

Donovan Arteaga

From: Roy Brewer <rbrewer@brewerlofgren.com>
Sent: Tuesday, January 13, 2026 10:47 AM
To: Jane Barr (alternate); Jenni Gomez (alternate); Jesse Nickell; Kami Bachir (alternate); Luke Rizzutto, Jr. (alternate); Renee Sheperd; Sandy Brown; Shane Pavonetti; Trina Barton; Yesenia Jimenez (vice chair)
Cc: Jonathan DiSalvo; Natalie Kirkish; Donovan Arteaga
Subject: 3500 Paul Sweet Road - Eligibility for Builder's Remedy
Attachments: HCD Memo SC Housing Element 04 Sep 24.pdf; S. Hansen email to HCD 06 May 24.pdf

Follow Up Flag: Follow up
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Good morning,

This firm represents Dominican Hospital and the Dominican Oaks retirement community in opposition to the proposed residential tower at 3500 Paul Sweet Road.

The threshold issue is whether the Builder's Remedy is appropriately applied to this application. We believe the substantial evidence in the record, including the evidence presented by Mr. Michael Reis in the context of his appeal of the decision on the 841 Capitola Road matter, favors a conclusion that the Housing Element was found by HCD staff to be in compliance with state law as early as March 15th. The HCD internal memoranda dated September 4, 2024, confirms that the compliance letter initially dated April 23rd was subsequently revised to reflect compliance as of April 12th and illustrates that the delay was not due to substantive matters with the Housing Element, but rather administrative oversight on the part of HCD staff:

“HCD staff errantly sent the review letter beyond the 120 days from the County's statutory deadline for compliance...” (emphasis added) (See the second paragraph in the attached memorandum dated September 4, 2024).

“The older and outdated estimate of the due date caused confusion.”

The chronology set forth in an email correspondence dated May 6, 2024, from Stephanie Hansen of the County's CDI office to the HCD Director, highlighted and attached above, offers a more thorough explanation of events:

“...HCD staff notified the County for the first time that the actual initial deadline for HE adoption was December 15th (the HE was initially adopted by the Santa Cruz County Board of Supervisors on Nov. 15, 2023). That would put the conclusion of the 120-day window at approximately April 15th.”

April 15th.”
“Despite this misunderstanding, the County met all deadlines to have the HE certified by

“All HE materials requested by the reviewer were submitted in February...”

“To reiterate – the County met all required deadlines even under the revised initial deadline of Dec. 15. County staff provided the HCD-required revisions to the HE in February. The reviewer could have sent their certification letter as soon as noon on April 9, immediately after the Board considered the final HE as an information-only item.”

“...if HCD staff had better understood the State’s own timeline...”

That a corrected compliance date was issued by HCD on the basis of (a) the County having provided all HCD-required revisions in February, and (b) HCD informing the County on March 15th that the housing element addressed HCD’s prior findings, and (c) an “identified need for corrective action” (emphasis added), should provide basis for a finding that the Builder’s Remedy does not apply in this instance since the revised compliance date precedes the submittal of this application by 10 days.

In the event the original application date is found to be inside the application window, the application was revised on October 2, 2024, and that revision increased the unit count by 21 units, from 84 to 105. That 21-unit increase represents a 25% increase, which exceeds the 20% allowed under the Builder’s Remedy and must be deemed a new application. See Government Code Section 65941.1(c). October 2nd falls well outside the application window whether the date of the compliance determination is March 15th, April 12th, April 23rd, or any date prior to the October 2nd revision.

Thank you for your consideration.

Roy E. Brewer
Master of Laws (LLM) in Dispute Resolution



Carmichael & Folsom California
916.425.4477 Mobile www.brewerlofgren.com

Housing Element Memo: Santa Cruz County

Date: September 4, 2024

To: Megan Kirkeby, Deputy Director
From: Paul McDougall, Senior Program Manager
Subject: Santa Cruz County Housing Element

Summary of Identified Need for Corrective Action

Santa Cruz County's housing element was due on December 15, 2023. On April 23, 2024, the California Department of Housing and Community Development (HCD) sent a letter informing the County that its housing element was in substantial compliance with Housing Element Law. The County had requested a review that meets the 120-day period to preserve the statutory rezone timing of approximately three years.

Although HCD housing element staff intended to accommodate this request and indeed completed its review of the revised element on April 11, 2024, HCD housing element staff and County staff were under the impression that the 120-day deadline was December 31, 2023, instead of December 15, 2023. As a result, HCD staff errantly sent the review letter beyond 120 days from the County's statutory deadline for compliance – though HCD technically met its 60-day mandated review deadline. If not meeting the 120-day requirement, the County would be subject to a one-year rezone timing.

Recommendation to Correct Issue and Prevent Recurrence of Issue

- Re-issue a review letter with a corrected date of April 12, 2024, which is the day after HCD initially determined that Santa Cruz County's housing element was in substantial compliance with Housing Element Law. The corrected date of April 12, 2024, meets the 120-day requirement mentioned above.
- Re-examine HCD's expedite procedures to ensure comprehensive consideration of expedite housing element review requests relative to key statutory deadlines, including the 120-day requirement.
- Better incorporate expedite requests into weekly housing element review check-in meetings.
- Communicate and train staff on enhanced expedited housing element review procedures.

Timeline Resulting in Issue

- Prior to submittal, HCD had not deleted a document from its website that had an estimated housing element due date of December 31, 2023 for cities and counties in the Association of Monterey Bay Area Governments (AMBAG). AMBAG's adoption of their RTP set the actual housing element due date at December 15, 2023. The older and outdated estimate of the due date caused confusion. The fact that many other jurisdictions in other parts of the state had a December 31, 2023 due date created further confusion.
- On February 23, 2024, the County submitted its housing element with the intent of meeting the 120-day period. HCD had every intention to assist the County in meeting the 120-day period.
- On March 15, 2024, HCD completed a preliminary review and informed the County that preliminarily the housing element addressed HCD's prior findings.
- On April 9, 2024, HCD affirmed that the review would be completed to meet the 120-day requirement.
- On April 11, 2024, HCD completed its review of the revised element and found that the submittal addressed HCD's prior findings.
- On April 23, 2024, HCD sent the findings letter to the County.
- On May 6, 2024, the County sent an email to HCD pointing out the misunderstanding and the resulting concern about missing the 120-day period.
- The Housing Policy Development Division conferred with the Legal Affairs Division (LAD) on this issue. LAD opined that HCD's statutory authority to review housing elements and report its findings to planning agencies (pursuant to Government Code section 65585, subdivision (h)) grants HCD a measure of discretion in making its substantial compliance determinations. (See, e.g., *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 250 [describing HCD's discretion in determining whether a jurisdiction's analysis of nonvacant sites substantially complies with housing element law].) That discretion presumably extends to determining the date on which HCD completed its housing element review under Government Code section 65585, subdivision (h).

Corrective Action Plan APPROVED By:



Megan Kirkeby, Deputy Director, Housing Policy Development Division
California Department of Housing and Community Development

In summary, HCD provided erroneous and conflicting information about deadlines for the County's Housing Element that may significantly & negatively impact the County's housing program. I've highlighted the issue summary and consequences in the email in Stephanie Hansen's email below.

The County reached out first to a HCD staffer for help, who told them he can't help. They then reached out to the Dir and Dep Dir two weeks ago with a letter, and haven't heard a word back. They are hoping our office can perhaps contact the Dir/Dep Dir, ask if they received the letter from the County, and what they plan to do. The mistake that was made regarding deadlines started with HCD.

Apparently Jason Hoppin gave John a brief overview of the issue at last Friday's press conference.

Thoughts?

From: Jason Hoppin <Jason.Hoppin@santacruzcountyca.gov>
Sent: Monday, May 20, 2024 10:37 AM
To: Cross, Eileen <Eileen.Cross@sen.ca.gov>
Subject: FW: Santa Cruz County Housing Element Certification

Will call you in a few.

From: Stephanie Hansen <Stephanie.Hansen@santacruzcountyca.gov>
Sent: Monday, May 6, 2024 3:51 PM
To: Jason Hoppin <Jason.Hoppin@santacruzcountyca.gov>; Suzanne Ise <Suzanne.Ise@santacruzcountyca.gov>; Mark Connolly <Mark.Connolly@santacruzcountyca.gov>
Subject: FW: Santa Cruz County Housing Element Certification

FYI, sent.

From: Stephanie Hansen
Sent: Monday, May 6, 2024 2:55 PM
To: 'Gustavo.Velasquez@hcd.ca.gov' <Gustavo.Velasquez@hcd.ca.gov>
Cc: 'Megan.Kirkeby@hcd.ca.gov' <Megan.Kirkeby@hcd.ca.gov>
Subject: Santa Cruz County Housing Element Certification

Good afternoon Director Velasquez,

I'm reaching out for assistance with the certification of Santa Cruz County's 2023 Housing Element, which was certified by your department on April 23, 2024.

Prior to and during the 6th Cycle Housing Element adoption process, the County and HCD engaged in ongoing discussions about fulfilling the complex requirements of the Housing

Element while meeting timelines in order to avoid the consequences of an untimely adoption, including a shortened timeline for zoning changes required of all jurisdictions subsequent to adoption of the HE. Timely certification provides jurisdictions with a three-year window to follow through with zoning changes, while a late certification requires jurisdictions to finalize zoning changes within one calendar year of the initial Housing Element adoption deadline. In Santa Cruz County's case, one year from initial deadline would be December 2024. The County strongly believes rezoning 75 parcels within that timeframe is infeasible.

During these ongoing discussions prior to and during the adoption process, the County and HCD staff understood the County's HE deadline for initial adoption to be December 31, 2023. State law gives the state and County 120 days after that date to finalize certification of the adopted Housing Element, including incorporation of State-requested changes. The understanding of the initial adoption deadline of Dec 31, 2023 and triggering of the 120-day clock was based on tentative forecasted deadlines in HCD's own materials, including the Department's website. (See <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/6th-web-he-duedate-2021.pdf>.)

That would make the deadline for final certification of the Housing Element April 29th, which County staff discussed with the HCD reviewer in March, where the reviewer agreed that December 31st was the correct deadline. On April 23rd, the County received its final certification letter. However, at that time HCD staff notified the County for the first time that the actual initial deadline for HE adoption was December 15th (the HE was initially adopted by the Santa Cruz County Board of Supervisors on Nov. 15, 2023). That would put the conclusion of the 120-day window at approximately April 15th.

Despite this misunderstanding, the County met all deadlines to have the HE certified by April 15th. Following comments from HCD on the adopted HE, an updated and final HE was transmitted to HCD on February 23rd. County staff met with HCD staff on March 15th, at which time HCD staff indicated that they were ready to certify the Element, pending County confirmation that no further Board of Supervisors action was required. County staff consulted with County Counsel to confirm that no further Board action was required and confirmed this with HCD several times in late March and early April. County staff explained to HCD staff that, out of an abundance of caution, staff were putting the final HE, with HCD-required revisions incorporated, on the Board's April 9 consent agenda as an information-only item. However, this did not impact the HCD review timeline. County staff requested the certification letter no later than April 28 to preserve the three-year window for rezoning. The HCD responded they would send their letter by the 23rd to accommodate staff's request and did not mention the deadline being incorrect. All HE materials requested by the reviewer were submitted in February, and minor revisions to the site inventory spreadsheet requested by the sites inventory team were in HCD's possession by April 5th.

The County is disappointed that HCD is now taking the position that the County did not obtain certification in time, despite acknowledging they misunderstood the deadline. The

email that included the certification letter was the first instance we heard there might be an issue. To reiterate -- the County met all required deadlines even under the revised initial deadline of Dec. 15. County Staff provided the HCD-required revisions to the HE in February. The reviewer could have sent their certification letter as soon as noon on April 9, immediately after the Board considered the final HE as an information-only item. The 40-day delay in certification are due to delays in HCD's delivery of the final certification letter -- if HCD staff had better understood the State's own timeline, the County would be in compliance and have three years to formalize zoning changes envisioned in the adopted and certified Housing Element.

