

MEMORANDUM

Date: 7/21/26

To: Planning Commission

From: Evan Ditmars, Project Planner

Re: Revision to Staff Report for Application 251276

Commissioners,

The following minor changes, corrections, or clarifications have been prepared for Item 10, application 251276. The staff recommendation has not changed. A strikeout version of the Conditions of Approval is attached for reference. Staff will address these changes during the presentation.

Changes to the Staff Report packet are as follows:

1. Staff Report Body, Page 6, Paragraph 4: Removed sentence discussing the establishment of a homeowner's association (HOA).
2. Resolution (Exhibit A), Page 9, Clarified the title of Planning Commission Resolution.
3. Resolution (Exhibit A), Page 11, Clarified the title of Draft Board of Supervisors Resolution.
4. Resolution (Exhibit A), Page 13, Clarified the title of Draft PUD Ordinance.
5. Conditions of Approval (Exhibit D), Page 33, Condition III(E): Condition of approval added requiring finalized CC&Rs to be submitted and reviewed by CDI prior to map recordation.
6. Conditions of Approval (Exhibit D), Page 33, Condition III(F)(6): Condition of approval added requiring CC&Rs to be referenced on Final Map.
7. Conditions of Approval (Exhibit D), Page 40, Condition IV(A)(1-4): Condition of approval requiring establishment of HOA eliminated, conditions for CC&Rs consolidated into item 2 above.

Subdivision & Residential Development Permit Conditions of
Approval

APNs: 025-032-33, 025-032-34, 025-032-35

Subdivision & Residential Development Permit 251276

Applicant: Atri Macherla

Owner(s): Swarna Bhairava LLC

Parcel Numbers: 025-032-33, 025-032-34, 025-032-35

Property Address and Location: Properties are located adjacent to 3522 Mission Drive, between Mission Drive and Thurber Lane

Planning Area: Live Oak

Exhibit E: Tentative Map & Preliminary Improvement Plans, prepared by Engco Engineering and Infrastructure

Architectural Plans, prepared by AJS Architecture

Landscape Plans, prepared by Wilson Associates Landscape Architects

All correspondence and maps relating to this subdivision and residential development shall carry the permit number noted above.

- I. This permit authorizes the construction of a subdivision and residential development as indicated on the approved Exhibit "E" for this permit. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. A Final Map for this subdivision shall be recorded prior to the sale, lease, or financing of any lots.

The Final Map shall be submitted to the County Surveyor (Department of Community Development and Infrastructure, Public Works) for review and approval prior to recordation and shall be in general conformance with the approved Tentative Map and

shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety, shall remain fully applicable. No improvements, vegetation removal, or site disturbance shall be initiated prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division).

III. Prior to recording the Final Map, the following requirements shall be satisfied:

- A. All easements and dedications shall be recorded prior to recordation of the Final Map.
- B. All existing easements created as a part of MLD 17-1353 shall be quitclaimed prior to the recordation of the Final Map.
- C. Pay any outstanding balance due to the Planning Department.
- D. Submit a letter of certification from the Tax Collector's office that there are no outstanding tax liabilities affecting the subject parcels.
- E. Final Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted to CDI Planning and Public Works for review and approval. The approved CC&Rs shall be recorded concurrently with, or prior to, recordation of the Final Map.
 1. The CC&Rs shall include provisions for the perpetual maintenance of all common improvements and shared facilities serving the subdivision, including, but not limited to, private roadways, emergency vehicle access improvements, associated landscaping, drainage facilities, water and sewer infrastructure, fences, silt and grease traps, and any other shared improvements identified on the approved plans.
- F. The Final Map shall include the following:
 1. Building envelopes, setback lines, and locations of easements shall be located according to the approved Tentative Map permit conditions of approval.
 2. The building envelopes for the residential units shall conform to the dimensioned building footprints indicated on the Tentative Map.
 3. Show the site area of each lot to nearest square foot.
 4. Provide a table with the applicable development standards approved under the adopted PUD Ordinance.
 5. Note that any development standard not expressly modified by the PUD shall be subject to the applicable zone district standards at the time of building permit submittal.
 6. A note stating: "This subdivision is subject to Covenants, Conditions, and

Restrictions (CC&Rs) recorded as Instrument No. _____, Official Records of the County of Santa Cruz.”

7. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots created by this subdivision:
- a. New parcel numbers for all of the parcels shall be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division, unless this requirement is waived by the Building Official.
 - b. Lots shall be connected for water service to the City of Santa Cruz Water District. All regulations and conditions of the water district shall be met.
 - c. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met.
 - d. Construction on the lots shall conform to the Architectural Floor Plans and Elevations, as stated or depicted in the approved Exhibit “E”. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards established for the R-1-6 zone district.
 - e. All future development on the lots shall comply with the requirements of the approved geotechnical report(s).
 - f. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
 - g. The interior driveway shall be designated as a fire lane. The fire lane shall be painted and posted as a fire lane meeting the requirements of Section 22500.1 of the California Vehicle Code.
 - h. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted.
 - i. Any changes from the approved Exhibit "E", including but not limited to the Tentative Map, Preliminary Improvement Plans, or the attached exhibits for architectural and landscaping plans,

must be submitted for review and approval by the Planning Department.

- G. Meet all requirements of the Road Engineering Division of CDI Public Works, including:
 - 1. All improvements are to adhere to the standards set by the County Design Criteria.
 - 2. Lots 1-5 shall have a public ingress and egress easement for the portion of the shared driveway along their parcels.
 - 3. Proposed driveways for Lots 1-6 shall have an Emergency Vehicle Access Easement (EVAE)
 - 4. Proposed driveway approach shall have 3' of clearance from the existing driveway approach serving the neighboring parcel
- H. Roadside and Transportation improvements for six units shall be paid. Currently, this fee is \$6,000 per single-family dwelling.
 - 1. Any prior TIA fees paid as a part of MLD 17-1353 will serve as fee credit towards the current TIA fees. Fees will be calculated at the time of Final Map submittal.
- I. Meet all requirements of the County Department of Public Works, Stormwater Management, including:
 - 1. Prior to final map recordation and approval of the subdivision improvement plans, and/or issuance of any building/grading permits, the project shall demonstrate compliance with the County Design Criteria (CDC) June 2024 edition, Part 3 and Appendix D and the following:
 - a. Final Project Information & Threshold Determination Form (see CDC Part 3 Appendix A)
 - b. Please clearly describe what stormwater facilities, grading, and other improvements will be built with the land division and which will be deferred to building permits with the single-family homes. This shall be clearly shown on the final improvement plans. The plans shall show how all roof and impervious and semi-impervious runoff will be directed to the surface of the bioretention/planter facilities.
 - c. List relevant prior permit information (such as a minor land division, subdivision, or prior grading/building permit near the project location).

2. Submit Final Plans which include the following:

- a. Provide final stormwater management/civil plans that are adequately detailed for construction and that demonstrate compliance with the CDC. Design should include provisions for safe overflow, flow control sizing, capacity analysis, treatment, pollution prevention, drain time and vector control assessment.
- b. Update both the bioretention and planter box details to meet the minimum requirements for biofiltration treatment systems specified in the CDC Part 3 Section D.3.b.iii. (depth of soil, depth of rock, perforated pipe location, etc.). Add requirements to both details to include surface infiltration testing. The requirement shall specify test method to be used and minimum acceptable infiltration rate of at least 5 inch/hour.
- c. Provide material specifications, testing, etc. to ensure that void ratio in soil and rock storage areas will be provided consistent with the analysis. The rock should be washed and angular.
- d. Provide detail/s for orifice elevations, proposed surface elevations, overflow elevations, and dimensions of each bioretention and planter box. Safe overflow shall be accommodated on site without overflow to the south.
- e. Plans shall include call out and detail for a County Standard GO inlet (per SWM-8a and b) in Thurber Lane at the project frontage.
- f. Plans shall include detail Fig SWM-9 for the proposed storm drain pipe connection to the existing inlet in Thurber Lane.
- g. Provide detail/s for water tight cleanouts at the end of each perforated pipe section. Provide access points at each pipe horizontal angle point, change in grade or pipe size and storm drain connection.
- h. Provide spot elevations, grades, slopes, etc that show how runoff from all impervious areas will be routed consistent with the final analysis and watershed maps. This shall include details on how roof and roadway runoff will be routed to the surface of the mitigation facilities. Provide detail/s for the pipe outlets into the planter and bioretention areas.
- i. Provide detail/s for proposed pop-up emitter/s. These shall be located away from the overflow inlets.

