

Recommended Revisions to Conditions of Approval

- Exhibit D: Project plans consisting of 53 plan sheets;
Architectural Plans prepared by ADC, revised 05/28/25;
Landscape Plans prepared by Fuhrman Leamy Land Group, revised 05/28/25;
Photometric Plan prepared by Candela Engineering, dated 05/27/25;
Civil Plans prepared by BKF Engineers, revised 05/28/25
- I. This permit authorizes the construction of a 100% affordable housing development, including two non-restricted manager's units, and associated site improvements as indicated on the approved Exhibit "D" for this permit, based on vesting rights dated January 7, 2025. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
1. Any outstanding balance due to Santa Cruz County Planning 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.
- C. Obtain a Grading Permit from the Santa Cruz County Building Official.
1. A separate winter grading approval must be applied for and obtained if grading is proposed between October 15 and April 15.
2. Grading shall include recommended soil remediation prior to grading activities as outlined in the Anton Solana Phase I/II Environmental Site Assessment dated April 25, 2024
- D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Fees shall be paid prior to obtaining a building permit, however, if fees are deferred pursuant to Government Code Section 66007(d)(3), the applicant/owner shall enter into a fee deferral agreement with the County, which shall be recorded.
- B. Submit final architectural plans for review and approval by Santa Cruz County

Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. A copy of the text of these conditions of approval, including the conditions of approval contained in the Biotic Acceptance letter dated January 7, 2025, shall be incorporated into the full size sheets of the architectural plan set.
2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant/owner shall supply a color and material sheet in 8 1/2" x 11" format for Santa Cruz County Planning review and approval.
3. Grading, drainage, and erosion control plans.
4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height for each building is as follows: Building A: 58 feet, Building B: 62 feet, Building C: 68 feet, Building D: 40 feet, Building E: 70 feet. Minor adjustments to height required to comply with the California Building Code shall be allowed.
5. Details showing compliance with fire department requirements.
6. Details showing compliance with Accessibility (ADA) requirements.
7. Final plans shall include a lighting plan (consistent with the photometric plan sheet dated May 27, 2025 and meeting the following standards:
 - a. All site, building, security, and landscape lighting shall be directed onto the site and away from adjacent properties, so as not to cause annoying glare or illumination. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.

- b. All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards shall not exceed a maximum height of 15 feet.
 - c. Area lighting shall be consistent with California Green Building Standards Code and California Energy Code for outdoor lighting requirements
- C. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. At a minimum, with regards to Stormwater Management review, the following items shall be included with the building permit application:
 - 1. Project Information: Provide an updated project information and threshold form consistent with the final plans as necessary.
 - 2. Final Stormwater Management Plans/Civil Plans:
 - a. Adequate construction level details including construction scheduling and phasing and consistent with the County of Santa Cruz Design Criteria (CDC), the final stormwater report, architectural and landscape plans,
 - b. The plan/s shall clearly illustrate how stormwater runoff from all project areas will be conveyed and controlled (provide spot elevations, slopes, grade breaks, cross sections, roof plan, and other information as necessary) and how safe stormwater overflow has been incorporated into the project design,
 - c. Provide details for the drainage features (rock storage, flow control, biofiltration, roof drain connections, overflow, outfall, level spreaders, bubble up facilities, etc.).
 - d. Provide surfacing and drainage details for the proposed walking path.
 - e. The specifications for the rock storage areas shall include minimum void ratio (40%), rock size (at least 3/4"), and the requirement for washed, clean, angular rock, etc.
 - f. Provide dimensions for each rock storage and biofiltration facility along with critical elevations (finished surface, overflow elevation, top and bottom of rock storage, etc.).
 - g. Pervious pavement and biofiltration facilities shall include a

requirement for surface infiltration testing prior to permit final. The plans shall specify test method and minimum acceptable rate.

