous trees to provide shade and seasonal color, along with ground-level plantings to provide pleasing detail at a human scale. The streetscape design incorporates rain gardens, bioswales, and pervious pavement to manage stormwater in a sustainable, attractive manner. The Village Green serves as the project's heart, providing a central hub for community events and gathering.

Our goals overall are to utilize a regionally-adapted, low-maintenance plant palette and to minimize watershed impact through a multi-faceted approach to stormwater management. Aptos Village will successfully integrate into its neighboring environments and, in the process, provide an inviting place to be. The final result will be a strong asset for the County, today and in the future. I hope you will support this project.

Warm regards,



Joni L. Jannecki, ASLA
President

515 SWIFT ST. SANTA CRUZ, CA 95060

PHONE 831.423.6040 | FAX 831.423.6054

EMAIL: info@jlja.com | WWW.JLJA.COM

LANDSCAPE ARCHITECTS • 1967

Alicia Murillo

From: Tess Fitzgerald
Sent: Monday, September 24, 2012 11:06 AM
To: Alicia Murillo
Subject: Fwd: Support Aptos Village Plan

Please enter into the record for item 66

63

Begin forwarded message:

From: Mary Gourlay <mgourlay@barryswensonbuilder.com>
Date: September 21, 2012, 4:40:59 PM PDT
To: Ellen Pirie <BDS020@co.santa-cruz.ca.us>, Tess Fitzgerald <CBD015@co.santa-cruz.ca.us>
Subject: Fwd: Support Aptos Village Plan

Dear Ellen and Tess,
Please find below, an email of support of the project.
Thank you!
Mary

----- Forwarded message -----

From: Ruth Bates <ruth_bates56@yahoo.com>
Date: Mon, Sep 10, 2012 at 8:51 AM
Subject: Support Aptos Village Plan
To: "john.leopold@co.santa-cruz.ca.us" <john.leopold@co.santa-cruz.ca.us>
Cc: Ruth Bates <ruth_bates56@yahoo.com>

Dear Board of Supervisors,

I live at 342 Village Creek in the 49 unit Townhome complex next to where the Aptos Village Plan will be developed.

I wholeheartedly support the Aptos Village Plan!

- * This mixed-use "village" will result in a "walkability" factor of 10!
- * A local specialty grocer is much needed in the area.
- * We will get the so very much needed new roads and infrastructure that we have been pot-hole filling for years. (thank you BSB and VGHOA!)
- * The forest entryway, and access to my home, will no longer be over-crowded with parked cars as the parking areas will be moved from the forest entryway.
- * New homes will be available at affordable prices for the Aptos area (\$400-\$600K)
- * New retail spaces will bring much needed jobs to the area.

This plan has been very well thought out, reviewed and approved.

Now all that needs to be done is - execute!

Thank you for the consideration.

Ruth Bates
342 Village Creek Rd.
Aptos, Ca 95003

63

Ruth Bates - REALTOR, MBA CA DRE#01799929
Thunderbird Real Estate - Serving Santa Cruz County
Direct: (831) **359-2212** FAX: (831) 475-0931
VISIT MY WEBSITE! <http://www.ruthbates.com/>

--
Mary Gourlay, LEED AP
Development Manager & Urban Design
Barry Swenson Builder
San Jose & Santa Cruz, CA
Bus: 831.475.7100
Cell: 415.302.4634
mgourlay@barryswensonbuilder.com
www.barryswensonbuilder.com

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Alicia Murillo

From: Tess Fitzgerald
Sent: Monday, September 24, 2012 11:07 AM
To: Alicia Murillo
Subject: Fwd: fully support the Aptos Project

Please enter into the record for item 66. *63*

Begin forwarded message:

From: Mary Gourlay <mgourlay@barryswensonbuilder.com>
Date: September 21, 2012, 4:42:57 PM PDT
To: Ellen Pirie <BDS020@co.santa-cruz.ca.us>, Tess Fitzgerald <CBD015@co.santa-cruz.ca.us>
Subject: Fwd: fully support the Aptos Project

Please find an additional supporter of the Aptos Village project below.

Many thanks,
Mary

----- Forwarded message -----

From: Loretta Hardesty <loretta@ciscointl.com>
Date: Thu, Jun 7, 2012 at 6:48 PM
Subject: fully support the Aptos Project
To: mgourlay@barryswensonbuilder.com

Please add me to your emailing list - I fully support Barry Swenson's Aptos Village Project. We own property bordering the project.

Loretta Hardesty
loretta@ciscointl.com

--

Mary Gourlay, LEED AP
Development Manager & Urban Design
Barry Swenson Builder
San Jose & Santa Cruz, CA
Bus: 831.475.7100
Cell: 415.302.4634
mgourlay@barryswensonbuilder.com
www.barryswensonbuilder.com

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63

Alicia Murillo

From: Tess Fitzgerald
Sent: Monday, September 24, 2012 11:06 AM
To: Alicia Murillo
Subject: Fwd: In Support of the Aptos Village Project

Please enter into the record for item ~~66~~ 63

Begin forwarded message:

From: Mary Gourlay <mgourlay@barryswensonbuilder.com>
Date: September 21, 2012, 4:37:00 PM PDT
To: Ellen Pirie <BDS020@co.santa-cruz.ca.us>, Tess Fitzgerald <CBD015@co.santa-cruz.ca.us>
Subject: Fwd: In Support of the Aptos Village Project

Hello Ellen and Tess,
Please find below, an email in support of the Aptos Village project for your consideration.

Thank you,
Mary

----- Forwarded message -----

From: **Hugh Voris** <hugo6184@gmail.com>
Date: Sun, Sep 16, 2012 at 5:54 PM
Subject: Fwd: In Support of the Aptos Village Project
To: Mary Gourlay <mgourlay@barryswensonbuilder.com>

Begin forwarded message:

From: **Hugh Voris** <hugo6184@gmail.com>
Subject: **In Support of the Aptos Village Project**
Date: September 16, 2012 5:39:42 PM PDT
To: Supervisor Leopold <john.leopold@co.santa-cruz.ca.us>

Dear Supervisor Leopold and All Other Supervisors,

I am a resident of Aptos (29 years) and a resident of Santa Cruz County for 40 years. I have witnessed the slow, careful growth of my county and Aptos in particular, and I feel confident that the Board of Supervisors will make the right decision in the matter of the Aptos Village Project.

Other previously proposed projects, such as Wing Spread, were not well thought out and rightly rejected for environmental impact and excessive congestion reasons. I have spent some time reviewing the Aptos Village Project plans and feel confident that a comprehensive and well thought out plan is being proposed here. I live up Valencia Road and will experience the effects of this project, if implemented, but understand that greater traffic and other effects will probably be a by product of the development. But the benefits to my community, I feel, will vastly

outweigh those minor annoyances.