If the County is unable to rezone the parcels within the next seven months, the County would be deemed out of compliance with Housing Element law and be open to additional Builder's Remedy projects (between initial adoption and final certification, the County received Builder's Remedy applications for four developments) and potential loss of eligibility for state grant funding. The result would be a profound loss of local control over housing production in a County that has conducted a good-faith effort to radically increase local housing supplies, including affordable housing.

While HCD staff has notified us that is nothing they can do, we hope that you as HCD Director could direct a revised letter demonstrating that the County was in compliance with the certification deadline for the 6th Cycle Housing Element based on the submittal in February and the verbal confirmation in March. We appreciate your prompt consideration of this matter and look forward to partnering with HCD on this and other projects important to the people of Santa Cruz County and California.

Thank you,
Stephanie

<image009.png>

Stephanie Hansen

Assistant Director – Policy, Housing
& Code Compliance
Community Development &
Infrastructure

Phone: 831-454-3112
701 Ocean Street, Room 400

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Donovan Arteaga

From: Jonathan DiSalvo
Sent: Tuesday, January 13, 2026 11:07 AM
To: Donovan Arteaga
Cc: Riley Rhodes
Subject: FW: Builder's Remedy Project 3500 Paul Sweet Road - comment

Follow Up Flag: Follow up
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Hello Donovan,

Please add the late mail public comment below for Application No. 241360 at 3500 Paul Sweet Rd for the PC hearing on 1/14.

Thank you,



Jonathan DiSalvo

Senior Planner
Community Development & Infrastructure

Phone: 831-454-3157
701 Ocean Street, Room 400



From: Ricardo David <ricardo.x.david@gmail.com>
Sent: Monday, January 12, 2026 9:27 PM
To: Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountycal.gov>
Subject: Builder's Remedy Project 3500 Paul Sweet Road - comment

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Hello,

My comment is that Builder's Remedy appears to be working. We need more housing in California and sensible fast track around NIMBY objections. I am glad this Sacramento initiative can provide cover to Supervisor Manu and Mr DiSalvo to listen and empathize with local residents but also allow the construction to proceed.

To be balanced, caregivers are among those most in need of more local housing options. Santa Cruz has topped the national chart for least affordable rent three years running. High housing prices directly

influence high medical costs. One hundred and five new units directly adjacent to the hospital could house nurses and doctors who are permanently employed as well as visiting nurses and doctors.

All the best,
Ricardo David
Los Gatos, CA (in Santa Cruz County)



Date: January 12, 2026

To: Jonathan DiSalvo

Senior Planner

County of Santa Cruz

Community Development & Infrastructure

701 Ocean St., Room 400

Santa Cruz, CA 95060

jonathan.disalvo@santacruzcountyca.gov

(831) 454-3157

RE: App # 241360 (3500 Paul Sweet) – Planning Commission Appeal Hearing Clarifications, Amplifications, Corrections, or Supplements to Housing Development Permit Application

Dear Jonathan,

App # 241360 (3500 Paul Sweet Road) is scheduled for a Planning Commission hearing on January 14, 2026.

Gov. Code § 65944 provides that an applicant can “clarify, amplify, correct, or otherwise supplement” the application after it is accepted as complete. Having reviewed the Staff Report, Applicant would like to provide the following clarifications, amplifications, corrections, or supplements to the application.

SB 330 Preliminary Application

The Staff Report refers to an SB 330 preliminary application dated April 22, 2024. However, an SB 330 preliminary application was submitted for the Project and the associated fee was paid on April 9, 2024 (see attached). A full development permit application was submitted and the associated fee was paid on October 2, 2024, meeting the 180-day deadline for submittal of the full development permit application. Each resubmittal of the application was made within 90 days of the receipt of written notice that the application was incomplete, or by a mutually agreed extension of the 90-day deadline.

The second SB 330 preliminary application was submitted on April 22, 2024, with the intention of providing the Applicant additional time to meet the 180-day deadline as well as provide an alternative base density if needed. This later SB 330 preliminary application was not needed, because the full development permit application was submitted on October 2, 2024, meeting the 180-day deadline for the first SB 330 preliminary application, and the Project is a builder’s remedy project for which the base density in the SB 330 preliminary application is irrelevant. (Gov. Code § 65589.5(f)(7)(B).) So that earlier preliminary application had not expired and is the operable preliminary application that vests the builder’s remedy Project pursuant to Gov. Code § 65589.5(h)(11)(B).

The Applicant inadvertently referenced the date of the second SB 330 preliminary application on Sheet GP0.01, and the **Applicant has attached a corrected Sheet GP0.01 reflecting the correct date for the SB 330 preliminary application of April 9, 2024.** Please correct the dates in the Staff Report (page 5, primarily) from April 22, 2024 to April 9, 2024.

Project elects not to be subject to Gov. Code § 65589.5(f)(6)(G)(ii)

Among the changes to the Housing Accountability Act that became effective on January 1, 2025, is the requirement at Gov. Code § 65589.5(f)(6)(G)(ii):

(ii) Affordable units in the development project shall have a comparable bedroom and bathroom count as the market rate units.

Applicant interprets this provision **not** to apply to the Project, because the County does not have a local affordable housing requirement that applies to the Project, and read **in context** the above provision applies only “If the local agency had a local affordable housing requirement” that applied to the project. (Gov. Code § 65589.5(f)(6)(G)(i)(I).)

The County Counsel has interpreted this provision to apply to the Project, and the Staff Report includes this Condition of Approval II.M.:

M. All affordable units in the project shall comply with Government Code Section 65598.5(f)(6)(G)(ii): “Affordable units in the development project shall have a comparable bedroom and bathroom count as the market rate units”.

Because the Project is a builder’s remedy project that submitted an SB 330 preliminary application prior to January 1, 2025, in accordance with Gov. Code § 65589.5(f)(7)(A), the project “may choose to be subject to **any or all** of the provisions of [the Housing Accountability Act] applicable as of January 1, 2025.” A builder’s remedy project may elect **not** to be subject to all of the provisions of the Housing Accountability Act that became effective on January 1, 2025.

The Project hereby elects not to be subject to Gov. Code § 65589.5(f)(6)(G)(ii). This resolves the difference in our interpretations, and the County may not impose the requirement at Gov. Code § 65589.5(f)(6)(G)(ii). Please make a correction on Page 5 under Project Conformance with Builder’s Remedy 2.0, to state that “The proposed project elects the provisions of Builder’s Remedy 2.0, except that the project elects not to be subject to Gov. Code § 65589.5(f)(6)(G)(ii),” and **remove Condition II.M.**

SDBL Concession / Incentive Regarding Parking

The Staff Report notes that the County intends to partially reject the Concession requested for Parking, to require the 68 parking spaces indicated as proposed. To bring the County and Applicant into alignment on the parking Concession, the Applicant would like to revise the request for a Concession / Incentive related to parking, as follows:

Reduce the parking required by Santa Cruz County Code to 68 spaces. The parking required for the project by Santa Cruz County Code and the State Density Bonus Law, subdivision (p), shall be reduced to 68 spaces or a lesser number of spaces if there is no feasible means of providing 68 spaces within the surface area of the proposed parking field while meeting state and federal law. The project owner intends to provide parking as indicated in the project plans, and to provide ADA and EV parking spaces as required by State and Federal law. However, the development permit approval for this Project shall not require the project to provide more parking spaces than can be feasibly located within the bounds of the proposed parking field area, while complying with state and federal law. The project qualifies for parking reductions in accordance with the State Density Bonus Law. Applicant chooses to request this concession in addition to other parking reductions and SDBL waivers. This concession/incentive will result in identifiable and actual cost reductions to provide for affordable housing costs. This concession/incentive is requested pursuant to Gov. Code Sections 65915(d) and 65915(k)(3). The cost of constructing parking spaces is a major component of a project’s cost. If laws change such that providing the 68 proposed parking spaces requires a larger parking field, then the provision of a lesser number of parking spaces would result in identifiable and actual cost savings.

A corrected Sheet GP0.01 reflecting this revised concession request is attached.

The Applicant takes no issue with the County’s approach to the requested Waiver for parking.

New SDBL Concession / Incentive Request Regarding Tree Replacement

The County’s biotic report review letter dated October 15, 2025 reviewed three reports:

1. An arborist report by Aesculus Arboricultural Consulting dated August 15, 2025

2. A biotic report by EMC dated February 25, and revised March 4, 2025
3. A technical report memorandum summarizing the results of vegetation mapping by Dudek, dated September 12, 2025.

Regarding sensitive habitat, the Aesculus report concluded (page 7):

Oak Woodlands and Sensitive Habitat

According to the United States Department of Agriculture (USDA) Forest Service, oak woodlands are a type of forest cover [footnote omitted] and the minimum area for classification of forest land is 1 acre (0.4 ha) in size and 120 feet (36.6 m) wide measured stem-to-stem from the outer-most edge [footnote omitted]. The parcel in question is approximately 0.4 acres (0.16 ha) of contiguous oak lands, thus disqualifying it as oak woodland/forest land. These parcels are both classified as part of the Urban Services Line, and the County GIS does not designate the parcels as Sensitive Habitat.

Regarding sensitive habitat, the EMC report concluded (page 7):

Sensitive Habitats

The project site does not contain sensitive habitats. An oak grove is located to the north of the site and borders the project to the north and west. The project will remove trees within this grove. The United States Forest Service requires a minimum area of one acre to categorize forest land (USFS 2025). The grove of oaks is not considered an oak woodland, as the size of the grove 0.54 acres. Due to the small size of the oak grove and distance and isolation from the nearest occurrences of continuous oak woodland, the oak grove is not considered oak woodland.

After reviewing these reports and findings, the County requested, and the Applicant provided, the Dudek report to further characterize the oak grove and determine whether or not it constituted sensitive habitat. The Dudek report characterized the oak grove (page 2):

The coast live oak woodland alliance has a state Rarity Rank of S4 and is not considered a sensitive natural community by CDFW (CDFW 2025), although some associations of this alliance (e.g., coast live oak – California bay woodland) do meet the definition of sensitive (i.e., have a Rarity Rank of S3 or lower). No sensitive associations of the coast live oak woodland alliance were observed on the site. In the project site, this vegetation community comprises 0.11 acres.

The Dudek report concluded (page 4):

The on-site coast live oak woodland is part of a grove that meets the definition of an oak woodland under § 1361(h) of the California Fish and Game Code (i.e., it has greater than 10% canopy cover), but does not meet the vegetation criteria for classification as sensitive on the California Natural Community List (CDFW 2025) (i.e., it does not belong to one of the 10 sensitive associations under the coast live oak woodland and forest alliance). In addition, the degraded condition of the woodland (i.e., understory vegetation removed for fire protection, presence of invasive species such as French broom) reduces its habitat value. Therefore, it is our opinion that the stand of oak woodland that overlaps the project site is not a high-quality occurrence of this community, nor is it considered a sensitive natural community by CDFW. Although the project would involve removal or trimming of existing coast live oaks, we believe this would be a less-than significant-impact under CEQA because of the low habitat quality of the oak woodland. It is surrounded by development and contains many invasive species. The project would not result in a conversion of oak woodlands that will have a significant effect on the environment.

The County reviewed all of these reports and their conclusions in the biotic report review letter dated October 15, 2025, and the County made the preliminary CEQA determination required by Public Resources Code § 21080.1 in a letter dated December 16, 2025, that “the project appears to meet qualifications for a Statutory Exemption pursuant to Public Resources Code (PRC) Section 21080.66.”

PRC § 21080.66(a)(6) requires that “(6) The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.” Gov. Code § 65913.4(a)(6)(J) prevents the PRC § 21080.66 statutory exemption from being applied to a development on a site that is:

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

The County has determined, after a thorough review of the three reports and applying the County’s independent judgment that the Project site is **not** “habitat” pursuant to Gov. Code § 65913.4(a)(6)(J).

Therefore, for the purposes of CEQA, the Project site does not contain “habitat,” the Project is exempt from CEQA, and no mitigations are required.

