

# 3500 Paul Sweet Rd.

Santa Cruz, California 95062

Planning Commission Hearing  
January 14, 2026



workbench

# Team Introductions



Tim Gordin  
Partner



Clay Toombs  
Sr. Development  
Manager



Jessica Presley  
Design Project  
Manager



**County Staff and Attorneys have thoroughly reviewed the Project and public comments and determined that the Project would NOT have a specific, adverse impact upon the public health or safety.**

# Staff Report Recommendation

## Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- 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.
- Deny waiver request in-part to reduce the number of parking spaces below what is required by State Density Bonus Law, as the project shall instead utilize a concession to reduce the number of required parking spaces; however, grant the waiver for all other County parking standards.
- Grant remaining concession and waiver requests.
- **APPROVAL** of Application Number 241360, based on the attached findings and conditions.

**Applicant revised Concession Request to 68 spaces, to conform to Staff recommendation.**

**Applicant agrees and accepts this partial approval of the Waiver requested for parking.**

**Applicant requested a 4th Concession for tree replacements.**

- 1. County has determined that the Project is exempt from CEQA.**
- 2. County has determined that Project meets all applicable requirements.**
- 3. County Attorney has determined that State Law requires approval.**

**Applicant requests removal of certain Conditions of Approval as explained in Applicant's letter dated January 12, 2026.**

## Summary of Applicant's Letter Dated January 12, 2026:

1. Correct the SB 330 preliminary application date in the Staff Report (page 5, primarily) from April 22, 2024 to **April 9, 2024**.
2. The Project elects not to be subject to Gov. Code § 65589.5(f)(6)(G)(ii). Please remove **Condition II.M**.
3. Project requests a Concession for County tree replacement ordinance. Please remove **Conditions II.F.4. and II.F.5.**
4. Gov. Code § 65914.2 prohibits Indemnity requirement. Please revise **Condition V.** to comply with Gov. Code § 65914.2(c).
5. AHIF fee in addition to 6 ELI units is unconstitutional and would render the Project infeasible. Please remove **Condition II.Q.**



# Building the Housing We All Need

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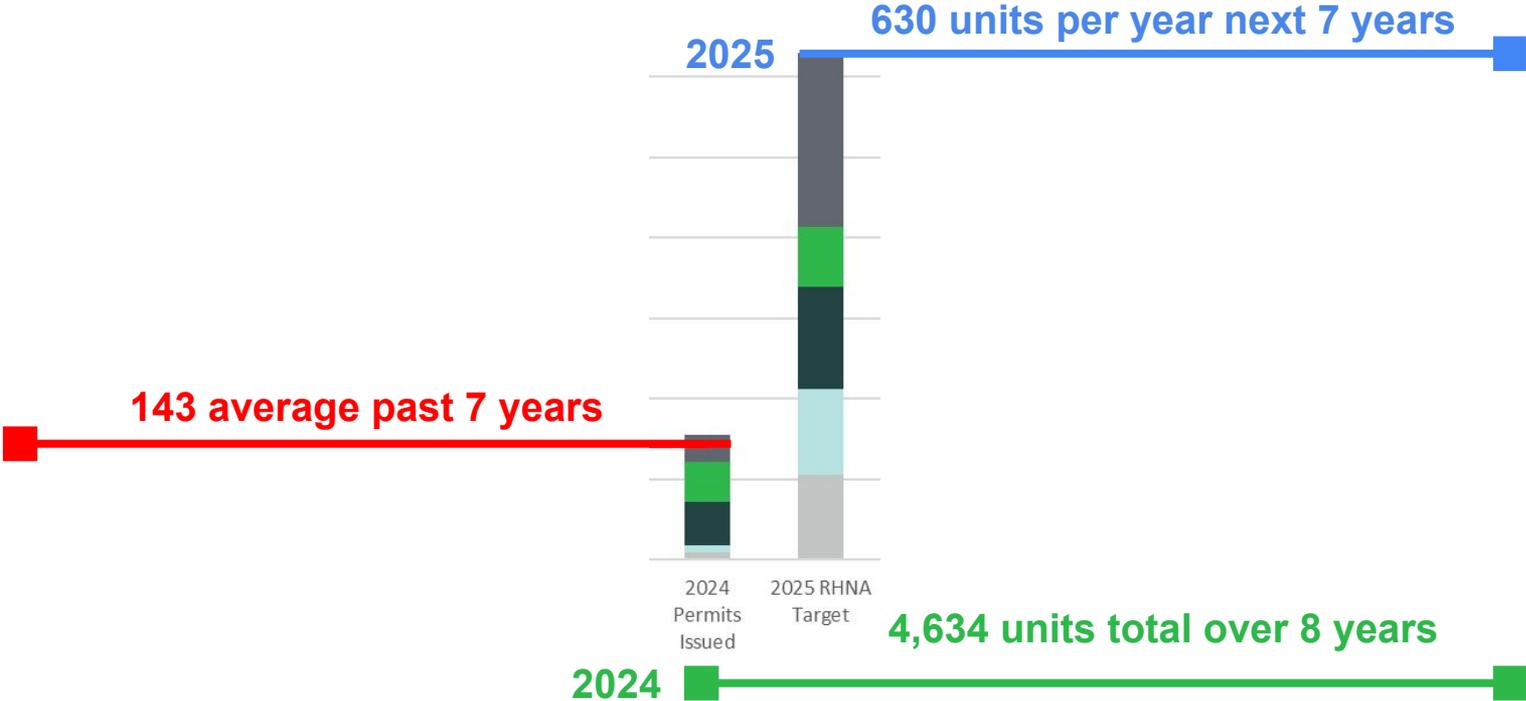
# Santa Cruz County Needs: 4,634 units.

## REGIONAL HOUSING NEEDS ALLOCATION

On November 8, 2022, AMBAG adopted the RHNA Methodology, which was approved by HCD. For the unincorporated area of Santa Cruz County, the RHNA to be planned for this cycle is 4,634 units, which is an approximately 350% increase over the 1,314 units required by the 2014 to 2022 RHNA. The housing need is divided into the four income categories of housing affordability.

