



Staff Report to the Planning Commission

Application Number: **101027**

Applicant: Barry Swenson Builder
Owner: Green Valley Corporation (& partners)
APN: 041-011-03, -09, -20, -24, -33;
041-561-01, -02

Agenda Date: June 13, 2012
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: Proposal to construct a mixed-use commercial and residential development (including a maximum of 63 residential units and 75,000 square feet of commercial space) for the core area of the Aptos Village, per the requirements of the Aptos Village Plan.

Location: Property located in the undeveloped portions of Aptos Village (between Aptos Creek Road, Trout Gulch Road, and Soquel Drive).

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Planned Unit Development, Subdivision, Rezoning, General Plan Amendment, Commercial Development Permit, Residential Development Permit, Roadway Abandonment

Technical Reviews: Historic Resource Review, Archaeological Report Review, Soils Report Review, Preliminary Grading Review.

Staff Recommendation:

- Adopt the attached resolution (Exhibit F), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **101027**, based on the attached findings and conditions, and recommend certification of the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|-----|--|
| A. | Project plans (on file with the Planning Department) | G. | Location, Assessor's parcel, Zoning, and General Plan maps |
| | A1. Optional E-W Street Location (on file with the Planning Department) | H. | Mitigated Negative Declaration - CEQA Determination (on file with the Planning Department) |
| B. | Findings | H1. | Parking Study (on file with the Planning Department) |
| C. | Conditions | I. | Aptos Village Plan (on file with the Planning Department) |
| D. | PUD Ordinance | J. | Comments & Correspondence |
| E. | (deleted) | | |
| F. | Planning Commission Resolution, Rezoning ordinance, Aptos Village Plan amendment | | |

Parcel Information

Parcel Size:	11.5 acres
Existing Land Use - Parcel:	Existing retail antique barn & misc buildings, vacant
Existing Land Use - Surrounding:	Commercial and residential
Project Access:	Soquel Drive, Trout Gulch Road , Aptos Creek Road, Cathedral Drive, Granite Way
Planning Area:	Aptos
Land Use Designation:	C-C (Community Commercial) & R-UH (Urban High Density Residenital)
Zone District:	C-2 (Community Commercial), RM-2 (Multi-family Residential - 2,000 square feet minimum) & RM-3 (Multi-family Residential - 3,000 square feet minimum) including -L historically zoned parcels
Coastal Zone:	<u> </u> Inside <u> X </u> Outside

Environmental Information

An Initial Study has been prepared (Exhibit I) that addresses the environmental concerns associated with this application.

Services Information

Urban/Rural Services Line:	<u> X </u> Inside <u> </u> Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Aptos/La Selva Fire Protection District
Drainage District:	Zone 6 Flood Control District

Project Setting

The subject property includes approximately 11.5 acres located in the core area of Aptos Village (roughly bounded by Soquel Drive, Aptos Creek Road, Trout Gulch Road, and Cathedral Drive).

The majority of the subject property is undeveloped, with an existing historic Apple Barn (currently an antique shop), the former Aptos firehouse/VFW hall, and miscellaneous structures.

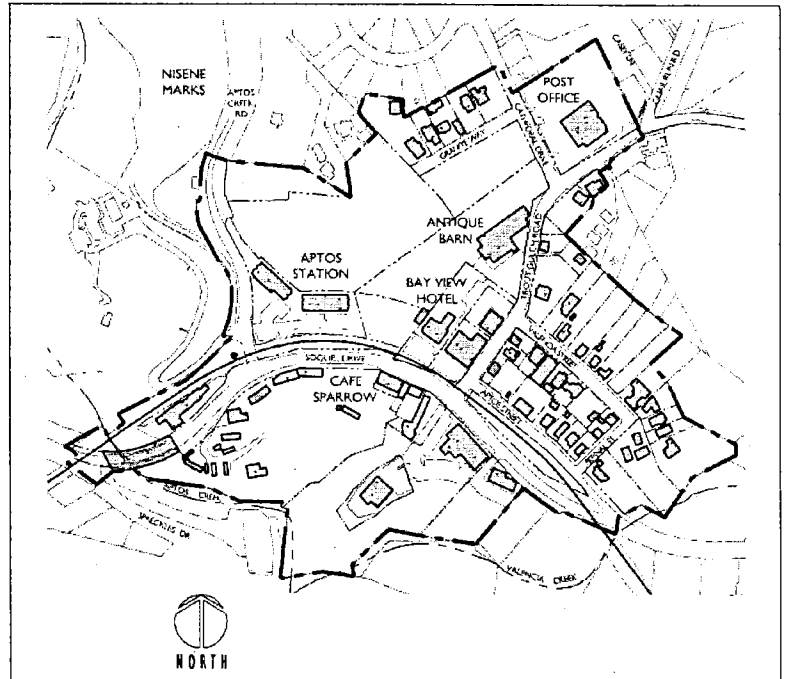
The adjacent parcels include existing commercial uses along Soquel Drive to the south east (Bayview Hotel, Trout Gulch Crossing) and to the southwest (Aptos Station), Aptos Village Park (along Aptos Creek) to the west, Nisene Marks State Park to the northwest, residential development to the north, and the post office to the east. The remainder of the village (the Hihn subdivision to the east and the area south of Soquel Drive) is largely developed, with a mixture of small scale commercial and residential uses. The majority of the project site is gently sloped, with steeper slopes at the north side of the village core area. Two major creeks (Aptos Creek to the west and Valencia Creek to the east) come together just south of the village.

The primary access to the Aptos Village is Soquel Drive (an arterial roadway that parallels Highway 1) and the village serves as the gateway to the 10,000-acre Forest of Nisene Marks State Park. An existing railroad line passes through the village on the north side of Soquel Drive, with existing railroad crossings at Aptos Creek Road, Trout Gulch Road, and in front of the

Bayview Hotel. Existing commercial and residential uses are located to the east and west of the village, with the major commercial development in the area being the Rancho del Mar Shopping Center, located to the west of the village. Rural residential development is located to the north of the village, and Highway 1 is located to the south. A more complete description of surrounding buildings and uses can be found in the Aptos Village Plan.

Aptos Village Plan

The original plan for the Aptos Village (entitled the Aptos Village Community Design Framework) was originally adopted by the Board of Supervisors on 4/17/79. Although the upper residential areas of the plan were largely developed by the year 2000, portions of the village core were not improved. This was due to a number of factors, including the existing parcel arrangement, varied ownership, and a lack of specificity in the Community Design Framework. In order to encourage infill development within the village, starting in 2001, the Planning Department began working with the community to develop a revised plan for the area. Multiple community meetings were held, and a group of partners came together to shape a renewed vision of what the Aptos Village could become. The process was carried out over a number



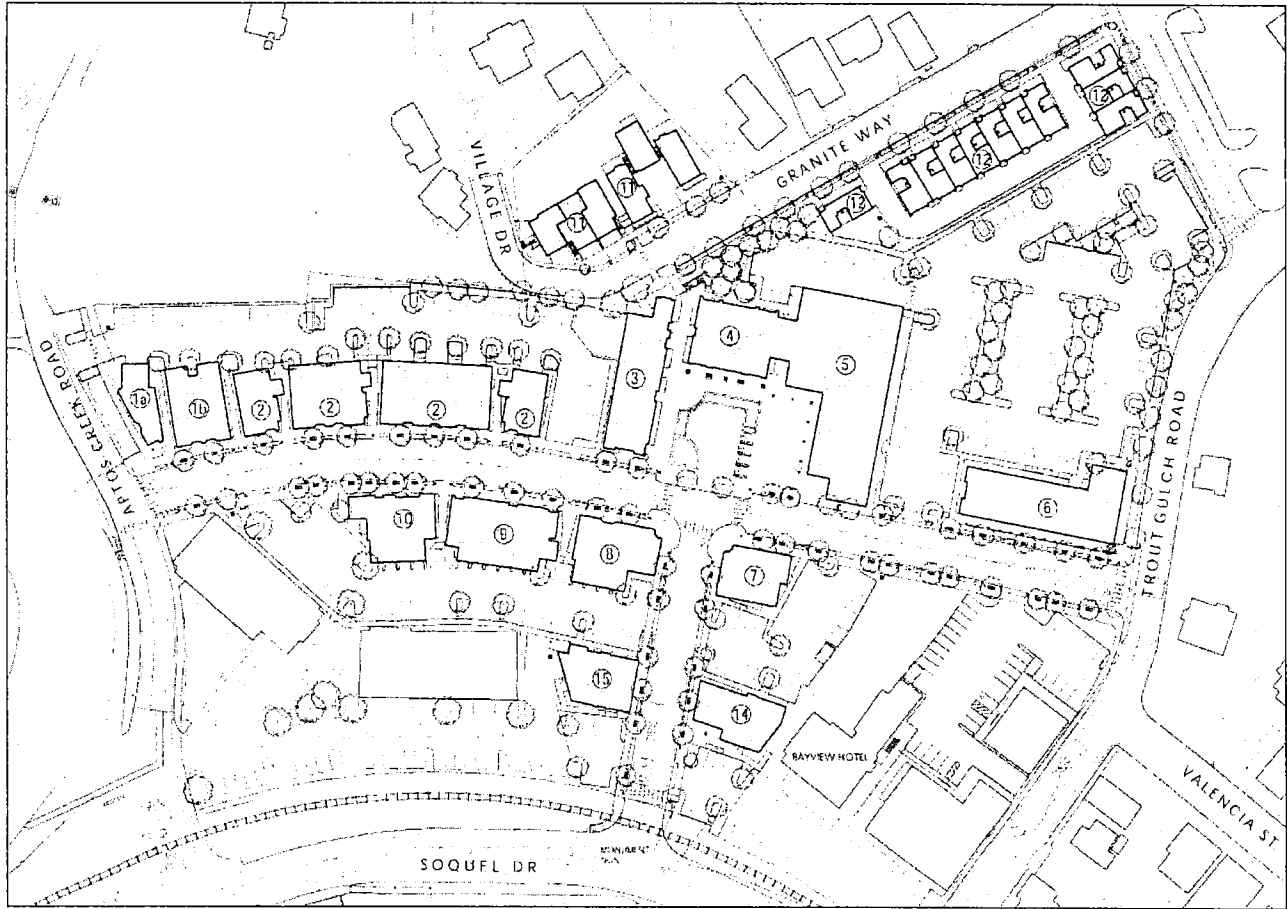
Aptos Village - Existing Conditions

of years, and the Board of Supervisors adopted the more detailed Aptos Village Plan (Exhibit I) on February 23, 2010 to help realize this vision. The revised Aptos Village Plan (AVP) includes specific arrangements for particular uses and structures, locations for new streets, a village common area, and a public park. The current application is a proposal to implement the development envisioned in the revised Aptos Village Plan adopted by the Board of Supervisors in 2010.

Project Summary

This application is a proposal to construct a mixed-use commercial and residential development including a maximum of 63 residential units and up to 75,000 square feet of commercial space for the core area of the Aptos Village, per the requirements of the Aptos Village Plan. This proposal includes the construction of a new east-west roadway ("Valencia Street"), a new north-south roadway ("Parade Street"), with new mixed-use commercial buildings fronting on these new roadways, and around a village common area, with parking areas to the rear of the proposed buildings. Additional residential development is proposed on the hillside above the mixed-use portion of the project (accessed via Granite Way). Construction is proposed in phases, with the commercial and mixed-use buildings around the village common, along Soquel Drive, and the hillside residential buildings to be constructed in the primary phase. Secondary phases of construction would include buildings to the west of the village common and completion of remaining associated improvements. Improved rail crossings would be constructed at Trout

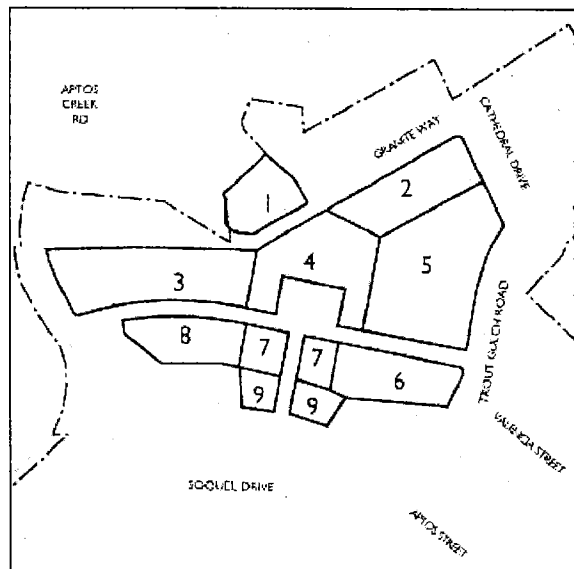
Gulch Road, Aptos Creek Road, and a new crossing would be installed at the new north-south street to provide access to the project. These improvements are included as a part of a separate plan, currently being prepared by the Department of Public Works, to improve Soquel Drive and provide access for the proposed project.



Site Plan - Proposed Development

Mixed Use Commercial & Residential Development

The Aptos Village Plan (AVP) requires that a mixture of commercial and residential development be included as part of a Planned Unit Development application to complete the core area of Aptos Village. The AVP specifies nine separate building areas within the village core area (Figures 23 & 24 of the AVP - Exhibit I). The maximum amount of commercial building area and a maximum number of allowed residential units for each area is also detailed. In a broader description of the nine building sites identified in the AVP, the undeveloped portion of the village core is split into two separate areas, with mixed-use commercial areas fronting on two new streets and around the village common at the lower portion of the site (Sites 3-9, per Figures 23 & 24 of the AVP - Exhibit I) with stand-



alone residential townhouse development accessed from Granite Way on the hillside above (Sites 1 & 2, per Figures 23 & 24 of the AVP - Exhibit I).

Mixed Use Commercial & Residential (Sites 3-9, Figures 23 & 24 of the AVP - Exhibit I)

A total of approximately 72,000 square feet of commercial space and 46 residential units are proposed on the lower portion of the site. The subject property is located within the C-2 (Community Commercial) zone district which allows commercial and residential uses within mixed use developments. The central element of the mixed use area is the village common, a shared open space, that creates a point of focus for the development at the intersection of the proposed east-west and north-south roadways. The structures proposed around the village common (Site 3 in the AVP - Exhibit I) include the historic Apple Barn (identified as Building 5 in the project plans - Exhibit A), which is proposed to be moved from its current location to the east side of the village common, and two new three story buildings (identified as Buildings 3 & 4 in the project plans - Exhibit A). A connection from the Apple Barn to the lowest floor of Building 4 is proposed to allow a larger tenant space (incorporating the lower floor of both buildings) that could attract a grocery store or similar anchor retail tenant. The largest parking area is proposed to the east of the Apple Barn (Site 5 in the AVP - Exhibit I) adjacent to an additional two story commercial building (identified as Building 6 in the project plans) proposed at the intersection of the new east-west street and Trout Gulch Road. Additional mixed use buildings are proposed along the east-west street (Sites 3, 7 & 8 in the AVP - Exhibit I) and north-south street (Site 9 in the AVP - Exhibit I). The structures proposed for the sites listed above are in compliance with the requirements of the AVP (commercial area, residential density, and number of stories) as indicated in the table below:

Mixed Use Commercial & Residential Table
(Sites 3-9 per AVP - Buildings 1a - 10, 14 & 15 per project plans)

Site Number & Building Number	Maximum Commercial Square Feet (Gross)	Proposed Commercial Square Feet (Gross)	Maximum Number of Residential Units	Number of Proposed Residential Units	Maximum Number of Stories	Number of Proposed Stories
Site 3 Buildings 1a, 1b & 2	10,500	10,500	17	17	2 (with lofts above)	2 (with loft above in Building 2)
Site 4 Buildings 3, 4 & 5	31,500	31,500	8	8	3	3 (Buildings 3 & 4)
Site 5 Building 6	13,000	13,000	0	0	2	2
Site 6 (Building 13)	2,500 (in addition to existing)	No building proposed	0	0	2	0
Site 7 Buildings 7 & 8	5,500	5,185	7	7	2 (with lofts above)	2 (with loft above in Building 8)
Site 8 Buildings 9 & 10	6,000	5,775	10	10	2 (with lofts above)	2 (with loft above in Building 9)
Site 9 Buildings 14 & 15	6,000	5,748	4	4	2	2

Per Figures 23 & 24 of the AVP (Exhibit I), an additional building of up to 2,500 square feet could be considered on Site 6, at the rear of the existing Bayview Hotel property, but that is not proposed as a part of this project. A building could be proposed on Site 6 in the future, consistent with the AVP and the existing and proposed uses on the historic property, subject to review and approval by the County.

Hillside Residential (Sites 1 & 2, Figures 23 & 24 of the AVP - Exhibit I)

A total of 17 new residential units are proposed to be constructed on the hillside above the village core area. These units would be accessed from Granite Way, which is proposed to be improved with a sidewalk on one side and on-street parking. Six townhouse units (identified as Building 11 in the project plans - Exhibit A) are proposed on the north side of Granite Way, and eleven townhouse units (identified as Building 12 in the project plans - Exhibit A) are proposed on the south side of Granite Way. This area is zoned RM-3 (Multi-family Residential - 3,000 square feet minimum) north of Granite Way, and RM-2 (Multi-family Residential - 2,000 square feet minimum) south of Granite Way. The proposed residential use, unit density, and number of stories are consistent with the requirements for Sites 1 & 2 of the Aptos Village Plan, which specifies the unit densities and maximum number of stories for these two hillside residential sites.

Hillside Residential Table
(Sites 1 & 2 per AVP - Buildings 11 & 12 per project plans)

AVP Site Number & Building Number	Maximum Number of Residential Units	Number of Proposed Residential Units	Maximum Number of Stories	Number of Proposed Stories
Site 1 Building 11	6	6	3 (if lower floor parking)	3 (with lower floor parking)
Site 2 Building 12	11	11	2	2

Subdivision

A subdivision approval is required for the division of the property into separate condominium and townhouse parcels. Given the mixed-use nature of the project, separate parcels are proposed for each tenant space and residential unit within the mixed use buildings, for the attached and detached residential townhouse buildings, and for common areas. The internal roadways are proposed to be offered for dedication to the County, from curb to curb, with the sidewalks and landscape areas to be retained by the developer as part of the common area.

The subject property is located within the C-2 (Community Commercial) and RM-2 & RM-3 (Multi-family Residential - 2,000 & 3,000 square feet minimum) zone districts and the property is designated C-C (Community Commercial) and R-UH (Urban High Density Residential) in the General Plan. The subject property is also located within the village core area of the Aptos Village Plan area, which is the governing document for new commercial square footage and residential density for this proposal. The proposed subdivision and the resulting parcels are consistent with the commercial building area and residential density standards specified in Figures 23 & 24 of the AVP (Exhibit I).

Lot Line Adjustment

As a component of the proposed subdivision, a common boundary with APN 041-561-01 (Aptos Station) would be adjusted to allow connection of the proposed east-west street with Aptos Creek Road. This boundary adjustment would also provide an area for additional parking at the rear of the existing Aptos Station buildings.

Roadway Abandonment

As a component of the subdivision, the developer is requesting that the County vacate its interest in a small, unused section of the Trout Gulch Road right of way. This area would be used to install landscaping improvements adjacent to the larger parking area of the mixed-use portion of the project. The Department of Public Works has reviewed and supports the proposed abandonment of this section of the Trout Gulch Road right of way.

Phasing

The Subdivision Map Act (Government Code Section 66456.1) specifically allows the filing of multiple final maps relating to an approved tentative map. The final map for the subdivision is proposed to be recorded in three major phases. The initial phase is proposed to include the relocation of the Apple Barn (Building 5) from the current location to the east side of the village common, the construction of the village common and the two other buildings (Buildings 3 & 4) that surround it, and the construction of the hillside residential units. The two later phases would include the mixed use buildings to the west of the village common along the proposed east-west street.

Aptos Village Subdivision Phasing

Phase	Description	Building Number	AVP Site Number	Notes & Infrastructure
1	- Construction of village common and surrounding mixed use buildings - Relocation of Apple Barn - Construction of hillside residential units	3, 4, 5, 6, 11, 12, 14, 15	1, 2, 4, 5, 9	- Mass grading of project site - Construction of north-south street and east-west street - Signalization of Trout Gulch Rd, Aptos Creek Rd, and installation of rail crossings - Buildings to be constructed in sub phases depending on market demand - Lot line adjustment (Aptos Station) - Dedication of park parcel
2	Construction of mixed use buildings south of village common	7, 8	7	
3	Construction of mixed use buildings west of village common	1a, 1b, 2, 9, 10	3, 8	- Construction of roadside improvements on east-west street and Aptos Creek Rd improvements - Buildings to be constructed in sub phases depending on market demand - Construction of Nisene Marks entrance improvements and signage

The proposed phasing plan effectively identifies the order in which project areas will be developed. The phasing plan also identifies the type, amount, and extent of infrastructure that will be installed for each phase of the project. Staff is in general agreement with the phasing plan as proposed, but recognize that certain details may require revisions to the phasing depending on market conditions. In any case, sufficient transportation and utilities infrastructure is required to be in place prior to the completion of each phase, including adequate roadways, rail crossings, and traffic control devices.

Planned Unit Development

As specified in the Aptos Village Plan, a Planned Unit Development (PUD) will be required for the project. Per County Code section 18.10.180, a PUD can allow the project to vary from typical zone district site standards and implement the vision depicted in the AVP.

Site Standards

In order to allow construction of an environment with an urban character in the core area of the Aptos Village, and to achieve the residential densities specified in the AVP, it is necessary to modify the site standards for the commercial (C-2) and residential (RM-2 & RM-3) zone districts. Application of typical zone district site standards would result in a series of detached buildings set back from the primary pedestrian walkways. A reduction in setbacks to allow mixed use commercial buildings to front on the sidewalk, and an increase in height requirements to allow residential units above commercial areas (which require fairly high ceilings) are necessary to implement the vision of the AVP. The modification of site standards proposed for this project (as depicted in Exhibit A) includes the following:

PUD Site Standards

Zone District Site Standard	Typical Standard	Proposed Standard	Notes
C-2 Street Facing Setback	10 feet minimum from edge of right of way	0 feet from rear of sidewalk	- Allows commercial buildings adjacent to pedestrian walkways - Arcades & awnings allowed to project over sidewalk areas
C-2 Height	35 feet	35-45 feet	- Buildings around village common are tallest at up to 45 feet in height - Architectural feature on Building 4 up to an additional 6 feet in height - Buildings leading away from Village Common 40 feet or less in height - All other mixed use buildings 35 feet in height
RM-2 & RM-3 Street Facing Setback	15 feet minimum from edge of right of way	3-15 feet	- Majority of buildings located 6 feet or more from edge of right of way - Buildings fronting Cathedral Drive located 3 feet from edge of right of way - Cantilevered features and eaves allowed to encroach into setbacks
RM-2 & RM-3 Lot Coverage	40% of parcel area	40-45%	- Increased coverage requested to allow proposed unit design and to allow a mixture of unit sizes and styles
RM-2 & RM-3 Floor Area Ratio	50% of parcel area	75-80%	- Increased FAR requested to construct a mixture of unit sizes and styles - Lower floor parking area in units north of Granite Way adds to FAR calculation
RM-2 & RM-3 Height & Number of Stories	28 feet and 2 stories	28 feet & 2 stories (south of Granite Way) 36 feet & 3 stories (north of Granite Way)	- Lower floor parking areas, with two stories above allowed by AVP north of Granite Way - Lower floor parking area in units north of Granite Way adds to total height of structures

Commercial Use & Occupancy

Modifications to the existing C-2 (Community Commercial) zone district use charts are proposed as a part of the PUD to establish the use and occupancy standards for the commercial portions of the project, consistent with the goals of the AVP. The allowed commercial uses in the PUD are similar to the uses currently allowed within the C-2 zone district, although the allowed uses are more up to date than the C-2 zoning use chart which originated in 1960s. The PUD use and occupancy standards would provide flexibility for the future commercial tenants, while also ensuring the proper mix of retail, restaurant, and office uses on the project site.

Parking

Adequate parking for the proposed mixed use commercial development and residential units will be provided on the project site. The village core area includes shared parking areas that will be used by a mixture of commercial businesses as well as residential tenants and visitors. The project is proposed to provide 488 new parking spaces (including new on-street parking). County Code requires a total of approximately 445 parking spaces for the proposed new residential units and commercial uses. Using the County Code to calculate parking requirements would result in a surplus of 40-45 parking spaces in the proposed development. Given the nature of the proposal as a mixed use development with shared parking facilities, a parking study was prepared to evaluate peak parking demand and overall parking requirements. The County Code allows the use of a parking study to determine minimum parking requirements, as the standards listed in County Code section 13.10.552 are not comprehensive and do not consider variations in peak parking demand for larger commercial or mixed use projects.

A parking study has been prepared for the project that estimates total parking demand for the project. The results of the study indicate that a total of approximately 352 parking spaces would be required (at the peak periods of parking demand) to serve the proposed residential and commercial development. The parking study estimates that the shared parking facilities for the mixed use portion of the project will provide sufficient parking, with a surplus of over 100 additional parking spaces available for special events and to accommodate shared parking demand from other surrounding uses. Adequate parking for the hillside residential units will be provided with a minimum of two on-site parking spaces per residential unit and additional curbside parking provided along Granite Way.

Amendment to Aptos Village Plan (Residential Units & Square Footage)

The applicant has requested an allowance for flexibility of up to 10% for the total number of residential units, with no increase in building footprint, square footage, or height in order to allow the project to adapt to fluctuating market conditions. As this request varies from the specific language of the Aptos Village Plan (AVP), an amendment to the AVP (Exhibit F) is proposed to allow an increase in the number of residential units and the amount of residential square footage relative to the commercial area (more than 50% of the mixed use project as residential square footage). Given the current market conditions and the overall scope of the project this request would allow the developer to better respond to future market fluctuations.

Amendment to Aptos Village Plan (Second Anchor Tenant)

The applicant has also requested additional flexibility to allow a second commercial anchor tenant on the west side of the subject property (AVP Site Number 3) in excess of 7,500 square feet. As this request varies from the specific language of the Aptos Village Plan (AVP), an amendment to the AVP (Exhibit F) is proposed to allow a second anchor of up to 13,000 square feet. This is within the 10,500 square feet of commercial area allowed for AVP Site Number 3 including the 2,500 square feet that is not being used from AVP Site Number 6 (at the rear of the Bayview Hotel). This re-allocation of square footage is consistent with the overall commercial square footage allowed by the AVP, and would not prevent the Bayview Hotel from constructing an additional building in the future (subject to review and approval by the Planning Department). A construction of a second commercial anchor tenant would lead to a more vibrant village atmosphere by creating a draw for pedestrians and other commercial activity across the project site.