Despite the foregoing, the County imposed certain standard and project-specific Conditions of Approval, because:

Adherence to these conditions will ensure that proposed development is consistent with County policies that require minimization of impacts to sensitive habitats and adequate compensation for unavoidable permanent impacts to sensitive habitats.

Since the County has concluded that there is no “habitat” for CEQA purposes, the “impacts to sensitive habitats” in the above quotation and throughout the text under the heading **Conditions of Approval** in the biotic review letter must be interpreted to mean impacts that have been determined to be less than significant under CEQA or only relevant for the purposes of local code and policy.

Under roman numeral IV of the Conditions of Approval, the biotic review letter begins:

To comply with Santa Cruz County General Plan Policy ARC-3.1.6 and Santa Cruz County Code Sections 16.32.090 (B)(1), to compensate for permanent impacts to sensitive oak woodland habitat, oak trees removed or otherwise permanently impacted as a result of the project shall be compensated for through in-kind replacement plantings at a 3:1 ratio through one of the options listed below.

This requirement is solely a local development standard, and not a CEQA mitigation. Again, the Dudek report concluded (page 4):

Therefore, it is our opinion that the stand of oak woodland that overlaps the project site is not a high-quality occurrence of this community, nor is it considered a sensitive natural community by CDFW. Although the project would involve removal or trimming of existing coast live oaks, we believe this would be a less-than significant-impact under CEQA because of the low habitat quality of the oak woodland.

The County has accepted the conclusion that the oak grove is not “considered a sensitive natural community” and “removal or trimming of existing coast live oaks ... would be a less-that significant-impact under CEQA” and found that the project is exempt from CEQA.

Under roman numeral V of the Conditions of Approval the biotic review letter requires a “Habitat Mitigation Plan ... focused on identifying and outlining the strategy for complying with Condition IV above.” Thus, Conditions IV and V are both solely related to local development standards and are not related to CEQA.

The Conditions under roman numeral IV and V in the biotic review letter have been incorporated into the proposed Conditions of Approval II.F.4. and II.F.5. in the Staff Report

Pursuant to Gov. Code § 65915(d)(2)(B) and § 65589.5(f)(6)(C)(i), this project is entitled to four incentives / concessions, and the project previously used three of those incentives / concessions. Gov. Code § 65915(k) defines an incentive / concession:

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

In accordance with Gov. Code § 65915(o)(2):

(2) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government's electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.

Since Conditions of Approval II.F.4. and II.F.5 are, as stated in the biotic review letter, "To comply with Santa Cruz County General Plan Policy ARC-3.1.6 and Santa Cruz County Code Sections 16.32.090 (B)(1)" they are development standards, as defined, and the following request for an SDBL concession meets the definition of a concession under Gov. Code § 65915(k)(1) and (3).

The Applicant requests a Concession / Incentive related to tree replacement, as follows:

Reduce the ratio of tree replacement requirements to 0:1. The Project shall not be required to comply with Santa Cruz County General Plan Policy ARC-3.1.6 and Santa Cruz County Code Sections 16.32.090 (B)(1), and shall not be required to provide replacement plantings, nor pay into a County in-lieu fee program, nor provide offsite habitat preservation. No Habitat Mitigation Plan shall be required. The Project is exempt from CEQA, the Project site does not contain sensitive CEQA habitat, and no CEQA mitigations are required for the less-than-significant impacts to an oak grove that extends onto the fringe of the Project site. This concession/incentive will result in identifiable and actual cost reductions (for tree replacement, in-lieu fees, or offsite habitat preservation) to provide for affordable housing costs. This concession/incentive is requested pursuant to Gov. Code Sections 65915(d) and 65915(k)(1) and (3).

Please remove Conditions II.F.4. and II.F.5 from the recommended Conditions of Approval.

Indemnification and Hold Harmless

AB 712 (2025) added Gov. Code § 65914.2. **Please revise Condition V. in the recommended Conditions of Approval** to comply with Gov. Code § 65914.2(c):

(c) (1) A public agency shall not require an applicant for a housing development project to indemnify, defend, or hold harmless the public agency in any manner with respect to an action brought by the applicant, or any other person, alleging that the public agency violated the applicant's rights or deprived the applicant of the benefits or protections provided by a housing reform law.

(2) A requirement, condition of approval, or agreement in violation of paragraph (1) is against public policy and void and unenforceable.

(3) This subdivision shall not be construed to derogate any claim that a requirement as described in paragraph (1) is or was unlawful under previously existing law.

The Imposition of an AHIF is Unconstitutional and Would Render the Project Infeasible

The Applicant has reviewed the Staff Report and recommended Conditions of Approval, which recommend that the Project be required to pay an Affordable Housing Impact Fee (AHIF), despite the project providing deeply affordable, deed-restricted units that the County confirmed "would offset the AHIF in full" in the reviews contained in the incompleteness letters for the Project, and that it "would offset the entire AHIF" in this paragraph in the Staff Report (page 10):

The Applicant has not requested credit against the Affordable Housing Impact Fee (AHIF) for the six affordable units they propose to qualify for the density bonus and/or Builder's Remedy 2.0. If they accepted that option, the available credit would offset the entire AHIF otherwise due for the project. Instead, the Applicant has opted to decline that available credit and pay the AHIF in full, under protest, as allowed by the state Mitigation Fee Act. The Applicant has stated that they intend to protest the AHIF on the basis that they believe that the fee is unconstitutional. Staff disagrees with the Applicant's contention. The AHIF is constitutionally valid because the fee has an essential nexus to the impact of market rate units on affordable housing in the County, as supported by the County's nexus study conducted in 2014. Moreover, it is proportional as it is based on the square footage of the market rate units, and the current fee rate is a relatively modest \$2 per square foot.

Applicant has, in several letters accompanying submittals for this Project and another builder's remedy project (841 Capitola), thoroughly explained that the imposition of the AHIF on the Project, in addition to the required affordable units, violates the Takings Clause of the Fifth Amendment to the U.S. Constitution. The County cannot require the project to **both** provide affordable units that **offset the impact** that the AHIF purports to mitigate **and** pay the AHIF. Such a taking violates the Fifth Amendment, and is contrary to the *Nollan, Dolan, and Sheetz* case law.

Furthermore, the Applicant has evaluated the added cost of the AHIF, on top of the requirement in this Project to provide six (6) extremely low income units, and the Applicant has determined that the AHIF would render the Project financially **infeasible**.

In accordance with Gov. Code § 65589.5(f)(6)(B):

(B) (i) Except as authorized by paragraphs (1) to (4), inclusive, of subdivision (d), a local agency shall not apply any individual or combination of objective, quantifiable, written development standards, conditions, and policies to the project that do any of the following:

(1) Render the project infeasible.

(II) Preclude a project that meets the requirements allowed to be imposed by subparagraph (A), as modified by any density bonus, incentive, or concession, or waiver or reduction of development standards and parking ratios, pursuant to Section 65915, from being constructed as proposed by the applicant.

(ii) The local agency shall bear the burden of proof of complying with clause (i).

Unless the County can prove that the Project **is** financially feasible with the imposition of the AHIF, in addition to the affordable units, the AHIF cannot be imposed on the Project, because Gov. Code § 65589.5(f)(6)(B) prohibits the County from applying “conditions ... that ... [r]ender the project infeasible.”

Finally, in the County’s several review letters (see, for example County’s incompleteness letter dated April 3, 2025) for this Project and the other builder’s remedy project (841 Capitola), the County urged the Applicant to voluntarily participate in the County’s local affordable housing requirement, and if the Project did voluntarily participate, the Project would not be subject to the AHIF, but if the Applicant did not voluntarily participate, the Project would be subject to the AHIF. Note that the County’s **completeness** letter for this project dated June 13, 2025, which is the only compliance documentation that meets the requirements of Gov. Code § 65589.5(j), did **not** include any compliance comments regarding the AHIF. The Project as proposed, clearly stating that the Project would not pay an AHIF, was therefore **deemed compliant** with the County’s provisions related to the AHIF. The Staff Report is not timely for purposes of the compliance review deadline at Gov. Code § 65589.5(j)(2)(A)(i).

However, even if the project was not deemed compliant with the AHIF requirement, the record for the other builder’s remedy project (841 Capitola), shows that the County is using the threat of the AHIF to coerce the Project into providing “Measure J” inclusionary units that are not required for this Project, which contains no for-sale units. “Alternative C” in the completeness letter for the other builder’s remedy project (841 Capitola), the County stated:

... Many of these remaining provisions in 17.10 (“Measure J”) are nearly identical to provisions in the applicable state laws, so it would not add much to the regulatory agreement, other than the label of “Measure J units” and having the affordable units counted in the County’s Measure J rental housing inventory.

This is a builder’s remedy project, and the County cannot impose the “remaining provisions” of Measure J on a builder’s remedy project. Even if the County’s local affordable housing requirement applied to a rental housing project (which it does not) **the County could not impose any provision of the local affordable housing requirement other than the percentage and affordability level** of the affordable units, per Gov. Code § 65589.5(f)(6)(G)(i)(I):

... the local agency may require a housing development for mixed-income households to comply with an otherwise lawfully applicable local affordability percentage or affordability level. The local agency **shall not require housing for mixed-income households to comply with any other aspect** of the local affordable housing requirement.

In the 841 Capitola completeness letter, the County contended that the AHIF is being imposed in addition to the affordability percentage or affordability level that the County has determined to satisfy Measure J (“... the 3 ELI and 1 VL units would offset the AHIF in full ...”), because the project chose not to participate in **other provisions** of the County’s local affordable housing program (“... these remaining provisions ... are nearly identical to provisions in the applicable state laws, so it would not add much ...”). The County is prohibited from applying those other provisions to a builder’s remedy project by Gov. Code § 65589.5(f)(6)(G)(i)(I) (“... shall not require housing for mixed-income households to comply with any other aspect ...”).

The County cannot use the AHIF to coerce the Project into “voluntarily” agreeing to participate in aspects of the local affordable housing requirement that Gov. Code § 65589.5(f)(6)(G)(i)(I) explicitly prohibits the County from applying to a builder’s remedy project.

Please remove Condition of Approval II.Q. which cannot legally be imposed on the Project.

Condition Added by Planning Commission with respect to Affordable Housing Impact Fee

The Planning Commission added a Condition of Approval to the other builder's remedy project (841 Capitola), which is stated in the minutes of the October 22, 2025, Planning Commission hearing as:

If the applicant or its successor does not pay the AHIF, the applicant or successor shall be required to provide 15% of the project units as deed restricted affordable units in accordance with SCCC 17.10.034 and 17.10.039.

The County cannot legally impose this Condition (on either of the projects). In addition to the fact that the County had already determined that "... the 3 ELI and 1 VL units would offset the AHIF in full ...," **the imposition of this Condition of Approval is prohibited by at least two provisions of state law.**

First, the imposition of this condition is prohibited by the Mitigation Fee Act.

The County does not have a local affordable housing requirement that applies to the Project, and Gov. Code § 65589.5(f)(6)(G)(i)(I) reads, in relevant part:

If the local agency had a local affordable housing requirement, as defined in Section 65912.101 ... the local agency may require a housing development for mixed-income households to comply with an otherwise lawfully applicable local affordability percentage or affordability level. The local agency shall not require housing for mixed-income households to comply with any other aspect of the local affordable housing requirement.

There is no local affordability percentage or affordability level that is lawfully applicable to this Project. The County's local affordable housing requirement applies **only** to for-sale housing.

The definition at Gov. Code § 65912.101 is:

(k) "Local affordable housing requirement" means either of the following:

(1) A local government requirement, as a condition of development of residential units, that a housing development project include a certain percentage of units affordable to, and occupied by, extremely low, very low, lower, or moderate-income households as a condition of development of residential units.

(2) A local government requirement allowing a housing development project to be a use by right if the project includes a certain percentage of units affordable to, and occupied by, extremely low, very low, lower, or moderate-income households as a condition of development of residential units.