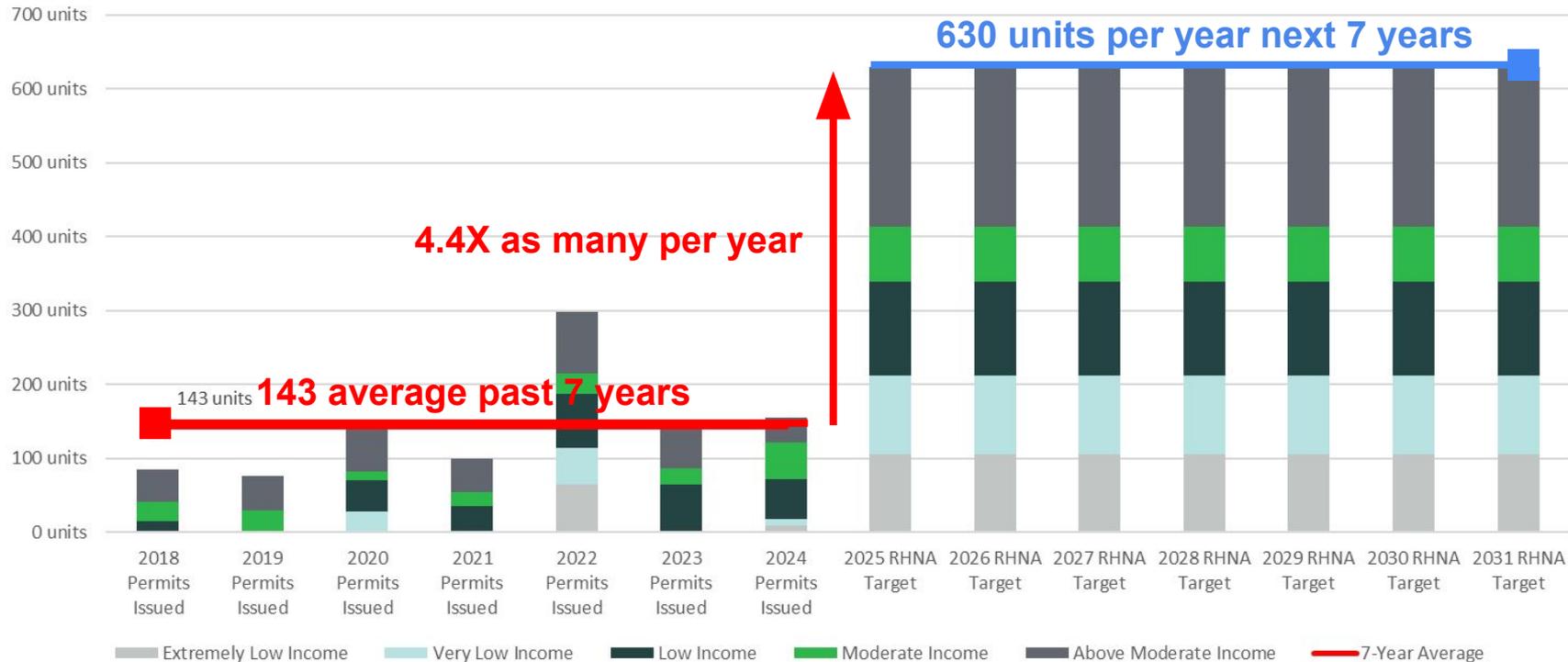


# Santa Cruz County Needs: 4,634 units.



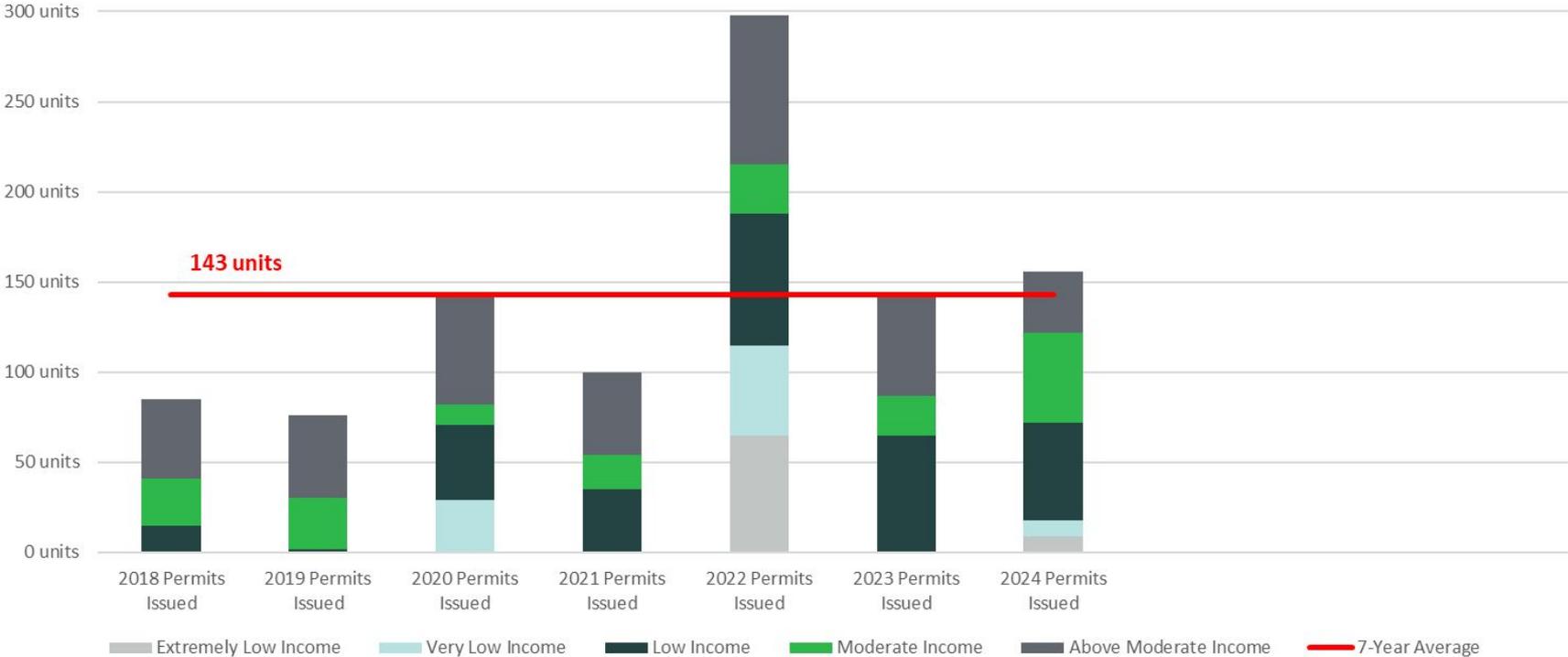
# Santa Cruz County RHNA Target Next 7 Yrs

Santa Cruz County Annual Units Issued Permits Past 7 Years: **143** Units per Year  
 vs. Annual RHNA Target for Next 7 Years: **630** Units per Year (**4.4X**)



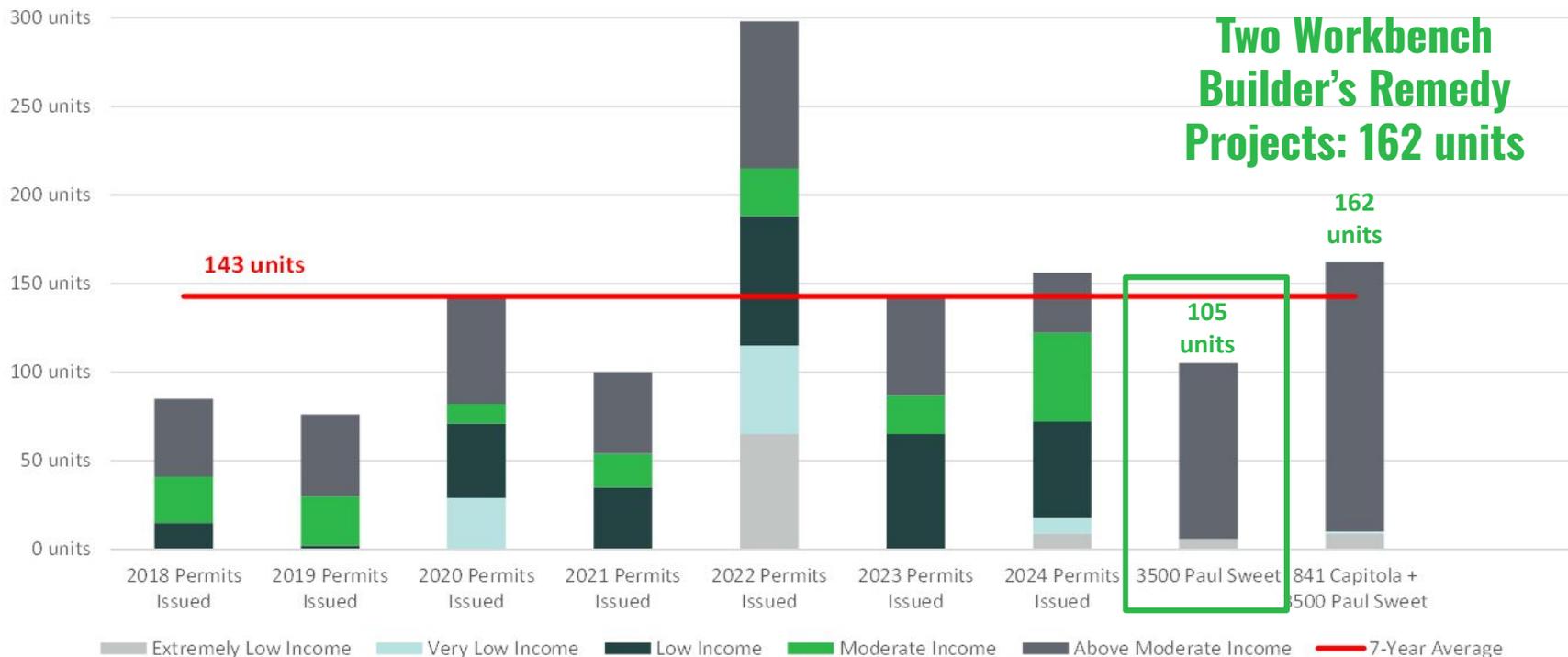
# Santa Cruz County Units Permitted per Year

Santa Cruz County Annual Units Issued Permits Past 7 Years:  
**143 Units per Year**