Affordable Housing

The proposed development is subject to the affordable housing requirements specified in Chapter 17.10 of the County Code. The applicant is required to provide 11.6 affordable housing units and proposing to provide 12 units. With this increase in the number of designated affordable housing units (and as specified in the Aptos Village Plan) the applicant has requested the ability to cluster the units in the mixed-use portion of the project with reduced average unit size and bedroom count. The applicant has also requested additional concessions, including the option to pay an in-lieu fee for the units, and a deferral period prior to sale of the units or payment of in-lieu fees. All of the proposed concessions are reasonable considering the current economic conditions and the provision of additional affordable units or in-lieu fee payments.

Due to current market conditions, the project applicant(s) has requested a modification to the timing in which the project has to comply with the applicable affordable housing requirements for this Project. The draft Condition V.A.1.a reflects the developer's request. Please note that the authority to impose this condition requires an amendment to Chapter 17.10 that is being processed concurrently with this application but is not required to come before your Commission. It is anticipated that if approved by the Board of Supervisors, the revisions to Chapter 17.10 will be in place to allow the proposed condition as requested by the project applicant.

The residential units in Buildings 14 and 15 are not included in the numbers stated above (as they are owned by separate partners). These buildings will either be separately mapped as for-sale condominium units or be retained as apartments under single parcel ownership. An additional .15 unit in-lieu fee would apply to each of the residential units in Buildings 14 and 15 if they are mapped as condominium units. This requirement will continue to apply even if a later map is filed to convert the apartments to condominium units.

Historic Resource Review

The Historic Resources Commission (HRC) reviewed this application on August 5, 2011. The primary areas of concern were the relocation of, and modifications to, the historic Apple Barn, and the demolition of the firehouse/VFW building. The HRC discussed the changes to the Apple

Barn and decided that, although the relocation of the Apple Barn would require a number of alterations to the structure, it would result in the long term preservation of the structure. The HRC also recommended that the firehouse/VFW building, due to the dilapidated condition and lack of historic elements, be demolished. Potential impacts to the historic Bayview Hotel were also analyzed and restrictions were added to the project conditions to ensure that this historic structure would not be impacted by the proposed development.

Amendment to Aptos Village Plan (Demolition of Firehouse/VFW Hall)

At the time of adoption of the Aptos Village Plan, it was assumed that the firehouse/VFW building could be moved to an alternate location within the village and the AVP requires this relocation. During the review process for this application, a structural engineer evaluated the structural integrity of the building, with additional review by the project historian and the Historic Resources Commission, with the resulting determination that the firehouse/VFW building should be demolished as a component of the project. Since this is a change from the current AVP language (p.34 of the AVP - Exhibit I), the demolition of the firehouse requires an amendment to the Aptos Village Plan (Exhibit F).

Rezoning (Historic "-L" Combining Zone District)

The project site contains parcels currently zoned C-2 (Community Commercial) and RM-2 (Multi-family Residential - 2,000 square feet minimum) and the two parcels that contain historic structures (the Apple Barn and the Firehouse/VFW building) are also zoned with the "-L" combining district to indicate the presence of an historic resource. The relocation of the Apple Barn on the project site, and the demolition of the Firehouse/VFW building require modifications to the existing "-L" combining district (Rezoning ordinance and map - Exhibit F). No other rezonings are proposed as a component of this project.

Park Dedication

The Aptos Village Plan requires the dedication of a public park area for active recreation has been designated in the northwest corner of the project site. In response to this requirement, approximately .74 acres in the northwest corner of the development is offered for dedication to the County of Santa Cruz by the developer for the creation of a public park. No improvements to the park parcel are proposed as a part of this application. The proposed dedication of the park parcel is consistent with the requirements of the Aptos Village Plan.

Design Review

The project site is located within the Aptos Village Plan (AVP) area and is subject to both the County Design Review ordinance and the AVP design standards. The proposal includes a mixed use commercial/residential component and a stand alone residential component on the hillside above. The mixed use area consists of taller buildings (and the historic Apple Barn) located around a common open space (village common) with lower buildings to the west, east, and south. The proposed buildings include a variety of facades and materials to allow for visual diversity, while retaining a consistent feel (through the use of similar setbacks, door placement, and signage) within the commercial core of the village. The residential component of the project consists of two and three-story townhouses, including two-story row houses on the south side of

Granite Way. The visual mass of the proposed residential buildings will be reduced through the appropriate use of varied roof planes, bay windows, porches, and balconies.

The landscape design provides large planting areas between the street and the sidewalk, with adequate space for street trees and ornamental vegetation. The planting areas along the sidewalk and within the parking areas will also be used as rain gardens to slow and treat stormwater flows from the adjacent paving. The landscape concept transitions from the upper portion of the site with a balance of native species found in the forests above Aptos Village down to more ornamental and decorative species on the lower portions of the project site. The proposed landscaping will provide an adequate visual buffer for the proposed structures and will provide shade and visual interest and a pedestrian sense of scale at street level.

This application is the result of many years of effort on the part of both the developer and the County. A variety of draft conceptual designs have been considered during this period of time, and changes have been made to the project design in response to comments received. The resulting building, landscape, and site design is consistent with the requirements of the County Design Review ordinance and the design standards of the AVP.

Railroad Crossings

A new railroad crossing at the proposed north-south street is required for access to the project from Soquel Drive. The improvements to this intersection, along with improvements to the existing rail crossings at Trout Gulch Road and Aptos Creek Road are a component of the County Department of Public Works plan to improve Soquel Drive to serve this project. Improvements to all three rail crossings have been submitted by the Department of Public Works to the California Public Utilities Commission (CPUC) for review and approval. The conditions recommended by CPUC staff have been incorporated into the conditions proposed for this project. The Regional Transportation Commission is planning to acquire the rail line and the ownership and rail operator may change in the near future, as a result.

In order to create a new at grade crossing, the CPUC requires the closure of two existing at grade crossings on the rail line. In this case, the two crossings proposed for closure are the existing private crossing at the Bayview Hotel (between Trout Gulch Road and the proposed north-south street) and a Davenport have been selected for closure. In both cases, other rail crossings are available nearby for access across the railroad tracks.

If the new at grade rail crossing (at the proposed north-south street) can not be approved by the CPUC, a design that terminates the north-south street at the parking area for Buildings 14 and 15 would allow for functional circulation through the project and adjacent common easements to Aptos Creek Road and Trout Gulch Road. This option could be proposed at the applicant's discretion with the improvement plans for this project. A pedestrian-only rail crossing and crosswalk across Soquel may also be included if authorized by the CPUC.

Granite Way

The existing travelled road of Granite Way serves existing residential parcels to the north and provides access to Village Drive. The roadway is largely unimproved with a dirt and gravel surface. The applicant proposes to improve Granite Way from Village Drive to Cathedral Drive

as a part of this project. However, the existing easements that make up Granite Way are not easily or readily transferred to the applicant for this purpose. Per the applicant's title research, the right of way for Granite Way was offered to the County in the past but was not accepted. If the offer of dedication continues to be valid, the County would accept the right of way for public access in subsequent action during the map recordation phase. The County would not assume maintenance responsibilities, and the developer would install the improvements within the right of way to serve the existing residential development and the proposed project.

Grading, Drainage & Utilities

In order to establish the correct grades for the proposed roadway and drainage features, and to create usable building pads and parking areas for the proposed development, site grading would be required. For the entire project, a total of approximately 17,000 cubic yards of earth would be cut and a total of approximately 9,000 cubic yards of earth would be placed as fill in the preparation of the project site for construction. Retaining walls are proposed at the rear (north edge) of the project site to provide adequate building sites and parking areas for the mixed use portion of the development, and where necessary within the hillside residential area to retain slopes and provide yard areas. To create a parking area at the rear of the mixed-use buildings, a retaining wall along the north edge of the subject property would be constructed with a height of 14 feet at its highest point, with a four foot high fence above. This wall would be located at the rear of the proposed development, with a textured block surface and landscaping, to reduce the visual impact of the wall on surrounding development. The grading volumes are reasonable and appropriate due to the nature and scale of the required improvements. Protection measures will be installed to preserve existing oak trees on the hillside that will not be removed during construction.

Additional improvements include a complete drainage and detention system to capture and treat storm water runoff from the proposed development. The drainage system will utilize surface and subsurface detention, treatment, and retention features (including pervious paving materials and infiltration facilities) to reduce storm water flows and improve water quality.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on 9/8/11. An Initial Study was prepared and a preliminary determination to issue a Negative Declaration with Mitigations (Exhibit H) was made on 9/13/11. The mandatory public comment period ended on 10/13/11. Two letters were received (Exhibit J) which oppose the project based primarily on land use issues (closure of the existing railroad crossing at the Bayview Hotel and acquisition of the right of way for the new east-west street). Environmental Planning staff have reviewed the comment letters and determined that the basis of the environmental review continues to be valid with the appropriate recommendation being a Negative Declaration with Mitigations.

Bayview Hotel Crossing

In response to the circulation of the Initial Study for this project, two letters were received (Exhibit J) that raised concerns regarding the closure of the existing railroad crossing in front of

the Bayview Hotel. The existing rail crossing is a private crossing that does not meet current standards (lacking crossing arms or other traffic control devices) and this private crossing is located in very close proximity to the Trout Gulch Road intersection with Soquel Drive (75 feet to the east). Additionally, the California Public Utilities Commission (CPUC) requires the closure of two at-grade rail crossings for each newly created at-grade rail crossing (such as the new crossing at the proposed north-south street). In this case, the Bayview Hotel crossing (and a crossing north of Davenport) have been selected for closure. In both cases, other rail crossings are available nearby for access across the railroad tracks.

For the reasons listed above, and to promote general transportation safety, the Department of Public Works has decided to close access to Soquel Drive at the private crossing in front of the Bayview Hotel. The new rail crossing at the intersection of the proposed north-south street and Soquel Drive will replace the Bayview Hotel rail crossing. This rail crossing will be more appropriately spaced from existing intersections at Aptos Creek and Trout Gulch Roads and will include complete safety features in compliance with current codes. Access to businesses will be continue to be available from the north-south street to the west and Trout Gulch Road to the east.

In response to the comments regarding the Initial Study, the proposed removal of the existing rail crossing will improve vehicular and pedestrian safety while allowing continued access to existing businesses and properties. No further mitigation is necessary.

Secondary Site Plan Option - Realignment of East-West Street

One of the two comment letters received (Exhibit J) raised concerns regarding acquisition of the right of way for the new east-west street at the rear of the Bayview Hotel property. At the time of preparation of the Aptos Village Plan, approved by the Board of Supervisors on February 23, 2010, it was understood that the developers would need to acquire a small area at the rear of the Bayview Hotel property for the construction of the east-west street connecting Aptos Creek Road, Trout Gulch Road, and Parade Street. Negotiations regarding the acquisition of this small, triangular piece of property (approximately 2,800 square feet) have been ongoing for a number of years, with little progress. Within the past few months, the owners of the Bayview Hotel and their representatives terminated negotiations regarding the sale of this property. In response, the project applicant (Barry Swenson Builder) has prepared a plan for the new east-west street that avoids the Bayview Hotel property entirely. This secondary site plan (Exhibit A1) jogs the new east-west street to the north about 50 feet and results in the proposed Building 6 being divided into two separate buildings located on each side of the intersection with Trout Gulch Road.

Although the developer still hopes to construct the project as originally proposed, the secondary site plan provides a back up option for the developer if negotiations can not successfully be reinstated with the property owners. The secondary site plan includes sufficient detail for staff review and is considered as a feasible second option for this project if the Bayview Hotel property can not be acquired. The secondary plan is consistent with the requirements of the Aptos Village Plan and applicable codes. Further analysis of detailed engineering data would occur in the post-approval stage, when the subdivision improvement plans are under review by the Department of Public Works. The site design including the realigned east-west street is included (Exhibit A1) as a secondary option for consideration by your Commission and the Board for approval as a part of this application.

In response to the comments regarding the Initial Study, the relocation of the proposed east-west street in the secondary site design avoids the Bayview Hotel property and removes any potential environmental impacts to the Bayview Hotel property. No further mitigation is necessary.

Conclusion

The proposed project implements the vision created in the Aptos Village Plan adopted by the Board of Supervisors on February 23, 2010. The mixed-use commercial and residential development is of an appropriate scale and pattern of design for the village area. The proposed infill project will complete the remaining undeveloped section of the core area of Aptos Village and will provide additional amenities and services to complement the existing commercial and residential uses in the project area. Approval and construction of the project will bolster economic activity in the County and the surrounding region at a time when construction projects and new development are scarce.

As proposed and conditioned, the project is consistent with all applicable codes and policies of the zoning ordinance and General Plan. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Adopt the attached resolution (Exhibit F), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **101027**, based on the attached findings and conditions, and recommend certification of the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Report Reviewed By: Wanda Williams
Assistant Director
Santa Cruz County Planning Department

Project Plans
(on file with the Planning Department)
www.sccoplanning.com

Application Number 101027
Planning Commission Hearing
1/25/12



• POTENTIAL TRANSFORMER
LOCATIONS

THIS PLAN IS FOR REFERENCE ONLY. SEE CIVIL DRAWINGS FOR PROPOSED SITE IMPROVEMENTS.

SCALE: 1" = 50'
50' 100'



BARRY SWENSON BUILDER
A DIVISION OF GREEN VALLEY CORP.



THATCHER & THOMPSON ARCHITECTS
OCTOBER 15, 2010
APPROVED FOR PERMITS
JANUARY 15, 2011
MAY 5, 2011

01

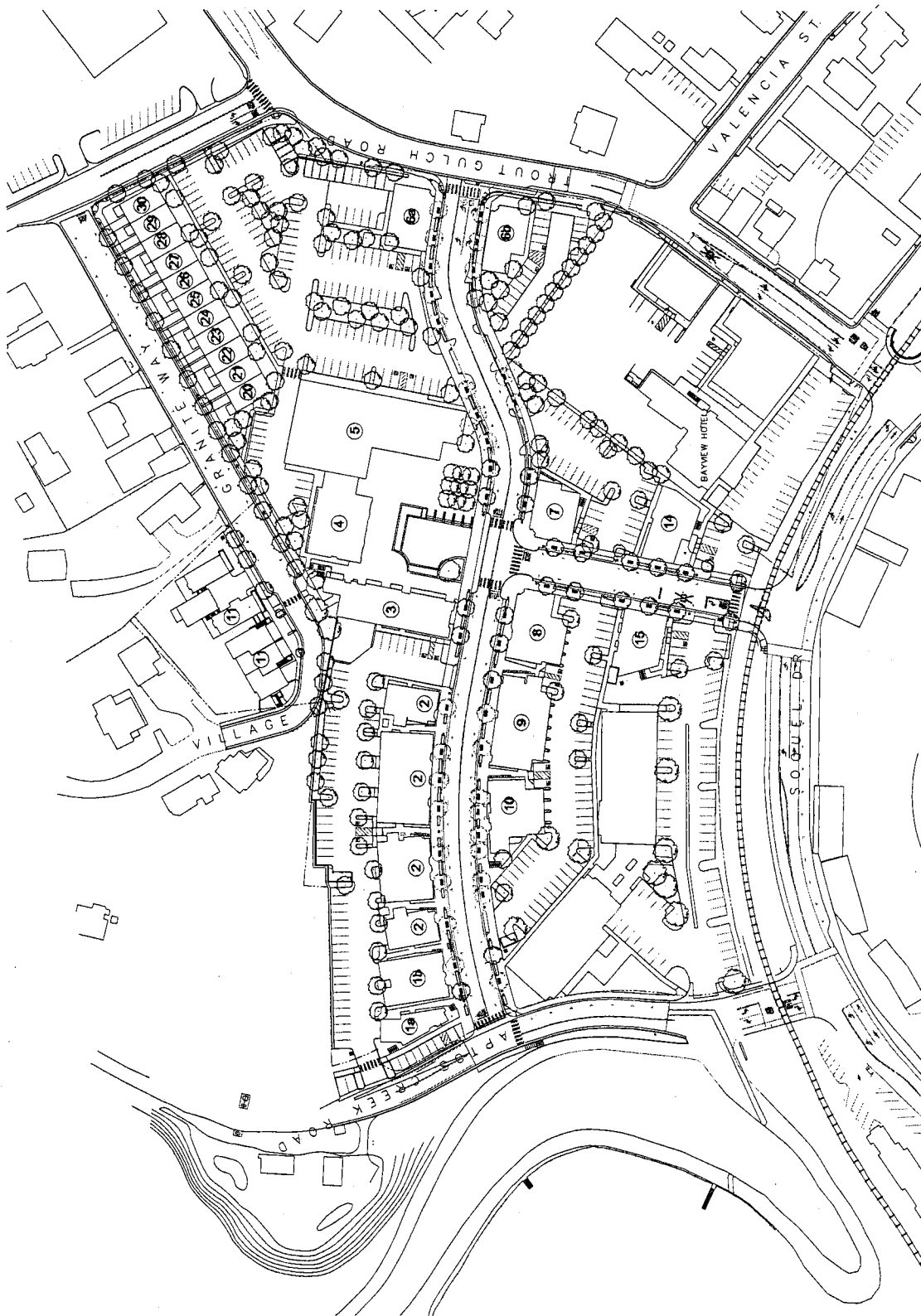
SITE PLAN

APTOS VILLAGE

APN: 041-011-01-20-33

Project Plans
Optional E-W Street Location
(on file with the Planning Department)
www.sccoplanning.com

Application Number 101027
Planning Commission Hearing
1/25/12



VALENCIA STREET ALTERNATE SITE PLAN APTOS VILLAGE

BARRY SWENSON BUILDER
THACHER & THOMPSON ARCHITECTS
A DIVISION OF GREEN VALLEY CORP.
DECEMBER 12, 2011

A1
REF 0.1

Planned Unit Development Findings

1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.

This finding can be made, in that the C-2 (Community Commercial) and the RM (Multi-Family Residential) zone district standards indicate areas appropriate for commercial and residential uses, with even further specifics regarding commercial square footage and unit densities specified in the Aptos Village Plan (AVP) as approved by the Board of Supervisors on February 23, 2010. The Planned Unit Development (PUD) allows modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the requirements of the AVP.

2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed project is located on an urban infill site and will provide additional amenities and infrastructure to serve the existing and proposed development. The site is well-suited to development, located inside the Urban Services Line, adjacent to existing commercial and residential development and the existing infrastructure serving Aptos Village. The mixed-use nature of the project will reduce vehicle trips and the enhanced pedestrian and bicycle facilities will further improve safety. Furthermore, the project has undergone an environmental review that has identified and mitigated any impacts this project might have on the immediate vicinity or on the larger environment as a whole. The County maintains standard permit conditions that regulate construction practices in an effort to minimize construction impacts on neighbors, and all construction will comply with the California Building Code.

3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.

This finding can be made, in that the proposal has been processed with appropriate noticing for each of the public hearings as required by County Code Chapter 18.10. Development permit findings, as required by Chapter 18.10 have been made for this project.

4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.

This finding can be made, in that the Planned Unit Development (PUD) standards allow modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the AVP. The proposed modifications to setbacks, lot coverage, Floor Area Ratio, and height for commercial and residential structures will allow the development of the core area of Aptos Village, as specified in the AVP. The project will provide an opportunity for mixed uses and supporting amenities, arranged in such a manner to efficiently

meet the daily needs of residents and employees of the area. The design and layout of the proposed structures and associated improvements have been evaluated and will be consistent with the pattern of development in the Aptos Village and the surrounding area.

5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.

This finding can be made, in that the traffic study conducted by TJKM Transportation Consultants indicates that the affected intersections will continue to function at acceptable levels of service with the installation of the required improvements. The proposed parking layout and configuration will provide sufficient parking, balance the parking needs of different tenants (based on hours of operation and peak demand), and make an efficient use of the land while enhancing the use of alternative transportation options. Additionally, per the parking study prepared by Marquez Transportation Engineering, the project will include sufficient parking for the proposed uses, with a surplus of up to 100 additional parking spaces available for special events and to accommodate additional on street parking demand from other surrounding uses.

6. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.

This finding can be made, in that the subject property will be developed with a mixture of commercial, residential, and mixed use structures, which will share parking and open space amenities on the site and the project will implement the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The AVP was developed as a community vision of what would best fill in the remaining vacant areas within the village and the implementation of the AVP will harmonize with the existing residential and commercial uses surrounding the site as a result of this community design effort. The combination and coordination of architectural styles, building forms, and materials will provide a more desirable development in the core area of the Aptos Village.

7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.

This finding can be made, in that this project will implement the Aptos Village Plan (AVP) and will provide urban amenities, pedestrian improvements, and a central open space on an urban infill site that has been undeveloped for some of time. The degree of departure from development standards (density is consistent with the AVP) is necessary to allow for an urban scale of development within the village core area and to allow for mixed use buildings (with adequate commercial space below and residential units above) to be constructed. These departures include reduced setbacks, increased height, modified commercial use charts, and modified parking requirements. The departures are consistent with the intent and goals of the AVP and will be consistent with the benefits provided by the construction of the urban infill project and the provision of a community center for the Aptos Village community. The proposed PUD will create a more desirable environment than would be possible through strict application of the C-2 and RM zone district standards.

8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

This finding can be made, in that the project implements the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The AVP is the General Plan document for the subject property and the proposed development is consistent with the AVP, as amended. The AVP is consistent with the underlying General Plan land use designations of C-C (Community Commercial) & R-UH (Urban High Density Residential). The subject property is not located in the coastal zone and is not a part of the Local Coastal Program Land Use Plan.

Rezoning Findings

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan.

This finding can be made, in that the subject property contains two historic structures, as indicated by the "-L" (Historic) Combining District. One of the two historic structures will be relocated on the project site and the other will be demolished. The proposed changes to the "-L" combining district reflect these changes.

2. The proposed zone district is appropriate to the level of utilities and community services available to the land.

This finding can be made, in that all utilities and community services are available to serve the property. The project connects to existing water, wastewater treatment, electric and gas services and will not create a burden for these existing public services.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made, in that the "-L" combining district is related to the presence of historic resources and will be consistent with the locations of these historic resources as a result of this project.

Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.

This finding can be made, in that the proposed division of land, its design, and its improvements, will be consistent with the Aptos Village Plan (AVP). The AVP is the General Plan document for the project area and the proposed development is consistent with the AVP, as amended. The AVP is consistent with the underlying General Plan land use designations of C-C (Community Commercial) & R-UH (Urban High Density Residential).

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed mixed use commercial and residential development will be consistent with the pattern of surrounding development within the village and the guidelines specified in the AVP.

3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

This finding can be made, in that the C-2 (Community Commercial) and the RM (Multi-Family Residential) zone districts indicate areas appropriate for commercial and residential uses, with even further specifics regarding commercial square footage and unit densities specified in the Aptos Village Plan (AVP) approved by the Board of Supervisors on February 23, 2010. The Planned Unit Development (PUD) allows modifications to the site standards of the C-2 and RM zone districts to allow the location of structures and uses consistent with the C-2 and RM zone districts and the requirements of the AVP.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for development, and the proposed structures, roadways, and site improvements are properly configured to allow development in compliance with the urban environment envisioned in the Aptos Village Plan. Road widths and surfaces are suitable to carry the quantity and kind of traffic that will be generated by the new development. No environmental resources would be adversely impacted by the proposed development.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife

or their habitat.

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that municipal water and sewer services are available to serve all proposed parcels. No sanitation or other public health problems will be created as a result of this project.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

This finding can be made, in that access to all existing and proposed parcels will be provided in the proposed subdivision. Multiple private easements exist throughout the property (from many years of railroad and commercial use) and these easements will be properly abandoned and removed prior to recordation of the final map.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the resulting parcels are oriented to the extent possible in a manner to take advantage of solar opportunities.

9. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076) and any other applicable requirements of this chapter.

This finding can be made, in that the proposed development has been designed in a manner consistent with the County Design Review ordinance and the Aptos Village Plan (AVP) design standards. The proposal includes a mixed use commercial/residential component and a stand alone residential component on the hillside above. The mixed use area consists of taller buildings (and the historic Apple Barn) located around a common open space (village common) with lower buildings to the west, east, and south. The proposed buildings include a variety of facades and materials to allow for visual diversity, while retaining a consistent feel (through the use of similar setbacks, door placement, and signage) within the commercial core of the village. The residential component of the project is in the form of two and three story townhouses, including two story row houses on the south side of Granite Way. The visual mass of the proposed residential buildings will be reduced through the appropriate use of varied roof planes, bay windows, porches, and balconies. The surrounding neighborhood contains a variety of commercial and residential development. The mixed-use commercial and residential development is of an appropriate scale and pattern of design for the village area. The proposed infill project will complete the remaining undeveloped section of the core area of Aptos Village consistent with the requirements of the County Design Review ordinance and the Aptos Village Plan (AVP) design standards.

**Subdivision, Commercial & Residential Development Permit
Conditions of Approval**

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Subdivision, Commercial & Residential Development Permit 101027

Tract No. : 1561

Applicant: Barry Swenson Builder

Property Owner(s): Multiple (Green Valley Corporation/Barry Swenson Builder, et al.)

Assessor's Parcel Number(s): 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Property Address and Location: Undeveloped core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road.

Planning Area: Aptos

Exhibit A: Architectural Plans entitled "Aptos Village", prepared by Thacher & Thompson Architects, Tentative Map & Preliminary Improvement Plans, prepared by Ifland Engineers, and Landscape Plans, prepared by Joni Janecki.

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. This permit authorizes a mixed-use commercial and residential Planned Unit Development and Subdivision (including 63 residential units and no more than 75,000 square feet of commercial space) as depicted in the approved Exhibit "A" for this permit and as modified by these Subdivision conditions of approval and the Planned Unit Development conditions of approval (under separate heading). This approval implements the improvement of the Village core area of Aptos Village, as described in the Aptos Village Plan (adopted by the Board of Supervisors on February 23, 2010).
- II. Prior to exercising any rights granted by this permit the applicant/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.
 - B. Pay the required fee to the Clerk of the Board of the County of Santa Cruz for posting the Mitigated Negative Declaration as required by the California Department of Fish and Game mitigation fees program.
- III. Subdivision & Planned Unit Development
 - A. This subdivision, the mixed-use commercial and residential development, and all improvements associated with this project, shall be subject to the requirements of the

Subdivision conditions of approval and the Planned Unit Development conditions of approval for this project.