Aptos needs a focus. Presently it is a disjointed collection of businesses and dwellings with no organized theme or character. The Village Project will provide a central theme to the community as well as many needed benefits, such as improved roads, a central "green", places for additional retail stores, restaurants, etc. And the additional business base means more jobs and tax revenue, something our community needs badly. And while I am happy living in my present home, if this development comes to fruition, I would entertain the idea of looking at one of the new Aptos Village homes as a future residence. Walking to convenient shops and other residences in a safe and attractive environment certainly has its charm.

Hugh A. Voris
631 Lupine Valley Road
Aptos, CA 95003
(831)688-7288
hugo6184@gmail.com

--

Mary Gourlay, LEED AP
Development Manager & Urban Design
Barry Swenson Builder
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mgourlay@barryswensonbuilder.com
www.barryswensonbuilder.com

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Terry Dorsey

From: Ellen Pirie
Sent: Monday, September 24, 2012 2:21 PM
To: Terry Dorsey
Subject: FW: AptosVillage

From: talmadge9022 [<mailto:talmadge9022@sbcglobal.net>]
Sent: Saturday, September 22, 2012 9:10 AM
To: Ellen Pirie
Subject: AptosVillage

Hi Ellen - I just want to express my support of the Aptos Village plan. We have such a beautiful area and I think that a community based retail/residential will have a good economic impact and make some sense of the rather eclectic arrangement of buildings that now exist. To have a walkable "village" can only improve the opportunities for commerce and healthy lifestyle.

Thanks, Adele

Adele Talmadge

Talmadge Construction, Inc.

www.talmadgeconstruction.com

inbox@talmadgeconstruction.com

Phone 831-689-9133 Fax 831-689-9422

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege

Chairperson John Leopold
County of Santa Cruz Board of Supervisors
701 Ocean Street – 5th Floor
Santa Cruz, California 95060

September 24, 2012

Subject: Aptos Village PUD - Application # 101027 (Agenda 9-25-12: item 63)
(1) PUD Conditions of Approval for Drawings; (2) Soquel Drive, Easements and Railroad Crossing;
(3) Trout Gulch Road Storm Drainage

Dear Chairperson Leopold and the Board of Supervisors,

I am William H. Droege, the property owner of 403 Trout Gulch Road (APN: 041-011-35) and 415 Trout Gulch Road (the Vapor Cleaner's building - APN: 041-011-35), which are located at the corner of Soquel Drive and Trout Gulch Road in Aptos, County of Santa Cruz, California. Locally, my corner property is known as "Trout Gulch Crossing".

The purpose of this letter is to request the Board of Supervisors modify several Conditions of Approval to the Aptos Village Plan Unit Development (PUD) ordinance (Agenda Item 63). I am asking the Board of Supervisors to protect my property rights by not allowing the new Aptos Village PUD to use various portions of my properties and easements. If the Aptos Village PUD is approved as proposed, it will affect the well being of my properties. I have delineated these issues below and offer solutions. The Issues and Facts are reviewed in the following two (2) sections with page references to the PUD Application:

PART 1
PART 2

Facts about My Properties and Easements Rights
Amendments to the Conditions of Approval

I understand that the Board of Supervisors hearing is the last place my grievances will be heard. Thank you for addressing my concerns and I look forward to working with you to correct errors regarding my property rights in relation to the Aptos Village Plan PUD.

Sincerely,



William H. Droege

Cc: County Supervisor Ellen Pirie (District 2); County Supervisor Neal Coonerty (District 3);
County Supervisor Greg Caput (District 4); County Supervisor Mark Stone (District 5);
Assisted Planning Director Wanda Williams; Public Works Director John Preleigh
Cc: Letter to CPUC (2-7-2012); Photo Sheet – Flooding at Trout Gulch Road
Exhibit "A-1" with notes

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege

PART 1
Facts about My Properties and Easements Rights

- Fact 1: My two (2) properties are not part of the Aptos Village PUD and should not be negatively impacted by this PUD;
- Fact 2: I have not given permission to the Santa Cruz County Public Works Department to abandon my railroad easement that crosses the railroad track and provides the right-of-way to and from Soquel Drive to the front parking for my Trout Gulch Crossing building and the front parking for the Bayview Hotel;
- Fact 3: Applicant does not have the land-use rights to allow traffic in and out of Aptos Village by using the easement in front of our properties. This easement was created and dedicated by José Arano in 1878, and for our purposes will be called the Arano Easement. On December 21, 1979 and May 27, 1986, Patricia Arano Thomas and Dale Arano Costello have filed two (2) amendments to the Arano Easement, which are on file with the County Planning Department. All three versions of the Arano Easement clearly state that it may not be used as a public road.

For clarity, the Arano Easement parallels Soquel Drive and the railroad track and runs in front of the buildings and businesses at Aptos Station; Building 14; Building 15; The Bayview Hotel; and, Trout Gulch Crossing. Access points to the Arano Easement are from Aptos Creek Road, Trout Gulch and from the other easement crossing the railroad track to and from Soquel Drive. The dedicated Arano Easement is to be used only by the properties fronting it for parking and access: Aptos Station; only the front parking lots for Buildings 14 and 15; the Bayview Hotel; and, Trout Gulch Crossing.

- Fact 4: There is more than one site plan design in the application for the PUD Ordinance that you have before you: (Exhibit "A" and Exhibit "A-1"). This PUD should approve only one (1) road design for the new "North-South Road" (new Valencia Extension). The approved road design should only be Exhibit "A-1" because inclusion of more than one design option for a PUD zoning has the same effect as a written Condition of Approval; and
- Fact 5: The Santa Cruz County Public Works Department is not providing storm drainage design improvements to correct flooding at Trout Gulch Road and Soquel Drive.
-

PART 2

Amendments to the Conditions of Approval - Exhibit "C"

NOTE 1: Amend EXHIBIT "C" so that all Sections are in compliance with EXHIBIT "A-1" (Page 19); and reject EXHIBIT "A" as inappropriate for the APTOS VILLAGE PUD. Modify all drawings to show various RIGHT-OF-WAYS missing, or inappropriate Access and Egress on Soquel Drive.

NOTE 2: See attached Exhibit A1 with the following notes.
1). Parade Street (the North-South Street) ends before buildings 14 and 15.
2). Do Not Close Railroad easement from Bayview Hotel and Trout Gulch Crossing to Soquel Drive.
3). Establish "Storm Drainage" Plan for the area where Trout Gulch Road meets the railroad track.