The County's Affordable Housing Impact Fee (AHIF) does not meet the definition of "Local affordable housing requirement." **The AHIF is not a component of a local affordable housing requirement. It is a "fee" as defined in the Mitigation Fee Act** at Gov. Code § 66000.

In addition to the fact that the AHIF would render the Project financially infeasible, and therefore the Project cannot be required to pay the AHIF, per Gov. Code § 65589.5(f)(6)(B), the Applicant has the right to protest the imposition of the AHIF in accordance with Gov. Code § 66020(a):

66020. (a) Any party may protest the imposition of any fees, dedications, reservations, or other exactions imposed on a development project, as defined in Section 66000, by a local agency by meeting both of the following requirements:

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.

(2) Serving written notice on the governing body of the entity, which notice shall contain all of the following information:

(A) A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the governing body of the factual elements of the dispute and the legal theory forming the basis for the protest.

The County may not withhold approval of the project on the basis of a protest made in accordance with the above subdivision (a). Gov. Code § 66020(b):

(b) Compliance by any party with subdivision (a) shall not be the basis for a local agency to withhold approval of any map, plan, permit, zone change, license, or other form of permission, or concurrence, whether discretionary, ministerial, or otherwise, incident to, or necessary for, the development project. This section does not limit the ability of a local agency to ensure compliance with all applicable provisions of law in determining whether or not to approve or disapprove a development project.

The Applicant must file the protest with the statements prescribed by Gov. Code § 66020(a), and within the time period prescribed by § 66020(d):

(d) (1) A protest filed pursuant to subdivision (a) shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun.

The County has not yet provided the Applicant the written notice, and the 90-day approval period has not yet begun.

The County cannot, by imposing a Condition of Approval, circumvent the right of the Applicant to protest the imposition of a fee in accordance with the Mitigation Fee Act. Nor can a Condition of Approval impose a mitigation fee that (as the fee protest will contend) is not compliant with the Mitigation Fee Act. (Gov. Code § 66001(a) and (b).)

Second, the County has not made the written findings that would be necessary for the County to impose the affordability percentage or affordability level, as required by Gov. Code § 65589.5(f)(6)(G)(i)(IV):

(IV) A local agency may only require housing for mixed-income households to comply with the local percentage requirement or affordability level described in subclause (I) if it **first makes written findings**, supported by a preponderance of evidence, that compliance with the local percentage requirement or the affordability level, or both, would not render the housing development project infeasible. **If a reasonable person could find compliance with either requirement, either alone or in combination, would render the project infeasible, the project shall not be required to comply with that requirement.**

Gov. Code § 65589.5(f)(6)(G)(i)(IV) prohibits the imposition of the Condition of Approval added by the Planning Commission, because it requires a percentage of affordability for which the County has made no findings and provided no evidence that the imposition of the 15% affordability percentage (on top of the six (6) extremely low income units that the Project is providing) would not render the Project infeasible.

The County cannot impose a Condition of Approval on this Project that is similar to the Condition the Planning Commission unlawfully imposed on the other builder's remedy project (841 Capitola), which again reads:

If the applicant or its successor does not pay the AHIF, the applicant or successor shall be required to provide 15% of the project units as deed restricted affordable units in accordance with SCCC 17.10.034 and 17.10.039.

The County cannot impose a Condition of Approval similar to the above, to circumvent the requirement to "first make written findings, supported by a preponderance of evidence, that compliance with the local percentage requirement or the affordability level, or both, would not render the housing development project infeasible."

Closing

Thank you for your diligent and professional work to process housing development permit application. The Applicant requests that the issues and points raised in this letter be addressed and resolved prior to or during the Planning Commission hearing scheduled for January 14.

Sincerely,

A handwritten signature in blue ink that reads "Clay Toombs".

Clay Toombs

Sr. Development Mgr.

o. 831.227.2217 ext. 310

c. 323.363.0257

clay@workbenchbuilt.com



STATE HOUSING LAW INFORMATION

3500 Paul Sweet - Application # 241360 | 3500 Paul Sweet Rd, Santa Cruz, CA 95065

STATEMENT OF APPLICATION

This is an application for a housing development permit, as defined in Gov. Code § 65905.5(b)(3), and the application must be reviewed pursuant to the Permit Streamlining Act (Gov. Code § 65920 et. seq.).

Per Gov. Code § 65943(a), "Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. ... If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter..." in accordance with Gov. Code § 65945, Applicant hereby requests to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances: a general plan (or any element thereof, and including any local coastal program, area plan, community plan, or airport land use compatibility plan), a specific plan, a zoning ordinance, an ordinance affecting building permits or grading permits, or any other ordinance which may affect the Project or the Project site.

TOTAL DENSITY

This is a builder's remedy project that is allowed a maximum base density of 98.9 units in accordance with Gov. Code § 65589.5(h)(11)(C)(i)(I) and Gov. Code § 65589.5(h)(11)(C)(i)(II). This number rounds up to 99 units in accordance with Gov. Code § 66915(d). Pursuant to Gov. Code § 65589.5(f)(6)(C)(ii) and (h)(11)(C), for a builder's remedy project the "base density" used to calculate a density bonus may be lower than, but not exceed, the greatest of the densities allowed by 65589.5(h)(11)(C). The project proposes 79 units of base density.

State Density Bonus Law allows up to 50 bonus units if the Project maxes out the "first" density bonus, plus up to 50 bonus units if the Project maxes out the "second" density bonus.

State ADU law allows up to 2 units of "lot-based" ADUs (2 ADUs per legal parcel with a proposed multifamily structure) per Gov. Code § 66321(a)(4)(A)(ii).

The Project proposes 79 Base Units, 26 Bonus Units from the first density bonus, and 0 ADUs (not including ADUs that may be added after entitlement).

The maximum number of units allowed is 201, and the total number of units proposed by the Project is 105.

	First		Second		ADUs	Total
	Base Density	Density Bonus	Density Bonus	ADUs		
Allowed Units	99 Units	50 Units	50 Units	2 Units	2 Units	201 Units
Proposed Units	79 Units	26 Units	Not Used	0 Units	0 Units	105 Units

BASE DENSITY

Builder's Remedy Density – Base Units Allowed

The Project site has a total area of 25,471 sq ft (0.585 acres), per Survey, and a maximum base density, without builder's remedy, of 44.69 dwelling units per acre. The maximum base density is a blend of densities across land areas with different zoning and/or general plan designations. The maximum base density, without builder's remedy, is 26.1 units. This number rounds up to 27 units in accordance with Gov. Code § 65915(d).

This is a builder's remedy project that is allowed a maximum base density of 98.9 units in accordance with Gov. Code § 65589.5(h)(11)(C)(i)(I) and Gov. Code § 65589.5(h)(11)(C)(i)(II). This number rounds up to 99 units in accordance with Gov. Code § 66915(d). Pursuant to Gov. Code § 65589.5(f)(6)(C)(ii) and (h)(11)(C), for a builder's remedy project the "base density" used to calculate a density bonus may be lower than, but not exceed, the greatest of the densities allowed by 65589.5(h)(11)(C). The project proposes 79 units of base density.

Lot	General Plan	Specific Plan	Zoning	Max DUA	Gross Lot Area	Source of Area	Unit Density
1	C-O		PA	45.00 DUA	24,947.00 Sq Ft	Survey	25.8 Units
2	R-UH		RM-2.5	30.00 DUA	524.00 Sq Ft	Survey	0.4 Units
3				0.00 DUA	0.00 Sq Ft	Survey	0.0 Units
Density Allowed by Gen. Plan, Spec. Plan, or Zoning				44.69 DUA	25,471.00 Sq Ft	0.585 Acres	26.1 Units

BONUS DENSITY

The Project seeks a density bonus in accordance with Gov. Code § 65915(d)(1)(B) by providing 6 VLU units (or lower), which is 7.59% of the 79 "total units" as defined in Gov. Code § 65915(o)(9). Because this is a builder's remedy project providing EU units in accordance with Gov. Code § 65589.5(h)(3)(C)(i)(I), Gov. Code § 65589.5(f)(6)(C)(iv) requires that the Project "... shall be eligible for the same density bonus, incentives or concessions, and waivers or reductions of development standards as provided to a housing development project that dedicates three percentage points more units to very low income households ...". The percentage VLU is thus adjusted to 10.59%, which rounds down to 10%. The Project therefore qualifies for a 32.50% "first" density bonus of 26 units in accordance with Gov. Code § 65915(f)(2).

The Project is not applying for the "second" density bonus available pursuant to Gov. Code § 65915(f).

The Project qualifies for 26 bonus units, and proposes 26 bonus units.

BONUS UNITS ALLOWED (CALCULATED ON BUILDER'S REMEDY BASE UNITS PROPOSED)

	Base Units	Affordable Units	% Affordable	% Bonus	Bonus Units
First Density Bonus	79 Units	6 VLU units	10% VLU units*	32.50%	26 Units
Second Density Bonus	79 Units	Not Used	Not Used	Not Used	Not Used
Bonus Density Allowed				32.50%	26 Units

* This is a builder's remedy project and adds 3 percentage points to the % VLU units. Ref: Gov. Code § 65589.5(f)(6)(C)(iv).

LOT-BASED ADUs

In accordance with Gov. Code § 66321(a)(4)(ii), State law requires that a local agency approve "[o]n a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units." The Project consists of 1 legal lot(s) on which a multifamily dwelling is proposed. Thus, the Project is allowed 2 such "lot-based" ADUs. However, no lot-based ADUs are proposed with this application.

EXISTING RESIDENTIAL UNITS & REPLACEMENT UNITS

The Project Site contains 1 existing residential unit on an existing assessor parcel: APN 022-481-21 contains one (1) one-bedroom, one-bath house, and no other residential units. The house has been rented to persons of unknown income category. This unit is subject to the replacement requirements of Gov. Code § 65915(c)(3), and a one-bedroom, one-bath unit in the new building will be deed restricted to VLU rents (or deeper affordability) and serve as the replacement unit for the existing house.

CONCESSIONS / INCENTIVES

Because this is a builder's remedy project providing EU units in accordance with Gov. Code § 65589.5(h)(3)(C)(i)(I), Gov. Code § 65589.5(f)(6)(C)(iv) requires that the Project "... shall be eligible for the same ... incentives or concessions ... as provided to a housing development project that dedicates three percentage points more units to very low income households ...". The percentage VLU is thus adjusted to 10.59%, which rounds down to 10%. Because the project includes 10% of total units (excluding density bonus units) provided at VLU or deeper affordability, the Project qualifies for 2 concessions / incentives in accordance with Gov. Code § 65915(d)(2)(A).

The Project qualifies for an additional 2 concessions / incentives in accordance with Gov. Code § 65589.5(f)(6)(C)(ii), because the Project is a builder's remedy project. The Project qualifies for a total of 4 concessions / incentives.

The following concessions / incentives are proposed with this application. Concessions / Incentives may be changed, added, or removed prior to final project approval.

CONCESSIONS / INCENTIVES – 4 AVAILABLE. 4 Used.

1 **Expedite Appeal Process** – In the event of any appeal of the Project or any of its approvals, the County shall hold a hearing to consider the appeal(s) before the Board of Supervisors within 15 calendar days after the expiration of the appeal period prescribed by Santa Cruz County Code. County shall not grant or allow any extension of the appeal period, except that upon request of the Applicant, County shall grant an extension specified by the Applicant not to exceed 75 calendar days beyond the 15 calendar day deadline to conduct the Board of Supervisors hearing. The Board of Supervisors shall not refer the appeal(s) to any subordinate decision-making body before deciding whether to approve or deny the appeal. County shall do all things necessary to effectuate this concession, including making timely public notices to allow for the expedited appeal before the Board of Supervisors. If any element of this concession is contrary to state law, the County shall expedite its decision on the appeal as nearly consistent with this concession as is allowed by state law. This concession/incentive is requested pursuant to Gov. Code §§ 65915(d) and 65915(k)(3). This concession will result in identifiable and actual cost reductions to provide for affordable housing costs. Appeals and their associated delays to final project approval impose substantial costs in the form of land carrying costs, fees to consultants, increases in construction costs due to inflation, etc.

