



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY, PLANNING DIRECTOR

Agenda Date: July 14, 2021

Agenda Item: 5

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: **Application:** 211115
 Assessor's Parcel Numbers: 030-221-12
 Address: 5050 Wilder Drive, Soquel

Request to extend the approved Tentative Map and Amendment to Residential Development Permits 78-1636-U and 81-148-PD for the division of the "Soquel Townhomes" apartments, approved under Permit 181016.

Members of the Commission:

Project History

Application No. 181016 (Joe Colonna, for Soquel Townhomes, LP – Tentative Map and Amendment to Residential Development Permits 78-1636-U and 81-148-PD) was approved by your Commission on April 24, 2019. This approval allowed for division of an existing 25,116.12 square foot parcel, APN 030-221-12, developed with eight existing apartment units, into two parcels of 12,752.39 square feet (Lot A) and 13,636.73 square feet (Lot B), each containing four apartment units, together with the addition of a carport on proposed Lot A and other minor revisions to the original site plan approved by prior Residential Development Permits 78-1636-U and 81-148-PD. The approval of 181016 became effective on May 8, 2019.

The approved Tentative Map and development plans approved with 181016 are included as Exhibit A, and the Subdivision Findings and Conditions of Approval for Permit 181016 are included as Exhibits B and C. For complete project background information, the staff report to your Commission dated April 24, 2019, including all Exhibits, is available online via the Planning Department website at www.sccoplanning.com.

The expiration date established for the Tentative Map and associated development permit approved by 181016, as set out in County Code Section 14.01.315(a), is 24 months from the effective date of the approval, which is May 8, 2021.

The applicant continues to plan to divide the existing eight-unit apartment complex and to construct the associated improvements. However, whilst the applicant had budgeted for some utility modifications, they had not anticipated the costs associated with the required re-engineering of the drainage system as required by the conditions of approval for 181016. Budget constraints were further exacerbated this last year due to Covid-19 and the resulting general uncertainty in the apartment market. As a result, the applicant has been unable to exercise the permit by the May 8,

2021, deadline established by Permit 181016. Therefore, prior to the expiration date, the applicant submitted the current application, 211115, requesting an additional five-year extension for the Tentative Map and the associated Amendment to Residential Development Permits 78-1636-U and 81-148-PD. The applicant is currently setting aside funds to complete the required improvements within the requested five-year extension period.

No changes were proposed to the eight existing apartment units as a result of the Minor Land Division, only the addition of one covered parking space and utility modifications as required to separate the two resulting lots. Therefore, extending the approval will not result in a reduction in the number of units available in the county, or in the loss of amenities for the current residents. Once the project has been completed there will be little physical change, but the property will be improved by the addition of one covered parking space and a completely re-engineered drainage system.

Permit Extension Process

County Code sections 14.01.316(A) and 18.10.133(B) allow for the extension of a Tentative Map for a period not to exceed a total of five years from the date of original expiration where an application for extension is filed prior to the expiration of the conditionally approved Tentative Map. This mirrors the language in the Subdivision Map Act, Government Code Section 66452. County Code requires that requests to extend Tentative Maps be processed pursuant to Level VI (Planning Commission) review.

County Code Section 18.10.133(A) allows that a development permit may be renewed up to a total of five times for an additional period of not to exceed one year at a time (a total maximum of five years); provided that the application to amend the permit by changing the expiration date is filed with the Planning Department before the expiration of the development Permit. Notwithstanding the foregoing, any development or other regulatory approval pertaining to a development permit included in a tentative subdivision map that is extended pursuant to 18.10.133(B) and/or pursuant to Government Code Section 66452 shall be extended for the same period that the Tentative Map is extended.

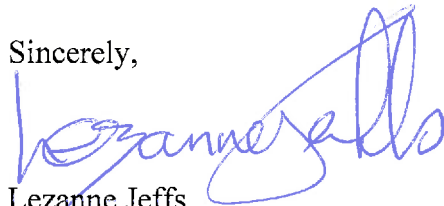
As approved by Permit 181016, the Tentative Map and associated development approval would have expired on May 8, 2021. The request for an extension was submitted on April 12, 2021, prior to the expiration date. The applicant is now requesting an additional five-year extension to 181916, to May 8, 2026, which complies with the provisions of County Code Sections 18.10.133(A) and (B). No changes are proposed to the approved Tentative Map or the associated development plans.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **211115**, extending the Tentative Map for Minor Land Division 181016 to May 8, 2026, based on the findings (Exhibit B) and conditions (Exhibit C) for Permit 181016.