IV. Capital Improvement Fees

The following capital improvement fees are required to be paid by the applicant for the approved subdivision and mixed-use development:

- A. Prior to recordation of the Final Map, Aptos Transportation Improvement Area (TIA) transportation and roadside improvement fees shall be paid as follows:
 - 1. The project is subject to payment of Aptos Transportation Improvement Area (TIA) fees at the current rate per the Unified Fee Schedule at the time of map recordation. These fees are currently \$600 (\$300 for roadside improvement fees + \$300 for transportation improvement fees) per daily trip-end generated by the proposed commercial development and \$4,200 (\$2,100 roadside improvement fees + \$2,100 transportation improvement fees) per multi-family residential unit.
 - a. TIA fees for the entire project are due at the time that the first phase of the Final Map is recorded.
 - b. Current TIA fees are estimated at approximately \$1,327,200 dollars subject to the technical memorandum from TJKM dated August 15, 2011. This fee estimate is required to be updated to include current TIA fees based on the total commercial building square footage and residential unit counts by the applicant, with shared trip reductions in consideration that the project is mixed-use, at the time fees are paid.
 - c. A credit for the TIA fees shall be allowed, per the Unified Fee Schedule, for the construction of off-site improvements. Qualified off-site improvements include improvements to Soquel Drive as required by the approved traffic study prepared by TJKM, dated November 3, 2009. More specifically, these improvements include the intersections of Soquel Drive with Trout Gulch Road and Aptos Creek Road, including rail crossings at these intersections. The intersection of the new north-south street (tentatively identified as Parade Street) and Soquel Drive (including rail crossing) is not authorized for fee credit if constructed by the applicant.
 - i. Aptos TIA fees may be credited in advance for the construction of the qualified off-site railroad, intersection, and roadway improvements by the applicant, as described above.
- B. With the dedication of the .74 acre park parcel (Lot 9 on the approved Exhibit "A" for this permit) the payment of Aptos park dedication in-lieu fees for the sixty-three (63) multi-family dwelling units (at \$750 per bedroom) is not required.
- C. Prior to recordation of the Final Map, Child Care development fees shall be paid for:
 - 1. Sixty-three (63) multi-family dwelling units. These fees are \$36 per bedroom.

2. Up to 75,000 square feet of (Category II) commercial development. These fees (Category II) are \$0.23 per square foot.

- D. The capital improvement fees do not include applicable Building Permit fees. Additional Building Permit review and permitting fees shall be paid for the proposed development as specified in the Unified Fee Schedule and per the standards of the applicable reviewing agencies. The fees in effect at the time of Building Permit issuance shall apply.
- E. The inclusion of up to 6 additional residential units (as specified in the Planned Unit Development conditions of approval) shall require the payment of additional capital improvement fees for the additional residential units.

V. Affordable Housing

- A. Prior to recordation of the Final Map, the applicant shall enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code (as amended at the time of entering into the agreement) and as modified by these conditions of approval.
 1. The applicant shall provide twelve (12) designated affordable unit(s) for sale to low and moderate income households as indicated on the approved Exhibit "A" for this permit. Per the provisions of County Code section 17.10.030(b)(5), for conversion of non-residential to residential uses, at least two (2) of the twelve (12) affordable units must be provided for sale to lower income households. The sales price for these units shall be in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines.
 - a. To allow for flexibility in current market conditions, the applicant may temporarily defer affordable housing requirements by choosing to retain ownership of the affordable housing units for up to seven and one-half years from the date of construction (starting from the final building inspection).
 - i. During the seven and one-half year period the affordable housing units shall be rented at affordable rental rates as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines or be rented to participants of the Federal Department of Housing and Urban Development ("HUD") Housing Choice Voucher Program at rents not to exceed the published Fair Market Rent ("FMR") as published annually by HUD or the County of Santa Cruz.
 - ii. At the end of the seven and one-half year period all designated affordable units shall be sold as affordable housing units in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines. If any residential unit in a building with designated affordable units is sold prior to the end of

the seven and one-half year period, all designated affordable housing units in that building shall be sold as affordable housing units in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code and the adopted Santa Cruz County Affordable Housing Guidelines.

- (1) As an alternative to the initial sale of the affordable housing units, the applicant may choose to pay an in-lieu fee for each affordable unit instead of providing the designated unit as an affordable housing unit. The payment of the in-lieu fee shall be in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code. If this option is selected, the in-lieu fee shall be due for each unit at the end of the seven and one-half year period, or when each affordable housing unit is sold, whichever occurs first.
 - b. Any increase in the total number of units constructed, as specified in the amended language of the Aptos Village Plan, will result in a corresponding increase in the total number of affordable units required and/or in-lieu fees paid to comply with affordable housing requirements.
 2. If the residential units in Buildings 14 and/or 15 are mapped as for-sale units (residential condominium units mapped separately from the commercial space below), the applicant shall pay in-lieu fees for the fractional equivalent of 0.15 unit for each for-sale residential unit at the time of Building Permit issuance, in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code.
 - a. The in-lieu fee requirement shall apply if the units are mapped as a part of the Final Map for this project, or if a later condominium conversion application is submitted for these units.
- B. Phasing of affordable housing is allowed, per the terms of the Certification and Participation Agreement with the County of Santa Cruz.
- C. Affordable Unit Standards
1. Per Chapter 4 of the Aptos Village Plan, the required affordable residential units may be clustered into one area of the proposed development and do not need to be spread throughout the project site as required by County Code section 17.10.032(a)1.
 2. As a concession for provision of an additional affordable residential unit for sale (12 units provided when only 11.6 are required, not including Buildings 14 & 15), the average affordable unit size and bedroom count may be modified as follows:
 - a. The average size (in square feet) of affordable residential units may be 71% of the average size of market rate units.

- b. The average bedroom count of affordable residential units may be reduced consistent with the approved Exhibit "A" for this permit (1.58 average bedroom count for affordable residential units, in contrast to the 1.98 average bedroom count of market rate units).

D. Density Bonus

1. Density bonus provisions do not apply to this development which meets the minimum affordable housing requirements as specified in these conditions of approval.

VI. Park Dedication

- A. The applicant shall offer the .74 acre park parcel for dedication (Lot 9 as depicted on the approved Exhibit "A" for this permit) to the County of Santa Cruz at the time of Final Map Recordation as indicated on the approved Tentative Map for this subdivision.
 1. The timeline for the acceptance of the offer of dedication of the park parcel to the County of Santa Cruz may be extended for a period not to exceed five years from the date of Final Map recordation.
 - a. If the park parcel can not be offered for dedication with recordation of the Final Map, a performance bond for the appraised value of the park parcel shall be provided to the County for a period of up to 5 years. If the park is not provided to the County at the end of the 5 year period, the County shall collect the full value of the performance bond in lieu of the park property.
 2. A drainage easement through County Parks property for drainage improvements (in a location mutually agreed upon by the County and the applicant, and as indicated on the improvement plans prior to Final Map recordation) shall also be provided to the applicant at no cost to the applicant, in exchange for park fee credits and dedication of the park parcel.

VII. Final Map

- A. Prior to submittal of the Final Map for this land division, the following conditions must be met:
 1. All approvals needed from the California Public Utilities Commission (CPUC) shall be obtained for the construction of railroad crossing improvements at the Trout Gulch Road, the north-south (Parade) street, and Aptos Creek Road intersections with Soquel Drive. All requirements of the CPUC within the project limits shall be incorporated into the approved improvement plans for this project and provided to the County of Santa Cruz with the Final Map for review and approval. Any modifications to the approved improvement plans that prevent construction of the project, or improvements associated with and necessary to serve the project as proposed will require an amendment to this permit per County Code section 18.10.

- a. The County shall re-submit the CPUC applications on behalf of the applicant. The applicant shall pay for the cost of outside counsel to represent the County and applicant in front of the PUC. The applicant shall not be required to pay for County Counsel time. The applicant shall also complete an indemnification agreement with the County in advance of the County making the CPUC applications to indemnify the County for any challenges to the CPUC applications.
 - b. In recognition that the CPUC's approval of any or all of the three necessary applications for at grade crossings are not certain (due to the CPUC's stated policies disfavoring new at-grade crossings), if any or all of the rail crossings are not approved by the CPUC (or approved with conditions unacceptable to the County and/or the applicant in their respective sole and independent judgment), a modified proposal which may include ending the north-south street at the edge of the southern parking area for Buildings 14 & 15 (as indicated on the approved Exhibit "A" for this permit) may be considered by the Planning Department and the Department of Public Works. The modified proposal shall include updated improvement plans, and a revised traffic circulation and parking analysis. The review of the revised north-south street design (terminating at the parking area of Buildings 14 & 15) shall be performed by Planning Department and Department of Public Works staff prior to recordation of the Final Map and shall be approved or disapproved by the County with the improvement plans for this project.
2. The excess right of way along Trout Gulch Road (as depicted on the approved Exhibit "A" for this permit) shall be acquired from the County of Santa Cruz, per the standard appraisal and sale procedures of the Department of Public Works, Real Property section.
 3. The deed evidencing the boundary adjustment with the adjacent APN 041-561-01 (as depicted on the approved Exhibit "A" for this permit) shall be recorded with the County of Santa Cruz Recorder's office.
 4. An easement for the construction of roadway and roadside improvements across the northern portion of adjacent APN 041-011-34 (as depicted on the approved Exhibit "A" for this permit) shall be acquired by applicant, or the applicant may elect to install the roadway improvements shown on the optional site plan (with the realignment of the proposed east-west street as depicted on the approved Exhibit "A1" for this permit).
- B. Enter into a Subdivision Improvement Agreement with the Department of Public Works, Surveyor regarding the phasing of improvements and the bonding of improvements for each phase of construction.
1. Phasing of the Final Map is allowed in conformance with the approved Exhibit "A" and as modified by these conditions:
 - a. The east-west street (pavement, curbs, gutters, and below ground utilities) shall be constructed in the first phase of the project.

- b. All required transportation and utilities infrastructure shall be in place prior to the completion of each phase, including adequate roadways, rail crossings, and traffic control devices.
 - i. Final occupancy of any building shall not be allowed until all required utilities and transportation infrastructure (including all streets and parking) necessary to serve the building have been installed.
 - 2. Modifications to the project phasing may be authorized subject to review and approval by the County of Santa Cruz Planning Department.
- C. A Final Map for this land division must be recorded pursuant to the terms and provisions of these conditions of approval and in no case prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and/or vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division) or otherwise authorized by these conditions of approval. The Final Map shall meet the following requirements:
 - 1. The Final Map shall be in substantial 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.
 - 2. Except as specified in the Planned Unit Development conditions of approval, this land division shall result in no more than sixty-three (63) multi-family residential units, commercial tenant spaces, and common areas for access, parking, utilities, and landscaping.
 - 3. The following items shall be shown on the Final Map:
 - a. Building envelopes, common areas and/or building setback lines shall be located according to the approved Tentative Map.
 - i. All requirements of the Planned Unit Development shall be met in the Final Map.
 - b. Show the net area of each lot to nearest square foot.
 - c. The owner's certificate shall include:
 - i. A dedication of the park parcel as depicted on the approved Exhibit "A" for this permit. If the park parcel cannot be offered for dedication with recordation of the Final Map, a performance bond for the appraised value of the park parcel shall be provided to the County for a period of up to 5 years from the date of Final Map recordation. If the park is not provided to the County at the end of

the 5 year period, the County shall collect the full value of the performance bond in lieu of the park property.

- ii. A dedication for roadway and roadside improvements along the new north-south street, the new east-west street, Trout Gulch Road, and Aptos Creek Road.
- iii. A dedication of the common area(s) as a public utilities easement.

D. 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 land division:

- 1. New parcel numbers for all of the parcels must be assigned by the Assessors Office prior to application for a Building Permit on any parcel created by this land division. An exception to this requirement may be granted, after recordation of the Final Map, for any air space condominium units in the commercial mixed-use portion of the project.
- 2. Building permits are required for all applicable structures and improvements per Chapter 12 of the County Code and the California Building Code.
- 3. Lots shall be connected for water service to Soquel Creek Water District. All regulations and conditions of the water district shall be met.
- 4. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met.
 - a. Annexation of the park parcel to the Santa Cruz County Sanitation District is not required prior to the development of the remainder of the project.
- 5. All construction approved by this permit on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawings as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
 - a. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the zone district (C-2, RM-2, RM-3) where the property is located, except as authorized by the Planned Unit Development conditions of approval.
 - b. Future façade changes and/or modifications to the approved designs for the proposed buildings, shall be processed per the levels specified in the Planned Unit Development conditions of approval.
- 6. All development approved by this permit on the property shall comply with the requirements of the approved geotechnical reports.
- 7. 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.

8. Zone 6 Flood Control District storm water drainage impact fees shall be paid based on the square footage of impervious and pervious surfaces.
 - a. A fee credit may be applied for existing improved surfaces on the project site.
 9. 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. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. Silt and grease traps shall be installed according to the approved improvement plans.
 - b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- E. Any changes from the approved Exhibit "A", 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 or disapproval by the Planning Department. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
1. Optional Site Plan: The optional site plan, including the re-alignment of the new east-west street, relocation and redesign of Building 6 into two separate buildings, and associated site improvements (as depicted on the approved Exhibit "A1" for this permit) shall require additional review and approval or disapproval by Planning and Department of Public Works staff (to determine compliance with all applicable standards and requirements) prior to recordation of the Final Map for this project.
 - a. Revised improvement plans shall be submitted for review prior to Final Map recordation.
 - b. Revised building plans for the two new buildings (in place of the former Building 6) shall be submitted for review prior to Final Map Recordation.
 - i. The revised building designs shall be processed per the review levels specified in the Planned Unit Development conditions of approval for this project.

- c. These requirements are waived if the optional site plan is not implemented.
 2. North-South Street Intersection with Soquel Drive: If the rail crossing at the intersection of the new north-south street (tentatively identified as Parade Street) and Soquel Drive is not approved by the CPUC (or approved with conditions unacceptable to the County and/or the applicant in their respective sole and independent judgment), a modified proposal which may include ending the north-south street at the edge of the southern parking area for Buildings 14 & 15 (as indicated on the approved Exhibit "A" for this permit) may be considered by the Planning Department and the Department of Public Works. The modified proposal shall include updated improvement plans, and a revised traffic circulation and parking analysis. The review of the revised north-south street design (terminating at the parking area of Buildings 14 & 15) shall be performed by Planning Department and Department of Public Works staff prior to recordation of the Final Map and shall be approved or disapproved by the County with the improvement plans for this project.
 3. Improvements (temporary) for temporary construction detours across adjacent properties shall be installed by applicant as necessary for construction of the development along with obtaining permission or interest as necessary for such detours. The design and location of such detours shall be mapped by the project engineer and approved by County Public Works Department.
- F. Prior to recordation of the Final Map, the following requirements shall be met:
1. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
 2. Enter into a Subdivision Improvement Agreement with the Department of Public Works Surveyor regarding the phasing of improvements and the bonding of improvements for each phase of construction.
 3. A Common Interest Development (CID) association shall be formed for maintenance of all areas under common ownership including, sidewalks, roadways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. Separate Common Interest Development (CID) associations (or Homeowners Associations) may be created for the stand alone residential units accessed off of Granite Way, and separate divisions of the CID association may be created under a single Master CID association for the residential and commercial elements of the mixed use portion of the project. CC&R's shall be provided to the Planning Department prior to the recordation of the Final Map and shall include the following, which are permit conditions:
 - a. All landscaping and improvements within the project site (including the Village Common and the sidewalks and planting areas within the development and along the new north-south street and east-west street) and all landscaping and improvements fronting the project within the adjacent public rights of way of Aptos Creek Road, Trout Gulch Road,

Cathedral Drive, and Granite Way/Village Drive shall be permanently maintained by the Common Interest Development (CID) association.

- b. All parking areas, driveways, sidewalks, retaining walls, fencing, lighting, bicycle lockers, cart returns, and other street furniture on the project site shall be permanently maintained by the Common Interest Development (CID) association.
 - c. All street and roadside improvements constructed to serve the project (that are not otherwise accepted into the County of Santa Cruz road maintenance system) shall be permanently maintained by the Common Interest Development (CID) association.
 - i. A request to form a County Service Area (CSA) to collect funds for maintenance of the proposed roadways within public rights of way may be directed to the Department of Public Works for consideration and approval or disapproval.
 - d. All drainage structures, including rain gardens, silt and grease traps, detention/retention facilities, outlets, and dissipaters constructed to serve the project shall be permanently maintained by the Common Interest Development (CID) association.
 - i. Annual inspection of the silt and grease traps shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Common Interest Development (CID) association.
 - ii. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
4. Revise the Final Map prior to recordation, as follows:
- a. Include a notation on Lot 37 (well site) that states: "well site, not a building site".
5. In exchange for the dedication of the Park Parcel, County shall provide an executed right of entry with right to construct drainage improvements (from the development to Aptos Creek) from the County Department of Parks, Open Space, and Cultural Services. Applicant shall construct the offsite drainage improvements through the park to be completed with the associated phase of the project and the drainage easement through County Parks property to be delineated and recorded upon completion of the drainage system (to ensure the easement is in the correct location).

6. Provide evidence that there are no easements or rights of way that cross the property in a manner that is in conflict with the approved Tentative Map.
 - a. Any rights of way crossing the property in a manner that is in conflict with the approved Tentative Map shall be abandoned or extinguished, at the applicant's expense, prior to recordation of the Final Map.
7. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
 - a. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each lot.
 - b. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the Common Interest Development (CID) documents/CC&R's to the district.
8. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval by the District.
9. All new utilities shall be underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material. All rooftop mechanical and electrical equipment shall be an integral part of building designs and shall be screened from view by architectural features. Backflow prevention devices shall be located in a visually unobtrusive location.
10. All requirements of the Aptos/La Selva Fire Protection District shall be met.
11. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements) or other form of security or bonding acceptable to the Department of Public Works, per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:

- a. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the Aptos Village Plan and the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the State Building Code regarding accessibility.
 - i. The construction of the proposed east-west road shall include a 36 foot wide paved road section, 6 inch wide curbs, and a 12 foot wide sidewalk and planting strip (as indicated on the approved Exhibit "A") on both sides of the roadway.
 - ii. The construction of the proposed north-south road (Parade Street) shall include a 36 foot wide paved road section, 6 inch wide curbs, and a 10 foot wide sidewalk and planting strip (as indicated on the approved Exhibit "A") on both sides of the roadway.
 - iii. Sidewalk and frontage improvements for Trout Gulch Road shall be as indicated on the approved Exhibit "A" for this permit.
 - iv. Roadway, sidewalk, and frontage improvements for Granite Way and the extension thereof shall be as indicated on the approved Exhibit "A" for this permit.
 - v. Roadway, sidewalk, and frontage improvements for Aptos Creek Road shall be as indicated on the approved Exhibit "A" for this permit.
- b. The improvement plans shall indicate that Aptos Creek Road, from the intersection with Soquel Drive to the northern edge of the project boundary, will be repaved across the entire roadway width, per Department of Public Works Road Engineering standards. This work shall be performed after utilities and all other roadway improvements have been installed. Paint striping and traffic markings shall be replaced after repaving, if applicable.
- c. Details for the design and construction of the proposed Village Common, an open/green space in the central area of the project site, as specified in Chapter 4 of the Aptos Village Plan and as depicted on the approved Exhibit "A" for this permit.
- d. Details for the design and construction of improvements in all common areas, sidewalks, and seating areas. Improvements shall be as specified in the Aptos Village Plan and as depicted on the approved Exhibit "A" for this permit.
- e. Details for the design and construction of entry improvements for Nisene Marks State Park. These improvements shall consist of signage at the intersection of Aptos Creek Road and Soquel Drive, an informational kiosk, pavement widening, and associated roadside improvements, as depicted on the approved Exhibit "A" for this permit.

- i. Design details shall be reviewed and approved by California State Parks prior to submittal of the improvement plans. Modifications to the approved design for the Nisene Marks entry improvements to satisfy the requirements of California State Parks is authorized by this permit.
 - f. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.
 - g. Details for the installation of required storm-water detention and retention facilities, and silt and grease traps, and other drainage facilities to treat and filter runoff from roadways, parking areas, and buildings. Submit a maintenance agreement to the Department of Public Works for maintenance of these facilities.
 - h. A detailed erosion control plan shall be submitted which includes the following: a clearing and grading schedule that limits grading to the period of April 15 to October 15, clearly marked disturbance envelope, revegetation specifications, silt barrier locations, temporary road surfacing and construction entry stabilization, sediment barriers around drain inlets, etc. This plan shall be integrated with the improvement plans that are approved by the Department of Public Works, and shall be submitted to Environmental Planning staff for review and approval prior to recording of the final map.
 - i. In order to ensure that the one hour air quality threshold for the pollutant acrolein is not exceeded during demolition, paving, and construction, prior to the issuance of the grading permit, the applicant shall modify the grading plans to include notes incorporating the construction conditions given by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) as follows:
 - i. All pre-1994 diesel equipment shall be retrofitted with EPA certified diesel oxidation catalysts or all such equipment shall be fueled with B99 diesel fuel;
 - ii. Applicant shall retain receipts for purchases of catalysts or B99 diesel fuel until completion of the project;
 - iii. Applicant shall allow MBUAPCD to inspect receipts and equipment throughout the project.
 - iv. Alternatively, the applicant may submit a health risk assessment to the MBUAPCD for review and approval. Any recommendations and requirements of the MBUAPCD will become conditions of constructing the project.
- 12. Submit a final lighting plan for the entire site for review and approval by the

Planning Department. Lighting for the proposed development shall comply with the following conditions:

- a. All exterior street and parking area lighting fixture types shall be consistent throughout the project area and shall include the lighting details as depicted on the approved Exhibit "A" for this permit, subject to review and approval by Department of Public Works.
 - b. All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties, second and third story residences and the night sky. Light sources shall be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
 - c. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans shall indicate the location, intensity, and variety of all exterior lighting fixtures. All lighting shall be consistent with the energy efficiency standards of the California Building Code.
13. Submit a final Landscape Plan for the entire site for review and approval by the Planning Department. The landscape plan shall specify plant species, size and location, and shall include irrigation plans, which meet the following criteria and must conform to all water conservation requirements of the local water district and the following conservation regulations:
- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
 - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
 - c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
 - d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation system, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

- e. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
- f. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
- g. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
- h. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- i. All planting shall conform to the landscape plan shown as part of the approved Exhibit "A", with the following exception(s):
 - i. Trees planted in the County right-of-way must be approved by the Department of Public Works and must be installed according to provisions of the County Design Criteria.
- j. A physical barrier, in the form of a low fence, hedge, or combination of these two features, shall be installed along between the railroad track and the parking areas to the north between Aptos Creek Road and Trout Gulch Road. An agreement by the adjacent property owners shall be obtained for the installation of such a physical barrier.

VIII. Historic Resources

- A. All requirements of the approved historic resource preservation plan shall be met in the relocation and reconstruction of the historic Apple Barn and all future development on the property shall comply with the conditions listed in Table 2-1 of the Historic Preservation Plan relating to protection of the Bayview Hotel. These requirements shall include the following conditions approved by the Historic Resources Commission:
 - 1. Protection of existing historic materials and character-defining features: A qualified preservation architect or architectural conservator shall evaluate all of the existing historic materials of the Apple Barn, identifying which materials may be repaired, and which require replacement. Detailed plans prepared by a preservation architect or an architectural conservator shall be provided prior to the issuance of a permit for relocation, noting which materials are to be retained, repaired, replaced, or relocated for use on another part of the building. An

architectural conservator shall make period observations and shall also be retained on site during relocation and rehabilitation to ensure that the detailed plans are followed. A copy of the contract with an architectural conservator shall be submitted prior to the issuance of a building permit.

2. Historic Skirting: Existing wood skirting material shall be retained to the greatest extent feasible, and shall be used to cover the concrete stem wall in an area or areas retaining the greatest visibility, such as the loading dock area adjacent to the Village Common. Plans showing proposed location of historic skirting materials shall be submitted with the building permit application for moving the building.
3. Future repairs: Consistent with the Preservation Plan, all wood siding removed from the Apple Barn to accommodate the new link building, and wood floor planks that are removed to allow for the installation of new interior flooring, shall be used as materials for the rehabilitation, with the remaining materials stored and used for future building repairs to the greatest extent feasible.
4. Preservation of interior wood flooring: Existing wood floorboards at the building interior, identified as a character-defining feature, shall be used throughout the building to the greatest extent feasible as allowed under state codes and local environmental health regulations relating to the grocery store use. The texture and finish of the existing floor boards shall be retained to the greatest extent feasible as is consistent with relevant state codes and local regulations. Plans for use of flooring shall be submitted to the HRC prior to the issuance of the building permit.
5. Preservation of interior single-wall construction as an historic feature: Existing single-wall construction at the building interior, identified as a character-defining feature, shown to be retained near the main entrance of the building, shall be retained in other areas of the building as allowed under state codes and local environmental health regulations relating to the grocery store use. Plans for retention of single-wall construction shall be submitted to the HRC prior to the issuance of the building permit.
6. Loading dock design: Design of the loading dock along the west side of the Apple Barn shall be revised to include only the minimum number of ramps required to comply with accessibility requirements in the California Historical Building Code.
7. Roofing material: Corrugated roofing shall be a matte finish.
8. Exterior paint color: Consistent with County Code Requirements in section 16.42.060(c)(1)(I) regarding alterations to a historic resource, the exterior color of the rehabilitated apple barn shall be similar to the current color of the building, or another color appropriate for an apple packing shed during the period of significance for the building (early 1890's to the 1950's)
9. Relocation: As indicated in the preservation plan, Kelly Brothers Movers or another qualified contractor shall work with the engineer to relocate the Apple Barn to the new proposed location.

10. Interpretive Display: Consistent with the recommendations in the preservation plan prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are relocated, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Apple Barn in the context of the history and development of Aptos Village. Submittal of a contract with a qualified professional with experience preparing similar types of interpretative displays for historic purposes shall be used. Installation of the interpretive display shall be required prior to final occupancy certificate.

The display shall include historic materials and objects that are removed from the building during relocation and rehabilitation, as well as historic photographs and text documenting the history of the building, its use as a packing shed, the relationship of the building to the site, including the rail line and road, as well as documenting the association with Frederick Hihn. The display will include historical data and photos from the documentation requirement, or other cited archival sources. These displays will be integrated into the design of Aptos Village, and will be installed outdoors in highly visible areas. Interpretive displays and the signage/ plaques installed on the exterior of this property will be sufficiently durable to withstand typical weather conditions. At least one sign shall be included on or near the retained loading dock, illustrating how the loading docks functioned as part of the apple packing operations. Displays and signage/ plaques will be of adequate size to attract the public. Installation of the interpretive display shall be required prior to issuance of the final occupancy certificate.

11. Historical Marker: A permanent plaque will be installed at the existing historic location of the Apple Barn, describing the Apple Barn, its history as part of Aptos Village, and noting the new location of the building. Plans for the historic marker shall be submitted prior to the submittal of the building permit application. Installation of the marker shall be required prior to the issuance of the certificate for occupancy.
12. Documentation: Consistent with County requirements for relocation of historic resources (16.42.060 9b)1((B)(i), the applicant shall submit a plan to document the history of the building prepared by a qualified historian/ architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the issuance of the building permit for relocation. The documentation should approximate Historic American Buildings Survey Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available; and c) written data providing history and description of the property. The documentation shall include photographs and detailed architectural drawings of the historic materials, features and construction techniques that will be altered, removed or replaced by the relocation and rehabilitation of the building, including the construction methods and materials for the foundation system, the loading docks and their relation to the site and the door openings, the section of the wall that will be removed to accommodate the new link building, the relationship of the building to the site,

and the flooring and single-wall construction at the interior. Photographs shall be taken of the building as it currently exists. Photographs shall also be taken during relocation and rehabilitation, documenting the construction techniques identified as the building is prepared for relocation, as well as documenting the relocation process. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Information from the documentation process shall be included in the interpretive display for the Apple Barn building. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. The documentation shall be completed prior to issuance of the final certificate of occupancy.