- h. Locations of gravel storage areas shall be located so that impermeable liners are not required to maximum extent feasible. The general note is insufficient. If there are areas where liners are required those shall be specifically noted, otherwise the note for liners shall be removed.
- i. The detail provided in Appendix C for the outlet control structure with orifice detail shall be updated so that the connection pipe is designed to allow constant release of the 10 year predevelopment release rate at the bottom of the detention storage elevation to be consistent with the detention storage spreadsheets from the CDC. In areas where there are impermeable liners, the perforated drain lines shall be located at the bottom of the gravel layer. The elevation of the weir overflow shall be at the top of the detention storage elevation.
- j. Chemical treatment of site soils shall not be used unless BMPs are employed and water quality testing is documented to ensure discharge off site is avoided.
- k. Storm drain markings no dumping drains to bay shall be included on the project plans.
- l. **New and replaced sidewalks within County right-of-way shall be graded to drain to landscaped areas (either on site or within the separated sidewalk landscape strip) that are constructed to meet the biofiltration treatment requirements from Part 3 Section D.3.b.iii, as feasible. Maintenance of these facilities shall be included in the SWM-25B.**

~~**New and replaced sidewalks within County right-of-way shall be graded to drain to landscaped areas that are constructed to meet the biofiltration treatment requirements from Part 3 Section D.3.b.iii. Maintenance of these facilities shall be included in the SWM-25B.**~~

- 3. Final signed and stamped Stormwater Management Report:
 - a. Provide analysis consistent with final plans and demonstrating compliance with CDC requirements.
 - b. Provide analysis for the self-mitigating areas demonstrating storage and infiltration of the 2 and 10 year storm volumes, or provide a

cross section consistent with figure SWM-11 from the CDC.

4. Plans shall also be consistent with Geotechnical Investigation recommendations 6.10 and 6.11. Provide approval from the project geotechnical engineer approving of the final plans. The geotechnical engineer shall approve of the locations and provide design guidance for the proposed underground gravel storage areas, biofiltration facilities, and stormwater system outlets relative to proposed structures, slopes, etc.
5. The Zone 5 Flood Control and Water Conservation District (Zone 5) currently maintains the channel on the project site for flood control purposes. In order to continue this maintenance after the site is developed, the development shall provide vehicular/ maintenance access to Zone 5 via a dedicated easement. Please see the CDC Section E.2 for access easement requirements. Please provide a 20 foot wide access easement at the proposed driveway on the north portion of the parcel with an access gate at the end with a County lock for 24-hour access. Please contact the review staff for sample language for easement dedication. Provide draft documents for review for the offer of dedication. The easement shall specifically limit Zone 5 liability for damage to any site improvements (pipes, outfalls, fences, etc.) constructed in, on or under the access and maintenance easement.
6. Recorded maintenance agreement(s) SWM 25B for stormwater management and mitigation facilities will be required. Include attachments showing: watershed map with locations unique IDs for of all stormwater facilities, detailed management activities, maintenance requirements, schedule, signs of system failure, and photo documentation (at least annual photos of each outfall and cleaned/intact flow control structure, additional photo documentation is recommended), annual infiltration test results (for biofiltration and pervious pavement areas), and responsible party for maintenance, reporting and for payment of an annual oversight fee for all facilities on the project site. The agreement shall include pollution prevention/source control activities including parking lot cleaning, pet waste collection, maintenance of no dumping signage, etc. Include a statement that no additional impervious or semi-impervious areas will be added on the project site without additional permits and mitigations. A draft agreement is required prior to building permit issuance. The final recorded agreement shall be submitted prior to occupancy of any/all portions of the development.
7. Since the parcel being developed receives existing runoff from an adjacent drainage area, the recordation of a drainage easement, maintenance agreement, deed restriction, or other document recorded on the parcel deed/s will be required. The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the

applicant/property owner is responsible for maintenance of the drainage pathway (natural and/or man-made) through the parcel, and that the County and Flood Control District(s) are not responsible for the upstream runoff or for maintenance of the drainage pathway. This may be combined in the SWM-25B.