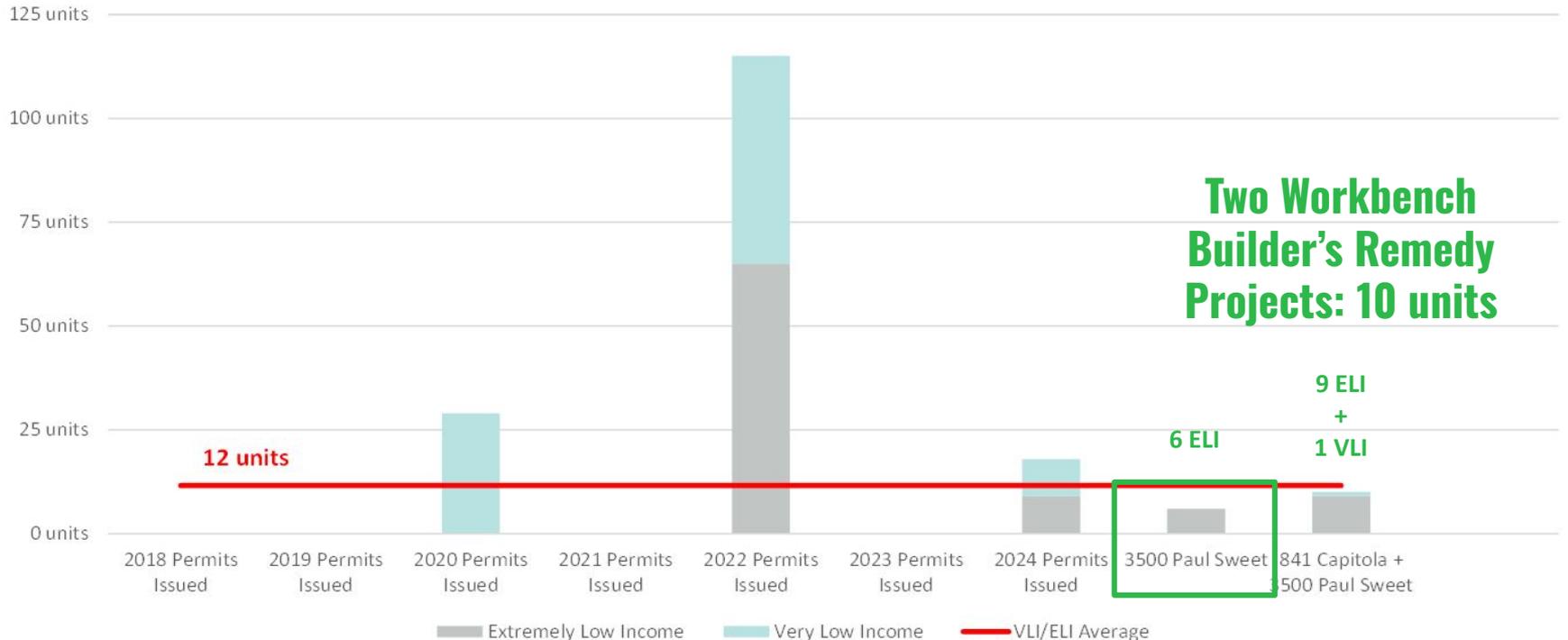
# Workbench Builder's Remedy Projects

Santa Cruz County Annual Units Issued Permits Past 7 Years: **143** Units per Year vs. **3500 Paul Sweet (105 Units)** and **841 Capitola + 3500 Paul Sweet: 162** Units



# Extremely Low Income + Very Low Income

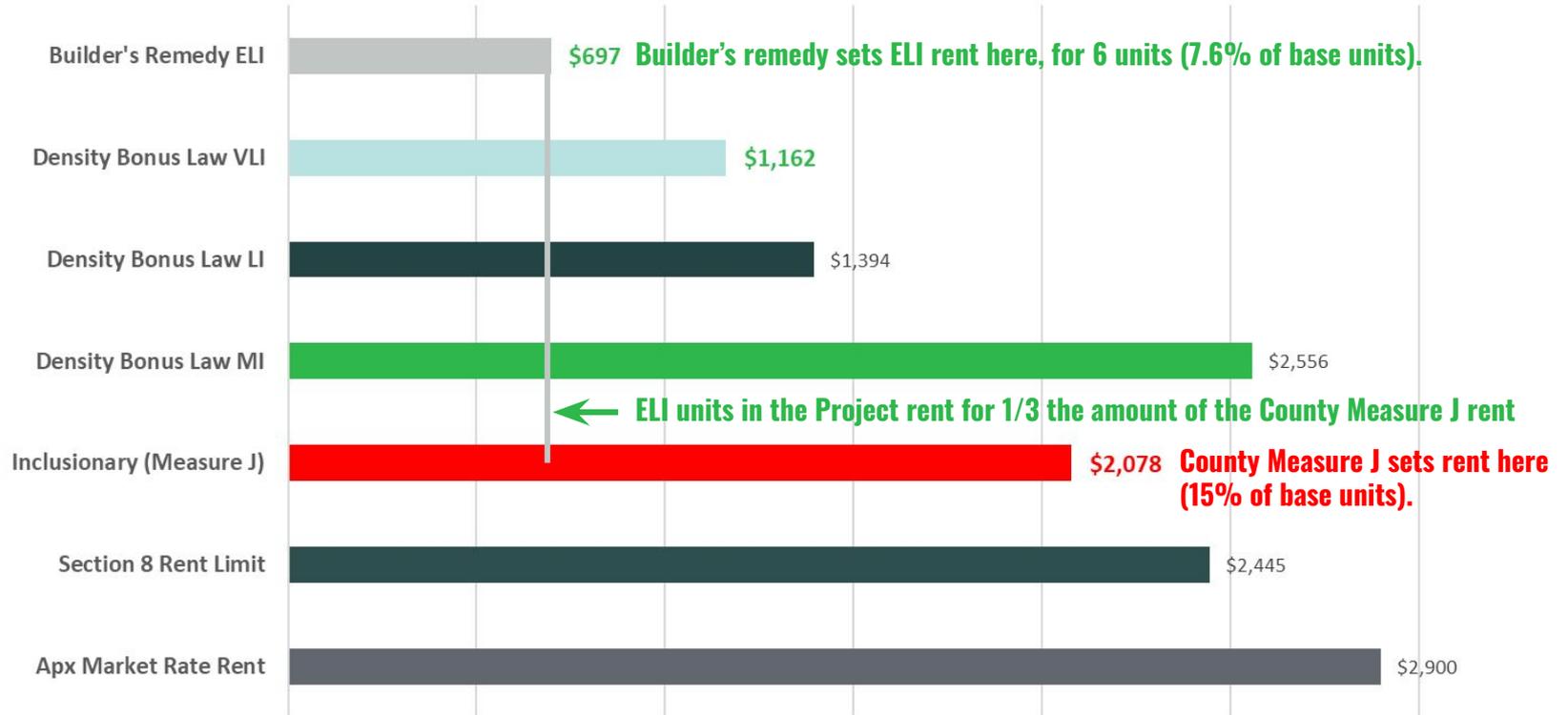
Santa Cruz County Annual Units Issued Permits Past 7 Years: **12 VLI/ELI Units per Year** vs. **3500 Paul Sweet: 6 ELI Units** and **841 Capitola + 3500 Paul Sweet: 9 ELI + 1 VLI Units**



**Two Workbench Builder's Remedy Projects: 10 units**

# Rent for ELI units is 33.6% of Measure J rent

Comparison of Studio Rents Under Different Laws



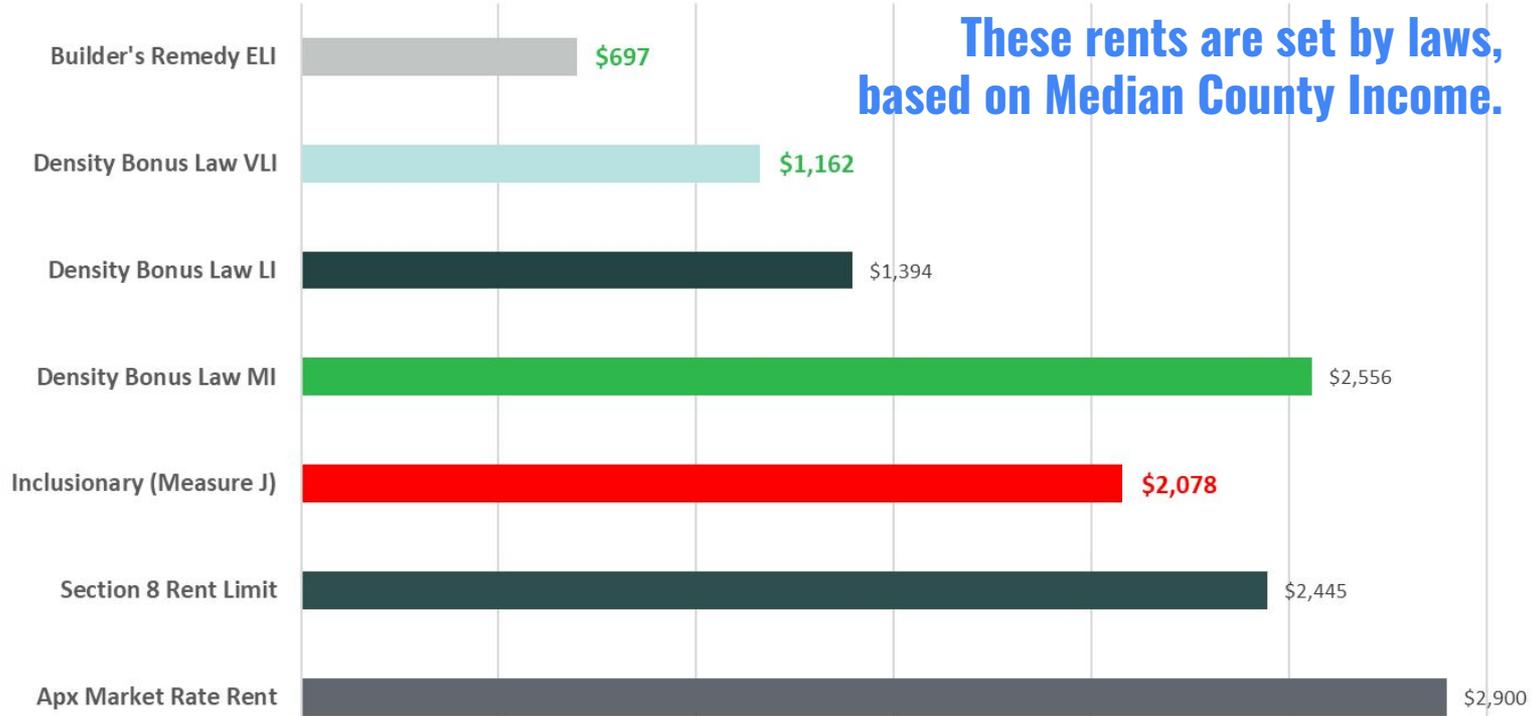
An architectural rendering of a modern, multi-story apartment building. The building features a mix of vertical and horizontal window placements, balconies with dark railings, and a ground-floor entrance area with large glass windows. The scene is set against a dark, overcast sky with some trees visible on the left and right sides. In the foreground, there are silhouettes of people walking, a person on a bicycle, and a car parked on the right. The overall tone is muted and professional.