- 1. VII. Final Map - Section VII A-1(a) (Page 30).** Amend this section requiring the Applicant and the Department of Public Works to obtain my approval, as well as the Bayview Hotel, before submitting any CPUC Application that requires abandonment of the railroad easement I share with Bayview Hotel. Please modify all drawings that will be adopted in the Aptos Village PUD showing our easement, which is missing from Exhibit "A" and "A-1"; and

All County Applications to the CPUC assume the County has jurisdiction over the railroad easement I share with the Bayview Hotel. This railroad easement provides service to my parking lot, over the Union Pacific Rail Road, and on to Soquel Drive, as well as service from Soquel Drive exclusively to the Bayview Hotel and my property. I have attached a February 7, 2012 letter I sent to the Executive Director of the CPUC (Mr. Paul Clanon) regarding my opposition to the County Public Works Department's application to abandon the easement my property and the Historic Bayview Hotel have held since 1878. José Arano, one of the founders of Aptos Village, recorded this railroad easement with the County in 1878 and it is on file with the County Planning Department. I understand that the County has neither jurisdiction nor ownership of this easement. Therefore, any discussion about this easement in Exhibit "C" requires my participation.

- 2. VII. Final Map - Section VII A-1(b) (Page 31) (See Fact 3).** Amend this section to require the Applicant and the Department of Public Works to obtain approval from all property owners (i.e. unanimous approval) before allowing Parade Street (the proposed new North-South Street) to either cross-over the Arano Easement or turn onto the Arano Easement - access: Aptos Creek Road, Trout Gulch Road, and Soquel Drive) (Users: Aptos Station, only the front parking lots for Buildings 14 and 15, Bayview Hotel, and Trout Gulch Crossing). Without a new at-grade railroad crossing, Aptos

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William H. Droege

Village traffic will overload the "Arano Easement". To avoid unmanageable traffic jams in front of my building, all internal Aptos Village traffic should be restricted to access and egress only from Aptos Creek Road and Trout Gulch Road, with turns onto the new Valencia Extension (the new East-West Street).

3. VII. Final Map - Section VII A-4 (Page 31). If the Board of Supervisors adopts Exhibit "A" as a part of the approved Aptos Village PUD, Section VII A-4 requires amending. The amendment shall include one of my properties, located at 415 Trout Gulch Road (APN 041-011-35). The Bayview cannot sell any of its backyard parking nor our existing access driveway without acquiring a new easement agreement with me. This condition in Section VII A-4, as written in the current County Planning Staff report, gives the false impression that the Applicant may proceed only with the Bayview Hotel owners, which is not at all accurate. The condition in Section VII A-4 should be removed all together, along with Exhibit "A". Correspondence in the Public Record establishes the Bayview Hotel owners as consistently stating the rear-yard Bayview property will never be sold to the Applicant because the Applicant's proposal will take away needed parking and reduce the size of business allowed at the Bayview Hotel. Any loss of parking will also reduce the size of business allowed at 415 Trout Gulch Road.

4. VII. Final Map - Section VII F-11(f) & F-11(g) (Page 39). Amend this section to include storm water system and infrastructure along Trout Gulch Road outside of the Aptos Village PUD. There are storm water improvements needs in this area that do not appear to be included within this PUD.

In reviewing the Conditions of Approval, I notice that the Applicant is required to provide various storm water infrastructure improvements on Trout Gulch Road. I also understand that most of the identified improvements are in areas belonging to the PUD. However, please note that there are no requirements for storm water drainage along any part of Trout Gulch Road. This is a great opportunity for County Public Works to work with the Applicant and correct current deficiencies.

Consider adding to the PUD's "Conditions of Approval" new storm water drainage designs resolving current flooding problems at the intersections of Trout Gulch Road, the Railroad bed, and Soquel Drive (See Attached Photos).

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege

Mr. Paul Clanon, Executive Director, and
The Honorable Dorothy J. Duda
California Public Utility Commission
505 Van Ness Avenue
San Francisco, California 94102

February 7, 2012

Via FedEx

Air Bill Number:

Subject: Application No.: 11-10-010 thru 012 - Delaying a February 9, 2012 (10AM) Joint Prehearing Conference on an Abandonment of an Easement and Rail Road Crossing (Right-of-Way) at Soquel Drive, Santa Cruz County, California.

Dear Mr. Clanon and Judge Dorothy Duda,

I am William H. Droege, the property owner of 403 Trout Gulch Road Aptos, California (APN: 041-011-35), which is located at the corner of Soquel Drive and Trout Gulch Road in the County of Santa Cruz. My property is locally known as Trout Gulch Crossing and is a neighbor to the Historic Bayview Hotel (APN: 041-011-34). Both properties share a railroad easement from our properties, across the Union Pacific Rail Road and to Soquel Drive; just west of the intersection of Trout Gulch Road and Soquel Drive (CPUC Crossing No. 017B-12.51-X, this number was provided by County Director of Public Works).

I am writing to you regarding CPUC Applications 11-10-010, 11-10-011, 11-10-012, all dated October 5, 2011. I understand that the CPUC and Judge Dorothy J. Duda have set a joint prehearing conference for February 9, 2012 (10:00 A.M.) in the Commission's Courtroom (State Building: 505 Van Ness Avenue, San Francisco, California 94102). "The purpose is to determine the parties, positions of the parties, scope and schedule of the three (3) proceedings listed above, and other Procedural matters."

I am asking you to reschedule this hearing to a later date so that I may attend and have appropriate representation regarding my property, which maybe impacted by the three (3) CPUC applications. This requests comes from the fact that I was not properly noticed and cannot attend the date and time of this hearing. In addition, I am requesting clarification as to why the State and County believes it has the authority to close my railroad crossing without any direct communication with me, or formal notice.

Until I receive new information about my land rights, I continue to believe that I am a party to these proceedings because the County of Santa Cruz is asking the CPUC to close my private right of way in order to qualify a new location to become a public right of way. The name of this site is Parade Drive in Aptos Village. As I informed the California Public Utility Commission (CPUD) in a letter to you, dated December 30, 2011, I will not abandon CPUC Crossing No. 017B-12.51-X due to the financial damage it causes tenants leasing my property. Further, because Trout Gulch and the Bayview Hotel are not party to the County's Aptos Village Plan Unit Development (AV-PUD) application, it is my understanding that the Aptos Village Plan CEQA documents do not apply. Therefore, any action to close this railroad crossing outside of the AV-PUD would amount to a "taking". I am looking to the CPUC to provide me with some relief.

