

MEMORANDUM

Date: January 13, 2026
To: Santa Cruz County Planning Commission
From: Jonathan DiSalvo, Senior Planner
Re: 241360 Staff Report Corrections

Dear Planning Commissioners,

The following are recommended corrections to the published staff report for Application No. 241360:

1. County Counsel has drafted revisions to Condition of Approval V to comply with AB 712. The revised text is provided below:

“V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney’s fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY’s passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY.

However, the applicant is not required to indemnify, defend, or hold harmless the COUNTY in any manner with respect to an action brought by the applicant, or any other person, alleging that the COUNTY violated the applicant’s rights or deprived the applicant of the benefits or protections provided by a housing reform law.

Should the COUNTY in its sole discretion find the applicant’s/owner’s legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney’s fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.”

2. Per the Applicant's Letter (Workbench, January 12, 2026) attached to the January 14, 2026 Planning Commission agenda, the Applicant has revised their parking concession as follows:

- a. *"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."*
- b. The revised parking concession is in conformance with the staff recommendation outlined in the staff report. Thus, strike the following from the Staff Recommendation on page 1 and page 27 of the staff report *"Deny concession request in-part for the requested reduction in the number of required parking spaces to zero spaces, instead grant a concession reducing the number of required vehicle parking spaces to 68 spaces."*

Sincerely,

Jonathan DiSalvo
Senior Planner, CDI