Applicant/Owner: Joe Colonna / Soquel Townhomes LP

Sincerely,



Lezanne Jeffs
Development Review Planner

Reviewed by:



Jocelyn Drake
Principal Planner

Exhibits:

- A. Tentative Parcel Map for Minor Land Division 181016
- B. Subdivision Findings for Approval of Permit 181016
- C. Conditions of Approval for Permit 181016
- D. Notice of Exemption from the California Environmental Quality Act
- E. Location Map

A complete copy of the staff report to the Planning Commission with Exhibits (for project background) is available via the Planning Department website at www.sccoplanning.com > Planning Commission > Agendas > Year 2019 > April > 4/24/2019 [Agenda] >- Item #7 .

TENTATIVE PARCEL MAP 2 LOT SUBDIVISION CONSISTING OF 8 RESIDENTIAL UNITS 5050 WILDER DRIVE SOQUEL, SANTA CRUZ COUNTY, CA

- LEGEND**
- BUILDING LINE
 - PROPERTY LINE
 - EASEMENT LINE
 - ADJACENT LOT LINE
 - FENCE LINE
 - SEWER SANITARY EWER LINE
 - EXISTING SANITARY STAKE LINE
 - EXISTING STORM LINE
 - EXISTING RETENTION TRENCH
 - PARKING STALL COUNT
 - SPOT ELEVATION

ABBREVIATIONS

- ASV ANTI-SIPHON VALVE
- BUDG BUILDING
- BUDCG BUILDING CORNER
- BW BOTTOM OF WALL
- CONC CONCRETE
- DW DRIVEWAY
- EB ELECTRIC BOX
- EW GAS WATER
- JB JUNCTION BOX
- LSCP LANDSCAPED AREA
- SS SANITARY SEWER
- SSGO SANITARY CLEAN OUT
- TE TELEPHONE BOX
- TOP OF CURB
- TV TELEVISION BOX
- UB UTILITY BOX
- WM WATER METER

SHEET INDEX

- 1 TM1 TITLE SHEET
- 2 TM2 EXISTING CONDITIONS
- 3 TM3 TENTATIVE MAP
- 4 TM4 CONCEPTUAL UTILITY PLAN

ELEVATION DATUM:

ASSUMED ELEVATION 99.48' AT CONTROL POINT #8 AS SHOWN HEREON.

BASIS OF BEARING

SECTION 17E BETWEEN 3/4" IRON PIPES FOUND AT THE NW CORNER OF SUBJECT PARCEL AND AT THE NE CORNER OF LOT 9 AS SHOWN HEREON AND AS CALCULATED FROM RECORD DATA AS SHOWN ON TRACT NO. 241, MAP OF WESTON HEIGHTS, RECORDED IN VOLUME 38 OF MAPS, AT PAGE 24, SANTA CRUZ COUNTY RECORDS.

WILDER DRIVE
WILDER DRIVE



VICINITY MAP



PROJECT DATA

CORNER AND SUBDIVIDER:
RUTHERFORD INVESTMENTS
241 WEST MAIN STREET
SAN JOSE, CA 95112
CONTACT: JAC. COLUMA

ENGINEER:
B.F. ENGINEERS
1730 N. FIRST STREET, SUIT 600
SAN JOSE, CA 95112
2.081 ACRES
RESIDENTIAL

GROSS AREA:
EXISTING LOT:
PROPOSED LOT:
NUMBER OF LOTS:
NUMBER OF UNITS:
WATER SUPPLY:
SEWAGE DISPOSAL:
GAS & ELECTRIC:
FLOOD ZONE:
AREA OF MINIMAL FLOOD HAZARD