13. Conformance with project conditions: Building permit plans shall be submitted to the Historic Planner with the County of Santa Cruz for staff level review to ensure consistency with the conceptual plans submitted with the Historic Preservation Plan application and with Chapter 16.42 of the Santa Cruz County Code.
- B. All requirements of the approved historic resource preservation plan shall be met in the construction of improvements and structures adjacent to the historic Bayview Hotel. This shall include the following conditions approved by the Historic Resources Commission:
1. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel.
 2. Protection of Bayview Hotel Setting (magnolia tree): Prior to construction and demolition, an arborist shall evaluate the existing magnolia on the Bayview Hotel property and provide recommendations to protect the tree during construction and demolition. The report shall be submitted to the Planning Department for review and approval prior to the issuance of demolition or building permits.
 3. Landscape Buffer: Trees and shrubs shall be planted on the subject property to the east of proposed Building 14 (between Building 14 and the Bayview Hotel) to provide an appropriate buffer/transition between the proposed building and the historic structure. Landscape plans for this buffer area shall be submitted to the HRC for review prior to issuance of the building permit.
- C. All requirements of the approved historic resource preservation plan shall be met in the construction of improvements and structures adjacent to the historic Bayview Hotel. This shall include the following conditions approved by the Historic Resources Commission:

1. Provisions to offer the structure to the general public: Consistent with County Code Section 16.42.060(b) 1(C), provisions shall be made to offer the structure to the general public for removal or dismantling for salvage at no cost or remuneration to the applicant. The availability of the structure shall be advertised by means of a 1/8 page display ad in a paper of general circulation in the County of Santa Cruz, at least twice during a thirty-day period. The advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation (through moving or dismantling) of the structure proposed for demolition, and the date after which a Demolition Permit may be issued. Evidence of this publication must be submitted prior to issuance of a Demolition Permit.
2. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel.
3. Interpretive Display: Consistent with the recommendations in the documentation report prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are demolished, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Firehouse/ VFW Hall in the context of the history and development of Aptos Village. The display shall include photographs of the building as it existed before demolition, as well as historic photos documenting the use of the building as a firehouse, residence, lumber office and VFW Hall, obtained during the documentation process noted below. These displays will be integrated into the design of Aptos Village, near the current location of the firehouse building, or included as part of a larger interpretive display involving the Apple Barn, and will be installed outdoors in highly visible areas. The display will include historical data from the documentation requirement, or other cited archival sources. Interpretive displays and the signage/ plaques installed on this property will be sufficiently durable to withstand typical weather conditions. Displays and signage/ plaques will be of adequate size to attract the public. Submittal of a contract with a qualified professional with experience preparing similar types of interpretative displays for historic purposes shall be required prior to issuance of the demolition permit. Installation of the interpretive display shall be required prior to final inspection for the demolition permit.
4. Historical Marker: A permanent plaque will be installed at the existing location of the firehouse, describing the firehouse and its history as part of Aptos Village. Plans for the historic marker shall be submitted prior to the issuance of the demolition. Installation of the marker shall be required prior to the final inspection for the demolition permit.

5. Documentation: HABS-like documentation shall be required to document the historic building prior to demolition. The documentation should approximate HABS Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available and c) additional archival research providing written data regarding the history and description of the property. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Documentation shall include preservation of significant historic materials or objects uncovered as part of the demolition process. The applicant shall submit a documentation plan prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the approval of the demolition permit. Completion of the documentation shall be required prior to the final building permit inspection.
- D. A Demolition Permit shall be obtained for the demolition of the Aptos Firehouse/VFW building prior to removal or deconstruction of the structure.
1. All requirements of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be followed in the demolition of the structure.

IX. Infrastructure Improvements

- A. On-site and off-site infrastructure improvements shall be installed to serve the proposed development in conformance with the approved Exhibit "A" for this project and as specified below:
1. All improvements indicated on the approved Exhibit "A" shall be installed.
 - a. All transportation infrastructure shall be installed prior to occupancy of any given phase of the project, as specified in the approved traffic study for this project.
 - b. Rail crossings and traffic control improvements shall be installed at the Soquel Drive intersections with Trout Gulch Road, Aptos Creek Road, and the new north-south street (tentatively known as Parade Street), as specified in the approved traffic study for this project.
 - i. Roadside and roadway improvements shall be installed along Soquel Drive as necessary to accommodate the intersection improvements.
 2. Aptos Rancho Road & Soquel Drive Intersection
 - a. Adjustment of timing/phasing of the traffic signal (as described in the approved traffic study) shall occur at the time that cumulative traffic volumes at the intersection warrant such improvements.

3. Soquel Drive, State Park, and Sunset Drive Intersection
 - a. Installation of an exclusive eastbound right-turn lane on Soquel Drive (as described in the approved traffic study) shall occur at the time that cumulative traffic volumes at the intersection warrant such improvement.
4. Fee Credits
 - a. A TIA fee credit for any off-site improvements installed by the applicant, at the applicant's expense, may be considered if consistent with these conditions of approval.

X. Infrastructure Phasing

- A. All of the improvements necessary to serve each phase of the project shall be installed prior to final inspection or occupancy of any of the structures proposed for each phase. Phasing of improvements is allowed as depicted on the approved Exhibit "A" for this permit. Modifications to the approved phasing plan to be reviewed and approved by Planning Department.

XI. Phasing of Construction

- A. All of the structures for each phase of construction, as depicted on the approved Exhibit "A" for this permit, may be constructed while the infrastructure for each phase is being installed. Buildings in each phase may be constructed as the market demands, with the exception of the following:
 1. All Phase Ia structures located around the Village Common (Buildings 3, 4, & 5) shall be constructed either before, or concurrently with, the construction of the multi-family residential structures (Buildings 11 & 12) accessed off of Granite Way.
 2. All of the improvements necessary to serve each phase of the project shall be installed prior to final inspection or occupancy of any of the structures proposed for each phase.
- B. Occupancy of any structure shall not occur until a final inspection and clearance for occupancy for that structure has been authorized by the County of Santa Cruz Planning Department.

XII. Construction and Site Development

- A. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:
 1. In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: the applicant, grading contractor supervisor, and Santa Cruz County Environmental Planning staff. The temporary construction

fencing demarcating the disturbance envelope and silt fencing will be inspected at that time.

- B. All construction within the property approved under this permit shall meet the following conditions:
1. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
 2. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
 3. Landfill receipts indicating proper disposal of all grading material removed from the project site shall be provided to Environmental Planning staff for review. Alternatively, adequate documentation of another approved construction site that will use the grading material as fill may be considered.
 4. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
 5. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.
 6. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - a. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation.
 - b. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.

- c. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
7. One construction/security trailer (maximum 12 feet by 60 feet) is allowed on the site during the construction. The location of the trailer shall conform to all yard setbacks contained in the Planned Unit Development conditions of approval and shall be shown on the site plan for each phase of construction. Compliance with County Code section 13.10.683 or any successor ordinance is required. A building permit is required for the installation of the construction trailer and the construction trailer shall be removed from the site prior to final inspection of the phase of construction for which it is installed.
8. Construction of improvements shall comply with the requirements of the approved geotechnical report(s). The project geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report(s).
9. 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.
10. No structure shall be occupied until the infrastructure serving the phase of the project in which the structure is located has been installed and is in operation.

XIII. Operational Conditions

- A. The use and occupancy of the project site shall comply with all requirements of these conditions of approval and the Planned Unit Development conditions of approval for this project.
- B. The applicant shall form a Common Interest Development (CID) association for management of the commercial and residential portions of the project and maintenance of all areas under common ownership. Separate Common Interest Development (CID) associations (or Homeowners Associations) may be created for the stand alone residential units accessed off of Granite Way, and separate divisions of the CID association may be created under a single Master CID association for the residential and commercial elements of the mixed use portion of the project. Common Interest Development (CID) association documents (CC&R's) shall be provided to the Planning Department prior to the recordation of the Final Map and shall include the following, which are permit conditions:
 1. Management of commercial uses & parking
 - a. Master Occupancy Program

- i. Management of commercial tenants (and owners of individual commercial spaces) to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that the balance between retail, personal services, office, medical office, and restaurant uses is maintained shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of commercial square footage on the project site consistent with the conditions of approval for this permit.
 - (1) The CID association shall comply with the maximum square footage limitations for medical office and restaurant uses as specified by the conditions of approval for this permit.
 - (2) The CID association shall, monitor the various commercial uses within the project and shall notify the County of Santa Cruz Planning Department, in writing, of any change in tenancy or use (including the square footage and location) to ensure compliance with the Planned Unit Development conditions of approval. All commercial uses, and any changes thereof, shall comply with these conditions of approval and the Planned Unit Development conditions of approval. A Level 1 change of use approval shall be obtained, if required, prior to occupancy of any commercial space.
- b. Parking
 - i. Management of on-site parking to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that sufficient parking is available to residents, guests, and customers of the commercial businesses (and residents of the stand alone residential portions of the project) shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential and commercial uses on the project site consistent with the conditions of approval for this permit.
- c. Storage
 - i. Management of outdoor common spaces to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that outdoor common spaces are not used for storage of goods or materials (other than temporary storage of materials during

permitted construction projects) shall be the responsibility of the Common Interest Development (CID) association.

2. Common Areas & Village Common

- a. Management of outdoor common spaces and the Village Common (at the center of the Village) to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project to ensure that the common spaces are kept open and available for use by the tenants, customers, and the general public shall be the responsibility of the Common Interest Development (CID) association.
 - i. The sidewalks, Village Common, and surrounding areas shall be privately owned and controlled but kept available for use by the general public during open business hours, and the CID association shall retain the right to protect the security and private interests of the commercial tenants and residents of the development at all times.
 - ii. Village Common
 - (1) The use of the Village Common shall be reserved as an open space for use by the commercial and residential tenants of the project and the general public. The Village Common may also be used to hold public events, subject to reservation with the CID association.
 - (2) Public events at the Village Common, subject to reservation with the CID association, shall not be held in a manner that interferes with surrounding businesses and these public events shall be limited to the hours between 8AM and 10 PM.
 - (a) Any exception to the hours for public events shall require review and approval by the County of Santa Cruz Planning Department.
 - (3) All events to be held within the Village Common are subject to a Level 1 review and approval by the County of Santa Cruz Planning Department.
 - iii. Outdoor Seating
 - (1) General outdoor seating that is shared within the development and available to the general public is allowed as depicted on the approved Exhibit "A" for this project. Modifications to shared outdoor seating areas may be authorized, subject to a Level 1 review and approval by the Planning Department.

- (2) Outdoor seating (associated with or reserved for individual tenant spaces) within common areas (adjacent to sidewalks and areas surrounding the Village Common) may be authorized. In order to establish an outdoor seating area, a Level 1 application to request use of common area for outdoor seating shall be submitted to the Planning Department for review and approval. Outdoor seating areas shall be limited to those areas depicted on the approved exhibit on file with the Planning Department.
- (3) Outdoor seating areas shall not block or impede the flow of pedestrian traffic along any of the sidewalks.

3. Maintenance

- a. All structures on the project site shall be permanently maintained by the Common Interest Development (CID) association. This includes routine maintenance such as the painting of structures, graffiti removal, and other repairs as needed to maintain the exterior appearance of the structures.
- b. All landscaping and improvements within the project site (including the Village Common and the sidewalks and planting areas within the development and along the new north-south street and east-west street) and all landscaping and improvements fronting the project within the adjacent public rights of way of Aptos Creek Road, Trout Gulch Road, Cathedral Drive, and Granite Way/Village Drive shall be permanently maintained by the Common Interest Development (CID) association.
 - i. All landscape areas and features shall be kept clean, trimmed, properly irrigated, and free of graffiti or litter.
- c. All parking areas, driveways, sidewalks, retaining walls, fencing, lighting, bicycle lockers, cart returns, and other street furniture on the project site shall be permanently maintained by the Common Interest Development (CID) association.
 - i. All structures and features shall be kept clean, painted, and free of graffiti or litter.
- d. All street and roadside improvements constructed to serve the project (that are not otherwise accepted into the County of Santa Cruz road maintenance system) shall be permanently maintained by the Common Interest Development (CID) association.
- e. All drainage structures, including rain gardens, silt and grease traps, detention/retention facilities, outlets, and dissipaters constructed to serve the project shall be permanently maintained by the Common Interest Development (CID) association.

- i. Annual inspection of the silt and grease traps shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Common Interest Development (CID) association.
- ii. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.

4. Enforcement

- a. Management and maintenance responsibilities of the Common Interest Development (CID) association, to ensure compliance with these conditions of approval and the Planned Unit Development conditions of approval for this project, shall not supersede or prevent the enforcement of project conditions (as specified in these conditions of approval and the Planned Unit Development conditions of approval for this project) by the County of Santa Cruz.

XIV. Expiration and Time Extensions

- A. This approval expires 24 months from the effective date of this permit, unless a Final Map (including improvement plans, and other requirements listed in these conditions of approval) is filed with the County of Santa Cruz Surveyor's office prior to the expiration date.
 1. The applicant shall comply with all applicable conditions and record the Final Map with the County Recorder's office within two years from the date of Final Map filing.
 2. Building Permits for the proposed development shall be obtained and construction shall commence within two years of the recordation of the Final Map for this project.
- B. The expiration date of this approval (as specified above) may be extended for a period of up to six years with a formal written request from the project applicant. Time extension requests for this approval shall be reviewed and approved on the consent agenda of a noticed public hearing before the Planning Commission.

XV. Amendments

- A. Future amendments or changes to the project, including structure designs, structure locations, and associated infrastructure shall be processed per the levels of review specified in Chapter 18.10 of the County Code or its successor ordinance, unless

otherwise specified in the Planned Unit Development conditions of approval for this project.

- B. 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 or its successor ordinance.

XVI. Compliance

- A. In the event that future County inspections of the subject property disclose non-compliance with any conditions of this approval (including these conditions of approval, and/or the Planned Unit Development conditions of approval for this project) or any violation of the County Code, the applicant 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 revocation of this permit.

XVII. 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.

- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

XVIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

XIX. Mitigation measures

See attached pages.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE AND
THE PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL FOR THIS
PROJECT**

This Tentative Map is approved subject to the above conditions of approval and the Planned Unit Development conditions of approval for this project. The Final Map for this division, including improvement plans and other requirements as specified in these conditions of approval, shall be submitted to the County Surveyor for review prior to the expiration date listed below.

Approval Date: _____

Effective Date: _____

Expiration Date: _____



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
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

MITIGATION MONITORING AND REPORTING PROGRAM for the Aptos Village Project, September 2011

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Greenhouse Gas Emissions				
BIO-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?	San Francisco Dusky-footed Woodrat Prior to construction, a qualified biologist shall examine the project area including the outfall alignment into Aptos Creek for SFDWs and nest structures. For the outfall structure alignment, surveys shall include surveying outfall pipe alignment and the Aptos Creek channel for a minimum of 300 feet up and downstream of the proposed location of the outfall structure and along the banks. If a SFDW nest structure is encountered in the project area of impact, the nest shall be avoided. Exclusion zones shall be installed around the nest structures providing a minimum 25-foot buffer under the guidance of a qualified biologist. No work shall occur within these exclusion zones. Prior to initiating storm water conveyance construction activities above Aptos Creek, a wildlife barrier shall be installed to enclose the work area under the supervision of a qualified biologist. The barrier shall be a minimum of 36 inches tall and shall extend from the bank of Aptos Creek, parallel to and on both sides of the proposed alignment for the storm water conveyance pipe, up to the open the open manicured field of Aptos Village Park. The barrier can serve the dual functions of preventing wildlife from entering the work area and preventing excavated spoils from leaving the work area and entering the creek. A biological monitor shall be present during initial vegetation clearing, grading and trenching for installation of the flow-spreader and outfall structure to ensure that no special-status wildlife species enter the work area. After this time, the qualified biologist will designate and train a "construction monitor" to inspect on-site compliance with all avoidance/impact minimization measures. The designated construction monitor will inspect the wildlife barrier daily for the duration of the storm water conveyance installation. The construction monitor will have the authority to halt work that may result in impacts to the SFDW. The construction monitor will immediately notify the qualified biologist if a SFDW or nest structure is encountered. The construction monitor shall record the results of their inspections on a daily log that will be submitted to the biological monitor. The daily logs will be available for agency review. The qualified biological monitor will remain "on-call." To ensure a timely response, construction monitor shall provide a weekly project activity schedule for all "on call" project activities to the qualified biologist. The construction monitor will immediately notify the qualified biologist if a SFDW is encountered.	Project Applicant and Planning Department	Contract with qualified biologist Prepare Final Letter Report	Prior to, during, and following construction

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	In order to prevent entrapment of potential CDFW or other wildlife species during construction of the storm water outfall into Aptos Creek, the open segments of the trench shall be backfilled at the end of each day. If backfilling the trench at the end of each day is not feasible, temporary escape ramps a minimum of 15 feet apart shall be provided. Escape ramps may be made from filled sandbags, sloping boards, temporary backfill, or other materials to avoid entrapment. If segments of trench are covered, the edges of the cover boards and/or steel plates shall be sealed. Prior to backfilling any segment of trench, a construction monitor shall examine the open trench to ensure no wildlife is trapped. If wildlife becomes entrapped, the construction monitor shall immediately notify the qualified biological monitor to free the animal. With implementation of the above mitigation, potential impacts to the SFDW would be reduced to a less than significant level. <u>Nesting Birds and Raptors</u> The breeding season for nesting birds occurs from February 1 through August 31 with a peak in breeding/nesting activity between April and June for most raptors and/or other birds (Ralph et al., 1993). All vegetation and tree removal activities shall occur between September and February to avoid impacts to breeding birds. If vegetation removal must occur during the breeding season, the following program shall be implemented. Prior to construction, a qualified biologist shall conduct surveys to identify nesting birds within the project area. The survey area will encompass the project area and a 250-foot wide buffer (where accessible) to examine tree stands and structures. Surveys shall be conducted within 30 days, but not less than 15 days, prior to staging equipment, structure demolition, relocation of the Apple Barn, vegetation clearing, and/or ground disturbing activities. In the event nesting bird species are observed, project activities shall be halted until a qualified biologist has determined if the nesting birds have fledged, or: (1) Raptors - Install a 250-foot buffer between project activities and the active nest site and have a qualified biologist monitor the nest site. (2) Passerine Birds - Install a 50-foot buffer/exclusion zone between project activities and the active nest and have a qualified biologist monitor the nest. <u>Roosting Bats</u> The bat breeding season occurs April through August and winter hibernacula are formed November through March. If feasible, relocate the apple barn, demolish existing structures, remove trees from the project area, and/or conduct loud construction activities (e.g. grading, excavation, and/or trenching) during September through October (outside of bat breeding and winter hibernacula seasons). Prior to initiating these activities, a qualified wildlife biologist will conduct preconstruction surveys of the known bat roost in the apple barn and of potential bat roosts in other buildings and large trees. Preconstruction surveys will take place for one day and two evenings to assess the site for year-round bat presence. The daytime survey will include the evaluation of trees and			

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	buildings for bat roost features (tree cavities, senescent limbs, peeling bark) and/or evidence of bats (guano). The nighttime surveys will consist of acoustic and emergence monitoring. If no bats are detected, crevices may be sealed to prevent re-entry of bats. In the unlikely event that year-round roosting bats are detected, the contractor will obtain an MOU with CDFG in order to have a qualified biologist install exclusion devices. If these actions do not result in exclusion, a qualified biologist in possession of an applicable CDFG MOU will remove and relocate the roosting bats to an appropriate alternate habitat (a roost with comparable spatial and thermal characteristics) (H.T. Harvey and Associates 2004). A qualified wildlife biologist shall be present to monitor for bats during apple barn relocation, building demolition, and tree removal. If scheduling work during September and October is not feasible, a qualified biologist shall conduct a bat survey. Surveys shall be conducted over four separate nights. If maternity or hibernacula roosting bats are detected, establish a minimum 100-foot buffer and avoid disturbances until a qualified biologist determines that bats are no longer roosting. If it is not feasible to halt activities within the buffer, then under the supervision of a biological monitor, permit the encroachment into the 100-foot buffer. If the monitor observes bats leaving the roost site during construction activities, then all work near the roost site will be halted and the appropriate buffer reinstated. All work involving direct removal or relocation of occupied roosts will take place after a qualified biologist has determined that bats are no longer occupying maternity roosts or winter hibernacula.			
BIO-2 Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Riparian vegetation shall be protected during construction activities. Protective fencing shall be installed for the duration of construction. All equipment shall be staged upslope and outside of the boundaries of the contiguous riparian canopy. It is anticipated that riparian vegetation would be directly impacted during construction of the flow spreader and outfall structure (temporary impact), replace riparian habitat at a ratio of 1:1 with native riparian vegetation. Replacement plantings shall include "in-kind" native riparian species similar in composition and abundance to those displaced by construction. In this area, plantings may include red alder (<i>Alnus rubra</i>), California blackberry (<i>Rubus ursinus</i>), California coffeeberry (<i>Rhamnus californica</i>), black cottonwood (<i>Populus balsamifera</i> ssp. <i>trichocarpa</i>), and Pacific willow (<i>Salix lucida</i> ssp. <i>lasianдра</i>). A revegetation plan shall be submitted to the County of Santa Cruz Planning Department for review and approval prior to commencement of ground disturbing activities.	Project Applicant and Planning Department	Contract with qualified biologist Prepare Final Letter Report	Prior to, during, and following construction

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
CUL-1 Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<u>Hahn Apple Barn</u> 1. Protection of existing historic materials and character-defining features: A qualified preservation architect or architectural conservator shall evaluate all of the existing historic materials of the Apple Barn, identifying which materials may be repaired, and which require replacement. Detailed plans prepared by a preservation architect or an architectural conservator shall be provided prior to the issuance of a permit for relocation, noting which materials are to be retained, repaired, replaced, or relocated for use on another part of the building. An architectural conservator or preservation architect shall make period observations and shall also be retained on site during relocation and rehabilitation to ensure that the detailed plans are followed. A copy of the contract with an architectural conservator or preservation architect shall be submitted prior to the issuance of a building permit. 2. Historic skirting: Existing wood skirting material shall be retained to the greatest extent feasible, and shall be used to cover the concrete stem wall in an area or areas retaining the greatest visibility, such as the loading dock area adjacent to the village green. Plans showing proposed location of historic skirting materials shall be submitted with the building permit application for moving the building. 3. Future repairs: Consistent with the Preservation Plan, all wood siding removed from the Apple Barn to accommodate the new link building, and wood floor planks that are removed to allow for the installation of new interior flooring, shall be used as materials for the rehabilitation, with the remaining materials stored and used for future building repairs to the greatest extent feasible. 4. Preservation of interior wood flooring: Existing wood floorboards at the building interior, identified as a character-defining feature, shall be used throughout the building to the greatest extent feasible as allowed under state codes and local environmental health regulations relating to the grocery store use. The texture and finish of the existing floor boards shall be retained to the greatest extent feasible as is consistent with relevant state codes and local regulations. Plans for use of flooring shall be submitted to the HRC prior to the issuance of the building permit. 5. Preservation of interior single-wall construction as an historic feature: Existing single-wall construction at the building interior, identified as a character-defining feature, shown to be retained near the main entrance of the building, shall be retained in other areas of the building as allowed under state codes and local environmental health regulations relating to the grocery store use. Plans for retention of single-wall construction shall be submitted to the HRC prior to the issuance of the building permit. 6. Loading dock design: Design of the loading dock along the west side of the Apple Barn shall be revised to include only the minimum number of ramps required to comply with accessibility requirements in the California Historical Building Code.	Project Applicant and Planning Department	Contract with qualified architectural historian and architect to ensure compliance Final inspection clearance on project permits or improvement plans shall not be granted unless the completed project complies with all provisions of the Historic Resource Preservation Plan.	Prior to, during, and following construction

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	7. Roofing material: Corrugated roofing shall be a mat finish. 8. Exterior paint color: Consistent with County Code Requirements 16.42.060(c)(1)(i) regarding alterations to a historic resource, the exterior color of the rehabilitated apple barn shall be similar to the current color of the building, or another color appropriate for an apple packing shed during the period of significance for the building (early 1890's to the 1950's). 9. Relocation: As indicated in the preservation plan, Kelly Brothers Movers or another qualified contractor shall work with the engineer to relocate the Apple Barn to the new proposed location. Use of any moving contractor other than Kelly Brothers Movers shall require approval by the Planning Department. 10. Interpretive Display: Consistent with the recommendations in the preservation plan prepared for the project and with County Code Section 16.42.060 to preserve the historic value of structures that are relocated, one or more interpretive displays shall be installed on the property that will provide information to the public regarding the history of the Apple Barn in the context of the history and development of Aptos Village. Submittal of a contract with a qualified professional with experience preparing similar types of interpretive displays for historic purposes shall be required prior to issuance of the building permit. Installation of the interpretive display shall be required prior to final occupancy certificate. The display shall include historic materials and objects that are removed from the building during relocation and rehabilitation, as well as historic photographs and text documenting the history of the building, its use as a packing shed, the relationship of the building to the site, including the rail line and road, as well as documenting the association with Frederick Hihn. If available, include photographs from the Paul Johnston collection noted in the Historic Resources Inventory Sheet. The display will include historical data and photos from the documentation requirement, or other cited archival sources. The display will also include general information regarding the history of Aptos Village, and of the Bayview Hotel. These displays will be integrated into the design of Aptos Village, and will be installed outdoors in highly visible areas. Interpretive displays and the signage/ plaques installed on the exterior of this property will be sufficiently durable to withstand typical weather conditions. At least one sign shall be included on or near the retained loading dock of the Apple Barn, illustrating how the loading docks functioned as part of the apple packing operations. Displays and signage/ plaques will be of adequate size to attract the public. Installation of the interpretive display shall be required prior to issuance of the final occupancy certificate. 11. Historical marker: A permanent plaque will be installed at the existing historic location of the Apple Barn, describing the Apple Barn, its history as part of Aptos Village, and noting the new location of the building. Plans for the historic marker shall be submitted prior to the submittal of the			

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	building permit application. Installation of the marker shall be required prior to the issuance of the certificate of occupancy. 12. Documentation: Consistent with County requirements for relocation of historic resources (16.42.060 9b)1(B)(i), the applicant shall submit a plan to document the history of the building prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the issuance of the building permit for relocation. The documentation should approximate HABS Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the NPS photo policy, of exterior and interior views, along with historic views, if available; and c) written data providing history and description of the property. The documentation shall include photographs and detailed architectural drawings of the historic materials, features and construction techniques that will be altered, removed or replaced by the relocation and rehabilitation of the building, including the construction methods and materials for the foundation system, the loading docks and their relation to the site and the door openings, the section of the wall that will be removed to accommodate the new link building, the relationship of the building to the site, and the flooring and single-wall construction at the interior. Photographs shall be taken of the building as it currently exists. Photographs shall also be taken during relocation and rehabilitation, documenting the construction techniques identified as the building is prepared for relocation, as well as documenting the relocation process. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Information from the documentation process shall be included in the interpretive display for the Apple Barn building. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. The documentation shall be completed prior to issuance of the final certificate of occupancy. <u>Aptos Firehouse/VFW Hall</u> 1. Documentation: HABS-like documentation shall be required to document the historic building prior to demolition. The documentation shall approximate Historic American Buildings Survey (HABS) Level II documentation and include: a) selected drawings, if available, that would be photographed; b) photos following the National Park Service (NPS) photo policy, of exterior and interior views, along with historic views, if available and c) additional archival research providing written data regarding the history and description of the property. For the photographs, either HABS standard large format or digital photography may be used. If digital, the size of each digital image will be 1600x1200 pixels at 300 pixels per inch, or larger, color format, and printed in black and white or color. Documentation shall include preservation of			

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	significant historic materials or objects uncovered as part of the demolition process. The applicant shall submit a documentation plan prepared by a qualified historian/architectural historian (according to the Secretary of the Interior's professional qualification standards) prior to the approval of the demolition permit. Completion of the documentation shall be required prior to the final building permit inspection. The distribution of the documentation will include: the Aptos Chamber of Commerce and History Museum, the Museum of Art and History in Santa Cruz, the Santa Cruz Public Library's local history collection; and UC Santa Cruz. <u>Bayview Hotel</u> 1. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel. 2. Protection of Magnolia Tree: A feature of the historic hotel's setting is the large Magnolia Tree located in front of the Bayview Hotel. This is the only landscape feature that has gained historic significance within the setting of the hotel. The Magnolia tree shall be protected during construction. A qualified arborist shall evaluate the tree prior to construction to determine the condition of the tree and to propose specific best management practices to avoid impacting the tree. An arborist report shall be provided to the Planning Department at least 6 months in advance of any ground disturbance in close proximity to the tree to allow sufficient time to implement potential avoidance measures.			