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William H. Droege

A quick review, CPUC Crossing No. 017B-12.51-X is a private easement over the Union Pacific Railroad tracks serving Trout Gulch Crossing (APN: 041-011-35) and the Historic Bayview Hotel (APN: 041-011-34). In 1876, José Arano recorded an easement for this site with the County of Santa Cruz for a new right of way used by Santa Cruz Railroad Company. Since that time Southern Pacific and Union Pacific (and maybe Sierra Northern Railway (SNR) - it is unclear to us if SNR is still involved) acquired control. José Arano is one of the original founders of Aptos Village and a family member of the owners of Rancho Aptos (Castro Family). He also built the Historic Bayview Hotel in 1878, first named the Anchor Hotel.

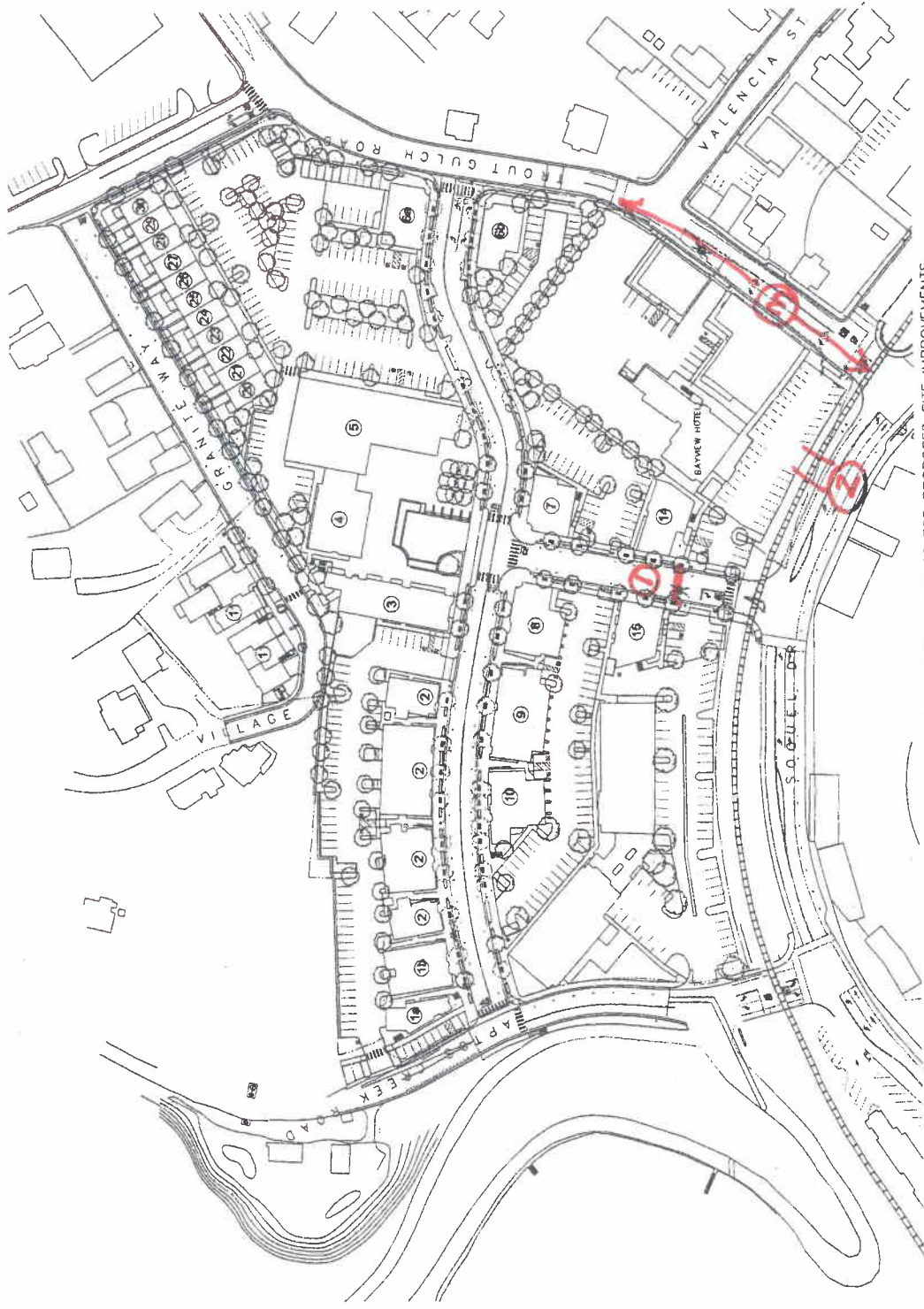
It seems to me that the CPUC should halt all proceedings and CPUC applications for the County of Santa Cruz Aptos Village Plan right of ways until the County shows the Trout Gulch Crossing and Bayview Hotel railroad crossing on all of its Aptos Village Plan documents and maps.

Thank you for forwarding this letter to the attention the Administrative Law Judge, and I look forward to a new joint prehearing conference date so that I may attend.

Sincerely,

William H. Droege

Cc: County Supervisor Ellen Pirie; Public Works Director John Preleigh;
Assisted Planning Director Wanda Williams; Cristina M. Locke (Bayview Hotel);
CPUC Felix Ko.



THIS PLAN IS FOR REFERENCE ONLY. SEE CIVIL DRAWINGS FOR PROPOSED SITE IMPROVEMENTS.

SCALE: 1" = 50'
0' 50' 100'
N
APN: 041-011-03, 20, 33

VALENCIA STREET ALTERNATE SITE PLAN
APTOS VILLAGE

BARRY SWENSON BUILDER
A DIVISION OF GREEN VALLEY CORP.
THACHER & THOMPSON ARCHITECTS
DECEMBER 12, 2011
REF: 01

- ① END PARADE ST. UNTIL RAILROAD CROSSING
- ② DO NOT CLOSE RAILROAD CROSS
- ③ ADD STORM DRAIN DRAIN

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William H. Droege



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William H. Droege



September 22, 2012

Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060



PACIFIC PROPERTY GROUP

7960B Soquel Drive #381
Aptos, CA 95003

Re: Board of Supervisors September 25, 2012 Meeting Public Hearing Agenda Item #63:
Application Number 101027; Aptos Village Planned Unit Development Project
Proposed by Barry Swenson Builder/Aptos Village Partners

Members of the Board of Supervisors:

Pacific Property Group owns and operates the rental property located at 100 Village Drive in Aptos (APN 041-011-14), which is immediately adjacent to the above-referenced Aptos Village development project area. Pacific Property Group (PPG) has been following the progress of planning for redevelopment of the central area of the Village for many years. In December 2008, almost four years ago, PPG was contacted by representatives of Barry Swenson Builder (BSB) with a request to meet regarding "some title clean up issues our group is working on". At a first meeting held early in 2009, a Quitclaim Deed was presented that would legally and forever transfer certain of the real property interests associated with 100 Village Drive. The proposed Quitclaim Deed stated that the Village Drive parcel owner, *"hereby REMISES, RELEASES AND FOREVER QUITCLAIMS"* [to the current owners of APNs 041-011-20, -33 and -03] *"all his right, title and interest arising out of the easements contained in the following recorded documents:"* A list of recorded official documents follows, including the easement interests that are described in the 100 Village Drive property title report as Parcels Two, Three, Four, Five and Six of the fee interest owned in Parcel One, which is the Pacific Property Group parcel located at 100 Village Drive. In addition to these Parcels the Quitclaim Deed proposed to extinguish rights of access to what this letter will refer to as "deed restriction easements", which encumber the Aptos Village project development site and which are also access routes in favor of the 100 Village Drive property.