GENERAL NOTES

1. TENTATIVE MAP: THIS TENTATIVE MAP IS PREPARED IN ACCORDANCE WITH ARTICLE 2, SECTION 17.02, SUBDIVISION MAPS ACT, AND THE SUBDIVISION MAPS ACT. THE BOUNDARY OF THE SUBDIVISION IS 0.682 ACRES AND IS PROPOSED TO BE TWO LOTS.
2. ANY FRONTAGE IMPROVEMENTS WHICH ARE DAMAGED OR DESTROYED BY THE PROPOSED IMPROVEMENTS SHALL BE REPLACED, ALL FRONTAGE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAIL.
3. ANY IMPROVEMENTS FROM THE ENGINEERING DESIGNER'S DESIGN SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAIL, INCLUDING UTILITY LATERALS, IN THE PUBLIC RIGHT OF WAY.

ENGINEER'S STATEMENT

THIS TENTATIVE MAP HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

DATE: 12-21-2018
DRAWN BY: JAC. COLUMA
CHECKED BY: JAC. COLUMA
DATE: 12-21-2018

Job No	20170257
Approved	
Drawn	
Design	
Scale	AS SHOWN
Date	12/21/2018
No.	

LEGEND

- BUILDING LINE
- PROPERTY LINE
- FENCE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM LINE
- EXISTING RETENTION TRENCH
- PARKING STALL COUNT
- SPOT ELEVATION

ABBREVIATIONS

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- SS SANITARY SEWER
- SSCO SANITARY CLEAN OUT
- TB TELEPHONE BOX
- TC TOP OF CURB
- TV TELEVISION BOX
- UB UTILITY BOX
- WM WATER METER