# The Supply of Housing Sets the Rent.

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# Developers Don't Set the Rent

Comparison of Studio Rents Under Different Laws



These rents are set by laws, based on Median County Income.

Market rent is set by the "market" (by the supply of housing)

# Austin rents have fallen for nearly two years. Here's why. "A massive apartment building boom ..."

A massive apartment building boom in the Austin-Round Rock region has driven rents downward, real estate experts and housing advocates have said.

BY JOSHUA FECHTER

JAN. 22, 2025, 5:00 A.M. CENTRAL

← Last year.

REPUBLISH ↗ SHARE



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The income you need to live comfortably in the 10 most expensive U.S. cities

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How much space \$2,000 a month in rent gets you in the 25 biggest U.S. cities

## Rents are falling in these major U.S. cities heading into 2026—one of the more 'renter-friendly periods' in a decade, says expert

Published Fri, Dec 26 2025 11:53 AM EST • Updated Fri, Dec 26 2025 12:16 PM EST

← Still falling after 3 years



Mike Winters  
@MIKE\_WINTRS

### Where rents are falling the most

Rent relief hasn't been uniform, as conditions vary widely by market. The sharpest declines have occurred in fast-growing Sun Belt and interior Western metros with a surge in new housing supply in recent years—especially Austin.

These 10 cities recorded some of the steepest year-over-year drops in median asking rent in November, using data for the 50 largest U.S. metro areas, according to Realtor.com.

1. Austin-Round Rock-San Marcos, Texas: -6.6%
2. Denver-Aurora-Centennial, Colorado: -4.8%
3. Birmingham, Alabama: -4.6%
4. Jacksonville, Florida: -4.2%
5. Phoenix-Mesa-Chandler, Arizona: -4.0%
6. San Diego-Chula Vista-Carlsbad, California: -3.5%
7. Las Vegas-Henderson-North Las Vegas, Nevada: -3.0%
8. Houston-Pasadena-The Woodlands, Texas: -2.7%
9. Miami-Fort Lauderdale-West Palm Beach, Florida: -2.7%
10. San Antonio-New Braunfels, Texas: -2.7%

SHARE f X in ✉

## Austin's Rent Drop Isn't "Weird"—It's Economics

April 23, 2025

### Supply, Supply, Supply

The cause of Austin's falling rent growth beginning in 2022 is not anything new: they built housing.

**FIGURE 1**  
Annual Deliveries as a Share of Prior Year's Inventory, Annual Rent Growth  
(Austin, TX)



Source: CoStar.

# Market rent is set by the “market” (by the supply of housing)

### Not the Exception, the Rule

Austin is not a unicorn. What occurred there follows precisely what we would expect given what we know about supply/demand dynamics in housing, which is to say what we know about supply/demand dynamics for any good being produced in a market economy. Developers respond to the market factors presented, and that development catalyzed the exact response in rent growth we would expect.

The U.S. faces a deepening housing shortage, and Austin stands as just one example of the general principle by which to address that—build more housing.

# Austin has no rent control and no mandatory “inclusionary housing.”

## Affordable Housing Bonus Program Guide

### What is an affordable housing bonus program?

An affordable housing bonus program is a voluntary program that grants additional building entitlements (for example, more height, units, or bulk/floor-to-area ratio) in exchange for providing affordable housing. Because Texas law prohibits rent control or mandatory affordable housing requirements, there are very few ways to prevent housing prices and rents from increasing unchecked in Texas. However, voluntary affordable housing bonus programs are one tool the City of Austin can use to encourage developers to create housing that must remain affordable for an extended period of time. Because the City cannot require developers to provide affordable housing in their developments, in order to generate affordable units, the program must be carefully calibrated to the market so that developers will find it attractive to participate. Otherwise, development could occur that would not include any affordable units.

[https://www.austintexas.gov/sites/default/files/files/Affordable\\_Housing\\_Bonus\\_Program\\_Guide-10-4-19.pdf#:~:text=Because%20Texas%20law%20prohibits%20rent%20control%20or,use%20to%20encourage%20developers%20to%20create%20housing](https://www.austintexas.gov/sites/default/files/files/Affordable_Housing_Bonus_Program_Guide-10-4-19.pdf#:~:text=Because%20Texas%20law%20prohibits%20rent%20control%20or,use%20to%20encourage%20developers%20to%20create%20housing)



NATIONAL  
MULTIFAMILY  
HOUSING  
COUNCIL



RESEARCH NOTES NEWSLETTER

{{system.date}}

## Why Building “Luxury” Apartments Brings Down Rent for All

By Chris Bruen, NMHC Senior Director of Research

The U.S. built 438,500 new apartment units in 2023, according to data from the Census Bureau, up 22.1% from the previous year and marking the highest number of annual completions since 1987. This pace of multifamily deliveries picked up even further in the first quarter of this year to a seasonally adjusted annual rate (SAAR) of 577,000 units. These new units should provide at least some much-needed relief to an undersupplied U.S. housing market in which more than half (55%) of apartment households are cost-burdened (spending more than 30% of their monthly income on rent) and 29% are severely cost-burdened (spending more than half of their income on rent).

But many Americans remain *skeptical* as to whether these new apartments – which tend to be more expensive than existing units and are often marketed as “luxury” – will aid affordability for households at the lower end of the income spectrum.

In this Research Notes, we examine how increased completions of more expensive Class A and B apartments influenced rental costs for *all* apartments in 2023—including more affordable, Class C units.

### Newer Apartments Tend to Be Pricier

Apartments classified as Class A tend to be both higher quality and more expensive than their Class B and Class C counterparts. Class A apartments recorded an effective asking rent of \$2,213 per month in 1Q 2024 according to data from from CoStar<sup>1</sup>. Class B apartments rented for \$1,671 and Class C apartments for \$1,347. Even though nearly all apartment units built in 2023 were classified by CoStar as either Class A (41.3%) or Class B (56.8%), both economic theory and empirical literature suggest that this new supply should have a downward effect on rent growth for all apartments, including Class C. For instance, [Myers and Park \(2020\)](#) found that new apartment construction, even at higher price points, enabled older units to “filter” and house an increasing share of low-income households over time.

## Luxury Apartment Influx Pushes Down Rents In Older Units

December 23, 2025 | 2:55 p.m. ET | Billy Wadsack, Dallas-Fort Worth 

A barrage of luxury apartment deliveries is driving down rents at older **multifamily properties** in some of the nation's biggest cities.



*Pexels/On Shot*

Luxury apartment deliveries peaked in many Sun Belt cities during 2024.

Reduced rents in **Sun Belt** cities like Austin, Denver and Phoenix, as well as vacation spots like Myrtle Beach, South Carolina, and Naples, Florida, pushed down the average rental rate in the U.S. by nearly 0.2% in November, **Bloomberg reported**. That drop was the most significant monthly decline in more than 15 years.

# Broad affordability requires more **supply**.

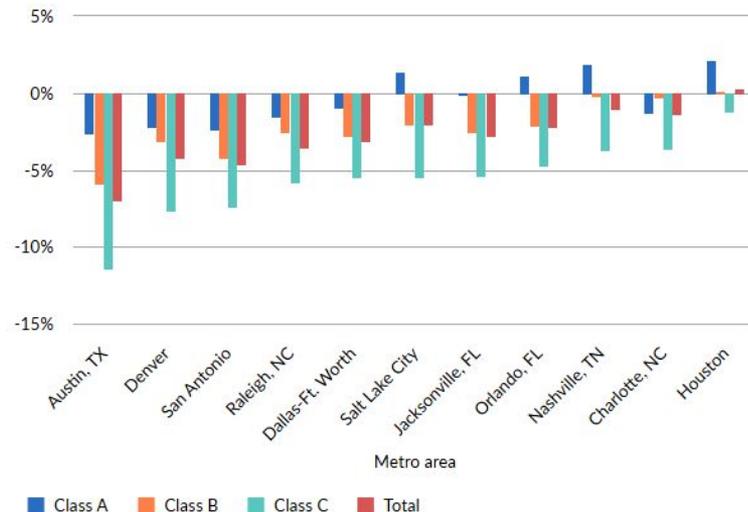
Pew

New Housing Slows Rent Growth Most for Older, More Affordable Units 

Figure 2

### Rents in Older, Less Expensive Apartments Decreased Most in High-Supply Metropolitan Areas

Average rent change in 2023-24 in the 11 largest areas that added at least 10% to housing stock during 2017-23



# US apartment rents fall in steepest September decline in more than 15 years

Year-over-year slowdown 'signals a more pronounced softening in the market,' Apartments.com report finds



Markets with the highest levels of new construction had the weakest rent performance as more supply-constrained metropolitan areas, especially those in the Midwest and select coastal regions, continued to outperform, according to Apartments.com.