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	All ground disturbing activity in the project area shall be monitored by a qualified archaeologist in the event a substantial intact deposit is found within the property. Pursuant to Section 16.40.040 of the Santa Cruz County Code, if archaeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040. With implementation of the above mitigation, impacts to archaeological resources would be less than significant.	Project Applicant and Planning Department	Contract with qualified archaeologist to conduct required monitoring. When the Planning Director has determined that a culturally significant site has been discovered during excavation or development the Planning Director shall require an Archeological Site Development Approval prior to resumption of excavation or development.	During Construction
CUL-3 Disturb any human remains, including those interred outside of formal cemeteries?	Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established. With implementation of the above mitigation, impacts to archaeological resources would be less than significant.	Project Applicant and Planning Department.	Contract with qualified archaeologist to conduct required monitoring. When the Planning Director has determined that a culturally significant site has been discovered during excavation or development the Planning Director shall require an Archeological Site Development Approval prior to resumption of excavation or development.	During Construction

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
HAZ-1	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Assessor Parcel Number 041-011-24 (<u>Aptos Firehouse/VFW Hall Site</u>) Due to the detection of elevated levels of PAHs in the initial site investigation by Toxichem Management Systems, Inc., soils across the parcel shall be sampled and evaluated for potential contaminants according to ASTM practice to determine if additional site remediation is required. If significant levels of PAHs are discovered, site remediation shall occur as recommended environmental specialist and the County of Santa Cruz Department of Environmental Health. Assessor Parcel Number 041-011-03 A subsurface investigation shall be conducted in the vicinity of the site identified as containing an oil underground storage tank in 1926 and 1929 Sanborn fire insurance maps. In addition, soils across the site shall be sampled and evaluated for potential contaminants based on the former presence of a cement plant and railroad spurs, as well as the presence of imported soils of unknown origin.	Project Applicant, Department of Environmental Health, and Planning Department	Contract with qualified hazardous materials specialist	Prior to Construction
TRA-1a	Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways?	<u>Soquel Drive/Aptos Rancho Road</u> The Aptos Rancho Road signal phasing shall be modified to provide permissive left turn phasing. As a result, the intersection is expected to operate at an acceptable LOS D.	County of Santa Cruz Department of Public Works and Planning Department	Improvement must be completed prior to occupancy.	Prior to occupancy
TRA-1b		<u>Soquel Drive/State Park Drive/Sunset Way</u> An exclusive eastbound right-turn lane shall be installed on Soquel Drive to improve the intersection LOS to an acceptable level. However, the installation of a right-turn lane has right-of-way issues on the southwest corner of the intersection if ideal lane widths are used. As a result, narrower lane widths are recommended. The analysis of this mitigation measure was also performed for the a.m. peak hour, and the intersection was found to operate acceptably at LOS D. However, a right-turn lane storage length of at least 300 feet plus transition will be required.	County of Santa Cruz Department of Public Works and Planning Department	Monitor LOS to determine when right-turn-lane shall be constructed.	When LOS E is reached.

ORDINANCE NO. _____

ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT AS ALLOWED BY SANTA CRUZ COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS FOR APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

A Planned Unit Development Permit and Development Permit are hereby granted to the property located in the core area of the Aptos Village north of Soquel Drive, east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area, as shown on the map attached hereto and subject to the conditions attached hereto.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Planned Unit Development as described in Section I, and adopts their findings in support thereof as set forth below:

1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.
2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.
4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.
5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
6. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.
7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.
8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION III

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Development Permit as described in Section I, and adopts their findings in support thereof as set forth below:

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.
2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.
3. That the proposed use is consistent with all elements of the County General Plan and with any Specific Plan which has been adopted for the area.
4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.
5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.
6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

SECTION IV

This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this _____ day of _____ 2011 by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
 Clerk of the Board

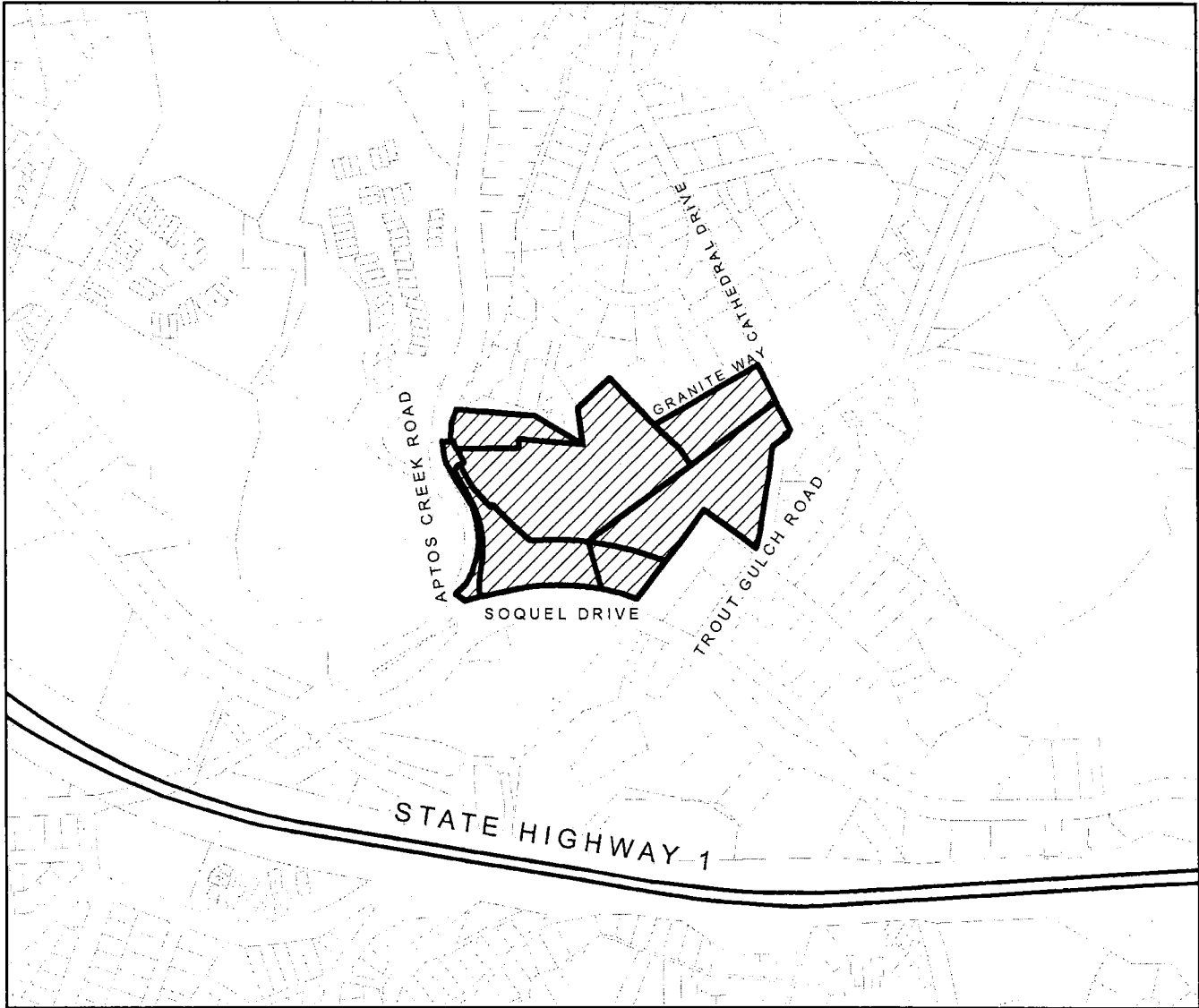
APPROVED AS TO FORM:

County Counsel

**Planned Unit Development Permit
Conditions of Approval**

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02



**Planned Unit Development Permit
Conditions of Approval**

*Property located in the core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road, in the Aptos Planning Area.*

APNs: 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Planned Unit Development 101027

Applicant: Barry Swenson Builder

Property Owner(s): Multiple (Green Valley Corporation/Barry Swenson Builder, et al.)

Assessor's Parcel Number(s): 041-011-03, -09, -20, -24, -33; 041-561-01 & -02

Property Address and Location: Core area of the Aptos Village north of Soquel Drive,
east of Aptos Creek Road, and west of Trout Gulch Road.

Planning Area: Aptos

Exhibit A: Architectural Plans entitled "Aptos Village", prepared by Thacher & Thompson Architects, Tentative Map & Preliminary Improvement Plans, prepared by Ifland Engineers, and Landscape Plans, prepared by Joni Janecki.

-
- I. This permit authorizes a mixed-use commercial and residential Planned Unit Development and Subdivision (including a maximum of 63 residential units and no more than 75,000 square feet of commercial space) as depicted in the approved Exhibit "A" for this permit and as modified by these conditions of approval. This approval implements the improvement of the village core area of Aptos Village, as described in the Aptos Village Plan (adopted by the Board of Supervisors on 2/23/10).
- II. Subdivision & Planned Unit Development
- A. This subdivision, the mixed-use commercial and residential development, and all improvements associated with this project, shall be subject to the requirements of the Subdivision conditions of approval and the Planned Unit Development conditions of approval for this project.
- III. Maximum Commercial Area & Residential Density
- A. A maximum of 75,000 gross square feet of commercial space is authorized by this permit.
1. The locations of the commercial development and the allocation of the commercial square footage on the project site shall be consistent with the development sites indicated in Chapter 6 of the Aptos Village Plan and the approved Exhibit "A" for this permit.
- a. Prior to Final Map recordation, the number and location of commercial anchor spaces may be modified as specified in the resolution attached to

this approval amending the language of the Aptos Village Plan and these Planned Unit Development conditions of approval.

- b. A second commercial anchor, not to exceed 13,000 square feet may be proposed for the north-west portion of the site (Building Sites 1 & 2 on the approved Exhibit "A" for this permit), as specified for Site 3 in the amended language of the Aptos Village Plan.
 - i. All site standards and design guidelines specified in the Aptos Village Plan and these Planned Unit Development conditions of approval shall apply to the design and layout of the proposed second commercial building.
 - ii. Updated architectural plans, updated improvement plans, and a revised traffic circulation studies and parking analysis shall be provided for staff review of the proposed second anchor building.
 - iii. The design and location of the proposed second commercial anchor building (and associated mixed-use residential units) shall be subject to review and approval or disapproval by the County of Santa Cruz at a noticed public hearing before the Zoning Administrator.
- B. A maximum of sixty three (63) residential units are authorized by this permit, except as specified below.
 - 1. The locations of the residential units and the allocation of the residential units on the project site shall be consistent with the development sites indicated in Chapter 6 of the Aptos Village Plan, the approved Exhibit "A" for this permit, and the Planned Unit Development conditions of approval.
 - 2. Total residential square footage shall not exceed 50% of the total combined square footage within the mixed-use portion of the project (including the square footage of commercial buildings that do not contain residential units) and shall be limited by Lot Coverage and Floor Area Ratio for stand alone residential sites, except as specified in the resolution attached to this approval amending the language of the Aptos Village Plan.
 - 3. At the time of Final Map recordation, the total number of residential units, and the total percentage of residential square footage, may be modified as specified in the resolution attached to this approval amending the language of the Aptos Village Plan. This language is also incorporated as conditions of approval, as follows:
 - a. At the time of Final Map recordation, the total number of residential units, and the residential square footage, may be modified up to 10% to allow minor flexibility in the construction of the project.
 - b. Increases in the residential square footage and the total number of units can only occur within the building envelopes approved by this Planned

Unit Development. No increase in building height or overall square footage is allowed.

- c. Residential units are not allowed within the first floor or second floor of Building 4, or on the first floor of any mixed-use commercial building.
- d. The maximum increase in residential units is not allowed to exceed 6 additional residential units, for a total of 69 residential units.
- e. Any increase in residential square footage shall replace commercial square footage in the mixed use portion of the development as approved by this Planned Unit Development. No additional commercial square footage is authorized.

IV. Site Standards

- A. Unless specifically defined below, development must meet all required development standards in the County Code and Aptos Village Plan at the time of Building Permit submittal. All of the site standards contained within Chapter 13.10 applicable to the zone districts of the properties, shall be applicable unless modified by this Planned Unit Development. The following development standards supersede the development standards in the County Code.
 - 1. **Commercial and mixed-use commercial/residential buildings (located within the C-2 : Community Commercial zone district):** These regulations apply to Building sites 1a through 10 and 14 through 15 as indicated on the approved Exhibit "A".
 - a. Setbacks Minimum setback requirements for structures may be reduced as indicated in the approved Exhibit "A" for this permit. These reduced setbacks include the following:
 - i. **Street Facing Yard Setbacks:** Structures shall be allowed adjacent to the rear of the sidewalk along street facing frontages. No setback from rear of sidewalk is required. This results in setbacks ranging between 3.5 feet (where arcades exist) and 8.5 feet (where no arcades exist) from the rear of the curb (edge of right of way) as indicated on Exhibit "A".
 - ii. **Side and Rear Yard Setbacks:** There shall be no minimum setbacks at the rear and side of the commercially zoned properties. All requirements of the California Building Code shall be met for the separation of structures.
 - iii. **Arcades, awnings, and other projections over and within sidewalk areas** are allowed as specified in Chapter 6 of the Aptos Village Plan. Eaves, bay windows, and second story balconies may encroach over the sidewalk area.

- iv. There shall be no interior minimum setbacks shall between structures, and no interior minimum setbacks between structures and parcel boundaries interior to the development. All requirements of the California Building Code shall be met for the separation of structures.
- b. Lot Coverage and Floor Area Ratio Lot coverage and Floor Area Ratio requirements do not apply to the commercial and mixed-use buildings. Commercial square footage and residential density requirements shall be as established in Chapter 6 of the Aptos Village Plan.
- c. Residential Size Limitation The total residential square footage within the mixed-use portion of the project shall not exceed 50% of the total square footage (including all commercial buildings, whether or not they contain residential units) for the mixed-use portion of the project. Common areas identified on the approved Exhibit "A" and shared between commercial and residential uses shall not be counted as residential square footage for this purpose.
 - i. Prior to recordation of the Final Map, the total number of residential units, and the total percentage of residential square footage, may be modified as specified in the resolution attached to this approval amending the language of the Aptos Village Plan.
- d. Height and Number of Stories Commercial buildings shall not exceed three stories in height, as specified in the Aptos Village Plan. Buildings shall comply with the zone district maximum height of 35 feet except as follows:
 - i. Buildings located around the Village Green (Buildings 3 & 4) shall not exceed 45 feet in height. One small cupola, or other architectural feature, shall be allowed to exceed this requirement by 6 feet on the building north of the Village Green (Building 4).
 - ii. Other buildings along the east-west street shall not exceed 40 feet in height, with building height decreasing further away from the intersection with the north-south street. Specific maximum building heights are as follows:
 - (1) Building 2 - Maximum height of 40 feet.
 - (2) Building 8 - Maximum height of 38 feet.
 - (3) Building 9 - Maximum height of 37 feet.
 - iii. All other commercial and mixed use buildings (Buildings 1a, 1b, 6, 7, 10, 14 & 15) shall be limited to the zone district maximum of 35 feet in height.

- e. Usable Open Space Usable open space requirements (County Code section 13.10.323(f)) do not apply to the residential portion of the mixed-use development. Open space amenities are incorporated into the Aptos Village Plan and approved Exhibit "A" for this permit.

2. **Residential buildings (located within the RM-2 & RM-3 : Multi-family Residential zone districts):** These regulations apply to Building sites 11 & 12 as indicated on the approved Exhibit "A".

- a. Setbacks Minimum setback requirements for structures are reduced as indicated in the approved Exhibit "A" for this permit. These reduced setbacks include the following:

- i. **Street Facing Yard Setbacks:** The minimum street facing yard setback for residential structures shall be as depicted on the approved Exhibit "A" for this permit. Specific minimum setbacks for residential structures are as follows:

- (1) The six residential units located north of Granite Way (Building 11) shall comply with the following street facing setbacks, as measured from the edge of the right of way:

- (a) Granite Way: 6 feet (Unit 4), 10 feet (Units 1 & 2), 12 feet (Unit 3), and 15 feet (Units 5 & 6)

- (b) Village Drive: 6 feet to building corner (Unit 1)

- (c) Street facing garage doors shall be located a minimum of 16 feet from the edge of the right of way.

- (d) Uncovered staircases may project into the required street facing yard setbacks.

- (e) Eaves may project into required yards no more than 3 feet. Eaves shall not extend into vehicular rights of way.

- (2) The eleven residential units located on the south side of Granite Way (Building 12), shall comply with the following street facing setbacks, as measured from the edge of the right of way:

- (a) Granite Way: 8 feet

- (b) Cathedral Drive: 3 feet

- (c) Uncovered staircases may project into the required street facing yard setbacks.

- (d) Eaves may project into required yards no more than 3 feet. Eaves shall not extend into vehicular rights of way.
 - (3) Cantilevered living space (Building 12) and bay windows (Building 11 - Unit 3) located above the lowest floor may project up to 2 feet into the required street facing setback, as depicted on the approved Exhibit "A".
 - ii. Side Yard Setback: The minimum building setback at the exterior non-street side of residentially zoned property (northeast of Building 11) shall be 5 feet.
 - iii. Rear Yard Setbacks: The minimum building setback at the exterior rear side of residentially zoned property (northwest of Building 11) shall be 15 feet.
 - (1) Decks, balconies, and other similar features may extend into the rear yard setback a maximum of 6 feet. Any such features located above the first floor shall be cantilevered within the 15 foot rear yard.
 - iv. There shall be no interior minimum setbacks between structures, and no minimum setbacks between structures and parcel boundaries interior to the development. All requirements of the California Building Code shall be met for the separation of structures.
- b. Lot Coverage and Floor Area Ratio Lot coverage and Floor Area Ratio requirements apply to the residential buildings as specified below. Residential density requirements shall be as established in Chapter 6 of the Aptos Village Plan.
- i. The following requirements apply to the six residential units located north of Granite Way (Building 11):
 - (1) Maximum lot coverage shall not exceed 40%.
 - (2) Maximum Floor Area Ratio shall not exceed 0.80 (80%).
 - ii. The following requirements apply to the eleven residential units located on the south side of Granite Way (Building 12):
 - (1) Maximum lot coverage shall not exceed 45%.
 - (2) Maximum Floor Area Ratio shall not exceed 0.75 (75%).

c. Height and Number of Stories

i. The following requirements apply to the six residential units located north of Granite Way (Building 11):

(1) Maximum height shall not exceed 36 feet.

(2) Buildings shall not exceed three stories, with two stories allowed above a parking/garage level.

ii. The eleven residential units located on the south side of Granite Way (Building 12) shall comply with the height and story requirement for the RM-2 zone district (maximum height of 28 feet and 2 stories).

d. Usable Open Space: Usable open space requirements (County Code section 13.10.323(f)) do not apply to the residential development. Open space amenities are incorporated into the Aptos Village Plan and approved Exhibit "A" for this permit.

V. Commercial Use and Occupancy

A. Master Occupancy Program: The following uses shall be allowed in various combinations on the project site when consistent with the approved parking study (prepared by Marquez Transportation Engineering, dated July 2010) and as described below:

Retail sales
Personal & household services
Professional & administrative offices
Medical offices
Restaurants

1. The distribution of the above listed uses shall be limited, based on parking demand, as follows:

a. Retail sales, personal & household services, and professional & administrative offices (not including medical offices) are considered as low-intensity uses, and are allowed in all commercial spaces on the project site, except as specified below:

i. The use of the historic Apple Barn (Building 5) shall be limited to a single retail grocery sales tenant. This space is intended to function as the primary commercial anchor for the project as a retail grocery sales establishment. Any use other than a retail grocery store in this location shall require an amendment to this permit per County Code section 18.10.

(1) The lower floor of the building adjacent to the historic Apple Barn (Building 4) may be connected with the Apple

- Barn (Building 5) to allow for increased retail space for the primary commercial anchor. If not used for this purpose, a minimum of 50 percent of the lower floor tenant space of Building 4 shall be reserved for a restaurant space facing the Village Common. If the use of this space as a restaurant is not feasible, a request for a Minor Variation to this approval shall be required in order to allow another use in this location.
- ii. Retail sales and/or personal and household services are preferred over professional and administrative offices on the lower floors of commercial buildings. A mix of retail sales uses, personal and household services uses, and professional and administrative office uses are allowed on the lower floors of commercial buildings. However, professional and administrative offices may not exceed 25 percent of the total lower floor gross commercial square footage on the project site.
 - (1) Residential units (other than access and parking features) are not allowed to occupy the lower floor of commercial buildings.
 - (2) For the three story building at the north side of the Village Common (Building 4), residential units shall only occupy the upper (third) floor of the building. The lower two floors of the building shall be reserved for commercial uses.
 - iii. Retail sales, for the purpose of this Planned Unit Development include small, over-the-counter, food service establishments (with or without limited seating) that provide specialty foods for on or off site consumption. An example of a small, over-the-counter, food service establishment would be an ice cream parlor, sandwich shop, doughnut shop, coffee house, bakery, or to-go pizza shop that provides counter service and where seating does not exceed 25% of the net floor area (excluding storage and/or bathroom facilities) of the tenant space.
 - iv. Personal and household services, for the purpose of this Planned Unit Development, include business establishments providing non-medical services to individuals or households. Examples of uses in this category include but are not limited to: beauty salons, barber shops, spa treatments and massage, yoga studios, fitness centers, dry cleaners, laundry, tailor/seamstress and other similar uses.
 - (1) Practitioners providing physical therapy, acupuncture, chiropractic, or other medical-related services are not considered as personal and household services for the purpose of this Planned Unit Development. These uses shall be considered as medical office uses and are subject to

the requirements for medical office uses as specified in these conditions of approval.

- b. Medical offices and restaurants are considered as high-intensity uses for parking generation purposes. These uses also need to be balanced in respect to the amount of retail and personal service uses available within the Village. For these reasons, medical offices and restaurants are allowed in a limited amount of commercial space and in limited locations within the commercially zoned portion of the project site, as specified below:
 - i. Medical offices may not be located on the lower floor of any building and are limited to no more than 6,000 gross commercial square feet.
 - ii. Restaurant floor area is limited to no more than 25,000 gross commercial square feet.
 - iii. Updates to the approved parking study that indicate sufficient parking is available on site for additional medical office or restaurant (high-intensity) square footage may be submitted for review and approval by Planning Department staff. In all cases the combined restaurant and medical office uses are limited to no more than 50% of the total gross commercial square footage on the project site.
 - c. In order to encourage a variety of commercial uses along the pedestrian frontages of the village, the combination of multiple tenant spaces into one large tenant space is discouraged in any building other than the Apple Barn (Building 5). Commercial tenant spaces that are combined within the same building are required to retain multiple exterior doorways and windows as depicted on the approved Exhibit "A" for this permit.
- 2. Initial occupancy of each commercial space and all future change of use requests, consistent with the allowed list of uses above, shall be processed at Level 1. In order to accommodate future changes of use, updates to the parking study to show conformance with the original combination of uses and available parking may be required.
 - 3. The following additional restrictions apply to all uses:
 - a. No outdoor storage is permitted.
 - b. Outdoor displays are limited to dooryard areas only, as specified in Chapter 6 of the Aptos Village Plan. Outdoor displays shall only be allowed during regular open business hours and shall be removed and stored within the tenant space when the business is closed.
 - 4. Outdoor uses, fairs, farmer's markets, parades, concerts and similar outdoor uses may be authorized in the village common and on the streets within the village

subject to a Level 1 review and approval by the County of Santa Cruz Planning Department.

5. Commercial uses within the residential areas of the project are limited to those allowed under the Home Occupation ordinance (County Code 13.10.613).

VI. Design

- A. Structure design, site layout, and pedestrian and landscape improvements shall conform to the requirements specified in Chapter 6 of the Aptos Village Plan. All requirements of Chapter 6 of the Aptos Village Plan shall be met, including the specific requirements for each building site, the required details for architectural design, pedestrian and landscape improvements, arcades, building projections, and storefronts facing the street.
- B. All street signs, street lighting, site elements, and associated common improvements shall be consistent throughout the project site and shall include the details as depicted on the approved Exhibit "A" for this permit.