GRAPHIC SCALE: 1" = 10'
0 10 20

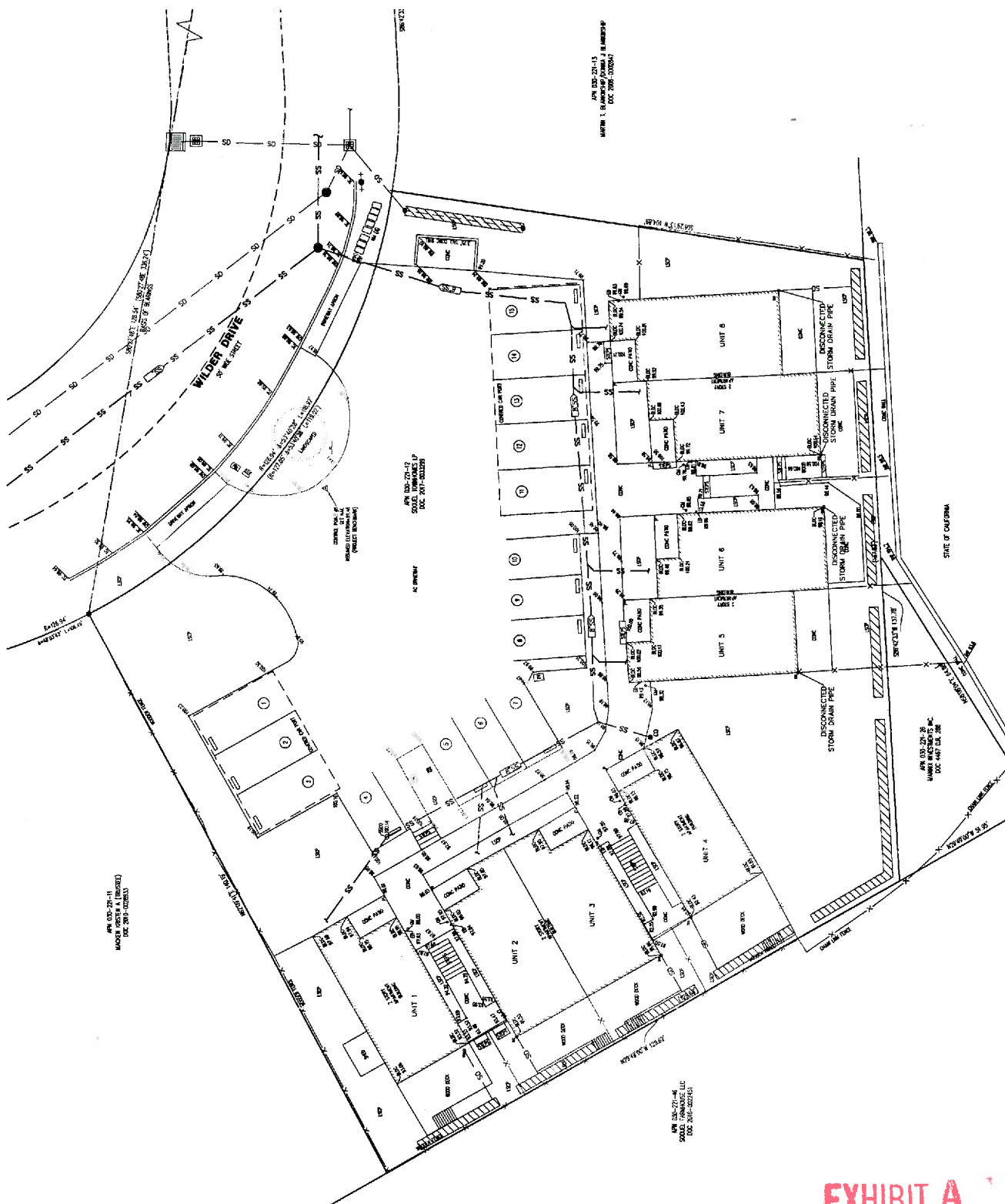


EXHIBIT A

Subdivision Findings

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 as set forth in the findings below.

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 General Plan. The project creates two-multi-family residential lots and is located in the Urban High Density Residential (R-UH) General Plan designation which allows a density of one unit for each 2,500 to 4,000 square feet of net developable lot area. The proposed project is consistent with the General Plan, in that the development will result in two multi-family residential parcels, each containing four units, with a net developable area of 12,752.39 square feet (Lot A) and 12,636.73 square feet (Lot B) respectively.

The project is consistent with the General Plan in that the full range of urban services will continue to be available, including public water and sewer service. Both parcels will be accessed from Wilder Drive. Prior to recordation of the Parcel map, the owner(s) of the subject property will record a Declaration of Common Easements and Maintenance Agreement that allows for shared access over the existing driveway and for ongoing maintenance of the resulting parcels.

The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that there will be no major changes to the existing structures or the appearance of the site so the development will continue to be consistent with the pattern of surrounding development, and the character of other structures in the surrounding neighborhood.

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 use of the property will continue to be residential in nature and both proposed parcels would meet the minimum standards for the RM-3 (Multi-Family Residential - 3,000 square feet minimum) zone district where the project is located. The project will also be consistent with all of the required site and development standards of the RM-3 zone district as modified by 81-148-PD, which included a Variance to the rear yard setbacks.

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 the site is already developed. Proposed modifications to the existing layout, including the construction of one additional carport and minor changes to the paving/landscaping would be minor and upgrades will be implemented to ensure that the project complies with all requirements of the Stormwater Management Division. 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.**

This finding can be made, in that the site is already developed so that no sensitive habitats or threatened species will be adversely impacted by the division of the parcel.

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

This finding can be made, in that This finding can be made, in that the site is already developed and municipal water and sewer services will continue to be available to serve both proposed parcels.

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 no such easements are known to affect the project site.

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

This finding is not applicable as the site is already developed with an approved multi-family housing project and no physical changes are proposed to the existing dwelling units.

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 as the site is already developed with an approved multi-family housing project and no physical changes other than ongoing maintenance is proposed to the existing structures. The proposed carport on Lot A has been designed to be consistent with the existing carports on the parcel, with a flat roof supported on metal posts, and will not significantly alter the overall appearance of the development in views from the street. Other minor modifications to the parking area and landscaping to provide better access between the parking areas and the apartments will be consistent with the existing site improvements.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses. All of the existing structures were constructed subject to issued Building Permits, in conformance with the California Building Code, and the County Building ordinance that was in effect at the time they were built, to ensure the safety of the structures and conservation of energy and resources. All recent upgrades and repairs were done in conformance with current codes. The full range of urban services will continue to be available, including public water and sewer service.