- j. For locations where fences cross a drainage easement provide detail/s for how fence design will accommodate runoff under the fence without obstruction.
 - k. All proposed inlets (on and off site) shall include markings “No Dumping – Drains to Bay” or equivalent.
 - l. If the mitigations and improvements for the MLD 17-1353 shown on sheet C3.0 have not been completed then these shall be completed as part of the current subdivision, or replaced with equivalent facilities.
 - m. Include pipe type, sizes on the final drainage plan sheet. Provide detail/s for proposed landscape inlets, drop inlets, catch basins, etc.
 - n. Provide adequate information to show that the through pipe in the southern drainage easement will not conflict with the proposed retaining walls or required detention volumes.
3. The tentative map shall be updated to address the following:
- a. Identify existing and proposed easements on the plan and include reference to associated recorded document/s. Private drainage easements (minimum 5 feet wide) or common area parcel/s shall be provided for all common drainage facilities, for facilities that accommodate offsite runoff, and for stormwater mitigation facilities that need to be maintained and reported on as part of this large development project. Easement widths shall be adequate for maintenance, repair and replacement without impact to structures or other permanent facilities, or encroachment to offsite areas (minimum of 5 feet wide).
 - b. The final map shall update labels, so all drainage easements are called private drainage easements. The proposed private street areas shall be updated to be called out as private drainage easement area as well as EVAE and PUE.
 - c. Provide language to keep private drainage easements/common areas free and clear of buildings or structures of any kind (including retaining walls and fences).
 - d. Acknowledgement that no additional impervious area coverage beyond the limits shown shall be constructed without prior permitting by the County of Santa Cruz. Provide an accounting for each lot for total impervious area allowed (including concrete swale areas).

- e. The final CC&Rs shall be updated to specify the single point of contact responsible for annual reporting on the inspection and maintenance of all common facilities and stormwater mitigation facilities and for submitting the annual oversight fee. The CC&Rs and final map shall provide adequate provisions for the single responsible party to access, inspect and maintain all proposed stormwater mitigations (all planter box and biofiltration facilities) and all common drainage facilities. The CC&Rs can include or reference the recorded stormwater management maintenance agreement (SWM-25B).
4. Submit a Final Stormwater Management Report.
- a. Provide final signed and stamped stormwater report and analysis demonstrating compliance with the CDC.
 - b. Provide analysis utilizing Figures SWM-6 and 7 for the proposed storm drain in Thurber Lane demonstrating compliance with the CDC.
 - c. Provide details for detention volume analysis describing the design void ratio of both the bioretention soil and rock storage areas used. Provide dimensions for each planter/bioretention facility used for sizing.
 - d. The final analysis and watershed area boundaries shall be consistent with the proposed grading for the private roadway. Given the grades shown, the watershed boundaries will not follow proposed lot lines as shown in the preliminary report and analysis.
 - e. Provide landscape and architectural plans with surfacing, grading, and drainage information for review for consistency with the civil plans.
5. Provide a draft stormwater management maintenance agreement in addition to CC&Rs, road maintenance agreements, easements, and/or other legally enforceable document/s that establishes responsibility for the operation and maintenance of the stormwater facilities, source control measures, mitigation features, storm drain markings/signage, drainage patterns, and impervious area limits established with the project and which is consistent with and includes all required attachments as specified in Part 3 Section D.3.d of the CDC. An acceptable draft is required prior to approval of the final map and improvement plans and the final recorded agreement is required prior to acceptance and final of the subdivision improvements.

- a. The recorded maintenance agreement shall identify a single entity who is responsible for submitting the annual maintenance report and paying associated annual oversight fees.
 - b. Include a figure showing the project site, location of each stormwater facility (with unique ID's for each facility) and associated drainage areas as an attachment to the maintenance agreement.
 - c. Include attached tables/checklists that detail management activities, maintenance requirements, schedule, signs of system failure, maintenance intervals, photo documentation (labelled with unique id) for each type of stormwater facility.
 - d. Include appropriate source control BMPs and operation procedures/restrictions needed for compliance with the CDC.
 - e. If mitigations rely on subsurface or surface infiltration, annual infiltration testing and result reporting requirements shall be included in the checklist (required for planter box and bioretention facilities).
 - f. The maintenance agreement shall also include the standard language provided in Fig. SWM-25B of the CDC.
 - g. The first year annual report with photo and infiltration test result documentation is required prior to acceptance of subdivision improvements and final of any building permit/s.
 - h. If improvements are built in phases this agreement may need to be updated/replaced over time.
6. Provide a letter from the geotechnical engineer reviewing and approving the final stormwater management design. The geotechnical engineer should approve of the bioretention locations relative to building foundations (both on and offsite).
7. Zone 5 fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at final map approval/building permit issuance. The fees are currently \$1.67 per square foot, and are subject to increase based on the amount applicable at permit issuance date. Reduced fees (50%) are assessed for semi-pervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials. For credit for existing impervious area provide documentation that demonstrates the impervious area was installed with a previously approved permit or were in place prior to establishment of Zone 5 in 1969.