As you might imagine, PPG refused to sign the Quitclaim Deed presented at that first meeting early in 2009. PPG certainly wondered why there was even a request to sign, as it seemed evident that if it were signed, then not only would the 100 Village Drive property interests that encumber the Aptos Village development site be extinguished, but also the legal access for the 100 Village Drive property, which is a fundamental necessity and requirement for any property. As is common throughout the unincorporated area, legal access to that property is provided via a number of dedicated rights-of-way as well as easements over the parcels that comprise the Aptos Village Project site. The project proposes to build over such easements and interests. This would result in a land-locked 100 Village Drive parcel without legal access, which most would agree is not an acceptable or legally permissible outcome.

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It is important to understand the nature of current access and easement encumbrances that exist within the Aptos Village project area in favor of the 100 Village Drive parcel. Some are depicted by the attached Exhibit One, which is a highlighted copy of an attachment to a recent proposal of the developer to PPG, dated August 31, 2012, associated with a renewed request that the 100 Village Drive property owner sign a Quitclaim Agreement. The Exhibit represents the developer's depiction of easement/access rights that attach to 100 Village Drive, which are requested to be extinguished and/or "traded". As previously noted, Parcels Two, Three, Four, Five and Six are easements described on the 100 Village Drive title report as real property interests associated with 100 Village Drive. Parcel Six is a sewer easement and the other four are access easements. Parcel Two is the private "Village Drive" street, which connects to Parcels Three, Four and Five which, in turn, provide connections to the "deed restriction easements" over the Aptos Village property as well as to Granite Way. Some, but not all, of the easements that are encumbrances of the Aptos Village property in favor of the 100 Village Drive property are also shown on Exhibit One. The reason why Parcels Three, Four and Five are real property interests associated with 100 Village Drive is to ensure legal access to that property through the subject Aptos Village property.

The "deed restriction easement" language on the titles of and which encumber the subject Aptos Village parcels in favor of the 100 Village Drive property provide that:

"Said right of way to be free, open and unobstructed, and to be forever appurtenant to the lands of second party adjoining the parcel of land above described on the northern and western sides thereof."

"Said right of way to be free, open and unobstructed, and to be forever appurtenant to the lands of second party adjoining the parcel of land above described on the southern and eastern sides thereof."

PPG met with developer representatives several times in 2009, but it did not appear that the developers had any sense of urgency to resolve the 100 Village Drive access concerns or interests in the easements encumbering their development site. In 2009, PPG objected to the temporary security fencing and chaining off of access to the easement areas, but agreed with developer representatives that such fencing did not change the nature of rights over easement areas. The prescriptive easement from the "T. Hopkins"/Aptos Creek Drive right of way over the "parking parcel" has served as the primary access to 100 Village Drive during the time that the temporary security fencing has been installed and allowed to remain, with the understanding by both parties that 100 Village Drive access rights were not being extinguished.

After the County approved the Aptos Village Plan late in 2009 PPG had no communication from the developers for quite some time. In June 2011 PPG sent a letter to the developers expressing willingness to enter into good faith negotiations about the 100 Village Drive access and easement interests, so that the project could move forward after County approval. Only recently has the developer renewed contact, and in a communication dated August 31, 2012 the developer sent a proposal that once again proposed that PPG sign a Quitclaim Deed to extinguish any and all rights over the three parcels that comprise the

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Aptos Village project development site. In exchange for giving up all of these existing rights, the developer offered to grant an easement over about 10,302 square feet of their property that is proposed to be a new extension of Granite Way, as well as to provide a nominal payment to compensate for some, but not all, of the easements and access rights to be extinguished. Note that no offer of an easement to or access rights over the existing unimproved and unaccepted Granite Way was made, which seems to reflect the fact that the developer is not in a position to provide such a right. The net result of the offer would be that 100 Village Drive relinquishes its access and real property rights with no substitute legal and permanent access having been provided. This, of course, is not acceptable.

It should be understood that the total area of 100 Village Drive Parcels Three, Four and Five that the developer wishes to extinguish is about 16,242 square feet (almost ½ acre), and the area of the other access easements encumbering the Aptos Village site in favor of the 100 Village Drive parcel that are shown by the developer on Exhibit One (and which do not fully represent all easement rights associated with 100 Village Drive) is at least 37,000 square feet (almost 1 acre). At this time, the developer proposes to substitute inferior and insecure access, with inadequate compensation for agreeing to quitclaim all rights of access through the development site.

It should be recognized that basic appraisal principles apply:

“Clearly, a property that enjoys the benefit of an easement gains additional rights; a property that is subject to an easement is burdened. ... The property whose owner acquires an easement is known as the *dominant estate or tenement*; the property that is subject to the easement is called the *servient estate or tenement*. Easement rights can be conveyed in perpetuity or for a limited time period. An easement can be created by a contract between private parties or by adverse possession ... An easement that affords ingress and egress to an otherwise landlocked parcel increases its value. ... The value of an easement appurtenant is usually estimated as some part of the amount of value it adds to the property it benefits; the burdened property’s loss in value can also be used to indicate the value of an easement. (Source: pages 146-147 in *The Appraisal of Real Estate*, Appraisal Institute, Eleventh Edition, 1996)

“Private restrictions and deed restrictions relate to the covenants under which some properties are acquired. These restrictions may prohibit certain uses or specify building setbacks, heights, and types of materials. If deed restrictions conflict with zoning laws or building codes, the more restrictive guidelines usually prevail. Ease of access enhances the utility of a site. Certain parcels can achieve their highest and best use only as part of an assemblage.” (Source: page 304 in *The Appraisal of Real Estate*, Appraisal Institute, Eleventh Edition, 1996)

Land value is usually allocated between fee and easement interests, but the developer’s offer reflects retaining nearly all of the value with the developer, even though the developer’s interest is the “servient estate” to the “dominant estate” of the 100 Village Drive owner. Furthermore, while the developer proposes that the Quitclaim Deed be signed now (which would be an irrevocable relinquishment of rights), the payment would only occur if the County accepts Granite Way into the public street system. The staff report

to the Planning Commission regarding this project reflects uncertainty about whether that can or will occur. The low level of the offered payment, half of which would only occur upon recordation of the Final Map with the other half to occur upon commencement of project construction, could be interpreted to mean that the project is not feasible at this time. All of this leads this owner to a conclusion that it would be foolish to agree to the developer's latest proposal and relinquish easement and access rights at this time.