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

This finding can be made, in that the proposed location of the land division and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-3 (Multi-Family Residential, 3,000 square feet per unit) zone district as the primary use of the property will be two parcels, each developed with four multi-family dwelling units that meet all current site standards for the zone district as modified by 81-148-PD, which included a Variance to the rear yard setbacks.

Although the proposed parking at the parcel is not consistent with current parking requirements as set out in County code section 13.10.552(A)(1) "Schedule for off-street parking space requirements – Resident Parking", and 13.10.552(A)(5) "Guest Parking for Multi-family Residential Developments", the project will continue to be consistent with the original Residential Development Permits under which the eight units were developed (78-1636-U and 81-148-PD) and there will not be any increase in the density or intensity of the use as a result of the proposed land division.

- 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 residential use is consistent with the use and density requirements specified for the R-UH (Urban High Density Residential land use designation in the County General Plan.

The proposed land division will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the site is already developed and the proposed carport on Lot A meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance.

The proposed land division will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the no changes are proposed to the existing residential units on the parcel. Existing structures will comply with the site standards for the RM-3 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) as modified by 81-148-PD, which included a Variance to the rear yard setbacks.

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

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

This finding can be made, in that the proposed land division will divide an existing developed lot. No traffic will be generated by the proposed project therefore the project will not adversely impact existing roads or intersections in the surrounding area.

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

This finding can be made, in that the existing structures are located in a mixed neighborhood containing a variety of architectural styles, and the development is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made as the site is already developed with an approved multi-family housing project and no physical changes other than ongoing maintenance is proposed to the existing structures. The proposed carport on Lot A has been designed to be consistent with the existing carports on the parcel, with a flat roof supported on metal posts, and will not significantly alter the overall appearance of the development in views from the street. Other minor modifications to the parking area and landscaping to provide better access between the parking areas and the apartments will be consistent with the existing site improvements.

Conditions of Approval

Development Permit No. 181016
Property Owner: Joe Colonna, Soquel townhomes, LP
Assessor's Parcel No.: 030-211-12

Land Division 181016

Applicant: Joe Colonna, Soquel Townhouses LP

Property Owner: Soquel Townhouses LP

Assessor's Parcel Number: 030-211-12

Property Address and Location: Southwest side of Wilder Drive (5050 and 5054 Wilder Drive) at approximately 865 feet southwest of the intersection with Capitola Road.

Planning Area: Soquel

Exhibit(s):

- D.** Tentative Map, Survey and Civil Engineering – 4 sheets prepared by BKF, dated 12/14/2018 and 1 sheet prepared by Norris A. Houk (Exhibit A for 81-148-PD), prepared February 1980.
 - E.** Declaration of Common Easements and Maintenance Agreement (Draft)
-

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

- I.** Prior to exercising any rights granted by this Approval, the owner shall:
 - A.** Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
 - B.** Record the Conditions of Approval with the Parcel Map. The Conditions of Approval shall be applicable to all resulting parcels.
- II.** A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements shall be done prior to recording the Parcel Map unless such improvements are allowable on the lot as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A.** The Parcel Map shall be in general 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.
 - B.** This land division shall result in no more than two (2) multi-family residential parcels, each developed with four apartment units, including a shared driveway for access, utilities and landscaping.

- C. The minimum net developable area shall be 3,000 square feet per unit.
- D. The following items shall be shown on the Parcel Map:
 - 1. Building footprints/parking areas/shared driveway area located according to the approved Tentative Map. The existing buildings shall meet the minimum 5-foot side yard setback for the RM-3 zone district to the proposed property line. All other setbacks as approved by 78-1636-U and 81-148-U shall be maintained.
 - 2. Show both the area of each lot to nearest square foot.
 - 3. All easements and dedications to be recorded prior to recordation of the Parcel Map.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. New parcel numbers for both parcels must be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division.
 - 2. Apartment units shall continue to be connected for water service to the Soquel Creek Water District. All regulations and conditions of the water district shall be met.
 - 3. All regulations and conditions of the sanitation district shall be met.
 - 4. Additional construction on the lots, including one additional carport and revisions to the site layout, shall conform to Exhibit D.
 - 5. Any changes from the approved Exhibit D, including but not limited to the Tentative Map and Preliminary Improvement Plans, must be submitted for review and approval by the Planning Department. Changes may be forwarded to the decision-making body to consider whether they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. 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.