2 **Priority Processing** – Applicant requests that upon making the determination that this development permit application is complete, the project will be immediately assigned to staff for processing in advance of all nonpriority applications (i.e., any development permit application that has not requested an incentive or concession for priority processing) including scheduling for environmental review (if required) and subsequent scheduling for public hearing and final action by the decision-making body or bodies. This concession/incentive is requested pursuant to Gov. Code §§ 65915(d) and 65915(k)(3). This concession will result in identifiable and actual cost reductions to provide for affordable housing costs. Accelerating final project approval saves substantial costs in the form of land carrying costs, increases in construction costs due to inflation, etc.

3 **Reduce the parking required by Santa Cruz County Code to 68 spaces.** The parking required for the project by Santa Cruz County Code and the State Density Bonus Law, subdivision (p), shall be reduced to 68 spaces or a lesser number of spaces if there is no feasible means of providing 68 spaces within the surface area of the proposed parking field while meeting state and federal law. The project owner intends to provide parking as indicated in the project plans, and to provide ADA and EV parking spaces as required by State and Federal Law. However, the development permit approval for this Project shall not require the project to provide more parking spaces than can be feasibly located within the bounds of the proposed parking field area, while complying with state and federal law. The project qualifies for parking reductions in accordance with the State Density Bonus Law. Applicant chooses to request this concession in addition to other parking reductions and SDBL waivers. This concession/incentive will result in identifiable and actual cost reductions to provide for affordable housing costs. This concession/incentive is requested pursuant to Gov. Code Sections 65915(d) and 65915(k)(3). The cost of constructing parking spaces is a major component of a project's cost. If laws change such that providing the 68 pro-proposed parking spaces requires a larger parking field, then the provision of a lesser number of parking spaces would result in identifiable and actual cost savings.

4 See at bottom right.

WAIVERS / REDUCTIONS OF DEVELOPMENT STANDARDS

In accordance with Gov. Code 65915(e)(1), "in no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit ... a proposal for the waiver or reduction of development standards ..."

The court in *Wallmer v. City of Berkeley* found (emphasis added) "standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period."

The court in *Bankers Hill 150 v. City of San Diego* found (emphasis added) "unless one of the statutory exceptions applies, so long as a proposed housing development project meets the criteria of the Density Bonus Law by including the necessary affordable units, a city may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes "amenities" beyond the bare minimum of building components."

It is mandatory for a jurisdiction to not apply development standards that would preclude a density bonus project as designed and proposed. A jurisdiction may not require the project to be redesigned to conform to any development standard that conflicts with the project's design. It is optional for an applicant to request a waiver.

The SDBL does not permit a jurisdiction to require any documentation for a waiver. However, to assist the jurisdiction in complying with the SDBL prohibition on applying development standards that would physically preclude the Project as designed and proposed, the Applicant has identified the following development standards which, if applied, would physically preclude the Project, and hereby proposes that the Jurisdiction waive or reduce ALL conflicting development standards.

- 1 Floor Area Ratio (FAR)
- 2 Building Height
- 3 Setbacks
- 4 Parking
- 5 Usable Open Space
- 6 SCCC 13.11.075(A)(2)(a) requiring incorporation of mature trees. No on-site trees will be retained.

The following OVERARCHING Objective County of Santa Cruz Design Guidelines

- A4 On-Site Parking
- A5 Setbacks
- B1 Upper floor stepbacks
- D3 Parking and Access
- D8 Bike Parking
- F1 Stepped Massing
- G4 Tree Placement
- I4 Utility Screening
- A1 Building Placement - Neighborhoods
- A3 Building Orientation
- B1 Building Mass
- B5 Building Step-Backs
- C1 Private Open Space
- C2 Common Open Space

REFERENCES TO CODE SECTIONS ARE EXAMPLES AND FOR THE CONVENIENCE OF THE JURISDICTION. WAIVERS ARE REQUESTED FOR ALL DEVELOPMENT STANDARDS THAT HAVE THE EFFECT OF PHYSICALLY PRECLUDING CONSTRUCTION OF THE PROJECT AS DESIGNED AND PROPOSED.

BELOW-MARKET-RATE HOUSING INFORMATION

LOCAL INCLUSIONARY HOUSING ORDINANCE

This Jurisdiction does not require inclusionary housing for the Project and/or Site.

SUMMARY OF BELOW-MARKET-RATE UNITS REQUIRED

The housing laws invoked by the Project, and the number of below-market-rate units required to satisfy each law, are shown in the below table. A unit designated to satisfy an inclusionary zoning requirement is included in the "total units" as defined in the SDBL, and if that unit also meets the requirements for an SDBL targeted unit, it counts as both an inclusionary unit and a targeted unit. (Gov. Code § 65915(o)(9)(A)(ii)) The definition of lower-income households includes very low income households and extremely low income households (Health and Safety Code § 50079.5), and the definition of very low income households includes extremely low income households (Health and Safety Code § 50105). Therefore VLU and EU units satisfy LI requirements; and EU units satisfy VLU requirements. The "Units Required" is the minimum number of units that will satisfy all of the laws in the table.

A concession/incentive can be used to modify a requirement of an inclusionary housing ordinance. This table represents the required inclusionary units (if any) without applying any concession/incentive on the inclusionary requirement.

Affordability Level	Below-Market-Rate Units Required for Each Housing Law				
	All Housing Laws Below-Market Units Required	State Density Bonus Law (SDBL)	Inclusionary Housing Not Required	HAA Housing for mixed-income households 7% EU	Not Used
Section 8	0 Units	0 Units	0 Units	0 Units	0 Units
MI units	0 Units	0 Units	0 Units	0 Units	0 Units
LI units	0 Units	0 Units	0 Units	0 Units	0 Units
VLU units	0 Units	6 Units	0 Units	0 Units	0 Units
EU units	6 Units	0 Units	0 Units	6 Units	0 Units
All units	0 Units	0 Units	0 Units	0 Units	0 Units
Total Required	6 Units	6 Units	0 Units	6 Units	0 Units

SUMMARY OF BELOW-MARKET-RATE UNITS PROVIDED

The table below shows the "Units Provided to Satisfy All Housing Laws" at each affordability level. (These are the units proposed for the approval of the housing development permit; the project may provide additional affordability to satisfy financing or other requirements.)

The units provided meet or exceed the number of units required to satisfy all housing laws (as shown in the table above), considering any concession/incentive (shown at left) that modifies an inclusionary housing ordinance.

- The two columns headed "Percentage of Total Units" show the units provided as a percentage of the "total units" as defined by Gov. Code 65915(o)(8) (i.e., the units in the project, including ADUs, but not including density bonus units).
- The two columns headed "Percentage of All Units" show the units provided as a percentage of all of the units included in this housing development permit application, including density bonus units.
- The "Below-Market" columns show the percentage of units that are reserved for the specified affordability level.
- The "Lower-income" columns show the percentage of units that are Low Income or a deeper level of affordability.

This data table is provided because different housing laws require calculation of percentages based on "total units" or "all units" and based on different affordability levels.

Affordability Level	Below-Market-Rate Units Provided to Satisfy All Housing Laws			
	Below-Market Units Provided	Percentage of Total Units	Percentage of All Units	Lower-Income
Section 8	0 Units	0.00%	0.00%	
MI units	0 Units	0.00%	0.00%	
LI units	0 Units	0.00%	0.00%	0.00%
VLU units	0 Units	0.00%	0.00%	0.00%
EU units	6 Units	7.59%	5.71%	5.71%
All units	0 Units	0.00%	0.00%	0.00%
Total Proposed	6 Units	7.59%	5.71%	5.71%

CONTINUED AFFORDABILITY OF AFFORDABLE UNITS FOR STATE DENSITY BONUS LAW

Applicant agrees to comply with all applicable provisions of Gov. Code § 65915(b) and (c), including the affordable rents and/or sale prices of units in the development.

In accordance with Gov. Code § 65915(c)(1)(A), applicant agrees to the continued affordability of all very low and low-income rental units that qualified the Project for the award of the density bonus for 55 years; or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

UNITS TO BE DESIGNATED AS AFFORDABLE UNITS FOR STATE DENSITY BONUS LAW

The units within the development project that will be deed-restricted in accordance with Gov. Code § 65915(b) and (c) will be determined in accordance with all applicable State laws, and will be specified in the recorded affordable housing covenant. The Project plans do not identify the "targeted units" (i.e., the units deed-restricted as affordable units that qualify the Project for the benefits of the State Density Bonus Law (SDBL)).

The SDBL does not require, and the local Jurisdiction may not require, the applicant to designate which specific units will be the targeted units. The SDBL does not require "dispersal" or "comparability" of the targeted units, and allows a development to "float" a deed restriction among units, such that the deed restricted units may change throughout the 55-year deed restriction.

However, local inclusionary housing requirements may require that specific units be designated as the inclusionary units, in which case such inclusionary units will be designated as required by the local Jurisdiction, unless a concession or incentive is used to modify such inclusionary housing requirement.

Concession / Incentive #4

Reduce the ratio of tree replacement requirements to 0:1. The Project shall not be required to comply with Santa Cruz County General Plan Policy ARC-3.1.6 and Santa Cruz County Code Sections 16.32.090 (B)(1), and shall not be required to provide replacement plantings, nor pay into a County in-lieu fee program, nor provide offsite habitat preservation. No Habitat Mitigation Plan shall be required. The Project is exempt from CEQA; the Project site does not contain sensitive CEQA habitat, and no CEQA mitigations are required for the less-than-significant impacts to an oak grove that extends onto the fringe of the Project site. This concession/incentive will result in identifiable and actual cost reductions (for tree replacement, in-lieu fees, or offsite habitat preservation) to provide for affordable housing costs. This concession/incentive is requested pursuant to Gov. Code Sections 65915(d) and 65915(k)(1) and (3).

SB 330 PRELIMINARY APPLICATION

Applicant provided an "SB 330 preliminary application" including all of the information required for a preliminary application in accordance with Gov. Code § 65941.1. Having provided this preliminary application containing all of the required information, the preliminary application is deemed complete pursuant to Gov. Code § 65941.1(a).

The number of residential units (as per Gov. Code § 65589.5(o)(2)(E), "... exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, including any other locally authorized program that offers additional density or other development bonuses when affordable housing is provided.") in the preliminary application was 27 units. That number in this application is 79 units, which is a change of 192.6%.

Because this is a builder's remedy project with an SB 330 preliminary application effective prior to January 1, 2025, in accordance with Gov. Code § 66915(f)(7)(B), the 20 percent limitation on SB 330 preliminary applications does not apply.

The effective date of the preliminary application was 04/09/2024 and the project has met the SB 330 deadline of 10/06/2024 for submitting the final planning application.

HOUSING ACCOUNTABILITY ACT AND BUILDER'S REMEDY

The Project provides 7.59% of total units as defined in Gov. Code § 65915(o)(8)(A) for extremely low income households (or deeper affordability), and thus qualifies under Gov. Code § 65589.5(d) and (h)(3)(C)(i)(I) (i.e., HAA housing for mixed-income households 7% EU) as a housing development project for very low, low-, or moderate-income households, and the "... local agency shall not disapprove the housing development project ... or condition approval in a manner that renders the housing development project ... infeasible ... " except in accordance with subdivision (f) of the Housing Accountability Act.

In accordance with Gov. Code § 65589.5(d)(6), (f)(6), and (h)(11) the Project is proposed as a "builder's remedy" project.

MINISTERIAL PROCESSING

The Project does not qualify for ministerial processing.

STATE DENSITY BONUS LAW ELIGIBILITY

The Project meets or exceeds the minimum eligibility qualifications to use the State Density Bonus Law (SDBL) in accordance with Gov. Code § 65915(b)(1)(B) by providing 6 very low income (or deeper affordability) units, which is 7.6% of total units, as defined in § 65915(o)(9).

PARKING REQUIRED

The Project requires a Concession to reduce parking requirements to 68 spaces. See under Concessions.