8. Zone 5 impervious area impact fees will be assessed based on the net increase in permitted impervious areas. For credit for existing areas to be replaced please provide documentation demonstrating these areas were built with a permit or prior to 1969.

- a. DPW Construction Inspection staff will inspect the construction of the drainage related items. Provide an engineer's estimate for the construction of the drainage items and provide a 3% deposit for an "at-cost" inspection account. A preconstruction meeting is required prior to any site disturbance. Please contact DPWCMInspection@santacruzcountycalifornia.gov at least 72 hours prior to any site disturbance to schedule the meeting.

D. Meet all requirements of Santa Cruz Metro including payment of fair share contribution for the design and relocation of the existing westbound bus stop at the corner of Soquel Drive and Thurber Lane.

E. Meet all requirements of the Housing Division including:

1. Applicant/Property Owner shall enter into an Affordable Housing Regulatory Agreement in a form provided by the County Housing Division to set forth all required details for development and rental of the affordable units in the project, compliant with SCCC Chapters 17.12 and/or 17.10, as applicable, and the County financing provided to the project, if any. This Agreement shall be recorded against the project site prior to issuance of a Building Permit for the project. The agreement may contain additional requirements associated with the County funding source(s) used to provide County financing for the project.
2. If any funding sources require NEPA review and/or state or federal prevailing wage compliance, provide Housing staff with NEPA consultant and/or prevailing wage monitor contact information as early as possible, for coordination on the NEPA materials that need to be signed and/or published by the County.

F. Meet all requirements of the City of Santa Cruz Water District. Proof of water service availability is required prior to application for a Building Permit.

G. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building

Permit.

1. The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the CDC Part 4, Sanitary Sewer Design, latest edition. <https://cdi.santacruzcountyca.gov/Portals/35/CDI/PublicWorks/Transportation/2024DesignCriteria.pdf>
 2. Private sewer collectors serving more than 4 dwelling units shall terminate in a manhole at the public sewer main. Please show new manholes to be installed at all points of connection for new sanitary sewers. Manholes are required at all changes in direction (including end of line manholes) of the private sewer system.
 3. Operations and Maintenance Manual conforming with Santa Cruz County Sanitation District Code 7.04.325 must be recorded and submitted.
- H. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning.
1. All future building permit applications shall include a signed and stamped copy of the accepted soils report and update(s).
 2. Building permit application plans and improvement plans shall reference the soils report and update(s), include contact information for the geotechnical engineer, and include a statement that the project shall conform to the recommendations of the geotechnical engineer.
 3. Building permit application plans shall reference the biotic report and update(s), include contact information for the biologist of record and include a statement that the project shall conform to the recommendations and conditions of the biotic report acceptance letter dated January 7, 2025. With exception of a modification to the requirement for restoration of existing degraded habitats, including potential salvage/transplanting of oak trees to potential partial restoration of riparian corridor, including no transplantation of oak trees and reduction of replanting ratio from 10:1 for trees larger than 24 inches diameter at breast height (DBH) to replanting all removed oaks at a 5:1 ratio oak trees shall be replaced at a minimum of a 5:1 ratio.
 - a. **If required, obtain necessary environmental permits.**
 4. The improvement plans shall clearly show the boundaries of the riparian corridor and required setbacks.
 5. Prior to finalization of the improvements, a split-rail fence along the riparian

buffer shall be installed and inspected by the Resource Planner.

6. The applicant/property owner shall submit a stormwater pollution control plan with the improvement plans that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual.
 7. A separate winter grading approval must be applied for and obtained if grading is proposed between October 15 and April 15.
 8. Prior to issuance of a building permit, the applicant/property owner shall submit a signed and stamped Consultant Review Form to Environmental Planning. The plan review form shall reference each reviewed sheet of the final plan set by its last revision date. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website.
- I. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
1. Plans shall meet the current California Codes and Central Fire District local amendments. All emergency access and available fire flow requirements shall be met.
- J. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- K. Meet all requirements of the Department of Public Works Road Engineering Division and pay the current fees for Roadside and Transportation improvements for 173 dwelling units and 1,800 square feet of commercial space **(subject to TIA fee credit)**. Additionally, the project shall be responsible for a fair share contribution toward the signalization of the intersection of Soquel Drive and Chanticleer Avenue (not subject to fee credit).