It is evident from County records, that in conjunction with creating the Monte Toyon subdivision in 1928, various streets including Granite Way and Mattison Lane in the vicinity of the 100 Village Drive property were "offered for dedication as streets and highways for public use." However, on that same subdivision map that was recorded and filed, there exists the signed statement of the County that: "The Board of Supervisors of the County of Santa Cruz approves this map but does not accept any of the streets shown thereon, as public highways." While the County may still have the option open to decide to accept the street into the public road system, nothing has been made clear to this owner as to whether the offered alternative access will be achieved as a legal route for 100 Village Drive. Granite Way is a private street that may have been improved to some extent after the subdivision was approved in 1928, but it appears to have never been maintained and presently it is a dirt road with potholes and ruts that make it difficult to drive unless some benefactor from time to time takes unofficial action to try to fill some holes or level out some ruts.

It must be emphasized that the 100 Village Drive property was not part of the Monte Toyon subdivision, and it has no associated legal right of access to Granite Way (or even to Mattison Lane, which is blocked off at its connection with Village Drive).

It has only recently come to the attention of PPG that a new well for the Soquel Creek Water District is planned for the Granite Way-Aptos Village project area. It will need to be clarified whether the location is within any of the easement areas owned by and/or in favor of 100 Village Drive. If it is, then before any well project can occur an agreement regarding the easement area will be required.

The developers have talked enthusiastically about the positive attributes of developing the Aptos Village project, as if development of the project itself should serve as adequate compensation. That point of view is not supported by standard real estate principles. Also, any motivation to sign a Quitclaim Deed is further lessened by the fact that the requested trade of easement area pushes the townhomes closer to the 100 Village Drive property, which negatively affects property value. There would be three-story townhomes constructed immediately adjacent in a manner that would shadow the property and extinguish existing views of the Pacific Ocean. Also, someone trying to access Village Drive, such as a visitor or prospective tenant, would perceive the experience as driving through private driveway areas of the adjacent new townhomes in order to (somehow) find Village Drive, the entrance to which would appear more like a driveway.

It is understood that real estate transactions are complex and that obtaining entitlements for mixed use urban infill projects is difficult. It is recognized that many people are in favor of the project, that it is consistent with the Aptos Village Plan adopted by the County of

Santa Cruz, and that it has been a long journey for the project to get to this point in time. There is no intent to stop or prevent the Aptos Village project, but simply to act to protect existing real property interests as any reasonable property owner would. This property owner has been willing and available to enter into straightforward, realistic negotiations to address access issues and easements that encumber the Aptos Village property that are in favor of the 100 Village Drive property. It is not clear why there would be any expectation from an experienced developer that a knowledgeable owner would simply give up access to their property as well as remove encumbrances from an adjacent project site in order to facilitate development of that site, without being ensured appropriate and permanent substitute access, as well as appropriate compensation for the value of real property interests within the development site. It is understood that these are complications that the developer would rather avoid, but it is also likely that the developer acquired the site at a price that reflected the encumbrances, difficulties, and failed prior attempts by other developers to fashion a feasible project.

It should be obvious why it is necessary at this time to go on record to explain and protect the interests associated with the 100 Village Drive property. Any agreement to relinquish existing legal access for 100 Village Drive without first securing alternative legal access would result in a significant negative impact on the value of the Village Drive property and encumber it to the extent that it would not be financeable and virtually unmarketable.

In summary, at this time it should be understood that the Aptos Village Project as proposed is unbuildable. In order to build the project, the developer will need to resolve access and easement issues prior to filing a Final Map. Continued communication and negotiation between the parties should be able to achieve that objective.

Respectfully,



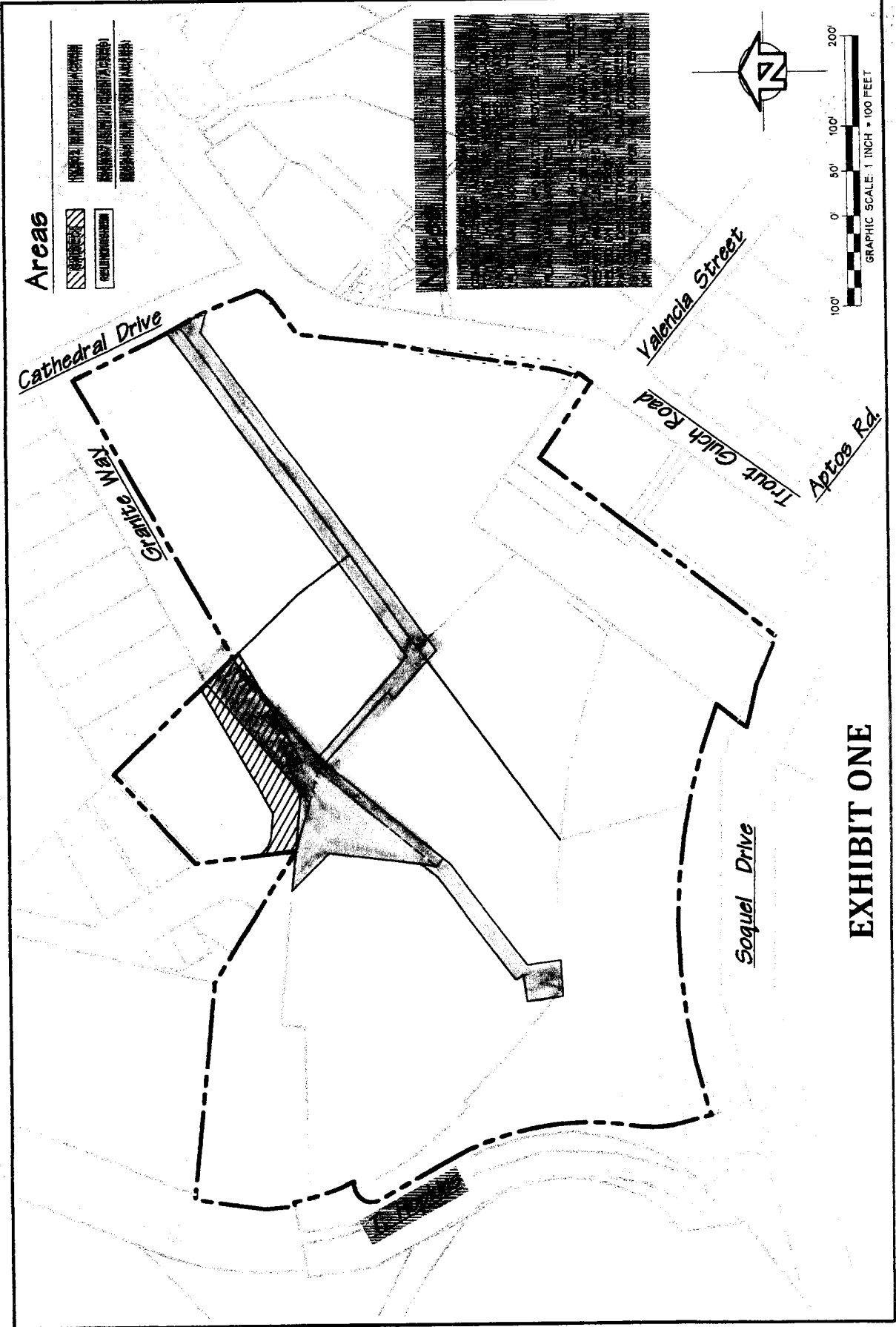
Pacific Property Group
7960 Soquel Drive #381
Aptos, CA 95003