III. Prior to recordation of the Parcel Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Submit an updated shared maintenance agreement (Declaration of Common Easements & Maintenance Agreement) for maintenance of all areas under common ownership/responsibility including the driveway, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps.

EXHIBIT C

- C. Meet all drainage requirements of the Department of Public Works, Stormwater Management Division, as follows:
- a. Pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area arising from modifications that have been made to the parcel's impervious area coverage since the original permit approval in 1981. Units located within the boundary of Lot A have modified their impervious area coverage by adding new concrete patios. Provide tabulation on the improvement plans of all previously unpermitted impervious areas to be recognized/assessed for payment of fees.
 - b. Clearly establish/denote the maintenance responsibilities for Lot A and Lot B on the tentative map and in the final Declaration of Common Easements & Maintenance Agreement (Declaration). A revised Declaration or a separate Declaration for all annual and long-term drainage maintenance requirements shall be required. Once approved, the revised/new Declaration shall be notarized & recorded with the County of Santa Cruz.
 - c. The Applicant's civil engineer shall complete and submit a more thorough site investigation of all existing stormwater mitigation features. The updated/supplemental report shall address the following:
 1. Identify existing drainage features that have been altered or not located and show that all systems shall be reinstated to their original designed/installed condition.
 2. Provide a full evaluation of the primary retention systems (reference Development Permit 73-1636- U & improvement plans Z5-133A & Z5-133B) and show that these are in good working condition. A statement of general conformance as indicated in the report prepared by BKF (12/19/2018) shall not be accepted.
 3. Submit all supporting information, including testing methods, onsite measurements/observations and any other technical documents that are used for completing the site evaluation.
 4. The final report shall be signed & stamped by the project's civil engineer responsible for conducting the analysis.
 - d. If the final report prepared by the civil engineer identifies drainage mitigation features that are compromised or in poor working condition, these shall be repaired/retrofitted prior to acceptance of the Parcel Map. The civil engineer shall consult with the Department of Public Works, Stormwater Management Division on acceptable options for retrofitting onsite drainage infrastructure to ensure compliance with current regulations before completing any additional work.
- D. Meet all requirements of the Santa Cruz County Sanitation District. All items must be resolved prior to approval of any final map.

- a. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel that includes the following information:
 1. The length, diameter, slope, and material for both the existing and proposed sewer laterals and private collector lines
 2. Show that there will be no acute angles in any of the connections, that cleanouts are provided at every change in alignment, vertical or horizontal, and that cleanouts occur not more than 100' apart.
 3. Show that the design conforms to all aspects of the Department of Public Works County Design Criteria.
 4. Indicate that the resulting parcels are for rental apartments only, with all units on either given parcel to be all owned by one entity. The proposed is NOT approved for townhouses.
- b. Pay all necessary fees for the new sewer connection
- c. The Applicant shall provide a copy Declaration of Common Easements & Maintenance Agreement to the Sanitation District showing the inclusion of the property owner's sewer system maintenance responsibilities, prior to filing of the Parcel Map.

IV. All future construction within the property shall meet the following conditions:

- A. Building Permits shall be obtained from the Santa Cruz County Building Official for all proposed structures.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- B. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

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

VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless

EXHIBIT C

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.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Parcel Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

cc: County Surveyor

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 211115

Assessor Parcel Number: 030-221-12

Project Location: 5050 Wilder Drive, Soquel

Project Description: Extend the approved Tentative Map and associated Development Permit for Minor Land Division 181016

Person or Agency Proposing Project: Joe Colonna, for Soquel Townhomes, LLC

Contact Phone Number: (650) 444-2365

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

Specify type:

E. **Categorical Exemption**

Specify type: N/A

F. Reasons why the project is exempt: Time Extension of an existing approved project that complies with all current regulations.