The Parking Required and Parking Proposed for the Project is calculated and indicated under PARKING REQUIRED on Sheet GPO.02. The Parking Provided covers the intent of the Applicant to provide 68 parking spaces and to provide the EV and ADA parking spaces required by State and Federal law.



189 WALNUT AVENUE
SANTA CRUZ, CA 95060
WORKBENCHBUILD.COM
P: 831.227.2217

3500 PAUL SWEET ROAD
3500 PAUL SWEET ROAD
SANTA CRUZ, CA 95065



ISSUES/ REVISIONS

Issue	DESCRIPTION	DATE
0	DRG SUBMITTAL	01.20.24
1	SB330	03.19.24
2	SB330- 6 STORY	04.18.24
3	PLANNING SUBMITTAL	06.06.24
4	PLANNING SUBMITTAL	09.16.24
6	PLANNING REVISION	03.04.25
7	PLANNING REVISION	05-15-25

APN	025-013-37
Project number	22140
Print Date	05.15.2025
Drawn by	LB
Checked by	EB
Scale	NTS

All drawings and written material appearing herein constitute original and unpublished work of Workbench, Inc. and may not be duplicated, used or disclosed without written consent of the Workbench, Inc.

STATE HOUSING LAW & PROJECT INFO

GPO.01



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

SB 330 PRELIMINARY APPLICATION

This form serves as the Preliminary Application for projects seeking vesting rights pursuant to Senate Bill 330, the Housing Crisis Act of 2019 (amended via SB 8 in 2021). Applicants for eligible housing development projects shall be deemed to have submitted a Preliminary Application upon provision of all the information listed in this form and payment of the permit processing fee.

After submitting this Preliminary Application, an applicant has 180 days to submit a full discretionary application or the Preliminary Application will expire. Please refer to the [SB 330 Guide](#) to learn more about this state law and the SB 330 Preliminary Application process.

PROJECT INFORMATION

Site Address: 3500 Paul Sweet Rd, 95065 APN(s): 02501337 and Portion of 10206110

PRIMARY CONTACT INFORMATION

Name: Clay Toombs Contact Type: Applicant

Address: Workbench, 189 Walnut Ave, Santa Cruz CA 95060

Email: clay@workbenchbuilt.com Phone: 831.227.2217 ext. 310

PLEASE PROVIDE ALL INFORMATION REQUIRED BELOW. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED AND VESTING DATE WILL BE DELAYED.

This form serves as a **notice of intent** to submit the SB 35 Streamlined Multifamily Review Process Application. (*Only applies to projects pursuing SB 35 streamlining.*)

I hereby certify that my SB 330 Preliminary Application is complete pursuant to Gov. Code [§65941.1](#) and includes the following items:

Required Attachments

\$1,000 deposit for application processing fee

Owner Name: Sweet Developments LLC

Signature: Timothy Gordin Timothy Gordin
B33FFD02BA034A6...
Managing Director 3/19/2024

Applicant Name: Clay Toombs

Signature: Clay Toombs Date
3/19/2024

AGENCY USE ONLY

<p>Submittal Date Stamp*:</p>	<p>Note to Staff:</p> <p>° Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as penalties may apply for imposing incorrect standards.</p> <p>° If this form serves as a notice of intent to submit the SB 35 Application, please notify the Planning Department Policy Division to begin the tribal consultation process.</p> <p>*Submittal of all information listed and payment of permit processing fee freezes development standards and fees as of this date, unless exceptions per Gov. Code §65889.5(o) are triggered.</p>
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SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address 3500 Paul Sweet Rd, 95065 Unit/Space Number _____

Legal Description (Lot, Block, Tract) _____ Attached? YES NO

See attached legal description.

Assessor Parcel Number(s) 02501337 and Portion of 10206110

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

Single family dwelling unit built 1950 with an area of 737 sq ft (per assessor) and associated accessory buildings, all to be demolished as part of the project. An Historical Evaluation report dated January 16, 2024 determined that "The subject property is not eligible for the Santa Cruz County Historic Resources Inventory because it does not meet County preservation criteria and the subject buildings have lost historic integrity."

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES NO

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

A mixed-use multifamily building with 55 dwelling units and 10,501 sq ft of commercial space. Total area of 75,258 sq ft.

a. RESIDENTIAL DWELLING UNIT COUNT:

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	43 units (excluding manager's unit)
Managers Unit(s) – Market Rate	1 Units
Extremely Low Income	0 Units
Very Low Income	0 Units
Low Income	7 Units
Moderate Income	4 Units
Total No. of Units	55 Units
Total No. of Affordable Units	11 Units
Total No. of Density Bonus Units	28 Units

Other notes on units:

The Project site has a total area of 25,471 sq ft (0.585 acres), per Survey, and a maximum base density of 44.69 dwelling units per acre. The maximum base density is a blend of densities across parcels with different zoning. The total number of units allowed for the Project is 27 base units, plus 14 bonus units from the "first" density bonus, plus 14 bonus units from the "second" density bonus, for a total of 55 base + bonus units. The Project proposes a total of 55 units. The Project provides 7 LI Units, and 4 MI Units, which meets or exceeds the requirements for the density bonus(es). Note on affordable units: Applicant has requested technical assistance from HCD on an interpretation of Govt Code § 65583.2(h) that may result in providing 11 LI units.

6. FLOOR AREA - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area (Zoning)	FAR 1.5 x 25,471 SF = 38,206 SF	same	38,206 SF
Square Footage of Construction	64,757 SF	10,501 SF	75,258 SF

7. PARKING - The proposed number of parking spaces:

78 parking spaces.

8. AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES NO

If "YES," please describe:

The project qualifies for 3 concessions or incentives in accordance with Govt Code § 65915(d) (2), by providing 7 units restricted to LI or Lower income, which is 25.93% of base density, rounded up to 26%. The project also qualifies for unlimited waivers in accordance with Govt Code § 65915(e). The project is requesting a density bonus, and is eligible for parking reductions in accordance with Govt Code § 65915(p).

The project seeks waivers for: Building Height, Floor Area Ratio, Setbacks, and Private Open Space. The project seeks concessions for Impact Fees to be Paid at Final CofO, and Residential Square Footage Exceeding 80% of Building Area. Waiver and concession requests may change during the entitlement process.

9. SUBDIVISION – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES NO

If “YES,” please describe:

10. POLLUTANTS – Are there any proposed point sources of air or water pollutants?

YES NO

If “YES,” please describe:

11. EXISTING SITE CONDITIONS – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing	0	1	1
To Be Demolished	0	1	1

12. ADDITIONAL SITE CONDITIONS –

a. Whether a portion of the property is located within any of the following:

- i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES NO

- ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES NO

- iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES NO

- iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES NO

v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES NO

vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES NO

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources?

YES NO

If "YES," please describe:

c. Does the project site contain any species of special concern?

YES NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES NO

If "YES," please describe:

- e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES NO

If "YES," please describe and depict in attached site map:

13. COASTAL ZONE - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

- a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES NO

- b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES NO

- c. A tsunami run-up zone.

YES NO

- d. Use of the site for public access to or along the coast.

YES NO

14. PROJECT TEAM INFORMATION - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name Clay Toombs

Company/Firm Workbench

Address 189 Walnut Ave Unit/Space Number _____

City Santa Cruz State CA Zip Code 95060

Telephone 831.227.2217 ext. 310 Email clay@workbenchbuilt.com

Are you in escrow to purchase the property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) Sweet Developments LLC

Address 189 Walnut Ave Unit/Space Number _____

City Santa Cruz State CA Zip Code 95060

Telephone 831.227.2217 Email tim@workbenchbuilt.com

Optional: Agent/Representative Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Other (Specify Architect, Engineer, CEQA Consultant, etc.) _____

Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Primary Contact for Project: Owner Applicant Agent/Representative Other


PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in Santa Cruz County, which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by Santa Cruz County for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with Santa Cruz County within 180 days of the date that the Preliminary Application is submitted.
4. By my signature below, I certify that the foregoing statements are true and correct.

Printed Name: Timothy Gordin

Signature:  3/19/2024

Printed Name: _____

Signature: _____

DocuSigned by
B33FFD02BA034A6...
 Timothy Gordin
 Managing Director, Sweet Developments LLC
 Date

Santa Cruz County Property Report



Parcel Number: 025-013-37

Site Address: 3500 PAUL SWEET RD; SANTA CRUZ, CA
Use Code: 023-NON-CONFORMING RES

Tax Area: 96-103
HOE Exemption:

Parcel Size: 0.5210 Acres
22694.7600 Square Feet

REPRESENTATION AREAS

Supervisorial District I; Incorporated Area: n/a; Incorporated Sphere of Influence: City of Santa Cruz Sphere of Influence

Voter Precinct: 10130; CA State Assembly District 30; State Senate: SENATE-17; US Congress District 19

LAND USE & GENERAL PLAN

Zoning Code: PA	General Plan Futures: n/a
Within 200' of CA Zoning or Ag Resource: No	General Plan Pub. Facilities: n/a
Adjacent to TP Zoning: No	General Plan Pub. Fac. Desc.: n/a
General Plan Designation: C-O	General Plan Parks: n/a
General Plan Designation Desc.: Office	Existing Parks: n/a
General Plan Special Communities: n/a	No Shoot Area: 8.28.030(B)
General Plan Spec. Com. Desc: n/a	Code Compliance Area: CCA-MID COUNTY
General Plan Boundary: LIVE OAK	Planner Team Area: MID COUNTY-PLANNING TEAM
General Plan Scenic Areas: n/a	Env. Planner Team: North Coast & Live Oak
Within Rural Services Area: No	Special Design Review: n/a
Within Urban Services Area: Yes	Building Inspection Area: BLDINS-AREA3
Archaeological Resources: No	400' Index Grid: 092-400GRID; 093-400GRID
Airport Clear Zone: n/a	USGS Grid: SOQUEL-USGS
Agricultural Resources: n/a	Airport Influence Area:
Coastal Zone: No	
Coastal Zone Residential Exclusion: n/a	
Coastal Zone Appeal Jurisdiction: No	

13

DISCLAIMER: The maps and tabular data used on this web site have been compiled from many different sources. The accuracy of the individual map layers varies significantly, and some layers do not align exactly with others. In the urban areas, the parcel maps are generally accurate within five to ten feet of their true geographic coordinates, but in the rural areas, the maps may be accurate to only within three hundred feet. Due to the limitations of the mapped information, field studies and information from site inspections may be used to supplement or replace mapped information. With these limitations, the County of Santa Cruz disclaims any responsibility for the accuracy or correctness of the maps and data. This disclaimer is exclusive and in lieu of any warranties, fitness for particular purpose, and/or any other type of warranty, whether expressed or implied. The maps and data available at this site reflect mapped land use information as provided by the Santa Cruz County Planning Department. You are advised to contact the Santa Cruz County Planning Department (Zoning Counter at 454-2130, afternoons only) for further explanation of the land use regulations for a particular designation.