San Francisco led the nation with 6.1% annual rent growth, followed by San Jose, California and Chicago at 3.8%, and Norfolk, Virginia, at 3.1%, the report said.

On the flipside, annual rents in Austin, Texas, declined 4.4% and fell 3.8% in Denver, while Phoenix and San Antonio posted drops of 2.9%, as supply outstripped demand.

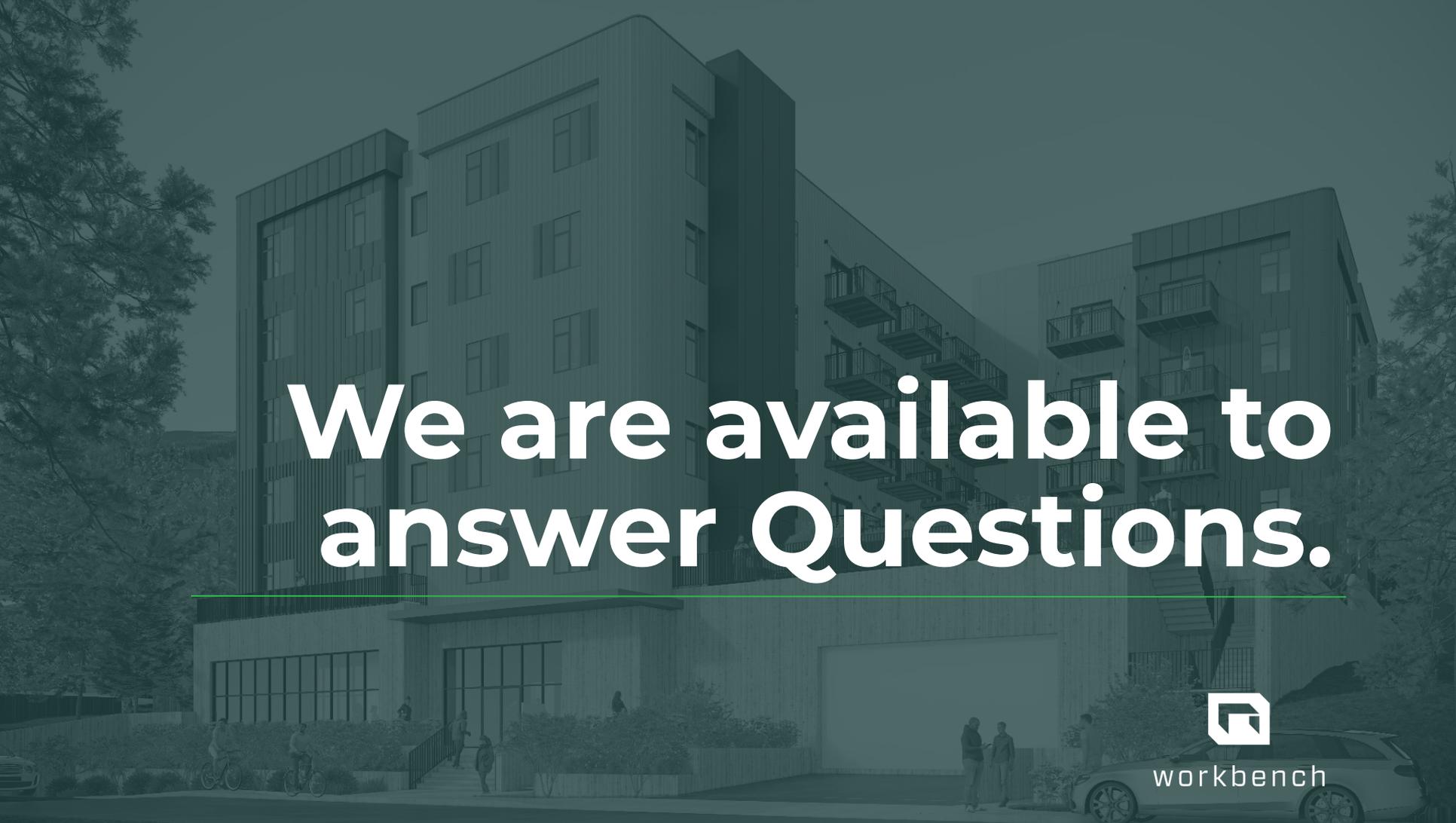


San Francisco led the nation with 6.1% annual apartment rent growth in September, according to an Apartments.com report. (James Breedlove/CoStar)

By [Tony Wilbert](#), [Jonathan Lehrfeld](#)  
CoStar News



October 9, 2025 | 7:30 P.M.



**We are available to  
answer Questions.**

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An architectural rendering of a modern, multi-story building with a mix of wood paneling and dark vertical slats. The building features several balconies with metal railings. In the foreground, there is a ground-level entrance area with large glass windows and doors, a set of stairs, and a few people walking. A car is parked on the right side. The entire scene is overlaid with a semi-transparent dark green filter.

# Q&A Project Site & Design

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# PROJECT SITE

SINGLE FAMILY NEIGHBORHOOD

OAKWOOD MEMORIAL CEMETERY

DOMINICAN OAKS

PG&E

DOMINICAN HOSPITAL

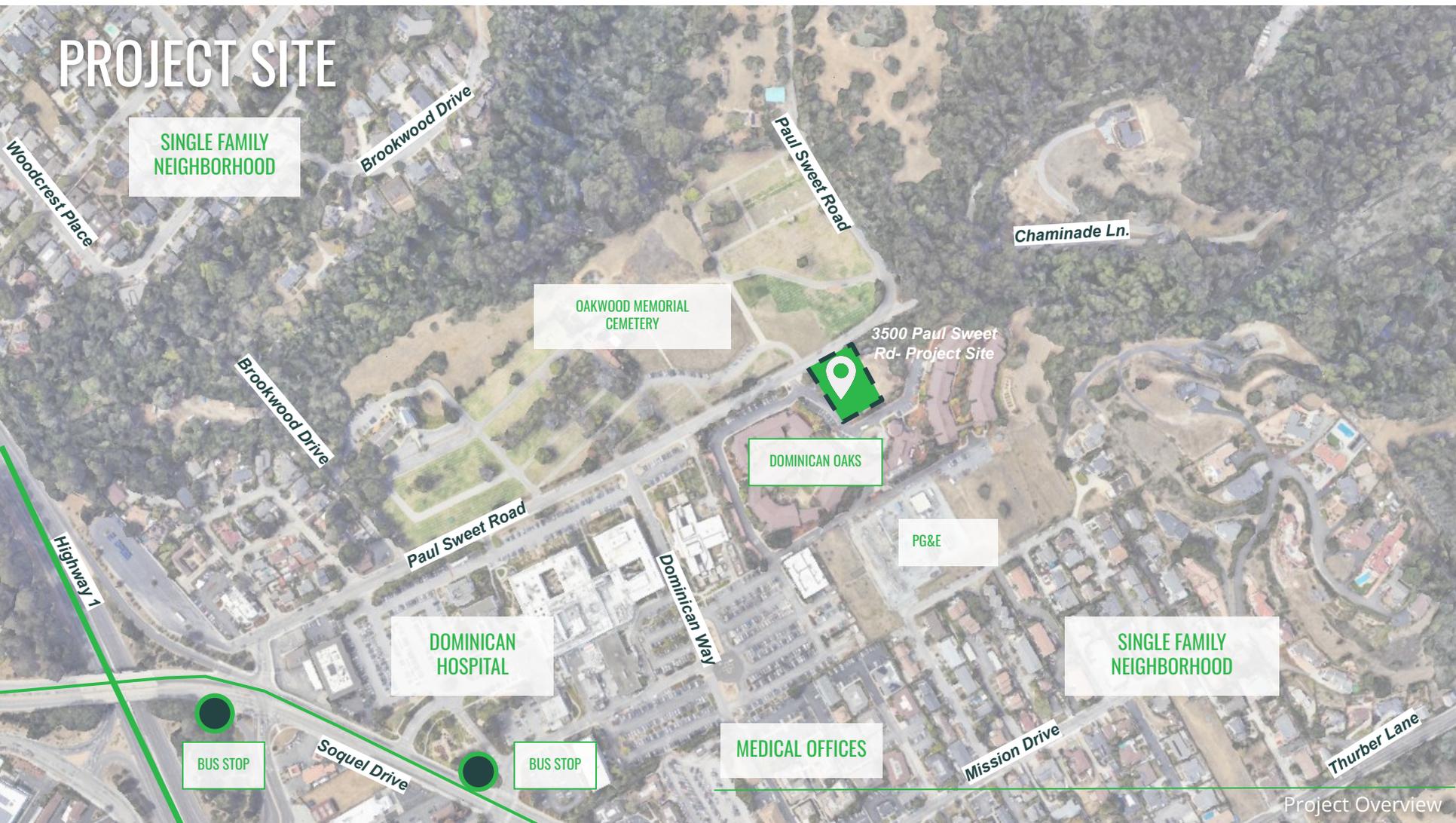
SINGLE FAMILY NEIGHBORHOOD

MEDICAL OFFICES

BUS STOP

BUS STOP

3500 Paul Sweet Rd- Project Site



# PROJECT SITE - EXISTING CONDITIONS

- Dilapidated Single Family Residence & storage sheds



# SITE ACCESS DIAGRAM - INGRESS & EGRESS



## Site Access

Access to parking, trash / recycling, loading from Paul Sweet Rd.