cc: Barry Swenson Builder/Green Valley Corporation
County Planning Department



CIVIL ENGINEERING ■ LAND PLANNING ■
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TEL (831) 424-3313
34000 SANTA CRUZ, CA 95062
3000 SOQUEL AVE, SUITE 101

JOB NO. 07040
SHEET NO. 1
DATE JUN 1 OF 1
SCALE: 1" = 100'
CALCULATED BY
DATE



September 24, 2012

AGENDA DATE: SEPTEMBER 25, 2012

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

Re: Proposed Aptos Village Development

Santa Cruz County Board of Supervisors:

I am writing this letter in support of the proposed Aptos Village development. As a third generation resident of the Second District, my opinion is that the development will be a positive change for Aptos. As demonstrated by the ten years of planning meetings, the current mixed-use, town center design has been crafted with the history and culture of the area in mind. The architects and developers have listened with great detail and have delivered a plan which we can all be proud of.

Secondly, I would encourage the County to allocate funds necessary to fulfill their infrastructure responsibility in the short term. This project has passed the litmus test and we should proactively work together to see it through. There are other, larger, Aptos developments moving toward application that have not taken the residents input into consideration. The Aptos Village developers should be rewarded for their methodology as an incentive for other future developers to follow suit.

I encourage you to approve the project.

Sincerely,



Steven Allen
246 Augusta Lane
Aptos, CA 95003

Phone: (831) 688-5100



Alicia Murillo

From: Tess Fitzgerald
Sent: Monday, September 24, 2012 4:53 PM
To: Alicia Murillo
Subject: FW: Approval of the Aptos Village Project

From: Ellen Pirie
Sent: Monday, September 24, 2012 4:52 PM
To: Tess Fitzgerald
Subject: FW: Approval of the Aptos Village Project

From: Blittelljr [mailto:blittelljr@aol.com]
Sent: Monday, September 24, 2012 4:51 PM
To: Ellen Pirie
Cc: mgourlay@barrysenonbuilder.com
Subject: Approval of the Aptos Village Project

Dear Ellen,

My wife and I have been living in RDM since 1976. We support the Aptos Village Project.

We feel that Aptos needs some type of "town center."

With the job situation so bad in this county we feel that this center could add several hundred jobs to Aptos. Besides the jobs, the tax revenue that the center would generate could be used to help with the budget problems of the county. We would not like to see a reduction in services, especially, sheriff staffing after what is happening in San Jose with the reduction in the police force and the increase in crime.

We are looking forward to a nice center in the Aptos Station area.

Thanks,
Bill and Cornell Littell
519 Cuesta Drive, Aptos

BARRY SWENSON BUILDER

CONTRACTORS LIC. 342751

September 24, 2012

County of Santa Cruz Board of Supervisors
701 Ocean Street, Room 520
Santa Cruz, CA 95060

Re: Aptos Village Town Center Application
Agenda Date: September 25, 2012

Dear Honorable Board Members,

The Aptos Village development application is the result of an extensive and collaborative effort that builds upon the vision and framework set forth in the Aptos Village Plan, approved in 2010. Since that time, our project team and development partners have worked closely with the County to refine the proposed architecture, engineering, and site design while staying true to the community's vision.

Below are project highlights and key benefits for your consideration:

- The design of the Aptos Village center was informed by more than 20 community workshops and public meetings conducted throughout the planning process.
- The project is estimated to create at least 300 long term jobs.
- The proposed development encourages walking and cycling with generous sidewalks, street furniture, ample bicycle storage, and a canopy of street trees. At its heart – the Village Green will provide a new social gathering space.
- A variety of home ownership opportunities are proposed, including single family, townhomes, and condos. 19% of the proposed homes are designated affordable.
- The mix of uses and efficient site layout significantly reduce estimated vehicle trips compared to conventional / single-use developments. With that are potential fuel savings, time savings, and other environmental benefits. (as documented in the project TIGER grant application)
- Cultural benefits include refurbishment of the historic Hihn Apple Barn and its re-use as a Village centerpiece. The Apple Barn will educate visitors on the Village's past with interpretive signage, a proposed "loading dock" overlooking the Village Green, and section of original wood planking to be maintained within the structure.
- New entry signage and a kiosk will be provided for the Forest of Nisene Marks State Park.
- Land will be dedicated for a future County Park. (.74 acres)
- Existing local streets will be improved, new local streets will be built, and parking is provided in surplus of required.
- Stormwater features such as rain gardens, darcy columns, bio swales, and pervious paving will improve existing drainage conditions for the site, and are expected to help alleviate current flooding conditions in adjacent Aptos Village Park.
- The value, (cost), for the public benefits mentioned above are estimated above \$6 million dollars. This total includes the new streets, County park land, Village Green, Apple Barn, and Nisene Marks signage.

The years of focused planning, design, and outreach have created a truly remarkable development proposal that offers significant public benefits that will last for generations to come. Barry Swenson Builder is a dedicated partner to the Aptos Community and Santa Cruz County. We respectfully request your support and approval of the Aptos Village project.