VII. Signs

- A. All commercial signage shall meet the sign requirements (sign types, locations, lighting, and maximum areas) as specified in Chapter 6 of the Aptos Village Plan. Sign plans that do not conform to the sign standards specified in Chapter 6 of the Aptos Village Plan, except as specified in these Planned Unit Development conditions of approval, shall require review and approval by the Planning Director.
- B. In addition to the signage allowed by the Aptos Village Plan, one monument sign may be placed on the project site (north of the railroad right of way at the proposed north-south street) to identify businesses that do not front on Soquel Drive, subject to the following requirements:
 1. The monument sign may be freestanding or attached to one of the two buildings to either side of the north-south street (Building 14 or 15). The monument sign shall be located in a manner to not create vehicular sight distance issues at the intersection of the proposed north-south street and the adjacent parking areas.
 2. The maximum size for monument signage shall not exceed 50 square feet (on each side, if double sided) and, if freestanding, the sign shall not exceed 12 feet in height. The sign area for this one monument sign shall be in addition to the sign area allowed by the Aptos Village Plan.
 3. The design and location of the monument sign shall be subject to review and approval by the County of Santa Cruz Planning Department and the Department of Public Works.
- C. Advertising for commercial businesses is limited to the sign areas depicted in the approved Building Permit.

VIII. Parking Requirements

A. Commercial and mixed use residential parking requirements:

1. Parking shall be provided consistent with the approved parking plan for this development. Based on the intensity of commercial and residential uses proposed the parking provided within the commercial and mixed use residential portion of the project site shall be a minimum of 400 parking spaces.
 - a. New on street parking spaces created along the proposed east-west and north-south streets shall be counted towards satisfying the parking requirements.
 - b. The number of compact spaces within the off-street parking areas may not exceed 40 percent of the total number of off-street parking spaces.
 - c. The reduction in length of standard off-street parking spaces by up to two feet to allow the creation of additional landscape area (overhang) in front of the parking space is allowed. On-street and compact spaces may not be reduced in length for this purpose.
2. A minimum of one reserved parking space shall be provided for each residential unit in a mixed-use building. Garage or surface parking spaces may be provided to satisfy this requirement. The reserved spaces shall be located in general proximity to the building in which the unit is located and shall be clearly labeled as reserved spaces for this purpose.
3. Lockable storage sheds or lockable garage spaces shall be provided for on site bicycle storage. In addition to garage spaces, a minimum of 12 enclosed bicycle parking spaces and a minimum of 69 unenclosed bicycle parking spaces shall be provided for the mixed use portion of the project. Bicycle parking spaces shall be made available to employees, customers, residents, and visitors.
4. Accessible parking shall be provided on site per the requirements of the California Building Code.
 - a. This requirement applies to the design of the parking spaces, location of the parking spaces, number of accessible spaces provided, and accessible path of travel through the development.
5. Management of parking to ensure compliance with these conditions and to ensure that sufficient parking is available to residents, guests, and customers of the commercial businesses shall be the responsibility of the Common Interest Development (CID) association as specified in the conditions of approval for this permit. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential and commercial uses on the project site consistent with the Planned Unit Development conditions of approval for this permit.

6. Future modifications to the minimum parking requirements may be authorized for good cause, consistent with an updated parking study, subject to review and approval by the County of Santa Cruz Planning Department.
- B. Residential parking requirements for residential units accessed off of Granite Way (Buildings 11 & 12)
1. A minimum of 2 off-street parking spaces shall be provided per residential unit.
 2. Additional on-street parking spaces shall be created through widening Granite Way (as depicted on the approved Exhibit "A"). The on-street spaces will be located within a public right-of-way and shall be available for use by residents and guests of the proposed residential development as well as residents and guests of the existing residential properties along Granite Way and the general public.
 3. Lockable storage sheds or lockable garage spaces shall be provided for on site bicycle storage. At least one bicycle space shall be provided for each dwelling unit.
 4. The Common Interest Development (CID) association or Homeowner's Association (HOA) shall be responsible for ensuring that garage spaces are kept available for parking and not used for storage in a manner that would prevent the parking of vehicles.
 5. Management of parking to ensure compliance with these conditions and to ensure that sufficient parking is available to residents shall be the responsibility of the Common Interest Development (CID) association. The CID association documents shall include provisions regarding management and allocation of parking spaces for residential uses on the project site consistent with the conditions of approval for this permit.

IX. Affordable Housing

A. Participation Agreement

1. Prior to filing of the Final Map, the applicant shall enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code (as amended at the time of entering into the agreement) and as specified in the Subdivision conditions of approval for this project.

B. Applicability of Density Bonus

1. Density bonus provisions do not apply to developments meeting the minimum affordable housing requirements.

X. Amendments

- A. Future amendments or changes to the approved project, including structure designs, structure locations, and associated infrastructure shall be processed per the levels of

review specified in Chapter 18.10 of the County Code or its successor ordinance, unless otherwise specified by these Planned Unit Development conditions of approval.

1. Future façade changes and/or modifications to the designs for the proposed buildings, that do not reduce setbacks or increase height beyond the zone district standards or other standards approved by this Planned Unit Development, shall be processed as a Level IV Design Review permit.
- B. 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 or its successor ordinance.

Exhibit E (Deleted)

**Application Number 101027
Planning Commission Hearing
1/25/12**

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 101027, involving property located between Aptos Creek Road and Trout Gulch Road in the Aptos Village, and the Planning Commission has considered the proposed General Plan amendment, rezoning, subdivision, and mixed use commercial and residential development, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached resolution amending the Aptos Village Plan by changing the plan language to allow demolition of the Aptos Firehouse/VFW building, to allow flexibility in the total number and square footage of residential units to be constructed, and to allow a second anchor tenant;

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by relocating the Historic "-L" combining district to reflect the presence of historic structures;

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning, subdivision, and residential development as contained in the Report to the Planning Commission.

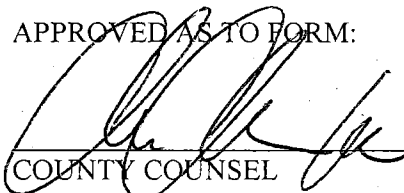
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this ____ day of _____, 20____, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Ken Hart, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the historic properties located between Aptos Creek Road and Trout Gulch Road in the Aptos Village; finds that the zoning established herein, as shown on the attached exhibit, is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Mitigated Negative Declaration for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

SECTION III

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows and as depicted on the attached Rezoning Map:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
041-011-03 (portion)	RM-2	C-2-L
041-011-20 (portion)	C-2	C-2-L

041-011-24
041-011-33 (portion)

C-2-L
C-2-L & RM-2-L

C-2
C-2-L

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

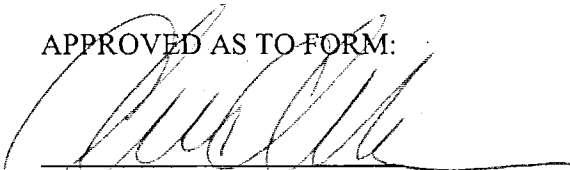
PASSED AND ADOPTED THIS _____ day of _____, 20__, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning-Randall Adams
Assessor
County GIS

EXHIBIT E

The map displays the following zoning districts and their locations:

- R-1-6:** Located in the upper central and upper left portions of the map.
- RM-3:** Located in the upper left corner.
- RM-4:** Located in the upper central area, south of R-1-6.
- RM-2:** Located in the upper right area.
- PF (Public Facility):** Located in the upper right corner and along the western edge.
- C-2:** A large central district, with smaller pockets in the lower left, lower right, and bottom center.
- C-2-L:** Located in the lower right area.
- C-2-L to C-2:** A narrow strip along the eastern boundary of the central C-2 area.
- C-2-L to RM-2:** A narrow strip along the northern boundary of the central C-2 area.
- C-2-GH (Community Garden Home):** Located in the lower central area.

Legend:

- C-2-L to C-2:** Represented by a diagonal hatching pattern.
- C-2-L to RM-2:** Represented by a cross-hatching pattern.

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following Resolution is adopted:

RESOLUTION ADOPTING AN AMENDMENT TO THE APTOS VILLAGE PLAN

WHEREAS, the Board of Supervisors for the County of Santa Cruz has held a public hearing on Application No. 101027, involving property located within the Aptos planning area, and the Planning Commission has considered the proposed General Plan Amendment, all testimony and evidence received at the public hearing, and the attached staff report; and

WHEREAS, minor modifications to the Aptos Village Plan, approved by the Board of Supervisors on 2/23/2010, are necessary to facilitate the construction of a infill development project within the core area of the Aptos village; and

WHEREAS, the Board of Supervisors finds that the proposed General Plan Amendment, as shown on the attached Exhibit, is consistent with State Law and all other portions of the County of Santa Cruz General Plan; and

WHEREAS, the Board of Supervisors has reviewed the Mitigated Negative Declaration associated with this project and finds that the General Plan Amendment has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby certifies the environmental determination and adopts the General Plan Amendment (as indicated in the attached Exhibit) by changing the language of the Aptos Village Plan to allow demolition of the Aptos Firehouse/VFW building, to allow flexibility in the total number and square footage of residential units to be constructed, and to allow a second anchor tenant.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20__ by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

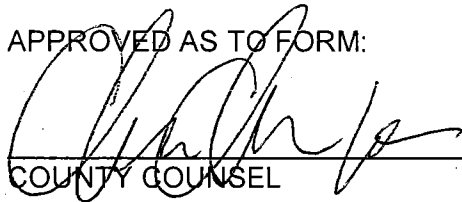

COUNTY COUNSEL

Exhibit: Amendment to the Aptos Village Plan

DISTRIBUTION: County Counsel
 Planning-Randall Adams

Amendment to the Aptos Village Plan

New/additional language in **Bold Underline** type
Deleted language in **~~Bold Underline Double Strikethrough~~** type

Demolition of the Aptos Firehouse/VFW Hall

The language on page 34 of the Aptos Village Plan shall be modified as follows:

To facilitate the new north-south street and the development of additional buildings, the historic Aptos Firehouse/VFW Hall will need to be ~~relocated within the Village Plan area demolished~~. Technical studies and inspections have determined that **the structure is unsound and could not be relocated or restored without complete reconstruction of the building** ~~a portion of the rear of the building has been added since its period of significance. This Plan assumes that this newer area will be removed to restore the structure to its more original size. Any exterior changes must be sensitive to the historic significance and architectural features of the building and any relocation must follow the Secretary of the Interior standards for relocation such that the NR 5 rating is not compromised. If relocated, the building must be located on a prominent street within the Village and present to the street in its current narrow side configuration. Before moving this building, t~~ The County's Historic Resources Commission **must** ~~has~~ approved the **relocation and associated reconstruction work** ~~demolition of this structure.~~

When future developers submit Historic Resource Preservation Plan applications to relocate the Apple Barn ~~and/or Aptos Firehouse/VFW Hall~~, the Historic Resources Commission will determine if the relocations can be accomplished in a manner that preserves the building's historic integrity and NR ratings and impose appropriate conditions. If the Historic Resources Commission finds that this cannot be accomplished, the Aptos Village Plan will need to be amended to address the land use of the structures in **their** ~~its~~ current location.

Flexibility in number and total square footage of residential units

Page 59 of the Aptos Village Plan shall be modified to include the following additional language:

Once those elements are defined, a series of possible development sites become defined. These are illustrated and numbered in Figure 23, with development potential within each site described below in Figure 24. Altogether, these sites, if developed to the maximum allowed by Figure 24, would add 75,000 gross square feet of new commercial space and 63 residential units to the Village Core area. While there may be some minor variations to what is laid out in that figure, for the purpose of this Plan, it defines the upper limit of possible development.

At the time of initial construction, the total number of residential units, and the residential square footage, may be modified up to 10% to allow minor flexibility in the construction of the project.

- A. **Increases in the residential square footage and the total number of units can only occur within the building sites defined by the Aptos Village Plan. No increase in building height or overall square footage is allowed.**
- B. **Residential units are not allowed within the first floor or second floor of Building 4, or on the first floor of any mixed-use commercial building.**

- C. The maximum increase in residential units is not allowed to exceed 6 additional residential units.
- D. Any increase in residential square footage shall replace approved commercial square footage in the mixed use portion of the development. No additional commercial square footage is authorized.

Second Anchor Option

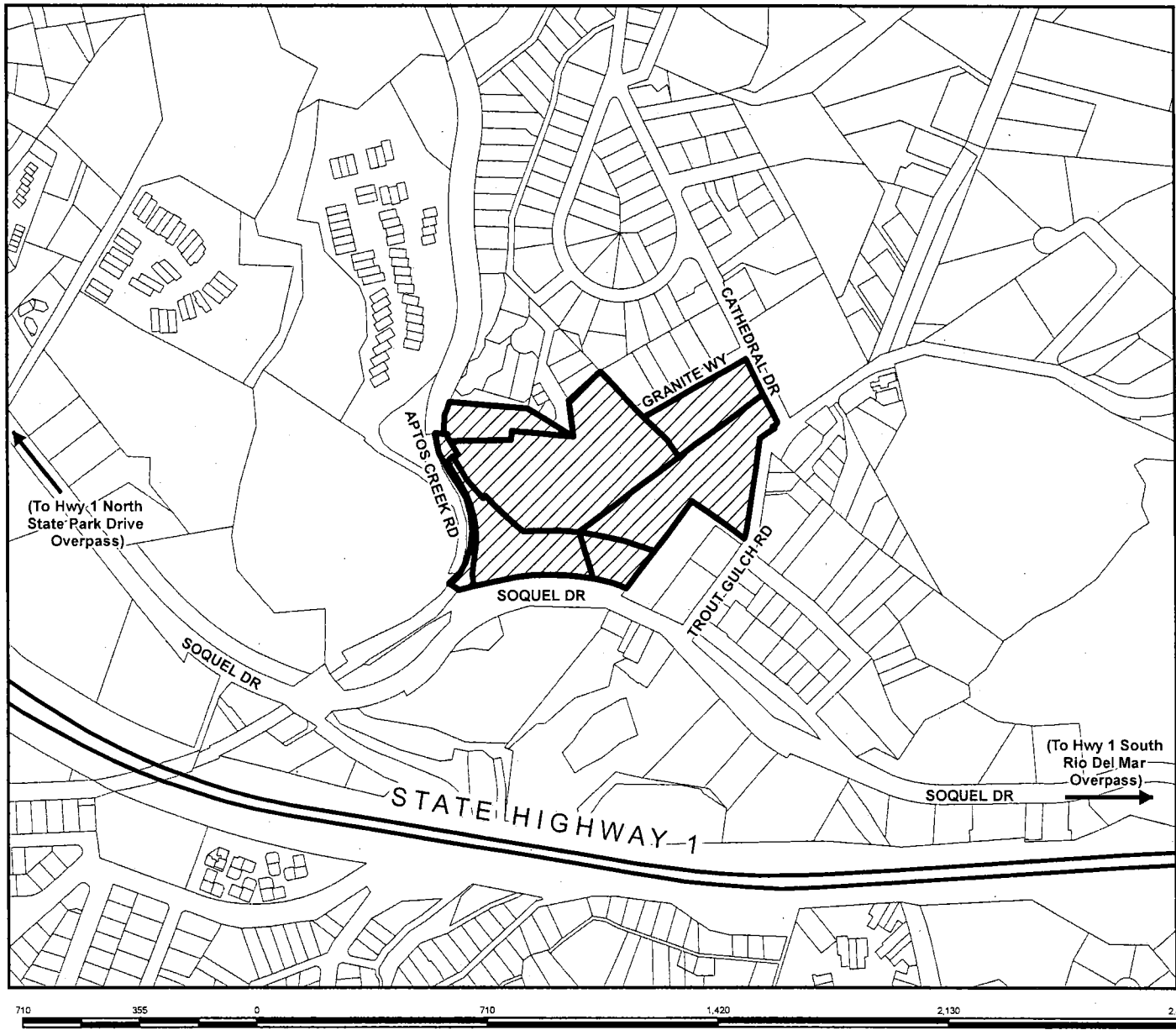
The language on page 32 of the Aptos Village Plan shall be modified as follows:

In order to respond to the economic report conclusions, the Village Core must include an anchor store (such as a specialty grocery store) in the Apple Barn building. In order to reinforce the Plan goal of attracting small-scale businesses to the area, only one ~~new sub~~ **additional** anchor use not exceeding ~~7,500~~ **13,000** square feet in size is allowed. The size and type of other individual commercial uses will be determined by the Planned Unit Development (PUD) for the Village Core.

Figure 24 on Page 61 of the Aptos Village Plan (Site # 3) shall be modified as follows:

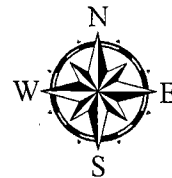
3	10,500	17	2 with lofts	Buildings must appear as 2 stories along the new east-west street frontage. <u>A second commercial anchor, not to exceed 13,000 square feet (10,500 sq. ft. + 2,500 sq. ft. from Site # 6) may be constructed in this area to create a draw of pedestrian activity along the new east-west street.</u>
---	--------	----	--------------	--

Location Map



LEGEND

-  Streets selection
-  Assessors Parcels
-  State Highways
-  Subject Properties



Map Created by
County of Santa Cruz
Planning Department
September 2011

EXHIBIT G

41-01

Tax Area Code
69-131 69-273

POR. APTOS RANCHO
N. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.

Bk. 39
31

83RS59
3/15/1991

84RS36
6/5/1991

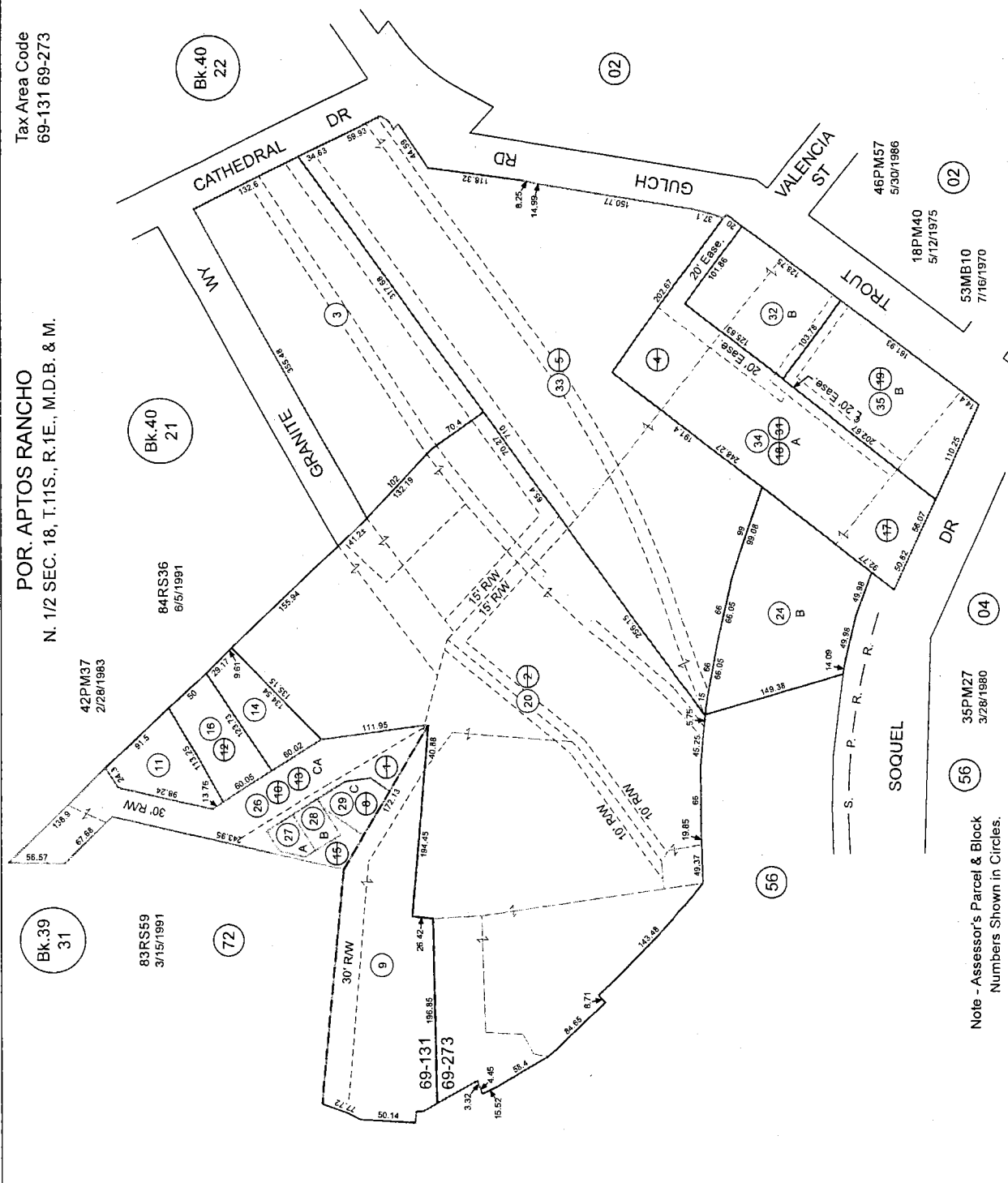
Bk. 40
21

Bk. 40
22

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

Editorially Redrawn 12/17/95 NW
Rev. 11/23/99 CB (S-0063878, to st. 1.33)
Rev. 1/31/01 CB (Cor by 46PM57, 1-34 & 35)
Rev. 2/27/01 CB (Removed old SBE #s)
Rev. 4/10/01 CB (Changed page #s)
Rev. 4/4/02 CB (Cor added 35PM27)
Rev. 4/7/05 CB (Tax Code 55-289)
Rev. 12/27/05 CB (For to pg. 41-72)
Rev. 5/18/06 mm (Added APN, 1-09)
Rev. 3/18/11 mc (Cor. 1-27 to 23, condo to townhouse)



Assessor's Map No. 41-01
County of Santa Cruz, Calif.
Dec. 1998

Note - Assessor's Parcel & Block
Numbers Shown in Circles.

56 35PM27
3/28/1980

04

53MB10
7/16/1970

18PM40
5/12/1975

46PM57
5/30/1986

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

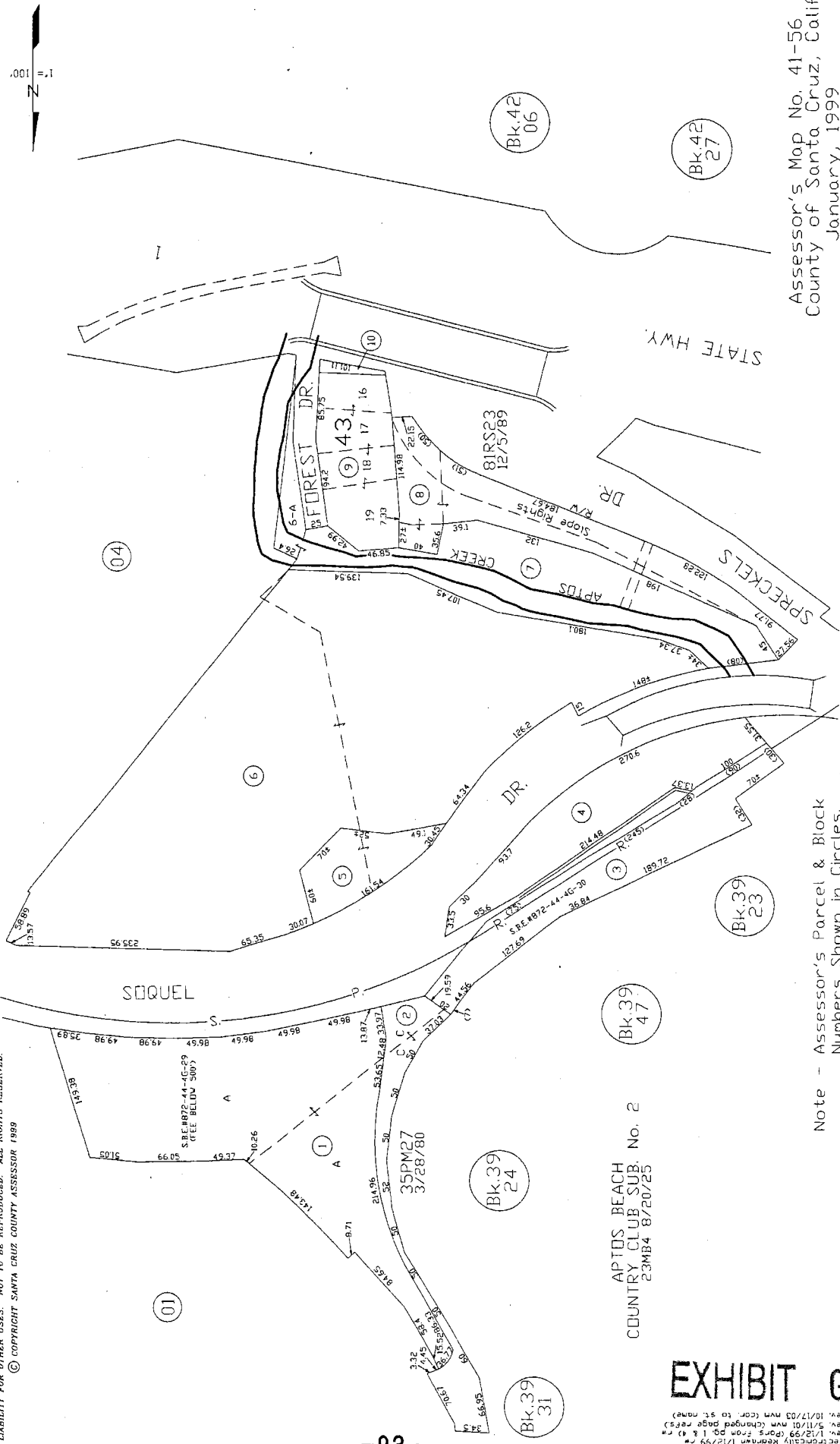
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR, APTOS RANCHO

Tax Area Code
69-273

41-56

N. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.