Maximizing parking with car stackers and combination of standard and compact parking stalls.

**68 Spaces** provided including:

- 22 Car Puzzler spaces
- 7 EV charging, 27 EV low voltage receptacle
- 2 Accessible Parking Space stalls (1 Van)

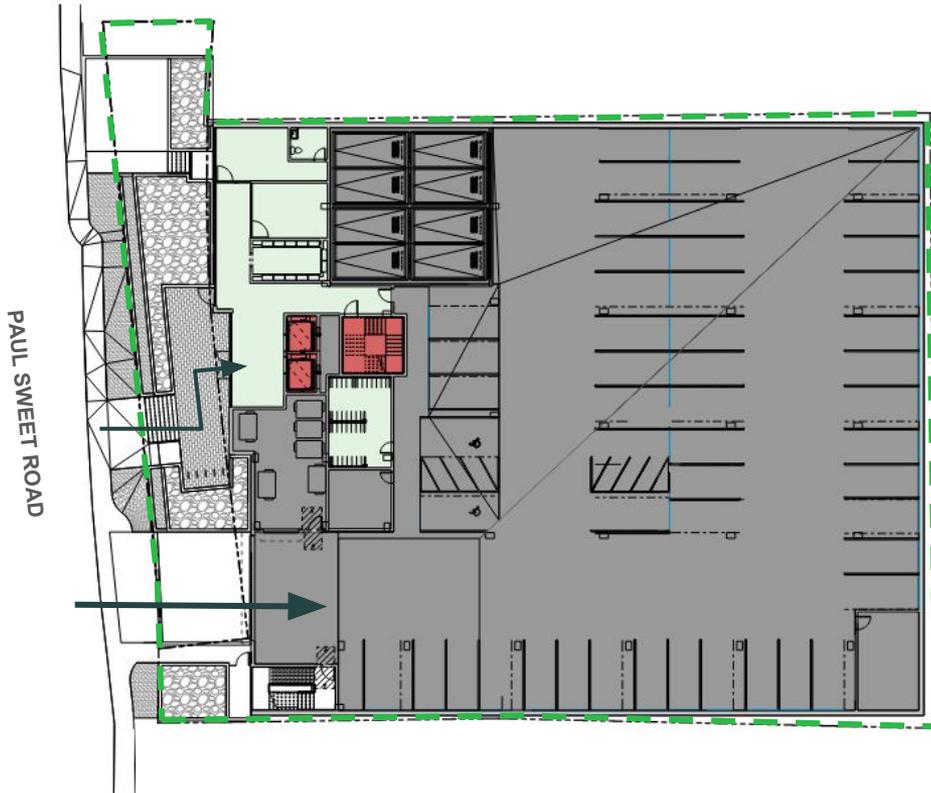
Maximizing bike parking

**127** Class I spaces

**26** Class II spaces



# LEVEL 1 FLOOR PLAN



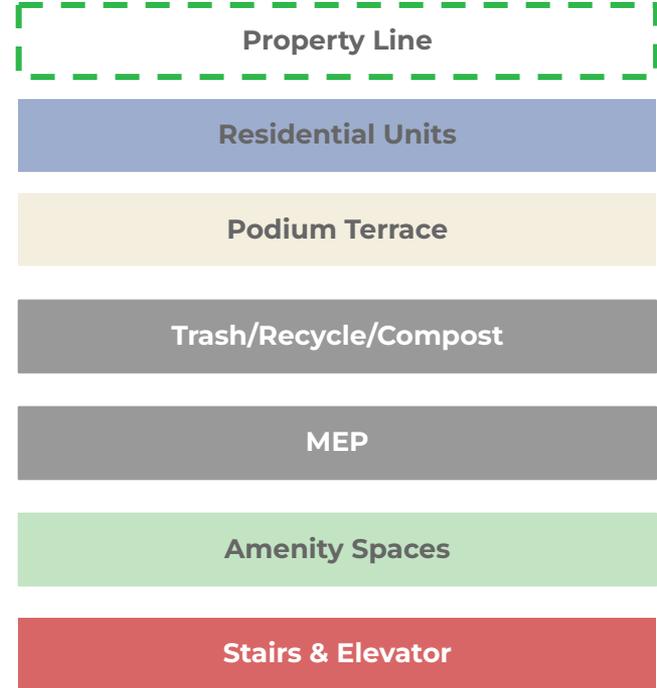
Property Line

Parking Garage / Trash / Storage

Residential Lobby / Amenities

Stairs & Elevator

# LEVEL 2-6 FLOOR PLAN



# SHADOW STUDIES - EXISTING CONDITIONS

Summer Solstice



SUMMER 10AM

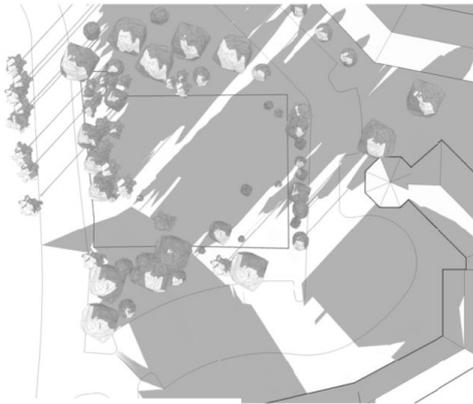


SUMMER 2PM

Winter Solstice



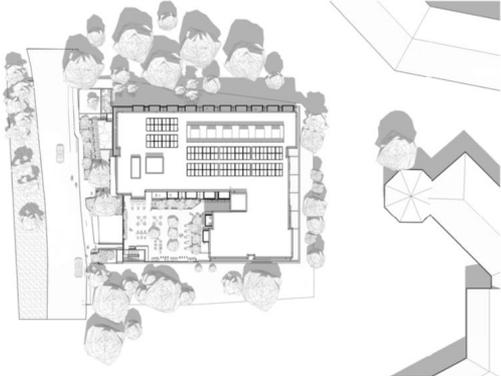
WINTER 10AM



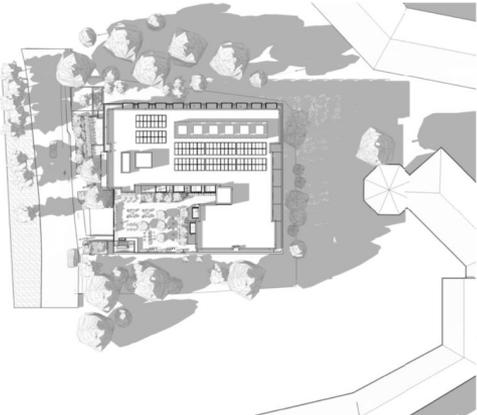
WINTER 2PM

# SHADOW STUDIES - PROPOSED

Summer Solstice

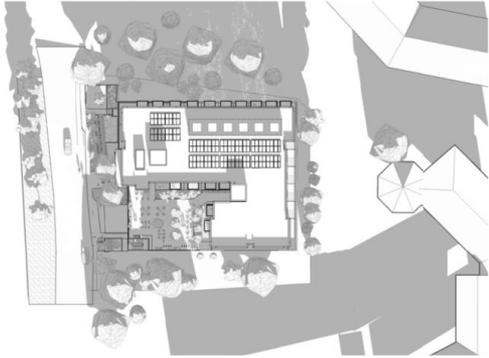


SUMMER 10AM

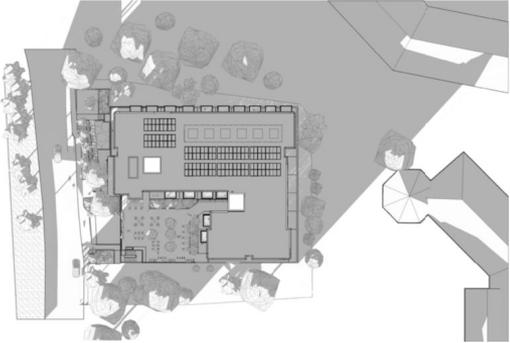


SUMMER 2PM

Winter Solstice



WINTER 10AM



WINTER 2PM

# BUILDING MATERIAL PALETTE



Board Formed Concrete



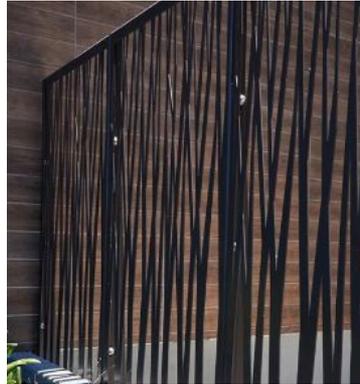
Vertical Board and Batten Patterned Cementitious Siding