Parcel Number: 025-013-37Site Address: 3500 PAUL SWEET RD; SANTA CRUZ, CA
Use Code: 023-NON-CONFORMING RESTax Area: 96-103
HOE Exemption:Parcel Size: 0.5210 Acres
22694.7600 Square Feet**BIOTIC & WATER RESOURCES****HAZARDS & GEOPHYSICAL**

Timber Resources: No		Fault Zone: n/a	12.a.v.
Grasslands: No		DFIRM Panel No: 06087C0351E	
Riparian Woodlands: No		Floodway: n/a	12.a.iv.
Biotic Resources: No	12.c.	Flood Zone: n/a	12.a.iv.
Special Forest: No		State Response Area: LRA	
Sandhill Habitat: n/a	12.c.	High Fire Hazard Area: n/a	12.a.i.
Sanddhills IPHCP: n/a	12.c.	Fire Service Area: Central FPD	
Fishery Resource: n/a		Fire Hazard Area: No	12.a.i.
Groundwater Recharge: No		Expansive Soil: Yes	
Basin: Soquel		Soil Permeability: Low to Very Low Permeability	
Watershed: Rodeo		Geologic/Paleontologic: No	
Reservoir Protection: No		Mineral Resources: No	
Water Supply Watershed: No	12.a.ii.	Mineral Class: MRZ-4	
Lease Disturbed Watershed: No	12.a.ii.	Mineral Designation: n/a	
Stream Name: n/a	12.a.ii. 12.a.vi. 12.d.		
Stream Type: n/a	12.a.ii. 12.a.vi. 12.d.		
Lake Name: n/a	12.a.ii.		
Evapo-trans: 39			

DISCLAIMER: The maps and tabular data used on this web site have been compiled from many different sources. The accuracy of the individual map layers varies significantly, and some layers do not align exactly with others. In the urban areas, the parcel maps are generally accurate within five to ten feet of their true geographic coordinates, but in the rural areas, the maps may be accurate to only within three hundred feet. Due to the limitations of the mapped information, field studies and information from site inspections may be used to supplement or replace mapped information. With these limitations, the County of Santa Cruz disclaims any responsibility for the accuracy or correctness of the maps and data. This disclaimer is exclusive and in lieu of any warranties, fitness for particular purpose, and/or any other type of warranty, whether expressed or implied. The maps and data available at this site reflect mapped land use information as provided by the Santa Cruz County Planning Department. You are advised to contact the Santa Cruz County Planning Department (Zoning Counter at 454-2130, afternoons only) for further explanation of the land use regulations for a particular designation.

SCHOOL DISTRICTS & CSA'S	SPECIAL DISTRICTS
High School District: Santa Cruz High School District	Fire District: Central FPD
Board of Ed. Trustees: Board of Education Trustee Area 4	Fire District SOI: Central FPD SOI
San Lorenzo Trustees: n/a	Water District: n/a
Pajaro Valley Trustees: n/a	Water District SOI: n/a
School district: Soquel Union	Pajaro Valley WMA: n/a
Cabrillo College Trustees: Cabrillo College Trustee Area 3	Sanitation District: Santa Cruz Sanitation District
Santa Cruz City Trustees: Santa Cruz City Schools	Sanitation District SOI: CSA 12 Septic Maintenance;
Sanitation Repay Area: n/a	Flood Control District: Flood Control Zone 5
Road District: MID	Recreation District: CSA 11 Parks and Recreation
Refuse Area: Waste Management, Inc.	Pajaro Valley Cemetary Dist.: n/a
Zones of Benefit: CSA 11 Parks and Recreation	Pajaro Valley Cem. Dist. SOI: n/a
County Service Area 9A: CSA-9A	Port District: Santa Cruz Port District
County Service Area 9B: n/a	Resource Conservation Dist.: Resource Conservation District
County Service Area 9C: CSA-9C	Mid-pen Open Sp. District: n/a
County Service Area 9D: Zone 2	Water Service Area: Santa Cruz
Road Maintenance CSA: n/a	
Road Maintenance CSA SOI: n/a	

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DISCLAIMER: The maps and tabular data used on this web site have been compiled from many different sources. The accuracy of the individual map layers varies significantly, and some layers do not align exactly with others. In the urban areas, the parcel maps are generally accurate within five to ten feet of their true geographic coordinates, but in the rural areas, the maps may be accurate to only within three hundred feet. Due to the limitations of the mapped information, field studies and information from site inspections may be used to supplement or replace mapped information. With these limitations, the County of Santa Cruz disclaims any responsibility for the accuracy or correctness of the maps and data. This disclaimer is exclusive and in lieu of any warranties, fitness for particular purpose, and/or any other type of warranty, whether expressed or implied. The maps and data available at this site reflect mapped land use information as provided by the Santa Cruz County Planning Department. You are advised to contact the Santa Cruz County Planning Department (Zoning Counter at 454-2130, afternoons only) for further explanation of the land use regulations for a particular designation.

Santa Cruz County Property Report



Parcel Number: 102-061-10

Site Address: ;

Use Code: 05B-MISC IMPS 1-4.9 ACRE

Tax Area: 96-108

Parcel Size: 2.7640 Acres

HOE Exemption:

120399.8400 Square Feet

REPRESENTATION AREAS

Supervisorial District 1; Incorporated Area: n/a; Incorporated Sphere of Influence: City of Santa Cruz Sphere of Influence

Voter Precinct: 10130; CA State Assembly District 30; State Senate: SENATE-17; US Congress District 19

LAND USE & GENERAL PLAN

Zoning Code: PA; PR; RM-2.5	General Plan Futures: n/a
Within 200' of CA Zoning or Ag Resource: No	General Plan Pub. Facilities: n/a
Adjacent to TP Zoning: No	General Plan Pub. Fac. Desc.: n/a
General Plan Designation: C-O; O-R; R-UH	General Plan Parks: PK-O
General Plan Designation Desc.: Existing Parks &	Existing Parks: n/a
General Plan Special Communities: n/a	No Shoot Area: 8.28.030(B); 8.28.030(F)
General Plan Spec. Com. Desc: n/a	Code Compliance Area: CCA-MID COUNTY
General Plan Boundary: LIVE OAK	Planner Team Area: MID COUNTY-PLANNING TEAM
General Plan Scenic Areas: n/a	Env. Planner Team: South County
Within Rural Services Area: No	Special Design Review: n/a
Within Urban Services Area: Yes-Portion	Building Inspection Area: BLDINS-AREA3
Archaeological Resources: No	400' Index Grid: 092-400GRID; 093-400GRID
Airport Clear Zone: n/a	USGS Grid: SOQUEL-USGS
Agricultural Resources: n/a	Airport Influence Area:
Coastal Zone: No	
Coastal Zone Residential Exclusion: n/a	
Coastal Zone Appeal Jurisdiction: No	

13

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Parcel Number: 102-061-10

Site Address: ;

Use Code: 05B-MISC IMPS 1-4.9 ACRE

Tax Area: 96-108

Parcel Size: 2.7640 Acres

HOE Exemption:

120399.8400 Square Feet

BIOTIC & WATER RESOURCES**HAZARDS & GEOPHYSICAL**

Timber Resources: No		Fault Zone: n/a	12.a.v.
Grasslands: No		DFIRM Panel No: 06087C0351E	
Riparian Woodlands: No		Floodway: n/a	12.a.iv.
Biotic Resources: No	12.c.	Flood Zone: n/a	12.a.iv.
Special Forest: No		State Response Area: LRA; SRA-Moderate	
Sandhill Habitat: n/a	12.c.	High Fire Hazard Area: n/a	12.a.i.
Sanddhills IPHCP: n/a	12.c.	Fire Service Area: Central FPD	
Fishery Resource: n/a		Fire Hazard Area: No	12.a.i.
Groundwater Recharge: No		Expansive Soil: Yes-Portion	
Basin: Soquel		Soil Permeability: Low to Very Low Permeability	
Watershed: Rodeo		Geologic/Paleontologic: No	
Reservoir Protection: No		Mineral Resources: No	
Water Supply Watershed: No	12.a.ii.	Mineral Class: MRZ-4	
Lease Disturbed Watershed: No	12.a.ii.	Mineral Designation: n/a	
Stream Name: n/a	12.a.ii. 12.a.vi. 12.d.		
Stream Type: n/a	12.a.ii. 12.a.vi. 12.d.		
Lake Name: n/a	12.a.ii.		
Evapo-trans: 39			

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SCHOOL DISTRICTS & CSA'S	SPECIAL DISTRICTS
High School District: Santa Cruz High School District	Fire District: Central FPD
Board of Ed. Trustees: Board of Education Trustee Area 4	Fire District SOI: Central FPD SOI
San Lorenzo Trustees: n/a	Water District: n/a
Pajaro Valley Trustees: n/a	Water District SOI: n/a
School district: Soquel Union	Pajaro Valley WMA: n/a
Cabrillo College Trustees: Cabrillo College Trustee Area 3	Sanitation District: Santa Cruz Sanitation District
Santa Cruz City Trustees: Santa Cruz City Schools	Sanitation District SOI: CSA 12 Septic Maintenance;
Sanitation Repay Area: n/a	Flood Control District: Flood Control Zone 5
Road District: MID	Recreation District: CSA 11 Parks and Recreation
Refuse Area: Waste Management, Inc.	Pajaro Valley Cemetary Dist.: n/a
Zones of Benefit: CSA 11 Parks and Recreation	Pajaro Valley Cem. Dist. SOI: n/a
County Service Area 9A: n/a	Port District: Santa Cruz Port District
County Service Area 9B: n/a	Resource Conservation Dist.: Resource Conservation District
County Service Area 9C: CSA-9C	Mid-pen Open Sp. District: n/a
County Service Area 9D: Zone 2	Water Service Area: Santa Cruz
Road Maintenance CSA: n/a	
Road Maintenance CSA SOI: n/a	

Date Exported: 3/15/2024 3:52 PM

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**LEGAL DESCRIPTION OF ADJUSTED PARCEL
(AFTER LOT LINE ADJUSTMENT)**

SWEET DEVELOPMENTS

SITUATE in Section 8, Township 11 South, Range 1 West, Mount Diablo Base and Meridian, County of San Mateo, State of California.

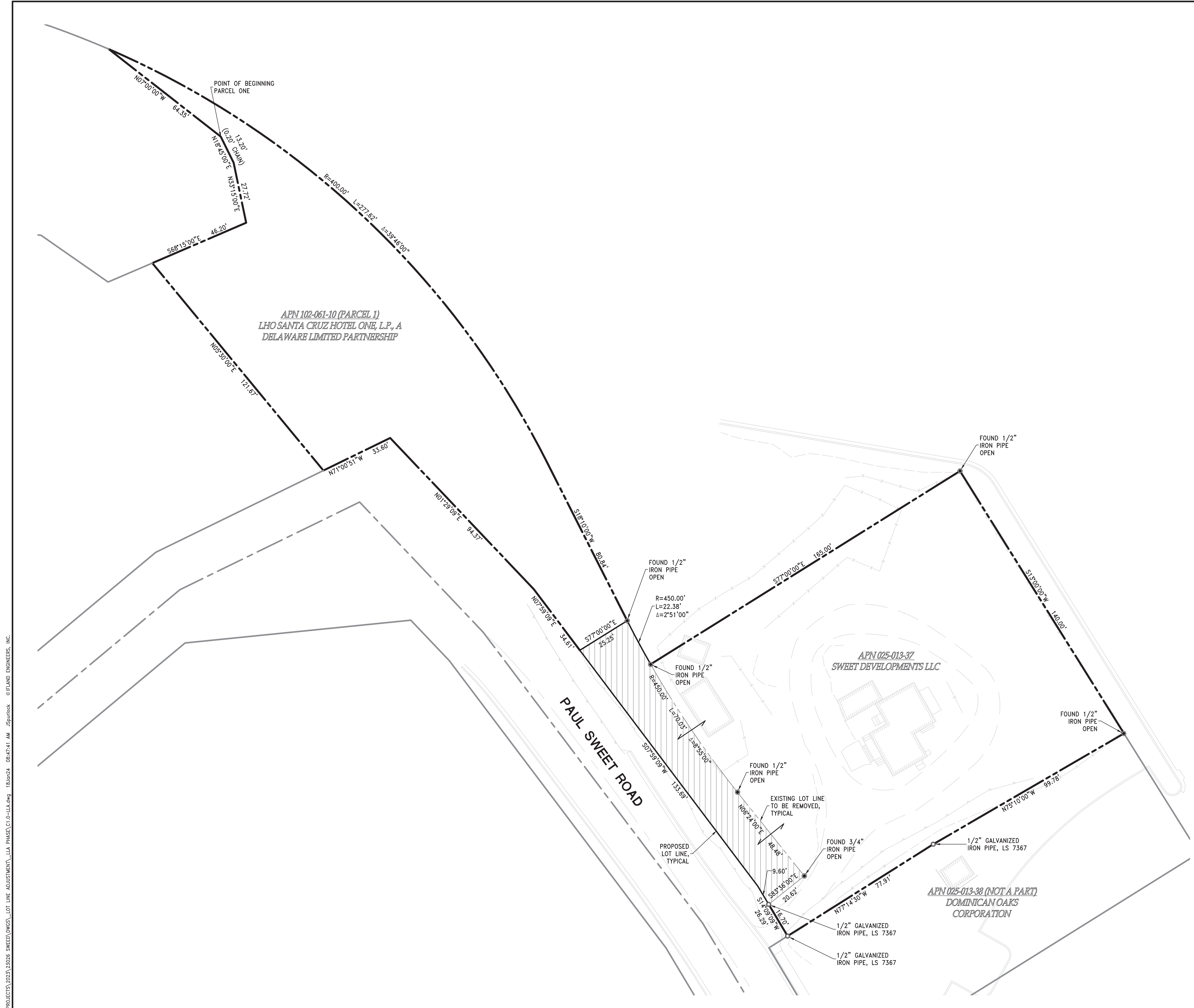
BEGINNING at a 1/2" iron pipe with a plastic tag stamped "LS 7367" marking the Southeast corner that right-of-way of Paul Sweet road, granted to the County of Santa Cruz per Grand Deed Volume 4234 Official Records, Page 10, Official Records of Santa Cruz County, from which a 1/2" iron pipe with a plastic tag stamped "LS 7367" bears South 77°14'30"East, a distance of 77.91 feet; thence North 14°09'09" East, along the Easterly right-of-way of Paul Sweet Road, a distance of 26.29 feet; thence North 07°59'09" East, continuing along said Easterly right-of-way, a distance of 133.69 feet; thence South 77°00'00" East, departing said Easterly right-of-way, a distance of 25.25 feet to an iron pipe; thence Southerly, along a non-tangent curve to the left have a radius of 450.00 feet, from a tangent bearing South 18°10'00" West, through a central angle of 2°51'00", a distance of 22.38 feet to an iron pipe; thence South 77°00'00" East, 165.00 feet to an iron pipe; thence South 13°00' West, 140.00 feet to an iron pipe; thence North 75°10'00" West, 99.78 feet to and iron pipe; thence North 77°14'30" West, 77.91 feet to the **POINT OF BEGINNING**.