Sincerely,



Mary Gourlay
Development Project Manager
Barry Swenson Builder

63

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Tuesday, September 25, 2012 1:55 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 9/25/2012

Item Number : 63

Name : Michael A. Guth

Email : mguth@guthpatents.com

Address : 2-2905 East Cliff Drive
Santa Cruz, CA

Phone : 462-8270

Comments :

Regarding the Aptos Village Plan:

It appears from the plans included (poor quality reduced sized scans) that there are not sufficient bike lanes included on both sides of Soquel Drive throughout the Plan area. This is not compliant to our General Plan. This stretch of Soquel Drive is listed specifically on Figure 3-2 of the GP on the Master Plan of County Bikeways. It is also an arterial route. The County GP dictates that there be bikeways through this area. This is one of the most dangerous stretches to ride in the County. In contrast to most of Soquel from Main street, past Cabrillo, up to Safeway, where there are good bike lanes without on-street parking, once into Aptos Village it is extraordinarily hazardous. The maintenance of the on street parking in this area is a huge mistake. GP 3.9.3 says to "Limit on-street parking where the need for a clear bike lane exists". As a bicyclist rides from the bridge, it is uphill and curves to the right. On-street parking in such a location is the worst hazard one can face. The view of the bicyclists is obscured by the parked cars as the traffic comes upon the bicyclist from the rear.

The tiny amount of space for a bike lane seen (in the plans) next to the downslope parking spaces in this area is not compliant to California state standards. Further, in practice this space will not exist. The California Highway Design Manual 1000-1 (2006) requires 1.5 meters (58.5) minimum between the parking area and the traffic lane. And our GP 3.9.1 and 3.9.2 requires compliance with these state standards. This required space is not seen in the plans (as attached to the prior Planning Commission agenda package).

For the upslope side of Soquel in this area, state standards mandate a 1.5 meter bike lane (this is the standard for no on-street parking, with a rain gutter). It does not appear that this standard is met.

As we plan areas ahead for our future, we must include in redevelopments and re-designs proper and safe space for bicyclists.

To the extent that the bike lanes do not appear to meet required California standards (or good planning standards), I oppose the plans as submitted. In the absence of proof of compliance to the afore-mentioned standards, or re-design if they are found to be presently non-compliant, this project cannot be approved.

Thank you.

Mike Guth

Alicia Murillo

From: Tess Fitzgerald
Sent: Tuesday, September 25, 2012 7:59 AM
To: Alicia Murillo
Subject: Fwd: Aptos Village PUB: Letters From Sandy and Roland Held (Bayview Hotel)
Attachments: #63 S&RH Letter to SCCBS 9-25-2012a.pdf

Sent from my Verizon Wireless Phone

----- Forwarded message -----

From: "Randall Adams" <PLN515@co.santa-cruz.ca.us>
Date: Tue, Sep 25, 2012 7:30 am
Subject: Aptos Village PUB: Letters From Sandy and Roland Held (Bayview Hotel)
To: "Tess Fitzgerald" <CBD015@co.santa-cruz.ca.us>

Item 63 - 9/25/2012

From: Ricardo de la Cruz [mailto:rdlc13@gmail.com]
Sent: Monday, September 24, 2012 8:02 PM
To: Randall Adams
Subject: Aptos Village PUB: Letters From Sandy and Roland Held (Bayview Hotel)

Aptos Village - Agenda Item 63 for 9/25/2012

Dear Randall, attached is a copy of a letter from Sandy and Roland Held, a major investor and previous operator of the Bayview Hotel. This letter reflects both Sandy's and Cristina Locke's views on Aptos Village PUD and the Bayview Hotel. Please send it to all of the County Board of Supervisors.

Call me if you need anything from us. Best, RdlC

--
Ricardo de la Cruz
PO Box 1259
Capitola, CA. 95010
(831) 915-4800

Sandra and Roland Held
5264 Elk Horn Drive
Eden, Utah 84310

(801) 701-0155
heldsandra@rocketmail.com

Chairperson John Leopold
County of Santa Cruz Board of Supervisors
701 Ocean Street – 5th Floor
Santa Cruz, California 95060

September 25, 2012

Subject: Agenda Item 63 - Aptos Village PUD – (Permit 101027)

Dear Chairperson Leopold and the Board of Supervisors,

I have been told that the County of Santa Cruz Board of Supervisors will consider the final Conditions of Approval for the Aptos Village Plan Unit Development (PUD) on September 25, 2012. I am concerned that decisions will be made that could harm the property in which I am heavily invested: the Bayview Hotel, located at 8041 Soquel Drive Aptos, California 95001. My husband, Roland and I operated the Bayview Hotel prior to selling it to Cristina Medeiros Locke 10 years ago. Ms. Locke is the current operator and, along with her, we are all committed to protecting all of the Bayview Hotel businesses and property from possible harm caused by the new Aptos Village PUD.

I have reviewed the Planning Department Report that you will be considering before your vote on September 25, 2012. I have three (3) concerns why I think the County should not approve the application as presented to you. I am asking the Board to approve only Exhibit "A-1" and reject Exhibit "A"; that you direct a stop to all efforts to close the Railroad Crossing in front of the Bayview Hotel; and, that you deny all efforts to allow unrelated traffic from Aptos Village to drive through our easement to exit either at Aptos Creek Road or Trout Gulch Road.

Exhibit "A" should be rejected because the new "North-South Street" uses part of the rear property of the Bayview Hotel. The Bayview Hotel operators have made it clear through many letters and in conversations with the Applicant and the County that none of the rear property will ever be sold to the Applicant. The selling of any of the Bayview Hotel's property will mean the Bayview will lose parking spaces and, following County Codes, the loss of those parking spaces will force a reduction in the Bayview's business capacity. We just can't let that happen.

It looks like California Public Utility Commission (CPUC) is not going to approve an at-grade crossing for the new Parade Street. Therefore, we join Mr. William Droege to protect our easement that crosses the railroad to Soquel Drive.

BAYVIEW HOTEL • APTOS, CALIFORNIA

63

Sandra and Roland Held
5264 Elk Horn Drive
Eden, Utah 84310

(801) 701-0155
heldsandra@rocketmail.com

Without the railroad crossing easement, we can expect massive traffic congestion in front of the Bayview Hotel.

The east-west easement that serves as parking in the front of our properties should be protected from the traffic congestion expected from Aptos Village drivers looking for a faster way to avoid Soquel Drive. We think this traffic will interfere with our normal traffic flows and our parking. As you can see, we need your help to avoid changes to our traffic and parking patterns so our customers could avoid new congestion from Aptos Village traffic.

Thank you for listening to Roland and my concerns. We hope your Board will not approve Exhibit "A"; that you will not send an Application to the CPUC to close our railroad easement at Soquel Drive; and, that you will not allow the traffic from Aptos Village to use the easement in front of Aptos Station, Building 14, Building 15, The Bayview Hotel, and Trout Gulch Crossing. We look toward a positive outcome.

Sincerely,

Sandra Held

Sandra and Roland Held

Cc: Cristina Medeiros Locke and William H. Droege