Lezanne Jeffs, Project Planner

Date: _____

EXHIBIT D

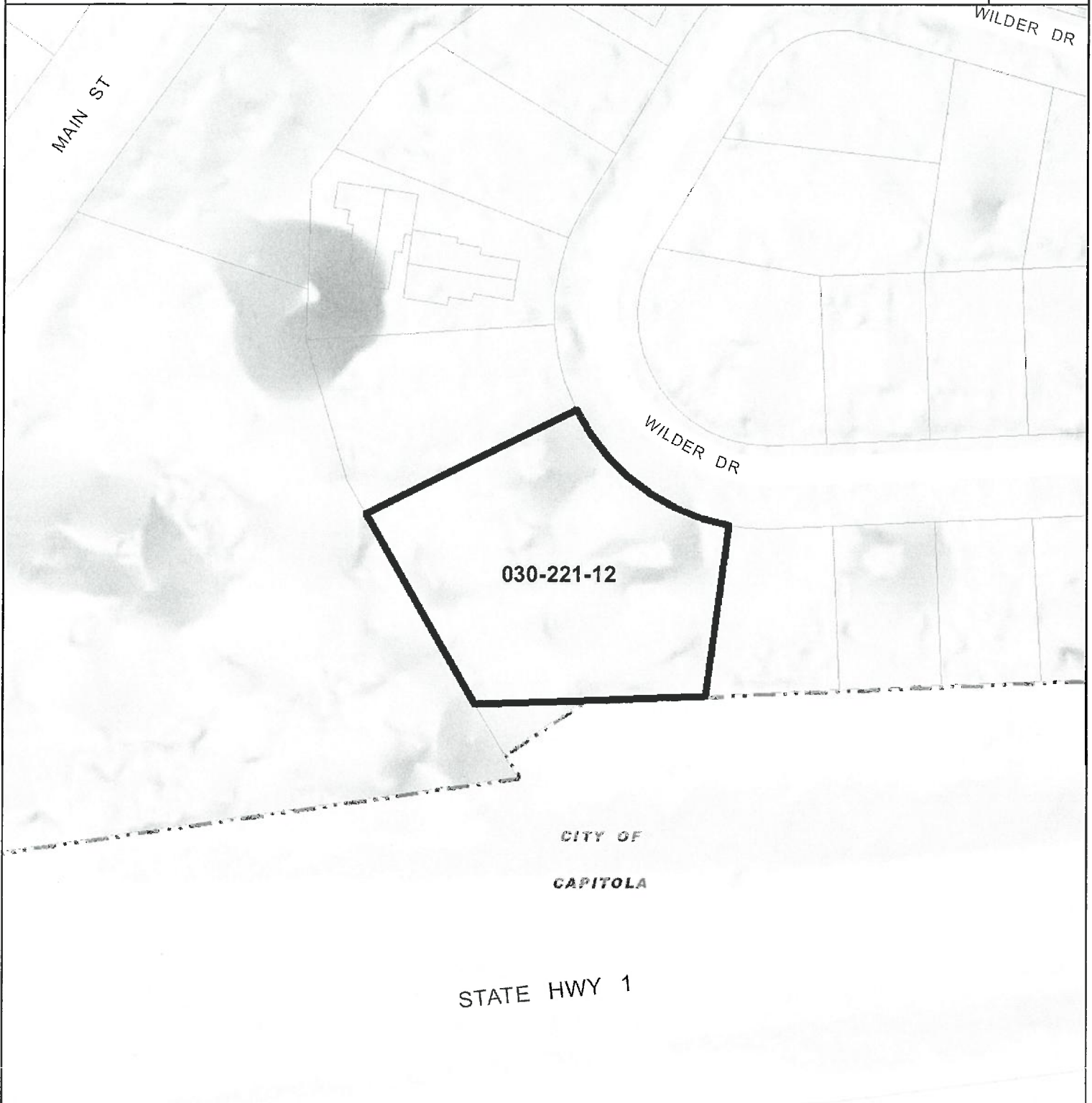


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map



Mapped
Area



Parcel: 03022112,03022112

- Study Parcel
- Assessor Parcel Boundary
- City Limits

Map printed: 24 May. 2021



EXHIBIT E

0 25 50
Feet