Containing 25,471 square feet, more or less

END OF DESCRIPTION.

Prepared by:
GV Land Surveying
Vernon C. Little, PLS

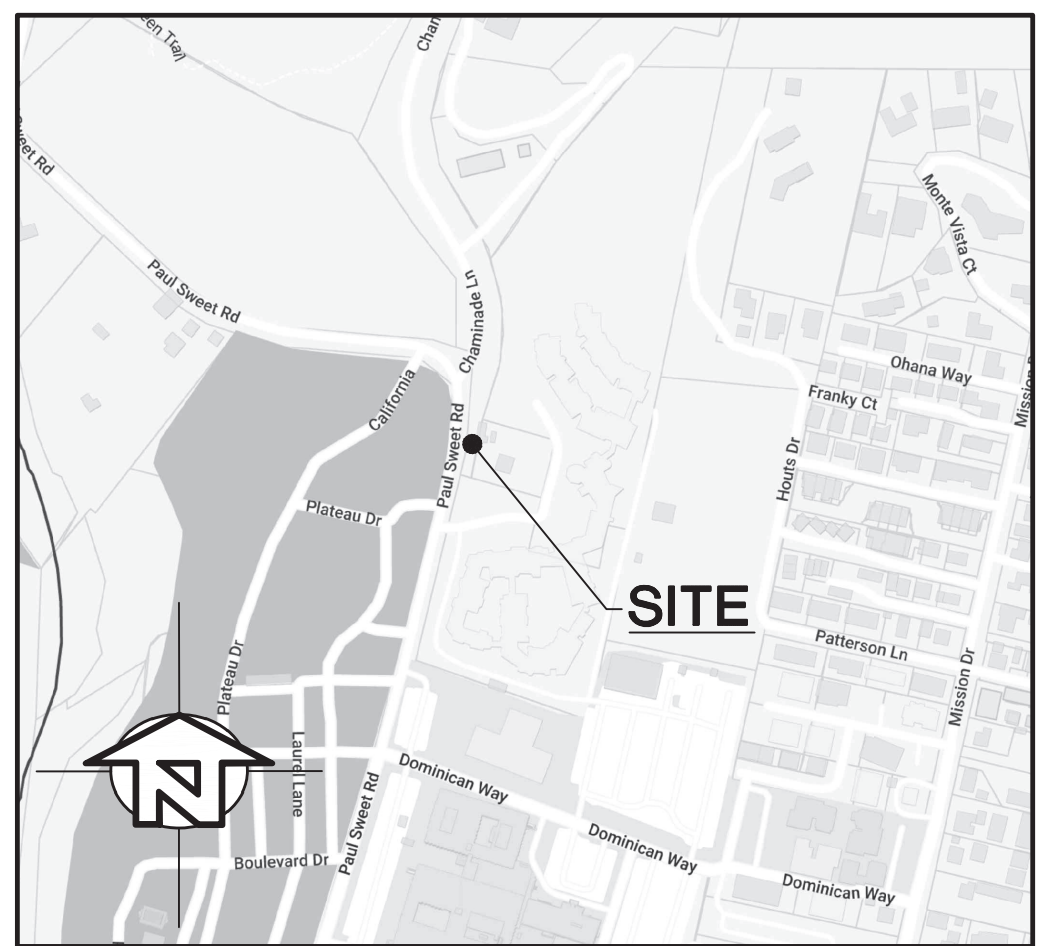




APN 102-061-10 (PARCEL 1)
LHO SANTA CRUZ HOTEL ONE, L.P., A
DELAWARE LIMITED PARTNERSHIP

APN 025-013-37
SWEET DEVELOPMENTS LLC

APN 025-013-38 (NOT A PART)
DOMINICAN OAKS
CORPORATION



VICINITY MAP
N.T.S.

SURVEY

EXISTING BOUNDARY AND TOPOGRAPHIC DATA ON THIS SURVEY WAS OBTAINED FROM IFLAND SURVEY, JOB NO. G18044, DATED JANUARY 14, 2019.

BASIS OF BEARINGS

THE BASIS OR BEARINGS FOR THIS SURVEY IS BETWEEN MONUMENTS FOUND ALONG THE NORTHERLY PROPERTY LINE, AS CALLED OUT IN THAT CERTAIN TRUST TRANSFER DEED, OFFICIAL DOCUMENT NO. 2015-0030192, DATED JULY 24TH, 2015, SANTA CRUZ COUNTY RECORDS.

BASIS OF BEARINGS = S 77°00' E

GENERAL DATA

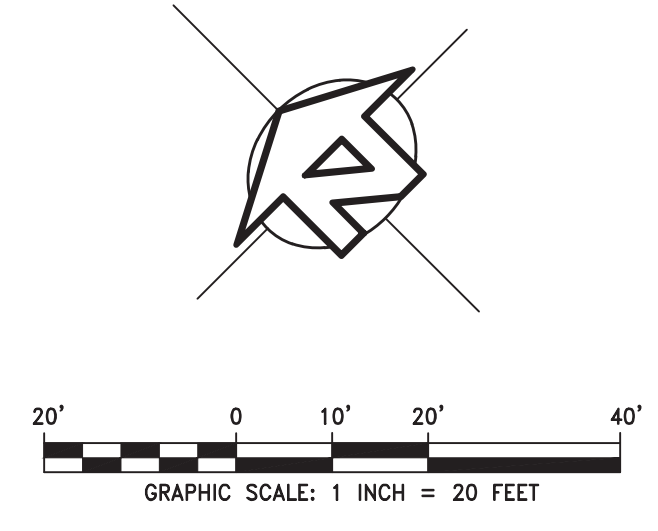
MAP PREPARED BY: IFLAND ENGINEERS
1509 SEABRIGHT AVENUE, SUITE 1B
SANTA CRUZ, CA 95062
(831) 426-5313
CONTACT: JON IFLAND

OWNER:
APN 102-061-10 LHO SANTA CRUZ HOTEL ONE, L.P., A
DELAWARE LIMITED PARTNERSHIP
1 CHAMINADE LANE
SANTA CRUZ, CA 95065
(831) 475-5600

OWNER:
APN 025-013-37 SWEET DEVELOPMENTS LLC
189 WALNUT AVENUE
SANTA CRUZ, CA 95060
(831) 227-2217

PARCEL ADJUSTMENT TABLE

PARCEL	EXISTING	PROPOSED	DIFFERENCE
102-061-10 (PARCEL 1)	19,858 SF	17,054 SF	-2,804 SF
025-013-37	22,666 SF	25,471 SF	+2,804 SF



NOT FOR CONSTRUCTION

1509 SEABRIGHT AVE, SUITE 1B
SANTA CRUZ, CA 95062
TEL (831) 426-5313
FAX (831) 426-1763
www.iflandengineers.com

IFLAND ENGINEERS
CIVIL ENGINEERING ■ LAND PLANNING ■ STRUCTURAL DESIGN

LOT LINE ADJUSTMENT
3500 PAUL SWEET ROAD
SANTA CRUZ, CALIFORNIA

APN 025-013-37	DESIGN	JDS
LOT LINE ADJUSTMENT	DATE	01/18/24
SHEET	1	
JOB NO.	23026	

**LEGAL DESCRIPTION OF LAND TO BE TRANSFERRED FROM
APN 10206110 TO APN 02501337**

3500 PAUL SWEET ROAD – LLA TRANSFER AREA

SITUATE in Section 8, Township 11 South, Range 1 West, Mount Diablo Base and Meridian, County of San Mateo, State of California.

COMMENCING at a 1/2" iron pipe with a plastic tag stamped "LS 7367" marking the Southeast corner that right-of-way of Paul Sweet road, granted to the County of Santa Cruz per Grand Deed Volume 4234 Official Records, Page 10, Official Records of Santa Cruz County, from which a 1/2" iron pipe with a plastic tag stamped "LS 7367" bears South 77°14'30"East, a distance of 77.91 feet; thence North 14°09'09" East, along the Easterly right-of-way of Paul Sweet Road, a distance of 16.70 feet to a 1/2" iron pipe with a plastic tag stamped "LS 7367", same being the **PONIT OF BEGINNING**;

Thence North 14°09'09" East, along said Easterly right-of-way, a distance of 9.60 feet; thence North 07°59'09" East, continuing along said Easterly right-of-way, a distance of 133.69 feet; thence South 77°00'00"East, departing said Easterly right-of-way, a distance of 25.25 feet to an iron pipe; thence Southerly on a non-tangent curve to the left have a radius of 450.00 feet, from which a tangent line bears South 18°10'00" West, through a central angle of 11°46'00", a distance of 92.42 feet to an iron pipe; thence South 06°24'00" West, a distance of 48.48 feet to an iron pipe; thence North 83°36'00" West, a distance of 20.62 feet to the **POINT OF BEGINNING**.

Containing 2,804 square feet, more or less.

END OF DESCRIPTION.

Prepared by:
GV Land Surveying
Vernon C. Little, PLS





Step 1: Select Payments

Step 2: Review and Submit

Step 3: Confirmation and Receipt

Step 3: Confirmation and Receipt

Result: Payment Authorized

Confirmation Number: 154168444

Your payment has been authorized successfully and payment will be processed.

Santa Cruz County thanks you for your payment. For questions about your account, please call 831-454-3129 Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

My Bills

Description	Amount
Permits payment of \$1,000.00 on Order ID TN34QEJ8NL	\$1,000.00

Customer Information

First Name: Sweet
 Last Name: Developments LLC
 Address Line 1: 189 Walnut Ave
 Address Line 2:
 City: Santa Cruz
 State: California
 Zip Code: 95060
 Phone Number: 8312272217
 Email Address: llaccounts@workbenchbuilt.com

Subtotal:	\$1,000.00
Convenience Fee:	\$0.00
Total Payment:	\$1,000.00

Payment Information

Payment Date: 04/09/2024
 Check Routing Number: 121144612
 Check Account Number: *****21
 Account type: Checking

Print

Finished