Wood or Wood Look Cladding



Storefront / Curtain Wall



Patterned Metal Screens

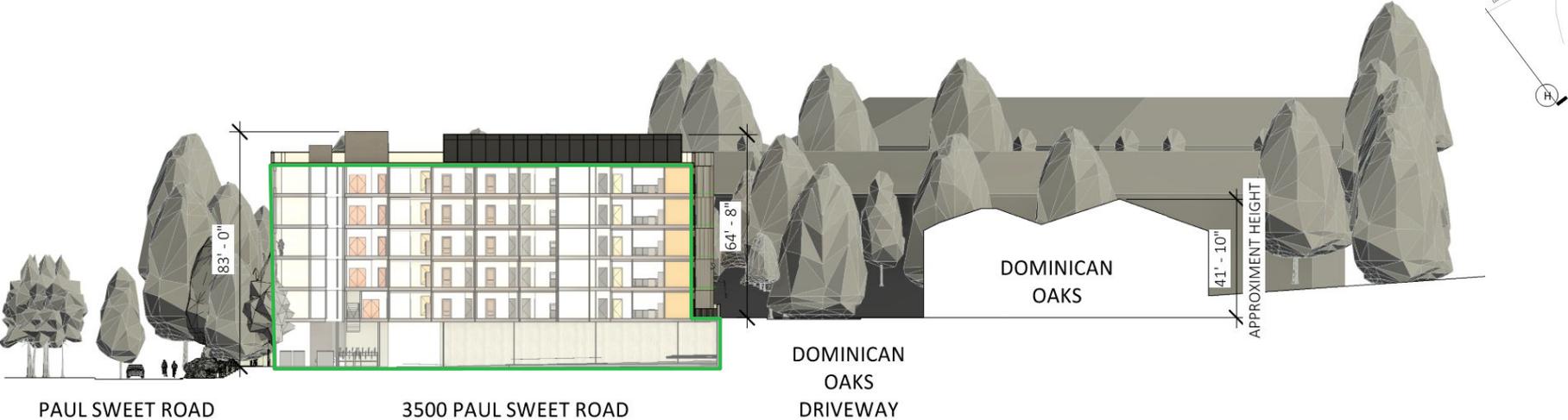
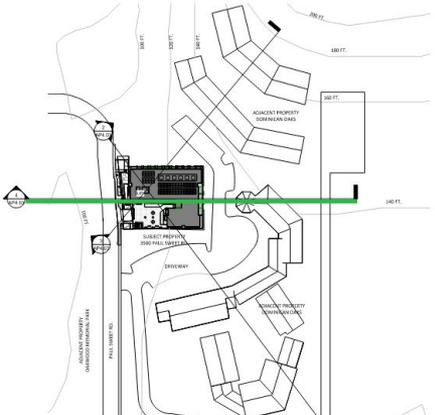


Painted Metal Railing



Grey Fiber Cement Panel or Stucco

# SITE SECTION THROUGH DOMINICAN OAKS





# EGRESS DIAGRAM

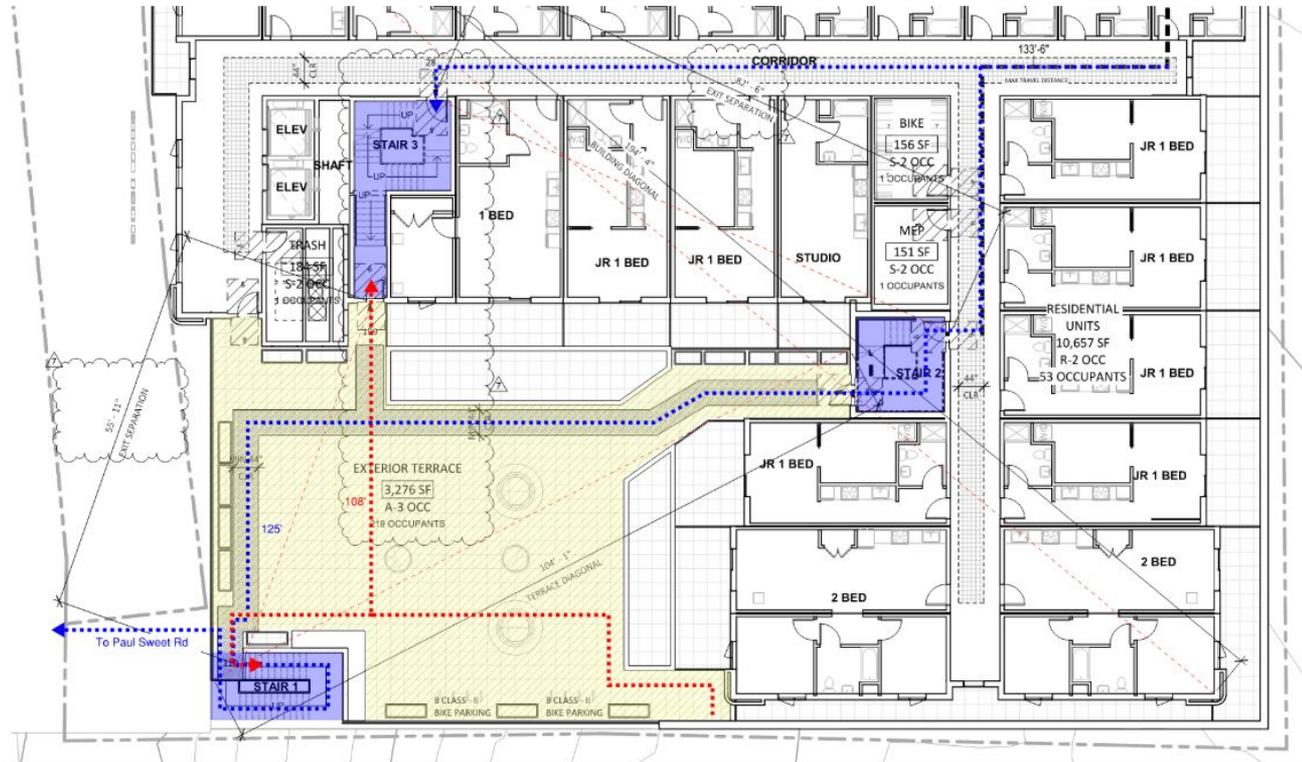


Figure 1. Diagram of exit access from Level 2 depicting egress from building corridor (blue dashes) and exterior terrace (red dashes); the entire terrace (yellow hatch) is open to sky.

3500 PAUL SWEET RD- View From Paul Sweet Road





3500 PAUL SWEET RD- View From Dominican Oaks





# Q&A Applicant Letter on Staff Report and Recommendation

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# Correct date of SB 330 Preliminary Application to April 9, 2024.

The Applicant inadvertently referenced the date of the second SB 330 preliminary application on Sheet GPO.01, and the Applicant has attached a corrected Sheet GPO.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**.

## 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 DocuSigned by:  
Timothy Gordin  
833FFD02B43446 3/19/2024  
Applicant Name: Clay Toombs Signature: Clay Toombs DocuSigned by:  
Clay Toombs 3/19/2024

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 c

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

### My Bills

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

### 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: llcaccounts@workbenchbuilt.com

### Payment Information

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

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

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.**

Application #: 241360

APN: 025-013-37 & 102-061-10

Owner: Sweet Developments LLC, LHO Santa Cruz Hotel One, L.P.