Assessor's Map No. 41-56
County of Santa Cruz, Calif.
January, 1999

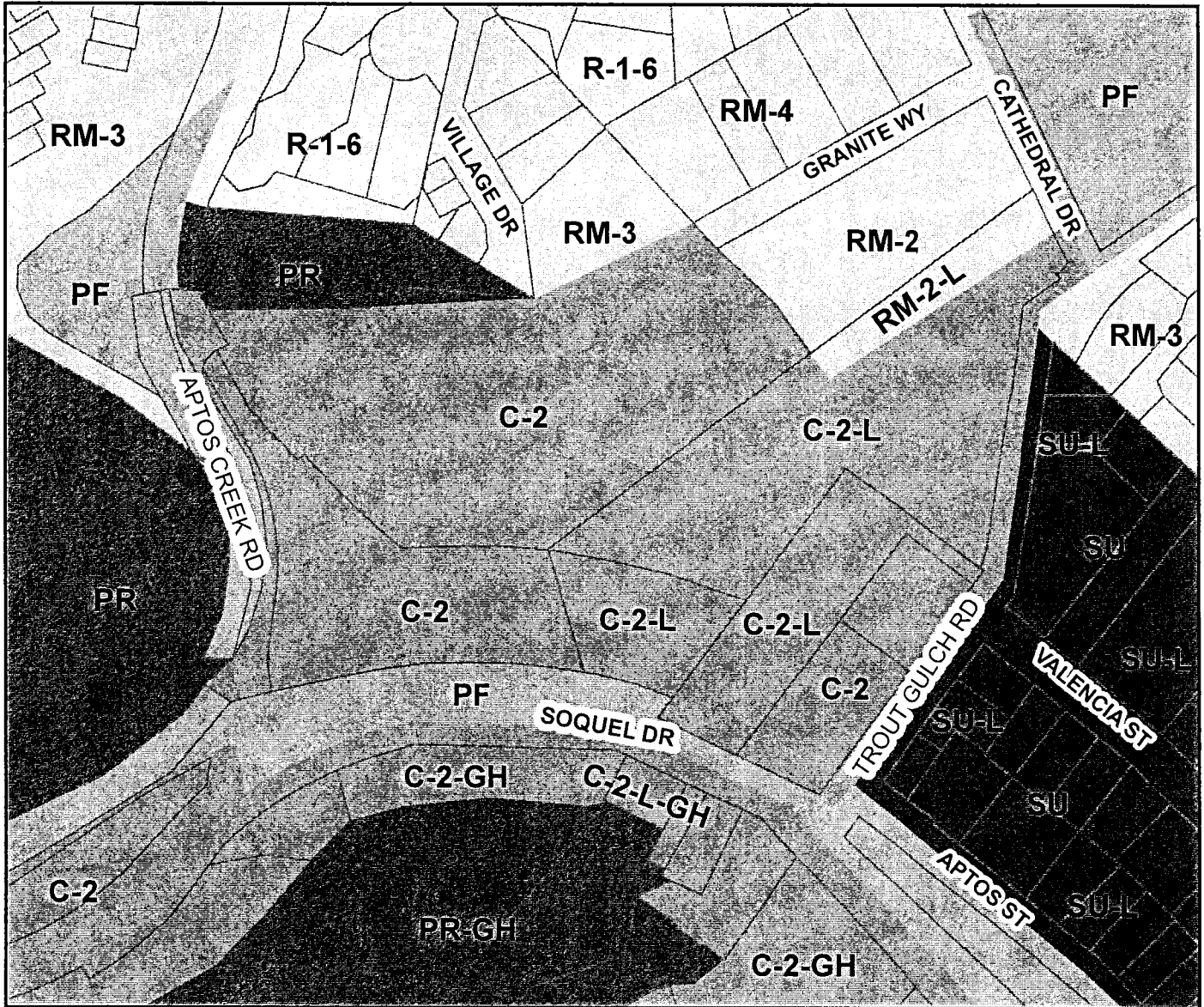
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

APTOS BEACH
COUNTRY CLUB SUB. No. 2
23MB4 8/20/25

EXHIBIT G

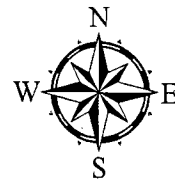
Electronically Redrawn 1/12/99
Rev. 5/11/01 nwn (changed page refs.)
Rev. 10/17/03 nwn (corr. to st. name)

Zoning Map



LEGEND

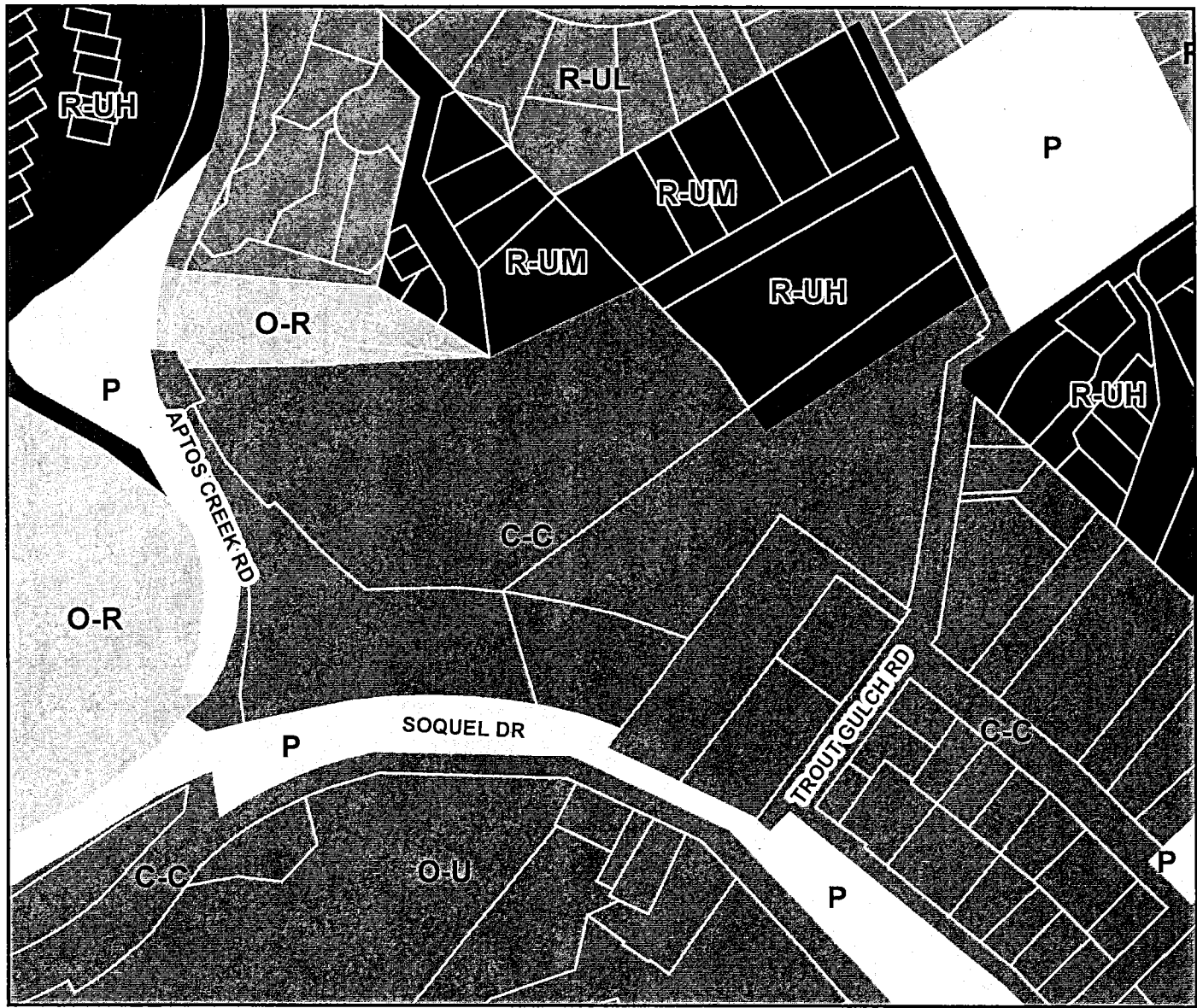
- COMMERCIAL-COMMUNITY
- COMMERCIAL-NEIGHBORHOOD
- PARK
- PUBLIC FACILITY
- RESIDENTIAL-MULTI FAMILY
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE



Map Created by
County of Santa Cruz
Planning Department
September 2011

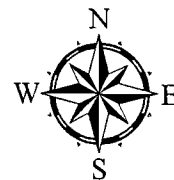
EXHIBIT G

General Plan Land Use Map



LEGEND

- Commercial-Community
- Commercial-Neighborhood
- Parks and Recreation
- Public Facilities
- Residential - Urban Low Density
- Residential - Urban Medium Density
- Residential - Urban High Density
- Resource Conservation
- Urban Open Space



Map Created by
County of Santa Cruz
Planning Department
September 2011

EXHIBIT G

**Negative Declaration
(CEQA Determination)**

Mitigations attached to Conditions of Approval - Exhibit C

**Application Number 101027
Planning Commission Hearing
1/25/12**

**(Initial Study & attachments on file with the
Planning Department)**

www.sccoplanning.com



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
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
<http://www.sccoplanning.com/>

MITIGATED NEGATIVE DECLARATION

Project: Aptos Village Project

APN(S): 041-011-03, 09, 20, 24, 33; 041-561-01, 02

Project Description: The project proposes to construct a mixed-use commercial and residential development (including a maximum of 63 residential units and 75,000 square feet of commercial space) for the core area of the Aptos Village, as identified in the Aptos Village Plan, adopted February 23, 2010.

The project would require the following: Planned Unit Development; Subdivision and Commercial Development Permit; Residential Development Permit; General Plan Amendment; Roadway Abandonment; Historic Preservation Plan Review; Archaeological Report Review; Soils Report Review; and Preliminary Grading Review.

The proposed project site is located within the partially undeveloped portions of the core area of Aptos Village between Aptos Creek Road, Trout Gulch Road, and Soquel Drive. Two historic structures, the Apple Barn and the Aptos Firehouse/Veterans of Foreign Wars (VFW) Hall are located within the project area. The Apple Barn would be relocated and the Firehouse/VFW Hall would be demolished as part of the proposed project.

Project Location: Aptos Village, located in the Aptos Planning area within the unincorporated portion of Santa Cruz County, lies about six miles east of the City of Santa Cruz and about eight miles northwest of the City of Watsonville. The site is located just north of Highway 1 between the State Park Drive and Rio Del Mar Boulevard interchanges. The Village is 80 feet in elevation above the confluence of Aptos and Valencia Creeks and about one-half mile inland from the Monterey Bay.

Applicant: Barry Swenson Builder

Staff Planner: Todd Sexauer; email: pln459@co.santa-cruz.ca.us

This project will be considered at a public hearing by the Board of Supervisors. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and, that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Planning Department located at 701 Ocean Street, 4th Floor, Santa Cruz, California.

Required Mitigation Measures or Conditions:

- ☐ None
☒ Are Attached

Review Period Ends: October 12, 2011

Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body

Date: Aug 9, 2011

Matt Johnston
MATT JOHNSTON, Environmental Coordinator
(831) 454-3201

Updated 6/29/11

Parking Study
(on file with the Planning Department)
www.sccoplanning.com

Application Number 101027
Planning Commission Hearing
1/25/12

Aptos Village Plan
(on file with the Planning Department)
www.sccoplanning.com

Application Number 101027
Planning Commission Hearing
1/25/12

HISTORIC BAYVIEW HOTEL
8041 Soquel Drive • Aptos, California 95003
LES STRAND, RESTORATION CONSULTANT

Kathleen Molloy Previsich, Planning Director

October 12, 2011

701 Ocean Street – 4th Floor

Santa Cruz, California 95060

Transmitted By E-Mail

Application No.: 101027 – Aptos Village Plan Unit Development

EIR: Comments for Mitigated Negative Declaration

Owner & Applicant: Barry Swenson Builder/Joe Appenrodt

Dear Kathy,

As the hotel restoration consultant and agent for Ms. Cristina Locke, owner of the Historic Bayview Hotel (BVH) (APN: 041-011-34), I participated in Planning Commission and Board of Supervisor's hearings in 2010, which resulted in the adoption of the Aptos Village Plan (AVP). Miss Locke was asked by Barry Swenson Builder and Supervisor Ellen Pirie to support the AVP; and, Miss Locke did so by going on record during the hearing process, stating she would work with community leaders to approve the final plan.

You may be aware that the AVP features the nationally recognized Historic BVH on the cover of the AVP document. Additionally, throughout the AVP document, the BVH is referenced as the "village centerpiece." The BVH was stated to be of emphatic importance of to the success of AVP and subsequent Plan Unit Development (PUD).

Therefore, in commenting on the proposed Negative Declaration, we have several points to make. We believe each point must be corrected, revised or expanded under the California Environmental Quality Act (CEQA) prior to public hearing on the Aptos Village PUD (AV-PUD).

I. Lack of Public Notice for Negative Declaration:

Neither Miss Locke nor I, as agent for the BVH, received written notice of the draft Negative Declaration. In my forty years as a professional planner, I have never seen a California Community attempt to use such a complex document for a Negative Declaration for a PUD. The AV-PUD involves a multi-parcel site and a development program that will transform the Historic Village of Aptos. Perhaps a complete Environmental Impact Report (EIR), as required by CEQA, would be more appropriate. Therefore, Miss Locke and I request additional time to prepare a detailed response to the Negative Declaration.

It is highly probable there are members in the general public who will, also, be requesting

HISTORIC BAYVIEW HOTEL
8041 Soquel Drive • Aptos, California 95003
LES STRAND, RESTORATION CONSULTANT

additional time because the County's Negative Declaration Notice of Intent provided an incorrect e-mail address, preventing some people from having their comments received.¹ The County may wish to extend the comment period to avoid invalidating the public's right to Public Notice.

II. County Staff AVP *De facto* Amendment:

It would appear that by excluding the BVH from the PUD, a "*De facto* Amendment" to the AVP is being proposed by the county planning staff and the developer. Specifically, a portion of the BVH property is required in order to construct the Valencia Street extension, a private street where the County is requiring the developer to install and maintain it as a possible condition of approval. While negotiations between BSB and the BVH are still in process, it has as yet to be finalized and it may evolve to a point that the AVP will not have this property available to build the Valencia Street extension. Without the BVH property an entirely different development pattern and traffic circulation plan would be required.

The Negative Declaration fails to discuss alternative road alignments, alternative land use developments, and associated impacts resulting from revisions to the PUD, as proposed. Perhaps a complete EIR, as required by CEQA, would be more appropriate to review alternatives not included in the Negative Declaration.

III. New Railroad Crossing to Soquel Drive/PUD Requires PUC Approval:

In Item II, above, we pointed out the need for alternative traffic circulation analysis within the Negative Declaration. As of October 6, 2011 neither the County of Santa Cruz nor the developer for the PUD has filed a formal California Public Utility Commission (PUC) application for new railroad crossings and right-of-ways (ROW). Even if an Application could be filed this month [October 2011] it would not have sufficient review by State PUC staff to allow this Negative Declaration to be silent on the traffic impacts and alternative road alignments for primary access across the railroad to Soquel Drive. There is no assurance that an approval from the state PUC will be received in the near future.

Since the BVH has been removed from the proposed PUD and has never received any formal written notice from the County asking for abandonment to this ROW, Miss Locke has no intention of relinquishing the railroad access on her property from the BVH parking lot to Soquel Drive. The lack of the BVH as part of the PUD also adversely affects the pedestrian access included in the approved AVP, which reflects use of existing easements to allow pedestrians to move from common PUD parking areas beyond the East-West access road to businesses along Soquel Drive. The AV-PUD seems to lack clarity as to which pedestrian improvements along Soquel Drive will be a result of building the AV-PUD.

¹ Please note dash between "co" and "santa" <pln458@co-santa-cruz.ca.us> vs. <pln458@co.santa-cruz.ca.us>

HISTORIC BAYVIEW HOTEL
8041 Soquel Drive • Aptos, California 95003
LES STRAND, RESTORATION CONSULTANT

Alternatives to these fundamental traffic and pedestrian circulation problems, lack of shared parking in the village for adjacent businesses and revised pedestrian access to and from AV and Soquel Drive are more appropriately discussed in a comprehensive EIR.

It is my professional belief that neither the SC County Planning Commission nor the SC County Board of Supervisors can approve the staff's Negative Declaration and PUD proposals without first acquiring approval from the PUC for new ROWs along Soquel Drive. This is because the railroad crossing will involve the BVH property. Neither the SC County Planning Commission nor the Board of Supervisors can make findings for approval of either the Negative Declaration or PUD pursuant to CEQA, because that is not allowed when there are properties that are a part of the findings, but are in areas outside the PUD.

IV. State and Federal Agency Historic Preservation Approvals:

In our analysis of the Negative Declaration, we have found no approvals for the proposed elements contained in the revised PUD. The lack of approval for the proposed elements contained in the revised PUD may impact NR-1 classification and preservation of the historic uses at BVH. On behalf of Miss Locke, I have been working with the state and federal historic preservation agencies to assure full compliance with state and federal regulations and restoration criteria. Our consultants over the last two years have been working on major restoration and expansion for the BVH.

I wish to point out the AVP makes specific reference to the following:

1. BVH fair share of common public parking within the PUD
2. Adjacent new developments must protect NR-1 views and setbacks
3. Protection of existing landscaping, heritage tree preservation, noise, visual, lighting and recognition of historic uses for the BVH outside patio and Victorian gardens.

Specifically, notation within the PUD needs to be made regarding the property setbacks for the adjacent new development; that is, a proposed 2-story mixed-use north of the BVH. Existing Santa Cruz County Zoning Policies require property setbacks that must be applied. Unless a structure is constructed and is of similar size as the old "fire station/VFW building," proposed for demolition, we expect any new structure north of the BVH to have property line setbacks. We note in the proposed PUD that the future development adjacent to the Aptos Station has a 15-foot property setback with an additional area of open space of approximately 95 feet. The same should be true for the BVH.

We were amazed by the discussion on tree removal north of the BVH as necessary to open views to the historic hotel. Since the BVH is not part of the PUD, why worry about removing heritage trees on adjacent PUD property? It would be more appropriate to explain why the county staff is really recommending tree removal! It was stated in a community meeting on the AVP that these trees would block ocean views from the mixed-use development on the property north of the BVH. A text edit may be in order.

HISTORIC BAYVIEW HOTEL
8041 Soquel Drive • Aptos, California 95003
LES STRAND, RESTORATION CONSULTANT

Summary:

- A) We request to see the written responses from the California State Historic Preservation Office; the National Park Service; the U.S. Department of Interior; and, final approval from the PUC.
- B) Comments on the Negative Declaration should be extended until comments are received from the above state and federal agencies. More appropriately, due to the *Defacto* revisions of the final AVP and altered PUD, we recommend the preparation of an EIR. The County should consider a complete EIR, as required by CEQA.
- C) We would be available to meet with county planning staff and the developer to discuss the issues raised in our letter. If there are any questions, concerns, or comments please do not hesitate to contact me.

Respectfully,

Cristina Locke, Bayview Hotel Proprietor

Les Strand, Land Use Consultant and Agent-BVH

Cc: Matt Johnston, County Environmental Coordinator;
Ellen Pirie, County Supervisor for District 2; Jesse Nickel, Barry Swenson Builder

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

Kathleen Molloy Previsich, Planning Director
701 Ocean Street - 4th Floor
Santa Cruz, California 95060

October 10, 2011

Transmitted By E-Mail

Application No.: 101027 - Aptos Village Plan Unit Development (PUD)

EIR: Mitigated Negative Declaration

Owner & Applicant: Barry Swenson Builder/Joe Appenrodt

Dear Kathy,

My name is William H. Droege and I own the property on the corner of Soquel Drive and Trout Gulch Road, located at 403 and 415 Trout Gulch Aptos, California 95003 (041-011-35). I am writing to you to express my disagreement with the findings of your department's Draft Environmental Impact Report (DEIR) for Application 101027, Aptos Village Plan Unit Development (PUD). Although I disagree with the general design of the Aptos Village Plan (AVP), that it is too dense and the circulation plan is seriously flawed, my main concerns are: (1) the notion that the County would take away my Right-of-Way (ROW) over the Southern Union and Serra Northern railroad line without a signed agreement from me; and (2) errors in the work completed for the DEIR by TJKM Transportation Consultants. I am requesting the County return the AVP-DEIR to your planning staff and correct the errors I am listing below.

Corrections to Draft Environmental Impact Report (DEIR):

RAILROAD CROSSING AT TROUT GULCH CROSSING

1. Correct all assumptions, text, and drawings that remove my Right-of-Away (ROW) over the Southern Union and Serra Northern railroad. Never before, and certainly not now, have I ever agreed to give up this ROW, which is critical to the business success of my tenants. I recently contacted the Bayview Hotel owners [Bayview], with whom I share both this ROW and an easement over our properties to the ROW, and asked if the County or the California Public Utility Commission (PUC) requested permission to remove this ROW. The Bayview tells me that no one from the County has provided a formal request, reflecting my own experience.

Further, I have informed Santa Cruz County Supervisor Ellen Pirie, 2nd District, that I would fight any means utilized by the County or Barry Swenson Builder "taking" my land rights to use this ROW. The County may wish to contact the owner(s) of the Bayview Hotel for their opinion.

About a month ago I contacted the California Public Utility Commission (PUC) to get a copy of the Application the County has repeatedly stated it has filed.

Page-1

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

It was disappointing to discover that no such application is on file. I am in the process of filing a complaint with the PUC concerning the County's mis-information.

I could not find any reference in this DEIR within the County of Santa Cruz's Application filed with the PUC. This DEIR should contain a detailed review how the project is affected if the CPUC denies the County's plan for a new railroad ROW. Won't this denial require the DEIR to offer project alternatives?

Therefore, please have your Staff add my Railroad Crossing to all Aptos Village PUD drawings. Please include a left-hand turn from Trout Gulch Road into my property. Please add text that recognizes my ROW. Please have TJKM Transportation Consultants recalculate their traffic counts and traffic impact with my ROW included. Please add a section on project alternatives, in case the CPUC denies the County's plan for new railroad ROWs. TJKM Transportation Consultants should want new Aptos Village traffic investigations completed before this DEIR is forward to the Planning Commission or the Board of Supervisors.

TRAFFIC (Attachment 9)

2. It would be helpful if the TJKM Transportation Consultants' Report provided the average build-out traffic count along Soquel Drive. The build-out appears to be in 2025 and appears to be 10,000 cars a day. Is this correct? Projecting an annual traffic growth of 1.7% for the study area over the next several decades seems very low. This number in TJKM Transportation Consultants' report is based on the last few years during a time when very little has been built. It seems a significant amount of traffic will be added to the study area when the following sites are built-out (See Figure 13): Aptos Village PUD (Trout Gulch Road), Aptos Rancho development project (Aptos Rancho Drive), Poor Clares development project (State Park Drive), South County development project (McGregor Drive), Seacliff Village Redevelopment (Center Avenue) and the many infill sites that Aptos can expect over the next 15 years. Please add a section that explains how traffic will be managed when all of these additions hit our streets.

The way the County explains how traffic will flow on Soquel Drive between Trout Gulch Road and Spreckels Drive is confusing. Maybe a section should be added that explains any traffic calming devices, traffic signal coordination, and how the new traffic lanes and curb parking will work?

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

In summary, this DEIR needs a new traffic report and needs alternative project proposals to included scenarios in case the CPUC denies the County's hope for new railroad ROWs and traffic plans.

If there are any questions, concerns, or comments please do not hesitate to contact me.

Sincerely,
/S/
William H. Droege

Cc: Matt Johnston, County Environmental Coordinator
Ellen Pirie, County Supervisor for District 2;
Jesse Nickel, Barry Swenson Builder

#####

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

Kathleen Molloy Previsich, Planning Director
701 Ocean Street - 4th Floor
Santa Cruz, California 95060

October 10, 2011

Transmitted By E-Mail

Application No.: 101027 - Aptos Village Plan Unit Development (PUD)

EIR: Mitigated Negative Declaration

Owner & Applicant: Barry Swenson Builder/Joe Appenrodt

Dear Kathy,

My name is William H. Droege and I own the property on the corner of Soquel Drive and Trout Gulch Road, located at 403 and 415 Trout Gulch Aptos, California 95003 (041-011-35). I am writing to you to express my disagreement with the findings of your department's Draft Environmental Impact Report (DEIR) for Application 101027, Aptos Village Plan Unit Development (PUD). Although I disagree with the general design of the Aptos Village Plan (AVP), that it is too dense and the circulation plan is seriously flawed, my main concerns are: (1) the notion that the County would take away my Right-of-Way (ROW) over the Southern Union and Serra Northern railroad line without a signed agreement from me; and (2) errors in the work completed for the DEIR by TJKM Transportation Consultants. I am requesting the County return the AVP-DEIR to your planning staff and correct the errors I am listing below.

Corrections to Draft Environmental Impact Report (DEIR):

RAILROAD CROSSING AT TROUT GULCH CROSSING

1. Correct all assumptions, text, and drawings that remove my Right-of-Away (ROW) over the Southern Union and Serra Northern railroad. Never before, and certainly not now, have I ever agreed to give up this ROW, which is critical to the business success of my tenants. I recently contacted the Bayview Hotel owners [Bayview], with whom I share both this ROW and an easement over our properties to the ROW, and asked if the County or the California Public Utility Commission (PUC) requested permission to remove this ROW. The Bayview tells me that no one from the County has provided a formal request, reflecting my own experience.

Further, I have informed Santa Cruz County Supervisor Ellen Pirie, 2nd District, that I would fight any means utilized by the County or Barry Swenson Builder "taking" my land rights to use this ROW. The County may wish to contact the owner(s) of the Bayview Hotel for their opinion.

About a month ago I contacted the California Public Utility Commission (PUC) to get a copy of the Application the County has repeatedly stated it has filed.

Page 1

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

It was disappointing to discover that no such application is on file. I am in the process of filing a complaint with the PUC concerning the County's mis-information.

I could not find any reference in this DEIR within the County of Santa Cruz's Application filed with the PUC. This DEIR should contain a detailed review how the project is affected if the CPUC denies the County's plan for a new railroad ROW. Won't this denial require the DEIR to offer project alternatives?

Therefore, please have your Staff add my Railroad Crossing to all Aptos Village PUD drawings. Please include a left-hand turn from Trout Gulch Road into my property. Please add text that recognizes my ROW. Please have TJKM Transportation Consultants recalculate their traffic counts and traffic impact with my ROW included. Please add a section on project alternatives, in case the CPUC denies the County's plan for new railroad ROWs. TJKM Transportation Consultants should want new Aptos Village traffic investigations completed before this DEIR is forward to the Planning Commission or the Board of Supervisors.

TRAFFIC (Attachment 9)

2. It would be helpful if the TJKM Transportation Consultants' Report provided the average build-out traffic count along Soquel Drive. The build-out appears to be in 2025 and appears to be 10,000 cars a day. Is this correct? Projecting an annual traffic growth of 1.7% for the study area over the next several decades seems very low. This number in TJKM Transportation Consultants' report is based on the last few years during a time when very little has been built. It seems a significant amount of traffic will be added to the study area when the following sites are built-out (See Figure 13): Aptos Village PUD (Trout Gulch Road), Aptos Rancho development project (Aptos Rancho Drive), Poor Clares development project (State Park Drive), South County development project (McGregor Drive), Seacliff Village Redevelopment (Center Avenue) and the many infill sites that Aptos can expect over the next 15 years. Please add a section that explains how traffic will be managed when all of these additions hit our streets.

The way the County explains how traffic will flow on Soquel Drive between Trout Gulch Road and Spreckels Drive is confusing. Maybe a section should be added that explains any traffic calming devices, traffic signal coordination, and how the new traffic lanes and curb parking will work?

TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001
William H. Droege, Owner

In summary, this DEIR needs a new traffic report and needs alternative project proposals to included scenarios in case the CPUC denies the County's hope for new railroad ROWs and traffic plans.

If there are any questions, concerns, or comments please do not hesitate to contact me.