Currently the TIA fees total \$769,800 (\$726,600 for residential plus \$43,200 for commercial) per the calculations below:

1. The TIA fee will be recalculated based on 173 units, at \$4,200 per dwelling unit (\$2,100 for the Roadside Improvement Fee and \$2,100 for the Transportation Improvement Fee) per the Unified Fee Schedule for multi-family units in the Live Oak Planning Area, totaling \$726,600.
2. The TIA fees for the commercial area will be calculated as 1,800 square feet of commercial space $\times$ 40 trips per 1,000 sq. ft. resulting in 72 trips multiplied by \$600 per trip (\$300 for the Roadside Improvement Fee and

\$300 for the Transportation Improvement Fee) per the Unified Fee Schedule for non-residential developments in the Live Oak Planning Area, totaling \$43,200.

The project trips would represent 1.3% of the total cumulative traffic at the intersection of Soquel Drive and Chanticleer Avenue or 9% of the future traffic. The full cost of the signal is unknown at this time however, an estimate of \$1.5 million for the signal is reasonable based on the County's Soquel Drive at Robertson Road signal project, which is nearing bid and expected to cost a similar amount. At 9%, the project's fair share would be approximately \$135,000.

- L. Pay the current Affordable Housing Impact Fee. The fees are based on new square footage and the current fee for non-residential construction is \$3 per square foot. \$1,800 square feet of commercial space at \$3 per square feet, totaling \$5,400.
 - M. Provide required off-street parking for 257 cars **(minimum 231 spaces pursuant to SDBL)**. **Standard** parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan and parking associated with the commercial space shall be clearly identified.
 - N. 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.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. A pre-construction nesting bird survey by a qualified biologist shall be conducted if tree removal and/or construction occur within the bird breeding season (March 1 – July 31) within one week before the scheduled start of the project. The nesting survey shall cover the entire property. In the event active nests are observed, the nest site shall be flagged, and a buffer shall be established to prevent nest failure. The buffer widths shall be determined by the qualified biologist, based on species, site conditions and anticipated construction activities. Active nests shall be monitored at a frequency determined by the monitoring biologist, but at a minimum of once per week, until the nestlings have fledged. In the event that construction

activities appear to be interfering with nest maintenance (e.g., feedings and incubation), the buffers shall be enlarged or construction activities postponed, until the young have fledged, as determined by the qualified biologist

- E. No earlier than two weeks prior to the anticipated start of construction activities, a bat specialist shall survey the trees in and immediately adjacent to the work areas for roosting bats. If present, implement recommendations of the bat specialist, which could include buffer zones and/or scheduling constraints, depending on whether maternity, bachelor, wintering or night roosts are identified.
- F. All diesel-fueled off-road construction equipment greater than 75 horsepower shall be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final or Interim compliant engines. Alternatively, CARB Tier 2 or 3 compliant engines may be used if CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) filters are added to each piece of off-road diesel-fueled equipment.
- G. 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.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the applicant/owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Master Use Permit: The following C-2 uses, where allowed in the Use Chart, shall be allowed within the 1,800 square feet of commercial space on the project site:
 - 1. Retail-neighborhood, commercial services, household services, personal services, shopping centers, convenience stores, supermarkets, fast food and cafes with 12 seats or less
 - 2. General Offices;
 - 3. Medical offices

A change of use may be approved with a zoning clearance provided the new use is allowed in the zone district and applicable conditions of approval remain in effect for the new use.

V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the

development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.