- 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”.~~

# Revised Concession Request #3 – Parking Spaces

## 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.**

## New Concession Request #4 – Tree Replacement

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

## 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):

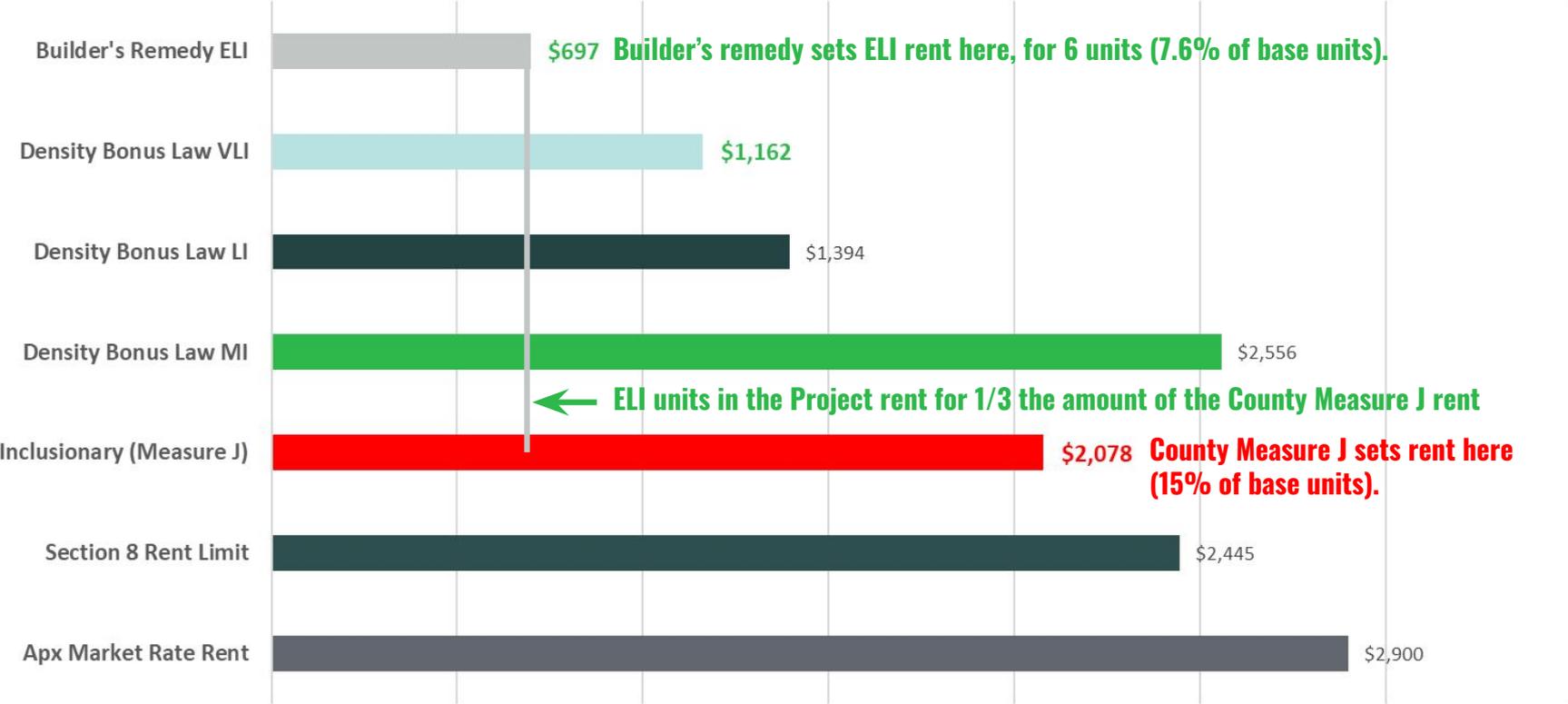
(c) (1) A public agency shall not require an applicant for a housing development project to indemnify, defend, or hold harmless the public agency in any manner with respect to an action brought by the applicant, or any other person, alleging that the public agency violated the applicant's rights or deprived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

# AHIF Fee, Measure J, and Percentage Affordable Units

Comparison of Studio Rents Under Different Laws



# AHIF Fee on top of 6 ELI Units Is Unconstitutional and Would Render the Project Infeasible

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:

(I) 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.”

## Project is Deemed Compliant with AHIF Fee

**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).

# County Cannot Apply “any other aspect” of Measure J (even if Project were NOT Deemed Compliant with AHIF Fee)

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.**

## County Cannot Condition the Project to Provide 15% Affordable Units

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.**

**See Applicant's letter for full explanation.**



# Q&A Dominican Heliport

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workbench

# Dominican Hospital Heliport.

## FAA Form 7460-1 Notice requirement

Please Type or Print on This Form

**Failure To Provide All Requested Information May Delay Processing of Your Notice**

**FOR FAA USE ONLY**  
Aeronautical Study Number

U.S. Department of Transportation  
Federal Aviation Administration

**Notice of Proposed Construction or Alteration**

**1. Sponsor (person, company, etc. proposing this action):**  
Attn. of \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**2. Sponsor's Representative (if other than #1):**  
Attn. of \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**3. Notice of:**  New Construction  Alteration  Existing

**4. Duration:**  Permanent  Temporary ( \_\_\_ months, \_\_\_ days)

**5. Work Schedule:** Beginning \_\_\_\_\_ End \_\_\_\_\_

**6. Type:**  Antenna Tower  Crane  Building  Power Line  
 Landfill  Water Tank  Other \_\_\_\_\_

**7. Marking/Painting and/or Lighting Preferred:**  
 Red Lights and Paint  Dual - Red and Medium Intensity  
 White-Medium Intensity  Dual - Red and high Intensity  
 White -High Intensity  Other \_\_\_\_\_

**8. FCC Antenna Structure Registration Number (if applicable):** \_\_\_\_\_

**9. Latitude:** \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N

**10. Longitude:** \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W

**11. Datum:**  NAD 83  NAD 27  Other \_\_\_\_\_

**12. Nearest:** City: \_\_\_\_\_ State: \_\_\_\_\_

**13. Nearest Public-use (not private-use) or Military Airport or Heliport:** \_\_\_\_\_

**14. Distance from #13. to Structure:** \_\_\_\_\_

**15. Direction from #13. to Structure:** \_\_\_\_\_

**16. Site Elevation (AMSL):** \_\_\_\_\_ ft.

**17. Total Structure Height (AGL):** \_\_\_\_\_ ft.

**18. Overall Height (#16 + #17) (AMSL):** \_\_\_\_\_ ft.

**19. Previous FAA Aeronautical Study Number (if applicable):** \_\_\_\_\_-OE

**20. Description of Location:** (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey) \_\_\_\_\_

### NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

**§ 77.7 Form and time of notice.**  
(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10

Notice requirements. →



# California Airport Land Use Planning Handbook

Establishment of heliport protection zones is a desirable safety -compatibility objective for all heliports. There are practical limitations to doing so, however. One is that, even when approach/departure routes are formally defined and approved, the highly maneuverable capabilities of helicopters means that their actual routes may differ. The other is that, except for facilities on an airport, the heliport protection zone is likely to extend onto adjacent property.

To the extent that is practical, buildings (particularly ones higher than the heliport itself) and congregations of people should be avoided within helipad protection zones. Once a heliport is established, the facility owner, local land use jurisdictions, and ALUC should take action to preserve compatible uses in the heliport protection zones and, even more critically, to prevent obstructions to the approach/departure surfaces.

3-27

## FAA and California Dept. of Transportation Safety requirement.

Protection requirements.



U.S. Department of Transportation  
Federal Aviation Administration

## Advisory Circular

Subject: Heliport Design

Date: 1/5/2023

AC No: 150/5390-2D

Initiated By: AAS-100

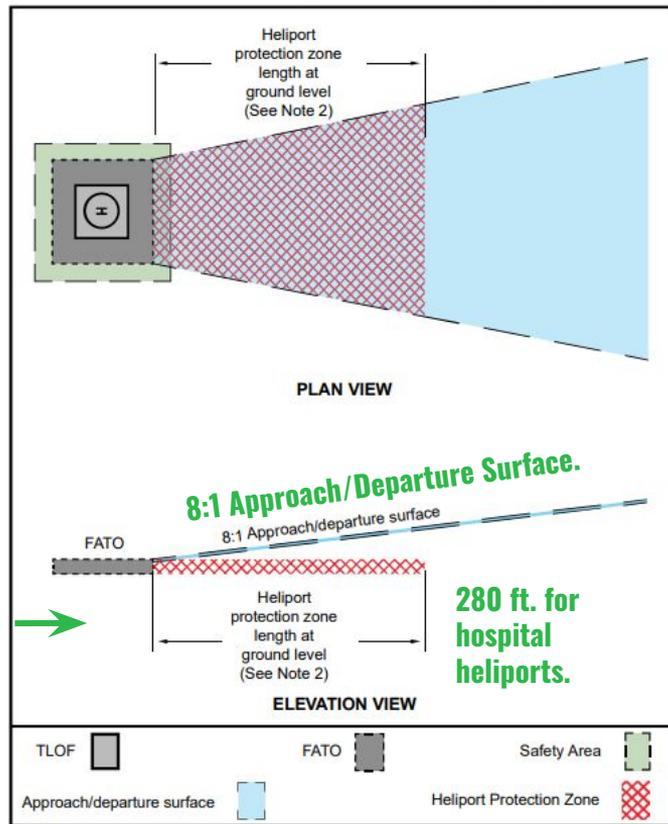
Change:

1

**Purpose.**

This advisory circular (AC) provides standards for the planning, design and construction of heliports serving helicopters with single, tandem (front and rear) or dual (side by side) rotors.

Figure 2-20. Heliport Protection Zone (HPZ)



- Note 1: The approach surface starts at the edge of the FATO.
- Note 2: The length of the Heliport Protection Zone is 400 ft. (122 m) for TRANSPORT heliports and 280 ft. (85 m) for GENERAL AVIATION and HOSPITAL heliports.
- Note 3: See paragraph 2.12 for approach surface dimensions.
- Note 4: See paragraph 2.13 for specific HPZ recommendations.