Sincerely,



William H. Droege

Cc: Matt Johnston, County Environmental Coordinator
Ellen Pirie, County Supervisor for District 2;
Jesse Nickel, Barry Swenson Builder

#####

Response to Comments Received for the Aptos Village Development Project

A. Les Strnad, Restoration Consultant – Bayview Hotel (Dated October 12, 2011)

Comment 1:

Lack of Public Notice for Negative Declaration. Neither Miss Locke nor I, as agent for the BVH, received written notice of the draft Negative Declaration. In my forty years as a professional planner, I have never seen a California Community attempt to use such a complex document for a Negative Declaration for a PUD. The AV-PUD involves a multi-parcel site and a development program that will transform the Historic Village of Aptos. Perhaps a complete Environmental Impact Report (EIR), as required by CEQA, would be more appropriate. Therefore, Miss Locke and I request additional time to prepare a detailed response to the Negative Declaration.

It is highly probable that members in the general public who will, also, be requesting additional time because the County's Negative Declaration Notice of Intent provided an incorrect e-mail address, preventing some people from having their comments received. The County may wish to extend the comment period to avoid invalidating the public's right to Public Notice.

Response 1:

The noticing requirements of CEQA have been met. Section 15072(a) of the State CEQA Guidelines states, "A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105."

The Notice of Intent was published in both the Santa Cruz Sentinel and the Register-Pajaronian on September 13, 2011. As stated in the Notice of Intent, the County of Santa Cruz began the 30-day public comment period on September 13, 2011, ending on October 12, 2011 at 5:00 p.m. The Notice of Intent was also posted with the Clerk of the Board on September 13, 2011 for 30 days.

Section 15072(b) of the State CEQA Guidelines states, "The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such a notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

- (1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of the largest circulation from among the newspapers of general circulation in those areas.
- (2) Posting of notice by the lead agency on and off site in the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

The posting method chosen was placement of the Notice of Intent in a newspaper of general circulation as outlined above. In addition, the notice was placed on the Planning Department web page along with the Initial Study/Mitigated Negative Declaration and the associated attachments. The correct email address was included in the Notice of Intent posted in both the Santa Cruz Sentinel and the Register-Pajaronian. The email address included in the Notice of Intent posted on the Planning Department web page had the following typo "@co-santa-cruz.ca.us" that should have been "@co.santa-cruz.ca.us." The commenter noted the error and provided the correction in their letter.

Comment 2:

County Staff AVP *De facto* Amendment. It would appear that by excluding the BVH from the PUD, a "*De facto* Amendment" to the AVP is being proposed by the county planning staff and the developer. Specifically, a portion of the BVH property is required in order to construct the Valencia Street extension, a private street where the County is requiring the developer to install and maintain it as a possible condition of approval. While negotiations between BSB and the BVH are still in process, it has as yet to be finalized and it may evolve to a point that the AVP will not have this property available to build the Valencia Street extension. Without the BVH property an entirely different development pattern and traffic circulation plan would be required.

The Negative Declaration fails to discuss alternative road alignments, alternative land use developments, and associated impacts resulting from revisions to the PUD, as proposed. Perhaps a complete EIR, as required by CEQA, would be more appropriate to review alternatives not included in the Negative Declaration.

Response 2:

The original determination whether to prepare either a Negative Declaration or an EIR is subject to the "fair argument" test (Laurel Heights Improvement Assoc. v. U.C. Regents (1993) 47 Cal.3d 376). In other words, when a fair argument can be raised on the basis of substantial evidence in the record that the project may have a significant adverse environmental impact -- even if evidence also exists to the contrary -- then an EIR is required. As lead agency, the County Planning Department concluded that a Mitigated Negative Declaration was adequate for the proposed project. Inclusion of the east-west road (Valencia Street) in the proposed project is consistent with the Aptos Village Plan that was adopted by the Board of Supervisors on February 23, 2010. All significant impacts associated with the project have been addressed and mitigated to a less than significant level.

As stated in the Aptos Village Plan, "As was discussed during the community design process, the existing circulation system must be supplemented to allow for the expanded development in the Village Core. A new east-west road connecting Trout Gulch Road and Aptos Creek Road is required within the Village Core." As designed, the new east-west road would require the acquisition of a corner of the existing Bayview Hotel property. No alternatives were proposed that would avoid the Bayview Hotel property because it seemed promising that an agreement would be reached between the developer and the Bayview Hotel. Since that time, the Bayview Hotel owners appear to have terminated the negotiations and an additional site plan was prepared as a secondary option in case the property negotiations were not able to be completed. The additional site plan reroutes the proposed east-west street and avoids the Bayview Hotel property entirely. This secondary site design includes sufficient detail for staff review and is considered

as a feasible option for this project if the Bayview Hotel property can not be acquired. The optional plan is consistent with the requirements of the Aptos Village Plan and applicable codes. Further analysis of detailed engineering data would occur in the post-approval stage, when the subdivision improvement plans are under review by the Department of Public Works. Based on preliminary review by staff, it does not appear that the secondary site plan will require further CEQA review.

Comment 3:

New Railroad Crossing to Soquel Drive/PUD Requires PUC Approval. In Item 2, above, we pointed out the need for alternative traffic circulation analysis within the Negative Declaration. As of October 6, 2011 neither the County of Santa Cruz nor the developer for the PUD has filed a formal California Public Utility Commission (PUC) application for new railroad crossings and right-of-ways (ROW). Even if an Application could be filed this month [October 2011] it would not have sufficient review by State PUC staff to allow this Negative Declaration to be silent on the traffic impacts and alternative road alignments for primary access across the railroad to Soquel Drive. There is no assurance that an approval from the state PUC will be received in the near future.

Since the BVH has been removed from the proposed PUD and has never received any formal written notice from the County asking for abandonment to this ROW, Miss Locke has no intention of relinquishing the railroad access on her property from the BVH parking lot to Soquel Drive. The lack of the BVH as part of the PUD also adversely affects the pedestrian access included in the approved AVP, which reflects use of existing easements to allow pedestrians to move from common PUD parking areas beyond the East-West access road to businesses along Soquel Drive. The AV-PUD seems to lack clarity as to which pedestrian improvements along Soquel Drive will be a result of building the AV-PUD.

Alternatives to these fundamental traffic and pedestrian circulation problems, lack of shared parking in the village for adjacent businesses and revised pedestrian access to and from AV and Soquel Drive are more appropriately discussed in a comprehensive EIR.

It is my professional belief that neither the SC County Planning Commission nor the SC County Board of Supervisors can approve the staff's Negative Declaration and PUD proposals without first acquiring approval from the PUC for new ROWs along Soquel Drive. This is because the railroad crossing will involve the BVH property. Neither the SC County Planning Commission nor the Board of Supervisors can make findings for approval of either the Negative Declaration or PUD pursuant to CEQA, because that is not allowed when there are properties that are a part of the findings, but are in areas outside the PUD.

Response 3:

The development agreement that has been proposed for the proposed project includes language to ensure that the California Public Utility Commission approval for the rail crossing improvements is granted prior to construction. Access to the railroad crossing from Soquel Drive is controlled by the County. This access to Soquel Drive, including the rail crossing, are proposed to be closed for safety and transportation engineering reasons in conjunction with the construction of the new north-south street. Alternate access to the affected properties will be available from Trout Gulch Road and the proposed new north-south street.

Comment 4:

State and Federal Agency Historic Preservation Approvals. In our analysis of the Negative Declaration, we have found no approvals for the proposed elements contained in the revised PUD. The lack of approval for the proposed elements contained in the revised PUD may impact NR-1 classification and preservation of the historic uses at BVH. On behalf of Miss Locke, I have been working with the state and federal historic preservation agencies to assure full compliance with state and federal regulations and restoration criteria. Our consultants over the last two years have been working on major restoration and expansion for the BVH. I wish to point out the AVP makes specific reference to the following:

1. BVH fair share of common public parking within the PUD
2. Adjacent new developments must protect NR-1 views and setbacks
3. Protection of existing landscaping, heritage tree preservation, noise, visual, lighting and recognition of historic uses for the BVH outside patio and Victorian gardens.

Specifically, notation within the PUD needs to be made regarding the property setbacks for the adjacent new development; that is, a proposed 2-story mixed-use north of the BVH. Existing Santa Cruz County Zoning Policies require property setbacks that must be applied. Unless a structure is constructed and is of similar size as the old "fire station/VFW building," proposed for demolition, we expect any new structure north of the BVH to have property line setbacks. We note in the proposed PUD that the future development adjacent to the Aptos Station has a 15-foot property setback with an additional area of open space of approximately 95 feet. The same should be true for the BVH.

We were amazed by the discussion on tree removal north of the BVH as necessary to open views to the historic hotel. Since the BVH is not part of the PUD, why worry about removing heritage trees on adjacent PUD property? It would be more appropriate to explain why the county staff is really recommending tree removal! It was stated in a community meeting on the AVP that these trees would block ocean views from the mixed-use development on the property north of the BVH. A text edit may be in order.

Response 4:

Table 2-1 in the Aptos Village Plan Historic Preservation Plan outlines the conditions to be applied to the proposed development or infrastructure that will maintain the setting and integrity of the Bayview Hotel (NR-1) and allow a finding that the change is less than significant. The conditions in Table 2-1 were either included as project features, mitigation measures under CEQA, or as conditions of approval. As a result, the development will require that all future development on the property comply with the conditions listed in Table 2-1 of the Historic Preservation Plan relating to protection of the Bayview Hotel.

The following mitigation measure have been included in the Initial Study/Mitigated Negative Declaration to reduce potentially significant impacts to the Bayview Hotel from the adjacent proposed development to a less than significant level.

1. Protection of Bayview Hotel: Prior to construction and demolition on any parcel adjacent to the Bayview Hotel, the applicant shall consult with a structural engineer to ensure that the proposed demolition and construction methods shall not negatively impact the Bayview Hotel. If any impacts are anticipated by the engineer, the proposed construction and demolition methods shall be modified as needed to protect the Bayview Hotel Building. A report from a structural engineer reviewing the proposed demolition and construction

methods shall be required prior to issuance of demolition or building permits for parcels adjacent to the Bayview Hotel.

2. **Protection of Magnolia Tree:** A feature of the historic hotel's setting is the large Magnolia Tree located in front of the Bayview Hotel. This is the only landscape feature that has gained historic significance within the setting of the hotel. The Magnolia tree shall be protected during construction. A qualified arborist shall evaluate the tree prior to construction to determine the condition of the tree and to propose specific best management practices to avoid impacting the tree. An arborist report shall be provided to the Planning Department at least 6 months in advance of any ground disturbance in close proximity to the tree to allow sufficient time to implement potential avoidance measures.

B. William H. Droege – Trout Gulch Crossing (Dated October 10, 2011)

Comment 1:

Railroad Crossing at Trout Gulch Crossing. Correct all assumptions, text, and drawings that remove my Right-of-Away (ROW) over the Southern Union and Sierra Northern railroad. Never before, and certainly not now, have I ever agreed to give up this ROW, which is critical to the business success of my tenants. I recently contacted the Bayview Hotel owners [Bayview], with whom I share both this ROW and an easement over our properties to the ROW, and asked if the County or the California Public Utility Commission (PUC) requested permission to remove this ROW. The Bayview tells me that no one from the County has provided a formal request, reflecting my own experience.

Further, I have informed Santa Cruz County Supervisor Ellen Pirie, 2nd District, that I would fight any means utilized by the County or Barry Swenson Builder "taking" my land rights to use this ROW. The County may wish to contact the owner(s) of the Bayview Hotel for their opinion.

About a month ago I contacted the California Public Utility Commission (PUC) to get a copy of the Application the County has repeatedly stated it has filed.

It was disappointing to discover that no such application is on file. I am in the process of filing a complaint with the PUC concerning the County's misinformation.

I could not find any reference in this DEIR within the County of Santa Cruz's Application filed with the PUC. This DEIR should contain a detailed review how the project is affected if the CPUC denies the County's plan for a new railroad ROW. Won't this denial require the DEIR to offer project alternatives?

Therefore, please have your Staff add my Railroad Crossing to all Aptos Village PUD drawings. Please include a left-hand turn from Trout Gulch Road into my property. Please add text that recognizes my ROW. Please have TJKM Transportation Consultants recalculate their traffic counts and traffic impact with my ROW included. Please add a section on project alternatives, in case the CPUC denies the County's plan for new railroad ROWs. TJKM Transportation Consultants should want new Aptos Village traffic investigations completed before this DEIR if forward to the Planning Commission or the Board of Supervisors.

Response 1:

The proposal for closure of the uncontrolled at-grade railroad crossing at the Bayview Hotel is consistent with the Aptos Village Plan. The plan states, "Additionally, the County and

future developers will need to work with the owner of the rail line through the Village as well as the California Public Utilities Commission (CPUC) to address safety concerns related to the current and proposed railroad at-grade crossings and safety barriers. These crossings and safety barriers are subject to the approval and conditions of the California Public Utilities Commission and if these cannot be met, the Plan will need revision.” The CPUC has requested the closure of the Bayview Hotel crossing as part of the proposal to construct a new controlled at-grade crossing at Parade Street.

Access to the railroad crossing from Soquel Drive is controlled by the County. This access to Soquel Drive, including the rail crossing, are proposed to be closed for safety and transportation engineering reasons in conjunction with the construction of the new north-south street. Alternate access to the affected properties will be available from Trout Gulch Road and the proposed new north-south street.

Two at-grade crossings would be closed as a part of the proposed project as required by the California Public Utilities Commission in response to the proposed at-grade crossing at Parade Street. The first closure location would be the Bayview Hotel private crossing [CPUC No. 017B-12.51-X] located between Trout Gulch Road (to the east) and Parade Street (the proposed crossing) to the west. The Bayview Hotel crossing is one of three existing entry points into the commercial area north of the railroad line in Aptos Village. The second proposed closure location consists of a private crossing in Davenport, California in north Santa Cruz County. This closure is located approximately 300-feet south of the end of the rail line and approximately 0.27 mile north of the existing Cement Plant Road crossing [CPUC No. 017B-31.60-C]. The Davenport crossing serves a short connector road, which connects State Highway 1 and Cement Plant Road. The closure of these two crossings would not affect access to (would not land-lock) any properties, as alternative roads for ingress and egress are available. Both the opening and closure of railroad crossings are regulated by the California Public Utilities Commission. Therefore, the closure of crossing CPUC No. 017B-12.51-X would occur at the discretion of the CPUC.

Comment 2:

Traffic. It would be helpful if the TJKM Transportation Consultants’ Report provided the average build-out traffic count along Soquel Drive. The build-out appears to be in 2025 and appears to be 10,000 cars a day. Is this correct? Projecting an annual traffic growth of 1.7% for the study area over the next several decades seems very low. This number in TJKM Transportation Consultants’ report is based on the last few years during a time when very little has been built. It seems a significant amount of traffic will be added to the study area when the following sites are built-out (See Figure 13): Aptos Village PUD (Trout Gulch Road), Aptos Rancho development project (Aptos Rancho Drive), Poor Clares development project (State Park Drive), South County development project (McGregor Drive), Seacliff Village Redevelopment (Center Avenue) and the many infill sites that Aptos can expect over the next 15 years. Please add a section that explains how traffic will be managed when all of these additions hit our streets.

The way the County explains how traffic will flow on Soquel Drive between Trout Gulch Road and Spreckels Drive is confusing. Maybe a section should be added that explains any traffic calming devices, traffic signal coordination, and how the new traffic lanes and curb parking will work?

In summary, this DEIR needs a new traffic report and needs alternative project proposals to included scenarios in case the CPUC denies the County's hope for new railroad ROWs and traffic plans.

Response 2:

Between 1994 and 2004, the growth rate in Santa Cruz County was 1.3 percent according to the Traffic Study prepared by TJKM. Based on Institute of Transportation Engineers' (ITE) trip generation rates, it is expected that the proposed Aptos Village project would generate approximately 3,650 daily trips, with 113 trips (52 inbound and 61 outbound) occurring during the a.m. peak hour and 322 trips (162 inbound and 160 outbound) during the p.m. peak hour. Under Cumulative (2025) Conditions, all of the study area intersections are expected to continue operating acceptably except the following two intersections: Soquel Drive/Aptos Rancho Road and Soquel Drive/State Park Drive/Sunset Way. Table II of the traffic study provides "Trip Generation Summary for Approved Projects" that were considered when calculating the Year 2025 buildout. As a result, the above mentioned projects have been considered in the cumulative traffic analysis.

Regarding traffic flow on Soquel Drive, the analysis performed in the traffic study addresses traffic flow and signal operations, on Soquel Drive and at the intersections in the Aptos Village, in coordination with the requirement for additional turn lanes and traffic control devices. The area intersection operations were analyzed in the traffic study prepared by TJKM Transportation Consultants dated November 3, 2009. Parking on Soquel Drive will be determined by the Department of Public Works who is currently preparing plans for the future improvements to Soquel Drive.



Civil Engineering

Structural Design

Development Planning

January 6, 2012

Randall Adams
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA

**RE: Aptos Village Development Proposal
Optional Site Plan Environmental Impacts**

Dear Randall:

As you are aware, we have worked with our client and project developer, Barry Swenson Builder, in recent weeks on an optional site plan for the Aptos Village development. The optional plan introduces a curvilinear alignment to the eastern portion of the new east-west road ("Valencia"), two smaller buildings at the intersection with Trout Gulch Road, adjusted parking and utilities.

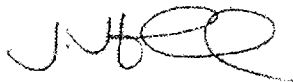
We wish to take this opportunity to inform you that our work on this plan took into consideration the environmental impacts to ensure that the plan would be consistent with the findings made in considering the proposed site plan. A summary of critical components is listed below for your quick reference.

Item	Proposed Plan	Optional Plan	Difference
SF of Commercial Space (Building 6)	6,738 SF	5,375 SF	(1,363 SF)
Parking Count	222 spaces	219 spaces	(3 spaces)
SF of Impervious Surfaces	81,853 SF	76,054 SF	(5,799 SF)
SF of Pervious Pavements	5,826 SF	7,781 SF	1,955 SF
Grading Quantities	No appreciable difference		
Noise	No appreciable difference		
Air Quality	No appreciable difference		
Water Use	No appreciable difference		
Traffic	See letter prepared by TJKM		

We trust this information is helpful to you in evaluating the application and comparing the proposed plan with the optional site plan. Should you have any questions please contact us at your convenience.

Sincerely,

IFLAND ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'J. Ifland', with a stylized flourish at the end.

Jon Ifland, President

William H. Droege
TROUT GULCH CROSSING
P.O. Box 1762 • Aptos, California 95001

December 30, 2011

Assisted Planning Director Wanda Williams
County of Santa Cruz Planning Department
701 Ocean Street – 4th Floor
Santa Cruz, California 95060

Subject: Easement and Railroad Crossing (Right-of-Way) at Soquel Drive, Santa Cruz County, California for Trout Gulch Crossing and the Historic Bayview Hotel

Dear Ms. Williams,

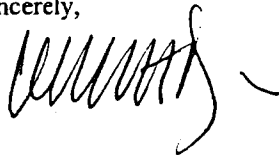
I am William H. Droege, the property owner of 403 Trout Gulch Road Aptos, California (APN: 041-011-35), which is located at the corner of Soquel Drive and Trout Gulch Road in the County of Santa Cruz. My property is known as Trout Gulch Crossing and is a neighbor to the Historic Bayview Hotel (APN: 041-011-34).

For your public records on the Aptos Village Specific Plan, I am opposed to any action the PUC may take to eliminate my Union Pacific railroad easement. Additionally, I have not been contacted about plans impacting my easement.

Please consider this a formal request to add my name to your mailing lists regarding the Aptos Village Plan Unit Development (Application No. 101027 by Barry Swenson Builder and Joe Appenrodt); the County of Santa Cruz Application to the PUC regarding any railway crossing issue in this area; and any other planning application or public notice for this area. Please mail these notices to my "P.O. Box" noted above.

Thank you for addressing my concerns and please forward them to all appropriate County of Santa Cruz Departments. I look forward to working with you regarding my property as it relates to the Aptos Village Plan.

Sincerely,



William H. Droege

HISTORIC BAYVIEW HOTEL
8041 Soquel Drive • Aptos, California 95003
(831) 688-8656 • www.bayviewhotel.com

HISTORIC RESOURCES COMMISSION
County of Santa Cruz, Planning Department
701 Ocean Street - 4th Floor
Santa Cruz, California 95060

January 19, 2012
(831) 454-2130

Subject: Aptos Village Plan - New Valencia Street Option

Dear Commissioners,

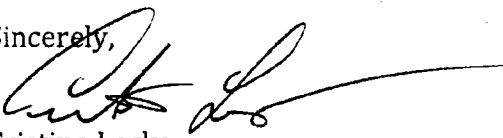
I am the owner of the Bayview Hotel located at Bayview Hotel, 8041 Soquel Drive Aptos, California. I am pleased to see the new Valencia Street option. From my view-point, this new and improved design gives the Bayview major relief from the old encroachment by not using any of our land nor the removal of 8 parking spaces that we desperately need to run our business.

However, we continue to worry about impacts on the Bayview's historic "view easements" from the proposed building on the proposed plans shown to the west of the front door of the hotel. I hope the County will consider requiring a redesign prior to the PUD hearing.

Nonetheless, the Bayview is supporting Barry's new Valencia Street Option and I encourage the Commission to approve this proposal.

Again, I wish both the Commission and Barry Swenson Builder the best of luck with the Aptos Village project. Like many working and living in the area, my family, employees and patrons are happily looking forward to the building of the Aptos Village.

Sincerely,



Cristina Locke

Cc: Supervisor Ellen Pirie, Wanda Williams, Asst. Planning Director, Barry Swenson Builder

May 31, 2012

County of Santa Cruz Planning Commission
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: The Aptos Village Planned Unit Development

To the County of Santa Cruz Planning Commission,

The Aptos Village development application is a result of a collaborative effort that builds upon the vision and framework set forth in the Aptos Village Plan, approved in 2010. Since that time, great effort has been made to refine the engineering, architecture, and site design while advancing the Community's vision. We respectfully request that you approve the application and bring the Aptos Village Plan one step closer to realization.

An extensive list of community benefits will result from the project including; new shops, homes, a pedestrian-oriented environment with beautiful tree-lined streets, the refurbishment of the historic Hihn Apple Barn, approximately 300 new jobs, additional indirectly-induced jobs, and millions of dollars worth of economic impact to the SC County tax base. At its heart, the development will create a community centerpiece that will be forever unique to Aptos. And here, one can live without a car given the immediate access to groceries, shops, restaurants, jobs, and public transportation.

The process of moving forward on this complex site has been challenging at times, but the collaborative spirit has prevailed and new approaches have been found. Barry Swenson Builder has made significant investments over the years toward consolidating the land and producing the many studies, plans, and reports associated with the application. We are a local and dedicated partner to the Aptos Community as well as Santa Cruz County. And we ask for your support.

Sincere regards,



Mary Gourlay
Development Project Manager
Barry Swenson Builder

Beau Hawksford

From: Morse, Robert [RBM8@pge.com]
Sent: Tuesday, May 29, 2012 4:32 PM
To: Beau Hawksford
Subject: Aptos Plan

Follow Up Flag: Follow up
Flag Status: Flagged

We fully support the Aptos Village Plan. Please do not allow any more delays, this important project must be started now.

Thank you,

Rob and Tricia Morse
112 Victoria Lane
Aptos, CA 95003

Beau Hawksford

From: Mike Jacque [mikejacque@earthlink.net]
Sent: Tuesday, May 29, 2012 5:14 PM
To: Beau Hawksford
Cc: 'Amy Ramsey'; mgourlay@barryswensonbuilder.com
Subject: Aptos Village project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

As a long term resident of Aptos, one with a student at Rio Del Mar elementary, my family and I have a very real interest in this project. Further, as my company has recently opened an office at 9057B Soquel Avenue, also in Aptos, we are committed to the success and growth of this community.

The benefits of this project are both innumerable and irrefutable. It will bring jobs, economic growth and update an area that has been in need for some time. Additionally, it will improve traffic, utilization and the overall appearance while also improving access to the Nicene Park area. And, it will provide a destination in itself adding about \$40M to the tax base.

As the development is very sensitive to the historic elements and using them as a component of the overall project, I fail to see any downside whatsoever. Please approve this project and take whatever steps will facilitate its completion.

Respectfully,

Mike Jacque
186 Pebble Beach Drive,
Aptos, Ca 95003

Vice President Private Client Director | AFAM | Innealta Capital
Local Office:
9057B Soquel Ave, Suite D, Aptos CA 95003
Mobile: 408.310.8081 Toll Free: 800.831.0150

Beau Hawksford

From: Tom Hart [wchart52@baymoon.com]
Sent: Tuesday, May 29, 2012 8:20 PM
To: Beau Hawksford
Cc: mgourlay@barryswensonbuilder.com
Subject: Aptos Village Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commissioners:

My wife and I are long time Aptos residents and we both support the approval of the Aptos Village Plan. We have followed the plan through extensive public input and it is time to advance the project.

Tom and Becky Hart
180 Barnes Rd
Aptos, Ca 95003

Beau Hawksford

From: Robert Ridino [bob@sarenterprises.com]
Sent: Tuesday, May 29, 2012 9:41 PM
To: Beau Hawksford
Subject: Aptos Village Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commissioners Santa Cruz County Planning Commission:

I am a 30+ year resident and multiply property owner in the Aptos Community. I have been monitoring the various proposals for the redevelopment of Aptos Village for over two decades. I believe that the current Aptos Village Plan is exemplary and should be approved. I believe it would finally deliver our community long needed benefits including the following:

1. The project will provide a local venue for gatherings such as farmers markets, wine tasting, children's concerts, and other community events.
2. A long needed mixed-use Town Center, building upon the unique character and history of Aptos Village.
3. The centerpiece of the Village will include the Hihn Apple Barn, that will be sensitively refurbished.
4. A new Village Green to be located next to the Apple Barn.
5. Local roads and intersections will be improved.
6. The project will provide both short and long-term benefits of new village roads, ample bike parking, new street lights, sidewalks, rain gardens, and other elements that create a pedestrian-friendly and safe environment.
7. The project will provide local jobs, plus add revenue to the community tax base.

I strongly recommend your unanimous approval of this project.

Sincerely,

Robert Ridino | President / CEO
831.685.9300 x100 | fax 831.685.9311
bob@sarenterprises.com | www.sarenterprises.com

Beau Hawksford

From: Brian Spector [brians@wrdarch.com]
Sent: Wednesday, May 30, 2012 3:55 PM
To: Beau Hawksford
Subject: Support for the Aptos Village Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Commissioners,

I am writing to affirm my support of the Aptos Village Plan.

As a property owner in Aptos, I look forward to a true town center with a village green as a place for the community to come together.

As raising my family in Aptos, I look forward to the village as a safe and interesting place to share experiences with my wife and child.

As an Architect by profession, I look at the Village Plan as a high quality, conscientious, and well designed community center.

It is my belief the Aptos Village Center is truly a great asset for our community and I whole-heartedly support the plan.

Best Regards,

-- Brian

Brian L Spector
Architect, ICC
Wald, Ruhnke & Dost Architects, LLP