- J. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning, including the following project specific requirements:
1. Prior to acceptance of improvement plans, provide a note on the plans that cites the soils report by author and preparation date, provides soils engineer contact information, and states that all construction must comply with the recommendations of the soils report.
 - a. Plans shall clearly delineate the lateral extents of over excavation and recompaction beneath and adjacent to the residence, as required by the soils report. Also provide notes regarding the required depth of over excavation and recompaction, acceptable fill materials and relative compaction requirements for engineered fill.
 2. The applicant shall submit a drainage plan that complies with the requirements set forth in 2022 California Building Code (CBC) Section 1804.4 and the recommendations of the soils engineer. Plans shall include all proposed hardscape and drainage details. Include construction details for all drainage features and provide a typical section for the driveway.
 3. The applicant shall submit a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual, available here: <http://www.sccoplanning.com/Portals/2/County/Planning/env/ConstructionStormwaterBMPManual-Oct%20312011version.pdf>.
- K. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
1. The submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and reviewing agency.

~~IV. Prior to any site disturbance or physical construction on the subject properties, the following conditions shall be met:~~

- ~~A. Prior to recordation of the Final Map, the applicant shall establish a Homeowners Association (HOA) and submit a final copy of the Covenants, Conditions, and Restrictions (CC&Rs) to the Planning Department for review and approval. The CC&Rs shall establish a legally enforceable mechanism for the perpetual maintenance of all common improvements and shared facilities serving the~~

~~subdivision, including, but not limited to, private roadways and emergency vehicle access improvements, associated landscaping, drainage facilities, water and sewer infrastructure, fences, silt and grease traps, and any other shared improvements identified on the approved plans.~~

~~The CC&Rs shall assign maintenance responsibilities for each common improvement and shall grant the HOA the authority to:~~

- ~~1. Enforce all maintenance obligations established in the CC&Rs.~~
- ~~2. Levy and collect assessments sufficient to carry out its enforcement responsibilities and to fund maintenance where the HOA is assigned maintenance responsibility.~~
- ~~3. Perform required maintenance and recover the associated costs from the responsible owner(s) if maintenance is not performed in accordance with the CC&Rs.~~
- ~~4. Ensure the perpetual maintenance of all common improvements and shared facilities serving the subdivision.~~
- ~~5. Ensure that emergency vehicle access through the subdivision is maintained at all times by keeping all private roadways, access easements, gates (if any), and related improvements in a safe, functional, and unobstructed condition consistent with the requirements of the County Fire Department.~~

V. All future development shall comply with the following requirements:

- A. Any outstanding balance due to Santa Cruz County Planning must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- B. All required improvements shall be installed and inspected by the Department of Public Works and Planning Department prior to final inspection clearance for any new structure on the new lots.
- C. Meet all requirements of the Santa Cruz County Sanitation District. Prior to building permit submittal, plans shall be revised to reflect:
 1. On Sheet C-4, revise private sewer lateral serving lot 6 to be a 4" sewer line at 2% slope. Private sewer lateral shall tie into the sewer main, not the existing manhole.
 2. On Sheet C-4, provide profiles of proposed sewer collector serving lots 1-5.
 3. Include Design Criteria SS-2, SS-5, SS-10, SS-11, SS-12.

4. Include notes that the proposed sanitary sewer shall be privately maintained.
 5. Sewer connection fees shall be owed in accordance with the most recently approved resolution referenced by Santa Cruz County Sanitation District Code at the time of building permit application.
- D. Affordable housing impact fees (AHIF) fees pursuant to SCCC 17.10 at the rates in effect at the time of payment, as shown in the Unified Fee Schedule and Affordable Housing Guidelines. The AHIF for this project is based on the 5+ Home AHIF rate schedule for the single-family homes. The total AHIF is due from owner/developer prior to occupancy or prior to completion of a final building permit inspection, whichever occurs first, for first home or any other habitable structure in the project.
1. Process for payment: Prior to building permit issuance for the first home in the project, or prior to sale or transfer of any newly created parcel in the project following recordation of the parcel map (if such sale or transfer occurs prior to building permit issuance), owner/developer shall sign an acknowledgement form to be provided by Housing staff, acknowledging the requirement to pay AHIF fees for the project at the AHIF rates in effect at time of payment, based on the floor area of each unit in the project, as calculated by Building staff from the final approved building plans, prior to occupancy of any habitable structure in the project. If owner would like to pay the AHIF through an escrow company handling sales of the property, owner shall provide Housing staff with escrow officer contact information, and will be required to sign escrow instructions to arrange for payment of the AHIF fees.
- E. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

VI. Operational Conditions

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

VII. As a condition of this development approval, the holder of this development approval

("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Application #: 251276
APN: 025-032-33, -34, -35
Owner: Swarna Bhairava LLC

Approval Date: _____

Effective Date: _____

Expiration Date: _____

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